

## LEGISLATIVE ASSEMBLY OF VICTORIA

# VOTES AND PROCEEDINGS

## Nos 1 and 2

### No 1 — Tuesday 19 December 2006

- 1 **PROCLAMATION SUMMONING PARLIAMENT TO MEET** — The House met at 11.00 am in accordance with a Proclamation of the Governor dated 5 December 2006, which was read by the Clerk of the Legislative Assembly 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 19<sup>th</sup> 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 5<sup>th</sup> day of December 2006.

(LS)

DAVID DE KRETSER  
Governor

By His Excellency's Command  
STEVE BRACKS  
Premier

- 2 **MESSAGE FROM COMMISSIONERS** — The following message from the Commissioners appointed by the Governor to open the Parliament was delivered by the Usher of the Black Rod:

#### MEMBERS OF THE LEGISLATIVE ASSEMBLY:

The Commissioners from the Governor 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.

Accordingly, the members of the Legislative Assembly went to the Legislative Council Chamber, where the Honourable Justice Marilyn Warren, AC, 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 read 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 on 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 15<sup>th</sup> day of December 2006.

(LS)

DAVID DE KRETSER  
Governor

By His Excellency's Command  
STEVE BRACKS  
Premier

And 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.

And the members of the Assembly having returned —

- 3 **COMMISSION TO ADMINISTER OATH OR AFFIRMATION TO MEMBERS** — The Honourable Justice Christopher Maxwell, having entered the House and been conducted by the Serjeant-at-Arms to the Chair, handed to the Clerk at the table a Commission, which the Clerk read as follows:

BY HIS EXCELLENCY DAVID DE KRETSER, AC  
GOVERNOR OF VICTORIA

TO THE HONOURABLE JUSTICE CHRISTOPHER MAXWELL  
PRESIDENT OF THE COURT OF APPEAL

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 Assembly.

Given under my hand and the seal of Victoria on this 15<sup>th</sup> day of December 2006.

(LS)

DAVID DE KRETSER  
Governor

By His Excellency's Command  
STEVE BRACKS  
Premier

- 4 **WRIT** — The Clerk announced that a writ issued by the Governor for the election of members to serve in the Legislative Assembly of Victoria had been received from the Governor, duly endorsed with the returns and it appeared that the following members were elected for the districts listed opposite their respective names:

Albert Park	John Thwaites
Altona	Lynne Kosky
Ballarat East	Geoff Howard
Ballarat West	Karen Overington
Bass	Ken Smith
Bayswater	Heidi Victoria
Bellarine	Lisa Neville
Benalla	Bill Sykes
Benambra	Bill Tilley
Bendigo East	Jacinta Allan
Bendigo West	Bob Cameron
Bentleigh	Rob Hudson
Box Hill	Robert Clark
Brighton	Louise Asher
Broadmeadows	John Brumby
Brunswick	Carlo Carli
Bulleen	Nicholas Kotsiras
Bundoora	Colin Brooks
Burwood	Bob Stensholt
Carrum	Jenny Lindell
Caulfield	Helen Shardey
Clayton	Hong Lim
Cranbourne	Jude Perera
Dandenong	John Pandazopoulos
Derrimut	Telmo Languiller
Doncaster	Mary Wooldridge
Eltham	Steve Herbert
Essendon	Judy Maddigan
Evelyn	Christine Fyffe
Ferntree Gully	Nick Wakeling
Footscray	Marsha Thomson
Forest Hill	Kirstie Marshall
Frankston	Alistair Harkness
Geelong	Ian Trezise
Gembrook	Tammy Lobato
Gippsland East	Craig Ingram
Gippsland South	Peter Ryan
Hastings	Neale Burgess
Hawthorn	Ted Baillieu
Ivanhoe	Craig Langdon
Keilor	George Seitz
Kew	Andrew McIntosh

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Kilsyth	David Hodgett
Kororoit	Andre Haermeyer
Lara	John Eren
Lowan	Hugh Delahunty
Lyndhurst	Tim Holding
Macedon	Joanne Duncan
Malvern	Michael O'Brien
Melbourne	Bronwyn Pike
Melton	Don Nardella
Mildura	Peter Crisp
Mill Park	Lily D'Ambrosio
Mitcham	Tony Robinson
Monbulk	James Merlino
Mordialloc	Janice Munt
Mornington	David Morris
Morwell	Russell Northe
Mount Waverley	Maxine Morand
Mulgrave	Daniel Andrews
Murray Valley	Ken Jasper
Narracan	Gary Blackwood
Narre Warren North	Luke Donnellan
Narre Warren South	Judith Graley
Nepean	Martin Dixon
Niddrie	Rob Hulls
Northcote	Fiona Richardson
Oakleigh	Ann Barker
Pascoe Vale	Christine Campbell
Polwarth	Terry Mulder
Prahran	Tony Lupton
Preston	Robin Scott
Richmond	Richard Wynne
Ripon	Joe Helper
Rodney	Paul Weller
Sandringham	Murray Thompson
Scoresby	Kim Wells
Seymour	Ben Hardman
Shepparton	Jeanette Powell
South Barwon	Michael Crutchfield
South-West Coast	Denis Napthine
Swan Hill	Peter Walsh
Tarneit	Tim Pallas
Thomastown	Peter Batchelor
Warrandyte	Ryan Smith
Williamstown	Steve Bracks
Yan Yean	Danielle Green
Yuroke	Liz Beattie

- 5 **MEMBERS SWORN** — All of the above members took and subscribed the Oath or Affirmation as required by law.

The Commissioner then retired from the House.

- 6 **ELECTION OF SPEAKER** — Ms Duncan proposed the Member for Carrum, Jenny Lindell, as Speaker of the Legislative Assembly and moved, that the Member for Carrum take the Chair of this House as Speaker. The motion was seconded by Ms Munt.

Ms Lindell accepted the nomination.

As no other member was proposed, the Clerk declared that the Member for Carrum had been duly elected Speaker.

Ms Lindell was accompanied to the Chair by Ms Duncan and Ms Munt, where she acknowledged the great honour conferred upon her. The Mace was then placed on the table.

Mr Bracks, Mr Baillieu and Mr Ryan congratulated the Speaker.

- 7 **ELECTION OF DEPUTY SPEAKER** — Mr Langdon proposed the Member for Oakleigh, Ann Barker, as Deputy Speaker and moved, that the Member for Oakleigh be appointed Deputy Speaker of this House. The motion was seconded by Dr Harkness.

Ms Barker accepted the nomination.

As no other member was proposed, the Speaker announced that the Member for Oakleigh had been duly elected Deputy Speaker.

- 8 **THE SPEAKER** — Left the Chair at 11.50 am, resumed it at 2.30 pm and read the Prayer.

- 9 **PRESENTATION OF THE SPEAKER** — The Speaker advised that she had today presented herself to the Governor as the choice of the Legislative Assembly and that the Governor had been pleased to address her in the following terms:

Speaker

I have pleasure in congratulating you on your election to the high and important office of Speaker of the Legislative Assembly.

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 Assembly who in their wisdom have selected you as their Speaker.

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

DAVID DE KRETSER  
Governor of Victoria

Melbourne  
19 December 2006

- 10 **MESSAGE FROM THE GOVERNOR** — The following message was delivered by the Usher of the Black Rod:

Speaker:

The Governor desires the immediate attendance of the members of the Legislative Assembly in the Legislative Council Chamber.

Accordingly, the Speaker with the House went to attend the Governor — And having returned —

[The Speaker left the Chair at 3.25 pm and resumed it at 5.05 pm]

- 11 **COMMISSION TO ADMINISTER OATH OR AFFIRMATION TO MEMBERS** — The Speaker announced that she had received a Commission from the Governor, which she read as follows:

BY HIS EXCELLENCY DAVID DE KRETSER, AC  
GOVERNOR OF VICTORIA

TO THE HONOURABLE JENNIFER LINDELL  
SPEAKER OF THE LEGISLATIVE ASSEMBLY 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 Assembly who has not already taken and subscribed the same since his or her election to the Legislative Assembly.

Given under my hand and the Seal of Victoria on this 19<sup>th</sup> day of December 2006.

(LS)

DAVID DE KRETSER  
Governor

By His Excellency's Command  
STEVE BRACKS  
Premier

- 12 **QUESTIONS** — (Under SO 55).
- 13 **PRIVILEGE BILL — STATUTE LAW REPEALS BILL 2006** — Mr Bracks obtained leave to bring in a Bill '*for an Act to revise the statute law of Victoria by repealing spent Acts*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 14 **WATER AMENDMENT (CRITICAL WATER INFRASTRUCTURE PROJECTS) BILL 2006** — Mr Thwaites obtained leave to bring in 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 the Bill was read a first time and ordered to be read a second time tomorrow.
- 15 **MURRAY-DARLING BASIN AMENDMENT BILL 2006** — Mr Thwaites obtained leave to bring in 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 the Bill was read a first time and ordered to be read a second time tomorrow.
- 16 **INTERPRETATION OF LEGISLATION AMENDMENT BILL** — Mr Hulls obtained leave to bring in 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 the Bill was read a first time and ordered to be read a second time tomorrow.
- 17 **SENATE ELECTIONS AMENDMENT BILL 2006** — Mr Hulls obtained leave to bring in a Bill '*for an Act to amend the **Senate Elections Act 1958** and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 18 **PUBLIC PROSECUTIONS AMENDMENT BILL 2006** — Mr Hulls obtained leave to bring in a Bill '*for an Act to amend the **Public Prosecutions Act 1994** and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.

- 19 **CONTROL OF WEAPONS AMENDMENT (PENALTIES) BILL 2006** — Mr Cameron obtained leave to bring in 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 the Bill was read a first time and ordered to be read a second time tomorrow.
- 20 **STATE TAXATION LEGISLATION AMENDMENT (HOUSING AFFORDABILITY) BILL** — Mr Brumby obtained leave to bring in 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 the Bill was read a first time and, under SO 61(2), ordered to be read a second time immediately.
- 21 **STATE TAXATION LEGISLATION AMENDMENT (HOUSING AFFORDABILITY) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Brumby*).
- Motion made and question — That the debate be now adjourned (*Mr Wells*) — put and agreed to.
- Ordered — That the debate be adjourned until later this day.
- 22 **DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:
- Australian Centre for the Moving Image — Report 2005–06
- Confiscation Act 1997* — Reports 2005–06 under s 139A
- Drugs, Poisons and Controlled Substances Act 1981* — Documents under s 12H:
- Amendments to the Standard for Uniform Scheduling of Drugs and Poisons  
Notice regarding the amendment, commencement and availability of the Poisons Code
- Environment and Natural Resources Committee — Inquiry into the Production and/or Use of Biofuels in Victoria, together with appendices and minutes of evidence — Report and appendices ordered to be printed
- Financial Management Act 1994*:
- Report from the Minister for Agriculture that he had received the 2005–06 report of the Northern Victorian Fresh Tomato Industry Development Committee  
Report from the Minister for Finance that he had received the 2005–06 report of VicFleet Pty Ltd  
Reports from the Minister for Health that she had received the 2005–06 reports of:  
Anderson's Creek Cemetery Trust, together with an explanation for the delay  
Bendigo Cemeteries Trust, together with an explanation for the delay  
Lilydale Memorial Park and Cemeteries Trust  
Preston Cemetery Trust, together with an explanation for the delay  
Templestowe Cemetery Trust, together with an explanation for the delay
- Gene Technology Act 2001* — Review of the operation of the Act
- Geoffrey Gardiner Dairy Foundation Ltd — Report 2005–06 (two documents)
- Intellectual Disability Review Panel — Report 2005–06
- Law Reform Committee — De Novo Appeals to the County Court, together with appendices and minutes of evidence — Report and appendices ordered to be printed
- Legal Ombudsman, Office of — Report 1 July 2005 to 11 December 2005 — Ordered to be printed

*Legal Profession Act 2004* — Practitioner Remuneration Order under s 3.4.24

Legal Services Board — Report 12 December 2005 to 30 June 2006

Legal Services Commissioner — Report 12 December 2005 to 30 June 2006 — Ordered to be printed

Necropolis Springvale, Trustees of — Report 2005–06, together with an explanation for the delay

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

Alpine Resorts — C17 Part 1, C18  
 Ballarat — C58, C84, C88 Part 1, C105, C112  
 Bass Coast — C43  
 Baw Baw — C37, C39  
 Bayside — C39 Part 3  
 Boroondara — C58, C62, C70  
 Brimbank — C80 Part 2, C91  
 Buloke — C10  
 Campaspe — C47  
 Cardinia — C59, C76, C87 Part 2  
 Casey — C52 Part 1, C80 Part 1, C82, C86, C97  
 Central Goldfields — C8  
 Colac Otway — C46  
 Frankston — C37  
 Glen Eira — C53  
 Glenelg — C31, C32  
 Greater Bendigo — C63 Part 1, C90  
 Greater Dandenong — C55, C84  
 Greater Geelong — C101 Part 2, C113, C142  
 Greater Shepparton — C33, C72  
 Hindmarsh — C3  
 Hobsons Bay — C61  
 Horsham — C29  
 Hume — C65, C73, C78  
 Kingston — C54, C58, C69  
 Knox — C40, C46, C52  
 Macedon Ranges — C25, C39  
 Manningham — C25  
 Maribyrnong — C31, C61  
 Maroondah — C57  
 Melbourne — C115, C120  
 Melton — C62  
 Mildura — C20  
 Moira — C20 Part 1, C21, C29  
 Monash — C67  
 Moreland — C35, C37, C64, C73, C75  
 Mount Alexander — C32  
 Moyne — C20, C22  
 Nillumbik — C42, C44  
 Port Phillip — C58  
 Pyrenees — C15  
 South Gippsland — C39  
 Stonnington — C62, C66  
 Strathbogie — C23  
 Surf Coast — C15 Part 2, C18, C29

Swan Hill — C23  
 Victoria Planning Provisions — VC39, VC42, VC43, VC44  
 Wellington — C23 Part 1, C23 Part 2  
 West Wimmera — C7  
 Whitehorse — C41, C50 Part 2, C64  
 Wodonga — C39, C48  
 Wyndham — C51, C89  
 Yarra — C75, C86  
 Yarra Ranges — C33  
 Yarriambiack — C6

Professional Standards Council Victoria — Financial Statements 8 June 2004 to 30 June 2004 and 2004–05 (two documents)

Public Accounts and Estimates Committee — Report 2005–06, together with appendices — Ordered to be printed

Statutory Rules under the following Acts:

*Australian Grands Prix Act 1994* — SR 157  
*Building Act 1993* — SRs 136, 154  
*Catchment and Land Protection Act 1994* — SRs 149, 151  
*Conservation, Forests and Lands Act 1987* — SRs 134, 140, 141, 150  
*Corrections Act 1986* — SR 132  
*County Court Act 1958* — SRs 166, 167, 168  
*Financial Management Act 1994* — SR 152  
*Heritage Act 1995* — SR 137  
*Infringements Act 2006* — SR 145  
*Interpretation of Legislation Act 1984* — SR 161  
*Magistrates' Court Act 1989* — SR 164  
*Metropolitan Fire Brigades Act 1958* — SR 142  
*Motor Car Traders Act 1986* — SR 148  
*Owner Drivers and Forestry Contractors Act 2005* — SR 153  
*Parliamentary Salaries and Superannuation Act 1968* — SR 155  
*Planning and Environment Act 1987* — SR 135  
*Prevention of Cruelty to Animals Act 1986* — SR 143  
*Road Safety Act 1986* — SR 158  
*Sentencing Act 1991* — SR 144  
*Serious Sex Offenders Monitoring Act 2005* — SR 133  
*Subordinate Legislation Act 1994* — SRs 131, 147, 160  
*Supreme Court Act 1986* — SRs 161, 162, 163, 169  
*Trade Measurement Act 1995* — SR 146  
*Trade Measurement (Administration) Act 1995* — SR 146  
*Transport Act 1983* — SRs 138, 139  
*Victoria State Emergency Service Act 2005* — SR 130  
*Victorian Civil and Administrative Tribunal Act 1998* — SR 165  
*Water Industry Act 1994* — SR 159  
*World Swimming Championships Act 2004* — SR 156

*Subordinate Legislation Act 1994:*

Ministers' exception certificates in relation to Statutory Rules 123, 126, 131, 142, 147, 161, 162, 163, 164, 165, 166, 167, 168, 169  
 Ministers' exemption certificates in relation to Statutory Rules 126, 127, 128, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 144, 145, 146, 148, 149, 150, 151, 155, 158

Victoria Grants Commission — Report year ended 31 August 2006

Victoria Law Foundation — Report 2005–06

Victorian Relief Committee — Report 2005–06, together with an explanation for the delay

*Water Act 1989:*

Avon Water Supply Protection Area Declaration Order 2006

Little Yarra and Don River Catchments Water Supply Protection Area Declaration Order 2006

Woori Yallock Creek Catchment Water Supply Protection Area Declaration Order 2006.

23 **MESSAGE FROM THE GOVERNOR** — The Speaker announced the presentation of a message from the Governor recommending an appropriation for the purposes of the State Taxation Legislation Amendment (Housing Affordability) Bill.

24 **THE GOVERNOR'S SPEECH** — The Speaker reported that the House today attended the Governor in the Legislative Council Chamber, where the Governor was pleased to make a speech to both Houses of Parliament, which speech was 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 — 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

- 25 **ADDRESS-IN-REPLY TO THE GOVERNOR'S SPEECH** — Motion made and question proposed — That the following Address, in reply to the speech of the Governor to both Houses of Parliament, be agreed to by this House:

Governor:

We, the Legislative Assembly of Victoria assembled in Parliament, wish to express our loyalty to our Sovereign, and to thank you for your speech which you have made to the Parliament (*Mr Pallas*) — and, after debate —

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

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

- 26 **SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — Motion made, by leave, and question — That Mr Brooks, Mr Carli, Mr Jasper, Mr McIntosh and Mr Thompson (*Sandringham*) be members of the Scrutiny of Acts and Regulations Committee until 28 February 2007 (*Mr Batchelor*) — put, after debate, and agreed to.

- 27 **SESSIONAL ORDERS** — Motion made, by leave, and question — That the following sessional orders be adopted, to come into operation with effect from the next sitting day:

1 **Days and times of meeting**

Unless otherwise ordered, the House will meet each Tuesday at 2.00 pm, and each Wednesday and Thursday at 9.30 am.

2 **Act titles**

(1) The Clerk of the Parliaments must 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'.

(2) The alteration of a bill to give effect to paragraph (1) is not to be taken to be an amendment of the bill.

3 **Incorporation of statements of compatibility**

A statement of compatibility tabled under s 28 of the *Charter of Human Rights and Responsibilities Act 2006* will be incorporated in Hansard, without leave being required.

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

- 28 **OPERATION OF ACTS — PROCLAMATIONS** — Motion made, by leave, and question — That this House authorises and requires the Clerk to table copies of proclamations of the Governor in

Council fixing dates for the coming into operation of Acts, as published in the Government Gazette from time to time (*Mr Batchelor*) — put, after debate, and agreed to.

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

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

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

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

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

Bill sent to the Legislative Council and their agreement requested.

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

- 31 **ADJOURNMENT** — The Speaker left the Chair, after debate, at 11.28 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JENNY LINDELL  
*Speaker*

## No 2 — Wednesday 20 December 2006

- 1 The Speaker took the Chair and read the Prayer.
- 2 **DEATH OF DONALD NEVILLE SALTmarsh** — The Speaker announced the death of Donald Neville Saltmarsh, Member of the Legislative Council for the electoral province of Waverley from 1976 to 1982 and Member of the Legislative Assembly for the electoral district of Wantirna from 1982 to 1985; and, honourable members rose in their places as a mark of respect to the memory of the deceased.
- 3 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

**California Gully Primary School, Bendigo** — Requesting that the House supports the Department of Sustainability and Environment and the Department of Education in providing funds for the sealing of the access road and parking area at California Gully Primary School to minimise windblown sand and dust, bearing 11 signatures (*Mr Cameron*)

**Falun Gong** — Requesting that the House asks the Government to — (1) (a) end funding agencies, medical organisations and individual health professionals participating in China-sponsored organ transplant research, meetings or training; (b) inform residents that donor organs from China may be from non-consenting prisoners of conscience; and (c) assist the Coalition to Investigate the Persecution of Falun Gong with research; and (2) request the Federal Government to — (a) prevent Australians from travelling to China for organ transplants; (b) prevent companies and individuals providing goods and services to China's organ transplant programs; (c) demand an end to the

persecution of Falun Gong practitioners in China; and (d) assist the Coalition to Investigate the Persecution of Falun Gong with research, bearing 1,586 signatures (*Mr Clark*)

**150<sup>th</sup> Anniversary of Responsible Government** — Requesting that the House continues to provide effective government for the people of Victoria and to ensure peace and fairness for all, bearing 1,874 signatures (*Mrs Maddigan*)

**Mornington Peninsula Freeway Extension** — Requesting that — (a) the Parliament undertakes to ensure the Government begins construction of the Mornington Peninsula Freeway Extension as originally promised; (b) the project be completed by June 2010; and (c) the project not be funded by a tollway like the Scoresby (Eastlink) Project, bearing 509 signatures (*Mr Mulder*)

**Melbourne–Shepparton V/Line Timetable** — Requesting that the Government takes action to ensure that the new V/Line timetable for the Melbourne–Shepparton line be reviewed and that V/Line consults with the users of the line, bearing 736 signatures (*Mrs Powell*).

Petitions ordered to be tabled.

4 **PETITION — MELBOURNE–SHEPPARTON V/LINE TIMETABLE** — Motion made and question — That the petition presented by the Member for Shepparton be taken into consideration tomorrow (*Mrs Powell*) — put and agreed to.

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

*Alpine Resorts (Management) Act 1997* — Alpine Resorts Strategic Plan under s 33E

*Financial Management Act 1994* — Budget Update 2006–07

*Financial Management Act 1994* — Report from the Minister for Health that she had received the 2005–06 report of the Mildura Cemetery Trust.

The following proclamations fixing operative dates were tabled by the Clerk in accordance with an order of the House dated 19 December 2006:

*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 S284, 24 October 2006*)

*Courts Legislation (Jurisdiction) Act 2006* — Section 10 — 1 November 2006; Part 2 — 1 January 2007 (*Gazette G40, 5 October 2006*)

*Groundwater (Border Agreement) (Amendment) Act 2005* — Whole Act — 31 October 2006 (*Gazette G43, 26 October 2006*)

*Health Services (Supported Residential Services) Act 2006* — Sections 9 and 17 — 12 October 2006 (*Gazette G41, 12 October 2006*)

*Justice Legislation (Further Amendment) Act 2006* — Remaining provisions (except Part 4) — 18 October 2006 (*Gazette S273, 17 October 2006*)

*National Parks (Otways and Other Amendments) Act 2005* — Part 4 — 24 October 2006 (*Gazette S285, 24 October 2006*)

*National Parks and Crown Land (Reserves) Acts (Amendment) Act 2006* — Sections 13(2) and 16(2) and Part 3 (except s 26(6)) — 19 October 2006 (*Gazette G42, 19 October 2006*)

*Water (Governance) Act 2006* — Part 3 — 31 October 2006 (*Gazette G43, 26 October 2006*).

6 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourns until Tuesday 13 February 2007 (*Mr Cameron*) — put and agreed to.

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

- 8 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE — MISMANAGEMENT OF WATER RESOURCES** — The House was informed that Ms Asher had proposed that a definite matter of public importance be submitted to the House for discussion, namely —

'That this House condemns the Bracks Labor 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.'

Ms Asher addressed the House — Discussion followed.

- 9 **ADDRESS-IN-REPLY TO THE GOVERNOR'S SPEECH** — Order read for resuming debate on question — That the following Address, in reply to the speech of the Governor to both Houses of Parliament, be agreed to by this House (*for Address see p 22, 19 December 2006*); debate resumed.

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

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

- 10 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 2 to 5 inclusive, be postponed until later this day.

- 11 **SENATE ELECTIONS AMENDMENT BILL 2006** — Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).

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

Ordered — That the debate be adjourned until Wednesday 3 January 2007.

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

- 12 **QUESTIONS** — (Under SO 55).

- 13 **WATER AMENDMENT (CRITICAL WATER INFRASTRUCTURE PROJECTS) BILL 2006** — Motion made and question proposed — That this Bill be now read a second time (*Mr Thwaites*).

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

Ordered — That the debate be adjourned until Wednesday 3 January 2007.

- 14 **MURRAY-DARLING BASIN AMENDMENT BILL 2006** — Motion made and question proposed — That this Bill be now read a second time (*Mr Thwaites*).

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

Ordered — That the debate be adjourned until Wednesday 3 January 2007.

- 15 **ADDRESS-IN-REPLY TO THE GOVERNOR'S SPEECH** — Order read for resuming debate on question — That the following Address, in reply to the speech of the Governor to both Houses of Parliament, be agreed to by this House (*for Address see p 22, 19 December 2006*); debate resumed.

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

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

- 16 **CONTROL OF WEAPONS AMENDMENT (PENALTIES) BILL 2006** — Motion made and question proposed — That this Bill be now read a second time (*Mr Cameron*).

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

Ordered — That the debate be adjourned until Wednesday 3 January 2007.

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

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

Ordered — That the debate be adjourned until Wednesday 3 January 2007.

- 18 **PUBLIC PROSECUTIONS AMENDMENT BILL 2006** — Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).

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

Ordered — That the debate be adjourned until Wednesday 3 January 2007.

- 19 **ADDRESS-IN-REPLY TO THE GOVERNOR'S SPEECH** — Order read for resuming debate on question — That the following Address, in reply to the speech of the Governor to both Houses of Parliament, be agreed to by this House (*for Address see p 22, 19 December 2006*); debate resumed.

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

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

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

- 21 **ADJOURNMENT** — The Deputy Speaker left the Chair, after debate, at 9.43 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JENNY LINDELL  
*Speaker*

# LEGISLATIVE ASSEMBLY OF VICTORIA

## VOTES AND PROCEEDINGS Nos 3, 4 and 5

### No 3 — Tuesday 13 February 2007

- 1 The House met according to the adjournment — The Speaker took the Chair and read the Prayer.
- 2 **QUESTIONS** — (Under SO 55).
- 3 **ACTING SPEAKERS** — The following warrant appointing Acting Speakers was tabled by the Speaker:

#### VICTORIA LEGISLATIVE ASSEMBLY

Under Standing Order 20 of the Legislative Assembly, I appoint Christine Campbell, John Eren, Christine Fyffe, Danielle Green, Alistair Harkness, Geoff Howard, Craig Ingram, Ken Jasper, Nicholas Kotsiras, Telmo Languiller, Tony Lupton, Kirstie Marshall, Janice Munt, Don Nardella, Jeanette Powell, George Seitz, Ken Smith, Bob Stensholt, Murray Thompson to preside as Acting Speakers whenever requested to do so by the Speaker or the Deputy Speaker.

Given under my hand this Twelfth day of February, Two Thousand and Seven.

Jenny Lindell  
SPEAKER

- 4 **PRAHRAN MECHANICS' INSTITUTE AMENDMENT BILL 2007** — Mr Wynne obtained leave to bring in a Bill '*for an Act to amend the **Prahran Mechanics' Institute Act 1899** and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 5 **PAY-ROLL TAX AMENDMENT (BUSHFIRE AND EMERGENCY SERVICE) BILL 2007** — Mr Brumby obtained leave to bring in 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 the Bill was read a first time and ordered to be read a second time tomorrow.
- 6 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:
  - Silverleaves Beach, Phillip Island** — Requesting that the Government supports continued public access to Silverleaves Beach, Phillip Island and not close the beach to the public, bearing 86 signatures (*Mr Smith, Bass*)
  - 24-Hour Police Station in Cowes** — Requesting that a 24-hour police station in Cowes be established immediately, bearing 1,639 signatures (*Mr Smith, Bass*)
  - Natural Gas for Phillip Island** — Requesting that natural gas be made available to residents of Phillip Island as a matter of utmost urgency, bearing 19 signatures (*Mr Smith, Bass*)

**Proposed Stadium — Olympic Park** — Requesting that the House revises the seating capacity in the proposed rectangular stadium in the Olympic Park precinct in Melbourne to a minimum of 30,000 seats with the option to increase to 40,000 seats in the future to cater for our growing multicultural city and the ever-increasing popularity of football, bearing 3,217 signatures (*Mr Carli*)

**Preschool Education — Recognition of Importance** — Requesting that the House recognises that preschool is the critical first step of education and moves responsibility for preschools to the Department of Education and Training, bearing 21 signatures (*Mr Andrews*)

**Reticulated Gas Mains Supply — Flinders and Shoreham** — Requesting that the House urges the appropriate authorities to take whatever action is required to facilitate reticulated gas mains for supply to the townships of Flinders and Shoreham, bearing 296 signatures (*Mr Dixon*)

**Crimes Act** — Requesting that the House votes against amendments to the Crimes Act which will decriminalise abortion in Victoria, bearing 344 and 228 signatures (*Ms Campbell and Mr Crutchfield respectively*)

**Rail Service between Tongala and Melbourne** — Requesting that the Minister for Public Transport directs V/Line to revert rail service between Tongala and Melbourne to the former time table using the more direct and efficient route to connect with the rail service at Murchison East, bearing 170 signatures (*Mr Weller*).

Petitions ordered to be tabled.

7 **PETITION — SILVERLEAVES BEACH, PHILLIP ISLAND** — Motion made and question — That the petition presented by the Member for Bass be taken into consideration tomorrow (*Mr Smith, Bass*) — put and agreed to.

8 **PETITION — 24-HOUR POLICE STATION IN COWES** — Motion made and question — That the petition presented by the Member for Bass be taken into consideration tomorrow (*Mr Smith, Bass*) — put and agreed to.

9 **PETITION — NATURAL GAS FOR PHILLIP ISLAND** — Motion made and question — That the petition presented by the Member for Bass be taken into consideration tomorrow (*Mr Smith, Bass*) — put and agreed to.

10 **PETITION — PROPOSED STADIUM — OLYMPIC PARK** — Motion made and question — That the petition presented by the Member for Brunswick be taken into consideration tomorrow (*Mr Carli*) — put and agreed to.

11 **PETITION — RETICULATED GAS MAINS SUPPLY — FLINDERS AND SHOREHAM** — Motion made and question — That the petition presented by the Member for Nepean be taken into consideration tomorrow (*Mr Dixon*) — put and agreed to.

## 12 DOCUMENTS

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — Mr Carli, Chair, presented a report from the Scrutiny of Acts and Regulations Committee being the Alert Digest No 1 of 2006, 56<sup>th</sup> Parliament, on the State Taxation Legislation Amendment (Housing Affordability) Bill.

Ordered to be tabled and printed.

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — Mr Carli, Chair, presented a report from the Scrutiny of Acts and Regulations Committee being the Alert Digest No 1 of 2007 on the:

Control of Weapons Amendment (Penalties) Bill 2006  
 Interpretation of Legislation Amendment Bill  
 Justice Legislation (Further Miscellaneous Amendments) Bill  
 Murray-Darling Basin Amendment Bill 2006  
 Public Prosecutions Amendment Bill 2006  
 Road Legislation (Projects and Road Safety) Bill  
 Senate Elections Amendment Bill 2006  
 Water Amendment (Critical Water Infrastructure Projects) Bill 2006  
 Water (Governance) Bill

together with appendices.

Ordered to be tabled and printed.

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

Anti-Cancer Council of Victoria — Report 2005

Australian Crime Commission — Report 2005–06

Calvary Health Care Bethlehem Ltd — Report 2005–06 (two documents)

East Wimmera Health Service — Report 2005–06

*Financial Management Act 1994* — Report from the Minister for Health that she had received the 2005–06 report of Alexandra District Ambulance Service

Grampians Wimmera Mallee Water Authority — Report 2005–06 (two documents)

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  
 Exhibition Street Extension Tenth Amending Deed  
 Melbourne City Link Twenty-Third Amending Deed

*Parliamentary Committees Act 2003* — Government response to the Outer Suburban/Interface Services and Development Committee's Inquiry into Building New Communities

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

Alpine — C18  
 Ballarat — C39 Part 2, C74, C86, C106  
 Bass Coast — C55, C62  
 Baw Baw — C33, C38 Part 1  
 Brimbank — C89 Part 1  
 Campaspe — C35, C48  
 Cardinia — C70, C82, C87 Part 1  
 Casey — C89  
 Colac Otway — C28  
 Glenelg — C27  
 Greater Bendigo — C44, C73, C92  
 Greater Dandenong — C76

Greater Geelong — C102, C107  
 Greater Shepparton — C82  
 Hobsons Bay — C34, C56 Part 2  
 Horsham — C22  
 Kingston — C59, C64, C66, C70  
 Maribyrnong — C35  
 Melton — C50  
 Mitchell — C32  
 Moira — C24 Part 2  
 Mornington Peninsula — C75, C80 Part 1  
 Nillumbik — C25 Part 2, C41  
 South Gippsland — C9 Part 1, C21  
 Warrnambool — C28, C31, C43  
 Whittlesea — C9, C53 Part 2  
 Wodonga — C12, C30  
 Wyndham — C31  
 Yarra Ranges — C55

*Project Development and Construction Management Act 1994* — Amendment Order under s 9

Radiation Advisory Committee — Report year ended 30 September 2006

*Rural Finance Act 1988* — Direction to administer a Bushfire Assistance Scheme — Regional Victoria Fire Season 2006–07

Seymour District Memorial Hospital — Report 2005–06 (three documents)

Statutory Rules under the following Acts:

*Building Act 1993* — SR 2  
*Infringements Act 2006* — SR 173/2006  
*Livestock Disease Control Act 1994* — SR 172/2006  
*Magistrates' Court Act 1989* — SRs 170, 178, 179/2006  
*Mental Health Act 1986* — SR 174/2006  
*Road Safety Act 1986* — SRs 175, 176/2006, 1  
*Supreme Court Act 1986* — SR 171/2006  
*Water Industry Act 1994* — SR 177/2006

St Vincent's Hospital (Melbourne) Ltd — Report 2005–06 (four documents)

*Subordinate Legislation Act 1994*:

Minister's exception certificates in relation to Statutory Rules 170, 171, 178, 179/2006  
 Ministers' exemption certificates in relation to Statutory Rules 173, 174, 175, 176/2006, 1

*Surveillance Devices Act 1999* — Report of the Special Investigations Monitor under s 30Q, December 2006

*Victorian Environmental Assessment Council Act 2001* — Withdrawal of request under s 16.

The following proclamations fixing operative dates were tabled by the Clerk in accordance with an order of the House dated 19 December 2006:

*Courts Legislation (Neighbourhood Justice Centre) Act 2006* — Remaining provisions (other than Part 6) — 2 January 2007 (*Gazette 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 and Schedule 2 — 21 December 2006 (*Gazette G51, 21 December 2006*)

*Water (Resource Management) Act 2005* — Section 58 — 21 December 2006 (*Gazette G51, 21 December 2006*).

13 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the State Taxation Legislation Amendment (Housing Affordability) Bill without amendment.

14 **MESSAGE FROM THE GOVERNOR — ASSENT TO BILL** — Informing the Legislative Assembly that he had, on 22 December 2006, given the royal assent to the State Taxation Legislation Amendment (Housing Affordability) Bill, presented to him by the Clerk of the Parliaments.

15 **MESSAGE FROM THE GOVERNOR** — The Speaker announced the presentation of a message from the Governor recommending an appropriation for the purposes of the Murray-Darling Basin Amendment Bill 2006.

16 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, under SO 94(2), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 15 February 2007:

Control of Weapons Amendment (Penalties) Bill 2006

Interpretation of Legislation Amendment Bill

Murray-Darling Basin Amendment Bill 2006

Water Amendment (Critical Water Infrastructure Projects) Bill 2006

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

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

18 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 1 and 2 be postponed until later this day.

19 **INTERPRETATION OF LEGISLATION AMENDMENT BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

Bill sent to the Legislative Council and their agreement requested.

20 **WATER AMENDMENT (CRITICAL WATER INFRASTRUCTURE PROJECTS) BILL 2006** — Order read for resuming debate on question — That this Bill be now read a second time.

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

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

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

- 21 **ADJOURNMENT** — The Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.36 pm.

R W PURDEY  
Clerk of the Legislative Assembly

JENNY LINDELL  
Speaker

## No 4 — Wednesday 14 February 2007

- 1 The Speaker took the Chair and read the Prayer.
- 2 **PARLIAMENTARY LEGISLATION AMENDMENT BILL 2007** — Mr Bracks obtained leave to bring in 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 the Bill was read a first time and ordered to be read a second time tomorrow.
- 3 **VICTIMS OF CRIME ASSISTANCE AMENDMENT BILL 2007** — Mr Hulls obtained leave to bring in 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 the Bill was read a first time and ordered to be read a second time tomorrow.
- 4 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:
- Natural Gas for Phillip Island** — Requesting that natural gas be made available to residents of Phillip Island as a matter of utmost urgency, bearing 100 signatures (*Mr Smith, Bass*)
- Intersection of Point Nepean and Truemans Roads, Tootgarook** — Requesting that the Minister for Public Transport funds the installation of either a set of traffic lights or roundabout at the intersection of Point Nepean Road and Truemans Road, Tootgarook as a matter of urgency, bearing 55 signatures (*Mr Dixon*)
- Compulsory Wearing of Life Jackets** — Requesting that the House rejects the regulations for the compulsory wearing of life jackets or personal flotation devices as a matter of urgency, bearing 243 signatures (*Mr Ingram*).
- Petitions ordered to be tabled.
- 5 **PETITION — COMPULSORY WEARING OF LIFE JACKETS** — Motion made and question — That the petition presented by the Member for Gippsland East be taken into consideration tomorrow (*Mr Ingram*) — put and agreed to.
- 6 **PETITION — NATURAL GAS FOR PHILLIP ISLAND** — Motion made and question — That the petition presented by the Member for Bass be taken into consideration tomorrow (*Mr Smith, Bass*) — put and agreed to.
- 7 **PETITION — INTERSECTION OF POINT NEPEAN AND TRUEMANS ROADS, TOOTGAROOK** — Motion made and question — That the petition presented by the Member for Nepean be taken into consideration tomorrow (*Mr Dixon*) — put and agreed to.

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

*National Parks Act 1975* — Report on the Great Otway National Park under s 17.

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

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

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

Environment and Natural Resources Committee's Report on the Inquiry into the Production and/or use of Biofuels in Victoria

Law Reform Committee's Report on De Novo Appeals to the County Court

Public Accounts and Estimates Committee's Report 2005–06.

- 12 **MURRAY-DARLING BASIN AMENDMENT BILL 2006** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

- 13 **QUESTIONS** — (Under SO 55).

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

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

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

- 15 **CONTROL OF WEAPONS AMENDMENT (PENALTIES) BILL 2006** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

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

- 16 **MURRAY-DARLING BASIN AMENDMENT BILL 2006** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

Bill sent to the Legislative Council and their agreement requested.

- 17 **ADDRESS-IN-REPLY TO THE GOVERNOR'S SPEECH** — Order read for resuming debate on question — That the following Address, in reply to the speech of the Governor to both Houses of Parliament, be agreed to by this House (*for Address see p 22, 19 December 2006*); debate resumed.

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

- 18 **ADJOURNMENT** — The Deputy Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.31 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JENNY LINDELL  
*Speaker*

## No 5 — Thursday 15 February 2007

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

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

**Natural Gas for Phillip Island** — Requesting that natural gas be made available to residents of Phillip Island as a matter of utmost urgency, bearing 650 signatures (*Mr Smith, Bass*)

**Drug and Alcohol Rehabilitation Centre, Bittern** — Requesting that the House — (a) provides a fair and open process of community consultation in the establishment of the Drug and Alcohol Rehabilitation Centre in Bittern; and (b) revises existing legislation that allows these centres to be built in residential areas without community consultation and planning permits, bearing 1,745 signatures (*Mr Burgess*)

**Mornington Peninsula** — Requesting that the House — (a) rejects the Government's plan for the Mornington Peninsula to become another suburb of Melbourne; and (b) has a separate and district planning scheme that allows for the rejection of inappropriate development and high rise buildings in the area which will enable the special character of the Mornington Peninsula to be retained and enhanced, bearing 620 signatures (*Mr Morris*)

**Uralla and Nepean Highway Intersection, Mount Martha** — Requesting that the Government funds the upgrade of the Uralla and Nepean Highway intersection, Mount Martha as a matter of utmost urgency, bearing 73 signatures (*Mr Morris*).

Petitions ordered to be tabled.

- 3 **PETITION — NATURAL GAS FOR PHILLIP ISLAND** — Motion made and question — That the petition presented by the Member for Bass be taken into consideration tomorrow (*Mr Smith, Bass*) — put and agreed to.
- 4 **PETITION — DRUG AND ALCOHOL REHABILITATION CENTRE, BITTERN** — Motion made and question — That the petition presented by the Member for Hastings be taken into consideration tomorrow (*Mr Burgess*) — put and agreed to.
- 5 **PETITION — MORNINGTON PENINSULA** — Motion made and question — That the petition presented by the Member for Mornington be taken into consideration tomorrow (*Mr Morris*) — put and agreed to.
- 6 **PETITION — URALLA AND NEPEAN HIGHWAY INTERSECTION, MOUNT MARTHA** — Motion made and question — That the petition presented by the Member for Mornington be taken into consideration tomorrow (*Mr Morris*) — put and agreed to.

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

Medical Practitioners Board of Victoria — Report year ended 30 September 2006

Ombudsman — Own motion investigation into the policies and procedures of the planning department at the City of Greater Geelong — Ordered to be printed

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

Cardinia — C93

Casey — C3

Darebin — C69

Colac Otway — C22

Moira — C20 Part 2

Mount Alexander — C25

*Rural Finance Act 1988* — Direction to administer exceptional circumstances assistance under the Rural Adjustment Scheme.

- 8 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourns until Tuesday 27 February 2007 (*Ms Neville*) — put and agreed to.

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

- 10 **POSTPONEMENT OF ORDER OF THE DAY** — Ordered — That the consideration of Government Business, Order of the Day, No 1 be postponed until later this day.

- 11 **ADDRESS-IN-REPLY TO THE GOVERNOR'S SPEECH** — Order read for resuming debate on question — That the following Address, in reply to the speech of the Governor to both Houses of Parliament, be agreed to by this House (*for Address see p 22, 19 December 2006*); debate resumed.

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

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

- 12 **CONTROL OF WEAPONS AMENDMENT (PENALTIES) BILL 2006** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

Bill sent to the Legislative Council and their agreement requested.

- 13 **ADDRESS-IN-REPLY TO THE GOVERNOR'S SPEECH** — Order read for resuming debate on question — That the following Address, in reply to the speech of the Governor to both Houses of Parliament, be agreed to by this House (*for Address see p 22, 19 December 2006*); debate resumed.

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

- 14 **QUESTIONS** — (Under SO 55).

- 15 **ADDRESS-IN-REPLY TO THE GOVERNOR'S SPEECH** — Debate continued on question — That the following Address, in reply to the speech of the Governor to both Houses of Parliament, be agreed to by this House (*for Address see p 22, 19 December 2006*).

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

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

- 16 **WATER AMENDMENT (CRITICAL WATER INFRASTRUCTURE PROJECTS) BILL 2006**  
— Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Question — put.

The House divided (the Speaker, Ms Lindell, in the Chair) —

AYES 77

Ms Allan; Mr Andrews; Ms Asher; Mr Baillieu; Ms Barker; Mr Batchelor; Ms Beattie; Mr Blackwood; Mr Bracks; Mr Brooks; Mr Brumby; Mr Burgess; Mr Cameron; Ms Campbell; Mr Carli; Mr Clark; Mr Crutchfield; Ms D'Ambrosio; Mr Dixon; Mr Donnellan; Ms Duncan; Mr Eren; Mrs Fyffe; Ms Graley; Ms Green; Mr Haermeyer; Mr Hardman; Dr Harkness; Mr Helper; Mr Herbert; Mr Hodgett; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Ms Kosky; Mr Kotsiras; Mr Langdon; Mr Languiller; Mr Lim; Ms Lobato; Mr Lupton; Mr McIntosh; Mrs Maddigan; Ms Marshall; Mr Merlino; Ms Morand; Mr Morris; Mr Mulder; Ms Munt; Dr Naphthine; Mr Nardella; Ms Neville; Mr O'Brien; Ms Overington; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Richardson; Mr Robinson; Mr Scott; Mr Seitz; Mrs Shardey; Mr Smith (*Bass*); Mr Smith (*Warrantyte*); Mr Stensholt; Mr Thompson (*Sandringham*); Ms Thomson (*Footscray*); Mr Tilley; Mr Thwaites; Mr Trezise; Mrs Victoria; Mr Wakeling; Mr Wells; Ms Wooldridge; Mr Wynne.

NOES 9

Mr Crisp; Mr Delahunty; Mr Jasper; Mr Northe; Mrs Powell; Mr Ryan; Dr Sykes; Mr Walsh; Mr Weller.

Question agreed to.

Bill considered in detail (*see p 39*).

*Allocation of time — The Deputy Speaker advised that the time allocated for consideration of bills under the resolution of the House on Tuesday 13 February 2007 had expired.*

Question — That Clause 1 be agreed to — put.

The House divided (the Deputy Speaker, Ms Barker, in the Chair) —

AYES 52

Ms Allan; Mr Andrews; Mr Batchelor; Ms Beattie; Mr Bracks; Mr Brooks; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Mr Eren; Ms Graley; Ms Green; Mr Haermeyer; Mr Hardman; Dr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Ms Kosky; Mr Langdon; Mr Languiller; Mr Lim; Ms Lobato; Mr Lupton; Mrs Maddigan; Ms Marshall; Mr Merlino; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Richardson; Mr Robinson; Mr Scott; Mr Seitz; Mr Stensholt; Ms Thomson (*Footscray*); Mr Thwaites; Mr Trezise; Mr Wynne.

NOES 33

Ms Asher; Mr Baillieu; Mr Blackwood; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Hodgett; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Morris; Mr Mulder; Dr Naphthine; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith (*Bass*); Mr Smith (*Warrantyte*); Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Weller; Mr Wells; Ms Wooldridge.

Question agreed to.

Question — That clauses 2 to 6 inclusive be agreed to, the Bill be agreed to without amendment and that the Bill be now read a third time — put.

The House divided (the Deputy Speaker, Ms Barker, in the Chair) —

AYES 76

Ms Allan; Mr Andrews; Ms Asher; Mr Baillieu; Mr Batchelor; Ms Beattie; Mr Blackwood; Mr Bracks; Mr Brooks; Mr Brumby; Mr Burgess; Mr Cameron; Ms Campbell; Mr Carli; Mr Clark; Mr Crutchfield; Ms D'Ambrosio; Mr Dixon; Mr Donnellan; Ms Duncan; Mr Eren; Mrs Fyffe; Ms Graley; Ms Green; Mr Haermeyer; Mr Hardman; Dr Harkness; Mr Helper; Mr Herbert; Mr Hodggett; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Ms Kosky; Mr Kotsiras; Mr Langdon; Mr Languiller; Mr Lim; Ms Lobato; Mr Lupton; Mr McIntosh; Mrs Maddigan; Ms Marshall; Mr Merlino; Ms Morand; Mr Morris; Mr Mulder; Ms Munt; Dr Naphthine; Mr Nardella; Ms Neville; Mr O'Brien; Ms Overington; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Richardson; Mr Robinson; Mr Scott; Mr Seitz; Mrs Shardey; Mr Smith (*Bass*); Mr Smith (*Warrandyte*); Mr Stensholt; Mr Thompson (*Sandringham*); Ms Thomson (*Footscray*); Mr Tilley; Mr Thwaites; Mr Trezise; Mrs Victoria; Mr Wakeling; Mr Wells; Ms Wooldridge; Mr Wynne.

NOES 9

Mr Crisp; Mr Delahunty; Mr Jasper; Mr Northe; Mrs Powell; Mr Ryan; Dr Sykes; Mr Walsh; Mr Weller.

Question agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 17 **PRAHRAN MECHANICS' INSTITUTE AMENDMENT BILL 2007** — *Mr Wynne tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

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

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

Ordered — That the debate be adjourned until Thursday 1 March 2007.

- 18 **PAY-ROLL TAX AMENDMENT (BUSHFIRE AND EMERGENCY SERVICE) BILL 2007** — *Mr Brumby tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

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

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

Ordered — That the debate be adjourned until Thursday 1 March 2007.

- 19 **VICTIMS OF CRIME ASSISTANCE AMENDMENT BILL 2007** — *Mr Hulls tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

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

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

Ordered — That the debate be adjourned until Thursday 1 March 2007.

- 20 **PARLIAMENTARY LEGISLATION AMENDMENT BILL 2007** — *Mr Bracks tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

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

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

Motion made and question proposed — That the debate be adjourned until Wednesday 28 February 2007 (*Mr Bracks*).

Amendment proposed — That the words 'until Wednesday 28 February 2007 ' be omitted with the view of inserting in their place the words 'for two months' (*Mr Ingram*) — and, after debate —

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

A division having been called, the Speaker advised that there was only one vote for the 'noes' and, accordingly, declared the question agreed to. Mr Ingram asked that his dissent be recorded.

Ordered — That the debate be adjourned until Wednesday 28 February 2007.

- 21 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Batchelor*) — put and agreed to.
- 22 **ADJOURNMENT** — The Speaker left the Chair, after debate, at 5.18 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JENNY LINDELL  
*Speaker*

LEGISLATIVE ASSEMBLY OF VICTORIA

**CONSIDERATION IN DETAIL**  
**Supplement to Votes Nos 3, 4 and 5**

**No 5 — Thursday 15 February 2007**

**WATER AMENDMENT (CRITICAL WATER INFRASTRUCTURE PROJECTS) BILL 2006**

**Clause 1** — debate commenced.

*Allocation of time — The Deputy Speaker advised that the time allocated for consideration of bills under the resolution of the House on Tuesday 13 February 2007 had expired (for remaining stages see pp 36–7).*



## LEGISLATIVE ASSEMBLY OF VICTORIA

### VOTES AND PROCEEDINGS Nos 6, 7 and 8

#### No 6 — Tuesday 27 February 2007

- 1 The House met according to the adjournment — The Speaker took the Chair and read the Prayer.
- 2 **QUESTIONS** — (Under SO 55).
- 3 **NUCLEAR ACTIVITIES (PROHIBITIONS) AMENDMENT (PLEBISCITE) BILL 2007** — Mr Batchelor obtained leave to bring in a Bill '*for an Act to amend the Nuclear Activities (Prohibitions) Act 1983 and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 4 **MAJOR EVENTS (AERIAL ADVERTISING) BILL 2007** — Mr Merlino obtained leave to bring in 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 the Bill was read a first time and ordered to be read a second time tomorrow.
- 5 **LEGAL PROFESSION AMENDMENT BILL 2007** — Mr Hulls obtained leave to bring in 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 the Bill was read a first time and ordered to be read a second time tomorrow.
- 6 **DRUGS, POISONS AND CONTROLLED SUBSTANCES AMENDMENT (REPEAL OF PART X) BILL 2007** — Ms Pike obtained leave to bring in 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 the Bill was read a first time and ordered to be read a second time tomorrow.
- 7 **GAMBLING REGULATION AMENDMENT (REVIEW PANEL) BILL 2007** — Mr Andrews obtained leave to bring in 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, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 8 **LIVESTOCK DISEASE CONTROL AMENDMENT BILL 2007** — Mr Helper obtained leave to bring in 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, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.

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

**Lyndhurst Hazardous Waste Landfill** — Requesting that the House takes action to ensure that the Lyndhurst Hazardous Waste Landfill ceases accepting hazardous waste, bearing 2,421 signatures (*Mr Holding*).

Ordered to be tabled.

10 **DOCUMENTS**

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — Mr Carli, Chair, presented a report from the Scrutiny of Acts and Regulations Committee being the Alert Digest No 2 of 2007 on the:

Parliamentary Legislation Amendment Bill 2007  
 Pay-roll Tax Amendment (Bushfire and Emergency Service) Bill 2007  
 Prahran Mechanics' Institute Amendment Bill 2007  
 Victims of Crime Assistance Amendment Bill 2007

together with appendices.

Ordered to be tabled and printed.

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

Altona Memorial Park, Trustees of — Report 2005–06 together with an explanation for the delay

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

*Financial Management Act 1994* — Report from the Minister for Water, Environment and Climate Change that he had received the 2005–06 report of the Lake Mountain Alpine Resort Management Board

*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 — Ordered to be printed

Mount Baw Baw Alpine Resort Management Board — Report year ended 31 October 2006

National Environment Protection Council — Report 2005–06

*Parliamentary Committees Act 2003*:

Government response to the Road Safety Committee's Inquiry into Driver Distraction  
 Government response to the Rural and Regional Services and Development Committee's Inquiry on Regional Telecommunications Infrastructure for Business

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

Bayside — C46  
 Casey — C46  
 Darebin — C71  
 Greater Bendigo — C51  
 Greater Dandenong — C88

Maroondah — C55  
 Mildura — C10  
 Moonee Valley — C74  
 Moreland — C69, C70  
 Mornington Peninsula — C85  
 Stonnington — C65  
 Wodonga — C50

Snowy Hydro Ltd — Financial statement 3 July 2005 to 1 July 2006

Statutory Rule under the *Legal Profession Act 2004* — SR 3

*Subordinate Legislation Act 1994* — Ministers' exemption certificates in relation to Statutory Rules 177/2006, 3

*Water Act 1989* — Barwon Water Supply Protection Area Declaration Order 2007.

The following proclamation fixing an operative date was tabled by the Clerk in accordance with an order of the House dated 19 December 2006:

*Drugs, Poisons and Controlled Substances (Amendment) Act 2006* — Sections 1, 2, 3, 7, 9(1) and 11 — 19 February 2007 (*Gazette G7, 15 February 2007*).

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

Parliamentary Legislation Amendment Bill 2007  
 Pay-roll Tax Amendment (Bushfire and Emergency Service) Bill 2007  
 Victims of Crime Assistance Amendment Bill 2007.

- 12 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, under SO 94(2), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 1 March 2007:

Parliamentary Legislation Amendment Bill 2007  
 Pay-roll Tax Amendment (Bushfire and Emergency Service) Bill 2007  
 Public Prosecutions Amendment Bill 2006

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

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

- 14 **POSTPONEMENT OF ORDER OF THE DAY** — Ordered — That the consideration of Government Business, Order of the Day, No 1, be postponed until later this day.

- 15 **PUBLIC PROSECUTIONS AMENDMENT BILL 2006** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

Bill sent to the Legislative Council and their agreement requested.

- 16 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Interpretation of Legislation Amendment Bill without amendment.

- 17 **ADDRESS-IN-REPLY TO THE GOVERNOR'S SPEECH** — Order read for resuming debate on question — That the following Address, in reply to the speech of the Governor to both Houses of Parliament, be agreed to by this House (*for Address see p 22, 19 December 2006*); debate resumed.
- Motion made and question — That the debate be now adjourned (*Mr Thompson, Sandringham*) — put and agreed to.
- Ordered — That the debate be adjourned until later this day.
- 18 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Ms Allan*) — put and agreed to.
- 19 **ADJOURNMENT** — The Speaker left the Chair, after debate, at 10.39 pm.

R W PURDEY  
Clerk of the Legislative Assembly

JENNY LINDELL  
Speaker

## No 7 — Wednesday 28 February 2007

- 1 The Speaker took the Chair and read the Prayer.
- 2 **PETITION** — The Clerk announced that the following petition had been lodged for presentation:
- Bus Route 283 — Bulleen Plaza Shopping Centre** — Requesting that the House takes measures to ensure that the service provided on bus route 283 to and from the Bulleen Plaza Shopping Centre is retained for the local community, bearing 483 signatures (*Mr Kotsiras*).
- Ordered to be tabled.
- 3 **PETITION — BUS ROUTE 283 — BULLEEN PLAZA SHOPPING CENTRE** — Motion made and question — That the petition presented by the Member for Bulleen be taken into consideration tomorrow (*Mr Kotsiras*) — put and agreed to.
- 4 **DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:
- Auditor-General — Results of financial statement audits for agencies with 30 June 2006 balance dates — Ordered to be printed
- Director, Police Integrity — Past Patterns — Future Directions: Victoria Police and the problem of corruption and serious misconduct — Ordered to be printed
- EastLink Project Act 2004* — Variation Statement No 9
- Essential Services Commission — Report on New Year's Eve surcharge non metropolitan taxi-cabs
- Financial Management Act 1994* — Report from the Minister for Health that she had received the 2005–06 report of the Keilor Cemetery Trust, together with an explanation for the delay

*Gambling Regulation Act 2003* — Victorian Commission for Gambling Regulation Rules (*Gazette S33, 21 February 2007*)

Mt Buller and Mt Stirling Alpine Resort Management Board — Report year ended 31 October 2006

Statutory Rule under the *Subordinate Legislation Act 1994* — SR 4.

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

6 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE — VICTORIA'S ROADS** — The House was informed that Mr Pallas had proposed that a definite matter of public importance be submitted to the House for discussion, namely —

'That this House congratulates the Victorian Government on improving Victoria's roads and calls on the Federal Government to end the entrenched discrimination against Victoria by providing a fair share of Commonwealth road funding to further improve Victoria's road infrastructure.'

Mr Pallas addressed the House — Discussion followed.

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

Public Accounts and Estimates Committee's Report 2005–06

Law Reform Committee's Report on De Novo Appeals to the County Court

Environment and Natural Resources Committee's Report on the Inquiry into the Production and/or Use of Biofuels in Victoria.

8 **PARLIAMENTARY LEGISLATION AMENDMENT BILL 2007** — Order read for resuming debate on question — That this Bill be now read a second time.

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

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

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

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

9 **QUESTIONS** — (Under SO 55).

10 **PARLIAMENTARY LEGISLATION AMENDMENT BILL 2007** — Debate continued on question — That this Bill be now read a second time.

Question — put.

The House divided (the Speaker, Ms Lindell, in the Chair) —

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Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beattie; Mr Bracks; Mr Brooks; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Mr Crisp; Mr Crutchfield; Ms D'Ambrosio; Mr Delahunty; Mr Donnellan; Ms Duncan; Mr Eren; Ms Graley; Ms Green; Mr Haermeyer; Mr Hardman; Dr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Jasper; Ms Kosky; Mr Langdon; Mr Languiller; Mr Lim; Ms Lobato; Mrs Maddigan; Ms Marshall; Mr Merlino; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Northe; Ms Overington; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Pike; Mrs Powell; Ms Richardson; Mr Robinson; Mr Ryan; Mr Scott; Mr Seitz; Mr Stensholt; Dr Sykes; Ms Thomson (*Footscray*); Mr Thwaites; Mr Trezise; Mr Walsh; Mr Weller; Mr Wynne.

NOES 24

Ms Asher; Mr Baillieu; Mr Blackwood; Mr Burgess; Mr Clark; Mr Dixon; Mrs Fyffe; Mr Hodgett; Mr Ingram; Mr Kotsiras; Mr McIntosh; Mr Morris; Mr Mulder; Dr Napthine; Mr O'Brien; Mrs Shardey; Mr Smith (*Bass*); Mr Smith (*Warrandyte*); Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Wells; Ms Wooldridge.

Question agreed to.

Bill considered in detail and agreed to without amendment, read a third time (*see pp 56–59, 60*).

Bill sent to the Legislative Council and their agreement requested.

- 11 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Control of Weapons Amendment (Penalties) Bill 2006 without amendment.
- 12 **NUCLEAR ACTIVITIES (PROHIBITIONS) AMENDMENT (PLEBISCITE) BILL 2007** — *Mr Batchelor tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*
- Motion made and question proposed — That this Bill be now read a second time (*Mr Batchelor*).
- Motion made and question — That the debate be now adjourned (*Mr Clark*) — put and agreed to.
- Ordered — That the debate be adjourned until Wednesday 14 March 2007.
- 13 **MAJOR EVENTS (AERIAL ADVERTISING) BILL 2007** — *Mr Merlino tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*
- Motion made and question proposed — That this Bill be now read a second time (*Mr Merlino*).
- Motion made and question — That the debate be now adjourned (*Mr Kotsiras*) — put and agreed to.
- Ordered — That the debate be adjourned until Wednesday 14 March 2007.
- 14 **LEGAL PROFESSION AMENDMENT BILL 2007** — *Mr Hulls tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*
- Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).
- Motion made and question — That the debate be now adjourned (*Mr Clark*) — put and agreed to.
- Ordered — That the debate be adjourned until Wednesday 14 March 2007.
- 15 **DRUGS, POISONS AND CONTROLLED SUBSTANCES AMENDMENT (REPEAL OF PART X) BILL 2007** — *Ms Pike tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

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

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

Ordered — That the debate be adjourned until Wednesday 14 March 2007.

- 16 **GAMBLING REGULATION AMENDMENT (REVIEW PANEL) BILL 2007** — *Mr Andrews tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

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

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

Ordered — That the debate be adjourned until Wednesday 14 March 2007.

- 17 **LIVESTOCK DISEASE CONTROL AMENDMENT BILL 2007** — *Mr Helper tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

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

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

Ordered — That the debate be adjourned until Wednesday 14 March 2007.

- 18 **ADDRESS-IN-REPLY TO THE GOVERNOR'S SPEECH** — Order read for resuming debate on question — That the following Address, in reply to the speech of the Governor to both Houses of Parliament, be agreed to by this House (*for Address see p 22, 19 December 2006*); debate resumed.

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

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

R W PURDEY  
*Clerk of the Legislative Assembly*

JENNY LINDELL  
*Speaker*

## No 8 — Thursday 1 March 2007

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

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

Mount Hotham Alpine Resort Management Board — Report year ended 31 October 2006

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

Campaspe — C45, C53  
 Glenelg — C33  
 Greater Bendigo — C80  
 Latrobe — C44  
 Manningham — C46.

3 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourns until Tuesday 13 March 2007 (*Mr Batchelor*) — put and agreed to.

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

5 **JOINT INVESTIGATORY COMMITTEES** — Motion made and question — That:

- (1) Ms Barker, Mr Delahunty, Mrs Maddigan, Mr McIntosh and Mr Morris be members of the **Drugs and Crime Prevention Committee**.
- (2) Dr Harkness, Mr Herbert, Mr Howard and Mr Kotsiras be members of the **Education and Training Committee**.
- (3) Ms Campbell, Mr O'Brien, Mr Scott and Mr Thompson (*Sandringham*) be members of the **Electoral Matters Committee**.
- (4) Ms Duncan, Mrs Fyffe, Mr Ingram, Ms Lobato, Mr Pandazopoulos and Mr Walsh be members of the **Environment and Natural Resources Committee**.
- (5) Ms Beattie, Mr Dixon, Mr Perera, Mrs Powell and Ms Wooldridge be members of the **Family and Community Development Committee**.
- (6) Mr Brooks, Mr Clark, Mr Donnellan and Mr Lupton be members of the **Law Reform Committee**.
- (7) Ms Green, Mr Hodgett, Mr Nardella, Mr Seitz and Mr Smith (*Bass*) be members of the **Outer Suburban/Interface Services and Development Committee**.
- (8) Ms Graley, Mr Scott, Mr Stensholt, Dr Sykes and Mr Wells be members of the **Public Accounts and Estimates Committee**.
- (9) Mr Eren, Mr Langdon, Mr Mulder, Mr Trezise and Mr Weller be members of the **Road Safety Committee**.
- (10) Mr Brooks, Mr Carli, Mr Jasper, Mr Languiller and Mr Smith (*Warrandyte*) be members of the **Scrutiny of Acts and Regulations Committee**.

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

6 **JOINT INVESTIGATORY COMMITTEES** — Motion made and question — That, contingent upon the coming into operation of the *Parliamentary Legislation Amendment Act 2007*:

- (1) Mr Eren and Mr Northe be members of the **Rural and Regional Committee**.
- (2) Ms Campbell, Mr Crisp and Ms Thomson (*Footscray*) be members of the **Economic Development and Infrastructure Committee**.

- (3) Ms Munt be a member of the **Public Accounts and Estimates Committee**.

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

7 **PARLIAMENTARY COMMITTEE REFERENCES** — Motion made and question — That under s 33 of the *Parliamentary Committees Act 2003* the following matters be referred to the joint investigatory committees specified:

- (1) To the **Drugs and Crime Prevention Committee** — for inquiry, consideration and report no later than 30 November 2007 on the misuse/abuse of benzodiazepines and other forms of pharmaceutical drugs in Victoria with particular regard to:
- (a) examining the nature, extent and culture of the misuse/abuse of benzodiazepines and other forms of pharmaceutical drugs;
  - (b) examining the short and long term consequences/harms of the abuse/misuse of benzodiazepines and other forms of pharmaceutical drugs;
  - (c) examining the relationship between benzodiazepines and other forms of pharmaceutical drugs and other forms of licit and illicit substance use;
  - (d) reviewing the adequacy of existing strategies for dealing with benzodiazepines and other forms of pharmaceutical drugs misuse/abuse;
  - (e) recommending best practice strategies to address the issue of benzodiazepines and other forms of pharmaceutical drugs, including regulatory, law enforcement, education and treatment responses; and
  - (f) examining national and international legislation, reports and materials relevant to the issue.
- (2) To the **Drugs and Crime Prevention Committee** — for inquiry, consideration and report no later than 30 June 2008 on justice and crime strategies in high volume crimes such as breaking and entering, which often involve young people — and the Committee is to recommend on:
- (a) strategies that will reduce high volume crimes with particular emphasis on residential burglaries being committed by young people; and
  - (b) strategies that are effective because they change the environment in which these offences are likely to be committed.
- (3) Contingent on the coming into operation of the *Parliamentary Legislation Amendment Act 2007*, to the **Economic Development and Infrastructure Committee** — for inquiry, consideration and report no later than 31 December 2007 on the key competitive advantages underpinning the performance and growth in Victoria's financial services sector, particularly with regard to the sector's presence interstate, and recommend strategies to:
- (a) maintain this growth;
  - (b) maximise employment opportunities from the sector's further expansion;
  - (c) ensure the benefit of the sector's growth and operation are shared across the state; and
  - (d) identify likely risks and impediments to the sector.

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- (4) Contingent on the coming into operation of the *Parliamentary Legislation Amendment Act 2007*, to the **Economic Development and Infrastructure Committee** — for inquiry, consideration and report no later than 31 March 2008 on mandatory ethanol and biofuels targets in Victoria — and, in particular, the Committee is required to:
- (a) report on the merits or otherwise of a mandated target for alternative fuels including biofuels and ethanol;
  - (b) report on whether a mandatory target should be five per cent by 2010, 10 per cent by 2015 or otherwise;
  - (c) report on the measures required by Government to facilitate an alternative fuels industry in Victoria for transport and non-transport applications; and
  - (d) report on how to maximise the regional economic development benefits of a mandatory biofuels target including jobs growth and investment potential.
- (5) To the **Education and Training Committee** — for inquiry, consideration and report no later than 31 March 2008 on dress codes and school uniforms in Victorian schools, in particular:
- (a) the benefits and costs of mandatory school uniforms;
  - (b) the views of school communities about dress codes and school uniforms;
  - (c) the most cost efficient and practical uniform procurement arrangements;
  - (d) matters which need to be considered to ensure dress codes and uniform policies are consistent with anti-discrimination legislation and health promotion policies;
  - (e) appropriate enforcement and sanctions;
  - (f) appropriate exemption criteria and processes; and
  - (g) national and international trends.
- (6) To the **Education and Training Committee** — for inquiry, consideration and report no later than 1 March 2008 on effective strategies for teacher professional learning with particular regard to:
- (a) the relationship between ongoing professional learning for teachers and teaching expertise;
  - (b) which factors will support high quality professional learning for teachers, including learning methods and environments for the development of professional knowledge, and the pedagogy relevant to professional development of teachers;
  - (c) national and international trends regarding ongoing professional learning for teachers and report on innovative initiatives;
  - (d) determining how best practice in ongoing professional learning for teachers can be delivered into schools and learning communities;
  - (e) examining the potential for greater cross-sectoral links between industry, training institutions and schools in the delivery of ongoing professional learning for teachers;
  - (f) examining gender issues in the delivery of ongoing professional learning for teachers.

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- (7) To the **Electoral Matters Committee** — for inquiry, consideration and report no later than 30 June 2008 on the conduct of the 2006 Victorian State Election and matters related thereto.
- (8) To the **Family and Community Development Committee** — for inquiry, consideration and report no later than 1 March 2008 on the involvement of small and medium size businesses in corporate social responsibility and, in conducting the inquiry, the Committee is to:
- (a) investigate current Australian initiatives where small and medium size businesses have developed innovative ways of working with governments and community groups to support communities;
  - (b) examine the international context and emerging trends with overseas initiatives relevant to corporate social responsibility amongst small and medium size businesses aimed at tackling social disadvantage;
  - (c) investigate how small and medium size businesses could play a role in tackling disadvantage in local communities and making communities stronger, particularly how they can partner with government and community groups to work in the areas of most need;
  - (d) determine the barriers and the drivers for small and medium sized businesses to become involved in social responsibility initiatives and options for addressing those barriers and increasing the drivers;
  - (e) examine the barriers to sustainability of business and corporate social responsibility initiatives for small and medium sized businesses.
- (9) To the **Law Reform Committee** — for inquiry, consideration and report no later than 30 September 2008 on the effect of vexatious litigants on the justice system and the individuals and agencies who are victims of vexatious litigants — and, the Committee should:
- (a) inquire into the effectiveness of current legislative provisions in dealing with vexatious litigants;
  - (b) make recommendations which better enable the courts to more efficiently and effectively perform their role while preserving the community's general right of access to the Victorian courts.
- (10) To the **Law Reform Committee** — for inquiry, consideration and report no later than 31 March 2008 on property investment and property marketeers with particular regard to:
- (a) reviewing the regulatory framework for the provision of property investment advice, with the objective of establishing how best to control the exploitation of Victorians in the context of keeping the burden on business as low as possible;
  - (b) the Commonwealth's role in regulating financial advice, and the ongoing work of the Ministerial Council on Consumer Affairs in considering regulation of this area.
- (11) To the **Law Reform Committee** — for inquiry, consideration and report no later than 30 June 2008 on:
- (a) the reach and use of alternative dispute resolution (ADR) mechanisms, including Government established ADR schemes and restorative justice schemes, so as to improve access to justice and outcomes in civil and criminal court jurisdictions and to reduce the need, where possible, for contact with the court system, particularly in marginalised communities;

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- (b) whether a form of Government regulation of alternative dispute resolution providers is appropriate or feasible so as to ensure greater consistency and accountability for Victorians wishing to access alternative dispute resolution.
- (12) To the **Outer Suburban/Interface Services and Development Committee** — for inquiry, consideration and report no later than 30 September 2008 on issues relating to strengthening communities through local economic development initiatives in outer suburban areas — and, in particular, the Committee is requested to:
- (a) examine existing local economic development programs being carried out by municipalities in outer suburban areas;
  - (b) identify the barriers to local economic development and the ways in which these can be addressed;
  - (c) investigate and recommend incentive arrangements for industry and the respective responsibilities of each tier of government;
  - (d) investigate the role of council local economic development units and the types of assistance they provide;
  - (e) examine and report on ways in which councils and government at all levels can encourage economic development, enhance and promote employment opportunities and attract new investment;
  - (f) identify export based operations and opportunities in outer suburban areas and recommend options to encourage their growth;
  - (g) identify new and emerging sectors and how they can assist economic development in outer suburban areas, including innovative examples of business incubators, home-based businesses and social enterprises.
- (13) To the **Public Accounts and Estimates Committee** — for inquiry, consideration and report no later than the last sitting day in 2007 on the options for the next phase of strengthening government and parliamentary accountability in Victoria — and in particular the Committee is required to consider:
- (a) Parliamentary Committees;
  - (b) question time procedure;
  - (c) standards of parliamentary behaviour;
  - (d) overseas travel by members of Parliament;
  - (e) modernisation of Parliament including the permanent abolition of wigs and other archaic practices;
  - (f) reform of the process of dealing with petitions.
- (14) To the **Road Safety Committee** — for inquiry, consideration and report no later than 30 September 2008 on Federal-State road funding arrangements — and the Committee should:
- (a) review current arrangements in Australia;

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- (b) assess the current arrangements in Australia in respect of economic efficiency and equity;
  - (c) make recommendations for improving Federal-State road funding arrangements in Australia.
- (15) To the **Road Safety Committee** — for inquiry, consideration and report no later than 31 March 2008 on vehicle safety — and the Committee should:
- (a) identify and prioritise those vehicle safety technologies that have the most potential for reducing the number of crashes and or the seriousness of injuries sustained in crashes;
  - (b) compare the level of safety provided by these leading edge technologies with the minimum regulated standards (Australian Design Rules);
  - (c) compare the rate of fitting of these leading edge technologies in Australia with that of other developed economies including Europe, the United States of America and Japan and identify any impediments to encourage their adoption;
  - (d) review the level of manufacturers/importers de-specifying (decision not to fit) vehicle safety technologies commonly available overseas to vehicles imported and sold in Australia;
  - (e) seek advice from high volume local vehicle makers and vehicle importers as to when the vehicles in their product ranges will have these high priority vehicle safety technologies; and
  - (f) recommend strategies for encouraging vehicle manufacturers to fit leading edge vehicle safety technologies to vehicles sold in Australia and for increasing the public's knowledge and demand for these technologies.
- (16) Contingent on the coming into operation of the *Parliamentary Legislation Amendment Act 2007*, to the **Rural and Regional Committee** — for inquiry, consideration and report no later than 30 September 2007 on the potential economic impacts to Victoria's rural and regional businesses and communities as a result of the proposed changes to the taxation arrangements for Managed Investment Schemes (non-forestry), which have been recently announced by the Commonwealth; of particular interest are the impacts on investment, job creation, exports and resource use (water and land) — and, to this end, the Committee should consider the core issues of the:
- (a) investment, job creation and exports which have occurred over the past three years in rural and regional areas as a result of Managed Investment Schemes;
  - (b) investment, job creation and exports, which is occurring in rural and regional areas following the planned transition period;
  - (c) net economic impacts on Victoria's rural and regional areas over the next five years;
  - (d) impacts on northern Victoria's irrigation water markets; and
  - (e) anticipated structural changes and the new industry opportunities in rural and regional areas —

and the Committee should make recommendations on any necessary or desirable actions that could be taken to assist Victoria's rural and regional businesses to adapt to the proposed changes in order to limit the potential negative impacts of the changes.

- (17) To the **Scrutiny of Acts and Regulations Committee** — for inquiry, consideration and report by the last sitting day in 2008:
- (a) in conjunction with Chief Parliamentary Counsel, make recommendations on —
    - (i) Acts of Parliament and provisions of Acts of Parliament which are unnecessary or redundant; and
    - (ii) legislative instruments made under an Act of Parliament and provisions of legislative instruments made under an Act of Parliament, which are unnecessary or redundant; and
    - (iii) Acts of Parliament and provisions of Acts of Parliament which are unclear, ambiguous or should be re-drafted; and
    - (iv) legislative instruments made under an Act of Parliament and provisions of legislative instruments made under an Act of Parliament which are unclear, ambiguous or should be re-drafted;
  - (b) the implications of the national corporations regulatory framework and whether as a consequence of the referral of corporations powers to the Parliament of the Commonwealth any Victorian Acts should be repealed and if so whether any existing provisions should be saved by inclusion into other appropriate legislation; this consideration should include:
    - (i) *Companies Act 1961*;
    - (ii) *Companies Act 1975*;
    - (iii) *Companies (Application of Laws) Act 1981*;
    - (iv) *Securities Industry Act 1975*;
    - (v) *Securities Industry (Application of Laws) Act 1981*;
    - (vi) *Marketable Securities Act 1970*;
    - (vii) *Collusive Practices Act 1965*;

and, in the conduct of this inquiry, the Committee is requested to pursue the primary objects of reducing the number and complexity of Victorian Acts and legislative instruments, and ensuring that Acts and instruments are clearly expressed in accordance with modern drafting practices.

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

- 8 **PAY-ROLL TAX AMENDMENT (BUSHFIRE AND EMERGENCY SERVICE) BILL 2007** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

- 9 **QUESTIONS** — (Under SO 55).

- 10 **PAY-ROLL TAX AMENDMENT (BUSHFIRE AND EMERGENCY SERVICE) BILL 2007** — Debate continued on question — That this Bill be now read a second time.

Bill read a second time, considered in detail and agreed to without amendment, read a third time (*see p 59*).

Bill sent to the Legislative Council and their agreement requested.

- 11 **ADDRESS-IN-REPLY TO THE GOVERNOR'S SPEECH** — Order read for resuming debate on question — That the following Address, in reply to the speech of the Governor to both Houses of Parliament, be agreed to by this House (*for Address see p 22, 19 December 2006*); debate resumed.

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

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

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

- 13 **ADJOURNMENT** — The Acting Speaker left the Chair, after debate, at 4.37 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JENNY LINDELL  
*Speaker*

## LEGISLATIVE ASSEMBLY OF VICTORIA

### CONSIDERATION IN DETAIL Supplement to Votes Nos 6, 7 and 8

#### No 7 — Wednesday 28 February 2007

##### PARLIAMENTARY LEGISLATION AMENDMENT BILL 2007

**Clause 1** — *The Deputy Speaker advised that if Mr McIntosh's amendment No 1 is not agreed to amendment Nos 2 to 5 inclusive, and Mr Ingram's amendments 3, 4, 5 and 16 cannot be moved as they are consequential.*

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

Question — That the word and expression proposed to be omitted stand part of the Clause — put.

The House divided (the Deputy Speaker, Ms Barker, in the Chair) —

AYES 61

Ms Allan; Mr Andrews; Mr Batchelor; Ms Beattie; Mr Bracks; Mr Brooks; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Mr Crisp; Mr Crutchfield; Ms D'Ambrosio; Mr Delahunty; Mr Donnellan; Ms Duncan; Mr Eren; Ms Graley; Ms Green; Mr Haermeyer; Mr Hardman; Dr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Jasper; Ms Kosky; Mr Langdon; Mr Languiller; Mr Lim; Ms Lobato; Mrs Maddigan; Ms Marshall; Mr Merlino; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Northe; Ms Overington; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Pike; Mrs Powell; Ms Richardson; Mr Robinson; Mr Ryan; Mr Scott; Mr Seitz; Mr Stensholt; Dr Sykes; Ms Thomson (*Footscray*); Mr Thwaites; Mr Trezise; Mr Walsh; Mr Weller; Mr Wynne.

NOES 24

Ms Asher; Mr Baillieu; Mr Blackwood; Mr Burgess; Mr Clark; Mr Dixon; Ms Fyffe; Mr Hodgett; Mr Ingram; Mr Kotsiras; Mr McIntosh; Mr Morris; Mr Mulder; Dr Napthine; Mr O'Brien; Mrs Shardey; Mr Smith (*Bass*); Mr Smith (*Warrandyte*); Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Wells; Ms Wooldridge.

Question agreed to.

*The Deputy Speaker advised that if Mr Ingram's amendment No 1 is not agreed to amendment Nos 7, 8, 9, 10, 11, 12, 15 and 19 cannot be moved as they are consequential.*

Mr Ingram moved amendment No 1 (*see Schedule*).

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

The House divided (the Deputy Speaker, Ms Barker, in the Chair) —

AYES 61

Ms Allan; Mr Andrews; Mr Batchelor; Ms Beattie; Mr Bracks; Mr Brooks; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Mr Crisp; Mr Crutchfield; Ms D'Ambrosio; Mr Delahunty; Mr Donnellan; Ms Duncan; Mr Eren; Ms Graley; Ms Green; Mr Haermeyer; Mr Hardman; Dr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Jasper; Ms Kosky; Mr Langdon; Mr Languiller; Mr Lim; Ms Lobato; Mrs Maddigan; Ms Marshall; Mr Merlino; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Northe; Ms Overington; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Pike; Mrs Powell; Ms Richardson; Mr Robinson; Mr Ryan; Mr Scott; Mr Seitz; Mr Stensholt; Dr Sykes; Ms Thomson (*Footscray*); Mr Thwaites; Mr Trezise; Mr Walsh; Mr Weller; Mr Wynne.

## NOES 24

Ms Asher; Mr Baillieu; Mr Blackwood; Mr Burgess; Mr Clark; Mr Dixon; Ms Fyffe; Mr Hodgett; Mr Ingram; Mr Kotsiras; Mr McIntosh; Mr Morris; Mr Mulder; Dr Napthine; Mr O'Brien; Mrs Shardey; Mr Smith (*Bass*); Mr Smith (*Warrandyte*); Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Wells; Ms Wooldridge.

Question agreed to.

*The Deputy Speaker advised that if Mr Ingram's amendment No 2 is not agreed to amendment Nos 13 and 14 cannot be moved as they are consequential.*

Mr Ingram moved amendment No 2 (*see Schedule*).

Question — That the amendment be agreed to — put.

The House divided (the Deputy Speaker, Ms Barker, in the Chair) —

## AYES 24

Ms Asher; Mr Baillieu; Mr Blackwood; Mr Burgess; Mr Clark; Mr Dixon; Ms Fyffe; Mr Hodgett; Mr Ingram; Mr Kotsiras; Mr McIntosh; Mr Morris; Mr Mulder; Dr Napthine; Mr O'Brien; Mrs Shardey; Mr Smith (*Bass*); Mr Smith (*Warrandyte*); Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Wells; Ms Wooldridge.

## NOES 61

Ms Allan; Mr Andrews; Mr Batchelor; Ms Beattie; Mr Bracks; Mr Brooks; Mr Brumby; Mr Cameron; Mr Carli; Mr Crisp; Mr Crutchfield; Ms D'Ambrosio; Mr Delahunty; Mr Donnellan; Ms Duncan; Mr Eren; Ms Graley; Ms Green; Mr Haermeyer; Mr Hardman; Dr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Jasper; Ms Kosky; Mr Langdon; Mr Languiller; Mr Lim; Ms Lobato; Mr Lupton; Mrs Maddigan; Ms Marshall; Mr Merlino; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Northe; Ms Overington; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Pike; Mrs Powell; Ms Richardson; Mr Robinson; Mr Ryan; Mr Scott; Mr Seitz; Mr Stensholt; Dr Sykes; Ms Thomson (*Footscray*); Mr Thwaites; Mr Trezise; Mr Walsh; Mr Weller; Mr Wynne.

Question defeated.

*The Deputy Speaker advised that as Mr Ingram's amendment No 2 had been defeated, Mr McIntosh may only move his amendment No 6 in an amended form.*

Mr McIntosh moved amendment No 6 in an amended form (*see Schedule*).

Question — That the amendment be agreed to — put.

The House divided (the Deputy Speaker, Ms Barker, in the Chair) —

## AYES 24

Ms Asher; Mr Baillieu; Mr Blackwood; Mr Burgess; Mr Clark; Mr Dixon; Ms Fyffe; Mr Hodgett; Mr Ingram; Mr Kotsiras; Mr McIntosh; Mr Morris; Mr Mulder; Dr Napthine; Mr O'Brien; Mrs Shardey; Mr Smith (*Bass*); Mr Smith (*Warrandyte*); Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Wells; Ms Wooldridge.

## NOES 60

Ms Allan; Mr Andrews; Mr Batchelor; Ms Beattie; Mr Bracks; Mr Brooks; Mr Brumby; Mr Cameron; Mr Carli; Mr Crisp; Mr Crutchfield; Ms D'Ambrosio; Mr Delahunty; Mr Donnellan; Ms Duncan; Mr Eren; Ms Graley; Ms Green; Mr Haermeyer; Mr Hardman; Dr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Jasper; Ms Kosky; Mr Langdon; Mr Languiller; Mr Lim; Ms Lobato; Mr Lupton; Mrs Maddigan; Ms Marshall; Mr Merlino; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Northe; Ms Overington; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Pike; Mrs Powell; Mr Robinson; Mr Ryan; Mr Scott; Mr Seitz; Mr Stensholt; Dr Sykes; Ms Thomson (*Footscray*); Mr Thwaites; Mr Trezise; Mr Walsh; Mr Weller; Mr Wynne.

Question defeated.

*The Deputy Speaker advised that as Mr McIntosh's amendment No 6 had been defeated, amendment Nos 8, 9 and 13 cannot be moved as they are consequential.*

*The Deputy Speaker advised that as Mr McIntosh's amendment No 1 had been defeated, he may only move amendment No 7 in an amended form.*

Mr McIntosh moved amendment No 7 in an amended form (*see Schedule*).

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

The House divided (the Deputy Speaker, Ms Barker, in the Chair) —

#### AYES 59

Ms Allan; Mr Andrews; Mr Batchelor; Mr Bracks; Mr Brooks; Mr Brumby; Mr Cameron; Mr Carli; Mr Crisp; Mr Crutchfield; Ms D'Ambrosio; Mr Delahunty; Mr Donnellan; Ms Duncan; Mr Eren; Ms Graley; Ms Green; Mr Haermeyer; Mr Hardman; Dr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Jasper; Ms Kosky; Mr Langdon; Mr Languiller; Mr Lim; Ms Lobato; Mr Lupton; Mrs Maddigan; Ms Marshall; Mr Merlino; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Northe; Ms Overington; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Pike; Mrs Powell; Mr Robinson; Mr Ryan; Mr Scott; Mr Seitz; Mr Stensholt; Dr Sykes; Ms Thomson (*Footscray*); Mr Thwaites; Mr Trezise; Mr Walsh; Mr Weller; Mr Wynne.

#### NOES 24

Ms Asher; Mr Baillieu; Mr Blackwood; Mr Burgess; Mr Clark; Mr Dixon; Ms Fyffe; Mr Hodgett; Mr Ingram; Mr Kotsiras; Mr McIntosh; Mr Morris; Mr Mulder; Dr Napthine; Mr O'Brien; Mrs Shardey; Mr Smith (*Bass*); Mr Smith (*Warrandyte*); Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Wells; Ms Wooldridge.

Question agreed to.

*The Deputy Speaker advised that as Mr McIntosh's amendment No 7 had been defeated, amendment Nos 10, 12 and 14 cannot be moved as they are consequential.*

*The Deputy Speaker advised that if Mr Ingram's amendment No 6 is not agreed to amendment Nos 17 and 18 cannot be moved as they are consequential.*

Mr Ingram moved amendment No 6 (*see Schedule*).

Question — That the words proposed to be omitted stand part of the Clause — put and agreed to.

Clause agreed to.

**Clauses 2 to 8** agreed to.

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

The House divided (the Deputy Speaker, Ms Barker, in the Chair) —

#### AYES 57

Ms Allan; Mr Andrews; Mr Batchelor; Mr Bracks; Mr Brumby; Mr Cameron; Mr Carli; Mr Crisp; Mr Crutchfield; Ms D'Ambrosio; Mr Delahunty; Ms Duncan; Mr Eren; Ms Graley; Ms Green; Mr Haermeyer; Mr Hardman; Dr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Jasper; Ms Kosky; Mr Langdon; Mr Languiller; Mr Lim; Ms Lobato; Mr Lupton; Mrs Maddigan; Ms Marshall; Mr Merlino; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Northe; Ms Overington; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Pike; Mrs Powell; Mr Robinson; Mr Ryan; Mr Scott; Mr Seitz; Mr Stensholt; Dr Sykes; Ms Thomson (*Footscray*); Mr Thwaites; Mr Trezise; Mr Walsh; Mr Weller; Mr Wynne.

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NOES 24

Ms Asher; Mr Baillieu; Mr Blackwood; Mr Burgess; Mr Clark; Mr Dixon; Ms Fyffe; Mr Hodgett; Mr Ingram; Mr Kotsiras; Mr McIntosh; Mr Morris; Mr Mulder; Dr Napthine; Mr O'Brien; Mrs Shardey; Mr Smith (*Bass*); Mr Smith (*Warrandyte*); Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Wells; Ms Wooldridge.

Question agreed to.

**Clause 10** agreed to.

Bill agreed to without amendment.

## **No 8 — Thursday 1 March 2007**

**PAY-ROLL TAX AMENDMENT (BUSHFIRE AND EMERGENCY SERVICE) BILL 2007**

**Clauses 1 to 4** agreed to.

Bill agreed to without amendment.

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## SCHEDULE OF AMENDMENTS MOVED

### PARLIAMENTARY LEGISLATION AMENDMENT BILL 2007

Amendments moved by Mr McIntosh

1. Clause 1, line 3, omit "is—" and insert "is".
6. Clause 1, page 2, after line 7 insert—
  - "(d) require that the Chairperson of the Public Accounts and Estimates Committee and the Scrutiny of Acts and Regulations Committee must not be members of the party or parties forming the Government." (*Shown in amended form, as moved*)
7. Clause 1, page 2, lines 15 to 20, omit "for an increased amount of additional salary for the Chairperson of the Public Accounts and Estimates Committee and the Chairperson of the Scrutiny of Acts and Regulations Committee and". (*Shown in amended form, as moved*)

Amendments moved by Mr Ingram

1. Clause 1, line 8, omit "and Infrastructure" and insert ", Infrastructure and Public Works".
2. Clause 1, page 2, line 7, after "Committee" insert "and restrict the representation on certain of those Committees of members of the party or parties forming the Government".
6. Clause 1, page 2, lines 20 to 23, omit "and an entitlement to additional salary for the Deputy Chairperson of each of those Committees".

## LEGISLATIVE ASSEMBLY OF VICTORIA

### VOTES AND PROCEEDINGS Nos 9, 10, 11 and 12

#### No 9 — Tuesday 13 March 2007

- 1 The House met according to the adjournment — The Speaker took the Chair and read the Prayer.
- 2 **DEATH OF THE HONOURABLE JAMES LIONEL SIMMONDS** — Motion made and question — That this House expresses its sincere sorrow at the death 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 Member of the Legislative Assembly for the Electoral District of Reservoir from 1969 to 1992, Minister for Employment and Training from 1982 to 1985 and Minister for Local Government from 1985 to 1988 (*Mr Bracks*) — put, after honourable members had addressed the House in support of the motion and, honourable members rising in their places to signify their assent, agreed to unanimously.
- 3 **ADJOURNMENT** — Motion made and question — That, as a further mark of respect to the memory of the late Honourable James Lionel Simmonds, the House now adjourns until 8.00 pm today (*Mr Bracks*) — put and agreed to.

And the House, at 3.20 pm adjourned until 8.00 pm today.

R W PURDEY  
*Clerk of the Legislative Assembly*

JENNY LINDELL  
*Speaker*

#### No 10 — Tuesday 13 March 2007 (8.00 PM)

- 1 The House met according to the adjournment — The Speaker took the Chair.
- 2 **QUESTIONS** — (Under SO 55).
- 3 **GAMBLING AND RACING LEGISLATION AMENDMENT (SPORTS BETTING) BILL 2007** — Mr Andrews obtained leave to bring in a Bill '*for an Act to amend the **Gambling Regulation Act 2003** and the **Racing Act 1958** and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 4 **ROAD LEGISLATION AMENDMENT BILL 2007** — Mr Pallas obtained leave to bring in 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, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.

5 **INFERTILITY TREATMENT AMENDMENT BILL 2007** — Ms Pike obtained leave to bring in 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 the Bill was read a first time and ordered to be read a second time tomorrow.

6 **HOWARD FLOREY INSTITUTE OF EXPERIMENTAL PHYSIOLOGY AND MEDICINE (REPEAL) BILL 2007** — Mr Brumby obtained leave to bring in a Bill '*for an Act to repeal the **Howard Florey Institute of Experimental Physiology and Medicine Act 1971** and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.

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

**Upper Plenty Primary School** — Requesting that the House provides — (a) a restricted speed zone adjacent to the Upper Plenty Primary School on the Wallan-Whittlesea Road; and (b) car parking facilities to cater for the existing school population with consideration given for future student growth as sanctioned by the Department of Education and Training, bearing 194 signatures (*Mr Hardman*).

Ordered to be tabled.

## 8 DOCUMENTS

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — Mr Carli, Chair, presented a report from the Scrutiny of Acts and Regulations Committee being the Alert Digest No 3 of 2007 on the:

Drugs, Poisons and Controlled Substances Amendment (Repeal of Part X) Bill 2007  
 Gambling Regulation Amendment (Review Panel) Bill 2007  
 Legal Profession Amendment Bill 2007  
 Livestock Disease Control Amendment Bill 2007  
 Major Events (Aerial Advertising) Bill 2007  
 Nuclear Activities (Prohibitions) Amendment (Plebiscite) Bill 2007  
 Public Prosecutions Amendment Bill 2006

together with appendices.

Ordered to be tabled and printed.

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

Border Groundwaters Agreement Review Committee — Report 2005–06

*Conservation, Forests and Lands Act 1987* — Code of Practice for Timber Production, 2007

Emergency Services Superannuation Scheme — Actuarial investigation as at 30 June 2006 (two documents)

*Essential Services Commission Act 2001* — Review of the Act and Government response to the review (two documents)

*Parliamentary Committees Act 2003* — Government response to the Law Reform Committee's Review of the *Coroners Act 1985*

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

Brimbank — C88  
 Cardinia — C80  
 Greater Bendigo — C95  
 Greater Geelong — C110  
 Greater Shepparton — C69  
 Hepburn — C36  
 Manningham — C50  
 Mansfield — C7  
 Moreland — C77  
 Swan Hill — C24  
 West Wimmera — C9  
 Whitehorse — C57 Part 1  
 Wyndham — C82

Statutory Rules under the following Acts:

*Associations Incorporation Act 1981* — SR 8  
*Co-operatives Act 1996* — SR 9  
*Estate Agents Act 1980* — SR 7  
*Fundraising Appeals Act 1998* — SR 10  
*Residential Tenancies Act 1997* — SR 11  
*Serious Sex Offenders Monitoring Act 2005* — SR 6  
*Supreme Court Act 1986* — SRs 5, 6

*Subordinate Legislation Act 1994*:

Minister's exception certificates in relation to Statutory Rules 5, 6  
 Ministers' exemption certificates in relation to Statutory Rules 7, 8, 9, 10, 11.

9 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Murray-Darling Basin Amendment Bill 2006 without amendment.

10 **MESSAGE FROM THE GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that he had, on 6 March 2007, given the royal assent to the following bills, presented to him by the Clerk of the Parliaments:

Control of Weapons Amendment (Penalties) Bill 2006  
 Interpretation of Legislation Amendment Bill  
 Murray-Darling Basin Amendment Bill 2006.

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

Gambling Regulation Amendment (Review Panel) Bill 2007  
 Major Events (Aerial Advertising) Bill 2007  
 Nuclear Activities (Prohibitions) Amendment (Plebiscite) Bill 2007.

12 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, under SO 94(2), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 15 March 2007:

Gambling Regulation Amendment (Review Panel) Bill 2007  
 Livestock Disease Control Amendment Bill 2007  
 Nuclear Activities (Prohibitions) Amendment (Plebiscite) Bill 2007  
 Prahran Mechanics' Institute Amendment Bill 2007  
 Victims of Crime Assistance Amendment Bill 2007

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

- 13 **STATEMENTS BY MEMBERS** — Statements by members were made.
- 14 **VICTIMS OF CRIME ASSISTANCE AMENDMENT BILL 2007** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

- 15 **ADJOURNMENT** — The Deputy Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.35 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JENNY LINDELL  
*Speaker*

## No 11 — Wednesday 14 March 2007

- 1 The Speaker took the Chair and read the Prayer.
- 2 **PETITION** — The Clerk announced that the following petition had been lodged for presentation:
- Victorian Cattle Feedlot Code 1995** — Requesting that the House ensures — (a) the accepted standards and listed approved measures in the Victorian Cattle Feedlot Code 1995 are applied in full and regarded as the minimum to be met by any feedlot in the Murrindindi Shire; and (b) and that the State Government agencies DPI, EPA, Goulburn Murray Water, Upper Goulburn Catchment Management Authority and the Feedlot Advisory Council be directed to act accordingly when considering any feedlot application, bearing 153 signatures (*Dr Sykes*).
- Ordered to be tabled.
- 3 **DOCUMENT TABLED UNDER AN ACT OF PARLIAMENT** — The Clerk tabled the following document in accordance with an Act of Parliament:
- Parliamentary Committees Act 2003* — Government response to the Public Accounts and Estimates Committee's Report on the 2006–07 Budget Estimates.
- 4 **STATEMENTS BY MEMBERS** — Statements by members were made.
- 5 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE — S11 COMPENSATION** — The House was informed that Mr McIntosh had proposed that a definite matter of public importance be submitted to the House for discussion, namely —
- 'That this House condemns the Bracks Labor Government for betraying hard working and dedicated police officers by secretly agreeing to pay hundreds of thousands of dollars to violent, law breaking and abusive S11 protesters and their lawyers.'
- Mr McIntosh addressed the House — Discussion followed.
- 6 **STATEMENTS ON PARLIAMENTARY COMMITTEE REPORTS** — Statements were made on the following Committee Reports:

Environment and Natural Resources Committee's Report on the Inquiry into the Production and/or Use of Biofuels in Victoria

Law Reform Committee's Report on De Novo Appeals to the County Court

Public Accounts and Estimates Committee's Report 2005–06.

7 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 1 to 3 inclusive, be postponed until later this day.

8 **VICTIMS OF CRIME ASSISTANCE AMENDMENT BILL 2007** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

9 **QUESTIONS** — (Under SO 55).

10 **VICTIMS OF CRIME ASSISTANCE AMENDMENT BILL 2007** — Debate continued on question — That this Bill be now read a second time.

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

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

11 **NUCLEAR ACTIVITIES (PROHIBITIONS) AMENDMENT (PLEBISCITE) BILL 2007** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Question — put.

The House divided (the Speaker, Ms Lindell, in the Chair) —

AYES 50

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beattie; Mr Bracks; Mr Brooks; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Mr Eren; Ms Graley; Mr Haermeyer; Mr Hardman; Dr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Ms Kosky; Mr Langdon; Mr Languiller; Mr Lim; Ms Lobato; Mr Lupton; Mrs Maddigan; Mr Merlino; Ms Morand; Ms Munt; Mr Nardella; Mr Pallas; Mr Pandazopoulos; Ms Pike; Ms Richardson; Mr Robinson; Mr Scott; Mr Seitz; Mr Stensholt; Ms Thomson (*Footscray*); Mr Thwaites; Mr Trezise; Mr Wynne.

NOES 32

Ms Asher; Mr Baillieu; Mr Blackwood; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Hodgett; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Morris; Mr Mulder; Dr Naphine; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith (*Bass*); Mr Smith (*Warrandyte*); Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Weller; Mr Wells; Ms Wooldridge.

Question agreed to.

By leave, Bill immediately read a third time.

Bill sent to the Legislative Council and their agreement requested.

12 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 5 and 6, be postponed until later this day.

- 13 **INFERTILITY TREATMENT AMENDMENT BILL 2007** — *Ms Pike tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

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

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

Ordered — That the debate be adjourned until Wednesday 28 March 2007.

- 14 **PRAHRAN MECHANICS' INSTITUTE AMENDMENT BILL 2007** — Order read for resuming debate on question — That this Bill be now read a second time.

The Acting Speaker announced that the Speaker had ruled the Bill to be a private bill.

Motion made and question — That this Bill be treated as a public bill and that fees be dispensed with (*Mr Wynne*) — put and agreed to.

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

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

Bill sent to the Legislative Council and their agreement requested.

- 15 **LIVESTOCK DISEASE CONTROL AMENDMENT BILL 2007** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

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

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

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

Bill sent to the Legislative Council and their agreement requested.

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

- 17 **ADJOURNMENT** — The Deputy Speaker left the Chair, after debate, at 10.46 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JENNY LINDELL  
*Speaker*

## No 12 — Thursday 15 March 2007

1 The Speaker took the Chair and read the Prayer.

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

**Gippsland Ports** — Requesting that the House fully resources Gippsland Ports to purchase new equipment and develop a permanent solution to maintain the environment of the Gippsland Lakes, due to the excessive build up of sand, in the interests of all Victorians, bearing 2,177 signatures (*Mr Ryan*)

**Kangaroo Culling** — Requesting that the House — (a) directs the Department of Sustainability and Environment to develop a statewide management plan for kangaroos; (b) acts immediately to stop the practice of desk top culling permits being issued; (c) insists that the DSE conducts onground investigations for each culling request; (d) ensures that local amenity and social impacts are considered when investigating culling requests; (e) ensures that an environmental impact statement is prepared for each culling request; (f) ensures non lethal methods are given priority when there is a problem identified; and (g) not consider the issue of a commercial kangaroo industry in Victoria, bearing 841 signatures (*Ms Duncan*).

Petitions ordered to be tabled.

3 **PETITION — GIPPSLAND PORTS** — Motion made and question — That the petition presented by the Member for Gippsland South be taken into consideration tomorrow (*Mr Ingram*) — put and agreed to.

4 **PETITION — KANGAROO CULLING** — Motion made and question — That the petition presented by the Member for Macedon be taken into consideration tomorrow (*Ms Duncan*) — put and agreed to.

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

*Commissioner for Environment Sustainability Act 2003* — Strategic Audit of Victorian Government Agencies' Environment Management Systems

*Financial Management Act 1994* — 2006–07 Mid Year Financial Report incorporating the Quarterly Financial Report No 2 for the period ended 31 December 2006

*Parliamentary Committees Act 2003* — Government response to the Road Safety Committee's Review of the Inquiry into the Incidence and Prevention of Pedestrian Accidents

*Safe Drinking Water Act 2003* — Drinking Water Quality in Victoria Report 2005–06

*Subordinate Legislation Act 1994* — Minister's exception certificate in relation to Statutory Rule 4.

6 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Water Amendment (Critical Water Infrastructure Projects) Bill 2006 with amendments.

Ordered — That the amendments be taken into consideration tomorrow.

7 **STANDING ORDERS COMMITTEE AND PRIVILEGES COMMITTEE** — Motion made, by leave, and question — That:

(1) A select committee be appointed to inquire into and report upon complaints of breach of privilege referred to it by the House and right of reply applications referred under SO 227; such committee to consist of Mr Carli, Mr Clark, Mr Delahunty, Mr Lupton, Mrs Maddigan, Dr Napthine, Mr Nardella, Mr Stensholt and Mr Thompson (*Sandringham*) and that five be the quorum.

(2) A select committee be appointed to consider and report upon the standing orders of the House; such Committee to consist of the Speaker, Ms Barker, Mr Kotsiras, Mr Langdon, Mr McIntosh, Mr Nardella and Mrs Powell and that four be the quorum.

(*Mr Batchelor*) — put and agreed to.

- 8 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourns until Tuesday 17 April 2007 (*Mr Batchelor*) — put and agreed to.

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

- 10 **GAMBLING REGULATION AMENDMENT (REVIEW PANEL) BILL 2007** — Order read for resuming debate on question — That this Bill be now read a second time.

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

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

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

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

- 11 **VICTIMS OF CRIME ASSISTANCE AMENDMENT BILL 2007** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

Bill sent to the Legislative Council and their agreement requested.

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

- 12 **QUESTIONS** — (Under SO 55).

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

Public Prosecutions Amendment Bill 2006.

Pay-roll Tax Amendment (Bushfire and Emergency Service) Bill 2007

- 14 **GAMBLING REGULATION AMENDMENT (REVIEW PANEL) BILL 2007** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Question — put.

The House divided (the Deputy Speaker, Ms Barker, in the Chair) —

AYES 71

Ms Allan; Mr Andrews; Ms Asher; Mr Baillieu; Mr Batchelor; Ms Beattie; Mr Blackwood; Mr Bracks; Mr Brooks; Mr Brumby; Mr Burgess; Mr Cameron; Ms Campbell; Mr Carli; Mr Clark; Mr Crutchfield; Ms D'Ambrosio; Mr Dixon; Mr Donnellan; Ms Duncan; Mr Eren; Mrs Fyffe; Ms Green; Mr Haermeyer; Mr Hardman; Dr Harkness; Mr Helper; Mr Herbert; Mr Hodggett; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Ms Kosky; Mr Kotsiras; Mr Langdon; Mr Languiller; Mr Lim; Ms Lobato; Mr Lupton; Mr McIntosh; Mrs Maddigan; Ms Marshall; Ms Morand; Mr Morris; Mr Mulder; Ms Munt; Dr Naphine; Mr Nardella; Ms Neville; Mr O'Brien; Mr Pallas; Ms Pike; Ms Richardson; Mr Robinson; Mr Scott; Mr Seitz; Mrs Shardey; Mr Smith (*Bass*); Mr Smith (*Warrantdyte*); Mr Stensholt; Mr Thompson (*Sandringham*); Ms Thomson (*Footscray*); Mr Tilley; Mr Thwaites; Mr Trezise; Mrs Victoria; Mr Wakeling; Mr Wells; Ms Wooldridge; Mr Wynne.

## NOES 9

Mr Crisp; Mr Delahunty; Mr Jasper; Mr Northe; Mrs Powell; Mr Ryan; Dr Sykes; Mr Walsh; Mr Weller.

Question agreed to.

Bill considered in detail (*see pp 71–2*).

*Allocation of time — The Deputy Speaker advised that the time allocated for consideration of bills under the resolution of the House on Tuesday 13 March 2007 had expired.*

Question — That amendment No 1 be agreed to — put.

The House divided (the Deputy Speaker, Ms Barker, in the Chair) —

## AYES 33

Ms Asher; Mr Baillieu; Mr Blackwood; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Hodgett; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Morris; Mr Mulder; Dr Napthine; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith (*Bass*); Mr Smith (*Warrantdyte*); Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Weller; Mr Wells; Ms Wooldridge.

## NOES 46

Ms Allan; Mr Andrews; Mr Batchelor; Ms Beattie; Mr Bracks; Mr Brooks; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Mr Eren; Ms Green; Mr Haermeyer; Mr Hardman; Dr Harkness; Mr Helper; Mr Herbert; Mr Howard; Mr Hudson; Mr Hulls; Ms Kosky; Mr Langdon; Mr Languiller; Mr Lim; Ms Lobato; Mr Lupton; Mrs Maddigan; Ms Marshall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Pallas; Ms Richardson; Mr Robinson; Mr Scott; Mr Seitz; Mr Stensholt; Ms Thomson (*Footscray*); Mr Thwaites; Mr Trezise; Mr Wynne.

Question defeated.

Question — That Clause 3 be agreed to — put and agreed.

Question — That Clauses 4 and 5 be agreed to, the Bill be agreed to without amendment and the Bill be now read a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 15 **STATUTE LAW REPEALS BILL 2006** — *Mr Bracks tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

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

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

Ordered — That the debate be adjourned until Thursday 29 March 2007.

- 16 **STATUTE LAW REPEALS BILL 2006** — Motion made, by leave, and question — That the proposals contained in the Statute Law Repeals Bill 2006 be referred to the Scrutiny of Acts and Regulations Committee for inquiry, consideration and report (*Mr Batchelor*) — put and agreed to.

- 17 **HOWARD FLOREY INSTITUTE OF EXPERIMENTAL PHYSIOLOGY AND MEDICINE (REPEAL) BILL 2007** — *Mr Brumby tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

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

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

Ordered — That the debate be adjourned until Thursday 29 March 2007.

- 18 **ROAD LEGISLATION AMENDMENT BILL 2007** — *Mr Pallas tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

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

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

Ordered — That the debate be adjourned until Thursday 29 March 2007.

- 19 **GAMBLING AND RACING LEGISLATION AMENDMENT (SPORTS BETTING) BILL 2007** — *Mr Andrews tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

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

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

Ordered — That the debate be adjourned until Thursday 29 March 2007.

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

- 21 **ADJOURNMENT** — The Acting Speaker left the Chair, after debate, at 5.17 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JENNY LINDELL  
*Speaker*

LEGISLATIVE ASSEMBLY OF VICTORIA

**CONSIDERATION IN DETAIL**  
**Supplement to Votes Nos 9, 10, 11 and 12**

**No 12 — Thursday 15 March 2007**

**GAMBLING REGULATION AMENDMENT (REVIEW PANEL) BILL 2007**

**Clauses 1 and 2** agreed to.

**Clause 3**, Mr O'Brien moved amendment No 1 (*see Schedule*).

*Allocation of time — The Deputy Speaker advised that the time allocated for consideration of bills under the resolution of the House on Tuesday 13 March 2007 had expired (for remaining stages see p 69).*

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## SCHEDULE OF AMENDMENT MOVED

### GAMBLING REGULATION AMENDMENT (REVIEW PANEL) BILL 2007

Amendment moved by Mr O'Brien

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;"

## LEGISLATIVE ASSEMBLY OF VICTORIA

### VOTES AND PROCEEDINGS Nos 13, 14 and 15

#### No 13 — Tuesday 17 April 2007

- 1 The House met according to the adjournment — The Speaker took the Chair and read the Prayer.
  - 2 **QUESTIONS** — (Under SO 55).
  - 3 **BUILDING AMENDMENT (PLUMBING) BILL 2007** — Mr Thwaites obtained leave to bring in a Bill '*for an Act to amend the **Building Act 1993** to make certain amendments relating to plumbing work and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
  - 4 **EQUAL OPPORTUNITY AMENDMENT BILL 2007** — Mr Hulls obtained leave to bring in 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 the Bill was read a first time and ordered to be read a second time tomorrow.
  - 5 **ACCIDENT TOWING SERVICES BILL 2007** — Mr Pallas obtained leave to bring in 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 the Bill was read a first time and ordered to be read a second time tomorrow.
  - 6 **FAIR TRADING AND CONSUMER ACTS AMENDMENT BILL 2007** — Mr Andrews obtained leave to bring in 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 the Bill was read a first time and ordered to be read a second time tomorrow.
  - 7 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:
    - Nuclear Industry** — Requesting that the House reaffirms the opposition of the Government to the creation of a nuclear industry in Victoria, including the construction of a nuclear power plant, bearing 32 signatures (*Mr Stensholt*)
    - Heatherwood School, Donvale** — Requesting that the House asks the Minister for Education to instruct the Education Department not to proceed with the proposal to relocate Heatherwood School in Donvale and ensure the ongoing provision of high quality specialist education at the existing site, bearing 429 signatures (*Ms Wooldridge*).
- Petitions ordered to be tabled.
- 8 **PETITION — HEATHERWOOD SCHOOL, DONVALE** — Motion made and question — That the petition presented by the Member for Doncaster be taken into consideration tomorrow (*Ms Wooldridge*) — put and agreed to.

## 9 DOCUMENTS

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — Mr Carli, Chair, presented a report from the Scrutiny of Acts and Regulations Committee being the Alert Digest No 4 of 2007 on the:

Gambling and Racing Legislation Amendment (Sports Betting) Bill 2007  
 Howard Florey Institute of Experimental Physiology and Medicine (Repeal) Bill 2007  
 Infertility Treatment Amendment Bill 2007  
 Road Legislation Amendment Bill 2007  
 Statute Law Repeals Bill 2006  
 Water Amendment (Critical Water Infrastructure Projects) Bill 2006

together with appendices and minutes of evidence.

Ordered to be tabled and the report and appendices printed.

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — Mr Carli, Chair, presented a report from the Scrutiny of Acts and Regulations Committee on the Statute Law Repeals Bill 2006, together with appendices.

Ordered to be tabled and printed.

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

*Financial Management Act 1994* — Report from the Minister for Health that she had received the 2005–06 report of Alexandra District Ambulance Service (*in lieu of report tabled on 13 February 2007*).

Municipal Association of Victoria Insurance — Report 2005–06

*Parliamentary Committees Act 2003*:

Government response to the Education and Training Committee's Inquiry into the effects of television and multimedia on education in Victoria  
 Government response to the Public Accounts and Estimates Committee's Report on Private investment in public infrastructure  
 Government response to the 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 amendments to the following Planning Schemes:

Alpine — C20  
 Bass Coast — C35, C52, C67  
 Benalla — C20  
 Campaspe — C36, C52  
 Cardinia — C95  
 Casey — C77 Part 1, C77 Part 2  
 Greater Bendigo — C82  
 Greater Geelong — C120  
 Greater Shepparton — C37  
 Hindmarsh — C2, C5  
 Horsham — C24, C33  
 Kingston — C82

Manningham — C62  
 Maribyrnong — C23  
 Melbourne — C93, C117  
 Mornington Peninsula — C81, C92, C93  
 Mount Alexander — C24  
 Murrindindi — C13  
 Northern Grampians — C21  
 Port Phillip — C54  
 Warrnambool — C42  
 Whittlesea — C96  
 Wodonga — C37 Part 1  
 Wyndham — C90  
 Yarriambiack — C9

*Prevention of Cruelty to Animals Act 1986* — Code of Practice for the Husbandry of Captive Emus (Victoria) (Revision 1)

Statutory Rules under the following Acts:

*Building and Construction Industry Security of Payment Act 2002* — SR 19  
*Electricity Safety Act 1998* — SR 16  
*Fisheries Act 1995* — SR 12  
*Pipelines Act 2005* — SR 15  
*Road Safety Act 1986* — SR 14  
*Sex Offenders Registration Act 2004* — SR 18  
*Subordinate Legislation Act 1994* — SR 13  
*Tobacco Act 1987* — SR 17  
*Transport Act 1983* — SR 20

*Subordinate Legislation Act 1994*:

Minister's exception certificate in relation to Statutory Rule 13  
 Ministers' exemption certificates in relation to Statutory Rules 14, 18, 20

*Victorian Renewable Energy Act 2006* — Victorian Renewable Energy Target Scheme Rules

*Water Act 1989*:

King Parrot Creek Catchment Water Supply Protection Area Declaration Order 2007  
 Yea River Catchment Water Supply Protection Area Declaration Order 2007.

The following proclamations fixing operative dates were tabled by the Clerk in accordance with an order of the House dated 19 December 2006:

*Energy Legislation (Hardship, Metering and Other Matters) Act 2006* — Part 4 — 1 April 2007 (*Gazette G13, 29 March 2007*)  
*Pipelines Act 2005* — Whole Act — 1 April 2007 (*Gazette G13, 29 March 2007*)  
*Transport Legislation (Further Amendment) Act 2006* — Sections 18, 19, 20(2)(b) and (3), 21(2)(b), 22, 23, 24(1), (2), (3)(b) and (c), (4) and (5), 25(2)(b), 26(2) and (3)(b), 28(2) and (3)(b) and 29 — 30 March 2007 (*Gazette G13, 29 March 2007*).

10 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Parliamentary Legislation Amendment Bill 2007 without amendment.

- 11 **MESSAGE FROM THE LIEUTENANT-GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that she had, on 20 March 2007, given the royal assent to the following bills, presented to her by the Clerk of the Parliaments:

Parliamentary Legislation Amendment Bill 2007  
 Pay-roll Tax Amendment (Bushfire and Emergency Service) Bill 2007  
 Public Prosecutions Amendment Bill 2006.

- 12 **MESSAGE FROM THE GOVERNOR** — The Speaker announced the presentation of a message from the Governor recommending an appropriation for the purposes of the Gambling and Racing Legislation Amendment (Sports Betting) Bill 2007.

- 13 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, under SO 94(2), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 19 April 2007:

Drugs, Poisons and Controlled Substances Amendment (Repeal of Part X) Bill 2007  
 Legal Profession Amendment Bill 2007  
 Major Events (Aerial Advertising) Bill 2007  
 Road Legislation Amendment Bill 2007

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

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

- 15 **INFERTILITY TREATMENT AMENDMENT BILL 2007** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

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

Amendment proposed — That all the words after 'That' be omitted with the view of inserting in their place the words 'this bill be withdrawn and redrafted to provide for a separate principal Act dealing with research involving embryos, rather than including those matters in the *Infertility Treatment Act 1995*' *(Mrs Fyffe)* — and, after debate —

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

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

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

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

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

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

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

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

Ordered — That the debate be adjourned until tomorrow.

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

Prahran Mechanics' Institute Amendment Bill 2007  
Victims of Crime Assistance Amendment Bill 2007.

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

And the House having continued to sit after midnight —

WEDNESDAY 18 APRIL 2007

- 18 **ADJOURNMENT** — The Acting Speaker left the Chair, after debate, at 12.05 am.

R W PURDEY  
*Clerk of the Legislative Assembly*

JENNY LINDELL  
*Speaker*

## No 14 — Wednesday 18 April 2007

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

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

**Nuclear Industry** — Requesting that the House reaffirms the opposition of the Government to the creation of a nuclear industry in Victoria, including the construction of a nuclear power plant, bearing 32 signatures (*Dr Harkness*)

**Medical Practitioners Board of Victoria** — Requesting that — (a) members of the Medical Practitioners Board of Victoria be released of their overlapping responsibilities of investigating, hearing and judging public complaints against their colleagues; and (b) the Government, without delay, establishes a truly independent body to investigate, hear and judge complaints against doctors and surgeons, bearing 1 signature (*Ms Barker*)

**Health Professions Registration Act** — Requesting that the Government takes immediate action to repeal the *Health Professions Registration Act* and provide the people of Victoria with legislation that does not deny them of their most fundamental civil rights, bearing 1 signature (*Ms Barker*).

Petitions ordered to be tabled.

- 3 **PETITION — NUCLEAR INDUSTRY** — Motion made and question — That the petition presented by the Member for Frankston be taken into consideration tomorrow (*Dr Harkness*) — put and agreed to.

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

Ombudsman — Investigation into a disclosure about WorkSafe's and Victoria Police's handling of a bullying and harassment complaint — Ordered to be printed.

- 5 **DISPUTE RESOLUTION COMMITTEE** — Motion made, by leave, and question — That Mr Batchelor, Mr Cameron, Mr Clark, Mr Holding, Mr McIntosh, Mr Robinson and Mr Walsh be members of the Dispute Resolution Committee (*Mr Batchelor*) — put, after debate, and agreed to.

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

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

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

Environment and Natural Resources Committee's Report on the Inquiry into the Production and/or Use of Biofuels in Victoria

Public Accounts and Estimates Committee's Report 2005–06.

- 9 **MAJOR EVENTS (AERIAL ADVERTISING) BILL 2007** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

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

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

- 10 **QUESTIONS** — (Under SO 55).

- 11 **INFERTILITY TREATMENT AMENDMENT BILL 2007** — Order read for resuming debate on question — That this Bill be now read a second time — *and on the amendment* — That all the words after 'That' be omitted with the view of inserting in their place the words 'this bill be withdrawn and redrafted to provide for a separate principal Act dealing with research involving embryos, rather than including those matters in the *Infertility Treatment Act 1995*'; debate resumed.

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

The House divided (the Speaker, Ms Lindell, in the Chair) —

AYES 54

Ms Allan; Mr Andrews; Ms Asher; Mr Baillieu; Ms Barker; Mr Batchelor; Ms Beattie; Mr Bracks; Mr Brumby; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Mr Eren; Ms Graley; Ms Green; Mr Haermeyer; Mr Hardman; Dr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Ms Kosky; Mr Languiller; Mr Lim; Mr Lupton; Mrs Maddigan; Ms Morand; Mr Morris; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pallas; Mr Pandazopoulos; Ms Pike; Ms Richardson; Mr Scott; Mr Seitz; Mrs Shardey; Mr Smith (*Bass*); Mr Stensholt; Ms Thomson (*Footscray*); Mr Thwaites; Mr Trezise; Mr Wells; Ms Wooldridge; Mr Wynne. Tellers: Mr Ingram; Mr Langdon.

NOES 29

Mr Blackwood; Mr Brooks; Mr Burgess; Ms Campbell; Mr Clark; Mr Crisp; Mrs Fyffe; Mr Hodgett; Mr Jasper; Mr Kotsiras; Ms Lobato; Mr McIntosh; Mr Merlino; Mr Mulder; Dr Naphine; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Mr Smith (*Warrandyte*); Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Weller. Tellers: Mr Delahunty; Mr Dixon.

Question agreed to.

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

The House divided (the Speaker, Ms Lindell, in the Chair) —

AYES 58

Ms Allan; Mr Andrews; Ms Asher; Mr Baillieu; Ms Barker; Mr Batchelor; Ms Beattie; Mr Bracks; Mr Brumby; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Mr Eren; Ms Graley; Ms Green; Mr Haermeyer; Mr Hardman; Dr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Ms Kosky; Mr Languiller; Mr Lim; Mr Lupton; Mrs Maddigan; Mr McIntosh; Ms Morand; Mr Morris; Ms Munt; Dr Naphthine; Mr Nardella; Ms Neville; Ms Overington; Mr Pallas; Mr Pandazopoulos; Ms Pike; Ms Richardson; Mr Scott; Mr Seitz; Mrs Shardey; Mr Smith (*Bass*); Mr Smith (*Warrandyte*); Mr Stensholt; Dr Sykes; Ms Thomson (*Footscray*); Mr Thwaites; Mr Trezise; Mr Wells; Ms Wooldridge; Mr Wynne. Tellers: Mr Ingram; Mr Langdon.

NOES 25

Mr Blackwood; Mr Brooks; Mr Burgess; Ms Campbell; Mr Clark; Mr Crisp; Mrs Fyffe; Mr Hodgett; Mr Jasper; Mr Kotsiras; Ms Lobato; Mr Merlino; Mr Mulder; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Weller. Tellers: Mr Delahunty; Mr Dixon.

Question agreed to.

Bill considered in detail (*see pp 86–91, 92–5*).

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

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

Bill further considered in detail and agreed to without amendment, read a third time.

Bill sent to the Legislative Council and their agreement requested.

- 12 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Livestock Disease Control Amendment Bill 2007 with amendments.

Ordered — That the amendments be taken into consideration tomorrow.

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

And the House having continued to sit after midnight —

THURSDAY 19 APRIL 2007

- 14 **ADJOURNMENT** — The Speaker left the Chair, after debate, at 12.32 am.

R W PURDEY  
Clerk of the Legislative Assembly

JENNY LINDELL  
Speaker

## No 15 — Thursday 19 April 2007

1 The Speaker took the Chair and read the Prayer.

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

**Heritage Overlay Restrictions — Bass Coast Property Owners** — Requesting that the Parliament and the Minister for Planning review the unreasonable heritage overlay restrictions imposed on Bass Coast property owners by Bass Coast Shire Council and the Government, bearing 470 signatures (*Mr Smith, Bass*)

**Big Buffalo Dam — Water Supply to Ovens Valley and Wangaratta** — Requesting that the House strongly supports the immediate construction of Big Buffalo Dam, to underpin the future water supply to the Ovens Valley and the rural City of Wangaratta, bearing 2,731 signatures (*Dr Sykes*)

**Devilbend Wildlife Reserve, Mornington Peninsula** — Requesting that the House calls on the Government to abandon plans to sell off any land at the Devilbend Wildlife Reserve, Mornington Peninsula, for private development and that all of Devilbend be kept in public hands for the community to enjoy for all time, bearing 174 signatures (*Mr Burgess*)

**Lexton Police Station** — Requesting that the Government abandons the proposal to relocate the Lexton police position to Beaufort, only servicing the Lexton community on a needs or availability basis, which will detrimentally impact on the Lexton community's security and has the potential to increase unlawful activities, particularly crime and lack of road safety, bearing 103 signatures (*Mr McIntosh*)

**Green Wedge Land between Mt Eliza and Mornington** — Requesting that the House calls on the Government to take immediate action to protect Green Wedge land and ensure that the proposed title boundary re-alignment for the Norman Lodge and Gunyong Valley properties in Mt Eliza be refused, bearing 1,816 signatures (*Mr Morris*)

**Mornington Peninsula** — Requesting that the House — (a) rejects the Government's plan for the Mornington Peninsula to become another suburb of Melbourne; and (b) has a separate and district planning scheme that allows for the rejection of inappropriate development and high rise buildings in the area which will enable the special character of the Mornington Peninsula to be retained and enhanced, bearing 497 signatures (*Mr Morris*)

**Big Buffalo Dam/Lake William Hovell — Water Supply to Ovens and King Valley and Wangaratta** — Requesting that the House strongly supports the immediate construction of Big Buffalo Dam and the extension of Lake William Hovell, to underpin the future water supply to the Ovens and King Valley and the Rural City of Wangaratta, bearing 6,659 signatures (*Mr Jasper*)

**Shepparton-bound Train** — Requesting that the House restores the previous departure time of 6.15 pm for the Shepparton-bound train and that the train service resumes its previous express running between Broadmeadows and Seymour, bearing 1,003 signatures (*Mr Mulder*)

**Victorian Civil and Administrative Tribunal Rulings** — Requesting that the House takes action to amend laws so that when rulings are considered by the Victorian Civil and Administrative Tribunal, increased weight is given to the wishes of both the local council and the local community, bearing 387 signatures (*Mr Smith, Warrandyte*).

Petitions ordered to be tabled.

- 
- 3 **PETITION — BIG BUFFALO DAM/LAKE WILLIAM HOVELL — WATER SUPPLY TO OVENS AND KING VALLEY AND WANGARATTA** — Motion made and question — That the petition presented by the Member for Murray Valley be taken into consideration tomorrow (*Mr Jasper*) — put and agreed to.
- 4 **PETITION — GREEN WEDGE LAND BETWEEN MT ELIZA AND MORNINGTON** — Motion made and question — That the petition presented by the Member for Mornington be taken into consideration tomorrow (*Mr Morris*) — put and agreed to.
- 5 **PETITION — MORNINGTON PENINSULA** — Motion made and question — That the petition presented by the Member for Mornington be taken into consideration tomorrow (*Mr Morris*) — put and agreed to.
- 6 **PETITION — SHEPPARTON-BOUND TRAIN** — Motion made and question — That the petition presented by the Member for Polwarth be taken into consideration tomorrow (*Mr Mulder*) — put and agreed to.
- 7 **PETITION — VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL RULINGS** — Motion made and question — That the petition presented by the Member for Warrandyte be taken into consideration tomorrow (*Mr Smith, Warrandyte*) — put and agreed to.
- 8 **PETITION — BIG BUFFALO DAM — WATER SUPPLY TO OVENS VALLEY AND WANGARATTA** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.
- 9 **PETITION — HERITAGE OVERLAY RESTRICTIONS — BASS COAST PROPERTY OWNERS** — Motion made and question — That the petition presented by the Member for Bass be taken into consideration tomorrow (*Mr Smith, Bass*) — put and agreed to.
- 10 **PETITION — DEVILBEND WILDLIFE RESERVE, MORNINGTON PENINSULA** — Motion made and question — That the petition presented by the Member for Hastings be taken into consideration tomorrow (*Mr Burgess*) — put and agreed to.
- 11 **PETITION — LEXTON POLICE STATION** — Motion made and question — That the petition presented by the Member for Kew be taken into consideration tomorrow (*Mr McIntosh*) — put and agreed to.
- 12 **DOCUMENT TABLED UNDER AN ACT OF PARLIAMENT** — The Clerk tabled the following document in accordance with an Act of Parliament:
- Victims of Crime Assistance Tribunal — Report 2005–06.
- 13 **PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE** — Motion made, by leave, and question — That this House grants leave to permit the Public Accounts and Estimates Committee to meet and take evidence for the purposes of the 2007–08 Budget Estimates Inquiry when the House is actually sitting on Thursday 3 May 2007 (*Mr Batchelor*) — put, after debate, and agreed to.
- 14 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourns until Tuesday 1 May 2007 (*Mr Batchelor*) — put and agreed to.
- 15 **STATEMENTS BY MEMBERS** — Statements by members were made.
- 16 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 1 and 2, be postponed until later this day.

- 17 **LIVESTOCK DISEASE CONTROL AMENDMENT BILL 2007** — Order read for the consideration of the amendments made by the Legislative Council.

After debate, the amendments were agreed to by the House.

Message sent to the Legislative Council informing them accordingly.

- 18 **LEGAL PROFESSION AMENDMENT BILL 2007** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

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

- 19 **DRUGS, POISONS AND CONTROLLED SUBSTANCES AMENDMENT (REPEAL OF PART X) BILL 2007** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

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

- 20 **POSTPONEMENT OF ORDER OF THE DAY** — Ordered — That the consideration of Government Business, Order of the Day, No 4, be postponed until later this day.

- 21 **MAJOR EVENTS (AERIAL ADVERTISING) BILL 2007** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

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

- 22 **ROAD LEGISLATION AMENDMENT BILL 2007** — Order read for resuming debate on question — That this Bill be now read a second time.

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

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

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

- 23 **QUESTIONS** — (Under SO 55).

- 24 **ROAD LEGISLATION AMENDMENT BILL 2007** — Debate resumed on question — That this Bill be now read a second time.

Bill read a second time and considered in detail (*see pp 91, 95*).

*Allocation of time — The Deputy Speaker advised that the time allocated for consideration of bills under the resolution of the House on Tuesday 17 April 2007 had expired.*

Question — That Clause 16 be agreed to — put.

The House divided (the Deputy Speaker, Ms Barker, in the Chair) —

AYES 44

Ms Allan; Mr Andrews; Mr Batchelor; Ms Beattie; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Mr Eren; Ms Graley; Ms Green; Mr Hardman; Dr Harkness; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Ms Kosky; Mr Langdon; Mr Languiller; Mr Lim; Ms Lobato; Mr Lupton; Mrs Maddigan; Mr Merlino; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pallas; Mr Pandazopoulos; Ms Richardson; Mr Scott; Mr Seitz; Mr Stensholt; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

NOES 31

Ms Asher; Mr Baillieu; Mr Blackwood; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Hodgett; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Morris; Mr Mulder; Dr Napthine; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith (*Bass*); Mr Smith (*Warrandyte*); Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Weller; Mr Wells; Ms Wooldridge.

Question agreed to.

Question — That Clauses 17 to 20 inclusive be agreed to, the Bill be agreed to without amendment and the Bill be now read a third time — put.

The House divided (the Deputy Speaker, Ms Barker, in the Chair) —

AYES 46

Ms Allan; Mr Andrews; Mr Batchelor; Ms Beattie; Mr Brooks; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Mr Eren; Ms Graley; Ms Green; Mr Haermeyer; Mr Hardman; Dr Harkness; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Ms Kosky; Mr Langdon; Mr Languiller; Mr Lim; Ms Lobato; Mr Lupton; Mrs Maddigan; Mr Merlino; Ms Morand; Mr Nardella; Ms Neville; Ms Overington; Mr Pallas; Mr Pandazopoulos; Ms Richardson; Mr Scott; Mr Seitz; Mr Stensholt; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

NOES 31

Ms Asher; Mr Baillieu; Mr Blackwood; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Hodgett; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Morris; Mr Mulder; Dr Napthine; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith (*Bass*); Mr Smith (*Warrandyte*); Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Weller; Mr Wells; Ms Wooldridge.

Question agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 25 **MAJOR EVENTS (AERIAL ADVERTISING) BILL 2007** — Order read for resuming debate on question — That this Bill be now read a second time.

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

Bill sent to the Legislative Council and their agreement requested.

- 26 **LEGAL PROFESSION AMENDMENT BILL 2007** — Order read for resuming debate on question — That this Bill be now read a second time.

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

Bill sent to the Legislative Council and their agreement requested.

- 27 **DRUGS, POISONS AND CONTROLLED SUBSTANCES AMENDMENT (REPEAL OF PART X) BILL 2007** — Order read for resuming debate on question — That this Bill be now read a second time.

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

The House divided (the Deputy Speaker, Ms Barker, in the Chair) —

AYES 45

Ms Allan; Mr Andrews; Mr Batchelor; Ms Beattie; Mr Brooks; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Mr Eren; Ms Graley; Ms Green; Mr Haermeyer; Mr Hardman; Dr Harkness; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Ms Kosky; Mr Langdon; Mr Languiller; Mr Lim; Ms Lobato; Mr Lupton; Mrs Maddigan; Mr Merlino; Ms Morand; Mr Nardella; Ms Neville; Ms Overington; Mr Pallas; Mr Pandazopoulos; Ms Richardson; Mr Scott; Mr Seitz; Mr Stensholt; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

NOES 33

Ms Asher; Mr Baillieu; Mr Blackwood; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Hodgett; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Morris; Mr Mulder; Dr Napthine; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith (*Bass*); Mr Smith (*Warrandyte*); Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Weller; Mr Wells; Ms Wooldridge.

Question agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 28 **BUILDING AMENDMENT (PLUMBING) BILL 2007** — *Mr Cameron tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

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

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

Ordered — That the debate be adjourned until Thursday 3 May 2007.

- 29 **EQUAL OPPORTUNITY AMENDMENT BILL 2007** — *Mr Hulls tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

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

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

Ordered — That the debate be adjourned until Thursday 3 May 2007.

- 30 **ACCIDENT TOWING SERVICES BILL 2007** — *Mr Pallas tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

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

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

Ordered — That the debate be adjourned until Thursday 3 May 2007.

- 31 **FAIR TRADING AND CONSUMER ACTS AMENDMENT BILL 2007** — *Mr Andrews tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

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

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

Ordered — That the debate be adjourned until Thursday 3 May 2007.

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

33 **ADJOURNMENT** — The Deputy Speaker left the Chair, after debate, at 5.41 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JENNY LINDELL  
*Speaker*

LEGISLATIVE ASSEMBLY OF VICTORIA

**CONSIDERATION IN DETAIL**  
**Supplement to Votes Nos 13, 14 and 15**

**No 14 — Wednesday 18 April 2007**

**INFERTILITY TREATMENT AMENDMENT BILL 2007**

**Clauses 1 to 3** agreed to.

**Clause 4**, Mr Clark moved amendment No 1 (*see Schedule 1*).

Question — That the words proposed to be omitted stand part of the Clause — put and agreed to.

Mr Clark moved amendment No 2 (*see Schedule 1*).

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

The House divided (the Deputy Speaker, Ms Barker, in the Chair) —

AYES 57

Ms Allan; Mr Andrews; Ms Asher; Mr Baillieu; Mr Batchelor; Ms Beattie; Mr Bracks; Mr Brumby; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Mr Eren; Ms Graley; Ms Green; Mr Haermeyer; Mr Hardman; Dr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Ms Kosky; Mr Languiller; Mr Lim; Mr Lupton; Mrs Maddigan; Mr McIntosh; Ms Morand; Mr Morris; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pallas; Mr Pandazopoulos; Ms Pike; Ms Richardson; Mr Scott; Mr Seitz; Mrs Shardey; Mr Smith (*Bass*); Mr Smith (*Warrantdyte*); Mr Stensholt; Ms Thomson (*Footscray*); Mr Thwaites; Mr Trezise; Mr Wakeling; Mr Wells; Ms Wooldridge; Mr Wynne. Tellers: Mr Kotsiras; Mr Langdon.

NOES 22

Mr Blackwood; Mr Burgess; Ms Campbell; Mr Clark; Mr Crisp; Mrs Fyffe; Mr Hodgett; Mr Jasper; Ms Lobato; Mr Merlino; Mr Mulder; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mr Walsh; Mr Weller. Tellers: Mr Delahunty; Mr Dixon.

Question agreed to.

Clause agreed to.

**Clause 5** agreed to.

**Clause 6**, Ms Campbell moved amendment No 1 (*see Schedule 1*).

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

The House divided (the Deputy Speaker, Ms Barker, in the Chair) —

AYES 57

Ms Allan; Mr Andrews; Ms Asher; Mr Baillieu; Mr Batchelor; Ms Beattie; Mr Bracks; Mr Brumby; Mr Cameron; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Mr Eren; Ms Graley; Ms Green; Mr Hardman; Dr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Ms Kosky; Mr Languiller; Mr Lim; Mr Lupton; Mrs Maddigan; Mr McIntosh; Ms Morand; Mr Morris; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pallas; Mr Pandazopoulos; Ms Pike; Ms Richardson; Mr Scott; Mr Seitz; Mrs Shardey; Mr Smith (*Bass*); Mr Smith (*Warrandyte*); Mr Stensholt; Ms Thomson (*Footscray*); Mr Thwaites; Mr Trezise; Mr Wakeling; Mr Wells; Ms Wooldridge; Mr Wynne. Tellers: Mr Kotsiras; Mr Langdon.

NOES 22

Mr Blackwood; Mr Burgess; Ms Campbell; Mr Clark; Mr Crisp; Mrs Fyffe; Mr Haermeyer; Mr Hodgett; Mr Jasper; Ms Lobato; Mr Merlino; Mr Mulder; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Dr Sykes; Mr Thompson (*Sandringham*); Mr Walsh; Mr Weller. Tellers: Mr Delahunty; Mr Dixon.

Question agreed to.

Clause agreed to.

**Clause 7**, *Leave granted for Mr Clark's amendment No 3 to be deferred until amendment No 4 has been considered.*

Mr Clark moved amendment No 4 (*see Schedule 1*).

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

The House divided (the Deputy Speaker, Ms Barker, in the Chair) —

AYES 55

Ms Allan; Mr Andrews; Ms Asher; Mr Baillieu; Mr Batchelor; Ms Beattie; Mr Brumby; Mr Cameron; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Mr Eren; Ms Graley; Ms Green; Mr Haermeyer; Mr Hardman; Dr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Ms Kosky; Mr Languiller; Mr Lim; Mr Lupton; Mrs Maddigan; Mr McIntosh; Ms Morand; Mr Morris; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pallas; Mr Pandazopoulos; Ms Pike; Ms Richardson; Mr Scott; Mr Seitz; Mrs Shardey; Mr Smith (*Bass*); Mr Stensholt; Ms Thomson (*Footscray*); Mr Trezise; Mr Wakeling; Mr Wells; Ms Wooldridge; Mr Wynne. Tellers: Mr Kotsiras; Mr Langdon.

NOES 21

Mr Blackwood; Ms Campbell; Mr Clark; Mr Crisp; Mrs Fyffe; Mr Hodgett; Mr Jasper; Ms Lobato; Mr Merlino; Mr Mulder; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mr Walsh; Mr Weller. Tellers: Mr Delahunty; Mr Dixon.

Question agreed to.

*The Deputy Speaker advised that, as Mr Clark's amendment No 4 had been defeated, amendment Nos 3, 5, 6, 7, 8, 12, 13, 14, 15 and 16 could not be moved as they were consequential.*

Ms Campbell moved amendment No 2 (*see Schedule 1*).

Question — That the words proposed to be omitted stand part of the Clause — put and agreed to.

Clause agreed to.

**Clause 8** agreed to.

**Clause 9**, *The Deputy Speaker advised that if Ms Campbell's amendment No 3 is not agreed to, amendment Nos 4 and 5 cannot be moved as they are consequential.*

Ms Campbell moved amendment No 3 (*see Schedule 1*).

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

The House divided (the Deputy Speaker, Ms Barker, in the Chair) —

AYES 54

Ms Allan; Mr Andrews; Ms Asher; Mr Baillieu; Mr Batchelor; Ms Beattie; Mr Bracks; Mr Brumby; Mr Cameron; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Mr Eren; Ms Graley; Ms Green; Mr Hardman; Dr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Ms Kosky; Mr Languiller; Mr Lim; Mr Lupton; Mrs Maddigan; Mr McIntosh; Ms Morand; Mr Morris; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pallas; Mr Pandazopoulos; Ms Pike; Ms Richardson; Mr Scott; Mr Seitz; Mrs Shardey; Mr Smith (*Bass*); Mr Stensholt; Ms Thomson (*Footscray*); Mr Trezise; Mr Wells; Ms Wooldridge; Mr Wynne. Tellers: Mr Kotsiras; Mr Langdon.

NOES 24

Mr Blackwood; Ms Campbell; Mr Clark; Mr Crisp; Mrs Fyffe; Mr Haermeyer; Mr Hodgett; Mr Jasper; Ms Lobato; Mr Merlino; Mr Mulder; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Mr Smith (*Warrandyte*); Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mr Wakeling; Mr Walsh; Mr Weller. Tellers: Mr Delahunty; Mr Dixon.

Question agreed to.

Clause agreed to.

**Clause 10**, *The Deputy Speaker advised that Mr Stensholt and Ms Campbell both seek to omit lines 29 to 33, with Ms Campbell also seeking to omit lines 1 to 5 on page 9. The Deputy Speaker proposed to test both amendments by calling Mr Stensholt to move his amendment and advised that, if the lines are not omitted or Mr Stensholt's proposed lines are inserted, Ms Campbell cannot move her amendment Nos 6 and 7.*

Mr Stensholt moved amendment No 1 (*see Schedule 1*).

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

The House divided (the Deputy Speaker, Ms Barker, in the Chair) —

AYES 70

Ms Allan; Mr Andrews; Ms Asher; Mr Baillieu; Mr Batchelor; Ms Beattie; Mr Bracks; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Mr Clark; Mr Crisp; Mr Crutchfield; Ms D'Ambrosio; Mr Delahunty; Mr Dixon; Mr Donnellan; Ms Duncan; Mr Eren; Mrs Fyffe; Ms Green; Mr Haermeyer; Mr Hardman; Dr Harkness; Mr Helper; Mr Herbert; Mr Hodgett; Mr Holding; Mr Hudson; Mr Hulls; Mr Ingram; Mr Jasper; Ms Kosky; Mr Languiller; Mr Lim; Ms Lobato; Mr Lupton; Mrs Maddigan; Mr McIntosh; Mr Merlino; Ms Morand; Mr Morris; Mr Mulder; Ms Munt; Mr Nardella; Ms Neville; Mr Northe; Mr O'Brien; Mr Pandazopoulos; Ms Pike; Mrs Powell; Ms Richardson; Mr Ryan; Mr Scott; Mr Seitz; Mrs Shardey; Mr Smith (*Bass*); Mr Smith (*Warrandyte*); Dr Sykes; Mr Thompson (*Sandringham*); Mr Trezise; Mr Wakeling; Mr Walsh; Mr Weller; Mr Wells; Ms Wooldridge; Mr Wynne. Tellers: Mr Kotsiras; Mr Langdon.

NOES 8

Mr Blackwood; Ms Graley; Ms Overington; Mr Pallas; Ms Thomson (*Footscray*); Mr Tilley. Tellers: Dr Napthine; Mr Stensholt.

Question agreed to.

Ms Campbell moved amendment No 8 (*see Schedule 1*).

Amendment put and defeated.

Clause agreed to.

**Clause 11** agreed to.

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

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

**Clause 12**, Mr Clark moved amendment No 9 (*see Schedule 1*).

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

The House divided (the Deputy Speaker, Ms Barker, in the Chair) —

AYES 54

Ms Allan; Mr Andrews; Ms Asher; Mr Baillieu; Mr Batchelor; Ms Beattie; Mr Bracks; Mr Brumby; Mr Cameron; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Mr Eren; Ms Graley; Ms Green; Mr Hardman; Dr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Ms Kosky; Mr Languiller; Mr Lim; Mr Lupton; Mrs Maddigan; Mr McIntosh; Ms Morand; Mr Morris; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pallas; Mr Pandazopoulos; Ms Pike; Ms Richardson; Mr Scott; Mr Seitz; Mrs Shardey; Mr Smith (*Bass*); Mr Stensholt; Ms Thomson (*Footscray*); Mr Trezise; Mr Wakeling; Ms Wooldridge; Mr Wynne. Tellers: Mr Kotsiras; Mr Langdon.

NOES 23

Mr Blackwood; Ms Campbell; Mr Clark; Mr Crisp; Mrs Fyffe; Mr Haermeyer; Mr Hodgett; Mr Jasper; Ms Lobato; Mr Merlino; Mr Mulder; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Mr Smith (*Warrandyte*); Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mr Walsh; Mr Weller. Tellers: Mr Delahunty; Mr Dixon.

Question agreed to.

Clause agreed to.

**Clause 13**, Ms Campbell moved amendment No 10 (*see Schedule 1*).

Question — That the word proposed to be omitted stand part of the clause — put and agreed to.

Clause agreed to.

**Clauses 14 to 32** agreed to.

**Clause 33**, *The Deputy Speaker advised that if Ms Campbell's amendment No 14 is not agreed to, amendment No 15 cannot be moved as it is consequential.*

Ms Campbell moved amendment No 14 (*see Schedule 1*).

Amendment put and defeated.

Clause agreed to.

**Clauses 34 to 37** agreed to.

**Clause 38**, *The Deputy Speaker advised that, after debate, she will test Ms Campbell's amendment No 17 by putting the question that lines 13 to 34 on page 20, and lines 1 to 11 on page 21, stand part of the Clause.*

Ms Campbell moved amendment No 17 (*see Schedule 1*).

Question — That the words proposed to be omitted stand part of the Clause — put and agreed to.

Clause agreed to.

**Clauses 39 to 41** agreed to.

**New clauses A to E**, Mr Clark moved new clauses A to E (*see Schedule 1*).

Question — That new clauses A to E be agreed to and added to the bill — put.

The House divided (the Deputy Speaker, Ms Barker, in the Chair) —

AYES 29

Ms Asher; Mr Blackwood; Mr Burgess; Ms Campbell; Mr Clark; Mr Crisp; Mrs Fyffe; Mr Hodgett; Mr Jasper; Mr Kotsiras; Ms Lobato; Mr McIntosh; Mr Merlino; Mr Morris; Mr Mulder; Dr Napthine; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Mr Smith (*Warrandyte*); Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mr Wakeling; Mr Walsh; Mr Weller. Tellers: Mr Delahunty; Mr Dixon.

NOES 50

Ms Allan; Mr Andrews; Mr Baillieu; Mr Batchelor; Ms Beattie; Mr Brumby; Mr Cameron; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Mr Eren; Ms Graley; Ms Green; Mr Haermeyer; Mr Hardman; Dr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Ms Kosky; Mr Languiller; Mr Lim; Mr Lupton; Mrs Maddigan; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pallas; Mr Pandazopoulos; Ms Pike; Ms Richardson; Mr Scott; Mr Seitz; Mrs Shardey; Mr Smith (*Bass*); Mr Stensholt; Ms Thomson (*Footscray*); Mr Thwaites; Mr Trezise; Ms Wooldridge; Mr Wynne. Tellers: Mr Ingram; Mr Langdon.

Question defeated

**New clause A**, Ms Campbell moved new clause A (*see Schedule 1*).

Question — That new clause A be agreed to and added to the bill — put.

The House divided (the Deputy Speaker, Ms Barker, in the Chair) —

AYES 29

Mr Blackwood; Mr Burgess; Ms Campbell; Mr Clark; Mr Crisp; Mr Eren; Mrs Fyffe; Mr Haermeyer; Mr Hodgett; Mr Hudson; Mr Jasper; Mr Kotsiras; Mr Languiller; Ms Lobato; Mr Merlino; Mr Mulder; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Mr Smith (*Warrandyte*); Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mr Wakeling; Mr Walsh; Mr Weller. Tellers: Mr Delahunty; Mr Dixon.

NOES 50

Ms Allan; Mr Andrews; Ms Asher; Mr Baillieu; Mr Batchelor; Ms Beattie; Mr Brumby; Mr Cameron; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Ms Graley; Ms Green; Mr Hardman; Dr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hulls; Ms Kosky; Mr Lim; Mr Lupton; Mrs Maddigan; Mr McIntosh; Ms Morand; Mr Morris; Ms Munt; Dr Napthine; Mr Nardella; Ms Neville; Ms Overington; Mr Pallas; Mr Pandazopoulos; Ms Pike; Ms Richardson; Mr Scott; Mr Seitz; Mrs Shardey; Mr Smith (*Bass*); Mr Stensholt; Ms Thomson (*Footscray*); Mr Thwaites; Mr Trezise; Ms Wooldridge; Mr Wynne. Tellers: Mr Ingram; Mr Langdon.

Question defeated.

Question — That the House agrees to the Bill without amendment — put.

The House divided (the Deputy Speaker, Ms Barker, in the Chair) —

AYES 56<sup>1</sup>

Ms Allan; Mr Andrews; Ms Asher; Mr Baillieu; Mr Batchelor; Ms Beattie; Mr Brumby; Mr Cameron; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Mr Eren; Ms Graley; Ms Green; Mr Haermeyer; Mr Hardman; Dr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Ms Kosky; Mr Languiller; Mr Lim; Mr Lupton; Mrs Maddigan; Mr McIntosh; Ms Morand; Mr Morris; Ms Munt; Dr Napthine; Mr Nardella; Ms Neville; Ms Overington; Mr Pallas; Mr Pandazopoulos; Ms Pike; Ms Richardson; Mr Scott; Mr Seitz; Mrs Shardey; Mr Smith (*Bass*); Mr Smith (*Warrantdyte*); Mr Stensholt; Dr Sykes; Ms Thomson (*Footscray*); Mr Thwaites; Mr Trezise; Ms Wooldridge; Mr Wynne. Tellers: Mr Ingram; Mr Langdon.

NOES 24

Mr Blackwood; Mr Brooks; Mr Burgess; Ms Campbell; Mr Clark; Mr Crisp; Mrs Fyffe; Mr Hodgett; Mr Jasper; Mr Kotsiras; Ms Lobato; Mr Merlino; Mr Mulder; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Mr Thompson (*Sandringham*); Mr Tilley; Mr Wakeling; Mr Walsh; Mr Weller. Tellers: Mr Delahunty; Mr Dixon.

Question agreed to.

## No 15 — Thursday 19 April 2007

### ROAD LEGISLATION AMENDMENT BILL 2007

**Clause 1**, *The Deputy Speaker advised that if Mr Mulder's amendment No 1 is not agreed to his remaining amendments cannot be moved as they are consequential.*

Mr Mulder moved amendment No 1 (*see Schedule 2*).

Question — That the words proposed to be omitted stand part of the clause — put and agreed to.

Clause agreed to.

**Clauses 2 to 15** agreed to.

**Clauses 16** — debate commenced.

*Allocation of time* — *The Deputy Speaker advised that the time allocated for consideration of bills under the resolution of the House on Tuesday 17 April 2007 had expired (for remaining stages see pp 82–3).*

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<sup>1</sup> Division corrected after the Speaker informed the House that the tellers for the 'Ayes' inadvertently recorded the name of the Member for Ferntree Gully, Mr Wakeling, instead of that of the Member for Warrantdyte, Mr Smith; the Member for Ferntree Gully was correctly recorded as voting 'No'.

## SCHEDULES OF AMENDMENTS MOVED

### SCHEDULE 1

#### INFERTILITY TREATMENT AMENDMENT BILL 2007

Amendments moved by Mr Clark

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".
4. Clause 7, page 6, lines 1 to 5, omit all words and expressions on these lines.
9. Clause 12, page 10, lines 15 to 33, omit all words and expressions on these lines.

#### NEW CLAUSES

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."

## Amendments moved by Ms Campbell

1. Clause 6, page 4, lines 23 to 31 and page 5, lines 1 to 15, omit all words and expressions on those lines and insert the following—
  - "(a) each person who produced a gamete that was used to form the embryo has agreed, in writing, is unsuitable for implantation; and
  - (b) is one of the following—
    - (i) a human embryo that is diagnosed by pre-implantation genetic diagnosis as unsuitable for implantation, in accordance with the Ethical Guidelines on the Use of Assisted Reproductive Technology in Clinical Practice and Research (2004), issued by the Chief Executive Officer of the NHMRC;
    - (ii) a human embryo that is determined to be unsuitable for implantation in the body of a woman, in accordance with objective criteria specified in guidelines issued by the Chief Executive Officer of the NHMRC under the National Health and Medical Research Council Act 1992 of the Commonwealth and prescribed by the regulations under the Commonwealth Act for the purposes of paragraph (b) of the definition of unsuitable for implantation in section 7(1) of that Act;"
2. Clause 7, page 6, lines 18 to 25, omit all words and expressions on those lines and insert the following—
  - "(1) A person commits an offence if the person undertakes research or training involving the fertilisation of a human egg by a sperm, outside the body of a woman, for the purposes of research or training in ART and—
    - (a) the research is not in accordance with relevant NHMRC guidelines; or"
3. Clause 9, line 14, omit "section 21EA" and insert "sections 21EA and 21EB".
8. Clause 10, page 9, after line 12, insert—
  - '(2) After section 21H(2) of the Principal Act **insert**—
    - "(3) Also, an application under subsection (1) must be accompanied by evidence—
      - (a) that the person applying for the licence has established an ethics committee, accredited by the NHMRC; and
      - (b) that the ethics committee has regular meetings and assesses research projects; and
      - (c) that the person has submitted the application to the person's ethics committee; and
      - (d) that the research the subject of the application has been tested in non-human research; and
      - (e) of any other matter required by the NHMRC in accordance with the Ethical Guidelines on the Use of Assisted Reproductive Technology in Clinical Practice and Research (2004), issued by the Chief Executive Officer of the NHMRC."'
10. Clause 13, line 5, omit "creations" and insert "creation".
14. Clause 33, line 17, after "**chimeric**" insert "**or hybrid**".
17. Clause 38, page 20, lines 13 to 34 and page 21, lines 1 to 19, omit all words and expressions on these lines.

## NEW CLAUSE

18. Insert the following New Clause to follow clause 38—

**'A 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."

Amendment moved by Mr Stensholt

1. Clause 10, lines 29 to 33, omit all words and expressions on these lines and insert—

- "(f) clinical diagnostic procedures involving the fertilisation of an animal egg by a human sperm up to, but not including, the first mitotic division, if—".

## SCHEDULE 2

### ROAD LEGISLATION AMENDMENT BILL 2007

Amendment moved by Mr Mulder

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;"



## LEGISLATIVE ASSEMBLY OF VICTORIA

### VOTES AND PROCEEDINGS Nos 16, 17 and 18

#### No 16 — Tuesday 1 May 2007

- 1 The House met according to the adjournment — The Speaker took the Chair and read the Prayer.
- 2 **QUESTIONS** — (Under SO 55).
- 3 **STATE TAXATION AND GAMBLING LEGISLATION AMENDMENT (BUDGET MEASURES) BILL 2007** — Mr Brumby obtained leave to bring in 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 the Bill was read a first time and ordered to be read a second time tomorrow.
- 4 **WATER ACTS AMENDMENT (ENFORCEMENT AND OTHER MATTERS) BILL 2007** — Mr Thwaites obtained leave to bring in 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 the Bill was read a first time and ordered to be read a second time tomorrow.
- 5 **HEALTH PROFESSIONS REGISTRATION AMENDMENT BILL 2007** — Ms Pike obtained leave to bring in a Bill '*for an Act to amend the Health Professions Registration Act 2005 and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 6 **CRIMES AMENDMENT (DNA DATABASE) BILL 2007** — Mr Hulls obtained leave to bring in a Bill '*for an Act to amend the Crimes Act 1958 in relation to DNA databases and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 7 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:
  - Soccer Stadium — Olympic Park District** — Requesting that the House expands the capacity of the new soccer stadium to be built as the home ground of Melbourne Victory Football Club and Melbourne Storm Rugby Club in the Olympic Park district from 20,000 to 30,000, bearing 61 signatures (*Mr Herbert*)
  - Nuclear Industry** — Requesting that the House reaffirms the opposition of the Government to the creation of a nuclear industry in Victoria, including the construction of a nuclear power plant, bearing 29 signatures (*Dr Harkness*)
  - Service Road — Seaview Crescent to Highfield Avenue Intersections, Mulgrave** — Requesting that the House draws to the attention of the Minister for Transport the need for a service road on Springvale Road from the Seaview Crescent to Highfield Avenue intersections, bearing 27 signatures (*Mr Andrews*)

**Sewerage System — Birregurra** — Requesting that the House supports a subsidised, modified conventional sewerage system as a long term solution for the citizens of Birregurra, bearing 266 signatures (*Mr Mulder*).

Petitions ordered to be tabled.

8 **PETITION — NUCLEAR INDUSTRY** — Motion made and question — That the petition presented by the Member for Frankston be taken into consideration tomorrow (*Dr Harkness*) — put and agreed to.

9 **PETITION — SOCCER STADIUM — OLYMPIC PARK DISTRICT** — Motion made and question — That the petition presented by the Member for Eltham be taken into consideration tomorrow (*Mr Herbert*) — put and agreed to.

10 **PETITION — SEWERAGE SYSTEM — BIRREGURRA** — Motion made and question — That the petition presented by the Member for Polwarth be taken into consideration tomorrow (*Mr Mulder*) — put and agreed to.

## 11 DOCUMENTS

**AUSTRALIAN CATHOLIC UNIVERSITY LTD** — Motion made, by leave, and question — That the 2006 Report of the Australian Catholic University Ltd be tabled (*Ms Allan*) — put and agreed to.

**MELBOURNE COLLEGE OF DIVINITY** — Motion made, by leave, and question — That the 2006 Report of the Melbourne College of Divinity be tabled (*Ms Allan*) — put and agreed to.

**VICTORIAN GOVERNMENT INDIGENOUS AFFAIRS** — Motion made, by leave, and question — That the Victorian Government Indigenous Affairs Report 2005–06 be tabled (*Mr Batchelor*) — put and agreed to.

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — Mr Carli, Chair, presented a report from the Scrutiny of Acts and Regulations Committee on the Statute Law Revision Bill 2006, together with appendices.

Ordered to be tabled and printed.

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — Mr Carli, Chair, presented a report from the Scrutiny of Acts and Regulations Committee being the Alert Digest No 5 of 2007 on the:

Accident Towing Services Bill 2007  
 Building Amendment (Plumbing) Bill 2007  
 Equal Opportunity Amendment Bill 2007  
 Fair Trading and Consumer Acts Amendment Bill 2007  
 Gambling and Racing Legislation Amendment (Sports Betting) Bill 2007  
 Statute Law Revision Bill 2006

together with appendices.

Ordered to be tabled and printed.

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

Adult Multicultural Education Services — Report 2006 (two documents)

Ballarat University — Report 2006 (two documents)

Bendigo Regional Institute of TAFE — Report 2006

Box Hill Institute of TAFE — Report 2006

Central Gippsland Institute of TAFE — 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

*Financial Management Act 1994:*

Budget Paper No 2 — Strategy and Outlook 2007–08

Budget Paper No 3 — Service Delivery 2007–08

Budget Paper No 4 — Statement of Finances 2007–08 incorporating Quarterly Financial Report No 3

Gordon Institute of TAFE — Report 2006

Goulburn Ovens Institute of TAFE — Report 2006 (two documents)

Holmesglen Institute of TAFE — Report 2006

Kangan Batman Institute of TAFE — Report 2006

La Trobe University — Report 2006

*Land Acquisition and Compensation Act 1986* — Certificate under s 7

Melbourne University — Report 2006

Monash University — Report 2006

Northern Melbourne Institute of TAFE — Report 2006

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

Casey — C90

Glenelg — C36

Latrobe — C16

Moonee Valley — C76

RMIT University — Report 2006

South West Institute of TAFE — Report 2006

Statutory Rules under the following Acts:

*Audit Act 1994* — SR 22

*Catchment and Land Protection Act 1994* — SR 23

*Children, Youth and Families Act 2005* — SR 21

*Subordinate Legislation Act 1994* — Ministers' exemption certificates in relation to Statutory Rules 17, 23

Sunraysia Institute of TAFE — Report 2006

Swinburne University of Technology — Report 2006

Victoria University — Report 2006 (two documents)

William Angliss Institute of TAFE — Report 2006

Wodonga Institute of TAFE — Report 2006

Youth Parole Board and Youth Residential Board — Report 2005–06, together with an explanation for the delay.

The following proclamation fixing an operative date was tabled by the Clerk in accordance with an order of the House dated 19 December 2006:

*Children, Youth and Families Act 2005* — Remaining provisions (other than ss 18, 185, paragraph (b) of s 190(1), 191(3), Division 2 of Part 4.6, Division 2 of Part 4.7, Division 3 of Part 4.8, Part 4.13, s 349(2), sub-paragraphs (ii) and (iii) of s 350(2)(b), ss 352, 353 and 354, paragraphs (d) and (e) of s 547, Divisions 4 and 5 of Part 7.8 and s 605) — 23 April 2007 (*Gazette G16, 19 April 2007*).

12 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Rejecting the Nuclear Activities (Prohibitions) Amendment (Plebiscite) Bill 2007.

13 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Gambling Regulation Amendment (Review Panel) Bill 2007 with amendments.

Ordered — That the amendments be taken into consideration tomorrow.

14 **MESSAGE FROM THE GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that he had, on 23 April 2007, given the royal assent to the following bills, presented to him by the Clerk of the Parliaments:

Livestock Disease Control Amendment Bill 2007

Prahran Mechanics' Institute Amendment Bill 2007

Victims of Crime Assistance Amendment Bill 2007.

15 **MESSAGE FROM THE GOVERNOR** — The Speaker announced the presentation of a message from the Governor recommending an appropriation for the purposes of the Accident Towing Services Bill 2007.

16 **MESSAGE FROM THE GOVERNOR** — The Speaker announced the presentation of a message from the Governor recommending an appropriation for the purposes of the Appropriation (2007/2008) Bill 2007, and accompanying Estimates of Expenditure requiring annual appropriation in the financial year 2007/2008.

Estimates ordered to be tabled.

17 **APPROPRIATION (2007/2008) BILL 2007** — Mr Brumby obtained leave to bring in 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 the Bill was read a first time and under SO 87 ordered to be read a second time immediately.

*Mr Brumby tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

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

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

Ordered — That the debate be adjourned until tomorrow.

- 18 **MESSAGE FROM THE GOVERNOR** — The Speaker announced the presentation of a message from the Governor recommending an appropriation for the purposes of the Appropriation (Parliament 2007/2008) Bill 2007, and accompanying Estimates of Expenditure for Parliament requiring annual appropriation in the financial year 2007/2008.

Estimates ordered to be tabled.

- 19 **APPROPRIATION (PARLIAMENT 2007/2008) BILL 2007** — Mr Bracks obtained leave to bring in 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 the Bill was read a first time and under SO 87 ordered to be read a second time immediately.

*Mr Bracks tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

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

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

Ordered — That the debate be adjourned until Tuesday 15 May 2007.

- 20 **HOUSE COMMITTEE** — Motion made, by leave, and question — That Ms Beattie, Mr Delahunty, Mr Howard, Mr Kotsiras, Mr Scott and Mr Smith (*Bass*) be members of the House Committee (*Mr Batchelor*) — put, after debate, and agreed to.

- 21 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, under SO 94(2), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 3 May 2007:

Equal Opportunity Amendment Bill 2007

Fair Trading and Consumer Acts Amendment Bill 2007

Gambling and Racing Legislation Amendment (Sports Betting) Bill 2007

Howard Florey Institute of Experimental Physiology and Medicine (Repeal) Bill 2007

Statute Law Repeals Bill 2006

(*Mr Batchelor*) — after debate, put.

The House divided (the Speaker, Ms Lindell, in the Chair) —

AYES 53

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beattie; Mr Bracks; Mr Brooks; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Mr Eren; Ms Graley; Ms Green; Mr Haermeyer; Mr Hardman; Dr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Ms Kosky; Mr Langdon; Mr Languiller; Mr Lim; Ms Lobato; Mr Lupton; Mrs Maddigan; Ms Marshall; Mr Merlino; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Richardson; Mr Robinson; Mr Scott; Mr Seitz; Mr Stensholt; Ms Thomson (*Footscray*); Mr Thwaites; Mr Trezise; Mr Wynne.

## NOES 33

Ms Asher; Mr Baillieu; Mr Blackwood; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Hodgett; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Morris; Mr Mulder; Dr Napthine; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith (*Bass*); Mr Smith (*Warrandyte*); Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Weller; Mr Wells; Ms Wooldridge.

Question agreed to.

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

23 **STATUTE LAW REPEALS BILL 2006** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

Bill sent to the Legislative Council and their agreement requested.

24 **HOWARD FLOREY INSTITUTE OF EXPERIMENTAL PHYSIOLOGY AND MEDICINE (REPEAL) BILL 2007** — Order read for resuming debate on question — That this Bill be now read a second time.

The Acting Speaker announced that the Speaker had ruled the Bill to be a private bill.

Motion made and question — That this Bill be treated as a public bill and that fees be dispensed with (*Ms Pike*) — put and agreed to.

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

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

Bill sent to the Legislative Council and their agreement requested.

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

Legal Profession Amendment Bill 2007

Major Events (Aerial Advertising) Bill 2007

Drugs, Poisons and Controlled Substances Amendment (Repeal of Part X) Bill 2007.

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

27 **ADJOURNMENT** — The Deputy Speaker left the Chair, after debate, at 10.49 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JENNY LINDELL  
*Speaker*

## No 17 — Wednesday 2 May 2007

1 The Speaker took the Chair and read the Prayer.

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

**Lara Structure Plan** — Requesting that the House, with reference to the Lara Structure Plan, not allow the parcels of land adjacent to Serendip Sanctuary in Windermere Road and bounded by Forest Road North in the west and Flinders Avenue in the east, to be rezoned from rural living to residential, bearing 879 signatures (*Mr Eren*)

**Rosebud Maternity Unit** — Requesting that the House acts to honour the Victorian maternity services policy, *Future Directions*, and re-opens Rosebud Maternity Unit to births, as a primary midwifery unit, similar to Ryde and Belmont in New South Wales, bearing 1,003 signatures (*Mr Dixon*).

Petitions ordered to be tabled.

- 3 **PETITION — LARA STRUCTURE PLAN** — Motion made and question — That the petition presented by the Member for Lara be taken into consideration tomorrow (*Mr Eren*) — put and agreed to.

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

Auditor-General — Giving Victorian children the best start in life — Ordered to be printed

*Major Events (Crowd Management) Act 2003* — Order declaring a managed access area under s 7

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

Cardinia — C79

Casey — C92

Maroondah — C59

Melton — C58

Stonnington — C69

Yarra — C59

Statutory Rules under the following Acts:

*Children, Youth and Families Act 2005* — SR 24

*Domestic Building Contracts Act 1995* — SR 25

*Health Services Act 1988* — SR 26.

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

- 6 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE — NUCLEAR-FREE VICTORIA** — The House was informed that Mr Hardman had proposed that a definite matter of public importance be submitted to the House for discussion, namely —

'That this House congratulates the Victorian Government for its commitment to retaining a nuclear-free Victoria and its continuing efforts towards development of renewable sources of energy and low emissions technologies including clean coal technology.'

Mr Hardman addressed the House — Discussion followed.

- 7 **STATEMENTS ON PARLIAMENTARY COMMITTEE REPORTS** — A statement was made on the Scrutiny of Acts and Regulations Committee's Report on the Statute Law Revision Bill 2006.

8 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 1 to 4 inclusive, be postponed until later this day.

9 **GAMBLING REGULATION AMENDMENT (REVIEW PANEL) BILL 2007** — Order read for the consideration of the amendments made by the Legislative Council.

After debate, the amendments were agreed to by the House.

Message sent to the Legislative Council informing them accordingly.

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

10 **QUESTIONS** — (Under SO 55).

11 **STATE TAXATION AND GAMBLING LEGISLATION AMENDMENT (BUDGET MEASURES) BILL 2007** — *Mr Brumby tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

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

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

Ordered — That the debate be adjourned until Wednesday 16 May 2007.

12 **WATER ACTS AMENDMENT (ENFORCEMENT AND OTHER MATTERS) BILL 2007** — *Mr Thwaites tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

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

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

Ordered — That the debate be adjourned until Wednesday 16 May 2007.

13 **HEALTH PROFESSIONS REGISTRATION AMENDMENT BILL 2007** — *Ms Pike tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

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

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

Ordered — That the debate be adjourned until Wednesday 16 May 2007.

14 **CRIMES AMENDMENT (DNA DATABASE) BILL 2007** — *Mr Hulls tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

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

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

Ordered — That the debate be adjourned until Wednesday 16 May 2007.

15 **GAMBLING AND RACING LEGISLATION AMENDMENT (SPORTS BETTING) BILL 2007** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

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

- 16 **ADDRESS-IN-REPLY TO THE GOVERNOR'S SPEECH** — Order read for resuming debate on question — That the following Address, in reply to the speech of the Governor to both Houses of Parliament, be agreed to by this House (*for Address see p 22, 19 December 2006*); debate resumed.

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

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

- 17 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Road Legislation Amendment Bill 2007 without amendment.

- 18 **GAMBLING AND RACING LEGISLATION AMENDMENT (SPORTS BETTING) BILL 2007** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

Bill sent to the Legislative Council and their agreement requested.

- 19 **ADDRESS-IN-REPLY TO THE GOVERNOR'S SPEECH** — Order read for resuming debate on question — That the following Address, in reply to the speech of the Governor to both Houses of Parliament, be agreed to by this House (*for Address see p 22, 19 December 2006*); debate resumed.

Question — put, and Address agreed to.

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

- 21 **ADJOURNMENT** — The Acting Speaker left the Chair, after debate, at 10.16 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JENNY LINDELL  
*Speaker*

## No 18 — Thursday 3 May 2007

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

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

**Peninsula Health** — Requesting that the House asks the Minister for Health to provide sufficient funding to enable Peninsula Health to provide the necessary infrastructure and resources to attract obstetricians to work in Rosebud Hospital, bearing 204 signatures (*Mr Dixon*)

**Nuclear Industry** — Requesting that the House reaffirms the opposition of the Government to the creation of a nuclear industry in Victoria, including the construction of a nuclear power plant, bearing 1,102 signatures (*Mr Batchelor*).

Petitions ordered to be tabled.

- 3 **PETITION — PENINSULA HEALTH** — Motion made and question — That the petition presented by the Member for Nepean be taken into consideration tomorrow (*Mr Dixon*) — put and agreed to.

4 **DOCUMENT BY COMMAND OF THE GOVERNOR**

Mr Hulls presented by Command of the Governor:

Children's Court of Victoria — Report 2005–06.

Ordered to be tabled.

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

Centre for Adult Education — Report 2006

*Rural Finance Act 1988* — Direction to administer a Financial Assistance Scheme to flood victims

*Subordinate Legislation Act 1994* — Ministers' exemption certificates in relation to Statutory Rules 25, 26.

- 5 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourns until Tuesday 22 May 2007 (*Ms Neville*) — put and agreed to.

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

- 7 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That the government business program agreed to by this House on 1 May 2007 be amended by omitting the Order of the Day, Government Business, relating to the Equal Opportunity Amendment Bill 2007 (*Mr Batchelor*) — put, after debate, and agreed to.

- 8 **APPROPRIATION (2007/2008) BILL 2007** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

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

- 9 **FAIR TRADING AND CONSUMER ACTS AMENDMENT BILL 2007** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

- 10 **QUESTIONS** — (Under SO 55).

- 11 **FAIR TRADING AND CONSUMER ACTS AMENDMENT BILL 2007** — Debate continued on question — That this Bill be now read a second time.

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

Bill sent to the Legislative Council and their agreement requested.

- 12 **EQUAL OPPORTUNITY AMENDMENT BILL 2007** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Question — put.

The House divided (the Speaker, Ms Lindell, in the Chair) —

AYES 47

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beattie; Mr Brooks; Mr Cameron; Ms Campbell; Mr Carli; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Mr Eren; Ms Graley; Ms Green; Mr Haermeyer; Mr Hardman; Dr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Ms Kosky; Mr Langdon; Mr Languiller; Mr Lim; Ms Lobato; Mr Lupton; Mrs Maddigan; Ms Marshall; Mr Merlino; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Perera; Ms Richardson; Mr Robinson; Mr Scott; Mr Seitz; Ms Thomson (*Footscray*); Mr Thwaites; Mr Trezise; Mr Wynne.

NOES 30

Ms Asher; Mr Baillieu; Mr Blackwood; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Hodgett; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Morris; Mr Mulder; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith (*Bass*); Mr Smith (*Warrandyte*); Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Weller; Ms Wooldridge.

Question agreed to.

By leave, Bill immediately read a third time.

Bill sent to the Legislative Council and their agreement requested.

- 13 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Batchelor*) — put and agreed to.
- 14 **ADJOURNMENT** — The Deputy Speaker left the Chair, after debate, at 5.39 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JENNY LINDELL  
*Speaker*



## LEGISLATIVE ASSEMBLY OF VICTORIA

### VOTES AND PROCEEDINGS Nos 19, 20 and 21

#### No 19 — Tuesday 22 May 2007

- 1 The House met according to the adjournment — The Speaker took the Chair and read the Prayer.
- 2 **QUESTIONS** — (Under SO 55).
- 3 **ACCIDENT COMPENSATION AMENDMENT BILL 2007** — Mr Holding obtained leave to bring in a Bill *'for an Act to amend the Accident Compensation Act 1985 and for other purposes'*; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 4 **SUPERANNUATION LEGISLATION AMENDMENT (CONTRIBUTION SPLITTING AND OTHER MATTERS) BILL 2007** — Mr Holding obtained leave to bring in 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, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 5 **PAYROLL TAX BILL 2007** — Mr Brumby obtained leave to bring in 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 the Bill was read a first time and ordered to be read a second time tomorrow.
- 6 **STATE TAXATION ACTS AMENDMENT BILL 2007** — Mr Brumby obtained leave to bring in a Bill *'for an Act to amend the Duties Act 2000 and the Taxation Administration Act 1997 and for other purposes'*; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 7 **COURTS LEGISLATION AMENDMENT (JUDICIAL EDUCATION AND OTHER MATTERS) BILL 2007** — Mr Hulls obtained leave to bring in 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, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 8 **WILLS AMENDMENT BILL 2007** — Mr Hulls obtained leave to bring in a Bill *'for an Act to amend the Wills Act 1997 and for other purposes'*; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 9 **PROFESSIONAL STANDARDS AMENDMENT BILL 2007** — Mr Hulls obtained leave to bring in 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 the Bill was read a first time and ordered to be read a second time tomorrow.

10 **OUTWORKERS AND CONTRACTORS LEGISLATION AMENDMENT BILL 2007** — Mr Hulls obtained leave to bring in 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 the Bill was read a first time and ordered to be read a second time tomorrow.

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

**Women's Reproductive Rights** — Requesting that the House supports — (a) the unconditional recognition of every woman's right to make her own reproductive choices by removing abortion from Victoria's *Crimes Act 1958* and making abortion available safely, free and on demand through the health care system; (b) access to assisted reproductive technology for all women who seek it; and (c) free 24-hour childcare, bearing 622 signatures (*Mr Carli*)

**Nuclear Industry** — Requesting that the House reaffirms the opposition of the Government to the creation of a nuclear industry in Victoria, including the construction of a nuclear power plant, bearing 70 signatures (*Dr Harkness*)

**Genetically Modified Crops** — Requesting that the House intercedes with the Government, Cabinet and Health Minister to — (a) set up independent and participatory processes to review the *Control of Genetically Modified Crops Act 2004*; (b) make a firm commitment to extending the bans on genetically modified (GM) crops until 2013; (c) urge all state, territory and federal ministers on the Gene Technology Ministerial Council (GTMC) to also extend their GM crops bans; and (d) encourage GTMC to lower thresholds of GM canola contamination allowed, from 0.9 per cent in grain and 0.5 per cent in seed, to 0.1 per cent as promised, bearing 443 signatures (*Ms Lobato*).

Petitions ordered to be tabled.

12 **PETITION — GENETICALLY MODIFIED CROPS** — Motion made and question — That the petition presented by the Member for Gembrook be taken into consideration tomorrow (*Ms Lobato*) — put and agreed to.

13 **DOCUMENTS**

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — Mr Carli, Chair, presented a report from the Scrutiny of Acts and Regulations Committee being the Alert Digest No 6 of 2007 on the:

Accident Towing Services Bill 2007  
 Appropriation (2007/2008) Bill 2007  
 Appropriation (Parliament 2007/2008) Bill 2007  
 Crimes Amendment (DNA Database) Bill 2007  
 Fair Trading and Consumer Acts Amendment Bill 2007  
 Health Professions Registration Amendment Bill 2007  
 State Taxation and Gambling Legislation Amendment (Budget Measures) Bill 2007  
 Water Acts Amendment (Enforcement and Other Matters) Bill 2007

together with appendices.

Ordered to be tabled and printed.

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

*Crown Land (Reserves) Act 1978* — Orders under s 17D granting leases over:

Albert Park Reserve (two orders)

Bridgewater Public Park and Public Recreation Reserve and part of the Loddon River Public Purposes Reserve

*Financial Management Act 1994* — Report from the Minister for Health that she had received the 2006 report of the Psychologists Registration Board of Victoria together with an explanation for the delay

*Parliamentary Committees Act 2003* — Government response to the Law Reform Committee's report on De Novo Appeals to the County Court

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

Ballarat — C96  
 Baw Baw — C41 Part 1  
 Golden Plains — C27  
 Greater Bendigo — C81, C86  
 Greater Geelong — C132  
 Hepburn — C28  
 Moreland — C30  
 Mornington Peninsula — C73 Part 2  
 Surf Coast — C36  
 Victoria Planning Provisions — VC30  
 Whittlesea — C100

Statutory Rules under the following Acts:

*Borrowing and Investment Powers Act 1987* — SR 29  
*Coroners Act 1985* — SR 28  
*Legal Profession Act 2004* — SR 31  
*Magistrates' Court Act 1989* — SR 30  
*Subordinate Legislation Act 1994* — SR 32  
*Supreme Court Act 1986* — SR 27

*Subordinate Legislation Act 1994*:

Minister's exception certificates in relation to Statutory Rules 24, 27, 30  
 Ministers' exemption certificates in relation to Statutory Rules 21, 31

*Victorian Renewable Energy Act 2006* — Victorian Renewable Energy Target Scheme Rules (*in lieu of rules previously tabled on Tuesday 17 April 2007*).

The following proclamation fixing an operative date was tabled by the Clerk in accordance with an order of the House dated 19 December 2006:

*Gambling Regulation Amendment (Review Panel) Act 2007* — Whole Act — 10 May 2007 (*Gazette G19, 10 May 2007*).

14 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Infertility Treatment Amendment Bill 2007 without amendment.

15 **MESSAGE FROM THE GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that he had, on 8 May 2007, given the royal assent to the following bills, 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) Bill 2007

Gambling Regulation Amendment (Review Panel) Bill 2007  
 Legal Profession Amendment Bill 2007  
 Major Events (Aerial Advertising) Bill 2007  
 Road Legislation Amendment Bill 2007.

- 16 **MESSAGE FROM THE LIEUTENANT-GOVERNOR — ASSENT TO BILL** — Informing the Legislative Assembly that she had, on 15 May 2007, given the royal assent to the Infertility Treatment Amendment Bill 2007, presented to her by the Clerk of the Parliaments.
- 17 **MESSAGE FROM THE GOVERNOR** — The Speaker announced the presentation of a message from the Governor recommending an appropriation for the purposes of the State Taxation and Gambling Legislation Amendment (Budget Measures) Bill 2007.
- 18 **VICTORIAN HEALTH PROMOTION FOUNDATION** — The Speaker announced that she had received the following letter:

2 May 2007

The Hon Jenny Lindell MP  
 Speaker of the Legislative Assembly  
 Parliament House  
 Spring Street  
 Melbourne 3000

Dear Speaker

**MEMBERSHIP — THE VICTORIAN HEALTH PROMOTION FOUNDATION**

The Victorian Health Promotion Foundation (VicHealth) is established under section 16 of the *Tobacco Act 1987* (the Act) to promote good health and disease prevention in the community.

Under section 21(1)(f) of the Act, three (3) members of VicHealth are members of either the Legislative Assembly or the Legislative Council and elected by both houses jointly.

The previously elected Members are:

- The Hon Bill Forwood MLC
- Ms Maxine Morand MLA
- Mr Hugh Delahunty

On leaving Parliamentary office, irrespective of whether MPs are returned to Parliament, the positions are automatically vacated. Subsequently, VicHealth now requires the re-election of three new members.

I would be grateful if you could place this matter on the agenda for a Joint Sitting of both Houses. In order to maintain the membership of VicHealth at the optimum number I would appreciate if this matter could be resolved quickly.

I have forwarded a similar request to the President of the Legislative Council.

Yours sincerely

Hon Bronwyn Pike MP  
 Minister for Health

Motion made, by leave, and question — That this House meets the Legislative Council for the purpose of sitting and voting together to elect three members of the Parliament to the Victorian Health Promotion Foundation and proposes that the time and place of such meeting be the Legislative Assembly Chamber on Wednesday 23 May 2007, at 6.15 pm (*Mr Batchelor*) — put and agreed to.

Ordered — That a message be sent to the Legislative Council informing them of the resolution and requesting their agreement.

- 19 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, under SO 94(2), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 24 May 2007:

Appropriation (2007/2008) Bill 2007

Appropriation (Parliament 2007/2008) Bill 2007

State Taxation and Gambling Legislation Amendment (Budget Measures) Bill 2007

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

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

- 21 **STATE TAXATION AND GAMBLING LEGISLATION AMENDMENT (BUDGET MEASURES) BILL 2007** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

Bill sent to the Legislative Council and their agreement requested.

- 22 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Informing the Legislative Assembly that they have agreed to meet the Assembly for the purpose of sitting and voting together to elect three members of Parliament to the Victorian Health Promotion Foundation as proposed by the Assembly.

- 23 **STATUTE LAW REVISION BILL 2006** — The Acting Speaker announced the receipt of a message from the Legislative Council presenting, for the agreement of the Legislative Assembly, a Bill '*for an Act to revise the statute law of Victoria*'.

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

- 24 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Howard Florey Institute of Experimental Physiology and Medicine (Repeal) Bill 2007 without amendment.

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

- 26 **APPROPRIATION (PARLIAMENT 2007/2008) BILL 2007** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

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

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

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

Bill sent to the Legislative Council and their agreement requested.

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

Gambling and Racing Legislation Amendment (Sports Betting) Bill 2007

Fair Trading and Consumer Acts Amendment Bill 2007.

- 28 **APPROPRIATION (2007/2008) BILL 2007** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

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

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

- 30 **ADJOURNMENT** — The Deputy Speaker left the Chair, after debate, at 11.51 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JENNY LINDELL  
*Speaker*

## No 20 — Wednesday 23 May 2007

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

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

**Nuclear Industry** — Requesting that the House reaffirms the opposition of the Government to the creation of a nuclear industry in Victoria, including the construction of a nuclear power plant, bearing 15 signatures (*Mr Stensholt*)

**Geelong Group Midwifery Practice, Barwon Health** — Requesting that the Government takes a leading role in ensuring the Geelong Group Midwifery Practice at Barwon Health goes ahead, bearing 299 signatures (*Mr Trezise*)

**Green Wedge Land between Mt Eliza and Mornington** — Requesting that the House calls on the Government to take immediate action to protect green wedge land and ensure that the proposed title boundary re-alignment for the Norman Lodge and Gunyong Valley properties in Mt Eliza be refused, bearing 203 signatures (*Mr Morris*)

**Report Card System for School Students** — Requesting that the House abolishes the new report card system for Victorian school students and return to the previous reporting system that was in place, bearing 267 signatures (*Mrs Powell*).

Petitions ordered to be tabled.

- 3 **PETITION — NUCLEAR INDUSTRY** — Motion made and question — That the petition presented by the Member for Burwood be taken into consideration tomorrow (*Mr Stensholt*) — put and agreed to.
- 4 **PETITION — GREEN WEDGE LAND BETWEEN MT ELIZA AND MORNINGTON** — Motion made and question — That the petition presented by the Member for Mornington be taken into consideration tomorrow (*Mr Morris*) — put and agreed to.
- 5 **DOCUMENTS TABLED UNDER AN ACT OF PARLIAMENT** — The Clerk tabled the following documents in accordance with an Act of Parliament:
- Auditor-General:
- Maintaining Victoria's Rail Infrastructure Assets — Ordered to be printed  
State Investment in Major Events — Ordered to be printed.
- 6 **STATEMENTS BY MEMBERS** — Statements by members were made.
- 7 **ACTING SPEAKERS** — The following warrant appointing Acting Speakers was tabled by the Speaker:

VICTORIA  
LEGISLATIVE ASSEMBLY

Under Standing Order 20 of the Legislative Assembly, I appoint Liz Beattie, Christine Campbell, John Eren, Christine Fyffe, Danielle Green, Alistair Harkness, Geoff Howard, Craig Ingram, Ken Jasper, Nicholas Kotsiras, Telmo Languiller, Tony Lupton, Kirstie Marshall, Janice Munt, Don Nardella, Jeanette Powell, George Seitz, Ken Smith, Bob Stensholt, Murray Thompson to preside as Acting Speakers whenever requested to do so by the Speaker or the Deputy Speaker.

This warrant replaces the previous warrant tabled under my name on 13 February 2007.

Given under my hand on 23 May 2007.

Jenny Lindell  
SPEAKER

- 8 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE — WATER POLICIES** — The House was informed that Mr Walsh had proposed that a definite matter of public importance be submitted to the House for discussion, namely —
- 'That this House condemns the Bracks Government for its failure to develop and implement appropriate policies to guarantee water supply security for all Victorians.'
- Mr Walsh addressed the House — Discussion followed.
- 9 **STATEMENTS ON PARLIAMENTARY COMMITTEE REPORTS** — Statements were made on the following Committee Reports:
- Environment and Natural Resources Committee's Report on the Inquiry into the Production and/or Use of Biofuels in Victoria.
- Public Accounts and Estimates Committee's Report 2005–06.
- 10 **NATIONAL EMISSIONS TRADING SCHEME** — Motion made and question — That this House supports the introduction of a national emissions trading scheme to reduce Australia's greenhouse gas

emissions which contribute to global warming and climate change and, in particular, supports an effective national emissions trading scheme which:

- (1) is established in collaboration between the state, territory and federal governments under the auspices of the Council of Australian Governments;
- (2) has a specified long term cap that contributes to reducing emissions by 60 per cent by 2050 compared with 2000 levels;
- (3) sets firm emissions caps and commits to absolute reductions in emissions in future years; and
- (4) recognises that complementary measures to a national emissions trading scheme, including the Victorian Renewable Energy Target and the Victorian Energy Efficiency Target schemes, will be necessary for the foreseeable future

*(Mr Bracks)* — and, after debate —

Amendment proposed — That all the words after 'climate change' be omitted *(Ms Asher)* — and, after debate —

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

11 **QUESTIONS** — (Under SO 55).

12 **NATIONAL EMISSIONS TRADING SCHEME** — Debate continued on question — That this House supports the introduction of a national emissions trading scheme to reduce Australia's greenhouse gas emissions which contribute to global warming and climate change and, in particular, supports an effective national emissions trading scheme which:

- (1) is established in collaboration between the state, territory and federal governments under the auspices of the Council of Australian Governments;
- (2) has a specified long term cap that contributes to reducing emissions by 60 per cent by 2050 compared with 2000 levels;
- (3) sets firm emissions caps and commits to absolute reductions in emissions in future years; and
- (4) recognises that complementary measures to a national emissions trading scheme, including the Victorian Renewable Energy Target and the Victorian Energy Efficiency Target schemes, will be necessary for the foreseeable future

— *and on the amendment* — That all the words after 'climate change' be omitted.

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

The House divided (the Speaker, Ms Lindell, in the Chair) —

AYES 54

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beattie; Mr Bracks; Mr Brooks; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Mr Eren; Ms Graley; Ms Green; Mr Haermeyer; Mr Hardman; Dr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Ms Kosky; Mr Langdon; Mr Languiller; Mr Lim; Ms Lobato; Mr Lupton; Mrs Maddigan; Ms Marshall; Mr Merlino; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Pike; Ms Richardson; Mr Robinson; Mr Scott; Mr Seitz; Mr Stensholt; Ms Thomson (*Footscray*); Mr Thwaites; Mr Trezise; Mr Wynne.

NOES 31

Ms Asher; Mr Baillieu; Mr Blackwood; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Hodgett; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Morris; Mr Mulder; Dr Naphine; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith (*Bass*); Mr Smith (*Warrandyte*); Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Weller; Mr Wells.

Question agreed to.

Original question — put.

The House divided (the Speaker, Ms Lindell, in the Chair) —

AYES 55

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beattie; Mr Bracks; Mr Brooks; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Mr Eren; Ms Graley; Ms Green; Mr Haermeyer; Mr Hardman; Dr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Ms Kosky; Mr Langdon; Mr Languiller; Mr Lim; Ms Lobato; Mr Lupton; Mrs Maddigan; Ms Marshall; Mr Merlino; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Pike; Ms Richardson; Mr Robinson; Mr Scott; Mr Seitz; Mr Stensholt; Ms Thomson (*Footscray*); Mr Thwaites; Mr Trezise; Mr Wynne.

NOES 31

Ms Asher; Mr Baillieu; Mr Blackwood; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Hodgett; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Morris; Mr Mulder; Dr Naphine; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith (*Bass*); Mr Smith (*Warrandyte*); Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Weller; Mr Wells.

Question agreed to.

- 13 **PAYROLL TAX BILL 2007** — *Mr Brumby tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

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

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

Ordered — That the debate be adjourned until Wednesday 6 June 2007.

- 14 **STATE TAXATION ACTS AMENDMENT BILL 2007** — *Mr Brumby tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

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

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

Ordered — That the debate be adjourned until Wednesday 6 June 2007.

- 15 **ACCIDENT COMPENSATION AMENDMENT BILL 2007** — *Mr Holding tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

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

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

Ordered — That the debate be adjourned until Wednesday 6 June 2007.

- 16 **SUPERANNUATION LEGISLATION AMENDMENT (CONTRIBUTION SPLITTING AND OTHER MATTERS) BILL 2007** — *Mr Holding tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

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

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

Ordered — That the debate be adjourned until Wednesday 6 June 2007.

- 17 **COURTS LEGISLATION AMENDMENT (JUDICIAL EDUCATION AND OTHER MATTERS) BILL 2007** — *Mr Hulls tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

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

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

Ordered — That the debate be adjourned until Wednesday 6 June 2007.

- 18 **WILLS AMENDMENT BILL 2007** — *Mr Hulls tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

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

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

Ordered — That the debate be adjourned until Wednesday 6 June 2007.

- 19 **PROFESSIONAL STANDARDS AMENDMENT BILL 2007** — *Mr Hulls tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

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

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

Ordered — That the debate be adjourned until Wednesday 6 June 2007.

- 20 **OUTWORKERS AND CONTRACTORS LEGISLATION AMENDMENT BILL 2007** — *Mr Hulls tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

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

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

Ordered — That the debate be adjourned until Wednesday 6 June 2007.

- 21 **APPROPRIATION (2007/2008) BILL 2007** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

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

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

And the House having continued to sit after midnight —

THURSDAY 24 MAY 2007

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

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

- 22 **JOINT SITTING — VICTORIAN HEALTH PROMOTION FOUNDATION** — The Speaker reported that the House met today with the Legislative Council for the purpose of sitting and voting together to elect three members of the Parliament to the Victorian Health Promotion Foundation, and that Ms Kirstie Marshall MP, Mr Richard Dalla-Riva MLC and Mr Hugh Delahunty MP were elected.
- 23 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Merlino*) — put and agreed to.
- 24 **ADJOURNMENT** — The Speaker left the Chair, after debate, at 1.13 am.

R W PURDEY  
*Clerk of the Legislative Assembly*

JENNY LINDELL  
*Speaker*

## No 21 — Thursday 24 May 2007

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

### 2 DOCUMENTS

**INQUIRIES INTO CHILD DEATHS: CHILD PROTECTION** — Motion made, by leave, and question — That the annual report of Inquiries into the Deaths of Children Known to Child Protection 2007 be tabled (*Ms Neville*) — put and agreed to.

**PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE** — Mr Stensholt, Chair, presented a report from the Public Accounts and Estimates Committee on the 2007–08 Budget Estimates — Part One, together with minutes of evidence, appendices, a minority report and extracts from the proceedings.

Ordered to be tabled and printed.

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

Anti-Cancer Council of Victoria — Report 2006

Statutory Rules under the following Acts:

*Accident Compensation Act 1985* — SR 35

*Magistrates' Court Act 1989* — SR 33

*Subordinate Legislation Act 1994* — SR 34

*Subordinate Legislation Act 1994* — Minister's exception certificate in relation to Statutory Rule 33.

3 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourns until Tuesday 5 June 2007 (*Mr Cameron*) — put and agreed to.

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

5 **APPROPRIATION (2007/2008) BILL 2007** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

6 **QUESTIONS** — (Under SO 55).

7 **APPROPRIATION (2007/2008) BILL 2007** — Debate resumed on question — That this Bill be now read a second time.

*Allocation of time — The Acting Speaker advised that the time allocated for consideration of bills under the resolution of the House on Tuesday 22 May 2007 had expired.*

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

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

Bill sent to the Legislative Council and their agreement requested.

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

9 **ADJOURNMENT** — The Acting Speaker left the Chair, after debate, at 4.47 pm.

R W PURDEY  
Clerk of the Legislative Assembly

JENNY LINDELL  
Speaker

## LEGISLATIVE ASSEMBLY OF VICTORIA

### VOTES AND PROCEEDINGS Nos 22, 23, 24 and 25

#### No 22 — Tuesday 5 June 2007

- 1 The House met according to the adjournment — The Speaker took the Chair and read the Prayer.
- 2 **DEATH OF THE HONOURABLE SIDNEY JAMES PLOWMAN** — Motion made and question — That this House expresses its sincere sorrow at the death 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 Member of the Legislative Assembly for the Electoral District of Evelyn from 1973 to 1982 and from 1985 to 1999, Speaker of the Legislative Assembly from 1979 to 1982 and from 1996 to 1999, and Minister Assisting the Treasurer on State Owned Enterprises and Minister for Energy and Minerals from 1992 to 1996 (*Mr Bracks*) — put, after members had addressed the House in support of the motion and, members rising in their places to signify their assent, agreed to unanimously.
- 3 **ADJOURNMENT** — Motion made and question — That, as a further mark of respect to the memory of the late Honourable Sidney James Plowman, the House now adjourns until 8.00 pm today (*Mr Bracks*) — put and agreed to.

And the House, at 3.19 pm adjourned until 8.00 pm today.

R W PURDEY  
*Clerk of the Legislative Assembly*

JENNY LINDELL  
*Speaker*

#### No 23 — Tuesday 5 June 2007 (8.00 PM)

- 1 The House met according to the adjournment — The Speaker took the Chair.
- 2 **ADJOURNMENT** — The Speaker left the Chair at 8.06 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JENNY LINDELL  
*Speaker*

## No 24 — Wednesday 6 June 2007

1 The Speaker took the Chair and read the Prayer.

2 **MAGISTRATES' COURT AND CORONERS ACTS AMENDMENT BILL 2007** — Mr Hulls obtained leave to bring in 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 the Bill was read a first time and ordered to be read a second time tomorrow.

3 **GAMBLING REGULATION AMENDMENT BILL 2007** — Mr Andrews obtained leave to bring in 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 the Bill was read a first time and ordered to be read a second time tomorrow.

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

**Nuclear Industry** — Requesting that the House reaffirms the opposition of the Government to the creation of a nuclear industry in Victoria, including the construction of a nuclear power plant, bearing 7 and 15 signatures (*Mr Stensholt and Dr Harkness respectively*)

**Peninsula Health** — Requesting that the House asks the Minister for Health to provide sufficient funding to enable Peninsula Health to provide the necessary infrastructure and resources to attract obstetricians to work in Rosebud Hospital, bearing 270 signatures (*Mr Dixon*).

Petitions ordered to be tabled.

5 **PETITION — NUCLEAR INDUSTRY** — Motion made and question — That the petition presented by the Member for Frankston be taken into consideration tomorrow (*Dr Harkness*) — put and agreed to.

6 **PETITION — PENINSULA HEALTH** — Motion made and question — That the petition presented by the Member for Nepean be taken into consideration tomorrow (*Mr Dixon*) — put and agreed to.

7 **PETITION — NUCLEAR INDUSTRY** — Motion made and question — That the petition presented by the Member for Burwood be taken into consideration tomorrow (*Mr Stensholt*) — put and agreed to.

8 **DOCUMENTS**

**STATEMENT ON MINISTERIAL INTERVENTION IN PLANNING MATTERS** — Motion made, by leave, and question — That a Statement on Ministerial Intervention in Planning Matters for the period May 2006 to April 2007 under the *Planning and Environment Act 1987*, the *Victorian Civil and Administrative Tribunal Act 1998* and the *Heritage Act 1995* be tabled (*Mr Thwaites*) — put and agreed to.

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — Mr Carli, Chair, presented a report from the Scrutiny of Acts and Regulations Committee being the Alert Digest No 7 of 2007 on the:

Accident Compensation Amendment Bill 2007

Courts Legislation Amendment (Judicial Education and Other Matters) Bill 2007

Outworkers and Contractors Legislation Amendment Bill 2007

Payroll Tax Bill 2007

Professional Standards Amendment Bill 2007  
State Taxation Acts Amendment Bill 2007  
Superannuation Legislation Amendment (Contribution Splitting and Other Matters) Bill 2007  
Wills Amendment Bill 2007

together with an extract from the proceedings and appendices.

Ordered to be tabled and printed.

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

Auditor-General:

Follow-up of Selected Performance Audits Tabled in 2003 and 2004 — Ordered to be printed  
Results of Financial Statement Audits for Agencies with other than 30 June 2006 Balance Dates — Ordered to be printed

*Confiscation Act 1997* — Asset Confiscation Operations Report 2005–06

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

Bass Coast — C60  
Campaspe — C51  
Corangamite — C3  
East Gippsland — C39  
Frankston — C39  
Greater Bendigo — C85  
Greater Dandenong — C79  
Hume — C94  
Melton — C53 Part 1  
Mildura — C35  
Port Phillip — C60  
Southern Grampians — C11  
Wellington — C38  
Whittlesea — C94  
Yarra — C65  
Yarra Ranges — C66

Statutory Rules under the following Acts:

*Aboriginal Heritage Act 2006* — SR 41  
*Architects Act 1991* — SR 40  
*Extractive Industries Development Act 1995* — SR 37  
*Guardianship and Administration Act 1986* — SR 36  
*Road Safety Act 1986* — SRs 38, 39

*Subordinate Legislation Act 1994*:

Minister's exception certificates in relation to Statutory Rules 38, 39  
Minister's exemption certificate in relation to Statutory Rule 39.

The following proclamation fixing an operative date was tabled by the Clerk in accordance with an order of the House dated 19 December 2006:

*Aboriginal Heritage Act 2006 — Whole Act — 28 May 2007 (Gazette G21, 24 May 2007).*

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

Equal Opportunity Amendment Bill 2007  
Statute Law Repeals Bill 2006.

- 10 **MESSAGE FROM THE GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that he had, on 29 May 2007, given the royal assent to the following bills, presented to him by the Clerk of the Parliaments:

Equal Opportunity Amendment Bill 2007  
Fair Trading and Consumer Acts Amendment Bill 2007  
Gambling and Racing Legislation Amendment (Sports Betting) Bill 2007  
Howard Florey Institute of Experimental Physiology and Medicine (Repeal) Bill 2007.

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

Accident Compensation Amendment Bill 2007  
Courts Legislation Amendment (Judicial Education and Other Matters) Bill 2007  
Payroll Tax Bill 2007.

- 12 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, under SO 94(2), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 7 June 2007:

Courts Legislation Amendment (Judicial Education and Other Matters) Bill 2007  
Health Professions Registration Amendment Bill 2007  
Payroll Tax Bill 2007  
Professional Standards Amendment Bill 2007  
Water Acts Amendment (Enforcement and Other Matters) Bill 2007

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

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

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

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

Public Accounts and Estimates Committee's Report on the 2007–08 Budget Estimates — Part 1

Law Reform Committee's Report on De Novo Appeals to the County Court.

- 16 **STATUTE LAW REVISION BILL 2006** — *Mr Batchelor* tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.

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

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

Ordered — That the debate be adjourned until tomorrow.

- 17 **HEALTH PROFESSIONS REGISTRATION AMENDMENT BILL 2007** — Order read for resuming debate on question — That this Bill be now read a second time.

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

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

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

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

- 18 **KERANG TRAIN ACCIDENT** — Mr Bracks, Mr Baillieu and Mr Ryan made statements, by leave, on the Kerang train accident, and members rose in their places as a mark of respect to those who had lost their lives.

- 19 **QUESTIONS** — (Under SO 55).

- 20 **HEALTH PROFESSIONS REGISTRATION AMENDMENT BILL 2007** — Debate continued on question — That this Bill be now read a second time.

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

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

- 21 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 3 to 5 inclusive, be postponed until later this day.

- 22 **PROFESSIONAL STANDARDS AMENDMENT BILL 2007** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

Bill sent to the Legislative Council and their agreement requested.

- 23 **WATER ACTS AMENDMENT (ENFORCEMENT AND OTHER MATTERS) BILL 2007** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

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

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

Appropriation (Parliament 2007/2008) Bill 2007

State Taxation and Gambling Legislation Amendment (Budget Measures) Bill 2007.

- 25 **HEALTH PROFESSIONS REGISTRATION AMENDMENT BILL 2007** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Bill read a second time, considered in detail and agreed to without amendment, read a third time (*see pp 130–1*).

Bill sent to the Legislative Council and their agreement requested.

- 26 **PAYROLL TAX BILL 2007** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

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

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

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

Bill sent to the Legislative Council and their agreement requested.

- 27 **WATER ACTS AMENDMENT (ENFORCEMENT AND OTHER MATTERS) BILL 2007** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

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

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

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

R W PURDEY  
*Clerk of the Legislative Assembly*

JENNY LINDELL  
*Speaker*

## No 25 — Thursday 7 June 2007

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

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

**Euthanasia** — Requesting that the House takes immediate action to put a stop to euthanasia by — (a) repealing or amending the *Health Professions Registration Act 2005*; (b) establishing independent processes for investigating complaints against medical practitioners; and (c) legislating for processes that are open, transparent and fair that protect the lives and rights of the community, bearing 1 signature (*Ms Barker*).

Ordered to be tabled.

3 **DOCUMENTS**

**PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE** — Mr Stensholt, Chair, presented a report from the Public Accounts and Estimates Committee on the 2007–08 Budget Estimates — Part Two, together with minutes of evidence and appendices.

Ordered to be tabled and printed.

**PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE** — Mr Stensholt, Chair, presented a 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, together with appendices.

Ordered to be tabled and printed.

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

*Judicial Remuneration Tribunal Act 1995:*

Judicial Allowances and Conditions of Service: Report 1 of 2007  
Attorney-General's Statement of Reasons under s 14

*Multicultural Victoria Act 2004* — Victorian Government Achievements in Multicultural Affairs Report 2005–06

Statutory Rule under the *Evidence Act 1958* — SR 42

Victorian Law Reform Commission — Assisted Reproductive Technology and Adoption — Ordered to be printed.

4 **FINANCIAL AUDIT OF THE AUDITOR-GENERAL'S OFFICE** — Motion made, by leave, and question — That under s 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.

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

Ordered — That a message be sent to the Legislative Council informing them of the resolution and requesting their agreement.

5 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourns until Tuesday 19 June 2007 (*Mr Batchelor*) — put and agreed to.6 **STATEMENTS BY MEMBERS** — Statements by members were made.

- 7 **MAGISTRATES' COURT AND CORONERS ACTS AMENDMENT BILL 2007** — *Mr Hulls tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

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

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

Ordered — That the debate be adjourned until Thursday 21 June 2007.

- 8 **GAMBLING REGULATION AMENDMENT BILL 2007** — *Mr Andrews tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

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

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

Ordered — That the debate be adjourned until Thursday 21 June 2007.

- 9 **COURTS LEGISLATION AMENDMENT (JUDICIAL EDUCATION AND OTHER MATTERS) BILL 2007** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

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

- 10 **WATER ACTS AMENDMENT (ENFORCEMENT AND OTHER MATTERS) BILL 2007** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

- 11 **QUESTIONS** — (Under SO 55).

- 12 **WATER ACTS AMENDMENT (ENFORCEMENT AND OTHER MATTERS) BILL 2007** — Debate resumed on question — That this Bill be now read a second time.

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

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

- 13 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Informing the Legislative Assembly that they have agreed to the Assembly's resolution appointing Mr Terry Benfold of Pitcher Partners to conduct the financial audit for 2006–07 of the Victorian Auditor-General's Office, with the following amendment:

'After "GST" insert "and disbursements".'

Ordered — That the amendment be taken into consideration immediately.

- 14 **FINANCIAL AUDIT OF THE AUDITOR-GENERAL'S OFFICE** — Order read for the consideration of the amendment made by the Legislative Council.

After debate, the amendment was agreed to by the House.

Ordered — That a message be sent to the Legislative Council informing accordingly.

- 15 **COURTS LEGISLATION AMENDMENT (JUDICIAL EDUCATION AND OTHER MATTERS) BILL 2007** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

Bill sent to the Legislative Council and their agreement requested.

- 16 **WATER ACTS AMENDMENT (ENFORCEMENT AND OTHER MATTERS) BILL 2007** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Allocation of time — The Acting Speaker advised that the time allocated for consideration of bills under the resolution of the House on Wednesday 6 June 2007 had expired.*

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

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

Bill sent to the Legislative Council and their agreement requested.

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

- 18 **ADJOURNMENT** — The Acting Speaker left the Chair, after debate, at 4.42 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JENNY LINDELL  
*Speaker*

## LEGISLATIVE ASSEMBLY OF VICTORIA

### CONSIDERATION IN DETAIL Supplement to Votes Nos 22, 23, 24 and 25

#### No 24 — Wednesday 6 June 2007

##### HEALTH PROFESSIONS REGISTRATION AMENDMENT BILL 2007

**Clause 1** agreed to.

**Clause 2** — *The Deputy Speaker advised that if Mrs Shardey's amendment No 1 is not agreed to amendment No 3 cannot be moved as it is consequential.*

Mrs Shardey moved amendment No 1 (*see Schedule*).

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

The House divided (the Deputy Speaker, Ms Barker, in the Chair) —

AYES 50

Ms Allan; Mr Andrews; Mr Batchelor; Ms Beattie; Mr Bracks; Mr Brooks; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Mr Eren; Ms Graley; Ms Green; Mr Haermeyer; Mr Hardman; Dr Harkness; Mr Helper; Mr Herbert; Mr Howard; Mr Hudson; Mr Hulls; Ms Kosky; Mr Langdon; Mr Languiller; Mr Lim; Ms Lobato; Mr Lupton; Mrs Maddigan; Ms Marshall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pallas; Mr Perera; Ms Pike; Ms Richardson; Mr Robinson; Mr Scott; Mr Seitz; Mr Stensholt; Ms Thomson (*Footscray*); Mr Thwaites; Mr Trezise; Mr Wynne.

NOES 32

Ms Asher; Mr Baillieu; Mr Blackwood; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Ms Fyffe; Mr Hodgett; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Morris; Dr Napthine; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith (*Bass*); Mr Smith (*Warrandyte*); Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Weller; Mr Wells; Ms Wooldridge.

Question agreed to.

Clause agreed to.

**Clauses 3 to 34** agreed to.

**Clause 35**, Mrs Shardey moved amendment No 2 (*see Schedule*).

Question — That the expression proposed to be omitted stand part of the Clause — put and agreed to.

Clause agreed to.

Bill agreed to without amendment.

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## **SCHEDULE OF AMENDMENTS MOVED**

### **HEALTH PROFESSIONS REGISTRATION AMENDMENT BILL 2007**

Amendments moved by Mrs Shardey

1. Clause 2, line 9, omit all words and expressions on this line and insert the following —  
“Section 34 comes into operation on 1 July 2008.”.
2. Clause 35, line 18, omit “2008” and insert “2009”.



## LEGISLATIVE ASSEMBLY OF VICTORIA

### VOTES AND PROCEEDINGS Nos 26, 27 and 28

#### No 26 — Tuesday 19 June 2007

- 1 The House met according to the adjournment — The Speaker took the Chair and read the Prayer.
- 2 **PRESENTATION OF ADDRESS-IN-REPLY TO SPEECH OF THE GOVERNOR** — The Speaker reported that, as directed by the House, she had on 13 June 2007 presented to the Governor the Address of the Legislative Assembly in reply to his Speech on the Opening of Parliament.

The Governor was pleased to make the following Reply:

Speaker and Members of the Legislative Assembly:

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.

DAVID DE KRETZER  
Governor of Victoria

Melbourne 13 June 2007.

- 3 **QUESTIONS** — (Under SO 55).
- 4 **DRUGS AND CRIME PREVENTION COMMITTEE** — The Speaker announced that she had received the resignation of Ms Barker from the Drugs and Crime Prevention Committee, effective from 13 June 2007.
- 5 **ENERGY LEGISLATION AMENDMENT BILL 2007** — Mr Batchelor obtained leave to bring in a Bill *'for an Act to amend the **Electricity Industry Act 2000**, the **Gas Industry Act 2001** and for other purposes'*; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 6 **PLANNING AND ENVIRONMENT AMENDMENT BILL 2007** — Mr Thwaites obtained leave to bring in 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, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 7 **SUMMARY OFFENCES AMENDMENT (UPSKIRTING) BILL 2007** — Mr Hulls obtained leave to bring in 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 the Bill was read a first time and ordered to be read a second time tomorrow.

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

**Nuclear Industry** — Requesting that the House reaffirms the opposition of the Government to the creation of a nuclear industry in Victoria, including the construction of a nuclear power plant, bearing 15 and 27 signatures (*Dr Harkness and Mr Trezise respectively*).

Petitions ordered to be tabled.

9 **PETITION — NUCLEAR INDUSTRY** — Motion made and question — That the petition presented by the Member for Frankston be taken into consideration tomorrow (*Dr Harkness*) — put and agreed to.

10 **DOCUMENTS**

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — Mr Carli, Chair, presented a report from the Scrutiny of Acts and Regulations Committee being the Alert Digest No 8 of 2007 on the:

Gambling Regulation Amendment Bill 2007  
Magistrates' Court and Coroners Acts Amendment Bill 2007

together with appendices.

Ordered to be tabled and printed.

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

Auditor-General:

Public Hospital Financial Performance and Sustainability — Ordered to be printed  
Results of Audits: Purchase of contaminated land by the Melbourne Port Corporation and Raising and collection of fees and charges by departments — Ordered to be printed

*Interpretation of Legislation Act 1984* — Notice under s 32(4)(a)(iii) in relation to the Building Code of Australia 2007

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

Boroondara — C55  
Darebin — C67  
Greater Geelong — C149  
Hepburn — C39  
Hume — C81  
Moonee Valley — C67

*Rural Finance Act 1988* — Direction to administer State and Commonwealth Government schemes of assistance

Statutory Rules under the following Acts:

*Corporations (Ancillary Provisions) Act 2001* — SR 44  
*Magistrates' Court Act 1989* — SR 43  
*Subdivision Act 1988* — SR 45  
*Supreme Court Act 1986* — SR 44

*Transfer of Land Act 1958* — SR 45

*Subordinate Legislation Act 1994* — Ministers' exception certificates in relation to Statutory Rules 34, 43, 44.

11 **APPROPRIATION (PARLIAMENT 2007/2008) BILL 2007** — The Speaker announced that on 12 June 2007 she had presented to the Governor the Appropriation (Parliament 2007/2008) Bill 2007 to which the Governor had been pleased to give the royal assent.

12 **MESSAGE FROM THE GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that he had, on 12 June 2007, given the royal assent to the following bills, presented to him by the Clerk of the Parliaments:

Statute Law Repeals Bill 2006  
State Taxation and Gambling Legislation Amendment (Budget Measures) Bill 2007.

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

Gambling Regulation Amendment Bill 2007  
Magistrates' Court and Coroners Acts Amendment Bill 2007.

14 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, under SO 94(2), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 21 June 2007:

Accident Towing Services Bill 2007  
Building Amendment (Plumbing) Bill 2007  
Crimes Amendment (DNA Database) Bill 2007  
Magistrates' Court and Coroners Acts Amendment Bill 2007  
State Taxation Acts Amendment Bill 2007  
Statute Law Revision Bill 2006

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

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

16 **STATE TAXATION ACTS AMENDMENT BILL 2007** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

Bill sent to the Legislative Council and their agreement requested.

17 **ACCIDENT TOWING SERVICES BILL 2007** — Order read for resuming debate on question — That this Bill be now read a second time.

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

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

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

Bill read a second time, considered in detail and agreed to with amendments, read a third time (*see pp 143–4*).

Bill sent to the Legislative Council and their agreement requested.

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

Health Professions Registration Amendment Bill 2007  
Professional Standards Amendment Bill 2007.

- 19 **BUILDING AMENDMENT (PLUMBING) BILL 2007** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

- 20 **ADJOURNMENT** — The Deputy Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.54 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JENNY LINDELL  
*Speaker*

## No 27 — Wednesday 20 June 2007

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

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

**Dandenong NightRider Bus Service** — Requesting that the House and the Minister for Transport support the youth population and extend the Dandenong NightRider bus service to Cranbourne, Berwick and Pakenham, bearing 200 signatures (*Mr Smith, Bass*)

**Rail Connection — Maryborough and Castlemaine** — Requesting that the Government upgrades the rail connection between Maryborough and Castlemaine to 120 kilometres per hour capacity and introduces a fast, regular and modern passenger rail service to Maryborough, bearing 938 signatures (*Mr Langdon*)

**Port Campbell Headland** — Requesting that the House — (a) instigates a full and transparent environmental, cultural and infrastructure impact assessment of Port Campbell's headland; and (b) makes no public or Crown land available to the potential excavation and foundation development, bearing 685 signatures (*Mr Mulder*)

**Royal Avenue/Southey Street Sandringham Beaches** — Requesting that the Government, in conjunction with the City of Bayside, ensures the maintenance of the natural beauty of the beachscape of the Royal Avenue/Southey Street Sandringham Beaches and abutting beaches to the immediate north, particularly noting erosion caused by rock groynes, bearing 4,140 signatures (*Mr Thompson, Sandringham*).

Petitions ordered to be tabled.

- 3 **PETITION — DANDENONG NIGHTRIDER BUS SERVICE** — Motion made and question — That the petition presented by the Member for Bass be taken into consideration tomorrow (*Mr Smith, Bass*) — put and agreed to.
- 4 **PETITION — PORT CAMPBELL HEADLAND** — Motion made and question — That the petition presented by the Member for Polwarth be taken into consideration tomorrow (*Mr Mulder*) — put and agreed to.
- 5 **PETITION — ROYAL AVENUE/SOUTHEY STREET SANDRINGHAM BEACHES** — Motion made and question — That the petition presented by the Member for Sandringham be taken into consideration tomorrow (*Mr Thompson, Sandringham*) — put and agreed to.
- 6 **DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:

Auditor-General:

Administration of Non-judicial Functions of the Magistrates' Court of Victoria — Ordered to be printed

Annual Plan 2007–08

Promoting Better Health Through Healthy Eating and Physical Activity — Ordered to be printed

Statutory Rules under the following Acts:

*Chattel Securities Act 1987* — SR 51

*Fair Trading Act 1999* — SR 46

*Gene Technology Act 2001* — SR 50

*Subordinate Legislation Act 1994* — SR 47

*Trade Measurement Act 1995* — SR 48

*Trade Measurement (Administration) Act 1995* — SR 48

*Transport Accident Act 1986* — SR 49

*Victorian Civil and Administrative Tribunal Act 1998* — SR 52

*Subordinate Legislation Act 1994:*

Ministers' exemption certificates in relation to Statutory Rules 32, 46

Minister's infringements offence consultation certificate in relation to Statutory Rule 48.

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

Courts Legislation Amendment (Judicial Education and Other Matters) Bill 2007

Payroll Tax Bill 2007.

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

- 9 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE — WATER INVESTMENT PLAN** — The House was informed that Mr Hudson had proposed that a definite matter of public importance be submitted to the House for discussion, namely —

'That this House congratulates the Victorian Government for building on the magnificent water saving efforts of Victorians with its visionary \$4.9 billion investment plan to give water security to Victoria, help with climate change and enable our population and community to continue to grow.'

Mr Hudson addressed the House — Discussion followed.

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

Public Accounts and Estimates Committee's Report on the 2007–08 Budget Estimates — Part One

Public Accounts and Estimates Committee's Report on the 2007–08 Budget Estimates — Part Two.

- 11 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 1 to 3 inclusive, be postponed until later this day.

- 12 **BUILDING AMENDMENT (PLUMBING) BILL 2007** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

- 13 **QUESTIONS** — (Under SO 55).

- 14 **BUILDING AMENDMENT (PLUMBING) BILL 2007** — Debate resumed on question — That this Bill be now read a second time.

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

Bill sent to the Legislative Council and their agreement requested.

- 15 **ENERGY LEGISLATION AMENDMENT BILL 2007** — *Mr Batchelor tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

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

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

Ordered — That the debate be adjourned until Wednesday 4 July 2007.

- 16 **CRIMES AMENDMENT (DNA DATABASE) BILL 2007** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

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

- 17 **STATUTE LAW REVISION BILL 2006** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

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

- 18 **CRIMES AMENDMENT (DNA DATABASE) BILL 2007** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

Bill sent to the Legislative Council and their agreement requested.

- 19 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Holding*) — put and agreed to.
- 20 **ADJOURNMENT** — The Acting Speaker left the Chair, after debate, at 9.54 pm.

R W PURDEY  
Clerk of the Legislative Assembly

JENNY LINDELL  
Speaker

## No 28 — Thursday 21 June 2007

- 1 The Speaker took the Chair and read the Prayer.
- 2 **PETITION** — The Clerk announced that the following petition had been lodged for presentation:
- Nuclear Industry** — Requesting that the House reaffirms the opposition of the Government to the creation of a nuclear industry in Victoria, including the construction of a nuclear power plant, bearing 15 signatures (*Dr Harkness*).
- Ordered to be tabled.
- 3 **PETITION — NUCLEAR INDUSTRY** — Motion made and question — That the petition presented by the Member for Frankston be taken into consideration tomorrow (*Dr Harkness*) — put and agreed to.
- 4 **DOCUMENTS**
- PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE** — Mr Stensholt, Chair, presented a 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, together with appendices.
- Ordered to be tabled and printed.
- DOCUMENTS TABLED UNDER AN ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:
- Auditor-General:
- Contracting and Tendering Practices in Selected Agencies — Ordered to be printed  
Managing Risk Across the Public Sector: Toward Good Practice — Ordered to be printed
- Members of Parliament (Register of Interests) Act 1978* — Summary of Variations Notified between 27 February 2007 and 20 June 2007 — Ordered to be printed
- Parliamentary Committees Act 2003* — Government response to 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 amendments to the following Planning Schemes:

Glenelg — C30  
 Manningham — C61  
 Melton — C54  
 Moorabool — C30  
 Moyne — C28  
 Pyrenees — C10

*Subordinate Legislation Act 1994:*

Minister's exception certificate in relation to Statutory Rule 47  
 Minister's exemption certificate in relation to Statutory Rule 50.

5 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Water Acts Amendment (Enforcement and Other Matters) Bill 2007 without amendment.

6 **PERFORMANCE AUDIT OF THE AUDITOR-GENERAL'S OFFICE** — Motion made, by leave, and question — That under s 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)

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

Ordered — That a message be sent to the Legislative Council informing them of the resolution and requesting their agreement.

7 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourns until Tuesday 17 July 2007 (*Mr Batchelor*) — put and agreed to.

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

9 **PLANNING AND ENVIRONMENT AMENDMENT BILL 2007** — *Ms Neville tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

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

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

Ordered — That the debate be adjourned until Thursday 5 July 2007.

10 **SUMMARY OFFENCES AMENDMENT (UPSKIRTING) BILL 2007** — *Mr Hulls tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

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

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

Ordered — That the debate be adjourned until Thursday 5 July 2007.

- 11 **MAGISTRATES' COURT AND CORONERS ACTS AMENDMENT BILL 2007** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

- 12 **QUESTIONS** — (Under SO 55).

- 13 **MAGISTRATES' COURT AND CORONERS ACTS AMENDMENT BILL 2007** — Debate resumed on question — That this Bill be now read a second time.

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

Bill sent to the Legislative Council and their agreement requested.

- 14 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Appropriation (2007/2008) Bill 2007 without amendment.

- 15 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Informing the Legislative Assembly that they have agreed to the Assembly's resolution appointing Mr John Phillips of Acumen Alliance to conduct the performance audit of the Victorian Auditor-General's Office.

- 16 **DRUGS AND CRIME PREVENTION COMMITTEE** — Motion made, by leave, and question — That Mr Haermeyer be appointed a member of the Drugs and Crime Prevention Committee (*Mr Batchelor*) — put, after debate, and agreed to.

- 17 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question proposed — That the consideration of remaining business be postponed (*Mr Batchelor*).

Amendment proposed — That all the words after 'remaining' be omitted with the view of inserting in their place the words 'Government Business Orders of the Day, and General Business Notices of Motion Nos 1 to 312 inclusive, be postponed' (*Mr Walsh*) — and, after debate —

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

The House divided (the Deputy Speaker, Ms Barker, in the Chair) —

AYES 49

Mr Andrews; Mr Batchelor; Ms Beattie; Mr Bracks; Mr Brooks; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Mr Eren; Ms Graley; Ms Green; Mr Haermeyer; Mr Hardman; Dr Harkness; Mr Helper; Mr Holding; Mr Howard; Mr Hudson; Ms Kosky; Mr Langdon; Mr Languiller; Mr Lim; Ms Lobato; Mr Lupton; Mrs Maddigan; Ms Marshall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Pike; Ms Richardson; Mr Robinson; Mr Scott; Mr Seitz; Mr Stensholt; Ms Thomson (*Footscray*); Mr Thwaites; Mr Trezise; Mr Wynne.

NOES 31

Ms Asher; Mr Baillieu; Mr Blackwood; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Hodgett; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr Morris; Mr Mulder; Dr Napthine; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith (*Bass*); Mr Smith (*Warrandyte*); Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Wells; Ms Wooldridge.

Question agreed to.

Original question — put and defeated.

18 **WILLS AMENDMENT BILL 2007** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

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

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

20 **ADJOURNMENT** — The Deputy Speaker left the Chair, after debate, at 6.09 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JENNY LINDELL  
*Speaker*

LEGISLATIVE ASSEMBLY OF VICTORIA

**CONSIDERATION IN DETAIL**  
**Supplement to Votes Nos 26, 27 and 28**

**No 26 — Tuesday 19 June 2007**

**ACCIDENT TOWING SERVICES BILL 2007**

**Clauses 1 to 27** agreed to.

**Heading to clause 28**, Mr Pallas moved amendment No 1 (*see Schedule*).

Amendment put and agreed to.

Heading to Clause 28 agreed to as amended.

**Clause 28**, Mr Pallas moved amendment Nos 2 and 3 (*see Schedule*).

Amendments put and agreed to.

Clause agreed to as amended.

**Clauses 29 to 104** agreed to.

**Clause 105**, Mr Pallas moved amendment Nos 4 and 5 (*see Schedule*).

Amendments put and agreed to.

Clause agreed to as amended.

**Clauses 106 to 239** agreed to.

**Schedules 1 to 3** agreed to.

Bill agreed to as amended.

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## SCHEDULE OF AMENDMENTS MOVED

### ACCIDENT TOWING SERVICES BILL 2007

Amendments moved by Mr Pallas

1. Heading to clause 28, omit all words and expressions and insert—  
**"28 Nature of and dealings with tow truck licences".**
2. Clause 28, line 28, before "A" insert "(1)".
3. Clause 28, after line 30 insert—
  - "(2) Despite subsection (1), the holder of a tow truck licence is not entitled to transfer the licence held by that person or any of the holder's rights under the licence to another person, whether by way of assignment, lease or any other means.
  - (3) Subsection (2) does not apply to a transfer of a tow truck licence under this Part."
4. Clause 105, line 32, omit "90" and insert "30".
5. Clause 105, page 82, line 4, after "application" insert "if VicRoads requires the applicant to supply further information or things".

## LEGISLATIVE ASSEMBLY OF VICTORIA

### VOTES AND PROCEEDINGS Nos 29, 30 and 31

#### No 29 — Tuesday 17 July 2007

- 1 The House met according to the adjournment — The Speaker took the Chair and read the Prayer.
- 2 **QUESTIONS** — (Under SO 55).
- 3 **PARLIAMENTARY SALARIES AND SUPERANNUATION AMENDMENT BILL 2007** — Mr Bracks obtained leave to bring in a Bill '*for an Act to amend the **Parliamentary Salaries and Superannuation Act 1968** and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 4 **ROYAL CHILDREN'S HOSPITAL (LAND) BILL 2007** — Mr Thwaites obtained leave to bring in 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 the Bill was read a first time and ordered to be read a second time tomorrow.
- 5 **LEGAL PROFESSION AMENDMENT (EDUCATION) BILL 2007** — Mr Hulls obtained leave to bring in 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 the Bill was read a first time and ordered to be read a second time tomorrow.
- 6 **GENE TECHNOLOGY AMENDMENT BILL 2007** — Ms Pike obtained leave to bring in a Bill '*for an Act to amend the **Gene Technology Act 2001** and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 7 **JUSTICE AND ROAD LEGISLATION AMENDMENT (LAW ENFORCEMENT) BILL 2007** — Mr Cameron obtained leave to bring in 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, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 8 **GRAIN HANDLING AND STORAGE AMENDMENT BILL 2007** — Mr Helper obtained leave to bring in a Bill '*for an Act to amend the **Grain Handling and Storage Act 1995** and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 9 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:
  - Dying with Dignity** — Requesting that the House enacts, in a timely manner, appropriate legislation to create and protect the right to choose to die with dignity when suffering a terminal or incurable illness with profound suffering, bearing 7323 signatures (*Mr Thwaites*)
  - Royal Avenue/Southey Street Sandringham Beaches** — Requesting that the Government, in conjunction with the City of Bayside, ensures the maintenance of the natural beauty of the beachscape of the Royal Avenue/Southey Street Sandringham Beaches and abutting beaches to the immediate

north, particularly noting erosion caused by rock groynes, bearing 179 signatures (*Mr Thompson, Sandringham*).

Petitions ordered to be tabled.

## 10 DOCUMENTS

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — Mr Carli, Chair, presented a report from the Scrutiny of Acts and Regulations Committee being the Alert Digest No 9 of 2007 on the:

Energy Legislation Amendment Bill 2007  
 Infertility Treatment Amendment Bill 2007  
 Planning and Environment Amendment Bill 2007  
 Summary Offences Amendment (Upskirting) Bill 2007  
 Superannuation Legislation Amendment (Contribution Splitting and Other Matters) Bill 2007

together with appendices.

Ordered to be tabled and printed.

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

*Interpretation of Legislation Act 1984* — Notice under s 32(3)(a)(iii) in relation to Statutory Rule 41

*Melbourne City Link Act 1995*:

City Link and Extension Projects Integration and Facilitation Agreement Fifteenth Amending Deed  
 City Link and Extension Projects Integration and Facilitation Agreement Sixteenth Amending Deed  
 Exhibition Street Extension Eleventh Amending Deed  
 M1 Corridor Redevelopment Deed Amending Deed  
 Melbourne City Link Twenty-Fourth Amending Deed  
 Melbourne City Link Twenty-Fifth Amending Deed

Murray-Darling Basin Commission — Report 2005–06

*Parliamentary Committees Act 2003* — Government response to 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 amendments to the following Planning Schemes:

Ballarat — C116  
 Bass Coast — C70  
 Bayside — C61  
 Cardinia — C94  
 East Gippsland — C53, C54  
 Greater Bendigo — C12, C100  
 Greater Geelong — C54, C130, C151  
 Hepburn — C41  
 Hume — C95  
 Kingston — C52  
 Melbourne — C96  
 Moorabool — C42  
 Mount Alexander — C40

Strathbogie — C25  
 Warrnambool — C56  
 West Wimmera — C11, C12  
 Whitehorse — C60  
 Yarra — C82

*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)

Statutory Rules under the following Acts:

*City of Melbourne Act 2001* — SR 64  
*Country Fire Authority Act 1958* — SR 67  
*Disability Act 2006* — SR 60  
*Docklands Act 1991* — SR 65  
*Drugs, Poisons and Controlled Substances Act 1981* — SR 63  
*Education and Training Reform Act 2006* — SR 61  
*Environment Protection Act 1970* — SRs 76, 77  
*Equipment (Public Safety) Act 1994* — SR 53  
*Health Professions Registration Act 2005* — SR 62  
*Magistrates' Court Act 1989* — SRs 56, 57  
*Occupational Health and Safety Act 2004* — SR 54  
*Road Safety Act 1986* — SRs 71, 72, 73, 74  
*Subordinate Legislation Act 1994* — SR 55  
*Transfer of Land Act 1958* — SR 66  
*Transport Act 1983* — SRs 68, 69, 70  
*Valuation of Land Act 1960* — SR 78  
*Victorian Civil and Administrative Tribunal Act 1998* — SR 58  
*Water Act 1989* — SR 75  
*Working with Children Act 2005* — SR 59

*Subordinate Legislation Act 1994:*

Ministers' exception certificates in relation to Statutory Rules 51, 52, 56, 57, 66, 67  
 Ministers' exemption certificates in relation to Statutory Rules 62, 64, 65, 70, 71, 72, 73, 74, 76  
 Minister's infringements offence consultation certificate in relation to Statutory Rule 70.

The following proclamations fixing operative dates were tabled by the Clerk in accordance with an order of the House dated 19 December 2006:

*City of Melbourne and Docklands Acts (Governance) Act 2006* — Whole Act — 1 July 2007  
 (*Gazette G26, 28 June 2007*)  
*Education and Training Reform Act 2006* — Remaining provisions — 1 July 2007  
 (*Gazette G26, 28 June 2007*)  
*Environment Protection (Amendment) Act 2006* — Section 54 — 1 July 2007 (*Gazette G26, 28 June 2007*)  
*Water (Resource Management) Act 2005* — Section 69 — 1 July 2007 (*Gazette G26, 28 June 2007*).

- 11 **APPROPRIATION (2007/2008) BILL 2007** — The Speaker announced that she had, on 26 June 2007, presented to the Governor the Appropriation (2007/2008) Bill 2007 to which the Governor had been pleased to give the royal assent.

- 12 **MESSAGE FROM THE GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that he had, on 26 June 2007, given the royal assent to the following bills, presented to him by the Clerk of the Parliaments:

Courts Legislation Amendment (Judicial Education and Other Matters) Bill 2007  
 Health Professions Registration Amendment Bill 2007  
 Payroll Tax Bill 2007  
 Professional Standards Amendment Bill 2007  
 Statute Law Revision Bill 2006  
 Water Acts Amendment (Enforcement and Other Matters) Bill 2007.

- 13 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, under SO 94(2), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 19 July 2007:

Accident Compensation Amendment Bill 2007  
 Energy Legislation Amendment Bill 2007  
 Gambling Regulation Amendment Bill 2007  
 Outworkers and Contractors Legislation Amendment Bill 2007  
 Superannuation Legislation Amendment (Contribution Splitting and Other Matters) Bill 2007  
 Wills Amendment Bill 2007

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

- 14 **STATEMENTS BY MEMBERS** — Statements by members were made.
- 15 **WILLS AMENDMENT BILL 2007** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

Bill sent to the Legislative Council and their agreement requested.

- 16 **ACCIDENT COMPENSATION AMENDMENT BILL 2007** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Bill read a second time and considered in detail (*see p 158*).

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

- 17 **ADJOURNMENT** — The Deputy Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.52 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JENNY LINDELL  
*Speaker*

## No 30 — Wednesday 18 July 2007

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

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

**Pedestrian Crossing — Wantirna Road/Waldreas Lodge Retirement Village** — Requesting that the House resolves that the Minister for Roads and Ports undertakes an immediate review of pedestrian safety in conjunction with VicRoads, with a view to providing pedestrian-activated traffic signals on Wantirna Road near Waldreas Lodge Retirement Village, bearing 532 signatures (*Mrs Victoria*)

**Tram Service — Vermont South to Knox Central Activity Centre** — Requesting that the House resolves to extend the public tram service from Vermont South to the Knox Central Activity Centre at the earliest opportunity, bearing 47 signatures (*Mrs Victoria*)

**Nuclear Industry** — Requesting that the House reaffirms the opposition of the Government to the creation of a nuclear industry in Victoria, including the construction of a nuclear power plant, bearing 30 signatures (*Dr Harkness*)

**Train Services — Melbourne/Sale** — Requesting that the House calls upon the Government to remedy the problem of passengers forced to await the departure of the evening train leaving Melbourne for Sale by instigating a train service which departs Melbourne in the early afternoon, bearing 703 signatures (*Mr Ryan*)

**Northern Highway/Warrowitue Road, Heathcote Intersection** — Requesting that the Minister for Roads and Ports includes the intersection of Northern Highway/Warrowitue Road, Heathcote in the Government's Greyspot Program for funding to carry out improvements to this high risk site, bearing 380 signatures (*Mr Weller*).

Petitions ordered to be tabled.

- 3 **PETITION — TRAIN SERVICES — MELBOURNE/SALE** — Motion made and question — That the petition presented by the Member for Gippsland South be taken into consideration tomorrow (*Mr Walsh*) — put and agreed to.
- 4 **PETITION — NUCLEAR INDUSTRY** — Motion made and question — That the petition presented by the Member for Frankston be taken into consideration tomorrow (*Dr Harkness*) — put and agreed to.
- 5 **PETITION — PEDESTRIAN CROSSING — WANTIRNA ROAD/WALDREAS LODGE RETIREMENT VILLAGE** — Motion made and question — That the petition presented by the Member for Bayswater be taken into consideration tomorrow (*Mrs Victoria*) — put and agreed to.
- 6 **PETITION — TRAM SERVICE — VERMONT SOUTH TO KNOX CENTRAL ACTIVITY CENTRE** — Motion made and question — That the petition presented by the Member for Bayswater be taken into consideration tomorrow (*Mrs Victoria*) — put and agreed to.
- 7 **PETITION — NORTHERN HIGHWAY/WARROWITUE ROAD, HEATHCOTE INTERSECTION** — Motion made and question — That the petition presented by the Member for Rodney be taken into consideration tomorrow (*Mr Weller*) — put and agreed to.
- 8 **DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:

*Land Acquisition and Compensation Act 1986* — Certificate under s 7

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

Ararat — C11  
 Central Goldfields — C10  
 Frankston — C43  
 Golden Plains — C30 Part 1  
 Greater Shepparton — C44, C64  
 Kingston — C90  
 Moira — C27  
 South Gippsland — C36  
 Wellington — C29, C43  
 Whitehorse — C71  
 Whittlesea — C80

Police Integrity, Office of — Ceja Task Force Drug Related Corruption — Ordered to be printed

Victorian Electoral Commission — Report to Parliament on the 2006 Victorian State Election (two documents).

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

Accident Towing Services Bill 2007  
 State Taxation Acts Amendment Bill 2007.

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

- 11 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE — INTEGRITY IN PUBLIC LIFE** — The House was informed that Mr McIntosh had proposed that a definite matter of public importance be submitted to the House for discussion, namely —

'That this House condemns the Bracks Government for its failure to follow its 1999 policy *Integrity in Public Life* and especially the code of conduct for members of Parliament.'

Mr McIntosh addressed the House — Discussion followed.

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

Public Accounts and Estimates Committee's Report on the 2007–08 Budget Estimates — Part One

Public Accounts and Estimates Committee's Report on the 2007–08 Budget Estimates — Part Two

Law Reform Committee's Report on De Novo Appeals to the County Court

Environment and Natural Resources Committee's Report on the Inquiry into the Production and/or Use of Biofuels in Victoria.

- 13 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Requesting that the Legislative Assembly grants 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.

Ordered — That the message be taken into consideration immediately.

- 14 **ATTENDANCE OF MINISTERS AND A MEMBER BEFORE LEGISLATIVE COUNCIL SELECT COMMITTEE** — Order read for the consideration of the message from the Legislative Council.

Motion made and question proposed — That this House refuses to consent to the Legislative Council's request for ministers and a member to appear before the Legislative Council Select Committee on Gaming Licensing and notes that this request represents interference in the operation of the Legislative Assembly and its members and undermines the traditional Westminster principles that underpin our parliamentary democracy (*Mr Hulls*) — and, after debate —

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

- 15 **QUESTIONS** — (Under SO 55).

- 16 **ATTENDANCE OF MINISTERS AND A MEMBER BEFORE LEGISLATIVE COUNCIL SELECT COMMITTEE** — Debate continued on question — That this House refuses to consent to the Legislative Council's request for ministers and a member to appear before the Legislative Council Select Committee on Gaming Licensing and notes that this request represents interference in the operation of the Legislative Assembly and its members and undermines the traditional Westminster principles that underpin our parliamentary democracy.

Amendment proposed — That all the words after 'House' be omitted with the view of inserting in their place the words 'consents 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, appearing before the Legislative Council Select Committee on Gaming Licensing to give evidence and answer questions in relation to the Committee's terms of reference' (*Mr O'Brien*) — and, after debate —

Amendment proposed to Mr O'Brien's amendment — That the words 'if they think fit' be inserted after the words 'terms of reference' (*Mr Ingram*) — and, after debate —

Question — That the words proposed to be inserted in the amendment be inserted — put.

The House divided (the Speaker, Ms Lindell, in the Chair) —

AYES 33

Ms Asher; Mr Baillieu; Mr Blackwood; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Hodggett; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Morris; Mr Mulder; Dr Napthine; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith (*Bass*); Mr Smith (*Warrantdyte*); Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Weller; Mr Wells; Ms Wooldridge.

NOES 51

Mr Andrews; Ms Barker; Mr Batchelor; Ms Beattie; Mr Bracks; Mr Brooks; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Duncan; Mr Eren; Ms Graley; Ms Green; Mr Haermeyer; Mr Hardman; Dr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Langdon; Mr Languiller; Mr Lim; Ms Lobato; Mr Lupton; Mrs Maddigan; Ms Marshall; Mr Merlino; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Pike; Ms Richardson; Mr Robinson; Mr Scott; Mr Seitz; Mr Stensholt; Ms Thomson (*Footscray*); Mr Thwaites; Mr Trezise; Mr Wynne.

Question defeated.

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

The House divided (the Speaker, Ms Lindell, in the Chair) —

AYES 52

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beattie; Mr Bracks; Mr Brooks; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Duncan; Mr Eren; Ms Graley; Ms Green; Mr Haermeyer; Mr Hardman; Dr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Langdon; Mr Languiller; Mr Lim; Ms Lobato; Mr Lupton; Mrs Maddigan; Ms Marshall; Mr Merlino; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Pike; Ms Richardson; Mr Robinson; Mr Scott; Mr Seitz; Mr Stensholt; Ms Thomson (*Footscray*); Mr Thwaites; Mr Trezise; Mr Wynne.

NOES 33

Ms Asher; Mr Baillieu; Mr Blackwood; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Hodgett; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Morris; Mr Mulder; Dr Napthine; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith (*Bass*); Mr Smith (*Warrandyte*); Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Weller; Mr Wells; Ms Wooldridge.

Question agreed to.

Original question — put.

The House divided (the Speaker, Ms Lindell, in the Chair) —

AYES 52

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beattie; Mr Bracks; Mr Brooks; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Duncan; Mr Eren; Ms Graley; Ms Green; Mr Haermeyer; Mr Hardman; Dr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Langdon; Mr Languiller; Mr Lim; Ms Lobato; Mr Lupton; Mrs Maddigan; Ms Marshall; Mr Merlino; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Pike; Ms Richardson; Mr Robinson; Mr Scott; Mr Seitz; Mr Stensholt; Ms Thomson (*Footscray*); Mr Thwaites; Mr Trezise; Mr Wynne.

NOES 33

Ms Asher; Mr Baillieu; Mr Blackwood; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Hodgett; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Morris; Mr Mulder; Dr Napthine; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith (*Bass*); Mr Smith (*Warrandyte*); Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Weller; Mr Wells; Ms Wooldridge.

Question agreed to.

Question — That a message be sent to the Legislative Council informing them of the resolution — put.

The House divided (the Speaker, Ms Lindell, in the Chair) —

AYES 52

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beattie; Mr Bracks; Mr Brooks; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Duncan; Mr Eren; Ms Graley; Ms Green; Mr Haermeyer; Mr Hardman; Dr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Langdon; Mr Languiller; Mr Lim; Ms Lobato; Mr Lupton; Mrs Maddigan; Ms Marshall; Mr Merlino; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Pike; Ms Richardson; Mr Robinson; Mr Scott; Mr Seitz; Mr Stensholt; Ms Thomson (*Footscray*); Mr Thwaites; Mr Trezise; Mr Wynne.

## NOES 32

Ms Asher; Mr Baillieu; Mr Blackwood; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Hodgett; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Morris; Mr Mulder; Dr Napthine; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith (*Bass*); Mr Smith (*Warrandyte*); Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Weller; Mr Wells; Ms Wooldridge.

Question agreed to.

- 17 **GRAIN HANDLING AND STORAGE AMENDMENT BILL 2007** — *Mr Helper tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

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

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

Ordered — That the debate be adjourned until Wednesday 1 August 2007.

- 18 **ACCIDENT COMPENSATION AMENDMENT BILL 2007** — Order read for the further consideration of the Bill in detail.

Bill further considered in detail, and agreed to without amendment, read a third time (*see p 158*).

Bill sent to the Legislative Council and their agreement requested.

- 19 **SUPERANNUATION LEGISLATION AMENDMENT (CONTRIBUTION SPLITTING AND OTHER MATTERS) BILL 2007** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

Bill sent to the Legislative Council and their agreement requested.

- 20 **ENERGY LEGISLATION AMENDMENT BILL 2007** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

- 21 **ADJOURNMENT** — The Acting Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.48 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JENNY LINDELL  
*Speaker*

## No 31 — Thursday 19 July 2007

1 The Speaker took the Chair and read the Prayer.

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

**Extension of Natural Gas Pipeline — Creswick** — Requesting that the natural gas pipeline in Creswick be extended through Luttet, Elizabeth, Phillip, Charles and Ellis Streets so that these residents of Creswick are given the same opportunity as the other residents of Creswick to connect to natural gas, bearing 94 signatures (*Mr Howard*)

**Water Pipeline Goulburn to Melbourne — Alternative Water Schemes** — Requesting that the House — (a) rejects the proposal to develop a pipeline which would take water from the Goulburn Valley and pump it to Melbourne; and (b) calls on the Government to address Melbourne's water supply needs by investing in desalination, recycling and capturing stormwater, bearing 2655, 609, 2004, 1172, 3956 and 1300 signatures (*Dr Sykes, Mr Tilley, Mr Jasper, Mr Weller, Mrs Powell and Mr Walsh respectively*)

**Pipeline Proposal Goulburn to Melbourne — Alternative Water Schemes** — Requesting that the House abandons the proposal to pipe water from the Goulburn River to Melbourne and calls on the Government to address Melbourne's water supply needs by investing in desalination recycling and capturing stormwater, bearing 221 signatures (*Mr Tilley*)

**Melbourne-Shepparton Train Service** — Requesting that the House restores the previous departure time for the Melbourne to Shepparton train of 6.15 pm and that it resumes its previous express running between Broadmeadows and Seymour, bearing 1319 signatures (*Mr Mulder*)

**Goulburn Irrigation District Water Savings** — Requesting that the House blocks plans to pipe northern irrigation water savings from the Goulburn Irrigation District to Melbourne, bearing 2626 signatures (*Mr Weller*)

**Bridge at Echuca-Moama** — Requesting that the House instructs VicRoads to lodge a fresh application under the new Victorian Aboriginal Heritage Legislation so the Yorta Yorta's decision to refuse consent to a western option bridge at Echuca-Moama can be appealed to the Victorian Civil and Administrative Tribunal, to address the need for a new bridge to be built, bearing 9693 signatures (*Mr Weller*).

Petitions ordered to be tabled.

- 3 **PETITION — WATER PIPELINE GOULBURN TO MELBOURNE — ALTERNATIVE WATER SCHEMES** — Motion made and question — That the petition presented by the Member for Swan Hill be taken into consideration tomorrow (*Mr Walsh*) — put and agreed to.
- 4 **PETITION — WATER PIPELINE GOULBURN TO MELBOURNE — ALTERNATIVE WATER SCHEMES** — Motion made and question — That the petition presented by the Member for Shepparton be taken into consideration tomorrow (*Mrs Powell*) — put and agreed to.
- 5 **PETITION — EXTENSION OF NATURAL GAS PIPELINE — CRESWICK** — Motion made and question — That the petition presented by the Member for Ballarat East be taken into consideration tomorrow (*Mr Howard*) — put and agreed to.
- 6 **PETITION — WATER PIPELINE GOULBURN TO MELBOURNE — ALTERNATIVE WATER SCHEMES** — Motion made and question — That the petition presented by the Member for Murray Valley be taken into consideration tomorrow (*Mr Jasper*) — put and agreed to.
- 7 **PETITION — WATER PIPELINE GOULBURN TO MELBOURNE — ALTERNATIVE WATER SCHEMES** — Motion made and question — That the petition presented by the Member for Benambra be taken into consideration tomorrow (*Mr Tilley*) — put and agreed to.
- 8 **PETITION — PIPELINE PROPOSAL GOULBURN TO MELBOURNE — ALTERNATIVE WATER SCHEMES** — Motion made and question — That the petition presented by the Member for Benambra be taken into consideration tomorrow (*Mr Tilley*) — put and agreed to.

9 **PETITION — WATER PIPELINE GOULBURN TO MELBOURNE — ALTERNATIVE WATER SCHEMES** — Motion made and question — That the petition presented by the Member for Rodney be taken into consideration tomorrow (*Mr Weller*) — put and agreed to.

10 **PETITION — GOULBURN IRRIGATION DISTRICT WATER SAVINGS** — Motion made and question — That the petition presented by the Member for Rodney be taken into consideration tomorrow (*Mr Weller*) — put and agreed to.

11 **PETITION — BRIDGE AT ECHUCA-MOAMA** — Motion made and question — That the petition presented by the Member for Rodney be taken into consideration tomorrow (*Mr Weller*) — put and agreed to.

12 **PETITION — WATER PIPELINE GOULBURN TO MELBOURNE — ALTERNATIVE WATER SCHEMES** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.

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

*EastLink Project Act 2004:*

Order varying the project area  
Order varying the extended project area

*Interpretation of Legislation Act 1984* — Notices under s 32(3)(a)(iii) in relation to Statutory Rules 76, 77.

14 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourns until Tuesday 7 August 2007 (*Ms Neville*) — put and agreed to.

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

16 **POSTPONEMENT OF ORDER OF THE DAY** — Ordered — That the consideration of Government Business, Order of the Day, No 1 be postponed until later this day.

17 **ROYAL CHILDREN'S HOSPITAL (LAND) BILL 2007** — *Mr Thwaites tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

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

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

Ordered — That the debate be adjourned until Thursday 2 August 2007.

18 **POSTPONEMENT OF ORDER OF THE DAY** — Ordered — That the consideration of Government Business, Order of the Day, No 3 be postponed until later this day.

19 **GENE TECHNOLOGY AMENDMENT BILL 2007** — *Mr Merlino tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

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

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

Ordered — That the debate be adjourned until Thursday 2 August 2007.

20 **POSTPONEMENT OF ORDER OF THE DAY** — Ordered — That the consideration of Government Business, Order of the Day, No 5 be postponed until later this day.

21 **GAMBLING REGULATION AMENDMENT BILL 2007** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

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

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

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

22 **OUTWORKERS AND CONTRACTORS LEGISLATION AMENDMENT BILL 2007** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

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

23 **ENERGY LEGISLATION AMENDMENT BILL 2007** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

Bill sent to the Legislative Council and their agreement requested.

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

24 **QUESTIONS** — (Under SO 55).

25 **GAMBLING REGULATION AMENDMENT BILL 2007** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Bill read a second time and considered in detail (*see pp 158–9*).

*Allocation of time — The Deputy Speaker advised that the time allocated for consideration of bills under the resolution of the House on Tuesday 17 July 2007 had expired.*

Question — That Clauses 1 to 15 inclusive be agreed to, the Bill be agreed to without amendment and that the Bill be now read a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

26 **OUTWORKERS AND CONTRACTORS LEGISLATION AMENDMENT BILL 2007** — Order read for resuming debate on question — That this Bill be now read a second time.

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

Bill sent to the Legislative Council and their agreement requested.

- 27 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Agreeing to the following bills without amendment:
- Building Amendment (Plumbing) Bill 2007  
Crimes Amendment (DNA Database) Bill 2007.
- 28 **PARLIAMENTARY SALARIES AND SUPERANNUATION AMENDMENT BILL 2007** — *Mr Bracks tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*
- Motion made and question proposed — That this Bill be now read a second time (*Mr Bracks*).
- Motion made and question — That the debate be now adjourned (*Mr Wells*) — put and agreed to.
- Ordered — That the debate be adjourned until Thursday 2 August 2007.
- 29 **LEGAL PROFESSION AMENDMENT (EDUCATION) BILL 2007** — *Mr Hulls tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*
- Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).
- Motion made and question — That the debate be now adjourned (*Mr Clark*) — put and agreed to.
- Ordered — That the debate be adjourned until Thursday 2 August 2007.
- 30 **JUSTICE AND ROAD LEGISLATION AMENDMENT (LAW ENFORCEMENT) BILL 2007** — *Mr Cameron tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*
- Motion made and question proposed — That this Bill be now read a second time (*Mr Cameron*).
- Motion made and question — That the debate be now adjourned (*Dr Napthine*) — put and agreed to.
- Ordered — That the debate be adjourned until Thursday 2 August 2007.
- 31 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Andrews*) — put and agreed to.
- 32 **ADJOURNMENT** — The Deputy Speaker left the Chair, after debate, at 5.04 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JENNY LINDELL  
*Speaker*

LEGISLATIVE ASSEMBLY OF VICTORIA

**CONSIDERATION IN DETAIL**  
**Supplement to Votes Nos 29, 30 and 31**

**No 29 — Tuesday 17 July 2007**

**ACCIDENT COMPENSATION AMENDMENT BILL 2007**

**Clause 1** — debate commenced.

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

**No 30 — Wednesday 18 July 2007**

**ACCIDENT COMPENSATION AMENDMENT BILL 2007**

**Clauses 1 to 7** agreed to.

Bill agreed to without amendment.

**No 31 — Thursday 19 July 2007**

**GAMBLING REGULATION AMENDMENT BILL 2007**

**Clause 1**, Mr O'Brien moved amendment No 1 (*see Schedule*).

Question — That the amendment be agreed to — put.

The House divided (the Deputy Speaker, Ms Barker, in the Chair) —

AYES 22

Ms Asher; Mr Baillieu; Mr Blackwood; Mr Burgess; Mr Clark; Mr Dixon; Ms Fyffe; Mr Hodgett; Mr Ingram; Mr Kotsiras; Mr Morris; Mr Mulder; Dr Napthine; Mr O'Brien; Mrs Shardey; Mr Smith (*Warrandyte*); Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Wells; Ms Wooldridge.

NOES 59

Ms Allan; Mr Andrews; Mr Batchelor; Ms Beattie; Mr Bracks; Mr Brooks; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Mr Crisp; Ms D'Ambrosio; Mr Delahunty; Mr Donnellan; Ms Duncan; Mr Eren; Ms Graley; Ms Green; Mr Hardman; Dr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Jasper; Mr Langdon; Mr Languiller; Mr Lim; Ms Lobato; Mr Lupton; Mrs Maddigan; Ms Marshall; Mr Merlino; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Northe; Ms Overington; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Pike; Mrs Powell; Ms Richardson; Mr Robinson; Mr Ryan; Mr Scott; Mr Seitz; Mr Stensholt; Dr Sykes; Ms Thomson (*Footscray*); Mr Thwaites; Mr Trezise; Mr Walsh; Mr Weller; Mr Wynne.

Question defeated.

*Allocation of time — The Deputy Speaker advised that the time allocated for consideration of bills under the resolution of the House on Tuesday 17 July 2007 had expired (for remaining stages see p 156).*

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## SCHEDULE OF AMENDMENT MOVED

### **GAMBLING REGULATION AMENDMENT BILL 2007**

Amendment moved by Mr O'Brien

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;".



## LEGISLATIVE ASSEMBLY OF VICTORIA

### VOTES AND PROCEEDINGS Nos 32, 33, 34 and 35

#### No 32 — Tuesday 7 August 2007

- 1 The House met according to the adjournment — The Speaker took the Chair and read the Prayer.
- 2 **RESIGNATION OF SEAT** — The Speaker announced that she had, on 6 August 2007, received the following letter:

6 August 2007

The Hon Jennifer Lindell MP  
Speaker of the Legislative Assembly  
Parliament House  
Spring Street  
EAST MELBOURNE 3002

Dear Speaker

I wish to formally tender my resignation as the Member for the Legislative Assembly seat of Williamstown.

It has been an enormous privilege over the last 13 years to serve as Williamstown's Member of Parliament.

It has also been a privilege to represent the electorate in this Parliamentary Chamber.

I wish you and all Members of Parliament all the best for the future. It has been an honour to serve with you.

Yours sincerely

Hon Steve Bracks MP  
Member for Williamstown

- 3 **RESIGNATION OF SEAT** — The Speaker announced that she had, on 6 August 2007, received the following letter:

The Honourable Jenny Lindell MP  
Speaker of the Legislative Assembly  
Parliament House  
Spring Street  
MELBOURNE 3002

Dear Ms Lindell

I would like to formally advise that I will be resigning from the seat of Albert Park effective immediately.

Yours sincerely

John Thwaites  
MLA Albert Park

6 August 2007

- 4 **DEATH OF THE HONOURABLE WALTER JONA, AM** — Motion made and question — That this House expresses its sincere sorrow at the death 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 Member of the Legislative Assembly for the Electoral District of Hawthorn from 1964 to 1985, Minister of Immigration and Ethnic Affairs and Assistant Minister of Health from 1976 to 1979, and Minister for Community Welfare Services from 1979 to 1982 (*Mr Brumby*) — put, after members had addressed the House in support of the motion and, members rising in their places to signify their assent, agreed to unanimously.
- 5 **ADJOURNMENT** — Motion made and question — That, as a further mark of respect to the memory of the late Honourable Walter Jona, AM, the House now adjourns until 8.00 pm today (*Mr Brumby*) — put and agreed to.

And the House, at 4.03 pm adjourned until 8.00 pm today.

R W PURDEY  
*Clerk of the Legislative Assembly*

JENNY LINDELL  
*Speaker*

## No 33 — Tuesday 7 August 2007 (8.00 PM)

- 1 The House met according to the adjournment — The Speaker took the Chair.
- 2 **QUESTIONS** — (Under SO 55).
- 3 **CONFISCATION AMENDMENT BILL 2007** — Mr Hulls obtained leave to bring in 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 the Bill was read a first time and ordered to be read a second time tomorrow.
- 4 **LAND (REVOCAION OF RESERVATIONS) BILL 2007** — Mr Batchelor obtained leave to bring in 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, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 5 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:
- Water Pipeline Goulburn to Melbourne — Alternative Water Schemes** — Requesting that the House — (a) rejects the proposal to develop a pipeline which would take water from the Goulburn Valley and pump it to Melbourne; and (b) calls on the Government to address Melbourne's water supply needs by investing in desalination, recycling and capturing stormwater, bearing 124 signatures (*Dr Sykes*)

**City of Greater Bendigo Council** — Requesting that the House puts into effect one or all of the following to improve local government — (a) dismiss all City of Greater Bendigo councillors and appoint a commissioner until new elections can be arranged; (b) conduct an open independent public inquiry into the City of Greater Bendigo Council and its administration or undertake other appropriate investigations; and (c) conduct an open independent public inquiry into the *Local Government Act 1989* and the State's oversight of local government, bearing 1036 signatures (*Ms Allan*)

**Nuclear Industry** — Requesting that the House reaffirms the opposition of the Government to the creation of a nuclear industry in Victoria, including the construction of a nuclear power plant, bearing 42 and 15 signatures (*Mr Stensholt and Dr Harkness respectively*)

**Fencing/Noise Barriers — Monash Freeway** — Requesting that the House approves the necessary funds to replace existing fencing/noise barriers along Monash Freeway from the Springvale Road entrance, up to the Wellington Road exit, with more efficient noise barriers as recommended in the VicRoads proposal in 2004, bearing 484 signatures (*Mr Andrews*)

**Channel Deepening Opposition** — Requesting that the House ensures that — (a) the proposal to deepen shipping channels in Port Phillip Bay, the Rip and the Yarra River is rejected, and that alternative solutions to make better use of interstate rail are engaged; and (b) the Minister for Planning makes public the finding of the Environment Effects Statement Independent Panel, bearing 574 signatures (*Mr Dixon*)

**Rejection of Channel Deepening Proposal** — Requesting that the House ensures that the proposal to deepen shipping channels in Port Phillip Bay, the Rip and the Yarra River is rejected and alternative transport solutions are engaged, bearing 3520 signatures (*Mr Dixon*)

**Proposed Decriminalisation of Abortion** — Requesting that the House votes against amendments to the *Crimes Act 1958* that will decriminalise abortion in Victoria, bearing 11309 signatures (*Ms Campbell*).

Petitions ordered to be tabled.

- 6 **PETITION — NUCLEAR INDUSTRY** — Motion made and question — That the petition presented by the Member for Burwood be taken into consideration tomorrow (*Mr Stensholt*) — put and agreed to.
- 7 **PETITION — PROPOSED DECRIMINALISATION OF ABORTION** — Motion made and question — That the petition presented by the Member for Pascoe Vale be taken into consideration tomorrow (*Ms Campbell*) — put and agreed to.
- 8 **PETITION — CHANNEL DEEPENING OPPOSITION** — Motion made and question — That the petition presented by the Member for Nepean be taken into consideration tomorrow (*Mr Dixon*) — put and agreed to.
- 9 **PETITION — REJECTION OF CHANNEL DEEPENING PROPOSAL** — Motion made and question — That the petition presented by the Member for Nepean be taken into consideration tomorrow (*Mr Dixon*) — put and agreed to.
- 10 **PETITION — WATER PIPELINE GOULBURN TO MELBOURNE — ALTERNATIVE WATER SCHEMES** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.

## 11 DOCUMENTS

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — Motion made, by leave, and question — That the Report from the Scrutiny of Acts and Regulations Committee being the Annual Review 2006, together with appendices, be tabled (*Mr Carli*) — put and agreed to.

Ordered to be printed.

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — Motion made, by leave, and question — That the Report from the Scrutiny of Acts and Regulations Committee being the Annual Review 2006, Regulations 2006, together with appendices, be tabled (*Mr Jasper*) — put and agreed to.

Ordered to be printed.

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — Mr Carli, Chair, presented a report from the Scrutiny of Acts and Regulations Committee being the Alert Digest No 10 of 2007 on the:

Crimes (Decriminalisation of Abortion) Bill 2007  
 Gene Technology Amendment Bill 2007  
 Grain Handling and Storage Amendment Bill 2007  
 Justice and Road Legislation Amendment (Law Enforcement) Bill 2007  
 Legal Profession Amendment (Education) Bill 2007  
 Parliamentary Salaries and Superannuation Amendment Bill 2007  
 Royal Children's Hospital (Land) Bill 2007  
 Summary Offences Amendment (Body Piercing) Bill 2007

together with appendices.

Ordered to be tabled and printed.

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

*Crown Land (Reserves) Act 1978* — Orders under s 17D granting leases over:

Howard Glover Reserve (two orders)  
 Kardinia Park Memorial Swimming Pool Reserve  
 Kardinia Park Reserve (three orders)  
 Sandringham Beach Park  
 Seaford Foreshore Reserve

*Interpretation of Legislation Act 1984* — Notices under s 32(3)(a)(iii) in relation to Statutory Rules 172/2006, 53, 54, 82

Melbourne Cricket Ground Trust — Report year ended 31 March 2007

Northern Melbourne Institute of TAFE — Report 2006 (*in lieu of report tabled on 1 May 2007*)

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

Cardinia — C110, C112  
 Casey — C101  
 Colac Otway — C56

Greater Geelong — C96  
 Horsham — C32  
 Kingston — C68, C92  
 Loddon — C20  
 Murrindindi — C12  
 Port Phillip — C66  
 Towong — C22  
 Wellington — C42  
 Whitehorse — C57 Part 2

Statutory Rules under the following Acts:

*Agricultural and Veterinary Chemicals (Control of Use) Act 1992* — SRs 82, 83  
*Building Act 1993* — SR 85  
*Drugs, Poisons and Controlled Substances Act 1981* — SR 84  
*Estate Agents Act 1980* — SR 79  
*Heritage Act 1995* — SR 80  
*Magistrates' Court Act 1989* — SR 86  
*Terrorism (Community Protection) Act 2003* — SR 81

*Subordinate Legislation Act 1994*:

Ministers' exception certificates in relation to Statutory Rules 55, 86  
 Minister's exemption certificate in relation to Statutory Rule 61

*Surveillance Devices Act 1999* — Report of the Special Investigations Monitor under s 30Q.

The following proclamation fixing an operative date was tabled by the Clerk in accordance with an order of the House dated 19 December 2006:

*Drugs, Poisons and Controlled Substances (Amendment) Act 2006* — Sections 9(2), 12 and 15 — 1 August 2007 (*Gazette G30, 26 July 2007*).

- 12 **MESSAGE FROM THE GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that he had, on 24 July 2007, given the royal assent to the following bills, presented to him by the Clerk of the Parliaments:

Accident Towing Services Bill 2007  
 Building Amendment (Plumbing) Bill 2007  
 Crimes Amendment (DNA Database) Bill 2007  
 State Taxation Acts Amendment Bill 2007.

- 13 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, under SO 94(2), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 9 August 2007:

Grain Handling and Storage Amendment Bill 2007  
 Legal Profession Amendment (Education) Bill 2007  
 Parliamentary Salaries and Superannuation Amendment Bill 2007  
 Summary Offences Amendment (Upskirting) Bill 2007

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

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

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

- 15 **ADJOURNMENT** — The Deputy Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.37 pm.

R W PURDEY  
Clerk of the Legislative Assembly

JENNY LINDELL  
Speaker

## No 34 — Wednesday 8 August 2007

- 1 The Speaker took the Chair and read the Prayer.
- 2 **LAW REFORM COMMITTEE — RURAL AND REGIONAL COMMITTEE** — The Speaker announced that she had received the resignation of Mr Lupton from the Law Reform Committee and Mr Eren from the Rural and Regional Committee, effective from today.
- 3 **MEMBERSHIP OF COMMITTEES** — Motion made, by leave, and question — That:
- (1) Mrs Maddigan be appointed a member of the Law Reform Committee; and
- (2) Ms Marshall be appointed a member of the Rural and Regional Committee
- (*Mr Batchelor*) — put and agreed to.
- 4 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:
- Nuclear Industry** — Requesting that the House reaffirms the opposition of the Government to the creation of a nuclear industry in Victoria, including the construction of a nuclear power plant, bearing 15 signatures (*Dr Harkness*)
- Mornington Peninsula Community Health Service** — Requesting that the House ensures that the Mornington Peninsula Community Health Service continues as a separately incorporated community health centre and is able to — (a) deliver high quality clinical services and integrated community based services; (b) support its workforce; (c) achieve sound financial management; and (d) actively pursue the growth of the service, bearing 58 signatures (*Mr Dixon*).
- Petitions ordered to be tabled.
- 5 **PETITION — MORNINGTON PENINSULA COMMUNITY HEALTH SERVICE** — Motion made and question — That the petition presented by the Member for Nepean be taken into consideration tomorrow (*Mr Dixon*) — put and agreed to.
- 6 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Agreeing to the following bills without amendment:
- Magistrates' Court and Coroners Acts Amendment Bill 2007  
Wills Amendment Bill 2007.
- 7 **STATEMENTS BY MEMBERS** — Statements by members were made.
- 8 **GRIEVANCES** — Question — That grievances be noted — put, after debate, and agreed to.

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

Public Accounts and Estimates Committee's Report on the 2007–08 Budget Estimates — Part One

Public Accounts and Estimates Committee's Report 2005–06

Environment and Natural Resources Committee's Report on the Inquiry into the Production and/or Use of Biofuels in Victoria.

Public Accounts and Estimates Committee's Report on the 2007–08 Budget Estimates — Part Two

Law Reform Committee's Report on De Novo Appeals to the County Court.

- 10 **POSTPONEMENT OF ORDER OF THE DAY** — Ordered — That the consideration of Government Business, Order of the Day, No 1 be postponed until later this day.

- 11 **LAND (REVOCAION OF RESERVATIONS) BILL 2007** — *Mr Batchelor tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

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

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

Ordered — That the debate be adjourned until Wednesday 22 August 2007.

- 12 **CONFISCATION AMENDMENT BILL 2007** — *Mr Hulls tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

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

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

Ordered — That the debate be adjourned until Wednesday 22 August 2007.

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

- 13 **QUESTIONS** — (Under SO 55).

- 14 **SUMMARY OFFENCES AMENDMENT (UPSKIRTING) BILL 2007** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

Bill sent to the Legislative Council and their agreement requested.

- 15 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Requesting 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.

Ordered — That the message be taken into consideration immediately.

- 16 **JOINT MEETING OF STANDING ORDERS COMMITTEES** — Order read for the consideration of the message from the Legislative Council.

Motion made and question — That the Legislative Assembly notes the message from the Legislative Council and requests the Speaker to seek a joint meeting of the Standing Orders Committees to discuss the language of messages between the two Houses (*Mr Batchelor*) — put, after debate, and agreed to.

17 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Accident Compensation Amendment Bill 2007 without amendment.

18 **PARLIAMENTARY SALARIES AND SUPERANNUATION AMENDMENT BILL 2007** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

19 **ADJOURNMENT** — The Acting Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.41 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JENNY LINDELL  
*Speaker*

## No 35 — Thursday 9 August 2007

1 The Speaker took the Chair and read the Prayer.

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

**Changes to Abortion Laws** — Requesting that the House — (a) retains the current provisions of the *Crimes Act 1958* which make it a crime to deliberately kill babies capable of living outside the womb and expands the provisions of the Act to prohibit all forms of abortion at any stage of pregnancy, excepting some extremely rare instances; and (b) requires, through appropriate legislation, that all emergency abortions be performed with the goal of delivering the baby alive with medical care, bearing 139, 166 and 1510 signatures (*Ms Neville, Mr Trezise and Mr Mulder respectively*)

**Water Pipeline Goulburn to Melbourne — Alternative Water Schemes** — Requesting that the House — (a) rejects the proposal to develop a pipeline which would take water from the Goulburn Valley and pump it to Melbourne; and (b) calls on the Government to address Melbourne's water supply needs by investing in desalination, recycling and capturing stormwater, bearing 533, 27 and 34 signatures (*Dr Sykes, Mr Northe and Mr Walsh respectively*)

**Senior Pensioner Entitlements** — Requesting that the House, as a matter of urgency — (a) reintroduces the motor vehicle registration pensioner concession; (b) standardises electricity concession rates throughout the year; (c) increases the pensioner concession rates for utilities and council fees; and (d) increases public transport safety and provides more assistance to older people travelling on public transport, bearing 72 signatures (*Mr Donnellan*)

**Health Professions Registration Act 2005** — Requesting that the Government — (a) reviews and amends the *Health Professions Registration Act 2005*; (b) establishes independent bodies to investigate and hear complaints against medical practitioners; and (c) reinstates the independent VCAT appeals process that does not include medical practitioners on the Tribunal, bearing 1 signature (*Ms Barker*)

**Springvale Road, Nunawading Level Crossing** — Requesting that the House takes action to immediately grade separate the level crossing at Springvale Road in Nunawading, bearing 487 signatures (*Mr Mulder*).

Petitions ordered to be tabled.

3 **PETITION — WATER PIPELINE GOULBURN TO MELBOURNE — ALTERNATIVE WATER SCHEMES** — Motion made and question — That the petition presented by the Member for Swan Hill be taken into consideration tomorrow (*Mr Walsh*) — put and agreed to.

4 **PETITION — WATER PIPELINE GOULBURN TO MELBOURNE — ALTERNATIVE WATER SCHEMES** — Motion made and question — That the petition presented by the Member for Morwell be taken into consideration tomorrow (*Mr Northe*) — put and agreed to.

5 **PETITION — WATER PIPELINE GOULBURN TO MELBOURNE — ALTERNATIVE WATER SCHEMES** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.

6 **DOCUMENT BY COMMAND OF THE GOVERNOR**

Mr Hulls presented by Command of the Governor:

Supreme Court of Victoria — Report 2005–06

Ordered to be tabled.

7 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourns until Tuesday 21 August 2007 (*Ms Pike*) — put and agreed to.

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

9 **LEGAL PROFESSION AMENDMENT (EDUCATION) BILL 2007** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

Bill sent to the Legislative Council and their agreement requested.

10 **GRAIN HANDLING AND STORAGE AMENDMENT BILL 2007** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

11 **QUESTIONS** — (Under SO 55).

12 **GRAIN HANDLING AND STORAGE AMENDMENT BILL 2007** — Debate resumed on question — That this Bill be now read a second time.

*Allocation of time — The Deputy Speaker advised that the time allocated for consideration of bills under the resolution of the House on Tuesday 7 August 2007 had expired.*

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

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

Bill sent to the Legislative Council and their agreement requested.

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- 13 **PARLIAMENTARY SALARIES AND SUPERANNUATION AMENDMENT BILL 2007** — Order read for resuming debate on question — That this Bill be now read a second time.
- Question — That this Bill be now read a second time and a third time — put and agreed to.
- Bill sent to the Legislative Council and their agreement requested.
- 14 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Superannuation Legislation Amendment (Contribution Splitting and Other Matters) Bill 2007 without amendment.
- 15 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Cameron*) — put and agreed to.
- 16 **ADJOURNMENT** — The Deputy Speaker left the Chair, after debate, at 4.35 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JENNY LINDELL  
*Speaker*

## LEGISLATIVE ASSEMBLY OF VICTORIA

### VOTES AND PROCEEDINGS Nos 36, 37 and 38

#### No 36 — Tuesday 21 August 2007

- 1 The House met according to the adjournment — The Speaker took the Chair and read the Prayer.
- 2 **ISSUE OF WRIT** — The Speaker announced that, on 20 August 2007, she issued a writ for by-elections for the Electoral District of Albert Park and the Electoral District of Williamstown to be held on 15 September 2007.
- 3 **QUESTIONS** — (Under SO 55).
- 4 **PUBLIC ADVOCATE** — The Speaker announced that, on 14 August 2007, she administered to Colleen Georgette Pearce, the Public Advocate, the oath required by Schedule 3 of the *Guardianship and Administration Act 1986*.
- 5 **LEGISLATION REFORM (REPEALS NO. 1) BILL 2007** — Mr Brumby obtained leave to bring in a Bill '*for an Act to repeal certain spent or redundant Acts relating to local government, health, housing, community services and other matters*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 6 **CRIMES AMENDMENT (RAPE) BILL 2007** — Mr Hulls obtained leave to bring in 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 the Bill was read a first time and ordered to be read a second time tomorrow.
- 7 **WORKING WITH CHILDREN AMENDMENT BILL 2007** — Mr Hulls obtained leave to bring in 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, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 8 **FISHERIES AMENDMENT BILL 2007** — Mr Helper obtained leave to bring in a Bill '*for an Act to amend the Fisheries Act 1995 and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 9 **FIREARMS AMENDMENT BILL 2007** — Mr Cameron obtained leave to bring in 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, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 10 **JUSTICE LEGISLATION AMENDMENT BILL 2007** — Mr Cameron obtained leave to bring in 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, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 11 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

**Changes to Abortion Laws** — Requesting that the House — (a) retains the current provisions of the *Crimes Act 1958* which make it a crime to deliberately kill babies capable of living outside the womb and expands the provisions of the Act to prohibit all forms of abortion at any stage of pregnancy, excepting some extremely rare instances; and (b) requires, through appropriate legislation, that all emergency abortions be performed with the goal of delivering the baby alive with medical care, bearing 374 and 124 signatures (*Mr Howard and Mr Crutchfield respectively*)

**Nuclear Industry** — Requesting that the House reaffirms the opposition of the Government to the creation of a nuclear industry in Victoria, including the construction of a nuclear power plant, bearing 28 signatures (*Dr Harkness*)

**Inquiry into Gaming Licensing** — Requesting that the House — (a) supports the Cardinia Shire Gaming Policy and its submission to the Victorian Legislative Council Select Committee inquiry into Gaming Licensing in Victoria; and (b) changes the gaming and planning legislation in Victoria to allow local governments and judiciary to enforce what is in the best interests of the community, bearing 1705 signatures (*Ms Lobato*)

**Train Services — Melbourne/Bairnsdale** — Requesting that the House calls upon the Government to remedy the problem of passengers forced to await the departure of the evening train leaving Melbourne for Bairnsdale by instigating a train service which departs Melbourne in the early afternoon, bearing 717 signatures (*Mr Ingram*)

**Crimes Act 1958** — Requesting that the House votes against amendments to the *Crimes Act 1958* that will decriminalise abortion in Victoria, bearing 1134 signatures (*Mr Seitz*)

**Water Pipeline Goulburn to Melbourne — Alternative Water Schemes** — Requesting that the House — (a) rejects the proposal to develop a pipeline which would take water from the Goulburn Valley and pump it to Melbourne; and (b) calls on the Government to address Melbourne's water supply needs by investing in desalination, recycling and capturing stormwater, bearing 18 signatures (*Mr Walsh*)

**Pipeline Proposal Goulburn to Melbourne — Alternative Water Schemes** — Requesting that the House abandons the proposal to pipe water from the Goulburn River to Melbourne and calls on the Government to address Melbourne's water supply needs by investing in desalination recycling and capturing stormwater, bearing 462 signatures (*Mr Walsh*).

Petitions ordered to be tabled.

- 12 **PETITION — NUCLEAR INDUSTRY** — Motion made and question — That the petition presented by the Member for Frankston be taken into consideration tomorrow (*Dr Harkness*) — put and agreed to.
- 13 **PETITION — CRIMES ACT 1958** — Motion made and question — That the petition presented by the Member for Keilor be taken into consideration tomorrow (*Mr Seitz*) — put and agreed to.
- 14 **PETITION — WATER PIPELINE GOULBURN TO MELBOURNE — ALTERNATIVE WATER SCHEMES** — Motion made and question — That the petition presented by the Member for Swan Hill be taken into consideration tomorrow (*Mr Walsh*) — put and agreed to.
- 15 **PETITION — PIPELINE PROPOSAL GOULBURN TO MELBOURNE — ALTERNATIVE WATER SCHEMES** — Motion made and question — That the petition presented by the Member for Swan Hill be taken into consideration tomorrow (*Mr Walsh*) — put and agreed to.

## 16 DOCUMENTS

**TERRORISM (COMMUNITY PROTECTION) ACT 2003** — Motion made, by leave, and question — That the Report on the Operation of the *Terrorism (Community Protection) Act 2003* be tabled (*Mr Brumby*) — put and agreed to.

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — Mr Carli, Chair, presented a report from the Scrutiny of Acts and Regulations Committee being the Alert Digest No 11 of 2007 on the:

Confiscation Amendment Bill 2007  
Land (Revocation of Reservations) Bill 2007  
Road Legislation Amendment Bill 2007

together with appendices.

Ordered to be tabled and printed.

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

*National Environment Protection Council (Victoria) Act 1995* — Second Review of the Act under s 64

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

Alpine Resorts — C19  
Ballarat — C125  
Banyule — C51  
Baw Baw — C54  
Bayside — C50  
Cardinia — C87 Part 3  
Corangamite — C20  
East Gippsland — C57  
Glenelg — C37  
Golden Plains — C2, C42, C50  
Greater Bendigo — C105  
Greater Dandenong — C95  
Greater Shepparton — C68  
Hobsons Bay — C70  
Horsham — C40  
Hume — C87  
Knox — C64  
Latrobe — C55  
Manningham — C58  
Mitchell — C48  
Moorabool — C50  
Nillumbik — C49  
Surf Coast — C33  
Warrnambool — C54  
Wellington — C47  
Whittlesea — C74  
Wyndham — C94  
Yarra Ranges — C57

Statutory Rule under the *Court Security Act 1980* — SR 87

*Subordinate Legislation Act 1994* — Minister's exemption certificate in relation to Statutory Rule 84.

- 17 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Energy Legislation Amendment Bill 2007 without amendment.

- 18 **MESSAGE FROM THE GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that he had, on 14 August 2007, given the royal assent to the following bills, presented to him by the Clerk of the Parliaments:

Accident Compensation Amendment Bill 2007

Energy Legislation Amendment Bill 2007

Magistrates' Court and Coroners Acts Amendment Bill 2007

Superannuation Legislation Amendment (Contribution Splitting and Other Matters) Bill 2007

Wills Amendment Bill 2007.

- 19 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, under SO 94(2), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 23 August 2007:

Confiscation Amendment Bill 2007

Gene Technology Amendment Bill 2007

Justice and Road Legislation Amendment (Law Enforcement) Bill 2007

Land (Revocation of Reservations) Bill 2007

Planning and Environment Amendment Bill 2007

Royal Children's Hospital (Land) Bill 2007

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

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

- 21 **ROYAL CHILDREN'S HOSPITAL (LAND) BILL 2007** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

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

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

Parliamentary Salaries and Superannuation Amendment Bill 2007

Outworkers and Contractors Legislation Amendment Bill 2007.

- 23 **PLANNING AND ENVIRONMENT AMENDMENT BILL 2007** — Order read for resuming debate on question — That this Bill be now read a second time.

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

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

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

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

- 24 **ROYAL CHILDREN'S HOSPITAL (LAND) BILL 2007** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

Bill sent to the Legislative Council and their agreement requested.

- 25 **PLANNING AND ENVIRONMENT AMENDMENT BILL 2007** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

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

R W PURDEY  
*Clerk of the Legislative Assembly*

JENNY LINDELL  
*Speaker*

## No 37 — Wednesday 22 August 2007

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

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

**Intersection of Coleman Road, Stud Road and Harold Street, Wantirna South** — Requesting that the House resolves that the Minister for Roads and Ports, in conjunction with VicRoads, undertakes an immediate review of the intersection of Coleman Road, Stud Road and Harold Street, Wantirna South, including the consideration of right turning arrows, with a view to ensuring the safe passage of all users of the intersection, bearing 229 signatures (*Mrs Victoria*)

**Lonsdale Lakes** — Requesting that the House rejects any proposals to release land for the construction of homes on vulnerable coastal lands such as Lonsdale Lakes given that no amount of engineering works can promise protection against the rising sea levels, bearing 100 signatures (*Ms Neville*)

**Water Pipeline Goulburn to Melbourne — Alternative Water Schemes** — Requesting that the House — (a) rejects the proposal to develop a pipeline which would take water from the Goulburn Valley and pump it to Melbourne; and (b) calls on the Government to address Melbourne's water supply needs by investing in desalination, recycling and capturing stormwater, bearing 305 signatures (*Dr Sykes*)

**Liquor Outlet, Doncaster East** — Requesting that the House informs the Director of Liquor Licensing that the proposal to close the Safeway supermarket at Jackson Court, Doncaster East and replace it with a Dan Murphy liquor outlet would have detrimental effects on residents and traders in the vicinity and would also be in opposition to the very strong wishes of the local community, bearing 95 signatures (*Ms Wooldridge*)

**Mornington Peninsula Community Health Service** — Requesting that the House ensures that the Mornington Peninsula Community Health Service continues as a separately incorporated community health centre and is able to — (a) deliver high quality clinical services and integrated community

based services; (b) support its workforce; (c) achieve sound financial management; and (d) actively pursue the growth of the service, bearing 58 signatures (*Mr Dixon*).

Petitions ordered to be tabled.

3 **PETITION — LIQUOR OUTLET, DONCASTER EAST** — Motion made and question — That the petition presented by the Member for Doncaster be taken into consideration tomorrow (*Ms Wooldridge*) — put and agreed to.

4 **PETITION — LONSDALE LAKES** — Motion made and question — That the petition presented by the Member for Bellarine be taken into consideration tomorrow (*Mr Trezise*) — put and agreed to.

5 **PETITION — INTERSECTION OF COLEMAN ROAD, STUD ROAD AND HAROLD STREET, WANTIRNA SOUTH** — Motion made and question — That the petition presented by the Member for Bayswater be taken into consideration tomorrow (*Mrs Victoria*) — put and agreed to.

6 **PETITION — WATER PIPELINE GOULBURN TO MELBOURNE — ALTERNATIVE WATER SCHEMES** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.

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

*Prevention of Cruelty to Animals Act 1986* — Code of Accepted Farming Practice for the Welfare of Pigs (Revision Number 2).

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

9 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE — COOPERATIVE FEDERALISM** — The House was informed that Mr Donnellan had proposed that a definite matter of public importance be submitted to the House for discussion, namely —

'That this House congratulates the Brumby Government for leading the push for cooperative federalism through its National Reform Initiative and continuing its work to convince the Federal Government to work in partnership with the State Government to focus on delivering improved productivity, a more highly skilled workforce, and a sustainable environment.'

Mr Donnellan addressed the House — Discussion followed.

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

Environment and Natural Resources Committee's Report on the Inquiry into the Production and/or Use of Biofuels in Victoria

Public Accounts and Estimates Committee's Report on the 2007–08 Budget Estimates — Part Two

Public Accounts and Estimates Committee's Report on the 2007–08 Budget Estimates — Part One

Scrutiny of Acts and Regulations Committee's Report on the Annual Review 2006, Regulations 2006.

11 **LEGISLATION REFORM (REPEALS NO. 1) BILL 2007** — *Ms Pike tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

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

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

Ordered — That the debate be adjourned until Wednesday 5 September 2007.

- 12 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 2 and 3 be postponed until later this day.

- 13 **FISHERIES AMENDMENT BILL 2007** — *Mr Helper tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

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

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

Ordered — That the debate be adjourned until Wednesday 5 September 2007.

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

- 14 **QUESTIONS** — (Under SO 55).

- 15 **CRIMES AMENDMENT (RAPE) BILL 2007** — *Mr Hulls tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

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

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

Ordered — That the debate be adjourned until Wednesday 5 September 2007.

- 16 **WORKING WITH CHILDREN AMENDMENT BILL 2007** — *Mr Hulls tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

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

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

Ordered — That the debate be adjourned until Wednesday 5 September 2007.

- 17 **FIREARMS AMENDMENT BILL 2007** — *Mr Cameron tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

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

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

Ordered — That the debate be adjourned until Wednesday 5 September 2007.

- 18 **POSTPONEMENT OF ORDER OF THE DAY** — Ordered — That the consideration of Government Business, Order of the Day, No 6, be postponed until later this day.

- 19 **PLANNING AND ENVIRONMENT AMENDMENT BILL 2007** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Bill read a second time, considered in detail and agreed to with amendments, read a third time (*see pp 181–2*).

Bill sent to the Legislative Council and their agreement requested.

- 20 **LAND (REVOCAION OF RESERVATIONS) BILL 2007** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

Bill sent to the Legislative Council and their agreement requested.

- 21 **JUSTICE AND ROAD LEGISLATION AMENDMENT (LAW ENFORCEMENT) BILL 2007** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

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

- 22 **JUSTICE LEGISLATION AMENDMENT BILL 2007** — *Mr Cameron tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

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

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

Ordered — That the debate be adjourned until Wednesday 5 September 2007.

- 23 **JUSTICE AND ROAD LEGISLATION AMENDMENT (LAW ENFORCEMENT) BILL 2007** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

- 24 **ADJOURNMENT** — The Acting Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.41 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JENNY LINDELL  
*Speaker*

## No 38 — Thursday 23 August 2007

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

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

**Eastfield Road, Croydon South** — Requesting the Government to allocate and distribute the appropriate funding to the Maroondah City Council for works necessary to stop putting lives at risk along Eastfield Road, Croydon South, bearing 364 signatures (*Mr Hodgett*).

Ordered to be tabled.

- 3 **PETITION — EASTFIELD ROAD, CROYDON SOUTH** — Motion made and question — That the petition presented by the Member for Kilsyth be taken into consideration tomorrow (*Mr Hodggett*) — put and agreed to.
- 4 **DOCUMENT TABLED UNDER AN ACT OF PARLIAMENT** — The Clerk tabled the following document in accordance with an Act of Parliament:
- Auditor-General, Office of — Report 2006–07.
- 5 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourns until Tuesday 18 September 2007 (*Mr Batchelor*) — put and agreed to.
- 6 **STATEMENTS BY MEMBERS** — Statements by members were made.
- 7 **GENE TECHNOLOGY AMENDMENT BILL 2007** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.
- Motion made and question — That the debate be now adjourned (*Mrs Fyffe*) — put and agreed to.
- Ordered — That the debate be adjourned until later this day.
- 8 **CONFISCATION AMENDMENT BILL 2007** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.
- Motion made and question — That the debate be now adjourned (*Mr Howard*) — put and agreed to.
- Ordered — That the debate be adjourned until later this day.
- 9 **GENE TECHNOLOGY AMENDMENT BILL 2007** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.
- Business having been interrupted at 2.00 pm under standing orders.*
- 10 **QUESTIONS** — (Under SO 55).
- 11 **GENE TECHNOLOGY AMENDMENT BILL 2007** — Debate continued on question — That this Bill be now read a second time.
- Motion made and question — That the debate be now adjourned (*Ms D'Ambrosio*) — put and agreed to.
- Ordered — That the debate be adjourned until later this day.
- 12 **JUSTICE AND ROAD LEGISLATION AMENDMENT (LAW ENFORCEMENT) BILL 2007** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.
- Bill read a second time and, by leave, immediately read a third time.
- Bill sent to the Legislative Council and their agreement requested.
- 13 **GENE TECHNOLOGY AMENDMENT BILL 2007** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.
- Motion made and question — That the debate be now adjourned (*Mr Howard*) — put and agreed to.

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

- 14 **CONFISCATION AMENDMENT BILL 2007** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

Bill sent to the Legislative Council and their agreement requested.

- 15 **GENE TECHNOLOGY AMENDMENT BILL 2007** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

Bill sent to the Legislative Council and their agreement requested.

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

- 17 **ADJOURNMENT** — The Speaker left the Chair, after debate, at 4.38 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JENNY LINDELL  
*Speaker*

LEGISLATIVE ASSEMBLY OF VICTORIA

**CONSIDERATION IN DETAIL**  
**Supplement to Votes Nos 36, 37 and 38**

**No 37 — Wednesday 22 August 2007**

**PLANNING AND ENVIRONMENT AMENDMENT BILL 2007**

**Clauses 1 and 2** agreed to.

**Clause 3**, Mr Batchelor moved amendment Nos 1 and 2 (*see Schedule*).

Amendments put and agreed to.

Clause agreed to as amended.

**Clauses 4 to 23** agreed to.

Bill agreed to as amended.

## **SCHEDULE OF AMENDMENTS MOVED**

### **PLANNING AND ENVIRONMENT AMENDMENT BILL 2007**

Amendments moved by Mr Batchelor

1. Clause 3, line 8, omit "Sustainability and Environment" and insert "Planning and Community Development".
2. Clause 3, lines 11 and 12, omit "Sustainability and Environment" and insert "Planning and Community Development".

## LEGISLATIVE ASSEMBLY OF VICTORIA

### VOTES AND PROCEEDINGS Nos 39, 40 and 41

#### No 39 — Tuesday 18 September 2007

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

2 **QUESTIONS** — (Under SO 55).

*Member named and suspended* — The Member for Bass (*Mr Smith*) having been named by the Speaker for disregarding the authority of the Chair —

Motion made and question — That the Member for Bass (*Mr Smith*) be suspended from the service of the House during the remainder of the day's sitting (*Mr Batchelor*) — put.

The House divided (the Speaker, Ms Lindell, in the Chair) —

AYES 47

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beattie; Mr Brooks; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Mr Eren; Ms Graley; Ms Green; Mr Hardman; Dr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Ms Kosky; Mr Langdon; Mr Languiller; Mr Lim; Mr Lupton; Mrs Maddigan; Ms Marshall; Mr Merlino; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Perera; Ms Pike; Ms Richardson; Mr Robinson; Mr Scott; Mr Seitz; Mr Stensholt; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

NOES 32

Ms Asher; Mr Baillieu; Mr Blackwood; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Hodgett; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Morris; Mr Mulder; Dr Naphthine; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith (*Bass*); Mr Smith (*Warrandyte*); Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Weller; Mr Wells; Ms Wooldridge.

Question agreed to.

Mr Smith (*Bass*) accordingly withdrew from the Chamber.

3 **ENERGY LEGISLATION FURTHER AMENDMENT BILL 2007** — Mr Batchelor obtained leave to bring in 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, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.

4 **BUILDING AMENDMENT BILL 2007** — Mr Batchelor obtained leave to bring in a Bill '*for an Act to amend the Building Act 1993 and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.

5 **TRANSPORT LEGISLATION AMENDMENT BILL 2007** — Ms Kosky obtained leave to bring in 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, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.

6 **EMERGENCY SERVICES LEGISLATION AMENDMENT BILL 2007** — Mr Cameron obtained leave to bring in 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, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.

7 **EDUCATION AND TRAINING REFORM MISCELLANEOUS AMENDMENTS BILL 2007** — Ms Pike obtained leave to bring in 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 the Bill was read a first time and ordered to be read a second time tomorrow.

8 **TRANSPORT ACCIDENT AND ACCIDENT COMPENSATION ACTS AMENDMENT BILL 2007** — Mr Holding obtained leave to bring in 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, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.

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

**Desalination Plant, Bass Coast** — Requesting that the House directs immediate consultation between the Government and the local community of the Bass Coast regarding the proposed desalination plant, bearing 3708 signatures (*Mr Smith, Bass*)

**Water Pipeline Goulburn to Melbourne — Alternative Water Schemes** — Requesting that the House — (a) rejects the proposal to develop a pipeline which would take water from the Goulburn Valley and pump it to Melbourne; and (b) calls on the Government to address Melbourne's water supply needs by investing in desalination, recycling and capturing stormwater, bearing 1006 signatures (*Dr Sykes*)

**National Water Sports Centre, Bangholme** — Requesting that the House encourages the Government to urgently review and update the master plan for the National Water Sports Centre in Bangholme, to recognise the full potential of the facility, bearing 27 signatures (*Mr Kotsiras*)

**Eltham Railway Station** — Requesting that the Government agrees to fund a public display facility at Eltham Station to house the historically significant signalling equipment and memorabilia from when the rail line was built in 1902, bearing 250 signatures (*Mr Herbert*)

**Nuclear Industry** — Requesting that the House reaffirms the opposition of the Government to the creation of a nuclear industry in Victoria, including the construction of a nuclear power plant, bearing 29 and 15 signatures (*Mr Herbert and Dr Harkness respectively*)

**Traffic Signs Ringwood North** — Requesting that the Government introduces a 'Keep Clear' zone at the intersection of Melview Drive and Warrandyte Road, Ringwood North and 'No U-turn' signs at appropriate locations in the immediate surrounds, bearing 208 signatures (*Mr Smith, Warrandyte*).

Petitions ordered to be tabled.

10 **PETITION — DESALINATION PLANT, BASS COAST** — Motion made and question — That the petition presented by the Member for Bass be taken into consideration tomorrow (*Mr Dixon*) — put and agreed to.

- 11 **PETITION — TRAFFIC SIGNS RINGWOOD NORTH** — Motion made and question — That the petition presented by the Member for Warrandyte be taken into consideration tomorrow (*Mr Smith, Warrandyte*) — put and agreed to.
- 12 **PETITION — WATER PIPELINE GOULBURN TO MELBOURNE — ALTERNATIVE WATER SCHEMES** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.
- 13 **PETITION — NUCLEAR INDUSTRY** — Motion made and question — That the petition presented by the Member for Frankston be taken into consideration tomorrow (*Dr Harkness*) — put and agreed to.
- 14 **DOCUMENTS**

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — Mr Carli, Chair, presented a report from the Scrutiny of Acts and Regulations Committee being the Alert Digest No 12 of 2007 on the:

Crimes Amendment (Rape) Bill 2007  
 Firearms Amendment Bill 2007  
 Fisheries Amendment Bill 2007  
 Justice and Road Legislation Amendment (Law Enforcement) Bill 2007  
 Justice Legislation Amendment Bill 2007  
 Legislation Reform (Repeals No. 1) Bill 2007  
 Working with Children Amendment Bill 2007

together with an extract from the proceedings and appendices.

Ordered to be tabled and printed.

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

*Land Acquisition and Compensation Act 1986* — Certificate under s 7

*Major Events (Aerial Advertising) Act 2007* — Event Order under s 7

*Major Events (Crowd Management) Act 2003* — Order declaring a managed access area under s 7

*National Parks Act 1975* — Notice of consent under s 40

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

Baw Baw — C41 Part 2, C46  
 Boroondara — C68  
 Brimbank — C94, C104  
 Casey — C68  
 Darebin — C76  
 Greater Bendigo — C93  
 Greater Shepparton — C96  
 Indigo — C27  
 Kingston — C62  
 Latrobe — C50  
 Maribyrnong — C65  
 Melbourne — C129

Melton — C59  
 Mildura — C43  
 Moira — C31  
 Moonee Valley — C38, C79  
 Moorabool — C31  
 Moreland — C59  
 Mornington Peninsula — C58  
 Moyne — C17  
 Stonnington — C54, C61  
 Wellington — C32, C34  
 Whitehorse — C76, C77  
 Wodonga — C55  
 Yarra — C79, C88, C95  
 Yarra Ranges — C64

Statutory Rules under the following Acts:

*Crimes Act 1958* — SR 88  
*Radiation Act 2005* — SR 89  
*Road Safety Act 1986* — SR 90  
*Supreme Court Act 1986* — SRs 91, 92, 93, 94

*Subordinate Legislation Act 1994*:

Minister's exception certificates in relation to Statutory Rules 87, 91, 92, 93, 94  
 Ministers' exemption certificates in relation to Statutory Rules 81, 88, 90

Surveyor-General — Report 2006–07 on administration of the *Survey Co-ordination Act 1958*

*Victorian Renewable Energy Act 2006* — Victorian Renewable Energy Target Scheme Stage 2 Rules.

- 15 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Gambling Regulation Amendment Bill 2007 without amendment.
- 16 **MESSAGE FROM THE GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that he had, on 28 August 2007, given the royal assent to the following bills, presented to him by the Clerk of the Parliaments:
- Gambling Regulation Amendment Bill 2007  
 Outworkers and Contractors Legislation Amendment Bill 2007  
 Parliamentary Salaries and Superannuation Amendment Bill 2007.
- 17 **MESSAGE FROM THE GOVERNOR** — The Speaker announced the presentation of a message from the Governor recommending an appropriation for the purposes of the Fisheries Amendment Bill 2007.
- 18 **FAMILY AND COMMUNITY DEVELOPMENT COMMITTEE — EDUCATION AND TRAINING COMMITTEE** — The Speaker announced that she had received the resignation of Mr Dixon from the Family and Community Development Committee and the resignation of Mr Finn from the Education and Training Committee, effective from today.
- 19 **MEMBERSHIP OF COMMITTEE** — Motion made, by leave, and question — That Mr Dixon be appointed a member of the Education and Training Committee (*Mr Bachelor*) — put and agreed to.
- 20 **LEGISLATION REFORM (REPEALS NO. 1) BILL 2007** — Motion made, by leave, and question — That the proposals contained in the Legislation Reform (Repeals No. 1) Bill 2007 be

referred to the Scrutiny of Acts and Regulations Committee for inquiry, consideration and report (*Mr Batchelor*) — put and agreed to.

- 21 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, under SO 94(2), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 20 September 2007:

Crimes Amendment (Rape) Bill 2007  
 Firearms Amendment Bill 2007  
 Fisheries Amendment Bill 2007  
 Justice Legislation Amendment Bill 2007  
 Working with Children Amendment Bill 2007

(*Mr Batchelor*) — after debate, put.

The House divided (the Speaker, Ms Lindell, in the Chair) —

AYES 46

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beattie; Mr Brooks; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Mr Eren; Ms Graley; Ms Green; Mr Hardman; Dr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Ms Kosky; Mr Langdon; Mr Languiller; Mr Lim; Mr Lupton; Mrs Maddigan; Ms Marshall; Mr Merlino; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Perera; Ms Pike; Ms Richardson; Mr Robinson; Mr Scott; Mr Seitz; Mr Stensholt; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

NOES 32

Ms Asher; Mr Baillieu; Mr Blackwood; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Hodgett; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Morris; Mr Mulder; Dr Napthine; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith (*Warrandyte*); Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Weller; Mr Wells; Ms Wooldridge.

Question agreed to.

- 22 **STATEMENTS BY MEMBERS** — Statements by members were made.
- 23 **CRIMES AMENDMENT (RAPE) BILL 2007** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

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

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

Grain Handling and Storage Amendment Bill 2007  
 Summary Offences Amendment (Upskirting) Bill 2007.

- 25 **FISHERIES AMENDMENT BILL 2007** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

- 26 **ADJOURNMENT** — The Deputy Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.37 pm.

R W PURDEY  
Clerk of the Legislative Assembly

JENNY LINDELL  
Speaker

## No 40 — Wednesday 19 September 2007

- 1 The Speaker took the Chair and read the Prayer.
- 2 **GRAFFITI PREVENTION BILL 2007** — Mr Cameron obtained leave to bring in 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 the Bill was read a first time and ordered to be read a second time tomorrow.
- 3 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:
- Nuclear Industry** — Requesting that the House reaffirms the opposition of the Government to the creation of a nuclear industry in Victoria, including the construction of a nuclear power plant, bearing 15 signatures (*Dr Harkness*)
- Obstetrics at Rosebud Hospital** — Requesting that the House asks the Minister for Health to provide sufficient funding to enable Peninsula Health to provide the necessary infrastructure and resources to attract obstetricians to work in Rosebud Hospital, bearing 19 signatures (*Mr Dixon*)
- Rosebud Maternity Unit** — Requesting that the House acts to honour the Victorian maternity services policy, *Future Directions*, and re-opens Rosebud Maternity Unit to births, as a primary midwifery unit, similar to Ryde and Belmont in New South Wales, bearing 587 signatures (*Mr Dixon*)
- Complaints against Medical Practitioners** — Requesting that the Government — (a) reviews and amends the *Health Professions Registration Act 2005*; (b) establishes independent bodies to investigate and hear complaints against medical practitioners; and (c) legislates that processes are transparent and fair, bearing 1 signature (*Ms Barker*)
- Pipeline Proposal Goulburn to Melbourne — Alternative Water Schemes** — Requesting that the House abandons the proposal to pipe water from the Goulburn River to Melbourne and calls on the Government to address Melbourne's water supply needs by investing in desalination, recycling and capturing stormwater, bearing 176 signatures (*Mr Walsh*)
- Water Pipeline Goulburn to Melbourne — Alternative Water Schemes** — Requesting that the House — (a) rejects the proposal to develop a pipeline which would take water from the Goulburn Valley and pump it to Melbourne; and (b) calls on the Government to address Melbourne's water supply needs by investing in desalination, recycling and capturing stormwater, bearing 383 signatures (*Mr Walsh*).
- Petitions ordered to be tabled.
- 4 **PETITION — OBSTETRICS AT ROSEBUD HOSPITAL** — Motion made and question — That the petition presented by the Member for Nepean be taken into consideration tomorrow (*Mr Dixon*) — put and agreed to.

5 **PETITION — ROSEBUD MATERNITY UNIT** — Motion made and question — That the petition presented by the Member for Nepean be taken into consideration tomorrow (*Mr Dixon*) — put and agreed to.

6 **PETITION — PIPELINE PROPOSAL GOULBURN TO MELBOURNE — ALTERNATIVE WATER SCHEMES** — Motion made and question — That the petition presented by the Member for Swan Hill be taken into consideration tomorrow (*Mr Walsh*) — put and agreed to.

7 **PETITION — WATER PIPELINE GOULBURN TO MELBOURNE — ALTERNATIVE WATER SCHEMES** — Motion made and question — That the petition presented by the Member for Swan Hill be taken into consideration tomorrow (*Mr Walsh*) — put and agreed to.

8 **PETITION — NUCLEAR INDUSTRY** — Motion made and question — That the petition presented by the Member for Frankston be taken into consideration tomorrow (*Dr Harkness*) — put and agreed to.

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

Auditor-General — Program for Students with Disabilities: Program Accountability — Ordered to be printed

*Major Events (Aerial Advertising) Act 2007* — Event Order under s 7.

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

Legal Profession Amendment (Education) Bill 2007

Royal Children's Hospital (Land) Bill 2007.

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

12 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE — ANTI-CORRUPTION COMMISSION** — The House was informed that Mr Baillieu had proposed that a definite matter of public importance be submitted to the House for discussion, namely —

'That this House expresses its grave concern at recent acknowledgement by Victoria Police of significant evidence linking police corruption and gangland killings and the limitations on existing agencies investigating these and other allegations of misconduct and corruption and calls on the Government to heed widespread calls to establish an independent and broadly based anti-corruption commission in Victoria.'

Mr Baillieu addressed the House — Discussion followed.

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

Public Accounts and Estimates Committee's Report on the 2007–08 Budget Estimates — Part Two

Public Accounts and Estimates Committee's Report on the 2007–08 Budget Estimates — Part One.

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

14 **QUESTIONS** — (Under SO 55).

- 15 **ENERGY LEGISLATION FURTHER AMENDMENT BILL 2007** — *Mr Batchelor tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*
- Motion made and question proposed — That this Bill be now read a second time (*Mr Batchelor*).
- Motion made and question — That the debate be now adjourned (*Mr Mulder*) — put and agreed to.
- Ordered — That the debate be adjourned until Wednesday 3 October 2007.
- 16 **BUILDING AMENDMENT BILL 2007** — *Mr Batchelor tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*
- Motion made and question proposed — That this Bill be now read a second time (*Mr Batchelor*).
- Motion made and question — That the debate be now adjourned (*Mr Mulder*) — put and agreed to.
- Ordered — That the debate be adjourned until Wednesday 3 October 2007.
- 17 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 3 to 11 inclusive, be postponed until later this day.
- 18 **TRANSPORT ACCIDENT AND ACCIDENT COMPENSATION ACTS AMENDMENT BILL 2007** — *Mr Holding tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*
- Motion made and question proposed — That this Bill be now read a second time (*Mr Holding*).
- Motion made and question — That the debate be now adjourned (*Mr Wells*) — put and agreed to.
- Ordered — That the debate be adjourned until Wednesday 3 October 2007.
- 19 **CRIMES AMENDMENT (RAPE) BILL 2007** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.
- Bill read a second time and, by leave, immediately read a third time.
- Bill sent to the Legislative Council and their agreement requested.
- 20 **JUSTICE LEGISLATION AMENDMENT BILL 2007** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.
- Bill read a second time and, by leave, immediately read a third time.
- Bill sent to the Legislative Council and their agreement requested.
- 21 **FISHERIES AMENDMENT BILL 2007** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.
- Motion made and question — That the debate be now adjourned (*Ms Munt*) — put and agreed to.
- Ordered — That the debate be adjourned until later this day.
- 22 **FIREARMS AMENDMENT BILL 2007** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Amendment proposed — That all the words after 'That' be omitted with the view of inserting in their place the words 'this Bill be withdrawn and redrafted to provide for the automatic renewal of firearm licences under Part 2, except in specific circumstances' (*Dr Sykes*) — and, after debate —

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

- 23 **ADJOURNMENT** — The Acting Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.41 pm.

R W PURDEY  
Clerk of the Legislative Assembly

JENNY LINDELL  
Speaker

## No 41 — Thursday 20 September 2007

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

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

**Nuclear Industry** — Requesting that the House reaffirms the opposition of the Government to the creation of a nuclear industry in Victoria, including the construction of a nuclear power plant, bearing 5 signatures (*Dr Harkness*)

**New Law for Cyclists** — Requesting that the House calls upon the Government to — (a) legislate for the charges of manslaughter and causing grievous bodily harm to ensure that they might also, in appropriate circumstances, apply to a cyclist recklessly causing death or injury; and (b) enforce the aforementioned law, to ensure people feel safe, believe they will be safe, and are safe, in crossing the road and making it to the other side alive, bearing 47 signatures (*Ms Munt*)

**Water Pipeline Goulburn to Melbourne — Alternative Water Schemes** — Requesting that the House — (a) rejects the proposal to develop a pipeline which would take water from the Goulburn Valley and pump it to Melbourne; and (b) calls on the Government to address Melbourne's water supply needs by investing in desalination, recycling and capturing stormwater, bearing 76 signatures (*Mrs Powell*)

**Rescue Helicopter for Western Region** — Requesting that the House immediately provides a rescue helicopter service for the Warrnambool region, as Western Victoria remains the only area of the State not covered by an emergency helicopter service, bearing 7124 signatures (*Dr Naphine*).

Petitions ordered to be tabled.

- 3 **PETITION — RESCUE HELICOPTER FOR WESTERN REGION** — Motion made and question — That the petition presented by the Member for South-West Coast be taken into consideration tomorrow (*Dr Naphine*) — put and agreed to.

- 4 **PETITION — NEW LAW FOR CYCLISTS** — Motion made and question — That the petition presented by the Member for Mordialloc be taken into consideration tomorrow (*Ms Munt*) — put and agreed to.

- 5 **PETITION — WATER PIPELINE GOULBURN TO MELBOURNE — ALTERNATIVE WATER SCHEMES** — Motion made and question — That the petition presented by the Member for Shepparton be taken into consideration tomorrow (*Mrs Powell*) — put and agreed to.

## 6 DOCUMENTS

**PUBLIC SECTOR ASSET INVESTMENT PROGRAM — BUDGET INFORMATION PAPER NO 1** — Motion made, by leave, and question — That the Public Sector Asset Investment Program 2007–08 Budget Information Paper No 1 be tabled (*Ms Neville*) — put and agreed to.

**PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE** — Mr Stensholt, Chair, presented a report from the Public Accounts and Estimates Committee on the 2007–08 Budget Estimates — Part Three, together with appendices, minority reports and an extract from the proceedings.

Ordered to be tabled and printed.

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

Ombudsman, Office of — Report 2006–07 — Ordered to be printed

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

Corangamite — C17

Hume — C99

Moonee Valley — C78

Yarra — C96

Statutory Rules under the *Subordinate Legislation Act 1994* — SRs 95, 96, 97, 98

*Subordinate Legislation Act 1994* — Ministers' exception certificates in relation to Statutory Rules 95, 97, 98.

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

Planning and Environment Amendment Bill 2007  
Land (Revocation of Reservations) Bill 2007.

8 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourns until Tuesday 9 October 2007 (*Ms Neville*) — put and agreed to.9 **STATEMENTS BY MEMBERS** — Statements by members were made.10 **EDUCATION AND TRAINING REFORM MISCELLANEOUS AMENDMENTS BILL 2007** — *Ms Pike tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

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

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

Ordered — That the debate be adjourned until Thursday 4 October 2007.

11 **TRANSPORT LEGISLATION AMENDMENT BILL 2007** — *Ms Kosky tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

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

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

Ordered — That the debate be adjourned until Thursday 4 October 2007.

- 12 **EMERGENCY SERVICES LEGISLATION AMENDMENT BILL 2007** — *Mr Cameron tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

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

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

Ordered — That the debate be adjourned until Thursday 4 October 2007.

- 13 **GRAFFITI PREVENTION BILL 2007** — *Mr Cameron tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

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

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

Ordered — That the debate be adjourned until Thursday 4 October 2007.

- 14 **WORKING WITH CHILDREN AMENDMENT BILL 2007** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

- 15 **QUESTIONS** — (Under SO 55).

- 16 **WORKING WITH CHILDREN AMENDMENT BILL 2007** — Debate resumed on question — That this Bill be now read a second time.

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

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

- 17 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Gene Technology Amendment Bill 2007 without amendment.

- 18 **FIREARMS AMENDMENT BILL 2007** — Order read for resuming debate on question — That this Bill be now read a second time — *and on the amendment* — That all the words after 'That' be omitted with the view of inserting in their place the words 'this Bill be withdrawn and redrafted to provide for the automatic renewal of firearm licences under Part 2, except in specific circumstances'; debate resumed.

*Allocation of time — The Deputy Speaker advised that the time allocated for consideration of bills under the resolution of the House on Tuesday 18 September 2007 had expired.*

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

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

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

Bill sent to the Legislative Council and their agreement requested.

- 19 **FISHERIES AMENDMENT BILL 2007** — Order read for resuming debate on question — That this Bill be now read a second time.

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

The House divided (the Deputy Speaker, Ms Barker, in the Chair) —

AYES 67

Ms Allan; Mr Andrews; Ms Asher; Mr Baillieu; Mr Batchelor; Mr Blackwood; Mr Brooks; Mr Brumby; Mr Burgess; Mr Cameron; Ms Campbell; Mr Carli; Mr Clark; Mr Crutchfield; Ms D'Ambrosio; Mr Dixon; Mr Donnellan; Mr Eren; Mrs Fyffe; Ms Graley; Ms Green; Mr Hardman; Dr Harkness; Mr Helper; Mr Herbert; Mr Hodgett; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Ms Kosky; Mr Kotsiras; Mr Langdon; Mr Languiller; Mr Lim; Mr Lupton; Mr McIntosh; Mrs Maddigan; Ms Marshall; Mr Merlino; Ms Morand; Mr Morris; Mr Mulder; Ms Munt; Dr Naphthine; Mr Nardella; Ms Neville; Mr O'Brien; Mr Perera; Ms Pike; Ms Richardson; Mr Robinson; Mr Scott; Mr Seitz; Mrs Shardey; Mr Smith (*Bass*); Mr Smith (*Warrandyte*); Mr Stensholt; Ms Thomson (*Footscray*); Mr Tilley; Mr Trezise; Mrs Victoria; Mr Wakeling; Mr Wells; Ms Wooldridge; Mr Wynne.

NOES 9

Mr Crisp; Mr Delahunty; Mr Jasper; Mr Northe; Mrs Powell; Mr Ryan; Dr Sykes; Mr Walsh; Mr Weller.

Question agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 20 **WORKING WITH CHILDREN AMENDMENT BILL 2007** — Order read for resuming debate on question — That this Bill be now read a second time.

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

Bill sent to the Legislative Council and their agreement requested.

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

- 22 **ADJOURNMENT** — The Deputy Speaker left the Chair, after debate, at 4.55 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JENNY LINDELL  
*Speaker*

## LEGISLATIVE ASSEMBLY OF VICTORIA

### VOTES AND PROCEEDINGS Nos 42, 43 and 44

#### No 42 — Tuesday 9 October 2007

- 1 The House met according to the adjournment — The Speaker took the Chair and read the Prayer.
- 2 **DEATH OF JULIAN JOHN DOYLE** — The Speaker announced the death of Julian John Doyle, Member of the Legislative Assembly for the Electoral District of Gisborne from 1967 to 1971; and, members rose in their places as a mark of respect to the memory of the deceased.
- 3 **RETURN TO WRIT** — The Speaker announced that she had received a return to the writ issued on 20 August 2007 which states that Martin Foley has been elected for the Electoral District of Albert Park and Wade Noonan has been elected for the Electoral District of Williamstown.
- 4 **MEMBERS SWORN** — The members were then introduced and took and subscribed the oath or affirmation as required by law.
- 5 **QUESTIONS** — (Under SO 55).
- 6 **AGENT-GENERAL AND COMMISSIONERS FOR VICTORIA BILL 2007** — Mr Brumby obtained leave to bring in 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 the Bill was read a first time and ordered to be read a second time tomorrow.
- 7 **EQUAL OPPORTUNITY AMENDMENT (FAMILY RESPONSIBILITIES) BILL 2007** — Mr Hulls obtained leave to bring in 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 the Bill was read a first time and ordered to be read a second time tomorrow.
- 8 **VICTORIAN WORKERS' WAGES PROTECTION BILL 2007** — Mr Hulls obtained leave to bring in 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, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 9 **ELECTRICITY SAFETY AMENDMENT BILL 2007** — Mr Batchelor obtained leave to bring in a Bill '*for an Act to amend the Electricity Safety Act 1998 and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 10 **PORT SERVICES AMENDMENT BILL 2007** — Mr Pallas obtained leave to bring in a Bill '*for an Act to amend the Port Services Act 1995 and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 11 **MELBOURNE AND OLYMPIC PARKS AMENDMENT BILL 2007** — Mr Merlino obtained leave to bring in 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, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.

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

**Water Pipeline Goulburn to Melbourne — Alternative Water Schemes** — Requesting that the House — (a) rejects the proposal to develop a pipeline which would take water from the Goulburn Valley and pump it to Melbourne; and (b) calls on the Government to address Melbourne's water supply needs by investing in desalination, recycling and capturing stormwater, bearing 546 signatures (*Dr Sykes*)

**Nuclear Industry** — Requesting that the House reaffirms the opposition of the Government to the creation of a nuclear industry in Victoria, including the construction of a nuclear power plant, bearing 15 signatures (*Dr Harkness*)

**Inquiry into Gaming Licensing** — Requesting that the House — (a) supports the Cardinia Shire Gaming Policy and its submission to the Victorian Legislative Council Select Committee Inquiry into Gaming Licensing in Victoria; and (b) changes the gaming and planning legislation in Victoria to allow local governments and judiciary to enforce what is in the best interests of the community, bearing 304 signatures (*Ms Lobato*)

**Proposed Decriminalisation of Abortion** — Requesting that the House votes against amendments to the *Crimes Act 1958* that will decriminalise abortion in Victoria, bearing 477 signatures (*Mr Seitz*).

Petitions ordered to be tabled.

13 **PETITION — PROPOSED DECRIMINALISATION OF ABORTION** — Motion made and question — That the petition presented by the Member for Keilor be taken into consideration tomorrow (*Mr Seitz*) — put and agreed to.

14 **PETITION — INQUIRY INTO GAMING LICENSING** — Motion made and question — That the petition presented by the Member for Gembrook be taken into consideration tomorrow (*Ms Lobato*) — put and agreed to.

15 **DOCUMENTS**

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — Mr Carli, Chair, presented a report from the Scrutiny of Acts and Regulations Committee being the Alert Digest No 13 of 2007 on the:

Building Amendment Bill 2007  
 Education and Training Reform Miscellaneous Amendments Bill 2007  
 Emergency Services Legislation Amendment Bill 2007  
 Energy Legislation Further Amendment Bill 2007  
 Graffiti Prevention Bill 2007  
 Legislation Reform (Repeals No. 1) Bill 2007  
 Royal Children's Hospital (Land) Bill 2007  
 Transport Accident and Accident Compensation Acts Amendment Bill 2007  
 Transport Legislation Amendment Bill 2007

together with appendices.

Ordered to be tabled and printed.

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

Agriculture Victoria Services Pty Ltd — Report 2006–07

*Crown Land (Reserves) Act 1987* — Order under s 17D granting a lease over Dunkeld Memorial Park Reserve

*Duties Act 2000* — Reports of exemptions and refunds 2006–07 (two documents)

*Financial Management Act 1994* — Reports from the Minister for Agriculture that he had received the 2006–07 reports of:

Phytogene Pty Ltd  
PrimeSafe  
Victorian Broiler Industry Negotiation Committee  
Victorian Strawberry Industry Development Committee

Fisheries Co-Management Council — Report 2006–07

*Freedom of Information Act 1982* — Statement of reasons for seeking leave to appeal under s 65AB

*Major Events (Aerial Advertising) Act 2007* — Event Order under s 7

Melbourne 2006 Commonwealth Games Corporation — Report 1 July 2006 to 30 November 2006

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

Ballarat — C81  
Bass Coast — C25, C71  
Boroondara — C59  
Golden Plains — C31  
Greater Geelong — C124, C131  
Greater Shepparton — C50  
Knox — C72  
Manningham — C53, C64  
Melbourne — C109  
Moreland — C80  
Nillumbik — C13 Part 1, C52  
Victoria Planning Provisions — VC45  
Warrnambool — C47

*Radiation Act 2005* — Declaration under s 5 (*Gazette S207, 31 August 2007*)

Statutory Rules under the following Acts:

*Borrowing and Investment Powers Act 1987* — SR 101  
*Child Wellbeing and Safety Act 2005* — SR 102  
*Confiscation Act 1997* — SR 99  
*Corporations (Ancillary Provisions) Act 2001* — SR 104  
*Gambling Regulation Act 2003* — SR 100  
*Infringements Act 2006* — SR 105  
*Magistrates' Court Act 1989* — SR 103  
*Metropolitan Fire Brigades Act 1958* — SR 111  
*Motor Car Traders Act 1986* — SR 106

*Planning and Environment Act 1987* — SR 110  
*Second-Hand Dealers and Pawnbrokers Act 1989* — SR 107  
*Supreme Court Act 1986* — SR 104  
*Tobacco Act 1987* — SR 109  
*Transfer of Land Act 1958* — SR 108

*Subordinate Legislation Act 1994*:

Ministers' exception certificates in relation to Statutory Rules 96, 103, 104  
 Ministers' exemption certificates in relation to Statutory Rules 83, 99, 102, 105.

The following proclamation fixing an operative date was tabled by the Clerk in accordance with an order of the House dated 19 December 2006:

*Gambling and Racing Legislation Amendment (Sports Betting) Act 2007* — Whole Act — 1 October 2007 (*Gazette G38, 20 September 2007*).

16 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Confiscation Amendment Bill 2007 without amendment.

17 **MESSAGE FROM THE GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that he had, on 25 September 2007, given the royal assent to the following bills, presented to him by the Clerk of the Parliaments:

Confiscation Amendment Bill 2007  
 Gene Technology Amendment Bill 2007  
 Grain Handling and Storage Amendment Bill 2007  
 Land (Revocation of Reservations) Bill 2007  
 Legal Profession Amendment (Education) Bill 2007  
 Planning and Environment Amendment Bill 2007  
 Royal Children's Hospital (Land) Bill 2007  
 Summary Offences Amendment (Upskirting) Bill 2007.

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

Emergency Services Legislation Amendment Bill 2007  
 Graffiti Prevention Bill 2007  
 Transport Legislation Amendment Bill 2007.

19 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, under SO 94(2), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 11 October 2007:

Building Amendment Bill 2007  
 Education and Training Reform Miscellaneous Amendments Bill 2007  
 Emergency Services Legislation Amendment Bill 2007  
 Energy Legislation Further Amendment Bill 2007  
 Graffiti Prevention Bill 2007  
 Transport Accident and Accident Compensation Acts Amendment Bill 2007  
 Transport Legislation Amendment Bill 2007

(*Mr Batchelor*) — after debate, put.

The House divided (the Speaker, Ms Lindell, in the Chair) —

AYES 47

Mr Andrews; Ms Barker; Mr Batchelor; Ms Beattie; Mr Brooks; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Mr Eren; Mr Foley; Ms Graley; Ms Green; Mr Haermeyer; Mr Hardman; Dr Harkness; Mr Helper; Mr Holding; Mr Hudson; Mr Hulls; Ms Kosky; Mr Langdon; Mr Languiller; Mr Lim; Ms Lobato; Mr Lupton; Mrs Maddigan; Ms Marshall; Mr Merlino; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Richardson; Mr Robinson; Mr Scott; Mr Seitz; Mr Stensholt; Mr Wynne.

NOES 32

Ms Asher; Mr Baillieu; Mr Blackwood; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Hodgett; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Morris; Mr Mulder; Dr Naphthine; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith (*Bass*); Mr Smith (*Warrantyte*); Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Weller; Mr Wells.

Question agreed to.

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

21 **ENERGY LEGISLATION FURTHER AMENDMENT BILL 2007** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Amendment proposed — That all the words after 'That' be omitted with the view of inserting in their place the words 'this House refuses to read this Bill a second time until the Government 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' (*Mr Walsh*) — and, after debate —

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

The House divided (the Speaker, Ms Lindell, in the Chair) —

AYES 68

Ms Allan; Mr Andrews; Ms Asher; Mr Baillieu; Ms Barker; Mr Batchelor; Ms Beattie; Mr Blackwood; Mr Brooks; Mr Brumby; Mr Burgess; Mr Cameron; Ms Campbell; Mr Carli; Mr Clark; Ms D'Ambrosio; Mr Dixon; Mr Donnellan; Ms Duncan; Mr Eren; Mr Foley; Mrs Fyffe; Ms Graley; Ms Green; Mr Haermeyer; Mr Hardman; Dr Harkness; Mr Helper; Mr Herbert; Mr Hodgett; Mr Hudson; Mr Hulls; Ms Kosky; Mr Kotsiras; Mr Langdon; Mr Languiller; Mr Lim; Ms Lobato; Mr Lupton; Mr McIntosh; Mrs Maddigan; Ms Marshall; Mr Merlino; Ms Morand; Mr Morris; Mr Mulder; Ms Munt; Dr Naphthine; Mr Nardella; Ms Neville; Mr Noonan; Mr O'Brien; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Richardson; Mr Scott; Mr Seitz; Mrs Shardey; Mr Smith (*Bass*); Mr Smith (*Warrantyte*); Mr Stensholt; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Wells; Mr Wynne.

NOES 10

Mr Crisp; Mr Delahunty; Mr Ingram; Mr Jasper; Mr Northe; Mrs Powell; Mr Ryan; Dr Sykes; Mr Walsh; Mr Weller.

Question agreed to.

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

Bill sent to the Legislative Council and their agreement requested.

22 **BUILDING AMENDMENT BILL 2007** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

Bill sent to the Legislative Council and their agreement requested.

- 23 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Justice and Road Legislation Amendment (Law Enforcement) Bill 2007 without amendment.

- 24 **TRANSPORT ACCIDENT AND ACCIDENT COMPENSATION ACTS AMENDMENT BILL 2007** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Amendment proposed — That all the words after 'That' be omitted with the view of inserting in their place the words 'this House refuses to read this Bill a second time until the full ramifications of the Government's proposal to change the legislation following the Court of Appeal decision in the matter of *Mountain Pine Furniture Pty Ltd v Taylor* are considered and appropriate arrangements are put into place to fully compensate those who are adversely affected by the bill' (*Mr Ryan*) — and, after debate —

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

- 25 **ADJOURNMENT** — The Deputy Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.52 pm.

R W PURDEY  
Clerk of the Legislative Assembly

JENNY LINDELL  
Speaker

## No 43 — Wednesday 10 October 2007

- 1 The Speaker took the Chair and read the Prayer.
- 2 **ANIMALS LEGISLATION AMENDMENT (ANIMAL CARE) BILL 2007** — Mr Helper obtained leave to bring in 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, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 3 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:
- Establishment of All Weather Road between Sale and Longford** — Requesting that the House calls on the Government to immediately undertake the required road works between Sale and Longford so as to establish an all weather road, designed to be free of flood inundation, bearing 1611 signatures (*Mr Ryan*)
- Autism Spectrum Disorder Awareness** — Requesting that the House ensures people with autism spectrum disorder and their families and carers can receive the treatment, services, support, protection and opportunities that they need and that autistic people have a voice and a fair go in life, bearing 1 signature (*Ms Munt*)
- Mornington Peninsula Community Health Service** — Requesting that the House ensures that the Mornington Peninsula Community Health Service continues as a separately incorporated community health centre and is able to — (a) deliver high quality clinical services and integrated community

based services; (b) support its workforce; (c) achieve sound financial management; and (d) actively pursue the growth of the service, bearing 2004 signatures (*Mr Dixon*)

**Continuation of Peninsula Community Health Service** — Requesting that the House ensures a continuation of the Peninsula Community Health Service as a declared community health centre under the *Health Services Act 1988* and the continuation of two separate health service providers in the Peninsula, bearing 4 signatures (*Mr Dixon*)

**Ballarat to Warrnambool Coach Service** — Requesting that the House restores the previous departure time of 2.20 pm for the Ballarat to Warrnambool coach service so that travellers are not disadvantaged, bearing 194 signatures (*Mr Mulder*)

**Proposed Aboriginal Healing Centre in Rochester** — Requesting that the House instructs the Department of Human Services to locate the Aboriginal healing centre in a rural zone outside the Rochester township, rather than a residential area, if the centre is to be established in Rochester, bearing 856 signatures (*Mr Weller*)

**Water Pipeline Goulburn to Melbourne — Alternative Water Schemes** — Requesting that the House — (a) rejects the proposal to develop a pipeline which would take water from the Goulburn Valley and pump it to Melbourne; and (b) calls on the Government to address Melbourne's water supply needs by investing in desalination, recycling and capturing stormwater, bearing 32 signatures (*Mr Walsh*).

Petitions ordered to be tabled.

- 4 **PETITION — MORNINGTON PENINSULA COMMUNITY HEALTH SERVICE** — Motion made and question — That the petition presented by the Member for Nepean be taken into consideration tomorrow (*Mr Dixon*) — put and agreed to.
- 5 **PETITION — CONTINUATION OF PENINSULA COMMUNITY HEALTH SERVICE** — Motion made and question — That the petition presented by the Member for Nepean be taken into consideration tomorrow (*Mr Dixon*) — put and agreed to.
- 6 **PETITION — AUTISM SPECTRUM DISORDER AWARENESS** — Motion made and question — That the petition presented by the Member for Mordialloc be taken into consideration tomorrow (*Ms Munt*) — put and agreed to.
- 7 **PETITION — PROPOSED ABORIGINAL HEALING CENTRE IN ROCHESTER** — Motion made and question — That the petition presented by the Member for Rodney be taken into consideration tomorrow (*Mr Weller*) — put and agreed to.
- 8 **DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:

Auditor-General:

Improving our Schools: Monitoring and Support — Ordered to be printed

Management of Specific Purpose Funds by Public Health Services — Ordered to be printed

*Financial Management Act 1994* — Financial Report for the State of Victoria 2006–07 incorporating the Quarterly Financial Report No 4 — Ordered to be printed

Police Integrity, Office of — Report 2006–07 — Ordered to be printed

*Subordinate Legislation Act 1994* — Minister's exception certificate in relation to Statutory Rule 111

Victorian Law Reform Commission — Review of the *Bail Act 1977* — Ordered to be printed.

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

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

11 **STATEMENTS ON PARLIAMENTARY COMMITTEE REPORTS** — Statements were made on the following Committee Report:

Public Accounts and Estimates Committee's Report on the 2007–08 Budget Estimates — Part Three.

12 **GRAFFITI PREVENTION BILL 2007** — Order read for resuming debate on question — That this Bill be now read a second time.

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

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

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

13 **QUESTIONS** — (Under SO 55).

14 **GRAFFITI PREVENTION BILL 2007** — Debate continued on question — That this Bill be now read a second time.

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

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

15 **TRANSPORT LEGISLATION AMENDMENT BILL 2007** — Order read for resuming debate on question — That this Bill be now read a second time.

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

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

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

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

16 **POSTPONEMENT OF ORDER OF THE DAY** — Ordered — That the consideration of Government Business, Order of the Day, No 3 be postponed until later this day.

17 **EDUCATION AND TRAINING REFORM MISCELLANEOUS AMENDMENTS BILL 2007** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

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

18 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Justice Legislation Amendment Bill 2007 without amendment.

- 19 **EMERGENCY SERVICES LEGISLATION AMENDMENT BILL 2007** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Amendment proposed — That all the words after 'That' be omitted with the view of inserting in their place the words 'this bill be withdrawn and redrafted to 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' (*Dr Sykes*) — and, after debate —

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

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

- 20 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Fisheries Amendment Bill 2007 without amendment.

- 21 **GRAFFITI PREVENTION BILL 2007** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

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

R W PURDEY  
*Clerk of the Legislative Assembly*

JENNY LINDELL  
*Speaker*

## No 44 — Thursday 11 October 2007

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

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

**School Hours Speed Signs** — Requesting that the House calls upon the Government through VicRoads, to erect at the appropriate location on the Strzelecki Highway, electronic speed signs with automatic speed changes calibrated to accord with school hours, bearing 452 signatures (*Mr Ryan*)

**Government Wages Policy** — Requesting that the House takes 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, bearing 105 signatures (*Ms Campbell*).

Petitions ordered to be tabled.

- 3 **DOCUMENTS**

**PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE** — Mr Stensholt, Chair, presented a report from the Public Accounts and Estimates Committee on the inquiry into the trustee

arrangements for governing the Parliamentary Contributory Superannuation Fund, together with appendices.

Ordered to be tabled and printed.

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

*Gambling Regulation Act 2003* — Report of the Gambling and Lotteries Licence Review Panel to the Minister for Gaming in relation to the current public lottery licensing process under s 10.2A.11 — Ordered to be printed

*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 — Ordered to be printed

*National Parks Act 1975* — Report on the 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 — CNG2007 — Ordered to be printed

Police Appeals Board — Report 2006–07

Public Record Office Victoria — Report 2006–07

Victorian Energy Networks Corporation — Report 2006–07.

4 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourns until Tuesday 30 October 2007 (*Ms Neville*) — put and agreed to.

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

6 **POSTPONEMENT OF ORDER OF THE DAY** — Ordered — That the consideration of Government Business, Order of the Day, No 1 be postponed until later this day.

7 **EQUAL OPPORTUNITY AMENDMENT (FAMILY RESPONSIBILITIES) BILL 2007** — Motion made and question — That the debate be now adjourned (*Mr McIntosh*) — after debate, put.

The House divided (the Speaker, Ms Lindell, in the Chair) —

AYES 31

Ms Asher; Mr Baillieu; Mr Blackwood; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Hodgett; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Morris; Mr Mulder; Dr Napthine; Mr Northe; Mr O'Brien; Mrs Powell; Mrs Shardey; Mr Smith (*Bass*); Mr Smith (*Warrandyte*); Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Weller; Mr Wells.

NOES 42

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beattie; Mr Brooks; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Mr Eren; Mr Foley; Ms Graley; Ms Green; Mr Hardman; Dr Harkness; Mr Helper; Mr Holding; Mr Hudson; Ms Kosky; Mr Langdon; Mr Languiller; Mr Lim; Mr Lupton; Ms Marshall; Mr Merlino; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Pandazopoulos; Ms Richardson; Mr Scott; Mr Seitz; Mr Stensholt; Mr Trezise; Mr Wynne.

Question defeated.

*Mr Cameron tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

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

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

Ordered — That the debate be adjourned until Thursday 25 October 2007.

- 8 **VICTORIAN WORKERS' WAGES PROTECTION BILL 2007** — *Mr Cameron tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

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

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

Ordered — That the debate be adjourned until Thursday 25 October 2007.

- 9 **PORT SERVICES AMENDMENT BILL 2007** — *Mr Pallas tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

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

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

Motion made and question proposed — That the debate be adjourned for two weeks (*Mr Pallas*) — and, after debate —

Amendment proposed — That the word 'two' be omitted with the view of inserting in its place the word 'six' (*Mr McIntosh*) — and, after debate —

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

The House divided (the Speaker, Ms Lindell, in the Chair) —

AYES 41

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beattie; Mr Brooks; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Duncan; Mr Eren; Mr Foley; Ms Graley; Ms Green; Mr Hardman; Dr Harkness; Mr Helper; Mr Holding; Mr Hudson; Ms Kosky; Mr Langdon; Mr Languiller; Mr Lim; Mr Lupton; Ms Marshall; Mr Merlino; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Pandazopoulos; Ms Richardson; Mr Scott; Mr Seitz; Mr Stensholt; Mr Trezise; Mr Wynne.

NOES 31

Ms Asher; Mr Baillieu; Mr Blackwood; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Hodgett; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Morris; Mr Mulder; Dr Napthine; Mr Northe; Mr O'Brien; Mrs Powell; Mrs Shardey; Mr Smith (*Bass*); Mr Smith (*Warrandyte*); Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Weller; Mr Wells.

Question agreed to.

Ordered — That the debate be adjourned until Thursday 25 October 2007.

- 10 **AGENT-GENERAL AND COMMISSIONERS FOR VICTORIA BILL 2007** — *Ms Allan tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

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

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

Ordered — That the debate be adjourned until Thursday 25 October 2007.

- 11 **MELBOURNE AND OLYMPIC PARKS AMENDMENT BILL 2007** — *Mr Merlino tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

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

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

Ordered — That the debate be adjourned until Thursday 25 October 2007.

- 12 **ELECTRICITY SAFETY AMENDMENT BILL 2007** — *Mr Batchelor tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

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

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

Ordered — That the debate be adjourned until Thursday 25 October 2007.

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

- 14 **EMERGENCY SERVICES LEGISLATION AMENDMENT BILL 2007** — Order read for resuming debate on question — That this Bill be now read a second time — *and on the amendment* — That all the words after 'That' be omitted with the view of inserting in their place the words 'this Bill be withdrawn and redrafted to 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 resumed.

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

- 15 **QUESTIONS** — (Under SO 55).

- 16 **EMERGENCY SERVICES LEGISLATION AMENDMENT BILL 2007** — Debate resumed on question — That this Bill be now read a second time and on the amendment.

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

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

- 17 **TRANSPORT LEGISLATION AMENDMENT BILL 2007** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Allocation of time — The Deputy Speaker advised that the time allocated for consideration of bills under the resolution of the House on Tuesday 9 October 2007 had expired.*

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

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

Bill sent to the Legislative Council and their agreement requested.

- 18 **EDUCATION AND TRAINING REFORM MISCELLANEOUS AMENDMENTS BILL 2007** — Order read for resuming debate on question — That this Bill be now read a second time.

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

Bill sent to the Legislative Council and their agreement requested.

- 19 **TRANSPORT ACCIDENT AND ACCIDENT COMPENSATION ACTS AMENDMENT BILL 2007** — Order read for resuming debate on question — That this Bill be now read a second time — *and on the amendment* — That all the words after 'That' be omitted with the view of inserting in their place the words 'this House refuses to read this Bill a second time until the full ramifications of the Government's proposal to change the legislation following the Court of Appeal decision in the matter of *Mountain Pine Furniture Pty Ltd v Taylor* are considered and appropriate arrangements are put into place to fully compensate those who are adversely affected by the bill'.

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

The House divided (the Deputy Speaker, Ms Barker, in the Chair) —

AYES 67

Ms Allan; Mr Andrews; Ms Asher; Mr Baillieu; Mr Batchelor; Ms Beattie; Mr Blackwood; Mr Brooks; Mr Brumby; Mr Burgess; Mr Cameron; Ms Campbell; Mr Carli; Mr Clark; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Mr Eren; Mr Foley; Mrs Fyffe; Ms Graley; Ms Green; Mr Haermeyer; Mr Hardman; Dr Harkness; Mr Helper; Mr Hodgett; Mr Holding; Mr Hudson; Mr Ingram; Ms Kosky; Mr Kotsiras; Mr Langdon; Mr Languiller; Mr Lim; Mr Lupton; Mr McIntosh; Mrs Maddigan; Ms Marshall; Mr Merlino; Ms Morand; Mr Morris; Mr Mulder; Ms Munt; Dr Naphthine; Mr Nardella; Ms Neville; Mr Noonan; Mr O'Brien; Mr Pallas; Mr Pandazopoulos; Ms Pike; Ms Richardson; Mr Scott; Mr Seitz; Mrs Shardey; Mr Smith (*Bass*); Mr Smith (*Warrandyte*); Mr Stensholt; Mr Thompson (*Sandringham*); Mr Tilley; Mr Trezise; Mrs Victoria; Mr Wakeling; Mr Wells; Mr Wynne.

NOES 9

Mr Crisp; Mr Delahunty; Mr Jasper; Mr Northe; Mrs Powell; Mr Ryan; Dr Sykes; Mr Walsh; Mr Weller.

Question agreed to.

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

The House divided (the Deputy Speaker, Ms Barker, in the Chair) —

AYES 67

Ms Allan; Mr Andrews; Ms Asher; Mr Baillieu; Mr Batchelor; Ms Beattie; Mr Blackwood; Mr Brooks; Mr Brumby; Mr Burgess; Mr Cameron; Ms Campbell; Mr Carli; Mr Clark; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Mr Eren; Mr Foley; Mrs Fyffe; Ms Graley; Ms Green; Mr Haermeyer; Mr Hardman; Dr Harkness; Mr Helper; Mr Hodgett; Mr Holding; Mr Hudson; Mr Ingram; Ms Kosky; Mr Kotsiras; Mr Langdon; Mr Languiller; Mr Lim; Mr Lupton; Mr McIntosh; Mrs Maddigan; Ms Marshall; Mr Merlino; Ms Morand; Mr Morris; Mr Mulder; Ms Munt; Dr Naphthine; Mr Nardella; Ms Neville; Mr Noonan; Mr O'Brien; Mr Pallas; Mr Pandazopoulos; Ms Pike; Ms Richardson; Mr Scott; Mr Seitz; Mrs Shardey; Mr Smith (*Bass*); Mr Smith (*Warrandyte*); Mr Stensholt; Mr Thompson (*Sandringham*); Mr Tilley; Mr Trezise; Mrs Victoria; Mr Wakeling; Mr Wells; Mr Wynne.

## NOES 9

Mr Crisp; Mr Delahunty; Mr Jasper; Mr Northe; Mrs Powell; Mr Ryan; Dr Sykes; Mr Walsh; Mr Weller.

Question agreed to.

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

Bill sent to the Legislative Council and their agreement requested.

- 20 **GRAFFITI PREVENTION BILL 2007** — Order read for resuming debate on question — That this Bill be now read a second time.

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

Bill sent to the Legislative Council and their agreement requested.

- 21 **EMERGENCY SERVICES LEGISLATION AMENDMENT BILL 2007** — Order read for resuming debate on question — That this Bill be now read a second time — *and on the amendment* — That all the words after 'That' be omitted with the view of inserting in their place the words 'this Bill be withdrawn and redrafted to 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'.

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

The House divided (the Deputy Speaker, Ms Barker, in the Chair) —

## AYES 45

Ms Allan; Mr Andrews; Mr Batchelor; Ms Beattie; Mr Brooks; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Mr Eren; Mr Foley; Ms Graley; Ms Green; Mr Haermeyer; Mr Hardman; Dr Harkness; Mr Helper; Mr Holding; Mr Hudson; Ms Kosky; Mr Langdon; Mr Languiller; Mr Lim; Mr Lupton; Mrs Maddigan; Ms Marshall; Mr Merlino; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Pandazopoulos; Ms Pike; Ms Richardson; Mr Scott; Mr Seitz; Mr Stensholt; Mr Trezise; Mr Wynne.

## NOES 31

Ms Asher; Mr Baillieu; Mr Blackwood; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mrs Fyffe; Mr Hodgett; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Morris; Mr Mulder; Dr Napthine; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith (*Bass*); Mr Smith (*Warrantyte*); Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Weller; Mr Wells.

Question agreed to.

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

The House divided (the Deputy Speaker, Ms Barker, in the Chair) —

## AYES 46

Ms Allan; Mr Andrews; Mr Batchelor; Ms Beattie; Mr Brooks; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Mr Eren; Mr Foley; Ms Graley; Ms Green; Mr Haermeyer; Mr Hardman; Dr Harkness; Mr Helper; Mr Holding; Mr Hudson; Mr Ingram; Ms Kosky; Mr Langdon; Mr Languiller; Mr Lim; Mr Lupton; Mrs Maddigan; Ms Marshall; Mr Merlino; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Pandazopoulos; Ms Pike; Ms Richardson; Mr Scott; Mr Seitz; Mr Stensholt; Mr Trezise; Mr Wynne.

## NOES 30

Ms Asher; Mr Baillieu; Mr Blackwood; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mrs Fyffe; Mr Hodgett; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Morris; Mr Mulder; Dr Napthine; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith (*Bass*); Mr Smith (*Warrandyte*); Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Weller; Mr Wells.

Question agreed to.

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

Bill sent to the Legislative Council and their agreement requested.

- 22 **ANIMALS LEGISLATION AMENDMENT (ANIMAL CARE) BILL 2007** — *Mr Helper tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

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

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

Ordered — That the debate be adjourned until Thursday 25 October 2007.

- 23 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Firearms Amendment Bill 2007 without amendment.
- 24 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Wynne*) — put and agreed to.
- 25 **ADJOURNMENT** — The Deputy Speaker left the Chair, after debate, at 5.15 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JENNY LINDELL  
*Speaker*



LEGISLATIVE ASSEMBLY OF VICTORIA

VOTES AND PROCEEDINGS  
Nos 45, 46 and 47

No 45 — Tuesday 30 October 2007

- 1 The House met according to the adjournment — The Speaker took the Chair and read the Prayer.
- 2 **QUESTIONS** — (Under SO 55).
- 3 **NATIONAL ELECTRICITY (VICTORIA) AMENDMENT BILL 2007** — Mr Batchelor obtained leave to bring in a Bill '*for an Act to amend the National Electricity (Victoria) Act 2005 and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 4 **ROAD LEGISLATION FURTHER AMENDMENT BILL 2007** — Mr Pallas obtained leave to bring in 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, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 5 **CHILDREN'S SERVICES AND EDUCATION LEGISLATION AMENDMENT (ANAPHYLAXIS MANAGEMENT) BILL 2007** — Ms Morand obtained leave to bring in 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 the Bill was read a first time and ordered to be read a second time tomorrow.
- 6 **STATE TAXATION AND ACCIDENT COMPENSATION ACTS AMENDMENT BILL 2007** — Ms Morand obtained leave to bring in 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, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 7 **GAMBLING LEGISLATION AMENDMENT (PROBLEM GAMBLING AND OTHER MEASURES) BILL 2007** — Mr Robinson obtained leave to bring in 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, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 8 **MOTOR CAR TRADERS AMENDMENT BILL 2007** — Mr Robinson obtained leave to bring in 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, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 9 **FAIR TRADING AND CONSUMER ACTS FURTHER AMENDMENT BILL 2007** — Mr Robinson obtained leave to bring in 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'*; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.

- 10 **LIQUOR CONTROL REFORM AMENDMENT BILL 2007** — Mr Robinson obtained leave to bring in a Bill *'for an Act to amend the Liquor Control Reform Act 1998 and for other purposes'*; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.

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

**Desalination Plant, Bass Coast** — Requesting that the House directs immediate consultation between the Government and the local community of the Bass Coast regarding the proposed desalination plant, bearing 173 signatures (*Mr Smith, Bass*)

**Water Pipeline Goulburn to Melbourne — Alternative Water Schemes** — Requesting that the House — (a) rejects the proposal to develop a pipeline which would take water from the Goulburn Valley and pump it to Melbourne; and (b) calls on the Government to address Melbourne's water supply needs by investing in desalination, recycling and capturing stormwater, bearing 367 signatures (*Dr Sykes*)

**Nuclear Industry** — Requesting that the House reaffirms the opposition of the Government to the creation of a nuclear industry in Victoria, including the construction of a nuclear power plant, bearing 15 signatures (*Dr Harkness*)

**Establishment of All Weather Road between Sale and Longford** — Requesting that the House calls on the Government to immediately undertake the required road works between Sale and Longford so as to establish an all weather road, designed to be free of flood inundation, bearing 46 signatures (*Mr Ryan*)

**Mornington Peninsula Community Health Service** — Requesting that the House ensures that the Mornington Peninsula Community Health Service continues as a separately incorporated community health centre and is able to — (a) deliver high quality clinical services and integrated community based services; (b) support its workforce; (c) achieve sound financial management; and (d) actively pursue the growth of the service, bearing 8 signatures (*Mr Burgess*)

**Bitumen Storage Facility, Crib Point** — Requesting that the House ensures that the Government abides by the written undertaking given to the residents by the then Member for Hastings prior to the 2006 election that a bitumen storage facility would not be built in Crib Point, bearing 1036 signatures (*Mr Burgess*)

**Devon Meadows Road Sealing** — Requesting that the House asks the City of Casey to review its decision to impose a 'special charges' scheme for road sealing to residents of Devon and Browns Road in Devon Meadows, bearing 24 signatures (*Mr Burgess*)

**Royal Avenue/Southey Street Sandringham Beaches** — Requesting that the Government, in conjunction with the City of Bayside, ensures the maintenance of the natural beauty of the beachscape of the Royal Avenue/Southey Street Sandringham beaches and abutting beaches to the immediate north, particularly noting erosion caused by rock groynes, bearing 209 signatures (*Mr Thompson, Sandringham*).

Petitions ordered to be tabled.

- 12 **PETITION — DESALINATION PLANT, BASS COAST** — Motion made and question — That the petition presented by the Member for Bass be taken into consideration tomorrow (*Mr Smith, Bass*) — put and agreed to.

- 13 **PETITION — ROYAL AVENUE/SOUTHEY STREET SANDRINGHAM BEACHES** — Motion made and question — That the petition presented by the Member for Sandringham be taken into consideration tomorrow (*Mr Thompson, Sandringham*) — put and agreed to.

14 **DOCUMENTS**

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — Mr Carli, Chair, presented a report from the Scrutiny of Acts and Regulations Committee being the Alert Digest No 14 of 2007 on the:

Agent-General and Commissioners for Victoria Bill 2007  
 Animals Legislation Amendment (Animal Care) Bill 2007  
 Crimes Amendment (Rape) Bill 2007  
 Electricity Safety Amendment Bill 2007  
 Energy Legislation Further Amendment Bill 2007  
 Equal Opportunity Amendment (Family Responsibilities) Bill 2007  
 Justice Legislation Amendment Bill 2007  
 Melbourne and Olympic Parks Amendment Bill 2007  
 Port Services Amendment Bill 2007  
 Victorian Workers' Wages Protection Bill 2007

together with appendices.

Ordered to be tabled and printed.

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — Mr Carli, Chair, presented a report from the Scrutiny of Acts and Regulations Committee on the Legislation Reform (Repeals No. 1) Bill 2007, together with appendices.

Ordered to be tabled and printed.

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

Accident Compensation Conciliation Service — Report 2006–07

Adult, Community and Further Education Board — Report 2006–07

Commissioner for Law Enforcement Data Security, Office of — Report 2006–07

*Crown Land (Reserves) Act 1978* — Order under s 17D granting a lease over Mordialloc-Mentone Beach Park

Energy Safe Victoria — Report 2006–07

Essential Services Commission — Report 2006–07

*Financial Management Act 1994*:

Reports from the Minister for Agriculture that he had received the 2006–07 reports of the:  
 Northern Victorian Fresh Tomato Industry Development Committee  
 Veterinary Practitioners Registration Board of Victoria  
 Reports from the Minister for Planning that he had received the 2006–07 reports of the:  
 Architects Registration Board of Victoria  
 Dandenong Development Board

Justice, Department of — Report 2006–07

Melbourne Market Authority — Report 2006–07 (two documents)

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

Ballarat — C113, C120  
Baw Baw — C50  
Buloke — C15, C16  
Casey — C98  
Central Goldfields — C17  
Darebin — C10 Part 4, C72  
Gannawarra — C16, C18  
Glen Eira — C50  
Golden Plains — C43  
Hepburn — C44, C45  
Loddon — C17  
Melton — C33  
Mildura — C45  
Monash — C68  
Moorabool — C44  
Mornington Peninsula — C78  
Mount Alexander — C42  
Northern Grampians — C23  
Swan Hill — C21, C25, C26, C28  
Wellington — C49  
Whitehorse — C67  
Whittlesea — C81 Part 2  
Wodonga — C34, C52  
Yarriambiack — C11, C12

Primary Industries, Department of — Report 2006–07 (two documents)

Queen Victoria Women's Centre Trust — Report 2006–07

*Racing Act 1958* — Notification under s 3B of modifications to the Constitution of Racing Victoria Ltd

Rural Finance Corporation of Victoria — Report 2006–07

Shrine of Remembrance Trustees — Report 2006–07

State Electricity Commission of Victoria — Report 2006–07

Statutory Rules under the following Acts:

*Building Act 1993* — SR 115  
*Gas Safety Act 1997* — SR 113  
*Legal Profession Act 2004* — SR 112  
*Magistrates' Court Act 1989* — SR 118  
*Melbourne City Link Act 1995* — SR 116  
*Subordinate Legislation Act 1994* — SRs 114, 117

*Subordinate Legislation Act 1994:*

Ministers' exception certificates in relation to Statutory Rules 110, 114, 117, 118  
 Ministers' exemption certificates in relation to Statutory Rules 106, 107, 112, 116

Victorian Commission for Gambling Regulation — Report 2006–07

Victorian Funds Management Corporation — Report 2006–07

Victorian Managed Insurance Authority — Report 2006–07

Victorian Small Business Commissioner, Office of — Report 2006–07

Victorian Veterans Council — Report 2006–07

*Water Act 1989* — Plenty River Stream Flow Management Plan under s 32A

Young Farmers' Finance Council — Report 2006–07.

The following proclamations fixing operative dates were tabled by the Clerk in accordance with an order of the House dated 19 December 2006:

*Gene Technology Amendment Act 2007* — Whole Act, other than Part 3 and s 43 — 1 November 2007 (*Gazette G43, 25 October 2007*)

*Justice Legislation Amendment Act 2007* — Section 14 — 18 October 2007 (*Gazette G42, 18 October 2007*).

- 15 **MESSAGE FROM THE GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that he had, on 17 October 2007, given the royal assent to the following bills, presented to him by the Clerk of the Parliaments:

Firearms Amendment Bill 2007

Fisheries Amendment Bill 2007

Justice and Road Legislation Amendment (Law Enforcement) Bill 2007

Justice Legislation Amendment Bill 2007.

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

Agent-General and Commissioners for Victoria Bill 2007

Animals Legislation Amendment (Animal Care) Bill 2007

Electricity Safety Amendment Bill 2007

Victorian Workers' Wages Protection Bill 2007.

- 17 **FAMILY AND COMMUNITY DEVELOPMENT COMMITTEE — LAW REFORM COMMITTEE** — The Deputy Speaker announced that the Speaker had received the resignation of Ms Beattie from the Family and Community Development Committee and Mrs Maddigan from the Law Reform Committee, effective from today.

- 18 **MEMBERSHIP OF COMMITTEES** — Motion made, by leave, and question — That Mr Noonan be appointed a member of the Family and Community Development Committee and Mr Foley be appointed a member of the Law Reform Committee (*Mr Batchelor*) — put and agreed to.

- 19 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, under SO 94(2), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 1 November 2007:

Agent-General and Commissioners for Victoria Bill 2007  
 Animals Legislation Amendment (Animal Care) Bill 2007  
 Electricity Safety Amendment Bill 2007  
 Equal Opportunity Amendment (Family Responsibilities) Bill 2007  
 Melbourne and Olympic Parks Amendment Bill 2007  
 Port Services Amendment Bill 2007  
 Victorian Workers' Wages Protection Bill 2007

*(Mr Batchelor)* — after debate, put.

The House divided (the Speaker, Ms Lindell, in the Chair) —

AYES 47

Mr Andrews; Ms Barker; Mr Batchelor; Ms Beattie; Mr Brooks; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Mr Eren; Mr Foley; Ms Graley; Mr Haermeyer; Mr Hardman; Dr Harkness; Mr Helper; Mr Herbert; Mr Hudson; Mr Hulls; Ms Kosky; Mr Langdon; Mr Languiller; Mr Lim; Ms Lobato; Mrs Maddigan; Ms Marshall; Mr Merlino; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Noonan; Ms Overington; Mr Pallas; Mr Pandazopoulos; Ms Pike; Ms Richardson; Mr Robinson; Mr Scott; Mr Seitz; Mr Stensholt; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

NOES 33

Ms Asher; Mr Baillieu; Mr Blackwood; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Hodgett; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Morris; Mr Mulder; Dr Napthine; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith (*Bass*); Mr Smith (*Warrandyte*); Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Weller; Mr Wells; Ms Wooldridge.

Question agreed to.

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

21 **ELECTRICITY SAFETY AMENDMENT BILL 2007** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

Bill sent to the Legislative Council and their agreement requested.

22 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 2 to 5 inclusive, be postponed until later this day.

23 **MELBOURNE AND OLYMPIC PARKS AMENDMENT BILL 2007** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

Bill sent to the Legislative Council and their agreement requested.

24 **VICTORIAN WORKERS' WAGES PROTECTION BILL 2007** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

- 25 **ADJOURNMENT** — The Deputy Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.53 pm.

R W PURDEY  
Clerk of the Legislative Assembly

JENNY LINDELL  
Speaker

## No 46 — Wednesday 31 October 2007

- 1 The Speaker took the Chair and read the Prayer.
- 2 **VICTORIAN ENERGY EFFICIENCY TARGET BILL 2007** — Mr Batchelor obtained leave to bring in 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 the Bill was read a first time and ordered to be read a second time tomorrow.
- 3 **POLICE REGULATION AMENDMENT BILL 2007** — Mr Cameron obtained leave to bring in 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 the Bill was read a first time and ordered to be read a second time tomorrow.
- 4 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

**Water Pipeline — Eildon and Goulburn River to Melbourne** — Requesting that the House — (a) rejects the proposal to develop a pipeline which would take water from Eildon and the Goulburn River and pump it to Melbourne; and (b) calls on the Government to address Melbourne's water supply needs by investing in desalination, recycling and capturing stormwater, bearing 238 signatures (*Mrs Fyffe*)

**Drug Subsidy for Asbestosis Drug** — Requesting that the House urgently considers the introduction of a subsidy for the drug Alimta for persons suffering from asbestosis, bearing 18 signatures (*Mr Donnellan*)

**Obstetrics at Rosebud Hospital** — Requesting that the House asks the Minister for Health to provide sufficient funding to enable Peninsula Health to provide the necessary infrastructure and resources to attract obstetricians to work in Rosebud Hospital, bearing 173 signatures (*Mr Dixon*)

**Proposed Amendments to Domestic (Feral and Nuisance) Animals Act 1994** — Requesting that the House rejects the proposal to amend the *Domestic (Feral and Nuisance) Animals Act 1994* which would adversely affect responsible registered dog and cat breeders, responsible pet owners and associated industries, bearing 95 signatures (*Mrs Powell*)

**Rescue Helicopter for Western Region** — Requesting that the House immediately provides a rescue helicopter service for the Warrnambool region, as Western Victoria remains the only area of the state not covered by an emergency helicopter service bearing, 8959 signatures (*Dr Napthine*)

**Water Pipeline Goulburn to Melbourne — Alternative Water Schemes** — Requesting that the House — (a) rejects the proposal to develop a pipeline which would take water from the Goulburn Valley and pump it to Melbourne; and (b) calls on the Government to address Melbourne's water supply needs by investing in desalination, recycling and capturing stormwater, bearing 1831 signatures (*Mr Walsh*)

**Traffic Safety — Park Orchards** — Requesting that the Government addresses residents' concerns regarding safety and traffic issues at the intersection of Milne and Ringwood-Warrandyte Roads, Park Orchards and acts to install a roundabout and speed reduction signs in the immediate surrounds, bearing 176 signatures (*Mr Smith, Warrandyte*).

Petitions ordered to be tabled.

5 **PETITION — RESCUE HELICOPTER FOR WESTERN REGION** — Motion made and question — That the petition presented by the Member for South-West Coast be taken into consideration tomorrow (*Dr Naphine*) — put and agreed to.

6 **PETITION — WATER PIPELINE — EILDON AND GOULBURN RIVER TO MELBOURNE** — Motion made and question — That the petition presented by the Member for Evelyn be taken into consideration tomorrow (*Mrs Fyffe*) — put and agreed to.

7 **PETITION — OBSTETRICS AT ROSEBUD HOSPITAL** — Motion made and question — That the petition presented by the Member for Nepean be taken into consideration tomorrow (*Mr Dixon*) — put and agreed to.

8 **PETITION — WATER PIPELINE GOULBURN TO MELBOURNE — ALTERNATIVE WATER SCHEMES** — Motion made and question — That the petition presented by the Member for Swan Hill be taken into consideration tomorrow (*Mr Walsh*) — put and agreed to.

9 **PETITION — TRAFFIC SAFETY — PARK ORCHARDS** — Motion made and question — That the petition presented by the Member for Warrandyte be taken into consideration tomorrow (*Mr Smith, Warrandyte*) — put and agreed to.

10 **PETITION — PROPOSED AMENDMENTS TO DOMESTIC (FERAL AND NUISANCE) ANIMALS ACT 1994** — Motion made and question — That the petition presented by the Member for Shepparton be taken into consideration tomorrow (*Mrs Powell*) — put and agreed to.

11 **PETITION — MORNINGTON PENINSULA COMMUNITY HEALTH SERVICE** — Motion made and question — That the petition presented by the Member for Hastings on Tuesday 30 October 2007 be taken into consideration tomorrow (*Mr Burgess*) — put and agreed to.

12 **PETITION — BITUMEN STORAGE FACILITY, CRIB POINT** — Motion made and question — That the petition presented by the Member for Hastings on Tuesday 30 October 2007 be taken into consideration tomorrow (*Mr Burgess*) — put and agreed to.

13 **PETITION — DEVON MEADOWS ROAD SEALING** — Motion made and question — That the petition presented by the Member for Hastings on Tuesday 30 October 2007 be taken into consideration tomorrow (*Mr Burgess*) — put and agreed to.

14 **PETITION — WATER PIPELINE GOULBURN TO MELBOURNE — ALTERNATIVE WATER SCHEMES** — Motion made and question — That the petition presented by the Member for Benalla on Tuesday 30 October 2007 be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.

## 15 DOCUMENTS

**OFFICE OF THE PUBLIC ADVOCATE** — Motion made, by leave, and question — That the Report of the Office of the Public Advocate 2006–07 be tabled (*Mr Helper*) — put and agreed to.

**CONSUMER UTILITIES ADVOCACY CENTRE** — Motion made, by leave, and question — That the Report of the Consumer Utilities Advocacy Centre 2006–07 be tabled (*Mr Helper*) — put and agreed to.

**PARLIAMENTARY DEPARTMENTS REPORTS** — Motion made, by leave, and question — That the Reports of the Department of the Legislative Assembly and the Department of Parliamentary Services 2006–07 be tabled (*Ms Barker*) — put and agreed to.

**PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE** — Motion made, by leave, and question — That the Report of the Public Accounts and Estimates Committee 2006–07 be tabled (*Mr Stensholt*) — put and agreed to.

Ordered to be printed.

**DOCUMENT BY COMMAND OF THE GOVERNOR**

Mr Hulls presented by Command of the Governor:

Council of Magistrates — Report 2006–07

Ordered to be tabled.

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

2007 World Swimming Championships Corporation — Report 2006–07

Adult Parole Board — Report 2006–07

Auditor-General — New Ticketing System Tender together with a good practice guide Public Sector Procurement: Turning Principles into Practice — Ordered to be printed

Australian Grand Prix Corporation — Report 2006–07

Barwon Region Water Authority — Report 2006–07

Building Commission — Report 2006–07

Central Gippsland Region Water Authority — Report 2006–07

Central Highlands Region Water Authority — Report 2006–07

City West Water Ltd — Report 2006–07

Coliban Region Water Authority — Report 2006–07 (two documents)

*Confiscation Act 1997* — Asset Confiscation Operations Report 2006–07

Corangamite Catchment Management Authority — Report 2006–07

Country Fire Authority — Report 2006–07

East Gippsland Catchment Management Authority — Report 2006–07

East Gippsland Region Water Authority — Report 2006–07 (two documents)

Education, Department of — 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

*Financial Management Act 1994:*

Reports from the Minister for Agriculture that he had received the 2006–07 reports of the:

Dairy Food Safety Victoria

Murray Valley Citrus Board

Murray Valley Wine Grape Industry Development Committee

Reports from the Minister for Environment and Climate Change that he had received the 2006–07 reports of the:

Barwon Regional Waste Management Group

Calder Regional Waste Management Group

Central Murray Regional Waste Management Group

Commissioner for Environmental Sustainability

Desert Fringe Regional Waste Management Group

Gippsland Regional Waste Management Group

Goulburn Valley Regional Waste Management Group

Grampians Regional Waste Management Group

Highlands Regional Waste Management Group

Mildura Regional Waste Management Group

Mornington Peninsula Regional Waste Management Group

North East Regional Waste Management Group

South Western Regional Waste Management Group

Surveyors Registration Board

Trust for Nature

Report from the Minister for Mental Health that she had received the 2006–07 report of the Mental Health Review Board

Reports from the Minister for Planning that he had received the 2006–07 reports of the:

Growth Areas Authority

Heritage Council Victoria

First Mildura Irrigation Trust — Report 2006–07

Forensic Leave Panel — Report 2006

Gippsland and Southern Rural Water Authority — Report 2006–07 (two documents)

Glenelg Hopkins Catchment Management Authority — Report 2006–07 (two documents)

Goulburn Broken Catchment Management Authority — Report 2006–07

Goulburn-Murray Rural Water Authority — Report 2006–07

Goulburn Valley Region Water Authority — Report 2006–07

Grampians Wimmera Mallee Water Authority — Report 2006–07 (two documents)

Greyhound Racing Victoria — Report 2006–07

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Harness Racing Victoria — Report 2006–07

Infrastructure, Department of — Report 2006–07

Innovation, Industry and Regional Development, Department of — Report 2006–07 (two documents)

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 — Ordered to be printed<sup>1</sup>

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

Metropolitan Fire and Emergency Services Board — Report 2006–07 (two documents)

North Central Catchment Management Authority — Report 2006–07 (two documents)

North East Catchment Management Authority — Report 2006–07

North East Region Water Authority — Report 2006–07

Parks Victoria — Report 2006–07 (two documents)

Parliamentary Contributory Superannuation Fund — Report 2006–07

Phillip Island Nature Park Board of Management — Report 2006–07 (three documents)

Plumbing Industry Commission — Report 2006–07

Police Integrity, Office of:

A Fair and Effective Victoria Police Discipline System — Ordered to be printed  
Report 2006–07 under s 30L of the *Surveillance Devices Act 1999*  
Report 2006–07 under s 31 of the *Crimes (Assumed Identities) Act 2004*

Port of Hastings Corporation — Report 2006–07

Port of Melbourne Corporation — Report 2006–07

Port Phillip and Westernport Catchment Management Authority — Report 2006–07

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<sup>1</sup> Ordered to be printed on Tuesday 11 March 2008.

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Premier and Cabinet, Department of — Report 2006–07

Prince Henry's Institute of Medical Research — Report 2006–07

Professional Standards Council — Report 2006–07

Public Prosecutions — Director, Committee and Office — Report 2006–07

Regional Development Victoria — Report 2006–07

Residential Tenancies Bond Authority — Report 2006–07

Roads Corporation — Report 2006–07

Rolling Stock (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

Sentencing Advisory Council — Report 2006–07

South East Water Ltd — Report 2006–07

South Gippsland Region Water Authority — Report 2006–07

Southern and Eastern Integrated Transport Authority — Report 2006–07

Southern Cross Station Authority — Report 2006–07

Special Investigations Monitor, Office of — Report 2006–07

State Services Authority — Report 2006–07

State Sport Centres Trust — Report 2006–07

State Trustees Ltd — Report 2006–07

Statutory Rule under the *Magistrates' Court Act 1989* — SR 119

Sustainability and Environment, Department of — Report 2006–07

Sustainability Victoria — Report 2006–07

*Terrorism (Community Protection) Act 2003:*

Report 2006–07 under s 13

Report 2006–07 under s 13ZR

Tourism Victoria — Report 2006–07

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Transport Accident Commission — Report 2006–07

Transport Ticketing Authority — Report 2006–07

Treasury and Finance, Department of — Report 2006–07

Treasury Corporation of Victoria — Report 2006–07

VicForests — Report 2006–07

Victims of Crime Assistance Tribunal — Report 2006–07

Victoria Grants Commission — Report year ended 31 August 2007

Victoria Law Foundation — Report 2006–07 (two documents)

Victoria Legal Aid — Report 2006–07

Victoria Police — Chief Commissioner, Office of — 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 of — 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 — Ordered to be printed<sup>2</sup>

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 documents)

Victorian Institute of Teaching — Report 2006–07

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<sup>2</sup> Ordered to be printed on Tuesday 11 March 2008.

Victorian Law Reform Commission — Report 2006–07 — Ordered to be printed

Victorian Learning and Employment Skills Commission — Report 2006–07

Victorian Multicultural Commission — Report 2006–07

Victorian Privacy Commissioner, Office of — Report 2006–07 — Ordered to be printed

Victorian Qualifications Authority — Report 2006–07

Victorian Rail Track — Report 2006–07

Victorian Regional Channels Authority — Report 2006–07

Victorian Urban Development Authority — Report 2006–07 (two documents)

Victorian WorkCover Authority — Report 2006–07

VITS LanguageLink — Report 2006–07

V/Line Passenger Corporation — Report 2006–07

V/Line Passenger Pty Ltd — Report 2006–07

Wannon Region Water Authority — Report 2006–07

*Water Industry Act 1994* — Reports under s 77A (three reports)

West Gippsland Catchment Management Authority — Report 2006–07 (two documents)

Western Region Water Authority — Report 2006–07

Westernport Region Water Authority — Report 2006–07

Wimmera Catchment Management Authority — Report 2006–07

Workplace Rights Advocate, Office of — Report 2006–07

Yarra Bend Park Trust — Report 2006–07

Yarra Valley Water Ltd — Report 2006–07 (three documents)

Youth Parole Board and Youth Residential Board — Report 2006–07

Zoological Parks and Gardens Board — Report 2006–07 (three documents).

16 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Energy Legislation Further Amendment Bill 2007 without amendment.

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

18 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE — COOPERATIVE FEDERALISM**  
— The House was informed that Mr Stensholt had proposed that a definite matter of public importance be submitted to the House for discussion, namely —

"That this House congratulates the Brumby Government for promoting cooperative federalism in an effort to deliver better services and greater infrastructure investment for all Victorians and continuing

its work to convince whomever forms the Federal Government to work in partnership with the State Government'.

Mr Stensholt addressed the House — Discussion followed.

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

Public Accounts and Estimates Committee's Report on the 2007–08 Budget Estimates — Part Three

Public Accounts and Estimates Committee's Report on the Inquiry into the trustee arrangements for governing the Parliamentary Contributory Superannuation Fund

Public Accounts and Estimates Committee's Report on the 2007–08 Budget Estimates — Part Two.

- 20 **EQUAL OPPORTUNITY AMENDMENT (FAMILY RESPONSIBILITIES) BILL 2007** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

- 21 **QUESTIONS** — (Under SO 55).

- 22 **EQUAL OPPORTUNITY AMENDMENT (FAMILY RESPONSIBILITIES) BILL 2007** — Debate continued on question — That this Bill be now read a second time.

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

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

- 23 **AGENT-GENERAL AND COMMISSIONERS FOR VICTORIA BILL 2007** — Order read for resuming debate on question — That this Bill be now read a second time.

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

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

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

The House divided (the Speaker, Ms Lindell, in the Chair) —

AYES 44

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beattie; Mr Brooks; Mr Brumby; Mr Cameron; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Mr Eren; Mr Foley; Ms Galey; Mr Haermeyer; Mr Hardman; Dr Harkness; Mr Helper; Mr Howard; Mr Hudson; Mr Ingram; Mr Langdon; Mr Languiller; Mr Lim; Ms Lobato; Mrs Maddigan; Ms Marshall; Mr Merlino; Ms Munt; Mr Nardella; Ms Neville; Mr Noonan; Ms Overington; Mr Pallas; Mr Pandazopoulos; Ms Richardson; Mr Robinson; Mr Scott; Mr Seitz; Mr Stensholt; Ms Thomson (*Footscray*); Mr Trezise.

NOES 32

Ms Asher; Mr Baillieu; Mr Blackwood; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Hodgett; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Morris; Mr Mulder; Dr Napthine; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith (*Bass*); Mr Smith (*Warrandyte*); Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Weller; Mr Wells; Ms Wooldridge.

Question agreed to.

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

- 24 **ANIMALS LEGISLATION AMENDMENT (ANIMAL CARE) BILL 2007** — Order read for resuming debate on question — That this Bill be now read a second time.

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

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

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

- 25 **ADJOURNMENT** — The Acting Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.37 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JENNY LINDELL  
*Speaker*

## No 47 — Thursday 1 November 2007

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

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

**Criminal Proceedings** — Requesting that the House re-introduces the right of an accused to give unsworn evidence or to make an unsworn statement in a criminal proceeding, bearing 1 signature (*Mr Howard*)

**Lal Lal Windfarm** — Requesting that the Government not approve the Lal Lal Windfarm proposal, bearing 1290 signatures (*Mr Howard*)

**Desalination Plant, Bass Coast** — Requesting that the House directs immediate consultation between the Government and the local community of the Bass Coast regarding the proposed desalination plant, bearing 101 signatures (*Mr Smith, Bass*)

**Roadside Grazing** — Requesting that the House abolishes all fees charged by VicRoads and any shire councils for roadside grazing in the State of Victoria, bearing 428 signatures (*Mr Tilley*)

**Water Pipeline Goulburn to Melbourne — Alternative Water Schemes** — Requesting that the House — (a) rejects the proposal to develop a pipeline which would take water from the Goulburn Valley and pump it to Melbourne; and (b) calls on the Government to address Melbourne's water supply needs by investing in desalination, recycling and capturing stormwater, bearing 556 signatures (*Mrs Powell*).

Petitions ordered to be tabled.

- 3 **PETITION — WATER PIPELINE GOULBURN TO MELBOURNE — ALTERNATIVE WATER SCHEMES** — Motion made and question — That the petition presented by the Member for Shepparton be taken into consideration tomorrow (*Mrs Powell*) — put and agreed to.

- 4 **PETITION — DESALINATION PLANT, BASS COAST** — Motion made and question — That the petition presented by the Member for Bass be taken into consideration tomorrow (*Mr Smith, Bass*) — put and agreed to.

5 **DOCUMENTS**

**DRUG PREVENTION COUNCIL** — Motion made, by leave, and question — That the Premier's Drug Prevention Council Report 2006–07 be tabled (*Mr Batchelor*) — put and agreed to.

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

Alexandra District Hospital — Report 2006–07 (two documents)

Alpine Health — Report 2006–07 (three documents)

Altona Memorial Park, Trustees of — Report 2006–07

Ambulance Service Victoria — Metropolitan Region — Report 2006–07

Austin Health — Report 2006–07 (two documents)

Australian Centre for the Moving Image — Report 2006–07

Bairnsdale Regional Health Service — Report 2006–07 (two documents)

Ballarat Health Services — Report 2006–07

Barwon Health — Report 2006–07

Bass Coast Regional Health — Report 2006–07 (two documents)

Bayside Health — Report 2006–07

Beaufort and Skipton Health Service — Report 2006–07 (two documents)

Beechworth Health Service — Report 2006–07 (two documents)

Benalla and District Memorial Hospital — Report 2006–07

Bendigo Health Care Group — Report 2006–07

Boort District Hospital — Report 2006–07 (three documents)

Casterton Memorial Hospital — Report 2006–07 (two documents)

Central Gippsland Health Service — Report 2006–07 (two documents)

Cheltenham and Regional Cemeteries Trust — Report 2006–07

Cobram District Hospital — Report 2006–07 (two documents)

Cohuna District Hospital — Report 2006–07

Colac Area Health — Report 2006–07

Dental Health Services Victoria — Report 2006–07

Djerriwarrh Health Services — Report 2006–07 (two documents)

Dunmunkle Health Services — Report 2006–07

East Grampians Health Service — Report 2006–07

East Wimmera Health Service — Report 2006–07

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 — Reports 2005–06 (together with an explanation for the delay), 2006–07

*Financial Management Act 1994:*

Report from the Minister for Environment and Climate Change that he had received the 2006–07 report of the Alpine Resorts Co-ordinating Council

Reports from the Minister for Health that he had received the 2006–07 reports of the:

Anderson's Creek Cemetery Trust

Ballaarat General Cemeteries Trust

Bendigo Cemeteries Trust

Chinese Medicine Registration Board

Chiropractors Registration Board

Dental Practice Board

Geelong Cemeteries Trust

Infertility Treatment Authority

Lorne Community Hospital

Maldon Hospital

Nathalia District Hospital

O'Connell Family Centre

Omeo District Health

Optometrists Registration Board

Osteopaths Registration Board

Pharmacy Board

Physiotherapists Registration Board

Podiatrists Registration Board

Templestowe Cemetery Trust

Tweddle Child and Family Health Service

Wyndham Cemeteries Trust

Report from the Minister for Public Transport that she had received the 2006–07 report of the Victorian Rail Heritage Operations Pty Ltd

Food Safety Council — Report 2006–07

Geelong Performing Arts Centre Trust — Report 2006–07

Gippsland Southern Health Service — Report 2006–07 (two documents)

Health Services Commissioner, Office of — Report 2006–07

Hepburn Health Service — Report 2006–07

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- Hesse Rural Health Service — Report 2006–07
- Heywood Rural Health — Report 2006–07
- Human Services, Department of — Report 2006–07
- 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
- Library Board of Victoria — Report 2006–07
- McIvor Health and Community Services — Report 2006–07
- Mansfield District Hospital — Report 2006–07
- Maryborough District Health Service — Report 2006–07
- 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 — Ordered to be printed
- Mercy Public Hospital Inc — Report 2006–07 (two documents)
- Moyne Health Services — Report 2006–07
- Mt Alexander Hospital — Report 2006–07
- Museums Board of Victoria — Report 2006–07
- National Gallery of Victoria, Council of Trustees — Report 2006–07
- Necropolis Springvale, Trustees of — Report 2006–07
- Northeast Health Wangaratta — Report 2006–07
- Northern Health — Report 2006–07 (two documents)
- Numurkah District Health Service — Report 2006–07
- Nurses Board of Victoria — Report 2006–07
- Ombudsman — Investigation into the disclosure of electronic communications addressed to the  
Member for Evelyn and related matters — Ordered to be printed

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Orbost Regional Health — Report 2006–07

Otway Health and Community Services — Report 2006–07

Peninsula Health — Report 2006–07 (two documents)

Peter MacCallum Cancer Centre — Report 2006–07

Preston Cemetery Trust — Report 2006–07

Queen Elizabeth Centre — Report 2006–07 (two documents)

Radiation Advisory Committee — Report 2006–07

Recreational Fishing Licence Trust Account — Report on Revenue and Disbursements 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

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, Office of — Report under s 86ZM of the *Police Regulation Act 1958* and s 105M of the *Whistleblowers Protection Act 2001*

St Vincent's — Report 2006–07 (four documents)

Stawell Regional Health — Report 2006–07

Swan Hill District Hospital — Report 2006–07

Tallangatta Health Service — Report 2006–07 (two documents)

Terang and Mortlake Health Service — Report 2006–07

Timboon and District Healthcare Service — Report 2006–07 (two documents)

Upper Murray Health and Community Services — Report 2006–07 (two documents)

Victorian Arts Centre Trust — Report 2006–07 (two documents)

West Gippsland Healthcare Group — Report 2006–07

Western District Health Service — Report 2006–07

Western Health — Report 2006–07 (two documents)

Wimmera Health Care Group — Report 2006–07

Wodonga Regional Health Service — Report 2006–07

Yarram and District Health Service — Report 2006–07 (two documents)

Yarrawonga District Health Service — Report 2006–07 (two documents)

Yea and District Memorial Hospital — Report 2006–07.

- 6 **ENERGY LEGISLATION FURTHER AMENDMENT BILL 2007** — The Speaker announced that she had received a report from the Clerk of the Parliaments that, under Joint Standing Order 6(1), he has made the following corrections in the Bill:

Clause 14 of the Bill inserts a new Division 6 into the *Gas Industry Act 2001*. In the heading to the new division I have deleted '8' and inserted '6' so that the heading now reads 'Division 6 — Supplier of last resort'.

In Clause 6, line 20, I have deleted 'approve' and inserted 'approves' so the line now reads '(A) approves (or not approves)'.

- 7 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourns until Tuesday 20 November 2007 (*Mr Batchelor*) — put and agreed to.

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

- 9 **VICTORIAN WORKERS' WAGES PROTECTION BILL 2007** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

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

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

The House divided (the Speaker, Ms Lindell, in the Chair) —

AYES 40

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beattie; Mr Brooks; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Mr Eren; Mr Foley; Ms Graley; Mr Hardman; Dr Harkness; Mr Howard; Mr Hudson; Mr Langdon; Mr Languiller; Mr Lim; Ms Lobato; Mrs Maddigan; Ms Marshall; Mr Merlino; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Noonan; Ms Overington; Mr Pallas; Mr Pandazopoulos; Ms Pike; Ms Richardson; Mr Robinson; Mr Scott; Mr Stensholt; Ms Thomson (*Footscray*); Mr Trezise.

NOES 33

Ms Asher; Mr Baillieu; Mr Blackwood; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Hodgett; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Morris; Mr Mulder; Dr Napthine; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith (*Bass*); Mr Smith (*Warrandyte*); Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Weller; Mr Wells; Ms Wooldridge.

Question agreed to.

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

- 10 **PORT SERVICES AMENDMENT BILL 2007** — Order read for resuming debate on question — That this Bill be now read a second time.

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

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

Amendment proposed — That all the words after 'That' be omitted with the view of inserting in their place the words 'this Bill be withdrawn and redrafted to — (a) incorporate the establishment of an independent expert environmental panel to monitor and oversee any dredging and disposal of dredged material in Port Phillip Bay; (b) 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; (c) 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 (d) 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' (*Dr Napthine*) — and, after debate —

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

- 11 **QUESTIONS** — (Under SO 55).
- 12 **PORT SERVICES AMENDMENT BILL 2007** — Debate resumed on question — That this Bill be now read a second time and on the amendment.

*Allocation of time — The Acting Speaker advised that the time allocated for consideration of bills under the resolution of the House on Tuesday 30 October 2007 had expired.*

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

The House divided (the Speaker, Ms Lindell, in the Chair) —

#### AYES 57

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beattie; Mr Brooks; Mr Brumby; Mr Cameron; Mr Carli; Mr Crisp; Mr Crutchfield; Ms D'Ambrosio; Mr Delahunty; Mr Donnellan; Ms Duncan; Mr Eren; Mr Foley; Ms Galey; Ms Green; Mr Haermeyer; Mr Hardman; Dr Harkness; Mr Helper; Mr Herbert; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Mr Jasper; Mr Langdon; Mr Languiller; Mr Lim; Ms Lobato; Mrs Maddigan; Ms Marshall; Mr Merlino; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Noonan; Mr Northe; Ms Overington; Mr Pallas; Ms Pike; Mrs Powell; Ms Richardson; Mr Robinson; Mr Ryan; Mr Scott; Mr Stensholt; Dr Sykes; Ms Thomson (*Footscray*); Mr Trezise; Mr Walsh; Mr Weller; Mr Wynne.

#### NOES 23

Ms Asher; Mr Baillieu; Mr Blackwood; Mr Burgess; Mr Clark; Mr Dixon; Mrs Fyffe; Mr Hodgett; Mr Kotsiras; Mr McIntosh; Mr Morris; Mr Mulder; Dr Napthine; Mr O'Brien; Mrs Shardey; Mr Smith (*Bass*); Mr Smith (*Warrandyte*); Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Wells; Ms Wooldridge.

Question agreed to.

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

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

Bill sent to the Legislative Council and their agreement requested.

- 13 **ANIMALS LEGISLATION AMENDMENT (ANIMAL CARE) BILL 2007** — Order read for resuming debate on question — That this Bill be now read a second time.

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

Bill sent to the Legislative Council and their agreement requested.

- 14 **AGENT-GENERAL AND COMMISSIONERS FOR VICTORIA BILL 2007** — Order read for resuming debate on question — That this Bill be now read a second time.

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

Bill sent to the Legislative Council and their agreement requested.

- 15 **EQUAL OPPORTUNITY AMENDMENT (FAMILY RESPONSIBILITIES) BILL 2007** — Order read for resuming debate on question — That this Bill be now read a second time.

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

The House divided (the Speaker, Ms Lindell, in the Chair) —

AYES 47

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beattie; Mr Brooks; Mr Brumby; Mr Cameron; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Mr Eren; Mr Foley; Ms Graley; Ms Green; Mr Haermeyer; Mr Hardman; Dr Harkness; Mr Helper; Mr Herbert; Mr Howard; Mr Hudson; Mr Hulls; Mr Langdon; Mr Languiller; Mr Lim; Ms Lobato; Mrs Maddigan; Ms Marshall; Mr Merlino; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Noonan; Ms Overington; Mr Pallas; Ms Pike; Ms Richardson; Mr Robinson; Mr Scott; Mr Stensholt; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

NOES 33

Ms Asher; Mr Baillieu; Mr Blackwood; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Hodgett; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Morris; Mr Mulder; Dr Napthine; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith (*Bass*); Mr Smith (*Warrandyte*); Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Weller; Mr Wells; Ms Wooldridge.

Question agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 16 **VICTORIAN WORKERS' WAGES PROTECTION BILL 2007** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time, Government amendment Nos 1 to 8 inclusive be agreed to and the Bill be now read a third time — put.

The House divided (the Speaker, Ms Lindell, in the Chair) —

AYES 47

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beattie; Mr Brooks; Mr Brumby; Mr Cameron; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Mr Eren; Mr Foley; Ms Graley; Ms Green; Mr Haermeyer; Mr Hardman; Dr Harkness; Mr Helper; Mr Herbert; Mr Howard; Mr Hudson; Mr Hulls; Mr Langdon; Mr Languiller; Mr Lim; Ms Lobato; Mrs Maddigan; Ms Marshall; Mr Merlino; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Noonan; Ms Overington; Mr Pallas; Ms Pike; Ms Richardson; Mr Robinson; Mr Scott; Mr Stensholt; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

## NOES 33

Ms Asher; Mr Baillieu; Mr Blackwood; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Hodgett; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Morris; Mr Mulder; Dr Napthine; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith (*Bass*); Mr Smith (*Warrandyte*); Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Weller; Mr Wells; Ms Wooldridge.

Question agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 17 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Working with Children Amendment Bill 2007 without amendment.

- 18 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Crimes Amendment (Rape) Bill 2007 with amendments.

Ordered — That the amendments be taken into consideration tomorrow.

- 19 **NATIONAL ELECTRICITY (VICTORIA) AMENDMENT BILL 2007** — *Mr Batchelor tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

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

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

Ordered — That the debate be adjourned until Thursday 15 November 2007.

- 20 **VICTORIAN ENERGY EFFICIENCY TARGET BILL 2007** — *Mr Batchelor tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

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

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

Ordered — That the debate be adjourned until Thursday 15 November 2007.

- 21 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Building Amendment Bill 2007 without amendment.

- 22 **STATE TAXATION AND ACCIDENT COMPENSATION ACTS AMENDMENT BILL 2007** — *Mr Batchelor tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

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

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

Ordered — That the debate be adjourned until Thursday 15 November 2007.

- 23 **POLICE REGULATION AMENDMENT BILL 2007** — *Mr Cameron tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

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

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

Ordered — That the debate be adjourned until Thursday 15 November 2007.

- 24 **ROAD LEGISLATION FURTHER AMENDMENT BILL 2007** — *Mr Pallas tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

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

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

Ordered — That the debate be adjourned until Thursday 15 November 2007.

- 25 **FAIR TRADING AND CONSUMER ACTS FURTHER AMENDMENT BILL 2007** — *Mr Robinson tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

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

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

Ordered — That the debate be adjourned until Thursday 15 November 2007.

- 26 **LIQUOR CONTROL REFORM AMENDMENT BILL 2007** — *Mr Robinson tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

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

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

Ordered — That the debate be adjourned until Thursday 15 November 2007.

- 27 **GAMBLING LEGISLATION AMENDMENT (PROBLEM GAMBLING AND OTHER MEASURES) BILL 2007** — *Mr Robinson tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

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

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

Ordered — That the debate be adjourned until Thursday 15 November 2007.

- 28 **MOTOR CAR TRADERS AMENDMENT BILL 2007** — *Mr Robinson tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

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

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

Ordered — That the debate be adjourned until Thursday 15 November 2007.

- 29 **CHILDREN'S SERVICES AND EDUCATION LEGISLATION AMENDMENT (ANAPHYLAXIS MANAGEMENT) BILL 2007** — *Ms Morand tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

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

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

Ordered — That the debate be adjourned until Thursday 15 November 2007.

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

31 **ADJOURNMENT** — The Deputy Speaker left the Chair, after debate, at 6.33 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JENNY LINDELL  
*Speaker*

## LEGISLATIVE ASSEMBLY OF VICTORIA

# VOTES AND PROCEEDINGS

## Nos 48, 49 and 50

### No 48 — Tuesday 20 November 2007

- 1 The House met according to the adjournment — The Speaker took the Chair and read the Prayer.
- 2 **QUESTIONS** — (Under SO 55).
- 3 **CRIMINAL PROCEDURE LEGISLATION AMENDMENT BILL 2007** — Mr Hulls obtained leave to bring in 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, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 4 **CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES) (ENFORCEMENT) AMENDMENT BILL 2007** — Mr Hulls obtained leave to bring in 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 the Bill was read a first time and ordered to be read a second time tomorrow.
- 5 **FREEDOM OF INFORMATION AMENDMENT BILL 2007** — Mr Hulls obtained leave to bring in 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 the Bill was read a first time and ordered to be read a second time tomorrow.
- 6 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:
  - Desalination Plant, Bass Coast** — Requesting that the House directs immediate consultation between the Government and the local community of the Bass Coast regarding the proposed desalination plant, bearing 96 signatures (*Mr Smith, Bass*)
  - Water Pipeline Goulburn to Melbourne — Alternative Water Schemes** — Requesting that the House — (a) rejects the proposal to develop a pipeline which would take water from the Goulburn Valley and pump it to Melbourne; and (b) calls on the Government to address Melbourne's water supply needs by investing in desalination, recycling and capturing stormwater, bearing 463 signatures (*Dr Sykes*)
  - Green and Dock Lakes** — Requesting that the Government ensures that Grampians Wimmera Mallee Water and other authorities acknowledge the social value of safe recreational water to country communities and guarantees permanent water for recreational purposes, in particular at Green Lake and Dock Lake, bearing 3277 signatures (*Mr Delahunty*)
  - Natimuk Lake** — Requesting that the Government ensures that Grampians Wimmera Mallee Water and other authorities acknowledge the social value of safe recreational water to country communities and guarantees permanent water for recreational purposes, in particular at Natimuk Lake, bearing 299 signatures (*Mr Delahunty*)

**Rescue Helicopter for Western Region** — Requesting that the House immediately provides a rescue helicopter service for the Warrnambool region, as Western Victoria remains the only area of the state not covered by an emergency helicopter service, bearing 268 signatures (*Mr Delahunty*).

Petitions ordered to be tabled.

7 **PETITION — DESALINATION PLANT, BASS COAST** — Motion made and question — That the petition presented by the Member for Bass be taken into consideration tomorrow (*Mr Smith, Bass*) — put and agreed to.

8 **PETITION — GREEN AND DOCK LAKES** — Motion made and question — That the petition presented by the Member for Lowan be taken into consideration tomorrow (*Mr Delahunty*) — put and agreed to.

9 **PETITION — NATIMUK LAKE** — Motion made and question — That the petition presented by the Member for Lowan be taken into consideration tomorrow (*Mr Delahunty*) — put and agreed to.

10 **PETITION — RESCUE HELICOPTER FOR WESTERN REGION** — Motion made and question — That the petition presented by the Member for Lowan be taken into consideration tomorrow (*Mr Delahunty*) — put and agreed to.

11 **PETITION — WATER PIPELINE GOULBURN TO MELBOURNE — ALTERNATIVE WATER SCHEMES** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Mr Delahunty*) — put and agreed to.

## 12 DOCUMENTS

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — Mr Carli, Chair, presented a report from the Scrutiny of Acts and Regulations Committee being the Alert Digest No 15 of 2007 on the:

Children's Services and Education Legislation Amendment (Anaphylaxis Management) Bill 2007  
 Fair Trading and Consumer Acts Further Amendment Bill 2007  
 Gambling Legislation Amendment (Problem Gambling and Other Measures) Bill 2007  
 Health (Fluoridation) Amendment Bill 2007  
 Legislation Reform (Repeals No. 1) Bill 2007  
 Liquor Control Reform Amendment Bill 2007  
 Motor Car Traders Amendment Bill 2007  
 National Electricity (Victoria) Amendment Bill 2007  
 Police Regulation Amendment Bill 2007  
 Road Legislation Further Amendment Bill 2007  
 State Taxation and Accident Compensation Acts Amendment Bill 2007  
 Transport Accident and Accident Compensation Acts Amendment Bill 2007  
 Transport Legislation Amendment Bill 2007  
 Victorian Energy Efficiency Target Bill 2007

together with appendices.

Ordered to be tabled and printed.

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

Child Safety Commissioner — Report 2006–07

Consumer Affairs Victoria — Report 2006–07 — Ordered to be printed

*Crown Land (Reserves) Act 1978* — Orders under s 17D granting leases over:

Coulson Reserve  
Albert Park Reserve

*Financial Management Act 1994* — 2007–08 Quarterly Financial Report for the State of Victoria for the period ended 30 September 2007

*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 — Ordered to be printed

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

Casey — C103  
Darebin — C74  
Frankston — C49  
Greater Dandenong — C82  
Hobsons Bay — C31 Part 2  
Hume — C72, C79  
Mansfield — C13  
Melbourne — C136, C137  
Mildura — C42  
Pyrenees — C16  
Strathbogie — C24  
Surf Coast — C35  
Warrnambool — C50  
Yarra Ranges — C45

Statutory Rules under the following Acts:

*County Court Act 1958* — SR 120  
*Professional Standards Act 2003* — SR 122  
*Subdivision Act 1988* — SR 123  
*Supreme Court Act 1986* — SR 121  
*Victorian Civil and Administrative Tribunal Act 1998* — SR 124

*Subordinate Legislation Act 1994*:

Minister's exception certificates in relation to Statutory Rules 119, 120, 121, 124  
Minister's exemption certificate in relation to Statutory Rule 122.

The following proclamations fixing operative dates were tabled by the Clerk in accordance with an order of the House dated 19 December 2006:

*Justice and Road Legislation Amendment (Law Enforcement) Act 2007* — Part 1 and ss 9 and 10 — 8 November 2007 (*Gazette G45, 8 November 2007*)  
*Justice Legislation Amendment Act 2007* — Remaining provisions of Parts 2 and 4 — 8 November 2007 (*Gazette G45, 8 November 2007*)  
*Royal Children's Hospital (Land) Act 2007* — Whole Act — 5 November 2007 (*Gazette G44, 1 November 2007*).

13 **MESSAGE FROM THE GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that he had, on 7 November 2007, given the royal assent to the following bills, presented to him by the Clerk of the Parliaments:

Building Amendment Bill 2007  
 Energy Legislation Further Amendment Bill 2007  
 Working with Children Amendment Bill 2007.

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

Liquor Control Reform Amendment Bill 2007  
 Police Regulation Amendment Bill 2007  
 Road Legislation Further Amendment Bill 2007  
 State Taxation and Accident Compensation Acts Amendment Bill 2007  
 Victorian Energy Efficiency Target Bill 2007.

- 15 **LAW REFORM COMMITTEE — ECONOMIC DEVELOPMENT AND INFRASTRUCTURE COMMITTEE — EXTENSION TO REPORTING DATES** — Motion made, by leave, and question — That:

- (1) The resolution of the House of 1 March 2007 providing that the Law Reform Committee be required to present its report, on the Inquiry into Vexatious Litigants, to the Parliament no later than 30 September 2008 be amended so far as to require the report to be presented to the Parliament no later than 4 December 2008; and
- (2) The resolution of the House of 1 March 2007 providing that the Economic Development and Infrastructure Committee be required to present its report, on the Inquiry into Key Competitive Advantages in Victoria's Financial Services Sector, to the Parliament no later than 31 December 2007 be amended so far as to require the report to be presented to the Parliament no later than 31 July 2008

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

- 16 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, under SO 94(2), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 22 November 2007:

Gambling Legislation Amendment (Problem Gambling and Other Measures) Bill 2007  
 Liquor Control Reform Amendment Bill 2007  
 National Electricity (Victoria) Amendment Bill 2007  
 Police Regulation Amendment Bill 2007  
 Road Legislation Further Amendment Bill 2007  
 State Taxation and Accident Compensation Acts Amendment Bill 2007  
 Victorian Energy Efficiency Target Bill 2007

*(Mr Batchelor)* — after debate, put.

The House divided (the Speaker, Ms Lindell, in the Chair) —

AYES 51

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Mr Brooks; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Mr Eren; Mr Foley; Ms Graley; Ms Green; Mr Haermeyer; Mr Hardman; Dr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Ms Kosky; Mr Langdon; Mr Languiller; Mr Lim; Ms Lobato; Mr Lupton; Ms Marshall; Mr Merlino; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Noonan; Ms Overington; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Pike; Ms Richardson; Mr Robinson; Mr Scott; Mr Seitz; Mr Stensholt; Ms Thomson (*Footscray*); Mr Wynne.

## NOES 33

Ms Asher; Mr Baillieu; Mr Blackwood; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Hodgett; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Morris; Mr Mulder; Dr Napthine; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith (*Bass*); Mr Smith (*Warrandyte*); Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Weller; Mr Wells; Ms Wooldridge.

Question agreed to.

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

18 **POSTPONEMENT OF ORDER OF THE DAY** — Ordered — That the consideration of Government Business, Order of the Day, No 1 be postponed until later this day.

19 **NATIONAL ELECTRICITY (VICTORIA) AMENDMENT BILL 2007** — Order read for resuming debate on question — That this Bill be now read a second time.

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

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

Question — put.

A division having been called, the Deputy Speaker advised that there was only one vote for the 'noes' and, accordingly, declared the question agreed to. Mr Ingram asked that his dissent be recorded.

Bill considered in detail and agreed to with amendments (*see pp 250, 251–2*).

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

A division having been called, the Deputy Speaker advised that there was only one vote for the 'noes' and, accordingly, declared the question agreed to. Mr Ingram asked that his dissent be recorded.

Bill sent to the Legislative Council and their agreement requested.

20 **VICTORIAN ENERGY EFFICIENCY TARGET BILL 2007** — Order read for resuming debate on question — That this Bill be now read a second time.

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

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

Bill read a second time, considered in detail and agreed to with an amendment, read a third time (*see pp 250, 252*).

Bill sent to the Legislative Council and their agreement requested.

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

Education and Training Reform Miscellaneous Amendments Bill 2007  
Transport Accident and Accident Compensation Acts Amendment Bill 2007.

- 22 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 4 and 5 be postponed until later this day.
- 23 **ROAD LEGISLATION FURTHER AMENDMENT BILL 2007** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Amendment proposed — That all the words after 'That' be omitted with the view of inserting in their place the words 'this House refuses to read this Bill a second time until the Minister — (a) 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; and (b) provides the House with details of which organisations will be approved to access personal information under the proposed changes to s 92 of the *Road Safety Act 1986*; and (c) 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 s 92 of the *Road Safety Act 1986*' (*Mr Mulder*) — and, after debate —

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

- 24 **ADJOURNMENT** — The Deputy Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.41 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JENNY LINDELL  
*Speaker*

## No 49 — Wednesday 21 November 2007

- 1 The Speaker took the Chair and read the Prayer.
- 2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:
- Moorabbin Airport Development** — Requesting that the House asks the Government to — (a) pursue all possible means to retain Moorabbin Golf Course; (b) support a federal inquiry into arrangements at Moorabbin Airport; and (c) take any necessary action to ensure all future non-aviation development at Moorabbin Airport conforms to state and local planning provisions, bearing 369 signatures (*Ms Munt*)
- Obstetrics at Rosebud Hospital** — Requesting that the House asks the Minister for Health to provide sufficient funding to enable Peninsula Health to provide the necessary infrastructure and resources to attract obstetricians to work in Rosebud Hospital, bearing 83 signatures (*Mr Dixon*)
- Water Pipeline Goulburn to Melbourne — Alternative Water Schemes** — Requesting that the House — (a) rejects the proposal to develop a pipeline which would take water from the Goulburn Valley and pump it to Melbourne; and (b) calls on the Government to address Melbourne's water supply needs by investing in desalination, recycling and capturing stormwater, bearing 127 signatures (*Mr Walsh*).

Petitions ordered to be tabled.

3 **PETITION — OBSTETRICS AT ROSEBUD HOSPITAL** — Motion made and question — That the petition presented by the Member for Nepean be taken into consideration tomorrow (*Mr Dixon*) — put and agreed to.

4 **PETITION — WATER PIPELINE GOULBURN TO MELBOURNE — ALTERNATIVE WATER SCHEMES** — Motion made and question — That the petition presented by the Member for Swan Hill be taken into consideration tomorrow (*Mr Delahunty*) — put and agreed to.

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

Auditor-General:

Audits of 2 Major Partnerships Victoria Projects — Ordered to be printed

Discovering Bendigo Project — Ordered to be printed

Parliamentary Appropriations: Output Measures — Ordered to be printed

Report on the Annual Financial Report of the State of Victoria, 2006–07 — Ordered to be printed

*Major Events (Aerial Advertising) Act 2007* — Event Order under s 7.

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

7 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE — GOULBURN IRRIGATION SYSTEM** — The House was informed that Mr Ryan had proposed that a definite matter of public importance be submitted to the House for discussion, namely —

'That this House condemns the Brumby Government for its proposal to enable water to be pumped from the Goulburn irrigation system to Melbourne.'

Mr Ryan addressed the House — Discussion followed.

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

Public Accounts and Estimates Committee's Report on the 2007–08 Budget Estimates — Part Three

Public Accounts and Estimates Committee's Report 2006–07

Public Accounts and Estimates Committee's Report on the 2007–08 Budget Estimates — Part Two.

9 **STATE TAXATION AND ACCIDENT COMPENSATION ACTS AMENDMENT BILL 2007** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

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

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

10 **QUESTIONS** — (Under SO 55).

11 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 2 to 5 inclusive, be postponed until later this day.

- 12 **CRIMES AMENDMENT (RAPE) BILL 2007** — Order read for the consideration of the amendments made by the Legislative Council.

After debate, the amendments were agreed to by the House.

Message sent to the Legislative Council informing them accordingly.

- 13 **STATE TAXATION AND ACCIDENT COMPENSATION ACTS AMENDMENT BILL 2007** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

Bill sent to the Legislative Council and their agreement requested.

- 14 **GAMBLING LEGISLATION AMENDMENT (PROBLEM GAMBLING AND OTHER MEASURES) BILL 2007** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

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

- 15 **LIQUOR CONTROL REFORM AMENDMENT BILL 2007** — Order read for resuming debate on question — That this Bill be now read a second time.

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

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

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

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

- 16 **POLICE REGULATION AMENDMENT BILL 2007** — Order read for resuming debate on question — That this Bill be now read a second time.

Amendment proposed — That all the words after 'That' be omitted with the view of inserting in their place the words — '(a) the House refuses to read this Bill a second time until 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 OPI as an anti-corruption body as compared to similar bodies in other Australian jurisdictions; and (b) this Bill be withdrawn and redrafted to provide for the immediate introduction of random drug and alcohol testing for all Victoria Police members' (*Mr McIntosh*) — and, after debate —

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

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

- 17 **ROAD LEGISLATION FURTHER AMENDMENT BILL 2007** — Order read for resuming debate on question — That this bill be now read a second time — *and on the amendment* — That all the words after 'That' be omitted with the view of inserting in their place the words 'this House refuses to read this Bill a second time until the Minister — (a) 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; and (b) provides the House with details of which organisations will be approved to access personal information under the proposed changes to s 92 of the *Road Safety Act 1986*; and (c) 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 s 92 of the *Road Safety Act 1986*; debate resumed.

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

- 18 **ADJOURNMENT** — The Acting Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.38 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JENNY LINDELL  
*Speaker*

## No 50 — Thursday 22 November 2007

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

2 **DOCUMENTS**

**PRIVILEGES COMMITTEE** — Mr Lupton, Chair, presented a report from the Privileges Committee on the Right of Reply from Mrs Belinda Clarkson, a Person Referred to in the Legislative Assembly, together with an appendix and an extract from the proceedings.

Ordered to be tabled and printed.

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

Alexandra District Ambulance Service — Report 2006–07, together with an explanation for the delay

Calvary Health Care Bethlehem Ltd — Report 2006–07, together with an explanation for the delay (two documents)

*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 — Report 2006–07, together with an explanation for the delay

Health Purchasing Victoria — Report 2006–07, together with an explanation for the delay

Kooweerup Regional Health Service — Report 2006–07, together with an explanation for the delay (two documents)

Lilydale Cemeteries Trust — Report 2006–07, together with an explanation for the delay

Mallee Track Health and Community Service — Report 2006–07, together with an explanation for the delay (two documents)

Manangatang District Hospital — Report 2006–07, together with an explanation for the delay

Metropolitan Waste Management Group — Report 2006–07

Ombudsman — Investigation into the use of excessive force at the Melbourne Custody Centre, together with a DVD — Report ordered to be printed

Portland District Health — Report 2006–07, together with an explanation for the delay

Robinvale District Health Services — Report 2006–07, together with an explanation for the delay

Victorian Health Promotion Foundation — Report 2006–07, together with an explanation for the delay (two documents)

Victorian Industry Participation Policy — Report 2006–07

West Wimmera Health Service — Report 2006–07, together with an explanation for the delay.

- 4 **HEALTH (FLUORIDATION) AMENDMENT BILL 2007** — The Speaker announced the receipt of a message from the Legislative Council presenting, for the agreement of the Legislative Assembly, 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*'.

The Speaker advised that the Bill will be listed on the notice paper for first reading tomorrow.

- 5 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourns until Tuesday 4 December 2007 (*Mr Batchelor*) — put and agreed to.

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

- 7 **GAMBLING LEGISLATION AMENDMENT (PROBLEM GAMBLING AND OTHER MEASURES) BILL 2007** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

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

- 8 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Graffiti Prevention Bill 2007 without amendment.

- 9 **LIQUOR CONTROL REFORM AMENDMENT BILL 2007** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

- 10 **QUESTIONS** — (Under SO 55).

- 11 **LIQUOR CONTROL REFORM AMENDMENT BILL 2007** — Debate continued on question — That this Bill be now read a second time.

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

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

- 12 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Transport Legislation Amendment Bill 2007 with an amendment.

Ordered — That the amendment be taken into consideration later this day.

- 13 **POLICE REGULATION AMENDMENT BILL 2007** — Order read for resuming debate on question — That this Bill be now read a second time — *and on the amendment* — That all the words after 'That' be omitted with the view of inserting in their place the words — '(a) the House refuses to read this Bill a second time until 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 OPI as an anti-corruption body as compared to similar bodies in other Australian jurisdictions; and (b) this Bill be withdrawn and redrafted to provide for the immediate introduction of random drug and alcohol testing for all Victoria Police members'; debate resumed.

*Allocation of time — The Deputy Speaker advised that the time allocated for consideration of bills under the resolution of the House on Tuesday 20 November 2007 had expired.*

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

The House divided (the Speaker, Ms Lindell, in the Chair) —

AYES 49

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beattie; Mr Brooks; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Mr Foley; Ms Graley; Ms Green; Mr Hardman; Dr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Langdon; Mr Languiller; Mr Lim; Ms Lobato; Mr Lupton; Mrs Maddigan; Ms Marshall; Mr Merlino; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Noonan; Ms Overington; Mr Pallas; Mr Pandazopoulos; Ms Pike; Ms Richardson; Mr Robinson; Mr Scott; Mr Seitz; Mr Stensholt; Mr Trezise; Mr Wynne.

NOES 32

Ms Asher; Mr Baillieu; Mr Blackwood; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Hodgett; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Morris; Mr Mulder; Dr Naphthine; Mr Northe; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith (*Bass*); Mr Smith (*Warrantdyte*); Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Weller; Mr Wells; Ms Wooldridge.

Question agreed to.

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

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

Bill sent to the Legislative Council and their agreement requested.

- 14 **ROAD LEGISLATION FURTHER AMENDMENT BILL 2007** — Order read for resuming debate on question — That this bill be now read a second time — *and on the amendment* — That all the words after 'That' be omitted with the view of inserting in their place the words 'this House refuses to read this Bill a second time until the Minister — (a) 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; and (b) provides the House with details of which organisations will be approved to access personal information under the proposed changes to s 92 of the *Road Safety Act 1986*; and (c) 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 s 92 of the *Road Safety Act 1986*'.

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

The House divided (the Speaker, Ms Lindell, in the Chair) —

AYES 50

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beattie; Mr Brooks; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Mr Foley; Ms Graley; Ms Green; Mr Hardman; Dr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Mr Langdon; Mr Languiller; Mr Lim; Ms Lobato; Mr Lupton; Mrs Maddigan; Ms Marshall; Mr Merlino; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Noonan; Ms Overington; Mr Pallas; Mr Pandazopoulos; Ms Pike; Ms Richardson; Mr Robinson; Mr Scott; Mr Seitz; Mr Stensholt; Mr Trezise; Mr Wynne.

NOES 32

Ms Asher; Mr Baillieu; Mr Blackwood; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Hodgett; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Morris; Mr Mulder; Dr Naphine; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith (*Bass*); Mr Smith (*Warrandyte*); Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Weller; Mr Wells; Ms Wooldridge.

Question agreed to.

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

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

Bill sent to the Legislative Council and their agreement requested.

- 15 **GAMBLING LEGISLATION AMENDMENT (PROBLEM GAMBLING AND OTHER MEASURES) BILL 2007** — Order read for resuming debate on question — That this Bill be now read a second time.

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

Bill sent to the Legislative Council and their agreement requested.

- 16 **LIQUOR CONTROL REFORM AMENDMENT BILL 2007** — Order read for resuming debate on question — That this Bill be now read a second time.

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

Bill sent to the Legislative Council and their agreement requested.

- 17 **ROAD LEGISLATION FURTHER AMENDMENT BILL 2007** — The Speaker announced that she had received a report from the Clerk that he has made the following corrections in the Bill in relation to cross-references from Clause 17 to Clause 15:

In Clause 17, page 26, line 11, he has deleted '16' and inserted '15'.

In Clause 17, page 26, line 13, he has deleted '16' and inserted '15'.

In Clause 17, page 26, line 17, he has deleted '16' and inserted '15'.

- 18 **CRIMINAL PROCEDURE LEGISLATION AMENDMENT BILL 2007** — *Mr Hulls tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

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

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

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

Ordered — That the debate be adjourned until Thursday 6 December 2007.

- 19 **CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES) (ENFORCEMENT) AMENDMENT BILL 2007** — *Mr Hulls tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

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

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

Ordered — That the debate be adjourned until Thursday 6 December 2007.

- 20 **FREEDOM OF INFORMATION AMENDMENT BILL 2007** — *Mr Hulls tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

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

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

Motion made and question proposed — That the debate be adjourned for two weeks (*Mr Hulls*) — and, after debate —

Amendment proposed — That the words 'for two weeks' be omitted with the view of inserting in their place the words 'until Tuesday 4 December 2007' (*Mr Clark*) — and, after debate —

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

Question — That the words proposed in the amendment be inserted — put and agreed to.

Ordered — That the debate be adjourned until Tuesday 4 December 2007.

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

- 22 **ADJOURNMENT** — The Deputy Speaker left the Chair, after debate, at 5.41 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JENNY LINDELL  
*Speaker*

LEGISLATIVE ASSEMBLY OF VICTORIA

**CONSIDERATION IN DETAIL**  
**Supplement to Votes Nos 48, 49 and 50**

**No 48 — Tuesday 20 November 2007**

**NATIONAL ELECTRICITY (VICTORIA) AMENDMENT BILL 2007**

**Clauses 1 and 2** agreed to.

**Clause 3**, Mr Batchelor moved amendment Nos 1 and 2 (*see Schedule 1*).

Amendments put and agreed to.

Clause agreed to as amended.

**Clause 4**, Mr Batchelor moved amendment Nos 3 to 6 (*see Schedule 1*).

Amendments put and agreed to.

Clause agreed to as amended.

**Clause 5**, Mr Batchelor moved amendment No 7 (*see Schedule 1*).

Amendment put and agreed to.

Clause agreed to as amended.

**Clauses 6 and 7** agreed to.

Bill agreed to as amended.

**VICTORIAN ENERGY EFFICIENCY TARGET BILL 2007**

**Clauses 1 to 74** agreed to.

**Clause 75**, Mr Crisp moved an amendment (*see Schedule 2*).

Amendment put and agreed to.

Clause agreed to as amended.

**Clauses 76 to 79** agreed to.

Bill agreed to as amended.

## SCHEDULE OF AMENDMENTS MOVED

### SCHEDULE 1

#### NATIONAL ELECTRICITY (VICTORIA) AMENDMENT BILL 2007

Amendments moved by Mr Batchelor

1. Clause 3, line 17 omit "means".
2. Clause 3, line 18, before "the determination" insert "means".
3. Clause 4, page 7, lines 5 to 7, omit all words and expressions on these lines and insert—
 

**"16 Role of National Electricity Law and Rules in relation to distribution determinations and Victorian distribution pricing determinations**

  - (1) To avoid doubt, nothing in this Part is to be taken as preventing the making of a distribution determination under—
    - (a) the NEL as it applies as a law of Victoria under this Act; and
    - (b) the National Electricity Rules as they have the force of law in Victoria under this Act—

that takes effect after the Victorian distribution pricing determination end date.
  - (2) To avoid doubt, nothing in this Part is to be taken as preventing the AER (before, on or after the Victorian distribution pricing determination end date) performing a function or duty, or exercising a power, for the purposes of making a distribution determination under—
    - (a) the NEL as it applies as a law of Victoria under this Act; and
    - (b) the National Electricity Rules as they have the force of law in Victoria under this Act—

that takes effect after the Victorian distribution pricing determination end date."
4. Clause 4, page 7, line 8, omit "(1)" and insert "(3)".
5. Clause 4, page 7, line 15, omit "(2)" and insert "(4)".
6. Clause 4, page 7, line 29, omit "(3)" and insert "(5)".
7. Clause 5, page 18, lines 27 to 33 and page 19, lines 1 to 21, omit all words and expressions on these lines and insert—
 

**'29 Appeals against certain decisions or actions of the AER**

  - (1) This section applies if the AER, in exercise or performance, or purported exercise or performance, of a relevant regulatory function or power conferred on it under section 23, makes—
    - (a) a requirement under section 37 of the **Essential Services Commission Act 2001**; or
    - (b) a decision to disclose information or the contents of a document given to the AER by a person under a notice given by the AER under section 38(2)(c) or 38(2)(d) of the **Essential Services Commission Act 2001**; or
    - (c) a determination that—
      - (i) revokes and substitutes the 2006–2010 distribution pricing determination or a subsequent determination applying to charges for connection to, and the use of, distribution systems in Victoria; or

- (ii) amends—
  - (A) the 2006–2010 distribution pricing determination; or
  - (B) a subsequent determination applying to charges for connection to, and the use of, distribution systems in Victoria.
- (2) A person who is aggrieved by the requirement, decision or determination may appeal to the Tribunal against the making of the requirement, decision or determination.
- (3) Sections 55 and 56 of the **Essential Services Commission Act 2001** apply to an appeal under this section as if—
  - (a) a reference in those sections to section 55(1) were a reference to subsection (1) of this section; and
  - (b) in section 55(3) for "the Registrar" there were substituted "the Tribunal"; and
  - (c) section 56(1) to (3) and (5) were omitted; and
  - (d) a reference in those sections to the Commission were a reference to the AER; and
  - (e) a reference in those sections to an appeal panel were a reference to the Tribunal.
- (4) Part 3 of the Essential Services Commission Regulations 2001 applies to an appeal under this section as if—
  - (a) regulations 10 and 11 of that Part were omitted; and
  - (b) a reference in that Part to the Commission were a reference to the AER; and
  - (c) a reference in that Part to an appeal panel were a reference to the Tribunal; and
  - (d) a reference in that Part to the Registrar were a reference to the Tribunal.
- (5) In this section—

***Tribunal*** means the Australian Competition Tribunal referred to in the Trade Practices Act 1974 of the Commonwealth and includes a member of the Tribunal or a Division of the Tribunal performing functions of the Tribunal.".'.

## SCHEDULE 2

### VICTORIAN ENERGY EFFICIENCY TARGET BILL 2007

Amendment moved by Mr Crisp

Clause 75, page 59, after line 24 insert—

- "(3) The regulations are subject to disallowance by a House of the Parliament."

## LEGISLATIVE ASSEMBLY OF VICTORIA

### VOTES AND PROCEEDINGS Nos 51, 52 and 53

#### No 51 — Tuesday 4 December 2007

- 1 The House met according to the adjournment — The Speaker took the Chair and read the Prayer.
- 2 **QUESTIONS** — (Under SO 55).
- 3 **LEGISLATION REFORM (REPEALS NO. 2) BILL 2007** — Mr Brumby obtained leave to bring in a Bill '*for an Act to repeal certain spent Acts*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 4 **RELATIONSHIPS BILL 2007** — Mr Hulls obtained leave to bring in 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 the Bill was read a first time and ordered to be read a second time tomorrow.
- 5 **INFRINGEMENTS AND OTHER ACTS AMENDMENT BILL 2007** — Mr Hulls obtained leave to bring in 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 the Bill was read a first time and ordered to be read a second time tomorrow.
- 6 **CONSTITUTION AMENDMENT (JUDICIAL PENSIONS) BILL 2007** — Mr Hulls obtained leave to bring in 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, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 7 **PROFESSIONAL BOXING AND COMBAT SPORTS AMENDMENT BILL 2007** — Mr Merlino obtained leave to bring in a Bill '*for an Act to amend the **Professional Boxing and Combat Sports Act 1985** and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 8 **CONSUMER CREDIT (VICTORIA) AND OTHER ACTS AMENDMENT BILL 2007** — Mr Robinson obtained leave to bring in 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, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 9 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

**Water Pipeline Goulburn to Melbourne — Alternative Water Schemes** — Requesting that the House — (a) rejects the proposal to develop a pipeline which would take water from the Goulburn Valley and pump it to Melbourne; and (b) calls on the Government to address Melbourne's water supply needs by investing in desalination, recycling and capturing stormwater, bearing 200 signatures (*Dr Sykes*)

**Inquiry into Gaming Licensing** — Requesting that the House — (a) supports the Cardinia Shire Gaming Policy and its submission to the Victorian Legislative Council Select Committee inquiry into Gaming Licensing in Victoria; and (b) changes the gaming and planning legislation in Victoria to allow local governments and judiciary to enforce what is in the best interests of the community, bearing 42 signatures (*Ms Lobato*)

**Genetically Modified Crops** — Requesting that the House intercedes with the Government, Cabinet and Health Minister to — (a) set up independent and participatory processes to review the *Control of Genetically Modified Crops Act 2004*; (b) make a firm commitment to extending the bans on genetically modified (GM) crops until 2013; (c) urge all state, territory and federal ministers on the Gene Technology Ministerial Council (GTMC) to also extend their GM crops bans; and (d) encourage GTMC to lower thresholds of GM canola contamination allowed, from 0.9 per cent in grain and 0.5 per cent in seed, to 0.1 per cent as promised, bearing 444 signatures (*Ms Lobato*)

**Lorne Foreshore Parking Meters** — Requesting that the House remove parking meters from the Lorne foreshore, bearing 1139 signatures (*Mr Mulder*)

**Planning Permit at 57 Kinnoull Grove** — Requesting that the House ask the Minister for Planning to ensure that the rights of Glen Waverley residents to the easement by 57 Kinnoull Grove, Glen Waverley are protected and any development approved for this site be respectful to the neighbourhood character, bearing 257 signatures (*Ms Morand*).

Petitions ordered to be tabled.

10 **PETITION — WATER PIPELINE GOULBURN TO MELBOURNE — ALTERNATIVE WATER SCHEMES** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.

11 **PETITION — LORNE FORESHORE PARKING METERS** — Motion made and question — That the petition presented by the Member for Polwarth be taken into consideration tomorrow (*Mr Mulder*) — put and agreed to.

12 **DOCUMENTS**

**BARWON WATER BIOSOLIDS MANAGEMENT PROJECT** — Motion made, by leave, and question — That the Partnerships Victoria Project Summary: Barwon Water Biosolids Management Project be tabled (*Mr Holding*) — put and agreed to.

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — Mr Carli, Chair, presented a report from the Scrutiny of Acts and Regulations Committee being the Alert Digest No 16 of 2007 on the:

Classification (Publications, Films and Computer Games) (Enforcement) Amendment Bill 2007  
 Criminal Procedure Legislation Amendment Bill 2007  
 Equal Opportunity Amendment (Family Responsibilities) Bill 2007  
 Freedom of Information Amendment Bill 2007  
 Port Services Amendment Bill 2007

together with appendices.

Ordered to be tabled and printed.

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

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

Banyule — C49  
 Bass Coast — C73, C76  
 Brimbank — C99  
 Campaspe — C46  
 Cardinia — C96, C102  
 Greater Bendigo — C87  
 Greater Dandenong — C85  
 Hume — C91  
 Maribyrnong — C69  
 Melbourne — C128  
 Moorabool — C38  
 Moreland — C84  
 Port Phillip — C65  
 South Gippsland — C42  
 Warrnambool — C51  
 Whittlesea — C41 Part 1  
 Yarriambiack — C7

Statutory Rules under the following Acts:

*County Court Act 1958* — SR 127  
*Supreme Court Act 1986* — SR 125  
*Taxation Administration Act 1997* — SR 126

*Subordinate Legislation Act 1994*:

Minister's exception certificate in relation to Statutory Rule 127  
 Minister's exemption certificate in relation to Statutory Rule 123

*Wrongs Act 1958* — Notice under s 28LXA.

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

Animals Legislation Amendment (Animal Care) Bill 2007  
 Electricity Safety Amendment Bill 2007  
 Melbourne and Olympic Parks Amendment Bill 2007  
 Port Services Amendment Bill 2007.

- 14 **MESSAGES FROM THE GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that he had given the royal assent to the following bills, presented to him by the Clerk of the Parliaments:

On 27 November 2007  
 Crimes Amendment (Rape) Bill 2007  
 Education and Training Reform Miscellaneous Amendments Bill 2007  
 Graffiti Prevention Bill 2007  
 Transport Accident and Accident Compensation Acts Amendment Bill 2007

On 4 December 2007  
 Electricity Safety Amendment Bill 2007  
 Melbourne and Olympic Parks Amendment Bill 2007  
 Port Services Amendment Bill 2007.

- 15 **ROAD SAFETY COMMITTEE — EXTENSION TO REPORTING DATES** — Motion made, by leave, and question — That the resolution of the House of 1 March 2007 providing that the Road Safety Committee be required to present its report on:

- (1) the Inquiry into Federal-State Road Funding Arrangements, to the Parliament no later than 30 September 2008 be amended so far as to require the report to be presented to the Parliament no later than 30 September 2009; and
- (2) the Inquiry into Vehicle Safety, to the Parliament no later than 31 March 2008 be amended so far as to require the report to be presented to the Parliament no later than 31 August 2008.

*(Mr Batchelor)* — put and agreed to.

- 16 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, under SO 94(2), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 6 December 2007:

Children's Services and Education Legislation Amendment (Anaphylaxis Management) Bill 2007  
 Criminal Procedure Legislation Amendment Bill 2007  
 Fair Trading and Consumer Acts Further Amendment Bill 2007  
 Legislation Reform (Repeals No. 1) Bill 2007  
 Motor Car Traders Amendment Bill 2007  
 Transport Legislation Amendment Bill 2007 — Amendment of the Legislative Council

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

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

- 18 **TRANSPORT LEGISLATION AMENDMENT BILL 2007** — Order read for the consideration of the amendment made by the Legislative Council.

After debate, the amendment was agreed to by the House.

Message sent to the Legislative Council informing them accordingly.

- 19 **CHILDREN'S SERVICES AND EDUCATION LEGISLATION AMENDMENT (ANAPHYLAXIS MANAGEMENT) BILL 2007** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

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

- 20 **MOTOR CAR TRADERS AMENDMENT BILL 2007** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

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

- 21 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Agent-General and Commissioners for Victoria Bill 2007 with an amendment.
- Ordered — That the amendment be taken into consideration immediately.
- 22 **AGENT-GENERAL AND COMMISSIONERS FOR VICTORIA BILL 2007** — Order read for the consideration of the amendment made by the Legislative Council.
- After debate, the amendment was agreed to by the House.
- Message sent to the Legislative Council informing them accordingly.
- 23 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Agreeing to the following bills without amendment:
- National Electricity (Victoria) Amendment Bill 2007  
Victorian Workers' Wages Protection Bill 2007.
- 24 **MOTOR CAR TRADERS AMENDMENT BILL 2007** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.
- Bill read a second time and, by leave, immediately read a third time.
- Bill sent to the Legislative Council and their agreement requested.
- 25 **FAIR TRADING AND CONSUMER ACTS FURTHER AMENDMENT BILL 2007** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.
- Business having been interrupted at 10.00 pm under standing orders.*
- 26 **ADJOURNMENT** — The Deputy Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.49 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JENNY LINDELL  
*Speaker*

## No 52 — Wednesday 5 December 2007

- 1 The Speaker took the Chair and read the Prayer.
- 2 **CRIMES AMENDMENT (CHILD HOMICIDE) BILL 2007** — Mr Hulls obtained leave to bring in 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 the Bill was read a first time and ordered to be read a second time tomorrow.
- 3 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:
- Urology Unit at Frankston Hospital** — Requesting that the House asks the Government to provide a urology unit at Frankston Hospital as a matter of priority, bearing 135 signatures (*Mr Burgess*)

**Water Pipeline Goulburn to Melbourne — Alternative Water Schemes** — Requesting that the House — (a) rejects the proposal to develop a pipeline which would take water from the Goulburn Valley and pump it to Melbourne; and (b) calls on the Government to address Melbourne's water supply needs by investing in desalination, recycling and capturing stormwater, bearing 578 signatures (*Mrs Powell*).

Petitions ordered to be tabled.

4 **PETITION — WATER PIPELINE GOULBURN TO MELBOURNE — ALTERNATIVE WATER SCHEMES** — Motion made and question — That the petition presented by the Member for Shepparton be taken into consideration tomorrow (*Mrs Powell*) — put and agreed to.

5 **PETITION — UROLOGY UNIT AT FRANKSTON HOSPITAL** — Motion made and question — That the petition presented by the Member for Hastings be taken into consideration tomorrow (*Mr Burgess*) — put and agreed to.

6 **DOCUMENTS**

**RESPONSE TO AUDITOR-GENERAL'S REPORTS** — Motion made, by leave, and question — That the Response by the Minister for Finance to the Auditor-General's reports issued during 2006–07 be tabled (*Mr Holding*) — put and agreed to.

**EDUCATION AND TRAINING COMMITTEE** — Mr Howard, Chair, presented a report from the Education and Training Committee on the Inquiry into dress codes and school uniforms in Victorian schools, together with appendices and minutes of evidence.

Ordered to be tabled and the report and appendices printed.

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

*Audit Act 1994* — Report on the Performance Audit of the Victorian Auditor-General's Office, November 2007

Auditor-General:

Funding and Delivery of Two Freeway Upgrade Projects — Ordered to be printed  
Results of Financial Statement Audits for Agencies with 30 June 2007 Balance Dates — Ordered to be printed

*Disability Act 2006* — Report of the Community Visitors 2006–07 — Ordered to be printed

*Health Services Act 1988* — Report of the Community Visitors 2006–07 — Ordered to be printed

*Mental Health Act 1986* — Report of the Community Visitors 2006–07 — Ordered to be printed

Mildura Cemetery Trust — Report 2006–07, together with an explanation for the delay

Ombudsman — Investigation into VicRoads driver licensing arrangements — Ordered to be printed.

7 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Victorian Energy Efficiency Target Bill 2007 without amendment.

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

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

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

Education and Training Committee's Report on the Inquiry into dress codes and school uniforms in Victorian schools

Public Accounts and Estimates Committee's Report on the 2007–08 Budget Estimates — Part Three

Public Accounts and Estimates Committee's Report on the 2007–08 Budget Estimates — Part One

Public Accounts and Estimates Committee's Report on the 2007–08 Budget Estimates — Part Two.

- 11 **ANNUAL STATEMENT OF GOVERNMENT INTENTIONS** — Motion made and question —

1 That the following sessional order be inserted after Sessional Order 3:

'4 **ANNUAL STATEMENT OF GOVERNMENT INTENTIONS**

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.'
- 2 That a message be sent to the Legislative Council advising them of the House's resolution.

(*Mr Batchelor*) — and, after debate —

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

12 **QUESTIONS** — (Under SO 55).

13 **ANNUAL STATEMENT OF GOVERNMENT INTENTIONS** — Debate continued on question —

1 That the following sessional order be inserted after Sessional Order 3:

'4 **ANNUAL STATEMENT OF GOVERNMENT INTENTIONS**

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.'
- 2 That a message be sent to the Legislative Council advising them of the House's resolution.

Motion made and question — That the question be now put (*Mr Brooks*) — put.

The House divided (the Speaker, Ms Lindell, in the Chair) —

AYES 48

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beattie; Mr Brooks; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Mr Eren; Mr Foley; Ms Graley; Ms Green; Mr Haermeyer; Mr Hardman; Dr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Ms Kosky; Mr Langdon; Mr Languiller; Mr Lupton; Mrs Maddigan; Ms Marshall; Mr Merlino; Ms Morand; Mr Nardella; Ms Neville; Mr Noonan; Ms Overington; Mr Pallas; Ms Pike; Ms Richardson; Mr Scott; Mr Seitz; Mr Stensholt; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

NOES 31

Ms Asher; Mr Baillieu; Mr Blackwood; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Hodgett; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Morris; Mr Mulder; Dr Napthine; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith (*Bass*); Mr Smith (*Warrantyte*); Dr Sykes; Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Weller; Mr Wells; Ms Wooldridge.

Question agreed to.

Original question — accordingly put.

The House divided (the Speaker, Ms Lindell, in the Chair) —

AYES 49

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beattie; Mr Brooks; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Mr Eren; Mr Foley; Ms Graley; Ms Green; Mr Haermeyer; Mr Hardman; Dr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Ms Kosky; Mr Langdon; Mr Languiller; Mr Lupton; Mrs Maddigan; Ms Marshall; Mr Merlino; Ms Morand; Mr Nardella; Ms Neville; Mr Noonan; Ms Overington; Mr Pallas; Ms Pike; Ms Richardson; Mr Scott; Mr Seitz; Mr Stensholt; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

NOES 30

Ms Asher; Mr Baillieu; Mr Blackwood; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Hodgett; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Morris; Mr Mulder; Dr Napthine; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith (*Bass*); Mr Smith (*Warrantyte*); Dr Sykes; Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Weller; Mr Wells; Ms Wooldridge.

Question agreed to.

- 14 **FAIR TRADING AND CONSUMER ACTS FURTHER AMENDMENT BILL 2007** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

Bill sent to the Legislative Council and their agreement requested.

- 15 **LEGISLATION REFORM (REPEALS NO. 1) BILL 2007** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

Bill sent to the Legislative Council and their agreement requested.

- 16 **CHILDREN'S SERVICES AND EDUCATION LEGISLATION AMENDMENT (ANAPHYLAXIS MANAGEMENT) BILL 2007** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

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

R W PURDEY  
Clerk of the Legislative Assembly

JENNY LINDELL  
Speaker

## No 53 — Thursday 6 December 2007

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

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

**Urology unit at Frankston Hospital** — Requesting that the House asks the Government to provide a urology unit at Frankston Hospital as a matter of priority, bearing 179 signatures (*Mr Burgess*).

Ordered to be tabled.

- 3 **PETITION — UROLOGY UNIT AT FRANKSTON HOSPITAL** — Motion made and question — That the petition presented by the Member for Hastings be taken into consideration tomorrow (*Mr Burgess*) — put and agreed to.

- 4 **DOCUMENTS**

**VICTORIAN GOVERNMENT INDIGENOUS AFFAIRS REPORT** — Motion made, by leave, and question — That the Victorian Government Indigenous Affairs Report 2006–07 be tabled (*Mr Wynne*) — put and agreed to.

**DRUGS AND CRIME PREVENTION COMMITTEE** — Motion made, by leave, and question — That the Report from the Drugs and Crime Prevention Committee on the Overseas Evidence Seeking Trip 2007 be tabled (*Mrs Maddigan*) — put and agreed to.

Ordered to be printed.

**DRUGS AND CRIME PREVENTION COMMITTEE** — Mrs Maddigan, Chair, presented the Final Report from the Drugs and Crime Prevention Committee on the Inquiry into the Misuse/Abuse of Benzodiazepines and Other Forms of Pharmaceutical Drugs in Victoria, together with appendices and minutes of evidence.

Ordered to be tabled and the report and appendices printed.

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

*Financial Management Act 1994* — Report from the Minister for Skills and Workforce Participation that she had received the 2006–07 report of the TAFE Development Centre

*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

Police Integrity, Office of — Report on the 'Kit Walker' investigations — Ordered to be printed

Statutory Rule under the *Supreme Court Act 1986* — SR 128

*Subordinate Legislation Act 1994* — Minister's exception certificate in relation to Statutory Rule 128

*Surveillance Devices Act 1999* — Report 2006–07 under s 30L

Victorian Electoral Commission — Report on the Albert Park District and Williamstown District by-elections held on 15 September 2007.

5 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the State Taxation and Accident Compensation Acts Amendment Bill 2007 without amendment.

6 **PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — EXTENSION TO REPORTING DATE** — Motion made, by leave, and question — That the resolution of the House of 1 March 2007 providing that the Public Accounts and Estimates Committee be required to present its report, on the Inquiry into options for the next phase of strengthening government and parliamentary accountability in Victoria, to the Parliament no later than the last sitting day of 2007 be amended so far as to require the report to be presented to the Parliament no later than 31 March 2008 (*Mr Batchelor*) — put and agreed to.

7 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourns until a day and hour to be fixed by the Speaker, which time of meeting shall be notified in writing to each member of the House (*Mr Batchelor*) — put and agreed to.

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

9 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 1 to 7 inclusive, be postponed until later this day.

10 **CRIMINAL PROCEDURE LEGISLATION AMENDMENT BILL 2007** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

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

11 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Requesting the Legislative Assembly grants 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.

Ordered — That the message be taken into consideration immediately.

12 **ATTENDANCE OF MINISTER FOR CONSUMER AFFAIRS BEFORE LEGISLATIVE COUNCIL LEGISLATION COMMITTEE** — Order read for the consideration of the message from the Legislative Council.

Motion made, by leave, and question — 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 (*Mr Robinson*) — put, after debate, and agreed to.

Ordered — That a message be sent to the Legislative Council informing them accordingly.

- 13 **CHILDREN'S SERVICES AND EDUCATION LEGISLATION AMENDMENT (ANAPHYLAXIS MANAGEMENT) BILL 2007** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

- 14 **QUESTIONS** — (Under SO 55).

- 15 **CHILDREN'S SERVICES AND EDUCATION LEGISLATION AMENDMENT (ANAPHYLAXIS MANAGEMENT) BILL 2007** — Debate resumed on question — That this Bill be now read a second time.

*Allocation of time — The Deputy Speaker advised that the time allocated for consideration of bills under the resolution of the House on Tuesday 4 December 2007 had expired.*

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

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

Bill sent to the Legislative Council and their agreement requested.

- 16 **CRIMINAL PROCEDURE LEGISLATION AMENDMENT BILL 2007** — Order read for resuming debate on question — That this Bill be now read a second time.

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

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

Bill sent to the Legislative Council and their agreement requested.

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

Geoffrey Gardiner Dairy Foundation Ltd — Report 2006–07 (two documents).

- 18 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Police Regulation Amendment Bill 2007 without amendment.

- 19 **LEGISLATION REFORM (REPEALS NO. 2) BILL 2007** — *Mr Brumby tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

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

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

Ordered — That the debate be adjourned until Thursday 20 December 2007.

- 20 **LEGISLATION REFORM (REPEALS NO. 2) BILL 2007** — Motion made, by leave, and question — That the proposals contained in the Legislation Reform (Repeals No. 2) Bill 2007 be referred to the Scrutiny of Acts and Regulations Committee for inquiry, consideration and report (*Mr Batchelor*) — put and agreed to.

- 21 **CONSUMER CREDIT (VICTORIA) AND OTHER ACTS AMENDMENT BILL 2007** — *Mr Hulls tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*
- Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).
- Motion made and question — That the debate be now adjourned (*Mr Kotsiras*) — put and agreed to.
- Ordered — That the debate be adjourned until Thursday 20 December 2007.
- 22 **RELATIONSHIPS BILL 2007** — *Mr Hulls tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*
- Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).
- Motion made and question — That the debate be now adjourned (*Mr McIntosh*) — put and agreed to.
- Ordered — That the debate be adjourned until Thursday 20 December 2007.
- 23 **CONSTITUTION AMENDMENT (JUDICIAL PENSIONS) BILL 2007** — *Mr Hulls tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*
- Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).
- Motion made and question — That the debate be now adjourned (*Mr O'Brien*) — put and agreed to.
- Ordered — That the debate be adjourned until Thursday 20 December 2007.
- 24 **INFRINGEMENTS AND OTHER ACTS AMENDMENT BILL 2007** — *Mr Hulls tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*
- Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).
- Motion made and question — That the debate be now adjourned (*Mr Clark*) — put and agreed to.
- Ordered — That the debate be adjourned until Thursday 20 December 2007.
- 25 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Liquor Control Reform Amendment Bill 2007 with amendments.
- Ordered — That the amendments be taken into consideration immediately.
- 26 **LIQUOR CONTROL REFORM AMENDMENT BILL 2007** — Order read for the consideration of the amendments made by the Legislative Council.
- On the motion of Mr Cameron and, after debate — amendment No 1 agreed to.
- On the motion of Mr Cameron and, after debate — amendment Nos 2 to 4 disagreed with.
- On the motion of Mr Robinson and, after debate — amendment Nos 5 to 11 agreed to.
- On the motion of Mr Cameron and, after debate — amendment No 12 disagreed with.
- On the motion of Mr Robinson and, after debate — amendment Nos 13 and 14 agreed to.

Message sent to the Legislative Council informing them accordingly.

- 27 **CRIMES AMENDMENT (CHILD HOMICIDE) BILL 2007** — *Mr Hulls tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

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

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

Ordered — That the debate be adjourned until Thursday 20 December 2007.

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

Gambling Legislation Amendment (Problem Gambling and Other Measures) Bill 2007  
Road Legislation Further Amendment Bill 2007.

- 29 **PROFESSIONAL BOXING AND COMBAT SPORTS AMENDMENT BILL 2007** — *Mr Merlino tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

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

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

Ordered — That the debate be adjourned until Thursday 20 December 2007.

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

- 31 **ADJOURNMENT** — The Deputy Speaker left the Chair, after debate, at 6.40 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JENNY LINDELL  
*Speaker*

## LEGISLATIVE ASSEMBLY OF VICTORIA

### VOTES AND PROCEEDINGS Nos 54, 55 and 56

#### No 54 — Tuesday 5 February 2008

- 1 The House met in accordance with the terms of the resolution of 6 December 2007, the Speaker having fixed this day at 2.00 pm as the time of meeting — The Speaker took the Chair and read the Prayer.
- 2 **ANNUAL STATEMENT OF GOVERNMENT INTENTIONS** — The Premier made a Statement of Government Intentions for 2008.
- 3 **APPOINTMENT OF AN OFFICER OF PARLIAMENT** — The Speaker informed the House that, under s 18 of the *Parliamentary Administration Act 2005*, the Clerk of the Legislative Assembly has appointed Ms Anne Louise Sargent to be Assistant Clerk Procedure & Serjeant-at-Arms, following the resignation of Mr Gavin Francis Bourke.
- 4 **ACTING PUBLIC ADVOCATE** — The Speaker advised that she had, on 20 December 2007, administered to Michael Lawrence Wells, the Acting Public Advocate, the affirmation required by Schedule 3 of the *Guardianship and Administration Act 1986*.
- 5 **QUESTIONS** — (Under SO 55).

*[The Speaker having left the Chair at 2.55 pm, resumed it at 3.03 pm]*

- 6 **CROWN LAND (RESERVES) AMENDMENT (CARLTON GARDENS) BILL 2008** — Mr Batchelor obtained leave to bring in 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 the Bill was read a first time and ordered to be read a second time tomorrow.
- 7 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:
  - Desalination Plant, Bass Coast** — Requesting that the House directs immediate consultation between the Government and the local community of the Bass Coast regarding the proposed desalination plant, bearing 567 signatures (*Mr Smith, Bass*)
  - Water Pipeline Goulburn to Melbourne — Alternative Water Schemes** — Requesting that the House — (a) rejects the proposal to develop a pipeline which would take water from the Goulburn Valley and pump it to Melbourne; and (b) calls on the Government to address Melbourne's water supply needs by investing in desalination, recycling and capturing stormwater, bearing 267 and 576 signatures (*Dr Sykes and Mrs Powell respectively*)
  - Nuclear Industry** — Requesting that the House reaffirms the opposition of the Government to the creation of a nuclear industry in Victoria, including the construction of a nuclear power plant, bearing 29 signatures (*Dr Harkness*)
  - Lipscombe Park Reserve** — Requesting that the Government allocates funds to ensure the needs of the users of Lipscombe Park Reserve in Croydon North are adequately catered for, bearing 146 signatures (*Mr Smith, Warrandyte*).

Petitions ordered to be tabled.

8 **PETITION — WATER PIPELINE GOULBURN TO MELBOURNE — ALTERNATIVE WATER SCHEMES** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.

9 **PETITION — LIPSCOMBE PARK RESERVE** — Motion made and question — That the petition presented by the Member for Warrandyte be taken into consideration tomorrow (*Mr Smith, Warrandyte*) — put and agreed to.

10 **PETITION — DESALINATION PLANT, BASS COAST** — Motion made and question — That the petition presented by the Member for Bass be taken into consideration tomorrow (*Mr McIntosh*) — put and agreed to.

11 **PETITION — WATER PIPELINE GOULBURN TO MELBOURNE — ALTERNATIVE WATER SCHEMES** — Motion made and question — That the petition presented by the Member for Shepparton be taken into consideration tomorrow (*Mrs Powell*) — put and agreed to.

12 **DOCUMENTS**

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — Mr Carli, Chair, presented a report from the Scrutiny of Acts and Regulations Committee being the Alert Digest No 1 of 2008 on the:

Constitution Amendment (Judicial Pensions) Bill 2007  
 Consumer Credit (Victoria) and Other Acts Amendment Bill 2007  
 Crimes Amendment (Child Homicide) Bill 2007  
 Criminal Procedure Legislation Amendment Bill 2007  
 Emergency Services Legislation Amendment Bill 2007  
 Infringements and Other Acts Amendment Bill 2007  
 Legislation Reform (Repeals No. 2) Bill 2007  
 Liquor Control Reform Amendment Bill 2007  
 Police Regulation Amendment Bill 2007  
 Professional Boxing and Combat Sports Amendment Bill 2007  
 Relationships Bill 2007  
 Victorian Energy Efficiency Target Bill 2007

together with appendices.

Ordered to be tabled and printed.

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

*Crown Land (Reserves) Act 1978* — Orders under s 17D granting leases over:

Albert Park Reserve  
 Brighton Beach Reserve  
 Elsternwick Park Reserve  
 Lake Wallace Caravan Park Reserve  
 Torquay Public Purposes Reserves  
 Wombat Hill Botanic Gardens Reserves

*Financial Management Act 1994* — Budget Update 2007–08

*Health Services Act 1988* — Community Visitors Report 2006–07 — Ordered to be printed (*in lieu of report previously tabled on Wednesday 5 December 2007*)

*Legal Profession Act 2004* — Practitioner Remuneration Order under s 3.4.24

*Major Events (Crowd Management) Act 2003* — Order declaring a managed access area under s 7

Medical Practitioners Board of Victoria — Report year ended 30 September 2007

*Murray-Darling Basin Act 1993* — Revised Schedule G under s 28

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

Alpine — C16  
Banyule — C58  
Bass Coast — C80  
Boroondara — C63, C82  
Brimbank — C95 Part 1  
Central Goldfields — C15  
Corangamite — C12  
Darebin — C70, C82, C89  
Glen Eira — C57  
Greater Bendigo — C99  
Greater Geelong — C123, C157  
Hobsons Bay — C64  
Horsham — C35  
Kingston — C59, C60, C72, C97  
Knox — C65  
Loddon — C21  
Manningham — C73  
Maribyrnong — C68  
Maroondah — C66  
Melbourne — C127  
Mitchell — C35  
Monash — C72, C78  
Moreland — C42, C62, C74  
Moyne — C29  
Murrindindi — C20  
Nillumbik — C13 Part 2, C50  
Port of Melbourne — NPS1  
Port Phillip — C63, C67  
Stonnington — C68, C72  
Towong — C14  
Victoria Planning Provisions — V6  
Wellington — C36, C48  
Whitehorse — C81, C86, C88  
Wyndham — C104, C105, C107  
Yarra — C52, C94, C120  
Yarra Ranges — C56, C59  
Yarriambiack — C14

*Professional Standards Act 2003* — Notice and Scheme under s 14 (*Gazette G1, 3 January 2008*)

*Project Development and Construction Management Act 1994* — Nomination order under s 6, application order under s 8 and a statement under s 9 of reasons for making a nomination order (three documents)

State Services Authority — The State of the Public Sector in Victoria Report 2006–07

Statutory Rules under the following Acts:

*Charter of Human Rights and Responsibilities Act 2006* — SRs 135, 145/2007

*Dangerous Goods Act 1985* — SR 140/2007

*Environment Protection Act 1970* — SR 138/2007

*Fisheries Act 1995* — SR 143/2007

*Gene Technology Act 2001* — SR 147/2007

*Health Act 1958* — SR 146/2007

*Health Professions Registration Act 2005* — SR 132/2007

*Legal Profession Act 2004* — SR 134/2007

*Magistrates' Court Act 1989* — SR 142/2007

*Mineral Resources (Sustainable Development) Act 1990* — SR 131/2007

*National Parks Act 1975* — SR 139/2007

*Owners Corporations Act 2006* — SR 130/2007

*Prevention of Cruelty to Animals Act 1986* — SR 144/2007

*Radiation Act 2005* — SR 148/2007

*Road Management Act 2004* — SR 154/2007

*Road Safety Act 1986* — SRs 151, 152, 153, 155, 156/2007, 2

*Subordinate Legislation Act 1994* — SRs 129, 136, 141/2007, 1

*Transport Act 1983* — SRs 149, 150/2007

*Travel Agents Act 1986* — SR 137/2007

*Victorian Civil and Administrative Tribunal Act 1998* — SR 133/2007

*Subordinate Legislation Act 1994*:

Ministers' exception certificates in relation to Statutory Rules 129, 136, 139, 141, 142, 143, 144/2007, 1

Ministers' exemption certificates in relation to Statutory Rules 132, 135, 139, 140, 145, 146, 147, 148, 150, 154, 155, 156/2007, 2

*Water Act 1989* — Stream Flow Management Plans under s 32A (three documents).

The following proclamations fixing operative dates were tabled by the Clerk in accordance with an order of the House dated 19 December 2006:

*Gambling Legislation Amendment (Problem Gambling and Other Measures) Act 2007* — Part 1 and ss 7, 16, 17, 18, 51 and 56 — 31 January 2008 (*Gazette G5, 31 January 2008*)

*Justice and Road Legislation Amendment (Law Enforcement) Act 2007* — Part 2, ss 11 and 12 and Part 5 except ss 14, 15 and 20 — 28 February 2008 (*Gazette G5, 31 January 2008*)

*Liquor Control Reform Amendment Act 2007* — Whole Act except ss 11, 13, 16, 17(1), 19, 20, 21, 22 and 23 — 19 December 2007 (*Gazette S342, 18 December 2007*)

*National Electricity (Victoria) Amendment Act 2007* — Whole Act except ss 5 and 6 — 1 January 2008 (*Gazette G51, 20 December 2007*)

*Port Services Amendment Act 2007* — Whole Act — 1 January 2008 (*Gazette G51, 20 December 2007*).

- 13 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Not insisting on their amendments disagreed with by the Legislative Assembly to the Liquor Control Reform Amendment Bill 2007.

- 14 **MESSAGES FROM THE GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that he had given the royal assent to the following bills, presented to him by the Clerk of the Parliaments:

On 11 December 2007

Agent-General and Commissioners for Victoria Bill 2007  
 Animals Legislation Amendment (Animal Care) Bill 2007  
 National Electricity (Victoria) Amendment Bill 2007  
 Police Regulation Amendment Bill 2007  
 State Taxation and Accident Compensation Acts Amendment Bill 2007  
 Transport Legislation Amendment Bill 2007  
 Victorian Energy Efficiency Target Bill 2007  
 Victorian Workers' Wages Protection Bill 2007

On 18 December 2007

Gambling Legislation Amendment (Problem Gambling and Other Measures) Bill 2007  
 Liquor Control Reform Amendment Bill 2007  
 Road Legislation Further Amendment Bill 2007.

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

Constitution Amendment (Judicial Pensions) Bill 2007  
 Consumer Credit (Victoria) and Other Acts Amendment Bill 2007  
 Infringements and Other Acts Amendment Bill 2007  
 Professional Boxing and Combat Sports Amendment Bill 2007  
 Relationships Bill 2007.

- 16 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, under SO 94(2), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 7 February 2008:

Crimes Amendment (Child Homicide) Bill 2007  
 Freedom of Information Amendment Bill 2007  
 Infringements and Other Acts Amendment Bill 2007

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

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

- 18 **FREEDOM OF INFORMATION AMENDMENT BILL 2007** — Order read for resuming debate on question — That this Bill be now read a second time.

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

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

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

- 19 **ADJOURNMENT** — The Deputy Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.42 pm.

R W PURDEY  
Clerk of the Legislative Assembly

JENNY LINDELL  
Speaker

## No 55 — Wednesday 6 February 2008

- 1 The Speaker took the Chair and read the Prayer.
- 2 **PORT SERVICES AMENDMENT (PUBLIC DISCLOSURE) BILL 2008** — Motion made and question — That Mr Baillieu have leave to bring in a Bill '*for an Act to amend the **Port Services Act 1995** and for other purposes*'; after debate — put.

The House divided (the Speaker, Ms Lindell, in the Chair) —

AYES 33

Ms Asher; Mr Baillieu; Mr Blackwood; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Hodgett; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Morris; Mr Mulder; Dr Napthine; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith (*Bass*); Mr Smith (*Warrantyte*); Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Weller; Mr Wells; Ms Wooldridge.

NOES 42

Mr Andrews; Ms Barker; Ms Beattie; Mr Brooks; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Mr Eren; Mr Foley; Ms Graley; Ms Green; Mr Haermeyer; Mr Hardman; Dr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Langdon; Mr Languiller; Mr Lim; Ms Lobato; Mr Lupton; Mrs Maddigan; Ms Marshall; Mr Merlino; Ms Munt; Mr Nardella; Ms Neville; Mr Noonan; Ms Overington; Mr Perera; Ms Pike; Ms Richardson; Mr Robinson; Mr Scott; Mr Seitz.

Question defeated.

- 3 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:
- Urology unit at Frankston Hospital** — Requesting that the House asks the Government to provide a urology unit at Frankston Hospital as a matter of priority, bearing 623 signatures (*Mr Burgess*)
- Sprinter Trains — Stony Point to Frankston** — Requesting that the Government honours its commitment to install the new sprinter trains on the Stony Point to Frankston rail line as a matter of priority, bearing 84 signatures (*Mr Burgess*)
- Somerville and Hastings Police Stations** — Requesting that the Government — (a) urgently funds the establishment of a 24 hour, fully staffed police station in Somerville to service the local and surrounding communities as a matter of vital importance; and (b) provides extra police for the current Hastings police station, bearing 39 signatures (*Mr Burgess*).

Petitions ordered to be tabled.

- 4 **PETITION — UROLOGY UNIT AT FRANKSTON HOSPITAL** — Motion made and question — That the petition presented by the Member for Hastings be taken into consideration tomorrow (*Mr Burgess*) — put and agreed to.

5 **PETITION — SPRINTER TRAINS — STONY POINT TO FRANKSTON** — Motion made and question — That the petition presented by the Member for Hastings be taken into consideration tomorrow (*Mr Burgess*) — put and agreed to.

6 **PETITION — SOMERVILLE AND HASTINGS POLICE STATIONS** — Motion made and question — That the petition presented by the Member for Hastings be taken into consideration tomorrow (*Mr Burgess*) — put and agreed to.

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

Auditor-General — Local Government: Results of the 2006–07 Audits — Ordered to be printed

Essential Services Commission:

Review of Port Planning

Water Tariff Structures Review

*Subordinate Legislation Act 1994* — Minister's infringement offence consultation certificates in relation to Statutory Rules 151, 152, 153/2007.

8 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Equal Opportunity Amendment (Family Responsibilities) Bill 2007 without amendment.

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

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

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

Drugs and Crime Prevention Committee's Report on the Inquiry into the Misuse/Abuse of Benzodiazepines and Other Forms of Pharmaceutical Drugs in Victoria

Public Accounts and Estimates Committee's Report 2006–07

Public Accounts and Estimates Committee's Report on the 2007–08 Budget Estimates — Part Three.

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

12 **QUESTIONS** — (Under SO 55).

13 **POSTPONEMENT OF ORDER OF THE DAY** — Ordered — That the consideration of Government Business, Order of the Day, No 1 be postponed until later this day.

14 **CROWN LAND (RESERVES) AMENDMENT (CARLTON GARDENS) BILL 2008** — *Mr Batchelor* tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.

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

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

Ordered — That the debate be adjourned until Wednesday 20 February 2008.

- 15 **INFRINGEMENTS AND OTHER ACTS AMENDMENT BILL 2007** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.
- Bill read a second time and, by leave, immediately read a third time.
- Bill sent to the Legislative Council and their agreement requested.
- 16 **CRIMES AMENDMENT (CHILD HOMICIDE) BILL 2007** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.
- Business having been interrupted at 10.00 pm under standing orders.*
- 17 **ADJOURNMENT** — The Deputy Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.39 pm.

R W PURDEY  
Clerk of the Legislative Assembly

JENNY LINDELL  
Speaker

## No 56 — Thursday 7 February 2008

- 1 The Speaker took the Chair and read the Prayer.
- 2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:
- Water Pipeline Goulburn to Melbourne — Alternative Water Schemes** — Requesting that the House — (a) rejects the proposal to develop a pipeline which would take water from the Goulburn Valley and pump it to Melbourne; and (b) calls on the Government to address Melbourne's water supply needs by investing in desalination, recycling and capturing stormwater, bearing 239 signatures (*Dr Sykes*)
- Goulburn Valley Pipeline** — Requesting that the House — (a) rejects the Goulburn Valley pipeline proposal; and (b) calls on the Government to address Melbourne's water supply needs by investing in recycling and capturing stormwater, bearing 14 signatures (*Dr Sykes*)
- Port Phillip Bay Deepening** — Requesting that the House — (a) rejects the proposal to deepen shipping channels in Port Phillip Bay; and (b) engages in alternative solutions such as making better use of a mix of interstate rail from existing deep water ports and sea transport, bearing 158 signatures (*Mr Baillieu*).
- Petitions ordered to be tabled.
- 3 **PETITION — PORT PHILLIP BAY DEEPENING** — Motion made and question — That the petition presented by the Member for Hawthorn be taken into consideration tomorrow (*Mr Baillieu*) — put and agreed to.
- 4 **PETITION — WATER PIPELINE GOULBURN TO MELBOURNE — ALTERNATIVE WATER SCHEMES** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.

5 **PETITION — GOULBURN VALLEY PIPELINE** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.

6 **DOCUMENTS**

**ECONOMIC DEVELOPMENT AND INFRASTRUCTURE COMMITTEE** — Ms Campbell, Chair, presented a report from the Economic Development and Infrastructure Committee on the Inquiry into Mandatory Ethanol and Biofuels Targets in Victoria, together with appendices and transcripts of evidence.

Ordered to be tabled and the report and appendices printed.

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

*Freedom of Information Act 1982* — Report of the Attorney-General on the operation of the Act 2006–07 (*in lieu of report previously tabled on Thursday 6 December 2007*)

Police Integrity, Office of — Exposing corruption within senior levels of Victoria Police — Ordered to be printed.

7 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourns until Tuesday 26 February 2008 (*Mr Batchelor*) — put and agreed to.

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

9 **ANNUAL STATEMENT OF GOVERNMENT INTENTIONS FOR 2008** — Order read for responses to the Statement; responses commenced.

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

10 **QUESTIONS** — (Under SO 55).

11 **ANNUAL STATEMENT OF GOVERNMENT INTENTIONS FOR 2008** — Responses continued.

*Allocation of time — The Acting Speaker advised that the time allocated for consideration of bills under the resolution of the House on Tuesday 5 February 2008 had expired.*

12 **CRIMES AMENDMENT (CHILD HOMICIDE) BILL 2007** — Order read for resuming debate on question — That this Bill be now read a second time.

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

Bill sent to the Legislative Council and their agreement requested.

13 **FREEDOM OF INFORMATION AMENDMENT BILL 2007** — Order read for resuming debate on question — That this Bill be now read a second time.

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

Bill sent to the Legislative Council and their agreement requested.

14 **ANNUAL STATEMENT OF GOVERNMENT INTENTIONS FOR 2008** — Responses continued.

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

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

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

16 **ADJOURNMENT** — The Acting Speaker left the Chair, after debate, at 4.48 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JENNY LINDELL  
*Speaker*

## LEGISLATIVE ASSEMBLY OF VICTORIA

### VOTES AND PROCEEDINGS Nos 57, 58 and 59

#### No 57 — Tuesday 26 February 2008

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

2 **QUESTIONS** — (Under SO 55).

3 **COURTS LEGISLATION AMENDMENT (ASSOCIATE JUDGES) BILL 2008** — Mr Hulls obtained leave to bring in 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 the Bill was read a first time and ordered to be read a second time tomorrow.

4 **DRUGS, POISONS AND CONTROLLED SUBSTANCES AMENDMENT BILL 2008** — Mr Andrews obtained leave to bring in 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 the Bill was read a first time and ordered to be read a second time tomorrow.

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

**Water Pipeline Goulburn to Melbourne — Alternative Water Schemes** — Requesting that the House — (a) rejects the proposal to develop a pipeline which would take water from the Goulburn Valley and pump it to Melbourne; and (b) calls on the Government to address Melbourne's water supply needs by investing in desalination, recycling and capturing stormwater, bearing 136 signatures (*Dr Sykes*)

**Colac Lavers Hill Road** — Requesting that the House asks VicRoads to identify and allocate funds to upgrade the Colac Lavers Hill Road to improve the quality and safety of the road, bearing 107 signatures (*Mr Crutchfield*).

Petitions ordered to be tabled.

6 **PETITION — WATER PIPELINE GOULBURN TO MELBOURNE — ALTERNATIVE WATER SCHEMES** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.

7 **DOCUMENTS**

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — Mr Carli, Chair, presented a report from the Scrutiny of Acts and Regulations Committee being the Alert Digest No 2 of 2008 on the:

Criminal Procedure Legislation Amendment Bill 2007

Crown Land (Reserves) Amendment (Carlton Gardens) Bill 2008

Port Services Amendment (Public Disclosure) Bill 2008

together with appendices.

Ordered to be tabled and printed.

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — Mr Carli, Chair, presented a report from the Scrutiny of Acts and Regulations Committee on the Legislation Reform (Repeals No. 2) Bill 2007, together with appendices.

Ordered to be tabled and printed.

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

*Crown Land (Reserves) Act 1978* — Order under s 17B granting a licence over Bells Beach Surfing and Recreation Reserve

*Drugs, Poisons and Controlled Substances Act 1981* — Documents under s 12H:

Poisons Code

Notice regarding amendment, commencement and availability of the Poisons Code Standard for the Uniform Scheduling of Drugs and Poisons No 22

Murray-Darling Basin Commission — Report 2006–07

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

Baw Baw — C48, C49

Brimbank — C89 Part 2, C101

Cardinia — C109

Colac Otway — C50

Corangamite — C16 Part 1

Greater Shepparton — C71, C80, C101

Hepburn — C40

Hume — C96

Indigo — C34

Macedon Ranges — C26, C58

Manningham — C65

Melton — C76

Moira — C26

Victoria Planning Provisions — VC46

*Road Management Act 2004* — Order under Schedule 5A (*Gazette S341, 18 December 2007*)

Statutory Rules under the following Acts:

*Fisheries Act 1995* — SR 4

*Magistrates' Court Act 1989* — SRs 5, 6

*Subordinate Legislation Act 1994* — SR 3

*Subordinate Legislation Act 1994* — Ministers' exception certificates in relation to Statutory Rules 3, 6.

The following proclamation fixing an operative date was tabled by the Clerk in accordance with an order of the House dated 19 December 2006:

*Liquor Control Reform Amendment Act 2007* — Section 13 — 7 February 2008 (*Gazette G6, 7 February 2008*).

8 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Fair Trading and Consumer Acts Further Amendment Bill 2007 without amendment.

9 **MESSAGE FROM THE GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that he had, on 11 February 2008, given the royal assent to the following bills, presented to him by the Clerk of the Parliaments:

Equal Opportunity Amendment (Family Responsibilities) Bill 2007  
Fair Trading and Consumer Acts Further Amendment Bill 2007.

10 **MESSAGE FROM THE GOVERNOR** — The Speaker announced the presentation of a message from the Governor recommending an appropriation for the purposes of the Crown Land (Reserves) Amendment (Carlton Gardens) Bill 2008.

11 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, under SO 94(2), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 28 February 2008:

Classification (Publications, Films and Computer Games) (Enforcement) Amendment Bill 2007  
Consumer Credit (Victoria) and Other Acts Amendment Bill 2007  
Professional Boxing and Combat Sports Amendment Bill 2007

(*Mr Batchelor*) — after debate, put.

The House divided (the Speaker, Ms Lindell, in the Chair) —

AYES 51

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beattie; Mr Brooks; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Mr Donnellan; Ms Duncan; Mr Eren; Mr Foley; Ms Green; Mr Haermeyer; Mr Hardman; Dr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Ms Kosky; Mr Langdon; Mr Lim; Ms Lobato; Mr Lupton; Mrs Maddigan; Ms Marshall; Mr Merlino; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Noonan; Ms Overington; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Pike; Ms Richardson; Mr Scott; Mr Seitz; Mr Stensholt; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

NOES 31

Ms Asher; Mr Baillieu; Mr Blackwood; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Hodgett; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Morris; Mr Mulder; Dr Naphine; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Mr Smith (*Bass*); Mr Smith (*Warrandyte*); Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Weller; Mr Wells; Ms Wooldridge.

Question agreed to.

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

13 **CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES) (ENFORCEMENT) AMENDMENT BILL 2007** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

Bill sent to the Legislative Council and their agreement requested.

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

Children's Services and Education Legislation Amendment (Anaphylaxis Management) Bill 2007  
Motor Car Traders Amendment Bill 2007.

- 15 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 2 and 3 be postponed until later this day.

- 16 **ANNUAL STATEMENT OF GOVERNMENT INTENTIONS FOR 2008** — Order read for responses to the Statement; responses commenced.

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

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

R W PURDEY  
*Clerk of the Legislative Assembly*

JENNY LINDELL  
*Speaker*

## No 58 — Wednesday 27 February 2008

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

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

**Water Pipeline Goulburn to Melbourne — Alternative Water Schemes** — Requesting that the House — (a) rejects the proposal to develop a pipeline which would take water from the Goulburn Valley and pump it to Melbourne; and (b) calls on the Government to address Melbourne's water supply needs by investing in desalination, recycling and capturing stormwater, bearing 774 and 260 signatures (*Dr Sykes and Mr Walsh respectively*)

**Employee rights** — Requesting that the House — (a) ensure employees' rights under the Commonwealth Constitution are upheld by the laws and courts; and (b) ensures the Attorney-General of Victoria intervenes in the matter involving Hilda Zhang in the High Court under s 78B of the Judiciary Act 1903 (Cth), bearing 1188 signatures (*Ms Thomson, Footscray*)

**Yarriambiack Creek** — Requesting that the House urges the Government and Minister for Water to ensure that the Yarriambiack Creek receives its fair share of all flows in the Wimmera River in line with the 1967 agreement of a three to one split, bearing 1933 signatures (*Mr Walsh*).

Petitions ordered to be tabled.

- 3 **DOCUMENTS**

**VICTORIAN COMPETITION AND EFFICIENCY COMMISSION REPORT AND GOVERNMENT RESPONSE** — Motion made, by leave, and question — That the Final Report of the Victorian Competition and Efficiency Commission, Simplifying the Menu: Food Regulation in

Victoria, September 2007 and the Government response be tabled (*Mr Batchelor*) — put and agreed to.

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

Auditor-General — Agricultural Research Investment, Monitoring and Review — Ordered to be printed

*EastLink Project Act 2004:*

EastLink Concession Deed First Amending Deed  
Variation Statement Nos 10–28 (19 documents)

*Project Development and Construction Management Act 1994* — Nomination order under s 6, application order under s 8 and a statement under s 9 of reasons for making a nomination order (three documents)

Statutory Rules under the following Acts:

*Rail Safety Act 2006* — SR 9  
*Subdivision Act 1988* — SR 8  
*Transfer of Land Act 1958* — SR 8  
*Veterinary Practice Act 1997* — SR 7

*Subordinate Legislation Act 1994* — Ministers' exemption certificates in relation to Statutory Rules 8, 9.

4 **PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE** — The Speaker announced that she had received the resignation of Ms Graley from the Public Accounts and Estimates Committee, effective from 26 February 2008.

5 **PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE** — Motion made, by leave, and question — That Mr Noonan be appointed a member of the Public Accounts and Estimates Committee (*Mr Batchelor*) — put and agreed to.

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

7 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE — RURAL AND REGIONAL VICTORIA** — The House was informed that Ms Allan had proposed that a definite matter of public importance be submitted to the House for discussion, namely —

'That this House congratulates the Victorian Labor Government for rebuilding and revitalising rural and regional Victoria after the devastation caused by the previous government.'

Ms Allan addressed the House — Discussion followed.

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

Public Accounts and Estimates Committee's Report 2006–07

Economic Development and Infrastructure Committee's Report on the Inquiry into Mandatory Ethanol and Biofuels Targets in Victoria

Public Accounts and Estimates Committee's Report on the 2007–08 Budget Estimates — Part Three.

9 **EDUCATION AND TRAINING COMMITTEE — FAMILY AND COMMUNITY DEVELOPMENT COMMITTEE — EXTENSION TO REPORTING DATES** — Motion made and question —

- (1) That the resolution of the House of 1 March 2007 providing that the Education and Training Committee be required to present its report, on the Inquiry into Effective Strategies for Teacher Professional Learning to the Parliament no later than 1 March 2008 be amended so far as to require the report to be presented to the Parliament no later than 31 December 2008.
- (2) That the resolution of the House of 1 March 2007 providing that the Family and Community Development Committee be required to present its report, on the Inquiry into the Involvement of Small and Medium Size Businesses into Corporate Social Responsibility to the Parliament no later than 1 March 2008 be amended so far as to require the report to be presented to the Parliament no later than 1 June 2008

(*Ms Neville*) — and, after debate —

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

10 **QUESTIONS** — (Under SO 55).

11 **EDUCATION AND TRAINING COMMITTEE — FAMILY AND COMMUNITY DEVELOPMENT COMMITTEE — EXTENSION TO REPORTING DATES** — Debate resumed on question —

- (1) That the resolution of the House of 1 March 2007 providing that the Education and Training Committee be required to present its report, on the Inquiry into Effective Strategies for Teacher Professional Learning to the Parliament no later than 1 March 2008 be amended so far as to require the report to be presented to the Parliament no later than 31 December 2008.
- (2) That the resolution of the House of 1 March 2007 providing that the Family and Community Development Committee be required to present its report, on the Inquiry into the Involvement of Small and Medium Size Businesses into Corporate Social Responsibility to the Parliament no later than 1 March 2008 be amended so far as to require the report to be presented to the Parliament no later than 1 June 2008

— put and agreed to.

12 **PARLIAMENTARY COMMITTEE REFERENCES** — Motion made and question proposed — That under s 33 of the *Parliamentary Committees Act 2003* the following matters be referred to the joint investigatory committees specified:

- (1) To the **Economic Development and Infrastructure Committee** — for inquiry, consideration and report no later than 30 June 2009 on the potential application of open source licensing to Victorian Government information and, in particular, the Committee is asked to:
  - (a) report on the potential economic benefits and costs to Victoria of maximising access to and use of Government information for commercial and/or non-commercial purposes, including consideration of:
    - (i) public policy developments elsewhere in Australia and internationally; and
    - (ii) the types of information that will provide the greatest potential benefit;
  - (b) consider whether use of open source licensing models, including Creative Commons, would enhance the discovery, access and use of Government information;

- (c) report on the use of information and communication technology to support discovery, access and use of Government information; and
  - (d) identify likely risks, impediments and restrictions to open source licensing of Government information, including impacts on and implications for any existing cost recovery arrangements.
- (2) To the **Family and Community Development Committee** — for inquiry, consideration and report no later than 30 June 2009 on the provision of supported accommodation for Victorians with a disability and/or mental illness and, in particular, the Committee is asked to report on the current situation in Victoria and compare it to best practice in other jurisdictions regarding:
- (a) the standard and range of accommodation currently available;
  - (b) the extent of accommodation and services currently available, including the different models for service delivery and funding;
  - (c) the methods for measuring unmet demand for accommodation and how these can be improved;
  - (d) the process for managing service quality;
  - (e) availability of sufficient accommodation to meet future demand with an appropriate range of services;
  - (f) access and service issues for particular groups, including rural communities, culturally and linguistically diverse communities and indigenous Australians; and
  - (g) the impact on families of the current service provision of accommodation; and

for the purpose of this inquiry 'supported accommodation' means public and private accommodation provided for people with a disability or mental illness who need additional support services but excludes mental health treatment services (SEC, PARC) and the disability forensic program (SFS).

(*Ms Neville*) — and, after debate —

Amendment proposed — That all the words after 'Family and Community Development Committee —' be omitted with the view of inserting in their place the words 'for inquiry, consideration 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:

- (a) the description of current government funded supported accommodation, including the number and location of places, occupancy, staffing, demand management, methods of funding and oversight;
- (b) 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;
- (c) 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 including, in particular, supported residential services, boarding houses, public hospitals, nursing homes and SAAP funded services;

- (d) the impact on Victorian families of insufficient supported accommodation;
- (e) estimates of future supported accommodation needs and the appropriateness and transparency of the Government's management of demand and placement;
- (f) the Government's response to unmet accommodation needs, including sources of funding, planning and delivery;
- (g) the ability of country Victorians to access supported accommodation and the appropriateness and quality of care they receive;
- (h) the ability of members of culturally and linguistically diverse communities to access supported accommodation and the appropriateness and quality of care they receive;
- (i) the appropriateness of the current mix of service providers, including government, private and community; and
- (j) alternate approaches to addressing unmet needs for supported accommodation in Victoria.'

(Ms Wooldridge) — and, after debate —

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

The House divided (the Speaker, Ms Lindell, in the Chair) —

AYES 50

Ms Allan; Mr Andrews; Ms Beattie; Mr Brooks; Mr Brumby; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Mr Eren; Mr Foley; Ms Green; Mr Haermeyer; Mr Hardman; Dr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Ms Kosky; Mr Langdon; Mr Languiller; Mr Lim; Ms Lobato; Mr Lupton; Mrs Maddigan; Ms Marshall; Mr Merlino; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Noonan; Ms Overington; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Richardson; Mr Robinson; Mr Scott; Mr Seitz; Mr Stensholt; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

NOES 31

Ms Asher; Mr Baillieu; Mr Blackwood; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Hodgett; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Morris; Mr Mulder; Dr Naphine; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Mr Smith (*Bass*); Mr Smith (*Warrandyte*); Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Weller; Mr Wells; Ms Wooldridge.

Question agreed to.

Original question — put and agreed to.

- 13 **PORT SERVICES AMENDMENT (PUBLIC DISCLOSURE) BILL 2008 No 2** — The Speaker announced the receipt of a message from the Legislative Council presenting, for the agreement of the Legislative Assembly, a Bill 'for an Act to amend the *Port Services Act 1995* and for other purposes'.

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

- 14 **COURTS LEGISLATION AMENDMENT (ASSOCIATE JUDGES) BILL 2008** — *Mr Hulls tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

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

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

Ordered — That the debate be adjourned until Wednesday 12 March 2008.

- 15 **DRUGS, POISONS AND CONTROLLED SUBSTANCES AMENDMENT BILL 2008** — *Mr Andrews tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

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

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

Ordered — That the debate be adjourned until Wednesday 12 March 2008.

- 16 **CONSUMER CREDIT (VICTORIA) AND OTHER ACTS AMENDMENT BILL 2007** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

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

- 17 **POSTPONEMENT OF ORDER OF THE DAY** — Ordered — That the consideration of Government Business, Order of the Day, No 4 be postponed until later this day.

- 18 **ANNUAL STATEMENT OF GOVERNMENT INTENTIONS FOR 2008** — Order read for responses to the Statement; responses commenced.

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

- 19 **ADJOURNMENT** — The Acting Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.39 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JENNY LINDELL  
*Speaker*

## No 59 — Thursday 28 February 2008

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

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

**Ballarat Primary Maternity Care Service** — Requesting that the House honours the Victorian Maternity Services policy, Future Directions, and immediately reopens Ballarat Primary Maternity Care Service, bearing 576 signatures (*Mr Howard*)

**Urology Unit at Frankston Hospital** — Requesting that the House asks the Government to provide a urology unit at Frankston Hospital as a matter of priority, bearing 189 signatures (*Mr Burgess*)

**Stony Point to Frankston Train Line** — Requesting that the House asks the Government to install boom gates on all level crossings on the Stony Point to Frankston train line as a matter of priority, bearing 24 signatures (*Mr Burgess*)

**Western Region Emergency Helicopter Rescue Service** — Requesting that the House immediately provides a rescue helicopter service for Western Victoria, as the region remains the only area of the state not covered by an emergency helicopter service, bearing 3015 signatures (*Mr Delahunty*)

**Obstetrics at Rosebud Hospital** — Requesting that the House asks the Minister for Health to provide sufficient funding to enable Peninsula Health to provide the necessary infrastructure and resources to attract obstetricians to work in Rosebud Hospital, bearing 29 signatures (*Mr Dixon*)

**Port Phillip Bay Deepening** — Requesting that the House — (a) rejects the proposal to deepen shipping channels in Port Phillip Bay; and (b) engages in alternative solutions such as making better use of a mix of interstate rail from existing deep water ports and sea transport, bearing 23 signatures (*Mr Dixon*)

**Melbourne-Shepparton Train Service** — Requesting that the House restores the previous departure time for the Melbourne to Shepparton train of 6.15 pm and that it resumes its previous express running between Broadmeadows and Seymour, bearing 8 signatures (*Mrs Powell*)

**Rescue Helicopter for Western Region** — Requesting that the House immediately provides a rescue helicopter service for the Warrnambool region, as Western Victoria remains the only area of the state not covered by an emergency helicopter service bearing 552 signatures (*Dr Naphine*).

Petitions ordered to be tabled.

3 **PETITION — RESCUE HELICOPTER FOR WESTERN REGION** — Motion made and question — That the petition presented by the Member for South-West Coast be taken into consideration tomorrow (*Dr Naphine*) — put and agreed to.

4 **PETITION — WESTERN REGION EMERGENCY HELICOPTER RESCUE SERVICE** — Motion made and question — That the petition presented by the Member for Lowan be taken into consideration tomorrow (*Mr Delahunty*) — put and agreed to.

5 **PETITION — BALLARAT PRIMARY MATERNITY CARE SERVICE** — Motion made and question — That the petition presented by the Member for Ballarat East be taken into consideration tomorrow (*Mr Howard*) — put and agreed to.

6 **PETITION — UROLOGY UNIT AT FRANKSTON HOSPITAL** — Motion made and question — That the petition presented by the Member for Hastings be taken into consideration tomorrow (*Mr Burgess*) — put and agreed to.

7 **PETITION — STONY POINT TO FRANKSTON TRAIN LINE** — Motion made and question — That the petition presented by the Member for Hastings be taken into consideration tomorrow (*Mr Burgess*) — put and agreed to.

8 **PETITION — MELBOURNE-SHEPPARTON TRAIN SERVICE** — Motion made and question — That the petition presented by the Member for Shepparton be taken into consideration tomorrow (*Mrs Powell*) — put and agreed to.

9 **PETITION — WATER PIPELINE GOULBURN TO MELBOURNE — ALTERNATIVE WATER SCHEMES** — Motion made and question — That the petition presented by the Member for Benalla on Wednesday 27 February 2008 be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.

10 **PETITION — WATER PIPELINE GOULBURN TO MELBOURNE — ALTERNATIVE WATER SCHEMES** — Motion made and question — That the petition presented by the Member for Swan Hill on Wednesday 27 February 2008 be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.

11 **PETITION — YARRIAMBIACK CREEK** — Motion made and question — That the petition presented by the Member for Swan Hill on Wednesday 27 February 2008 be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.

12 **DOCUMENTS**

**PARTNERSHIPS VICTORIA PROJECT SUMMARY: THE NEW ROYAL CHILDREN'S HOSPITAL PROJECT** — Motion made, by leave, and question — That the Partnerships Victoria Project Summary: The New Royal Children's Hospital Project, February 2008 be tabled (*Mr Andrews*) — put and agreed to.

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

*Judicial Remuneration Tribunal Act 1995* — Further Statement of Reasons under s 14.

13 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourns until Tuesday 11 March 2008 (*Mr Cameron*) — put and agreed to.

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

15 **PROFESSIONAL BOXING AND COMBAT SPORTS AMENDMENT BILL 2007** — Order read for resuming debate on question — That this Bill be now read a second time.

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

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

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

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

16 **CONSUMER CREDIT (VICTORIA) AND OTHER ACTS AMENDMENT BILL 2007** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

Bill sent to the Legislative Council and their agreement requested.

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

17 **QUESTIONS** — (Under SO 55).

18 **ANNUAL STATEMENT OF GOVERNMENT INTENTIONS FOR 2008** — Order read for responses to the Statement; responses commenced.

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

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

19 **PROFESSIONAL BOXING AND COMBAT SPORTS AMENDMENT BILL 2007** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Bill read a second time and considered in detail (*see pp 289–90*).

*Allocation of time — The Deputy Speaker advised that the time allocated for consideration of bills under the resolution of the House on Tuesday 26 February 2008 had expired.*

Question — That amendment No 1 be agreed to — put.

The House divided (the Deputy Speaker, Ms Barker, in the Chair) —

AYES 30

Ms Asher; Mr Blackwood; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Hodgett; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Morris; Dr Napthine; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Mr Smith (*Bass*); Mr Smith (*Warrantyte*); Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Weller; Mr Wells; Ms Wooldridge.

NOES 46

Ms Allan; Mr Batchelor; Ms Beattie; Mr Brooks; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Mr Eren; Mr Foley; Ms Green; Mr Haermeyer; Mr Hardman; Dr Harkness; Mr Herbert; Mr Holding; Mr Howard; Mr Hulls; Mr Langdon; Mr Languiller; Mr Lim; Ms Lobato; Mr Lupton; Mrs Maddigan; Ms Marshall; Mr Merlino; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Noonan; Mr Pandazopoulos; Mr Perera; Ms Pike; Ms Richardson; Mr Robinson; Mr Scott; Mr Seitz; Mr Stensholt; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

Question defeated.

Question — That clauses 4 to 27 inclusive be agreed to, the Bill be agreed to without amendment and the Bill be now read a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 20 **PROFESSIONAL BOXING AND COMBAT SPORTS AMENDMENT BILL 2007** — The Deputy Speaker announced that the Speaker had received a report from the Clerk that he has made the following correction in the Bill:

In Clause 13(2)(a), page 8, line 2, he has inserted the word 'suspend' so that the clause now reads —

'(a) must cancel or suspend the contestant's registration if subsection (1)(a) or (1)(b) applies; and'.

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

- 22 **ADJOURNMENT** — The Deputy Speaker left the Chair, after debate, at 4.38 pm.

R W PURDEY  
Clerk of the Legislative Assembly

JENNY LINDELL  
Speaker

LEGISLATIVE ASSEMBLY OF VICTORIA

**CONSIDERATION IN DETAIL**  
**Supplement to Votes Nos 57, 58 and 59**

**No 59 — Thursday 28 February 2008**

**PROFESSIONAL BOXING AND COMBAT SPORTS AMENDMENT BILL 2007**

**Clauses 1 to 3** agreed to.

**Clause 4**, Mr Delahunty moved amendment No 1 (*see Schedule*).

*Allocation of time — The Deputy Speaker advised that the time allocated for consideration of bills under the resolution of the House on Tuesday 26 February 2008 had expired (for remaining stages see p 288).*

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## SCHEDULE OF AMENDMENT MOVED

### PROFESSIONAL BOXING AND COMBAT SPORTS AMENDMENT BILL 2007

Amendment moved by Mr Delahunty

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;'

## LEGISLATIVE ASSEMBLY OF VICTORIA

### VOTES AND PROCEEDINGS Nos 60, 61 and 62

#### No 60 — Tuesday 11 March 2008

- 1 The House met according to the adjournment — The Speaker took the Chair and read the Prayer.
- 2 **DEATH OF KEITH ROBERT McCANCE** — The Speaker announced the death of Keith Robert McCance, Member of the Legislative Assembly for the Electoral District of Bennettswood from 1979 to 1982; and, members rose in their places as a mark of respect to the memory of the deceased.
- 3 **QUESTIONS** — (Under SO 55).
- 4 **JUSTICE LEGISLATION AMENDMENT (SEX OFFENCES PROCEDURE) BILL 2008** — Mr Hulls obtained leave to bring in 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, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 5 **EDUCATION AND TRAINING REFORM AMENDMENT BILL 2008** — Ms Pike obtained leave to bring in a Bill '*for an Act to amend the Education and Training Reform Act 2006 and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 6 **ENVIRONMENT PROTECTION AMENDMENT (LANDFILL LEVIES) BILL 2008** — Mr Batchelor obtained leave to bring in 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 the Bill was read a first time and ordered to be read a second time tomorrow.
- 7 **POLICE INTEGRITY BILL 2008** — Mr Cameron obtained leave to bring in 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 the Bill was read a first time and ordered to be read a second time tomorrow.
- 8 **PETITION** — The Clerk announced that the following petition had been lodged for presentation:  
  
**Logging of Armstrong Creek Catchment** — Requesting that the Government immediately ceases logging of the Armstrong, Thomson, Cement, McMahons and Starvation Catchments, bearing 579 signatures (*Ms Lobato*).  
  
Ordered to be tabled.
- 9 **DOCUMENTS**  
  
**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — Mr Carli, Chair, presented a report from the Scrutiny of Acts and Regulations Committee being the Alert Digest No 3 of 2008 on the:  
  
Animals Legislation Amendment (Animal Care) Bill 2007

Courts Legislation Amendment (Associate Judges) Bill 2008  
 Drugs, Poisons and Controlled Substances Amendment Bill 2008  
 Relationships Bill 2007  
 Working with Children Amendment Bill 2007

together with appendices.

Ordered to be tabled and printed.

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

Falls Creek Alpine Resort Management Board — Report year ended 31 October 2007

*Financial Management Act 1994* — Report from the Minister for Environment and Climate Change that he had received the 2006–07 report of the Lake Mountain Alpine Resort Management Board

Mount Baw Baw Alpine Resort Management Board — Report year ended 31 October 2007

Mount Buller and Mount Stirling Alpine Resort Management Board — Report year ended 31 October 2007

Mount Hotham Alpine Resort Management Board — Report year ended 31 October 2007

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

Casey — C95  
 Frankston — C47  
 Greater Bendigo — C96  
 Greater Dandenong — C89  
 Greater Geelong — C78, C134  
 Indigo — C41  
 Knox — C69  
 Manningham — C68  
 Mornington Peninsula — C97  
 Whitehorse — C79  
 Yarra Ranges — C68

Statutory Rules under the following Acts:

*Adoption Act 1984* — SR 10  
*Children, Youth and Families Act 2005* — SR 11  
*Crimes Act 1958* — SR 12  
*Interpretation of Legislation Act 1984* — SR 12  
*Sentencing Act 1991* — SR 12  
*Supreme Court Act 1986* — SR 12

*Subordinate Legislation Act 1994*:

Minister's exception certificates in relation to Statutory Rules 11, 12  
 Minister's exemption certificate in relation to Statutory Rule 7.

The following proclamation fixing operative dates was tabled by the Clerk in accordance with an order of the House dated 19 December 2006:

*Transport Legislation Amendment Act 2007* — Section 65 — 15 March 2008, ss 10, 12 and 21 — 31 March 2008 — ss 54(3) and 57 — 1 July 2008 (*Gazette G9, 28 February 2008*).

- 10 **PARLIAMENTARY PAPERS** — Ordered — That the following documents tabled on 31 October 2007 be printed:

Legal Services Commissioner — Report 2006–07  
Victorian Equal Opportunity and Human Rights Commission — Report 2006–07.

- 11 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Rejecting the Freedom of Information Amendment Bill 2007.

- 12 **MESSAGE FROM THE GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that he had, on 4 March 2008, given the royal assent to the following bills, presented to him by the Clerk of the Parliaments:

Children's Services and Education Legislation Amendment (Anaphylaxis Management) Bill 2007  
Motor Car Traders Amendment Bill 2007.

- 13 **MESSAGE FROM THE GOVERNOR** — The Speaker announced the presentation of a message from the Governor recommending an appropriation for the purposes of the Courts Legislation Amendment (Associate Judges) Bill 2008.

- 14 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, under SO 94(2), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 13 March 2008:

Crown Land (Reserves) Amendment (Carlton Gardens) Bill 2008  
Legislation Reform (Repeals No. 2) Bill 2007  
Relationships Bill 2007

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

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

- 16 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 1 and 2 be postponed until later this day.

- 17 **LEGISLATION REFORM (REPEALS NO. 2) BILL 2007** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

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

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

Classification (Publications, Films and Computer Games) (Enforcement) Amendment Bill 2007  
Legislation Reform (Repeals No. 1) Bill 2007.

- 19 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Infringements and Other Acts Amendment Bill 2007 without amendment.

- 20 **POSTPONEMENT OF ORDER OF THE DAY** — Ordered — That the consideration of Government Business, Order of the Day, No 4 be postponed until later this day.

- 21 **CROWN LAND (RESERVES) AMENDMENT (CARLTON GARDENS) BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time, debate resumed.

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

- 22 **ADJOURNMENT** — The Deputy Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.42 pm.

R W PURDEY  
Clerk of the Legislative Assembly

JENNY LINDELL  
Speaker

## No 61 — Wednesday 12 March 2008

- 1 The Speaker took the Chair and read the Prayer.
- 2 **LAND (REVOCATION OF RESERVATIONS) BILL 2008** — Mr Cameron obtained leave to bring in 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 the Bill was read a first time and ordered to be read a second time tomorrow.
- 3 **CO-OPERATIVES AND PRIVATE SECURITY ACTS AMENDMENT BILL 2008** — Mr Robinson obtained leave to bring in a Bill *'for an Act to amend the **Co-operatives Act 1996** and the **Private Security Act 2004** and for other purposes'*; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 4 **ESSENTIAL SERVICES COMMISSION AMENDMENT BILL 2008** — Mr Holding obtained leave to bring in 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, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 5 **DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:

Auditor-General:

Accommodation for People with a Disability — Ordered to be printed  
Records Management in the Victorian Public Sector — Ordered to be printed

Border Groundwaters Agreement Review Committee — Report 2006–07

*Commissioner for Environmental Sustainability Act 2003* — Strategic Audit of Victorian Government Agencies' Environmental Management Systems

*Financial Management Act 1994* — 2007–08 Mid-Year Financial Report incorporating the Quarterly Financial Report No 2 for the period ended 31 December 2007

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

Bass Coast — C46 Part 4, C68, C79

Cardinia — C117  
 Central Goldfields — C12  
 Greater Geelong — C18  
 Hume — C92, C103, C104  
 Moreland — C67  
 Wangaratta — C32  
 Whitehorse — C57 Part 3, C74 Part 1  
 Whittlesea — C71, C75

*Safe Drinking Water Act 2003 — Drinking Water Quality in Victoria — Report 2006–07.*

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

7 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE — SUPPORTING VICTORIA'S POLICE** — The House was informed that Mr McIntosh had proposed that a definite matter of public importance be submitted to the House for discussion, namely —

'That this House condemns the Victorian Government for failing to support our police men and women in their efforts to protect the community from increasing levels of violence, and who are offered nothing but excuses from the Government seeking to deflect attention from the dramatic rise in violent crime throughout Victoria.'

Mr McIntosh addressed the House — Discussion followed.

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

Public Accounts and Estimates Committee's Report on the 2007–08 Budget Estimates — Part One

Drugs and Crime Prevention Committee's Report on the Inquiry into the Misuse/Abuse of Benzodiazepines and Other Forms of Pharmaceutical Drugs in Victoria

Economic Development and Infrastructure Committee's Report on the Inquiry into Mandatory Ethanol and Biofuels Targets in Victoria

Public Accounts and Estimates Committee's Report 2006–07.

9 **ORDER OF THE DAY DISCHARGED** — Motion made and question — That the following Order of the Day, Government Business, be read and discharged:

*Senate Elections Amendment Bill 2006 — Second reading — Resumption of debate*

and that the Bill be withdrawn (*Mr Hulls*) — and, after debate —

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

10 **QUESTIONS** — (Under SO 55).

11 **ORDER OF THE DAY DISCHARGED** — Debate continued on question — That the following Order of the Day, Government Business, be read and discharged:

*Senate Elections Amendment Bill 2006 — Second reading — Resumption of debate*

and that the Bill be withdrawn.

Question — put.

The House divided (the Speaker, Ms Lindell, in the Chair) —

AYES 53

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beattie; Mr Brooks; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Mr Eren; Mr Foley; Ms Green; Mr Haermeyer; Mr Hardman; Dr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Ms Kosky; Mr Langdon; Mr Languiller; Mr Lim; Ms Lobato; Mr Lupton; Mrs Maddigan; Ms Marshall; Mr Merlino; Ms Morand; Ms Munt; Ms Neville; Mr Noonan; Ms Overington; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Pike; Ms Richardson; Mr Robinson; Mr Scott; Mr Seitz; Mr Stensholt; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

NOES 31

Ms Asher; Mr Baillieu; Mr Blackwood; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Hodgett; Mr Kotsiras; Mr McIntosh; Mr Morris; Mr Mulder; Dr Napthine; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith (*Bass*); Mr Smith (*Warrandyte*); Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Weller; Mr Wells; Ms Wooldridge.

Question agreed to.

12 **STANDING AND SESSIONAL ORDERS — BUDGET SPEECH 2008–2009** — Motion made and question — That —

- (1) So much of standing and sessional orders be suspended so as to allow on Tuesday 6 May 2008, following the introduction and motion for the second reading of the Annual Appropriation Bill:
  - (a) the Minister moving the second reading to retain their right to speak (for 15 minutes) on the question later in the debate;
  - (b) John Lenders MLC, Treasurer, under s 52 of the *Constitution Act 1975*, be permitted to attend the House for the purpose of giving a speech of unlimited duration in relation to the Victorian State Budget 2008–2009;
- (2) A message be sent to the Legislative Council advising them that, under s 52 of the *Constitution Act 1975*, approval has been granted for John Lenders MLC, 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

(*Mr Batchelor*) — and, after debate —

Amendments proposed —

- (1) After paragraph (1)(b), insert:
  - '(1A) Standing and sessional orders be further suspended so far as to permit John Lenders MLC under s 52 of the *Constitution Act 1975* to attend the House on Thursday 8 May 2008 to hear the lead response to the Budget from the Opposition;'
- (2) Paragraph (2), after '2008–2009', insert:
  - 'and to attend on Thursday 8 May 2008 to hear the Opposition lead speaker in response'.

(*Mr Wells*) — and, after debate —

Question — That the amendments be agreed to — put.

The House divided (the Speaker, Ms Lindell, in the Chair) —

AYES 31

Ms Asher; Mr Baillieu; Mr Blackwood; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Hodgett; Mr Kotsiras; Mr McIntosh; Mr Morris; Mr Mulder; Dr Napthine; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith (*Bass*); Mr Smith (*Warrantdyte*); Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Weller; Mr Wells; Ms Wooldridge.

NOES 51

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beattie; Mr Brooks; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Mr Eren; Mr Foley; Ms Green; Mr Hardman; Dr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Ms Kosky; Mr Langdon; Mr Languiller; Mr Lim; Ms Lobato; Mr Lupton; Mrs Maddigan; Ms Marshall; Mr Merlino; Ms Morand; Ms Munt; Mr Noonan; Ms Overington; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Pike; Ms Richardson; Mr Robinson; Mr Scott; Mr Seitz; Mr Stensholt; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

Question defeated.

Original question — put and agreed to.

- 13 **JUSTICE LEGISLATION AMENDMENT (SEX OFFENCES PROCEDURE) BILL 2008** — *Mr Hulls tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

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

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

Ordered — That the debate be adjourned until Wednesday 26 March 2008.

- 14 **EDUCATION AND TRAINING REFORM AMENDMENT BILL 2008** — *Ms Pike tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

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

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

Ordered — That the debate be adjourned until Wednesday 26 March 2008.

- 15 **ENVIRONMENT PROTECTION AMENDMENT (LANDFILL LEVIES) BILL 2008** — *Mr Batchelor tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

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

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

Ordered — That the debate be adjourned until Wednesday 26 March 2008.

- 16 **RELATIONSHIPS BILL 2007** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Question — put.

The House divided (the Speaker, Ms Lindell, in the Chair) —

AYES 54

Ms Allan; Mr Andrews; Ms Asher; Mr Baillieu; Ms Barker; Mr Batchelor; Ms Beattie; Mr Brooks; Mr Brumby; Mr Cameron; Ms Campbell; Mr Crutchfield; Ms D'Ambrosio; Ms Duncan; Mr Eren; Mr Foley; Ms Green; Mr Haermeyer; Mr Hardman; Dr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Ms Kosky; Mr Languiller; Mr Lim; Ms Lobato; Mr Lupton; Mr McIntosh; Mrs Maddigan; Ms Marshall; Ms Morand; Mr Morris; Ms Munt; Ms Neville; Mr Noonan; Ms Overington; Mr Pallas; Mr Perera; Ms Pike; Mr Robinson; Mr Scott; Mr Seitz; Mr Stensholt; Ms Thomson (*Footscray*); Mr Trezise; Mrs Victoria; Ms Wooldridge; Mr Wynne. Tellers: Mr Langdon; Ms Richardson.

NOES 24

Mr Blackwood; Mr Burgess; Mr Clark; Mr Crisp; Mr Dixon; Mr Hodgett; Mr Ingram; Mr Mulder; Dr Napthine; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Mr Smith (*Bass*); Mr Smith (*Warrandyte*); Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mr Wakeling; Mr Walsh; Mr Weller; Mr Wells; Tellers: Mr Delahunty; Mr Kotsiras.

Question agreed to.

By leave, Bill immediately read a third time.

Bill sent to the Legislative Council and their agreement requested.

- 17 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Crimes Amendment (Child Homicide) Bill 2007 without amendment.
- 18 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Batchelor*) — put and agreed to.
- 19 **ADJOURNMENT** — The Deputy Speaker left the Chair, after debate, at 10.45 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JENNY LINDELL  
*Speaker*

## No 62 — Thursday 13 March 2008

- 1 The Speaker took the Chair and read the Prayer.
- 2 **ACTING SPEAKERS** — The following warrant was tabled by the Speaker:

VICTORIA  
LEGISLATIVE ASSEMBLY

Under Standing Order 20 of the Legislative Assembly, I —

- (1) appoint Dr Bill Sykes to preside as an Acting Speaker whenever requested to do so by the Speaker or the Deputy Speaker.
- (2) discharge Mrs Jeanette Powell, Ms Kirstie Marshall and Mr Tony Lupton from the panel of Acting Speakers.

This warrant amends the previous warrant of 23 May 2007 under my name.

Given under my hand on 13 March 2008.

Jenny Lindell  
SPEAKER

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

**Upgrade of Health Services for Bass Coast Region** — Requesting that the House asks the Government to support funding for the upgrade of health services in the Bass Coast region, bearing 738 signatures (*Mr Smith, Bass*)

**Easing of Water Restrictions for Home Produce Gardens** — Requesting that the House allows home produce gardens exemption from current water restrictions, or introduces more appropriate water rules for home produce gardens after consultation with various environmental and horticultural organisations, bearing 3271 signatures (*Mr Herbert*)

**Water Pipeline Goulburn to Melbourne — Alternative Water Schemes** — Requesting that the House — (a) rejects the proposal to develop a pipeline which would take water from the Goulburn Valley and pump it to Melbourne; and (b) calls on the Government to address Melbourne's water supply needs by investing in desalination, recycling and capturing stormwater, bearing 106 signatures (*Mrs Powell*).

Petitions ordered to be tabled.

- 4 **PETITION — UPGRADE OF HEALTH SERVICES FOR BASS COAST REGION** — Motion made and question — That the petition presented by the Member for Bass be taken into consideration tomorrow (*Mr Smith, Bass*) — put and agreed to.

- 5 **PETITION — WATER PIPELINE GOULBURN TO MELBOURNE — ALTERNATIVE WATER SCHEMES** — Motion made and question — That the petition presented by the Member for Shepparton be taken into consideration tomorrow (*Mrs Powell*) — put and agreed to.

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

Ombudsman:

Conflict of interest in local government — Ordered to be printed

Conflict of interest in the public sector — Ordered to be printed

Statutory Rules under the following Acts:

*Liquor Control Reform Act 1998* — SR 13

*Public Administration Act 2004* — SR 14

*Subordinate Legislation Act 1994* — Minister's exemption certificate in relation to Statutory Rule 14.

- 7 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Consumer Credit (Victoria) and Other Acts Amendment Bill 2007 without amendment.

- 8 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourns until Tuesday 8 April 2008 (*Ms Neville*) — put and agreed to.

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

- 10 **POSTPONEMENT OF ORDER OF THE DAY** — Ordered — That the consideration of Government Business, Order of the Day, No 1 be postponed until later this day.
- 11 **ESSENTIAL SERVICES COMMISSION AMENDMENT BILL 2008** — *Mr Holding tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*
- Motion made and question proposed — That this Bill be now read a second time (*Mr Holding*).
- Motion made and question — That the debate be now adjourned (*Mr O'Brien*) — put and agreed to.
- Ordered — That the debate be adjourned until Thursday 27 March 2008.
- 12 **POSTPONEMENT OF ORDER OF THE DAY** — Ordered — That the consideration of Government Business, Order of the Day, No 3 be postponed until later this day.
- 13 **LAND (REVOCATION OF RESERVATIONS) BILL 2008** — *Mr Batchelor tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*
- Motion made and question proposed — That this Bill be now read a second time (*Mr Batchelor*).
- Motion made and question — That the debate be now adjourned (*Ms Asher*) — put and agreed to.
- Ordered — That the debate be adjourned until Thursday 27 March 2008.
- 14 **CO-OPERATIVES AND PRIVATE SECURITY ACTS AMENDMENT BILL 2008** — *Mr Robinson tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*
- Motion made and question proposed — That this Bill be now read a second time (*Mr Robinson*).
- Motion made and question — That the debate be now adjourned (*Mr O'Brien*) — put and agreed to.
- Ordered — That the debate be adjourned until Thursday 27 March 2008.
- 15 **ANNUAL STATEMENT OF GOVERNMENT INTENTIONS FOR 2008** — Order read for responses to the Statement; responses commenced.
- Business having been interrupted at 2.00 pm under standing orders.*
- 16 **QUESTIONS** — (Under SO 55).
- 17 **ANNUAL STATEMENT OF GOVERNMENT INTENTIONS FOR 2008** — Responses continued.
- Motion made and question — That the debate be now adjourned (*Mr McIntosh*) — put and agreed to.
- Ordered — That the debate be adjourned until later this day.
- 18 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Criminal Procedure Legislation Amendment Bill 2007 with amendments.
- Ordered — That the amendments be taken into consideration later this day.
- 19 **CROWN LAND (RESERVES) AMENDMENT (CARLTON GARDENS) BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

Bill sent to the Legislative Council and their agreement requested.

- 20 **CRIMINAL PROCEDURE LEGISLATION AMENDMENT BILL 2007** — Order read for the consideration of the amendments made by the Legislative Council.

After debate, the amendments were agreed to by the House with the concurrence of an absolute majority of the whole number of the members of the Legislative Assembly.

Message sent to the Legislative Council informing them accordingly.

- 21 **LEGISLATION REFORM (REPEALS NO. 2) BILL 2007** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

Bill sent to the Legislative Council and their agreement requested.

- 22 **POLICE INTEGRITY BILL 2008** — *Mr Cameron tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

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

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

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

Ordered — That the debate be adjourned until Thursday 27 March 2008.

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

- 24 **ADJOURNMENT** — The Deputy Speaker left the Chair, after debate, at 5.00 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JENNY LINDELL  
*Speaker*



## LEGISLATIVE ASSEMBLY OF VICTORIA

### VOTES AND PROCEEDINGS Nos 63, 64 and 65

#### No 63 — Tuesday 8 April 2008

- 1 The House met according to the adjournment — The Speaker took the Chair and read the Prayer.
  - 2 **QUESTIONS** — (Under SO 55).
  - 3 **THE UNITING CHURCH IN AUSTRALIA AMENDMENT BILL 2008** — Mr Hulls obtained leave to bring in a Bill '*for an Act to amend **The Uniting Church in Australia Act 1977**, to consequentially amend other Acts and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
  - 4 **CHILDREN'S LEGISLATION AMENDMENT BILL 2008** — Ms Morand obtained leave to bring in 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, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
  - 5 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:
    - Goulburn Valley Pipeline** — Requesting that the House — (a) rejects the Goulburn Valley pipeline proposal; and (b) calls on the Government to address Melbourne's water supply needs by investing in recycling and capturing stormwater, bearing 691 signatures (*Dr Sykes*)
    - Water Pipeline Goulburn to Melbourne — Alternative Water Schemes** — Requesting that the House — (a) rejects the proposal to develop a pipeline which would take water from the Goulburn Valley and pump it to Melbourne; and (b) calls on the Government to address Melbourne's water supply needs by investing in desalination, recycling and capturing stormwater, bearing 74 signatures (*Dr Sykes*)
    - Logging of Armstrong Creek Catchment** — Requesting that the Government immediately ceases logging of the Armstrong, Thomson, Cement, McMahons and Starvation Catchments, bearing 391 signatures (*Ms Lobato*)
    - Northcote Train Crossing Signal** — Requesting that the House replaces the Northcote train crossing signal with an electronic bell, bearing 41 signatures (*Mr Scott*).
- Petitions ordered to be tabled.
- 6 **PETITION — LOGGING OF ARMSTRONG CREEK CATCHMENT** — Motion made and question — That the petition presented by the Member for Gembrook be taken into consideration tomorrow (*Ms Lobato*) — put and agreed to.
  - 7 **PETITION — GOULBURN VALLEY PIPELINE** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.

8 **PETITION — WATER PIPELINE GOULBURN TO MELBOURNE — ALTERNATIVE WATER SCHEMES** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.

9 **PETITION — NORTHCOTE TRAIN CROSSING SIGNAL** — Motion made and question — That the petition presented by the Member for Preston be taken into consideration tomorrow (*Mr Scott*) — put and agreed to.

10 **DOCUMENTS**

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — Motion made, by leave, and question — That the Report of the Scrutiny of Acts and Regulations Committee being the Annual Review 2007, together with appendices, be tabled (*Mr Carli*) — put and agreed to.

Ordered to be printed.

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — Mr Carli, Chair, presented a report from the Scrutiny of Acts and Regulations Committee being the Alert Digest No 4 of 2008 on the:

Animals Legislation Amendment (Animal Care) Bill 2007  
 Co-operatives and Private Security Acts Amendment Bill 2008  
 Crimes Amendment (Child Homicide) Bill 2007  
 Drugs, Poisons and Controlled Substances Amendment Bill 2008  
 Education and Training Reform Amendment Bill 2008  
 Environment Protection Amendment (Landfill Levies) Bill 2008  
 Essential Services Commission Amendment Bill 2008  
 Justice Legislation Amendment (Sex Offences Procedure) Bill 2008  
 Land (Revocation of Reservations) Bill 2008  
 Police Integrity Bill 2008  
 Working with Children Amendment Bill 2007

together with appendices.

Ordered to be tabled and printed.

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

*Crown Land (Reserves) Act 1978* — Orders under s 17D granting leases over Elsternwick Park Reserve (two orders)

*Land Acquisition and Compensation Act 1986* — Certificate under s 7

National Environment Protection Council — Report 2006–07

*Parliamentary Committees Act 2003* — Government response to the Public Accounts and Estimates Committee's Report on the 2007–08 Budget Estimates

*Planning and Environment Act 1987* — Notices of approval of amendments to the following Planning Schemes:

Brimbank — C92  
 Kingston — C71  
 Knox — C67  
 Manningham — C70

Melbourne — C92, C126, C138  
 Mitchell — C53  
 Monash — C25  
 Moreland — C43  
 Surf Coast — C41  
 West Wimmera — C14  
 Whittlesea — C104  
 Wyndham — C81, C91  
 Yarra Ranges — C63

Statutory Rules under the following Acts:

*Legal Profession Act 2004* — SR 15  
*Prevention of Cruelty to Animals Act 1986* — SR 16  
*Subordinate Legislation Act 1994* — SR 17

*Subordinate Legislation Act 1994*:

Minister's exception certificate in relation to Statutory Rule 17  
 Minister's exemption certificate in relation to Statutory Rule 16

*Surveillance Devices Act 1999* — Report of the Special Investigations Monitor under s 30Q

Victorian Relief Committee — Report period ended 31 December 2007

*Wildlife Act 1975* — Wildlife (Control of Hunting) Notice No 1/2008.

The following proclamation fixing an operative date was tabled by the Clerk in accordance with an order of the House dated 19 December 2006:

*Justice and Road Legislation Amendment (Law Enforcement) Act 2007* — Sections 4(1) and 8 — 1 April 2008 (*Gazette G13, 27 March 2008*).

11 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Professional Boxing and Combat Sports Amendment Bill 2007 without amendment.

12 **MESSAGES FROM THE GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that he had given the royal assent to the following bills, presented to him by the Clerk of the Parliaments:

On 14 March 2008  
 Classification (Publications, Films and Computer Games) (Enforcement) Amendment Bill 2007

On 18 March 2008  
 Consumer Credit (Victoria) and Other Acts Amendment Bill 2007  
 Crimes Amendment (Child Homicide) Bill 2007  
 Criminal Procedure Legislation Amendment Bill 2007  
 Infringements and Other Acts Amendment Bill 2007  
 Legislation Reform (Repeals No. 1) Bill 2007  
 Professional Boxing and Combat Sports Amendment Bill 2007.

13 **MESSAGES FROM THE GOVERNOR** — Recommending appropriations for the purposes of the following bills:

Education and Training Reform Amendment Bill 2008  
 Essential Services Commission Amendment Bill 2008

Police Integrity Bill 2008.

- 14 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, under SO 94(2), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 10 April 2008:

Co-operatives and Private Security Acts Amendment Bill 2008  
 Drugs, Poisons and Controlled Substances Amendment Bill 2008  
 Essential Services Commission Amendment Bill 2008  
 Justice Legislation Amendment (Sex Offences Procedure) Bill 2008  
 Police Integrity Bill 2008

*(Mr Cameron)* — put, after debate, and agreed to.

- 15 **STATEMENTS BY MEMBERS** — Statements by members were made.
- 16 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 1 to 4 inclusive, be postponed until later this day.

- 17 **CO-OPERATIVES AND PRIVATE SECURITY ACTS AMENDMENT BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Bill read a second time and, by leave, immediately read a third time.

Bill sent to the Legislative Council and their agreement requested.

- 18 **ESSENTIAL SERVICES COMMISSION AMENDMENT BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Under standing orders, Mr Clark announced an amendment to be proposed when the House considers the Bill in detail and requested that it be circulated. Amendment circulated.

Debate resumed on question — That this Bill be now read a second time.

Bill read a second time and considered in detail.

*Business having been interrupted at 10.03 pm under standing orders.*

Motion made and question — That the sitting be continued *(Mr Cameron)* — put and agreed to.

Bill further considered in detail and agreed to without amendment, read a third time *(see pp 311–12)*.

Bill sent to the Legislative Council and their agreement requested.

- 19 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed *(Mr Cameron)* — put and agreed to.

- 20 **ADJOURNMENT** — The Deputy Speaker left the Chair, after debate, at 10.50 pm.

## No 64 — Wednesday 9 April 2008

1 The Speaker took the Chair and read the Prayer.

2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

**Desalination Plant, Bass Coast** — Requesting that the House directs immediate consultation between the Government and the local community of the Bass Coast regarding the proposed desalination plant, bearing 998 signatures (*Mr Smith, Bass*)

**Upgrade of Health Services for Bass Coast Region** — Requesting that the House asks the Government to support funding for the upgrade of health services in the Bass Coast region, bearing 768 signatures (*Mr Smith, Bass*)

**Conversion of Rail Gauge Track — Seymour to Albury** — Requesting that the Government negotiates a transfer of the broad gauge track lease to the Australian Rail Track Corporation and conversion of the broad gauge track between Seymour and Albury to standard gauge, bearing 1191 signatures (*Mr Tilley*).

Petitions ordered to be tabled.

3 **PETITION — DESALINATION PLANT, BASS COAST** — Motion made and question — That the petition presented by the Member for Bass be taken into consideration tomorrow (*Mr Smith, Bass*) — put and agreed to.

4 **PETITION — UPGRADE OF HEALTH SERVICES FOR BASS COAST REGION** — Motion made and question — That the petition presented by the Member for Bass be taken into consideration tomorrow (*Mr Smith, Bass*) — put and agreed to.

5 **PETITION — CONVERSION OF RAIL GAUGE TRACK — SEYMOUR TO ALBURY** — Motion made and question — That the petition presented by the Member for Benambra be taken into consideration tomorrow (*Mr Tilley*) — put and agreed to.

6 **DOCUMENTS**

**PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE** — Mr Stensholt, Chair, presented a report from the Public Accounts and Estimates Committee on Strengthening Government and Parliamentary Accountability in Victoria, together with appendices and transcripts of evidence.

Ordered to be tabled and the report and appendices printed.

**DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:

Auditor-General — Planning for Water Infrastructure in Victoria — Ordered to be printed

*Planning and Environment Act 1987* — Notices of approval of amendments to the following Planning Schemes:

Greater Shepparton — C73

Horsham — C34

Macedon Ranges — C42

Moreland — C58, C79

Northern Grampians — C16

Whitehorse — C75

Wodonga — C31, C63  
Yarra Ranges — C60

Statutory Rules under the following Acts:

*Subordinate Legislation Act 1994* — SR 18  
*Veterans Act 2005* — SR 19

*Subordinate Legislation Act 1994* — Minister's exemption certificate in relation to Statutory Rule 19.

7 **STATEMENTS BY MEMBERS** — Statements by members were made.

8 **GRIEVANCES** — Question — That grievances be noted — put, after debate, and agreed to.

9 **STATEMENTS ON PARLIAMENTARY COMMITTEE REPORTS** — Statements were made on the following Committee Reports:

Public Accounts and Estimates Committee's Report on the 2007–08 Budget Estimates — Part Two

Public Accounts and Estimates Committee's Report on the 2007–08 Budget Estimates — Part One

Drugs and Crime Prevention Committee's Report on the Inquiry into the Misuse/Abuse of Benzodiazepines and Other Forms of Pharmaceutical Drugs in Victoria

Public Accounts and Estimates Committee's Report on Strengthening Government and Parliamentary Accountability in Victoria.

10 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 1 to 3 inclusive, be postponed until later this day.

11 **ANNUAL STATEMENT OF GOVERNMENT INTENTIONS FOR 2008** — Order read for responses to the Statement; responses commenced.

*Business having been interrupted at 2.00 pm under standing orders.*

12 **QUESTIONS** — (Under SO 55).

13 **ANNUAL STATEMENT OF GOVERNMENT INTENTIONS FOR 2008** —

Motion made and question — That the debate be now adjourned (*Mr Langdon*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

14 **POLICE INTEGRITY BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Bill read a second time and, by leave, immediately read a third time with the concurrence of an absolute majority of the whole number of the members of the Legislative Assembly.

Bill sent to the Legislative Council and their agreement requested.

15 **JUSTICE LEGISLATION AMENDMENT (SEX OFFENCES PROCEDURE) BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Bill read a second time and, by leave, immediately read a third time.

Bill sent to the Legislative Council and their agreement requested.

*Business having been interrupted at 10.00 pm under standing orders.*

- 16 **ADJOURNMENT** — The Acting Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.38 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JENNY LINDELL  
*Speaker*

## No 65 — Thursday 10 April 2008

- 1 The Speaker took the Chair and read the Prayer.

### 2 DOCUMENTS

**LAW REFORM COMMITTEE** — Mr Clark, Deputy Chair, presented a report from the Law Reform Committee on the Inquiry into Property Investment Advisers and Marketeers, together with appendices and transcripts of evidence.

Ordered to be tabled and the report and appendices printed.

**DOCUMENTS TABLED UNDER AN ACT OF PARLIAMENT** — The Clerk tabled the following documents in accordance with an Act of Parliament:

*Gambling Regulation Act 2003* — Report and Supplementary Report of the Gambling and Lotteries Licence Review Panel 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 under s 10.2A.11 — Ordered to be printed.

- 3 **STATEMENTS BY MEMBERS** — Statements by members were made.

- 4 **THE UNITING CHURCH IN AUSTRALIA AMENDMENT BILL 2008** — *Mr Hulls tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).

Motion made and question — That the debate be now adjourned (*Mr Clark*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 24 April 2008.

- 5 **DRUGS, POISONS AND CONTROLLED SUBSTANCES AMENDMENT BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Bill read a second time and, by leave, immediately read a third time.

Bill sent to the Legislative Council and their agreement requested.

- 6 **CHILDREN'S LEGISLATION AMENDMENT BILL 2008** — *Ms Morand tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Ms Morand*).

Motion made and question — That the debate be now adjourned (*Mrs Powell*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 24 April 2008.

*Business having been interrupted at 2.00 pm under standing orders.*

- 7 **QUESTIONS** — (Under SO 55).

- 8 **ANNUAL STATEMENT OF GOVERNMENT INTENTIONS FOR 2008** — Order read for responses to the Statement; responses commenced.

Motion made and question — That the debate be now adjourned (*Mr Langdon*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 9 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Relationships Bill 2007 without amendment.

- 10 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Cameron*) — put and agreed to.

- 11 **ADJOURNMENT** — The Deputy Speaker left the Chair, after debate, at 4.34 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JENNY LINDELL  
*Speaker*

LEGISLATIVE ASSEMBLY OF VICTORIA

**CONSIDERATION IN DETAIL**  
**Supplement to Votes Nos 63, 64 and 65**

**No 63 — Tuesday 8 April 2008**

**ESSENTIAL SERVICES COMMISSION AMENDMENT BILL 2008**

**Clauses 1 to 4** agreed to.

**Clause 5**, Mr Clark moved an amendment (*see Schedule*).

Question — That the words proposed to be omitted stand part of the Clause — put.

The House divided (the Deputy Speaker, Ms Barker, in the Chair) —

AYES 47

Ms Allan; Mr Andrews; Ms Beattie; Mr Brooks; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Mr Eren; Mr Foley; Ms Green; Mr Haermeyer; Mr Hardman; Dr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Ms Kosky; Mr Langdon; Mr Languiller; Mr Lim; Ms Lobato; Mr Lupton; Mrs Maddigan; Ms Marshall; Mr Merlino; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Noonan; Ms Overington; Mr Pallas; Mr Pandazopoulos; Ms Richardson; Mr Robinson; Mr Scott; Mr Seitz; Mr Stensholt; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

NOES 31

Ms Asher; Mr Baillieu; Mr Blackwood; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Ms Fyffe; Mr Hodgett; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Morris; Dr Napthine; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Mr Smith (*Bass*); Mr Smith (*Warrandyte*); Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Weller; Mr Wells; Ms Wooldridge.

Question agreed to.

*Business having been interrupted at 10.03 pm under standing orders.*

Motion made and question — That the sitting be continued (*Mr Cameron*) — put and agreed to.

Clause agreed to.

**Clauses 6 to 29** agreed to.

Bill agreed to without amendment.

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## SCHEDULE OF AMENDMENT MOVED

### ESSENTIAL SERVICES COMMISSION AMENDMENT BILL 2008

Amendment moved by Mr Clark

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."

## LEGISLATIVE ASSEMBLY OF VICTORIA

### VOTES AND PROCEEDINGS Nos 66, 67 and 68

#### No 66 — Tuesday 15 April 2008

- 1 The Speaker took the Chair and read the Prayer.
- 2 **DEATH OF HARLEY RIVERS DICKINSON** — The Speaker announced the death of Harley Rivers Dickinson, Member of the Legislative Assembly for the Electoral District of South Barwon from 1982 to 1992; and members rose in their places as a mark of respect to the memory of the deceased.
- 3 **QUESTIONS** — (Under SO 55).
- 4 **LEGISLATION REFORM (REPEALS NO. 3) BILL 2008** — Mr Brumby obtained leave to bring in a Bill '*for an Act to repeal certain spent Acts*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 5 **PUBLIC SECTOR EMPLOYMENT (AWARD ENTITLEMENTS) AMENDMENT BILL 2008** — Mr Hulls obtained leave to bring in a Bill '*for an Act to amend the **Public Sector Employment (Award Entitlements) Act 2006** and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 6 **JUSTICE LEGISLATION AMENDMENT BILL 2008** — Mr Cameron obtained leave to bring in 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, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 7 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:
  - Logging of Armstrong Creek Catchment** — Requesting that the Government immediately ceases logging of the Armstrong, Thomson, Cement, McMahons and Starvation Catchments, bearing 186 signatures (*Ms Lobato*)
  - Rescue Helicopter for Western Region** — Requesting that the House immediately provides a rescue helicopter service for the Warrnambool region, as Western Victoria remains the only area of the state not covered by an emergency helicopter service, bearing 964 signatures (*Dr Naphthine*).Petitions ordered to be tabled.
- 8 **PETITION — RESCUE HELICOPTER FOR WESTERN REGION** — Motion made and question — That the petition presented by the Member for South-West Coast be taken into consideration tomorrow (*Dr Naphthine*) — put and agreed to.

9 **DOCUMENTS**

**PRIVILEGES COMMITTEE** — Mr Lupton, Chair, presented a report from the Privileges Committee on the Right of Reply from Mr Robert Larocca, a person referred to in the Legislative Assembly, together with an appendix.

Ordered to be tabled and printed.

**DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:

*Charter of Human Rights and Responsibilities Act 2006* — Report 2007 on the operation of the Act — Ordered to be printed

*Planning and Environment Act 1987* — Notices of approval of amendments to the following Planning Schemes:

Baw Baw — C55  
 Greater Dandenong — C75  
 Indigo — C43  
 Mornington Peninsula — C99  
 Port Phillip — C57 Part 1  
 Whittlesea — C41 Part 2, C93 Part 1, C98  
 Wyndham — C92  
 Victoria Planning Provisions — VC47

*Project Development and Construction Management Act 1994* — Nomination order under s 6, application order under s 8 and a statement under s 9 of reasons for making a nomination order (three documents).

10 **MESSAGE FROM THE LIEUTENANT-GOVERNOR — ASSENT TO BILL** — Informing the Legislative Assembly that she had today given the royal assent to the Relationships Bill 2007, presented to her by the Clerk of the Parliaments.

11 **MESSAGE FROM THE LIEUTENANT-GOVERNOR** — Recommending an appropriation for the purposes of the Children's Legislation Amendment Bill 2008.

12 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, under SO 94(2), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 17 April 2008:

Constitution Amendment (Judicial Pensions) Bill 2007  
 Courts Legislation Amendment (Associate Judges) Bill 2008  
 Education and Training Reform Amendment Bill 2008  
 Environment Protection Amendment (Landfill Levies) Bill 2008  
 Land (Revocation of Reservations) Bill 2008

(*Mr Batchelor*) — put, after debate, and agreed to.

13 **STATEMENTS BY MEMBERS** — Statements by members were made.

14 **LAND (REVOCAION OF RESERVATIONS) BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Under standing orders, Mr Smith (*Warrandyte*) announced amendments to be proposed when the House considers the Bill in detail and requested that they be circulated. Amendments circulated.

Debate continued on question — That this Bill be now read a second time.

Motion made and question — That the debate be now adjourned (*Mr Foley*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 15 **CONSTITUTION AMENDMENT (JUDICIAL PENSIONS) BILL 2007** — Order read for resuming debate on question — That this Bill be now read a second time.

Under standing orders, Mr Merlino announced amendments to be proposed when the House considers the Bill in detail and requested that they be circulated. Amendments circulated.

Debate resumed on question — That this Bill be now read a second time.

Motion made and question — That the debate be now adjourned (*Mrs Maddigan*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 16 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Crown Land (Reserves) Amendment (Carlton Gardens) Bill 2008 without amendment.

- 17 **COURTS LEGISLATION AMENDMENT (ASSOCIATE JUDGES) BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*[The Acting Speaker having left the Chair at 6.03 pm, resumed it at 6.17 pm]*

Motion made and question — That the debate be now adjourned (*Mr Langdon*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 18 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Legislation Reform (Repeals No. 2) Bill 2007 without amendment.

- 19 **LAND (REVOCATION OF RESERVATIONS) BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 10.00 pm under standing orders.*

- 20 **ADJOURNMENT** — The Deputy Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.45 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JENNY LINDELL  
*Speaker*

## No 67 — Wednesday 16 April 2008

- 1 The Speaker took the Chair and read the Prayer.

- 2 **ENERGY AND RESOURCES LEGISLATION AMENDMENT BILL 2008** — Mr Batchelor obtained leave to bring in 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 the Bill was read a first time and ordered to be read a second time tomorrow.

3 **CANCER AMENDMENT (HPV) BILL 2008** — Mr Andrews obtained leave to bring in a Bill '*for an Act to amend the Cancer Act 1958 and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.

4 **GAMBLING REGULATION AMENDMENT (LICENSING) BILL 2008** — Mr Robinson obtained leave to bring in a Bill '*for an Act to amend the Gambling Regulation Act 2003 with respect to certain gambling licences and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.

5 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

**Greenhouse Gas Emission Targets** — Requesting that the House commits Victoria to the recommendation of the report *Climate: Code Red: The case for a sustainability emergency* that greenhouse gas emission targets be set at a level that facilitates the large scale and rapid transition of Victoria to a post-carbon economy and society, bearing 262 signatures (*Mr Cameron*)

**The Pines Flora and Fauna Reserve, Frankston** — Requesting that the House directs that all crown land within the Pines Flora and Fauna Reserve, Frankston, be set aside as a National Park, bearing 572 signatures (*Mr Perera*)

**Restoration of Long Jetty at Port Welshpool** — Requesting that the House calls upon the Government to fund the immediate restoration of the Long Jetty at Port Welshpool and commit to a long term strategy to ensure its continued preservation and maintenance, bearing 1845 signatures (*Mr Ryan*).

Petitions ordered to be tabled.

6 **DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:

Auditor-General — *Delivering HealthSMART* — Victoria's whole-of-health ICT strategy — Ordered to be printed

Statutory Rules under the following Acts:

*Firearms Act 1996* — SR 22

*Liquor Control Reform Act 1998* — SR 20

*Subordinate Legislation Act 1994* — SR 21

*Subordinate Legislation Act 1994*:

Minister's exception certificate in relation to Statutory Rule 21

Minister's exemption certificate in relation to Statutory Rule 20.

7 **STATEMENTS BY MEMBERS** — Statements by members were made.

8 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE — ATTRACTION OF VICTORIA** — The House was informed that Ms Green had proposed that a definite matter of public importance be submitted to the House for discussion, namely —

'That this House congratulates the Brumby Government for ensuring Victoria is the best place to live, work and raise a family for a million more Victorians.'

Ms Green addressed the House — Discussion followed.

- 9 **STATEMENTS ON PARLIAMENTARY COMMITTEE REPORTS** — Statements were made on the following Committee Reports:

Public Accounts and Estimates Committee's Report on Strengthening Government and Parliamentary Accountability in Victoria

Law Reform Committee's Report on Property Investment Advisors and Marketeters

Drugs and Crime Prevention Committee's Report on the Inquiry into the Misuse/Abuse of Benzodiazepines and Other Forms of Pharmaceutical Drugs in Victoria.

- 10 **CONSTITUTION AMENDMENT (JUDICIAL PENSIONS) BILL 2007** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 2.00 pm under standing orders.*

- 11 **QUESTIONS** — (Under SO 55).

- 12 **CONSTITUTION AMENDMENT (JUDICIAL PENSIONS) BILL 2007** — Debate resumed on question — That this Bill be now read a second time.

Bill read a second time, considered in detail and agreed to with amendments (*see pp 323, 324*).

Bill read a third time with the concurrence of an absolute majority and a special majority of the whole number of the members of the Legislative Assembly.

Bill sent to the Legislative Council and their agreement requested.

- 13 **COURTS LEGISLATION AMENDMENT (ASSOCIATE JUDGES) BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Bill read a second time and, by leave, immediately read a third time with the concurrence of an absolute majority and a special majority of the whole number of the members of the Legislative Assembly.

Bill sent to the Legislative Council and their agreement requested.

- 14 **ENVIRONMENT PROTECTION AMENDMENT (LANDFILL LEVIES) BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Mr Helper*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 15 **POSTPONEMENT OF ORDER OF THE DAY** — Ordered — That the consideration of Government Business, Order of the Day, No 4 be postponed until later this day.

- 16 **LAND (REVOCATION OF RESERVATIONS) BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Mr Langdon*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 17 **EDUCATION AND TRAINING REFORM AMENDMENT BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 10.00 pm under standing orders.*

- 18 **ADJOURNMENT** — The Acting Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.38 pm.

R W PURDEY  
Clerk of the Legislative Assembly

JENNY LINDELL  
Speaker

## No 68 — Thursday 17 April 2008

- 1 The Speaker took the Chair and read the Prayer.

- 2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

**Redevelopment of Box Hill Hospital** — Requesting that the House calls on the Government to provide the necessary funding in the 2008–09 State Budget so that the full redevelopment of Box Hill Hospital can proceed without any further delay, bearing 237 signatures (*Mr Clark*)

**Intersection at St Georges Road, Charles Street and Merri Parade, Northcote** — Requesting that the House implements measures to improve safety of the roundabout and intersection of St Georges Road, Charles Street and Merri Parade, Northcote for the improved safety and benefit all commuters, bearing 2255 signatures (*Ms Richardson*).

Petitions ordered to be tabled.

- 3 **DOCUMENTS**

**MELBOURNE COLLEGE OF DIVINITY** — Motion made, by leave, and question — That the 2007 Report of the Melbourne College of Divinity be tabled (*Ms Neville*) — put and agreed to.

**AUSTRALIAN CATHOLIC UNIVERSITY LTD** — Motion made, by leave, and question — That the 2007 Report of the Australian Catholic University Ltd be tabled (*Ms Neville*) — put and agreed to.

### **DOCUMENT BY COMMAND OF THE GOVERNOR**

Mr Hulls presented by Command of the Governor:

County Court — Report 2006–07

Ordered to be tabled.

**DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:

Adult Multicultural Education Services — Report 2007

Australian Crime Commission — Report 2006–07

Ballarat University — Report 2007 (two documents)

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 documents)

Holmesglen Institute of TAFE — Report 2007

Kangan Batman Institute of TAFE — Report 2007

La Trobe University — Report 2007

Melbourne University — Report 2007

Monash University — Report 2007

Northern Melbourne Institute of TAFE — Report 2007

*Professional Standards Act 2003* — CPA Australia Limited (Victoria) Scheme under s 14 (*Gazette G8, 21 February 2008*)

RMIT University — Report 2007

South West Institute of TAFE — Report 2007

Sunraysia Institute of TAFE — Report 2007

Swinburne University of Technology — Report 2007

Victoria University — Report 2007 (two documents)

William Angliss Institute of TAFE — Report 2007

Wodonga Institute of TAFE — Report 2007.

4 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourns until Tuesday 6 May 2008 (*Ms Neville*) — put and agreed to.

5 **STATEMENTS BY MEMBERS** — Statements by members were made.

- 6 **EDUCATION AND TRAINING REFORM AMENDMENT BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 2.00 pm under standing orders.*

- 7 **QUESTIONS** — (Under SO 55).

- 8 **EDUCATION AND TRAINING REFORM AMENDMENT BILL 2008** — Debate continued on question — That this Bill be now read a second time.

Motion made and question — That the debate be now adjourned (*Mr Langdon*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 9 **ENVIRONMENT PROTECTION AMENDMENT (LANDFILL LEVIES) BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Bill read a second time and, by leave, immediately read a third time.

Bill sent to the Legislative Council and their agreement requested.

- 10 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Co-operatives and Private Security Acts Amendment Bill 2008 without amendment.

- 11 **LAND (REVOCAION OF RESERVATIONS) BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Bill read a second time and considered in detail (*see pp 323, 324*).

*Allocation of time — The Deputy Speaker advised that the time allocated for consideration of bills under the resolution of the House on Tuesday 15 April 2008 had expired.*

Question — That the words proposed to be omitted stand part of the Clause — put.

The House divided (the Deputy Speaker, Ms Barker, in the Chair) —

AYES 46

Mr Andrews; Mr Batchelor; Mr Brooks; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Mr Eren; Mr Foley; Ms Green; Mr Haermeyer; Mr Hardman; Dr Harkness; Mr Herbert; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Ms Kosky; Mr Langdon; Mr Languiller; Mr Lim; Ms Lobato; Mr Lupton; Mrs Maddigan; Ms Marshall; Mr Merlino; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Perera; Ms Richardson; Mr Robinson; Mr Scott; Mr Seitz; Mr Stensholt; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

NOES 31

Ms Asher; Mr Baillieu; Mr Blackwood; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Hodgett; Mr Kotsiras; Mr McIntosh; Mr Morris; Mr Mulder; Dr Napthine; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith (*Bass*); Mr Smith (*Warrandyte*); Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Weller; Mr Wells; Ms Wooldridge.

Question agreed to.

Question — That Clause 1 be agreed to — put and agreed to.

Question — That Clauses 2 to 11 inclusive and Schedules 1 to 6 inclusive be agreed to, the Bill be agreed to without amendment, and the Bill be now read a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 12 **EDUCATION AND TRAINING REFORM AMENDMENT BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time and a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 13 **POSTPONEMENT OF ORDER OF THE DAY** — Ordered — That the consideration of Government Business, Order of the Day, No 4 be postponed until later this day.

- 14 **ENERGY AND RESOURCES LEGISLATION AMENDMENT BILL 2008** — *Mr Batchelor tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Batchelor*).

Motion made and question — That the debate be now adjourned (*Mr Clark*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 1 May 2008.

- 15 **LEGISLATION REFORM (REPEALS NO. 3) BILL 2008** — *Mr Brumby tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Brumby*).

Motion made and question — That the debate be now adjourned (*Mr Wakeling*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 1 May 2008.

- 16 **LEGISLATION REFORM (REPEALS NO. 3) BILL 2008** — Motion made, by leave, and question — That the proposals contained in the Legislation Reform (Repeals No. 3) Bill 2008 be referred to the Scrutiny of Acts and Regulations Committee for inquiry, consideration and report (*Mr Batchelor*) — put and agreed to.

- 17 **PUBLIC SECTOR EMPLOYMENT (AWARD ENTITLEMENTS) AMENDMENT BILL 2008** — *Mr Hulls tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).

Motion made and question — That the debate be now adjourned (*Mr Clark*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 1 May 2008.

- 18 **JUSTICE LEGISLATION AMENDMENT BILL 2008** — *Mr Cameron tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Cameron*).

Motion made and question — That the debate be now adjourned (*Mr McIntosh*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 1 May 2008.

- 19 **CANCER AMENDMENT (HPV) BILL 2008** — *Mr Andrews tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*
- Motion made and question proposed — That this Bill be now read a second time (*Mr Andrews*).
- Motion made and question — That the debate be now adjourned (*Mr Clark*) — put and agreed to.
- Ordered — That the debate be adjourned until Thursday 1 May 2008.
- 20 **GAMBLING REGULATION AMENDMENT (LICENSING) BILL 2008** — *Mr Robinson tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*
- Motion made and question proposed — That this Bill be now read a second time (*Mr Robinson*).
- Motion made and question — That the debate be now adjourned (*Mr O'Brien*) — put and agreed to.
- Ordered — That the debate be adjourned until Thursday 1 May 2008.
- 21 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Andrews*) — put and agreed to.
- 22 **ADJOURNMENT** — The Deputy Speaker left the Chair, after debate, at 5.26 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JENNY LINDELL  
*Speaker*

LEGISLATIVE ASSEMBLY OF VICTORIA

**CONSIDERATION IN DETAIL**  
**Supplement to Votes Nos 66, 67 and 68**

**No 67 — Wednesday 16 April 2008**

**CONSTITUTION AMENDMENT (JUDICIAL PENSIONS) BILL 2007**

**Clause 1**, Mr Hulls moved amendment No 1 (*see Schedule 1*).

Amendment put and agreed to.

Clause agreed to as amended.

**Clause 2**, Mr Hulls moved amendment No 2 (*see Schedule 1*).

Amendment put and agreed to.

Clause agreed to as amended.

**Clauses 3 to 21** agreed to.

**Heading Part 6**, Mr Hulls moved amendment No 3 (*see Schedule 1*).

Amendment put and agreed to.

**Clause 22**, Mr Hulls moved amendment Nos 4 and 5 (*see Schedule 1*).

Amendments put and agreed to.

Clause agreed to as amended.

**Clause 23**, Mr Hulls moved amendment Nos 6 and 7 (*see Schedule 1*).

Amendments put and agreed to.

Clause agreed to as amended.

**Clause 24** agreed to.

Bill agreed to as amended.

**No 68 — Thursday 17 April 2008**

**LAND (REVOCAION OF RESERVATIONS) BILL 2008**

**Clause 1**, Mr Smith (*Warrandyte*) moved amendment No 1 (*see Schedule 2*).

*Allocation of time — The Deputy Speaker advised that the time allocated for consideration of bills under the resolution of the House on Tuesday 15 April 2008 had expired (for remaining stages see pp 320–1).*

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## SCHEDULES OF AMENDMENTS MOVED

### SCHEDULE 1

#### CONSTITUTION AMENDMENT (JUDICIAL PENSIONS) BILL 2007

Amendments moved by Mr Hulls

1. Clause 1, page 2, line 6, omit "2007" and insert "2008".
2. Clause 2, line 12, omit "2007" and insert "2008".
3. Part Heading preceding clause 22, line 2, omit "2007" and insert "2008".
4. Clause 22, line 23, omit "2007" and insert "2008".
5. Clause 22, line 32, omit "2007" and insert "2008".
6. Clause 23, line 21, omit "2007" and insert "2008".
7. Clause 23, line 30, omit "2007" and insert "2008".

### SCHEDULE 2

#### LAND (REVOCAION OF RESERVATIONS) BILL 2008

Amendment moved by Mr Smith (*Warrandyte*)

1. Clause 1, lines 3 and 4, omit paragraph (a).

## LEGISLATIVE ASSEMBLY OF VICTORIA

### VOTES AND PROCEEDINGS Nos 69, 70 and 71

#### No 69 — Tuesday 6 May 2008

- 1 The House met according to the adjournment — The Speaker took the Chair and read the Prayer.
  - 2 **DEATH OF PETER JOHN RANGLES** — The Speaker announced the death of Peter John Randles, Member of the Legislative Assembly for the Electoral District of Brunswick from 1949 to 1955; and members rose in their places as a mark of respect to the memory of the deceased.
  - 3 **DIRECTOR, POLICE INTEGRITY** — The Speaker announced that, on 1 May 2008, the Acting Speaker administered to Michael John Strong, Director, Police Integrity, the affirmation required by s 102D of the *Police Regulation Act 1958*.
  - 4 **QUESTIONS** — (Under SO 55).
  - 5 **STATE TAXATION ACTS AMENDMENT BILL 2008** — Mr Holding obtained leave to bring in 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 the Bill was read a first time and ordered to be read a second time tomorrow.
  - 6 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:
    - Redevelopment of Box Hill Hospital** — Requesting that the House calls on the Government to provide the necessary funding in the 2008–09 State Budget so that the full redevelopment of Box Hill Hospital can proceed without any further delay, bearing 231 signatures (*Mr Clark*)
    - Logging of Armstrong Creek Catchment** — Requesting that the Government immediately ceases logging of the Armstrong, Thomson, Cement, McMahons and Starvation Catchments, bearing 443 signatures (*Ms Lobato*)
    - Restoration of Long Jetty at Port Welshpool** — Requesting that the House calls upon the Government to fund the immediate restoration of the Long Jetty at Port Welshpool and commit to a long term strategy to ensure its continued preservation and maintenance, bearing 115 signatures (*Mr Ryan*).
- Petitions ordered to be tabled.
- 7 **PETITION — RESTORATION OF LONG JETTY AT PORT WELSHPOOL** — Motion made and question — That the petition presented by the Member for Gippsland South be taken into consideration tomorrow (*Mr Ryan*) — put and agreed to.
  - 8 **PETITION — LOGGING OF ARMSTRONG CREEK CATCHMENT** — Motion made and question — That the petition presented by the Member for Gembrook be taken into consideration tomorrow (*Ms Lobato*) — put and agreed to.

## 9 DOCUMENTS

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — Mr Carli, Chair, presented a report from the Scrutiny of Acts and Regulations Committee being the Alert Digest No 5 of 2008 on the:

Cancer Amendment (HPV) Bill 2008  
 Children's Legislation Amendment Bill 2008  
 Education and Training Reform Amendment Bill 2008  
 Energy and Resources Legislation Amendment Bill 2008  
 Essential Services Commission Amendment Bill 2008  
 Gambling Regulation Amendment (Licensing) Bill 2008  
 Justice Legislation Amendment Bill 2008  
 Justice Legislation Amendment (Sex Offences Procedure) Bill 2008  
 Legislation Reform (Repeals No. 3) Bill 2008  
 Police Integrity Bill 2008  
 Public Sector Employment (Award Entitlements) Amendment Bill 2008  
 The Uniting Church in Australia Amendment Bill 2008  
 Victorian Water Substitution Target Bill 2007

together with appendices.

Ordered, after debate, to be tabled and printed.

**DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:

*Financial Management Act 1994:*

Budget Paper No 2 — Strategy and Outlook 2008–09  
 Budget Paper No 3 — Service Delivery 2008–09  
 Budget Paper No 4 — Statement of Finances 2008–09 incorporating Quarterly Financial Report No 3

*Major Events (Aerial Advertising) Act 2007* — Event order under s 7

*Planning and Environment Act 1987* — Notices of approval of amendments to the following Planning Schemes:

Ballarat — C92, C103 Part 1, C108, C111  
 Bass Coast — C46 Part 2, C74  
 Baw Baw — C53  
 Boroondara — C40  
 Brimbank — C109  
 Casey — C80 Part 2, C84  
 Glen Eira — C58  
 Greater Geelong — C86 Part 1, C136  
 Greater Shepparton — C83, C85, C86, C104  
 Maribyrnong — C52, C58  
 Melton — C52, C73  
 Moreland — C49  
 Northern Grampians — C18, C22  
 Port Phillip — C52  
 Stonnington — C73, C81  
 Surf Coast — C42  
 Warrnambool — C40  
 Wodonga — C28

Yarra Ranges — C69, C74

Statutory Rules under the following Acts:

*Corrections Act 1986* — SR 30  
*Dangerous Goods Act 1985* — SR 24  
*Police Regulation Act 1958* — SR 25  
*Road Safety Act 1986* — SRs 26, 27, 28  
*Subordinate Legislation Act 1994* — SR 31  
*Supreme Court Act 1986* — SR 32  
*Victims of Crime Assistance Act 1996* — SR 23  
*Water Act 1989* — SR 29

*Subordinate Legislation Act 1994*:

Ministers' exception certificates in relation to Statutory Rules 23, 29, 31, 32  
 Ministers' exemption certificates in relation to Statutory Rules 24, 25, 26, 27, 28, 29, 30  
 Minister's infringements offence consultation certificate in relation to Statutory Rule 26.

The following proclamations fixing operative dates were tabled by the Clerk in accordance with an order of the House dated 19 December 2006:

*Energy Legislation Further Amendment Act 2007* — Section 26 — 25 April 2008, (*Gazette G17, 24 April 2008*)  
*Graffiti Prevention Act 2007* — Whole Act except ss 10, 11(2) and 11(5) — 17 April 2008; ss 10, 11(2) and 11(5) — 30 June 2008 (*Gazette G16, 17 April 2008*)  
*Police Regulation Amendment Act 2007* — Sections 3, 4, 5, 7, 11 and 13 — 16 April 2008 (*Gazette S100, 15 April 2008*)  
*Road Legislation Further Amendment Act 2007* — Part 4 — 24 April 2008 (*Gazette G17, 24 April 2008*).

10 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Essential Services Commission Amendment Bill 2008 without amendment.

11 **MESSAGE FROM THE GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that he had, on 23 April 2008, given the royal assent to the following bills, presented to him by the Clerk of the Parliaments:

Co-operatives and Private Security Acts Amendment Bill 2008  
 Crown Land (Reserves) Amendment (Carlton Gardens) Bill 2008  
 Essential Services Commission Amendment Bill 2008  
 Legislation Reform (Repeals No. 2) Bill 2007.

12 **MESSAGES FROM THE LIEUTENANT-GOVERNOR** — Recommending appropriations for the purposes of the following bills:

Energy and Resources Legislation Amendment Bill 2008  
 Justice Legislation Amendment Bill 2008  
 Gambling Regulation Amendment (Licensing) Bill 2008.

13 **MESSAGE FROM THE LIEUTENANT-GOVERNOR** — Recommending an appropriation for the purposes of the Appropriation (2008/2009) Bill 2008, and accompanying Estimates of Expenditure requiring annual appropriation in the financial year 2008/2009.

Estimates ordered to be tabled.

- 14 **APPROPRIATION (2008/2009) BILL 2008** — Mr Brumby obtained leave to bring in 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 the Bill was read a first time and under SO 87 ordered to be read a second time immediately.

In accordance with the resolution of the House on 12 March 2008 the Treasurer, Mr Lenders, was admitted into the Chamber by the Serjeant-at-Arms.

*Mr Brumby tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Brumby*).

Mr Lenders delivered a speech in relation to the Bill.

Motion made and question — That the debate be now adjourned (*Mr Wells*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 8 May 2008.

Mr Lenders was escorted from the Chamber by the Serjeant-at-Arms.

- 15 **MESSAGE FROM THE LIEUTENANT-GOVERNOR** — Recommending an appropriation for the purposes of the Appropriation (Parliament 2008/2009) Bill 2008, and accompanying Estimates of Expenditure for Parliament requiring annual appropriation in the financial year 2008/2009.

Estimates ordered to be tabled.

- 16 **APPROPRIATION (PARLIAMENT 2008/2009) BILL 2008** — Mr Brumby obtained leave to bring in 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 the Bill was read a first time and under SO 87 ordered to be read a second time immediately.

*Mr Brumby tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Brumby*).

Motion made and question — That the debate be now adjourned (*Mr Wells*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 8 May 2008.

- 17 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, under SO 94(2), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 8 May 2008:

Children's Legislation Amendment Bill 2008

Energy and Resources Legislation Amendment Bill 2008

Justice Legislation Amendment Bill 2008

Public Sector Employment (Award Entitlements) Amendment Bill 2008

The Uniting Church in Australia Amendment Bill 2008

(*Mr Batchelor*) — put, after debate, and agreed to.

- 18 **STATEMENTS BY MEMBERS** — Statements by members were made.

- 19 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 1 to 4 inclusive, be postponed until later this day.
- 20 **JUSTICE LEGISLATION AMENDMENT BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.
- Bill read a second time and, by leave, immediately read a third time.
- Bill sent to the Legislative Council and their agreement requested.
- 21 **ENERGY AND RESOURCES LEGISLATION AMENDMENT BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time.
- Under standing orders, Mr Clark announced an amendment to be proposed when the House considers the Bill in detail and requested that it be circulated. Amendment circulated.
- Debate resumed on question — That this Bill be now read a second time.
- Business having been interrupted at 10.00 pm under standing orders.*
- 22 **ADJOURNMENT** — The Deputy Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.41 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JENNY LINDELL  
*Speaker*

## No 70 — Wednesday 7 May 2008

- 1 The Speaker took the Chair and read the Prayer.
- 2 **NATIONAL GAS (VICTORIA) BILL 2008** — Mr Batchelor obtained leave to bring in 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, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 3 **PUBLIC HEALTH AND WELLBEING BILL 2008** — Mr Andrews obtained leave to bring in 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, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 4 **DRUGS, POISONS AND CONTROLLED SUBSTANCES (VOLATILE SUBSTANCES) (REPEAL) BILL 2008** — Ms Neville obtained leave to bring in a Bill *'for an Act to repeal the Drugs, Poisons and Controlled Substances (Volatile Substances) Act 2003 and for other purposes'*; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.

- 5 **PETITION** — The Clerk announced that the following petition had been lodged for presentation:

**Knox Private Hospital** — Requesting that the House resolves that the Minister for Planning should investigate the Knox Private Hospital's compliance with former VCAT rulings and stop any further development which encroaches upon the residential neighbourhood, bearing 151 signatures (*Mrs Victoria*).

Ordered to be tabled.

- 6 **PETITION — KNOX PRIVATE HOSPITAL** — Motion made and question — That the petition presented by the Member for Bayswater be taken into consideration tomorrow (*Mrs Victoria*) — put and agreed to.

- 7 **DOCUMENTS TABLED UNDER AN ACT OF PARLIAMENT** — The Clerk tabled the following documents in accordance with an Act of Parliament:

Auditor-General:

Annual Plan 2008–09

Victoria's Planning Framework for Land Use and Development, together with the Planning Permit Application: Assessment Checklist and Planning Scheme Amendment: Assessment Checklist — Ordered to be printed.

- 8 **MESSAGE FROM THE GOVERNOR — SENATE VACANCY** — Transmitting a despatch from the Honourable the President of the Senate notifying that a vacancy had happened in the representation of the State of Victoria in the Senate of the Commonwealth of Australia through the resignation of Senator the Honourable Robert Francis Ray on 5 May 2008.

Ordered — That the message be taken into consideration immediately.

- 9 **JOINT SITTING — SENATE VACANCY** — Motion made and question — That this House meets the Legislative Council 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 proposes that the time and place of such meeting be the Legislative Assembly Chamber on Thursday 8 May 2008 at 12.45 pm or at the conclusion of the Legislative Council question time, whichever is the later (*Mr Batchelor*) — put and agreed to.

Ordered — That a message be sent to the Legislative Council informing them of the resolution and requesting their agreement.

- 10 **STATEMENTS BY MEMBERS** — Statements by members were made.

- 11 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE — LOCAL GOVERNMENT** — The House was informed that Mrs Powell had proposed that a definite matter of public importance be submitted to the House for discussion, namely —

"That this House expresses its concern at the Victorian Government's continuing and destructive attacks on local government and local government councillors which are designed to weaken the authority of local government and reduce its capacity to advocate on behalf of local communities where such advocacy conflicts with state government agendas, including:

- (1) cost shifting by state government to local councils;
- (2) the reduction of planning powers of councils and councillors;

- (3) an unsatisfactory electoral review process designed to weaken continuity in local governance; and
- (4) the imposition of unrequested and unworkable zoning changes to local planning schemes.'

Mrs Powell addressed the House — Discussion followed.

12 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to 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 as proposed by the Assembly.

13 **STATEMENTS ON PARLIAMENTARY COMMITTEE REPORTS** — Statements were made on the following Committee Reports:

Public Accounts and Estimates Committee's Report on Strengthening Government and Parliamentary Accountability in Victoria

Privileges Committee's Report on the Right of Reply from Mr Robert Larocca, a person referred to in the Legislative Assembly

Law Reform Committee's Report on the Inquiry into Property Investment Advisors and Marketeers

Public Accounts and Estimates Committee's Report on the 2007–08 Budget Estimates — Part One.

14 **STATE TAXATION ACTS AMENDMENT BILL 2008** — *Mr Holding tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Holding*).

Motion made and question — That the debate be now adjourned (*Mr Wells*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 21 May 2008.

*Business having been interrupted at 2.00 pm under standing orders.*

15 **QUESTIONS** — (Under SO 55).

16 **THE UNITING CHURCH IN AUSTRALIA AMENDMENT BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time.

The Speaker ruled the Bill to be a private bill.

Motion made and question — That this Bill be treated as a public bill and that fees be dispensed with (*Mr Hulls*) — put and agreed to.

Debate resumed on question — That this Bill be now read a second time.

Bill read a second time and, by leave, immediately read a third time.

Bill sent to the Legislative Council and their agreement requested.

17 **POSTPONEMENT OF ORDER OF THE DAY** — Ordered — That the consideration of Government Business, Order of the Day, No 3 be postponed until later this day.

- 18 **PUBLIC SECTOR EMPLOYMENT (AWARD ENTITLEMENTS) AMENDMENT BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.
- Bill read a second time and, by leave, immediately read a third time.
- Bill sent to the Legislative Council and their agreement requested.
- 19 **ENERGY AND RESOURCES LEGISLATION AMENDMENT BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.
- Bill read a second time, considered in detail and agreed to with an amendment, read a third time (*see pp 336–7*).
- Bill sent to the Legislative Council and their agreement requested.
- 20 **CHILDREN'S LEGISLATION AMENDMENT BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time.
- Under standing orders, Ms Morand announced amendments to be proposed when the House considers the Bill in detail and requested that they be circulated. Amendments circulated.
- Debate resumed on question — That this Bill be now read a second time.
- Business having been interrupted at 10.00 pm under standing orders.*
- 21 **ADJOURNMENT** — The Acting Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.39 pm.

R W PURDEY  
Clerk of the Legislative Assembly

JENNY LINDELL  
Speaker

## No 71 — Thursday 8 May 2008

- 1 The Speaker took the Chair and read the Prayer.
- 2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:
- Upgrade of Health Services for Bass Coast Region** — Requesting that the House asks the Government to support funding for the upgrade of health services in the Bass Coast region, bearing 387 signatures (*Mr Smith, Bass*)
- Desalination Plant, Bass Coast** — Requesting that the House directs immediate consultation between the Government and the local community of the Bass Coast regarding the proposed desalination plant, bearing 316 signatures (*Mr Smith, Bass*)
- The Pines Flora and Fauna Reserve, Frankston** — Requesting that the House directs that all crown land within the Pines Flora and Fauna Reserve, Frankston, be set aside as a National Park, bearing 315 signatures (*Mr Perera*)

**Changes to Abortion Laws** — Requesting that the House — (a) retains the current provisions of the *Crimes Act 1958* which make it a crime to deliberately kill babies capable of living outside the womb and expands the provisions of the Act to prohibit all forms of abortion at any stage of pregnancy, excepting some extremely rare instances; and (b) requires, through appropriate legislation, that all emergency abortions be performed with the goal of delivering the baby alive with medical care, bearing 60 signatures (*Mr Trezise*)

**Logging of Armstrong Creek Catchment** — Requesting that the Government immediately ceases logging of the Armstrong, Thomson, Cement, McMahons and Starvation Catchments, bearing 44 signatures (*Ms Lobato*)

**Water Pipeline Goulburn to Melbourne — Alternative Water Schemes** — Requesting that the House — (a) rejects the proposal to develop a pipeline which would take water from the Goulburn Valley and pump it to Melbourne; and (b) calls on the Government to address Melbourne's water supply needs by investing in desalination, recycling and capturing stormwater, bearing 221 signatures (*Mrs Powell*).

Petitions ordered to be tabled.

3 **PETITION — UPGRADE OF HEALTH SERVICES FOR BASS COAST REGION** — Motion made and question — That the petition presented by the Member for Bass be taken into consideration tomorrow (*Mr Smith, Bass*) — put and agreed to.

4 **PETITION — DESALINATION PLANT, BASS COAST** — Motion made and question — That the petition presented by the Member for Bass be taken into consideration tomorrow (*Mr Smith, Bass*) — put and agreed to.

5 **PETITION — WATER PIPELINE GOULBURN TO MELBOURNE — ALTERNATIVE WATER SCHEMES** — Motion made and question — That the petition presented by the Member for Shepparton be taken into consideration tomorrow (*Mrs Powell*) — put and agreed to.

## 6 DOCUMENTS

**PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE** — Dr Sykes presented a report from the Public Accounts and Estimates Committee on the 2006–07 Financial and Performance Outcomes, together with appendices.

Ordered to be tabled and printed.

**DOCUMENTS TABLED UNDER AN ACT OF PARLIAMENT** — The Clerk tabled the following documents in accordance with an Act of Parliament:

Statutory Rules under the following Acts:

County Court Act 1958 — SR 33

Subordinate Legislation Act 1994 — SR 34

*Subordinate Legislation Act 1994:*

Ministers' exception certificates in relation to Statutory Rules 33, 34.

7 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourns until Tuesday 27 May 2008 (*Mr Helper*) — put and agreed to.

8 **STATEMENTS BY MEMBERS** — Statements by members were made.

- 9 **APPROPRIATION (2008/2009) BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 2.00 pm under standing orders.*

- 10 **QUESTIONS** — (Under SO 55).

- 11 **APPROPRIATION (2008/2009) BILL 2008** — Debate continued on question — That this Bill be now read a second time.

Motion made and question — That the debate be now adjourned (*Mr Mulder*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 12 **SENATE VACANCY** — The Deputy Speaker reported that the House met today with the Legislative Council 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 that Jacinta Collins has been duly chosen to hold the vacant place.

- 13 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 2 to 4 inclusive, be postponed until later this day.

- 14 **CHILDREN'S LEGISLATION AMENDMENT BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Allocation of time — The Deputy Speaker advised that the time allocated for consideration of bills under the resolution of the House on Tuesday 6 May 2008 had expired.*

Question — That this Bill be now read a second time — put and agreed to.

Question — That Government amendment Nos 1 to 4 inclusive be agreed to and the Bill be now read a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 15 **NATIONAL GAS (VICTORIA) BILL 2008** — *Ms Morand tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Ms Morand*).

*Ms Morand made the statement of intention required by s 85(5)(c) of the Constitution Act 1975.*

Motion made and question — That the debate be now adjourned (*Mr Clark*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 22 May 2008.

- 16 **DRUGS, POISONS AND CONTROLLED SUBSTANCES (VOLATILE SUBSTANCES) BILL 2008** — *Ms Neville tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Ms Neville*).

Motion made and question — That the debate be now adjourned (*Ms Wooldridge*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 22 May 2008.

- 17 **PUBLIC HEALTH AND WELLBEING BILL 2008** — *Mr Andrews tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*
- Motion made and question proposed — That this Bill be now read a second time (*Mr Andrews*).
- Mr Andrews made the statement of intention required by s 85(5)(c) of the Constitution Act 1975.*
- Motion made and question — That the debate be now adjourned (*Mrs Shardey*) — put and agreed to.
- Ordered, after debate — That the debate be adjourned until Thursday 22 May 2008.
- 18 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Wynne*) — put and agreed to.
- 19 **ADJOURNMENT** — The Deputy Speaker left the Chair, after debate, at 5.24 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JENNY LINDELL  
*Speaker*

LEGISLATIVE ASSEMBLY OF VICTORIA

**CONSIDERATION IN DETAIL**  
**Supplement to Votes Nos 69, 70 and 71**

**No 70 — Wednesday 7 May 2008**

**ENERGY AND RESOURCES LEGISLATION AMENDMENT BILL 2008**

**Clauses 1 to 17** agreed to.

**Clause 18**, Mr Clark moved an amendment (*see Schedule*).

Amendment put and agreed to.

Clause agreed to as amended.

**Clauses 19 to 22** agreed to.

Bill agreed to as amended.

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## **SCHEDULE OF AMENDMENT MOVED**

### **ENERGY AND RESOURCES LEGISLATION AMENDMENT BILL 2008**

Amendment moved by Mr Clark

Clause 18, line 22, omit "may" and insert "must".



## LEGISLATIVE ASSEMBLY OF VICTORIA

### VOTES AND PROCEEDINGS Nos 72, 73 and 74

#### No 72 — Tuesday 27 May 2008

- 1 The House met according to the adjournment — The Speaker took the Chair and read the Prayer.
- 2 **QUESTIONS** — (Under SO 55).
- 3 **BURMA CYCLONE** — Statements were made, by leave, on the devastation resulting from the Burma cyclone and members rose in their places as a mark of respect for the victims of the cyclone.
- 4 **COURTS LEGISLATION AMENDMENT (JURIES AND OTHER MATTERS) BILL 2008** — Mr Hulls obtained leave to bring in 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, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 5 **UNCLAIMED MONEY BILL 2008** — Mr Holding obtained leave to bring in 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, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 6 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:
  - Bus Route — Gembrook to Pakenham** — Requesting that the House establishes a bus route between Gembrook and Pakenham, bearing 43 signatures (*Ms Lobato*)
  - Werribee Open Range Zoo** — Requesting that the Government — (a) protects the conservation, educational and zoological values of Werribee Open Range Zoo; and (b) abandons the present proposal from Village Roadshow, bearing 8109 signatures (*Mr Pallas*)
  - Warrandyte Reserve** — Requesting that the Government consults with users of Warrandyte Reserve, Warrandyte, and allocates necessary funding for the Reserve, bearing 1249 signatures (*Mr Smith, Warrandyte*).Petitions ordered to be tabled.
- 7 **PETITION — BUS ROUTE — GEMBROOK TO PAKENHAM** — Motion made and question — That the petition presented by the Member for Gembrook be taken into consideration tomorrow (*Ms Lobato*) — put and agreed to.
- 8 **PETITION — WARRANDYTE RESERVE** — Motion made and question — That the petition presented by the Member for Warrandyte be taken into consideration tomorrow (*Mr Smith, Warrandyte*) — put and agreed to.

## 9 DOCUMENTS

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — Mr Carli, Chair, presented a report from the Scrutiny of Acts and Regulations Committee on the Legislation Reform (Repeals No. 3) Bill 2008, together with appendices.

Ordered to be tabled and printed.

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — Mr Carli, Chair, presented a report from the Scrutiny of Acts and Regulations Committee being the Alert Digest No 6 of 2008 on the:

Appropriation (2008/2009) Bill 2008  
 Appropriation (Parliament 2008/2009) Bill 2008  
 Constitution Amendment (Judicial Pensions) Bill 2007  
 Courts Legislation Amendment (Associate Judges) Bill 2008  
 Criminal Procedure Legislation Amendment Bill 2007  
 Drugs, Poisons and Controlled Substances (Volatile Substances) (Repeal) Bill 2008  
 Justice Legislation Amendment Bill 2008  
 National Gas (Victoria) Bill 2008  
 Public Health and Wellbeing Bill 2008  
 State Taxation Acts Amendment Bill 2008

together with appendices.

Ordered to be tabled and printed.

**DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:

Anti-Cancer Council of Victoria — Report 2007

*Crown Land (Reserves) Act 1978:*

Order under s 17D granting a lease over Red Cliffs Court House Historical Purposes Reserve  
 Order under s 17B granting a licence over Dromana Foreshore Reserve

*Financial Management Act 1994* — Report from the Minister for Health that he had received the 2007 report of the Psychologists Registration Board of Victoria, together with an explanation for the delay

*Parliamentary Committees Act 2003* — Government response to the Education and Training Committee's Inquiry into Dress Codes and School Uniforms in Victorian Schools

*Planning and Environment Act 1987* — Notices of approval of amendments to the following Planning Schemes:

Bass Coast — C46 Part 1  
 Baw Baw — C47 Part 1  
 Brimbank — C83, C84 Part 1, C102  
 Buloke — C17  
 Cardinia — C107  
 Colac Otway — C27 Part 1  
 East Gippsland — C60  
 Frankston — C44  
 Gannawarra — C19, C20  
 Greater Dandenong — C92

Greater Shepparton — C97  
 Hume — C71, C88, C102  
 Knox — C55, C73  
 Loddon — C22  
 Macedon Ranges — C47, C63  
 Maribyrnong — C62  
 Moonee Valley — C68  
 Northern Grampians — C28  
 Stonnington — C57  
 Whitehorse — C73, C89  
 Whittlesea — C39, C95  
 Wodonga — C59  
 Yarra Ranges — C75

*Professional Standards Act 2003* — Victorian Bar Incorporated Scheme under s 14 (*Gazette G17, 24 April 2008*)

Statutory Rules under the following Acts:

*Parliamentary Salaries and Superannuation Act 1968* — SR 36  
*Road Safety Act 1986* — SR 37  
*Subordinate Legislation Act 1994* — SR 35

*Subordinate Legislation Act 1994*:

Minister's exception certificate in relation to Statutory Rule 35  
 Minister's exemption certificate in relation to Statutory Rule 36.

The following proclamations fixing operative dates were tabled by the Clerk in accordance with an order of the House dated 19 December 2006:

*Fair Trading and Consumer Acts Further Amendment Act 2008* — Sections 4, 11 and 53 — 1 July 2008 (*Gazette G21, 22 May 2008*)  
*Liquor Control Reform Amendment Act 2007* — Remaining provisions — 22 May 2008 (*Gazette S134, 21 May 2008*).

10 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Agreeing to the following bills without amendment:

Drugs, Poisons and Controlled Substances Amendment Bill 2008  
 Education and Training Reform Amendment Bill 2008  
 Environment Protection Amendment (Landfill Levies) Bill 2008  
 Justice Legislation Amendment (Sex Offences Procedure) Bill 2008.

11 **MESSAGES FROM THE GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that he had given the royal assent to the following bills, presented to him by the Clerk of the Parliaments:

On 13 May 2008  
 Drugs, Poisons and Controlled Substances Amendment Bill 2008  
 Justice Legislation Amendment (Sex Offences Procedure) Bill 2008

On 21 May 2008  
 Education and Training Reform Amendment Bill 2008  
 Environment Protection Amendment (Landfill Levies) Bill 2008.

- 12 **MESSAGES FROM THE GOVERNOR** — Recommending appropriations for the purposes of the following bills:

National Gas (Victoria) Bill 2008  
 Public Health and Wellbeing Bill 2008  
 State Taxation Acts Amendment Bill 2008.

- 13 **RURAL AND REGIONAL COMMITTEE — INQUIRY INTO REGIONAL CENTRES OF THE FUTURE** — Motion made, by leave, and question — That under s 33 of the *Parliamentary Committees Act 2003* the Rural and Regional Committee be required to inquire into, consider and report no later than 30 September 2009 on measures to build on the current Government's investment in regional Victoria, through further development and enhancement of regional centres, focusing on the development of regional centres as places of economic, environmental, social and cultural innovation that enable regional Victoria to meet the challenge of predicted future population growth in this state, and, in particular, the Committee is required to report on:

- (1) measures that could be taken to encourage new and existing businesses, industries and government authorities to establish operations in regional centres;
- (2) the development of industrial land to support the economic base of regional centres;
- (3) the most effective investments in infrastructure to encourage business and industry development in regional centres, and to support and encourage further population growth in regional centres;
- (4) measures to promote strong social capital and high quality-of-life outcomes in growing regional centres; and
- (5) examples from other jurisdictions where promotion of population growth in regional centres has successfully occurred

(*Ms Allan*) — put and agreed to.

- 14 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, under SO 94(2), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 29 May 2008:

Drugs, Poisons and Controlled Substances (Volatile Substances) (Repeal) Bill 2008  
 National Gas (Victoria) Bill 2008  
 State Taxation Acts Amendment Bill 2008

(*Mr Batchelor*) — put, after debate, and agreed to.

- 15 **STATEMENTS BY MEMBERS** — Statements by members were made.

- 16 **POSTPONEMENT OF ORDER OF THE DAY** — Ordered — That the consideration of Government Business, Order of the Day, No 1 be postponed until later this day.

- 17 **NATIONAL GAS (VICTORIA) BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Mr Langdon*) — put.

The House divided (the Speaker, Ms Lindell, in the Chair) —

AYES 51

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beattie; Mr Brooks; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Mr Eren; Mr Foley; Ms Green; Mr Haermeyer; Mr Hardman; Dr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Ms Kosky; Mr Langdon; Mr Languiller; Mr Lim; Ms Lobato; Mr Lupton; Mrs Maddigan; Ms Marshall; Mr Merlino; Ms Morand; Ms Munt; Mr Nardella; Mr Noonan; Ms Overington; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Pike; Ms Richardson; Mr Scott; Mr Seitz; Mr Stensholt; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

NOES 33

Ms Asher; Mr Baillieu; Mr Blackwood; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Hodgett; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Morris; Mr Mulder; Dr Napthine; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith (*Bass*); Mr Smith (*Warrandyte*); Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Weller; Mr Wells; Ms Wooldridge.

Question agreed to.

Ordered — That the debate be adjourned until later this day.

- 18 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Agreeing to the following bills without amendment:

Constitution Amendment (Judicial Pensions) Bill 2007  
 Courts Legislation Amendment (Associate Judges) Bill 2008.

- 19 **STATE TAXATION ACTS AMENDMENT BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Mr Pallas*) — put.

The House divided (the Speaker, Ms Lindell, in the Chair) —

AYES 50

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beattie; Mr Brooks; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Mr Eren; Mr Foley; Ms Green; Mr Haermeyer; Mr Hardman; Dr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Langdon; Mr Languiller; Mr Lim; Ms Lobato; Mr Lupton; Mrs Maddigan; Ms Marshall; Mr Merlino; Ms Munt; Mr Nardella; Ms Neville; Mr Noonan; Ms Overington; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Pike; Ms Richardson; Mr Robinson; Mr Scott; Mr Seitz; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

NOES 32

Ms Asher; Mr Baillieu; Mr Blackwood; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Hodgett; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Morris; Mr Mulder; Dr Napthine; Mr Northe; Mr O'Brien; Mr Ryan; Mrs Shardey; Mr Smith (*Bass*); Mr Smith (*Warrandyte*); Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Weller; Mr Wells; Ms Wooldridge.

Question agreed to.

Ordered — That the debate be adjourned until tomorrow.

- 20 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Land (Revocation of Reservations) Bill 2008 without amendment.

- 21 **DRUGS, POISONS AND CONTROLLED SUBSTANCES (VOLATILE SUBSTANCES) (REPEAL) BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 10.00 pm under standing orders.*

- 22 **ADJOURNMENT** — The Deputy Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.49 pm.

R W PURDEY  
Clerk of the Legislative Assembly

JENNY LINDELL  
Speaker

## No 73 — Wednesday 28 May 2008

- 1 The Speaker took the Chair and read the Prayer.
- 2 **MELBOURNE CRICKET GROUND AMENDMENT BILL 2008** — Mr Merlino obtained leave to bring in 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, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 3 **WILDLIFE AMENDMENT (MARINE MAMMALS) BILL 2008** — Mr Batchelor obtained leave to bring in 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, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 4 **CRIMES (CONTROLLED OPERATIONS) AMENDMENT BILL 2008** — Mr Hulls obtained leave to bring in 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, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 5 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

**New Speed Limit for Kergunyah** — Requesting that the Government recommends to VicRoads that an 80 kilometres per hour zone be established near the Indigo Shire Town signage for the town of Kergunyah on the Kiewa Valley Highway, bearing 244 signatures (*Mr Tilley*)

**Public Transport Services in Outer East** — Requesting that the House — (a) recognises the need for improved public transport services in the outer east; (b) recognises the strategic importance of Canterbury Road as a major arterial road; (c) improves bus services on the east-west bus routes consistent with SmartBus standards and; (d) recognises the importance of bus services between Box Hill and Ringwood and the completion of the Principal Public Transport Network in Whitehorse and Maroondah, bearing 381 signatures (*Mr Clark*)

**Roundabout for Dinwoodie Drive, Newborough** — Requesting that the House directs the Government to take immediate action to install a roundabout or second exit for Dinwoodie Drive, Newborough and its connected roads, bearing 2024 signatures (*Mr Blackwood*)

**Port Phillip Bay Toxic Waste Site** — Requesting that the House opposes the proposed toxic waste site in Port Phillip Bay, bearing 625 signatures (*Mr Dixon*)

**Regulation of Medical Practitioners** — Requesting that the Government examines the regulation of medical practitioners and — (a) repeals or amends the *Health Professions Registration Act 2005*; (b) establishes independent bodies to investigate and hear complaints against medical practitioners; and (c) reinstates the independent VCAT appeals process that does not include medical practitioners on the Tribunal, bearing 1 signature (*Ms Barker*).

Petitions ordered to be tabled.

6 **PETITION — NEW SPEED LIMIT FOR KERGUNYAH** — Motion made and question — That the petition presented by the Member for Benambra be taken into consideration tomorrow (*Mr Tilley*) — put and agreed to.

7 **PETITION — ROUNDABOUT FOR DINWOODIE DRIVE, NEWBOROUGH** — Motion made and question — That the petition presented by the Member for Narracan be taken into consideration tomorrow (*Mr Blackwood*) — put and agreed to.

8 **DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:

Auditor-General:

Patient Safety in Public Hospitals — Ordered to be printed  
Piping the System: Incorporating the Wimmera-Mallee Pipeline and the Goldfields Superpipe — Ordered to be printed

Project Rosetta (Streams 1 and 2) — Ordered to be printed

Results of Audits for Entities with other than 30 June 2007 Balance Dates — Ordered to be printed

Review of South East Water's Works Alliance Agreement — Ordered to be printed

*Subordinate Legislation Act 1994* — Minister's exemption certificate in relation to Statutory Rule 37

Victorian Law Reform Commission — Civil Justice Review — Ordered to be printed.

9 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Agreeing to the following bills without amendment:

Children's Legislation Amendment Bill 2008

Energy and Resources Legislation Amendment Bill 2008

Public Sector Employment (Award Entitlements) Amendment Bill 2008.

10 **CHINA EARTHQUAKE** — Statements were made, by leave, on the devastation resulting from the earthquake in China and members rose in their places as a mark of respect for the victims of the earthquake.

11 **STATEMENTS BY MEMBERS** — Statements by members were made.

12 **GRIEVANCES** — Question — That grievances be noted — put, after debate, and agreed to.

13 **STATEMENTS ON PARLIAMENTARY COMMITTEE REPORTS** — Statements were made on the following Committee Reports:

Public Accounts and Estimates Committee's Report on Strengthening Government and Parliamentary Accountability in Victoria

Public Accounts and Estimates Committee's Report on the 2006–07 Financial and Performance Outcomes.

*Business having been interrupted at 2.00 pm under standing orders.*

14 **QUESTIONS** — (Under SO 55).

15 **STATEMENTS ON PARLIAMENTARY COMMITTEE REPORTS** — Statements resumed on Committee Reports.

16 **APPROPRIATION (2008/2009) BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 10.00 pm under standing orders.*

17 **ADJOURNMENT** — The Acting Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.36 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JENNY LINDELL  
*Speaker*

## No 74 — Thursday 29 May 2008

1 The Speaker took the Chair and read the Prayer.

2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

**Assistance for Alicia Withington** — Requesting that the House considers helping Alicia Withington meet some of the costs associated with recent life-saving brain surgery and retaining her family home, bearing 3281 signatures (*Ms Neville*)

**Water Pipeline Goulburn to Melbourne — Alternative Water Schemes** — Requesting that the House — (a) rejects the proposal to develop a pipeline which would take water from the Goulburn Valley and pump it to Melbourne; and (b) calls on the Government to address Melbourne's water supply needs by investing in desalination, recycling and capturing stormwater, bearing 36 signatures (*Dr Sykes*)

**Urology Unit at Frankston Hospital** — Requesting that the House asks the Government to provide a urology unit at Frankston Hospital as a matter of priority, bearing 60 signatures (*Mr Burgess*)

**Stony Point to Frankston Train Line** — Requesting that the House asks the Government to install boom gates on all level crossings on the Stony Point to Frankston train line as a matter of priority, bearing 1490 signatures (*Mr Burgess*)

**Mobile Phone Tower at St Thomas More School** — Requesting that the House rejects the application for a mobile phone tower on the premises of St Thomas More Primary School, Mt Eliza, bearing 255 signatures (*Mr Morris*).

Petitions ordered to be tabled.

3 **PETITION — ASSISTANCE FOR ALICIA WITHINGTON** — Motion made and question — That the petition presented by the Member for Bellarine be taken into consideration tomorrow (*Ms Neville*) — put and agreed to.

- 4 **PETITION — UROLOGY UNIT AT FRANKSTON HOSPITAL** — Motion made and question — That the petition presented by the Member for Hastings be taken into consideration tomorrow (*Mr Burgess*) — put and agreed to.
- 5 **PETITION — STONY POINT TO FRANKSTON TRAIN LINE** — Motion made and question — That the petition presented by the Member for Hastings be taken into consideration tomorrow (*Mr Burgess*) — put and agreed to.
- 6 **PETITION — MOBILE PHONE TOWER AT ST THOMAS MORE SCHOOL** — Motion made and question — That the petition presented by the Member for Mornington be taken into consideration tomorrow (*Mr Morris*) — put and agreed to.
- 7 **PETITION — WATER PIPELINE GOULBURN TO MELBOURNE — ALTERNATIVE WATER SCHEMES** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.

8 **DOCUMENTS**

**VICTORIAN CHILD DEATH REVIEW COMMITTEE** — Motion made, by leave, and question — That the Victorian Child Death Review Committee's Report of the Inquiries into the Deaths of Children Known to Child Protection 2008 be tabled (*Ms Neville*) — put and agreed to.

**PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE** — Mr Stensholt, Chair, presented a report from the Public Accounts and Estimates Committee on the 2008–09 Budget Estimates — Part One, together with appendices and transcripts of evidence.

Ordered to be tabled and printed.

**DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:

*Parliamentary Committees Act 2003:*

Government response to the Drugs and Crime Prevention Committee's Inquiry into Misuse/Abuse of Benzodiazepines and Other Pharmaceutical Drugs

Government response to the Public Accounts and Estimates Committee's Report on Trustee arrangements for governing the Parliamentary Contributory Superannuation Fund

Victorian Law Reform Commission — Law of Abortion — Ordered to be printed.

- 9 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Agreeing to the following bills without amendment:

Justice Legislation Amendment Bill 2008

The Uniting Church in Australia Amendment Bill 2008.

- 10 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourns until Tuesday 10 June 2008 (*Ms Neville*) — put and agreed to.

- 11 **STATEMENTS BY MEMBERS** — Statements by members were made.

- 12 **APPROPRIATION (2008/2009) BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 2.00 pm under standing orders.*

- 13 **QUESTIONS** — (Under SO 55).
- 14 **APPROPRIATION (2008/2009) BILL 2008** — Debate continued on question — That this Bill be now read a second time.
- Allocation of time — The Deputy Speaker advised that the time allocated for consideration of bills under the resolution of the House on Tuesday 27 May 2008 had expired.*
- 15 **NATIONAL GAS (VICTORIA) BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time.
- Question — That this Bill be now read a second time — put.
- A division having been called, the Deputy Speaker advised that there was only one vote for the 'noes' and, accordingly, declared the question agreed to. Mr Ingram asked that his dissent be recorded.
- Bill read a third time with the concurrence of an absolute majority of the whole number of the members of the Legislative Assembly.
- Bill sent to the Legislative Council and their agreement requested.
- 16 **STATE TAXATION ACTS AMENDMENT BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time.
- Question — That this Bill be now read a second time and a third time — put and agreed to.
- Bill sent to the Legislative Council and their agreement requested.
- 17 **DRUGS, POISONS AND CONTROLLED SUBSTANCES (VOLATILE SUBSTANCES) (REPEAL) BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time.
- Question — That this Bill be now read a second time and a third time — put and agreed to.
- Bill sent to the Legislative Council and their agreement requested.
- 18 **APPROPRIATION (2008/2009) BILL 2008** — Debate continued on question — That this Bill be now read a second time.
- Motion made and question — That the debate be now adjourned (*Mr Ingram*) — put and agreed to.
- Ordered — That the debate be adjourned until tomorrow.
- 19 **COURTS LEGISLATION AMENDMENT (JURIES AND OTHER MATTERS) BILL 2008** — *Mr Hulls tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*
- Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).
- Motion made and question — That the debate be now adjourned (*Mr Clark*) — put and agreed to.
- Ordered — That the debate be adjourned until Thursday 12 June 2008.
- 20 **CRIMES (CONTROLLED OPERATIONS) AMENDMENT BILL 2008** — *Mr Hulls tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).

Motion made and question — That the debate be now adjourned (*Mr Clark*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 12 June 2008.

- 21 **UNCLAIMED MONEY BILL 2008** — *Mr Holding tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Holding*).

Motion made and question — That the debate be now adjourned (*Mr Wells*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 12 June 2008.

- 22 **MELBOURNE CRICKET GROUND AMENDMENT BILL 2008** — *Mr Merlino tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Merlino*).

Motion made and question — That the debate be now adjourned (*Ms Asher*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 12 June 2008.

- 23 **WILDLIFE AMENDMENT (MARINE MAMMALS) BILL 2008** — *Mr Batchelor tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Batchelor*).

Motion made and question — That the debate be now adjourned (*Ms Asher*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 12 June 2008.

- 24 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Wynne*) — put and agreed to.

- 25 **ADJOURNMENT** — The Speaker left the Chair, after debate, at 5.24 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JENNY LINDELL  
*Speaker*



## LEGISLATIVE ASSEMBLY OF VICTORIA

### VOTES AND PROCEEDINGS Nos 75, 76 and 77

#### No 75 — Tuesday 10 June 2008

- 1 The House met according to the adjournment — The Speaker took the Chair and read the Prayer.
- 2 **RESIGNATION OF SEAT** — The Speaker announced that she had, on 2 June 2008, received the following letter:

The Honourable Jenny Lindell MP  
Speaker  
Legislative Assembly  
Parliament House  
MELBOURNE 3000

Monday, 2 June 2008

Dear Speaker

I write to advise you of my resignation as Member for the Electorate of Kororoit effective from today.

It has been a great honour to serve as a Member of the Victorian Parliament for nearly sixteen years — representing Yan Yean from 1992 until 2002 and Kororoit from 2002 until today.

I have also had the great privilege of serving for seven years as a Minister in the Bracks Government.

The value of my contribution in public office is for others to judge, but I would like to believe it has been a positive one.

I have made many friends on all sides of the political fence and have enjoyed my time in Parliament immensely. But I know that now is the right time for me to draw this phase of my life to a close.

I wish you, and all my colleagues on both sides of the House, well for the future.

I particularly want to thank the people of Kororoit and Yan Yean for the trust and confidence they have afforded me in allowing me to represent them.

Yours sincerely

Andre Haermeyer MP  
Member for Kororoit.

- 3 **ISSUE OF WRIT** — The Speaker announced that she had, on 3 June 2008, issued a writ for a by-election for the Electoral District of Kororoit to be held on 28 June 2008.
- 4 **QUESTIONS** — (Under SO 55).

- 5 **NATIONAL PARKS AND CROWN LAND (RESERVES) ACTS AMENDMENT BILL 2008** — Mr Batchelor obtained leave to bring in 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 the Bill was read a first time and ordered to be read a second time tomorrow.
- 6 **LAND (REVOCAION OF RESERVATIONS) (CONVENTION CENTRE LAND) BILL 2008** — Mr Batchelor obtained leave to bring in 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, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 7 **LOCAL GOVERNMENT AMENDMENT (ELECTIONS) BILL 2008** — Mr Wynne obtained leave to bring in 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, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 8 **SUPERANNUATION LEGISLATION AMENDMENT BILL 2008** — Mr Holding obtained leave to bring in 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, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 9 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:
- Upgrade of Health Services for Bass Coast Region** — Requesting that the House asks the Government to support funding for the upgrade of health services in the Bass Coast region, bearing 77 signatures (*Mr Smith, Bass*)
- Desalination Plant, Bass Coast** — Requesting that the House directs immediate consultation between the Government and the local community of the Bass Coast regarding the proposed desalination plant, bearing 175 signatures (*Mr Smith, Bass*)
- Logging of Armstrong Creek Catchment** — Requesting that the Government immediately ceases logging of the Armstrong, Thomson, Cement, McMahons and Starvation Catchments, bearing 353 signatures (*Ms Lobato*)
- Maffra Secondary College Redevelopment** — Requesting that the Government honours its pre-election commitment to fund major redevelopment at Maffra Secondary College, bearing 85 signatures (*Mr Ingram*).
- Petitions ordered to be tabled.
- 10 **PETITION — UPGRADE OF HEALTH SERVICES FOR BASS COAST REGION** — Motion made and question — That the petition presented by the Member for Bass be taken into consideration tomorrow (*Mr Smith, Bass*) — put and agreed to.
- 11 **PETITION — DESALINATION PLANT, BASS COAST** — Motion made and question — That the petition presented by the Member for Bass be taken into consideration tomorrow (*Mr Smith, Bass*) — put and agreed to.
- 12 **PETITION — LOGGING OF ARMSTRONG CREEK CATCHMENT** — Motion made and question — That the petition presented by the Member for Gembrook be taken into consideration tomorrow (*Ms Lobato*) — put and agreed to.

- 13 **PETITION — MAFFRA SECONDARY COLLEGE REDEVELOPMENT** — Motion made and question — That the petition presented by the Member for Gippsland East be taken into consideration tomorrow (*Mr Ingram*) — put and agreed to.

14 **DOCUMENTS**

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — Mr Carli, Chair, presented a report from the Scrutiny of Acts and Regulations Committee being the Alert Digest No 7 of 2008 on the:

Children's Legislation Amendment Bill 2008  
 Courts Legislation Amendment (Juries and Other Matters) Bill 2008  
 Crimes (Controlled Operations) Amendment Bill 2008  
 Melbourne Cricket Ground Amendment Bill 2008  
 Unclaimed Money Bill 2008  
 Wildlife Amendment (Marine Mammals) Bill 2008

together with appendices.

Ordered to be tabled and printed.

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — Mr Carli, Chair, presented a report from the Scrutiny of Acts and Regulations Committee on the Police Integrity Bill 2008, together with an extract from the proceedings, appendices, a minority report and transcripts of evidence.

Ordered to be tabled and the report, extract from the proceedings, appendices and minority report printed.

**DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:

*Crown Land (Reserves) Act 1978* — Order under s 17D granting a lease over Mordialloc-Mentone Beach Park

*Major Events (Crowd Management) Act 2003* — Order declaring a managed access area under s 7

*Planning and Environment Act 1987* — Notices of approval of amendments to the following Planning Schemes:

Bass Coast — C84  
 Greater Bendigo — C106  
 Greater Shepparton — C79  
 South Gippsland — C44

Statutory Rules under the following Acts:

*Conveyancers Act 2006* — SRs 48, 49  
*Estate Agents Act 1980* — SRs 39, 46  
*Fair Trading Act 1999* — SR 45  
*Magistrates' Court Act 1989* — SR 43  
*Public Transport Competition Act 1995* — SR 42  
*Sale of Land Act 1962* — SR 47  
*Trade Measurement Act 1995* — SR 38  
*Trade Measurement (Administration) Act 1995* — SR 38  
*Transport Act 1983* — SRs 40, 41

*Travel Agents Act 1986* — SR 44  
*Wildlife Act 1975* — SR 50

*Subordinate Legislation Act 1994*:

Minister's exception certificate in relation to Statutory Rule 43  
 Ministers' exemption certificates in relation to Statutory Rules 38, 39, 44, 45, 46, 47, 49, 50.

The following proclamation fixing an operative date was tabled by the Clerk in accordance with an order of the House dated 19 December 2006:

*Justice Legislation Amendment Act 2008* — Sections 6, 13(2), 17, 18, 21, 22 and 25 — 3 June 2008 (*Gazette S148, 3 June 2008*).

- 15 **MESSAGES FROM THE GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that he had given the royal assent to the following bills, presented to him by the Clerk of the Parliaments:

On 2 June 2008  
 Justice Legislation Amendment Bill 2008

On 3 June 2008  
 Children's Legislation Amendment Bill 2008  
 Constitution Amendment (Judicial Pensions) Bill 2007  
 Courts Legislation Amendment (Associate Judges) Bill 2008  
 Energy and Resources Legislation Amendment Bill 2008  
 Land (Revocation of Reservations) Bill 2008  
 Public Sector Employment (Award Entitlements) Amendment Bill 2008  
 The Uniting Church in Australia Amendment Bill 2008.

- 16 **MESSAGES FROM THE GOVERNOR** — Recommending appropriations for the purposes of the following bills:

Courts Legislation Amendment (Juries and Other Matters) Bill 2008  
 Unclaimed Money Bill 2008  
 Wildlife Amendment (Marine Mammals) Bill 2008.

- 17 **MESSAGE FROM THE GOVERNOR** — Recommending a further appropriation for the purposes of the Gambling Regulation Amendment (Licensing) Bill 2008.

- 18 **DRUGS AND CRIME PREVENTION COMMITTEE** — Motion made, by leave, and question — That Ms Beattie be appointed a member of the Drugs and Crime Prevention Committee (*Mr Batchelor*) — put and agreed to.

- 19 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, under SO 94(2), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 12 June 2008:

Appropriation (2008/2009) Bill 2008  
 Appropriation (Parliament 2008/2009) Bill 2008  
 Gambling Regulation Amendment (Licensing) Bill 2008

(*Mr Batchelor*) — put, after debate, and agreed to.

- 20 **STATEMENTS BY MEMBERS** — Statements by members were made.

- 21 **APPROPRIATION (PARLIAMENT 2008/2009) BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.
- Bill read a second time and, by leave, immediately read a third time.
- Bill sent to the Legislative Council and their agreement requested.
- 22 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the National Gas (Victoria) Bill 2008 without amendment.
- 23 **POSTPONEMENT OF ORDER OF THE DAY** — Ordered — That the consideration of Government Business, Order of the Day, No 2 be postponed until later this day.
- 24 **APPROPRIATION (2008/2009) BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.
- Business having been interrupted at 10.00 pm under standing orders.*
- 25 **ADJOURNMENT** — The Acting Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.34 pm.

R W PURDEY  
Clerk of the Legislative Assembly

JENNY LINDELL  
Speaker

## No 76 — Wednesday 11 June 2008

- 1 The Speaker took the Chair and read the Prayer.
- 2 **SUMMARY OFFENCES AMENDMENT (TATTOOING AND BODY PIERCING) BILL 2008** — Mr Hulls obtained leave to bring in a Bill '*for an Act to amend the Summary Offences Act 1966 with respect to tattooing and body piercing and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 3 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:
- Easing of Water Restrictions for Home Produce Gardens** — Requesting that the House allows home produce gardens exemption from current water restrictions, or introduces more appropriate water rules for home produce gardens after consultation with various environmental and horticultural organisations, bearing 231 signatures (*Mr Herbert*)
- Port Phillip Bay Toxic Waste Site** — Requesting that the House opposes the proposed toxic waste site in Port Phillip Bay, bearing 21 signatures (*Mr Dixon*)
- Toxic Waste Site in Port Phillip Bay Area** — Requesting that the House opposes the disposal of contaminated materials at the proposed dredge material ground site or any other area in Port Phillip Bay, bearing 200 signatures (*Mr Dixon*).

Petitions ordered to be tabled.

4 **PETITION — PORT PHILLIP BAY TOXIC WASTE SITE** — Motion made and question — That the petition presented by the Member for Nepean be taken into consideration tomorrow (*Mr Dixon*) — put and agreed to.

5 **PETITION — TOXIC WASTE SITE IN PORT PHILLIP BAY AREA** — Motion made and question — That the petition presented by the Member for Nepean be taken into consideration tomorrow (*Mr Dixon*) — put and agreed to.

6 **DOCUMENTS**

**PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE** — Mr Stensholt, Chair, 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 be tabled and printed.

**DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:

Auditor-General:

Implementation of the Criminal Justice Enhancement Program — Ordered to be printed  
 Performance Reporting in Local Government, together with the best practice guide Local Government Performance Reporting: Turning Principles into Practice — Ordered to be printed  
 Services to Young Offenders — Ordered to be printed

*National Parks Act 1975* — Advice under s 11

Ombudsman — Investigation into contraband entering a prison and related issues — Ordered to be printed.

7 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Drugs, Poisons and Controlled Substances (Volatile Substances) (Repeal) Bill 2008 without amendment.

8 **STATEMENTS BY MEMBERS** — Statements by members were made.

9 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE — FOOD BOWL MODERNISATION PROJECT** — The House was informed that Mr Holding had proposed that a definite matter of public importance be submitted to the House for discussion, namely —

'That this House congratulates the Brumby Government for the biggest investment ever made in the Goulburn region, which will provide new water for farmers, the environment and Melbourne water users.'

Mr Holding addressed the House — Discussion followed.

10 **STATEMENTS ON PARLIAMENTARY COMMITTEE REPORTS** — Statements were made on the following Committee Reports:

Public Accounts and Estimates Committee's Report on the 2008–09 Budget Estimates — Part One

Economic Development and Infrastructure Committee's Report on the Inquiry into Mandatory Ethanol and Biofuels Targets in Victoria

Scrutiny of Acts and Regulations Committee's Report on the Police Integrity Bill 2008

Public Accounts and Estimates Committee's Report on the 2006–07 Financial and Performance Outcomes.

- 11 **APPROPRIATION (2008/2009) BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 2.00 pm under standing orders.*

- 12 **QUESTIONS** — (Under SO 55).

- 13 **APPROPRIATION (2008/2009) BILL 2008** — Debate resumed on question — That this Bill be now read a second time.

Motion made and question — That the debate be now adjourned (*Ms Neville*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 14 **GAMBLING REGULATION AMENDMENT (LICENSING) BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time.

Under standing orders, Mr Robinson announced amendments to be proposed when the House considers the Bill in detail and requested that they be circulated. Amendments circulated.

Debate resumed on question — That this Bill be now read a second time.

Amendment proposed — That all the words after 'That' be omitted with the view of inserting in their place the words 'this Bill be withdrawn and redrafted to 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' (*Mr O'Brien*) — and, after debate —

*Business having been interrupted at 10.00 pm under standing orders.*

- 15 **ADJOURNMENT** — The Acting Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.42 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JENNY LINDELL  
*Speaker*

## No 77 — Thursday 12 June 2008

- 1 The Speaker took the Chair and read the Prayer.

- 2 **DRUGS AND CRIME PREVENTION COMMITTEE** — The Speaker announced that she had received the resignation of Mr McIntosh from the Drugs and Crime Prevention Committee, effective from 11 June 2008.

- 3 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

**Wage Increase for Victorian Teachers** — Requesting that the Government increases the pay of teachers in Victoria, bearing 23 signatures (*Ms Campbell*)

**Werribee Open Range Zoo** — Requesting that the Government — (a) protects the conservation, educational and zoological values of Werribee Open Range Zoo; and (b) abandons the present proposal from Village Roadshow, bearing 30 signatures (*Mr Noonan*).

Petitions ordered to be tabled.

#### 4 **DOCUMENT**

**PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE** — Mr Stensholt, Chair, presented a report from the Public Accounts and Estimates Committee on the 2008–09 Budget Estimates — Part Two, together with appendices and transcripts of evidence.

Ordered to be tabled and printed.

5 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourns until Tuesday 24 June 2008 (*Ms Neville*) — put and agreed to.

6 **STATEMENTS BY MEMBERS** — Statements by members were made.

7 **NATIONAL PARKS AND CROWN LAND (RESERVES) ACTS AMENDMENT BILL 2008** — *Mr Batchelor tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Batchelor*).

Motion made and question — That the debate be now adjourned (*Dr Naphthine*) — put and agreed to.

Ordered, after debate — That the debate be adjourned until Thursday 26 June 2008.

8 **LAND (REVOCATION OF RESERVATIONS) (CONVENTION CENTRE LAND) BILL 2008** — *Mr Batchelor tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Batchelor*).

Motion made and question — That the debate be now adjourned (*Dr Naphthine*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 26 June 2008.

9 **LOCAL GOVERNMENT AMENDMENT (ELECTIONS) BILL 2008** — *Mr Wynne tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Wynne*).

Motion made and question — That the debate be now adjourned (*Mrs Powell*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 26 June 2008.

10 **SUPERANNUATION LEGISLATION AMENDMENT BILL 2008** — *Mr Holding tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Holding*).

Motion made and question — That the debate be now adjourned (*Mr Wells*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 26 June 2008.

- 11 **SUMMARY OFFENCES AMENDMENT (TATTOOING AND BODY PIERCING) BILL 2008** — *Mr Hulls tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).

Motion made and question — That the debate be now adjourned (*Mr Clark*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 26 June 2008.

- 12 **GAMBLING REGULATION AMENDMENT (LICENSING) BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time — *and on the amendment* — That all the words after 'That' be omitted with the view of inserting in their place the words 'this Bill be withdrawn and redrafted to 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 resumed.

Question — That the words proposed to be omitted stand part of the question — put.

The House divided (the Speaker, Ms Lindell, in the Chair) —

AYES 45

Ms Allan; Mr Andrews; Mr Batchelor; Ms Beattie; Mr Brooks; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Mr Eren; Mr Foley; Ms Green; Mr Hardman; Dr Harkness; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Langdon; Mr Languiller; Mr Lim; Ms Lobato; Mr Lupton; Mrs Maddigan; Ms Marshall; Mr Merlino; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Noonan; Ms Overington; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Richardson; Mr Robinson; Mr Scott; Mr Stensholt; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

NOES 33

Ms Asher; Mr Baillieu; Mr Blackwood; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Hodgett; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Morris; Mr Mulder; Dr Napthine; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith (*Bass*); Mr Smith (*Warrandyte*); Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Weller; Mr Wells; Ms Wooldridge.

Question agreed to.

Bill read a second time, considered in detail and agreed to with amendments, read a third time (*see pp 361–2*).

Bill sent to the Legislative Council and their agreement requested.

- 13 **APPROPRIATION (2008/2009) BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 2.00 pm under standing orders.*

- 14 **QUESTIONS** — (Under SO 55).

- 15 **APPROPRIATION (2008/2009) BILL 2008** — Debate resumed on question — That this Bill be now read a second time.

Bill read a second time and, by leave, immediately read a third time.

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Bill sent to the Legislative Council and their agreement requested.

- 16 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the State Taxation Acts Amendment Bill 2008 without amendment.
- 17 **CANCER AMENDMENT (HPV) BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.
- Motion made and question — That the debate be now adjourned (*Mr Languiller*) — put and agreed to.
- Ordered — That the debate be adjourned until later this day.
- 18 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Wynne*) — put and agreed to.
- 19 **ADJOURNMENT** — The Speaker left the Chair, after debate, at 4.38 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JENNY LINDELL  
*Speaker*

LEGISLATIVE ASSEMBLY OF VICTORIA

**CONSIDERATION IN DETAIL**  
**Supplement to Votes Nos 75, 76 and 77**

**No 77 — Thursday 12 June 2008**

**GAMBLING REGULATION AMENDMENT (LICENSING) BILL 2008**

**Clauses 1 to 8** agreed to.

**Clause 9**, Mr Robinson moved amendment Nos 1 to 5 (*see Schedule*).

Amendments put and agreed to.

Clause agreed to as amended.

**Clauses 10 to 13** agreed to.

**Clause 14**, Mr Robinson moved amendment No 6 (*see Schedule*).

Amendment put and agreed to.

Clause agreed to as amended.

**Clause 15**, Mr Robinson moved amendment Nos 7 and 8 (*see Schedule*).

Amendments put and agreed to.

Clause agreed to as amended.

**Clauses 16 and 17** agreed to.

**Clause 18**, Mr Robinson moved amendment No 9 (*see Schedule*).

Amendment put and agreed to.

Clause agreed to as amended.

**Clauses 19 to 35** agreed to.

Bill agreed to as amended.

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## SCHEDULE OF AMENDMENTS MOVED

### GAMBLING REGULATION AMENDMENT (LICENSING) BILL 2008

Amendments moved by Mr Robinson

1. Clause 9, page 18, line 33, after "payment" insert "for the licence".
2. Clause 9, page 19, line 2, after "payment" insert "for the wagering and betting licence".
3. Clause 9, page 19, after line 8 insert—  
    "(3) If the Minister extends the wagering and betting licence under section 4.3A.11(3), the Minister may require the licensee to pay, as consideration for the extension of the licence, one or more amounts determined by the Minister as the premium payment for the extension of the licence."
4. Clause 9, page 19, line 9, omit "(3)" and insert "(4)".
5. Clause 9, page 19, line 9, after "payment" insert "for the wagering and betting licence or the extension of the wagering and betting licence".
6. Clause 14, line 25, after "payment" insert "for the wagering and betting licence or the extension of the wagering and betting licence".
7. Clause 15, line 21, omit "20" and insert "60".
8. Clause 15, line 29, omit "20" and insert "120".
9. Clause 18, page 61, line 21, omit "20" and insert "60".

## LEGISLATIVE ASSEMBLY OF VICTORIA

### VOTES AND PROCEEDINGS Nos 78, 79 and 80

#### No 78 — Tuesday 24 June 2008

- 1 The House met according to the adjournment — The Speaker took the Chair and read the Prayer.
- 2 **QUESTIONS** — (Under SO 55).
- 3 **HERITAGE AMENDMENT BILL 2008** — Mr Batchelor obtained leave to bring in a Bill '*for an Act to amend the **Heritage Act 1995** and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 4 **EVIDENCE BILL 2008** — Mr Hulls obtained leave to bring in a Bill '*for an Act about the law of evidence and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 5 **FAMILY VIOLENCE PROTECTION BILL 2008** — Mr Hulls obtained leave to bring in 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 the Bill was read a first time and ordered to be read a second time tomorrow.
- 6 **PUBLIC HOLIDAYS AMENDMENT BILL 2008** — Mr Helper obtained leave to bring in a Bill '*for an Act to amend the **Public Holidays Act 1993** and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 7 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:
  - Upgrade of Health Services for Bass Coast Region** — Requesting that the House asks the Government to support funding for the upgrade of health services in the Bass Coast region, bearing 101 signatures (*Mr Smith, Bass*)
  - Desalination Plant, Bass Coast** — Requesting that the House directs immediate consultation between the Government and the local community of the Bass Coast regarding the proposed desalination plant, bearing 390 signatures (*Mr Smith, Bass*)
  - The Pines Flora and Fauna Reserve, Frankston** — Requesting that the House directs that all crown land within the Pines Flora and Fauna Reserve, Frankston, be set aside as a National Park, bearing 123 signatures (*Mr Perera*)
  - Proposed Frankston Bypass** — Requesting that the House takes into account community support for a ring road around Frankston, keeps the path of the bypass close to the established road reserve in the Pines Flora and Fauna Reserve, and ensures the eastern side of the road is kept at least 100 metres from the Centenary Park golf course, bearing 868 signatures (*Mr Perera*)
  - North–South Pipeline** — Requesting that the House stops the Government building the North–South Pipeline and looks at alternatives to increase Melbourne's water supply such as recycled water and stormwater capture for industry, parks and gardens, bearing 28 signatures (*Mrs Fyffe*)

**Alternatives to Goulburn Valley Pipeline** — Requesting that the House — (a) rejects the proposal to develop a pipeline from the Goulburn Valley to Melbourne; and (b) calls on the Government to find other alternatives such as recycled water and stormwater capture for industry, parks and gardens, bearing 787 signatures (*Mrs Fyffe*)

**Great Otway National Park and Otway Forest Park** — Requesting that the House rejects any proposed legislation imposing further restrictions and exclusions of activities in the Great Otway National Park and Otway Forest Park, bearing 522 signatures (*Mr Mulder*).

Petitions ordered to be tabled.

8 **PETITION — UPGRADE OF HEALTH SERVICES FOR BASS COAST REGION** — Motion made and question — That the petition presented by the Member for Bass be taken into consideration tomorrow (*Mr Smith, Bass*) — put and agreed to.

9 **PETITION — DESALINATION PLANT, BASS COAST** — Motion made and question — That the petition presented by the Member for Bass be taken into consideration tomorrow (*Mr Smith, Bass*) — put and agreed to.

10 **PETITION — NORTH–SOUTH PIPELINE** — Motion made and question — That the petition presented by the Member for Evelyn be taken into consideration tomorrow (*Mrs Fyffe*) — put and agreed to.

11 **PETITION — ALTERNATIVES TO GOULBURN VALLEY PIPELINE** — Motion made and question — That the petition presented by the Member for Evelyn be taken into consideration tomorrow (*Mrs Fyffe*) — put and agreed to.

12 **PETITION — THE PINES FLORA AND FAUNA RESERVE, FRANKSTON** — Motion made and question — That the petition presented by the Member for Cranbourne be taken into consideration tomorrow (*Mr Perera*) — put and agreed to.

13 **PETITION — PROPOSED FRANKSTON BYPASS** — Motion made and question — That the petition presented by the Member for Cranbourne be taken into consideration tomorrow (*Mr Perera*) — put and agreed to.

14 **PETITION — GREAT OTWAY NATIONAL PARK AND OTWAY FOREST PARK** — Motion made and question — That the petition presented by the Member for Polwarth be taken into consideration tomorrow (*Mr Mulder*) — put and agreed to.

## 15 DOCUMENTS

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — Mr Carli, Chair, presented a report from the Scrutiny of Acts and Regulations Committee being the Alert Digest No 8 of 2008 on the:

Gambling Regulation Amendment (Licensing) Bill 2008  
 Land (Revocation of Reservations) (Convention Centre Land) Bill 2008  
 Local Government Amendment (Elections) Bill 2008  
 Medical Treatment (Physician Assisted Dying) Bill 2008  
 National Parks and Crown Land (Reserves) Acts Amendment Bill 2008  
 Port Services Amendment (Disposal of Material) Bill 2008  
 Summary Offences Amendment (Tattooing and Body Piercing) Bill 2008  
 Superannuation Legislation Amendment Bill 2008  
 Tobacco (Control of Tobacco Effects on Minors) Bill 2007

together with appendices.

Ordered to be tabled and printed.

**DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:

*Planning and Environment Act 1987* — Notices of approval of amendments to the following Planning Schemes:

Ararat — C16  
 Baw Baw — C18, C47 Part 2  
 Campaspe — C58, C59  
 Central Goldfields — C14  
 Greater Bendigo — C77  
 Greater Shepparton — C77  
 Hume — C97  
 Melbourne — C139  
 Melton — C53 Part 2, C61, C72  
 Victoria Planning Provisions — VC48  
 Wangaratta — C26 Part 2  
 Yarra — C87

Statutory Rules under the following Acts:

*Introduction Agents Act 1997* — SR 54  
*Residential Tenancies Act 1997* — SR 55  
*Rural Finance Act 1988* — SR 52  
*Serious Sex Offenders Monitoring Act 2005* — SR 51  
*Transfer of Land Act 1958* — SR 56  
*Working with Children Act 2005* — SR 53

*Subordinate Legislation Act 1994*:

Minister's exception certificate in relation to Statutory Rule 56  
 Ministers' exemption certificates in relation to Statutory Rules 51, 54, 55  
 Minister's infringements offence consultation certificates in relation to Statutory Rules 38, 54, 55

*Victorian Environmental Assessment Council Act 2001* — Statements under s 16 (two documents).

- 16 **MESSAGE FROM THE ADMINISTRATOR AS THE GOVERNOR'S DEPUTY — ASSENT TO BILLS** — Informing the Legislative Assembly that he had, on 17 June 2008, given the royal assent to the following bills, presented to him by the Clerk of the Parliaments:

Drugs, Poisons and Controlled Substances (Volatile Substances) (Repeal) Bill 2008  
 National Gas (Victoria) Bill 2008  
 State Taxation Acts Amendment Bill 2008.

- 17 **MESSAGES FROM THE ADMINISTRATOR AS THE GOVERNOR'S DEPUTY** — Recommending appropriations for the purposes of the following bills:

National Parks and Crown Land (Reserves) Acts Amendment Bill 2008  
 Superannuation Legislation Amendment Bill 2008.

- 18 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, under SO 94(2), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 26 June 2008:

Cancer Amendment (HPV) Bill 2008  
 Courts Legislation Amendment (Juries and Other Matters) Bill 2008  
 Crimes (Controlled Operations) Amendment Bill 2008  
 Local Government Amendment (Elections) Bill 2008  
 Melbourne Cricket Ground Amendment Bill 2008  
 Public Health and Wellbeing Bill 2008  
 Unclaimed Money Bill 2008  
 Wildlife Amendment (Marine Mammals) Bill 2008

*(Mr Batchelor)* — after debate, put.

The House divided (the Speaker, Ms Lindell, in the Chair) —

AYES 48

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beattie; Mr Brooks; Mr Brumby; Mr Cameron; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Mr Eren; Mr Foley; Ms Green; Dr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Ms Kosky; Mr Langdon; Mr Languiller; Ms Lobato; Mr Lupton; Mrs Maddigan; Ms Marshall; Mr Merlino; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Pike; Ms Richardson; Mr Robinson; Mr Scott; Mr Seitz; Mr Stensholt; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

NOES 33

Ms Asher; Mr Baillieu; Mr Blackwood; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Hodgett; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Morris; Mr Mulder; Dr Napthine; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith (*Bass*); Mr Smith (*Warrandyte*); Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Weller; Mr Wells; Ms Wooldridge.

Question agreed to.

19 **STATEMENTS BY MEMBERS** — Statements by members were made.

20 **MELBOURNE CRICKET GROUND AMENDMENT BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Mr Noonan*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

21 **WILDLIFE AMENDMENT (MARINE MAMMALS) BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Ms Green*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

22 **PUBLIC HEALTH AND WELLBEING BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Mr Languiller*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

23 **CANCER AMENDMENT (HPV) BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Mr Herbert*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 24 **COURTS LEGISLATION AMENDMENT (JURIES AND OTHER MATTERS) BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Mr Nardella*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 25 **CRIMES (CONTROLLED OPERATIONS) AMENDMENT BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 10.00 pm under standing orders.*

- 26 **ADJOURNMENT** — The Deputy Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.39 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JENNY LINDELL  
*Speaker*

## No 79 — Wednesday 25 June 2008

- 1 The Speaker took the Chair and read the Prayer.
- 2 **BUILDING AMENDMENT BILL 2008** — Mr Batchelor obtained leave to bring in a Bill '*for an Act to amend the **Building Act 1993** and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 3 **VICTORIA LAW FOUNDATION BILL 2008** — Mr Batchelor obtained leave to bring in 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 the Bill was read a first time and ordered to be read a second time tomorrow.
- 4 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:
- Abortion Decriminalisation** — Requesting that the Government does not pass legislation to decriminalise abortion, including full-term and partial birth abortion, bearing 314 signatures (*Ms Lobato*)
- Urology Unit at Frankston Hospital** — Requesting that the House asks the Government to provide a urology unit at Frankston Hospital as a matter of priority, bearing 153 signatures (*Mr Burgess*)
- Stony Point to Frankston Train Line** — Requesting that the House asks the Government to install boom gates on all level crossings on the Stony Point to Frankston train line as a matter of priority, bearing 47 signatures (*Mr Burgess*)
- Hastings Jetty** — Requesting that the Government — (a) immediately consults the Hastings community regarding the need for repairs to Hastings Jetty; (b) ensures the community's wishes are reflected by any repairs undertaken on the jetty; and (c) ensures any repairs carried out on the jetty

preserve the integrity and iconic status of the jetty for future generations, bearing 211 signatures (*Mr Burgess*)

**North–South Pipeline** — Requesting that the House stops the Government building the North–South Pipeline and looks at alternatives to increase Melbourne's water supply such as recycled water and stormwater capture for industry, parks and gardens, bearing 586 signatures (*Mr Walsh*)

**Water Pipeline Goulburn to Melbourne — Alternative Water Schemes** — Requesting that the House — (a) rejects the proposal to develop a pipeline which would take water from the Goulburn Valley and pump it to Melbourne; and (b) calls on the Government to address Melbourne's water supply needs by investing in desalination, recycling and capturing stormwater, bearing 10 signatures (*Mr Walsh*)

**Opposition to Pipeline Project** — Requesting that the House — (a) rejects the proposal to build the pipe that would take water from the Goulburn Valley to Melbourne; and (b) calls on the Government to invest in other measures to increase Melbourne's water supply such as recycled water and stormwater capture for industry, parks and gardens, bearing 312 signatures (*Mr Walsh*).

Petitions ordered to be tabled.

- 5 **PETITION — NORTH–SOUTH PIPELINE** — Motion made and question — That the petition presented by the Member for Swan Hill be taken into consideration tomorrow (*Mr Walsh*) — put and agreed to.
- 6 **PETITION — WATER PIPELINE GOULBURN TO MELBOURNE — ALTERNATIVE WATER SCHEMES** — Motion made and question — That the petition presented by the Member for Swan Hill be taken into consideration tomorrow (*Mr Walsh*) — put and agreed to.
- 7 **PETITION — OPPOSITION TO PIPELINE PROJECT** — Motion made and question — That the petition presented by the Member for Swan Hill be taken into consideration tomorrow (*Mr Walsh*) — put and agreed to.
- 8 **PETITION — UROLOGY UNIT AT FRANKSTON HOSPITAL** — Motion made and question — That the petition presented by the Member for Hastings be taken into consideration tomorrow (*Mr Burgess*) — put and agreed to.
- 9 **PETITION — STONY POINT TO FRANKSTON TRAIN LINE** — Motion made and question — That the petition presented by the Member for Hastings be taken into consideration tomorrow (*Mr Burgess*) — put and agreed to.
- 10 **PETITION — HASTINGS JETTY** — Motion made and question — That the petition presented by the Member for Hastings be taken into consideration tomorrow (*Mr Burgess*) — put and agreed to.
- 11 **DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:

Auditor-General:

Coordinating Services and Initiatives for Aboriginal People — Ordered to be printed  
 Maintaining the State's Regional Arterial Road Network — Ordered to be printed  
 Performance Reporting by Public Financial Corporations — Ordered to be printed  
 The New Royal Women's Hospital — a public private partnership — Ordered to be printed

Statutory Rules under the following Acts:

*Confiscation Act 1997* — SR 57

*Evidence Act 1958* — SR 58  
*Magistrates' Court Act 1989* — SR 64  
*Road Safety Act 1986* — SRs 59, 60, 61, 62, 63  
*Victorian Civil and Administrative Tribunal Act 1998* — SR 65

*Subordinate Legislation Act 1994* — Ministers' exemption certificates in relation to Statutory Rules 40, 41, 42, 57, 58.

- 12 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Agreeing to the following bills without amendment:

Police Integrity Bill 2008  
 Appropriation (Parliament 2008/2009) Bill 2008.

- 13 **STATEMENTS BY MEMBERS** — Statements by members were made.

- 14 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE — MANAGEMENT OF NATURAL RESOURCES, INFRASTRUCTURE AND SERVICES** — The House was informed that Mr Ryan had proposed that a definite matter of public importance be submitted to the House for discussion, namely —

'That this House condemns the Government for its ideologically driven policies regarding natural resource management and for its failure to plan for and provide appropriate levels of infrastructure and services particularly during a period of unparalleled wealth in the history of Victoria.'

Mr Ryan addressed the House — Discussion followed.

- 15 **STATEMENTS ON PARLIAMENTARY COMMITTEE REPORTS** — Statements were made on the following Committee Reports:

Law Reform Committee's Report on the Inquiry into Property Investment Advisers and Marketeers

Public Accounts and Estimates Committee's Report on the 2006–07 Financial and Performance Outcomes

Public Accounts and Estimates Committee's Report on the 2008–09 Budget Estimates — Part One

Public Accounts and Estimates Committee's Report on the 2008–09 Budget Estimates — Part Two

Drugs and Crime Prevention Committee's Report on the Inquiry into the Misuse/Abuse of Benzodiazepines and Other Forms of Pharmaceutical Drugs in Victoria

Scrutiny of Acts and Regulations Committee's Report on the Police Integrity Bill 2008.

- 16 **CANCER AMENDMENT (HPV) BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 2.00 pm under standing orders.*

- 17 **QUESTIONS** — (Under SO 55).

- 18 **CANCER AMENDMENT (HPV) BILL 2008** — Debate resumed on question — That this Bill be now read a second time.

Bill read a second time and, by leave, immediately read a third time.

Bill sent to the Legislative Council and their agreement requested.

- 19 **WILDLIFE AMENDMENT (MARINE MAMMALS) BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Bill read a second time and, by leave, immediately read a third time.

Bill sent to the Legislative Council and their agreement requested.

- 20 **WILDLIFE AMENDMENT (MARINE MAMMALS) BILL 2008** — The Acting Speaker announced that the Speaker had received a report from the Clerk that he has made the following correction in the Bill:

In Clause 30, page 29, line 5, he has deleted 'renewed' and inserted 'granted' so that the line now reads 'the permit to be granted'.

- 21 **PUBLIC HEALTH AND WELLBEING BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 10.00 pm under standing orders.*

- 22 **ADJOURNMENT** — The Acting Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.36 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JENNY LINDELL  
*Speaker*

## No 80 — Thursday 26 June 2008

- 1 The Speaker took the Chair and read the Prayer.

- 2 **PETITION** — The Clerk announced that the following petition had been lodged for presentation:

**Upgrade of Health Services for Bass Coast Region** — Requesting that the House asks the Government to support funding for the upgrade of health services in the Bass Coast region, bearing 59 signatures (*Mr Smith, Bass*).

Ordered to be tabled.

- 3 **DOCUMENTS**

**STATEMENT ON MINISTERIAL INTERVENTION IN PLANNING MATTERS** — Motion made, by leave, and question — That a Statement on Ministerial Intervention in Planning Matters for the period May 2007 to April 2008 under the *Planning and Environment Act 1987*, the *Victorian Civil and Administrative Tribunal Act 1998* and the *Heritage Act 1995* be tabled (*Mr Batchelor*) — put and agreed to.

**ENVIRONMENT AND NATURAL RESOURCES COMMITTEE** — Mr Pandazolouos, Chair, presented a report from the Environment and Natural Resources Committee on the Impact of Public Land Management Practices on Bushfires in Victoria, together with appendices and transcripts of evidence.

Ordered to be tabled and the report and appendices printed.

**ELECTORAL MATTERS COMMITTEE** — Mr O'Brien, Deputy Chair, presented a report from the Electoral Matters Committee on the Conduct of the 2006 Victorian State Election, and matters related thereto, together with appendices and transcripts of evidence.

Ordered to be tabled and the report and appendices printed.

**DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:

*Members of Parliament (Register of Interests) Act 1978* — Summary of Variations Notified between 9 October 2007 and 25 June 2008 — Ordered to be printed

*Multicultural Victoria Act 2004* — Victorian Government Achievements in Multicultural Affairs Report 2006–07

Police Integrity, Office of — Report on investigation into Operation Clarendon — Ordered to be printed

Special Investigations Monitor, Office of — Report under s 62 of the *Major Crime (Investigative Powers) Act 2004*

*Subordinate Legislation Act 1994* — Minister's exception certificate in relation to Statutory Rule 65.

- 4 **TOBACCO (CONTROL OF TOBACCO EFFECTS ON MINORS) BILL 2007** — The Speaker announced the receipt of a message from the Legislative Council presenting, for the agreement of the Legislative Assembly, 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*'.

The Speaker advised that, following examination, she is of the opinion that the Bill is a direct infringement of the privileges of the House, in that it seeks to force an appropriation from the Consolidated Fund; a matter that under the *Constitution Act 1975* must originate in the Legislative Assembly.

Motion made and question proposed — That the message be taken into consideration immediately (*Mr Batchelor*) — and, after debate —

Amendment proposed — That the word 'immediately' be omitted with the view of inserting in its place the words 'on the next day of sitting' (*Mr Ryan*) — and, after debate —

Question — That the word proposed to be omitted stand part of the question — put.

The House divided (the Speaker, Ms Lindell, in the Chair) —

AYES 41

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beattie; Mr Brooks; Mr Cameron; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Mr Eren; Mr Foley; Ms Green; Dr Harkness; Mr Howard; Mr Hudson; Mr Hulls; Mr Langdon; Mr Languiller; Ms Lobato; Mr Lupton; Mrs Maddigan; Ms Marshall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Pike; Ms Richardson; Mr Robinson; Mr Scott; Mr Stensholt; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

## NOES 32

Ms Asher; Mr Baillieu; Mr Blackwood; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Morris; Mr Mulder; Dr Naphine; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith (*Bass*); Mr Smith (*Warrantyte*); Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Weller; Mr Wells; Ms Wooldridge.

Question agreed to.

Original question — put and agreed to.

- 5 **TOBACCO (CONTROL OF TOBACCO EFFECTS ON MINORS) BILL 2007** — Order read for the consideration of the message from the Legislative Council.

Motion made and question — That the Bill be returned to the Legislative Council with a message advising that the Legislative Assembly refuses to entertain the Bill as it seeks 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 (Mr Batchelor)* — after debate — put.

The House divided (the Speaker, Ms Lindell, in the Chair) —

## AYES 44

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beattie; Mr Brooks; Mr Cameron; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Mr Eren; Mr Foley; Ms Green; Dr Harkness; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Mr Langdon; Mr Languiller; Ms Lobato; Mr Lupton; Mrs Maddigan; Ms Marshall; Mr Merlino; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Pike; Ms Richardson; Mr Robinson; Mr Scott; Mr Stensholt; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

## NOES 32

Ms Asher; Mr Baillieu; Mr Blackwood; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Hodgett; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Morris; Mr Mulder; Dr Naphine; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith (*Bass*); Mr Smith (*Warrantyte*); Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Weller; Mr Wells; Ms Wooldridge.

Question agreed to.

- 6 **LAW REFORM COMMITTEE — FAMILY AND COMMUNITY DEVELOPMENT COMMITTEE — EXTENSION TO REPORTING DATES** — Motion made, by leave, and question — That:

- (1) The resolution of the House of 1 March 2007 providing that the Law Reform Committee be required to present its report, on the Inquiry into Alternative Dispute Resolution, to the Parliament no later than 30 June 2008 be amended so far as to require the report to be presented to the Parliament no later than 31 March 2009; and
- (2) The resolution of the House of 27 February 2008 providing that the Family and Community Development Committee be required to present its report, on the Inquiry on the Involvement of Small and Medium Size Businesses in Corporate Social Responsibility, to the Parliament no later than 1 June 2008 be amended so far as to require the report to be presented to the Parliament no later than 31 July 2008

(*Mr Batchelor*) — put and agreed to.

- 7 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourns until Tuesday 29 July 2008 (*Mr Batchelor*) — put and agreed to.

8 **STATEMENTS BY MEMBERS** — Statements by members were made.

9 **LOCAL GOVERNMENT AMENDMENT (ELECTIONS) BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time.

Under standing orders, Mr Wynne announced amendments to be proposed when the House considers the Bill in detail and requested that they be circulated. Amendments circulated.

Motion made and question — That the debate be now adjourned (*Mrs Powell*) — put and agreed to.

Ordered, after debate — That the debate be adjourned until later this day.

10 **UNCLAIMED MONEY BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Mr Kotsiras*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

11 **LOCAL GOVERNMENT AMENDMENT (ELECTIONS) BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 2.00 pm under standing orders.*

12 **QUESTIONS** — (Under SO 55).

13 **LOCAL GOVERNMENT AMENDMENT (ELECTIONS) BILL 2008** — Debate resumed on question — That this Bill be now read a second time.

*Allocation of time — The Acting Speaker advised that the time allocated for consideration of bills under the resolution of the House on Tuesday 24 June 2008 had expired.*

Question — That this Bill be now read a second time — put and agreed to.

Question — That Government amendment Nos 1 and 2 be agreed to and the Bill be now read a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

14 **UNCLAIMED MONEY BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time and a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

15 **CRIMES (CONTROLLED OPERATIONS) AMENDMENT BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time and a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

16 **COURTS LEGISLATION AMENDMENT (JURIES AND OTHER MATTERS) BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time — put and agreed to.

Bill read a third time with the concurrence of an absolute majority of the whole number of the members of the Legislative Assembly.

Bill sent to the Legislative Council and their agreement requested.

- 17 **MELBOURNE CRICKET GROUND AMENDMENT BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time and a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 18 **PUBLIC HEALTH AND WELLBEING BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time — put and agreed to.

Bill read a third time with the concurrence of an absolute majority of the whole number of the members of the Legislative Assembly.

Bill sent to the Legislative Council and their agreement requested.

- 19 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 7 to 10 inclusive, be postponed until later this day.

- 20 **HERITAGE AMENDMENT BILL 2008** — *Mr Batchelor tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Batchelor*).

Motion made and question — That the debate be now adjourned (*Mr Clark*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 10 July 2008.

- 21 **BUILDING AMENDMENT BILL 2008** — *Mr Batchelor tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Batchelor*).

Motion made and question — That the debate be now adjourned (*Mr Clark*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 10 July 2008.

- 22 **EVIDENCE BILL 2008** — *Mr Hulls tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).

Motion made and question — That the debate be now adjourned (*Mr Clark*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 10 July 2008.

- 23 **FAMILY VIOLENCE PROTECTION BILL 2008** — *Mr Hulls tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).

*Mr Hulls made the statement of intention required by s 85(5)(c) of the Constitution Act 1975.*

Motion made and question — That the debate be now adjourned (*Mr Clark*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 10 July 2008.

- 24 **VICTORIA LAW FOUNDATION BILL 2008** — *Mr Hulls tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).

Motion made and question — That the debate be now adjourned (*Mr Clark*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 10 July 2008.

- 25 **PUBLIC HOLIDAYS AMENDMENT BILL 2008** — *Mr Helper tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Helper*).

Motion made and question — That the debate be now adjourned (*Ms Asher*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 10 July 2008.

- 26 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Wynne*) — put and agreed to.

- 27 **ADJOURNMENT** — The Speaker left the Chair, after debate, at 6.15 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JENNY LINDELL  
*Speaker*



## LEGISLATIVE ASSEMBLY OF VICTORIA

### VOTES AND PROCEEDINGS Nos 81, 82 and 83

#### No 81 — Tuesday 29 July 2008

- 1 The House met according to the adjournment — The Speaker took the Chair and read the Prayer.
- 2 **DEATH OF THE HONOURABLE LINDSAY HAMILTON SIMPSON THOMPSON, AO, CMG** — Motion made and question — That this House expresses its sincere sorrow at the death 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 Member of the Legislative Council for the Electoral Provinces of Higinbotham from 1955 to 1967 and Monash from 1967 to 1970 and Member of the Legislative Assembly for the Electoral District of Malvern from 1970 to 1982, Assistant Chief Secretary and Assistant Attorney-General from 1958 to 1961, Minister for Housing and Minister for Forests from 1961 to 1967, Minister for Aboriginal Welfare from 1965 to 1967, Minister for Education from 1967 to 1979, Deputy Premier from 1972 to 1981, Chief Secretary from 1978 to 1979, Minister for Police and Emergency Services from 1979 to 1981, Treasurer from 1979 to 1982 and Premier from 1981 to 1982 (*Mr Brumby*) — put, after members had addressed the House in support of the motion and, members rising in their places to signify their assent, agreed to unanimously.
- 3 **ADJOURNMENT** — Motion made and question — That, as a further mark of respect to the memory of the late Honourable Lindsay Hamilton Simpson Thompson, AO, CMG, the House now adjourns until tomorrow (*Mr Brumby*) — put and agreed to.

And the House, at 3.50 pm adjourned until tomorrow at 9.30 am.

R W PURDEY  
*Clerk of the Legislative Assembly*

JENNY LINDELL  
*Speaker*

#### No 82 — Wednesday 30 July 2008

- 1 The House met according to the adjournment — The Speaker took the Chair and read the Prayer.
- 2 **RETURN TO WRIT** — The Speaker announced that she had received a return to the writ, issued on 3 June 2008, which states that Marlene Kairouz has been elected for the Electoral District of Kororoit.
- 3 **MEMBER SWORN** — Marlene Kairouz was then introduced and took and subscribed the oath required by law.
- 4 **COUNTY COURT AMENDMENT (KOORI COURT) BILL 2008** — Mr Hulls obtained leave to bring in 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 the Bill was read a first time and ordered to be read a second time tomorrow.
- 5 **LABOUR AND INDUSTRY (REPEAL) BILL 2008** — Mr Hulls obtained leave to bring in 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, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.*

- 6 **WHISTLEBLOWERS PROTECTION AMENDMENT BILL 2008** — Mr Hulls obtained leave to bring in 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, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 7 **CORRECTIONS AMENDMENT BILL 2008** — Mr Cameron obtained leave to bring in 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 the Bill was read a first time and ordered to be read a second time tomorrow.
- 8 **ROAD SAFETY AMENDMENT (FATIGUE MANAGEMENT) BILL 2008** — Mr Pallas obtained leave to bring in 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 the Bill was read a first time and ordered to be read a second time tomorrow.
- 9 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

**Upgrade of Health Services for Bass Coast Region** — Requesting that the House asks the Government to support funding for the upgrade of health services in the Bass Coast region, bearing 639 signatures (*Mr Smith, Bass*)

**Melbourne Market Trading Conditions** — Requesting that the House rejects the current buying and selling times and conditions recently imposed for greengrocers, growers and sellers at Melbourne Market and calls on the Government to bring back the original conditions, bearing 54 signatures (*Dr Sykes*)

**Water Pipeline Goulburn to Melbourne — Alternative Water Schemes** — Requesting that the House — (a) rejects the proposal to develop a pipeline which would take water from the Goulburn Valley and pump it to Melbourne; and (b) calls on the Government to address Melbourne's water supply needs by investing in desalination, recycling and capturing stormwater, bearing 140 signatures (*Dr Sykes*)

**Goulburn Valley Pipeline** — Requesting that the House — (a) rejects the Goulburn Valley pipeline proposal; and (b) calls on the Government to address Melbourne's water supply needs by investing in recycling and capturing stormwater, bearing 196 signatures (*Dr Sykes*)

**Glenrowan Rail** — Requesting that the House includes Glenrowan in the North East Rail revitalisation project for the benefit of residents and the tourist industry, bearing 197 signatures (*Dr Sykes*)

**Improved Services for Sandringham Line** — Requesting that the House urges the Government to improve train services on the Sandringham line, bearing 7 signatures (*Ms Asher*)

**Alternatives to Goulburn Valley Pipeline** — Requesting that the House — (a) rejects the proposal to build the pipe that would take water from the Goulburn Valley to Melbourne; and (b) calls on the Government to invest in other measures to increase Melbourne's water supply such as recycled water and stormwater capture for industry, parks and gardens, bearing 319 signatures (*Mrs Fyffe*)

**Abortion Laws** — Requesting that the House abstains from carrying forth the proposal of decriminalisation of abortion, bearing 53 signatures (*Mr Ryan*)

**City of Brimbank** — Requesting the Minister for Local Government to immediately intervene to dissolve the Council of the City of Brimbank and appoint a Commissioner to govern, bearing 100 signatures (*Mr Seitz*)

**North–South Pipeline** — Requesting that the House stops the Government building the North–South Pipeline and looks at alternatives to increase Melbourne's water supply such as recycled water and stormwater capture for industry, parks and gardens, bearing 46 signatures (*Mr Weller*).

Petitions ordered to be tabled.

10 **PETITION — UPGRADE OF HEALTH SERVICES FOR BASS COAST REGION** — Motion made and question — That the petition presented by the Member for Bass be taken into consideration tomorrow (*Mr Smith, Bass*) — put and agreed to.

11 **PETITION — IMPROVED SERVICES FOR SANDRINGHAM LINE** — Motion made and question — That the petition presented by the Member for Brighton be taken into consideration tomorrow (*Ms Asher*) — put and agreed to.

12 **PETITION — ALTERNATIVES TO GOULBURN VALLEY PIPELINE** — Motion made and question — That the petition presented by the Member for Evelyn be taken into consideration tomorrow (*Mrs Fyffe*) — put and agreed to.

13 **PETITION — NORTH–SOUTH PIPELINE** — Motion made and question — That the petition presented by the Member for Rodney be taken into consideration tomorrow (*Mr Weller*) — put and agreed to.

14 **PETITION — MELBOURNE MARKET TRADING CONDITIONS** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.

15 **PETITION — WATER PIPELINE GOULBURN TO MELBOURNE — ALTERNATIVE WATER SCHEMES** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.

16 **PETITION — GOULBURN VALLEY PIPELINE** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.

17 **PETITION — GLENROWAN RAIL** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.

18 **PETITION — CITY OF BRIMBANK** — Motion made and question — That the petition presented by the Member for Keilor be taken into consideration tomorrow (*Mr Seitz*) — put and agreed to.

19 **DOCUMENTS**

**VICTORIAN COMPETITION AND EFFICIENCY COMMISSION REPORT AND GOVERNMENT RESPONSE** — Motion made, by leave, and question — That the Victorian Competition and Efficiency Commission's Report: Water Ways: Inquiry into Reform of the Metropolitan Retail Water Sector and the Government response be tabled (*Mr Holding*) — put and agreed to.

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — Mr Carli, Chair, presented a report from the Scrutiny of Acts and Regulations Committee being the Alert Digest No 9 of 2008 on the:

Building Amendment Bill 2008  
 Evidence Bill 2008  
 Family Violence Protection Bill 2008  
 Heritage Amendment Bill 2008  
 National Gas (Victoria) Bill 2008  
 Public Health and Wellbeing Bill 2008  
 Public Holidays Amendment Bill 2008  
 Victorian Law Foundation Bill 2008

together with appendices and transcripts of evidence.

Ordered to be tabled and the report and appendices printed.

**RURAL AND REGIONAL COMMITTEE** — Ms Marshall presented a report from the Rural and Regional Committee on the Inquiry into Rural and Regional Tourism, together with appendices and transcripts of evidence.

Ordered to be tabled and the report and appendices printed.

**DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:

Auditor-General:

Investing Smarter in Public Sector ICT: Turning Principles into Practice  
 Managing Complaints Against Ticket Inspectors — Ordered to be printed  
 Records Management Checklist: A Tool to Improve Records Management

*Crown Land (Reserves) Act 1978:*

Orders under s 17B granting licences over:

Anglesea Foreshore Reserve  
 Lorne Foreshore Reserve  
 Phillip Island Nature Park Reserve  
 Torquay and Jan Juc Foreshore Reserve

Orders under s 17D granting leases over:

Fennell Reserve  
 Geelong Botanical Gardens and Eastern Park Reserve  
 Kennett River Caravan Park Reserve  
 Phillip Island Nature Park Reserve

*EastLink Project Act 2004* — Variation Statements Nos 29–39 (11 documents)

*Environment Protection Act 1970* — Order varying the Industrial Waste Management Policy (Movement of Controlled Waste between States and Territories) (*Gazette S208, 23 July 2008*)

*Interpretation of Legislation Act 1984:*

Notice under s 32(3)(a)(iii) in relation to Statutory Rule 48 (*Gazette G29, 17 July 2008*)  
 Notice under s 32(4)(a)(iii) in relation to Waste Management Policy (Ships' Ballast Water) (*Gazette G21, 22 May 2008*)

*Planning and Environment Act 1987* — Notices of approval of amendments to the following Planning Schemes:

Ararat — C21  
 Ballarat — C88 Part 2  
 Banyule — C56  
 Bass Coast — C75  
 Baw Baw — C62  
 Bayside — C56 Part 1, C70  
 Boroondara — C77, C81  
 Brimbank — C100  
 Campaspe — C63  
 Cardinia — C105 Part 1, C116  
 Colac Otway — C48  
 Glen Eira — C61  
 Greater Bendigo — C113  
 Greater Geelong — C86 Part 2, C116, C128  
 Knox — C68  
 Maribyrnong — C44  
 Maroondah — C58, C80  
 Melbourne — C131, C134  
 Melton — C74, C79  
 Monash — C75, C76  
 Moonee Valley — C66, C73, C87  
 Moreland — C88, C91  
 Mornington Peninsula — C102, C104, C110  
 Northern Grampians — C24, C25, C26, C27  
 Stonnington — C74  
 Surf Coast — C32, C39 Part 1, C40  
 Warrnambool — C44 Part 1  
 Wellington — C26 Part 1, C37, C44  
 West Wimmera — C15  
 Whittlesea — C81 Part 1, C101, C103  
 Wodonga C40, C60  
 Wyndham — C98, C100, C117  
 Yarra Ranges — C70, C72

Statutory Rules under the following Acts:

*Catchment and Land Protection Act 1994* — SR 91  
*City of Melbourne Act 2001* — SR 70  
*Country Fire Authority Act 1958* — SR 89  
*Domestic (Feral and Nuisance) Animals Act 1994* — SR 67  
*Drugs, Poisons and Controlled Substances Act 1981* — SR 71  
*EastLink Project Act 2004* — SR 81  
*Fair Trading Act 1999* — SRs 86, 88  
*Impounding of Livestock Act 1994* — SR 66  
*Infringements Act 2006* — SR 85  
*Local Government Act 1989* — SR 70  
*Magistrates' Court Act 1989* — SRs 83, 84  
*Prevention of Cruelty to Animals Act 1986* — SR 68  
*Professional Boxing and Combat Sports Act 1985* — SR 82  
*Road Safety Act 1986* — SRs 77, 78, 79, 80  
*State Superannuation Act 1988* — SR 69  
*Subordinate Legislation Act 1994* — SR 90  
*Transport Act 1983* — SRs 72, 73, 74, 75, 76

*Zoological Parks and Gardens Act 1995* — SR 87

*Subordinate Legislation Act 1994*:

Ministers' exception certificates in relation to Statutory Rules 62, 63, 64, 83, 84, 87, 89

Ministers' exemption certificates in relation to Statutory Rules 4, 59, 60, 61, 70, 71, 72, 76, 77, 79, 80, 85, 86, 88, 91

Minister's infringements offence consultation certificates in relation to Statutory Rules 73, 74, 75

*Surveillance Devices Act 1999* — Report of the Special Investigations Monitor under s 30Q.

The following proclamations fixing operative dates were tabled by the Clerk in accordance with an order of the House dated 19 December 2006:

*Education and Training Reform Amendment Act 2008* — Remaining provisions — 1 July 2008 (*Gazette S186, 1 July 2008*)

*Energy Legislation Further Amendment Act 2007* — Sections 23, 25(1) and 33 — 25 July 2008 (*Gazette G30, 24 July 2008*)

*Essential Services Commission Amendment Act 2008* — Whole Act — 1 July 2008 (*Gazette G26, 26 June 2008*)

*Firearms Amendment Act 2007* — Whole Act (other than ss 3(1)(b), 3(3), 9 to 11, 13, 20 to 24, 28, 29, 31, 36 to 39, 54, 56) — 30 June 2008 (*Gazette G26, 26 June 2008*)

*Infringements and Other Acts Amendment Act 2008* — Whole Act except s 11 — 1 July 2008 (*Gazette S172, 27 June 2008*)

*National Gas (Victoria) Act 2008* — Whole Act — 1 July 2008 (*Gazette S184, 1 July 2008*).

- 20 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Appropriation (2008/2009) Bill 2008 without amendment.
- 21 **APPROPRIATION (2008/2009) BILL 2008 — APPROPRIATION (PARLIAMENT 2008/2009) BILL 2008** — The Speaker announced that on 27 June 2008, she had presented to the Administrator of the State of Victoria as the Governor's Deputy, the Appropriation (2008/2009) Bill 2008 and the Appropriation (Parliament 2008/2009) Bill 2008 to which the Administrator had been pleased to give the royal assent.
- 22 **MESSAGE FROM THE GOVERNOR — ASSENT TO BILL** — Informing the Legislative Assembly that he had, on 1 July 2008, given the royal assent to the Police Integrity Bill 2008, presented to him by the Clerk of the Parliaments.
- 23 **MESSAGE FROM THE LIEUTENANT-GOVERNOR** — Recommending an appropriation for the purposes of the Family Violence Protection Bill 2008.
- 24 **DRUGS AND CRIME PREVENTION COMMITTEE** — Motion made, by leave, and question — That the resolution of the House of 1 March 2007 providing that the Drugs and Crime Prevention Committee be required to present its report, on Justice and Crime Strategies in High Volume Crimes, to the Parliament no later than 30 June 2008 be amended as follows:
- (1) Omit the expression '30 June 2008' and insert '30 November 2009';
  - (2) After subparagraph (b) insert —
    - (c) causal factors that may influence patterns of high-volume crime, with particular emphasis on repeat offences committed by young people; and
    - (d) strategies that may be effective in addressing the underlying causal factors or recidivist patterns of offending.'

*(Mr Cameron)* — put, after debate, and agreed to.

- 25 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, under SO 94(2), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 6.00 pm on Thursday 31 July 2008:

Building Amendment Bill 2008

Evidence Bill 2008

Heritage Amendment Bill 2008

Land (Revocation of Reservations) (Convention Centre Land) Bill 2008

National Parks and Crown Land (Reserves) Acts Amendment Bill 2008

Summary Offences Amendment (Tattooing and Body Piercing) Bill 2008

Superannuation Legislation Amendment Bill 2008

*(Mr Batchelor)* — put, after debate, and agreed to.

- 26 **STATEMENTS BY MEMBERS** — Statements by members were made.

- 27 **GRIEVANCES** — Question — That grievances be noted — put, after debate, and agreed to.

- 28 **STATEMENTS ON PARLIAMENTARY COMMITTEE REPORTS** — Statements were made on the following Committee Reports:

Electoral Matters Committee's Report on the Conduct of the 2006 Victorian State Election

Environment and Natural Resources Committee's Report on the Impact of Public Land Management Practices on Bushfires in Victoria

Rural and Regional Committee's Report on the Inquiry into Rural and Regional Tourism

Public Accounts and Estimates Committee's Report on the 2006-07 Financial and Performance Outcomes.

*Business having been interrupted at 2.00 pm under standing orders.*

- 29 **QUESTIONS** — (Under SO 55).

- 30 **STATEMENTS ON PARLIAMENTARY COMMITTEE REPORTS** — Statements resumed on Committee Reports.

- 31 **SUPERANNUATION LEGISLATION AMENDMENT BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned *(Mr Jasper)* — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 32 **NATIONAL PARKS AND CROWN LAND (RESERVES) ACTS AMENDMENT BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Amendment proposed — That all the words after 'That' be omitted with the view of inserting in their place the words 'this Bill be withdrawn and redrafted to — (1) take into account 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; and (b) the proposed amendments relating to Devilbend and the need to ensure the proper protection of this

vital natural asset; and (2) retain the remaining amendments, particularly those regarding the Frankston Natural Features Reserve, the Warrandyte State Park and other parks' (*Ms Asher*) — and, after debate —

Motion made and question — That the debate be now adjourned (*Mr Burgess*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 33 **LAND (REVOCAION OF RESERVATIONS) (CONVENTION CENTRE LAND) BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Mr Thompson, Sandringham*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 34 **SUMMARY OFFENCES AMENDMENT (TATTOOING AND BODY PIERCING) BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Mrs Powell*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 35 **BUILDING AMENDMENT BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Mr Northe*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 36 **HERITAGE AMENDMENT BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Mr Thompson, Sandringham*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 37 **EVIDENCE BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Mr Wakeling*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 38 **SUPERANNUATION LEGISLATION AMENDMENT BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Bill read a second time and, by leave, immediately read a third time.

Bill sent to the Legislative Council and their agreement requested.

- 39 **NATIONAL PARKS AND CROWN LAND (RESERVES) ACTS AMENDMENT BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time — *and on the*

*amendment* — That all the words after 'That' be omitted with the view of inserting in their place the words 'this Bill be withdrawn and redrafted to — (1) take into account 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; and (b) the proposed amendments relating to Devilbend and the need to ensure the proper protection of this vital natural asset; and (2) retain the remaining amendments, particularly those regarding the Frankston Natural Features Reserve, the Warrandyte State Park and other parks'; debate resumed.

*Business having been interrupted at 10.00 pm under standing orders.*

Motion made and question — That the sitting be continued (*Mr Cameron*) — put and agreed to.

Debate resumed on question — That this Bill be now read a second time — and on the amendment.

Question — That the words proposed to be omitted stand part of the question — put.

The House divided (the Speaker, Ms Lindell, in the Chair) —

AYES 41

Mr Andrews; Ms Barker; Mr Batchelor; Ms Beattie; Mr Brooks; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Duncan; Mr Eren; Mr Foley; Ms Green; Mr Hardman; Dr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Miss Kairouz; Mr Lim; Ms Lobato; Mr Lupton; Ms Marshall; Mr Merlino; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Perera; Ms Richardson; Mr Robinson; Mr Scott; Mr Seitz; Mr Stensholt; Ms Thomson (*Footscray*); Mr Trezise.

NOES 32

Ms Asher; Mr Baillieu; Mr Blackwood; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Hodgett; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Morris; Mr Mulder; Dr Napthine; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith (*Bass*); Mr Smith (*Warrandyte*); Dr Sykes; Mr Thompson (*Sandringham*); Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Weller; Mr Wells; Ms Wooldridge.

Question agreed to.

Question — That this Bill be now read a second time — put.

The House divided (the Speaker, Ms Lindell, in the Chair) —

AYES 41

Mr Andrews; Ms Barker; Mr Batchelor; Ms Beattie; Mr Brooks; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Duncan; Mr Eren; Mr Foley; Ms Green; Mr Hardman; Dr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Miss Kairouz; Mr Lim; Ms Lobato; Mr Lupton; Ms Marshall; Mr Merlino; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Perera; Ms Richardson; Mr Robinson; Mr Scott; Mr Seitz; Mr Stensholt; Ms Thomson (*Footscray*); Mr Trezise.

NOES 32

Ms Asher; Mr Baillieu; Mr Blackwood; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Hodgett; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Morris; Mr Mulder; Dr Napthine; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith (*Bass*); Mr Smith (*Warrandyte*); Dr Sykes; Mr Thompson (*Sandringham*); Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Weller; Mr Wells; Ms Wooldridge.

Question agreed to.

By leave, Bill immediately read a third time.

Bill sent to the Legislative Council and their agreement requested.

- 40 **LAND (REVOCAION OF RESERVATIONS) (CONVENTION CENTRE LAND) BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Bill read a second time and, by leave, immediately read a third time.

Bill sent to the Legislative Council and their agreement requested.

- 41 **SUMMARY OFFENCES AMENDMENT (TATTOOING AND BODY PIERCING) BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Mrs Shardey*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 42 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Robinson*) — put and agreed to.

- 43 **ADJOURNMENT** — The Acting Speaker left the Chair, after debate, at 11.30 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JENNY LINDELL  
*Speaker*

## No 83 — Thursday 31 July 2008

- 1 The Speaker took the Chair and read the Prayer.

- 2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

**Intersection of Tormore and Boronia Roads, Boronia** — Requesting that the House — (a) instructs VicRoads to install traffic signals at the Tormore and Boronia Roads intersection in Boronia; and (b) removes existing pedestrian signals 40 metres from the intersection, bearing 710 and 554 signatures (*Mrs Victoria and Mr Wakeling respectively*)

**Liquor Licence Application Jackson Court, Doncaster East** — Requesting that the House — (a) disallows the liquor licence application by Woolworths at Jackson Court, Doncaster East which would replace the supermarket with a liquor shop; (b) makes government departments, VCAT and government judicators assist and act for the local community; and (c) requires the Commissioner of Liquor Licensing to consider the Melbourne 2030 plan in any decision it makes, bearing 2373 signatures (*Ms Wooldridge*)

**Drainage at Savaris Court, Doncaster** — Requesting that the House attends to the matter of drainage at Savaris Court in Doncaster urgently, possibly by implementing a spoon drain, bearing 25 signatures (*Ms Wooldridge*)

**Intersection of Ferntree Gully Road and Dairy Lane, Ferntree Gully** — Requesting that the House instructs VicRoads to paint 'Keep Clear' markings on Ferntree Gully Road in Ferntree Gully at the intersection of Dairy Lane, bearing 534 signatures (*Mr Wakeling*)

**Intersection of Napoleon Road and Lakesfield Drive, Lysterfield** — Requesting that the House instructs VicRoads to paint 'Keep Clear' markings on Napoleon Road in Lysterfield at the intersection of Lakesfield Drive, bearing 83 signatures (*Mr Wakeling*)

**Toxic Waste Site in Port Phillip Bay Area** — Requesting that the House opposes the disposal of contaminated materials at the proposed dredge material ground site or any other area in Port Phillip Bay, bearing 140 signatures (*Mr Dixon*)

**North–South Pipeline** — Requesting that the House stops the Government building the North–South Pipeline and looks at alternatives to increase Melbourne's water supply such as recycled water and stormwater capture for industry, parks and gardens, bearing 122 signatures (*Mr Walsh*)

**Water Pipeline Goulburn to Melbourne — Alternative Water Schemes** — Requesting that the House — (a) rejects the proposal to develop a pipeline which would take water from the Goulburn Valley and pump it to Melbourne; and (b) calls on the Government to address Melbourne's water supply needs by investing in desalination, recycling and capturing stormwater, bearing 90 signatures (*Mr Walsh*)

**Opposition to Pipeline Project** — Requesting that the House — (a) rejects the proposal to build the pipe that would take water from the Goulburn Valley to Melbourne; and (b) calls on the Government to invest in other measures to increase Melbourne's water supply such as recycled water and stormwater capture for industry, parks and gardens, bearing 53 signatures (*Mr Walsh*).

Petitions ordered to be tabled.

- 3 **PETITION — NORTH–SOUTH PIPELINE** — Motion made and question — That the petition presented by the Member for Swan Hill be taken into consideration tomorrow (*Mr Walsh*) — put and agreed to.
- 4 **PETITION — WATER PIPELINE GOULBURN TO MELBOURNE — ALTERNATIVE WATER SCHEMES** — Motion made and question — That the petition presented by the Member for Swan Hill be taken into consideration tomorrow (*Mr Walsh*) — put and agreed to.
- 5 **PETITION — OPPOSITION TO PIPELINE PROJECT** — Motion made and question — That the petition presented by the Member for Swan Hill be taken into consideration tomorrow (*Mr Walsh*) — put and agreed to.
- 6 **PETITION — TOXIC WASTE SITE IN PORT PHILLIP BAY AREA** — Motion made and question — That the petition presented by the Member for Nepean be taken into consideration tomorrow (*Mr Dixon*) — put and agreed to.
- 7 **PETITION — INTERSECTION OF TORMORE AND BORONIA ROADS, BORONIA** — Motion made and question — That the petition presented by the Member for Bayswater be taken into consideration tomorrow (*Mrs Victoria*) — put and agreed to.
- 8 **PETITION — LIQUOR LICENCE APPLICATION JACKSON COURT, DONCASTER EAST** — Motion made and question — That the petition presented by the Member for Doncaster be taken into consideration tomorrow (*Ms Wooldridge*) — put and agreed to.
- 9 **PETITION — DRAINAGE AT SAVARIS COURT, DONCASTER** — Motion made and question — That the petition presented by the Member for Doncaster be taken into consideration tomorrow (*Ms Wooldridge*) — put and agreed to.
- 10 **PETITION — INTERSECTION OF TORMORE AND BORONIA ROADS, BORONIA** — Motion made and question — That the petition presented by the Member for Ferntree Gully be taken into consideration tomorrow (*Mr Wakeling*) — put and agreed to.

11 **PETITION — INTERSECTION OF FERNTREE GULLY ROAD AND DAIRY LANE, FERNTREE GULLY** — Motion made and question — That the petition presented by the Member for Ferntree Gully be taken into consideration tomorrow (*Mr Wakeling*) — put and agreed to.

12 **PETITION — INTERSECTION OF NAPOLEON ROAD AND LAKESFIELD DRIVE, LYSTERFIELD** — Motion made and question — That the petition presented by the Member for Ferntree Gully be taken into consideration tomorrow (*Mr Wakeling*) — put and agreed to.

13 **DOCUMENT BY COMMAND OF THE GOVERNOR**

Mr Hulls presented by Command of the Governor:

Children's Court of Victoria — Report 2006–07

Ordered to be tabled.

**DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:

Forensic Leave Panel — Report 2007

*Freedom of Information Act 1982* — Statement of reasons for seeking leave to appeal under s 65AB

*Interpretation of Legislation Act 1984*:

Notice under s 32(3)(a)(iii) in relation to State Environment Protection Policy (Air Quality Management) (*Gazette G8, 21 February 2008*)

Police Integrity, Office of — Improving Victorian policing services through effective complaint handling — Ordered to be printed

*Subordinate Legislation Act 1994* — Minister's exception certificate in relation to Statutory Rule 90.

14 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourns until Tuesday 19 August 2008 (*Mr Cameron*) — put and agreed to.

15 **STATEMENTS BY MEMBERS** — Statements by members were made.

16 **ECONOMIC DEVELOPMENT AND INFRASTRUCTURE COMMITTEE** — Motion made and question — That so much of the resolution agreed to by this House on 1 March 2007, and amended on 20 November 2007, as provided for the referral to the Economic Development and Infrastructure Committee for the inquiry, consideration and report on the key competitive advantages in Victoria's financial services sector be rescinded (*Mr Cameron*) — put and agreed to.

17 **POSTPONEMENT OF ORDER OF THE DAY** — Ordered — That the consideration of Government Business, Order of the Day, No 1 be postponed until later this day.

18 **LABOUR AND INDUSTRY (REPEAL) BILL 2008** — *Mr Cameron tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Cameron*).

Motion made and question — That the debate be now adjourned (*Mr O'Brien*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 14 August 2008.

- 19 **WHISTLEBLOWERS PROTECTION AMENDMENT BILL 2008** — *Mr Cameron tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*
- Motion made and question proposed — That this Bill be now read a second time (*Mr Cameron*).
- Motion made and question — That the debate be now adjourned (*Mr O'Brien*) — put and agreed to.
- Ordered — That the debate be adjourned until Thursday 14 August 2008.
- 20 **POSTPONEMENT OF ORDER OF THE DAY** — Ordered — That the consideration of Government Business, Order of the Day, No 4 be postponed until later this day.
- 21 **ROAD SAFETY AMENDMENT (FATIGUE MANAGEMENT) BILL 2008** — *Mr Pallas tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*
- Motion made and question proposed — That this Bill be now read a second time (*Mr Pallas*).
- Motion made and question — That the debate be now adjourned (*Mr O'Brien*) — put and agreed to.
- Ordered — That the debate be adjourned until Thursday 14 August 2008.
- 22 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 6 to 8 inclusive, be postponed until later this day.
- 23 **HERITAGE AMENDMENT BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.
- Bill read a second time and, by leave, immediately read a third time.
- Bill sent to the Legislative Council and their agreement requested.
- 24 **SUMMARY OFFENCES AMENDMENT (TATTOOING AND BODY PIERCING) BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.
- Business having been interrupted at 2.00 pm under standing orders.*
- 25 **QUESTIONS** — (Under SO 55).
- 26 **SUMMARY OFFENCES AMENDMENT (TATTOOING AND BODY PIERCING) BILL 2008** — Debate resumed on question — That this Bill be now read a second time.
- Bill read a second time and, by leave, immediately read a third time.
- Bill sent to the Legislative Council and their agreement requested.
- 27 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Local Government Amendment (Elections) Bill 2008 without amendment.
- 28 **COUNTY COURT AMENDMENT (KOORI COURT) BILL 2008** — *Mr Hulls tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*
- Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).

Motion made and question — That the debate be now adjourned (*Mr Clark*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 14 August 2008.

- 29 **BUILDING AMENDMENT BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Bill read a second time and, by leave, immediately read a third time.

Bill sent to the Legislative Council and their agreement requested.

- 30 **CORRECTIONS AMENDMENT BILL 2008** — *Mr Cameron tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Cameron*).

Motion made and question — That the debate be now adjourned (*Mrs Shardey*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 14 August 2008.

- 31 **EVIDENCE BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Bill read a second time and, by leave, immediately read a third time.

Bill sent to the Legislative Council and their agreement requested.

- 32 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Hulls*) — put and agreed to.

- 33 **ADJOURNMENT** — The Deputy Speaker left the Chair, after debate, at 5.47 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JENNY LINDELL  
*Speaker*

## LEGISLATIVE ASSEMBLY OF VICTORIA

### VOTES AND PROCEEDINGS Nos 84, 85 and 86

#### No 84 — Tuesday 19 August 2008

1 The House met according to the adjournment — The Speaker took the Chair and read the Prayer.

2 **QUESTIONS** — (Under SO 55).

3 **COURTS LEGISLATION AMENDMENT (COSTS COURT AND OTHER MATTERS) BILL 2008** — Mr Hulls obtained leave to bring in 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 the Bill was read a first time and ordered to be read a second time tomorrow.

4 **MEDICAL RESEARCH INSTITUTES REPEAL BILL 2008** — Ms Allan obtained leave to bring in 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 the Bill was read a first time and ordered to be read a second time tomorrow.

5 **ABORTION LAW REFORM BILL 2008** — Ms Morand obtained leave to bring in a Bill *for an Act to reform the law relating to abortion, to amend the **Crimes Act 1958** and for other purposes*'; and the Bill was read a first time and, by leave, ordered to be read a second time immediately.

6 **ABORTION LAW REFORM BILL 2008** — *Ms Morand advised that, under s 48 of the Charter of Human Rights and Responsibilities Act 2006, a statement of compatibility is not required.*

Motion made and question proposed — That this Bill be now read a second time (*Ms Morand*).

Motion made and question — That the debate be now adjourned (*Ms Wooldridge*) — put and agreed to.

Ordered, after debate — That the debate be adjourned until Tuesday 2 September 2008.

7 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

**Upgrade of Health Services for Bass Coast Region** — Requesting that the House asks the Government to support funding for the upgrade of health services in the Bass Coast region, bearing 80 signatures (*Mr Smith, Bass*)

**Proposed High Voltage Line from Tynong to Wonthaggi** — Requesting that the House calls upon the Government to abandon the proposed high voltage line from Tynong to Wonthaggi, bearing 1794 signatures (*Mr Ryan*)

**Melbourne Market Trading Conditions** — Requesting that the House rejects the current buying and selling times and conditions recently imposed for greengrocers, growers and sellers at Melbourne Market and calls on the Government to bring back the original conditions, bearing 1177 signatures (*Mr Northe*).

Petitions ordered to be tabled.

8 **PETITION — PROPOSED HIGH VOLTAGE LINE FROM TYNONG TO WONTHAGGI** — Motion made and question — That the petition presented by the Member for Gippsland South be taken into consideration tomorrow (*Mr Ryan*) — put and agreed to.

9 **PETITION — MELBOURNE MARKET TRADING CONDITIONS** — Motion made and question — That the petition presented by the Member for Morwell be taken into consideration tomorrow (*Mr Northe*) — put and agreed to.

10 **DOCUMENTS**

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — Motion made, by leave, and question — That a Report from the Scrutiny of Acts and Regulations Committee being the Annual Review 2007, Regulations 2007, together with appendices be tabled (*Mr Jasper*) — put and agreed to.

Ordered to be printed.

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — Mr Carli, Chair, presented a report from the Scrutiny of Acts and Regulations Committee being the Alert Digest No 10 of 2008 on the:

Corrections Amendment Bill 2008  
 County Court Amendment (Koori Court) Bill 2008  
 Labour and Industry (Repeal) Bill 2008  
 Local Government Amendment (Disclosure) Bill 2008  
 Road Safety Amendment (Fatigue Management) Bill 2008  
 Whistleblowers Protection Amendment Bill 2008

together with appendices.

Ordered to be tabled and printed.

**FAMILY AND COMMUNITY DEVELOPMENT COMMITTEE** — Mr Perera, Chair, 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 be tabled and the report printed.

**DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:

*Crown Land (Reserves) Act 1978:*

Order under s 17B granting a licence over Sandringham Beach Park

Orders under s 17D granting leases over:  
 Rosebud Tennis Club Reserve (two orders)  
 Tasma Terrace Reserve

*Interpretation of Legislation Act 1984:*

Notice under s 32(3)(a)(iii) in relation to Statutory Rule 86  
 Notice under s 32(4)(a)(iii) in relation to Building Code of Australia 2008 (*Gazette G32, 7 August 2008*)

*Melbourne City Link Act 1995:*

City Link and Extension Projects Integration and Facilitation Agreement Seventeenth Amending Deed  
Exhibition Street Extension Twelfth Amending Deed  
Melbourne City Link Twenty-Sixth Amending Deed

Melbourne Cricket Ground Trust — Report year ended 31 March 2008

*Parliamentary Committees Act 2003* — Government response to the Economic Development and Infrastructure Committee's Inquiry into Mandatory Ethanol and Biofuels Targets in Victoria

*Planning and Environment Act 1987* — Notices of approval of amendments to the following Planning Schemes:

Bass Coast — C57, C69  
Boroondara — C72, C84  
Campaspe — C49  
Casey — C109  
East Gippsland — C55  
Greater Shepparton — C89  
Hepburn — C16  
Hindmarsh — C6  
Hume — C105  
Indigo — C46  
Kingston — C91  
Knox — C75  
Maribyrnong — C54  
Melton — C66  
Monash — C77  
Moonee Valley — C89  
Moreland — C86  
Northern Grampians — C10  
Towong — C16  
Warrnambool — C46, C59  
Whittlesea — C110  
Wyndham — C101, C106  
Yarra — C87

*Retail Leases Act 2003* — Ministerial Determination under s 5 (*Gazette S209, 24 July 2008*)

Statutory Rules under the following Acts:

*Estate Agents Act 1980* — SR 97  
*Fisheries Act 1995* — SR 92  
*Local Government Act 1989* — SR 96  
*National Parks Act 1975* — SR 93  
*Supreme Court Act 1986* — SRs 94, 95

*Subordinate Legislation Act 1994:*

Ministers' exception certificates in relation to Statutory Rules 93, 94, 95  
Ministers' exemption certificates in relation to Statutory Rules 93, 96, 97

*Water Act 1989* — Reasons for Determination under s 87.

- 11 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Gambling Regulation Amendment (Licensing) Bill 2008 with amendments.

Ordered — That the amendments be taken into consideration later this day.

- 12 **MESSAGE FROM THE GOVERNOR — ASSENT TO BILL** — Informing the Legislative Assembly that he had, on 5 August 2008, given the royal assent to the Local Government Amendment (Elections) Bill 2008, presented to him by the Clerk of the Legislative Council for and in the absence of the Clerk of the Parliaments.

- 13 **MESSAGES FROM THE GOVERNOR** — Recommending appropriations for the purposes of the following bills:

Corrections Amendment Bill 2008  
County Court Amendment (Koori Court) Bill 2008.

- 14 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, under SO 94(2), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 5.00 pm on Thursday 21 August 2008:

Corrections Amendment Bill 2008  
County Court Amendment (Koori Court) Bill 2008  
Family Violence Protection Bill 2008  
Gambling Regulation Amendment (Licensing) Bill 2008 — Amendments of the Legislative Council  
Labour and Industry (Repeal) Bill 2008  
Legislation Reform (Repeals No. 3) Bill 2008  
Public Holidays Amendment Bill 2008  
Road Safety Amendment (Fatigue Management) Bill 2008  
Victoria Law Foundation Bill 2008  
Whistleblowers Protection Amendment Bill 2008

(*Mr Batchelor*) — after debate, put.

The House divided (the Speaker, Ms Lindell, in the Chair) —

AYES 53

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beattie; Mr Brooks; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Mr Eren; Mr Foley; Ms Green; Mr Hardman; Dr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Miss Kairouz; Ms Kosky; Mr Langdon; Mr Languiller; Mr Lim; Ms Lobato; Mr Lupton; Mrs Maddigan; Ms Marshall; Mr Merlino; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Noonan; Ms Overington; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Pike; Ms Richardson; Mr Robinson; Mr Scott; Mr Seitz; Mr Stensholt; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

NOES 33

Ms Asher; Mr Baillieu; Mr Blackwood; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Hodgett; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Morris; Mr Mulder; Dr Napthine; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith (*Bass*); Mr Smith (*Warrandyte*); Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Weller; Mr Wells; Ms Wooldridge.

Question agreed to.

- 15 **STATEMENTS BY MEMBERS** — Statements by members were made.
- 16 **PUBLIC HOLIDAYS AMENDMENT BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time.

Under standing orders, Ms Asher announced amendments to be proposed when the House considers the Bill in detail and requested that they be circulated. Amendments circulated.

Debate resumed on question — That this Bill be now read a second time.

Motion made and question — That the debate be now adjourned (*Mr Wakeling*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 17 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 2 and 3 be postponed until later this day.

- 18 **LEGISLATION REFORM (REPEALS NO. 3) BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Mr McIntosh*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 19 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 5 to 7 inclusive, be postponed until later this day.

- 20 **CORRECTIONS AMENDMENT BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Dr Sykes*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 21 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Cancer Amendment (HPV) Bill 2008 without amendment.

- 22 **ROAD SAFETY AMENDMENT (FATIGUE MANAGEMENT) BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Under standing orders, Mr Mulder announced an amendment to be proposed when the House considers the Bill in detail and requested that it be circulated. Amendment circulated.

Motion made and question — That the debate be now adjourned (*Mr Weller*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 23 **GAMBLING REGULATION AMENDMENT (LICENSING) BILL 2008** — Order read for the consideration of the amendments made by the Legislative Council.

After debate, the amendments were agreed to by the House.

Message sent to the Legislative Council informing them accordingly.

- 24 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Agreeing to the following bills without amendment:

Wildlife Amendment (Marine Mammals) Bill 2008  
 Melbourne Cricket Ground Amendment Bill 2008  
 Unclaimed Money Bill 2008.

- 25 **LEGISLATION REFORM (REPEALS NO. 3) BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.
- Business having been interrupted at 10.00 pm under standing orders.*
- Motion made and question — That the sitting be continued (*Mr Batchelor*) — put and agreed to.
- Debate continued on question — That this Bill be now read a second time.
- Bill read a second time and, by leave, immediately read a third time.
- Bill sent to the Legislative Council and their agreement requested.
- 26 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Superannuation Legislation Amendment Bill 2008 without amendment.
- 27 **ROAD SAFETY AMENDMENT (FATIGUE MANAGEMENT) BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.
- Motion made and question — That the debate be now adjourned (*Mr Ingram*) — put and agreed to.
- Ordered — That the debate be adjourned until later this day.
- 28 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Cameron*) — put and agreed to.
- 29 **ADJOURNMENT** — The Deputy Speaker left the Chair, after debate, at 11.47 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JENNY LINDELL  
*Speaker*

## No 85 — Wednesday 20 August 2008

- 1 The Speaker took the Chair and read the Prayer.
- 2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:
- Provision for Abortions through Healthcare System** — Requesting that the House supports — (a) the unconditional recognition of every woman's right to make her own reproductive choices by removing abortion from the *Crimes Act 1958*; (b) making abortion available, safe, free and on demand through the healthcare system; and (c) resourcing the health system with funds and staffing required to make abortion services readily available, bearing 697 signatures (*Mr Carli*)
- Stony Point to Frankston Train Line** — Requesting that the House asks the Government to install boom gates on all level crossings on the Stony Point to Frankston train line as a matter of priority, bearing 18 signatures (*Mr Burgess*)
- Hastings Jetty** — Requesting that the Government — (a) immediately consults the Hastings community regarding the need for repairs to Hastings Jetty; (b) ensures the community's wishes are reflected by any repairs undertaken on the jetty; and (c) ensures any repairs carried out on the jetty

preserve the integrity and iconic status of the jetty for future generations, bearing 73 signatures (*Mr Burgess*)

**Pedestrian Crossing in Baxter–Tooradin Road, Baxter** — Requesting that the House asks the Government to instruct VicRoads to urgently install a pedestrian crossing in Baxter–Tooradin Road, Baxter, adjacent to the new Baxter Shopping Centre, bearing 223 signatures (*Mr Burgess*)

**Walpeup Research Station** — Requesting that the House rejects the Victorian Department of Primary Industries (DPI) restructure and calls on the Government to keep the Walpeup Research Station as a fully funded and functional DPI facility, bearing 166 signatures (*Mr Crisp*)

**Port Phillip Bay Toxic Waste Site** — Requesting that the House opposes the proposed toxic waste site in Port Phillip Bay, bearing 198 signatures (*Mr Dixon*).

Petitions ordered to be tabled.

3 **PETITION — PROVISION FOR ABORTIONS THROUGH HEALTHCARE SYSTEM** — Motion made and question — That the petition presented by the Member for Brunswick be taken into consideration tomorrow (*Mr Carli*) — put and agreed to.

4 **PETITION — WALPEUP RESEARCH STATION** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.

5 **PETITION — STONY POINT TO FRANKSTON TRAIN LINE** — Motion made and question — That the petition presented by the Member for Hastings be taken into consideration tomorrow (*Mr Burgess*) — put and agreed to.

6 **PETITION — HASTINGS JETTY** — Motion made and question — That the petition presented by the Member for Hastings be taken into consideration tomorrow (*Mr Burgess*) — put and agreed to.

7 **PETITION — PEDESTRIAN CROSSING IN BAXTER–TOORADIN ROAD, BAXTER** — Motion made and question — That the petition presented by the Member for Hastings be taken into consideration tomorrow (*Mr Burgess*) — put and agreed to.

## 8 DOCUMENTS

**ROAD SAFETY COMMITTEE** — Mr Eren, Chair, presented a report from the Road Safety Committee on the Inquiry into Vehicle Safety, together with appendices and transcripts of evidence.

Ordered to be tabled and the report and appendices printed.

**DOCUMENT TABLED UNDER AN ACT OF PARLIAMENT** — The Clerk tabled the following document in accordance with an Act of Parliament:

Ombudsman — Investigation into Probity controls in public hospitals for the procurement of non-clinical goods and services — Ordered to be printed.

9 **DRUGS AND CRIME PREVENTION COMMITTEE** — Motion made, by leave, and question — That the resolution of the House of 1 March 2007, and amended on 30 July 2008, providing that the Drugs and Crime Prevention Committee be required to present its report, on Justice and Crime Strategies in High Volume Crimes, to the Parliament no later than 30 November 2009 be amended as follows:

(1) Omit the expression 'breaking and entering' and insert 'theft and property-related offences';

(2) Omit paragraphs (a) and (b)

(*Mr Batchelor*) — put and agreed to.

10 **STATEMENTS BY MEMBERS** — Statements by members were made.

11 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE — CLIMATE CHANGE** — The House was informed that Mr Batchelor had proposed that a definite matter of public importance be submitted to the House for discussion, namely —

'That this House congratulates the Brumby Labor Government on its national leadership in taking action to deal with climate change.'

Mr Batchelor addressed the House — Discussion followed.

12 **STATEMENTS ON PARLIAMENTARY COMMITTEE REPORTS** — Statements were made on the following Committee Reports:

Family and Community Development Committee's Report on the Involvement of Small and Medium Size Business in Corporate Social Responsibility

Rural and Regional Committee's Report on the Inquiry into Rural and Regional Tourism

Road Safety Committee's Report on the Inquiry into Vehicle Safety

Environment and Natural Resources Committee's Report on the Inquiry into the Impact of Public Land Management Practices on Bushfires in Victoria

Public Accounts and Estimates Committee's Report on the Budget Estimates 2008–09 Part 2.

13 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 1 to 9 inclusive, be postponed until later this day.

14 **MEDICAL RESEARCH INSTITUTES REPEAL BILL 2008** — *Ms Allan tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Ms Allan*).

Motion made and question — That the debate be now adjourned (*Mr Kotsiras*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 3 September 2008.

15 **COURTS LEGISLATION AMENDMENT (COSTS COURT AND OTHER MATTERS) BILL 2008** — *Mr Hulls tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).

Motion made and question — That the debate be now adjourned (*Mr Clark*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 3 September 2008.

*Business having been interrupted at 2.00 pm under standing orders.*

16 **QUESTIONS** — (Under SO 55).

- 17 **WHISTLEBLOWERS PROTECTION AMENDMENT BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Mr Northe*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 18 **VICTORIA LAW FOUNDATION BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time.

Under standing orders, Mr Clark announced amendments to be proposed when the House considers the Bill in detail and requested that they be circulated. Amendments circulated.

Debate resumed on question — That this Bill be now read a second time.

Motion made and question — That the debate be now adjourned (*Mr Crisp*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 19 **FAMILY VIOLENCE PROTECTION BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time.

Under standing orders, Mr Clark announced amendments to be proposed when the House considers the Bill in detail and requested that they be circulated. Amendments circulated.

Debate resumed on question — That this Bill be now read a second time.

Motion made and question — That the debate be now adjourned (*Mrs Powell*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 20 **COUNTY COURT AMENDMENT (KOORI COURT) BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*[The Acting Speaker having left the Chair at 5.08 pm, resumed it at 5.19 pm]*

Motion made and question — That the debate be now adjourned (*Mr Wells*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 21 **LABOUR AND INDUSTRY (REPEAL) BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Mr Wakeling*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 22 **COUNTY COURT AMENDMENT (KOORI COURT) BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Bill read a second time and, by leave, immediately read a third time.

Bill sent to the Legislative Council and their agreement requested.

- 23 **LABOUR AND INDUSTRY (REPEAL) BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Bill read a second time and, by leave, immediately read a third time.

Bill sent to the Legislative Council and their agreement requested.

- 24 **WHISTLEBLOWERS PROTECTION AMENDMENT BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Bill read a second time and, by leave, immediately read a third time.

Bill sent to the Legislative Council and their agreement requested.

- 25 **CORRECTIONS AMENDMENT BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 10.00 pm under standing orders.*

Motion made and question — That the sitting be continued (*Mr Cameron*) — put and agreed to.

Debate resumed on question — That this Bill be now read a second time.

Bill read a second time and, by leave, immediately read a third time.

Bill sent to the Legislative Council and their agreement requested.

- 26 **PUBLIC HOLIDAYS AMENDMENT BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Mr Brooks*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 27 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Merlino*) — put and agreed to.

- 28 **ADJOURNMENT** — The Acting Speaker left the Chair, after debate, at 11.42 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JENNY LINDELL  
*Speaker*

## No 86 — Thursday 21 August 2008

- 1 The Speaker took the Chair and read the Prayer.

- 2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

**Glenrowan Rail** — Requesting that the House includes Glenrowan in the North East Rail revitalisation project for the benefit of residents and the tourist industry, bearing 92 signatures (*Dr Sykes*)

**Alternatives to Goulburn Valley Pipeline** — Requesting that the House — (a) rejects the proposal to build the pipe that would take water from the Goulburn Valley to Melbourne; and (b) calls on the Government to invest in other measures to increase Melbourne's water supply such as recycled water and stormwater capture for industry, parks and gardens, bearing 2 signatures (*Ms Asher*)

**City of Brimbank** — Requesting the Minister for Local Government to immediately intervene to dissolve the Council of the City of Brimbank and appoint a Commissioner to govern, bearing 160 signatures (*Mr Seitz*)

**Walpeup Research Station** — Requesting that the House rejects the Victorian Department of Primary Industries (DPI) restructure and calls on the Government to keep the Walpeup Research Station as a fully funded and functional DPI facility, bearing 175 signatures (*Mr Crisp*).

Petitions ordered to be tabled.

3 **PETITION — ALTERNATIVES TO GOULBURN VALLEY PIPELINE** — Motion made and question — That the petition presented by the Member for Brighton be taken into consideration tomorrow (*Ms Asher*) — put and agreed to.

4 **PETITION — CITY OF BRIMBANK** — Motion made and question — That the petition presented by the Member for Keilor be taken into consideration tomorrow (*Ms Asher*) — put and agreed to.

5 **PETITION — WALPEUP RESEARCH STATION** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.

6 **PETITION — GLENROWAN RAIL** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.

7 **DOCUMENT TABLED UNDER AN ACT OF PARLIAMENT** — The Clerk tabled the following document in accordance with an Act of Parliament:

Auditor-General, Office of — Report 2007–08.

8 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourns until Tuesday 9 September 2008 (*Mr Batchelor*) — put and agreed to.

9 **STATEMENTS BY MEMBERS** — Statements by members were made.

10 **GIPPSLAND REGIONAL SITTING** — Motion made and question — That so much of standing and sessional orders be suspended so as to provide that the House, at its rising on Thursday 9 October 2008, adjourns until Wednesday 15 October 2008 at the Auditorium, Monash University, Gippsland Campus at Churchill, the Speaker to take the Chair at 10.00 am (*Mr Batchelor*) — put, after debate, and agreed to.

11 **GIPPSLAND REGIONAL SITTING — SUSPENSION OF STANDING ORDERS** — Motion made and question — That so much of standing orders be suspended so as to allow, on Wednesday 15 October 2008:

(1) Immediately after the Prayer, an Aboriginal Elder to be admitted onto the floor of the House for the purpose of giving a welcome to country.

(2) Immediately after the welcome to country, the Premier and the Leader of the Opposition to address the House for 15 minutes each about the regional sitting.

- (3) Richard Larkins, AO, Vice-Chancellor of Monash University, and Bruce Lougheed, Mayor of the Latrobe City Council, to be admitted onto the floor of the House to hear the addresses by the Premier and the Leader of the Opposition and each to respond during a total overall response time of 15 minutes.
- (4) The order of business for the remainder of the day to be as follows:
- (a) formal business;
  - (b) statements by members for a total time of 20 minutes;
  - (c) matter of public importance with a maximum of six members speaking, subject to a time limit of 10 minutes per member;
  - (d) government business;
  - (e) question time at 2.00 pm;
  - (f) ministerial statement at the conclusion of question time, with the minister and three other members to each speak for a maximum of 10 minutes;
  - (g) government business;
  - (h) adjournment debate at 5.30 pm.

*(Mr Batchelor)* — put, after debate, and agreed to.

- 12 **VICTORIA LAW FOUNDATION BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Bill read a second time, considered in detail and agreed to without amendment, read a third time (*see pp 405–07, 408*).

Bill sent to the Legislative Council and their agreement requested.

- 13 **ROAD SAFETY AMENDMENT (FATIGUE MANAGEMENT) BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 2.00 pm under standing orders.*

- 14 **QUESTIONS** — (Under SO 55).

- 15 **ROAD SAFETY AMENDMENT (FATIGUE MANAGEMENT) BILL 2008** — Debate continued on question — That this Bill be now read a second time.

Bill read a second time, considered in detail and agreed to without amendment, read a third time (*see pp 407, 408*).

Bill sent to the Legislative Council and their agreement requested.

- 16 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Agreeing to the following bills without amendment:

Courts Legislation Amendment (Juries and Other Matters) Bill 2008  
Public Health and Wellbeing Bill 2008.

17 **POSTPONEMENT OF ORDER OF THE DAY** — Ordered — That the consideration of Government Business, Order of the Day, No 3 be postponed until later this day.

18 **FAMILY VIOLENCE PROTECTION BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Bill read a second time and considered in detail (*see pp 407, 409*).

*Allocation of time* — *The Deputy Speaker advised that the time allocated for consideration of bills under the resolution of the House on Tuesday 19 August 2008 had expired.*

Question — That the words proposed to be omitted stand part of the question — put.

The House divided (the Deputy Speaker, Ms Barker, in the Chair) —

AYES 48

Ms Allan; Mr Andrews; Mr Batchelor; Ms Beattie; Mr Brooks; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Mr Eren; Mr Foley; Ms Green; Mr Hardman; Dr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Miss Kairouz; Ms Kosky; Mr Langdon; Mr Languiller; Mr Lim; Mr Lupton; Ms Marshall; Mr Merlino; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Pike; Ms Richardson; Mr Robinson; Mr Scott; Mr Seitz; Mr Stensholt; Ms Thomson (*Footscray*); Mr Wynne.

NOES 29

Ms Asher; Mr Baillieu; Mr Blackwood; Mr Burgess; Mr Crisp; Mrs Fyffe; Mr Hodgett; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Morris; Mr Mulder; Dr Naphine; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith (*Bass*); Mr Smith (*Warrandyte*); Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Weller; Mr Wells; Ms Wooldridge.

Question agreed to.

Question — That Clause 233 be agreed to — put and agreed to.

Question — That Clauses 234 to 272 inclusive be agreed to and the Bill be agreed to without amendment — put and agreed to.

Bill read a third time with the concurrence of an absolute majority of the whole number of the members of the Legislative Assembly.

Bill sent to the Legislative Council and their agreement requested.

19 **PUBLIC HOLIDAYS AMENDMENT BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time and a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

20 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Crimes (Controlled Operations) Amendment Bill 2008 without amendment.

21 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Batchelor*) — put and agreed to.

22    **ADJOURNMENT** — The Speaker left the Chair, after debate, at 5.46 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JENNY LINDELL  
*Speaker*

## LEGISLATIVE ASSEMBLY OF VICTORIA

### CONSIDERATION IN DETAIL Supplement to Votes Nos 84, 85 and 86

#### No 86 — Thursday 21 August 2008

##### VICTORIA LAW FOUNDATION BILL 2008

Mr McIntosh announced amendments to be proposed and requested that they be circulated. Amendments circulated.

**Clauses 1 to 4** agreed to.

**Clause 5**, Mr McIntosh moved amendment No 1 (*see Schedule 1*).

Question — That the amendment be agreed to — put.

The House divided (the Deputy Speaker, Ms Barker, in the Chair) —

AYES 30

Ms Asher; Mr Baillieu; Mr Blackwood; Mr Burgess; Mr Crisp; Mr Dixon; Ms Fyffe; Mr Hodgett; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Morris; Mr Mulder; Dr Napthine; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith (*Bass*); Mr Smith (*Warrandyte*); Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Weller; Mr Wells; Ms Wooldridge.

NOES 47

Ms Allan; Mr Batchelor; Ms Beattie; Mr Brooks; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Mr Eren; Mr Foley; Ms Green; Mr Hardman; Dr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Miss Kairouz; Mr Langdon; Mr Languiller; Mr Lim; Ms Lobato; Mr Lupton; Mrs Maddigan; Ms Marshall; Mr Merlino; Ms Morand; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Scott; Mr Seitz; Mr Stensholt; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

Question defeated.

Clause agreed to.

**Clause 6** agreed to.

**Clause 7**, *The Deputy Speaker advised that if the Clause is agreed to, Mr McIntosh's amendment Nos 3 and 6 cannot be moved as they are consequential.*

Question — That Clause 7 stand part of the Bill — put.

The House divided (the Deputy Speaker, Ms Barker, in the Chair) —

AYES 49

Ms Allan; Mr Andrews; Mr Batchelor; Ms Beattie; Mr Brooks; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Mr Eren; Mr Foley; Ms Green; Mr Hardman; Dr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Miss Kairouz; Mr Langdon; Mr Languiller; Mr Lim; Ms Lobato; Mr Lupton; Mrs Maddigan; Ms Marshall; Mr Merlino; Ms Morand; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Pike; Ms Richardson; Mr Robinson; Mr Scott; Mr Seitz; Mr Stensholt; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

## NOES 31

Ms Asher; Mr Baillieu; Mr Blackwood; Mr Burgess; Mr Crisp; Mr Dixon; Ms Fyffe; Mr Hodgett; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Morris; Mr Mulder; Dr Napthine; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith (*Bass*); Mr Smith (*Warrandyte*); Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Weller; Mr Wells; Ms Wooldridge.

Question agreed to.

**Clause 8**, *The Deputy Speaker advised that, as Clause 7 had been agreed to, Mr McIntosh may only move his amendment No 4 in an amended form.*

Mr McIntosh moved amendment No 4 in an amended form (*see Schedule 1*).

Question — That the words proposed to be omitted stand part of the Clause — put.

The House divided (the Deputy Speaker, Ms Barker, in the Chair) —

## AYES 47

Mr Andrews; Mr Batchelor; Ms Beattie; Mr Brooks; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Mr Eren; Mr Foley; Ms Green; Mr Hardman; Dr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Miss Kairouz; Mr Langdon; Mr Languiller; Mr Lim; Ms Lobato; Mr Lupton; Mrs Maddigan; Ms Marshall; Mr Merlino; Ms Morand; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Pike; Ms Richardson; Mr Robinson; Mr Scott; Mr Seitz; Mr Stensholt; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

## NOES 31

Ms Asher; Mr Baillieu; Mr Blackwood; Mr Burgess; Mr Crisp; Mr Dixon; Ms Fyffe; Mr Hodgett; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Morris; Mr Mulder; Dr Napthine; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith (*Bass*); Mr Smith (*Warrandyte*); Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Weller; Mr Wells; Ms Wooldridge.

Question agreed to.

*The Deputy Speaker advised that, as amendment No 4 was not agreed to, Mr McIntosh's amendment No 5 cannot be moved as it is consequential.*

Clause agreed to.

**Clauses 9 to 14** agreed to.

Question — That the House agrees to the Bill without amendment — put.

The House divided (the Deputy Speaker, Ms Barker, in the Chair) —

## AYES 49

Ms Allan; Mr Andrews; Mr Batchelor; Ms Beattie; Mr Brooks; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Mr Eren; Mr Foley; Ms Green; Mr Hardman; Dr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Miss Kairouz; Mr Langdon; Mr Languiller; Mr Lim; Ms Lobato; Mr Lupton; Mrs Maddigan; Ms Marshall; Mr Merlino; Ms Morand; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Pike; Ms Richardson; Mr Robinson; Mr Scott; Mr Seitz; Mr Stensholt; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

## NOES 31

Ms Asher; Mr Baillieu; Mr Blackwood; Mr Burgess; Mr Crisp; Mr Dixon; Ms Fyffe; Mr Hodgett; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Morris; Mr Mulder; Dr Napthine; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith (*Bass*); Mr Smith (*Warrandyte*); Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Weller; Mr Wells; Ms Wooldridge.

Question agreed to.

**ROAD SAFETY AMENDMENT (FATIGUE MANAGEMENT) BILL 2008**

**Clauses 1 to 47** agreed to.

**New clause A**, Mr Mulder moved new Clause A (*see Schedule 2*).

Question — That new clause A be agreed to and added to the Bill — put.

The House divided (the Deputy Speaker, Ms Barker, in the Chair) —

## AYES 29

Ms Asher; Mr Baillieu; Mr Blackwood; Mr Burgess; Mr Crisp; Mr Dixon; Ms Fyffe; Mr Hodgett; Mr Ingram; Mr Kotsiras; Mr McIntosh; Mr Morris; Mr Mulder; Dr Napthine; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith (*Warrandyte*); Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Weller; Mr Wells; Ms Wooldridge.

## NOES 47

Mr Andrews; Mr Batchelor; Ms Beattie; Mr Brooks; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Mr Eren; Mr Foley; Ms Green; Mr Hardman; Dr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Miss Kairouz; Ms Kosky; Mr Langdon; Mr Languiller; Mr Lim; Ms Lobato; Mr Lupton; Ms Marshall; Mr Merlino; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Pike; Ms Richardson; Mr Robinson; Mr Scott; Mr Seitz; Mr Stensholt; Ms Thomson (*Footscray*); Mr Wynne.

Question defeated.

Bill agreed to without amendment.

**FAMILY VIOLENCE PROTECTION BILL 2008**

Ms Wooldridge announced amendments to be proposed and requested that they be circulated. Amendments circulated.

**Clauses 1 to 232** agreed to.

**Clauses 233**, *The Deputy Speaker advised that if Ms Wooldridge's amendment No 1 is not agreed to, the remaining amendments cannot be moved as they are consequential.*

Ms Wooldridge moved amendment No 1 (*see Schedule 3*).

*Allocation of time — The Deputy Speaker advised that the time allocated for consideration of bills under the resolution of the House on 19 August 2008 had expired (for remaining stages see p 403).*

## SCHEDULES OF AMENDMENTS MOVED

### SCHEDULE 1

#### VICTORIA LAW FOUNDATION BILL 2008

Amendments moved by Mr McIntosh

- 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;".
- 2 Clause 7 omit this clause.
- 4 Clause 8, line 27, omit "Minister may at any time remove a member" and insert "Governor in Council may at any time remove a member". (*Shown in amended form, as moved*)

### SCHEDULE 2

#### ROAD SAFETY AMENDMENT (FATIGUE MANAGEMENT) BILL 2008

New Clause moved by Mr Mulder

- 1 Insert the following New Clause to follow clause 30—
 

**"A 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 14<sup>3</sup>/<sub>4</sub> hours were a reference to 16<sup>3</sup>/<sub>4</sub> hours; and
    - (c) in Column 4 of Table 1 of Schedule 4 to 15<sup>1</sup>/<sub>4</sub> hours were a reference to 17<sup>1</sup>/<sub>4</sub> hours.
  - (3) In this section—
 

*livestock* includes cattle, sheep, goats and pigs.".

### **SCHEDULE 3**

#### **FAMILY VIOLENCE PROTECTION BILL 2008**

Amendment moved by Ms Wooldridge

- 1 Clause 233, lines 7 and 8, omit "against section 37 or 123 of the **Family Violence Protection Act 2008**".



## LEGISLATIVE ASSEMBLY OF VICTORIA

### VOTES AND PROCEEDINGS Nos 87, 88 and 89

#### No 87 — Tuesday 9 September 2008

- 1 The House met according to the adjournment — The Speaker took the Chair and read the Prayer.
- 2 **ACTING OMBUDSMAN** — The Speaker advised that she had, today, administered to John Taylor, the Acting Ombudsman, the oath required by s 10 of the *Ombudsman Act 1973*.
- 3 **QUESTIONS** — (Under SO 55).
- 4 **ASSISTED REPRODUCTIVE TREATMENT BILL 2008** — Mr Hulls obtained leave to bring in 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 the Bill was read a first time and ordered to be read a second time tomorrow.
- 5 **STALKING INTERVENTION ORDERS BILL 2008** — Mr Hulls obtained leave to bring in a Bill '*for an Act to provide for a system of intervention orders in cases of stalking and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 6 **ENERGY LEGISLATION AMENDMENT (RETAIL COMPETITION AND OTHER MATTERS) BILL 2008** — Mr Batchelor obtained leave to bring in 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, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 7 **GREENHOUSE GAS GEOLOGICAL SEQUESTRATION BILL 2008** — Mr Batchelor obtained leave to bring in 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 the Bill was read a first time and ordered to be read a second time tomorrow.
- 8 **PROHIBITION OF HUMAN CLONING FOR REPRODUCTION BILL 2008** — Mr Andrews obtained leave to bring in a Bill '*for an Act to prohibit human cloning for reproduction and other unacceptable practices associated with reproductive technology, and for related purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 9 **RESEARCH INVOLVING HUMAN EMBRYOS BILL 2008** — Mr Andrews obtained leave to bring in a Bill '*for an Act to regulate certain activities involving the use of human embryos, and for related purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 10 **HEALTH PROFESSIONS REGISTRATION AMENDMENT BILL 2008** — Mr Andrews obtained leave to bring in a Bill '*for an Act to amend the **Health Professions Registration Act 2005** and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 11 **COMPENSATION AND SUPERANNUATION LEGISLATION AMENDMENT BILL 2008** — Mr Holding obtained leave to bring in 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, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.

12 **DANGEROUS GOODS AMENDMENT (TRANSPORT) BILL 2008** — Mr Holding obtained leave to bring in 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, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.

13 **LOCAL GOVERNMENT AMENDMENT (COUNCILLOR CONDUCT AND OTHER MATTERS) BILL 2008** — Mr Wynne obtained leave to bring in 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, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.

14 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

**Desalination Plant, Bass Coast** — Requesting that the House directs immediate consultation between the Government and the local community of the Bass Coast regarding the proposed desalination plant, bearing 139 signatures (*Mr Smith, Bass*)

**Water Pipeline Goulburn to Melbourne — Alternative Water Schemes** — Requesting that the House — (a) rejects the proposal to develop a pipeline which would take water from the Goulburn Valley and pump it to Melbourne; and (b) calls on the Government to address Melbourne's water supply needs by investing in desalination, recycling and capturing stormwater, bearing 25 signatures (*Dr Sykes*)

**Dam in Hughes Creek Catchment** — Requesting that the House overturns the approval to build a dam in the upper reaches of the Hughes Creek catchment and implements a moratorium on the building of all dams in the catchment until a Stream Flow Management Plan has been drawn up for Hughes Creek, bearing 191 signatures (*Dr Sykes*)

**Additional Funding for Catholic Schools** — Requesting that the Government increases funding to Catholic schools, bearing 106 signatures (*Mrs Maddigan*)

**Funding for Pembroke Secondary College** — Requesting that the House takes immediate action to ensure that Pembroke Secondary College receives the necessary funding for the master plan for a major upgrade to the College's facilities, bearing 458 signatures (*Mrs Fyffe*)

**Logging of Armstrong Creek Catchment** — Requesting that the Government immediately ceases logging of the Armstrong, Thomson, Cement, McMahons and Starvation Catchments, bearing 121 signatures (*Ms Lobato*)

**Abortion Laws** — Requesting that the House abstains from carrying forth the proposal of decriminalisation of abortion, bearing 5 signatures (*Mr Ryan*)

**City of Brimbank** — Requesting the Minister for Local Government to immediately intervene to dissolve the Council of the City of Brimbank and appoint a Commissioner to govern, bearing 548 signatures (*Mr Seitz*)

**Walpeup Research Station** — Requesting that the House rejects the Victorian Department of Primary Industries (DPI) restructure and calls on the Government to keep the Walpeup Research Station as a fully funded and functional DPI facility, bearing 140 signatures (*Mr Crisp*)

**Support for the Abortion Bill** — Requesting that the House supports the Bill to decriminalise abortion in a way which achieves the safeguarding of women and medical practitioners and which will

ensure the law — (a) reflects contemporary community standards; and (b) is simple, clear and transparent, bearing 9 signatures (*Mr Andrews*)

**Proposed Decriminalisation of Abortion** — Requesting that the House votes against amendments to the *Crimes Act 1958* that will decriminalise abortion in Victoria, bearing 21 signatures (*Mr Weller*)

**Kyabram Research Station** — Requesting that the House rejects the Victorian Department of Primary Industries (DPI) restructure and calls on the Government to keep the Kyabram Research Station as a fully funded and functional DPI facility, bearing 902 signatures (*Mr Weller*)

**Rochester Community Residential Unit** — Requesting that the House instructs the Department of Human Services to abandon plans to relocate the Rochester Community Residential Unit to Echuca, bearing 686 signatures (*Mr Weller*)

**Careful Cobber Program** — Requesting that the House calls upon the Government to reinstate funding for the Careful Cobber Program at the Driver Education Centre Australia, Shepparton, bearing 4287 signatures (*Mrs Powell*)

**Funding for Walpeup Research Station** — Requesting that the House rejects the Victorian Department of Primary Industries (DPI) restructure as it will have serious ramifications for the community and calls on the Government to keep the Walpeup Research Station as a fully funded and functional DPI facility, bearing 88 signatures (*Mr Walsh*).

Petitions ordered to be tabled.

- 15 **PETITION — ADDITIONAL FUNDING FOR CATHOLIC SCHOOLS** — Motion made and question — That the petition presented by the Member for Essendon be taken into consideration tomorrow (*Mr Dixon*) — put and agreed to.
- 16 **PETITION — CITY OF BRIMBANK** — Motion made and question — That the petition presented by the Member for Keilor be taken into consideration tomorrow (*Mr Seitz*) — put and agreed to.
- 17 **PETITION — DESALINATION PLANT, BASS COAST** — Motion made and question — That the petition presented by the Member for Bass be taken into consideration tomorrow (*Mr Smith, Bass*) — put and agreed to.
- 18 **PETITION — WALPEUP RESEARCH STATION** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.
- 19 **PETITION — CAREFUL COBBER PROGRAM** — Motion made and question — That the petition presented by the Member for Shepparton be taken into consideration tomorrow (*Mrs Powell*) — put and agreed to.
- 20 **PETITION — PROPOSED DECRIMINALISATION OF ABORTION** — Motion made and question — That the petition presented by the Member for Rodney be taken into consideration tomorrow (*Mr Weller*) — put and agreed to.
- 21 **PETITION — KYABRAM RESEARCH STATION** — Motion made and question — That the petition presented by the Member for Rodney be taken into consideration tomorrow (*Mr Weller*) — put and agreed to.
- 22 **PETITION — ROCHESTER COMMUNITY RESIDENTIAL UNIT** — Motion made and question — That the petition presented by the Member for Rodney be taken into consideration tomorrow (*Mr Weller*) — put and agreed to.

- 23 **PETITION — WATER PIPELINE GOULBURN TO MELBOURNE — ALTERNATIVE WATER SCHEMES** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.
- 24 **PETITION — DAM IN HUGHES CREEK CATCHMENT** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.
- 25 **PETITION — FUNDING FOR WALPEUP RESEARCH STATION** — Motion made and question — That the petition presented by the Member for Swan Hill be taken into consideration tomorrow (*Mr Walsh*) — put and agreed to.
- 26 **PETITION — FUNDING FOR PEMBROKE SECONDARY COLLEGE** — Motion made and question — That the petition presented by the Member for Evelyn be taken into consideration tomorrow (*Mrs Fyffe*) — put and agreed to.
- 27 **DOCUMENTS**

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — Mr Carli, Chair, presented a report from the Scrutiny of Acts and Regulations Committee being the Alert Digest No 11 of 2008 on the:

Abortion Law Reform Bill 2008  
 Courts Legislation Amendment (Costs Court and Other Matters) Bill 2008  
 Evidence Bill 2008  
 Family Violence Protection Bill 2008  
 Medical Research Institutes Repeal Bill 2008

together with appendices.

Ordered to be tabled and printed.

**DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:

*Crown Land (Reserves) Act 1978* — Order under s 17D granting a lease over Lorne Foreshore Reserve

*Major Events (Aerial Advertising) Act 2007* — Event Order under s 7

*Murray-Darling Basin Act 1993* — Revised Schedule F under s 28

*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 amendments to the following Planning Schemes:

Bass Coast — C77, C81  
 Baw Baw — C43, C52  
 Bayside — C56 Part 2, C63  
 Boroondara — C79  
 Campaspe — C66  
 Colac Otway — C27 Part 2  
 Corangamite — C16 Part 2  
 Glen Eira — C54

Glenelg — C39  
 Greater Geelong — C143  
 Greater Shepparton — C70  
 Indigo — C45  
 Latrobe — C49  
 Macedon Ranges — C65  
 Manningham — C79  
 Moonee Valley — C50  
 Moreland — C66, C72  
 Stonnington — C59  
 Surf Coast — C44  
 Whitehorse — C82, C95, C97, C98  
 Whittlesea — C105, C106

Statutory Rules under the following Acts:

*Drugs, Poisons and Controlled Substances Act 1981* — SR 98  
*Fair Trading Act 1999* — SR 99  
*Supreme Court Act 1986* — SR 100

*Subordinate Legislation Act 1994*:

Minister's exception certificates in relation to Statutory Rules 18, 100  
 Ministers' exemption certificates in relation to Statutory Rules 18, 52, 66, 67, 68, 69, 78, 81

*Terrorism (Community Protection) Act 2003*:

Report 2007–08 under s 13  
 Report 2007–08 under s 13ZR

*Victorian Environmental Assessment Council Act 2001*:

Requests under s 16 (two documents)  
 River Red Gum Forests Investigation Final Report.

The following proclamation fixing an operative date was tabled by the Clerk in accordance with an order of the House dated 19 December 2006:

*Gambling Legislation Amendment (Problem Gambling and Other Measures) Act 2007* — Sections 5, 6 and 50 — 4 September 2008 (*Gazette G36, 4 September 2008*).

28 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Agreeing to the following bills without amendment:

Building Amendment Bill 2008  
 Land (Revocation of Reservations) (Convention Centre Land) Bill 2008.

29 **MESSAGES FROM THE GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that he had given the royal assent to the following bills, presented to him by the Clerk of the Parliaments:

On 26 August 2008  
 Building Amendment Bill 2008  
 Cancer Amendment (HPV) Bill 2008  
 Courts Legislation Amendment (Juries and Other Matters) Bill 2008  
 Crimes (Controlled Operations) Amendment Bill 2008

Gambling Regulation Amendment (Licensing) Bill 2008  
 Land (Revocation of Reservations) (Convention Centre Land) Bill 2008  
 Melbourne Cricket Ground Amendment Bill 2008  
 Superannuation Legislation Amendment Bill 2008  
 Unclaimed Money Bill 2008  
 Wildlife Amendment (Marine Mammals) Bill 2008

On 2 September 2008  
 Public Health and Wellbeing Bill 2008.

30 **MESSAGE FROM THE GOVERNOR** — Recommending an appropriation for the purposes of the Courts Legislation Amendment (Costs Court and Other Matters) Bill 2008.

31 **ROAD SAFETY COMMITTEE** — Motion made, by leave, and question — That, under s 33 of the *Parliamentary Committees Act 2003*, the Road Safety Committee be required to inquire into, consider and report no later than 30 November 2009 on the process of development, adoption and implementation of Australian design rules and to consider other worldwide practices with a focus on improving vehicle safety (*Mr Batchelor*) — put and agreed to.

32 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, under SO 94(2), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 11 September 2008:

Courts Legislation Amendment (Costs Court and Other Matters) Bill 2008  
 Medical Research Institutes Repeal Bill 2008

(*Mr Batchelor*) — put, after debate, and agreed to.

33 **STATEMENTS BY MEMBERS** — Statements by members were made.

34 **ABORTION LAW REFORM BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time.

Under standing orders, Mr Stensholt announced amendments to be proposed when the House considers the Bill in detail and requested that they be circulated. Amendments circulated.

Debate resumed on question — That this Bill be now read a second time.

Under standing orders, Mr Merlino, Member for Monbulk, announced amendments to be proposed when the House considers the Bill in detail and requested that they be circulated. Amendments circulated.

Debate resumed on question — That this Bill be now read a second time.

Under standing orders, Ms Campbell announced amendments to be proposed when the House considers the Bill in detail and requested that they be circulated. Amendments circulated.

Debate resumed on question — That this Bill be now read a second time.

Under standing orders, Ms Lobato announced amendments to be proposed when the House considers the Bill in detail and requested that they be circulated. Amendments circulated.

Debate resumed on question — That this Bill be now read a second time.

*Business having been interrupted at 10.00 pm under standing orders.*

Motion made and question — That the sitting be continued (*Mr Batchelor*) — put and agreed to.

Debate resumed on question — That this Bill be now read a second time.

Under standing orders, Mr Clark announced amendments to be proposed when the House considers the Bill in detail and requested that they be circulated. Amendments circulated.

Debate resumed on question — That this Bill be now read a second time.

And the House having continued to sit after midnight —

WEDNESDAY 10 SEPTEMBER 2008

Motion made and question — That the debate be now adjourned (*Mr McIntosh*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

35 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Agreeing to the following bills without amendment:

Evidence Bill 2008

Summary Offences Amendment (Tattooing and Body Piercing) Bill 2008

Heritage Amendment Bill 2008.

36 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Batchelor*) — put and agreed to.

37 **ADJOURNMENT** — The Speaker left the Chair, after debate, at 2.30 am.

R W PURDEY  
*Clerk of the Legislative Assembly*

JENNY LINDELL  
*Speaker*

## No 88 — Wednesday 10 September 2008

1 The Speaker took the Chair and read the Prayer.

2 **POLICE, MAJOR CRIME AND WHISTLEBLOWERS LEGISLATION AMENDMENT BILL 2008** — Mr Cameron obtained leave to bring in a Bill *for an Act to amend the Police Regulation Act 1958, the Major Crime (Investigative Powers) Act 2004, the Police Integrity Act 2008 and the Whistleblowers Protection Act 2001, to make consequential amendments to other Acts and for other purposes*; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.

3 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

**Amendments to Crimes Act 1958** — Requesting that the House votes against amendments to the *Crimes Act 1958* that will decriminalise abortion, bearing 108 signatures (*Mr Howard*)

**Bayswater Library** — Requesting that the House asks the Minister for Local Government to provide funding to the Knox City Council for the provision of a permanent library facility in the suburb of Bayswater, bearing 840 signatures (*Mrs Victoria*)

**Accidents at Bayswater Intersection** — Requesting that the House resolves that the Minister for Roads immediately moves to address the growing problem of pedestrian and car accidents at the intersection of Mountain Highway and High and Valentine Streets in Bayswater by installing additional signage and resequencing the traffic lights, bearing 291 signatures (*Mrs Victoria*)

**Abortion Law Reform Bill 2008** — Requesting that the House rejects the Abortion Law Reform Bill 2008, bearing 310 signatures (*Mr Tilley*)

**Ending Homelessness in Victoria** — Requesting that the Government ends homelessness in Victoria via the provision of affordable, decent, suitable housing for those who do not have a home, bearing 46 signatures (*Mr Hodgett*)

**Housing for the Homeless in Eastern Suburbs of Melbourne and Maroondah Region** — Requesting that the Government provides safe, decent and affordable housing for homeless people in the Maroondah region and the eastern suburbs of Melbourne, bearing 783 signatures (*Mr Hodgett*)

**Walpeup Research Station** — Requesting that the House rejects the Victorian Department of Primary Industries (DPI) restructure and calls on the Government to keep the Walpeup Research Station as a fully funded and functional DPI facility, bearing 80 signatures (*Mr Crisp*)

**Opposition to Decriminalisation of Abortion** — Requesting that the House does not allow the Abortion Law Reform Bill 2008 to pass, bearing 346 signatures (*Dr Naphthine*).

Petitions ordered to be tabled.

- 4 **PETITION — WALPEUP RESEARCH STATION** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.
- 5 **PETITION — BAYSWATER LIBRARY** — Motion made and question — That the petition presented by the Member for Bayswater be taken into consideration tomorrow (*Mrs Victoria*) — put and agreed to.
- 6 **PETITION — ACCIDENTS AT BAYSWATER INTERSECTION** — Motion made and question — That the petition presented by the Member for Bayswater be taken into consideration tomorrow (*Mrs Victoria*) — put and agreed to.
- 7 **PETITION — ENDING HOMELESSNESS IN VICTORIA** — Motion made and question — That the petition presented by the Member for Kilsyth be taken into consideration tomorrow (*Mr Hodgett*) — put and agreed to.
- 8 **PETITION — HOUSING FOR THE HOMELESS IN EASTERN SUBURBS OF MELBOURNE AND MAROONDAH REGION** — Motion made and question — That the petition presented by the Member for Kilsyth be taken into consideration tomorrow (*Mr Hodgett*) — put and agreed to.
- 9 **PETITION — ABORTION LAW REFORM BILL 2008** — Motion made and question — That the petition presented by the Member for Benambra be taken into consideration tomorrow (*Mr Tilley*) — put and agreed to.

- 10 **DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:

*Crown Land (Reserves) Act 1978* — Order under s 17D granting a lease over Lake Wendouree Reserve

*Duties Act 2000* — Report 2007–08 of exemptions and refunds

Ombudsman, Office of — Report 2007–08 — Ordered to be printed.

- 11 **STATEMENTS BY MEMBERS** — Statements by members were made.

- 12 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE — STREET VIOLENCE** — The House was informed that Mr McIntosh had proposed that a definite matter of public importance be submitted to the House for discussion, namely —

'That this House condemns the Brumby Government for its failure to address record rising violence on our streets, for its denial of the problem, prior to August 2007, and for its policy of shifting blame and relying on gimmick solutions rather than accepting responsibility for the problem and putting police back on our streets where they belong.'

Mr McIntosh addressed the House — Discussion followed.

- 13 **STATEMENTS ON PARLIAMENTARY COMMITTEE REPORTS** — Statements were made on the following Committee Reports:

Public Accounts and Estimates Committee's Report on the 2008–09 Budget Estimates — Part One

Environment and Natural Resources Committee's Report the Impact of Public Land Management Practices on Bushfires in Victoria

Road Safety Committee's Report on the Inquiry into Vehicle Safety

Family and Community Development Committee's Report on the Involvement of Small and Medium Size Business in Corporate Social Responsibility

Rural and Regional Committee's Report on the Inquiry into Rural and Regional Tourism.

- 14 **RESEARCH INVOLVING HUMAN EMBRYOS BILL 2008** — *Mr Andrews tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Andrews*).

Motion made and question — That the debate be now adjourned (*Mr Delahunty*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 24 September 2008.

- 15 **PROHIBITION OF HUMAN CLONING FOR REPRODUCTION BILL 2008** — *Mr Andrews tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Andrews*).

Motion made and question — That the debate be now adjourned (*Mr Delahunty*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 24 September 2008.

- 16 **ASSISTED REPRODUCTIVE TREATMENT BILL 2008** — *Mr Hulls tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).

*Business having been interrupted at 2.00 pm under standing orders.*

- 17 **QUESTIONS** — (Under SO 55).

- 18 **ASSISTED REPRODUCTIVE TREATMENT BILL 2008** — Debate continued on question — That this Bill be now read a second time.

Motion made and question — That the debate be now adjourned (*Mr Clark*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 24 September 2008.

- 19 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 4 and 5, be postponed until later this day.

- 20 **COURTS LEGISLATION AMENDMENT (COSTS COURT AND OTHER MATTERS) BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Mr Kotsiras*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 21 **MEDICAL RESEARCH INSTITUTES REPEAL BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time.

The Acting Speaker announced that the Speaker had ruled the Bill to be a private bill.

Motion made and question — That this Bill be treated as a public bill and that fees be dispensed with (*Ms Pike*) — put and agreed to.

Debate resumed on question — That this Bill be now read a second time.

Motion made and question — That the debate be now adjourned (*Ms Neville*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 22 **ABORTION LAW REFORM BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time.

Under standing orders, Miss Kairouz announced amendments to be proposed when the House considers the Bill in detail and requested that they be circulated. Amendments circulated.

Under standing orders, Mr Thompson (*Sandringham*) announced an amendment to be proposed when the House considers the Bill in detail and requested that it be circulated. Amendment circulated.

Under standing orders, Mr Stensholt announced amendments to be proposed when the House considers the Bill in detail in substitution of amendments previously circulated and requested that they be circulated. Substitute amendments circulated.

Under standing orders, Ms Campbell announced amendments to be proposed when the House considers the Bill in detail in substitution of amendments previously circulated and requested that they be circulated. Substitute amendments circulated.

Debate resumed on question — That this Bill be now read a second time.

Under standing orders, Mr Merlino, Member for Monbulk, announced amendments to be proposed when the House considers the Bill in detail in substitution of amendments previously circulated and requested that they be circulated. Substitute amendments circulated.

Debate resumed on question — That this Bill be now read a second time.

Question — put.

The House divided (the Speaker, Ms Lindell, in the Chair) —

AYES 47

Ms Allan; Mr Andrews; Ms Asher; Mr Baillieu; Ms Barker; Mr Batchelor; Ms Beattie; Mr Brumby; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Duncan; Mr Eren; Mr Foley; Ms Green; Mr Hardman; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Ingram; Ms Kosky; Mr Lim; Mr Lupton; Mrs Maddigan; Ms Morand; Mr Morris; Ms Munt; Mr Nardella; Ms Neville; Mr Noonan; Ms Overington; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Pike; Mrs Powell; Ms Richardson; Mr Scott; Mrs Shardey; Ms Thomson (*Footscray*); Mr Trezise; Ms Wooldridge; Mr Wynne. Tellers: Mr Brooks; Mr Langdon.

NOES 35

Mr Blackwood; Mr Burgess; Mr Cameron; Ms Campbell; Mr Clark; Mr Crisp; Mr Dixon; Mr Donnellan; Mrs Fyffe; Mr Hodgett; Mr Hulls; Miss Kairouz; Ms Lobato; Mr McIntosh; Ms Marshall; Mr Merlino; Mr Mulder; Dr Naphthine; Mr Northe; Mr O'Brien; Mr Ryan; Mr Seitz; Mr Smith (*Bass*); Mr Smith (*Warrandyte*); Mr Stensholt; Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Weller; Mr Wells. Tellers: Mr Delahunty; Mr Kotsiras.

Question agreed to.

Bill considered in detail (*see pp 428–44*).

*Business having been interrupted at 10.08 pm under standing orders.*

Motion made and question — That the sitting be continued (*Mr Batchelor*) — put and agreed to.

Bill further considered in detail (*see pp 428–44*).

And the House having continued to sit after midnight —

THURSDAY 11 SEPTEMBER 2008

- 23 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Batchelor*) — put and agreed to.
- 24 **ADJOURNMENT** — The Speaker left the Chair, after debate, at 12.55 am.

## No 89 — Thursday 11 September 2008

1 The Speaker took the Chair and read the Prayer.

2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

**Melbourne Market Trading Conditions** — Requesting that the House rejects the current buying and selling times and conditions recently imposed for greengrocers, growers and sellers at Melbourne Market and calls upon the Government to bring back the original conditions, bearing 100 signatures (*Dr Sykes*)

**Abortion Laws** — Requesting that the House abstains from carrying forth the proposal of decriminalisation of abortion, bearing 66 signatures (*Mr Cameron*)

**Access Points to Salesian College** — Requesting that the House supports an extensive assessment and immediate upgrade to the access points to Salesian College in Chadstone, bearing 54 signatures (*Mr Stensholt*)

**Support for the Abortion Bill** — Requesting that the House supports the Bill to decriminalise abortion in a way which achieves the safeguarding of women and medical practitioners and which will ensure the law — (a) reflects contemporary community standards; and (b) is simple, clear and transparent, bearing 71 signatures (*Ms Lobato*)

**Walpeup Research Station** — Requesting that the House rejects the Victorian Department of Primary Industries (DPI) restructure and calls on the Government to keep the Walpeup Research Station as a fully funded and functional DPI facility, bearing 198 signatures (*Mr Crisp*)

**Simper Court Intersection in Drouin** — Requesting that the House seeks immediate and appropriate action to construct a turning lane at the Simper Court intersection in Drouin, bearing 21 signatures (*Mr Blackwood*)

**Opposition to Decriminalisation of Abortion** — Requesting that the House does not allow the Abortion Law Reform Bill 2008 to pass, bearing 13 signatures (*Dr Naphthine*).

Petitions ordered to be tabled.

3 **PETITION — WALPEUP RESEARCH STATION** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.

4 **PETITION — ACCESS POINTS TO SALESIAN COLLEGE** — Motion made and question — That the petition presented by the Member for Burwood be taken into consideration tomorrow (*Mr Stensholt*) — put and agreed to.

5 **PETITION — SIMPER COURT INTERSECTION IN DROUIN** — Motion made and question — That the petition presented by the Member for Narracan be taken into consideration tomorrow (*Mr Blackwood*) — put and agreed to.

6 **DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:

*Major Events (Aerial Advertising) Act 2007* — Event Order under s 7

Police Integrity, Office of — Associations that compromise Victoria Police — risks and remedies — Ordered to be printed

Statutory Rules under the following Acts:

*Gambling Regulation Act 2003* — SR 103  
*Liquor Control Reform Act 1998* — SR 102  
*Road Safety Act 1986* — SR 104  
*Subordinate Legislation Act 1994* — SR 101

*Subordinate Legislation Act 1994*:

Minister's exception certificate in relation to Statutory Rule 101  
 Ministers' exemption certificates in relation to Statutory Rules 101, 104.

7 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourns until Tuesday 7 October 2008 (*Mr Batchelor*) — put and agreed to.

8 **STATEMENTS BY MEMBERS** — Statements by members were made.

9 **CONCURRENT DEBATE — ASSISTED REPRODUCTIVE TREATMENT BILL 2008 — PROHIBITION OF HUMAN CLONING FOR REPRODUCTION BILL 2008 — RESEARCH INVOLVING HUMAN EMBRYOS BILL 2008** — Motion made and question — That this House authorises and requires the Speaker to permit the second reading of the Assisted Reproductive Treatment Bill 2008, the Prohibition of Human Cloning for Reproduction Bill 2008 and the Research Involving Human Embryos Bill 2008 to be debated concurrently (*Mr Batchelor*) — after debate, put.

The House divided (the Speaker, Ms Lindell, in the Chair) —

AYES 49

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beattie; Mr Brooks; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Mr Foley; Ms Green; Mr Hardman; Dr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Miss Kairouz; Ms Kosky; Mr Langdon; Mr Lim; Ms Lobato; Mr Lupton; Mrs Maddigan; Ms Marshall; Mr Merlino; Ms Morand; Ms Munt; Ms Neville; Mr Noonan; Ms Overington; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Pike; Ms Richardson; Mr Robinson; Mr Scott; Mr Seitz; Mr Stensholt; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

NOES 31

Ms Asher; Mr Baillieu; Mr Blackwood; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Hodgett; Mr Ingram; Mr Kotsiras; Mr McIntosh; Mr Morris; Dr Napthine; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith (*Bass*); Mr Smith (*Warrandyte*); Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Weller; Mr Wells; Ms Wooldridge.

Question agreed to.

10 **ABORTION LAW REFORM BILL 2008** — Order read for the further consideration of the Bill in detail.

Bill further considered in detail (*see pp 428–44*).

*Business having been interrupted at 2.00 pm under standing orders.*

11 **QUESTIONS** — (Under SO 55).

12 **ABORTION LAW REFORM BILL 2008** — Bill further considered in detail (*see pp 428–44*).

*Allocation of time — The Deputy Speaker advised that the time allocated for consideration of bills under the resolution of the House on Tuesday 9 September 2008 had expired.*

- 13 **MEDICAL RESEARCH INSTITUTES REPEAL BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time and a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 14 **COURTS LEGISLATION AMENDMENT (COSTS COURT AND OTHER MATTERS) BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time and a third time — put.

The House divided (the Deputy Speaker, Ms Barker, in the Chair) —

AYES 51

Ms Allan; Mr Andrews; Mr Batchelor; Ms Beattie; Mr Brooks; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Mr Eren; Mr Foley; Ms Green; Mr Hardman; Dr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Miss Kairouz; Ms Kosky; Mr Langdon; Mr Lim; Ms Lobato; Mr Lupton; Mrs Maddigan; Ms Marshall; Mr Merlino; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Noonan; Ms Overington; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Pike; Ms Richardson; Mr Robinson; Mr Scott; Mr Seitz; Mr Stensholt; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

NOES 32

Ms Asher; Mr Baillieu; Mr Blackwood; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Hodgett; Mr Ingram; Mr Kotsiras; Mr McIntosh; Mr Morris; Mr Mulder; Dr Naphine; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith (*Bass*); Mr Smith (*Warrandyte*); Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Weller; Mr Wells; Ms Wooldridge.

Question agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 15 **ABORTION LAW REFORM BILL 2008** — Bill further considered in detail (*see pp 428–44*).

*Business having been interrupted at 10.00 pm under standing orders.*

Motion made and question — That the sitting be continued (*Mr Batchelor*) — put and agreed to.

Bill further considered in detail (*see pp 428–44*).

And the House having continued to sit after midnight —

FRIDAY 12 SEPTEMBER 2008

Bill further considered in detail and agreed to without amendment (*see pp 428–44*).

Question — That this Bill be now read a third time — put.

The House divided (the Speaker, Ms Lindell, in the Chair) —

AYES 49

Ms Allan; Mr Andrews; Ms Asher; Mr Baillieu; Ms Barker; Mr Batchelor; Ms Beattie; Mr Brooks; Mr Brumby; Mr Carli; Mr Crutchfield; Ms Duncan; Mr Eren; Mr Foley; Ms Green; Mr Hardman; Dr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Hudson; Mr Ingram; Ms Kosky; Mr Lim; Mr Lupton; Mrs Maddigan; Ms Morand; Mr Morris; Ms Munt; Mr Nardella; Ms Neville; Mr Noonan; Ms Overington; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Pike; Mrs Powell; Ms Richardson; Mr Robinson; Mr Scott; Mrs Shardey; Mr Stensholt; Ms Thomson (*Footscray*); Mr Trezise; Ms Wooldridge; Mr Wynne. Tellers: Ms D'Ambrosio; Mr Langdon.

NOES 32

Mr Blackwood; Mr Burgess; Mr Cameron; Ms Campbell; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mr Donnellan; Mr Hodgett; Mr Hulls; Miss Kairouz; Ms Lobato; Mr McIntosh; Mr Merlino; Mr Mulder; Dr Napthine; Mr Northe; Mr O'Brien; Mr Ryan; Mr Seitz; Mr Smith (*Bass*); Mr Smith (*Warrandyte*); Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Weller; Mr Wells. Tellers: Mrs Fyffe; Mr Kotsiras.

Question agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 16 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Agreeing to the following bills without amendment:

Road Safety Amendment (Fatigue Management) Bill 2008  
Whistleblowers Protection Amendment Bill 2008.

- 17 **SUSPENSION OF STANDING ORDERS** — Motion made, by leave, and question — That so much of standing orders be suspended so as to allow the second reading speeches in relation to the bills listed on the notice paper today to be incorporated into Hansard (*Mr Batchelor*) — put, after debate, and agreed to.

- 18 **ENERGY LEGISLATION AMENDMENT (RETAIL COMPETITION AND OTHER MATTERS) BILL 2008** — *Mr Batchelor tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Batchelor*).

In accordance with the resolution of the House the second reading speech was incorporated into Hansard.

Motion made and question — That the debate be now adjourned (*Mr Clark*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 25 September 2008.

- 19 **LOCAL GOVERNMENT AMENDMENT (COUNCILLOR CONDUCT AND OTHER MATTERS) BILL 2008** — *Mr Wynne tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Wynne*).

In accordance with the resolution of the House the second reading speech was incorporated into Hansard.

Motion made and question — That the debate be now adjourned (*Mrs Powell*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 25 September 2008.

- 20 **POLICE, MAJOR CRIME AND WHISTLEBLOWERS LEGISLATION AMENDMENT BILL 2008** — *Mr Cameron tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Cameron*).

*Mr Cameron made the statement of intention required by s 85(5)(c) of the Constitution Act 1975.*

In accordance with the resolution of the House the second reading speech was incorporated into Hansard.

Motion made and question — That the debate be now adjourned (*Mr McIntosh*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 25 September 2008.

- 21 **HEALTH PROFESSIONS REGISTRATION AMENDMENT BILL 2008** — *Mr Andrews tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Andrews*).

In accordance with the resolution of the House the second reading speech was incorporated into Hansard.

Motion made and question — That the debate be now adjourned (*Mrs Shardey*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 25 September 2008.

- 22 **STALKING INTERVENTION ORDERS BILL 2008** — *Mr Hulls tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).

*Mr Hulls made the statement of intention required by s 85(5)(c) of the Constitution Act 1975.*

In accordance with the resolution of the House the second reading speech was incorporated into Hansard.

Motion made and question — That the debate be now adjourned (*Mr Clark*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 25 September 2008.

- 23 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Legislation Reform (Repeals No. 3) Bill 2008 without amendment.

- 24 **COMPENSATION AND SUPERANNUATION LEGISLATION AMENDMENT BILL 2008** — *Mr Holding tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Holding*).

In accordance with the resolution of the House the second reading speech was incorporated into Hansard.

Motion made and question — That the debate be now adjourned (*Mr McIntosh*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 25 September 2008.

- 25 **DANGEROUS GOODS AMENDMENT (TRANSPORT) BILL 2008** — *Mr Holding tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Holding*).

In accordance with the resolution of the House the second reading speech was incorporated into Hansard.

Motion made and question — That the debate be now adjourned (*Mr McIntosh*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 25 September 2008.

- 26 **GREENHOUSE GAS GEOLOGICAL SEQUESTRATION BILL 2008** — *Mr Batchelor tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Batchelor*).

In accordance with the resolution of the House the second reading speech was incorporated into Hansard.

Motion made and question — That the debate be now adjourned (*Mr Clark*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 25 September 2008.

- 27 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Batchelor*) — put and agreed to.

- 28 **ADJOURNMENT** — The Speaker left the Chair, after debate, at 1.47 am.

R W PURDEY  
*Clerk of the Legislative Assembly*

JENNY LINDELL  
*Speaker*

## LEGISLATIVE ASSEMBLY OF VICTORIA

### CONSIDERATION IN DETAIL Supplement to Votes Nos 87, 88 and 89

#### No 88 — Wednesday 10 September 2008

##### ABORTION LAW REFORM BILL 2008

**Clause 1**, Mr Clark moved amendment No 1 (*see Schedule*).

Motion made and question — That the debate be now adjourned (*Dr Naphthine*) — put and defeated.

Question — That the amendment be agreed to — put.

The House divided (the Deputy Speaker, Ms Barker, in the Chair) —

AYES 25

Mr Blackwood; Mr Burgess; Ms Campbell; Mr Clark; Mr Crisp; Mr Dixon; Mrs Fyffe; Mr Hodgett; Miss Kairouz; Ms Lobato; Mr Merlino; Mr Northe; Mr O'Brien; Mr Ryan; Mr Smith (*Bass*); Mr Smith (*Warrandyte*); Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mr Wakeling; Mr Walsh; Mr Weller; Mr Wells. Tellers: Mr Delahunty; Mr Kotsiras.

NOES 51

Ms Allan; Mr Andrews; Ms Asher; Mr Baillieu; Mr Batchelor; Ms Beattie; Mr Brumby; Mr Cameron; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Mr Eren; Mr Foley; Ms Green; Mr Hardman; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Ingram; Ms Kosky; Mr Lim; Mr Lupton; Mr McIntosh; Mrs Maddigan; Ms Morand; Mr Morris; Ms Munt; Mr Nardella; Ms Neville; Mr Noonan; Ms Overington; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Pike; Mrs Powell; Ms Richardson; Mr Robinson; Mr Scott; Mrs Shardey; Mr Stensholt; Ms Thomson (*Footscray*); Mr Trezise; Ms Wooldridge; Mr Wynne. Tellers: Mr Brooks; Mr Langdon.

Question defeated.

*The Deputy Speaker advised that, as Mr Clark's amendment No 1 had been defeated, amendment No 8 cannot be moved as it is consequential.*

Clause agreed to.

**Clause 2** agreed to.

**Clause 3**, by leave, consideration of Clause 3 was postponed until after consideration of all other clauses, amendments, and new clauses.

By leave, Mr Clark's new Clauses A, B, C, D and E, and Miss Kairouz's new Clause A were considered before Clause 4.

**New Clauses A and B (Mr Clark)**, Mr Clark moved new Clauses A and B (*see Schedule*).

Motion made and question — That the debate be now adjourned (*Dr Naphthine*) — put.

The House divided (the Deputy Speaker, Ms Barker, in the Chair) —

AYES 22

Mr Blackwood; Mr Burgess; Mr Clark; Mr Crisp; Mr Dixon; Mrs Fyffe; Mr Hodgett; Dr Napthine; Mr Northe; Mr O'Brien; Mr Ryan; Mr Smith (*Bass*); Mr Smith (*Warrandyte*); Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Weller. Tellers: Mr Delahunty; Mr Kotsiras.

NOES 52

Ms Allan; Mr Andrews; Ms Asher; Mr Baillieu; Mr Batchelor; Ms Beattie; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Mr Eren; Mr Foley; Ms Green; Mr Hardman; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hulls; Mr Ingram; Miss Kairouz; Ms Kosky; Ms Lobato; Mr Lupton; Mrs Maddigan; Mr Merlino; Ms Morand; Mr Morris; Ms Munt; Mr Nardella; Ms Neville; Mr Noonan; Ms Overington; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Pike; Mrs Powell; Ms Richardson; Mr Robinson; Mr Scott; Mr Seitz; Mr Stensholt; Ms Thomson (*Footscray*); Mr Trezise; Ms Wooldridge; Mr Wynne. Tellers: Mr Brooks; Mr Langdon.

Question defeated.

Question — That new Clauses A and B be agreed to and added to the Bill — put.

The House divided (the Deputy Speaker, Ms Barker, in the Chair) —

AYES 25

Mr Blackwood; Ms Campbell; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mr Hodgett; Miss Kairouz; Ms Lobato; Mr Merlino; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Mr Seitz; Mr Smith (*Bass*); Mr Smith (*Warrandyte*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Weller; Mr Wells. Tellers: Mr Burgess; Mr Kotsiras.

NOES 48

Ms Allan; Mr Andrews; Ms Asher; Mr Baillieu; Mr Batchelor; Ms Beattie; Mr Brooks; Mr Cameron; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Mr Eren; Mr Foley; Ms Green; Mr Hardman; Mr Helper; Mr Herbert; Mr Holding; Mr Hudson; Mr Ingram; Ms Kosky; Mr Lim; Mr Lupton; Mr McIntosh; Mrs Maddigan; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Noonan; Ms Overington; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Pike; Ms Richardson; Mr Robinson; Mr Scott; Mrs Shardey; Mr Stensholt; Ms Thomson (*Footscray*); Mr Trezise; Ms Wooldridge; Mr Wynne. Tellers: Mr Langdon; Mr Morris.

Question defeated.

**New Clauses C, D and E (Mr Clark)**, Mr Clark moved new Clauses C, D and E (*see Schedule*).

Question — That new Clauses C, D and E be agreed to and added to the Bill — put.

The House divided (the Deputy Speaker, Ms Barker, in the Chair) —

AYES 26

Mr Blackwood; Mr Burgess; Ms Campbell; Mr Clark; Mr Crisp; Mr Dixon; Mrs Fyffe; Mr Hodgett; Miss Kairouz; Mr Kotsiras; Ms Lobato; Mr Merlino; Mr Northe; Mrs Powell; Mr Ryan; Mr Seitz; Mr Smith (*Bass*); Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mr Wakeling; Mr Walsh; Mr Weller; Mr Wells. Tellers: Mr Delahunty; Mr Smith (*Warrandyte*).

NOES 48

Ms Allan; Mr Andrews; Ms Asher; Mr Baillieu; Mr Batchelor; Ms Beattie; Mr Brooks; Mr Brumby; Mr Cameron; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Mr Eren; Ms Green; Mr Hardman; Mr Helper; Mr Herbert; Mr Holding; Mr Hudson; Mr Ingram; Ms Kosky; Mr Lim; Mr Lupton; Mrs Maddigan; Ms Morand; Mr Morris; Ms Munt; Mr Nardella; Ms Neville; Mr Noonan; Ms Overington; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Pike; Ms Richardson; Mr Robinson; Mr Scott; Mrs Shardey; Mr Stensholt; Ms Thomson (*Footscray*); Mr Trezise; Ms Wooldridge; Mr Wynne. Tellers: Mr Foley; Mr Langdon.

Question defeated.

*Business having been interrupted at 10.08 pm under standing orders.*

Motion made and question — That the sitting be continued (*Mr Batchelor*) — put and agreed to.

*The Deputy Speaker advised that, as Mr Clark's new Clauses A, B, C, D and E had been defeated, amendment Nos 3, 4, 5, and 6 cannot be moved as they are consequential.*

**New Clause A (Miss Kairouz)**, Miss Kairouz moved New Clause A (*see Schedule*).

Question — That new Clause A be agreed to and added to the Bill — put.

The House divided (the Deputy Speaker, Ms Barker, in the Chair) —

AYES 33

Mr Blackwood; Mr Brooks; Mr Burgess; Ms Campbell; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Hodgett; Miss Kairouz; Mr Langdon; Ms Lobato; Mr Merlino; Dr Napthine; Mr Noonan; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Mr Seitz; Mr Smith (*Bass*); Mr Smith (*Warrantyte*); Mr Stensholt; Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Walsh; Mr Weller; Mr Wells. Tellers: Mr Kotsiras; Mr Wakeling.

NOES 40

Ms Allan; Mr Andrews; Mr Batchelor; Ms Beattie; Mr Brumby; Mr Cameron; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Mr Eren; Ms Green; Mr Hardman; Dr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Ingram; Ms Kosky; Mr Lim; Mr Lupton; Mrs Maddigan; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Pike; Ms Richardson; Mr Robinson; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne. Tellers: Mr Foley; Mr Scott.

Question defeated.

*The Deputy Speaker advised that, as Miss Kairouz's new Clause A had been defeated, amendment Nos 2 and 5 cannot be moved as they are consequential.*

**Clause 4**, Miss Kairouz moved amendment No 1 (*see Schedule*).

And the House having continued to sit after midnight —

THURSDAY 11 SEPTEMBER 2008

Question — That the word and expression proposed to be omitted stand part of the Clause — put.

The House divided (the Deputy Speaker, Ms Barker, in the Chair) —

AYES 48

Ms Allan; Mr Andrews; Ms Asher; Mr Baillieu; Mr Batchelor; Ms Beattie; Mr Brooks; Mr Brumby; Mr Cameron; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Mr Foley; Ms Green; Mr Hardman; Dr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Hudson; Mr Ingram; Ms Kosky; Mr Lim; Mr Lupton; Mrs Maddigan; Ms Morand; Mr Morris; Ms Munt; Mr Nardella; Ms Neville; Mr Noonan; Ms Overington; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Pike; Mrs Powell; Ms Richardson; Mr Scott; Mrs Shardey; Ms Thomson (*Footscray*); Mr Trezise; Ms Wooldridge; Mr Wynne. Tellers: Mr Eren; Mr Langdon.

NOES 30

Mr Blackwood; Mr Burgess; Ms Campbell; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Hodgett; Miss Kairouz; Ms Lobato; Mr Merlino; Dr Napthine; Mr O'Brien; Mr Robinson; Mr Ryan; Mr Seitz; Mr Smith (*Bass*); Mr Smith (*Warrantyte*); Mr Stensholt; Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Weller; Mr Wells. Tellers: Mr Kotsiras; Mr Northe.

Question agreed to.

*The Deputy Speaker advised that, as Miss Kairouz's amendment No 1 had been defeated, amendment Nos 3, 4, 6, 7, 8, 9, 10 and 11 cannot be moved as they are consequential.*

Motion made and question — That the debate be now adjourned (*Mr Batchelor*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

## No 89 — Thursday 11 September 2008

### ABORTION LAW REFORM BILL 2008

**Clause 4**, by leave, consideration of Ms Campbell's amendment No 5 was postponed until after consideration of amendment Nos 6 and 7.

Ms Campbell moved amendment No 6 (*see Schedule*).

Question — That the amendment be agreed to — put.

The House divided (the Deputy Speaker, Ms Barker, in the Chair) —

AYES 30

Mr Blackwood; Mr Brooks; Mr Burgess; Ms Campbell; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Hodgett; Miss Kairouz; Ms Lobato; Mr Merlino; Dr Napthine; Mr O'Brien; Mrs Powell; Mr Ryan; Mr Seitz; Mr Smith (*Bass*); Mr Smith (*Warrantdyte*); Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Weller; Mr Wells. Tellers: Mr Kotsiras; Mr Northe.

NOES 48

Ms Allan; Mr Andrews; Ms Asher; Mr Baillieu; Mr Batchelor; Ms Beattie; Mr Brumby; Mr Cameron; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Mr Foley; Ms Green; Mr Hardman; Dr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Ingram; Ms Kosky; Mr Lupton; Mrs Maddigan; Ms Morand; Mr Morris; Ms Munt; Mr Nardella; Ms Neville; Mr Noonan; Ms Overington; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Pike; Ms Richardson; Mr Robinson; Mr Scott; Mrs Shardey; Mr Stensholt; Ms Thomson (*Footscray*); Mr Trezise; Ms Wooldridge; Mr Wynne. Tellers: Mr Eren; Mr Langdon.

Question defeated.

*The Deputy Speaker advised that, as Ms Campbell's amendment No 6 had been defeated, amendment No 7 may only be moved in an amended form.*

Ms Campbell, by leave, moved amendment No 7 in an amended form (*see Schedule*).

Amendment put and defeated.

*The Deputy Speaker advised that, as Ms Campbell's amendment No 7 had been defeated, amendment No 5 cannot be moved as it is consequential.*

Clause agreed to.

**Clause 5**, the Deputy Speaker advised Mr Stensholt to move amendment No 1 in an amended form as the words he sought to omit overlapped with other amendments.

Mr Stensholt moved amendment No 1 in an amended form (*see Schedule*).

Question — That the words proposed to be omitted stand part of the Clause — put.

The House divided (the Deputy Speaker, Ms Barker, in the Chair) —

AYES 51

Ms Allan; Mr Andrews; Ms Asher; Mr Baillieu; Mr Batchelor; Ms Beattie; Mr Brumby; Mr Cameron; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Mr Eren; Mr Foley; Ms Green; Mr Hardman; Dr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Ingram; Ms Kosky; Mr Lim; Mr Lupton; Mrs Maddigan; Ms Morand; Mr Morris; Ms Munt; Dr Napthine; Mr Nardella; Ms Neville; Mr Noonan; Ms Overington; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Pike; Mrs Powell; Ms Richardson; Mr Robinson; Mrs Shardey; Dr Sykes; Ms Thomson (*Footscray*); Mr Trezise; Ms Wooldridge; Mr Wynne. Tellers: Mr Langdon; Mr Scott.

NOES 25

Mr Blackwood; Mr Brooks; Mr Burgess; Ms Campbell; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mr Hodgett; Miss Kairouz; Ms Lobato; Mr Merlino; Mr Northe; Mr Ryan; Mr Seitz; Mr Smith (*Bass*); Mr Smith (*Warrandyte*); Mr Stensholt; Mr Thompson (*Sandringham*); Mr Tilley; Mr Wakeling; Mr Walsh; Mr Wells. Teller: Mr Kotsiras; Mr Weller.

Question agreed to.

By leave, consideration of Ms Campbell's amendment Nos 8, 11 and 12, and Mr Merlino's amendment Nos 3 and 4, was postponed until after consideration of Ms Campbell's amendment Nos 9 and 10 and Mr Merlino's amendment No 5.

Ms Campbell moved amendment No 9 (*see Schedule*).

Amendment put and defeated.

Ms Campbell, by leave, moved amendment No 10 in an amended form (*see Schedule*).

Amendment put and defeated.

*The Deputy Speaker advised that, as Ms Campbell's amendment Nos 9 and 10 had been defeated, amendment Nos 8, 11 and 12 cannot be moved as they are consequential.*

Mr Merlino moved amendment No 5 (*see Schedule*).

*Allocation of time — The Deputy Speaker advised that the time allocated for consideration of bills under the resolution of the House on Tuesday 9 September had expired. (For proceedings on programmed bills see pp 423–4).*

Question — That the words proposed to be omitted stand part of the Clause — put.

The House divided (the Deputy Speaker, Ms Barker, in the Chair) —

AYES 47

Ms Allan; Mr Andrews; Ms Asher; Mr Baillieu; Mr Batchelor; Ms Beattie; Mr Brumby; Mr Cameron; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Mr Eren; Mr Foley; Ms Green; Mr Hardman; Dr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Hudson; Mr Ingram; Ms Kosky; Mr Lim; Mr Lupton; Mrs Maddigan; Ms Morand; Mr Morris; Ms Munt; Mr Nardella; Ms Neville; Mr Noonan; Ms Overington; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Pike; Mrs Powell; Ms Richardson; Mrs Shardey; Ms Thomson (*Footscray*); Mr Trezise; Ms Wooldridge; Mr Wynne. Tellers: Mr Langdon; Mr Scott.

NOES 30

Mr Blackwood; Mr Brooks; Mr Burgess; Ms Campbell; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Hodgett; Miss Kairouz; Ms Lobato; Mr Merlino; Dr Napthine; Mr Northe; Mr O'Brien; Mr Robinson; Mr Ryan; Mr Seitz; Mr Smith (*Bass*); Mr Smith (*Warrandyte*); Mr Stensholt; Dr Sykes; Mr Thompson (*Sandringham*); Mr Wakeling; Mr Walsh; Mr Weller; Mr Wells. Tellers: Mr Kotsiras; Mr Tilley.

Question agreed to.

*The Deputy Speaker advised that, as Mr Merlino's amendment No 5 had been defeated, amendment Nos 3, 4, 6 and 8 cannot be moved as they are consequential.*

Ms Campbell moved amendment No 13 (*see Schedule*).

Question — That the words proposed to be omitted stand part of the Clause — put and agreed to.

Mr Merlino moved amendment No 7 (*see Schedule*).

Question — That the words proposed to be omitted stand part of the Clause — put and agreed to.

*The Deputy Speaker advised that, as Mr Merlino's amendment No 7 had been defeated, Ms Campbell's amendment No 14 cannot be moved as it is consequential.*

Clause agreed to.

**Clause 6**, Mr Stensholt moved amendment No 2 (*see Schedule*).

Question — That the word proposed to be omitted stand part of the Clause — put and agreed to.

Clause agreed to.

**Clause 7**, by leave, consideration of Mr Stensholt's amendment No 3 was postponed until after consideration of amendment No 4.

Mr Stensholt moved amendment No 4 (*see Schedule*).

Question — That the words proposed to be omitted stand part of the Clause — put and agreed to.

*The Deputy Speaker advised that, as Mr Stensholt's amendment No 4 had been defeated, amendment Nos 3 and 5 cannot be moved as they are consequential.*

*The Deputy Speaker advised that, if the Clause is agreed to, Ms Lobato's amendment Nos 1 and 4 cannot be moved as they are consequential.*

Clause agreed to.

**Clause 8**, by leave, consideration of Clause 8 was postponed until after consideration of Mr Stensholt's new Clause A.

**New Clause A (Mr Stensholt)**, *the Deputy Speaker advised that she was of the opinion that new Clause A required an appropriation message and, as a message had not been presented, advised Mr Stensholt to move new Clause A in an amended form.*

Mr Stensholt moved New Clause A in an amended form (*see Schedule*).

Question — That new Clause A be agreed to and added to the Bill — put.

The House divided (the Deputy Speaker, Ms Barker, in the Chair) —

AYES 12

Mr Blackwood; Ms Campbell; Mr Hodgett; Miss Kairouz; Ms Lobato; Mr Merlino; Mr O'Brien; Mr Seitz; Mr Smith (*Bass*); Mr Stensholt. Tellers: Mr Brooks; Mr Langdon.

## NOES 56

Ms Allan; Mr Andrews; Ms Asher; Mr Batchelor; Ms Beattie; Mr Burgess; Mr Cameron; Mr Carli; Mr Clark; Mr Crisp; Mr Crutchfield; Ms D'Ambrosio; Mr Dixon; Mr Donnellan; Ms Duncan; Mr Eren; Mr Foley; Ms Green; Mr Hardman; Dr Harkness; Mr Helper; Mr Holding; Mr Hudson; Mr Ingram; Ms Kosky; Mr Lim; Mr Lupton; Mrs Maddigan; Ms Morand; Mr Morris; Ms Munt; Dr Naphine; Mr Nardella; Ms Neville; Mr Noonan; Mr Northe; Ms Overington; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Pike; Mrs Powell; Ms Richardson; Mr Robinson; Mr Ryan; Mr Scott; Mrs Shardey; Mr Smith (*Warrandyte*); Ms Thomson (*Footscray*); Mr Trezise; Mr Walsh; Mr Weller; Ms Wooldridge; Mr Wynne. Tellers: Mr Delahunty; Mr Kotsiras.

Question defeated.

*The Deputy Speaker advised that, as Mr Stensholt's new Clause A had been defeated, amendment Nos 6 to 8 inclusive cannot be moved as they are consequential.*

**Clause 8**, Mr Stensholt moved amendment No 7 (*see Schedule*).

Amendment put and defeated.

*The Deputy Speaker advised that if the Clause is agreed to, Mr Merlino's new Clause A cannot be moved as it is consequential.*

*Business having been interrupted at 10.00 pm under standing orders.*

Motion made and question — That the sitting be continued (*Mr Batchelor*) — put and agreed to.

Question — That Clause 8 stand part of the Bill — put.

The House divided (the Deputy Speaker, Ms Barker, in the Chair) —

## AYES 46

Ms Allan; Mr Andrews; Mr Baillieu; Mr Batchelor; Ms Beattie; Mr Brooks; Mr Brumby; Mr Cameron; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Mr Eren; Mr Foley; Ms Green; Mr Hardman; Dr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Hudson; Mr Ingram; Ms Kosky; Mr Lim; Mr Lupton; Mrs Maddigan; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Pike; Mrs Powell; Ms Richardson; Mr Scott; Mrs Shardey; Ms Thomson (*Footscray*); Mr Trezise; Ms Wooldridge; Mr Wynne. Tellers: Mr Langdon; Mr Noonan.

## NOES 31

Mr Blackwood; Mr Burgess; Ms Campbell; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Hodgett; Miss Kairouz; Mr Kotsiras; Mr McIntosh; Mr Merlino; Mr Morris; Dr Naphine; Mr Northe; Mr O'Brien; Mr Robinson; Mr Ryan; Mr Seitz; Mr Smith (*Bass*); Mr Smith (*Warrandyte*); Mr Stensholt; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Walsh; Mr Weller; Mr Wells. Tellers: Ms Lobato; Mr Wakeling.

Question agreed to.

**Clause 9** agreed to.

**Clause 10**, Mr Clark moved amendment No 7 (*see Schedule*).

Amendment put and defeated.

Clause agreed to.

**Clause 11**, Mr Stensholt moved amendment No 9 (*see Schedule*).

Amendment put and defeated.

Clause agreed to.

**Clause 12** agreed to.

**New Clause A (Ms Campbell)**, *the Deputy Speaker advised that, if Ms Campbell's new Clause A is not agreed to, new Clause B cannot be moved as it is consequential.*

Ms Campbell moved new Clause A (*see Schedule*).

New Clause A put and defeated.

**New Clause C (Ms Campbell)**, Ms Campbell moved new Clause C (*see Schedule*).

New Clause C put and defeated.

**New Clause D (Ms Campbell)**, Ms Campbell moved new Clause D (*see Schedule*).

New Clause D put and defeated.

**New Clause E (Ms Campbell)**, Ms Campbell moved new Clause E (*see Schedule*).

New Clause E put and defeated.

**New Clause F (Ms Campbell)**, Ms Campbell moved new Clause F (*see Schedule*).

New Clause F put and defeated.

**New Clause G (Ms Campbell)**, Ms Campbell moved new Clause G (*see Schedule*).

New Clause G put and defeated.

**New Clause H (Ms Campbell)**, Ms Campbell moved new Clause H (*see Schedule*).

New Clause H put and defeated.

**New Clause B (Miss Kairouz)**, Miss Kairouz moved new Clause B (*see Schedule*).

And the House having continued to sit after midnight —

FRIDAY 12 SEPTEMBER 2008

Question — That new Clause B be agreed to and added to the Bill — put.

The House divided (the Deputy Speaker, Ms Barker, in the Chair) —

AYES 26

Mr Blackwood; Mr Burgess; Ms Campbell; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mr Hodgett; Miss Kairouz; Ms Lobato; Mr Merlino; Mr Northe; Mr O'Brien; Mr Robinson; Mr Ryan; Mr Seitz; Mr Smith (*Bass*); Mr Smith (*Warrandyte*); Mr Stensholt; Mr Thompson (*Sandringham*); Mr Wakeling; Mr Walsh; Mr Weller; Mr Wells. Tellers: Mr Kotsiras; Mrs Victoria.

## NOES 47

Ms Allan; Mr Andrews; Ms Asher; Mr Baillieu; Mr Batchelor; Ms Beattie; Mr Brooks; Mr Brumby; Mr Cameron; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Mr Eren; Mr Foley; Ms Green; Mr Hardman; Dr Harkness; Mr Helper; Mr Holding; Mr Hudson; Mr Ingram; Ms Kosky; Mr Lim; Mr Lupton; Mrs Maddigan; Ms Morand; Mr Morris; Mr Nardella; Ms Neville; Mr Noonan; Ms Overington; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Pike; Mrs Powell; Ms Richardson; Mr Scott; Mrs Shardey; Ms Thomson (*Footscray*); Mr Trezise; Ms Wooldridge; Mr Wynne. Tellers: Mr Langdon; Ms Munt.

Question defeated.

**New Clause A (Mr Thompson)**, Mr Thompson (*Sandringham*) moved new Clause A (*see Schedule*).

Question — That new Clause A be agreed to and added to the Bill — put.

The House divided (the Deputy Speaker, Ms Barker, in the Chair) —

## AYES 23

Mr Blackwood; Mr Burgess; Ms Campbell; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Miss Kairouz; Ms Lobato; Mr Merlino; Mr Northe; Mr O'Brien; Mr Ryan; Mr Seitz; Mr Smith (*Bass*); Mr Stensholt; Mr Thompson (*Sandringham*); Mr Wakeling; Mr Walsh; Mr Weller; Mr Wells. Tellers: Mr Hodgett; Mr Kotsiras.

## NOES 48

Ms Allan; Mr Andrews; Mr Baillieu; Mr Batchelor; Ms Beattie; Mr Brooks; Mr Brumby; Mr Cameron; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Mr Eren; Mr Foley; Ms Green; Mr Hardman; Mr Helper; Mr Herbert; Mr Holding; Mr Hudson; Mr Ingram; Ms Kosky; Mr Lim; Mr Lupton; Mrs Maddigan; Ms Morand; Mr Morris; Ms Munt; Mr Nardella; Ms Neville; Mr Noonan; Ms Overington; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Pike; Mrs Powell; Ms Richardson; Mr Robinson; Mr Scott; Mrs Shardey; Ms Thomson (*Footscray*); Mr Trezise; Ms Wooldridge; Mr Wynne. Tellers: Dr Harkness; Mr Langdon.

Question defeated.

**Clause 3**, the Deputy Speaker advised that, as a consequence of all new clauses being defeated, the only amendment that could now be moved to the Clause is Ms Campbell's amendment No 1.

Ms Campbell moved amendment No 1 (*see Schedule*).

Question — That the words proposed to be omitted stand part of the Clause — put and agreed to.

Clause agreed to.

Question — That the House agrees to the Bill without amendment — put.

The House divided (the Deputy Speaker, Ms Barker, in the Chair) —

## AYES 48

Ms Allan; Mr Andrews; Ms Asher; Mr Baillieu; Mr Batchelor; Ms Beattie; Mr Brumby; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Duncan; Mr Eren; Mr Foley; Ms Green; Mr Hardman; Dr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Hudson; Mr Ingram; Ms Kosky; Mr Lim; Mr Lupton; Mrs Maddigan; Ms Morand; Mr Morris; Ms Munt; Mr Nardella; Ms Neville; Mr Noonan; Ms Overington; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Pike; Mrs Powell; Ms Richardson; Mr Robinson; Mr Scott; Mrs Shardey; Mr Stensholt; Ms Thomson (*Footscray*); Mr Trezise; Ms Wooldridge; Mr Wynne. Tellers: Mr Brooks; Mr Langdon.

## NOES 28

Mr Blackwood; Mr Burgess; Mr Cameron; Ms Campbell; Mr Clark; Mr Crisp; Mr Dixon; Mrs Fyffe; Mr Hodgett; Mr Hulls; Miss Kairouz; Ms Lobato; Mr McIntosh; Mr Merlino; Dr Napthine; Mr Northe; Mr O'Brien; Mr Ryan; Mr Seitz; Mr Smith (*Bass*); Mr Thompson (*Sandringham*); Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Weller; Mr Wells. Tellers: Mr Delahunty; Mr Kotsiras.

Question agreed to.

## SCHEDULE OF AMENDMENTS MOVED

### ABORTION LAW REFORM BILL 2008

Amendments moved by Mr Clark

1. Clause 1, page 2, line 4, after "destruction of" insert "or serious injury to".
7. Clause 10, after line 9 insert—
 

*"foetus* includes an embryo, zygote or other distinct human entity from the point of conception;"

#### NEW CLAUSES

9. Insert the following New Clauses to follow clause 7—
 

**"A Additional requirements on medical practitioners in respect of women under the age of 17 years**

A registered medical practitioner must not perform an abortion on, or give a direction under section 7 in respect of, a woman who is under the age of 17 years unless—

  - (a) a custodial parent of the woman has given written consent to the abortion; or
  - (b) the registered medical practitioner has notified a custodial parent of the woman of the intention to perform the abortion and 72 hours have elapsed since the notification was given; or
  - (c) the Children's Court has ordered that the consent or notification of a custodial parent of the woman is not required.

**B Additional requirements on pharmacists and nurses in respect of women under 17 years**

A registered pharmacist or registered nurse must not administer or supply a drug or drugs under section 6 to a woman who is under the age of 17 years unless—

  - (a) a custodial parent of the woman has given written consent to the abortion; or
  - (b) the registered pharmacist or registered nurse has notified a custodial parent of the woman of the intention to administer or supply the drug and 72 hours have elapsed since the notification was given; or
  - (c) the Children's Court has ordered that the consent or notification of a custodial parent of the woman is not required."
  10. Insert the following new clauses to precede clause 8—
 

**"C Additional requirements on medical practitioner in respect of women under 17 years in need of protection**

A registered medical practitioner must not perform an abortion on, or give a direction under section 7 in respect of, a woman who is under the age of 17 years unless—

    - (a) the registered medical practitioner has considered whether the woman may have suffered sexual abuse or is otherwise a child in need of protection; and
    - (b) the registered medical practitioner either—
      - (i) does not believe on reasonable grounds that the woman is a child in need of protection and has included a statement, signed by the medical practitioner, to that effect in the woman's medical file; or
      - (ii) has made a report under section 183 or 184 of the **Children, Youth and Families Act 2005** of the medical practitioner's belief that the

woman is a child in need of protection and 72 hours have elapsed since the making of the report.

**D Additional requirements on pharmacists and nurses in respect of women under 17 years in need of protection**

A registered pharmacist or registered nurse must not administer or supply a drug or drugs under section 6 to a woman who is under the age of 17 years unless—

- (a) the registered pharmacist or registered nurse has considered whether the woman may have suffered sexual abuse or is otherwise a child in need of protection; and
- (b) the registered pharmacist or registered nurse does not believe on reasonable grounds that the woman is a child in need of protection and has included a statement, signed by the registered pharmacist or registered nurse, to that effect in the records relating to the administration or supply of the drug or drugs.

**E Requirement to take tissue sample if abortion performed on woman under the age of 17 years in need of protection**

- (1) This section applies if—
  - (a) a registered medical practitioner performs an abortion on a woman who is under the age of 17 years; and
  - (b) the medical practitioner made a report referred to in section 10(b)(ii) in relation to the woman.
- (2) The registered medical practitioner must, in accordance with any guidelines issued by the Minister for the purposes of this section—
  - (a) take a tissue sample from the foetus that is sufficient for the purposes of forensic testing to determine the identity of the father of the foetus; and
  - (b) keep the tissue sample until the earlier of the following—
    - (i) the day that is 6 months after the day the abortion is performed;
    - (ii) the sample is given to a member of the police force at the request of that member."

Amendments moved by Ms Kairouz

- 1. Clause 4, line 4, omit "**24 weeks**" and insert "**20 weeks**".

NEW CLAUSES

- 12. 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."

13. Insert the following New Clause to follow clause 7

**"B Pain relief for foetus**

A medical practitioner who performs an abortion, or who gives a direction under section 8, must ensure that all reasonable steps are taken to ensure that the abortion is conducted without causing pain to the foetus."

Amendments moved by Ms Campbell

1. Clause 3, lines 12 to 17, omit all words and expressions on these lines and insert—

*"abortion* means intentionally causing the death of a foetus by the administration or use of any of the following to or on a pregnant woman, or a foetus within or partially within the body of a woman—

- (a) an instrument or device; or
- (b) a drug or other substance; or
- (c) any other means—

but does not include an administration or use of any of those means for the purpose of—

- (d) inducing the birth of a live child to protect the woman from a serious risk to her health; or
- (e) inducing the birth of a live child to protect the child from a serious risk to his or her health or life; or
- (f) removing an ectopic pregnancy;
- (g) treating a serious illness or disease of the woman where the treatment indirectly results in the loss of life of a foetus and there were no other reasonably available options for successfully treating the serious illness or disease of the woman that would not similarly have risked the life of the foetus;"

6. Clause 4, after line 7 insert—

"(a) the woman has been offered counselling by an independent professionally accredited counsellor; and"

7. Clause 4, after line 7 insert—

- "(b) the registered medical practitioner has a diploma in obstetrics and gynaecology or an equivalent qualification; and
- (c) the woman has been referred in writing to the practitioner by an independent registered medical practitioner; and
- (d) the woman has given informed consent to the abortion and has not withdrawn that consent; and
- (e) the consent has been given freely and without coercion; and
- (f) the abortion is performed at a prescribed hospital or medical facility; and
- (g) at least 2 registered medical practitioners, at least one of whom is an independent registered medical practitioner, honestly believe on reasonable grounds that the abortion—

- (i) is necessary to preserve the woman from a serious danger to her life or her physical or mental health (not being the normal dangers of pregnancy) which continuing the pregnancy would entail; and
  - (ii) is, in the circumstances, not out of proportion to the danger to be averted; and
  - (h) the registered medical practitioner, before performing the abortion, has provided the woman with information on the nature of the abortion and the risks and possible effects of the abortion on the woman and the foetus".  
*(Shown in amended form, as moved)*
9. Clause 5, after line 12 insert—
- "(a) the woman has been offered counselling by an independent professionally accredited counsellor; and".
10. Clause 5, after line 12 insert—
- "(b) the registered medical practitioner has a diploma in obstetrics and gynaecology or an equivalent qualification; and
  - (c) the woman has been referred in writing to the practitioner by an independent registered medical practitioner; and
  - (d) the woman has given informed consent to the abortion and has not withdrawn that consent; and
  - (e) the consent has been given freely and without coercion; and
  - (f) the registered medical practitioner, before performing the abortion, has provided the woman with information on the nature of the abortion and the risks and possible effects of the abortion on the woman and the foetus".  
*(Shown in amended form, as moved)*
13. Clause 5, line 21, omit "must have regard to—" and insert "may only so conclude if the abortion is necessary to preserve the life of the woman."
15. Clause 9, omit this clause.

#### NEW CLAUSES

16. Insert the following New Clause to follow clause 3—
- "A Meaning of informed consent**
- (1) Subject to subsections (2) and (4), for the purposes of this Act, a pregnant woman gives informed consent for an abortion to be performed if the woman gives her consent in writing in the form required by subsection (5) after—
    - (a) the independent registered medical practitioner to whom the woman is referred under this Act has offered to refer her to an independent professional counselling service for counselling about matters relating to the termination of pregnancy and carrying a pregnancy to term; and
    - (b) the independent registered medical practitioner has properly, appropriately and adequately provided her with counselling about the medical risk of termination of pregnancy and of carrying a pregnancy to term; and
    - (c) the independent registered medical practitioner has informed her that appropriate and adequate counselling will be available to her should she wish it on the termination of pregnancy or after carrying the pregnancy to term.
  - (2) A pregnant woman who is in the custody or guardianship of the Secretary to the Department of Health Services under the **Children, Youth and Families Act 2005** only gives informed consent for an abortion to be performed if the woman has applied

to the Children's Court for an order that the abortion be performed and the Court has made the order.

- (3) The Family Division of the Children's Court has jurisdiction with respect to an application made under subsection (2).
- (4) A pregnant woman who is a represented person within the meaning of the **Guardianship and Administration Act 1986** only gives informed consent for an abortion to be performed if the Victorian Civil and Administrative Tribunal has made an order for the abortion to be performed on the application of the Public Advocate on behalf of the woman.
- (5) A written consent must include the following statements by the woman—
  - (a) that the woman has received information about the proposed procedure and the possible alternatives;
  - (b) that the woman has been offered counselling by an independent professionally accredited counsellor;
  - (c) that the woman has had explained to her the procedure involved and the risks of complications and has had her question answered;
  - (d) in the case of an abortion after 20 weeks of pregnancy, that the woman has received information concerning the likelihood of positive and false negatives in genetic diagnoses."

17. Insert the following New Clauses to follow Clause 5—

**"C Requirement to provide foetal tissue samples to police**

- (1) This section applies if—
  - (a) a registered medical practitioner performs an abortion on a woman; and
  - (b) the medical practitioner believes on reasonable grounds that the woman's pregnancy was the result of a rape, or in the case of a woman who is a child, of incest or sexual abuse.
- (2) The registered medical practitioner must—
  - (a) take a tissue sample from the foetus that is sufficient for the purposes of forensic testing to determine the identity of the father of the foetus; and
  - (b) give the sample to a member of the police force as soon as practicable after it is taken.
- (3) If the woman is aged 17 years or more, the registered practitioner must only take a tissue sample under subsection (2) with the consent of the woman.

**D 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.

**E Approval of hospitals and medical facilities**

- (1) The Health Minister may approve a hospital or medical facility where abortions may be performed in accordance with section 5.
- (2) The Health Minister may approve a public hospital within the meaning of the **Health Services Act 1988** where abortions may be performed in accordance with section 6.
- (3) The Health Minister may only approve a hospital or medical facility if the Health Minister is satisfied that the hospital or medical facility is capable of treating adverse events such as—

- (a) haemorrhage, or gynaecological and obstetric emergencies; or
  - (b) health emergencies that may occur to a woman during or following an abortion.
- (4) The Health Minister may only approve a public hospital under subsection (2) if the Minister is satisfied that the hospital has a satisfactory termination review panel.

**F Adverse Events Register**

- (1) The proprietor of a prescribed hospital or medical facility must keep an Adverse Events Register for that hospital at that hospital.
- (2) The proprietor must ensure that there is recorded in the Adverse Events Register information, as required by subsection (3), about adverse events arising from the carrying out of abortions at that hospital or facility.
- (3) The information must be recorded in the Adverse Events Register in a way which will allow it to be used—
- (a) by the prescribed hospital or medical facility to provide information to a woman on the possible consequences of abortion, including any possible side-effects that may be suffered by a woman if an abortion is carried out;
  - (b) to facilitate long-term studies on the adverse consequences of abortion, including—
    - (i) in respect of any adverse consequences on a woman's fertility; and
    - (ii) in respect of any adverse consequences on a woman's physical or mental health;
- (4) The proprietor must ensure that any information recorded for the purposes of this section must be kept for a period of 30 years.

**G Quarterly reports from prescribed hospitals or medical facilities**

- (1) Subject to subsection (2), the proprietor of a prescribed hospital or medical facility must, not later than 3 months after the end of each calendar quarter, submit to the Minister a report setting out the following details—
- (a) the number of abortions performed at the prescribed hospital or medical facility during the quarter of the year to which the report relates;
  - (b) the reasons for which abortions were performed;
  - (c) the ages of the women concerned;
  - (d) the gestational ages of the foetuses at the time of the abortions;
  - (e) the number of women who had previously had an abortion;
  - (f) the number of cases of a woman withdrawing her consent after the woman has signed a written consent under section 5 or 6;
  - (g) any information recorded for the purposes of the Adverse Events Register kept under section 11.
- (2) The proprietor of the prescribed hospital or medical facility must ensure a report submitted under subsection (1) does not contain information that could identify a woman on whom an abortion has been performed.
- (3) The Minister must cause a report submitted to him or her under this section to be laid before each House of Parliament within 5 sitting days after receiving it.
- (4) If a report required by this section contains false or misleading information, each person knowingly responsible for the false or misleading information contained in the report commits an offence.

**H Review of Act**

- (1) The Minister must cause a review of this Act and the amendments made by this Act to the **Crimes Act 1958** to be completed by 31 October 2012.
- (2) The Minister must cause a copy of the report and recommendations from the review to be tabled in each House of Parliament as soon as practicable after the Minister receives the report and recommendations."

Amendments moved by Mr Stensholt

1. Clause 5, line 12 omit 'pregnant only if'. (*Shown in amended form, as moved*)
2. Clause 6, line 33, omit "pregnant." and insert "pregnant, if the administration or supply—
  - (a) is at the written direction of a registered medical practitioner; or
  - (b) is authorised or permitted under that Act."
4. Clause 7, lines 10 to 21, omit all words and expressions on these lines and insert—
  - "(a) the woman consents to the abortion being performed; and
  - (b) having regard to all relevant medical circumstances, the medical practitioner honestly believes on reasonable grounds that the abortion is necessary to preserve the woman from a risk of harm to her life or to her physical or mental health; and
  - (c) the medical practitioner has consulted a panel of not less than 2 registered medical practitioners; and
  - (d) the members of the panel have advised in writing that having regard to all relevant medical circumstances, the abortion is necessary to preserve the woman from a risk of harm to her life or to her physical or mental health."
9. Clause 11, line 23, after "person" insert "only for the purpose of performing an abortion in accordance with the **Abortion Law Reform Act 2008**".

NEW CLAUSE

10. Insert the following Part heading and New Clause to follow clause 8—

**"PART 3—FAMILY PLANNING AND PREGNANCY SUPPORT SERVICES**

**A Family planning and pregnancy support services**

- (1) The Secretary to the Department of Human Services may accredit family planning and pregnancy support services and must maintain a schedule of those services for the purposes of this Act". (*Shown in amended form, as moved*)

Amendments moved by Mr Merlino, Member for Monbulk

5. Clause 5, lines 15 to 18, omit all words and expressions on these lines and insert—
  - "(b) the abortion is performed at a prescribed public hospital; and
  - (c) the medical practitioner has received written approval to perform the abortion from the termination review panel of the prescribed hospital constituted in accordance with this section."
7. Clause 5, lines 23 and 24, omit "physical , psychological and social" and insert "physical or psychological".

9. Clause 8, omit this clause.

Amendment moved by Mr Thompson (*Sandringham*)

1. Insert the following New Clause to follow clause 8—

**"A Registered medical practitioner must provide information to pregnant woman**

- (1) A registered medical practitioner must not perform an abortion on a woman, give a direction under section 7, or refer the woman to another medical practitioner to perform an abortion unless the first practitioner has provided the woman with the approved information in accordance with this section.
- (2) The approved information must include information about—
  - (a) the medical risks of termination of a pregnancy and of carrying a pregnancy to term; and
  - (b) the alternatives available to the woman in respect of her pregnancy; and
  - (c) the counselling and pregnancy support services available to the woman.
- (3) The information must be approved by a consultative committee established by the Minister and consisting of persons with appropriate knowledge and experience in providing information and counselling and support services to pregnant women."

## LEGISLATIVE ASSEMBLY OF VICTORIA

### VOTES AND PROCEEDINGS Nos 90, 91 and 92

#### No 90 — Tuesday 7 October 2008

- 1 The House met according to the adjournment — The Speaker took the Chair and read the Prayer.
- 2 **QUESTIONS** — (Under SO 55).
- 3 **SHERIFF BILL 2008** — Mr Hulls obtained leave to bring in 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, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 4 **RACING AND GAMBLING LEGISLATION AMENDMENT BILL 2008** — Mr Hulls obtained leave to bring in 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 the Bill was read a first time and ordered to be read a second time tomorrow.
- 5 **CRIMES LEGISLATION AMENDMENT (FOOD AND DRINK SPIKING) BILL 2008** — Mr Hulls obtained leave to bring in 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 the Bill was read a first time and ordered to be read a second time tomorrow.
- 6 **CORONERS BILL 2008** — Mr Hulls obtained leave to bring in 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 the Bill was read a first time and ordered to be read a second time tomorrow.
- 7 **GAMBLING LEGISLATION AMENDMENT (RESPONSIBLE GAMBLING AND OTHER MEASURES) BILL 2008** — Mr Robinson obtained leave to bring in 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, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 8 **FUNDRAISING APPEALS AND CONSUMER ACTS AMENDMENT BILL 2008** — Mr Robinson obtained leave to bring in 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 the Bill was read a first time and ordered to be read a second time tomorrow.
- 9 **LIQUOR CONTROL REFORM AMENDMENT BILL 2008** — Mr Robinson obtained leave to bring in 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 the Bill was read a first time and ordered to be read a second time tomorrow.

- 10 **PROSTITUTION CONTROL AND OTHER MATTERS AMENDMENT BILL 2008** — Mr Robinson obtained leave to bring in 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 the Bill was read a first time and ordered to be read a second time tomorrow.
- 11 **EDUCATION AND TRAINING REFORM FURTHER AMENDMENT BILL 2008** — Ms Pike obtained leave to bring in 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 the Bill was read a first time and ordered to be read a second time tomorrow.
- 12 **PRIMARY INDUSTRIES LEGISLATION AMENDMENT BILL 2008** — Mr Helper obtained leave to bring in 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, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 13 **WATER (COMMONWEALTH POWERS) BILL 2008** — Mr Holding obtained leave to bring in a Bill '*for an Act to refer certain matters relating to water management to the Commonwealth Parliament for the purposes of section 51 (xxvii) 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 the Bill was read a first time and ordered to be read a second time tomorrow.
- 14 **ASBESTOS DISEASES COMPENSATION BILL 2008** — Mr Holding obtained leave to bring in 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 the Bill was read a first time and ordered to be read a second time tomorrow.
- 15 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:
- Upgrade of Health Services for Bass Coast Region** — Requesting that the House asks the Government to support funding for the upgrade of health services in the Bass Coast region, bearing 79 signatures (*Mr Smith, Bass*)
- Power Supply for Desalination Plant** — Requesting that the Government actively pursues alternative power sources to supply electricity for the desalination project at Wonthaggi other than the proposed above ground pylons or underground means between Tynong North and Wonthaggi, bearing 406 signatures (*Mr Smith, Bass*)
- Natural Gas to Lang Lang** — Requesting that the Government acts immediately to ensure the delivery of natural gas to Lang Lang as promised, bearing 139 signatures (*Mr Smith, Bass*)
- Glenrowan Rail** — Requesting that the House includes Glenrowan in the North East Rail revitalisation project for the benefit of residents and the tourist industry, bearing 424 signatures (*Dr Sykes*)
- Water Pipeline Goulburn to Melbourne — Alternative Water Schemes** — Requesting that the House — (a) rejects the proposal to develop a pipeline which would take water from the Goulburn

Valley and pump it to Melbourne; and (b) calls on the Government to address Melbourne's water supply needs by investing in desalination, recycling and capturing stormwater, bearing 29 signatures (*Dr Sykes*)

**Access Points to Salesian College** — Requesting that the House supports an extensive assessment and immediate upgrade to the access points to Salesian College in Chadstone, bearing 3 signatures (*Mr Stensholt*)

**The Pines Flora and Fauna Reserve, Frankston** — Requesting that the House directs that all crown land within the Pines Flora and Fauna Reserve, Frankston, be set aside as a National Park, bearing 220 signatures (*Mr Perera*)

**Logging of Armstrong Creek Catchment** — Requesting that the Government immediately ceases logging of the Armstrong, Thomson, Cement, McMahons and Starvation Catchments, bearing 132 signatures (*Ms Lobato*)

**Proposed High Voltage Line from Tynong to Wonthaggi** — Requesting that the House calls upon the Government to abandon the proposed high voltage line from Tynong to Wonthaggi, bearing 100 signatures (*Mr Ryan*)

**City of Brimbank** — Requesting the Minister for Local Government immediately intervenes to dissolve the Council of the City of Brimbank and appoint a Commissioner to govern, bearing 276 signatures (*Mr Seitz*)

**Walpeup, Rainbow and Stawell DPI facilities** — Requesting that the House rejects the Victorian Department of Primary Industries (DPI) restructure and calls on the Government to keep the Walpeup Research Station and offices at Rainbow and Stawell as fully funded and functional DPI facilities, bearing 112 signatures (*Mr Delahunty*)

**North–South Pipeline** — Requesting that the House stops the Government building the North–South Pipeline and looks at alternatives to increase Melbourne's water supply such as recycled water and stormwater capture for industry, parks and gardens, bearing 205 and 14 signatures (*Mr Crisp and Mr Weller respectively*)

**Alternatives to Goulburn Valley Pipeline** — Requesting that the House — (a) rejects the proposal to build the pipe that would take water from the Goulburn Valley to Melbourne; and (b) calls on the Government to invest in other measures to increase Melbourne's water supply such as recycled water and stormwater capture for industry, parks and gardens, bearing 63 signatures (*Mr Crisp*)

**Walpeup Research Station** — Requesting that the House rejects the Victorian Department of Primary Industries (DPI) restructure and calls on the Government to keep the Walpeup Research Station as a fully funded and functional DPI facility, bearing 95 signatures (*Mr Crisp*)

**Kyabram Research Station** — Requesting that the House rejects the Victorian Department of Primary Industries (DPI) restructure and calls on the Government to keep the Kyabram Research Station as a fully funded and functional DPI facility, bearing 30 signatures (*Mr Weller*)

**Rochester Community Residential Unit** — Requesting that the House instructs the Department of Human Services to abandon plans to relocate the Rochester Community Residential Unit to Echuca, bearing 386 signatures (*Mr Weller*).

Petitions ordered to be tabled.

16 **PETITION — UPGRADE OF HEALTH SERVICES FOR BASS COAST REGION** — Motion made and question — That the petition presented by the Member for Bass be taken into consideration tomorrow (*Mr Smith, Bass*) — put and agreed to.

- 17 **PETITION — POWER SUPPLY FOR DESALINATION PLANT** — Motion made and question — That the petition presented by the Member for Bass be taken into consideration tomorrow (*Mr Smith, Bass*) — put and agreed to.
- 18 **PETITION — NATURAL GAS TO LANG LANG** — Motion made and question — That the petition presented by the Member for Bass be taken into consideration tomorrow (*Mr Smith, Bass*) — put and agreed to.
- 19 **PETITION — WALPEUP, RAINBOW AND STAWELL DPI FACILITIES** — Motion made and question — That the petition presented by the Member for Lowan be taken into consideration tomorrow (*Mr Delahunty*) — put and agreed to.
- 20 **PETITION — CITY OF BRIMBANK** — Motion made and question — That the petition presented by the Member for Keilor be taken into consideration tomorrow (*Mr Seitz*) — put and agreed to.
- 21 **PETITION — NORTH–SOUTH PIPELINE** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.
- 22 **PETITION — ALTERNATIVES TO GOULBURN VALLEY PIPELINE** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.
- 23 **PETITION — WALPEUP RESEARCH STATION** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.
- 24 **PETITION — GLENROWAN RAIL** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.
- 25 **PETITION — WATER PIPELINE GOULBURN TO MELBOURNE — ALTERNATIVE WATER SCHEMES** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.
- 26 **DOCUMENTS**

**AMENDED GUIDELINES FOR THE CLASSIFICATION OF PUBLICATIONS 2005 AND THE CLASSIFICATION OF FILMS AND COMPUTER GAMES** — Motion made, by leave, and question — That the Amended Guidelines for the Classification of Publications 2005 and the Classification of Films and Computer Games be tabled (*Mr Hulls*) — put and agreed to.

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — Mr Carli, Chair, presented a report from the Scrutiny of Acts and Regulations Committee being the Alert Digest No 12 of 2008 on the:

Assisted Reproductive Treatment Bill 2008  
 Compensation and Superannuation Legislation Amendment Bill 2008  
 Corrections Amendment Bill 2008  
 County Court Amendment (Koori Court) Bill 2008  
 Dangerous Goods Amendment (Transport) Bill 2008  
 Energy Legislation Amendment (Retail Competition and Other Matters) Bill 2008  
 Greenhouse Gas Geological Sequestration Bill 2008  
 Health Professions Registration Amendment Bill 2008  
 Local Government Amendment (Councillor Conduct and Other Matters) Bill 2008  
 Police, Major Crime and Whistleblowers Legislation Amendment Bill 2008  
 Prohibition of Human Cloning for Reproduction Bill 2008

Research Involving Human Embryos Bill 2008  
Stalking Intervention Orders Bill 2008

together with appendices.

Ordered to be tabled and printed.

**OUTER SUBURBAN/INTERFACE SERVICES AND DEVELOPMENT COMMITTEE** — Mr Seitz, Chair, presented a report from the Outer Suburban/Interface Services and Development Committee on the Inquiry into Local Economic Development in Outer Suburban Melbourne, together with appendices and transcripts of evidence.

Ordered to be tabled and the report and appendices printed.

**DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:

*Agricultural Industry Development Act 1990* — Orders under s 8 (two orders)

*Crown Land (Reserves) Act 1978* — Orders under s 17B granting licences over:

Lorne Foreshore Reserve  
Winchelsea Park Reserve

*Duties Act 2000* — Report 2007–08 of exemptions and refunds under s 250B

Essential Services Commission — Taxi Fare Review 2007–08

*Financial Management Act 1994* — Reports from the Minister for Agriculture that he had received the 2007–08 reports of:

Dairy Food Safety Victoria  
Victorian Broiler Industry Negotiation Committee

*Gambling Regulation Act 2003* — Amendment to Category 1 Public Lottery Licence

*Land Acquisition and Compensation Act 1986* — Certificate under s 7

*Major Events (Aerial Advertising) Act 2007* — Event Order under s 7

*Major Events (Crowd Management) Act 2003*:

Order declaring a Managed Access Area under s 7  
Order declaring a Managed Venue under s 7

*Melbourne City Link Act 1995*:

City Link and Extension Projects Integration and Facilitation Agreement Eighteenth Amending Deed  
Freeway Management System Coordination Agreement Amending Deed  
M1 Corridor Redevelopment Deed Second Amending Deed  
Melbourne City Link Twenty-Seventh Amending Deed

*Occupational Health and Safety Act 2004* — Compliance code orders under s 151 (eight orders)

*Planning and Environment Act 1987* — Notices of approval of amendments to the following Planning Schemes:

Banyule — C65  
 Benalla — C24  
 Boroondara — C73  
 Campaspe — C57, C61, C62  
 Casey — C74, C100, C111  
 Glenelg — C38  
 Greater Dandenong — C36  
 Greater Shepparton — C65, C99, C100, C102, C113  
 Hepburn — C42  
 Hobsons Bay — C69  
 Hume — C75  
 Latrobe — C48  
 Manningham — C52, C100  
 Maribyrnong — C75  
 Maroondah — C62  
 Melbourne — C123  
 Moira — C32, C45, C46  
 Moonee Valley — C84  
 Moyne — C13  
 Nillumbik — C56  
 Northern Grampians — C2  
 Pyrenees — C22  
 South Gippsland — C43  
 Strathbogie — C38  
 Victoria Planning Provisions — VC49  
 West Wimmera — C13  
 Whitehorse — C74 Part 2, C104  
 Yarra — C100, C122

Statutory Rules under the following Acts:

*Births, Deaths and Marriages Registration Act 1996* — SR 114  
*Chattel Securities Act 1987* — SRs 109, 112  
*Country Fire Authority Act 1958* — SR 106  
*Health Act 1958* — SR 105  
*Infringements Act 2006* — SRs 107, 108  
*Marine Act 1988* — SR 113  
*Mental Health Act 1986* — SR 111  
*Road Safety Act 1986* — SRs 115, 116  
*Transport Superannuation Act 1988* — SR 110

*Subordinate Legislation Act 1994:*

Ministers' exemption certificates in relation to Statutory Rules 5, 92, 103, 105, 106, 107, 108, 109, 110, 111, 113, 115, 116  
 Minister's infringements offence consultation certificates in relation to Statutory Rules 113, 115

Surveyor-General — Report 2007–08 on administration of the *Survey Co-ordination Act 1958*.

The following proclamation fixing an operative date was tabled by the Clerk in accordance with an order of the House dated 19 December 2006:

*Road Legislation Further Amendment Act 2007* — Sections 3, 4 and 18 to 29 — 29 September 2008 (*Gazette G39, 25 September 2008*).

- 27 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Agreeing to the following bills without amendment:

Corrections Amendment Bill 2008  
County Court Amendment (Koori Court) Bill 2008  
Family Violence Protection Bill 2008  
National Parks and Crown Land (Reserves) Acts Amendment Bill 2008  
Public Holidays Amendment Bill 2008.

- 28 **MESSAGES FROM THE GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that he had given the royal assent to the following bills, presented to him by the Clerk of the Parliaments:

On 15 September 2008  
Evidence Bill 2008  
Heritage Amendment Bill 2008  
Summary Offences Amendment (Tattooing and Body Piercing) Bill 2008

On 23 September 2008  
Corrections Amendment Bill 2008  
County Court Amendment (Koori Court) Bill 2008  
Family Violence Protection Bill 2008  
Legislation Reform (Repeals No. 3) Bill 2008  
National Parks and Crown Land (Reserves) Acts Amendment Bill 2008  
Public Holidays Amendment Bill 2008  
Road Safety Amendment (Fatigue Management) Bill 2008  
Whistleblowers Protection Amendment Bill 2008.

- 29 **MESSAGES FROM THE GOVERNOR** — Recommending appropriations for the purposes of the following bills:

Assisted Reproductive Treatment Bill 2008  
Compensation and Superannuation Legislation Amendment Bill 2008  
Greenhouse Gas Geological Sequestration Bill 2008  
Local Government Amendment (Councillor Conduct and Other Matters) Bill 2008  
Police, Major Crime and Whistleblowers Legislation Amendment Bill 2008  
Stalking Intervention Orders Bill 2008.

- 30 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, under SO 94(2), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 9 October 2008:

Energy Legislation Amendment (Retail Competition and Other Matters) Bill 2008  
Local Government Amendment (Councillor Conduct and Other Matters) Bill 2008  
Police, Major Crime and Whistleblowers Legislation Amendment Bill 2008

(*Mr Batchelor*) — after debate, put.

The House divided (the Speaker, Ms Lindell, in the Chair) —

AYES 51

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beattie; Mr Brooks; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Duncan; Mr Eren; Mr Foley; Ms Graley; Ms Green; Mr Hardman; Dr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Ms Kairouz; Ms Kosky; Mr Langdon; Mr Languiller; Mr Lim; Ms Lobato; Mr Lupton; Mrs Maddigan; Ms Marshall; Mr Merlino; Ms Morand; Ms Munt; Ms Neville; Mr Noonan; Ms Overington; Mr Pallas; Mr Perera; Ms Richardson; Mr Robinson; Mr Scott; Mr Seitz; Mr Stensholt; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

NOES 31

Ms Asher; Mr Baillieu; Mr Blackwood; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Hodgett; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Morris; Mr Mulder; Dr Naphine; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Mr Smith (*Bass*); Mr Smith (*Warrandyte*); Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Weller; Mr Wells; Ms Wooldridge.

Question agreed to.

31 **STATEMENTS BY MEMBERS** — Statements by members were made.

32 **RESEARCH INVOLVING HUMAN EMBRYOS BILL 2008, PROHIBITION OF HUMAN CLONING FOR REPRODUCTION BILL 2008 AND ASSISTED REPRODUCTIVE TREATMENT BILL 2008** — Order read for resuming debate on question — That these Bills be now read a second time; debate resumed.

Under standing orders, Mr Hudson announced amendments to be proposed to the **Assisted Reproductive Treatment Bill 2008** when the House considers the Bill in detail and requested that they be circulated. Amendments circulated.

Debate resumed on question — That these Bills be now read a second time.

Under standing orders, Ms Campbell announced amendments to be proposed to the **Assisted Reproductive Treatment Bill 2008** when the House considers the Bill in detail and requested that they be circulated. Amendments circulated.

Debate resumed on question — That these Bills be now read a second time.

Under standing orders, Ms Kairouz announced amendments to be proposed to the **Assisted Reproductive Treatment Bill 2008** when the House considers the Bill in detail and requested that they be circulated. Amendments circulated.

Debate resumed on question — That these Bills be now read a second time.

*Business having been interrupted at 10.00 pm under standing orders.*

Motion made and question — That the sitting be continued (*Ms Neville*) — put and agreed to.

Debate continued on question — That these Bills be now read a second time.

Under standing orders, Mr Clark announced amendments to be proposed to the **Research Involving Human Embryos Bill 2008** when the House considers the Bill in detail and requested that they be circulated. Amendments circulated.

Debate resumed on question — That these Bills be now read a second time.

Under standing orders, Mr Stensholt announced amendments to be proposed to the **Research Involving Human Embryos Bill 2008**, amendments to be proposed to the **Prohibition of Human Cloning for Reproduction Bill 2008** and an amendment to be proposed to the **Assisted Reproductive Treatment Bill 2008** when the House considers the Bills in detail and requested that they be circulated. Amendments circulated.

Debate resumed on question — That these Bills be now read a second time.

**Assisted Reproductive Treatment Bill 2008** — Amendment proposed — That all the words after 'That' be omitted with the view of inserting in their place the words 'this House refuses to read this Bill a second time until the Scrutiny of Acts and Regulations Committee has carried out its analysis of public submissions on the Bill' (*Mr Jasper*) — and, after debate —

Under standing orders, Mr Clark announced amendments to be proposed to the **Prohibition of Human Cloning for Reproduction Bill 2008** when the House considers the Bill in detail and requested that they be circulated. Amendments circulated.

**Research Involving Human Embryos Bill 2008** read a second time.

**Prohibition of Human Cloning for Reproduction Bill 2008** read a second time.

**Assisted Reproductive Treatment Bill 2008** — Question — That the words proposed to be omitted stand part of the question — put.

The House divided (the Speaker, Ms Lindell, in the Chair) —

AYES 49

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beattie; Mr Brumby; Mr Cameron; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Mr Eren; Mr Foley; Ms Graley; Ms Green; Mr Hardman; Dr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Ms Kosky; Mr Languiller; Mr Lim; Ms Lobato; Mr Lupton; Mrs Maddigan; Ms Marshall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Noonan; Ms Overington; Mr Pallas; Mr Perera; Ms Richardson; Mr Robinson; Mr Scott; Mr Seitz; Mr Stensholt; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne. Tellers: Mr Brooks; Mr Langdon.

NOES 32

Ms Asher; Mr Baillieu; Mr Blackwood; Mr Burgess; Mr Clark; Mr Crisp; Mr Dixon; Mrs Fyffe; Mr Hodgett; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Morris; Mr Mulder; Dr Naphthine; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Mr Smith (*Bass*); Mr Smith (*Warrandyte*); Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Weller; Mr Wells; Ms Wooldridge. Tellers: Mr Delahunty; Mr Walsh.

Question agreed to.

Question — That the **Assisted Reproductive Treatment Bill 2008** be now read a second time — put.

The House divided (the Speaker, Ms Lindell, in the Chair) —

AYES 48

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beattie; Mr Brooks; Mr Brumby; Mr Cameron; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Mr Eren; Mr Foley; Ms Graley; Ms Green; Mr Hardman; Dr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Ms Kosky; Mr Languiller; Mr Lim; Ms Lobato; Mr Lupton; Mrs Maddigan; Ms Marshall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Noonan; Ms Overington; Mr Pallas; Mr Perera; Mr Robinson; Mr Scott; Mr Stensholt; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne. Tellers: Mr Langdon; Ms Richardson.

## NOES 36

Ms Asher; Mr Baillieu; Mr Blackwood; Mr Burgess; Ms Campbell; Mr Clark; Mr Crisp; Mr Dixon; Mrs Fyffe; Mr Hodgett; Mr Ingram; Mr Jasper; Ms Kairouz; Mr Kotsiras; Mr McIntosh; Mr Merlino; Mr Morris; Mr Mulder; Dr Naphthine; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Mr Seitz; Mr Smith (*Bass*); Mr Smith (*Warrantyte*); Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mr Wakeling; Mr Walsh; Mr Weller; Mr Wells; Ms Wooldridge. Tellers: Mr Delahunty; Mrs Victoria.

Question agreed to.

And the House having continued to sit after midnight —

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Ordered — That the Bills be considered in detail tomorrow.

- 33 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Batchelor*) — put and agreed to.
- 34 **ADJOURNMENT** — The Speaker left the Chair, after debate, at 12.44 am.

R W PURDEY  
*Clerk of the Legislative Assembly*

JENNY LINDELL  
*Speaker*

## No 91 — Wednesday 8 October 2008

- 1 The Speaker took the Chair and read the Prayer.
- 2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:
- Careful Cobber Program** — Requesting that the House calls upon the Government to reinstate funding for the Careful Cobber Program at the Driver Education Centre Australia, Shepparton, bearing 1356 signatures (*Mrs Powell*)
- Water Pipeline Goulburn to Melbourne — Alternative Water Schemes** — Requesting that the House — (a) rejects the proposal to develop a pipeline which would take water from the Goulburn Valley and pump it to Melbourne; and (b) calls on the Government to address Melbourne's water supply needs by investing in desalination, recycling and capturing stormwater, bearing 151 signatures (*Mrs Powell*)
- Alternatives to Goulburn Valley Pipeline** — Requesting that the House stops the Government building the North–South Pipeline and looks at alternatives to increase Melbourne's water supply such as recycled water and stormwater capture for industry, parks and gardens, bearing 16 signatures (*Mrs Powell*).
- Petitions ordered to be tabled.
- 3 **PETITION — CAREFUL COBBER PROGRAM** — Motion made and question — That the petition presented by the Member for Shepparton be taken into consideration tomorrow (*Mrs Powell*) — put and agreed to.

4 **PETITION — WATER PIPELINE GOULBURN TO MELBOURNE — ALTERNATIVE WATER SCHEMES** — Motion made and question — That the petition presented by the Member for Shepparton be taken into consideration tomorrow (*Mrs Powell*) — put and agreed to.

5 **PETITION — ALTERNATIVES TO GOULBURN VALLEY PIPELINE** — Motion made and question — That the petition presented by the Member for Shepparton be taken into consideration tomorrow (*Mrs Powell*) — put and agreed to.

6 **DOCUMENT TABLED UNDER AN ACT OF PARLIAMENT** — The Clerk tabled the following document in accordance with an Act of Parliament:

*Subordinate Legislation Act 1994* — Minister's exemption certificate in relation to Statutory Rule 98.

7 **STATEMENTS BY MEMBERS** — Statements by members were made.

8 **GRIEVANCES** — Question — That grievances be noted — put, after debate, and agreed to.

9 **STATEMENTS ON PARLIAMENTARY COMMITTEE REPORTS** — Statements were made on the following Committee Reports:

Rural and Regional Committee's Report on the Inquiry into Rural and Regional Tourism

Outer Suburban/Interface Services and Development Committee's Report on the Inquiry into Local Economic Development in Outer Suburban Melbourne

Public Accounts and Estimates Committee's Report on the 2008–09 Budget Estimates — Part One

Public Accounts and Estimates Committee's Report on the 2008–09 Budget Estimates — Part Two

Road Safety Committee's Report on the Inquiry into Vehicle Safety.

10 **ENERGY LEGISLATION AMENDMENT (RETAIL COMPETITION AND OTHER MATTERS) BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 2.00 pm under standing orders.*

11 **QUESTIONS** — (Under SO 55).

12 **ENERGY LEGISLATION AMENDMENT (RETAIL COMPETITION AND OTHER MATTERS) BILL 2008** — Debate continued on question — That this Bill be now read a second time.

Bill read a second time and, by leave, immediately read a third time.

Bill sent to the Legislative Council and their agreement requested.

13 **POSTPONEMENT OF ORDER OF THE DAY** — Ordered — That the consideration of Government Business, Order of the Day, No 2 be postponed until later this day.

14 **LOCAL GOVERNMENT AMENDMENT (COUNCILLOR CONDUCT AND OTHER MATTERS) BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time.

Under standing orders, Mr Wynne announced amendments to be proposed when the House considers the Bill in detail and requested that they be circulated. Amendments circulated.

Debate resumed on question — That this Bill be now read a second time.

Motion made and question — That the debate be now adjourned (*Ms Beattie*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 15 **POLICE, MAJOR CRIME AND WHISTLEBLOWERS LEGISLATION AMENDMENT BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Amendment proposed — That all the words after 'That' be omitted with the view of inserting in their place the words 'this Bill be withdrawn and redrafted to — (1) take into account the outcome of extensive public consultation about the proposed amendments to the *Police Regulation Act 1958*, particularly in relation to implementing appropriate disciplinary procedures for Victoria Police; and (2) retain the remaining provisions relating to the proposed amendments to the *Major Crime (Investigative Powers) Act 2004*, the *Police Integrity Act 2008* and the *Whistleblowers Protection Act 2001* to enable their urgent passage' (*Mr McIntosh*) — and, after debate —

Motion made and question — That the debate be now adjourned (*Mr Lupton*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 16 **RESEARCH INVOLVING HUMAN EMBRYOS BILL 2008** — Order read for the consideration of the Bill in detail.

Bill considered in detail (*see pp 465, 475*).

*Business having been interrupted at 10.00 pm under standing orders.*

Motion made and question — That the sitting be continued (*Mr Batchelor*) — put and agreed to.

Bill further considered in detail and agreed to without amendment, read a third time (*see pp 465–6*).

Bill sent to the Legislative Council and their agreement requested.

- 17 **PROHIBITION OF HUMAN CLONING FOR REPRODUCTION BILL 2008** — Order read for the consideration of the Bill in detail.

Bill considered in detail and agreed to without amendment, read a third time (*see pp 466, 475*).

Bill sent to the Legislative Council and their agreement requested.

- 18 **ASSISTED REPRODUCTIVE TREATMENT BILL 2008** — Order read for the consideration of the Bill in detail.

Bill considered in detail (*see pp 467, 475–6*).

And the House having continued to sit after midnight —

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Bill further considered in detail (*see pp 467–9, 476*).

Motion made and question — That the debate be now adjourned (*Mr Batchelor*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 19 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Batchelor*) — put and agreed to.
- 20 **ADJOURNMENT** — The Acting Speaker left the Chair, after debate, at 2.45 am.

R W PURDEY  
Clerk of the Legislative Assembly

JENNY LINDELL  
Speaker

## No 92 — Thursday 9 October 2008

- 1 The Speaker took the Chair and read the Prayer.
- 2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:
- Needle Exchange Service, St Kilda** — Requesting that the House ensures that the Government continues to support the Needle Exchange Service located at St Kilda, bearing 565 signatures (*Mr Foley*)
- Intersection of Tormore and Boronia Roads, Boronia** — Requesting that the House — (a) instructs VicRoads to install traffic signals at the Tormore and Boronia Roads intersection in Boronia; and (b) removes existing pedestrian signals 40 metres from the intersection, bearing 70 signatures (*Mr Wakeling*)
- Proposed National Park along Murray River** — Requesting that the Government opposes the proposal set by the Victorian Environmental Assessment Council to change existing public land along the Murray River to a National Park thus restricting camping and access along the 16,600 km river frontage, bearing 418 signatures (*Mr Crisp*).
- Petitions ordered to be tabled.
- 3 **PETITION — INTERSECTION OF TORMORE AND BORONIA ROADS, BORONIA** — Motion made and question — That the petition presented by the Member for Ferntree Gully be taken into consideration tomorrow (*Mr Wakeling*) — put and agreed to.
- 4 **PETITION — PROPOSED NATIONAL PARK ALONG MURRAY RIVER** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.
- 5 **DOCUMENTS**
- INSPECTOR OF MUNICIPAL ADMINISTRATION — INVESTIGATION INTO BALLARAT CITY COUNCIL** — Motion made, by leave, and question — That the Report of the Inspector of Municipal Administration into the Investigation into Ballarat City Council be tabled (*Mr Wynne*) — put and agreed to.
- Ordered to be printed.
- PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE** — Motion made, by leave, and question — That the Report 2007–08 of the Public Accounts and Estimates Committee be tabled (*Mr Stensholt*) — put and agreed to.

Ordered to be printed.

**DOCUMENT BY COMMAND OF THE GOVERNOR**

Mr Hulls presented by Command of the Governor:

Supreme Court of Victoria — Report 2006–07

Ordered to be tabled.

**DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:

*Financial Management Act 1994* — Report from the Minister for Agriculture that he had received the Report 2007–08 of PrimeSafe

Greyhound Racing Victoria — Report 2007–08

*Members of Parliament (Register of Interests) Act 1978* — Summary of Returns June 2008 and Summary of Variations Notified between 26 June 2008 and 8 October 2008 and Summary of Primary Return July 2008 — Ordered to be printed

Police Integrity, Office of — Report 2007–08 — Ordered to be printed

Public Record Office Victoria — Report 2007–08.

- 6 **OUTER SUBURBAN/INTERFACE SERVICES AND DEVELOPMENT COMMITTEE** — Motion made, by leave, and question — That, under s 33 of the *Parliamentary Committees Act 2003*, an inquiry into sustainable development of agribusiness in outer suburban Melbourne be referred to the Outer Suburban/Interface Services and Development Committee for consideration and report no later than 31 August 2009 on the major issues relating to the production, processing and distribution of agricultural products in the interface municipalities and peri-urban areas of Melbourne and, in particular, the Committee is requested to:

- (1) identify the types of agricultural sectors operating in interface municipalities and peri-urban areas;
- (2) examine the role of agribusiness in enhancing economic growth, increasing jobs and the sector's contribution towards promoting healthy, sustainable and prosperous outer suburban areas;
- (3) investigate the role of planning in encouraging the development of agribusiness;
- (4) analyse the options for sustainable food production, including environmental stewardship and local food production;
- (5) investigate impediments faced by the industry to its long term growth and sustainability and recommend options to resolve these barriers;
- (6) highlight niche and well performing sectors operating in the interface of Melbourne, with particular reference to viticulture, horticulture and sustainable agriculture;
- (7) examine exemplary programs supported by governments (at all levels), the private sector and non-government organisations, which assist the sustainability of the agribusiness sector; and
- (8) investigate national and international initiatives relevant to these issues

(*Mr Batchelor*) — put and agreed to.

7 **STATEMENTS BY MEMBERS** — Statements by members were made.

8 **ASSISTED REPRODUCTIVE TREATMENT BILL 2008** — Order read for the further consideration of the Bill in detail.

Bill further considered in detail (*see pp 469–70, 476*).

Motion made and question — That the debate be now adjourned (*Mr Cameron*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

9 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That the government business program agreed to by this House on 7 October 2008 be amended by omitting the Order of the Day, Government Business, relating to the Police, Major Crime and Whistleblowers Legislation Amendment Bill 2008 (*Mr Cameron*) — put and agreed to.

10 **ASSISTED REPRODUCTIVE TREATMENT BILL 2008** — Order read for the further consideration of the Bill in detail.

Bill further considered in detail (*see pp 470–1*).

*Business having been interrupted at 2.00 pm under standing orders.*

11 **QUESTIONS** — (Under SO 55).

*Member named and suspended* — The Member for Sandringham (*Mr Thompson*) having been named by the Speaker for disregarding the authority of the Chair —

Motion made and question — That the Member for Sandringham (*Mr Thompson*) be suspended from the service of the House during the remainder of the day's sitting (*Mr Batchelor*) — put and agreed to.

Mr Thompson (*Sandringham*) accordingly withdrew from the Chamber.

12 **ASSISTED REPRODUCTIVE TREATMENT BILL 2008** — Bill further considered in detail (*see p 471*).

Motion made and question — That the debate be now adjourned (*Mr McIntosh*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

13 **LOCAL GOVERNMENT AMENDMENT (COUNCILLOR CONDUCT AND OTHER MATTERS) BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Allocation of time* — The Deputy Speaker advised that the time allocated for consideration of bills under the resolution of the House on Tuesday 7 October 2008 and as amended on Thursday 9 October 2008 had expired.

Question — That this Bill be now read a second time — put and agreed to.

Question — That Government amendment Nos 1 to 6 inclusive be agreed to and the Bill be now read a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 14 **POLICE, MAJOR CRIME AND WHISTLEBLOWERS LEGISLATION AMENDMENT BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time — *and on the amendment* — That all the words after 'That' be omitted with the view of inserting in their place the words 'this Bill be withdrawn and redrafted to — (1) take into account the outcome of extensive public consultation about the proposed amendments to the *Police Regulation Act 1958*, particularly in relation to implementing appropriate disciplinary procedures for Victoria Police; and (2) retain the remaining provisions relating to the proposed amendments to the *Major Crime (Investigative Powers) Act 2004*, the *Police Integrity Act 2008* and the *Whistleblowers Protection Act 2001* to enable their urgent passage'.

By, leave Mr McIntosh withdrew his amendment — and, after debate —

Bill read a second time, considered in detail and divided into the Major Crime (Investigative Powers) and Other Acts Amendment Bill 2008 and the Police Regulation Amendment Bill 2008 (*see pp 471–3*).

**Major Crime (Investigative Powers) and Other Acts Amendment Bill 2008** further considered in detail and agreed to without amendment (*see p 473*).

Ordered — That the **Major Crime (Investigative Powers) and Other Acts Amendment Bill 2008** be read a third time later this day.

**Police Regulation Amendment Bill 2008** further considered in detail and agreed to without amendment (*see p 474*).

Ordered — That the **Police Regulation Amendment Bill 2008** be read a third time later this day.

- 15 **MAJOR CRIME (INVESTIGATIVE POWERS) AND OTHER ACTS AMENDMENT BILL 2008** — Mr Cameron, by leave, made a statement under s 85 of the *Constitution Act 1975*, of the reasons for altering or varying that section by s 109 of the *Police Integrity Act 2008*, as that section applies on and after the commencement of clause 5 of the Major Crime (Investigative Powers) and Other Acts Amendment Bill 2008 and by s 86KJ of the *Police Regulation Act 1958*, as that section applies on and after the commencement of clause 9 of the Major Crime (Investigative Powers) and Other Acts Amendment Bill 2008.

- 16 **MAJOR CRIME (INVESTIGATIVE POWERS) AND OTHER ACTS AMENDMENT BILL 2008** — Order read for resuming debate on question — That this Bill be now read a third time.

Bill read a third time with the concurrence of an absolute majority of the whole number of the members of the Legislative Assembly.

Bill sent to the Legislative Council and their agreement requested.

- 17 **POLICE REGULATION AMENDMENT BILL 2008** — Order read for resuming debate on question — That this Bill be now read a third time; debate resumed.

Question — put.

The House divided (the Speaker, Ms Lindell, in the Chair) —

AYES 50

Mr Andrews; Ms Barker; Mr Batchelor; Ms Beattie; Mr Brooks; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Mr Eren; Mr Foley; Ms Graley; Ms Green; Mr Hardman; Dr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Ms Kairouz; Mr Langdon; Mr Languiller; Mr Lim; Ms Lobato; Mr Lupton; Mrs Maddigan; Ms Marshall; Mr Merlino; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Noonan; Ms Overington; Mr Perera; Ms Pike; Ms Richardson; Mr Robinson; Mr Scott; Mr Seitz; Mr Stensholt; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

NOES 29

Ms Asher; Mr Baillieu; Mr Blackwood; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Hodgett; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Morris; Mr Mulder; Dr Naphine; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Mr Smith (*Bass*); Mr Smith (*Warrandyte*); Dr Sykes; Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Weller; Ms Wooldridge.

Question agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 18 **ASSISTED REPRODUCTIVE TREATMENT BILL 2008** — Order read for the further consideration of the Bill in detail.

Bill further considered in detail and agreed to without amendment (*see pp 474, 476–7*).

Question — That this Bill be now read a third time — put.

The House divided (the Speaker, Ms Lindell, in the Chair) —

AYES 47

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beattie; Mr Brooks; Mr Brumby; Mr Cameron; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Mr Eren; Mr Foley; Ms Graley; Ms Green; Mr Hardman; Dr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hulls; Ms Kosky; Mr Langdon; Mr Languiller; Mr Lim; Mr Lupton; Mrs Maddigan; Ms Marshall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Noonan; Ms Overington; Mr Pallas; Mr Perera; Ms Pike; Mr Robinson; Mr Scott; Mr Stensholt; Ms Thomson (*Footscray*); Mr Wynne. Tellers: Ms Richardson; Mr Trezise.

NOES 34

Ms Asher; Mr Baillieu; Mr Blackwood; Mr Burgess; Ms Campbell; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Hodgett; Mr Ingram; Mr Jasper; Ms Kairouz; Mr Kotsiras; Mr Merlino; Mr Morris; Mr Mulder; Dr Naphine; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Mr Seitz; Mr Smith (*Bass*); Mr Smith (*Warrandyte*); Dr Sykes; Mr Wakeling; Mr Walsh; Mr Weller; Mr Wells; Ms Wooldridge. Tellers: Mr Tilley; Mrs Victoria.

Question agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 19 **ASSISTED REPRODUCTIVE TREATMENT BILL 2008** — The Speaker announced that she had received a report from the Clerk that he has made the following correction in the Bill:

In Clause 125(d)(ii), he has deleted 'them' and inserted 'then' so that subparagraph (ii) now reads 'as formulated, issued, prescribed or published at the time the regulations are made or at any time before then; or'.

- 20 **SHERRIFF BILL 2008** — *Mr Hulls tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).

Motion made and question — That the debate be now adjourned (*Dr Naphthine*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 23 October 2008.

- 21 **RACING AND GAMBLING LEGISLATION AMENDMENT BILL 2008** — *Mr Hulls tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).

Motion made and question — That the debate be now adjourned (*Dr Naphthine*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 23 October 2008.

- 22 **CORONERS BILL 2008** — *Mr Hulls tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).

Motion made and question — That the debate be now adjourned (*Mr Clark*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 23 October 2008.

- 23 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 7 to 10 inclusive, be postponed until later this day.

- 24 **EDUCATION AND TRAINING REFORM FURTHER AMENDMENT BILL 2008** — *Ms Pike tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Ms Pike*).

Motion made and question — That the debate be now adjourned (*Mr Dixon*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 23 October 2008.

- 25 **GAMBLING LEGISLATION AMENDMENT (RESPONSIBLE GAMBLING AND OTHER MEASURES) BILL 2008** — *Mr Robinson tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Robinson*).

Motion made and question — That the debate be now adjourned (*Mr O'Brien*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 23 October 2008.

- 26 **FUNDRAISING APPEALS AND CONSUMER ACTS AMENDMENT BILL 2008** — *Mr Robinson tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Robinson*).

Motion made and question — That the debate be now adjourned (*Mr O'Brien*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 23 October 2008.

- 27 **LIQUOR CONTROL REFORM AMENDMENT BILL 2008** — *Mr Robinson tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Robinson*).

Motion made and question — That the debate be now adjourned (*Mr O'Brien*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 23 October 2008.

- 28 **PROSTITUTION CONTROL AND OTHER MATTERS AMENDMENT BILL 2008** — *Mr Robinson tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Robinson*).

Motion made and question — That the debate be now adjourned (*Mr O'Brien*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 23 October 2008.

- 29 **PRIMARY INDUSTRIES LEGISLATION AMENDMENT BILL 2008** — *Mr Helper tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Helper*).

Motion made and question — That the debate be now adjourned (*Mr Kotsiras*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 23 October 2008.

- 30 **WATER (COMMONWEALTH POWERS) BILL 2008** — *Mr Holding tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Holding*).

Motion made and question — That the debate be now adjourned (*Dr Sykes*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 23 October 2008.

- 31 **ASBESTOS DISEASES COMPENSATION BILL 2008** — *Mr Holding tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Holding*).

Motion made and question — That the debate be now adjourned (*Mr Kotsiras*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 23 October 2008.

- 32 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Wynne*) — put and agreed to.

33    **ADJOURNMENT** — The Acting Speaker left the Chair, after debate, at 8.27 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JENNY LINDELL  
*Speaker*

## LEGISLATIVE ASSEMBLY OF VICTORIA

### CONSIDERATION IN DETAIL Supplement to Votes Nos 90, 91 and 92

#### No 91 — Wednesday 8 October 2008

##### RESEARCH INVOLVING HUMAN EMBRYOS BILL 2008

**Clauses 1 and 2** agreed to.

**Clause 3**, Mr Clark moved amendment No 1 (*see Schedule 1*).

Question — That the words proposed to be omitted stand part of the Clause — put and agreed to.

*The Deputy Speaker advised that, if Mr Clark's amendment No 2 is not agreed to, his remaining amendments cannot be moved as they are consequential.*

Mr Clark moved amendment No 2 (*see Schedule 1*).

Question — That the words proposed to be omitted stand part of the Clause — put.

The House divided (the Deputy Speaker, Ms Barker, in the Chair) —

AYES 45

Ms Allan; Mr Andrews; Mr Baillieu; Mr Batchelor; Ms Beattie; Mr Cameron; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Mr Eren; Mr Foley; Ms Graley; Ms Green; Mr Hardman; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Ms Kosky; Mr Languiller; Mr Lim; Mr Lupton; Mrs Maddigan; Ms Marshall; Ms Morand; Mr Morris; Ms Munt; Mr Nardella; Ms Neville; Mr Noonan; Ms Overington; Mr Pallas; Mr Perera; Ms Pike; Ms Richardson; Mr Robinson; Mr Scott; Mr Stensholt; Mr Trezise; Ms Wooldridge; Mr Wynne. Tellers: Ms Duncan; Mr Langdon.

NOES 29

Mr Blackwood; Mr Burgess; Ms Campbell; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Hodgett; Mr Jasper; Ms Kairouz; Mr Merlino; Mr Mulder; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Mr Smith (*Bass*); Mr Smith (*Warrantdyte*); Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Weller; Mr Wells. Tellers: Mr Kotsiras; Ms Lobato.

Question agreed to.

Clause agreed to.

**Clauses 4 to 6** agreed to.

**Clause 7**, *the Deputy Speaker advised that, if Mr Stensholt's amendment No 1 is not agreed to, his remaining amendments cannot be moved as they are consequential.*

Mr Stensholt moved amendment No 1 (*see Schedule 1*).

*Business having been interrupted at 10.00 pm under standing orders.*

Motion made and question — That the sitting be continued (*Mr Batchelor*) — put and agreed to.

Question — That the word proposed to be omitted stand part of the Clause — put.

The House divided (the Deputy Speaker, Ms Barker, in the Chair) —

AYES 42

Ms Allan; Mr Andrews; Mr Batchelor; Ms Beattie; Mr Cameron; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Mr Foley; Ms Graley; Ms Green; Mr Hardman; Mr Helper; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Ms Kosky; Mr Languiller; Mr Lim; Mr Lupton; Mrs Maddigan; Ms Marshall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Noonan; Ms Overington; Mr Pallas; Mr Perera; Ms Pike; Ms Richardson; Mr Robinson; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne. Tellers: Mr Langdon; Mr Scott.

NOES 30

Mr Blackwood; Mr Burgess; Ms Campbell; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Hodgett; Mr Jasper; Ms Kairouz; Mr Kotsiras; Ms Lobato; Mr Merlino; Mr Mulder; Mr O'Brien; Mrs Powell; Mr Ryan; Mr Smith (*Bass*); Mr Stensholt; Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Weller; Mr Wells. Tellers: Mr Northe; Mr Smith (*Warrandyte*).

Question agreed to.

Clause agreed to.

**Clauses 8 to 46** agreed to.

Bill agreed to without amendment.

### **PROHIBITION OF HUMAN CLONING FOR REPRODUCTION BILL 2008**

**Clauses 1 and 2** agreed to.

**Clause 3**, Mr Clark moved amendment No 1 (*see Schedule 2*).

Question — That the words proposed to be omitted stand part of the Clause — put and agreed to.

*The Deputy Speaker advised that, if Mr Clark's amendment No 2 is not agreed to, his remaining amendments cannot be moved as they are consequential.*

Mr Clark moved amendment No 2 (*see Schedule 2*).

Question — That the words proposed to be omitted stand part of the Clause — put and agreed to.

Clause agreed to.

**Clauses 4 to 13** agreed to.

**Clause 14**, *the Deputy Speaker advised that, if Mr Stensholt's amendment No 1 is not agreed to, his remaining amendments cannot be moved as they are consequential.*

Mr Stensholt moved amendment No 1 (*see Schedule 2*).

Question — That the word proposed to be omitted stand part of the Clause — put and agreed to.

Clause agreed to.

**Clauses 15 to 27** agreed to.

Bill agreed to without amendment.

**ASSISTED REPRODUCTIVE TREATMENT BILL 2008**

**Clauses 1 to 12** agreed to.

**Clause 13**, Ms Campbell moved amendment No 1 (*see Schedule 3*).

Question — That the words proposed to be omitted stand part of the Clause — put and agreed to.

Clause agreed to.

Mr Hudson announced amendments in substitution of those previously circulated, and requested that they be circulated. Substitute amendments circulated.

**Clauses 14 to 24** agreed to.

**Clause 25**, Question — That Clause 25 stand part of the Bill — put.

The House divided (the Deputy Speaker, Ms Barker, in the Chair) —

AYES 48

Ms Allan; Mr Andrews; Mr Batchelor; Ms Beattie; Mr Brooks; Mr Brumby; Mr Cameron; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Mr Eren; Ms Green; Mr Hardman; Dr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Ms Kosky; Mr Languiller; Mr Lim; Ms Lobato; Mr Lupton; Mrs Maddigan; Ms Marshall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Noonan; Ms Overington; Mr Pallas; Mr Perera; Ms Pike; Ms Richardson; Mr Robinson; Mr Scott; Mr Stensholt; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne. Tellers: Mr Foley; Mr Langdon.

NOES 27

Mr Blackwood; Mr Burgess; Ms Campbell; Mr Clark; Mr Crisp; Mr Dixon; Mrs Fyffe; Mr Hodgett; Mr Jasper; Ms Kairouz; Mr Kotsiras; Mr Merlino; Mr Mulder; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Mr Seitz; Mr Smith (*Warrandyte*); Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mr Walsh; Mr Weller; Mr Wells. Tellers: Mr Delahunty; Mr Wakeling.

Question agreed to.

**Clauses 26 to 28** agreed to.

**Clause 29**, Ms Campbell moved amendment No 2 (*see Schedule 3*).

And the House having continued to sit after midnight —

THURSDAY 9 OCTOBER 2008

Question — That the expression proposed to be omitted stand part of the Clause — put.

The House divided (the Deputy Speaker, Ms Barker, in the Chair) —

AYES 48

Ms Allan; Mr Andrews; Mr Batchelor; Ms Beattie; Mr Brooks; Mr Brumby; Mr Cameron; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Mr Eren; Mr Foley; Ms Green; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Ms Kosky; Mr Languiller; Mr Lim; Mr Lupton; Mrs Maddigan; Ms Marshall; Ms Morand; Ms Munt; Dr Naphthine; Mr Nardella; Ms Neville; Mr Noonan; Ms Overington; Mr Pallas; Mr Perera; Ms Pike; Ms Richardson; Mr Robinson; Mr Scott; Mr Stensholt; Ms Thomson (*Footscray*); Mr Trezise; Ms Wooldridge; Mr Wynne. Tellers: Dr Harkness; Mr Langdon.

## NOES 29

Mr Blackwood; Mr Burgess; Ms Campbell; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Hodgett; Mr Jasper; Ms Kairouz; Mr Merlino; Mr Mulder; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Mr Seitz; Mr Smith (*Bass*); Mr Smith (*Warrandyte*); Dr Sykes; Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Weller; Mr Wells. Tellers: Mr Kotsiras; Mr Thompson (*Sandringham*).

Question agreed to.

*The Deputy Speaker advised that, as Ms Campbell's amendment No 2 had been defeated, amendment Nos 3 and 4 cannot be moved as they are consequential.*

Clause agreed to.

**Clauses 30 to 39** agreed to.

*The Deputy Speaker advised that, as Clause 39 was agreed to, Mr Hudson's amendment Nos 7, 9, 11 to 17 inclusive, 23 to 25 inclusive and 34 cannot be moved as they are consequential.*

**Clause 40**, Mr Hudson moved amendment No 2 (*see Schedule 3*).

Question — That the amendment be agreed to — put.

The House divided (the Deputy Speaker, Ms Barker, in the Chair) —

## AYES 33

Mr Blackwood; Mr Brooks; Mr Burgess; Ms Campbell; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mr Hodgett; Mr Hudson; Mr Ingram; Mr Jasper; Ms Kairouz; Mr Kotsiras; Mr Languiller; Mr Merlino; Mr Mulder; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Mr Seitz; Mr Smith (*Warrandyte*); Dr Sykes; Mr Stensholt; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Walsh; Mr Weller; Mr Wells. Tellers: Mrs Fyffe; Mr Wakeling.

## NOES 41

Ms Allan; Mr Andrews; Mr Batchelor; Ms Beattie; Mr Brumby; Mr Cameron; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Mr Eren; Mr Foley; Ms Green; Dr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hulls; Ms Kosky; Mr Lim; Mr Lupton; Mrs Maddigan; Ms Marshall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Noonan; Ms Overington; Mr Pallas; Mr Perera; Ms Pike; Ms Richardson; Mr Robinson; Mr Scott; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne. Tellers: Ms Duncan; Mr Langdon;

Question defeated.

Mr Hudson moved amendment No 3 (*see Schedule 3*).

Question — That the words proposed to be omitted stand part of the Clause — put and agreed to.

By leave, question resubmitted.

Question — That the words proposed to be omitted stand part of the Clause — put.

The House divided (the Deputy Speaker, Ms Barker, in the Chair) —

## AYES 44

Ms Allan; Mr Andrews; Mr Batchelor; Ms Beattie; Mr Brumby; Mr Cameron; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Mr Eren; Mr Foley; Ms Green; Dr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hulls; Ms Kosky; Mr Languiller; Mr Lim; Mr Lupton; Mrs Maddigan; Ms Marshall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Noonan; Ms Overington; Mr Pallas; Mr Perera; Ms Pike; Ms Richardson; Mr Robinson; Mr Scott; Mr Stensholt; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne. Tellers: Mr Brooks; Mr Langdon.

## NOES 31

Mr Blackwood; Mr Burgess; Ms Campbell; Mr Clark; Mr Crisp; Mr Dixon; Mrs Fyffe; Mr Hodgett; Mr Hudson; Mr Ingram; Mr Jasper; Ms Kairouz; Mr Merlino; Mr Morris; Mr Mulder; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Mr Seitz; Mr Smith (*Bass*); Mr Smith (*Warrandyte*); Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mr Wakeling; Mr Walsh; Mr Weller; Mr Wells. Tellers: Mr Delahunty; Mr Kotsiras.

Question agreed to.

Question — That Clause 40 stand part of the Bill — put.

The House divided (the Deputy Speaker, Ms Barker, in the Chair) —

## AYES 44

Ms Allan; Mr Andrews; Mr Batchelor; Ms Beattie; Mr Brooks; Mr Brumby; Mr Cameron; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Mr Foley; Ms Green; Dr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hulls; Ms Kosky; Mr Languiller; Mr Lim; Mr Lupton; Mrs Maddigan; Ms Marshall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Noonan; Ms Overington; Mr Pallas; Mr Perera; Ms Pike; Ms Richardson; Mr Robinson; Mr Scott; Mr Stensholt; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne. Tellers: Mr Eren; Mr Langdon.

## NOES 29

Mr Blackwood; Mr Burgess; Ms Campbell; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Hudson; Mr Ingram; Mr Jasper; Ms Kairouz; Mr Merlino; Mr Mulder; Mr Northe; Mrs Powell; Mr Ryan; Mr Seitz; Mr Smith (*Bass*); Mr Smith (*Warrandyte*); Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mr Wakeling; Mr Walsh; Mr Weller; Mr Wells. Tellers: Mr Hodgett; Mr Kotsiras.

Question agreed to.

Motion made and question — That the debate be now adjourned (*Mr Batchelor*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

## No 92 — Thursday 9 October 2008

### ASSISTED REPRODUCTIVE TREATMENT BILL 2008

**Clause 41**, Question — That Clause 41 stand part of the Bill — put.

The House divided (the Deputy Speaker, Ms Barker, in the Chair) —

## AYES 46

Ms Allan; Mr Andrews; Mr Batchelor; Ms Beattie; Mr Brooks; Mr Brumby; Mr Cameron; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Mr Eren; Mr Foley; Ms Graley; Ms Green; Mr Hardman; Dr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Hulls; Mr Languiller; Mr Lim; Ms Lobato; Mr Lupton; Mrs Maddigan; Ms Marshall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Noonan; Ms Overington; Mr Pallas; Mr Perera; Ms Pike; Ms Richardson; Mr Robinson; Mr Scott; Mr Stensholt; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne. Tellers: Mr Howard; Mr Langdon.

## NOES 28

Mr Burgess; Ms Campbell; Mr Clark; Mr Crisp; Mr Delahunty; Mrs Fyffe; Mr Hodgett; Mr Hudson; Mr Ingram; Mr Jasper; Ms Kairouz; Mr Merlino; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Mr Seitz; Mr Smith (*Bass*); Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Weller; Mr Wells. Tellers: Mr Blackwood; Mr Kotsiras.

Question agreed to.

**Clause 42** agreed to.

**Clause 43**, *the Deputy Speaker advised that, if Mr Hudson's amendment No 6 is not agreed to, amendment Nos 10, 18 to 22 inclusive and 33 cannot be moved as they are consequential.*

Mr Hudson moved amendment No 6 (*see Schedule 3*).

Question — That the words proposed to be omitted stand part of the Clause — put.

The House divided (the Deputy Speaker, Ms Barker, in the Chair) —

AYES 46

Ms Allan; Mr Andrews; Mr Batchelor; Ms Beattie; Mr Brumby; Mr Cameron; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Mr Eren; Mr Foley; Ms Graley; Ms Green; Mr Hardman; Dr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hulls; Ms Kosky; Mr Languiller; Mr Lim; Ms Lobato; Mr Lupton; Mrs Maddigan; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Noonan; Ms Overington; Mr Pallas; Mr Perera; Ms Pike; Ms Richardson; Mr Robinson; Mr Scott; Mr Stensholt; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne. Tellers: Mr Langdon; Ms Marshall.

NOES 30

Mr Blackwood; Mr Brooks; Mr Burgess; Ms Campbell; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Hodgett; Mr Hudson; Mr Ingram; Mr Jasper; Ms Kairouz; Mr Kotsiras; Mr Merlino; Mr Morris; Mr O'Brien; Mrs Powell; Mr Ryan; Mr Seitz; Mr Smith (*Bass*); Dr Sykes; Mr Thompson (*Sandringham*); Mr Wakeling; Mr Weller; Mr Wells; Ms Wooldridge. Tellers: Mr Smith (*Warrandyte*); Mr Tilley.

Question agreed to.

Ms Campbell announced that she did not wish to proceed with amendment No 5.

Clause agreed to.

**Clauses 44 and 45** agreed to.

**Heading Part 5**, *the Deputy Speaker advised that, if Ms Kairouz's amendment No 1 is not agreed to, her remaining amendments cannot be moved as they are consequential.*

Ms Kairouz moved amendment No 1 (*see Schedule 3*).

Question — That the words proposed to be omitted stand part of the Heading — put and agreed to.

**Clauses 46 to 58** agreed to.

**Clause 59**, Mr Hudson moved amendment No 8 (*see Schedule 3*).

Motion made and question — That the debate be now adjourned (*Mr Cameron*) — put and agreed to.

Ordered that the debate be adjourned until later this day.

## **ASSISTED REPRODUCTIVE TREATMENT BILL 2008**

**Clause 59**, Question — That the words proposed to be omitted stand part of the Clause — put.

The House divided (the Deputy Speaker, Ms Barker, in the Chair) —

AYES 41

Ms Allan; Mr Andrews; Mr Batchelor; Ms Beattie; Mr Brumby; Mr Cameron; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Mr Eren; Mr Foley; Ms Graley; Mr Hardman; Dr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hulls; Ms Kosky; Mr Lim; Mr Lupton; Mrs Maddigan; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pallas; Mr Perera; Ms Pike; Ms Richardson; Mr Robinson; Mr Scott; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne. Tellers: Ms Green; Mr Noonan.

NOES 36

Mr Blackwood; Mr Brooks; Mr Burgess; Ms Campbell; Mr Clark; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Hodgett; Mr Hudson; Mr Ingram; Mr Jasper; Ms Kairouz; Mr Kotsiras; Mr Langdon; Mr Languiller; Ms Lobato; Ms Marshall; Mr Merlino; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Mr Seitz; Mr Smith (*Bass*); Mr Smith (*Warrandyte*); Mr Stensholt; Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Wells. Tellers: Mr Crisp; Mr Morris.

Question agreed to.

Clause agreed to.

**Clauses 60 to 98** agreed to.

**Clause 99**, Motion made and question — That the debate be now adjourned (*Mr McIntosh*) — put and agreed to.

Ordered that the debate be adjourned until later this day.

### **POLICE, MAJOR CRIME AND WHISTLEBLOWERS LEGISLATION AMENDMENT BILL 2008**

Motion made, by leave, and question — That the Police, Major Crime and Whistleblowers Legislation Amendment Bill 2008 be divided into two Bills as follows:

- (a) A Major Crime (Investigative Powers) and Other Acts Amendment Bill 2008 being the Police, Major Crime and Whistleblowers Legislation Amendment Bill 2008 with the following changes:
  - (i) Long title as follows:
 

**"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."**
  - (ii) Short title as follows:
 

**"Major Crime (Investigative Powers) and Other Acts Amendment Act 2008"**;
  - (iii) Clause 1 as follows:
 

**"1 Purposes**

The main purposes of this Act are—

    - (a) to amend the **Major Crime (Investigative Powers) Act 2004** to extend the operation of sections 49 and 50 of that Act;
    - (b) to amend the **Police Integrity Act 2008** in relation to—
      - (i) the commencement of criminal proceedings arising out of investigations;
      - (ii) the protection of the Director and staff of the Office of Police Integrity;
    - (c) to amend the **Police Regulation Act 1958** in relation to the protection of the Director and staff of the Office of Police Integrity;

- (d) to amend the **Whistleblowers Protection Act 2001** to re-enact provisions relating to contempt of the Director, Police Integrity that have expired.";
- (iv) Clause 2 as follows:
- "2 Commencement**
- (1) This Act (other than Division 1 of Part 3) comes into operation on the day after the day on which this Act receives the Royal Assent.
- (2) Division 1 of Part 3 comes into operation on the day on which section 104 of the **Police Integrity Act 2008** comes into operation.";
- (v) Parts 2, 3, 4, 5, 6 and 7 of the Bill omitted;
- (vi) Heading to Part 8 of the Bill renumbered 2;
- (vii) Clause 39 renumbered 3;
- (viii) Heading to Part 9 of the Bill renumbered 3;
- (ix) Clause 40 renumbered 4;
- (x) Clause 41 renumbered 5;
- (xi) Clause 42 renumbered 6;
- (xii) Clause 43 renumbered 7, omitting "section 41 of the **Police, Major Crime and Whistleblowers Legislation Amendment Act 2008**" and inserting "section 5 of the **Major Crime (Investigative Powers) and Other Acts Amendment Act 2008**";
- (xiii) Clause 44 renumbered 8;
- (xiv) Clause 45 renumbered 9;
- (xv) Clause 46 renumbered 10;
- (xvi) Clause 47 renumbered 11;
- (xvii) Clause 48 renumbered 12, omitting "section 45 of the **Police, Major Crime and Whistleblowers Legislation Amendment Act 2008**" and inserting "section 9 of the **Major Crime (Investigative Powers) and Other Acts Amendment Act 2008**";
- (xviii) Heading to Part 10 renumbered 4;
- (xix) Clause 49 renumbered 13, omitting "section 49 of the **Police, Major Crime and Whistleblowers Legislation Amendment Act 2008**" and inserting "section 13 of the **Major Crime (Investigative Powers) and Other Acts Amendment Act 2008**";
- (xx) Heading to Part 11 renumbered 5;
- (xxi) Clause 50 renumbered 14;
- (b) A Police Regulation Amendment Bill 2008 being the Police, Major Crime and Whistleblowers Legislation Amendment Bill 2008 with the following changes:
- (i) Long title as follows:
- "A Bill for an Act to amend the **Police Regulation Act 1958** and other Acts and for other purposes.";
- (ii) Short title as follows:
- "Police Regulation Amendment Act 2008"**;
- (iii) Clause 1 as follows:
- "1 Purposes**
- The main purposes of this Act are—

- (a) to amend the **Police Regulation Act 1958** in relation to—
  - (i) the constitution of Victoria Police;
  - (ii) remedial procedures under the Act;
  - (iii) the professional development of members of Victoria Police;
  - (iv) civil proceedings against members of Victoria Police;
  - (v) the role of protective services officers;
  - (vi) other minor matters; and
- (b) to make consequential amendments to other Acts.";
- (iv) Clause 2 as follows:
  - "2 Commencement**
  - (1) This Act (other than sections 4, 8, 9 and 10, Part 3, Part 4, section 34(2) and Part 7) comes into operation on the day after the day on which this Act receives the Royal Assent.
  - (2) Subject to subsection (5), sections 4, 8, 9 and 10, Part 3, Part 4 (other than section 30(1)) and Part 7 come into operation on a day or days to be proclaimed.
  - (3) Section 30(1) comes into operation on the later of—
    - (a) the day on which section 19 of this Act comes into operation;
    - (b) the day on which section 47 of the **Police Integrity Act 2008** comes into operation.
  - (4) Section 34(2) comes into operation on the later of—
    - (a) the day after the day on which this Act receives the Royal Assent;
    - (b) the day on which section 237 of the **Accident Towing Services Act 2007** comes into operation.
  - (5) If section 4, 8, 9 or 10 or a provision of Part 3, Part 4 (other than section 30(1)) or Part 7 does not come into operation before 1 December 2009, it comes into operation on that day.";
  - (v) Clause 35, omitting "**Police, Major Crime and Whistleblowers Legislation Amendment Act 2008**" (wherever occurring) and inserting "**Police Regulation Amendment Act 2008**";
  - (vi) Parts 8, 9 and 10 of the Bill omitted;
  - (vii) Heading to Part 11 renumbered 8;
  - (viii) Clause 50 renumbered 39;
- (c) That each Bill be ordered to be printed and considered separately by the House

*(Mr Cameron)* — put and agreed to.

**MAJOR CRIME (INVESTIGATIVE POWERS) AND OTHER ACTS AMENDMENT BILL 2008**  
**Clauses 1 to 14** agreed to.

Bill agreed to without amendment.

**POLICE REGULATION AMENDMENT BILL 2008****Clauses 1 to 39** agreed to.

Bill agreed to without amendment.

**ASSISTED REPRODUCTIVE TREATMENT BILL 2008****Clause 99** agreed to.**Clauses 100 to 146** agreed to.**Clause 147**, *The Deputy Speaker advised that, if Ms Campbell's amendment No 6 is not agreed to, amendment Nos 7 to 9 inclusive cannot be moved as they are consequential.*

Ms Campbell announced that she did not wish to proceed with amendment No 6.

Mr Stensholt moved an amendment (*see Schedule 3*).

Amendment put and defeated.

Clause agreed to.

**Clauses 148 and 149** agreed to.**Clause 150**, *the Deputy Speaker advised that, if Mr Hudson's amendment No 26 is not agreed to, amendment Nos 27 to 32 inclusive and 35 cannot be moved as they are consequential.*Mr Hudson moved amendment No 26 (*see Schedule 3*).

Question — That the amendment be agreed to — put.

The House divided (the Deputy Speaker, Ms Barker, in the Chair) —

AYES 36

Mr Blackwood; Mr Brooks; Mr Burgess; Ms Campbell; Mr Carli; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Hodgett; Mr Hudson; Mr Ingram; Mr Jasper; Ms Kairouz; Mr Kotsiras; Mr Languiller; Ms Marshall; Mr Merlino; Mr Morris; Dr Naphine; Mr Northe; Mrs Powell; Mr Ryan; Mr Seitz; Mr Smith (*Bass*); Mr Stensholt; Dr Sykes; Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Weller; Mr Wells. Tellers: Mr O'Brien; Mr Smith (*Warrantyte*).

NOES 39

Ms Allan; Mr Andrews; Mr Batchelor; Ms Beattie; Mr Brumby; Mr Cameron; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Mr Eren; Mr Foley; Ms Graley; Ms Green; Mr Hardman; Dr Harkness; Mr Helper; Mr Howard; Mr Hulls; Ms Kosky; Mr Langdon; Mr Lim; Mr Lupton; Mrs Maddigan; Ms Morand; Mr Nardella; Ms Neville; Mr Noonan; Ms Overington; Mr Pallas; Mr Perera; Ms Pike; Ms Richardson; Mr Robinson; Mr Scott; Ms Thomson (*Footscray*); Mr Wynne. Tellers: Ms Munt; Mr Trezise.

Question defeated.

Clause agreed to.

**Clauses 151 to 159** agreed to.

Bill agreed to without amendment.

## SCHEDULES OF AMENDMENTS MOVED

### SCHEDULE 1

#### RESEARCH INVOLVING HUMAN EMBRYOS BILL 2008

Amendments moved by Mr Clark

1. Clause 3, page 3, lines 28 to 32 and page 4, lines 1 to 8, omit all words and expressions on these lines and insert—

*"human embryo* means a discrete entity that has arisen from the creation of a single cell containing 2 pro-nuclei following the fertilisation of a human oocyte by a human sperm;"

2. Clause 3, page 5, lines 5 and 6, omit "or a human egg, or the creation or use of any other embryo".

Amendment moved by Mr Stensholt

1. Clause 7, page 11, line 12, omit "; or" and insert "; and".

### SCHEDULE 2

#### PROHIBITION OF HUMAN CLONING FOR REPRODUCTION BILL 2008

Amendments moved by Mr Clark

1. Clause 3, lines 19 to 32, omit all words and expressions on these lines and insert—

*"human embryo* means a discrete entity that has arisen from the creation of a single cell containing 2 pro-nuclei following the fertilisation of a human oocyte by a human sperm;"

2. Clause 3, page 3, lines 18 to 20, omit all words and expressions on these lines.

Amendment moved by Mr Stensholt

1. Clause heading to clause 14, omit "developing" and insert "creating".

### SCHEDULE 3

#### ASSISTED REPRODUCTIVE TREATMENT BILL 2008

Amendments moved by Ms Campbell

1. Clause 13, lines 4 to 7, omit all words and expressions on these lines and insert—

"must have received counselling from a counsellor who provides services on behalf of a registered ART provider.

- (2) For the purposes of subsection (1), the counselling must include—

(a) counselling in relation to the prescribed matters; and

(b) if donor gametes are to be used in the conception of the child the counselling must include counselling about—

- (i) how to tell a child born as a result of the surrogacy arrangement that donor gametes were used; and
  - (ii) the long term implications of the use of donor gametes, particularly for a person conceived using donor gametes."
2. Clause heading to clause 29, omit "10" and insert "5".

Amendments moved by Mr Hudson

2. Clause 40, after line 26, insert—
- "(ba) that the surrogate mother—
  - (i) has previously carried a pregnancy and given birth to a live child; and
  - (ii) still has the care of that child;".
3. Clause 40, page 33, line 20, omit all words and expressions on this line.
6. Clause 43, lines 27 and 28, omit "if the surrogate mother's oocyte is to be used in the conception of the child,".
8. 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."
26. Clause 150, after line 13 insert—
- "donor treatment procedure** means a donor treatment procedure within the meaning of the **Assisted Reproductive Treatment Act 2008**;"

Amendment moved by Ms Kairouz

1. Part heading preceding clause 46, omit this heading.

Amendment moved by Mr Stensholt

Clause 147, page 100, after line 34 insert—

**"19A Surrogacy arrangements where commissioning parents' gametes used**

- (1) This section applies if a child born under a surrogacy arrangement was conceived using the gametes of the commissioning parents.
- (2) Despite section 19, and any other provision of this Act to the contrary, the following presumptions of parentage apply and are irrebuttable—

- 
- (a) a commissioning parent who donated the sperm used to conceive the child is presumed to be the father of the child;
  - (b) a commissioning parent who donated the egg used to conceive the child is presumed to be the mother of the child.
- (3) If one commissioning parent is presumed to be a parent of the child under this section, the second commissioning parent (if any) may apply to the court for a substitute parentage order.
  - (4) A substitute parentage order referred to in subsection (3) may only confer legal parentage on the second commissioning parent in addition to, but not in place of, the commissioning parent who is presumed to be a parent of the child under this section."



## LEGISLATIVE ASSEMBLY OF VICTORIA

# VOTES AND PROCEEDINGS

## No 93

### No 93 — Wednesday 15 October 2008

- 1 The House met at Monash University Gippsland Campus, Churchill, in accordance with the Proclamation of the Governor and the terms of the resolution of the House on 21 August 2008 — The Speaker took the Chair and read the Prayer.

The Proclamation was read by the Speaker:

#### CONSTITUTION ACT 1975

#### PROCLAMATION

- A. By proclamation made on 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 11.00a.m as the time for the commencement and holding of the first session of the 56<sup>th</sup> 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 7<sup>th</sup> day of October 2008.

DAVID DE KRETSER AC  
Governor  
By His Excellency's Command

HON JOHN BRUMBY MP  
Premier of Victoria

2 **VISITORS ADMITTED TO CHAMBER** — In accordance with the resolution of the House on 21 August 2008 Mr Wayne Thorpe, Elder of the Gunai Kurnai people, Professor Richard Larkins, AO, Vice-Chancellor of Monash University, and Cr Bruce Lougheed, Mayor of Latrobe City Council, were admitted into the Chamber by the Serjeant-at-Arms.

3 **WELCOME TO COUNTRY** — Mr Wayne Thorpe provided a welcome to country on behalf of the Gunai Kurnai people.

Mr Thorpe was escorted from the Chamber by the Serjeant-at-Arms.

4 **ADDRESSES BY THE PREMIER AND LEADER OF THE OPPOSITION** — In accordance with the resolution of the House on 21 August 2008 Mr Brumby and Mr Baillieu addressed the House.

5 **ADDRESSES BY RICHARD LARKINS, AO, VICE-CHANCELLOR OF MONASH UNIVERSITY, AND BRUCE LOUGHEED, MAYOR OF LATROBE CITY COUNCIL** — In accordance with the resolution of the House on 21 August 2008 Professor Richard Larkins, AO, Vice-Chancellor of Monash University, and Cr Bruce Lougheed, Mayor of Latrobe City Council, responded to the addresses of the Premier and the Leader of the Opposition. They were then escorted from the Chamber by the Serjeant-at-Arms.

6 **MULTICULTURAL VICTORIA AMENDMENT BILL 2008** — Mr Brumby obtained leave to bring in a Bill '*for an Act to amend the **Multicultural Victoria Act 2004** and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.

7 **PETITION** — The Clerk announced that the following petition had been lodged for presentation:

**Intersection of Badger Creek Road and Maroondah Highway, Healesville** — Requesting that the House allows the installation of a traffic splitter island at the intersection of Badger Creek Road and Maroondah Highway, Healesville, bearing 10 signatures (*Mr Hardman*).

Ordered to be tabled.

8 **PETITION — INTERSECTION OF BADGER CREEK ROAD AND MAROONDAH HIGHWAY, HEALESVILLE** — Motion made and question — That the petition presented by the Member for Seymour be taken into consideration tomorrow (*Mr Hardman*) — put and agreed to.

9 **DOCUMENTS**

**PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE** — Mr Stensholt, Chair, presented a report from the Public Accounts and Estimates Committee on the 2008–09 Budget Estimates — Part Three, together with appendices.

Ordered to be tabled and printed.

**DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:

*Financial Management Act 1994* — Financial Report for the State of Victoria 2007–08, incorporating the Quarterly Financial Report No 4 — Ordered to be printed

*National Parks Act 1975* — Report 2007–08 on the working of the Act

National Parks Advisory Council — Report 2007–08

*Planning and Environment Act 1987* — Notices of approval of amendments to the following Planning Schemes:

Ballarat — C110  
 Darebin — C83, C90  
 Greater Geelong — C89  
 Greater Shepparton — C91  
 Latrobe — C54, C59  
 Stonnington — C86

*Road Management Act 2004* — Code of Practice for Management of Infrastructure in Road Reserves

Statutory Rules under the following Acts:

*Corporations (Ancillary Provisions) Act 2001* — SR 117  
*County Court Act 1958* — SR 119  
*Supreme Court Act 1986* — SRs 117, 118

*Subordinate Legislation Act 1994* — Minister's exception certificates in relation to Statutory Rules 117, 118, 119.

The following proclamation fixing an operative date was tabled by the Clerk in accordance with an order of the House dated 19 December 2006:

*Commonwealth Powers (De Facto Relationships) Act 2004* — Whole Act — 9 October 2008 (*Gazette G41, 9 October 2008*).

10 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Abortion Law Reform Bill 2008 without amendment.

11 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourns until Tuesday 28 October 2008 (*Mr Batchelor*) — put and agreed to.

12 **STATEMENTS BY MEMBERS** — Statements by members were made.

13 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE — SUPPORT TO REGIONAL COMMUNITIES** — The House was informed that Ms Allan had proposed that a definite matter of public importance be submitted to the House for discussion, namely —

'That this House congratulates the Victorian Labor Government for continuing to back regional communities and investing in people, infrastructure and economic development, particularly in Gippsland, ensuring recovery from the previous Government's harsh neglect.'

Ms Allan addressed the House — Discussion followed.

14 **POSTPONEMENT OF ORDER OF THE DAY** — Ordered — That the consideration of Government Business, Order of the Day, No 1 be postponed until later this day.

15 **GREENHOUSE GAS GEOLOGICAL SEQUESTRATION BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 2.00 pm under standing orders.*

16 **QUESTIONS** — (Under SO 55).

*Business having been interrupted at 2.51 pm in accordance with the resolution of the House on 21 August 2008.*

- 17 **MINISTERIAL STATEMENT — VICTORIA'S ENERGY SECTOR** — The Premier made a ministerial statement relating to Victoria's energy sector, to which members responded.
- 18 **GREENHOUSE GAS GEOLOGICAL SEQUESTRATION BILL 2008** — Debate resumed on question — That this Bill be now read a second time.
- Motion made and question — That the debate be now adjourned (*Mr McIntosh*) — put and agreed to.
- Ordered — That the debate be adjourned until later this day.
- 19 **TIMING OF ADJOURNMENT DEBATE** — Motion made, by leave, and question — That the time for the adjournment debate, as provided for by the resolution of the House on 21 August 2008, be amended to 5.45 pm (*Mr Batchelor*) — put, after debate, and agreed to.
- 20 **GREENHOUSE GAS GEOLOGICAL SEQUESTRATION BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.
- Bill read a second time and, by leave, immediately read a third time.
- Bill sent to the Legislative Council and their agreement requested.
- 21 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Batchelor*) — put and agreed to.
- 22 **ADJOURNMENT** — The Speaker left the Chair, after debate, at 6.32 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JENNY LINDELL  
*Speaker*

## LEGISLATIVE ASSEMBLY OF VICTORIA

# VOTES AND PROCEEDINGS

## Nos 94, 95 and 96

### No 94 — Tuesday 28 October 2008

- 1 The House met according to the adjournment — The Speaker took the Chair and read the Prayer.
- 2 **QUESTIONS** — (Under SO 55).
- 3 **PUBLIC ADMINISTRATION AMENDMENT BILL 2008** — Mr Brumby obtained leave to bring in 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, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 4 **PROFESSIONAL STANDARDS AND LEGAL PROFESSION ACTS AMENDMENT BILL 2008** — Mr Hulls obtained leave to bring in 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 the Bill was read a first time and ordered to be read a second time tomorrow.
- 5 **HEALTH SERVICES LEGISLATION AMENDMENT BILL 2008** — Mr Andrews obtained leave to bring in 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, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 6 **STATE TAXATION ACTS FURTHER AMENDMENT BILL 2008** — Mr Holding obtained leave to bring in 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 the Bill was read a first time and ordered to be read a second time tomorrow.
- 7 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:
  - Upgrade of Health Services for Bass Coast Region** — Requesting that the House asks the Government to support funding for the upgrade of health services in the Bass Coast region, bearing 338 signatures (*Mr Smith, Bass*)
  - Desalination Plant, Bass Coast** — Requesting that the House directs immediate consultation between the Government and the local community of the Bass Coast regarding the proposed desalination plant, bearing 39 signatures (*Mr Smith, Bass*)
  - Funding for Catholic Schools** — Requesting that the House — (a) guarantees funding for Catholic schools at 25 per cent of the average cost of educating a child in the State school system; and (b) provides equal funding for children with disabilities who attend a Catholic school, bearing 61 signatures (*Mr Smith, Bass*)
  - Water Pipeline Goulburn to Melbourne — Alternative Water Schemes** — Requesting that the House — (a) rejects the proposal to develop a pipeline which would take water from the Goulburn Valley and pump it to Melbourne; and (b) calls on the Government to address Melbourne's water supply needs by investing in desalination, recycling and capturing stormwater, bearing 47 signatures (*Dr Sykes*)

**Goulburn Valley Pipeline** — Requesting that the House — (a) rejects the Goulburn Valley pipeline proposal; and (b) calls on the Government to address Melbourne's water supply needs by investing in recycling and capturing stormwater, bearing 100 signatures (*Dr Sykes*)

**Mount Alexander Road Tram Noise** — Requesting that the House brings to the attention of Yarra Trams the problem of excessive noise from the tram tracks on Mount Alexander Road, bearing 36 signatures (*Mrs Maddigan*)

**Closure of Essendon Airport** — Requesting that the House calls upon the Government to abandon its plan to close Essendon airport, bearing 70 signatures (*Mr Northe*).

Petitions ordered to be tabled.

8 **PETITION — UPGRADE OF HEALTH SERVICES FOR BASS COAST REGION** — Motion made and question — That the petition presented by the Member for Bass be taken into consideration tomorrow (*Mr Smith, Bass*) — put and agreed to.

9 **PETITION — DESALINATION PLANT, BASS COAST** — Motion made and question — That the petition presented by the Member for Bass be taken into consideration tomorrow (*Mr Smith, Bass*) — put and agreed to.

10 **PETITION — FUNDING FOR CATHOLIC SCHOOLS** — Motion made and question — That the petition presented by the Member for Bass be taken into consideration tomorrow (*Mr Smith, Bass*) — put and agreed to.

11 **PETITION — WATER PIPELINE GOULBURN TO MELBOURNE — ALTERNATIVE WATER SCHEMES** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.

12 **PETITION — GOULBURN VALLEY PIPELINE** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.

13 **PETITION — CLOSURE OF ESSENDON AIRPORT** — Motion made and question — That the petition presented by the Member for Morwell be taken into consideration tomorrow (*Mr Northe*) — put and agreed to.

#### 14 **DOCUMENTS**

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — Mr Carli, Chair, presented a report from the Scrutiny of Acts and Regulations Committee being the Alert Digest No 13 of 2008 on the:

Abortion Law Reform Bill 2008

Asbestos Diseases Compensation Bill 2008

Coroners Bill 2008

Dangerous Goods Amendment (Transport) Bill 2008

Education and Training Reform Further Amendment Bill 2008

Fundraising Appeals and Consumer Acts Amendment Bill 2008

Gambling Legislation Amendment (Responsible Gambling and Other Measures) Bill 2008

Labour and Industry (Repeal) Bill 2008

Liquor Control Reform Amendment Bill 2008

Major Crime (Investigative Powers) and Other Acts Amendment Bill 2008

Police, Major Crime and Whistleblowers Legislation Amendment Bill 2008

Police Regulation Amendment Bill 2008

Primary Industries Legislation Amendment Bill 2008

Prohibition of Human Cloning for Reproduction Bill 2008  
 Prostitution Control and Other Matters Amendment Bill 2008  
 Racing and Gambling Legislation Amendment Bill 2008  
 Research Involving Human Embryos Bill 2008  
 Sheriff Bill 2008  
 Water (Commonwealth Powers) Bill 2008

together with appendices.

Ordered to be tabled and printed.

**DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:

Agriculture Victoria Services Pty Ltd — Report 2007–08

*Crown Land (Reserves) Act 1978* — Order under s 17D granting a lease over Elsternwick Park Reserve

Energy Safe Victoria — Report 2007–08

*Financial Management Act 1994*:

Reports from the Minister for Agriculture that he had received the reports 2007–08 of the:

Murray Valley Citrus Board  
 Murray Valley Wine Grape Industry Development Committee  
 Northern Victorian Fresh Tomato Industry Development Committee  
 Phytogene Pty Ltd  
 Veterinary Practitioners Registration Board of Victoria  
 Victorian Strawberry Industry Development Committee

Reports from the Minister for Environment and Climate Change that he had received the reports 2007–08 of the:

Alpine Resorts Co-ordinating Council  
 Trust for Nature

Fisheries Co-Management Council — Report 2007–08

Harness Racing Victoria — Report 2007–08

Melbourne Market Authority — Report 2007–08

*Planning and Environment Act 1987* — Notices of approval of amendments to the following Planning Schemes:

Bass Coast — C72  
 Baw Baw — C51, C63  
 Brimbank — C107  
 Colac Otway — C49  
 Darebin — C88  
 Glen Eira — C62  
 Golden Plains — C35  
 Manningham — C76  
 Mitchell — C40, C58  
 Pyrenees — C17  
 Surf Coast — C34  
 Wangaratta — C30

Warrnambool — C64

Recreational Fishing Licence Trust Account — Report 2007–08 on the disbursement of Revenue

Statutory Rules under the following Acts:

*Children's Services Act 1996* — SR 120

*Environment Protection Act 1970* — SR 121

*Planning and Environment Act 1987* — SR 122

*Transport Act 1983* — SR 123

*Subordinate Legislation Act 1994* — Minister's exception certificate in relation to Statutory Rule 122

Victorian Energy Networks Corporation — Report 2007–08

Victorian Law Reform Commission — Report 2007–08 — Ordered to be printed

Victorian Multicultural Commission — Report 2007–08.

- 15 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Agreeing to the following bills without amendment:

Energy Legislation Amendment (Retail Competition and Other Matters) Bill 2008

Major Crime (Investigative Powers) and Other Acts Amendment Bill 2008.

- 16 **MESSAGE FROM THE GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that he had, on 22 October 2008, given the royal assent to the following bills, presented to him by the Clerk of the Parliaments:

Abortion Law Reform Bill 2008

Energy Legislation Amendment (Retail Competition and Other Matters) Bill 2008

Major Crime (Investigative Powers) and Other Acts Amendment Bill 2008.

- 17 **MESSAGES FROM THE GOVERNOR** — Recommending appropriations for the purposes of the following bills:

Asbestos Diseases Compensation Bill 2008

Coroners Bill 2008

Education and Training Reform Further Amendment Bill 2008

Gambling Legislation Amendment (Responsible Gambling and Other Measures) Bill 2008

Primary Industries Legislation Amendment Bill 2008

Prostitution Control and Other Matters Amendment Bill 2008

Racing and Gambling Legislation Amendment Bill 2008

Sheriff Bill 2008.

- 18 **MESSAGE FROM THE LIEUTENANT-GOVERNOR** — Recommending an appropriation for the purposes of the Water (Commonwealth Powers) Bill 2008.

- 19 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, under SO 94(2), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 30 October 2008:

Asbestos Diseases Compensation Bill 2008

Compensation and Superannuation Legislation Amendment Bill 2008

Dangerous Goods Amendment (Transport) Bill 2008

Education and Training Reform Further Amendment Bill 2008

Gambling Legislation Amendment (Responsible Gambling and Other Measures) Bill 2008  
 Health Professions Registration Amendment Bill 2008  
 Racing and Gambling Legislation Amendment Bill 2008  
 Stalking Intervention Orders Bill 2008  
 Water (Commonwealth Powers) Bill 2008

(*Mr Cameron*) — after debate, put.

The House divided (the Speaker, Ms Lindell, in the Chair) —

AYES 52

Ms Allan; Mr Andrews; Ms Barker; Mr Brooks; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Mr Eren; Mr Foley; Ms Graley; Ms Green; Mr Hardman; Dr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Ms Kairouz; Ms Kosky; Mr Langdon; Mr Languiller; Mr Lim; Ms Lobato; Mr Lupton; Mrs Maddigan; Ms Marshall; Mr Merlino; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Noonan; Ms Overington; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Pike; Ms Richardson; Mr Robinson; Mr Scott; Mr Seitz; Mr Stensholt; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

NOES 33

Ms Asher; Mr Baillieu; Mr Blackwood; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Hodgett; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Morris; Mr Mulder; Dr Napthine; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith (*Bass*); Mr Smith (*Warrandyte*); Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Weller; Mr Wells; Ms Wooldridge.

Question agreed to.

20 **STATEMENTS BY MEMBERS** — Statements by members were made.

21 **CRIMES LEGISLATION AMENDMENT (FOOD AND DRINK SPIKING) BILL 2008** — *Mr Hulls tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).

Motion made and question — That the debate be now adjourned (*Mr Clark*) — put and agreed to.

Ordered — That the debate be adjourned until Tuesday 11 November 2008.

22 **MULTICULTURAL VICTORIA AMENDMENT BILL 2008** — *Mr Brumby tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Brumby*).

Motion made and question — That the debate be now adjourned (*Mr Kotsiras*) — put and agreed to.

Ordered — That the debate be adjourned until Tuesday 11 November 2008.

23 **WATER (COMMONWEALTH POWERS) BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Mr Hardman*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

24 **HEALTH PROFESSIONS REGISTRATION AMENDMENT BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Mr Languiller*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 25 **WATER (COMMONWEALTH POWERS) BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Question — put.

A division having been called, the Speaker advised that there was only one vote for the 'noes' and, accordingly, declared the question agreed to. Mr Ingram asked that his dissent be recorded.

By leave, Bill immediately read a third time.

Bill sent to the Legislative Council and their agreement requested.

- 26 **HEALTH PROFESSIONS REGISTRATION AMENDMENT BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 10.00 pm under standing orders.*

Motion made and question — That the sitting be continued (*Mr Andrews*) — put and agreed to.

Debate resumed on question — That this Bill be now read a second time.

Bill read a second time and, by leave, immediately read a third time.

Bill sent to the Legislative Council and their agreement requested.

- 27 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Local Government Amendment (Councillor Conduct and Other Matters) Bill 2008 with an amendment.

Ordered — That the amendment be taken into consideration later this day.

- 28 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Labour and Industry (Repeal) Bill 2008 without amendment.

- 29 **COMPENSATION AND SUPERANNUATION LEGISLATION AMENDMENT BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Bill read a second time and, by leave, immediately read a third time.

Bill sent to the Legislative Council and their agreement requested.

- 30 **STALKING INTERVENTION ORDERS BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Ms Green*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 31 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Ms Neville*) — put and agreed to.

And the House having continued to sit after midnight —

WEDNESDAY 29 OCTOBER 2008

- 32 **ADJOURNMENT** — The Deputy Speaker left the Chair, after debate, at 12.09 am.

R W PURDEY  
*Clerk of the Legislative Assembly*

JENNY LINDELL  
*Speaker*

## No 95 — Wednesday 29 October 2008

- 1 The Speaker took the Chair and read the Prayer.

- 2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

**Funding for Catholic Schools** — Requesting that the House — (a) guarantees funding for Catholic schools at 25 per cent of the average cost of educating a child in the State school system; and (b) provides equal funding for children with disabilities who attend a Catholic school, bearing 219 signatures (*Mr Smith, Bass*)

**Glenrowan Rail** — Requesting that the House includes Glenrowan in the North East Rail revitalisation project for the benefit of residents and the tourist industry, bearing 188 signatures (*Dr Sykes*)

**Closure of Essendon Airport** — Requesting that the House calls upon the Government to abandon its plan to close Essendon airport, bearing 46 signatures (*Mr Ryan*)

**Kyabram Research Station** — Requesting that the House rejects the Victorian department of Primary Industries (DPI) restructure and calls on the Government to keep the Kyabram Research Station as a fully funded and functional DPI facility, bearing 28 signatures (*Mr Weller*).

Petitions ordered to be tabled.

- 3 **PETITION — FUNDING FOR CATHOLIC SCHOOLS** — Motion made and question — That the petition presented by the Member for Bass be taken into consideration tomorrow (*Mr Smith, Bass*) — put and agreed to.

- 4 **PETITION — CLOSURE OF ESSENDON AIRPORT** — Motion made and question — That the petition presented by the Member for Gippsland South be taken into consideration tomorrow (*Mr Ryan*) — put and agreed to.

- 5 **PETITION — KYABRAM RESEARCH STATION** — Motion made and question — That the petition presented by the Member for Rodney be taken into consideration tomorrow (*Mr Weller*) — put and agreed to.

- 6 **PETITION — GLENROWAN RAIL** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.

## 7 DOCUMENTS

**CONSUMER UTILITIES ADVOCACY CENTRE LTD** — Motion made, by leave, and question — That the Consumer Utilities Advocacy Centre Ltd Report 2007–08 be tabled (*Ms Morand*) — put and agreed to.

**PARLIAMENTARY DEPARTMENTS REPORTS** — Motion made, by leave, and question — That the Reports 2007–08 of the Department of the Legislative Assembly and the Department of Parliamentary Services be tabled (*Ms Barker*) — put and agreed to.

**DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:

Auditor-General:

Cases21 — Ordered to be printed

Private Practice Arrangements in Health Services — Ordered to be printed

Working with Children Check — Ordered to be printed

Building Commission — Report 2007–08

*Crimes (Assumed Identities) Act 2004* — Report 2007–08 under s 31

East Gippsland Catchment Management Authority — Report 2007–08

*Financial Management Act 1994*:

Report from the Minister for Environment and Climate Change that he had received the Report 2007–08 of the Commissioner for Environmental Sustainability

Reports from the Minister for Planning that he had received the reports 2007–08 of the:

Architects Registration Board of Victoria

Dandenong Development Board

Heritage Council of Victoria

Glenelg Hopkins Catchment Management Authority — Report 2007–08 (two documents)

Goulburn Broken Catchment Management Authority — Report 2007–08

Growth Areas Authority — Report 2007–08

North East Catchment Management Authority — Report 2007–08

Ombudsman — *Whistleblowers Protection Act 2001*: Report of an investigation into issues at Bayside Health — Ordered to be printed

Phillip Island Nature Park Board of Management — Report 2007–08

Plumbing Industry Commission — Report 2007–08

Port of Hastings Corporation — Report 2007–08

Primary Industries, Department of — Report 2007–08 (two documents)

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 documents)

Victims of Crime Assistance Tribunal — Report 2007–08

Victoria Grants Commission — Report year ended 31 August 2008

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, Office of — Report 2007–08 — Ordered to be printed

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 documents).

8 **STATEMENTS BY MEMBERS** — Statements by members were made.

9 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE — PLANNING FOR VICTORIA'S FUTURE** — The House was informed that Mr Wells had proposed that a definite matter of public importance be submitted to the House for discussion, namely —

'That this House condemns the Labor Government for its failure to plan for Victoria's future particularly in relation to economic management, manufacturing, health services, policing and infrastructure.'

Mr Wells addressed the House — Discussion followed.

10 **STATEMENTS ON PARLIAMENTARY COMMITTEE REPORTS** — Statements were made on the following Committee Reports:

Public Accounts and Estimates Committee's Report on the 2008–09 Budget Estimates — Part Three

Public Accounts and Estimates Committee's Report 2007–08

Outer Suburban/Interface Services and Development Committee's Report on the Inquiry into Local Economic Development in Outer Suburban Melbourne.

11 **POSTPONEMENT OF ORDER OF THE DAY** — Ordered — That the consideration of Government Business, Order of the Day, No 1 be postponed until later this day.

12 **PROFESSIONAL STANDARDS AND LEGAL PROFESSION ACTS AMENDMENT BILL 2008** — *Mr Hulls tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).

Motion made and question — That the debate be now adjourned (*Mr Clark*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 12 November 2008.

*Business having been interrupted at 2.00 pm under standing orders.*

13 **QUESTIONS** — (Under SO 55).

14 **PUBLIC ADMINISTRATION AMENDMENT BILL 2008** — *Mr Brumby tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Brumby*).

Motion made and question — That the debate be now adjourned (*Mr Baillieu*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 12 November 2008.

15 **HEALTH SERVICES LEGISLATION AMENDMENT BILL 2008** — *Mr Andrews tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Andrews*).

Motion made and question — That the debate be now adjourned (*Mr Mulder*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 12 November 2008.

16 **STATE TAXATION ACTS FURTHER AMENDMENT BILL 2008** — *Mr Holding tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Holding*).

Motion made and question — That the debate be now adjourned (*Mr Wells*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 12 November 2008.

17 **DANGEROUS GOODS AMENDMENT (TRANSPORT) BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Bill read a second time and, by leave, immediately read a third time.

Bill sent to the Legislative Council and their agreement requested.

18 **ASBESTOS DISEASES COMPENSATION BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Mr Crisp*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

19 **RACING AND GAMBLING LEGISLATION AMENDMENT BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Mr Northe*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 20 **POSTPONEMENT OF ORDER OF THE DAY** — Ordered — That the consideration of Government Business, Order of the Day, No 8 be postponed until later this day.

- 21 **GAMBLING LEGISLATION AMENDMENT (RESPONSIBLE GAMBLING AND OTHER MEASURES) BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time.

Under standing orders, Mr Pallas announced an amendment to be proposed when the House considers the Bill in detail and requested that it be circulated. Amendment circulated.

Debate resumed on question — That this Bill be now read a second time.

Motion made and question — That the debate be now adjourned (*Mr Weller*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 22 **EDUCATION AND TRAINING REFORM FURTHER AMENDMENT BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Bill read a second time and, by leave, immediately read a third time.

Bill sent to the Legislative Council and their agreement requested.

- 23 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Medical Research Institutes Repeal Bill 2008 without amendment.

- 24 **RACING AND GAMBLING LEGISLATION AMENDMENT BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Bill read a second time and, by leave, immediately read a third time.

Bill sent to the Legislative Council and their agreement requested.

- 25 **STALKING INTERVENTION ORDERS BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 10.00 pm under standing orders.*

Motion made and question — That the sitting be continued (*Mr Cameron*) — put and agreed to.

Debate continued on question — That this Bill be now read a second time.

Motion made and question — That the debate be now adjourned (*Mr Cameron*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 26 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Cameron*) — put and agreed to.

27 **ADJOURNMENT** — The Acting Speaker left the Chair, after debate, at 10.37 pm.

R W PURDEY  
Clerk of the Legislative Assembly

JENNY LINDELL  
Speaker

## No 96 — Thursday 30 October 2008

1 The Speaker took the Chair and read the Prayer.

2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

**Funding for Catholic Schools** — Requesting that the House — (a) guarantees funding for Catholic schools at 25 per cent of the average cost of educating a child in the State school system; and (b) provides equal funding for children with disabilities who attend a Catholic school, bearing 276 signatures (*Mr Smith, Bass*)

**Green Wedges in Northern Melbourne** — Requesting that the House — (a) opposes the construction of a freeway through Nillumbik and Manningham green wedges to Eastlink; (b) delivers public transport improvements including rail and bus services; and (c) investigates the economic and environmental viability of the construction of a freeway link between the Greensborough bypass and the Eastern freeway, bearing 549 signatures (*Mr Herbert*)

**East West Link Needs Assessment** — Requesting that the Government considers funding and updating the public transport system and reconsiders recommendations four and five in the East West Link Needs Assessment, bearing 844 signatures (*Ms Thomson, Footscray*)

**City of Brimbank** — Requesting the Minister for Local Government immediately intervenes to dissolve the Council of the City of Brimbank and appoint a Commissioner to govern, bearing 152 signatures (*Mr Seitz*)

**Careful Cobber Program** — Requesting that the House calls upon the Government to reinstate funding for the Careful Cobber Program at the Driver Education Centre Australia, Shepparton, bearing 411 signatures (*Mrs Powell*).

Petitions ordered to be tabled.

3 **PETITION — FUNDING FOR CATHOLIC SCHOOLS** — Motion made and question — That the petition presented by the Member for Bass be taken into consideration tomorrow (*Mr Smith, Bass*) — put and agreed to.

4 **PETITION — CAREFUL COBBER PROGRAM** — Motion made and question — That the petition presented by the Member for Shepparton be taken into consideration tomorrow (*Mr Delahunty*) — put and agreed to.

5 **DOCUMENTS**

**OFFICE OF THE PUBLIC ADVOCATE** — Motion made, by leave, and question — That the Report 2007–08 of the Office of the Public Advocate be tabled (*Mr Batchelor*) — put and agreed to.

**VICTORIAN FIREFIGHTERS** — Motion made, by leave, and question — That the Report on the Processes to Select New Personal Protective Clothing for Victorian Firefighters, together with the letter of Judge Lewis to the Minister for Police and Emergency Services dated 28 February 2008, the notes of Judge Lewis titled 'Key Points for discussion with the Minister', and the letter dated 22 October 2008 from the Department of Justice to the Minister, be tabled (*Mr Batchelor*) — put and agreed to.

**VICTORIAN COMPETITION AND EFFICIENCY COMMISSION** — Motion made, by leave, and question — That the Report 2007–08 of the Victorian Competition and Efficiency Commission be tabled (*Mr Batchelor*) — put and agreed to.

### **DOCUMENT BY COMMAND OF THE GOVERNOR**

Mr Hulls presented by Command of the Governor:

Council of Magistrates — Report 2007–08

Ordered to be tabled.

**DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:

Accident Compensation Conciliation Service — Report 2007–08

Adult, Community and Further Education Board — Report 2007–08

Adult Parole Board — Report 2007–08

Alexandra District Hospital — Report 2007–08 (two documents)

Alpine Health — Report 2007–08

Altona Memorial Park, Trustees of — Report 2007–08

Ambulance Service Victoria — Metropolitan Region — Report 2007–08

Austin Health — Report 2007–08 (two documents)

Australian Grand Prix Corporation — Report 2007–08

Bairnsdale Regional Health Service — Report 2007–08 (two documents)

Ballarat Health Services — Report 2007–08

Barwon Health — Report 2007–08

Barwon Region Water Corporation — Report 2007–08

Bass Coast Regional Health — Report 2007–08 (two documents)

Bayside Health — Report 2007–08

Beaufort and Skipton Health Service — Report 2007–08 (two documents)

Beechworth Health Service — Report 2007–08 (two documents)

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- Benalla and District Memorial Hospital — Report 2007–08 (two documents)
- Bendigo Health Care Group — Report 2007–08
- Boort District Hospital — Report 2007–08 (two documents)
- Casterton Memorial Hospital — Report 2007–08
- Central Gippsland Health Service — Report 2007–08 (two documents)
- Central Gippsland Region Water Corporation — Report 2007–08
- Central Highlands Region Water Corporation — Report 2007–08
- Cheltenham and Regional Cemeteries Trust — Report 2007–08
- Child Safety Commissioner — Report 2007–08
- City West Water Ltd — Report 2007–08
- Cobram District Hospital — Report 2007–08 (two documents)
- Cohuna District Hospital — Report 2007–08
- Colac Area Health — Report 2007–08
- Coliban Region Water Corporation — Report 2007–08 (two documents)
- Commissioner for Law Enforcement Data Security, Office of — Report 2007–08
- Community Visitors — Report 2007–08 under the *Mental Health Act 1986*, *Health Services Act 1988* and *Disability Act 2006* — Ordered to be printed
- Confiscation Act 1997* — Asset Confiscation Operations Report 2007–08
- Consumer Affairs Victoria — Report 2007–08 — Ordered to be printed
- Corangamite Catchment Management Authority — Report 2007–08
- Country Fire Authority — Report 2007–08
- Dental Health Services Victoria — Report 2007–08
- Djerriwarrh Health Services — Report 2007–08 (two documents)
- 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 (two documents)

Edenhope and District Memorial Hospital — Report 2007–08

Education and Early Childhood Development, Department of — 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

Fed Square Pty Ltd — Report 2007–08

*Financial Management Act 1994:*

Report from the Minister for Community Services that she had received the Report 2007–08 of the Disability Services Commissioner

Report from the Minister for Environment and Climate Change that he had received the Report 2007–08 of the Surveyors Registration Board of Victoria

Reports from the Minister for Health that he had received the reports 2007–08 of the:

Alexandra District Ambulance Service

Bendigo Cemeteries Trust

Chinese Medicine Registration Board of Victoria

Dental Practice Board of Victoria

Geelong Cemeteries Trust

Health Purchasing Victoria

Infertility Treatment Authority

Maldon Hospital

Managatang and District Hospital

Medical Radiation Practitioners Board of Victoria

Mildura Cemetery Trust

Omeo District Health

Optometrists Registration Board of Victoria

Osteopaths Registration Board of Victoria

Pharmacy Board of Victoria

Physiotherapists Registration Board of Victoria

Podiatrists Registration Board of Victoria

Templestowe Cemetery Trust

Wyndham Cemeteries Trust

Report from the Minister for Water that he had received the Report 2007–08 of the Northern Victoria Irrigation Renewal Project

Reports from the Minister for Veterans' Affairs that he had received the reports 2007–08 of the:

Shrine of Remembrance Trustees

Victorian Veterans Council

Gippsland and Southern Rural Water Corporation — Report 2007–08

Gippsland Southern Health Service — Report 2007–08 (two documents)

Goulburn-Murray Rural Water Corporation — Report 2007–08

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Goulburn Valley Health — Report 2007–08

Goulburn Valley Region Water Corporation — Report 2007–08

Grampians Wimmera Mallee Water Corporation — Report 2007–08 (two documents)

Health Services Commissioner, Office of — Report 2007–08

Hepburn Health Service — Report 2007–08

Hesse Rural Health Service — Report 2007–08

Heywood Rural Health — Report 2007–08

Human Services, Department of — Report 2007–08

Inglewood and Districts Health Service — Report 2007–08

Innovation, Industry and Regional Development, Department of — Report 2007–08

Judicial College of Victoria — Report 2007–08

Justice, Department of — Report 2007–08

Keilor Cemetery Trust — Report 2007–08

Kerang District Health — Report 2007–08

Kilmore and District Hospital — Report 2007–08

Kooweerup Regional Health Service — Report 2007–08 (two documents)

Kyabram and District Health Service — Report 2007–08

Kyneton District Health Service — Report 2007–08

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 — Ordered to be printed

Lorne Community Hospital — Report 2007–08

Lower Murray Urban and Rural Water Corporation — Report 2007–08

McIvor Health and Community Services — Report 2007–08

Mallee Catchment Management Authority — Report 2007–08

Mallee Track Health and Community Services — Report 2007–08 (two documents)

Mansfield District Hospital — Report 2007–08 (two documents)

Maryborough District Health Service — Report 2007–08 (two documents)

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- 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 as at 30 September 2008 — Ordered to be printed
- Metropolitan Fire and Emergency Services Board — Report 2007–08
- Metropolitan Waste Management Group — Report 2007–08
- Moyne Health Services — Report 2007–08
- Mt Alexander Hospital — Report 2007–08 (two documents)
- Nathalia District Hospital — Report 2007–08 (two documents)
- Necropolis Springvale, Trustees of — Report 2007–08
- North Central Catchment Management Authority — Report 2007–08 (two documents)
- North East Region Water Corporation — Report 2007–08
- Northeast Health Wangaratta — Report 2007–08
- Northern Health — Report 2007–08 (two documents)
- Numurkah District Health Service — Report 2007–08
- Nurses Board of Victoria — Report 2007–08
- Orbost Regional Health — Report 2007–08
- Otway Health and Community Services — Report 2007–08
- Parks Victoria — Report 2007–08 (two documents)
- Parliamentary Contributory Superannuation Fund — Report 2007–08
- Peninsula Health — Report 2007–08 (two documents)
- Peter MacCallum Cancer Centre — Report 2007–08
- Planning and Community Development, Department of — Report 2007–08
- Police Appeals Board — Report 2007–08
- Police Integrity, Office of — The Victorian Armed Offenders Squad — a case study — Ordered to be printed
- Port of Melbourne Corporation — Report 2007–08
- Port Phillip and Westernport Catchment Management Authority — Report 2007–08

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Portland District Health — Report 2007–08 (two documents)

Premier and Cabinet, Department of — Report 2007–08

Preston Cemetery Trust — Report 2007–08

Prince Henry's Institute of Medical Research — Report 2007–08 (two documents)

Public Prosecutions — Director, Committee and Office Report 2007–08

Public Transport Ticketing Body — Report 2007–08

Queen Elizabeth Centre — Report 2007–08 (two documents)

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

Rochester and Elmore District Health Service — Report 2007–08

Rolling Stock Holdings (Victoria) Pty Ltd — Report 2007–08

Rolling Stock Holdings (Victoria-VL) Pty Ltd — Report 2007–08

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

Royal Botanic Gardens Board — Report 2007–08

Royal Children's Hospital — Report 2007–08

Royal Victorian Eye and Ear Hospital — Report 2007–08

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

South East Water Ltd — Report 2007–08

South Gippsland Hospital — Report 2007–08

South Gippsland Region Water Corporation — Report 2007–08

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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, Office of — Report 2007–08

St Vincent's — Report 2007–08 (four documents)

State Electricity Commission of Victoria — Report 2007–08

State Services Authority — Report 2007–08

State Sport Centres Trust — Report 2007–08

State Trustees Ltd — Report 2007–08

Stawell Regional Health — Report 2007–08

*Surveillance Devices Act 1999* — Report 2007–08 under s 30L

Sustainability and Environment, Department of — Report 2007–08

Swan Hill District Hospital — Report 2007–08

Tallangatta Health Service — Report 2007–08 (two documents)

Terang and Mortlake Health Service — Report 2007–08

Timboon and District Healthcare Service — Report 2007–08 (two documents)

Tourism Victoria — Report 2007–08

Transport Accident Commission — Report 2007–08

Transport, Department of — Report 2007–08

Treasury and Finance, Department of — Report 2007–08

Treasury Corporation of Victoria — Report 2007–08

Tweddle Child and Family Health Service — Report 2007–08 (two documents)

Upper Murray Health and Community Services — Report 2007–08 (two documents)

VicForests — Report 2007–08

Victoria Law Foundation — Report 2007–08

Victoria Legal Aid — Report 2007–08

Victoria Police — Chief Commissioner, Office of — Report 2007–08

Victoria State Emergency Service Authority — Report 2007–08

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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 — Ordered to be printed

Victorian Funds Management Corporation — Report 2007–08

Victorian Government Purchasing Board — Report 2007–08

Victorian Health Promotion Foundation — Report 2007–08 (two documents)

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 documents)

Victorian Institute of Teaching — Report 2007–08

Victorian Managed Insurance Authority — Report 2007–08

Victorian Rail Heritage Operations Pty Ltd — Report 2007–08

Victorian Rail Track — Report 2007–08

Victorian Skills Commission — Report 2007–08

Victorian Small Business Commissioner, Office of — Report 2007–08

Victorian WorkCover Authority — Report 2007–08

VITS LanguageLink — Report 2007–08

V/Line Passenger Corporation — Report 2007–08

V/Line Passenger Pty Ltd — Report 2007–08

Wannon Region Water Corporation — Report 2007–08

*Water Industry Act 1994* — Reports under s 77A (three documents)

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 documents)

Western Region Water Corporation — Report 2007–08

Westernport Region Water Corporation — Report 2007–08 (two documents)

Wimmera Catchment Management Authority — Report 2007–08

Wimmera Health Care Group — Report 2007–08

Wodonga Regional Health Service — Report 2007–08

Workplace Rights Advocate, Office of — Report 2007–08

Yarra Bend Park Trust — Report 2007–08

Yarra Valley Water Ltd — Report 2007–08 (three documents)

Yarram and District Health Service — Report 2007–08 (two documents)

Yarrawonga District Health Service — Report 2007–08 (two documents)

Yea and District Memorial Hospital — Report 2007–08

Young Farmers' Finance Council — Report 2007–08

Youth Parole Board and Youth Residential Board — Report 2007–08

Zoological Parks and Gardens Board — Report 2007–08 (three documents).

6 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Greenhouse Gas Geological Sequestration Bill 2008 without amendment.

7 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourns until Tuesday 11 November 2008 (*Mr Batchelor*) — put and agreed to.

8 **STATEMENTS BY MEMBERS** — Statements by members were made.

9 **ASBESTOS DISEASES COMPENSATION BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Bill read a second time and, by leave, immediately read a third time.

Bill sent to the Legislative Council and their agreement requested.

10 **GAMBLING LEGISLATION AMENDMENT (RESPONSIBLE GAMBLING AND OTHER MEASURES) BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 2.00 pm under standing orders.*

11 **QUESTIONS** — (Under SO 55).

12 **GAMBLING LEGISLATION AMENDMENT (RESPONSIBLE GAMBLING AND OTHER MEASURES) BILL 2008** — Debate continued on question — That this Bill be now read a second time.

Motion made and question — That the debate be now adjourned (*Mr Lupton*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 13 **STALKING INTERVENTION ORDERS BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Allocation of time — The Deputy Speaker advised that the time allocated for consideration of bills under the resolution of the House on Tuesday 28 October 2008 had expired.*

Question — That this Bill be now read a second time — put and agreed to.

Bill read a third with the concurrence of an absolute majority of the whole number of the members of the Legislative Assembly.

Bill sent to the Legislative Council and their agreement requested.

- 14 **GAMBLING LEGISLATION AMENDMENT (RESPONSIBLE GAMBLING AND OTHER MEASURES) BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time, the Government amendment be agreed to and the Bill be now read a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 15 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Cameron*) — put and agreed to.

- 16 **ADJOURNMENT** — The Deputy Speaker left the Chair, after debate, at 4.35 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JENNY LINDELL  
*Speaker*

## LEGISLATIVE ASSEMBLY OF VICTORIA

### VOTES AND PROCEEDINGS Nos 97, 98 and 99

#### No 97 — Tuesday 11 November 2008

- 1 The House met according to the adjournment — The Speaker took the Chair and read the Prayer.
- 2 **QUESTIONS** — (Under SO 55).
- 3 **MAJOR CRIME LEGISLATION AMENDMENT BILL 2008** — Mr Hulls obtained leave to bring in 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, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 4 **RELATIONSHIPS AMENDMENT (CARING RELATIONSHIPS) BILL 2008** — Mr Hulls obtained leave to bring in 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 the Bill was read a first time and ordered to be read a second time tomorrow.
- 5 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:
  - Upgrade of Health Services for Bass Coast Region** — Requesting that the House asks the Government to support funding for the upgrade of health services in the Bass Coast region, bearing 196 signatures (*Mr Smith, Bass*)
  - Closure of Essendon Airport** — Requesting that the House calls upon the Government to abandon its plan to close Essendon airport, bearing 268 signatures (*Mr Ryan*)
  - Proposed High Voltage Line from Tynong to Wonthaggi** — Requesting that the House calls upon the Government to abandon the proposed high voltage line from Tynong to Wonthaggi, bearing 329 signatures (*Mr Ryan*)
  - Walpeup, Rainbow and Stawell DPI Facilities** — Requesting that the House rejects the Victorian Department of Primary Industries (DPI) restructure and calls on the Government to keep the Walpeup Research Station and offices at Rainbow and Stawell as fully funded and functional DPI facilities, bearing 9 signatures (*Mr Delahunty*)
  - Noxious Weed Control** — Requesting that the House calls upon the Government to — (a) clarify responsibility for the control of noxious weeds; and (b) increase funding levels to implement appropriate eradication programs and to include Paterson's Curse, bearing 379 signatures (*Mr Jasper*)
  - Traffic Fines in Cheltenham** — Requesting that the House calls upon the Government to conduct an investigation into the amber light operation at the intersection of the Nepean Highway and Bay Road, Cheltenham and — (a) turn off the camera; (b) refund fines collected from Victorian motorists; and (c) revoke demerit points registered, bearing 634 signatures (*Mr Thompson, Sandringham*)
  - Closure of Charlton Depot and Walpeup Research Station** — Requesting that the House rejects the Victorian Department of Primary Industries (DPI) restructure and the closure of the Charlton

depot and calls on the Government to keep the Walpeup Research Station as a fully funded and functional DPI facility, bearing 4 signatures (*Mr Walsh*)

**Walpeup Research Station** — Requesting that the House rejects the Victorian Department of Primary Industries (DPI) restructure and calls on the Government to keep the Walpeup Research Station as a fully funded and functional DPI facility, bearing 19 signatures (*Mr Walsh*)

**Retirement Village Rate Calculations** — Requesting that the Government works collaboratively with residents of Retirement Villages Victoria Incorporated and the Retirement Village Association to instigate a fairer method of rate calculation for residents of retirement villages, bearing 105 signatures (*Mr Smith, Warrandyte*).

Petitions ordered to be tabled.

6 **PETITION — TRAFFIC FINES IN CHELTENHAM** — Motion made and question — That the petition presented by the Member for Sandringham be taken into consideration tomorrow (*Mr Thompson, Sandringham*) — put and agreed to.

7 **PETITION — UPGRADE OF HEALTH SERVICES FOR BASS COAST REGION** — Motion made and question — That the petition presented by the Member for Bass be taken into consideration tomorrow (*Mr Smith, Bass*) — put and agreed to.

8 **PETITION — NOXIOUS WEED CONTROL** — Motion made and question — That the petition presented by the Member for Murray Valley be taken into consideration tomorrow (*Mr Jasper*) — put and agreed to.

9 **PETITION — RETIREMENT VILLAGE RATE CALCULATIONS** — Motion made and question — That the petition presented by the Member for Warrandyte be taken into consideration tomorrow (*Mr Smith, Warrandyte*) — put and agreed to.

## 10 DOCUMENTS

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — Mr Carli, Chair, presented a report from the Scrutiny of Acts and Regulations Committee being the Alert Digest No 14 of 2008 on the:

Assisted Reproductive Treatment Bill 2008  
 Prohibition of Human Cloning for Reproduction Bill 2008  
 Research Involving Human Embryos Bill 2008  
 Building Amendment Bill 2008  
 Crimes Legislation Amendment (Food and Drink Spiking) Bill 2008  
 Health Services Legislation Amendment Bill 2008  
 Local Government Amendment (Councillor Conduct and Other Matters) Bill 2008  
 Multicultural Victoria Amendment Bill 2008  
 Police Regulation Amendment Bill 2008  
 Professional Standards and Legal Profession Acts Amendment Bill 2008  
 Prostitution Control and Other Matters Amendment Bill 2008  
 Public Administration Amendment Bill 2008  
 State Taxation Acts Further Amendment Bill 2008

together with an extract from the proceedings, appendices and a minority report.

Ordered to be tabled and printed.

**DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:

Australian Centre for the Moving Image — Report 2007–08

Calvary Health Care Bethlehem Ltd — Report 2007–08 (two documents)

*Crown Land (Reserves) Act 1978* — Order under s 17D granting a lease over Chiltern Public Park Reserve

Film Victoria — Report 2007–08

*Financial Management Act 1994*:

Reports from the Minister for Environment and Climate Change that he had received the reports 2007–08 of the:

Barwon Regional Waste Management Group

Calder Regional Waste Management Group

Central Murray Regional Waste Management Group

Desert Fringe Regional Waste Management Group

Gippsland Regional Waste Management Group

Goulburn Valley Regional Waste Management Group

Grampians Regional Waste Management Group

Highlands Regional Waste Management Group

Mildura Regional Waste Management Group

Mornington Peninsula Regional Waste Management Group

North East Regional Waste Management Group

South Western Regional Waste Management Group

Report from the Minister for Finance and the Transport Accident Commission that he had received the Report 2007–08 of VicFleet Pty Ltd

Reports from the Minister for Health that he had received the reports 2007–08 of the:

Anderson's Creek Cemetery Trust

Ballaarat General Cemeteries Trust

Mental Health Review Board incorporating the Psychosurgery Review Board

Report from the Minister for Skills and Workforce Participation that she had received the Report 2007 of the International Fibre Centre

Food Safety Council — Report 2007–08

Geelong Performing Arts Centre Trust — Report 2007–08

Library Board of Victoria — Report 2007–08

Lilydale Cemeteries Trust — Report 2007–08

Melbourne Recital Centre Ltd — Report 2007–08

Mercy Public Hospitals Inc and O'Connell Family Centre (Grey Sisters) Inc — Report 2007–08 (two documents)

Museums Board of Victoria — Report 2007–08 (two documents)

National Gallery of Victoria, Council of Trustees — Report 2007–08

*Parliamentary Committees Act 2003* — Government response to the Public Accounts and Estimates Committee's Report on the 2006–07 Financial Performance Outcomes

*Planning and Environment Act 1987* — Notices of approval of amendments to the following Planning Schemes:

Boroondara — C74  
 Brimbank — C103, C106 Part 1, C114  
 Darebin — C61  
 Greater Bendigo — C94, C107  
 Greater Geelong — C140  
 Greater Shepparton — C95  
 Hume — C101  
 Kingston — C101  
 Manningham — C75  
 Maribyrnong — C76  
 Maroondah — C64  
 Mildura — C38  
 Moonee Valley — C92  
 Moreland — C50  
 Mornington Peninsula — C96  
 Strathbogie — C36  
 Whittlesea — C20  
 Wyndham — C99

Statutory Rules under the following Acts:

*Building Act 1993* — SR 126  
*Crimes (Controlled Operations) Act 2004* — SR 127  
*Estate Agents Act 1980* — SR 128  
*Road Safety Act 1986* — SR 131  
*Subordinate Legislation Act 1994* — SR 124  
*Tobacco Act 1987* — SR 129  
*Transport Act 1983* — SR 130  
*Victorian Plantations Corporation Act 1993* — SR 125

*Subordinate Legislation Act 1994* — Ministers' exemption certificates in relation to Statutory Rules 125, 128, 130, 131

Victorian Arts Centre Trust — Report 2007–08 (two documents)

Victorian Coastal Council — Report 2007–08

*Water Act 1989* — Upper Ovens River Water Supply Protection Area Declaration Order 2008.

The following proclamations fixing operative dates were tabled by the Clerk in accordance with an order of the House dated 19 December 2006:

*Consumer Credit (Victoria) and Other Acts Amendment Act 2008* — Parts 5 and 6 — 31 October 2008 (*Gazette G44, 30 October 2008*)  
*Crimes (Controlled Operations) Act 2004* — Whole Act except s 52 — 2 November 2008 (*Gazette G44, 30 October 2008*)  
*Crimes (Controlled Operations) Amendment Act 2008* — Part 2 — 30 October 2008 (*Gazette G44, 30 October 2008*)  
*Major Crime Legislation (Office of Police Integrity) Act 2004* — Part 8 — 30 October 2008 (*Gazette G44, 30 October 2008*)  
*National Parks and Crown Land (Reserves) Acts Amendment Act 2008* — Remaining provisions — 9 November 2008 (*Gazette G45, 6 November 2008*).

- 11 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Courts Legislation Amendment (Costs Court and Other Matters) Bill 2008 with an amendment.

Ordered — That the amendment be taken into consideration later this day.

- 12 **MESSAGE FROM THE GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that he had, on 5 November 2008, given the royal assent to the following bills, presented to him by the Clerk of the Legislative Council for and in the absence of the Clerk of the Parliaments:

Greenhouse Gas Geological Sequestration Bill 2008  
Labour and Industry (Repeal) Bill 2008  
Medical Research Institutes Repeal Bill 2008.

- 13 **MESSAGES FROM THE GOVERNOR** — Recommending appropriations for the purposes of the following bills:

Health Services Legislation Amendment Bill 2008  
Public Administration Amendment Bill 2008  
Multicultural Victoria Amendment Bill 2008  
State Taxation Acts Further Amendment Bill 2008.

- 14 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, under SO 94(2), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 13 November 2008:

Coroners Bill 2008  
Liquor Control Reform Amendment Bill 2008  
Local Government Amendment (Councillor Conduct and Other Matters) Bill 2008 — Amendment of the Legislative Council  
Multicultural Victoria Amendment Bill 2008  
Primary Industries Legislation Amendment Bill 2008  
Professional Standards and Legal Profession Acts Amendment Bill 2008  
Prostitution Control and Other Matters Amendment Bill 2008  
Public Administration Amendment Bill 2008  
State Taxation Acts Further Amendment Bill 2008

(*Mr Batchelor*) — after debate, put.

The House divided (the Speaker, Ms Lindell, in the Chair) —

AYES 50

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beattie; Mr Brooks; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Mr Eren; Mr Foley; Ms Graley; Ms Green; Dr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Ms Kairouz; Ms Kosky; Mr Langdon; Mr Lim; Ms Lobato; Mr Lupton; Mrs Maddigan; Ms Marshall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Noonan; Ms Overington; Mr Pallas; Mr Perera; Ms Pike; Ms Richardson; Mr Robinson; Mr Scott; Mr Seitz; Mr Stensholt; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

NOES 33

Ms Asher; Mr Baillieu; Mr Blackwood; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Hodgett; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Morris; Mr Mulder; Dr Napthine; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith (*Bass*); Mr Smith (*Warrandyte*); Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Weller; Mr Wells; Ms Wooldridge.

Question agreed to.

- 15 **STATEMENTS BY MEMBERS** — Statements by members were made.
- 16 **CORONERS BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.
- Motion made and question — That the debate be now adjourned (*Mr Pallas*) — put and agreed to.
- Ordered — That the debate be adjourned until later this day.
- 17 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Health Professions Registration Amendment Bill 2008 without amendment.
- 18 **MULTICULTURAL VICTORIA AMENDMENT BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.
- Motion made and question — That the debate be now adjourned (*Mr Northe*) — put and agreed to.
- Ordered — That the debate be adjourned until later this day.
- 19 **PRIMARY INDUSTRIES LEGISLATION AMENDMENT BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time.
- Under standing orders, Mr Walsh announced amendments to be proposed when the House considers the Bill in detail and requested that they be circulated. Amendments circulated.
- Debate resumed on question — That this Bill be now read a second time.
- Motion made and question — That the debate be now adjourned (*Mr Cameron*) — put and agreed to.
- Ordered — That the debate be adjourned until later this day.
- 20 **LOCAL GOVERNMENT AMENDMENT (COUNCILLOR CONDUCT AND OTHER MATTERS) BILL 2008** — Order read for the consideration of the amendment made by the Legislative Council.
- Motion made and question — That the amendment be agreed to (*Mr Wynne*) — and, after debate —
- Business having been interrupted at 10.00 pm under standing orders.*
- Motion made and question — That the sitting be continued (*Mr Wynne*) — put and agreed to.
- Debate continued on question — That the amendment be agreed to — put and agreed to.
- Message sent to the Legislative Council informing them accordingly.
- 21 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Wynne*) — put and agreed to.
- 22 **ADJOURNMENT** — The Deputy Speaker left the Chair, after debate, at 10.46 pm.

## No 98 — Wednesday 12 November 2008

1 The Speaker took the Chair and read the Prayer.

2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

**Crime in Boronia** — Requesting that the House resolves that the Minister for Police and Emergency Services undertakes an immediate review of police numbers at Boronia Police Station with a view to increasing numbers, bearing 471 and 533 signatures (*Mrs Victoria and Mr Wakeling respectively*)

**Bus Services from Chelsea to Nunawading** — Requesting that the House considers retaining the current bus services from Chelsea to Nunawading, bearing 11 signatures (*Mr Clark*)

**Chelsea SMARTBUS Service** — Requesting that the House and the Minister for Public Transport abandon plans to remove or replace the bus stop at the corner of Station Street and Springvale Road in Nunawading on the Nunawading to Chelsea SMARTBUS service, bearing 69 signatures (*Mr Clark*)

**Traffic Lights in Clayton** — Requesting that the House installs a set of traffic lights at the corner of Knight Street and Centre Road in Clayton across both roads, bearing 525 signatures (*Mr Lim*).

Petitions ordered to be tabled.

3 **PETITION — CRIME IN BORONIA** — Motion made and question — That the petition presented by the Member for Bayswater be taken into consideration tomorrow (*Mrs Victoria*) — put and agreed to.

4 **PETITION — CRIME IN BORONIA** — Motion made and question — That the petition presented by the Member for Ferntree Gully be taken into consideration tomorrow (*Mr Wakeling*) — put and agreed to.

5 **PETITION — TRAFFIC LIGHTS IN CLAYTON** — Motion made and question — That the petition presented by the Member for Clayton be taken into consideration tomorrow (*Mr Lim*) — put and agreed to.

6 **DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:

Auditor-General:

Biosecurity Incidents: Planning and Risk Management for Livestock Diseases — Ordered to be printed

Managing Acute Patient Flows — Ordered to be printed

School Buildings: Planning, Maintenance and Renewal — Ordered to be printed

Victorian Industry Participation Policy — Report 2007–08.

7 **STATEMENTS BY MEMBERS** — Statements by members were made.

8 **GRIEVANCES** — Question — That grievances be noted — put, after debate, and agreed to.

9 **STATEMENTS ON PARLIAMENTARY COMMITTEE REPORTS** — Statements were made on the following Committee Reports:

Public Accounts and Estimates Committee's Report 2007–08

Public Accounts and Estimates Committee's Report on the 2008–09 Budget Estimates — Part Three

Economic Development and Infrastructure Committee's Report on the Inquiry into Mandatory Ethanol and Biofuels Targets in Victoria

Rural and Regional Committee's Report on the Inquiry into Rural and Regional Tourism

Environment and Natural Resources Committee's Report on the Impact of Public Land Management Practices on Bushfires in Victoria.

- 10 **MAJOR CRIME LEGISLATION AMENDMENT BILL 2008** — *Mr Hulls tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).

Motion made and question — That the debate be now adjourned (*Mr Clark*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 26 November 2008.

- 11 **RELATIONSHIPS AMENDMENT (CARING RELATIONSHIPS) BILL 2008** — *Mr Hulls tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).

Motion made and question — That the debate be now adjourned (*Mr Clark*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 26 November 2008.

*Business having been interrupted at 2.00 pm under standing orders.*

- 12 **QUESTIONS** — (Under SO 55).

- 13 **PROFESSIONAL STANDARDS AND LEGAL PROFESSION ACTS AMENDMENT BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Bill read a second time and, by leave, immediately read a third time.

Bill sent to the Legislative Council and their agreement requested.

- 14 **PUBLIC ADMINISTRATION AMENDMENT BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Mr Weller*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 15 **STATE TAXATION ACTS FURTHER AMENDMENT BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Mr Scott*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 16 **PROSTITUTION CONTROL AND OTHER MATTERS AMENDMENT BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Mr Langdon*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 17 **LIQUOR CONTROL REFORM AMENDMENT BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Amendment proposed — That all the words after 'That' be omitted with the view of inserting in their place the words 'this House refuses to read this Bill a second time until the Government commits to implementing a comprehensive solution to tackling rising levels of alcohol-related harm, violence and disorder including — (a) the provision of substantial additional police resources; (b) the provision of improved public transport options; (c) appropriate planning and liquor licensing controls; (d) better education of licensees and their patrons; and (e) consultation with, and engagement of, affected parties including licensees, patrons, local government, resident groups and emergency services' (*Mr O'Brien*) — and, after debate —

*Business having been interrupted at 10.00 pm under standing orders.*

- 18 **ADJOURNMENT** — The Acting Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.30 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JENNY LINDELL  
*Speaker*

## No 99 — Thursday 13 November 2008

- 1 The Speaker took the Chair and read the Prayer.

- 2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

**Changes to VET Sector** — Requesting that the House considers the *Securing Jobs for your Future — Skills for Victoria* paper issued by the Minister for Skills and Workforce Participation to — (a) examine the research supporting contestability as a viable option for increasing enrolments in the Victorian Education and Training sector and to remedy a skills shortage; and (b) retain concessions and subsidies for students from disadvantaged circumstances or include a sliding scale of fees according to each person's ability to pay, bearing 32 signatures (*Mr Carli*)

**Funding for Catholic Schools** — Requesting that the House — (a) guarantees funding for Catholic schools at 25 per cent of the average cost of educating a child in the State school system; and (b) provides equal funding for children with disabilities who attend a Catholic school, bearing 234, 314, 511, 534, 1722, 98 and 26 signatures (*Mr Perera, Mr Languiller, Mrs Fyffe, Ms D'Ambrosio, Mrs Munt, Ms Barker and Mr Lupton respectively*)

**Melbourne to Mildura Passenger Train** — Requesting that the House brings forward the reinstatement of the Melbourne to Mildura passenger train service, bearing 24 signatures (*Mr Crisp*)

**Mill Park and South Morang Kangaroos** — Requesting that the House — (a) permits a further attempt to relocate the kangaroos landlocked at the Westfield and Bunnings site as a matter of priority; (b) investigates alternatives to culling and euthanasia prior to issuing permits for destruction; and (c) ensures better consideration, planning and actions by Councils and developers for the needs of wildlife in areas undergoing development, bearing 977 signatures (*Ms D'Ambrosio*)

**Pressure Point Collars** — Requesting that the House regulates for the permitted use of the pressure point collar for dogs under the supervision and/or instruction of qualified dog trainers, bearing 320 signatures (*Mr Walsh*)

**Green Wedges in Northern Melbourne** — Requesting that the House — (a) opposes the construction of a freeway through Nillumbik and Manningham green wedges to Eastlink; (b) delivers public transport improvements including rail and bus services; and (c) investigates the economic and environmental viability of the construction of a freeway link between the Greensborough bypass and the Eastern freeway, bearing 319 signatures (*Ms Green*).

Petitions ordered to be tabled.

- 3 **PETITION — FUNDING FOR CATHOLIC SCHOOLS** — Motion made and question — That the petition presented by the Member for Cranbourne be taken into consideration tomorrow (*Mr Dixon*) — put and agreed to.
- 4 **PETITION — FUNDING FOR CATHOLIC SCHOOLS** — Motion made and question — That the petition presented by the Member for Derrimut be taken into consideration tomorrow (*Mr Dixon*) — put and agreed to.
- 5 **PETITION — FUNDING FOR CATHOLIC SCHOOLS** — Motion made and question — That the petition presented by the Member for Prahran be taken into consideration tomorrow (*Mr Dixon*) — put and agreed to.
- 6 **PETITION — FUNDING FOR CATHOLIC SCHOOLS** — Motion made and question — That the petition presented by the Member for Oakleigh be taken into consideration tomorrow (*Mr Dixon*) — put and agreed to.
- 7 **PETITION — PRESSURE POINT COLLARS** — Motion made and question — That the petition presented by the Member for Swan Hill be taken into consideration tomorrow (*Mr Walsh*) — put and agreed to.
- 8 **PETITION — GREEN WEDGES IN NORTHERN MELBOURNE** — Motion made and question — That the petition presented by the Member for Yan Yean be taken into consideration tomorrow (*Ms Green*) — put and agreed to.
- 9 **PETITION — MELBOURNE TO MILDURA PASSENGER TRAIN** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Walsh*) — put and agreed to.
- 10 **PETITION — FUNDING FOR CATHOLIC SCHOOLS** — Motion made and question — That the petition presented by the Member for Evelyn be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.
- 11 **PETITION — FUNDING FOR CATHOLIC SCHOOLS** — Motion made and question — That the petition presented by the Member for Mill Park be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.

- 12 **PETITION — FUNDING FOR CATHOLIC SCHOOLS** — Motion made and question — That the petition presented by the Member for Mordialloc be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.

13 **DOCUMENTS**

**PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE** — Ms Munt presented a preliminary report from the Public Accounts and Estimates Committee on New Directions in Accountability, Inquiry into Victoria's Public Finance Practices and Legislation, together with an appendix.

Ordered to be tabled and printed.

**PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE** — Ms Munt presented a report from the Public Accounts and Estimates Committee on the Review of the Findings and Recommendations of the Auditor-General's Reports tabled July 2006 – February 2007, together with appendices, a minority report, an extract from the proceedings and transcripts of evidence.

Ordered to be tabled and the report, appendices, minority report and extract from the proceedings printed.

**DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:

Auditor-General:

Auditor-General's Report on the Annual Financial Report of the State of Victoria, 2007–08 — Ordered to be printed

Enforcement of Planning Permits — Ordered to be printed

Local Government: Results of the 2007–08 Audits — Ordered to be printed

*Financial Management Act 1994* — 2008–09 Quarterly Financial Report for the State of Victoria for the period ended 30 September 2008

*Liquor Control Reform Act 1998* — Report 2007–08 under s 148R.

- 14 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Stalking Intervention Orders Bill 2008 without amendment.

- 15 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Requesting that the Legislative Assembly grants 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.

Ordered — That the message be taken into consideration immediately.

- 16 **ATTENDANCE OF MINISTER FOR WATER BEFORE LEGISLATIVE COUNCIL LEGISLATION COMMITTEE** — Order read for the consideration of the message from the Legislative Council.

Motion made and question proposed — That this House refuses to consent to the Legislative Council's 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 (*Mr Batchelor*) — and, after debate —

Amendment proposed — That the words 'refuses to consent' be omitted with the view of inserting in their place the word 'consents' (*Mr Walsh*) — and, after debate —

Question — That the words proposed to be omitted stand part of the question — put.

The House divided (the Speaker, Ms Lindell, in the Chair) —

AYES 44

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beattie; Mr Brooks; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Mr Eren; Mr Foley; Ms Graley; Ms Green; Dr Harkness; Mr Helper; Mr Herbert; Mr Howard; Mr Hulls; Mr Ingram; Mr Langdon; Mr Lim; Ms Lobato; Mr Lupton; Mrs Maddigan; Ms Marshall; Ms Morand; Ms Munt; Ms Neville; Mr Noonan; Ms Overington; Mr Pallas; Mr Pandazopoulos; Ms Pike; Ms Richardson; Mr Robinson; Mr Scott; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

NOES 32

Ms Asher; Mr Baillieu; Mr Blackwood; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Hodgett; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Morris; Mr Mulder; Dr Napthine; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith (*Bass*); Mr Smith (*Warrandyte*); Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Weller; Mr Wells; Ms Wooldridge.

Question agreed to.

Original question — put.

The House divided (the Speaker, Ms Lindell, in the Chair) —

AYES 45

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beattie; Mr Brooks; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Mr Eren; Mr Foley; Ms Graley; Ms Green; Dr Harkness; Mr Helper; Mr Herbert; Mr Howard; Mr Hulls; Mr Ingram; Mr Langdon; Mr Languiller; Mr Lim; Ms Lobato; Mr Lupton; Mrs Maddigan; Ms Marshall; Ms Morand; Ms Munt; Ms Neville; Mr Noonan; Ms Overington; Mr Pallas; Mr Pandazopoulos; Ms Pike; Ms Richardson; Mr Robinson; Mr Scott; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

NOES 32

Ms Asher; Mr Baillieu; Mr Blackwood; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Hodgett; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Morris; Mr Mulder; Dr Napthine; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith (*Bass*); Mr Smith (*Warrandyte*); Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Weller; Mr Wells; Ms Wooldridge.

Question agreed to.

Ordered — That a message be sent to the Legislative Council informing them accordingly.

17 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourns until Tuesday 2 December 2008 (*Mr Batchelor*) — put and agreed to.

18 **STATEMENTS BY MEMBERS** — Statements by members were made.

19 **PROSTITUTION CONTROL AND OTHER MATTERS AMENDMENT BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Bill read a second time and, by leave, immediately read a third time.

Bill sent to the Legislative Council and their agreement requested.

20 **CORONERS BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Bill read a second time and, by leave, immediately read a third time.

Bill sent to the Legislative Council and their agreement requested.

- 21 **LIQUOR CONTROL REFORM AMENDMENT BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time — *and on the amendment* — That all the words after 'That' be omitted with the view of inserting in their place the words 'this House refuses to read this Bill a second time until the Government commits to implementing a comprehensive solution to tackling rising levels of alcohol-related harm, violence and disorder including — (a) the provision of substantial additional police resources; (b) the provision of improved public transport options; (c) appropriate planning and liquor licensing controls; (d) better education of licensees and their patrons; and (e) consultation with, and engagement of, affected parties including licensees, patrons, local government, resident groups and emergency services'; debate resumed.

*Business having been interrupted at 2.00 pm under standing orders.*

- 22 **QUESTIONS** — (Under SO 55).

- 23 **LIQUOR CONTROL REFORM AMENDMENT BILL 2008** — Debate resumed on question — That this Bill be now read a second time and on the amendment.

*Allocation of time — The Deputy Speaker advised that the time allocated for consideration of bills under the resolution of the House on Tuesday 11 November 2008 had expired.*

Question — That the words proposed to be omitted stand part of the question — put.

The House divided (the Speaker, Ms Lindell, in the Chair) —

AYES 51

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beattie; Mr Brooks; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Mr Eren; Mr Foley; Ms Graley; Ms Green; Dr Harkness; Mr Helper; Mr Herbert; Mr Howard; Mr Hudson; Mr Hulls; Ms Kairouz; Ms Kosky; Mr Langdon; Mr Languiller; Mr Lim; Mr Lupton; Mrs Maddigan; Ms Marshall; Mr Merlino; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Noonan; Ms Overington; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Pike; Ms Richardson; Mr Robinson; Mr Scott; Mr Seitz; Mr Stensholt; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

NOES 32

Ms Asher; Mr Baillieu; Mr Blackwood; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Hodgett; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Morris; Dr Napthine; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith (*Bass*); Mr Smith (*Warrandyte*); Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Weller; Mr Wells; Ms Wooldridge.

Question agreed to.

Question — That this Bill be now read a second time — put.

The House divided (the Speaker, Ms Lindell, in the Chair) —

AYES 51

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beattie; Mr Brooks; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Mr Eren; Mr Foley; Ms Graley; Ms Green; Dr Harkness; Mr Helper; Mr Herbert; Mr Howard; Mr Hudson; Mr Hulls; Ms Kairouz; Ms Kosky; Mr Langdon; Mr Languiller; Mr Lim; Mr Lupton; Mrs Maddigan; Ms Marshall; Mr Merlino; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Noonan; Ms Overington; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Pike; Ms Richardson; Mr Robinson; Mr Scott; Mr Seitz; Mr Stensholt; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

## NOES 33

Ms Asher; Mr Baillieu; Mr Blackwood; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Hodgett; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Morris; Mr Mulder; Dr Napthine; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith (*Bass*); Mr Smith (*Warrandyte*); Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Weller; Mr Wells; Ms Wooldridge.

Question agreed to.

Question — That this Bill be now read a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 24 **STATE TAXATION ACTS FURTHER AMENDMENT BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time and a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 25 **PUBLIC ADMINISTRATION AMENDMENT BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time and a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 26 **MULTICULTURAL VICTORIA AMENDMENT BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time and a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 27 **PRIMARY INDUSTRIES LEGISLATION AMENDMENT BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time and a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 28 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Agreeing to the following bills without amendment:

Research Involving Human Embryos Bill 2008  
 Prohibition of Human Cloning for Reproduction Bill 2008  
 Compensation and Superannuation Legislation Amendment Bill 2008  
 Dangerous Goods Amendment (Transport) Bill 2008.

- 29 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Batchelor*) — put and agreed to.

30     **ADJOURNMENT** — The Deputy Speaker left the Chair, after debate, at 4.52 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JENNY LINDELL  
*Speaker*



## LEGISLATIVE ASSEMBLY OF VICTORIA

### VOTES AND PROCEEDINGS Nos 100, 101 and 102

#### No 100 — Tuesday 2 December 2008

- 1 The House met according to the adjournment — The Speaker took the Chair and read the Prayer.
- 2 **MUMBAI TERRORIST ATTACKS** — Motion made, by leave, and question — That:
  - (1) We, the Legislative Assembly of Victoria, offer our deepest condolences to the friends and families of the victims of the Mumbai terrorist attacks, to the people of India, and to our own Indian community;
  - (2) We offer our full support to the survivors of the attacks;
  - (3) We commend the people of Mumbai for the courage they have shown in the face of this cowardly attack; and
  - (4) We commit ourselves to not allow attacks such as this to undermine Victoria's tolerant, multicultural way of life nor our strong ties that we have developed with India

(*Mr Brumby*) — put, and after Mr Baillieu had addressed the House in support of the motion, members rising in their places to signify their assent, agreed to unanimously and in silence.
- 3 **QUESTIONS** — (Under SO 55).
- 4 **CRIMINAL PROCEDURE BILL 2008** — Mr Hulls obtained leave to bring in 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, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 5 **WORKPLACE RIGHTS ADVOCATE (REPEAL) BILL 2008** — Mr Hulls obtained leave to bring in 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 the Bill was read a first time and ordered to be read a second time tomorrow.
- 6 **EQUAL OPPORTUNITY AMENDMENT (GOVERNANCE) BILL 2008** — Mr Hulls obtained leave to bring in 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 the Bill was read a first time and ordered to be read a second time tomorrow.
- 7 **RESOURCES INDUSTRY LEGISLATION AMENDMENT BILL 2008** — Mr Batchelor obtained leave to bring in 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, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.

- 8 **FAIR TRADING AND OTHER ACTS AMENDMENT BILL 2008** — Mr Robinson obtained leave to bring in 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, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 9 **LIQUOR CONTROL REFORM AMENDMENT (ENFORCEMENT) BILL 2008** — Mr Robinson obtained leave to bring in a Bill '*for an Act to amend the Liquor Control Reform Act 1998 to strengthen enforcement powers and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 10 **ASSOCIATIONS INCORPORATION AMENDMENT BILL 2008** — Mr Robinson obtained leave to bring in 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, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 11 **MELBOURNE CRICKET GROUND BILL 2008** — Mr Merlino obtained leave to bring in 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 the Bill was read a first time and ordered to be read a second time tomorrow.
- 12 **TRANSPORT LEGISLATION MISCELLANEOUS AMENDMENTS BILL 2008** — Mr Pallas obtained leave to bring in 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, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 13 **BUS SAFETY BILL 2008** — Ms Kosky obtained leave to bring in 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, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 14 **TRANSPORT LEGISLATION AMENDMENT (DRIVER AND INDUSTRY STANDARDS) BILL 2008** — Ms Kosky obtained leave to bring in a Bill '*for an Act to amend the Transport Act 1983 and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 15 **DUTIES AMENDMENT BILL 2008** — Mr Holding obtained leave to bring in a Bill '*for an Act to amend the Duties Act 2000 and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 16 **OCCUPATIONAL HEALTH AND SAFETY AMENDMENT (EMPLOYEE PROTECTION) BILL 2008** — Mr Holding obtained leave to bring in 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 the Bill was read a first time and ordered to be read a second time tomorrow.

17 **SALARIES LEGISLATION AMENDMENT (SALARY SACRIFICE) BILL 2008** — Mr Holding obtained leave to bring in 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 the Bill was read a first time and, by leave, ordered to be read a second time immediately.

18 **SALARIES LEGISLATION AMENDMENT (SALARY SACRIFICE) BILL 2008** — *Mr Holding tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Holding*).

Motion made and question — That the debate be now adjourned (*Mr Wells*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

19 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

**Funding for Catholic Schools** — Requesting that the House — (a) guarantees funding for Catholic schools at 25 per cent of the average cost of educating a child in the State school system; and (b) provides equal funding for children with disabilities who attend a Catholic school, bearing 752, 79, 163, 101, 100, 219, 1579, 127, 147, 46, 48, 7, 78, 259, 101 and 170 signatures (*Mrs Victoria, Dr Sykes, Mrs Shardey, Mr Wakeling, Dr Harkness, Mr Ryan, Mr McIntosh, Mr Hodgett, Mr O'Brien, Mr Jasper, Mr Dixon, Mr Mulder, Mr Wells, Mr Crutchfield, Mr Smith, Warrandyte and Ms Beattie respectively*)

**Melbourne–Mildura Train Line** — Requesting that the House brings forward the reinstatement of the Melbourne–Mildura passenger train service in view of concerns, including global warming, and the need to connect Mildura to both the Melbourne and the national rail networks, bearing 37 signatures (*Mr Crisp*)

**Arthur's Seat Lookout** — Requesting that the House provides for the Arthur's Seat lookout and adjoining car park by ensuring — (a) bins are emptied on a regular basis; (b) installation of secure, lockable gates into the entrance and exit of the car park; and (c) policing of the area and regular maintenance, bearing 106 signatures (*Mr Dixon*)

**Edinburgh Gardens** — Requesting that the House does not provide funds for the proposed library building in Edinburgh Gardens, bearing 498 signatures (*Mr Wynne*)

**Careful Cobber Program** — Requesting that the House calls upon the Government to reinstate funding for the Careful Cobber Program at the Driver Education Centre Australia, Shepparton, bearing 509 signatures (*Mrs Powell*).

Petitions ordered to be tabled.

20 **PETITION — FUNDING FOR CATHOLIC SCHOOLS** — Motion made and question — That the petition presented by the Member for Warrandyte be taken into consideration tomorrow (*Mr Smith, Warrandyte*) — put and agreed to.

21 **PETITION — FUNDING FOR CATHOLIC SCHOOLS** — Motion made and question — That the petition presented by the Member for Bayswater be taken into consideration tomorrow (*Mr Smith, Warrandyte*) — put and agreed to.

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- 22 **PETITION — FUNDING FOR CATHOLIC SCHOOLS** — Motion made and question — That the petition presented by the Member for Kilsyth be taken into consideration tomorrow (*Mr Hodgett*) — put and agreed to.
- 23 **PETITION — FUNDING FOR CATHOLIC SCHOOLS** — Motion made and question — That the petition presented by the Member for Scoresby be taken into consideration tomorrow (*Mr Wells*) — put and agreed to.
- 24 **PETITION — MELBOURNE–MILDURA TRAIN LINE** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.
- 25 **PETITION — CAREFUL COBBER PROGRAM** — Motion made and question — That the petition presented by the Member for Shepparton be taken into consideration tomorrow (*Mr Delahunty*) — put and agreed to.
- 26 **PETITION — FUNDING FOR CATHOLIC SCHOOLS** — Motion made and question — That the petition presented by the Member for Malvern be taken into consideration tomorrow (*Mr O'Brien*) — put and agreed to.
- 27 **PETITION — FUNDING FOR CATHOLIC SCHOOLS** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.
- 28 **PETITION — FUNDING FOR CATHOLIC SCHOOLS** — Motion made and question — That the petition presented by the Member for Gippsland South be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.
- 29 **PETITION — FUNDING FOR CATHOLIC SCHOOLS** — Motion made and question — That the petition presented by the Member for Kew be taken into consideration tomorrow (*Mr McIntosh*) — put and agreed to.
- 30 **PETITION — FUNDING FOR CATHOLIC SCHOOLS** — Motion made and question — That the petition presented by the Member for Nepean be taken into consideration tomorrow (*Mr Dixon*) — put and agreed to.
- 31 **PETITION — ARTHUR'S SEAT LOOKOUT** — Motion made and question — That the petition presented by the Member for Nepean be taken into consideration tomorrow (*Mr Dixon*) — put and agreed to.
- 32 **PETITION — FUNDING FOR CATHOLIC SCHOOLS** — Motion made and question — That the petition presented by the Member for Frankston be taken into consideration tomorrow (*Mr Dixon*) — put and agreed to.
- 33 **PETITION — FUNDING FOR CATHOLIC SCHOOLS** — Motion made and question — That the petition presented by the Member for South Barwon be taken into consideration tomorrow (*Mr Dixon*) — put and agreed to.
- 34 **PETITION — FUNDING FOR CATHOLIC SCHOOLS** — Motion made and question — That the petition presented by the Member for Yuroke be taken into consideration tomorrow (*Mr Dixon*) — put and agreed to.

35 **DOCUMENTS**

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — Mr Carli, Chair, presented a report from the Scrutiny of Acts and Regulations Committee on Redundant Corporations Laws, together with an appendix.

Ordered to be tabled and printed.

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — Mr Carli, Chair, presented a report from the Scrutiny of Acts and Regulations Committee being the Alert Digest No 15 of 2008 on the:

Assisted Reproductive Treatment Bill 2008  
 Coroners Bill 2008  
 Gambling Legislation Amendment (Responsible Gambling and Other Measures) Bill 2008  
 Local Government Amendment (Councillor Conduct and Other Matters) Bill 2008  
 Major Crime Legislation Amendment Bill 2008  
 Primary Industries Legislation Amendment Bill 2008  
 Professional Boxing and Combat Sports Amendment Bill 2007  
 Relationships Amendment (Caring Relationships) Bill 2008  
 Sheriff Bill 2008

together with appendices.

Ordered to be tabled and printed.

**DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:

*Crown Land (Reserves) Act 1978* — Order under s 17D granting a lease over Albert Park Reserve

*Financial Management Act 1994* — Report from the Minister for Health that he had received the Report 2007–08 of the Chiropractors Registration Board of Victoria together with an explanation for the delay

*Planning and Environment Act 1987* — Notices of approval of amendments to the following Planning Schemes:

Banyule — C52  
 Bass Coast — C96  
 Baw Baw — C58  
 Boroondara — C66  
 Brimbank — C81  
 Cardinia — C88, C92, C122  
 Casey — C108  
 Greater Shepparton — C78, C106, C114  
 Kingston — C73, C79, C93 Part 1, C93 Part 2  
 Knox — C57  
 Mansfield — C8  
 Moira — C34  
 Monash — C80  
 Moonee Valley — C77  
 Mornington Peninsula — C113  
 Mount Alexander — C38  
 Port Phillip — C57 Part 2  
 Stonnington — C79

Yarra — C101

Statutory Rules under the following Acts:

*Building Act 1993* — SR 136  
*Co-operatives Act 1996* — SR 133  
*Guardianship and Administration Act 1986* — SR 132  
*Magistrates' Court Act 1989* — SRs 138, 139  
*Road Safety Act 1986* — SR 137  
*Subordinate Legislation Act 1994* — SR 135  
*Transport Act 1983* — SR 134

*Subordinate Legislation Act 1994*:

Minister's exception certificate in relation to Statutory Rule 135  
 Ministers' exemption certificates in relation to Statutory Rules 134, 137  
 Minister's infringements offence consultation certificate in relation to Statutory Rule 133.

The following proclamations fixing operative dates were tabled by the Clerk in accordance with an order of the House dated 19 December 2006:

*County Court Amendment (Koori Court) Act 2008* — Whole Act other than s 10 — 18 November 2008 (*Gazette S307, 18 November 2008*)  
*Courts Legislation Amendment (Juries and Other Matters) Act 2008* — Part 4 — 1 December 2008 (*Gazette G48, 27 November 2008*)  
*Local Government Amendment (Councillor Conduct and Other Matters) Act 2008* — Part 4 — 2 December 2008 (*Gazette G48, 27 November 2008*).

36 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Agreeing to the following bills without amendment:

Asbestos Diseases Compensation Bill 2008  
 Education and Training Reform Further Amendment Bill 2008  
 Gambling Legislation Amendment (Responsible Gambling and Other Measures) Bill 2008  
 Professional Standards and Legal Profession Acts Amendment Bill 2008  
 Racing and Gambling Legislation Amendment Bill 2008.

37 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Water (Commonwealth Powers) Bill 2008 with an amendment.

Ordered — That the amendment be taken into consideration later this day.

38 **MESSAGES FROM THE GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that he had given the royal assent to the following bills, presented to him by the Clerk of the Parliaments:

On 14 November 2008  
 Health Professions Registration Amendment Bill 2008

On 18 November 2008  
 Compensation and Superannuation Legislation Amendment Bill 2008  
 Dangerous Goods Amendment (Transport) Bill 2008  
 Local Government Amendment (Councillor Conduct and Other Matters) Bill 2008  
 Stalking Intervention Orders Bill 2008

On 25 November 2008  
 Asbestos Diseases Compensation Bill 2008  
 Education and Training Reform Further Amendment Bill 2008  
 Gambling Legislation Amendment (Responsible Gambling and Other Measures) Bill 2008  
 Prohibition of Human Cloning for Reproduction Bill 2008  
 Racing and Gambling Legislation Amendment Bill 2008  
 Research Involving Human Embryos Bill 2008.

39 **MESSAGES FROM THE GOVERNOR** — Recommending appropriations for the purposes of the following bills:

Major Crime Legislation Amendment Bill 2008  
 Relationships Amendment (Caring Relationships) Bill 2008  
 Salaries Legislation Amendment (Salary Sacrifice) Bill 2008.

40 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, under SO 94(2), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 4 December 2008:

Courts Legislation Amendment (Costs Court and Other Matters) Bill 2008 — Amendment of the Legislative Council  
 Crimes Legislation Amendment (Food and Drink Spiking) Bill 2008  
 Fundraising Appeals and Consumer Acts Amendment Bill 2008  
 Health Services Legislation Amendment Bill 2008  
 Major Crime Legislation Amendment Bill 2008  
 Relationships Amendment (Caring Relationships) Bill 2008  
 Sheriff Bill 2008

(*Mr Batchelor*) — after debate, put.

The House divided (the Speaker, Ms Lindell, in the Chair) —

AYES 50

Ms Allan; Mr Andrews; Mr Batchelor; Ms Beattie; Mr Brooks; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Mr Eren; Mr Foley; Ms Graley; Ms Green; Mr Hardman; Dr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Ms Kairouz; Ms Kosky; Mr Langdon; Mr Languiller; Mr Lim; Ms Lobato; Mr Lupton; Mrs Maddigan; Ms Marshall; Mr Merlino; Ms Morand; Ms Munt; Mr Nardella; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Pike; Ms Richardson; Mr Robinson; Mr Scott; Mr Seitz; Mr Stensholt; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

NOES 32

Ms Asher; Mr Baillieu; Mr Blackwood; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Hodgett; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Morris; Mr Mulder; Dr Naphine; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith (*Bass*); Mr Smith (*Warrandyte*); Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mr Wakeling; Mr Walsh; Mr Weller; Mr Wells; Ms Wooldridge.

Question agreed to.

41 **COMPENSATION AND SUPERANNUATION LEGISLATION AMENDMENT BILL 2008 AND PROHIBITION OF HUMAN CLONING FOR REPRODUCTION BILL 2008** — The Speaker announced that she had received a report from the Clerk of the Parliaments, that under Joint Standing Order 6(1), he has made the following corrections:

(1) In the Compensation and Superannuation Legislation Amendment Bill 2008, clause 8(2)(b) refers to the *Transport Accident Act 1996*, he has deleted '1996' and inserted '1986' so that the title of the Act is correct; and

(2) In the Prohibition of Human Cloning for Reproduction Bill 2008, in clause 16(4)(f), line 27, he has inserted the figure '11', so that the line now reads 'cell (within the meaning of section 11)'.

42 **STATEMENTS BY MEMBERS** — Statements by members were made.

43 **FUNDRAISING APPEALS AND CONSUMER ACTS AMENDMENT BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Mr Stensholt*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

44 **SALARIES LEGISLATION AMENDMENT (SALARY SACRIFICE) BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Bill read a second time and, by leave, immediately read a third time with the concurrence of an absolute majority of the whole number of the members of the Legislative Assembly.

Bill sent to the Legislative Council and their agreement requested.

45 **FUNDRAISING APPEALS AND CONSUMER ACTS AMENDMENT BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Mr Langdon*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

46 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 2 and 3 be postponed until later this day.

47 **HEALTH SERVICES LEGISLATION AMENDMENT BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Bill read a second time and, by leave, immediately read a third time.

Bill sent to the Legislative Council and their agreement requested.

48 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Agreeing to the following bills without amendment:

Multicultural Victoria Amendment Bill 2008  
Salaries Legislation Amendment (Salary Sacrifice) Bill 2008  
State Taxation Acts Further Amendment Bill 2008.

49 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Prostitution Control and Other Matters Amendment Bill 2008 with amendments.

Ordered — That the amendments be taken into consideration tomorrow.

50 **SHERIFF BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 10.00 pm under standing orders.*

- 51 **ADJOURNMENT** — The Acting Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.43 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JENNY LINDELL  
*Speaker*

## No 101 — Wednesday 3 December 2008

- 1 The Speaker took the Chair and read the Prayer.

- 2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

**Upgrade of Health Services for Bass Coast Region** — Requesting that the House asks the Government to support funding for the upgrade of health services in the Bass Coast region, bearing 98 signatures (*Mr Smith, Bass*)

**Desalination Plant, Bass Coast** — Requesting that the House directs immediate consultation between the Government and the local community of the Bass Coast regarding the proposed desalination plant, bearing 19 signatures (*Mr Smith, Bass*)

**Funding for Catholic Schools** — Requesting that the House — (a) guarantees funding for Catholic schools at 25 per cent of the average cost of educating a child in the State school system; and (b) provides equal funding for children with disabilities who attend a Catholic school, bearing 274, 616, 138, 156, 603 and 308 signatures (*Mr Tilley, Mr Stensholt, Mr Tresize, Mr Northe, Mr Weller and Dr Napthine respectively*)

**Melbourne–Mildura Train Line** — Requesting that the House brings forward the reinstatement of the Melbourne–Mildura passenger train service in view of concerns, including global warming, and the need to connect Mildura to both the Melbourne and the national rail networks, bearing 34 signatures (*Mr Crisp*)

**Red Cliffs Police Station** — Requesting that the House takes action to increase staffing levels at the Red Cliffs police station, bearing 172 signatures (*Mr Crisp*)

**Mornington Peninsula Planning Scheme Amendment C87** — Requesting that the House approves Mornington Peninsula Planning Scheme Amendment C87, bearing 1763 signatures (*Mr Morris*)

**Noxious Weed Control** — Requesting that the House calls upon the Government to — (a) clarify responsibility for the control of noxious weeds; and (b) increase funding levels to implement appropriate eradication programs and to include Paterson's Curse, bearing 231 signatures (*Mr Jasper*)

**Closure of Essendon Airport** — Requesting that the House calls upon the Government to abandon its plan to close Essendon airport, bearing 17 signatures (*Mr Jasper*)

**Melbourne Market Trading Conditions** — Requesting that the House rejects the current buying and selling times and conditions recently imposed for greengrocers, growers and sellers at Melbourne Market and calls on the Government to bring back the original conditions, bearing 13 signatures (*Mr Jasper*)

**DPI Restructure** — Requesting that the House rejects the Department of Primary Industries restructure resulting in the closure of five research centres, bearing 16 signatures (*Mr Jasper*)

**Water Pipeline Goulburn to Melbourne — Alternative Water Schemes** — Requesting that the House — (a) rejects the proposal to develop a pipeline which would take water from the Goulburn Valley and pump it to Melbourne; and (b) calls on the Government to address Melbourne's water supply needs by investing in desalination, recycling and capturing stormwater, bearing 112 signatures (*Mr Jasper*)

**Lardner's Track Level Crossing** — Requesting that the House directs the Government to take immediate action to install greater safety measures at the Lardner's Track level crossing between Warragul and Drouin, bearing 3920 signatures (*Mr Blackwood*)

**Vision Australia School** — Requesting that the House — (a) provides a new centre to carry on the work of Vision Australia school; and (b) fully provides every state funded school with appropriate services, equipment and training for teachers and aides for every low-vision or blind child, bearing 639 signatures (*Mr Dixon*)

**TAC Tax on Motorcycles and Scooters** — Requesting that the House abolishes the Transport Accident Commission tax on motorcycles and scooters in Victoria, bearing 1437 signatures (*Dr Napthine*)

**Tax on Motorcycles and Scooters** — Requesting that the House withdraws the Transport Accident Commission tax on motorcycle and scooter owners in Victoria, bearing 20 signatures (*Dr Napthine*).

Petitions ordered to be tabled.

- 3 **PETITION — UPGRADE OF HEALTH SERVICES FOR BASS COAST REGION** — Motion made and question — That the petition presented by the Member for Bass be taken into consideration tomorrow (*Mr Smith, Bass*) — put and agreed to.
- 4 **PETITION — DESALINATION PLANT, BASS COAST** — Motion made and question — That the petition presented by the Member for Bass be taken into consideration tomorrow (*Mr Smith, Bass*) — put and agreed to.
- 5 **PETITION — FUNDING FOR CATHOLIC SCHOOLS** — Motion made and question — That the petition presented by the Member for South-West Coast be taken into consideration tomorrow (*Mr Smith, Warrandyte*) — put and agreed to.
- 6 **PETITION — TAC TAX ON MOTORCYCLES AND SCOOTERS** — Motion made and question — That the petition presented by the Member for South-West Coast be taken into consideration tomorrow (*Mr Smith, Warrandyte*) — put and agreed to.
- 7 **PETITION — TAX ON MOTORCYCLES AND SCOOTERS** — Motion made and question — That the petition presented by the Member for South-West Coast be taken into consideration tomorrow (*Mr Smith, Warrandyte*) — put and agreed to.
- 8 **PETITION — LARDNER'S TRACK LEVEL CROSSING** — Motion made and question — That the petition presented by the Member for Narracan be taken into consideration tomorrow (*Mr Blackwood*) — put and agreed to.
- 9 **PETITION — FUNDING FOR CATHOLIC SCHOOLS** — Motion made and question — That the petition presented by the Member for Burwood be taken into consideration tomorrow (*Mr Stensholt*) — put and agreed to.
- 10 **PETITION — FUNDING FOR CATHOLIC SCHOOLS** — Motion made and question — That the petition presented by the Member for Geelong be taken into consideration tomorrow (*Mr Hodggett*) — put and agreed to.

- 11 **PETITION — VISION AUSTRALIA SCHOOL** — Motion made and question — That the petition presented by the Member for Nepean be taken into consideration tomorrow (*Mr Hodgett*) — put and agreed to.
- 12 **PETITION — FUNDING FOR CATHOLIC SCHOOLS** — Motion made and question — That the petition presented by the Member for Morwell be taken into consideration tomorrow (*Mr Northe*) — put and agreed to.
- 13 **PETITION — FUNDING FOR CATHOLIC SCHOOLS** — Motion made and question — That the petition presented by the Member for Benambra be taken into consideration tomorrow (*Mr Tilley*) — put and agreed to.
- 14 **PETITION — FUNDING FOR CATHOLIC SCHOOLS** — Motion made and question — That the petition presented by the Member for Rodney be taken into consideration tomorrow (*Mr Weller*) — put and agreed to.
- 15 **PETITION — MORNINGTON PENINSULA PLANNING SCHEME AMENDMENT C87** — Motion made and question — That the petition presented by the Member for Mornington be taken into consideration tomorrow (*Mr Morris*) — put and agreed to.
- 16 **PETITION — MELBOURNE–MILDURA TRAIN LINE** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.
- 17 **PETITION — RED CLIFFS POLICE STATION** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.
- 18 **PETITION — NOXIOUS WEED CONTROL** — Motion made and question — That the petition presented by the Member for Murray Valley be taken into consideration tomorrow (*Mr Jasper*) — put and agreed to.
- 19 **PETITION — CLOSURE OF ESSENDON AIRPORT** — Motion made and question — That the petition presented by the Member for Murray Valley be taken into consideration tomorrow (*Mr Jasper*) — put and agreed to.
- 20 **PETITION — MELBOURNE MARKET TRADING CONDITIONS** — Motion made and question — That the petition presented by the Member for Murray Valley be taken into consideration tomorrow (*Mr Jasper*) — put and agreed to.
- 21 **PETITION — DPI RESTRUCTURE** — Motion made and question — That the petition presented by the Member for Murray Valley be taken into consideration tomorrow (*Mr Jasper*) — put and agreed to.
- 22 **PETITION — WATER PIPELINE GOULBURN TO MELBOURNE — ALTERNATIVE WATER SCHEMES** — Motion made and question — That the petition presented by the Member for Murray Valley be taken into consideration tomorrow (*Mr Jasper*) — put and agreed to.
- 23 **DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:

Auditor-General:

Management of the Multi-Purpose Taxi Program — Ordered to be printed

Results of Audits for Entities with 30 June 2008 Balance Dates — Ordered to be printed

*Financial Management Act 1994* — Budget Update 2008–09

*Freedom of Information Act 1982* — Report 2007–08 of the Attorney-General on the operation of the Act

*Land Acquisition and Compensation Act 1986* — Certificate under s 7.

24 **STATEMENTS BY MEMBERS** — Statements by members were made.

25 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE — GOVERNMENT'S YEAR OF ACTION** — The House was informed that Mr Holding had proposed that a definite matter of public importance be submitted to the House for discussion, namely —

'That the House endorses the Government's year of action — putting Victorian families first — in contrast to those who stand for nothing.'

Mr Holding addressed the House — Discussion followed.

26 **STATEMENTS ON PARLIAMENTARY COMMITTEE REPORTS** — Statements were made on the following Committee Reports:

Public Accounts and Estimates Committee's Report on the 2006–07 Financial and Performance Outcomes

Electoral Matters Committee's Report on the Conduct of the 2006 Victorian State Election

Public Accounts and Estimates Committee's Report on the Review of the Findings and Recommendations of the Auditor-General's Reports tabled July 2006 – February 2007

Economic Development and Infrastructure Committee's Report on the Inquiry into Mandatory Ethanol and Biofuels Targets in Victoria

Family and Community Development Committee's Report on the Involvement of Small and Medium Size Business in Corporate Social Responsibility

Public Accounts and Estimates Committee's Report on the 2008–09 Budget Estimates — Part Three.

27 **TRANSPORT LEGISLATION AMENDMENT (DRIVER AND INDUSTRY STANDARDS) BILL 2008** — *Ms Kosky tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Ms Kosky*).

Motion made and question — That the debate be now adjourned (*Mr Mulder*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

28 **FUNDRAISING APPEALS AND CONSUMER ACTS AMENDMENT BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 2.00 pm under standing orders.*

29 **QUESTIONS** — (Under SO 55).

30 **FUNDRAISING APPEALS AND CONSUMER ACTS AMENDMENT BILL 2008** — Debate continued on question — That this Bill be now read a second time.

Bill read a second time and, by leave, immediately read a third time.

Bill sent to the Legislative Council and their agreement requested.

- 31 **WATER (COMMONWEALTH POWERS) BILL 2008** — Order read for the consideration of the amendment made by the Legislative Council.

After debate, the amendment was disagreed with by the House.

Message sent to the Legislative Council informing them accordingly.

- 32 **TRANSPORT LEGISLATION AMENDMENT (DRIVER AND INDUSTRY STANDARDS) BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Bill read a second time and, by leave, immediately read a third time.

Bill sent to the Legislative Council and their agreement requested.

- 33 **SHERIFF BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Mr Langdon*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 34 **CRIMES LEGISLATION AMENDMENT (FOOD AND DRINK SPIKING) BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Mr Batchelor*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 35 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 6 and 7 be postponed until later this day.

- 36 **PROSTITUTION CONTROL AND OTHER MATTERS AMENDMENT BILL 2008** — Order read for the consideration of the amendments made by the Legislative Council.

After debate, the amendments were agreed to by the House.

Message sent to the Legislative Council informing them accordingly.

- 37 **COURTS LEGISLATION AMENDMENT (COSTS COURT AND OTHER MATTERS) BILL 2008** — Order read for the consideration of the amendment made by the Legislative Council.

After debate, the amendment was agreed to by the House.

Message sent to the Legislative Council informing them accordingly.

- 38 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Not insisting on their amendment disagreed with by the Legislative Assembly to the Water (Commonwealth Powers) Bill 2008.

- 39 **MAJOR CRIME LEGISLATION AMENDMENT BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 10.00 pm under standing orders.*

- 40 **ADJOURNMENT** — The Deputy Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.32 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JENNY LINDELL  
*Speaker*

## No 102 — Thursday 4 December 2008

- 1 The Speaker took the Chair and read the Prayer.
- 2 **TRANSPORT LEGISLATION GENERAL AMENDMENTS BILL 2008** — Mr Batchelor obtained leave to bring in 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 the Bill was read a first time and, by leave, ordered to be read a second time later this day.
- 3 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:
- Funding for Catholic Schools** — Requesting that the House — (a) guarantees funding for Catholic schools at 25 per cent of the average cost of educating a child in the State school system; and (b) provides equal funding for children with disabilities who attend a Catholic school, bearing 648, 756, 614, 371, 622, 103, 270, 120, 601, 341, 1697, 1509, 283, 189 and 132 signatures (*Mr Hudson, Mr Clark, Mr Brooks, Ms Thomson, Footscray, Ms Marshall, Mr Burgess, Mr Langdon, Mr Delahunty, Ms Duncan, Mr Robinson, Mr Morris, Mr Hulls, Mr Thompson, Sandringham, Mr Hardman and Mr Noonan respectively*)
- Crime in Boronia** — Requesting that the House resolves that the Minister for Police and Emergency Services undertakes an immediate review of police numbers at Boronia Police Station with a view to increasing numbers, bearing 45 signatures (*Mr Wakeling*)
- Closure of Essendon Airport** — Requesting that the House calls upon the Government to abandon its plan to close Essendon airport, bearing 217 signatures (*Mr Ryan*)
- Pedestrian Crossing at Baxter and Tooradin Road, Baxter** — Requesting that the House asks the Government to instruct VicRoads to urgently install a pedestrian crossing in Baxter–Tooradin Road, Baxter, adjacent to the new Baxter Shopping Centre, bearing 33 signatures (*Mr Burgess*)
- Melbourne–Mildura Train Line** — Requesting that the House brings forward the reinstatement of the Melbourne–Mildura passenger train service in view of concerns, including global warming, and the need to connect Mildura to both the Melbourne and the national rail networks, bearing 34 signatures (*Mr Crisp*)
- Red Cliffs Police Station** — Requesting that the House takes action to increase staffing levels at the Red Cliffs police station, bearing 226 signatures (*Mr Crisp*)
- Noxious Weed Control** — Requesting that the House calls upon the Government to — (a) clarify responsibility for the control of noxious weeds; and (b) increase funding levels to implement appropriate eradication programs and to include Paterson's Curse, bearing 162 signatures (*Mr Jasper*)

**Closure of Vision Australia's School** — Requesting that the House provides a fully functioning specialist educational facility for vision impaired students due to the closure of the Vision Australia school prior to the beginning of the 2010 school year, bearing 6892 signatures (*Mr Dixon*)

**Housing in Knoxfield** — Requesting that the Government places a moratorium on medium and high density housing developments in Knoxfield, bearing 1581 signatures (*Mr Wells*).

Petitions ordered to be tabled.

- 4 **PETITION — CLOSURE OF VISION AUSTRALIA'S SCHOOL** — Motion made and question — That the petition presented by the Member for Nepean be taken into consideration tomorrow (*Mr Dixon*) — put and agreed to.
- 5 **PETITION — FUNDING FOR CATHOLIC SCHOOLS** — Motion made and question — That the petition presented by the Member for Bentleigh be taken into consideration tomorrow (*Mr Dixon*) — put and agreed to.
- 6 **PETITION — FUNDING FOR CATHOLIC SCHOOLS** — Motion made and question — That the petition presented by the Member for Bundoora be taken into consideration tomorrow (*Mr Dixon*) — put and agreed to.
- 7 **PETITION — FUNDING FOR CATHOLIC SCHOOLS** — Motion made and question — That the petition presented by the Member for Footscray be taken into consideration tomorrow (*Mr Dixon*) — put and agreed to.
- 8 **PETITION — FUNDING FOR CATHOLIC SCHOOLS** — Motion made and question — That the petition presented by the Member for Forest Hill be taken into consideration tomorrow (*Mr Dixon*) — put and agreed to.
- 9 **PETITION — FUNDING FOR CATHOLIC SCHOOLS** — Motion made and question — That the petition presented by the Member for Ivanhoe be taken into consideration tomorrow (*Mr Dixon*) — put and agreed to.
- 10 **PETITION — FUNDING FOR CATHOLIC SCHOOLS** — Motion made and question — That the petition presented by the Member for Macedon be taken into consideration tomorrow (*Mr Dixon*) — put and agreed to.
- 11 **PETITION — FUNDING FOR CATHOLIC SCHOOLS** — Motion made and question — That the petition presented by the Member for Mitcham be taken into consideration tomorrow (*Mr Dixon*) — put and agreed to.
- 12 **PETITION — FUNDING FOR CATHOLIC SCHOOLS** — Motion made and question — That the petition presented by the Member for Niddrie be taken into consideration tomorrow (*Mr Dixon*) — put and agreed to.
- 13 **PETITION — FUNDING FOR CATHOLIC SCHOOLS** — Motion made and question — That the petition presented by the Member for Williamstown be taken into consideration tomorrow (*Mr Dixon*) — put and agreed to.
- 14 **PETITION — FUNDING FOR CATHOLIC SCHOOLS** — Motion made and question — That the petition presented by the Member for Seymour be taken into consideration tomorrow (*Mr Hardman*) — put and agreed to.
- 15 **PETITION — HOUSING IN KNOXFIELD** — Motion made and question — That the petition presented by the Member for Scoresby be taken into consideration tomorrow (*Mr Wells*) — put and agreed to.

- 16 **PETITION — MELBOURNE–MILDURA TRAIN LINE** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Walsh*) — put and agreed to.
- 17 **PETITION — RED CLIFFS POLICE STATION** — Motion made and question — that the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Walsh*) — put and agreed to.
- 18 **PETITION — FUNDING FOR CATHOLIC SCHOOLS** — Motion made and question — That the petition presented by the Member for Sandringham be taken into consideration tomorrow (*Mr Thompson, Sandringham*) — put and agreed to.
- 19 **PETITION — CRIME IN BORONIA** — Motion made and question — That the petition presented by the Member for Ferntree Gully be taken into consideration tomorrow (*Mr Wakeling*) — put and agreed to.
- 20 **PETITION — NOXIOUS WEED CONTROL** — Motion made and question — That the petition presented by the Member for Murray Valley be taken into consideration tomorrow (*Mr Jasper*) — put and agreed to.
- 21 **PETITION — FUNDING FOR CATHOLIC SCHOOLS** — Motion made and question — That the petition presented by the Member for Mornington be taken into consideration tomorrow (*Mr Morris*) — put and agreed to.
- 22 **PETITION — FUNDING FOR CATHOLIC SCHOOLS** — Motion made and question — That the petition presented by the Member for Lowan be taken into consideration tomorrow (*Mr Delahunty*) — put and agreed to.
- 23 **PETITION — FUNDING FOR CATHOLIC SCHOOLS** — Motion made and question — That the petition presented by the Member for Hastings be taken into consideration tomorrow (*Mr Burgess*) — put and agreed to.
- 24 **PETITION — PEDESTRIAN CROSSING AT BAXTER AND TOORADIN ROAD, BAXTER** — Motion made and question — That the petition presented by the Member for Hastings be taken into consideration tomorrow (*Mr Burgess*) — put and agreed to.

## 25 DOCUMENTS

**MINING WARDEN YALLOURN MINE BATTER FAILURE** — Motion made, by leave, and question — That the Report of the Mining Warden Yallourn Mine Batter Failure Inquiry and Government Response be tabled (*Mr Batchelor*) — put and agreed to.

Ordered to be printed.

**RESPONSE TO AUDITOR-GENERAL'S REPORTS** — Motion made, by leave, and question — That the Response by the Minister for Finance to the Auditor-General's Reports issued during 2007–08 be tabled (*Mr Cameron*) — put and agreed to.

**ELECTORAL MATTERS COMMITTEE** — Motion made, by leave, and question — That the Report of the Electoral Matters Committee on its international investigations into political donations and disclosure and voter participation and informal voting, together with appendices be tabled (*Mr O'Brien*) — put and agreed to.

Ordered to be printed.

**LAW REFORM COMMITTEE** — Mr Clark, Deputy Chair, presented a report from the Law Reform Committee on the Inquiry into Vexatious Litigants, together with appendices and transcripts of evidence.

Ordered to be tabled and the report and appendices printed.

**DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:

*Commissioner for Environmental Sustainability Act 2003* — State of the Environment Report 2008

Geoffrey Gardiner Dairy Foundation Ltd — Report 2007–08 (two documents)

*Parliamentary Committees Act 2003*:

Government response to the Electoral Matters Committee's Report into the Conduct of the 2006 Victorian State Election

Government response to the Environment and Natural Resources Committee's Report on the Impact of Public Land Management Practices on Bushfires in Victoria

Police Integrity, Office of — Report 2007–08 under s 31 of the *Crimes (Assumed Identities) Act 2004*

Statutory Rules under the following Acts:

*Cemeteries and Crematoria Act 2003* — SR 145

*County Court Act 1958* — SRs 147, 148

*Liquor Control Reform Act 1998* — SR 143

*Motor Car Traders Act 1986* — SR 144

*Police Integrity Act 2008* — SR 146

*Second-Hand Dealers and Pawnbrokers Act 1989* — SRs 140, 141

*Trade Measurement Act 1995* — SR 142

*Trade Measurement (Administration) Act 1995* — SR 142

*Subordinate Legislation Act 1994*:

Ministers' exception certificates in relation to Statutory Rules 124, 138, 139, 147, 148

Ministers' exemption certificates in relation to Statutory Rules 141, 142, 145

Ministers' infringements offence consultation certificates in relation to Statutory Rules 140, 144.

26 **MESSAGE FROM THE GOVERNOR — ASSENT TO BILL** — Informing the Legislative Assembly that he had today given the royal assent to the Water (Commonwealth Powers) Bill 2008, presented to him by the Clerk of the Parliaments.

27 **JOINT INVESTIGATORY COMMITTEES** — Motion made, by leave, and question — That under s 33 of the *Parliamentary Committees Act 2003* the following matters be referred to the joint investigatory committees specified:

(1) To the **Education and Training Committee** — for inquiry consideration and report no later than 31 December 2009 on skills shortages in the rail industry — and the Committee is to explore possible solutions and, in particular, is asked to consider:

(a) factors influencing recruitment and retention;

(b) demographic profile of the workforce and the outlook for future retirements and loss of skills;

- 
- (c) implications of the Victorian Industry and Manufacturing Statement commitment in relation to local content; and
  - (d) whether there is any need for increased training opportunities at university and trade levels and, if so, how industry can stimulate student/user demand.
- (2) To the **Education and Training Committee** — for inquiry consideration and report no later than 1 July 2010 on the potential for developing opportunities for schools to become a focus for promoting healthy community living, in particular:
- (a) existing activities carried out by schools to promote holistic healthy living within their school communities involving healthy eating, active lifestyles, sun smart awareness and appreciation of the effects of harmful substances;
  - (b) successful programs which have been instituted in schools in other states or internationally;
  - (c) identify whether it is appropriate for the State to encourage schools to extend health programs to be directed at the broader school community and, if so, what the most effective and efficient approaches are;
  - (d) opportunities for linking with community leaders and forming partnerships with business and community organisations;
  - (e) existing broader health promotion policies and activities; and
  - (f) how school-based activities could relate and coordinate with these to maximise impact and efficiency.
- (3) To the **Law Reform Committee** — for inquiry consideration and report no later than 31 December 2009 on law reforms aimed at streamlining and simplifying powers of attorney documents to enable more Victorians to plan for their future financial, lifestyle and healthcare needs — specifically the Committee is asked to:
- (a) consider the differing formality requirements and terminology, and coverage of the power of attorney documents, governed by the *Instruments Act 1958* and the *Guardianship and Administration Act 1986*;
  - (b) establish whether the donor of a power of attorney has capacity to create a legally enforceable document and differing execution requirements and the different tests that apply;
  - (c) clarify the powers granted by the donor when making a power of attorney;
  - (d) examine ways of minimising abuse in relation to the execution of and exercise of powers under powers of attorney documents;
  - (e) consider the issue of legal capacity in the context of when an enduring power of attorney is executed and activated; and
  - (f) advise on the need for adopting potential safeguards such as the registration of documents (voluntary or mandatory).
- (4) To the **Environment and Natural Resources Committee** — for inquiry consideration and report no later than 31 December 2009 on opportunities to reduce red tape associated with the

approvals process for renewable energy projects in Victoria — in particular the Committee is asked to consider:

- (a) the major obstacles facing investors in large-scale renewable energy projects in Victoria, including environmental, planning and other regulations;
  - (b) how Victoria compares to other Australian jurisdictions with regard to relevant approvals for renewable energy projects (in particular wind farms as they are the most common form);
  - (c) opportunities to reduce risk and delays for investors, whether that be through streamlining regulatory processes, appeals processes or other costs/risks;
  - (d) the likely future drivers of renewable energy in Victoria, particularly in the context of the Carbon Pollution Reduction Scheme and the expanded federal Renewable Energy Target;
  - (e) other reviews and inquiries covering similar issues — this would include the Australian Energy Market Commission's review of Energy Market Frameworks in light of Climate Change Policies and the Environment Protection and Heritage Council's report on impediments to environmentally and socially responsible wind farm development.
- (5) To the **Road Safety Committee** — for inquiry consideration and report no later than 31 May 2010 on the current rules and standards that apply to pedestrian safety in car parks and the Committee is to recommend potential measures that relevant authorities should consider to improve safety for pedestrians

(*Mr Batchelor*) — put and agreed to.

28 **STANDING ORDERS COMMITTEE** — Motion made, by leave, and question — That the Standing Orders Committee:

- (1) Be required to undertake a review of the standing orders to consider and make recommendations for new and/or amended standing orders regarding the passage of legislation, the opening of Parliament and petitions;
- (2) Present its report on the review to the House, six months from the date of this resolution; and
- (3) Have the power to confer with the Standing Orders Committee of the Legislative Council regarding a review of the joint standing orders and to report jointly to the House

(*Mr Batchelor*) — put and agreed to.

29 **LAW REFORM COMMITTEE** — Motion made, by leave, and question — That, under s 33 of the *Parliamentary Committees Act 2003*, the Law Reform Committee:

- (1) Be required to undertake a review of the *Members of Parliament (Register of Interests) Act 1978* to consider and make recommendations on amending the Act; and
- (2) Present the report on its review six months from the date of this resolution

(*Mr Batchelor*) — put and agreed to.

30 **STATEMENTS BY MEMBERS** — Statements by members were made.

- 31 **ORDER OF THE DAY DISCHARGED** — Motion made and question — That the following Order of the Day, Government Business, be read and discharged:

*Assistance for Alicia Withington — Petition presented by the Member for Bellarine (29 May 2008) — Requesting that the House considers helping Alicia Withington meet some of the costs associated with recent life-saving brain surgery and retaining her family home — To be considered*

(*Mr Batchelor*) — after debate, put.

The House divided (the Speaker, Ms Lindell, in the Chair) —

AYES 46

Ms Barker; Mr Batchelor; Ms Beattie; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Mr Eren; Mr Foley; Ms Graley; Ms Green; Mr Hardman; Dr Harkness; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Ms Kairouz; Ms Kosky; Mr Langdon; Mr Languiller; Mr Lim; Ms Lobato; Mr Lupton; Mrs Maddigan; Ms Morand; Ms Munt; Mr Nardella; Mr Noonan; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Ms Richardson; Mr Robinson; Mr Scott; Mr Seitz; Mr Stensholt; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

NOES 31

Ms Asher; Mr Baillieu; Mr Blackwood; Mr Burgess; Mr Clark; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Hodgett; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Morris; Mr Mulder; Dr Napthine; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith (*Bass*); Mr Smith (*Warrandyte*); Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mr Wakeling; Mr Walsh; Mr Weller; Mr Wells; Ms Wooldridge.

Question agreed to.

- 32 **RELATIONSHIPS AMENDMENT (CARING RELATIONSHIPS) BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Bill read a second time and, by leave, immediately read a third time.

Bill sent to the Legislative Council and their agreement requested.

- 33 **CRIMES LEGISLATION AMENDMENT (FOOD AND DRINK SPIKING) BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Bill read a second time and, by leave, immediately read a third time.

Bill sent to the Legislative Council and their agreement requested.

- 34 **MAJOR CRIME LEGISLATION AMENDMENT BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 2.00 pm under standing orders.*

- 35 **QUESTIONS** — (Under SO 55).

- 36 **MAJOR CRIME LEGISLATION AMENDMENT BILL 2008** — Debate resumed on question — That this Bill be now read a second time.

*Allocation of time — The Acting Speaker advised that the time allocated for consideration of bills under the resolution of the House on Tuesday 2 December 2008 had expired.*

Question — That this Bill be now read a second time — put and agreed to.

Question — That this Bill be now read a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 37 **SHERIFF BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time and a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 38 **CRIMINAL PROCEDURE BILL 2008** — *Mr Hulls tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).

*Mr Hulls made the statement of intention required by s 85(5)(c) of the Constitution Act 1975.*

Motion made and question — That the debate be now adjourned (*Mr Mulder*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 18 December 2008.

- 39 **WORKPLACE RIGHTS ADVOCATE (REPEAL) BILL 2008** — *Mr Hulls tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).

Motion made and question — That the debate be now adjourned (*Dr Naphine*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 18 December 2008.

- 40 **EQUAL OPPORTUNITY AMENDMENT (GOVERNANCE) BILL 2008** — *Mr Hulls tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).

*Mr Hulls made the statement of intention required by s 85(5)(c) of the Constitution Act 1975.*

Motion made and question — That the debate be now adjourned (*Mr Mulder*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 18 December 2008.

- 41 **RESOURCES INDUSTRY LEGISLATION AMENDMENT BILL 2008** — *Mr Batchelor tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Batchelor*).

Motion made and question — That the debate be now adjourned (*Mr Clark*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 18 December 2008.

- 42 **FAIR TRADING AND OTHER ACTS AMENDMENT BILL 2008** — *Mr Batchelor tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Batchelor*).

Motion made and question — That the debate be now adjourned (*Mr O'Brien*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 18 December 2008.

- 43 **LIQUOR CONTROL REFORM AMENDMENT (ENFORCEMENT) BILL 2008** — *Mr Robinson tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Robinson*).

Motion made and question — That the debate be now adjourned (*Mr O'Brien*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 18 December 2008.

- 44 **ASSOCIATIONS INCORPORATION AMENDMENT BILL 2008** — *Mr Robinson tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Robinson*).

Motion made and question — That the debate be now adjourned (*Mr O'Brien*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 18 December 2008.

- 45 **MELBOURNE CRICKET GROUND BILL 2008** — *Mr Merlino tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Merlino*).

Motion made and question — That the debate be now adjourned (*Mr Delahunty*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 18 December 2008.

- 46 **TRANSPORT LEGISLATION MISCELLANEOUS AMENDMENTS BILL 2008** — *Mr Pallas tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Pallas*).

Motion made and question — That the debate be now adjourned (*Mr Mulder*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 18 December 2008.

- 47 **TRANSPORT LEGISLATION GENERAL AMENDMENTS BILL 2008** — *Ms Kosky tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Ms Kosky*).

Motion made and question — That the debate be now adjourned (*Mr Mulder*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 18 December 2008.

- 48 **BUS SAFETY BILL 2008** — *Ms Kosky tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Ms Kosky*).

Motion made and question — That the debate be now adjourned (*Mr Mulder*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 18 December 2008.

- 49 **DUTIES AMENDMENT BILL 2008** — *Mr Holding tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Holding*).

Motion made and question — That the debate be now adjourned (*Mr Wells*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 18 December 2008.

- 50 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Coroners Bill 2008 with amendments.

Ordered — That the amendments be taken into consideration later this day.

- 51 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Health Services Legislation Amendment Bill 2008 without amendment.

- 52 **OCCUPATIONAL HEALTH AND SAFETY AMENDMENT (EMPLOYEE PROTECTION) BILL 2008** — *Mr Holding tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Holding*).

Motion made and question — That the debate be now adjourned (*Mr Wells*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 18 December 2008.

- 53 **CORONERS BILL 2008** — Order read for the consideration of the amendments made by the Legislative Council.

After debate, the amendments were agreed to by the House.

Message sent to the Legislative Council informing them accordingly.

- 54 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Primary Industries Legislation Amendment Bill 2008 with amendments.

Ordered — That the amendments be taken into consideration on Thursday 11 December 2008.

- 55 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Assisted Reproductive Treatment Bill 2008 with amendments.

Motion made and question proposed — That the amendments be taken into consideration immediately (*Mr Cameron*) — and, after debate —

Amendment proposed — That the word 'immediately' be omitted with a view of inserting in its place the words 'on Tuesday 3 February 2009' (*Mr Clark*) — and, after debate —

Question — That the word proposed to be omitted stand part of the question — put.

The House divided (the Speaker, Ms Lindell, in the Chair) —

AYES 52

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beattie; Mr Brooks; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Mr Eren; Mr Foley; Ms Graley; Ms Green; Mr Hardman; Dr Harkness; Mr Helper; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Miss Kairouz; Ms Kosky; Mr Langdon; Mr Languiller; Mr Lim; Ms Lobato; Mr Lupton; Mrs Maddigan; Ms Marshall; Mr Merlino; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Pike; Ms Richardson; Mr Robinson; Mr Scott; Mr Stensholt; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne. Tellers: Ms Duncan; Mr Herbert.

NOES 32

Ms Asher; Mr Baillieu; Mr Blackwood; Mr Burgess; Mr Clark; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Hodgett; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Morris; Mr Mulder; Dr Napthine; Mr O'Brien; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith (*Bass*); Mr Smith (*Warrandyte*); Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mr Wakeling; Mr Walsh; Mr Weller; Mr Wells; Ms Wooldridge. Tellers: Mr Northe; Mrs Victoria.

Question agreed to.

Original question — put and agreed to.

- 56 **ASSISTED REPRODUCTIVE TREATMENT BILL 2008** — Order read for the consideration of the amendments made by the Legislative Council.

*Business having been interrupted at 10.00 pm under standing orders.*

Motion made and question — That the sitting be continued (*Mr Batchelor*) — put and agreed to.

After debate, the amendments were agreed to by the House.

Message sent to the Legislative Council informing them accordingly.

- 57 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Transport Legislation Amendment (Driver and Industry Standards) Bill 2008 without amendment.

- 58 **ANNUAL STATEMENT OF GOVERNMENT INTENTIONS FOR 2008** — Order read for responses to the Statement.

The Speaker declared that responses to the Statement had concluded.

- 59 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourns until a day and hour to be fixed by the Speaker which time of meeting shall be notified in writing to each Member of the House (*Mr Batchelor*) — put and agreed to.

- 60 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Batchelor*) — put and agreed to.

- 61 **ADJOURNMENT** — The Speaker left the Chair, after debate, at 11.45 pm.

R W PURDEY  
Clerk of the Legislative Assembly

JENNY LINDELL  
Speaker

## LEGISLATIVE ASSEMBLY OF VICTORIA

### VOTES AND PROCEEDINGS Nos 103, 104 and 105

#### No 103 — Tuesday 3 February 2009

- 1 The House met in accordance with the terms of the resolution of 4 December 2008, the Speaker having fixed this day at 2.00 pm as the time of meeting — The Speaker took the Chair and read the Prayer.
- 2 **ANNUAL STATEMENT OF GOVERNMENT INTENTIONS** — The Premier made a Statement of Government Intentions for 2009.
- 3 **QUESTIONS** — (Under SO 55).
- 4 **SERIOUS SEX OFFENDERS MONITORING AMENDMENT BILL 2009** — Mr Cameron obtained leave to bring in a Bill '*for an Act to amend the Serious Sex Offenders Monitoring Act 2005 and for other purposes*'; and, after debate, the Bill was read a first time and, by leave, ordered to be read a second time later this day.
- 5 **GAMBLING REGULATION AMENDMENT (LICENSING) BILL 2009** — Mr Robinson obtained leave to bring in a Bill '*for an Act to amend the Gambling Regulation Act 2003 and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 6 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:
  - Funding for Catholic Schools** — Requesting that the House — (a) guarantees funding for Catholic schools at 25 per cent of the average cost of educating a child in the State school system; and (b) provides equal funding for children with disabilities who attend a Catholic school, bearing 86, 65, 2371, 1780, 959, 1194, 942, 579, 733, 20, 34 and 147 signatures (*Ms Neville, Mr Perera, Mr Pandazopoulos, Mr Languiller, Mr Herbert, Mrs Maddigan, Ms Lobato, Mr Seitz, Mr Andrews, Mr Helper, Dr Naphthine and Ms Green respectively*)
  - Recruitment of New Police Officers** — Requesting that the House allocates the necessary funds to provide for the urgent recruitment of 3000 police officers in Victoria, bearing 12 signatures (*Mrs Maddigan*)
  - Logging of Armstrong Creek Catchment** — Requesting that the Government immediately ceases logging of the Armstrong, Thomson, Cement, McMahons and Starvation Catchments, bearing 809 signatures (*Ms Lobato*)
  - Proposed High Voltage Line from Tynong to Wonthaggi** — Requesting that the House calls upon the Government to abandon the proposed high voltage line from Tynong to Wonthaggi, bearing 232 signatures (*Mr Ryan*)
  - Melbourne–Mildura Train Line** — Requesting that the House brings forward the reinstatement of the Melbourne–Mildura passenger train service in view of concerns including global warming, and the need to connect Mildura to both the Melbourne and the national rail networks, bearing 32 signatures (*Mr Crisp*)
  - Red Cliffs Police Station** — Requesting that the House takes action to increase staffing levels at the Red Cliffs police station, bearing 15 signatures (*Mr Crisp*)

**Walpeup Research Station** — Requesting that the House rejects the Victorian Department of Primary Industries (DPI) restructure and calls on the Government to keep the Walpeup Research Station as a fully funded and functional DPI facility, bearing 18 signatures (*Mr Crisp*)

**Funding for Sacred Heart Primary School** — Requesting that the House considers funding for Sacred Heart Primary School, bearing 30 signatures (*Mr Northe*)

**Lardner's Track Level Crossing** — Requesting that the House directs the Government to take immediate action to install greater safety measures at the Lardner's Track level crossing between Warragul and Drouin, bearing 73 signatures (*Mr Blackwood*)

**Vision Australia School** — Requesting that the House — (a) provides a new centre to carry on the work of Vision Australia School; and (b) fully provides every state funded school with appropriate services, equipment and training for teachers and aides for every low-vision or blind child, bearing 13 signatures (*Mr Dixon*)

**Boating Access at Lake Purrumbete** — Requesting that the House directs the managing authorities at Parks Victoria to urgently provide boating access to Lake Purrumbete, bearing 1705 signatures (*Mr Mulder*)

**Tax on Motorcycles and Scooters** — Requesting that the House withdraws the Transport Accident Commission tax on motorcycle and scooter owners in Victoria, bearing 11 signatures (*Dr Napthine*).

Petitions ordered to be tabled.

- 7 **PETITION — VISION AUSTRALIA SCHOOL** — Motion made and question — That the petition presented by the Member for Nepean be taken into consideration tomorrow (*Mr Dixon*) — put and agreed to.
- 8 **PETITION — MELBOURNE–MILDURA TRAIN LINE** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.
- 9 **PETITION — RED CLIFFS POLICE STATION** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.
- 10 **PETITION — WALPEUP RESEARCH STATION** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.
- 11 **PETITION — FUNDING FOR CATHOLIC SCHOOLS** — Motion made and question — That the petition presented by the Member for Bellarine be taken into consideration tomorrow (*Mr Crutchfield*) — put and agreed to.
- 12 **PETITION — FUNDING FOR SACRED HEART PRIMARY SCHOOL** — Motion made and question — That the petition presented by the Member for Morwell be taken into consideration tomorrow (*Mr Northe*) — put and agreed to.
- 13 **PETITION — FUNDING FOR CATHOLIC SCHOOLS** — Motion made and question — That the petition presented by the Member for Keilor be taken into consideration tomorrow (*Mr Seitz*) — put and agreed to.
- 14 **PETITION — BOATING ACCESS AT LAKE PURRUMBETE** — Motion made and question — That the petition presented by the Member for Polwarth be taken into consideration tomorrow (*Mr Mulder*) — put and agreed to.

15 **PETITION — FUNDING FOR CATHOLIC SCHOOLS** — Motion made and question — That the petition presented by the Member for South-West Coast be taken into consideration tomorrow (*Dr Naphine*) — put and agreed to.

16 **PETITION — TAX ON MOTORCYCLES AND SCOOTERS** — Motion made and question — That the petition presented by the Member for South-West Coast be taken into consideration tomorrow (*Dr Naphine*) — put and agreed to.

17 **DOCUMENTS**

**VICTORIAN GOVERNMENT INDIGENOUS AFFAIRS REPORT** — Motion made, by leave, and question — That the Victorian Government Indigenous Affairs Report 2007–08 be tabled (*Mr Wynne*) — put and agreed to.

**EDUCATION AND TRAINING COMMITTEE** — Mr Howard, Chair, presented a report from the Education and Training Committee on the Inquiry into Effective Strategies for Teacher Professional Learning, together with appendices and transcripts of evidence.

Ordered to be tabled and the report and appendices printed.

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — Mr Carli, Chair, presented a report from the Scrutiny of Acts and Regulations Committee being the Alert Digest No 1 of 2009 on the:

- Assisted Reproductive Treatment Bill 2008
- Associations Incorporation Amendment Bill 2008
- Bus Safety Bill 2008
- Criminal Procedure Bill 2008
- Duties Amendment Bill 2008
- Equal Opportunity Amendment (Governance) Bill 2008
- Fair Trading and Other Acts Amendment Bill 2008
- Liquor Control Reform Amendment (Enforcement) Bill 2008
- Melbourne Cricket Ground Bill 2008
- Occupational Health and Safety Amendment (Employee Protection) Bill 2008
- Relationships Amendment (Caring Relationships) Bill 2008
- Resources Industry Legislation Amendment Bill 2008
- Salaries Legislation Amendment (Salary Sacrifice) Act 2008
- Transport Legislation Amendment (Driver and Industry Standards) Act 2008
- Transport Legislation General Amendments Bill 2008
- Transport Legislation Miscellaneous Amendments Bill 2008
- Workplace Rights Advocate (Repeal) Bill 2008

together with appendices.

Ordered to be tabled and printed.

**DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:

*Agricultural Industry Development Act 1990* — Order under s 8

Auditor-General — Preparedness to Respond to Terrorism Incidents: Essential services and critical infrastructure — Ordered to be printed

Border Groundwaters Agreement Review Committee — Report 2007–08

*Coastal Management Act 1995* — Victorian Coastal Strategy 2008

*Crown Land (Reserves) Act 1978* — Orders under s 17D granting leases over:

Mordialloc-Mentone Beach Park Reserve  
Sandringham Beach Park Reserve

First Mildura Irrigation Trust — Report period ended 19 August 2008

*Interpretation of Legislation Act 1984* — Notices under s 32(3)(a)(iii) in relation to Statutory Rules 99, 165, 166/2008

*Land Acquisition and Compensation Act 1986* — Certificate under s 7

*Major Events (Aerial Advertising) Act 2007* — Event Order under s 7

*Major Events (Crowd Management) Act 2003* — Order declaring a managed access area under s 7

Medical Practitioners Board of Victoria — Report year ended 30 September 2008

Murray-Darling Basin Commission — Report 2007–08

*Parliamentary Committees Act 2003*:

Government response to the Road Safety Committee's Inquiry into Vehicle Safety  
Government response to the Rural and Regional Committee's Inquiry into Rural and Regional Tourism

*Planning and Environment Act 1987* — Notices of approval of amendments to the following Planning Schemes:

Ballarat — C102, C130  
Banyule — C54, C62  
Bass Coast — C59  
Baw Baw — C60  
Bayside — C74  
Boroondara — C85, C89  
Campaspe — C56, C65  
Cardinia — C105 Part 2  
Casey — C106  
Central Goldfields — C18  
Corangamite — C22  
Darebin — C94, C97  
Frankston — C24, C45  
Gannawarra — C17, C21, C22  
Glenelg — C42  
Golden Plains — C29, C39  
Greater Dandenong — C97  
Greater Geelong — C17, C118, C119, C138, C139, C148, C154 Part 1, C160, C161, C170  
Greater Shepparton — C90, C120  
Hobsons Bay — C33, C62 Part 1  
Horsham — C25 Part 1  
Hume — C98  
Kingston — C75, C77, C107  
Loddon — C16  
Manningham — C72, C80

Maroondah — C65, C72, C73  
 Melbourne — C105, C147  
 Mitchell — C52, C63  
 Moira — C39, C47  
 Monash — C59, C73, C84  
 Moonee Valley — C86  
 Mornington Peninsula — C108  
 Port Phillip — C76, C100  
 Pyrenees — C19, C20  
 South Gippsland — C9 Part 2, C41  
 Stonnington — C64, C87, C92, C99, C110  
 Strathbogie — C43  
 Swan Hill — C27, C29, C30  
 Victoria Planning Provisions — VC50, VC52  
 Wellington — C46  
 West Wimmera — C17  
 Whitehorse — C78, C80, C107, C116  
 Whittlesea — C72  
 Wodonga — C57  
 Wyndham — C83, C108, C113, C119  
 Yarra Ranges — C43

*Rail Safety Act 2006* — Notice under s 79 (*Gazette G48, 27 November 2008*)

Road Safety Committee — Inquiry into Improving Safety at Level Crossings, together with appendices and transcripts of evidence — Report and appendices ordered to be printed

State Services Authority — The State of the Public Sector in Victoria Report 2007–08

Statutory Rules under the following Acts:

*Accident Towing Services Act 2007* — SR 169/2008  
*Charter of Human Rights and Responsibilities Act 2006* — SR 163/2008  
*Dangerous Goods Act 1985* — SR 166/2008  
*Family Violence Protection Act 2008* — SRs 153, 156/2008  
*Gas Safety Act 1997* — SRs 164, 165/2008  
*Health Act 1958* — SRs 159, 160/2008  
*Magistrates' Court Act 1989* — SR 157/2008  
*Metropolitan Fire Brigades Act 1958* — SR 155/2008  
*Prevention of Cruelty to Animals Act 1986* — SR 162/2008  
*Radiation Act 2005* — SR 167/2008  
*Road Safety Act 1986* — SRs 161, 168, 170/2008  
*Stalking Intervention Orders Act 2008* — SR 152/2008  
*Supreme Court Act 1986* — SRs 149, 150, 151/2008  
*Victorian Energy Efficiency Target Act 2007* — SR 158/2008  
*Victorian Workers' Wages Protection Act 2007* — SR 154/2008

*Subordinate Legislation Act 1994:*

Ministers' exception certificates in relation to Statutory Rules 92, 149, 150, 151, 155, 156, 157/2008  
 Ministers' exemption certificates in relation to Statutory Rules 99, 146, 152, 153, 159, 161, 163, 166, 168, 170/2008

Minister's infringements offence consultation certificate in relation to Statutory Rule 169/2008

Victorian Electoral Commission — Report on the Kororoit District by-election held on 28 June 2008

Victorian Law Reform Commission — Assistance Animals — Ordered to be printed.

The following proclamations fixing operative dates were tabled by the Clerk in accordance with an order of the House dated 19 December 2006:

*Building Amendment Act 2008* — Sections 1, 2 and 16 to 25 — 1 January 2009 (*Gazette G51, 18 December 2008*)

*Courts Legislation Amendment (Associate Judges) Act 2008* — Whole Act — 17 December 2008 (*Gazette S377, 16 December 2008*)

*Dangerous Goods Amendment (Transport) Act 2008* — Whole Act — 1 January 2009 — (*Gazette G51, 18 December 2008*)

*Energy Legislation Amendment (Retail Competition and Other Matters) Act 2008* — Section 39 — 18 January 2009 (*Gazette G51, 18 December 2008*)

*Family Violence Protection Act 2008* — Remaining provisions except for Part 15 — 8 December 2008 (*Gazette S339, 4 December 2008*)

*Police Integrity Act 2008* — Remaining provisions — 5 December 2008 (*Gazette S340, 4 December 2008*)

*Public Health and Wellbeing Act 2008* — Part 1 and ss 246, 249, 254, 255, 263, 264, 265 and 266 — 1 January 2009 (*Gazette S365, 12 December 2008*)

*Racing and Gambling Legislation Amendment Act 2008* — Whole Act other than s 29 — 1 January 2009 (*Gazette G51, 18 December 2008*)

*Stalking Intervention Orders Act 2008* — Whole Act — 8 December 2008 (*Gazette S339, 4 December 2008*)

*Water (Commonwealth Powers) Act 2008* — Provisions of Part 1 and Part 2 — 4 December 2008 (*Gazette S336, 4 December 2008*). Remaining provisions — 15 December 2008 (*Gazette S358, 11 December 2008*).

- 18 **RESIGNATION OF MEMBER OF THE LEGISLATIVE COUNCIL** — The Speaker announced that she had received the following letter from the Governor:

Friday 9<sup>th</sup> January 2009

Ms. Jenny Lindell, MP,  
Speaker of the Legislative Assembly,  
Parliament House,  
MELBOURNE. 3002

Dear Speaker,

### **Resignation of a Member of the Legislative Council**

I advise that on 9<sup>th</sup> 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

- 19 **MESSAGE FROM THE LEGISLATIVE COUNCIL — COUNCIL VACANCY** — The Speaker announced the receipt of a message from the Legislative Council proposing that the Council 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 Evan William Thornley and that the place and time of such meeting be the Legislative Assembly Chamber on Tuesday 3 February 2009 at 6.15 pm.

Ordered — That the message be taken into consideration immediately.

Motion made and question — That this House meets the Legislative Council 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 Evan Thornley and, as proposed by the Legislative Council, agrees that the place and time of this meeting be the Legislative Assembly Chamber today at 6.15 pm (*Mr Batchelor*) — put and agreed to.

Message sent to the Legislative Council informing them accordingly.

- 20 **MESSAGE FROM THE GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that he had, on 11 December 2008, given the royal assent to the following bills, presented to him by the Clerk of the Legislative Council for and in the absence of the Clerk of the Parliaments:

Assisted Reproductive Treatment Bill 2008  
 Coroners Bill 2008  
 Courts Legislation Amendment (Costs Court and Other Matters) Bill 2008  
 Health Services Legislation Amendment Bill 2008  
 Multicultural Victoria Amendment Bill 2008  
 Professional Standards and Legal Profession Acts Amendment Bill 2008  
 Prostitution Control and Other Matters Amendment Bill 2008  
 Salaries Legislation Amendment (Salary Sacrifice) Bill 2008  
 State Taxation Acts Further Amendment Bill 2008  
 Transport Legislation Amendment (Driver and Industry Standards) Bill 2008.

- 21 **MESSAGES FROM THE GOVERNOR** — Recommending appropriations for the purposes of the following bills:

Bus Safety Bill 2008  
 Criminal Procedure Bill 2008  
 Equal Opportunity Amendment (Governance) Bill 2008  
 Fair Trading and Other Acts Amendment Bill 2008  
 Liquor Control Reform Amendment (Enforcement) Bill 2008  
 Melbourne Cricket Ground Bill 2008  
 Occupational Health and Safety Amendment (Employee Protection) Bill 2008  
 Resources Industry Legislation Amendment Bill 2008  
 Transport Legislation General Amendments Bill 2008  
 Transport Legislation Miscellaneous Amendments Bill 2008.

- 22 **ASSISTED REPRODUCTIVE TREATMENT BILL 2008 AND HEALTH SERVICES LEGISLATION AMENDMENT BILL 2008** — The Speaker announced that she had received a report from the Clerk of the Parliaments that, under Joint Standing Order 6(1), he has made the following corrections:

- (1) In the Assisted Reproductive Treatment Bill 2008, clause 153, in new section 17B(3) he has inserted 'subsection' before '(2)', so that 17B(3) begins 'The Registrar must not issue the addendum referred to in subsection (2)...'; and
- (2) In the Health Services Legislation Amendment Bill 2008, clause 6(3) refers to the *Health Services Act 1998*, he has deleted '1998' and inserted '1988' so that the title of the Act is correct.

- 23 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, under SO 94(2), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 5 February 2009:

Criminal Procedure Bill 2008  
 Equal Opportunity Amendment (Governance) Bill 2008  
 Resources Industry Legislation Amendment Bill 2008

*(Mr Batchelor)* — put, after debate, and agreed to.

- 24 **STATEMENTS BY MEMBERS** — Statements by members were made.
- 25 **SERIOUS SEX OFFENDERS MONITORING AMENDMENT BILL 2009** — *Mr Cameron tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time *(Mr Cameron)*.

Motion made and question — That the debate be now adjourned *(Mr McIntosh)* — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 27 **CRIMINAL PROCEDURE BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time.

Under standing orders, Mr Clark announced amendments to be proposed when the House considers the Bill in detail and requested that they be circulated. Amendments circulated.

Debate resumed on question — That this Bill be now read a second time.

Motion made and question — That the debate be now adjourned *(Mr Hardman)* — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 28 **JOINT SITTING — LEGISLATIVE COUNCIL VACANCY** — The Acting Speaker reported that the House met today with the Legislative Council for the purpose of choosing a person to hold the seat in the Legislative Council rendered vacant by the resignation of Evan Thornley and that Jennifer Huppert has been duly chosen to hold the vacant place.

- 29 **RESOURCES INDUSTRY LEGISLATION AMENDMENT BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Bill read a second time and, by leave, immediately read a third time.

Bill sent to the Legislative Council and their agreement requested.

- 30 **EQUAL OPPORTUNITY AMENDMENT (GOVERNANCE) BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 10.00 pm under standing orders.*

- 31 **ADJOURNMENT** — The Deputy Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.31 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JENNY LINDELL  
*Speaker*

## No 104 — Wednesday 4 February 2009

- 1 The Speaker took the Chair and read the Prayer.
- 2 **PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE** — The Speaker announced that she had received the resignation of Mr Pakula from the Public Accounts and Estimates Committee, effective from today.
- 3 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:
- Upgrade of Health Services for Bass Coast Region** — Requesting that the House asks the Government to support funding for the upgrade of health services in the Bass Coast region, bearing 191 signatures (*Mr Smith, Bass*)
- Funding for Box Hill Hospital** — Requesting that the House calls upon the Government to provide urgent funding for the redevelopment of the Box Hill hospital, bearing 581 and 275 signatures (*Mr Clark and Ms Wooldridge respectively*)
- Freeway Link in Bulleen** — Requesting that the House does not support any proposals to build a freeway/tollway link that connects the Eastern Freeway to the Metropolitan Ring Road via Bulleen Road in Bulleen, bearing 37 signatures (*Mr Kotsiras*)
- Funding for Catholic Schools** — Requesting that the House — (a) guarantees funding for Catholic schools at 25 per cent of the average cost of educating a child in the State school system; and (b) provides equal funding for children with disabilities who attend a Catholic school, bearing 172 and 200 signatures (*Mr Tresize and Mr Nardella respectively*)
- Red Cliffs Police Station** — Requesting that the House takes action to increase staffing levels at the Red Cliffs police station, bearing 47 signatures (*Mr Crisp*)
- Walpeup Research Station** — Requesting that the House rejects the Victorian Department of Primary Industries (DPI) restructure and calls on the Government to keep the Walpeup Research Station as a fully funded and functional DPI facility, bearing 18 signatures (*Mr Crisp*)
- Melbourne–Mildura Train Line** — Requesting that the House brings forward the reinstatement of the Melbourne–Mildura passenger train service in view of concerns including global warming, and the need to connect Mildura to both the Melbourne and the national rail networks, bearing 28 signatures (*Mr Crisp*).
- Petitions ordered to be tabled.
- 4 **PETITION — FUNDING FOR BOX HILL HOSPITAL** — Motion made and question — That the petition presented by the Member for Box Hill be taken into consideration tomorrow (*Mr Clark*) — put and agreed to.

- 5 **PETITION — FREEWAY LINK IN BULLEEN** — Motion made and question — That the petition presented by the Member for Bulleen be taken into consideration tomorrow (*Mr Kotsiras*) — put and agreed to.
- 6 **PETITION — FUNDING FOR BOX HILL HOSPITAL** — Motion made and question — That the petition presented by the Member for Doncaster be taken into consideration tomorrow (*Ms Wooldridge*) — put and agreed to.
- 7 **PETITION — UPGRADE OF HEALTH SERVICES FOR BASS COAST REGION** — Motion made and question — That the petition presented by the Member for Bass be taken into consideration tomorrow (*Mr Smith, Bass*) — put and agreed to.
- 8 **PETITION — RED CLIFFS POLICE STATION** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.
- 9 **PETITION — WALPEUP RESEARCH STATION** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.
- 10 **PETITION — MELBOURNE–MILDURA TRAIN LINE** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.
- 11 **PETITION — FUNDING FOR CATHOLIC SCHOOLS** — Motion made and question — That the petition presented by the Member for Melton be taken into consideration tomorrow (*Mr Nardella*) — put and agreed to.
- 12 **PETITION — FUNDING FOR CATHOLIC SCHOOLS** — Motion made and question — That the petition presented by the Member for Geelong be taken into consideration tomorrow (*Mr Trezise*) — put and agreed to.
- 13 **DOCUMENT TABLED UNDER AN ACT OF PARLIAMENT** — The Clerk tabled the following document in accordance with an Act of Parliament:
- Auditor-General — Literacy and Numeracy Achievement — Ordered to be printed.
- 14 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Agreeing to the following bills without amendment:
- Crimes Legislation Amendment (Food and Drink Spiking) Bill 2008  
Fundraising Appeals and Consumer Acts Amendment Bill 2008  
Relationships Amendment (Caring Relationships) Bill 2008.
- 15 **STATEMENTS BY MEMBERS** — Statements by members were made.
- 16 **GRIEVANCES** — Question — That grievances be noted — put, after debate, and agreed to.
- 17 **STATEMENTS ON PARLIAMENTARY COMMITTEE REPORTS** — Statements were made on the following Committee Reports:
- Education and Training Committee's Report on the Inquiry into Effective Strategies for Teacher Professional Learning
- Road Safety Committee's Report into Improving Safety at Level Crossings

Environment and Natural Resources Committee's Report on the Impact of Public Land Management on Bushfires in Victoria

Electoral Matters Committee's Report on the International Investigations into Political Donations and Disclosure and Voter Participation and Informal Voting.

- 18 **CARDINIA PLANNING SCHEME** — Motion made and question — That under s 46AH of the *Planning and Environment Act 1987*, Amendment C105 Part 2 to the Cardinia Planning Scheme be ratified (*Mr Batchelor*) — put, after debate, and agreed to.

*Business having been interrupted at 2.00 pm under standing orders.*

- 19 **QUESTIONS** — (Under SO 55).

- 20 **POSTPONEMENT OF ORDER OF THE DAY** — Ordered — That the consideration of Government Business, Order of the Day, No 1 be postponed until later this day.

- 21 **SERIOUS SEX OFFENDERS MONITORING AMENDMENT BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Bill read a second time and, by leave, immediately read a third time.

Bill sent to the Legislative Council and their agreement requested.

- 22 **EQUAL OPPORTUNITY AMENDMENT (GOVERNANCE) BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Mr Andrews*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 23 **CRIMINAL PROCEDURE BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 10.00 pm under standing orders.*

- 24 **ADJOURNMENT** — The Acting Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.38 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JENNY LINDELL  
*Speaker*

## No 105 — Thursday 5 February 2009

- 1 The Speaker took the Chair and read the Prayer.

- 2 **DEATH OF FRANK CREAN** — The Speaker announced the death of Frank Crean, Member of the Legislative Assembly for the Electoral Districts of Albert Park from 1945 to 1947 and Prahran from 1949 to 1951; and members rose in their places as a mark of respect to the memory of the deceased.

3 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

**Melbourne Water Waterways Charges** — Requesting that the House removes the Melbourne Water Waterways charge on properties that do not fall within a water service district of Western Water, bearing 19 signatures (*Mr Baillieu*)

**Red Cliffs Police Station** — Requesting that the House takes action to increase staffing levels at the Red Cliffs police station, bearing 32 signatures (*Mr Crisp*)

**Walpeup Research Station** — Requesting that the House rejects the Victorian Department of Primary Industries (DPI) restructure and calls on the Government to keep the Walpeup Research Station as a fully funded and functional DPI facility, bearing 18 signatures (*Mr Crisp*)

**Melbourne–Mildura Train Line** — Requesting that the House brings forward the reinstatement of the Melbourne–Mildura passenger train service in view of concerns including global warming, and the need to connect Mildura to both the Melbourne and the national rail networks, bearing 73 signatures (*Mr Crisp*).

Petitions ordered to be tabled.

4 **PETITION — MELBOURNE WATER WATERWAYS CHARGES** — Motion made and question — That the petition presented by the Member for Hawthorn be taken into consideration tomorrow (*Mr McIntosh*) — put and agreed to.

5 **PETITION — RED CLIFFS POLICE STATION** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.

6 **PETITION — WALPEUP RESEARCH STATION** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.

7 **PETITION — MELBOURNE–MILDURA TRAIN LINE** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.

8 **DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:

*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 under s 10.2A.11 — Ordered to be printed

Statutory Rule under the *Crimes Act 1958* — SR 1.

9 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourns until Tuesday 24 February 2009 (*Mr Batchelor*) — put and agreed to.

10 **STATEMENTS BY MEMBERS** — Statements by members were made.

11 **ANNUAL STATEMENT OF GOVERNMENT INTENTIONS** — Order read for responses to the Statement; responses commenced.

Motion made and question — That the debate be now adjourned (*Ms Morand*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 12 **GAMBLING REGULATION AMENDMENT (LICENSING) BILL 2009** — *Mr Robinson tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Robinson*).

Motion made and question — That the debate be now adjourned (*Mr Delahunty*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 19 February 2009.

- 13 **ANNUAL STATEMENT OF GOVERNMENT INTENTIONS** — Order read for responses to the Statement; responses resumed.

*Business having been interrupted at 2.00 pm under standing orders.*

- 14 **QUESTIONS** — (Under SO 55).

- 15 **ANNUAL STATEMENT OF GOVERNMENT INTENTIONS** — Responses resumed.

Motion made and question — That the debate be now adjourned (*Mr Cameron*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 16 **EQUAL OPPORTUNITY AMENDMENT (GOVERNANCE) BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Question — put.

The House divided (the Speaker, Ms Lindell, in the Chair) —

AYES 51

Ms Allan; Mr Andrews; Ms Barker; Ms Beattie; Mr Brooks; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Mr Eren; Mr Foley; Ms Graley; Ms Green; Mr Hardman; Dr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Ms Kairouz; Ms Kosky; Mr Languiller; Mr Lim; Ms Lobato; Mr Lupton; Mrs Maddigan; Ms Marshall; Mr Merlino; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Pike; Ms Richardson; Mr Robinson; Mr Scott; Mr Seitz; Mr Stensholt; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

NOES 32

Ms Asher; Mr Baillieu; Mr Blackwood; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Hodgett; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Morris; Mr Mulder; Dr Naphine; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith (*Bass*); Mr Smith (*Warrandyte*); Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Weller; Mr Wells; Ms Wooldridge.

Question agreed to.

By leave, Bill immediately read a third time with the concurrence of an absolute majority of the whole number of the members of the Legislative Assembly.

Bill sent to the Legislative Council and their agreement requested.

- 17 **CRIMINAL PROCEDURE BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Bill read a second time and considered in detail (*see pp 560–1*).

*Allocation of time — The Deputy Speaker advised that the time allocated for consideration of bills under the resolution of the House on Tuesday 3 February 2009 had expired.*

Question — That the words proposed to be omitted stand part of the Clause — put.

The House divided (the Deputy Speaker, Ms Barker, in the Chair) —

AYES 49

Ms Allan; Mr Andrews; Ms Beattie; Mr Brooks; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Mr Eren; Mr Foley; Ms Graley; Ms Green; Mr Hardman; Dr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Ms Kairouz; Ms Kosky; Mr Languiller; Mr Lim; Ms Lobato; Mr Lupton; Mrs Maddigan; Ms Marshall; Mr Merlino; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Pike; Ms Richardson; Mr Robinson; Mr Scott; Mr Seitz; Mr Stensholt; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

NOES 32

Ms Asher; Mr Baillieu; Mr Blackwood; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Hodgett; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Morris; Dr Napthine; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith (*Bass*); Mr Smith (*Warrandyte*); Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Weller; Mr Wells; Ms Wooldridge.

Question agreed to.

Question — That Clause 1 be agreed to — put and agreed to.

Question — That Clauses 2 to 385 inclusive and Schedules 1 to 3 inclusive be agreed to and that the Bill be agreed to without amendment — put and agreed to.

Bill read a third time with the concurrence of an absolute majority of the whole number of the members of the Legislative Assembly.

Bill sent to the Legislative Council and their agreement requested.

18 **ACTING PUBLIC ADVOCATE** — The Deputy Speaker advised that today the Speaker administered to Philip John Grano, the Acting Public Advocate, the oath required by Schedule 3 of the *Guardianship and Administration Act 1986*.

19 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Agreeing to the following bills without amendment:

Serious Sex Offenders Monitoring Amendment Bill 2009  
Major Crime Legislation Amendment Bill 2008.

20 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Cameron*) — put and agreed to.

21     **ADJOURNMENT** — The Speaker left the Chair, after debate, at 4.59 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JENNY LINDELL  
*Speaker*

LEGISLATIVE ASSEMBLY OF VICTORIA

**CONSIDERATION IN DETAIL**  
**Supplement to Votes Nos 103, 104 and 105**

**No 105 — Thursday 5 February 2009**

**CRIMINAL PROCEDURE BILL 2008**

**Clause 1**, Mr Clark moved amendment No 1 (*see Schedule*).

*Allocation of time — The Deputy Speaker advised that the time allocated for consideration of bills under the resolution of the House on Tuesday 3 February 2009 had expired (for remaining stages see p 558).*

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## **SCHEDULE OF AMENDMENT MOVED**

### **CRIMINAL PROCEDURE BILL 2008**

Amendment moved by Mr Clark

1. Clause 1, page 2, lines 6 to 8, omit all words and expressions on these lines.



**VOTES AND PROCEEDINGS**  
**Nos 106, 107 and 108**

**No 106 — Tuesday 24 February 2009**

- 1 The House met according to the adjournment — The Speaker took the Chair and read the Prayer.
- 2 **SUSPENSION OF STANDING ORDERS** — Motion made, by leave, and question — That so much of standing orders be suspended to allow:
  - (1) On Tuesday 24 and Wednesday 25 February 2009:
    - (a) no business other than the consideration of a motion relating to the Victorian bushfires; and
    - (b) the suspension of the 10.00 pm interruption under SO 32;
  - (2) On Thursday 26 February 2009:
    - (a) the suspension of question time; and
    - (b) a motion setting a government business program to be moved;
  - (3) On Wednesday 11 March 2009, the Opposition to propose the matter of public importance
- 3 **VICTORIAN BUSHFIRES** — Motion made and question — That the 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 firefighters and emergency services personnel from Victoria, others 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

*(Mr Batchelor)* — put and agreed to.

*(Mr Brumby)* — and, after debate —

Motion made and question — That the debate be now adjourned *(Ms Pike)* — put and agreed to.

Ordered — That the debate be adjourned until tomorrow.

4 **ADJOURNMENT** — The Acting Speaker left the Chair at 7.02 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JENNY LINDELL  
*Speaker*

## No 107 — Wednesday 25 February 2009

1 The Speaker took the Chair and read the Prayer.

2 **VICTORIAN BUSHFIRES** — Order read for resuming debate on question — That the 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 firefighters and emergency services personnel from Victoria, others 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 resumed.

Members stood in silence in unanimous agreement to the motion.

3 **ADJOURNMENT** — The Speaker left the Chair at 7.22 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JENNY LINDELL  
*Speaker*

## No 108 — Thursday 26 February 2009

1 The Speaker took the Chair and read the Prayer.

- 2 **VICTORIAN BUSHFIRES** — Motion made, by leave, and question — That the resolutions and associated documents received from the Queensland Legislative Assembly and South Australian House of Assembly regarding the Victorian bushfires be tabled (*Mr Batchelor*) — put and agreed to.
- 3 **MAJOR SPORTING EVENTS BILL 2009** — Mr Merlino obtained leave to bring in 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, after debate, the Bill was read a first time and, by leave, ordered to be read a second time later this day.
- 4 **MELBOURNE UNIVERSITY AMENDMENT BILL 2009** — Ms Allan obtained leave to bring in 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 the Bill was read a first time and, by leave, ordered to be read a second time later this day.
- 5 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:
- Redevelopment Plans in Albion** — Requesting that the House, in relation to 16 Susan Street, Albion — (a) cancels or revokes demolition plans for the property; (b) investigates the nature of the demolition plans with the appropriate department; and (c) looks into alternative housing arrangements for the lead tenant facility with the Department of Human Services, bearing 86 signatures (*Mr Languiller*)
- Funding for Box Hill Hospital** — Requesting that the House calls upon the Government to provide urgent funding for the redevelopment of the Box Hill hospital, bearing 64 signatures (*Ms Wooldridge*)
- Funding for Catholic Schools** — Requesting that the House — (a) guarantees funding for Catholic schools at 25 per cent of the average cost of educating a child in the State school system; and (b) provides equal funding for children with disabilities who attend a Catholic school, bearing 231 signatures (*Mr Langdon*)
- Red Cliffs Police Station** — Requesting that the House takes action to increase staffing levels at the Red Cliffs police station, bearing 60 signatures (*Mr Crisp*)
- Walpeup Research Station** — Requesting that the House rejects the Victorian Department of Primary Industries (DPI) restructure and calls on the Government to keep the Walpeup Research Station as a fully funded and functional DPI facility, bearing 18 signatures (*Mr Crisp*)
- Melbourne–Mildura Train Line** — Requesting that the House brings forward the reinstatement of the Melbourne–Mildura passenger train service in view of concerns including global warming, and the need to connect Mildura to both the Melbourne and the national rail networks, bearing 32 signatures (*Mr Crisp*)
- Mornington Peninsula Mobile Intensive Care** — Requesting that the House ensures that two officer crews are maintained for all mobile intensive care ambulances on the Mornington Peninsula, bearing 197 signatures (*Mr Morris*)
- Noxious Weed Control** — Requesting that the House calls upon the Government to — (a) clarify responsibility for the control of noxious weeds; and (b) increase funding levels to implement appropriate eradication programs and to include Paterson's Curse, bearing 115 signatures (*Mr Jasper*)
- Closure of Napier Street, Rye** — Requesting that the House directs VicRoads to reopen Napier Street at Point Nepean Road, Rye, bearing 447 signatures (*Mr Dixon*).

Petitions ordered to be tabled.

- 6 **PETITION — MORNINGTON PENINSULA MOBILE INTENSIVE CARE** — Motion made and question — That the petition presented by the Member for Mornington be taken into consideration tomorrow (*Mr Morris*) — put and agreed to.
- 7 **PETITION — RED CLIFFS POLICE STATION** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.
- 8 **PETITION — WALPEUP RESEARCH STATION** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.
- 9 **PETITION — MELBOURNE–MILDURA TRAIN LINE** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.
- 10 **PETITION — CLOSURE OF NAPIER STREET, RYE** — Motion made and question — That the petition presented by the Member for Nepean be taken into consideration tomorrow (*Mr Dixon*) — put and agreed to.
- 11 **PETITION — FUNDING FOR BOX HILL HOSPITAL** — Motion made and question — That the petition presented by the Member for Doncaster be taken into consideration tomorrow (*Ms Wooldridge*) — put and agreed to.

## 12 DOCUMENTS

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — Mr Carli, Chair, presented a report from the Scrutiny of Acts and Regulations Committee being the Alert Digest No 2 of 2009 on the:

Gambling Regulation Amendment (Licensing) Bill 2009  
 Serious Sex Offenders Monitoring Amendment Act 2009

together with appendices.

Ordered to be tabled and printed.

### DOCUMENT BY COMMAND OF THE GOVERNOR

Mr Hulls presented by Command of the Governor:

County Court of Victoria — Report 2007–08

Ordered to be tabled.

**DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:

*Confiscation Act 1997* — Report 2007–08 under s 139A

Falls Creek Alpine Resort Management Board — Report year ended 31 October 2008

Financial Management Regulations 2004 — Order under regulation 8 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 under s 32(3)(a)(iii) in relation to Statutory Rules 158/2008 (*Gazette G8, 19 February 2009*), 162/2008 (*Gazette G7, 12 February 2009*)

*Legal Profession Act 2004* — Practitioner Remuneration Order under s 3.4.24

Mount Baw Baw Alpine Resort Management Board — Report year ended 31 October 2008

Mount Buller and Mount Sterling Alpine Resort Management Board — Report year ended 31 October 2008

*Parliamentary Committees Act 2003* — Government response to the Family and Community Development Committee's Inquiry 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 amendments to the following Planning Schemes:

Casey — C99

Frankston — C52

Hobsons Bay — C58

Kingston — C94

Knox — C45

Mildura — C49

Monash — C83

Moonee Valley — C80, C88

Wellington — C35 Part 2

Whitehorse — C84, C105

Whittlesea — C32, C114

Wyndham — C95

Statutory Rules under the following Acts:

*Education and Training Reform Act 2006* — SR 6

*Fisheries Act 1995* — SRs 2, 3

*Gas Industry Act 2001* — SR 9

*Infringements Act 2006* — SR 4

*Melbourne City Link Act 1995* — SR 7

*Police Regulation Act 1958* — SR 13

*Residential Tenancies Act 1997* — SR 12

*Subordinate Legislation Act 1994* — SRs 5, 8

*Unclaimed Money Act 2008* — SR 11

*Wildlife Act 1975* — SR 10

*Subordinate Legislation Act 1994*:

Minister's exception certificate in relation to Statutory Rule 8

Ministers' exemption certificates in relation to Statutory Rules 4, 7, 9, 10, 13.

The following proclamations fixing operative dates were tabled by the Clerk in accordance with an order of the House dated 19 December 2006:

*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 S16, 29 January 2009*)

*Fisheries Amendment Act 2007* — Sections 3(2), 7, 8 and 9(2) — 2 March 2009 (*Gazette 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 G8, 19 February 2009*).

- 13 **MESSAGE FROM THE GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that he had, on 10 February 2009, given the royal assent to the following bills, presented to him by the Clerk of the Parliaments:

Crimes Legislation Amendment (Food and Drink Spiking) Bill 2008

Fundraising Appeals and Consumer Acts Amendment Bill 2008

Major Crime Legislation Amendment Bill 2008

Relationships Amendment (Caring Relationships) Bill 2008

Serious Sex Offenders Monitoring Amendment Bill 2009.

- 14 **MESSAGE FROM THE GOVERNOR** — Recommending an appropriation for the purposes of the Gambling Regulation Amendment (Licensing) Bill 2009.

- 15 **FAMILY AND COMMUNITY DEVELOPMENT COMMITTEE** — The Speaker announced that she had received the resignation of Mr Adem Somyurek from the Family and Community Development Committee, effective from 25 February 2009.

- 16 **FAMILY AND COMMUNITY DEVELOPMENT COMMITTEE** — Motion made, by leave, and question — That Ms Marlene Kairouz be appointed a member of the Family and Community Development Committee (*Mr Batchelor*) — put and agreed to.

- 17 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourns until Tuesday 10 March 2009 (*Mr Batchelor*) — put, after debate, and agreed to.

- 18 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, under SO 94(2), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm today:

Duties Amendment Bill 2008

Liquor Control Reform Amendment (Enforcement) Bill 2008

(*Mr Batchelor*) — put, after debate, and agreed to.

- 19 **STATEMENTS BY MEMBERS** — Statements by members were made.

- 20 **LIQUOR CONTROL REFORM AMENDMENT (ENFORCEMENT) BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time.

Under standing orders, Mr O'Brien announced amendments to be proposed when the House considers the Bill in detail and requested that they be circulated. Amendments circulated.

Debate resumed on question — That this Bill be now read a second time.

Bill read a second time, considered in detail and agreed to without amendment, read a third time (*see p 571*).

Bill sent to the Legislative Council and their agreement requested.

- 21 **DUTIES AMENDMENT BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time.

Under standing orders, Mr Batchelor announced amendments to be proposed when the House considers the Bill in detail and requested that they be circulated. Amendments circulated.

Debate resumed on question — That this Bill be now read a second time.

Amendment proposed — That all the words after 'That' be omitted with the view of inserting in their place the words 'this House refuses to read this Bill a second time until all stakeholders are properly consulted and serious inherent problems with the Bill are resolved including:

- (1) a stamp duty payment deadline of 14 days on property settlements, which is administratively unrealistic and financially burdensome, particularly for country Victorians;
- (2) the proposed retrospective application of a number of provisions;
- (3) continuing legal concerns regarding the interpretation of proposed wording; and
- (4) the failure to prevent unintended adverse consequences for many Victorians'

(*Mr Wells*) — and, after debate —

Question — That the words proposed to be omitted stand part of the question — put.

The House divided (the Deputy Speaker, Ms Barker, in the Chair) —

AYES 47

Ms Allan; Mr Andrews; Mr Batchelor; Ms Beattie; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Mr Foley; Ms Graley; Ms Green; Mr Hardman; Dr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Hudson; Mr Hulls; Ms Kairouz; Ms Kosky; Mr Langdon; Mr Languiller; Mr Lim; Ms Lobato; Mr Lupton; Mrs Maddigan; Ms Marshall; Mr Merlino; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Noonan; Ms Overington; Mr Pallas; Mr Pandazopoulos; Ms Pike; Ms Richardson; Mr Robinson; Mr Scott; Mr Seitz; Mr Stensholt; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

NOES 32

Ms Asher; Mr Baillieu; Mr Blackwood; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Hodgett; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Morris; Dr Napthine; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith (*Bass*); Mr Smith (*Warrandyte*); Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Weller; Mr Wells; Ms Wooldridge.

Question agreed to.

Bill read a second time, considered in detail and agreed to with amendments, read a third time (*see pp 572–5*).

Bill sent to the Legislative Council and their agreement requested.

- 22 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Victoria Law Foundation Bill 2008 with amendments.

Ordered — That the amendments be taken into consideration tomorrow.

- 23 **MAJOR SPORTING EVENTS BILL 2009** — *Mr Merlino tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Merlino*).

Motion made and question — That the debate be now adjourned (*Mr Delahunty*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 12 March 2009.

24 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Resources Industry Legislation Amendment Bill 2008 without amendment.

25 **MELBOURNE UNIVERSITY AMENDMENT BILL 2009** — *Ms Allan tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Ms Allan*).

Motion made and question — That the debate be now adjourned (*Mr Dixon*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 12 March 2009.

26 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Wynne*) — put and agreed to.

27 **ADJOURNMENT** — The Speaker left the Chair, after debate, at 4.47 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JENNY LINDELL  
*Speaker*

LEGISLATIVE ASSEMBLY OF VICTORIA

**CONSIDERATION IN DETAIL**  
**Supplement to Votes Nos 106, 107 and 108**

**No 108 — Thursday 26 February 2009**

**LIQUOR CONTROL REFORM AMENDMENT (ENFORCEMENT) BILL 2008**

**Clauses 1 to 11** agreed to.

**Clause 12**, Question — That clause 12 stands part of the Bill — put.

The House divided (the Deputy Speaker, Ms Barker, in the Chair) —

AYES 42

Ms Allan; Mr Batchelor; Ms Beattie; Mr Brooks; Mr Cameron; Ms Campbell; Mr Carli; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Mr Foley; Ms Graley; Ms Green; Mr Hardman; Dr Harkness; Mr Helper; Mr Howard; Mr Hulls; Mr Ingram; Ms Kairouz; Ms Kosky; Mr Langdon; Mr Languiller; Mr Lim; Ms Lobato; Mr Lupton; Mrs Maddigan; Mr Merlino; Ms Munt; Mr Nardella; Mr Noonan; Ms Overington; Mr Pallas; Mr Pandazopoulos; Ms Pike; Ms Richardson; Mr Robinson; Mr Scott; Mr Seitz; Mr Stensholt; Ms Thomson (*Footscray*); Mr Wynne.

NOES 31

Ms Asher; Mr Baillieu; Mr Blackwood; Mr Burgess; Mr Clark; Mr Crisp; Mr Dixon; Ms Fyffe; Mr Hodgett; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Morris; Mr Mulder; Dr Napthine; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith (*Bass*); Mr Smith (*Warrandyte*); Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Weller; Mr Wells; Ms Wooldridge.

Question agreed to.

**Clause 13**, Question — That clause 13 stands part of the Bill — put.

The House divided (the Deputy Speaker, Ms Barker, in the Chair) —

AYES 44

Ms Allan; Mr Batchelor; Ms Beattie; Mr Brooks; Mr Cameron; Ms Campbell; Mr Carli; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Mr Foley; Ms Graley; Ms Green; Mr Hardman; Dr Harkness; Mr Helper; Mr Herbert; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Ms Kairouz; Ms Kosky; Mr Langdon; Mr Languiller; Mr Lim; Ms Lobato; Mr Lupton; Mrs Maddigan; Mr Merlino; Ms Munt; Mr Nardella; Mr Noonan; Ms Overington; Mr Pallas; Mr Pandazopoulos; Ms Pike; Ms Richardson; Mr Robinson; Mr Scott; Mr Seitz; Mr Stensholt; Ms Thomson (*Footscray*); Mr Wynne.

NOES 31

Ms Asher; Mr Baillieu; Mr Blackwood; Mr Burgess; Mr Clark; Mr Crisp; Mr Dixon; Ms Fyffe; Mr Hodgett; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Morris; Mr Mulder; Dr Napthine; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith (*Bass*); Mr Smith (*Warrandyte*); Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Weller; Mr Wells; Ms Wooldridge.

Question agreed to.

**Clauses 14 to 27** agreed to.

Bill agreed to without amendment.

**DUTIES AMENDMENT BILL 2008**

**Clauses 1 to 3** agreed to.

**Clause 4**, Mr Holding moved amendment No 1 (*see Schedule*).

Amendment put and agreed to.

Clause agreed to as amended.

**Clauses 5 to 12** agreed to.

**Clause 13**, Mr Holding moved amendment Nos 2 to 17 inclusive (*see Schedule*).

Amendments put and agreed to.

Clause agreed to as amended.

**Clause 14** agreed to.

**New clauses AA to DD**, Mr Holding moved new clauses AA to DD (*see Schedule*).

New clauses agreed.

**New clauses EE and FF**, Mr Holding moved new clauses EE and FF (*see Schedule*).

New clauses agreed to.

Bill agreed to as amended.

## SCHEDULE OF AMENDMENTS MOVED

### DUTIES AMENDMENT BILL 2008

Amendments moved by Mr Holding

1. Clause 4, page 4, after line 23 insert—
  - ( ) After section 7(3) of the **Duties Act 2000** insert—
    - "(3AA) Despite subsection (1), the granting, transfer, assignment or surrender of a lease creating or giving rise to a residency right in a retirement village within the meaning of the **Retirement Villages Act 1986** is not a dutiable transaction.".
2. Clause 13, line 8, omit "9" and insert "15".
3. Clause 13, line 13, omit "9" and insert "15".
4. Clause 13, line 18, omit "10" and insert "16".
5. Clause 13, line 24, omit "10" and insert "16".
6. Clause 13, line 28, omit "10" and insert "16".
7. Clause 13, line 34, omit "10" and insert "16".
8. Clause 13, page 11, line 5, omit "10" and insert "16".
9. Clause 13, page 11, line 10, omit "10" and insert "16".
10. Clause 13, page 11, line 16, omit "10" and insert "16".
11. Clause 13, page 11, line 20, omit "10" and insert "16".
12. Clause 13, page 11, line 27, omit "10" and insert "16".
13. Clause 13, page 11, line 32, omit "10" and insert "16".
14. Clause 13, page 12, line 5, omit "11" and insert "17".
15. Clause 13, page 12, line 12, omit "11" and insert "17".
16. Clause 13, page 12, line 16, omit "12" and insert "18".
17. Clause 13, page 12, line 25, omit "12" and insert "18".

#### NEW CLAUSES

18. Insert the following New Clauses to follow clause 7—
  - 'AA References to dutiable property—Division 1**

After the heading to Division 1 of Part 5 of the **Duties Act 2000** insert—
  - "32Y References to dutiable property**

For the purposes of this Division, a reference to—

    - (a) a declaration of trust over dutiable property includes a declaration of trust over a lease referred to in section 7(1)(b)(v) or 7(1)(b)(va);

(b) a transfer of dutiable property includes—

- (i) the granting of a lease referred to in section 7(1)(b)(v);
- (ii) the transfer or assignment of a lease referred to in section 7(1)(b)(va)."

**BB References to dutiable property—Division 2**

After the heading to Division 2 of Part 5 of the **Duties Act 2000 insert—**

**"38B References to dutiable property**

For the purposes of this Division, a reference to a transfer of dutiable property includes—

- (a) the granting of a lease referred to in section 7(1)(b)(v);
- (b) the transfer or assignment of a lease referred to in section 7(1)(b)(va)."

**CC References to dutiable property—Division 3**

After the heading to Division 3 of Part 5 of the **Duties Act 2000 insert—**

**"41B References to dutiable property**

For the purposes of this Division, a reference to—

- (a) a transfer of dutiable property or a vesting of dutiable property includes—
  - (i) the granting of a lease referred to in section 7(1)(b)(v);
  - (ii) the transfer or assignment of a lease referred to in section 7(1)(b)(va);
- (b) a declaration of trust over dutiable property includes a declaration of trust over a lease referred to in section 7(1)(b)(v) or 7(1)(b)(va)."

**DD References to dutiable property—Division 4**

After the heading to Division 4 of Part 5 of the **Duties Act 2000 insert—**

**"50B References to dutiable property**

For the purposes of this Division, a reference to—

- (a) a transfer of dutiable property includes—
  - (i) the granting of a lease referred to in section 7(1)(b)(v);
  - (ii) the transfer or assignment of a lease referred to in section 7(1)(b)(va);
- (b) a transfer of an estate in fee simple includes—
  - (i) the granting of a lease referred to in section 7(1)(b)(v);
  - (ii) the transfer or assignment of a lease referred to in section 7(1)(b)(va)."

19. Insert the following New Clauses to follow clause 8—

**'EE Definitions**

At the end of section 57G of the **Duties Act 2000 insert—**

"(2) For the purposes of this Division, a reference to—

- (a) a bona fide purchaser of the land for adequate consideration includes a reference to—
  - (i) a person to whom a lease referred to in section 7(1)(b)(v) has been granted;
  - (ii) a person to whom a lease referred to in section 7(1)(b)(va) has been transferred or assigned;

- (b) a contract for the purchase of the land includes a reference to—
  - (i) the granting of a lease referred to in section 7(1)(b)(v);
  - (ii) the transfer or assignment of a lease referred to in section 7(1)(b)(va);
- (c) a transfer of dutiable property, being an estate in fee simple includes a reference to—
  - (i) the granting of a lease referred to in section 7(1)(b)(v);
  - (ii) the transfer or assignment of a lease referred to in section 7(1)(b)(va);
- (d) a transferee includes a person to whom a lease referred to in section 7(1)(b)(v) or 7(1)(b)(va) is granted, transferred or assigned."

**FF Who is an eligible pensioner?**

After section 58(2) of the **Duties Act 2000** insert—

- "(3) For the purposes of sections 58, 59, 60, 61, 62 and 63, a reference to—
- (a) a bona fide purchaser of an estate in fee simple in land includes a reference to—
    - (i) a person to whom a lease referred to in section 7(1)(b)(v) has been granted;
    - (ii) a person to whom a lease referred to in section 7(1)(b)(va) has been transferred or assigned;
  - (b) a transfer of dutiable property, being a estate in fee simple in land includes a reference to—
    - (i) the granting of a lease referred to in section 7(1)(b)(v);
    - (ii) the transfer or assignment of a lease referred to in section 7(1)(b)(va).
- (4) For the avoidance of doubt, nothing in subsection (3) affects the operation of this Act other than sections 58, 59, 60, 61, 62 and 63 relating to the transfer of dutiable property."



## LEGISLATIVE ASSEMBLY OF VICTORIA

### VOTES AND PROCEEDINGS Nos 109, 110 and 111

#### No 109 — Tuesday 10 March 2009

- 1 The House met according to the adjournment — The Speaker took the Chair and read the Prayer.
- 2 **QUESTIONS** — (Under SO 55).
- 3 **BUSHFIRES ROYAL COMMISSION (REPORT) BILL 2009** — Mr Brumby obtained leave to bring in a Bill '*for an Act to make provision for the publication of a Report of the Bushfires Royal Commission and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 4 **LEGISLATION REFORM (REPEALS NO. 4) BILL 2009** — Mr Brumby obtained leave to bring in a Bill '*for an Act to repeal certain spent Acts relating to land*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 5 **STATUTE LAW AMENDMENT (CHARTER OF HUMAN RIGHTS AND RESPONSIBILITIES) BILL 2009** — Mr Hulls obtained leave to bring in 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, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 6 **CRIMES AMENDMENT (IDENTITY CRIME) BILL 2009** — Mr Hulls obtained leave to bring in 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 the Bill was read a first time and ordered to be read a second time tomorrow.
- 7 **HUMAN SERVICES (COMPLEX NEEDS) BILL 2009** — Mr Andrews obtained leave to bring in 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, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 8 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:
  - Electrical Substation in Kilsyth South** — Requesting that the House upgrades the electrical substation in Clarkedale Rise, Kilsyth South, bearing 44 signatures (*Ms Lobato*)
  - Traffic Lights at Yarra Junction Primary School** — Requesting that the House considers traffic lights at the school crossing outside Yarra Junction Primary School, bearing 125 signatures (*Ms Lobato*)
  - Red Cliffs Police Station** — Requesting that the House takes action to increase staffing levels at the Red Cliffs police station, bearing 34 signatures (*Mr Crisp*)
  - Melbourne–Mildura Train Line** — Requesting that the House brings forward the reinstatement of the Melbourne–Mildura passenger train service in view of concerns including global warming, and the

need to connect Mildura to both the Melbourne and the national rail networks, bearing 64 signatures (*Mr Crisp*)

**Funding for Catholic Schools** — Requesting that the House — (a) guarantees funding for Catholic schools at 25 per cent of the average cost of educating a child in the State school system; and (b) provides equal funding for children with disabilities who attend a Catholic school, bearing 38 signatures (*Mr Blackwood*)

**Ombudsman Reforms** — Requesting that the House amends the *Ombudsman Act 1973* and the *Freedom of Information Act 1982* to — (a) make the Office of the Ombudsman accountable, open, transparent and fair in its dealings with the public; (b) revoke s 29 of the *Ombudsman Act 1973*; and (c) incorporate penalty points for non-compliance of the *Freedom of Information Act 1982*, bearing 1 signature (*Ms Barker*).

Petitions ordered to be tabled.

## 9 DOCUMENTS

**VICTORIAN BUSHFIRES** — Motion made, by leave, and question — That the resolution received from the Tasmanian House of Assembly regarding the Victorian bushfires be tabled (*Mr Batchelor*) — put and agreed to.

**PARTNERSHIPS VICTORIA PROJECT SUMMARY: PARTNERSHIPS VICTORIA IN SCHOOLS** — Motion made, by leave, and question — That the Partnerships Victoria Project Summary: Partnerships Victoria in Schools be tabled (*Ms Pike*) — put and agreed to.

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — Mr Carli, Chair, presented a report from the Scrutiny of Acts and Regulations Committee being the Alert Digest No 3 of 2009 on the:

Criminal Procedure Bill 2008  
Major Crime Legislation Amendment Bill 2008  
Major Sporting Events Bill 2009  
Melbourne University Amendment Bill 2009

together with appendices.

Ordered to be tabled and printed.

**DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:

*Drugs, Poisons and Controlled Substances Act 1981* — Documents under s 12H:

Poisons Code  
Notices regarding the amendment, commencement and availability of the Poisons Code  
Standard for the Uniform Scheduling of Drugs and Poisons No 23

Mount Hotham Alpine Resort Management Board — Report year ended 31 October 2008

*Planning and Environment Act 1987* — Notices of approval of amendments to the following Planning Schemes:

Brimbank — C70  
East Gippsland — C66  
Manningham — C60

Mitchell — C43  
 Moorabool — C34  
 Mornington Peninsula — C88, C90 Part 1  
 Nillumbik — C54  
 Southern Grampians — C13  
 Stonnington — C96, C113  
 Victoria Planning Provisions — VC53  
 Wellington — C40  
 Yarra Ranges — C79

*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:

*Administration and Probate Act 1958* — SR 18  
*Conservation, Forests and Lands Act 1987* — SR 14  
*Drugs, Poisons and Controlled Substances Act 1981* — SR 16  
*Fisheries Act 1995* — SR 19  
*Road Safety Act 1986* — SRs 17, 24  
*Second-Hand Dealers and Pawnbrokers Act 1989* — SR 20  
*Subordinate Legislation Act 1994* — SRs 21, 22, 23  
*Supreme Court Act 1986* — SRs 15, 18

*Subordinate Legislation Act 1994*:

Minister's exception certificate in relation to Statutory Rule 18  
 Ministers' exemption certificates in relation to Statutory Rules 12, 14, 16, 20

*Victorian Environmental Assessment Council Act 2001* — Government Response to the Victorian Environmental Assessment Council's Final Report on the River Red Gum Forests Investigation.

The following proclamations fixing operative dates were tabled by the Clerk in accordance with an order of the House dated 19 December 2006:

*Energy Legislation (Consumer Protection and Other Amendments) Act 2003* — Part 7 — 26 February 2009 (*Gazette G9, 26 February 2009*)  
*Gambling Legislation Amendment (Responsible Gambling and Other Measures) Act 2008* — Part 2 (except ss 3, 9, 10 and 14) — 1 March 2009; s 3 and Part 4 — 1 June 2009; s 14 — 25 November 2009 (*Gazette G9, 26 February 2009*)  
*Major Crime Legislation Amendment Act 2009* — Section 8 — 27 February 2009 (*Gazette G9, 26 February 2009*)  
*Metung Land Act 1991* — Whole Act — 2 March 2009 (*Gazette G9, 26 February 2009*).

10 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Criminal Procedure Bill 2008 without amendment.

11 **MESSAGES FROM THE GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that he had given the royal assent to the following bills, presented to him by the Clerk of the Parliaments:

On 3 March 2009  
 Resources Industry Legislation Amendment Bill 2008

On 10 March 2009  
 Criminal Procedure Bill 2008.

12 **MESSAGE FROM THE GOVERNOR** — Recommending an appropriation for the purposes of the Major Sporting Events Bill 2009.

13 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, under SO 94(2), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 12 March 2009:

Associations Incorporation Amendment Bill 2008  
 Bus Safety Bill 2008  
 Gambling Regulation Amendment (Licensing) Bill 2009  
 Melbourne Cricket Ground Bill 2008  
 Melbourne University Amendment Bill 2009  
 Transport Legislation Miscellaneous Amendments Bill 2008  
 Workplace Rights Advocate (Repeal) Bill 2008

(*Mr Batchelor*) — put, after debate, and agreed to.

14 **STATEMENTS BY MEMBERS** — Statements by members were made.

15 **GAMBLING REGULATION AMENDMENT (LICENSING) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Amendment proposed — That all the words after 'That' be omitted with the view of inserting in their place the words 'this Bill be withdrawn and redrafted to 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' (*Mr O'Brien*) — and, after debate —

Motion made and question — That the debate be now adjourned (*Mr Langdon*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

16 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Liquor Control Reform Amendment (Enforcement) Bill 2008 without amendment.

17 **TRANSPORT LEGISLATION MISCELLANEOUS AMENDMENTS BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time.

Under standing orders, Mr Pallas announced amendments to be proposed when the House considers the Bill in detail and requested that they be circulated. Amendments circulated.

Under standing orders, Mr Mulder announced amendments to be proposed when the House considers the Bill in detail and requested that they be circulated. Amendments circulated.

Motion made and question — That the debate be now adjourned (*Mr Mulder*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 18 **BUS SAFETY BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 10.00 pm under standing orders.*

- 19 **ADJOURNMENT** — The Deputy Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.41 pm.

R W PURDEY  
Clerk of the Legislative Assembly

JENNY LINDELL  
Speaker

## No 110 — Wednesday 11 March 2009

- 1 The Speaker took the Chair and read the Prayer.
- 2 **ELECTRICITY INDUSTRY AMENDMENT (PREMIUM SOLAR FEED-IN TARIFF) BILL 2009** — Mr Batchelor obtained leave to bring in a Bill *for an Act to amend the **Electricity Industry Act 2000** and the **National Electricity (Victoria) Act 2005** and for other purposes*; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 3 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:
- Funding for Catholic Schools** — Requesting that the House — (a) guarantees funding for Catholic schools at 25 per cent of the average cost of educating a child in the State school system; and (b) provides equal funding for children with disabilities who attend a Catholic school, bearing 237 signatures (*Mr Carli*)
- Proposed High Voltage Line from Tynong to Wonthaggi** — Requesting that the House calls upon the Government to abandon the proposed high voltage line from Tynong to Wonthaggi, bearing 431 signatures (*Mr Ryan*)
- Stony Creek Racing Club** — Requesting that the House calls upon the Government to ensure objectionable aspects of Racing Victoria's draft directions paper insofar as they relate to the Stony Creek Racing Club are abandoned, bearing 164 signatures (*Mr Ryan*)
- Red Cliffs Police Station** — Requesting that the House takes action to increase staffing levels at the Red Cliffs police station, bearing 16 signatures (*Mr Crisp*)
- Melbourne–Mildura Train Line** — Requesting that the House brings forward the reinstatement of the Melbourne–Mildura passenger train service in view of concerns including global warming, and the need to connect Mildura to both the Melbourne and the national rail networks, bearing 63 signatures (*Mr Crisp*)
- South West Victoria Racing Clubs** — Requesting that the Government, in relation to the proposed changes to south west Victorian racing clubs in Racing Victoria's directions paper — (a) ensures current race days be retained; (b) ensures training facilities continue to be adequately funded; and (c) formally recognises the role of volunteers, bearing 3515 signatures (*Mr Mulder*).

Petitions ordered to be tabled.

4 **PETITION — PROPOSED HIGH VOLTAGE LINE FROM TYNONG TO WONTHAGGI** — Motion made and question — That the petition presented by the Member for Gippsland South be taken into consideration tomorrow (*Mr Walsh*) — put and agreed to.

5 **PETITION — STONY CREEK RACING CLUB** — Motion made and question — That the petition presented by the Member for Gippsland South be taken into consideration tomorrow (*Mr Walsh*) — put and agreed to.

6 **PETITION — FUNDING FOR CATHOLIC SCHOOLS** — Motion made and question — That the petition presented by the Member for Brunswick be taken into consideration tomorrow (*Mr Dixon*) — put and agreed to.

7 **PETITION — RED CLIFFS POLICE STATION** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.

8 **PETITION — MELBOURNE–MILDURA TRAIN LINE** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.

9 **DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:

Ombudsman — Crime Statistics and Police Numbers — Ordered to be printed

*Subordinate Legislation Act 1994* — Minister's exemption certificate in relation to Statutory Rule 19.

10 **STATEMENTS BY MEMBERS** — Statements by members were made.

11 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE — LAND TAX** — The House was informed that Mr Wells had proposed that a definite matter of public importance be submitted to the House for discussion, namely —

'That the House condemns the State Labor Government for its latest record land tax grab from property owners and businesses which is causing considerable grief and anguish at a time of significant economic slowdown for Victoria.'

Mr Wells addressed the House — Discussion followed.

12 **STATEMENTS ON PARLIAMENTARY COMMITTEE REPORTS** — Statements were made on the following Committee Reports:

Public Accounts and Estimates Committee's Report on the 2006–07 Financial and Performance Outcomes

Economic Development and Infrastructure Committee's Report on the Inquiry into Mandatory Ethanol and Biofuels Targets in Victoria

Environment and Natural Resources Committee's Report on the Impact of Public Land Management Practices on Bushfires in Victoria

Road Safety Committee's Report on the Inquiry into Vehicle Safety

Road Safety Committee's Report on the Inquiry into Improving Safety at Level Crossings

Education and Training Committee's Report on the Inquiry into Effective Strategies for Teacher Professional Learning.

- 13 **TRANSPORT LEGISLATION MISCELLANEOUS AMENDMENTS BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 2.00 pm under standing orders.*

- 14 **QUESTIONS** — (Under SO 55).

- 15 **TRANSPORT LEGISLATION MISCELLANEOUS AMENDMENTS BILL 2008** — Debate continued on question — That this Bill be now read a second time.

Motion made and question — That the debate be now adjourned (*Mr Carli*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 16 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 2 and 3, be postponed until later this day.

- 17 **ASSOCIATIONS INCORPORATION AMENDMENT BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Bill read a second time and, by leave, immediately read a third time.

Bill sent to the Legislative Council and their agreement requested.

- 18 **WORKPLACE RIGHTS ADVOCATE (REPEAL) BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time.

Under standing orders, Mr Clark announced amendments to be proposed when the House considers the Bill in detail and requested that they be circulated. Amendments circulated.

Debate resumed on question — That this Bill be now read a second time.

Motion made and question — That the debate be now adjourned (*Mr Lim*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 19 **MELBOURNE CRICKET GROUND BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time.

Under standing orders, Mr Cameron announced amendments to be proposed when the House considers the Bill in detail and requested that they be circulated. Amendments circulated.

Debate resumed on question — That this Bill be now read a second time.

*Business having been interrupted at 10.00 pm under standing orders.*

- 20 **ADJOURNMENT** — The Acting Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.43 pm.

## No 111 — Thursday 12 March 2009

1 The Speaker took the Chair and read the Prayer.

2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

**Proposed Tollway Link in Bulleen** — Requesting that the House does not support any proposal to build a freeway or tollway link connecting the Eastern Freeway to the Metropolitan Ring Road via Bulleen Road, Bulleen, bearing 125 signatures (*Mr Kotsiras*)

**Red Cliffs Police Station** — Requesting that the House takes action to increase staffing levels at the Red Cliffs police station, bearing 16 signatures (*Mr Crisp*)

**Melbourne–Mildura Train Line** — Requesting that the House brings forward the reinstatement of the Melbourne–Mildura passenger train service in view of concerns including global warming, and the need to connect Mildura to both the Melbourne and the national rail networks, bearing 61 signatures (*Mr Crisp*)

**Noxious Weed Control** — Requesting that the House calls upon the Government to — (a) clarify responsibility for the control of noxious weeds; and (b) increase funding levels to implement appropriate eradication programs and to include Paterson's Curse, bearing 72 signatures (*Mr Jasper*).

Petitions ordered to be tabled.

3 **PETITION — PROPOSED TOLLWAY LINK IN BULLEEN** — Motion made and question — That the petition presented by the Member for Bulleen be taken into consideration tomorrow (*Mr Kotsiras*) — put and agreed to.

4 **PETITION — RED CLIFFS POLICE STATION** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.

5 **PETITION — MELBOURNE–MILDURA TRAIN LINE** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.

6 **DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:

*Financial Management Act 1994:*

2008–09 Mid Year Financial Report incorporating the Quarterly Financial Report No 2 for the period ended 31 December 2008

Report from the Minister for Environment and Climate Change that he had received the Report 2007–08 of the Lake Mountain Alpine Resort Management Board

Municipal Association of Victoria Insurance — Report 2007–08.

7 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourns until Tuesday 31 March 2009 (*Ms Neville*) — put and agreed to.

8 **STATEMENTS BY MEMBERS** — Statements by members were made.

9 **MELBOURNE UNIVERSITY AMENDMENT BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Bill read a second time and, by leave, immediately read a third time.

Bill sent to the Legislative Council and their agreement requested.

- 10 **BUS SAFETY BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Bill read a second time and, by leave, immediately read a third time.

Bill sent to the Legislative Council and their agreement requested.

- 11 **MELBOURNE CRICKET GROUND BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Ms Kairouz*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 12 **WORKPLACE RIGHTS ADVOCATE (REPEAL) BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 2.00 pm under standing orders.*

- 13 **QUESTIONS** — (Under SO 55).

- 14 **WORKPLACE RIGHTS ADVOCATE (REPEAL) BILL 2008** — Debate continued on question — That this Bill be now read a second time.

Motion made and question — That the debate be now adjourned (*Mr Langdon*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 15 **TRANSPORT LEGISLATION MISCELLANEOUS AMENDMENTS BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Allocation of time — The Deputy Speaker advised that the time allocated for consideration of bills under the resolution of the House on Tuesday 10 March 2009 had expired.*

Question — That this Bill be now read a second time — put and agreed to.

Question — That Government amendment Nos 1 to 6 inclusive be agreed to and the Bill be now read a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 16 **GAMBLING REGULATION AMENDMENT (LICENSING) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time — *and on the amendment* — That all the words after 'That' be omitted with the view of inserting in their place the words 'this Bill be withdrawn and redrafted to 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'.

Question — That the words proposed to be omitted stand part of the question — put.

The House divided (the Deputy Speaker, Ms Barker, in the Chair) —

AYES 51

Ms Allan; Mr Andrews; Mr Batchelor; Ms Beattie; Mr Brooks; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Mr Eren; Mr Foley; Ms Graley; Ms Green; Mr Hardman; Dr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Ms Kairouz; Ms Kosky; Mr Langdon; Mr Lim; Ms Lobato; Mr Lupton; Mrs Maddigan; Ms Marshall; Mr Merlino; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Noonan; Ms Overington; Mr Pallas; Mr Pandazopoulos; Ms Pike; Ms Richardson; Mr Robinson; Mr Scott; Mr Seitz; Mr Stensholt; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

NOES 32

Ms Asher; Mr Baillieu; Mr Blackwood; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Hodgett; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Morris; Mr Mulder; Dr Napthine; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith (*Bass*); Mr Smith (*Warrandyte*); Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Weller; Mr Wells; Ms Wooldridge.

Question agreed to.

Question — That this Bill be now read a second time — put and agreed to.

Question — That this Bill be now read a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 17 **MELBOURNE CRICKET GROUND BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time, Government amendment Nos 1 to 10 inclusive be agreed to and the Bill be now read a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 18 **WORKPLACE RIGHTS ADVOCATE (REPEAL) BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time and a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 19 **BUSHFIRES ROYAL COMMISSION (REPORT) BILL 2009** — *Mr Brumby tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Brumby*).

Motion made and question — That the debate be now adjourned (*Mr Baillieu*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 26 March 2009.

- 20 **LEGISLATION REFORM (REPEALS NO. 4) BILL 2009** — *Mr Brumby tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Brumby*).

Motion made and question — That the debate be now adjourned (*Mr Baillieu*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 26 March 2009.

- 21 **LEGISLATION REFORM (REPEALS NO. 4) BILL 2009** — Motion made, by leave, and question — That the proposals contained in the Legislation Reform (Repeals No. 4) Bill 2009 be referred to the Scrutiny of Acts and Regulations Committee for inquiry, consideration and report (*Mr Batchelor*) — put and agreed to.

- 22 **STATUTE LAW AMENDMENT (CHARTER OF HUMAN RIGHTS AND RESPONSIBILITIES) BILL 2009** — *Mr Hulls tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).

Motion made and question — That the debate be now adjourned (*Mr Clark*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 26 March 2009.

- 23 **CRIMES AMENDMENT (IDENTITY CRIME) BILL 2009** — *Mr Hulls tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).

Motion made and question — That the debate be now adjourned (*Mr Clark*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 26 March 2009.

- 24 **HUMAN SERVICES (COMPLEX NEEDS) BILL 2009** — *Mr Andrews tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Andrews*).

Motion made and question — That the debate be now adjourned (*Mrs Shardey*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 26 March 2009.

- 25 **ELECTRICITY INDUSTRY AMENDMENT (PREMIUM SOLAR FEED-IN TARIFF) BILL 2009** — *Mr Batchelor tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Batchelor*).

Motion made and question — That the debate be now adjourned (*Mr Clark*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 26 March 2009.

- 26 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 13 to 17 inclusive, be postponed until later this day.

- 27 **VICTORIA LAW FOUNDATION BILL 2008** — Order read for the consideration of the amendments made by the Legislative Council.

After debate, the amendments were agreed to by the House.

Message sent to the Legislative Council informing them accordingly.

- 28 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Sheriff Bill 2008 without amendment.
- 29 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Hulls*) — put and agreed to.
- 30 **ADJOURNMENT** — The Speaker left the Chair, after debate, at 5.44 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JENNY LINDELL  
*Speaker*

## LEGISLATIVE ASSEMBLY OF VICTORIA

### VOTES AND PROCEEDINGS Nos 112, 113 and 114

#### No 112 — Tuesday 31 March 2009

- 1 The House met according to the adjournment — The Speaker took the Chair and read the Prayer.
- 2 **QUESTIONS** — (Under SO 55).
- 3 **PARLIAMENTARY SALARIES AND SUPERANNUATION AMENDMENT BILL 2009** — Mr Holding obtained leave to bring in a Bill '*for an Act to amend the **Parliamentary Salaries and Superannuation Act 1968** and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 4 **JUSTICE LEGISLATION AMENDMENT BILL 2009** — Mr Hulls obtained leave to bring in 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, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 5 **PLANNING LEGISLATION AMENDMENT BILL 2009** — Mr Batchelor obtained leave to bring in 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, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 6 **CHILDREN LEGISLATION AMENDMENT BILL 2009** — Ms Neville obtained leave to bring in 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, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 7 **ROAD LEGISLATION AMENDMENT BILL 2009** — Mr Pallas obtained leave to bring in 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, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 8 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:
  - Sexually Explicit Advertising** — Requesting that the House adheres to the request to ban advertisements on billboards, vehicles and in public spaces which — (a) advertise adult nightclubs, prostitution services, sex aids and other sex shop merchandise; (b) demean women and men; (c) use implied or explicit sexual images or words which risk distracting motor vehicle drivers' attention; and (d) expose children to inappropriate adult material, bearing 1165 signatures (*Mr Clark*)
  - Funding for Catholic Schools** — Requesting that the House — (a) guarantees funding for Catholic schools at 25 per cent of the average cost of educating a child in the State school system; and (b) provides equal funding for children with disabilities who attend a Catholic school, bearing 491 signatures (*Mr Stensholt*)

**Recruitment of New Police Officers** — Requesting that the House allocates the necessary funds to provide for the urgent recruitment of 3000 police officers in Victoria, bearing 16 signatures (*Mr Stensholt*)

**Funding for Box Hill Hospital** — Requesting that the House calls upon the Government to provide urgent funding for the redevelopment of the Box Hill Hospital, bearing 2 signatures (*Ms Wooldridge*)

**Noise Abatement in Donvale** — Requesting that the House directs that additional noise abatement measures be implemented for residents whose homes adjoin Eastlink in Donvale, bearing 59 signatures (*Ms Wooldridge*)

**Stony Creek Racing Club** — Requesting that the House calls upon the Government to ensure objectionable aspects of Racing Victoria's draft directions paper insofar as they relate to the Stony Creek Racing Club are abandoned, bearing 18 signatures (*Mr Ryan*)

**Loch Sport Firebreak** — Requesting that the House recommends to the Government that a suitable firebreak surrounding Loch Sport be constructed to ensure the safety of residents and visitors, bearing 649 signatures (*Mr Ryan*)

**Casterton Police Residence** — Requesting that the House works with the relevant government bodies to retain the Sergeant's residence in Clarke Street, Casterton, bearing 377 signatures (*Mr Delahunty*)

**Red Cliffs Police Station** — Requesting that the House takes action to increase staffing levels at the Red Cliffs police station, bearing 17 signatures (*Mr Crisp*)

**Melbourne–Mildura Train Line** — Requesting that the House brings forward the reinstatement of the Melbourne–Mildura passenger train service in view of concerns including global warming, and the need to connect Mildura to both the Melbourne and the national rail networks, bearing 46 signatures (*Mr Crisp*).

Petitions ordered to be tabled.

- 9 **PETITION — CASTERTON POLICE RESIDENCE** — Motion made and question — That the petition presented by the Member for Lowan be taken into consideration tomorrow (*Mr Delahunty*) — put and agreed to.
- 10 **PETITION — FUNDING FOR CATHOLIC SCHOOLS** — Motion made and question — That the petition presented by the Member for Burwood be taken into consideration tomorrow (*Mr Stensholt*) — put and agreed to.
- 11 **PETITION — RECRUITMENT OF NEW POLICE OFFICERS** — Motion made and question — That the petition presented by the Member for Burwood be taken into consideration tomorrow (*Mr Stensholt*) — put and agreed to.
- 12 **PETITION — FUNDING FOR BOX HILL HOSPITAL** — Motion made and question — That the petition presented by the Member for Doncaster be taken into consideration tomorrow (*Ms Wooldridge*) — put and agreed to.
- 13 **PETITION — NOISE ABATEMENT IN DONVALE** — Motion made and question — That the petition presented by the Member for Doncaster be taken into consideration tomorrow (*Ms Wooldridge*) — put and agreed to.
- 14 **PETITION — RED CLIFFS POLICE STATION** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.

15 **PETITION — MELBOURNE–MILDURA TRAIN LINE** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.

16 **DOCUMENTS**

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — Motion made, by leave, and question — That the Annual Review 2008 of the Scrutiny of Acts and Regulations Committee, together with appendices, be tabled (*Mr Carli*) — put and agreed to.

Ordered to be printed.

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — Mr Carli, Chair, presented the Alert Digest No 4 of 2009 from the Scrutiny of Acts and Regulations Committee on the:

Bushfires Royal Commission (Report) Bill 2009  
 Crimes Amendment (Identity Crime) Bill 2009  
 Electricity Industry Amendment (Premium Solar Feed-in Tariff) Bill 2009  
 Human Services (Complex Needs) Bill 2009  
 Legislation Reform (Repeals No. 4) Bill 2009  
 Primary Industries Legislation Amendment Bill 2008  
 Statute Law Amendment (Charter of Human Rights and Responsibilities) Bill 2009

together with appendices.

Ordered to be tabled and printed.

**DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:

*Charter of Human Rights and Responsibilities Act 2006* — Report 2008 on the operation of the Act — Ordered to be printed

*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 — Ordered to be printed

*Planning and Environment Act 1987* — Notices of approval of amendments to the following Planning Schemes:

Bayside — C52, C72, C79  
 Boroondara — C86  
 Campaspe — C43  
 Casey — C96  
 Glenelg — C45  
 Golden Plains — C14, C36  
 Greater Bendigo — C102 Part 1, C110  
 Greater Dandenong — C87  
 Horsham — C39  
 Hume — C100  
 Indigo — C35  
 Manningham — C71  
 Moreland — C65, C101  
 Moyne — C24  
 Stonnington — C94, C104, C106  
 Victoria Planning Provisions — VC54

Yarra — C111

Statutory Rules under the following Acts:

*Building Act 1993* — SR 25

*Disability Act 2006* — SR 26

*Subordinate Legislation Act 1994* — SRs 27, 28

*Whistleblowers Protection Act 2001* — SR 29

*Subordinate Legislation Act 1994*:

Ministers' exception certificates in relation to Statutory Rules 21, 22, 27, 28

Ministers' exemption certificates in relation to Statutory Rules 17, 24, 25

*Surveillance Devices Act 1999* — Report of the Special Investigations Monitor under s 30Q

*Wildlife Act 1975* — Wildlife (Control of Game Hunting) Notice Nos 1, 2/2009.

- 17 **MESSAGES FROM THE GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that he had given the royal assent to the following bills, presented to him by the Clerk of the Parliaments:

On 18 March 2009

Liquor Control Reform Amendment (Enforcement) Bill 2008

On 24 March 2009

Sheriff Bill 2008

Victoria Law Foundation Bill 2008.

- 18 **MESSAGES FROM THE GOVERNOR** — Recommending appropriations for the purposes of the following bills:

Electricity Industry Amendment (Premium Solar Feed-in Tariff) Bill 2009

Human Services (Complex Needs) Bill 2009.

- 19 **COMMITTEES — EXTENSION TO REPORTING DATES** — Motion made, by leave, and question — That:

- (1) The resolution of the House of 27 February 2008 providing that the **Family and Community Development Committee** be required to present its report, on the Inquiry into the Provision of Supported Accommodation for Victorians with a Disability and/or Mental Illness, to the Parliament no later than 30 June 2009 be amended so far as to require the report to be presented to the Parliament no later than 15 December 2009;
- (2) The resolution of the House of 26 June 2008 providing that the **Law Reform Committee** be required to present its report, on the Inquiry into Alternative Dispute Resolution, to the Parliament no later than 31 March 2009 be amended so far as to require the report to be presented to the Parliament no later than 31 May 2009;
- (3) The resolution of the House of 4 December 2008 providing that the **Law Reform Committee** be required to present its report, on the Review of the *Members of Parliament (Register of Interests) Act 1978*, to the Parliament no later than 4 June 2009 be amended so far as to require the report to be presented to the Parliament no later than 31 December 2009; and
- (4) The resolution of the House of 9 October 2008 providing that the **Outer Suburban/Interface Services and Development Committee** be required to present its report, on the Inquiry into

Sustainable Development of Agribusiness in Outer Suburban Melbourne, to the Parliament no later than 31 August 2009 be amended so far as to require the report to be presented to the Parliament no later than 31 March 2010

(*Mr Batchelor*) — put, after debate, and agreed to.

20 **BUDGET SPEECH 2009–2010** — Motion made, by leave, and question — That —

- (1) So much of standing and sessional orders be suspended so as to allow on Tuesday 5 May 2009, following the introduction and motion for the second reading of the Annual Appropriation Bill:
  - (a) the Minister moving the second reading to retain their right to speak (for 15 minutes) on the question later in the debate;
  - (b) John Lenders MLC, Treasurer, under s 52 of the *Constitution Act 1975*, be permitted to attend the House for the purpose of giving a speech of unlimited duration in relation to the Victorian State Budget 2009–2010;
- (2) A message be sent to the Legislative Council advising them that, under s 52 of the *Constitution Act 1975*, approval has been granted for John Lenders MLC, 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

(*Mr Batchelor*) — put and agreed to.

21 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, under SO 94(2), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 2 April 2009:

Bushfires Royal Commission (Report) Bill 2009  
 Electricity Industry Amendment (Premium Solar Feed-in Tariff) Bill 2009  
 Fair Trading and Other Acts Amendment Bill 2008  
 Human Services (Complex Needs) Bill 2009  
 Major Sporting Events Bill 2009  
 Transport Legislation General Amendments Bill 2008

(*Mr Batchelor*) — put, after debate, and agreed to.

22 **STATEMENTS BY MEMBERS** — Statements by members were made.

23 **ELECTRICITY INDUSTRY AMENDMENT (PREMIUM SOLAR FEED-IN TARIFF) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Mrs Fyffe*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

24 **BUSHFIRES ROYAL COMMISSION (REPORT) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time.

Under standing orders, Mr Hulls announced an amendment to be proposed when the House considers the Bill in detail and requested that it be circulated. Amendment circulated.

Under standing orders, Mr Ryan announced an amendment to be proposed when the House considers the Bill in detail and requested that it be circulated. Amendment circulated.

Debate resumed on question — That this Bill be now read a second time.

Motion made and question — That the debate be now adjourned (*Mr Hardman*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

25 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Melbourne University Amendment Bill 2009 without amendment.

26 **ELECTRICITY INDUSTRY AMENDMENT (PREMIUM SOLAR FEED-IN TARIFF) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Ms Lobato*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

27 **POSTPONEMENT OF ORDER OF THE DAY** — Ordered — That the consideration of Government Business, Order of the Day, No 3 be postponed until later this day.

28 **TRANSPORT LEGISLATION GENERAL AMENDMENTS BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Amendment proposed — That all the words after 'That' be omitted with the view of inserting in their place the words 'this Bill be withdrawn and redrafted to:

- (1) take into account any issues arising from the examination of all documents regarding the Southern Cross Station Development which, for this purpose, should immediately be made publicly available; and
- (2) retain the remaining amendments' (*Mr Mulder*) — and, after debate —

*Business having been interrupted at 10.00 pm under standing orders.*

29 **ADJOURNMENT** — The Deputy Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.43 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JENNY LINDELL  
*Speaker*

## No 113 — Wednesday 1 April 2009

1 The Speaker took the Chair and read the Prayer.

2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

**TAFE Fees** — Requesting that the House calls upon the Government to reconsider the proposed changes to the Victorian Education and Training sector (VET) including increasing fees for TAFE students, bearing 475 signatures (*Mr Pandazopoulos*)

**Red Cliffs Police Station** — Requesting that the House takes action to increase staffing levels at the Red Cliffs police station, bearing 16 signatures (*Mr Crisp*)

**Melbourne–Mildura Train Line** — Requesting that the House brings forward the reinstatement of the Melbourne–Mildura passenger train service in view of concerns including global warming, and the need to connect Mildura to both the Melbourne and the national rail networks, bearing 62 signatures (*Mr Crisp*)

**Mornington Peninsula Planning Scheme Amendment C87** — Requesting that the House ensures the prompt approval of Mornington Peninsula Planning Scheme Amendment C87, bearing 7 signatures (*Mr Morris*)

**Port Phillip Bay Toxic Waste Site** — Requesting that the House opposes the proposed toxic waste site in Port Phillip Bay, bearing 36 signatures (*Mr Dixon*).

Petitions ordered to be tabled.

3 **PETITION — RED CLIFFS POLICE STATION** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.

4 **PETITION — MELBOURNE–MILDURA TRAIN LINE** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.

5 **PETITION — PORT PHILLIP BAY TOXIC WASTE SITE** — Motion made and question — That the petition presented by the Member for Nepean be taken into consideration tomorrow (*Mr Dixon*) — put and agreed to.

6 **PETITION — MORNINGTON PENINSULA PLANNING SCHEME AMENDMENT C87** — Motion made and question — That the petition presented by the Member for Mornington be taken into consideration tomorrow (*Mr Morris*) — put and agreed to.

7 **DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:

Auditor-General:

Access to Public Hospitals: Measuring Performance — Ordered to be printed

Administration of the *Flora and Fauna Guarantee Act 1988* — Ordered to be printed

*Commissioner for Environmental Sustainability Act 2003*:

Strategic Audit of Victorian Government Agencies' Environmental Management Systems

Strategic Audit: Environmental Performance Reporting Supplementary Report 2007–08.

8 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Agreeing to the following bills without amendment:

Bus Safety Bill 2008

Equal Opportunity Amendment (Governance) Bill 2008.

9 **PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE** — The Speaker announced that she had received the resignation of Mr Greg Barber, MLC from the Public Accounts and Estimates Committee, effective from 31 March 2009.

- 10 **STATEMENTS BY MEMBERS** — Statements by members were made.
- 11 **GRIEVANCES** — Question — That grievances be noted — put, after debate, and agreed to.
- 12 **STATEMENTS ON PARLIAMENTARY COMMITTEE REPORTS** — Statements were made on the following Committee Reports:
- Public Accounts and Estimates Committee's Report on the 2008–09 Budget Estimates — Part One
- Rural and Regional Committee's Report on the Inquiry into Rural and Regional Tourism
- Law Reform Committee's Report on the Inquiry into Vexatious Litigants
- Road Safety Committee's Report on the Inquiry into Vehicle Safety
- Public Accounts and Estimates Committee's Report on the 2008–09 Budget Estimates — Part Three.
- 13 **BUSHFIRES ROYAL COMMISSION (REPORT) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.
- Business having been interrupted at 2.00 pm under standing orders.*
- 14 **QUESTIONS** — (Under SO 55).
- 15 **BUSHFIRES ROYAL COMMISSION (REPORT) BILL 2009** — Debate resumed on question — That this Bill be now read a second time.
- Motion made and question — That the debate be now adjourned (*Ms Morand*) — put and agreed to.
- Ordered — That the debate be adjourned until later this day.
- 16 **FAIR TRADING AND OTHER ACTS AMENDMENT BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.
- Amendment proposed — That all the words after 'That' be omitted with the view of inserting in their place the words 'this House refuses to read this Bill a second time until all 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' (*Mr O'Brien*) — and, after debate —
- Motion made and question — That the debate be now adjourned (*Mr Langdon*) — put and agreed to.
- Ordered — That the debate be adjourned until later this day.
- 17 **BUSHFIRES ROYAL COMMISSION (REPORT) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.
- Bill read a second time, considered in detail and agreed to with an amendment, read a third time (*see pp 602–3*).
- Bill sent to the Legislative Council and their agreement requested.

- 18 **MAJOR SPORTING EVENTS BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 10.00 pm under standing orders.*

- 19 **ADJOURNMENT** — The Acting Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.30 pm.

R W PURDEY  
Clerk of the Legislative Assembly

JENNY LINDELL  
Speaker

## No 114 — Thursday 2 April 2009

- 1 The Speaker took the Chair and read the Prayer.

- 2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

**Upgrade of Health Services for Bass Coast Region** — Requesting that the House asks the Government to support funding for the upgrade of health services in the Bass Coast region, bearing 219 signatures (*Mr Smith, Bass*)

**Red Cliffs Police Station** — Requesting that the House takes action to increase staffing levels at the Red Cliffs police station, bearing 17 signatures (*Mr Crisp*)

**Melbourne–Mildura Train Line** — Requesting that the House brings forward the reinstatement of the Melbourne–Mildura passenger train service in view of concerns including global warming, and the need to connect Mildura to both the Melbourne and the national rail networks, bearing 67 signatures (*Mr Crisp*)

**Careful Cobber Program** — Requesting that the House calls upon the Government to reinstate funding for the Careful Cobber Program at the Driver Education Centre Australia, Shepparton, bearing 94 signatures (*Mrs Powell*).

Petitions ordered to be tabled.

- 3 **PETITION — RED CLIFFS POLICE STATION** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.
- 4 **PETITION — MELBOURNE–MILDURA TRAIN LINE** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.
- 5 **PETITION — CAREFUL COBBER PROGRAM** — Motion made and question — That the petition presented by the Member for Shepparton be taken into consideration tomorrow (*Mrs Powell*) — put and agreed to.
- 6 **PETITION — UPGRADE OF HEALTH SERVICES FOR BASS COAST REGION** — Motion made and question — That the petition presented by the Member for Bass be taken into consideration tomorrow (*Mr Smith, Bass*) — put and agreed to.

7 **DOCUMENTS**

**VICTORIAN COMPETITION AND EFFICIENCY COMMISSION REPORT AND GOVERNMENT RESPONSE** — Motion made, by leave, and question — That the Victorian Competition and Efficiency Commission's Report, *A State of Liveability: An Inquiry into Enhancing Victoria's Liveability and the Government response* be tabled (*Mr Holding*) — put and agreed to.

**DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:

Ombudsman — Investigation into Corporate Governance at Moorabool Shire Council — Ordered to be printed

*Safe Drinking Water Act 2003* — Drinking Water Quality in Victoria Report 2007–08

Statutory Rule under the *Supreme Court Act 1986* — SR 30

*Subordinate Legislation Act 1994* — Minister's exception certificate in relation to Statutory Rule 30.

8 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Associations Incorporation Amendment Bill 2008 without amendment.

9 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourns until Tuesday 5 May 2009 (*Mr Batchelor*) — put and agreed to.

10 **STATEMENTS BY MEMBERS** — Statements by members were made.

11 **CHILDREN LEGISLATION AMENDMENT BILL 2009** — *Ms Neville tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Ms Neville*).

Motion made and question — That the debate be now adjourned (*Ms Wooldridge*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 16 April 2009.

12 **PARLIAMENTARY SALARIES AND SUPERANNUATION AMENDMENT BILL 2009** — *Mr Holding tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Holding*).

Motion made and question — That the debate be now adjourned (*Mr Wells*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 16 April 2009.

13 **PLANNING LEGISLATION AMENDMENT BILL 2009** — *Mr Batchelor tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Batchelor*).

Motion made and question — That the debate be now adjourned (*Mr O'Brien*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 16 April 2009.

- 14 **JUSTICE LEGISLATION AMENDMENT BILL 2009** — *Mr Hulls tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).

Motion made and question — That the debate be now adjourned (*Mr O'Brien*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 16 April 2009.

- 15 **ROAD LEGISLATION AMENDMENT BILL 2009** — *Mr Pallas tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Pallas*).

Motion made and question — That the debate be now adjourned (*Mr O'Brien*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 16 April 2009.

- 16 **HUMAN SERVICES (COMPLEX NEEDS) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*[The Speaker having left the Chair at 11.44 am, resumed it at 11.58 am]*

Motion made and question — That the debate be now adjourned (*Mr Dixon*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 17 **TRANSPORT LEGISLATION GENERAL AMENDMENTS BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time — *and on the amendment* — That all the words after 'That' be omitted with the view of inserting in their place the words 'this Bill be withdrawn and redrafted to:

(1) take into account any issues arising from the examination of all documents regarding the Southern Cross Station Development which, for this purpose, should immediately be made publicly available; and

(2) retain the remaining amendments'; debate resumed.

*Business having been interrupted at 2.00 pm under standing orders.*

- 18 **QUESTIONS** — (Under SO 55).

- 19 **TRANSPORT LEGISLATION GENERAL AMENDMENTS BILL 2008** — Debate continued on question — That this Bill be now read a second time — and on the amendment.

Motion made and question — That the debate be now adjourned (*Mr Wakeling*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 20 **ELECTRICITY INDUSTRY AMENDMENT (PREMIUM SOLAR FEED-IN TARIFF) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Bill read a second time and, by leave, immediately read a third time.

Bill sent to the Legislative Council and their agreement requested.

21 **TRANSPORT LEGISLATION GENERAL AMENDMENTS BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time — *and on the amendment* — That all the words after 'That' be omitted with the view of inserting in their place the words 'this Bill be withdrawn and redrafted to:

- (1) take into account any issues arising from the examination of all documents regarding the Southern Cross Station Development which, for this purpose, should immediately be made publicly available; and
- (2) retain the remaining amendments'; debate resumed.

*Allocation of time* — *The Acting Speaker advised that the time allocated for consideration of bills under the resolution of the House on Tuesday 31 March 2009 had expired.*

Question — That the words proposed to be omitted stand part of the question — put.

The House divided (the Speaker, Ms Lindell, in the Chair) —

AYES 48

Mr Andrews; Ms Barker; Mr Batchelor; Ms Beattie; Mr Brooks; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Mr Eren; Mr Foley; Ms Graley; Ms Green; Mr Hardman; Dr Harkness; Mr Helper; Mr Herbert; Mr Howard; Mr Hudson; Mr Hulls; Ms Kairouz; Ms Kosky; Mr Langdon; Mr Languiller; Mr Lim; Ms Lobato; Mr Lupton; Mrs Maddigan; Ms Marshall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Pandazopoulos; Ms Pike; Ms Richardson; Mr Robinson; Mr Scott; Mr Seitz; Mr Stensholt; Ms Thomson (*Footscray*); Mr Wynne.

NOES 33

Ms Asher; Mr Baillieu; Mr Blackwood; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Hodgett; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Morris; Mr Mulder; Dr Napthine; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith (*Bass*); Mr Smith (*Warrandyte*); Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Weller; Mr Wells; Ms Wooldridge.

Question agreed to.

Question — That this Bill be now read a second time — put and agreed to.

Question — That this Bill be now read a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

22 **MAJOR SPORTING EVENTS BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time and a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

23 **FAIR TRADING AND OTHER ACTS AMENDMENT BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time — *and on the amendment* — That all the words after 'That' be omitted with the view of inserting in their place the words 'this House refuses to read this Bill a second time until 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'.

Question — That the words proposed to be omitted stand part of the question — put.

The House divided (the Speaker, Ms Lindell, in the Chair) —

AYES 49

Mr Andrews; Ms Barker; Mr Batchelor; Ms Beattie; Mr Brooks; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Mr Eren; Mr Foley; Ms Graley; Ms Green; Mr Hardman; Dr Harkness; Mr Helper; Mr Herbert; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Ms Kairouz; Ms Kosky; Mr Langdon; Mr Languiller; Mr Lim; Ms Lobato; Mr Lupton; Mrs Maddigan; Ms Marshall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Pandazopoulos; Ms Pike; Ms Richardson; Mr Robinson; Mr Scott; Mr Seitz; Mr Stensholt; Ms Thomson (*Footscray*); Mr Wynne.

NOES 32

Ms Asher; Mr Baillieu; Mr Blackwood; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Hodgett; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Morris; Mr Mulder; Dr Napthine; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith (*Bass*); Mr Smith (*Warrandyte*); Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Weller; Mr Wells; Ms Wooldridge.

Question agreed to.

Question — That this Bill be now read a second time and a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 24 **HUMAN SERVICES (COMPLEX NEEDS) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time and a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 25 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Batchelor*) — put and agreed to.

- 26 **ADJOURNMENT** — The Speaker left the Chair, after debate, at 4.55 pm.

R W PURDEY  
Clerk of the Legislative Assembly

JENNY LINDELL  
Speaker

LEGISLATIVE ASSEMBLY OF VICTORIA

**CONSIDERATION IN DETAIL**  
**Supplement to Votes Nos 112, 113 and 114**

**No 113 — Wednesday 1 April 2009**

**BUSHFIRES ROYAL COMMISSION (REPORT) BILL 2009**

**Clauses 1 to 3** agreed to.

**Clause 4**, Mr Hulls moved an amendment (*see Schedule*).

Amendment put and agreed to.

Clause agreed to as amended.

Bill agreed to as amended.

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## **SCHEDULE OF AMENDMENT MOVED**

### **BUSHFIRES ROYAL COMMISSION (REPORT) BILL 2009**

Amendment moved by Mr Hulls

Clause 4, line 9, omit "Within 10 days after" and insert "On".



## LEGISLATIVE ASSEMBLY OF VICTORIA

### VOTES AND PROCEEDINGS Nos 115, 116 and 117

#### No 115 — Tuesday 5 May 2009

- 1 The House met according to the adjournment — The Speaker took the Chair and read the Prayer.
- 2 **QUESTIONS** — (Under SO 55).
- 3 **CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES) (ENFORCEMENT) AMENDMENT BILL 2009** — Mr Hulls obtained leave to bring in 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, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 4 **MACEDONIAN ORTHODOX CHURCH (VICTORIA) PROPERTY TRUST BILL 2009** — Mr Hulls obtained leave to bring in a Bill '*for an Act to establish a corporate trustee for the Macedonian Orthodox Church within Victoria to acquire, hold, deal with and dispose of property for the benefit of the Church, to provide for the vesting of certain property in the corporate trustee and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 5 **CROWN LAND ACTS AMENDMENT (LEASE AND LICENCE TERMS) BILL 2009** — Mr Batchelor obtained leave to bring in 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 the Bill was read a first time and ordered to be read a second time tomorrow.
- 6 **ENERGY LEGISLATION AMENDMENT (AUSTRALIAN ENERGY MARKET OPERATOR) BILL 2009** — Mr Batchelor obtained leave to bring in 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, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 7 **SUPERANNUATION LEGISLATION AMENDMENT BILL 2009** — Mr Holding obtained leave to bring in 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, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 8 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:
  - Funding for Box Hill Hospital** — Requesting that the House calls upon the Government to provide urgent funding for the redevelopment of the Box Hill hospital, bearing 103 signatures (*Ms Wooldridge*)
  - Noise Abatement in Donvale** — Requesting that the House directs that additional noise abatement measures be implemented for residents whose homes adjoin Eastlink in Donvale, bearing 17 signatures (*Ms Wooldridge*)

**Roseville Retirement Village** — Requesting that the House directs VicRoads to install pedestrian operated traffic signals outside the Roseville Retirement Village on King Street, Doncaster East, bearing 81 signatures (*Ms Wooldridge*)

**TAFE Fees** — Requesting that the House calls upon the Government to reconsider the proposed changes to the Victorian Education and Training sector (VET) including increasing fees for TAFE students, bearing 899 signatures (*Ms Lobato*)

**Closure of Essendon Airport** — Requesting that the House calls upon the Government to abandon its plan to close Essendon airport, bearing 39 signatures (*Mr Ryan*)

**Loch Sport Firebreak** — Requesting that the House recommends to the Government that a suitable firebreak surrounding Loch Sport be constructed to ensure the safety of residents and visitors, bearing 292 signatures (*Mr Ryan*)

**Red Cliffs Police Station** — Requesting that the House takes action to increase staffing levels at the Red Cliffs police station, bearing 16 signatures (*Mr Crisp*)

**Melbourne–Mildura Train Line** — Requesting that the House brings forward the reinstatement of the Melbourne–Mildura passenger train service in view of concerns including global warming, and the need to connect Mildura to both the Melbourne and the national rail networks, bearing 104 signatures (*Mr Crisp*)

**Noxious Weed Control** — Requesting that the House calls upon the Government to — (a) clarify responsibility for the control of noxious weeds; and (b) increase funding levels to implement appropriate eradication programs and to include Paterson's Curse, bearing 36 signatures (*Mr Jasper*)

**Funding for Catholic Schools** — Requesting that the House — (a) guarantees funding for Catholic schools at 25 per cent of the average cost of educating a child in the State school system; and (b) provides equal funding for children with disabilities who attend a Catholic school, bearing 433 signatures (*Ms Campbell*)

**Fire Warning Siren for Lorne** — Requesting that the House installs a manual fire warning siren in Lorne, bearing 1098 signatures (*Mr Mulder*)

**Shepparton Stock and Domestic Water Supply** — Requesting that the House provides funding for a piped stock and domestic water scheme for the Cosgrove, Cosgrove South and Pine Lodge districts and the upgrade of existing water channels in the Shepparton area, bearing 104 signatures (*Mrs Powell*).

Petitions ordered to be tabled.

## 9 DOCUMENTS

**AUSTRALIAN CATHOLIC UNIVERSITY LTD** — Motion made, by leave, and question — That the Report 2008 of the Australian Catholic University Ltd be tabled (*Ms Allan*) — put and agreed to.

**MELBOURNE COLLEGE OF DIVINITY** — Motion made, by leave, and question — That the Report 2008 of the Melbourne College of Divinity be tabled (*Ms Allan*) — put and agreed to.

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — Mr Carli, Chair, presented the Alert Digest No 5 of 2009 from the Scrutiny of Acts and Regulations Committee on the:

Bus Safety Bill 2008

Children Legislation Amendment Bill 2009

Electricity Industry Amendment (Premium Solar Feed-in Tariff) Bill 2009

Justice Legislation Amendment Bill 2009  
Major Sporting Events Bill 2009  
Parliamentary Salaries and Superannuation Amendment Bill 2009  
Planning Legislation Amendment Bill 2009  
Road Legislation Amendment Bill 2009  
Salaries Legislation Amendment (Salaries Sacrifice) Bill 2009  
Serious Sex Offenders Monitoring Amendment Bill 2009  
Transport Legislation Amendment (Driver and Industry Standards) Bill 2009

together with appendices.

Ordered to be tabled and printed.

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — Mr Carli, Chair, presented a report from the Scrutiny of Acts and Regulations Committee on the Legislation Reform (Repeals No. 4) Bill 2009, together with appendices.

Ordered to be tabled and printed.

**DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:

Australian Crime Commission — Report 2007–08

Ballarat University — Report 2008 (two documents)

Bendigo Regional Institute of TAFE — Report 2008 (two documents)

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

*Financial Management Act 1994:*

Budget Paper No 2 — Strategy and Outlook 2009–10

Budget Paper No 3 — Service Delivery 2009–10

Budget Paper No 4 — Statement of Finances 2009–10 incorporating Quarterly Financial Report No 3

Gordon Institute of TAFE — Report 2008

Goulburn Ovens Institute of TAFE — Report 2008 (two documents)

Holmesglen Institute of TAFE — Report 2008

*Interpretation of Legislation Act 1984* — Notices under s 32(3)(a)(iii) in relation to Statutory Rules 32 (*Gazette G16, 16 April 2009*), 36, 37 (*Gazette S111, 23 April 2009*)

Kangan Batman Institute of TAFE — Report 2008

La Trobe University — Report 2008

*Major Events (Aerial Advertising) Act 2007* — Event Order under s 7

Melbourne University — Report 2008

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 the Inquiry into Local Economic Development in Outer Suburban Melbourne

Government response to the Public Accounts and Estimates Committee's Report on the 2008–09 Budget Estimates

*Planning and Environment Act 1987* — Notices of approval of amendments to the following Planning Schemes:

Banyule — C85  
 Bass Coast — C91  
 Bayside — C83  
 Boroondara — C109  
 Cardinia — C129  
 Casey — C121  
 Darebin — C117  
 East Gippsland — C69  
 Glen Eira — C65  
 Greater Dandenong — C74, C83  
 Greater Geelong — C156  
 Hume — C112  
 Kingston — C127  
 Manningham — C81  
 Maribyrnong — C74, C78  
 Maroondah — C100  
 Melbourne — C144  
 Moonee Valley — C83  
 Moorabool — C41  
 Moreland — C82, C110  
 Mornington Peninsula — C123  
 Northern Grampians — C14  
 Port Phillip — C68  
 Stonnington — C90, C95, C100, C102  
 Surf Coast — C43 Part 1  
 Swan Hill — C31  
 Wangaratta — C31  
 Wellington — C52  
 Whitehorse — C136  
 Whittlesea — C97, C108  
 Wodonga — C54, C64  
 Yarra — C121, C123  
 Yarra Ranges — C83

RMIT University — Report 2008

South West Institute of TAFE — Report 2008

Statutory Rules under the following Acts:

*Corrections Act 1986* — SR 40

*Electricity Safety Act 1998* — SRs 32, 36, 37

*Freedom of Information Act 1982* — SR 33

*Magistrates' Court Act 1989* — SRs 34, 35, 39

*Subordinate Legislation Act 1994* — SRs 31, 38

*Valuation of Land Act 1960* — SR 41

*Subordinate Legislation Act 1994:*

Minister's exception certificate in relation to Statutory Rule 34

Ministers' exemption certificates in relation to Statutory Rules 29, 41

Minister's infringements offence consultation certificates in relation to Statutory Rules 36, 37

Sunraysia Institute of TAFE — Report 2008

Swinburne University of Technology — Report 2008

Victoria University — Report 2008 (two documents)

William Angliss Institute of TAFE — Report 2008

Wodonga Institute of TAFE — Report 2008.

The following proclamation fixing an operative date was tabled by the Clerk in accordance with an order of the House dated 19 December 2006:

*Fundraising Appeals and Consumer Acts Amendment Act 2009* — Sections 6(2), 7, 8, 10 and 11 — 4 May 2009 (*Gazette G17, 23 April 2009*).

10 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Melbourne Cricket Ground Bill 2008 without amendment.

11 **MESSAGES FROM THE GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that he had given the royal assent to the following bills, presented to him by the Clerk of the Parliaments:

On 6 April 2009

Melbourne University Amendment Bill 2009

On 7 April 2009

Associations Incorporation Amendment Bill 2008

Bus Safety Bill 2008

Equal Opportunity Amendment (Governance) Bill 2008

Melbourne Cricket Ground Bill 2008.

12 **MESSAGES FROM THE LIEUTENANT-GOVERNOR** — Recommending appropriations for the purposes of the following bills:

Children Legislation Amendment Bill 2009

Justice Legislation Amendment Bill 2009

Parliamentary Salaries and Superannuation Amendment Bill 2009

Planning Legislation Amendment Bill 2009

Road Legislation Amendment Bill 2009.

- 13 **MESSAGE FROM THE GOVERNOR** — Recommending an appropriation for the purposes of the Appropriation (2009/2010) Bill 2009, and accompanying Estimates of Expenditure requiring annual appropriation in the financial year 2009/2010.

Estimates ordered to be tabled.

- 14 **APPROPRIATION (2009/2010) BILL 2009** — Mr Brumby obtained leave to bring in 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 the Bill was read a first time and under SO 87 ordered to be read a second time immediately.

In accordance with the resolution of the House on 31 March 2009 the Treasurer, Mr Lenders, was admitted into the Chamber by the Serjeant-at-Arms.

*Mr Brumby tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Brumby*).

Mr Lenders delivered a speech in relation to the Bill.

Motion made and question — That the debate be now adjourned (*Mr Wells*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 7 May 2009.

Mr Lenders was escorted from the Chamber by the Serjeant-at-Arms.

- 15 **MESSAGE FROM THE GOVERNOR** — Recommending an appropriation for the purposes of the Appropriation (Parliament 2009/2010) Bill 2009, and accompanying Estimates of Expenditure for Parliament requiring annual appropriation in the financial year 2009/2010.

Estimates ordered to be tabled.

- 16 **APPROPRIATION (PARLIAMENT 2009/2010) BILL 2009** — Mr Brumby obtained leave to bring in 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 the Bill was read a first time and under SO 87 ordered to be read a second time immediately.

*Mr Brumby tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Brumby*).

Motion made and question — That the debate be now adjourned (*Mr Wells*) — put and agreed to.

Ordered — That the debate be adjourned until Tuesday 19 May 2009.

- 17 **STANDING ORDERS COMMITTEE — EXTENSION TO REPORTING DATE** — Motion made, by leave, and question — That the resolution of the House of 4 December 2008 providing that the Standing Orders Committee be required to present its report, on a review of the standing orders regarding the passage of legislation, the opening of Parliament, and petitions, by 4 June 2009 be amended so far as to require the report to be presented to the House by 10 December 2009 (*Mr Batchelor*) — put and agreed to.

- 18 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, under SO 94(2), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 7 May 2009:

Crimes Amendment (Identity Crime) Bill 2009  
 Justice Legislation Amendment Bill 2009  
 Parliamentary Salaries and Superannuation Amendment Bill 2009  
 Planning Legislation Amendment Bill 2009  
 Road Legislation Amendment Bill 2009

(*Mr Batchelor*) — put, after debate, and agreed to.

- 19 **STATEMENTS BY MEMBERS** — Statements by members were made.
- 20 **CRIMES AMENDMENT (IDENTITY CRIME) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Dr Sykes*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 21 **PLANNING LEGISLATION AMENDMENT BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Ms Wooldridge*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 22 **POSTPONEMENT OF ORDER OF THE DAY** — Ordered — That the consideration of Government Business, Order of the Day, No 3 be postponed until later this day.

- 23 **ROAD LEGISLATION AMENDMENT BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Mr Weller*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 24 **JUSTICE LEGISLATION AMENDMENT BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Mr Kotsiras*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 25 **ROAD LEGISLATION AMENDMENT BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 10.00 pm under standing orders.*

- 26 **ADJOURNMENT** — The Deputy Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.43 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JENNY LINDELL  
*Speaker*

## No 116 — Wednesday 6 May 2009

- 1 The Speaker took the Chair and read the Prayer.

- 2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

**Water Pipeline Goulburn to Melbourne — Alternative Water Schemes** — Requesting that the House — (a) rejects the proposal to develop a pipeline which would take water from the Goulburn Valley and pump it to Melbourne; and (b) calls on the Government to address Melbourne's water supply needs by investing in desalination, recycling and capturing stormwater, bearing 20 signatures (*Dr Sykes*)

**Commercial Firewood** — Requesting that the House calls on the Government to make provision for firewood contractors to access the state forest in Gippsland, bearing 758 signatures (*Mr Ingram*)

**Red Cliffs Police Station** — Requesting that the House takes action to increase staffing levels at the Red Cliffs police station, bearing 16 signatures (*Mr Crisp*)

**Melbourne–Mildura Train Line** — Requesting that the House brings forward the reinstatement of the Melbourne–Mildura passenger train service in view of concerns including global warming, and the need to connect Mildura to both the Melbourne and the national rail networks, bearing 136 signatures (*Mr Crisp*)

**Mornington Primary School** — Requesting that the House makes available adequate funds to cover costs of renovations and restorations including roof repairs for Mornington Primary School, bearing 270 signatures (*Mr Morris*)

**Fence Line Vegetation** — Requesting that the House directs the Government to take immediate action to allow private landowners in Gippsland to clear vegetation up to three metres either side of fence lines on private property, bearing 122 signatures (*Mr Blackwood*)

**Native Vegetation Near Dwellings** — Requesting that the House directs the Government to take immediate action to allow private landowners in rural and bushland areas of Gippsland to clear native vegetation within a 10 metre perimeter of a dwelling, bearing 178 signatures (*Mr Blackwood*)

**Fuel Reduction Burning in Gippsland** — Requesting that the House directs the Government to take immediate action to allow the use of a fuel reduction burning program along road sides in Gippsland coordinated by VicRoads, the Country Fire Authority and the local council, bearing 167 signatures (*Mr Blackwood*)

**Access Tracks on Crown Land in Gippsland** — Requesting that the House directs the Government to allow the retention and maintenance of access tracks established on Crown Land in Gippsland during the 2009 bushfires, bearing 124 signatures (*Mr Blackwood*).

Petitions ordered to be tabled.

3 **PETITION — COMMERCIAL FIREWOOD** — Motion made and question — That the petition presented by the Member for Gippsland East be taken into consideration tomorrow (*Mr Ingram*) — put and agreed to.

4 **PETITION — MORNINGTON PRIMARY SCHOOL** — Motion made and question — That the petition presented by the Member for Mornington be taken into consideration tomorrow (*Mr Morris*) — put and agreed to.

5 **PETITION — RED CLIFFS POLICE STATION** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.

6 **PETITION — MELBOURNE–MILDURA TRAIN LINE** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.

7 **PETITION — FENCE LINE VEGETATION** — Motion made and question — That the petition presented by the Member for Narracan be taken into consideration tomorrow (*Mr Blackwood*) — put and agreed to.

8 **PETITION — NATIVE VEGETATION NEAR DWELLINGS** — Motion made and question — That the petition presented by the Member for Narracan be taken into consideration tomorrow (*Mr Blackwood*) — put and agreed to.

9 **PETITION — FUEL REDUCTION BURNING IN GIPPSLAND** — Motion made and question — That the petition presented by the Member for Narracan be taken into consideration tomorrow (*Mr Blackwood*) — put and agreed to.

10 **PETITION — ACCESS TRACKS ON CROWN LAND IN GIPPSLAND** — Motion made and question — That the petition presented by the Member for Narracan be taken into consideration tomorrow (*Mr Blackwood*) — put and agreed to.

11 **PETITION — WATER PIPELINE GOULBURN TO MELBOURNE — ALTERNATIVE WATER SCHEMES** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.

## 12 DOCUMENTS

**LAW REFORM COMMITTEE** — Mr Clark, Deputy Chair, presented a report from the Law Reform Committee on the Inquiry into Alternative Dispute Resolution and Restorative Justice, together with appendices, a minority report, an extract from the proceedings and transcripts of evidence.

Ordered to be tabled and the report, appendices, minority report and extract from the proceedings printed.

**DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:

Auditor-General:

Annual Plan 2009–10

Management of School Funds — Ordered to be printed

Results of Audits for Entities with other than 30 June 2008 Balance Dates — Ordered to be printed

The Channel Deepening Project — Ordered to be printed

The New Royal Children's Hospital — a public private partnership — Ordered to be printed

*Financial Management Act 1994* — Report from the Minister for Health that he had received the Report 2008 of the Psychologists Registration Board of Victoria

*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 July 2006 – February 2007.

13 **STATEMENTS BY MEMBERS** — Statements by members were made.

14 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE — SUPPORT FOR BUSHFIRE VICTIMS** — The House was informed that Mr Ryan had proposed that a definite matter of public importance be submitted to the House for discussion, namely —

'That this House expresses its ongoing support for the victims of the Victorian bushfires and calls upon the Government to ensure that all available measures are used to enable recovery.'

Mr Ryan addressed the House — Discussion followed.

15 **STATEMENTS ON PARLIAMENTARY COMMITTEE REPORTS** — Statements were made on the following Committee Reports:

Outer Suburban/Interface Services and Development Committee's Report on the Inquiry into Local Economic Development in Outer Suburban Melbourne

Law Reform Committee's Report on the Inquiry into Vexatious Litigants

Rural and Regional Committee's Report on the Inquiry into Rural and Regional Tourism

Law Reform Committee's Report on the Inquiry into Alternative Dispute Resolution and Restorative Justice

Environment and Natural Resources Committee's Report on the Impact of Public Land Management Practices on Bushfires in Victoria

Public Accounts and Estimates Committee's Report 2007–08.

16 **PLANNING LEGISLATION AMENDMENT BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 2.00 pm under standing orders.*

17 **QUESTIONS** — (Under SO 55).

18 **PLANNING LEGISLATION AMENDMENT BILL 2009** — Debate continued on question — That this Bill be now read a second time.

Motion made and question — That the debate be now adjourned (*Ms Allan*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 19 **CRIMES AMENDMENT (IDENTITY CRIME) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Bill read a second time and, by leave, immediately read a third time.

Bill sent to the Legislative Council and their agreement requested.

- 20 **POSTPONEMENT OF ORDER OF THE DAY** — Ordered — That the consideration of Government Business, Order of the Day, No 3 be postponed until later this day.

- 21 **PARLIAMENTARY SALARIES AND SUPERANNUATION AMENDMENT BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Bill read a second time and, by leave, immediately read a third time.

Bill sent to the Legislative Council and their agreement requested.

- 22 **JUSTICE LEGISLATION AMENDMENT BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 10.00 pm under standing orders.*

- 23 **ADJOURNMENT** — The Acting Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.28 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JENNY LINDELL  
*Speaker*

## No 117 — Thursday 7 May 2009

- 1 The Speaker took the Chair and read the Prayer.

- 2 **STATE TAXATION ACTS AMENDMENT BILL 2009** — Mr Cameron obtained leave to bring in a Bill *'for an Act to amend the Duties Act 2000 and other Acts and for other purposes'*; and the Bill was read a first time and under SO 61(2) ordered to be read a second time immediately.

- 3 **STATE TAXATION ACTS AMENDMENT BILL 2009** — *Mr Cameron tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Cameron*).

Motion made and question — That the debate be now adjourned (*Mr McIntosh*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 21 May 2009.

4 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

**Upgrade of Health Services for Bass Coast Region** — Requesting that the House asks the Government to support funding for the upgrade of health services in the Bass Coast region, bearing 58 signatures (*Mr Smith, Bass*)

**Desalination Plant, Bass Coast** — Requesting that the House directs immediate consultation between the Government and the local community of the Bass Coast regarding the proposed desalination plant, bearing 71 signatures (*Mr Smith, Bass*)

**Proposed Desalination Plant** — Requesting that the House opposes the proposed desalination plant, bearing 38 signatures (*Mr Smith, Bass*)

**Proposed High Voltage Line from Tynong to Wonthaggi** — Requesting that the House calls upon the Government to abandon the proposed high voltage line from Tynong to Wonthaggi, bearing 29 signatures (*Mr Ryan*)

**Stony Point to Frankston Train Line** — Requesting that the House asks the Government to install boom gates on all level crossings on the Stony Point to Frankston train line as a matter of priority, bearing 109 signatures (*Mr Burgess*)

**Urology Unit at Frankston Hospital** — Requesting that the House asks the Government to provide a urology unit at Frankston Hospital as a matter of priority, bearing 58 signatures (*Mr Burgess*)

**Natural Gas to Coastal Villages** — Requesting that the House requests the Government to fast track natural gas connections to the coastal villages of Cannons Creek, Blind Bight, Warneet and Tooradin, bearing 57 signatures (*Mr Burgess*)

**Red Cliffs Police Station** — Requesting that the House takes action to increase staffing levels at the Red Cliffs police station, bearing 27 signatures (*Mr Crisp*)

**Melbourne–Mildura Train Line** — Requesting that the House brings forward the reinstatement of the Melbourne–Mildura passenger train service in view of concerns including global warming, and the need to connect Mildura to both the Melbourne and the national rail networks, bearing 98 signatures (*Mr Crisp*)

**Mariemont Avenue, Beaumaris** — Requesting that the Government deletes all references to Mariemont Avenue in Amendment C75 to the Bayside Planning Scheme and rejects plans to implement inter-war and post-war heritage controls in the Sandringham electorate other than for voluntary listings and Council owned assets, bearing 45 signatures (*Mr Thompson, Sandringham*).

Petitions ordered to be tabled.

5 **PETITION — MARIEMONT AVENUE, BEAUMARIS** — Motion made and question — That the petition presented by the Member for Sandringham be taken into consideration tomorrow (*Mr Thompson, Sandringham*) — put and agreed to.

6 **PETITION — UPGRADE OF HEALTH SERVICES FOR BASS COAST REGION** — Motion made and question — That the petition presented by the Member for Bass be taken into consideration tomorrow (*Mr Smith, Bass*) — put and agreed to.

7 **PETITION — DESALINATION PLANT, BASS COAST** — Motion made and question — That the petition presented by the Member for Bass be taken into consideration tomorrow (*Mr Smith, Bass*) — put and agreed to.

- 8 **PETITION — PROPOSED DESALINATION PLANT** — Motion made and question — That the petition presented by the Member for Bass be taken into consideration tomorrow (*Mr Smith, Bass*) — put and agreed to.
- 9 **PETITION — STONY POINT TO FRANKSTON TRAIN LINE** — Motion made and question — That the petition presented by the Member for Hastings be taken into consideration tomorrow (*Mr Burgess*) — put and agreed to.
- 10 **PETITION — UROLOGY UNIT AT FRANKSTON HOSPITAL** — Motion made and question — That the petition presented by the Member for Hastings be taken into consideration tomorrow (*Mr Burgess*) — put and agreed to.
- 11 **PETITION — NATURAL GAS TO COASTAL VILLAGES** — Motion made and question — That the petition presented by the Member for Hastings be taken into consideration tomorrow (*Mr Burgess*) — put and agreed to.
- 12 **PETITION — RED CLIFFS POLICE STATION** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.
- 13 **PETITION — MELBOURNE–MILDURA TRAIN LINE** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.

14 **DOCUMENTS**

**PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE** — Mr Stensholt, Chair, presented a report from the Public Accounts and Estimates Committee on the 2007–08 Financial and Performance Outcomes, together with appendices, a minority report and an extract from the proceedings.

Ordered to be tabled and printed.

**ELECTORAL MATTERS COMMITTEE** — Mr O'Brien, Deputy Chair, presented a report from the Electoral Matters Committee on the Inquiry into Political Donations and Disclosure, together with appendices and transcripts of evidence.

Ordered to be tabled and the report and appendices printed.

**STANDING ORDERS COMMITTEE** — Ms Barker presented a report from the Standing Orders Committee on Epetitions, together with appendices.

Ordered to be tabled and printed.

**DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:

Adult Multicultural Education Services — Report 2008

Centre for Adult Education — Report 2008

*Land Acquisition and Compensation Act 1986* — Certificate under s 7

Ombudsman — *Whistleblowers Protection Act 2001*: Report of an investigation into the alleged improper conduct of councillors at Brimbank City Council — Ordered to be printed

*Outworkers (Improved Protection) Act 2003* — Review of the Act under s 64.

15 **DISPUTE RESOLUTION COMMITTEE** — Motion made, by leave, and question — That Mr Robinson be discharged from attendance on the Dispute Resolution Committee and that Mr Lupton be appointed in his place (*Mr Cameron*) — put and agreed to.

16 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourns until Tuesday 2 June 2009 (*Mr Cameron*) — put and agreed to.

17 **STATEMENTS BY MEMBERS** — Statements by members were made.

18 **APPROPRIATION (2009/2010) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 2.00 pm under standing orders.*

19 **QUESTIONS** — (Under SO 55).

20 **APPROPRIATION (2009/2010) BILL 2009** — Debate continued on question — That this Bill be now read a second time.

*Allocation of time — The Acting Speaker advised that the time allocated for consideration of bills under the resolution of the House on Tuesday 5 May 2009 had expired.*

21 **PLANNING LEGISLATION AMENDMENT BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time and a third time — put.

The House divided (the Speaker, Ms Lindell, in the Chair) —

AYES 48

Ms Allan; Mr Andrews; Ms Barker; Mr Brooks; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Mr Eren; Mr Foley; Ms Graley; Mr Hardman; Dr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Ms Kairouz; Ms Kosky; Mr Langdon; Mr Languiller; Mr Lim; Ms Lobato; Mr Lupton; Mrs Maddigan; Ms Marshall; Mr Merlino; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Pandazopoulos; Ms Pike; Ms Richardson; Mr Scott; Mr Seitz; Mr Stensholt; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

NOES 32

Ms Asher; Mr Baillieu; Mr Blackwood; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Hodgett; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Morris; Mr Mulder; Dr Napthine; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Mr Smith (*Bass*); Mr Smith (*Warrandyte*); Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Weller; Mr Wells; Ms Wooldridge.

Question agreed to.

Bill sent to the Legislative Council and their agreement requested.

22 **ROAD LEGISLATION AMENDMENT BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time and a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

23 **JUSTICE LEGISLATION AMENDMENT BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time and a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 24 **APPROPRIATION (2009/2010) BILL 2009** — Debate continued on question — That this Bill be now read a second time.

Motion made and question — That the debate be now adjourned (*Mr Merlino*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 25 **PLANNING LEGISLATION AMENDMENT BILL 2009** — The Speaker announced that she had received a report from the Clerk that he has made the following correction in the Bill:

In Clause 6, page 13, line 7, after 'DAC from' he has inserted 'time' so the line now reads 'members of the DAC from time to time; and'.

- 26 **DOCUMENT**

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — Mr Carli, Chair, presented a report from the Scrutiny of Acts and Regulations Committee on Exceptions and Exemptions to the *Equal Opportunity Act 1995*, Options Paper, together with appendices and a minority report.

Ordered to be tabled and printed.

- 27 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Agreeing to the following bills without amendment:

Human Services (Complex Needs) Bill 2009  
Transport Legislation Miscellaneous Amendments Bill 2008.

- 28 **CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES) (ENFORCEMENT) AMENDMENT BILL 2009** — *Mr Hulls tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).

Motion made and question — That the debate be now adjourned (*Mr Clark*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 21 May 2009.

- 29 **MACEDONIAN ORTHODOX CHURCH (VICTORIA) PROPERTY TRUST BILL 2009** — *Mr Hulls tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).

Motion made and question — That the debate be now adjourned (*Mr Clark*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 21 May 2009.

- 30 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 4 and 5, be postponed until later this day.

- 31 **SUPERANNUATION LEGISLATION AMENDMENT BILL 2009** — *Mr Holding tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*
- Motion made and question proposed — That this Bill be now read a second time (*Mr Holding*).
- Motion made and question — That the debate be now adjourned (*Mr Clark*) — put and agreed to.
- Ordered — That the debate be adjourned until Thursday 21 May 2009.
- 32 **CROWN LAND ACTS AMENDMENT (LEASE AND LICENCE TERMS) BILL 2009** — *Mr Cameron tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*
- Motion made and question proposed — That this Bill be now read a second time (*Mr Cameron*).
- Motion made and question — That the debate be now adjourned (*Ms Asher*) — put and agreed to.
- Ordered — That the debate be adjourned until Thursday 21 May 2009.
- 33 **ENERGY LEGISLATION AMENDMENT (AUSTRALIAN ENERGY MARKET OPERATOR) BILL 2009** — *Mr Cameron tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*
- Motion made and question proposed — That this Bill be now read a second time (*Mr Cameron*).
- Motion made and question — That the debate be now adjourned (*Mr Clark*) — put and agreed to.
- Ordered — That the debate be adjourned until Thursday 21 May 2009.
- 34 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Cameron*) — put and agreed to.
- 35 **ADJOURNMENT** — The Speaker left the Chair, after debate, at 5.24 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JENNY LINDELL  
*Speaker*

## LEGISLATIVE ASSEMBLY OF VICTORIA

### VOTES AND PROCEEDINGS Nos 118, 119 and 120

#### No 118 — Tuesday 2 June 2009

- 1 The House met according to the adjournment — The Speaker took the Chair and read the Prayer.
- 2 **QUESTIONS** — (Under SO 55).
- 3 **FAIR WORK (COMMONWEALTH POWERS) BILL 2009** — Mr Hulls obtained leave to bring in 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 the Bill was read a first time and under SO 61(2) ordered to be read a second time immediately.
- 4 **FAIR WORK (COMMONWEALTH POWERS) BILL 2009** — *Mr Hulls tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*  
  
Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).  
  
Motion made and question — That the debate be now adjourned (*Mr Clark*) — put and agreed to.  
  
Ordered — That the debate be adjourned until later this day.
- 5 **LAW REFORM COMMITTEE** — The Speaker announced that she had received the resignation of Mr O'Donohue from the Law Reform Committee, effective from today.
- 6 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:  
  
**Mortimer Park Horse Unloading Facility** — Requesting that the House asks Parks Victoria to reinstate the safe horse unloading facility at Mortimer Park, bearing 64 signatures (*Ms Lobato*)  
  
**Natural Gas for Mirboo North** — Requesting that the House expands the program of State Government assistance to the gas industry so that rural towns in Victoria such such as Mirboo North can have access to reticulated natural gas, bearing 149 signatures (*Mr Ryan*)  
  
**Red Cliffs Police Station** — Requesting that the House takes action to increase staffing levels at the Red Cliffs police station, bearing 16 signatures (*Mr Crisp*)  
  
**Melbourne–Mildura Train Line** — Requesting that the House brings forward the reinstatement of the Melbourne–Mildura passenger train service in view of concerns including global warming, and the need to connect Mildura to both the Melbourne and the national rail networks, bearing 97 signatures (*Mr Crisp*)  
  
**Planning Amendment — Victoria Street in Sandringham** — Requesting that the Government deletes all references to 47–49 Victoria Street, Sandringham in Amendment C75 to the Bayside Planning Scheme and rejects plans to implement inter-war and post-war heritage controls in the Sandringham electorate other than for voluntary listings and Council owned assets, bearing 2 signatures (*Mr Thompson, Sandringham*).

Petitions ordered to be tabled.

- 7 **PETITION — PLANNING AMENDMENT — VICTORIA STREET IN SANDRINGHAM** — Motion made and question — That the petition presented by the Member for Sandringham be taken into consideration tomorrow (*Mr Thompson, Sandringham*) — put and agreed to.

8 **DOCUMENTS**

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — Mr Carli, Chair, presented the Alert Digest No 6 of 2009 from the Scrutiny of Acts and Regulations Committee on the:

Appropriation (2009/2010) Bill 2009

Appropriation (Parliament 2009/2010) Bill 2009

Classification (Publications, Films and Computer Games) (Enforcement) Amendment Bill 2009

Crimes Amendment (Identity Crime) Bill 2009

Crown Land Acts Amendment (Lease and Licence Terms) Bill 2009

Energy Legislation Amendment (Australian Energy Market Operator) Bill 2009

Environment Protection Amendment (Beverage Container Deposit and Recovery Scheme) Bill 2009

Justice Legislation Amendment Bill 2009

Macedonian Orthodox Church (Victoria) Property Trust Bill 2009

State Taxation Acts Amendment Bill 2009

Superannuation Legislation Amendment Bill 2009

together with appendices.

Ordered to be tabled and printed.

**PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE** — Mr Stensholt, Chair, presented a report from the Public Accounts and Estimates Committee on the 2009–10 Budget Estimates Part One, Volumes One and Two, together with appendices and extracts from the proceedings.

Ordered to be tabled and printed.

**PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE** — Mr Stensholt, Chair, 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, together with appendices and transcripts of evidence.

Ordered to be tabled and the report and appendices printed.

**ENVIRONMENT AND NATURAL RESOURCES COMMITTEE** — Mr Pandazopoulos, Chair, presented a report from the Environment and Natural Resources Committee on the Inquiry into Melbourne's Future Water supply, together with appendices, extracts from the proceedings, two minority reports and transcripts of evidence.

Ordered to be tabled and the report, appendices, extracts from the proceedings and minority reports printed.

**DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:

Anti-Cancer Council Victoria — Report 2008 (two documents)

*Major Events (Aerial Advertising) Act 2007* — Event Order under s 7

*Parliamentary Committees Act 2003:*

Government response to the Law Reform Committee's Report on the Inquiry into Property Investment Advisers and Marketeers

Government response to the Law Reform Committee's Report on the Inquiry into Vexatious Litigants

Government response to the Scrutiny of Acts and Regulations Committee's Report on the Inquiry into the Repeal of Certain Redundant Corporations Laws

*Planning and Environment Act 1987* — Notices of approval of amendments to the following Planning Schemes:

Bass Coast — C89  
Baw Baw — C67, C70  
Campaspe — C44, C71  
Cardinia — C98, C111  
Casey — C93, C105  
Corangamite — C24  
Darebin — C95  
Gannawarra — C25  
Glenelg — C40  
Greater Bendigo — C123  
Greater Dandenong — C110  
Greater Geelong — C154 Part 2, C182  
Greater Shepparton — C124, C135  
Horsham — C25 Part 2  
Hume — C93  
Knox — C66  
Loddon — C25  
Mansfield — C18  
Maribyrnong — C67  
Maroondah — C71, C81  
Melton — C69  
Mildura — C58  
Moirā — C60  
Monash — C79  
Moorabool — C43  
Moreland — C98, C111  
Mornington Peninsula — C125  
Murrindindi — C21  
South Gippsland — C48  
Surf Coast — C27  
Swan Hill — C22, C35  
Towong — C18  
Victoria Planning Provisions — VC56, VC57  
Wellington — C26 Part 2  
Whitehorse — C85  
Wyndham — C122  
Yarra Ranges — C81, C85

*Private Security Act 2004* — Review of the Act under s 178 and Government response

*Professional Standards Act 2003* — Engineers Australia (Victoria) Scheme under s 14 (*Gazette S119, 1 May 2009*)

Statutory Rules under the following Acts:

*Aboriginal Heritage Act 2006* — SR 50  
*Alpine Resorts (Management) Act 1997* — SR 47  
*Children's Services Act 1996* — SR 53  
*Corporations (Ancillary Provisions) Act 2001* — SR 43  
*County Court Act 1958* — SR 56  
*Magistrates' Court Act 1989* — SR 49  
*Police Integrity Act 2008* — SR 45  
*Retirement Villages Act 1986* — SR 52  
*Road Safety Act 1986* — SRs 46, 48  
*Subordinate Legislation Act 1994* — SRs 54, 55  
*Supreme Court Act 1986* — SRs 42, 43, 44, 51

*Subordinate Legislation Act 1994:*

Ministers' exception certificates in relation to Statutory Rules 39, 42, 43, 44, 49, 55, 56  
 Ministers' exemption certificates in relation to Statutory Rules 45, 46, 47  
 Minister's infringements offence consultation certificate in relation to Statutory Rule 47

Wimmera Catchment Management Authority — Report 2007–08 (*in lieu of report previously tabled on Thursday 30 October 2008*).

- 9 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Workplace Rights Advocate (Repeal) Bill 2008 with amendments.

Ordered — That the amendments be taken into consideration tomorrow.

- 10 **MESSAGE FROM THE GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that he had, on 12 May 2009, given the royal assent to the following bills, presented to him by the Clerk of the Parliaments:

Human Services (Complex Needs) Bill 2009  
 Transport Legislation Miscellaneous Amendments Bill 2008.

- 11 **MESSAGES FROM THE GOVERNOR** — Recommending appropriations for the purposes of the following bills:

Crown Land Acts Amendment (Lease and Licence Terms) Bill 2009  
 State Taxation Acts Amendment Bill 2009  
 Superannuation Legislation Amendment Bill 2009.

- 12 **ECONOMIC DEVELOPMENT AND INFRASTRUCTURE COMMITTEE** — Motion made, by leave, and question — That Mr Lim be appointed a member of the Economic Development and Infrastructure Committee (*Mr Batchelor*) — put and agreed to.

- 13 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, under SO 94(2), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 4 June 2009:

Appropriation (Parliament 2009/2010) Bill 2009  
 Energy Legislation Amendment (Australian Energy Market Operator) Bill 2009  
 Occupational Health and Safety Amendment (Employee Protection) Bill 2008  
 State Taxation Acts Amendment Bill 2009

(*Mr Batchelor*) — put, after debate, and agreed to.

- 14 **STATEMENTS BY MEMBERS** — Statements by members were made.
- 15 **PRIMARY INDUSTRIES LEGISLATION AMENDMENT BILL 2008** — Motion made and question proposed — That the Primary Industries Legislation Amendment Bill 2008 be referred to the Dispute Resolution Committee for consideration under s 65C of the *Constitution Act 1975* and that a message be sent to the Legislative Council informing them accordingly (*Mr Batchelor*) — and, after debate —
- Motion made and question — That the debate be now adjourned (*Mr Batchelor*) — put and agreed to.
- Ordered — That the debate be adjourned until later this day.
- Motion made, by leave, and question — That the Member for Thomastown have leave to continue his speech when the debate is resumed (*Mr Batchelor*) — put and agreed to.
- 16 **ENERGY LEGISLATION AMENDMENT (AUSTRALIAN ENERGY MARKET OPERATOR) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.
- Bill read a second time. Mr Ingram asked that his dissent be recorded.
- By leave, Bill immediately read a third time.
- Bill sent to the Legislative Council and their agreement requested.
- 17 **POSTPONEMENT OF ORDER OF THE DAY** — Ordered — That the consideration of Government Business, Order of the Day, No 2 be postponed until later this day.
- 18 **APPROPRIATION (PARLIAMENT 2009/2010) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.
- Bill read a second time and, by leave, immediately read a third time.
- Bill sent to the Legislative Council and their agreement requested.
- 19 **STATE TAXATION ACTS AMENDMENT BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time.
- Under standing orders, Mr Pallas announced amendments to be proposed when the House considers the Bill in detail and requested that they be circulated. Amendments circulated.
- Debate resumed on question — That this Bill be now read a second time.
- Motion made and question — That the debate be now adjourned (*Ms Asher*) — put and agreed to.
- Ordered — That the debate be adjourned until tomorrow.
- 20 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 5 to 11 inclusive, be postponed until later this day.
- 21 **OCCUPATIONAL HEALTH AND SAFETY AMENDMENT (EMPLOYEE PROTECTION) BILL 2008** — Order read for resuming debate on question — That this Bill be now read a second time.
- Under standing orders, Mr Wells announced amendments to be proposed when the House considers the Bill in detail and requested that they be circulated. Amendments circulated.

Debate resumed on question — That this Bill be now read a second time.

Question — put.

The House divided (the Speaker, Ms Lindell, in the Chair) —

AYES 49

Ms Allan; Ms Barker; Mr Batchelor; Ms Beattie; Mr Brooks; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Mr Eren; Mr Foley; Ms Graley; Ms Green; Mr Hardman; Dr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Ms Kairouz; Ms Kosky; Mr Langdon; Mr Languiller; Mr Lim; Ms Lobato; Mrs Maddigan; Ms Marshall; Mr Merlino; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Richardson; Mr Robinson; Mr Scott; Mr Seitz; Mr Stensholt; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

NOES 32

Ms Asher; Mr Baillieu; Mr Blackwood; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mr Hodgett; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Morris; Mr Mulder; Dr Naphthine; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith (*Bass*); Mr Smith (*Warrandyte*); Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Weller; Mr Wells; Ms Wooldridge.

Question agreed to.

Bill considered in detail (*see pp 632–35*).

*Business having been interrupted at 10.01 pm under standing orders.*

Motion made and question — That the sitting be continued (*Mr Batchelor*) — put and agreed to.

Bill further considered in detail and agreed to without amendment, read a third time (*see pp 634–35*).

Bill sent to the Legislative Council and their agreement requested.

- 22 **OCCUPATIONAL HEALTH AND SAFETY AMENDMENT (EMPLOYEE PROTECTION) BILL 2008** — The Deputy Speaker announced that the Speaker had received a report from the Clerk that he has made the following correction in the Bill:

In Clause 6, page 7, line 16, he has inserted the word 'a' before the word 'proceeding' so the line now reads '(3) It is a defence to a proceeding for a'.

- 23 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Agreeing to the following bills without amendment:

Parliamentary Salaries and Superannuation Amendment Bill 2009  
Bushfires Royal Commission (Report) Bill 2009.

- 24 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Batchelor*) — put and agreed to.

- 25 **ADJOURNMENT** — The Deputy Speaker left the Chair, after debate, at 10.47 pm.

## No 119 — Wednesday 3 June 2009

1 The Speaker took the Chair and read the Prayer.

2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

**Moorooduc Section of Frankston Bypass** — Requesting that the Minister for Roads and Ports presents to the House the objections to the proposed Moorooduc section of the Frankston bypass, bearing 659 signatures (*Mr Burgess*)

**Hastings Police Station** — Requesting that the House directs the Government to immediately return the Hastings Police Station to 24 hour status in the interests of community safety, bearing 528 signatures (*Mr Burgess*)

**Red Cliffs Police Station** — Requesting that the House takes action to increase staffing levels at the Red Cliffs police station, bearing 16 signatures (*Mr Crisp*)

**Melbourne–Mildura Train Line** — Requesting that the House brings forward the reinstatement of the Melbourne–Mildura passenger train service in view of concerns including global warming, and the need to connect Mildura to both the Melbourne and the national rail networks, bearing 95 signatures (*Mr Crisp*)

**Mornington Peninsula Mobile Intensive Care** — Requesting that the House ensures that two officer crews are maintained for all mobile intensive care ambulances on the Mornington Peninsula, bearing 136 signatures (*Mr Morris*).

Petitions ordered to be tabled.

3 **PETITION — RED CLIFFS POLICE STATION** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.

4 **PETITION — MELBOURNE–MILDURA TRAIN LINE** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.

5 **PETITION — MOOROODUC SECTION OF FRANKSTON BYPASS** — Motion made and question — That the petition presented by the Member for Hastings be taken into consideration tomorrow (*Mr Burgess*) — put and agreed to.

6 **PETITION — HASTINGS POLICE STATION** — Motion made and question — That the petition presented by the Member for Hastings be taken into consideration tomorrow (*Mr Burgess*) — put and agreed to.

7 **PETITION — MORNINGTON PENINSULA MOBILE INTENSIVE CARE** — Motion made and question — That the petition presented by the Member for Mornington be taken into consideration tomorrow (*Mr Morris*) — put and agreed to.

8 **DOCUMENTS TABLED UNDER AN ACT OF PARLIAMENT** — The Clerk tabled the following documents in accordance with an Act of Parliament:

Auditor-General:

Claims Management by the Victorian WorkCover Authority — Ordered to be printed

Governance and Fraud Control within Selected Adult Education Agencies — Ordered to be printed

Withdrawal of Infringement Notices — Ordered to be printed.

9 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Fair Trading and Other Acts Amendment Bill 2008 without amendment.

10 **MESSAGE FROM THE GOVERNOR** — Recommending a further appropriation for the purposes of the State Taxation Acts Amendment Bill 2009.

11 **ROAD SAFETY COMMITTEE** — The Speaker announced that she had received the resignation of Mr Mulder from the Road Safety Committee, effective from 2 June 2009.

12 **STATEMENTS BY MEMBERS** — Statements by members were made.

13 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE — VICTORIAN BUDGET** — The House was informed that Ms Richardson had proposed that a definite matter of public importance be submitted to the House for discussion, namely —

'That this House congratulates the Brumby Government for making the tough choices needed in the recent budget to support Victorian jobs and protect the vital services which make Victoria the best place to live, work and raise a family.'

Ms Richardson addressed the House — Discussion followed.

14 **STATEMENTS ON PARLIAMENTARY COMMITTEE REPORTS** — Statements were made on the following Committee Reports:

Public Accounts and Estimates Committee's Report on the 2009–10 Budget Estimates Part One, Volumes One and Two

Public Accounts and Estimates Committee's Report on the 2007–08 Financial and Performance Outcomes

Electoral Matters Committee's Report on the Inquiry into Political Donations and Disclosure

Environment and Natural Resources Committee's Report on the Inquiry into Melbourne's Future Water Supply.

15 **FAIR WORK (COMMONWEALTH POWERS) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 2.00 pm under standing orders.*

16 **QUESTIONS** — (Under SO 55).

17 **FAIR WORK (COMMONWEALTH POWERS) BILL 2009** — Debate continued on question — That this Bill be now read a second time.

Bill read a second time and, by leave, immediately read a third time.

Bill sent to the Legislative Council and their agreement requested.

18 **WORKPLACE RIGHTS ADVOCATE (REPEAL) BILL 2008** — Order read for the consideration of the amendments made by the Legislative Council.

After debate, the amendments were agreed to by the House.

Message sent to the Legislative Council informing them accordingly.

- 19 **PRIMARY INDUSTRIES LEGISLATION AMENDMENT BILL 2008** — Order read for the consideration of the amendments made by the Legislative Council.

After debate, the amendments were disagreed with by the House. Mr Ingram asked that his dissent be recorded.

Message sent to the Legislative Council informing them accordingly.

- 20 **APPROPRIATION (2009/2010) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 10.00 pm under standing orders.*

- 21 **ADJOURNMENT** — The Acting Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.33 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JENNY LINDELL  
*Speaker*

## No 120 — Thursday 4 June 2009

- 1 The Speaker took the Chair and read the Prayer.
- 2 **ACTING DIRECTOR, POLICE INTEGRITY** — The Speaker advised that, on 3 June 2009, she administered to Graham Leonard Ashton, Acting Director, Police Integrity, the oath required by s 16 of the *Police Integrity Act 2008*.
- 3 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:
- Youth Allowance — Rural Students** — Requesting that the House rejects the proposed changes to the independence test for the Youth Allowance and calls on the Government to vigorously lobby the Federal Government to ensure tertiary education is accessible for rural students, bearing 20 signatures (*Dr Sykes*)
- Noise Abatement in Manningham** — Requesting that the House directs that additional noise abatement measures be implemented for residents whose homes adjoin Eastlink in Manningham, bearing 10 signatures (*Ms Wooldridge*)
- Roseville Retirement Village** — Requesting that the House directs VicRoads to install pedestrian operated traffic signals outside the Roseville Retirement Village on King Street, Doncaster East, bearing 6 signatures (*Ms Wooldridge*)
- Red Cliffs Police Station** — Requesting that the House takes action to increase staffing levels at the Red Cliffs police station, bearing 16 signatures (*Mr Crisp*)
- Melbourne–Mildura Train Line** — Requesting that the House brings forward the reinstatement of the Melbourne–Mildura passenger train service in view of concerns including global warming, and the need to connect Mildura to both the Melbourne and the national rail networks, bearing 134 signatures (*Mr Crisp*).

Petitions ordered to be tabled.

- 4 **PETITION — NOISE ABATEMENT IN MANNINGHAM** — Motion made and question — That the petition presented by the Member for Doncaster be taken into consideration tomorrow (*Ms Wooldridge*) — put and agreed to.
- 5 **PETITION — ROSEVILLE RETIREMENT VILLAGE** — Motion made and question — That the petition presented by the Member for Doncaster be taken into consideration tomorrow (*Ms Wooldridge*) — put and agreed to.
- 6 **PETITION — RED CLIFFS POLICE STATION** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.
- 7 **PETITION — MELBOURNE–MILDURA TRAIN LINE** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.
- 8 **PETITION — YOUTH ALLOWANCE — RURAL STUDENTS** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.

9 **DOCUMENTS**

**PRIVILEGES COMMITTEE** — Mr Clark, Deputy Chair, presented a report from the Privileges Committee on the right of reply from Mr Dennis MacKinlay, a person referred to in the Legislative Assembly, together with an appendix.

Ordered to be tabled and printed.

**PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE** — Mr Stensholt, Chair, presented a report from the Public Accounts and Estimates Committee on New Directions in Accountability, Inquiry into Victoria's Public Finance Practices and Legislation, together with appendices.

Ordered to be tabled and printed.

**DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:

Police Integrity, Office of — Offers of gifts and benefits to Victoria Police employees — Ordered to be printed

Statutory Rules under the following Acts:

*Rail Safety Act 2006* — SR 59  
*State Superannuation Act 1988* — SR 57  
*Subordinate Legislation Act 1994* — SR 58  
*Supreme Court Act 1986* — SR 60

*Subordinate Legislation Act 1994*:

Minister's exception certificate in relation to Statutory Rule 60  
 Ministers' exemption certificates in relation to Statutory Rules 48, 59.

10 **PARLIAMENTARY COMMITTEES** — Motion made, by leave, and question — That Mr Tilley be appointed a member of the Road Safety Committee and Mrs Victoria be appointed a member of the Law Reform Committee (*Mr Batchelor*) — put and agreed to.

11 **STATEMENTS BY MEMBERS** — Statements by members were made.

12 **APPROPRIATION (2009/2010) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 2.00 pm under standing orders.*

13 **QUESTIONS** — (Under SO 55).

14 **APPROPRIATION (2009/2010) BILL 2009** — Debate continued on question — That this Bill be now read a second time.

*Allocation of time — The Acting Speaker advised that the time allocated for consideration of bills under the resolution of the House on Tuesday 2 June 2009 had expired.*

15 **STATE TAXATION ACTS AMENDMENT BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time, Government amendment Nos 1 to 5 inclusive be agreed to and that the Bill be now read a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

16 **APPROPRIATION (2009/2010) BILL 2009** — Debate continued on question — That this Bill be now read a second time.

Motion made and question — That the debate be now adjourned (*Mr Weller*) — put and agreed to.

Ordered — That the debate be adjourned until tomorrow.

17 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Wynne*) — put and agreed to.

18 **ADJOURNMENT** — The Speaker left the Chair, after debate, at 4.43 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JENNY LINDELL  
*Speaker*

LEGISLATIVE ASSEMBLY OF VICTORIA

**CONSIDERATION IN DETAIL**  
**Supplement to Votes Nos 118, 119 and 120**

**No 118 — Tuesday 2 June 2009**

**OCCUPATIONAL HEALTH AND SAFETY AMENDMENT BILL (EMPLOYEE PROTECTION) BILL  
2008**

**Clauses 1 to 3** agreed to.

**Clause 4**, Mr Wells moved amendment No 1 (*see Schedule*).

Question — That the words proposed to be omitted stand part of the Clause — put and agreed to.

Clause agreed to.

**Clause 5** agreed to.

**Clause 6**, Mr Wells moved amendment No 2 (*see Schedule*).

Question — That the words proposed to be omitted stand part of the Clause — put and agreed to.

Mr Wells moved amendment No 3 (*see Schedule*).

Question — That the words proposed to be omitted stand part of the Clause — put and agreed to.

Mr Wells moved amendment No 4 (*see Schedule*).

Question — That the word proposed to be omitted stand part of the Clause — put.

The House divided (the Deputy Speaker, Ms Barker in the Chair) —

AYES 48

Ms Allan; Mr Batchelor; Ms Beattie; Mr Brooks; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Mr Eren; Mr Foley; Ms Graley; Ms Green; Mr Hardman; Dr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Ms Kairouz; Ms Kosky; Mr Langdon; Mr Languiller; Mr Lim; Ms Lobato; Mrs Maddigan; Ms Marshall; Mr Merlino; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Richardson; Mr Robinson; Mr Scott; Mr Seitz; Mr Stensholt; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

NOES 32

Ms Asher; Mr Baillieu; Mr Blackwood; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mr Hodgett; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Morris; Mr Mulder; Dr Napthine; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith (*Bass*); Mr Smith (*Warrandyte*); Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Weller; Mr Wells; Ms Wooldridge.

Question agreed to.

Mr Wells moved amendment No 5 (*see Schedule*).

Question — That the words proposed to be omitted stand part of the Clause — put.

The House divided (the Deputy Speaker, Ms Barker in the Chair) —

AYES 48

Ms Allan; Mr Batchelor; Ms Beattie; Mr Brooks; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Mr Eren; Mr Foley; Ms Graley; Ms Green; Mr Hardman; Dr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Ms Kairouz; Ms Kosky; Mr Langdon; Mr Languiller; Mr Lim; Ms Lobato; Mrs Maddigan; Ms Marshall; Mr Merlino; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Richardson; Mr Robinson; Mr Scott; Mr Seitz; Mr Stensholt; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

NOES 32

Ms Asher; Mr Baillieu; Mr Blackwood; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mr Hodgett; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Morris; Mr Mulder; Dr Napthine; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith (*Bass*); Mr Smith (*Warrandyte*); Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Weller; Mr Wells; Ms Wooldridge.

Question agreed to.

*The Deputy Speaker advised that, as amendment No 5 had been defeated, amendment Nos 6, 7, 10, 13, 14 and 16 to 21 inclusive cannot be moved as they are consequential.*

Mr Wells moved amendment No 8 (*see Schedule*).

Question — That the amendment be agreed to — put.

The House divided (the Deputy Speaker, Ms Barker in the Chair) —

AYES 32

Ms Asher; Mr Baillieu; Mr Blackwood; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mr Hodgett; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Morris; Mr Mulder; Dr Napthine; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith (*Bass*); Mr Smith (*Warrandyte*); Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Weller; Mr Wells; Ms Wooldridge.

NOES 48

Ms Allan; Mr Batchelor; Ms Beattie; Mr Brooks; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Mr Eren; Mr Foley; Ms Graley; Ms Green; Mr Hardman; Dr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Ms Kairouz; Ms Kosky; Mr Langdon; Mr Languiller; Mr Lim; Ms Lobato; Mrs Maddigan; Ms Marshall; Mr Merlino; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Richardson; Mr Robinson; Mr Scott; Mr Seitz; Mr Stensholt; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

Question defeated.

*The Deputy Speaker advised that, as amendment No 8 had been defeated, amendment Nos 9, 11 and 12 cannot be moved as they are consequential.*

Mr Wells moved amendment No 15 (*see Schedule*).

Question — That the words proposed to be omitted stand part of the Clause — put.

The House divided (the Deputy Speaker, Ms Barker in the Chair) —

AYES 48

Ms Allan; Mr Batchelor; Ms Beattie; Mr Brooks; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Mr Eren; Mr Foley; Ms Graley; Ms Green; Mr Hardman; Dr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Ms Kairouz; Ms Kosky; Mr Langdon; Mr Languiller; Mr Lim; Ms Lobato; Mrs Maddigan; Ms Marshall; Mr Merlino; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Richardson; Mr Robinson; Mr Scott; Mr Seitz; Mr Stensholt; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

NOES 32

Ms Asher; Mr Baillieu; Mr Blackwood; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mr Hodgett; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Morris; Mr Mulder; Dr Napthine; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith (*Bass*); Mr Smith (*Warrandyte*); Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Weller; Mr Wells; Ms Wooldridge.

Question agreed to.

*Business having been interrupted at 10.01 pm under standing orders.*

Motion made and question — That the sitting be continued (*Mr Batchelor*) — put and agreed to.

Clause agreed to.

**Clauses 7 and 8** agreed to.

Question — That the House agrees to the Bill agreed to without amendment — put.

The House divided (the Deputy Speaker, Ms Barker in the Chair) —

AYES 48

Ms Allan; Mr Batchelor; Ms Beattie; Mr Brooks; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Mr Eren; Mr Foley; Ms Graley; Ms Green; Mr Hardman; Dr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Ms Kairouz; Ms Kosky; Mr Langdon; Mr Languiller; Mr Lim; Ms Lobato; Mrs Maddigan; Ms Marshall; Mr Merlino; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Richardson; Mr Robinson; Mr Scott; Mr Seitz; Mr Stensholt; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

NOES 32

Ms Asher; Mr Baillieu; Mr Blackwood; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mr Hodgett; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Morris; Mr Mulder; Dr Napthine; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith (*Bass*); Mr Smith (*Warrandyte*); Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Weller; Mr Wells; Ms Wooldridge.

Question agreed to.

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## SCHEDULE OF AMENDMENTS MOVED

### OCCUPATIONAL HEALTH AND SAFETY AMENDMENT (EMPLOYEE PROTECTION) BILL 2008

Amendments moved by Mr Wells

1. Clause 4, lines 11 to 18, omit all words and expressions on these lines.
2. Clause 6, page 4, lines 16 and 17, omit "an authorised representative of a registered employee organisation,".
3. Clause 6, page 4, lines 23 to 25, omit "an authorised representative of a registered employee organisation,".
4. Clause 6, page 4, line 33, omit "substantial" and insert "dominant".
5. Clause 6, page 5, lines 1 to 7, omit all words and expressions on these lines.
8. Clause 6, page 6, 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."
15. Clause 6, page 7, line 5, omit "1 year" and insert "21 days".



## LEGISLATIVE ASSEMBLY OF VICTORIA

### VOTES AND PROCEEDINGS Nos 121, 122 and 123

#### No 121 — Tuesday 9 June 2009

- 1 The Speaker took the Chair and read the Prayer.
- 2 **QUESTIONS** — (Under SO 55).
- 3 **NATIONAL PARKS AMENDMENT (POINT NEPEAN) BILL 2009** — Mr Batchelor obtained leave to bring in a Bill '*for an Act to amend the National Parks Act 1975 and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 4 **FOOD AMENDMENT (REGULATION REFORM) BILL 2009** — Mr Andrews obtained leave to bring in a Bill '*for an Act to amend the Food Act 1984 to reform the regulatory framework under the Act and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 5 **CASINO LEGISLATION AMENDMENT BILL 2009** — Mr Robinson obtained leave to bring in a Bill '*for an Act to amend the Casino Control Act 1991 and the Casino (Management Agreement) Act 1993 and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 6 **GAMBLING REGULATION AMENDMENT BILL 2009** — Mr Robinson obtained leave to bring in a Bill '*for an Act to amend the Gambling Regulation Act 2003 and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 7 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:
  - Youth Allowance — Rural Students** — Requesting that the House rejects the proposed changes to the independence test for the Youth Allowance and calls on the Government to vigorously lobby the Federal Government to ensure tertiary education is accessible for rural students, bearing 105 signatures (*Dr Sykes*)
  - Goulburn Valley Pipeline** — Requesting that the House — (a) rejects the Goulburn Valley pipeline proposal; and (b) calls on the Government to address Melbourne's water supply needs by investing in recycling and capturing stormwater, bearing 24 signatures (*Dr Sykes*)
  - Red Cliffs Police Station** — Requesting that the House takes action to increase staffing levels at the Red Cliffs police station, bearing 22 signatures (*Mr Crisp*)
  - Melbourne–Mildura Train Line** — Requesting that the House brings forward the reinstatement of the Melbourne–Mildura passenger train service in view of concerns including global warming, and the need to connect Mildura to both the Melbourne and the national rail networks, bearing 89 signatures (*Mr Crisp*)
  - Funding for Catholic Schools** — Requesting that the House — (a) guarantees funding for Catholic schools at 25 per cent of the average cost of educating a child in the State school system; and (b) provides equal funding for children with disabilities who attend a Catholic school, bearing 1784 signatures (*Mr Scott*).

Petitions ordered to be tabled.

- 8 **PETITION — YOUTH ALLOWANCE — RURAL STUDENTS** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.
- 9 **PETITION — GOULBURN VALLEY PIPELINE** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.
- 10 **PETITION — RED CLIFFS POLICE STATION** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.
- 11 **PETITION — MELBOURNE–MILDURA TRAIN LINE** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.
- 12 **DOCUMENT TABLED UNDER AN ACT OF PARLIAMENT** — The Clerk tabled the following document in accordance with an Act of Parliament:
- Major Events (Crowd Management) Act 2003* — Order declaring a Managed Access Area under s 7.
- The following proclamation fixing an operative date was tabled by the Clerk in accordance with an order of the House dated 19 December 2006:
- Liquor Control Reform Amendment (Enforcement) Act 2009* — Whole Act except s 8 — 2 June 2009 (*Gazette S163, 2 June 2009*).
- 13 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Agreeing to the following bills without amendment:
- Crimes Amendment (Identity Crime) Bill 2009  
Public Administration Amendment Bill 2008  
Road Legislation Amendment Bill 2009  
Transport Legislation General Amendments Bill 2008.
- 14 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Gambling Regulation Amendment (Licensing) Bill 2009 with amendments.
- Ordered — That the amendments be taken into consideration later this day.
- 15 **ECONOMIC DEVELOPMENT AND INFRASTRUCTURE COMMITTEE** — Motion made, by leave, and question — That, under s 33 of the *Parliamentary Committees Act 2003*, an inquiry into manufacturing in Victoria be referred to the Economic Development and Infrastructure Committee for consideration and report no later than 30 June 2010 on the state of manufacturing in Victoria and, in particular, the Committee is requested to:
- (1) Explore the necessary criteria used by businesses to transfer offshore manufacturing to Victoria.
  - (2) Identify and report on the factors which influence businesses in determining whether to manufacture in Australia or overseas including the consideration of:
    - (a) the retention of intellectual property rights;
    - (b) maintaining consistent quality standards in line with both Federal and State laws;
    - (c) probity matters;

- (d) assistance and incentives provided by governments; and
- (e) the impact that the global deterioration in economic conditions in recent months will have on future decisions regarding manufacturing locations

*(Mr Batchelor)* — put and agreed to.

- 16 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, under SO 94(2), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 11 June 2009:

Classification (Publications, Films and Computer Games) (Enforcement) Amendment Bill 2009  
Superannuation Legislation Amendment Bill 2009

*(Mr Batchelor)* — put, after debate, and agreed to.

- 17 **STATEMENTS BY MEMBERS** — Statements by members were made.
- 18 **SUPERANNUATION LEGISLATION AMENDMENT BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Bill read a second time and, by leave, immediately read a third time with the concurrence of an absolute majority and a special majority of the whole number of the members of the Legislative Assembly.

Bill sent to the Legislative Council and their agreement requested.

- 19 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 2 to 4 inclusive, be postponed until later this day.
- 20 **CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES) (ENFORCEMENT) AMENDMENT BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned *(Ms Beattie)* — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 21 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Fair Work (Commonwealth Powers) Bill 2009 without amendment.
- 22 **APPROPRIATION (2009/2010) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 10.00 pm under standing orders.*

- 23 **ADJOURNMENT** — The Deputy Speaker announced that the time for the adjournment of the House had arrived, and, after debate —

*(Notice having been taken that a quorum of members was not present)*

The Speaker, under SO 29, adjourned the House at 10.43 pm until tomorrow.

R W PURDEY  
Clerk of the Legislative Assembly

JENNY LINDELL  
Speaker

## No 122 — Wednesday 10 June 2009

- 1 The Speaker took the Chair and read the Prayer.
- 2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:
- Red Cliffs Police Station** — Requesting that the House takes action to increase staffing levels at the Red Cliffs police station, bearing 20 signatures *(Mr Crisp)*
- Melbourne–Mildura Train Line** — Requesting that the House brings forward the reinstatement of the Melbourne–Mildura passenger train service in view of concerns including global warming, and the need to connect Mildura to both the Melbourne and the national rail networks, bearing 82 signatures *(Mr Crisp)*.
- Petitions ordered to be tabled.
- 3 **PETITION — RED CLIFFS POLICE STATION** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow *(Mr Crisp)* — put and agreed to.
- 4 **PETITION — MELBOURNE–MILDURA TRAIN LINE** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow *(Mr Crisp)* — put and agreed to.
- 5 **DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:
- Auditor-General:
- Connecting Courts — the Integrated Courts Management System — Ordered to be printed  
Effectiveness of Drought Assistance Measures — Ordered to be printed  
Implementing Victoria Police's Code of Practice for the Investigation of Family Violence — Ordered to be printed
- Ombudsman — *Whistleblowers Protection Act 2001*: Conflict of Interest and Abuse of Power by a Building Inspector at Brimbank City Council — Ordered to be printed
- Planning and Environment Act 1987* — Notices of approval of amendments to the following Planning Schemes:
- Bass Coast — C99

Baw Baw — C56 Part 1, C64 Part 1  
 Bayside — C44  
 East Gippsland — C65  
 Frankston — C50  
 Glen Eira — C79  
 Golden Plains — C41  
 Horsham — C37  
 Moira — C37, C41  
 Pyrenees — C18  
 Queenscliffe — C18  
 Whitehorse — C87  
 Wyndham — C109  
 Yarra Ranges — C71, C84

Statutory Rules under the following Acts:

*Country Fire Authority Act 1958* — SR 64  
*Infringements Act 2006* — SR 61  
*Metropolitan Fire Brigades Act 1958* — SR 63  
*Transfer of Land Act 1958* — SR 62

*Subordinate Legislation Act 1994*:

Minister's exception certificate in relation to Statutory Rule 62  
 Ministers' exemption certificates in relation to Statutory Rules 57, 61, 63, 64.

6 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Energy Legislation Amendment (Australian Energy Market Operator) Bill 2009 without amendment.

7 **MESSAGE FROM THE GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that he had today given the royal assent to the following bills, presented to him by the Clerk of the Parliaments:

Bushfires Royal Commission (Report) Bill 2009  
 Fair Trading and Other Acts Amendment Bill 2008  
 Parliamentary Salaries and Superannuation Amendment Bill 2009  
 Workplace Rights Advocate (Repeal) Bill 2008.

8 **STATEMENTS BY MEMBERS** — Statements by members were made.

9 **GRIEVANCES** — Question — That grievances be noted — put, after debate, and agreed to.

10 **STATEMENTS ON PARLIAMENTARY COMMITTEE REPORTS** — Statements were made on the following Committee Reports:

Public Accounts and Estimates Committee's Report on the 2009–10 Budget Estimates Part One, Volumes One and Two

Electoral Matters Committee's Report on the Inquiry into Political Donations and Disclosure

Family and Community Development Committee's Report on the Involvement of Small and Medium Size Business in Corporate Social Responsibility

Environment and Natural Resources Committee's Report on the Inquiry into Melbourne's Future Water Supply.

- 11 **NATIONAL PARKS AMENDMENT (POINT NEPEAN) BILL 2009** — *Mr Batchelor tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Batchelor*).

Motion made and question — That the debate be now adjourned (*Mr Dixon*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 24 June 2009.

- 12 **POSTPONEMENT OF ORDER OF THE DAY** — Ordered — That the consideration of Government Business, Order of the Day, No 2 be postponed until later this day.

- 13 **GAMBLING REGULATION AMENDMENT BILL 2009** — *Mr Robinson tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Robinson*).

Motion made and question — That the debate be now adjourned (*Mr O'Brien*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 24 June 2009.

*Business having been interrupted at 2.00 pm under standing orders.*

- 14 **QUESTIONS** — (Under SO 55).

- 15 **FOOD AMENDMENT (REGULATION REFORM) BILL 2009** — *Mr Andrews tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Andrews*).

Motion made and question — That the debate be now adjourned (*Mrs Shardey*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 24 June 2009.

- 16 **GAMBLING REGULATION AMENDMENT (LICENSING) BILL 2009** — Order read for the consideration of the amendments made by the Legislative Council.

On the motion of Mr Robinson and, after debate — Amendment Nos 1 to 17 inclusive agreed to.

On the motion of Mr Robinson and, after debate — Amendment No 18 agreed to with an amendment and a consequential amendment made to the Bill.

On the motion of Mr Robinson and, after debate — Amendment Nos 19 to 36 inclusive agreed to.

On the motion of Mr Robinson and, after debate — Amendment No 37 agreed to with amendments and a consequential amendment made to the Bill.

On the motion of Mr Robinson — Amendment No 38 agreed to.

On the motion of Mr Robinson and, after debate — Amendment No 39 agreed to with amendments and consequential amendments made to the Bill.

On the motion of Mr Robinson — Amendment Nos 40 to 46 inclusive agreed to.

On the motion of Mr Robinson and, after debate — Amendment No 47 agreed to with amendments and consequential amendments made to the Bill.

On the motion of Mr Robinson — Amendment Nos 48 to 66 inclusive agreed to.

Message sent to the Legislative Council informing them accordingly.

17 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, the government business program agreed to by this House on 9 June 2009 be amended by adding the Order of the Day, Government Business, relating to the Appropriation (2009/2010) Bill 2009 (*Mr Batchelor*) — put and agreed to.

18 **APPROPRIATION (2009/2010) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 10.00 pm under standing orders.*

Motion made and question — That the sitting be continued (*Mr Batchelor*) — put and agreed to.

Debate continued on question — That this Bill be now read a second time.

Motion made and question — That the debate be now adjourned (*Mr Brooks*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

19 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Merlino*) — put and agreed to.

20 **ADJOURNMENT** — The Acting Speaker left the Chair, after debate, at 11.46 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JENNY LINDELL  
*Speaker*

## No 123 — Thursday 11 June 2009

1 The Speaker took the Chair and read the Prayer.

2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

**Youth Allowance — Rural Students** — Requesting that the House rejects the proposed changes to the independence test for the Youth Allowance and calls on the Government to vigorously lobby the Federal Government to ensure tertiary education is accessible for rural students, bearing 35 signatures (*Dr Sykes*)

**Hailing Taxis** — Requesting that the House opposes the proposal to ban hailing taxis off the street in the Melbourne central business district on Friday and Saturday nights, bearing 343 signatures (*Mr Herbert*)

**Red Cliffs Police Station** — Requesting that the House takes action to increase staffing levels at the Red Cliffs police station, bearing 20 signatures (*Mr Crisp*)

**Melbourne–Mildura Train Line** — Requesting that the House brings forward the reinstatement of the Melbourne–Mildura passenger train service in view of concerns including global warming, and the need to connect Mildura to both the Melbourne and the national rail networks, bearing 121 signatures (*Mr Crisp*)

**Colac Bypass** — Requesting that the House considers a causeway across Lake Colac as a bypass option for heavy vehicles in Colac, bearing 108 signatures (*Mr Mulder*).

Petitions ordered to be tabled.

3 **PETITION — YOUTH ALLOWANCE — RURAL STUDENTS** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.

4 **PETITION — HAILING TAXIS** — Motion made and question — That the petition presented by the Member for Eltham be taken into consideration tomorrow (*Mr Herbert*) — put and agreed to.

5 **PETITION — RED CLIFFS POLICE STATION** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.

6 **PETITION — MELBOURNE–MILDURA TRAIN LINE** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.

7 **ROAD LEGISLATION AMENDMENT BILL 2009** — The Speaker announced that she had received a report from the Clerk of the Parliaments that, under Joint Standing Order 6(1), he has made the following correction in the Bill:

In Clause 50, line 9, he has deleted 'section' (where secondly occurring) so the line now reads "'section 176(3) or 176(4)" **substitute**'.

8 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourns until Tuesday 23 June 2009 (*Ms Neville*) — put and agreed to.

9 **STATEMENTS BY MEMBERS** — Statements by members were made.

10 **APPROPRIATION (2009/2010) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 2.00 pm under standing orders.*

11 **QUESTIONS** — (Under SO 55).

12 **APPROPRIATION (2009/2010) BILL 2009** — Debate resumed on question — That this Bill be now read a second time.

*Allocation of time — The Acting Speaker advised that the time allocated for consideration of bills under the resolution of the House on Tuesday 9 June 2009 and as amended on Wednesday 10 June 2009 had expired.*

Question — That this Bill be now read a second time — put and agreed to.

Question — That this Bill be now read a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 13 **CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES) (ENFORCEMENT) AMENDMENT BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time.
- Question — That this Bill be now read a second time and a third time — put and agreed to.
- Bill sent to the Legislative Council and their agreement requested.
- 14 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the amendments made by the Legislative Assembly to the amendments of the Council and agreeing to the consequential amendments made by the Assembly to the Gambling Regulation Amendment (Licensing) Bill 2009.
- 15 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Justice Legislation Amendment Bill 2009 without amendment.
- 16 **CASINO LEGISLATION AMENDMENT BILL 2009** — *Mr Robinson tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*
- Motion made and question proposed — That this Bill be now read a second time (*Mr Robinson*).
- Motion made and question — That the debate be now adjourned (*Mr O'Brien*) — put and agreed to.
- Ordered — That the debate be adjourned until Thursday 25 June 2009.
- 17 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Wynne*) — put and agreed to.
- 18 **ADJOURNMENT** — The Speaker left the Chair, after debate, at 4.44 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JENNY LINDELL  
*Speaker*



## LEGISLATIVE ASSEMBLY OF VICTORIA

### VOTES AND PROCEEDINGS Nos 124, 125 and 126

#### No 124 — Tuesday 23 June 2009

- 1 The House met according to the adjournment — The Speaker took the Chair and read the Prayer.
- 2 **QUESTIONS** — (Under SO 55).
- 3 **COURTS LEGISLATION AMENDMENT (SUNSET PROVISIONS) BILL 2009** — Mr Hulls obtained leave to bring in 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, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 4 **TOBACCO AMENDMENT (PROTECTION OF CHILDREN) BILL 2009** — Mr Andrews obtained leave to bring in a Bill *for an Act to amend the Tobacco Act 1987 and for other purposes*; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 5 **HUMAN TISSUE AMENDMENT BILL 2009** — Mr Andrews obtained leave to bring in a Bill *for an Act to amend the Human Tissue Act 1982 and for other purposes*; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 6 **PRIMARY INDUSTRIES LEGISLATION FURTHER AMENDMENT BILL 2009** — Mr Helper obtained leave to bring in 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 the Bill was read a first time and under SO 61(2) ordered to be read a second time immediately.
- 7 **PRIMARY INDUSTRIES LEGISLATION FURTHER AMENDMENT BILL 2009** — Mr Helper tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.

Motion made and question proposed — That this Bill be now read a second time (*Mr Helper*).

Motion made and question — That the debate be now adjourned (*Mr Walsh*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 8 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

**Youth Allowance — Rural Students** — Requesting that the House rejects the proposed changes to the independence test for the Youth Allowance and calls on the Government to vigorously lobby the Federal Government to ensure tertiary education is accessible for rural students, bearing 578, 767 and 209 signatures (*Dr Sykes, Mr Delahunty and Mr Crisp respectively*)

**Equal Opportunity Act 1995 Exemptions and Exceptions** — Requesting that the House ensures that Victorians continue to enjoy the freedom of choice, particularly in relation to education, that the exemptions and exceptions in the *Equal Opportunity Act 1995* currently provide for, bearing 14 signatures (*Dr Sykes*)

**Noise Abatement in Donvale** — Requesting that the House directs that additional noise abatement measures be implemented for residents whose homes adjoin Eastlink in Donvale, bearing 7 signatures (*Ms Wooldridge*)

**Torquay Foreshore Caravan Park** — Requesting that the House asks the Minister for Environment and Climate Change to review the recent changes introduced to the Torquay Foreshore Caravan Park for Crown Land use, and to preserve existing arrangements, bearing 14 signatures (*Ms Wooldridge*)

**Red Cliffs Police Station** — Requesting that the House takes action to increase staffing levels at the Red Cliffs police station, bearing 15 signatures (*Mr Crisp*)

**Melbourne–Mildura Train Line** — Requesting that the House brings forward the reinstatement of the Melbourne–Mildura passenger train service in view of concerns including global warming, and the need to connect Mildura to both the Melbourne and the national rail networks, bearing 87 signatures (*Mr Crisp*)

**Connex Contract** — Requesting that Connex not be given a new contract to run Melbourne's suburban rail network, and the Government takes back the running of Melbourne's suburban trains, bearing 99 signatures (*Mr Wynne*)

**Bunch Cycling** — Requesting that the House calls upon the Government to ban all bunch cycling until research has been completed into a safe bunch cycling model which the cycling community must adhere to by law, bearing 23 signatures (*Mr Thompson, Sandringham*).

Petitions ordered to be tabled.

- 9 **PETITION — NOISE ABATEMENT IN DONVALE** — Motion made and question — That the petition presented by the Member for Doncaster be taken into consideration tomorrow (*Ms Wooldridge*) — put and agreed to.
- 10 **PETITION — TORQUAY FORESHORE CARAVAN PARK** — Motion made and question — That the petition presented by the Member for Doncaster be taken into consideration tomorrow (*Ms Wooldridge*) — put and agreed to.
- 11 **PETITION — BUNCH CYCLING** — Motion made and question — That the petition presented by the Member for Sandringham be taken into consideration tomorrow (*Mr Thompson, Sandringham*) — put and agreed to.
- 12 **PETITION — YOUTH ALLOWANCE — RURAL STUDENTS** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.
- 13 **PETITION — RED CLIFFS POLICE STATION** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.
- 14 **PETITION — MELBOURNE–MILDURA TRAIN LINE** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.
- 15 **PETITION — YOUTH ALLOWANCE — RURAL STUDENTS** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.
- 16 **PETITION — EQUAL OPPORTUNITY ACT 1995 EXEMPTIONS AND EXCEPTIONS** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.

- 17 **PETITION — YOUTH ALLOWANCE — RURAL STUDENTS** — Motion made and question — That the petition presented by the Member for Lowan be taken into consideration tomorrow (*Mr Delahunty*) — put and agreed to.

18 **DOCUMENTS**

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — Mr Carli, Chair, presented the Alert Digest No 7 of 2009 from the Scrutiny of Acts and Regulations Committee on the:

Casino Legislation Amendment Bill 2009  
 Environment Protection Amendment (Beverage Container Deposit and Recovery Scheme) Bill 2009  
 Fair Work (Commonwealth Powers) Bill 2009  
 Food Amendment (Regulation Reform) Bill 2009  
 Gambling Regulation Amendment Bill 2009  
 National Parks Amendment (Point Nepean) Bill 2009  
 Occupational Health and Safety Amendment (Employee Protection) Bill 2008  
 Statute Law Amendment (Charter of Human Rights and Responsibilities) Bill 2009

together with appendices.

Ordered to be tabled and printed.

**DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:

*Crown Land (Reserves) Act 1978* — Orders under s 17D granting leases over:

Glenfern Valley Bushland Reserve  
 Queens Park Reserve  
 Sandringham Beach Park Reserve

Essential Services Commission — Review of Victorian Grain Handling and Storage Access Regime

*Multicultural Victoria Act 2004* — Victorian Government Achievements in Multicultural Affairs Report 2007–08

*Parliamentary Committees Act 2003* — Government response to the Road Safety Committee's Report on the Inquiry into Improving Safety at Level Crossings

*Planning and Environment Act 1987* — Notices of approval of amendments to the following Planning Schemes:

Ballarat — C118  
 Bass Coast — C92, C107  
 Bayside — C49  
 Campaspe — C67  
 Cardinia — C128, C131  
 Casey — C140  
 Colac Otway — C17, C55  
 East Gippsland — C62  
 Golden Plains — C40 Part 1  
 Greater Bendigo — C112  
 Greater Dandenong — C105  
 Greater Shepparton — C109  
 Kingston — C96, C98, C102, C104  
 Latrobe — C3, C63

Macedon Ranges — C56  
 Moreland — C93  
 Moyne — C35 Part 1  
 Strathbogie — C45  
 Whitehorse — C118  
 Whittlesea — C112  
 Wodonga — C46  
 Yarra — C105

Statutory Rules under the following Acts:

*Country Fire Authority Act 1958* — SR 67  
*Crimes Act 1958* — SR 65  
*Road Safety Act 1986* — SR 68  
*Sentencing Act 1991* — SR 66

*Subordinate Legislation Act 1994* — Minister's exception certificate in relation to Statutory Rule 67.

- 19 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Rejecting the Planning Legislation Amendment Bill 2009.
- 20 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Major Sporting Events Bill 2009 without amendment.
- 21 **MESSAGES FROM THE GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that he had given the royal assent to the following bills, presented to him by the Clerk of the Parliaments:
- On 17 June 2009  
 Crimes Amendment (Identity Crime) Bill 2009  
 Energy Legislation Amendment (Australian Energy Market Operator) Bill 2009  
 Fair Work (Commonwealth Powers) Bill 2009  
 Justice Legislation Amendment Bill 2009  
 Public Administration Amendment Bill 2008  
 Road Legislation Amendment Bill 2009  
 Transport Legislation General Amendments Bill 2008
- On 23 June 2009  
 Gambling Regulation Amendment (Licensing) Bill 2009  
 Major Sporting Events Bill 2009.
- 22 **MESSAGES FROM THE GOVERNOR** — Recommending appropriations for the purposes of the following bills:
- Food Amendment (Regulation Reform) Bill 2009  
 Gambling Regulation Amendment Bill 2009  
 National Parks Amendment (Point Nepean) Bill 2009.
- 23 **JUSTICE LEGISLATION AMENDMENT BILL 2009** — The Speaker announced that she had received a report from the Clerk of the Parliaments that, under Joint Standing Order 6(1), he has made the following correction in the Bill:

In Clause 44, line 16, he has deleted '4.5.10' and inserted '4.5A.10'.

- 24 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, under SO 94(2), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 25 June 2009:

Crown Land Acts Amendment (Lease and License Terms) Bill 2009  
 Food Amendment (Regulation Reform) Bill 2009  
 Gambling Regulation Amendment Bill 2009  
 Legislation Reform (Repeals No. 4) Bill 2009  
 National Parks Amendment (Point Nepean) Bill 2009  
 Statute Law Amendment (Charter of Human Rights and Responsibilities) Bill 2009

(*Mr Batchelor*) — after debate, put.

The House divided (the Speaker, Ms Lindell, in the Chair) —

AYES 51

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beattie; Mr Brooks; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Mr Eren; Mr Foley; Ms Graley; Mr Hardman; Dr Harkness; Mr Helper; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Ms Kairouz; Ms Kosky; Mr Langdon; Mr Languiller; Mr Lim; Ms Lobato; Mr Lupton; Mrs Maddigan; Ms Marshall; Mr Merlino; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Pike; Ms Richardson; Mr Robinson; Mr Scott; Mr Seitz; Mr Stensholt; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

NOES 33

Ms Asher; Mr Baillieu; Mr Blackwood; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Hodgett; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Morris; Mr Mulder; Dr Napthine; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith (*Bass*); Mr Smith (*Warrandyte*); Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Weller; Mr Wells; Ms Wooldridge.

Question agreed to.

- 25 **STATEMENTS BY MEMBERS** — Statements by members were made.
- 26 **CROWN LAND ACTS AMENDMENT (LEASE AND LICENCE TERMS) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.
- Bill read a second time and, by leave, immediately read a third time.
- Bill sent to the Legislative Council and their agreement requested.
- 27 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Superannuation Legislation Amendment Bill 2009 without amendment.
- 28 **PRIMARY INDUSTRIES LEGISLATION FURTHER AMENDMENT BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.
- Bill read a second time and, by leave, immediately read a third time.
- Bill sent to the Legislative Council and their agreement requested.
- 29 **POSTPONEMENT OF ORDER OF THE DAY** — Ordered — That the consideration of Government Business, Order of the Day, No 2 be postponed until later this day.
- 30 **LEGISLATION REFORM (REPEALS NO. 4) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 10.00 pm under standing orders.*

- 31 **ADJOURNMENT** — The Deputy Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.36 pm.

R W PURDEY  
Clerk of the Legislative Assembly

JENNY LINDELL  
Speaker

## No 125 — Wednesday 24 June 2009

- 1 The Speaker took the Chair and read the Prayer.

- 2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

**Youth Allowance — Rural Students** — Requesting that the House rejects the proposed changes to the independence test for the Youth Allowance and calls on the Government to vigorously lobby the Federal Government to ensure tertiary education is accessible for rural students, bearing 274 signatures (*Mr Crisp*)

**Melbourne–Mildura Train Line** — Requesting that the House brings forward the reinstatement of the Melbourne–Mildura passenger train service in view of concerns including global warming, and the need to connect Mildura to both the Melbourne and the national rail networks, bearing 123 signatures (*Mr Crisp*)

**Red Cliffs Police Station** — Requesting that the House takes action to increase staffing levels at the Red Cliffs police station, bearing 18 signatures (*Mr Crisp*)

**Wangaratta Greyhound Racing Club** — Requesting that the House strongly supports the immediate stay of proceedings in relation to the closure of the Greyhound Racing Club in Wangaratta to allow for the investigation of all options for continued facilities for greyhound racing at Wangaratta, bearing 1602 signatures (*Mr Jasper*)

**Masters Landing Eviction** — Requesting that the House allows the Masters family to continue living in and maintaining family homes and heritage at Masters Landing in the Gunbower Forest, bearing 1530 signatures (*Mr Weller*).

Petitions ordered to be tabled.

- 3 **PETITION — YOUTH ALLOWANCE — RURAL STUDENTS** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.
- 4 **PETITION — MELBOURNE–MILDURA TRAIN LINE** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.
- 5 **PETITION — RED CLIFFS POLICE STATION** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.

6 **PETITION — WANGARATTA GREYHOUND RACING CLUB** — Motion made and question — That the petition presented by the Member for Murray Valley be taken into consideration tomorrow (*Mr Jasper*) — put and agreed to.

7 **PETITION — MASTERS LANDING EVICTION** — Motion made and question — That the petition presented by the Member for Rodney be taken into consideration tomorrow (*Mr Weller*) — put and agreed to.

8 **DOCUMENTS**

**PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE** — Mr Stensholt, Chair, presented a report from the Public Accounts and Estimates Committee on Notification of a New Inquiry into Victoria's *Audit Act 1994*.

Ordered to be tabled and printed.

**ECONOMIC DEVELOPMENT AND INFRASTRUCTURE COMMITTEE** — Ms Campbell, Chair, presented a report from the Economic Development and Infrastructure Committee on the Inquiry into Improving Access to Victorian Public Sector Information and Data, together with appendices and transcripts of evidence.

Ordered to be tabled and the report and appendices printed.

**DOCUMENTS TABLED UNDER AN ACT OF PARLIAMENT** — The Clerk tabled the following documents in accordance with an Act of Parliament:

Auditor-General:

Buy-back of the Regional Intrastate Rail Network — Ordered to be printed

Funding of the Home and Community Care Program — Ordered to be printed

International Students: risks and responsibilities of universities — Ordered to be printed

Melbourne's New Bus Contracts — Ordered to be printed.

9 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Agreeing to the following bills without amendment:

Classification (Publications, Films and Computer Games) (Enforcement) Amendment Bill 2009

Occupational Health and Safety Amendment (Employee Protection) Bill 2008

State Taxation Acts Amendment Bill 2009.

10 **STATEMENTS BY MEMBERS** — Statements by members were made.

11 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE — LEVEL CROSSING SAFETY** — The House was informed that Mr Mulder had proposed that a definite matter of public importance be submitted to the House for discussion, namely —

'That this House condemns the State Labor Government for its inadequate response of 18 June 2009 to the Road Safety Committee's inquiry into improving level crossing safety.'

Mr Mulder addressed the House — Discussion followed.

12 **STATEMENTS ON PARLIAMENTARY COMMITTEE REPORTS** — Statements were made on the following Committee Reports:

Economic Development and Infrastructure Committee's Report on the Inquiry into Improving Access to Victorian Public Sector Information and Data

Environment and Natural Resources Committee's Report on the Inquiry into Melbourne's Future Water Supply

Public Accounts and Estimates Committee's Report on the 2009–10 Budget Estimates Part One, Volumes One and Two.

- 13 **STATUTE LAW AMENDMENT (CHARTER OF HUMAN RIGHTS AND RESPONSIBILITIES) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 2.00 pm under standing orders.*

- 14 **QUESTIONS** — (Under SO 55).

- 15 **STATUTE LAW AMENDMENT (CHARTER OF HUMAN RIGHTS AND RESPONSIBILITIES) BILL 2009** — Debate continued on question — That this Bill be now read a second time.

Bill read a second time and, by leave, immediately read a third time.

Bill sent to the Legislative Council and their agreement requested.

- 16 **ENVIRONMENT PROTECTION AMENDMENT (BEVERAGE CONTAINER DEPOSIT AND RECOVERY SCHEME) BILL 2009** — The Speaker announced the receipt of a message from the Legislative Council presenting, for the agreement of the Legislative Assembly, 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*'.

The Speaker advised that, following examination, she is of the opinion that the Bill is a direct infringement of the privileges of the House, in that it seeks to impose a beverage container environmental levy; s 62 of the *Constitution Act 1975* requires a bill which imposes any duty, rate, tax, rent, return or impost to originate in the Legislative Assembly.

Ordered — That the message be taken into consideration immediately.

- 17 **ENVIRONMENT PROTECTION AMENDMENT (BEVERAGE CONTAINER DEPOSIT AND RECOVERY SCHEME) BILL 2009** — Order read for the consideration of the message from the Legislative Council.

Motion made and question — That the Bill be returned to the Legislative Council with a message advising that the Legislative Assembly refuses to entertain the Bill as it seeks to impose a levy which is unlawful, being the exclusive power of the Legislative Assembly as set out in the *Constitution Act 1975 (Mr Batchelor)* — after debate — put.

The House divided (the Speaker, Ms Lindell, in the Chair) —

AYES 49

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beattie; Mr Brooks; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms Duncan; Mr Eren; Mr Foley; Ms Graley; Ms Green; Mr Hardman; Dr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Ms Kairouz; Ms Kosky; Mr Langdon; Mr Lim; Ms Lobato; Mr Lupton; Mrs Maddigan; Ms Marshall; Mr Merlino; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Pike; Ms Richardson; Mr Robinson; Mr Scott; Mr Seitz; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

## NOES 32

Ms Asher; Mr Baillieu; Mr Blackwood; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Hodgett; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Morris; Mr Mulder; Dr Napthine; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith (*Bass*); Mr Smith (*Warrandyte*); Dr Sykes; Mr Thompson (*Sandringham*); Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Weller; Mr Wells; Ms Wooldridge.

Question agreed to.

- 18 **NATIONAL PARKS AMENDMENT (POINT NEPEAN) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Mr Pandazopoulos*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 19 **GAMBLING REGULATION AMENDMENT BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Mr Kotsiras*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 20 **FOOD AMENDMENT (REGULATION REFORM) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 10.00 pm under standing orders.*

- 21 **ADJOURNMENT** — The Acting Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.37 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JENNY LINDELL  
*Speaker*

## No 126 — Thursday 25 June 2009

- 1 The Speaker took the Chair and read the Prayer.

- 2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

**Youth Allowance — Rural Students** — Requesting that the House rejects the proposed changes to the independence test for the Youth Allowance and calls on the Government to vigorously lobby the Federal Government to ensure tertiary education is accessible for rural students, bearing 150, 382, 246 and 79 signatures (*Dr Sykes, Mr Delahunty, Mr Crisp and Mr Jasper respectively*)

**Fire Services Levy** — Requesting that the House investigates and implements a fairer model of funding fire services in Victoria, bearing 2 signatures (*Dr Sykes*)

**Fire Services Funding** — Requesting that the House investigates and implements a fairer model of funding fire services in Victoria as is the case in other states of Australia, bearing 7 signatures (*Dr Sykes*)

**Equal Opportunity Act 1995 Exemptions and Exceptions** — Requesting that the House ensures that Victorians continue to enjoy the freedom of choice, particularly in relation to education, that the exemptions and exceptions in the *Equal Opportunity Act 1995* currently provide for, bearing 13 and 14 signatures (*Mr Tilley and Mr Blackwood respectively*)

**Hastings Police Station** — Requesting that the House directs the Government to immediately return the Hastings Police Station to 24 hour status in the interests of community safety, bearing 559 signatures (*Mr Burgess*)

**Melbourne–Mildura Train Line** — Requesting that the House brings forward the reinstatement of the Melbourne–Mildura passenger train service in view of concerns including global warming, and the need to connect Mildura to both the Melbourne and the national rail networks, bearing 207 signatures (*Mr Crisp*)

**Red Cliffs Police Station** — Requesting that the House takes action to increase staffing levels at the Red Cliffs police station, bearing 16 signatures (*Mr Crisp*)

**Sand Road Intersection, Longwarry** — Requesting that the House directs the Government to take immediate action in upgrading the intersection of Sand Road and Princes Freeway at Longwarry, to incorporate slipway and flyover access onto the Princes Freeway, bearing 490 signatures (*Mr Blackwood*)

**Ombudsman Office Procedure** — Requesting that the House reviews the *Ombudsman Act 1973* and the *Freedom of Information Act 1982* to ensure that public officers are fully accountable, open, transparent and fair in their dealings with the public, and to ensure disciplinary procedures for breaches of the *Freedom of Information Act 1982*, bearing 1 signature (*Ms Barker*)

**Torquay Foreshore Caravan Park** — Requesting that the House asks the Minister for Environment and Climate Change to review the recent changes introduced to the Torquay Foreshore Caravan Park for Crown Land use, and to preserve existing arrangements, bearing 1876 signatures (*Mr Mulder*).

Petitions ordered to be tabled.

- 3 **PETITION — YOUTH ALLOWANCE — RURAL STUDENTS** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.
- 4 **PETITION — MELBOURNE–MILDURA TRAIN LINE** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.
- 5 **PETITION — RED CLIFFS POLICE STATION** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.
- 6 **PETITION — HASTINGS POLICE STATION** — Motion made and question — That the petition presented by the Member for Hastings be taken into consideration tomorrow (*Mr Burgess*) — put and agreed to.
- 7 **PETITION — YOUTH ALLOWANCE — RURAL STUDENTS** — Motion made and question — That the petition presented by the Member for Murray Valley be taken into consideration tomorrow (*Mr Jasper*) — put and agreed to.
- 8 **PETITION — YOUTH ALLOWANCE — RURAL STUDENTS** — Motion made and question — That the petition presented by the Member for Lowan be taken into consideration tomorrow (*Mr Delahunty*) — put and agreed to.

- 9 **PETITION — EQUAL OPPORTUNITY ACT 1995 EXEMPTIONS AND EXCEPTIONS** — Motion made and question — That the petition presented by the Member for Benambra be taken into consideration tomorrow (*Mr Tilley*) — put and agreed to.
- 10 **PETITION — YOUTH ALLOWANCE — RURAL STUDENTS** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.
- 11 **PETITION — FIRE SERVICES LEVY** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.
- 12 **PETITION — FIRE SERVICES FUNDING** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.
- 13 **DOCUMENTS**
- STATEMENT ON MINISTERIAL INTERVENTION IN PLANNING MATTERS** — Motion made, by leave, and question — That a Statement on Ministerial Intervention in Planning Matters for the period May 2008 to April 2009 under the *Planning and Environment Act 1987*, the *Victorian Civil and Administrative Tribunal Act 1998* and the *Heritage Act 1995* be tabled (*Mr Batchelor*) — put and agreed to.
- VICTORIAN CHILD DEATH REVIEW COMMITTEE** — Motion made, by leave, and question — That the Victorian Child Death Review Committee's Report of inquiries into the deaths of children known to Child Protection 2009 be tabled (*Ms Neville*) — put and agreed to.
- DOCUMENT TABLED UNDER AN ACT OF PARLIAMENT** — The Clerk tabled the following document in accordance with an Act of Parliament:
- Members of Parliament (Register of Interests) Act 1978* — Summary of Variations Notified between 31 March 2009 and 24 June 2009 — Ordered to be printed.
- 14 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Appropriation (Parliament 2009/2010) Bill 2009 without amendment.
- 15 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourns until Tuesday 28 July 2009 (*Mr Batchelor*) — put and agreed to.
- 16 **STATEMENTS BY MEMBERS** — Statements by members were made.
- 17 **TOBACCO AMENDMENT (PROTECTION OF CHILDREN) BILL 2009** — *Mr Andrews tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*
- Motion made and question proposed — That this Bill be now read a second time (*Mr Andrews*).
- Motion made and question — That the debate be now adjourned (*Mrs Shardey*) — put and agreed to.
- Ordered — That the debate be adjourned until Thursday 9 July 2009.
- 18 **HUMAN TISSUE AMENDMENT BILL 2009** — *Mr Andrews tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*
- Motion made and question proposed — That this Bill be now read a second time (*Mr Andrews*).

Motion made and question — That the debate be now adjourned (*Mrs Shardey*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 9 July 2009.

- 19 **COURTS LEGISLATION AMENDMENT (SUNSET PROVISIONS) BILL 2009** — *Mr Hulls tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).

Motion made and question — That the debate be now adjourned (*Mr O'Brien*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 9 July 2009.

- 20 **LEGISLATION REFORM (REPEALS NO. 4) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Bill read a second time and, by leave, immediately read a third time.

Bill sent to the Legislative Council and their agreement requested.

- 21 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 5 and 6, be postponed until later this day.

- 22 **FOOD AMENDMENT (REGULATION REFORM) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 2.00 pm under standing orders.*

- 23 **QUESTIONS** — (Under SO 55).

- 24 **FOOD AMENDMENT (REGULATION REFORM) BILL 2009** — Debate resumed on question — That this Bill be now read a second time.

Motion made and question — That the debate be now adjourned (*Mr Noonan*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 25 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Not insisting on their amendments disagreed with by the Legislative Assembly to the Primary Industries Legislation Amendment Bill 2008.

- 26 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Primary Industries Legislation Further Amendment Bill 2009 without amendment.

- 27 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Duties Amendment Bill 2008 with amendments.

Ordered — That the amendments be taken into consideration immediately.

- 28 **DUTIES AMENDMENT BILL 2008** — Order read for the consideration of the amendments made by the Legislative Council.

Motion made and question — That the amendments be agreed to (*Mr Holding*) — after debate, put.

A division having been called, the Speaker advised that there was only one vote for the 'noes' and accordingly, declared the question agreed to. Mr Ingram asked that his dissent be recorded.

Message sent to the Legislative Council informing them accordingly.

- 29 **GAMBLING REGULATION AMENDMENT BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Allocation of time — The Speaker advised that the time allocated for consideration of bills under the resolution of the House on Tuesday 23 June 2009 had expired.*

Question — That this Bill be now read a second time — put and agreed to.

Question — That this Bill be now read a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 30 **FOOD AMENDMENT (REGULATION REFORM) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time and a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 31 **NATIONAL PARKS AMENDMENT (POINT NEPEAN) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time and a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 32 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Wynne*) — put and agreed to.

- 33 **ADJOURNMENT** — The Speaker left the Chair, after debate, at 4.39 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JENNY LINDELL  
*Speaker*



## LEGISLATIVE ASSEMBLY OF VICTORIA

### VOTES AND PROCEEDINGS Nos 127, 128 and 129

#### No 127 — Tuesday 28 July 2009

- 1 The House met according to the adjournment — The Speaker took the Chair and read the Prayer.
- 2 **QUESTIONS** — (Under SO 55).
- 3 **WATER AMENDMENT (NON WATER USER LIMIT) BILL 2009** — Mr Holding obtained leave to bring in a Bill '*for an Act to amend the **Water Act 1989** to remove the non water user limit and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 4 **LOCAL GOVERNMENT AMENDMENT (CONFLICTING DUTIES) BILL 2009** — Mr Wynne obtained leave to bring in 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, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 5 **CEMETERIES AND CREMATORIA AMENDMENT BILL 2009** — Mr Andrews obtained leave to bring in 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, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 6 **JUSTICE LEGISLATION FURTHER AMENDMENT BILL 2009** — Mr Cameron obtained leave to bring in 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 the Bill was read a first time and ordered to be read a second time tomorrow.
- 7 **RACING LEGISLATION AMENDMENT (RACING INTEGRITY ASSURANCE) BILL 2009** — Mr Hulls obtained leave to bring in a Bill '*for an Act to amend the **Racing Act 1958** and the **Gambling Regulation Act 2003** and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 8 **COURTS LEGISLATION AMENDMENT (JUDICIAL RESOLUTION CONFERENCE) BILL 2009** — Mr Hulls obtained leave to bring in 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 the Bill was read a first time and, by leave, ordered to be read a second time immediately.
- 9 **COURTS LEGISLATION AMENDMENT (JUDICIAL RESOLUTION CONFERENCE) BILL 2009** — Mr Hulls tabled a statement of compatibility in accordance with the **Charter of Human Rights and Responsibilities Act 2006**.

Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).

Motion made and question — That the debate be now adjourned (*Mr Clark*) — put and agreed to.

Ordered — That the debate be adjourned until Tuesday 11 August 2009.

10 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

**Pedestrian Crossing in Hampton Street, Brighton** — Requesting that the House gives its full support for a pedestrian crossing to be installed in Hampton Street at the Dendy Village Shopping Centre in Brighton, bearing 846 signatures (*Ms Asher*)

**Equal Opportunity Act 1995 Exemptions and Exceptions** — Requesting that the House ensures that Victorians continue to enjoy the freedom of choice, particularly in relation to education, that the exemptions and exceptions in the *Equal Opportunity Act 1995* currently provide for, bearing 164, 30, 14, 37, 165, 30, 14, 70 and 120 signatures (*Mr Perera, Mrs Maddigan, Ms Thomson (Footscray), Dr Harkness, Mr Delahunty, Mr Northe, Ms Morand, Ms Graley and Mr Smith (Warrandyte) respectively*)

**Reconciliation Victoria** — Requesting that the Government demonstrates its support for the process of reconciliation throughout Victoria by providing independent funding to Reconciliation Victoria for reconciliation work, bearing 153 signatures (*Mr Tresize*)

**Alternatives to Goulburn Valley Pipeline** — Requesting that the House stops the Government building the North–South Pipeline and looks at alternatives to increase Melbourne's water supply such as recycled water and stormwater capture for industry, parks and gardens, bearing 40 signatures (*Mr Hodgett*)

**Youth Allowance — Rural Students** — Requesting that the House rejects the proposed changes to the independence test for the Youth Allowance and calls on the Government to vigorously lobby the Federal Government to ensure tertiary education is accessible for rural students, bearing 511 signatures (*Mr Delahunty*)

**Traralgon V/Line Services** — Requesting that the House retains all current Traralgon V/Line services to Southern Cross station, bearing 857 signatures (*Mr Northe*)

**Religious Exemptions in the Equal Opportunity Act 1995** — Requesting that the House ensures that Victorians will continue to enjoy the freedom of choice the current exemptions provide for and that the three religious exemptions (sections 75, 76 and 77) in the *Equal Opportunity Act 1995* be kept without change, bearing 32 signatures (*Ms Morand*)

**Ranger Presence at Mt Eccles National Park** — Requesting that the House immediately ensures a ranger is present daily at the Mt Eccles visitor and camping facilities, bearing 442 signatures (*Dr Naphine*).

Petitions ordered to be tabled.

11 **PETITION — EQUAL OPPORTUNITY ACT 1995 EXEMPTIONS AND EXCEPTIONS** — Motion made and question — That the petition presented by the Member for Lowan be taken into consideration tomorrow (*Mr Delahunty*) — put and agreed to.

12 **PETITION — YOUTH ALLOWANCE — RURAL STUDENTS** — Motion made and question — That the petition presented by the Member for Lowan be taken into consideration tomorrow (*Mr Delahunty*) — put and agreed to.

- 13 **PETITION — EQUAL OPPORTUNITY ACT 1995 EXEMPTIONS AND EXCEPTIONS** — Motion made and question — That the petition presented by the Member for Morwell be taken into consideration tomorrow (*Mr Northe*) — put and agreed to.
- 14 **PETITION — TRARALGON V/LINE SERVICES** — Motion made and question — That the petition presented by the Member for Morwell be taken into consideration tomorrow (*Mr Northe*) — put and agreed to.
- 15 **PETITION — ALTERNATIVES TO GOULBURN VALLEY PIPELINE** — Motion made and question — That the petition presented by the Member for Kilsyth be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.
- 16 **DOCUMENTS**

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — Motion made, by leave, and question — That the Annual Review 2008, Regulations 2008 from the Scrutiny of Acts and Regulations Committee, together with appendices, be tabled (*Mr Jasper*) — put and agreed to.

Ordered to be printed.

**EDUCATION AND TRAINING COMMITTEE** — Mr Howard, Chair, presented a report from the Education and Training Committee on the Inquiry into Geographical Differences in the Rate in which Victorian Students Participate in Higher Education, together with appendices and transcripts of evidence.

Ordered to be tabled and the report and appendices printed.

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — Mr Carli, Chair, presented the Alert Digest No 8 of 2009 from the Scrutiny of Acts and Regulations Committee on the:

Courts Legislation Amendment (Sunset Provisions) Bill 2009  
 Energy Legislation Amendment Bill 2009  
 Human Tissue Amendment Bill 2009  
 Primary Industries Legislation Further Amendment Act 2009  
 Residential Tenancies Amendment (Housing Standards) Bill 2009  
 Superannuation Legislation Amendment Bill 2009  
 Tobacco Amendment (Protection of Children) Bill 2009

together with appendices.

Ordered to be tabled and printed.

**DRUGS AND CRIME PREVENTION COMMITTEE** — Mrs Maddigan, Chair, presented a report from the Drugs and Crime Prevention Committee on the Inquiry into Strategies to prevent High Volume Offending and Recidivism by Young People, together with appendices and transcripts of evidence.

Ordered to be tabled and the report and appendices printed.

**DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:

*Crown Land (Reserves) Act 1978* — Orders under s 17D granting leases over:

Geelong Telegraph Station Reserve  
 Kardinia Park Reserve

Old Springfield Cheese Factory Reserve  
 Sandringham Beach Park Reserve (two orders)  
 Yarra Park

Essential Services Commission — Review of Victorian Ports Regulation

*Land Acquisition and Compensation Act 1986* — Certificate under s 7

*Planning and Environment Act 1987* — Notices of approval of amendments to the following Planning Schemes:

Benalla — C4 Part 1  
 Boroondara — C95  
 Brimbank — C112 Part 1  
 Campaspe — C68  
 Cardinia — C105 Part 2, C119  
 Central Goldfields — C16  
 East Gippsland — C64, C73, C74  
 Glen Eira — C63  
 Glenelg — C41  
 Golden Plains — C44, C47  
 Greater Dandenong — C107  
 Greater Geelong — C145, C172, C174, C180, C181  
 Horsham — C45  
 Indigo — C38  
 Kingston — C80  
 Latrobe — C42, C61  
 Manningham — C82  
 Melton — C89, C93  
 Mildura — C54  
 Moira — C44, C52  
 Moonee Valley — C81  
 Nillumbik — C48  
 Northern Grampians — C30  
 Pyrenees — C24  
 South Gippsland — C47  
 Stonnington — C58  
 Warrnambool — C53  
 Wellington — C61  
 Whittlesea — C41 Part 3, C112  
 Wodonga — C49  
 Wyndham — C118 Part 1  
 Yarra — C125

*Project Development and Construction Management Act 1994* — Nomination order under s 6, application order under s 8 and a statement under s 9 of reasons for making a nomination order (three documents)

*Road Management Act 2004* — Order under Schedule 5A (*Gazette S242, 14 July 2009*)

Statutory Rules under the following Acts:

*Accident Towing Services Act 2007* — SR 80

*Building Act 1993* — SRs 79, 82

*Chattel Securities Act 1987* — SR 75

*Crimes (Mental Impairment and Unfitness to be Tried) Act 1997* — SR 69

*Disability Act 2006* — SR 76  
*Environment Protection Act 1970* — SR 77  
*Fundraising Act 1998* — SR 72  
*Magistrates' Court Act 1989* — SR 83  
*National Parks Act 1975* — SR 81  
*Road Safety Act 1986* — SRs 73, 74  
*Supreme Court Act 1986* — SR 70  
*Trade Measurement Act 1995* — SR 71  
*Trade Measurement (Administration) Act 1995* — SR 71  
*Transport Act 1983* — SR 84  
*Zoological Parks and Gardens Act 1995* — SR 78

*Subordinate Legislation Act 1994:*

Ministers' exception certificates in relation to Statutory Rules 70, 73, 74, 75, 78, 79, 81, 83  
 Ministers' exemption certificates in relation to Statutory Rules 68, 71, 72, 76, 80  
 Ministers' infringements offence consultation certificates in relation to Statutory Rules 72, 80.

The following proclamations fixing operative dates were tabled by the Clerk in accordance with an order of the House dated 19 December 2006:

*Crimes Amendment (Identity Crime) Act 2009* — Whole Act except Parts 3 and 4 — 16 July 2009 (*Gazette G29, 16 July 2009*)  
*Energy Legislation Amendment (Australian Energy Market Operator) Act 2009* — Whole Act — 1 July 2009 (*Gazette S222, 30 June 2009*)  
*Fair Work (Commonwealth Powers) Act 2009* — Schedule — 23 June 2009 (*Gazette S196, 23 June 2009*); Remaining provisions other than Part 3 — 1 July 2009 (*Gazette S227, 1 July 2009*); Part 3 — 2 July 2009 (*Gazette S230, 2 July 2009*)  
*Public Administration Amendment Act 2009* — Part 2 — 8 July 2009 (*Gazette S233, 7 July 2009*).

17 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Appropriation (2009/2010) Bill 2009 without amendment.

18 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Electricity Industry Amendment (Premium Solar Feed-In Tariff) Bill 2009 with amendments.

Ordered — That the amendments be taken into consideration later this day.

19 **APPROPRIATION (2009/2010) BILL 2009 — APPROPRIATION (PARLIAMENT 2009/2010) BILL 2009** — The Speaker announced that on 30 June 2009, she had presented to the Governor, the Appropriation (2009/2010) Bill 2009 and the Appropriation (Parliament 2009/2010) Bill 2009 to which the Governor had been pleased to give the royal assent.

20 **MESSAGE FROM THE GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that he had, on 30 June 2009, given the royal assent to the following bills, presented to him by the Clerk of the Parliaments:

Classification (Publications, Films and Computer Games) (Enforcement) Amendment Bill 2009  
 Occupational Health and Safety Amendment (Employee Protection) Bill 2008  
 Primary Industries Legislation Amendment Bill 2008  
 Primary Industries Legislation Further Amendment Bill 2009  
 State Taxation Acts Amendment Bill 2009  
 Superannuation Legislation Amendment Bill 2009.

21 **MESSAGE FROM THE GOVERNOR — ASSENT TO BILL** — Informing the Legislative Assembly that he had, on 7 July 2009, given the royal assent to the Duties Amendment Bill 2009,

presented to him by the Clerk of the Legislative Council for and in the absence of the Clerk of the Parliaments.

- 22 **MESSAGES FROM THE GOVERNOR** — Recommending appropriations for the purposes of the following bills:

Courts Legislation Amendment (Sunset Provisions) Bill 2009  
Tobacco Amendment (Protection of Children) Bill 2009.

- 23 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, under SO 94(2), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 30 July 2009:

Children Legislation Amendment Bill 2009  
Courts Legislation Amendment (Sunset Provisions) Bill 2009  
Human Tissue Amendment Bill 2009  
Tobacco Amendment (Protection of Children) Bill 2009

(*Mr Batchelor*) — after debate, put.

The House divided (the Speaker, Ms Lindell, in the Chair) —

AYES 49

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beattie; Mr Brooks; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Mr Eren; Mr Foley; Ms Graley; Ms Green; Dr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Ms Kairouz; Ms Kosky; Mr Langdon; Mr Languiller; Ms Lobato; Mr Lupton; Mrs Maddigan; Ms Marshall; Mr Merlino; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Perera; Ms Pike; Ms Richardson; Mr Robinson; Mr Scott; Mr Stensholt; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

NOES 32

Ms Asher; Mr Baillieu; Mr Blackwood; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Hodgett; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Morris; Mr Mulder; Dr Naphine; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith (*Bass*); Mr Smith (*Warrandyte*); Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Weller; Mr Wells; Ms Wooldridge.

Question agreed to.

- 24 **STATEMENTS BY MEMBERS** — Statements by members were made.
- 25 **TOBACCO AMENDMENT (PROTECTION OF CHILDREN) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Mr Eren*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 26 **HUMAN TISSUE AMENDMENT BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 10.00 pm under standing orders.*

- 27 **ADJOURNMENT** — The Deputy Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.39 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JENNY LINDELL  
*Speaker*

## No 128 — Wednesday 29 July 2009

- 1 The Speaker took the Chair and read the Prayer.

- 2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

**Fire Services Levy** — Requesting that the House investigates and implements a fairer model of funding fire services in Victoria, bearing 56 signatures (*Dr Sykes*)

**Youth Allowance — Rural Students** — Requesting that the House rejects the proposed changes to the independence test for the Youth Allowance and calls on the Government to vigorously lobby the Federal Government to ensure tertiary education is accessible for rural students, bearing 389, 106 and 507 signatures (*Dr Sykes, Mr Crisp, and Mr Jasper respectively*)

**Equal Opportunity Act 1995 Exemptions and Exceptions** — Requesting that the House ensures that Victorians continue to enjoy the freedom of choice, particularly in relation to education, that the exemptions and exceptions in the *Equal Opportunity Act 1995* currently provide for, bearing 86 and 33 signatures (*Mr Clark and Mr Dixon respectively*)

**Melbourne–Mildura Train Line** — Requesting that the House brings forward the reinstatement of the Melbourne–Mildura passenger train service in view of concerns including global warming, and the need to connect Mildura to both the Melbourne and the national rail networks, bearing 115 signatures (*Mr Crisp*)

**Red Cliffs Police Station** — Requesting that the House takes action to increase staffing levels at the Red Cliffs police station, bearing 16 signatures (*Mr Crisp*)

**Refuse Transfer Station, Springvale** — Requesting that the House takes appropriate action to defeat permit application number PLN 08/0410 made to the City of Greater Dandenong to construct a refuse transfer station at Clarke Street, Springvale, bearing 104 signatures (*Ms Munt*)

**Southern Peninsula Aquatic Centre** — Requesting that the House instructs the Department of Sustainability and Environment to immediately grant coastal consent to allow the planning and construction of the Southern Peninsula Aquatic Centre in Rosebud, bearing 523 signatures (*Mr Dixon*).

Petitions ordered to be tabled.

- 3 **PETITION — EQUAL OPPORTUNITY ACT 1995 EXEMPTIONS AND EXCEPTIONS** — Motion made and question — That the petition presented by the Member for Nepean be taken into consideration tomorrow (*Mr Dixon*) — put and agreed to.
- 4 **PETITION — SOUTHERN PENINSULA AQUATIC CENTRE** — Motion made and question — That the petition presented by the Member for Nepean be taken into consideration tomorrow (*Mr Dixon*) — put and agreed to.

- 5 **PETITION — EQUAL OPPORTUNITY ACT 1995 EXEMPTIONS AND EXCEPTIONS** — Motion made and question — That the petition presented by the Member for Warrandyte on Tuesday 28 July 2009 be taken into consideration tomorrow (*Mr Smith, Warrandyte*) — put and agreed to.
- 6 **PETITION — FIRE SERVICES LEVY** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.
- 7 **PETITION — YOUTH ALLOWANCE — RURAL STUDENTS** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.
- 8 **PETITION — YOUTH ALLOWANCE — RURAL STUDENTS** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.
- 9 **PETITION — MELBOURNE–MILDURA TRAIN LINE** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.
- 10 **PETITION — RED CLIFFS POLICE STATION** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.
- 11 **PETITION — YOUTH ALLOWANCE — RURAL STUDENTS** — Motion made and question — That the petition presented by the Member for Murray Valley be taken into consideration tomorrow (*Mr Jasper*) — put and agreed to.
- 12 **DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:
- Ombudsman — An investigation into the Transport Accident Commission's and the Victorian WorkCover Authority's administrative processes for medical practitioner billing — Ordered to be printed
- Planning and Environment Act 1987* — Notices of approval of amendments to the following Planning Schemes:
- Casey — C72, C110  
 Greater Shepparton — C108  
 Manningham — C74  
 Mildura — C53  
 Warrnambool — C58  
 Whitehorse — C100, C101, C102
- Subordinate Legislation Act 1994* — Minister's exemption certificate in relation to Statutory Rule 84
- Victorian Law Reform Commission — Jury Directions — Ordered to be printed.
- 13 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Agreeing to the following bills without amendment:
- Food Amendment (Regulation Reform) Bill 2009  
 Statute Law Amendment (Charter of Human Rights and Responsibilities) Bill 2009.
- 14 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Gambling Regulation Amendment Bill 2009 with amendments.

Ordered — That the amendments be taken into consideration later this day.

15 **STATEMENTS BY MEMBERS** — Statements by members were made.

16 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE — SECOND ANNIVERSARY OF BRUMBY GOVERNMENT** — The House was informed that Mr Donnellan had proposed that a definite matter of public importance be submitted to the House for discussion, namely —

'That this House notes the second anniversary of the Brumby Government and congratulates the Government on another year of action supporting jobs, improving essential services and creating a fairer Victoria.'

Mr Donnellan addressed the House — Discussion followed.

17 **STATEMENTS ON PARLIAMENTARY COMMITTEE REPORTS** — Statements were made on the following Committee Reports:

Education and Training Committee's Report on the Geographical Differences in the Rate in which Victorian Students Participate in Higher Education

Drugs and Crime Prevention Committee's Report on the Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People

Environment and Natural Resources Committee's Report on the Inquiry into Melbourne's Future Water Supply.

18 **ORDER OF THE DAY DISCHARGED** — Motion made and question — That the following Order of the Day, Government Business, be read and discharged:

*Primary Industries Legislation Amendment Bill 2008 — Resumption of debate on the question — That the Primary Industries Legislation Amendment Bill 2008 be referred to the Dispute Resolution Committee for consideration under s 65C of the Constitution Act 1975 and that a message be sent to the Legislative Council informing them accordingly.*

(Mr Batchelor) — and, after debate —

*Business having been interrupted at 2.00 pm under standing orders.*

19 **QUESTIONS** — (Under SO 55).

20 **ORDER OF THE DAY DISCHARGED** — Debate resumed on question — That the following Order of the Day, Government Business, be read and discharged:

*Primary Industries Legislation Amendment Bill 2008 — Resumption of debate on the question — That the Primary Industries Legislation Amendment Bill 2008 be referred to the Dispute Resolution Committee for consideration under s 65C of the Constitution Act 1975 and that a message be sent to the Legislative Council informing them accordingly — put and agreed to.*

21 **PLANNING LEGISLATION AMENDMENT BILL 2009** — *a point of order having been taken on the admissibility of the proposed motion to refer the Bill to the Dispute Resolution Committee, the Speaker reserved her decision and, pending her ruling, the motion was not moved.*

22 **ELECTRICITY INDUSTRY AMENDMENT (PREMIUM SOLAR FEED-IN TARIFF) BILL 2009** — Order read for the consideration of the amendments made by the Legislative Council.

After debate, the amendments were agreed to. Mr Ingram asked that his dissent be recorded.

Message sent to the Legislative Council informing them accordingly.

- 23 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 2 and 3, be postponed until later this day.

- 24 **CEMETERIES AND CREMATORIA AMENDMENT BILL 2009** — *Mr Andrews tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Andrews*).

Motion made and question — That the debate be now adjourned (*Mrs Shardey*) — put and agreed to.

Ordered, after debate — That the debate be adjourned until Wednesday 12 August 2009.

- 25 **RACING LEGISLATION AMENDMENT (RACING INTEGRITY ASSURANCE) BILL 2009** — *Mr Hulls tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).

Motion made and question — That the debate be now adjourned (*Dr Naphthine*) — put and agreed to.

Ordered, after debate — That the debate be adjourned until Wednesday 12 August 2009.

- 26 **LOCAL GOVERNMENT AMENDMENT (CONFLICTING DUTIES) BILL 2009** — *Mr Wynne tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Wynne*).

Motion made and question — That the debate be now adjourned (*Mrs Powell*) — put and agreed to.

Ordered, after debate — That the debate be adjourned until Wednesday 12 August 2009.

- 27 **POSTPONEMENT OF ORDER OF THE DAY** — Ordered — That the consideration of Government Business, Order of the Day, No 5 be postponed until later this day.

- 28 **WATER AMENDMENT (NON WATER USER LIMIT) BILL 2009** — *Mr Holding tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Holding*).

Motion made and question — That the debate be now adjourned (*Mrs Powell*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 12 August 2009.

- 29 **COURTS LEGISLATION AMENDMENT (SUNSET PROVISIONS) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Amendment proposed — That all the words after 'That' be omitted with the view of inserting in their place the words 'this House refuses to read this Bill a second time until full details of the preliminary results of the evaluations of the Family Violence Court intervention project and the Neighbourhood Justice Centre have been made public' (*Mr Clark*) — and, after debate —

Motion made and question — That the debate be now adjourned (*Mr Foley*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 30 **CHILDREN LEGISLATION AMENDMENT BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time.

Under standing orders, Ms Neville announced amendments to be proposed when the House considers the Bill in detail and requested that they be circulated. Amendments circulated.

Debate resumed on question — That this Bill be now read a second time.

*Business having been interrupted at 10.00 pm under standing orders.*

- 31 **ADJOURNMENT** — The Acting Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.33 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JENNY LINDELL  
*Speaker*

## No 129 — Thursday 30 July 2009

- 1 The Speaker took the Chair and read the Prayer.

- 2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

**Equal Opportunity Act 1995 Exemptions and Exceptions** — Requesting that the House ensures that Victorians continue to enjoy the freedom of choice, particularly in relation to education, that the exemptions and exceptions in the *Equal Opportunity Act 1995* currently provide for, bearing 14, 44, 21, 258 and 90 signatures (*Mr Tilley, Mr Clark, Mr Carli, Mr Hodgett and Mr Blackwood respectively*)

**Religious Exemptions and Exceptions** — Requesting that the House — (a) makes no change to the religious exceptions under the *Equal Opportunity Act 1995*; and (b) opposes any expansion of powers for the Equal Opportunity Commission, bearing 86 signatures (*Mr Wakeling*)

**Church Organisations — Equal Opportunity Laws** — Requesting that the House makes no changes to the *Equal Opportunity Act 1995* particularly applying to faith-based schools, bearing 17 signatures (*Mr Wakeling*)

**Faith-Based Schools** — Requesting that the House stands against the removal of part or all of the current protections for faith-based schools, bearing 23 signatures (*Mr Wakeling*)

**Religious Freedoms** — Requesting that the House ensures Victorians in future will continue to enjoy the freedom of choice the current religious exemptions provide in the *Equal Opportunity Act 1995*, bearing 16 signatures (*Ms Marshall*)

**Sexually Explicit Advertising** — Requesting that the House adheres to the request to ban advertisements on billboards, vehicles and in public spaces which — (a) advertise adult nightclubs, prostitution services, sex aids and other sex shop merchandise; (b) demean women and men; (c) use

implied or explicit sexual images or words which risk distracting motor vehicle drivers' attention; and (d) expose children to inappropriate adult material, bearing 3213 signatures (*Ms Kairouz*)

**Melbourne–Mildura Train Line** — Requesting that the House brings forward the reinstatement of the Melbourne–Mildura passenger train service in view of concerns including global warming, and the need to connect Mildura to both the Melbourne and the national rail networks, bearing 126 signatures (*Mr Crisp*)

**Red Cliffs Police Station** — Requesting that the House takes action to increase staffing levels at the Red Cliffs police station, bearing 16 signatures (*Mr Crisp*)

**Youth Allowance — Rural Students** — Requesting that the House rejects the proposed changes to the independence test for the Youth Allowance and calls on the Government to vigorously lobby the Federal Government to ensure tertiary education is accessible for rural students, bearing 114 signatures (*Mr Crisp*)

**Noxious Weed Control** — Requesting that the House calls upon the Government to — (a) clarify responsibility for the control of noxious weeds; and (b) increase funding levels to implement appropriate eradication programs and to include Paterson's Curse, bearing 175 signatures (*Mr Jasper*)

**Growth Area Infrastructure Contribution in Gippsland** — Requesting that the Minister for Planning revokes the proposed legislation to ensure that landowners are not affected by the proposed growth areas infrastructure contribution in regional growth areas such as in Gippsland, bearing 47 signatures (*Mr Blackwood*)

**Cold Burns at Barmah Forest** — Requesting that the House allows an independent and scientifically credible organisation to conduct an audit into the ecological outcomes from the cold burns in Barmah Forest in October 2008, bearing 154 signatures (*Mr Weller*)

**Traffic Safety in Ringwood** — Requesting that the House immediately acts to — (a) position speed limit signs along the Maroondah Highway between the Ringwood bypass and Wingrove Place; and (b) lengthen the cycle of the right-hand turn signal from Maroondah Highway into Oliver Street in Ringwood, bearing 22 signatures (*Mr Smith, Warrandyte*)

**Hobsons Bay Planning Scheme** — Requesting that the House — (a) stops amendment C75 to the City of Hobsons Bay Planning scheme; and (b) legislates to maintain existing height controls in the area, bearing 3078 signatures (*Mr Noonan*).

Petitions ordered to be tabled.

- 3 **PETITION — MELBOURNE–MILDURA TRAIN LINE** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.
- 4 **PETITION — RED CLIFFS POLICE STATION** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.
- 5 **PETITION — YOUTH ALLOWANCE — RURAL STUDENTS** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.
- 6 **PETITION — TRAFFIC SAFETY IN RINGWOOD** — Motion made and question — That the petition presented by the Member for Warrandyte be taken into consideration tomorrow (*Mr Smith, Warrandyte*) — put and agreed to.

- 7 **PETITION — RELIGIOUS EXEMPTIONS AND EXCEPTIONS** — Motion made and question — That the petition presented by the Member for Ferntree Gully be taken into consideration tomorrow (*Mr Wakeling*) — put and agreed to.
- 8 **PETITION — CHURCH ORGANISATIONS — EQUAL OPPORTUNITY LAWS** — Motion made and question — That the petition presented by the Member for Ferntree Gully be taken into consideration tomorrow (*Mr Wakeling*) — put and agreed to.
- 9 **PETITION — FAITH-BASED SCHOOLS** — Motion made and question — That the petition presented by the Member for Ferntree Gully be taken into consideration tomorrow (*Mr Wakeling*) — put and agreed to.
- 10 **PETITION — HOBSONS BAY PLANNING SCHEME** — Motion made and question — That the petition presented by the Member for Williamstown be taken into consideration tomorrow (*Mr Noonan*) — put and agreed to.
- 11 **PETITION — COLD BURNS AT BARMAH FOREST** — Motion made and question — That the petition presented by the Member for Rodney be taken into consideration tomorrow (*Mr Weller*) — put and agreed to.
- 12 **PETITION — EQUAL OPPORTUNITY ACT 1995 EXEMPTIONS AND EXCEPTIONS** — Motion made and question — That the petition presented by the Member for Narracan be taken into consideration tomorrow (*Mr Blackwood*) — put and agreed to.
- 13 **PETITION — GROWTH AREA INFRASTRUCTURE CONTRIBUTION IN GIPPSLAND** — Motion made and question — That the petition presented by the Member for Narracan be taken into consideration tomorrow (*Mr Blackwood*) — put and agreed to.
- 14 **PETITION — NOXIOUS WEED CONTROL** — Motion made and question — That the petition presented by the Member for Murray Valley be taken into consideration tomorrow (*Mr Jasper*) — put and agreed to.
- 15 **PETITION — EQUAL OPPORTUNITY ACT 1995 EXEMPTIONS AND EXCEPTIONS** — Motion made and question — That the petition presented by the Member for Benambra be taken into consideration tomorrow (*Mr Tilley*) — put and agreed to.
- 16 **PETITION — EQUAL OPPORTUNITY ACT 1995 EXEMPTIONS AND EXCEPTIONS** — Motion made and question — That the petition presented by the Member for Kilsyth be taken into consideration tomorrow (*Mr Hodgett*) — put and agreed to.

17 **DOCUMENTS**

**ELECTORAL MATTERS COMMITTEE** — Mr O'Brien, Deputy Chair, presented a report from the Electoral Matters Committee on the Inquiry into Voter Participation and Informal Voting, together with appendices, extracts from the proceedings, a minority report and transcripts of evidence.

Ordered to be tabled and the report, appendices, extracts from the proceedings and minority report printed.

**STANDING ORDERS COMMITTEE** — Ms Barker presented a report from the Standing Orders Committee on Recommendations from the Public Accounts and Estimates Committee's *Report on the Inquiry into Strengthening Government and Parliamentary Accountability in Victoria* — Interim Response, together with an appendix.

Ordered to be tabled and printed.

**DOCUMENT TABLED UNDER AN ACT OF PARLIAMENT** — The Clerk tabled the following document in accordance with an Act of Parliament:

Police Integrity, Office of — Review of the Use of Force by and against Victorian police — Ordered to be printed.

18 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourns until Tuesday 11 August 2009 (*Ms Neville*) — put and agreed to.

19 **STATEMENTS BY MEMBERS** — Statements by members were made.

20 **CHILDREN LEGISLATION AMENDMENT BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Mr Langdon*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

21 **GAMBLING REGULATION AMENDMENT BILL 2009** — Order read for the consideration of the amendments made by the Legislative Council.

After debate, the amendments were agreed to.

Message sent to the Legislative Council informing them accordingly.

22 **TOBACCO AMENDMENT (PROTECTION OF CHILDREN) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 2.00 pm under standing orders.*

23 **QUESTIONS** — (Under SO 55).

*[The Speaker having left the Chair at 2.16 pm, resumed it at 2.24 pm]*

24 **TOBACCO AMENDMENT (PROTECTION OF CHILDREN) BILL 2009** — Resumption of debate on question — That this bill be now read a second time.

Bill read a second time and, by leave, immediately read a third time.

Bill sent to the Legislative Council and their agreement requested.

25 **POSTPONEMENT OF ORDER OF THE DAY** — Ordered — That the consideration of Government Business, Order of the Day, No 4 be postponed until later this day.

26 **COURTS LEGISLATION AMENDMENT (SUNSET PROVISIONS) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time — *and on the amendment* — That all the words after 'That' be omitted with the view of inserting in their place the words 'this House refuses to read this Bill a second time until full details of the preliminary results of the evaluations of the Family Violence Court intervention project and the Neighbourhood Justice Centre have been made public'; debate resumed.

Question — That the words proposed to be omitted stand part of the question — put.

The House divided (the Speaker, Ms Lindell, in the Chair) —

AYES 44

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beattie; Mr Brooks; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Mr Eren; Mr Foley; Ms Graley; Dr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hulls; Ms Kairouz; Ms Kosky; Mr Langdon; Ms Lobato; Mrs Maddigan; Ms Marshall; Mr Merlino; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Perera; Ms Pike; Mr Robinson; Mr Scott; Mr Stensholt; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

NOES 31

Ms Asher; Mr Baillieu; Mr Blackwood; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Hodgett; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Morris; Mr Mulder; Dr Naphine; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith (*Bass*); Mr Smith (*Warrandyte*); Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Weller; Mr Wells; Ms Wooldridge.

Question agreed to.

Bill read a second time and, by leave, immediately read a third time.

Bill sent to the Legislative Council and their agreement requested.

- 27 **HUMAN TISSUE AMENDMENT BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Allocation of time — The Acting Speaker advised that the time allocated for consideration of bills under the resolution of the House on Tuesday 28 July 2009 had expired.*

Question — That this Bill be now read a second time — put and agreed to.

Question — That this Bill be now read a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 28 **CHILDREN LEGISLATION AMENDMENT BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time, Government amendment Nos 1 and 2 be agreed to and the Bill be now read a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 29 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Cameron*) — put and agreed to.

- 30 **ADJOURNMENT** — The Speaker left the Chair, after debate, at 4.49 pm.

R W PURDEY  
Clerk of the Legislative Assembly

JENNY LINDELL  
Speaker



## LEGISLATIVE ASSEMBLY OF VICTORIA

### VOTES AND PROCEEDINGS Nos 130, 131 and 132

#### No 130 — Tuesday 11 August 2009

- 1 The House met according to the adjournment — The Speaker took the Chair and read the Prayer.
- 2 **QUESTIONS** — (Under SO 55).
- 3 **PERSONAL PROPERTY SECURITIES (COMMONWEALTH POWERS) BILL 2009** — Mr Hulls obtained leave to bring in 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(xxvii) of the Constitution of the Commonwealth*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 4 **ENERGY AND RESOURCES LEGISLATION AMENDMENT BILL 2009** — Mr Batchelor obtained leave to bring in 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, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 5 **GAMBLING REGULATION FURTHER AMENDMENT BILL 2009** — Mr Robinson obtained leave to bring in a Bill '*for an Act to make miscellaneous amendments to the **Gambling Regulation Act 2003** and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 6 **LIQUOR CONTROL REFORM AMENDMENT (LICENSING) BILL 2009** — Mr Robinson obtained leave to bring in a Bill '*for an Act to amend the **Liquor Control Reform Act 1998** in relation to licensing and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 7 **LOCAL GOVERNMENT AMENDMENT (OFFENCES AND OTHER MATTERS) BILL 2009** — Mr Wynne obtained leave to bring in a Bill '*for an Act to amend the **Local Government Act 1989** and the **City of Melbourne Act 2001** and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 8 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:
  - Youth Allowance — Rural Students** — Requesting that the House rejects the proposed changes to the independence test for the Youth Allowance and calls on the Government to vigorously lobby the Federal Government to ensure tertiary education is accessible for rural students, bearing 117 and 73 signatures (*Dr Sykes and Mr Crisp respectively*)
  - Fire Services Levy** — Requesting that the House investigates and implements a fairer model of funding fire services in Victoria, bearing 50 signatures (*Dr Sykes*)
  - Victorian Patient Transport Assistance Scheme** — Requesting that the House updates and revises the Victorian patient transport assistance scheme regulations to — (a) provide assistance for 50 km one way travel to the most appropriate town centre with medical/dental specialist treatment; (b) increase the current reimbursement and accommodation rates; and (c) allow for the calculation of

kilometres travelled to be based on the safest and most appropriate road route, rather than the shortest, bearing 17 signatures (*Dr Sykes*)

**Equal Opportunity Act 1995 Exemptions and Exceptions** — Requesting that the House ensures that Victorians continue to enjoy the freedom of choice, particularly in relation to education, that the exemptions and exceptions in the *Equal Opportunity Act 1995* currently provide for, bearing 23 signatures (*Mr Perera*)

**Melbourne–Mildura Train Line** — Requesting that the House brings forward the reinstatement of the Melbourne–Mildura passenger train service in view of concerns including global warming, and the need to connect Mildura to both the Melbourne and the national rail networks, bearing 127 signatures (*Mr Crisp*)

**Red Cliffs Police Station** — Requesting that the House takes action to increase staffing levels at the Red Cliffs police station, bearing 26 signatures (*Mr Crisp*).

Petitions ordered to be tabled.

9 **PETITION — YOUTH ALLOWANCE — RURAL STUDENTS** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.

10 **PETITION — MELBOURNE–MILDURA TRAIN LINE** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.

11 **PETITION — RED CLIFFS POLICE STATION** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.

12 **PETITION — YOUTH ALLOWANCE — RURAL STUDENTS** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.

13 **PETITION — FIRE SERVICES LEVY** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.

14 **PETITION — VICTORIAN PATIENT TRANSPORT ASSISTANCE SCHEME** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.

15 **DOCUMENTS**

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — Mr Carli, Chair, presented the Alert Digest No 9 of 2009 from the Scrutiny of Acts and Regulations Committee on the:

Cemeteries and Crematoria Amendment Bill 2009  
 Courts Legislation Amendment (Judicial Resolution Conference) Bill 2009  
 Local Government Amendment (Conflicting Duties) Bill 2009  
 Occupational Health and Safety Amendment (Employee Protection) Bill 2009  
 Racing Legislation Amendment (Racing Integrity Assurance) Bill 2009  
 Water Amendment (Non Water User Limit) Bill 2009

together with appendices.

Ordered to be tabled and printed.

**DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:

*Interpretation of Legislation Act 1984* — Notice under s 32(3)(a)(iii) in relation to Statutory Rule 71 (*Gazette G31, 30 July 2009*)

*Land Acquisition and Compensation Act 1986* — Certificate under s 7

Melbourne Cricket Ground Trust — Report year ended 31 March 2009

*Parliamentary Committees Act 2003* — Government response to the Education and Training Committee's Report on the Inquiry into Effective Strategies for Teacher Professional Learning

*Planning and Environment Act 1987* — Notices of approval of amendments to the following Planning Schemes:

Ballarat — C134, C136  
Bass Coast — C94, C102  
Buloke — C21  
Cardinia — C108  
Casey — C83, C124  
Gannawarra — C23, C27  
Greater Dandenong — C80  
Greater Geelong — C162  
Latrobe — C51  
Macedon Ranges — C46  
Melbourne — C148, C149  
Mitchell — C70  
Monash — C57, C70, C100  
Mornington Peninsula — C89  
Mount Alexander — C47  
Moyne — C27, C37  
Port Phillip — C69  
Surf Coast — C45  
Swan Hill — C37  
Whitehorse — C93  
Wyndham — C125  
Yarriambiack — C13

Statutory Rule under the *Associations Incorporation Act 1981* — SR 85

*Subordinate Legislation Act 1994*:

Minister's exemption certificate in relation to Statutory Rule 85

Minister's infringements offence consultation certificate in relation to Statutory Rule 85.

The following proclamations fixing operative dates were tabled by the Clerk in accordance with an order of the House dated 19 December 2006:

*Primary Industries Legislation Amendment Act 2009* — Section 107 — 1 September 2009 (*Gazette G32, 6 August 2009*)

*Transport Legislation General Amendments Act 2009* — Whole Act except Part 5 — 31 July 2009 (*Gazette S259, 28 July 2009*).

- 16 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Agreeing to the following bills without amendment:

Crown Land Acts Amendment (Lease and Licence Terms) Bill 2009  
Legislation Reform (Repeals No. 4) Bill 2009.

- 17 **MESSAGE FROM THE GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that he had, on 5 August 2009, given the royal assent to the following bills, presented to him by the Clerk of the Parliaments:

Crown Land Acts Amendment (Lease and Licence Terms) Bill 2009  
Electricity Industry Amendment (Premium Solar Feed-in Tariff) Bill 2009  
Food Amendment (Regulation Reform) Bill 2009  
Gambling Regulation Amendment Bill 2009  
Legislation Reform (Repeals No. 4) Bill 2009  
Statute Law Amendment (Charter of Human Rights and Responsibilities) Bill 2009.

- 18 **MESSAGES FROM THE LIEUTENANT-GOVERNOR** — Recommending appropriations for the purposes of the following bills:

Cemeteries and Crematoria Amendment Bill 2009  
Racing Legislation Amendment (Racing Integrity Assurance) Bill 2009.

- 19 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, under SO 94(2), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 13 August 2009:

Casino Legislation Amendment Bill 2009  
Cemeteries and Crematoria Amendment Bill 2009  
Courts Legislation Amendment (Judicial Resolution Conference) Bill 2009  
Local Government Amendment (Conflicting Duties) Bill 2009  
Racing Legislation Amendment (Racing Integrity Assurance) Bill 2009  
Water Amendment (Non Water User Limit) Bill 2009

(*Mr Batchelor*) — put, after debate, and agreed to.

- 20 **STATEMENTS BY MEMBERS** — Statements by members were made.

- 21 **PLANNING LEGISLATION AMENDMENT BILL 2009** — Motion made and question — That the Planning Legislation Amendment Bill 2009 be referred to the Dispute Resolution Committee for consideration under s 65C of the *Constitution Act 1975* and that a message be sent to the Legislative Council informing them accordingly (*Mr Batchelor*) — after debate, put.

The House divided (the Speaker, Ms Lindell, in the Chair) —

AYES 49

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beattie; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Mr Eren; Mr Foley; Ms Graley; Ms Green; Mr Hardman; Dr Harkness; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Ms Kairouz; Ms Kosky; Mr Langdon; Mr Languiller; Ms Lobato; Mr Lupton; Mrs Maddigan; Ms Marshall; Mr Merlino; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Pike; Ms Richardson; Mr Scott; Mr Stensholt; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

NOES 32

Ms Asher; Mr Baillieu; Mr Blackwood; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Hodgett; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Morris; Mr Mulder; Dr Naphine; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith (*Bass*); Mr Smith (*Warrantyte*); Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Weller; Mr Wells; Ms Wooldridge.

Question agreed to.

- 22 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Agreeing to the following bills without amendment:

National Parks Amendment (Point Nepean) Bill 2009  
Tobacco Amendment (Protection of Children) Bill 2009.

- 23 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Courts Legislation Amendment (Sunset Provisions) Bill 2009 with amendments.

Ordered — That the amendments be taken into consideration later this day.

- 24 **JUSTICE LEGISLATION FURTHER AMENDMENT BILL 2009** — *Mr Cameron tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Cameron*).

Motion made and question — That the debate be now adjourned (*Mr McIntosh*) — put and agreed to.

Ordered — That the debate be adjourned until Tuesday 25 August 2009.

- 25 **POSTPONEMENT OF ORDER OF THE DAY** — Ordered — That the consideration of Government Business, Order of the Day, No 2 be postponed until later this day.

- 26 **CASINO LEGISLATION AMENDMENT BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Amendment proposed — That all the words after 'That' be omitted with the view of inserting in their place the words 'this House refuses to read this Bill a second time until:

- (a) there has been a full social and economic impact study into the proposed expansion of the casino and the report on such study has been made available for consideration by the Parliament; and
- (b) the Government's analysis of the likely financial benefits to the Melbourne Casino of the Ninth Deed of Variation and associated arrangements is made available for consideration by the Parliament' (*Mr O'Brien*) — and, after debate —

*Business having been interrupted at 10.00 pm under standing orders.*

- 27 **ADJOURNMENT** — The Deputy Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.39 pm.

## No 131 — Wednesday 12 August 2009

1 The Speaker took the Chair and read the Prayer.

2 **MAJOR TRANSPORT PROJECTS FACILITATION BILL 2009** — Mr Pallas obtained leave to bring in a Bill *'for an Act to facilitate the development of major transport projects and for other purposes'*; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.

3 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

**Cann Valley Community Kindergarten** — Requesting that the House directs the Government to remove the Cann Valley kindergarten from management by RFS/Uniting Care to the Department of Education and Early Childhood Development, making it part of the Cann River P-12 College, bearing 530 signatures (*Mr Ingram*)

**Public Land and Fire Management Practices** — Requesting that the House calls upon the Government to fully implement the recommendations of the Environment and Natural Resources Committee's report into public land management, bearing 657 signatures (*Mr Ingram*)

**Youth Allowance — Rural Students** — Requesting that the House rejects the proposed changes to the independence test for the Youth Allowance and calls on the Government to vigorously lobby the Federal Government to ensure tertiary education is accessible for rural students, bearing 91 and 426 signatures (*Mr Crisp and Mr Weller respectively*)

**Melbourne–Mildura Train Line** — Requesting that the House brings forward the reinstatement of the Melbourne–Mildura passenger train service in view of concerns including global warming, and the need to connect Mildura to both the Melbourne and the national rail networks, bearing 135 signatures (*Mr Crisp*)

**Red Cliffs Police Station** — Requesting that the House takes action to increase staffing levels at the Red Cliffs police station, bearing 23 signatures (*Mr Crisp*)

**Equal Opportunity Act 1995 Exemptions and Exceptions** — Requesting that the House ensures that Victorians continue to enjoy the freedom of choice, particularly in relation to education, that the exemptions and exceptions in the *Equal Opportunity Act 1995* currently provide for, bearing 83 signatures (*Mr Wells*).

Petitions ordered to be tabled.

4 **PETITION — CANN VALLEY COMMUNITY KINDERGARTEN** — Motion made and question — That the petition presented by the Member for Gippsland East be taken into consideration tomorrow (*Mr Ingram*) — put and agreed to.

5 **PETITION — PUBLIC LAND AND FIRE MANAGEMENT PRACTICES** — Motion made and question — That the petition presented by the Member for Gippsland East be taken into consideration tomorrow (*Mr Ingram*) — put and agreed to.

6 **PETITION — YOUTH ALLOWANCE — RURAL STUDENTS** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.

7 **PETITION — MELBOURNE–MILDURA TRAIN LINE** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.

- 8 **PETITION — RED CLIFFS POLICE STATION** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.
- 9 **PETITION — YOUTH ALLOWANCE — RURAL STUDENTS** — Motion made and question — That the petition presented by the Member for Rodney be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.
- 10 **PETITION — EQUAL OPPORTUNITY ACT 1995 EXEMPTIONS AND EXCEPTIONS** — Motion made and question — That the petition presented by the Member for Scoresby be taken into consideration tomorrow (*Mr Wells*) — put and agreed to.
- 11 **DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:
- Education and Training Reform Act 2006* — Ministerial Order under s 5.10.6
- Ombudsman — A report of investigations into the City of Port Phillip — Ordered to be printed
- Surveyor-General — Report 2008–09 on administration of the *Survey Co-ordination Act 1958*.
- 12 **STATEMENTS BY MEMBERS** — Statements by members were made.
- 13 **GRIEVANCES** — Question — That grievances be noted — put, after debate, and agreed to.
- 14 **STATEMENTS ON PARLIAMENTARY COMMITTEE REPORTS** — Statements were made on the following Committee Reports:
- Drugs and Crime Prevention Committee's Report on the Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People
- Education and Training Committee's Report on the Inquiry into Geographical Differences in the Rate in which Victorian Students Participate in Higher Education
- Environment and Natural Resources Committee's Report on the Inquiry into Melbourne's Future Water Supply
- Economic Development and Infrastructure Committee's Report on the Inquiry into Improving Access to Victorian Public Sector Information and Data
- Scrutiny of Acts and Regulations Committee's Report on the Exceptions and Exemptions to the *Equal Opportunity Act 1995*, Options Paper.
- 15 **ENERGY AND RESOURCES LEGISLATION AMENDMENT BILL 2009** — *Mr Batchelor tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*
- Motion made and question proposed — That this Bill be now read a second time (*Mr Batchelor*).
- Motion made and question — That the debate be now adjourned (*Mr Clark*) — put and agreed to.
- Ordered — That the debate be adjourned until Wednesday 26 August 2009.
- 16 **LOCAL GOVERNMENT AMENDMENT (OFFENCES AND OTHER MATTERS) BILL 2009** — *Mr Wynne tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Wynne*).

Motion made and question — That the debate be now adjourned (*Mrs Powell*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 26 August 2009.

*Business having been interrupted at 2.00 pm under standing orders.*

17 **QUESTIONS** — (Under SO 55).

18 **LIQUOR CONTROL REFORM AMENDMENT (LICENSING) BILL 2009** — *Mr Robinson tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Robinson*).

Motion made and question — That the debate be now adjourned (*Mr O'Brien*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 26 August 2009.

19 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That the government business program agreed to by this House on 11 August 2009 be amended by omitting the Order of the Day, Government Business, relating to the Cemeteries and Crematoria Amendment Bill 2009 (*Mr Batchelor*) — put, after debate, and agreed to.

20 **COURTS LEGISLATION AMENDMENT (JUDICIAL RESOLUTION CONFERENCE) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Mr Crutchfield*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

21 **POSTPONEMENT OF ORDER OF THE DAY** — Ordered — That the consideration of Government Business, Order of the Day, No 5 be postponed until later this day.

22 **RACING LEGISLATION AMENDMENT (RACING INTEGRITY ASSURANCE) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time.

Under standing orders, Mr Hulls announced amendments to be proposed when the House considers the Bill in detail and requested that they be circulated. Amendments circulated.

Debate resumed on question — That this Bill be now read a second time.

Motion made and question — That the debate be now adjourned (*Dr Sykes*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

23 **LOCAL GOVERNMENT AMENDMENT (CONFLICTING DUTIES) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 10.00 pm under standing orders.*

- 24 **ADJOURNMENT** — The Acting Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.32 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JENNY LINDELL  
*Speaker*

## No 132 — Thursday 13 August 2009

- 1 The Speaker took the Chair and read the Prayer.

- 2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

**Eastwood Primary School** — Requesting that the Government prioritises Eastwood Primary School for a complete upgrade/rebuild as a matter of urgency, bearing 243 signatures (*Mr Hodgett*)

**Youth Allowance — Rural Students** — Requesting that the House rejects the proposed changes to the independence test for the Youth Allowance and calls on the Government to vigorously lobby the Federal Government to ensure tertiary education is accessible for rural students, bearing 107 signatures (*Mr Crisp*)

**Melbourne–Mildura Train Line** — Requesting that the House brings forward the reinstatement of the Melbourne–Mildura passenger train service in view of concerns including global warming, and the need to connect Mildura to both the Melbourne and the national rail networks, bearing 161 signatures (*Mr Crisp*)

**Red Cliffs Police Station** — Requesting that the House takes action to increase staffing levels at the Red Cliffs police station, bearing 16 signatures (*Mr Crisp*)

**Equal Opportunity Act 1995 Exemptions and Exceptions** — Requesting that the House ensures that Victorians continue to enjoy the freedom of choice, particularly in relation to education, that the exemptions and exceptions in the *Equal Opportunity Act 1995* currently provide for, bearing 11 signatures (*Mr Wells*).

Petitions ordered to be tabled.

- 3 **PETITION — EQUAL OPPORTUNITY ACT 1995 EXEMPTIONS AND EXCEPTIONS** — Motion made and question — That the petition presented by the Member for Scoresby be taken into consideration tomorrow (*Mr Wells*) — put and agreed to.
- 4 **PETITION — YOUTH ALLOWANCE — RURAL STUDENTS** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.
- 5 **PETITION — MELBOURNE–MILDURA TRAIN LINE** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.
- 6 **PETITION — RED CLIFFS POLICE STATION** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.

- 7 **PETITION — EASTWOOD PRIMARY SCHOOL** — Motion made and question — That the petition presented by the Member for Kilsyth be taken into consideration tomorrow (*Mr Hodgett*) — put and agreed to.
- 8 **PARLIAMENTARY COMMITTEES**— Motion made, by leave, and question — That:
- (1) Under s 33 of the *Parliamentary Committees Act 2003*, the following matters be referred to the joint investigatory committees specified:
    - (a) to the **Drugs and Crime Prevention Committee** — for inquiry, consideration and report no later than 30 June 2010 into people trafficking for sex work including:
      - (i) the extent and nature of trafficking people for the purposes of sex work into Victoria from overseas;
      - (ii) the inter-relationship (if any) between the unlicensed and licensed prostitution sectors in Victoria, and trafficking for the purposes of sex work;
      - (iii) the current and proposed intergovernmental and international strategies and initiatives in relation to dealing with trafficking for the purposes of sex work; and
      - (iv) the need for policy and legislative reform to combat trafficking for the purposes of sex work, in Victoria;
    - (b) to the **Outer Suburban/Interface Services and Development Committee** — for inquiry, consideration and report no later than 31 August 2010 into farmers' markets — and the Committee should:
      - (i) identify the types of farmers' markets operating in interface municipalities and peri-urban areas;
      - (ii) investigate the history and growth potential of this form of retail/agricultural activity and the demand created for products sourced from interface and peri-urban areas;
      - (iii) examine the structure, codes of practice, strategic planning and economic viability of farmers' markets and any barriers or impediments to their development and long term growth;
      - (iv) examine how farmers' markets can contribute to increasing the viability of small scale farming enterprises located in the interface and peri-urban municipalities, especially in the designated 'Green Wedge' zoned land; and
      - (v) identify any barriers to access farmers' markets for producers to supply or retail at these markets.
  - (2) The resolution of the House of 4 December 2008 providing that the Law Reform Committee be required to present its report, on law reforms aimed at streamlining and simplifying powers of attorney documents, to the Parliament no later than 31 December 2009 be amended so far as to require the report to be presented to the Parliament no later than 31 August 2010

(*Mr Batchelor*) — put and agreed to.

- 9 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourns until Tuesday 1 September 2009 (*Mr Batchelor*) — put and agreed to.
- 10 **STATEMENTS BY MEMBERS** — Statements by members were made.
- 11 **MAJOR TRANSPORT PROJECTS FACILITATION BILL 2009** — *Mr Pallas tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*
- Motion made and question proposed — That this Bill be now read a second time (*Mr Pallas*).
- Mr Pallas made the statement of intention required by s 85(5)(c) of the Constitution Act 1975.*
- Motion made and question — That the debate be now adjourned (*Mr Mulder*) — put and agreed to.
- Ordered — That the debate be adjourned until Thursday 27 August 2009.
- 12 **WATER AMENDMENT (NON WATER USER LIMIT) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.
- Motion made and question — That the debate be now adjourned (*Mr Langdon*) — put and agreed to.
- Ordered — That the debate be adjourned until later this day.
- 13 **COURTS LEGISLATION AMENDMENT (JUDICIAL RESOLUTION CONFERENCE) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.
- Business having been interrupted at 2.00 pm under standing orders.*
- 14 **QUESTIONS** — (Under SO 55).
- 15 **COURTS LEGISLATION AMENDMENT (JUDICIAL RESOLUTION CONFERENCE) BILL 2009** — Debate resumed on question — That this Bill be now read a second time.
- Bill read a second time and, by leave, immediately read a third time.
- Bill sent to the Legislative Council and their agreement requested.
- 16 **POSTPONEMENT OF ORDER OF THE DAY** — Ordered — That the consideration of Government Business, Order of the Day, No 4 be postponed until later this day.
- 17 **LOCAL GOVERNMENT AMENDMENT (CONFLICTING DUTIES) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.
- Allocation of time — The Speaker advised that the time allocated for consideration of bills under the resolution of the House on Tuesday 11 August 2009 and as amended on Wednesday 12 August 2009 had expired.*
- Question — That this Bill be now read a second time — put and agreed to.
- Question — That this Bill be now read a third time — put and agreed to.
- Bill sent to the Legislative Council and their agreement requested.
- 18 **CASINO LEGISLATION AMENDMENT BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time — *and on the amendment* — That all the words

after 'That' be omitted with the view of inserting in their place the words 'this House refuses to read this Bill a second time until —

- (a) there has been a full social and economic impact study into the proposed expansion of the casino and the report on such study has been made available for consideration by the Parliament; and
- (b) the Government's analysis of the likely financial benefits to the Melbourne Casino of the Ninth Deed of Variation and associated arrangements is made available for consideration by the Parliament'.

Question — That the words proposed to be omitted stand part of the question — put.

The House divided (the Speaker, Ms Lindell, in the Chair) —

AYES 49

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Mr Brooks; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Mr Eren; Mr Foley; Ms Graley; Ms Green; Mr Hardman; Dr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Ms Kairouz; Ms Kosky; Mr Langdon; Mr Languiller; Ms Lobato; Mr Lupton; Mrs Maddigan; Ms Marshall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Pike; Ms Richardson; Mr Robinson; Mr Scott; Mr Stensholt; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

NOES 33

Ms Asher; Mr Baillieu; Mr Blackwood; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Hodgett; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Morris; Mr Mulder; Dr Napthine; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith (*Bass*); Mr Smith (*Warrandyte*); Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Weller; Mr Wells; Ms Wooldridge.

Question agreed to.

Question — That this Bill be now read a second time and a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 19 **WATER AMENDMENT (NON WATER USER LIMIT) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time and a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 20 **RACING LEGISLATION AMENDMENT (RACING INTEGRITY ASSURANCE) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time, Government amendment Nos 1 to 3 inclusive be agreed to and the Bill be now read a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 21 **PERSONAL PROPERTY SECURITIES (COMMONWEALTH POWERS) BILL 2009** — *Mr Hulls tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).

Motion made and question — That the debate be now adjourned (*Dr Napthine*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 27 August 2009.

- 22 **GAMBLING REGULATION FURTHER AMENDMENT BILL 2009** — *Mr Robinson tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Robinson*).

Motion made and question — That the debate be now adjourned (*Mr O'Brien*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 27 August 2009.

- 23 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Wynne*) — put and agreed to.

- 24 **ADJOURNMENT** — The Speaker left the Chair, after debate, at 5.31 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JENNY LINDELL  
*Speaker*



## LEGISLATIVE ASSEMBLY OF VICTORIA

### VOTES AND PROCEEDINGS Nos 133, 134 and 135

#### No 133 — Tuesday 1 September 2009

- 1 The House met according to the adjournment — The Speaker took the Chair and read the Prayer.
- 2 **DEATH OF CHARLES HUGH FRANCIS AND ALEXANDER THOMAS EVANS** — The Speaker announced the death of Charles Hugh Francis, Member of the Legislative Assembly for the Electoral District of Caulfield from 1976 to 1979; and the death of Alexander Thomas Evans, Member of the Legislative Assembly for the Electoral District of Ballarat North from 1960 to 1988; and members rose in their places as a mark of respect to the memory of the deceased.
- 3 **QUESTIONS** — (Under SO 55).
- 4 **VICTORIAN RENEWABLE ENERGY AMENDMENT BILL 2009** — Mr Batchelor obtained leave to bring in 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 the Bill was read a first time and ordered to be read a second time tomorrow.
- 5 **LAND LEGISLATION AMENDMENT BILL 2009** — Mr Batchelor obtained leave to bring in 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, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 6 **VALUATION OF LAND AMENDMENT BILL 2009** — Mr Batchelor obtained leave to bring in 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, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 7 **EDUCATION AND TRAINING REFORM AMENDMENT (SCHOOL AGE) BILL 2009** — Ms Pike obtained leave to bring in 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 the Bill was read a first time and ordered to be read a second time tomorrow.
- 8 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:
  - West Heidelberg Area Police Station** — Requesting that the House keeps an adequately staffed police station in the West Heidelberg area with reactive operational police members to undertake local patrols and provide service delivery through local knowledge, bearing 693 signatures (*Mr Langdon*)
  - Youth Allowance — Rural Students** — Requesting that the House rejects the proposed changes to the independence test for the Youth Allowance and calls on the Government to vigorously lobby the Federal Government to ensure tertiary education is accessible for rural students, bearing 131 signatures (*Mr Crisp*)
  - Melbourne–Mildura Train Line** — Requesting that the House brings forward the reinstatement of the Melbourne–Mildura passenger train service in view of concerns including global warming, and the need to connect Mildura to both the Melbourne and the national rail networks, bearing 149 signatures (*Mr Crisp*)

**Victorian Patient Transport Assistance Scheme** — Requesting that the House updates and revises the Victorian patient transport assistance scheme regulations to — (a) provide assistance for 50 km one way travel to the most appropriate town centre with medical/dental specialist treatment; (b) increase the current reimbursement and accommodation rates; and (c) allow for the calculation of kilometres travelled to be based on the safest and most appropriate road route, rather than the shortest, bearing 20 and 278 signatures (*Mr Crisp and Mr Weller respectively*)

**Traralgon V/Line Services** — Requesting that the House retains all current Traralgon V/Line services to Southern Cross station, bearing 101 signatures (*Mr Northe*)

**Review of Patient Transport Assistance Scheme** — Requesting that the Government undertakes a review of the Victorian patient transport assistance scheme to ensure fair eligibility criteria for country Victorians, bearing 32 signatures (*Mr Weller*)

**Harris Gully Road School Crossing** — Requesting that the House installs a road speed limit of 40 km per hour on Harris Gully Road, Warrandyte during school times, bearing 778 signatures (*Mr Smith, Warrandyte*)

**Public and Social Housing in Ringwood** — Requesting that the Government postpones the commencement of the social housing development at Larissa Avenue, Ringwood, pending a thorough consultation period with the community, bearing 3755 signatures (*Mr Smith, Warrandyte*).

Petitions ordered to be tabled.

- 9 **PETITION — HARRIS GULLY ROAD SCHOOL CROSSING** — Motion made and question — That the petition presented by the Member for Warrandyte be taken into consideration tomorrow (*Mr Smith, Warrandyte*) — put and agreed to.
- 10 **PETITION — PUBLIC AND SOCIAL HOUSING IN RINGWOOD** — Motion made and question — That the petition presented by the Member for Warrandyte be taken into consideration tomorrow (*Mr Smith, Warrandyte*) — put and agreed to.
- 11 **PETITION — VICTORIAN PATIENT TRANSPORT ASSISTANCE SCHEME** — Motion made and question — That the petition presented by the Member for Rodney be taken into consideration tomorrow (*Mr Weller*) — put and agreed to.
- 12 **PETITION — REVIEW OF PATIENT TRANSPORT ASSISTANCE SCHEME** — Motion made and question — That the petition presented by the Member for Rodney be taken into consideration tomorrow (*Mr Weller*) — put and agreed to.
- 13 **PETITION — WEST HEIDELBERG AREA POLICE STATION** — Motion made and question — That the petition presented by the Member for Ivanhoe be taken into consideration tomorrow (*Mr Langdon*) — put and agreed to.
- 14 **PETITION — YOUTH ALLOWANCE — RURAL STUDENTS** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.
- 15 **PETITION — MELBOURNE–MILDURA TRAIN LINE** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.
- 16 **PETITION — VICTORIAN PATIENT TRANSPORT ASSISTANCE SCHEME** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.

17 **PETITION — TRARALGON V/LINE SERVICES** — Motion made and question — That the petition presented by the Member for Morwell be taken into consideration tomorrow (*Mr Northe*) — put and agreed to.

18 **DOCUMENTS**

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — Mr Carli, Chair, presented the Alert Digest No 10 of 2009 from the Scrutiny of Acts and Regulations Committee on the:

Courts Legislation Amendment (Sunset Provisions) Bill 2009  
 Energy and Resources Legislation Amendment Bill 2009  
 Gambling Regulation Further Amendment Bill 2009  
 Human Tissue Amendment Bill 2009  
 Justice Legislation Further Amendment Bill 2009  
 Liquor Control Reform Amendment (Licensing) Bill 2009  
 Local Government Amendment (Offences and Other Matters) Bill 2009  
 Major Transport Projects Facilitation Bill 2009  
 Personal Property Securities (Commonwealth Powers) Bill 2009  
 Tobacco Amendment (Protection of Children) Bill 2009

together with appendices.

Ordered to be tabled and printed.

**DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:

*Bushfires Royal Commission (Report) Act 2009* — 2009 Victorian Bushfires Royal Commission Interim Report, August 2009 — Ordered to be printed

*Interpretation of Legislation Act 1984* — Notice under s 32(3)(a)(iii) in relation to Statutory Rule 77 (*Gazette S 276, 11 August 2009*)

*Planning and Environment Act 1987* — Notices of approval of amendments to the following Planning Schemes:

Banyule — C57  
 Campaspe — C21  
 Frankston — C51  
 Glenelg — C46  
 Horsham — C42  
 Hume — C90 Part 1  
 Knox — C82  
 Mitchell — C47  
 Moreland — C96, C106  
 Mornington Peninsula — C115  
 Murrindindi — C24  
 Warrnambool — C71  
 Wodonga — C42 Part 1  
 Yarra — C84, C106

Statutory Rules under the following Acts:

*Fair Trading Act 1999* — SRs 86, 87, 88  
*Planning and Environment Act 1987* — SR 89  
*Subordinate Legislation Act 1994* — SR 90

*Subordinate Legislation Act 1994:*

Minister's exception certificate in relation to Statutory Rule 90  
 Minister's exemption certificates in relation to Statutory Rules 86, 87, 88.

The following proclamation fixing an operative date was tabled by the Clerk in accordance with an order of the House dated 19 December 2006:

*Road Legislation Amendment Act 2009* — Section 19 — 27 August 2009 (*Gazette S289, 26 August 2009*).

- 19 **SUSPENSION OF STANDING ORDERS** — Motion made, by leave, and question — That, so much of standing orders be suspended immediately so as to allow:

- (1) A motion 'That the House takes note of the 2009 Victorian Bushfires Royal Commission Interim Report, August 2009' to be moved immediately
- (2) The Chair to put the question on the motion at 6.30 pm (or sooner if there is no further debate) and the time limits for the Premier and the lead speaker for the Opposition to be 20 minutes and any other member to be 5 minutes

(*Mr Batchelor*) — put and agreed to.

- 20 **VICTORIAN BUSHFIRES ROYAL COMMISSION INTERIM REPORT** — Motion made and question — That the House takes note of the 2009 Victorian Bushfires Royal Commission Interim Report, August 2009 (*Mr Brumby*) — put, after debate, and agreed to.

- 21 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Agreeing to the following bills without amendment:

Children Legislation Amendment Bill 2009  
 Courts Legislation Amendment (Judicial Resolution Conference) Bill 2009  
 Human Tissue Amendment Bill 2009.

- 22 **MESSAGE FROM THE LIEUTENANT-GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that she had, on 18 August 2009, given the royal assent to the following bills, presented to her by the Clerk of the Parliaments:

Children Legislation Amendment Bill 2009  
 Human Tissue Amendment Bill 2009  
 National Parks Amendment (Point Nepean) Bill 2009  
 Tobacco Amendment (Protection of Children) Bill 2009.

- 23 **MESSAGES FROM THE GOVERNOR** — Recommending appropriations for the purposes of the following bills:

Gambling Regulation Further Amendment Bill 2009  
 Justice Legislation Further Amendment Bill 2009  
 Major Transport Projects Facilitation Bill 2009.

- 24 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, under SO 94(2), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 3 September 2009:

Cemeteries and Crematoria Amendment Bill 2009  
 Energy and Resources Legislation Amendment Bill 2009

Gambling Regulation Further Amendment Bill 2009  
 Liquor Control Reform Amendment (Licensing) Bill 2009  
 Justice Legislation Further Amendment Bill 2009  
 Major Transport Projects Facilitation Bill 2009

(*Mr Batchelor*) — after debate, put.

The House divided (the Speaker, Ms Lindell, in the Chair) —

AYES 42

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beattie; Mr Brooks; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Mr Eren; Mr Foley; Ms Graley; Ms Green; Mr Hardman; Dr Harkness; Mr Helper; Mr Herbert; Mr Howard; Mr Hulls; Ms Kairouz; Mr Langdon; Mr Languiller; Mrs Maddigan; Ms Marshall; Ms Morand; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Richardson; Mr Robinson; Mr Scott; Mr Seitz; Mr Stensholt; Ms Thomson (*Footscray*); Mr Wynne.

NOES 30

Ms Asher; Mr Baillieu; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Hodgett; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Morris; Dr Naphthine; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith (*Bass*); Mr Smith (*Warrandyte*); Dr Sykes; Mr Thompson (*Sandringham*); Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Weller; Mr Wells; Ms Wooldridge.

Question agreed to.

25 **STATEMENTS BY MEMBERS** — Statements by members were made.

26 **POSTPONEMENT OF ORDER OF THE DAY** — Ordered — That the consideration of Government Business, Order of the Day, No 1 be postponed until later this day.

27 **CEMETERIES AND CREMATORIA AMENDMENT BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Mr Brooks*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

28 **ENERGY AND RESOURCES LEGISLATION AMENDMENT BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 10.00 pm under standing orders.*

Motion made and question — That the sitting be continued (*Mr Pallas*) — put and agreed to.

Debate continued on question — That this Bill be now read a second time.

Motion made and question — That debate be now adjourned (*Mr Howard*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

29 **GAMBLING REGULATION FURTHER AMENDMENT BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time.

Under standing orders, Ms Neville announced an amendment to be proposed when the House considers the Bill in detail and requested that it be circulated. Amendment circulated.

Debate resumed on question — That this Bill be now read a second time.

Motion made and question — That debate be now adjourned (*Mr Hudson*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

30 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Robinson*) — put and agreed to.

31 **ADJOURNMENT** — The Deputy Speaker left the Chair, after debate, at 11.28 pm.

R W PURDEY  
Clerk of the Legislative Assembly

JENNY LINDELL  
Speaker

## No 134 — Wednesday 2 September 2009

1 The Speaker took the Chair and read the Prayer.

2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

**Fire Services Levy** — Requesting that the House investigates and implements a fairer model of funding fire services in Victoria, bearing 70 signatures (*Dr Sykes*)

**Youth Allowance — Rural Students** — Requesting that the House rejects the proposed changes to the independence test for the Youth Allowance and calls on the Government to vigorously lobby the Federal Government to ensure tertiary education is accessible for rural students, bearing 23, 77 and 128 signatures (*Dr Sykes, Mr Crisp and Mr Jasper respectively*)

**Victorian Patient Transport Assistance Scheme** — Requesting that the House updates and revises the Victorian patient transport assistance scheme regulations to — (a) provide assistance for 50 km one way travel to the most appropriate town centre with medical/dental specialist treatment; (b) increase the current reimbursement and accommodation rates; and (c) allow for the calculation of kilometres travelled to be based on the safest and most appropriate road route, rather than the shortest, bearing 13 and 20 signatures (*Dr Sykes and Mr Crisp respectively*)

**Equal Opportunity Act 1995 Exemptions and Exceptions** — Requesting that the House ensures that Victorians continue to enjoy the freedom of choice, particularly in relation to education, that the exemptions and exceptions in the *Equal Opportunity Act 1995* currently provide for, bearing 18 and 29 signatures (*Mrs Shardey and Mr Wells respectively*)

**Bus Route Review** — Requesting that the House informs the Department of Transport and the consultants facilitating the review of bus routes in the City of Maroondah, Yarra Ranges and Knox that the residents do not support the removal of the Allamban Drive, Stuart Street and Burdekin Avenue sections of bus route 690, bearing 19 signatures (*Mr Hodggett*)

**Melbourne–Mildura Train Line** — Requesting that the House brings forward the reinstatement of the Melbourne–Mildura passenger train service in view of concerns including global warming, and the need to connect Mildura to both the Melbourne and the national rail networks, bearing 166 signatures (*Mr Crisp*).

Petitions ordered to be tabled.

- 3 **PETITION — EQUAL OPPORTUNITY ACT 1995 EXEMPTIONS AND EXCEPTIONS** — Motion made and question — That the petition presented by the Member for Scoresby be taken into consideration tomorrow (*Mr Wells*) — put and agreed to.
- 4 **PETITION — EQUAL OPPORTUNITY ACT 1995 EXEMPTIONS AND EXCEPTIONS** — Motion made and question — That the petition presented by the Member for Caulfield be taken into consideration tomorrow (*Mrs Shardey*) — put and agreed to.
- 5 **PETITION — BUS ROUTE REVIEW** — Motion made and question — That the petition presented by the Member for Kilsyth be taken into consideration tomorrow (*Mr Hodgett*) — put and agreed to.
- 6 **PETITION — YOUTH ALLOWANCE — RURAL STUDENTS** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.
- 7 **PETITION — VICTORIAN PATIENT TRANSPORT ASSISTANCE SCHEME** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.
- 8 **PETITION — MELBOURNE–MILDURA TRAIN LINE** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.
- 9 **PETITION — FIRE SERVICES LEVY** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.
- 10 **PETITION — YOUTH ALLOWANCE — RURAL STUDENTS** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.
- 11 **PETITION — VICTORIAN PATIENT TRANSPORT ASSISTANCE SCHEME** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.
- 12 **PETITION — YOUTH ALLOWANCE — RURAL STUDENTS** — Motion made and question — That the petition presented by the Member for Murray Valley be taken into consideration tomorrow (*Mr Jasper*) — put and agreed to.
- 13 **DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:

*Planning and Environment Act 1987:*

Amendment No 118 to the Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan

Notices of approval of amendments to the following Planning Schemes:

Bass Coast — C85  
 Cardinia — C134  
 Mitchell — C73  
 Moyne — C38  
 Pyrenees — C21  
 Warrnambool — C60, C66 Part 1  
 Wyndham — C96

*Subordinate Legislation Act 1994* — Minister's exception certificate in relation to Statutory Rule 89.

14 **STATEMENTS BY MEMBERS** — Statements by members were made.

15 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE — GIPPSLAND LAKES** — The House was informed that Mr Ingram had proposed that a definite matter of public importance be submitted to the House for discussion, namely —

'That this House recognises the vital importance of the Gippsland Lakes to the economic, social and environmental well-being of Victoria's east and calls on the Government to guarantee all that can be done to protect and improve the environmental health, the management and the infrastructure needs of the Gippsland Lakes including appropriate actions, resources, support and management structure.'

Mr Ingram addressed the House — Discussion followed.

16 **STATEMENTS ON PARLIAMENTARY COMMITTEE REPORTS** — Statements were made on the following Committee Reports:

Public Accounts and Estimates Committee's Report on the 2009–10 Budget Estimates Part One, Volumes One and Two

Education and Training Committee's Report on the Inquiry into Geographical Differences in the Rate in which Victorian Students Participate in Higher Education

Electoral Matters Committee's Report on the Inquiry into Voter Participation and Informal Voting.

17 **PARLIAMENTARY COMMITTEE REFERENCES** — Motion made and question — That under s 33 of the *Parliamentary Committees Act 2003*, the following matters be referred to the joint investigatory committees specified:

(1) To the **Drugs and Crime Prevention Committee** — for inquiry, consideration and report no later than 31 August 2010 into the impact of drug-related offending on female prisoner numbers, and the committee should:

- (a) examine the impact of drug-related crime on the female prisoner population;
- (b) review the demographic profiles of women in custody for drug offences and the types of drug offences;
- (c) examine underlying causal factors which may influence drug-related offending and repeat offending that result in women entering custody; and
- (d) recommend strategies to reduce drug-related offending and repeat offending by women, including strategies to address underlying causal factors.

(2) To the **Environment and Natural Resources Committee** — for inquiry, consideration and report no later than 31 August 2010 into soil sequestration in Victoria and the committee should:

- (a) explore possible benefits to the agricultural industry;
- (b) explore possible environmental benefits;
- (c) consider methodologies for measurement of the effects of carbon sequestration, including any potential issues associated with the measurement of benefits;
- (d) identify the costs;

- (e) identify any possible harms or detriments;
- (f) identify linkages with the proposed carbon pollution reduction scheme and other relevant Federal Government policies;
- (g) identify linkages with existing Victorian Government policies; and
- (h) explore options for the Victorian Government to support the benefits (if any) of soil sequestration.

(*Mr Batchelor*) — put, after debate, and agreed to.

- 18 **VICTORIAN RENEWABLE ENERGY AMENDMENT BILL 2009** — *Mr Batchelor tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Batchelor*).

Motion made and question — That the debate be now adjourned (*Mr Clark*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 16 September 2009.

- 19 **POSTPONEMENT OF ORDER OF THE DAY** — Ordered — That the consideration of Government Business, Order of the Day, No 2 be postponed until later this day.

- 20 **VALUATION OF LAND AMENDMENT BILL 2009** — *Mr Batchelor tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Batchelor*).

Motion made and question — That the debate be now adjourned (*Ms Asher*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 16 September 2009.

*Business having been interrupted at 2.00 pm under standing orders.*

- 21 **QUESTIONS** — (Under SO 55).

- 22 **LAND LEGISLATION AMENDMENT BILL 2009** — *Mr Batchelor tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Batchelor*).

Motion made and question — That the debate be now adjourned (*Ms Asher*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 16 September 2009.

- 23 **EDUCATION AND TRAINING REFORM AMENDMENT (SCHOOL AGE) BILL 2009** — *Ms Pike tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Ms Pike*).

Motion made and question — That the debate be now adjourned (*Mr Dixon*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 16 September 2009.

- 24 **GAMBLING REGULATION FURTHER AMENDMENT BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.
- Motion made and question — That the debate be now adjourned (*Ms Graley*) — put and agreed to.
- Ordered — That the debate be adjourned until later this day.
- 25 **LIQUOR CONTROL REFORM AMENDMENT (LICENSING) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time.
- Under standing orders, Mr O'Brien announced amendments to be proposed when the House considers the Bill in detail and requested that they be circulated. Amendments circulated.
- Debate resumed on question — That this Bill be now read a second time.
- Motion made, by leave, and question — That the Member for Albert Park have leave to continue his speech when the debate is resumed (*Mr Foley*) — put and agreed to.
- Ordered — That the debate be adjourned until later this day.
- 26 **JUSTICE LEGISLATION FURTHER AMENDMENT BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.
- Motion made and question — That the debate be now adjourned (*Mrs Maddigan*) — put and agreed to.
- Ordered — That the debate be adjourned until later this day.
- 27 **MAJOR TRANSPORT PROJECTS FACILITATION BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.
- Motion made and question — That the debate be now adjourned (*Mr Delahunty*) — put and agreed to.
- Ordered — That the debate be adjourned until later this day.
- 28 **GAMBLING REGULATION FURTHER AMENDMENT BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.
- Motion made and question — That the debate be now adjourned (*Mr Cameron*) — put and agreed to.
- Ordered — That the debate be adjourned until later this day.
- 29 **CEMETERIES AND CREMATORIA AMENDMENT BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.
- Business having been interrupted at 10.00 pm under standing orders.*
- 30 **ADJOURNMENT** — The Acting Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.34 pm.

## No 135 — Thursday 3 September 2009

1 The Speaker took the Chair and read the Prayer.

2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

**Youth Allowance — Rural Students** — Requesting that the House rejects the proposed changes to the independence test for the Youth Allowance and calls on the Government to vigorously lobby the Federal Government to ensure tertiary education is accessible for rural students, bearing 38 signatures (*Mr Crisp*)

**Melbourne–Mildura Train Line** — Requesting that the House brings forward the reinstatement of the Melbourne–Mildura passenger train service in view of concerns including global warming, and the need to connect Mildura to both the Melbourne and the national rail networks, bearing 213 signatures (*Mr Crisp*)

**Victorian Patient Transport Assistance Scheme** — Requesting that the House updates and revises the Victorian patient transport assistance scheme regulations to — (a) provide assistance for 50 km one way travel to the most appropriate town centre with medical/dental specialist treatment; (b) increase the current reimbursement and accommodation rates; and (c) allow for the calculation of kilometres travelled to be based on the safest and most appropriate road route, rather than the shortest, bearing 20 signatures (*Mr Crisp*)

**Police Numbers in the Latrobe Valley** — Requesting that the House reverses the decision to reduce police numbers in the Latrobe Valley, bearing 1439 signatures (*Mr Northe*)

**Ambulance Response Time Kinglake Region** — Requesting that the House immediately acts to ensure ambulance response times in the Kinglake region are reduced to within 15 minutes in 85 per cent of cases and also establishes a 24 hour ambulance base in the town of Kinglake, bearing 5861 signatures (*Mr Hardman*).

Petitions ordered to be tabled.

3 **PETITION — YOUTH ALLOWANCE — RURAL STUDENTS** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.

4 **PETITION — MELBOURNE–MILDURA TRAIN LINE** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.

5 **PETITION — VICTORIAN PATIENT TRANSPORT ASSISTANCE SCHEME** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.

6 **PETITION — POLICE NUMBERS IN THE LATROBE VALLEY** — Motion made and question — That the petition presented by the Member for Morwell be taken into consideration tomorrow (*Mr Northe*) — put and agreed to.

7 **DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:

Auditor-General, Office of — Report 2008–09

Statutory Rules under the following Acts:

*Building Act 1993* — SR 91

*Police Regulation Act 1958* — SR 92

*Road Safety Act 1986* — SRs 93, 95

*Subordinate Legislation Act 1994* — Minister's exemption certificate in relation to Statutory Rule 93.

8 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourns until Tuesday 15 September 2009 (*Ms Neville*) — put and agreed to.

9 **STATEMENTS BY MEMBERS** — Statements by members were made.

10 **UPPER YARRA VALLEY AND DANDENONG RANGES REGIONAL STRATEGY PLAN** — Motion made and question — That under s 46D(1)(c) of the *Planning and Environment Act 1987*, Amendment No 118 to the Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan be approved (*Mr Cameron*) — put, after debate, and agreed to.

11 **COURTS LEGISLATION AMENDMENT (SUNSET PROVISIONS) BILL 2009** — Order read for the consideration of the amendments made by the Legislative Council.

After debate, the amendments were agreed to.

Message sent to the Legislative Council informing them accordingly.

12 **LIQUOR CONTROL REFORM AMENDMENT (LICENSING) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 2.00 pm under standing orders.*

13 **QUESTIONS** — (Under SO 55).

14 **LIQUOR CONTROL REFORM AMENDMENT (LICENSING) BILL 2009** — Debate resumed on question — That this Bill be now read a second time.

*Allocation of time — The Speaker advised that the time allocated for consideration of bills under the resolution of the House on Tuesday 1 September 2009 had expired.*

Question — That this Bill be now read a second time — put and agreed to.

Question — That this Bill be now read a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

15 **CEMETERIES AND CREMATORIA AMENDMENT BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time and a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

16 **GAMBLING REGULATION FURTHER AMENDMENT BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time, the Government amendment be agreed to and the Bill be now read a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 17 **JUSTICE LEGISLATION FURTHER AMENDMENT BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time and a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 18 **MAJOR TRANSPORT PROJECTS FACILITATION BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time — put and agreed to.

Bill read a third time with the concurrence of an absolute majority of the whole number of the members of the Legislative Assembly.

Bill sent to the Legislative Council and their agreement requested.

- 19 **ENERGY AND RESOURCES LEGISLATION AMENDMENT BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time and a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 20 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Cameron*) — put and agreed to.

- 21 **ADJOURNMENT** — The Speaker left the Chair, after debate, at 4.43 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JENNY LINDELL  
*Speaker*



## LEGISLATIVE ASSEMBLY OF VICTORIA

### VOTES AND PROCEEDINGS Nos 136, 137 and 138

#### No 136 — Tuesday 15 September 2009

- 1 The House met according to the adjournment — The Speaker took the Chair and read the Prayer.
- 2 **QUESTIONS** — (Under SO 55).
- 3 **LAND (REVOCAION OF RESERVATIONS AND OTHER MATTERS) BILL 2009** — Mr Batchelor obtained leave to bring in 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 the Bill was read a first time and ordered to be read a second time tomorrow.
- 4 **SENTENCING AMENDMENT BILL 2009** — Mr Hulls obtained leave to bring in a Bill '*for an Act to amend the **Sentencing Act 1991** and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 5 **MONASH UNIVERSITY BILL 2009** — Ms Allan obtained leave to bring in 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 the Bill was read a first time and ordered to be read a second time tomorrow.
- 6 **UNIVERSITY OF MELBOURNE BILL 2009** — Ms Allan obtained leave to bring in 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 the Bill was read a first time and ordered to be read a second time tomorrow.
- 7 **DEAKIN UNIVERSITY BILL 2009** — Ms Allan obtained leave to bring in 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 the Bill was read a first time and ordered to be read a second time tomorrow.
- 8 **LA TROBE UNIVERSITY BILL 2009** — Ms Allan obtained leave to bring in 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 the Bill was read a first time and ordered to be read a second time tomorrow.
- 9 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:
  - Youth Allowance — Rural Students** — Requesting that the House rejects the proposed changes to the independence test for the Youth Allowance and calls on the Government to vigorously lobby the Federal Government to ensure tertiary education is accessible for rural students, bearing 23 and 52 signatures (*Dr Sykes and Mr Crisp respectively*)
  - Fire Services Levy** — Requesting that the House investigates and implements a fairer model of funding fire services in Victoria, bearing 160 signatures (*Dr Sykes*)

**Concession Cards for Students** — Requesting that the Government allows all tertiary students, including international and postgraduate students, access to public transport concessions, bearing 2590 signatures (*Mr Hudson*)

**Melbourne–Mildura Train Line** — Requesting that the House brings forward the reinstatement of the Melbourne–Mildura passenger train service in view of concerns including global warming, and the need to connect Mildura to both the Melbourne and the national rail networks, bearing 34 signatures (*Mr Crisp*)

**Victorian Patient Transport Assistance Scheme** — Requesting that the House updates and revises the Victorian patient transport assistance scheme regulations to — (a) provide assistance for 50 km one way travel to the most appropriate town centre with medical/dental specialist treatment; (b) increase the current reimbursement and accommodation rates; and (c) allow for the calculation of kilometres travelled to be based on the safest and most appropriate road route, rather than the shortest, bearing 9 signatures (*Mr Crisp*)

**Arson Sentencing** — Requesting that the House calls upon the Government to implement minimum sentencing for arson, to be enforced without exception and requests that — (a) additional penalties be added to the sentence for houses, sheds and animals lost; (b) murder charges apply to arson resulting in the loss of human life; and (c) the new laws apply from 1 January 2009, bearing 413 signatures (*Mr Northe*)

**Peninsula Link Baxter Interchange** — Requesting that the House immediately initiates all things necessary to ensure the LMA Peninsula Link plans are amended to incorporate a Baxter interchange underpass for Peninsula Link roadway, beneath Baxter-Tooradin Road and Frankston-Flinders Road, instead of a fly overpass bearing 570 signatures (*Mr Pallas*)

**Public and Social Housing in Ringwood** — Requesting the Government postpones the commencement of the social housing development at Larissa Avenue, Ringwood pending a thorough consultation period with the community, bearing 541 signatures (*Mr Smith, Warrantdyte*).

Petitions ordered to be tabled.

- 10 **PETITION — YOUTH ALLOWANCE — RURAL STUDENTS** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.
- 11 **PETITION — FIRE SERVICES LEVY** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.
- 12 **PETITION — CONCESSION CARDS FOR STUDENTS** — Motion made and question — That the petition presented by the Member for Bentleigh be taken into consideration tomorrow (*Mr Hudson*) — put and agreed to.
- 13 **PETITION — PUBLIC AND SOCIAL HOUSING IN RINGWOOD** — Motion made and question — That the petition presented by the Member for Warrantdyte be taken into consideration tomorrow (*Mr Smith, Warrantdyte*) — put and agreed to.
- 14 **PETITION — YOUTH ALLOWANCE — RURAL STUDENTS** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.
- 15 **PETITION — MELBOURNE–MILDURA TRAIN LINE** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.

16 **PETITION — VICTORIAN PATIENT TRANSPORT ASSISTANCE SCHEME** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.

17 **PETITION — ARSON SENTENCING** — Motion made and question — That the petition presented by the Member for Morwell be taken into consideration tomorrow (*Mr Northe*) — put and agreed to.

18 **DOCUMENTS**

**INSPECTOR OF MUNICIPAL ADMINISTRATION — REPORT ON BRIMBANK CITY COUNCIL** — Motion made, by leave, and question — That the Report of the Inspector of Municipal Administration on Brimbank City Council be tabled (*Mr Wynne*) — put and agreed to.

Ordered to be printed.

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — Mr Carli, Chair, presented the Alert Digest No 11 of 2009 from the Scrutiny of Acts and Regulations Committee on the:

Courts Legislation Amendment (Judicial Resolution Conference) Bill 2009

Education and Training Reform Amendment (School Age) Bill 2009

Land Legislation Amendment Bill 2009

Local Government Amendment (Conflicting Duties) Bill 2009

Major Transport Projects Facilitation Bill 2009

Valuation of Land Amendment Bill 2009

Victorian Renewable Energy Amendment Bill 2009

together with appendices.

Ordered to be tabled and printed.

**DOCUMENT TABLED UNDER AN ACT OF PARLIAMENT** — The Clerk tabled the following document in accordance with an Act of Parliament:

*Constitution Act 1975* — Dispute Resolution reached on 10 September 2009 by the Dispute Resolution Committee on the Planning Legislation Amendment Bill 2009.

19 **PLANNING LEGISLATION AMENDMENT BILL 2009** — Motion made, by leave, and question — That the House takes note of the Dispute Resolution reached on 10 September 2009 by the Dispute Resolution Committee on the Planning Legislation Amendment Bill 2009 (*Mr Batchelor*) — put, after debate, and agreed to.

20 **SUSPENSION OF STANDING ORDERS** — Motion made, by leave, and question — That, so much of standing orders be suspended so as to allow:

(1) The immediate introduction and consideration of a further 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.

(2) The second reading to be moved immediately after the bill has been read a first time.

(*Mr Batchelor*) — put and agreed to.

21 **PLANNING LEGISLATION AMENDMENT BILL 2009 (NO. 2)** — Mr Batchelor obtained leave to bring in 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 the Bill was read a first time.

- 22 **PLANNING LEGISLATION AMENDMENT BILL 2009 (NO. 2)** — *Mr Batchelor tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Batchelor*).

Motion made and question — That the debate be now adjourned (*Mr Clark*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 23 **DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:

*Conveyancers Act 2006* — Review of exclusion for sale of businesses under s 189

*Financial Management Act 1994* — Report from the Minister for Agriculture that he had received the Report 2008–09 of the Victorian Broiler Industry Negotiation Committee

*Local Government Act 1989* — Order in Council suspending Councillors at Brimbank City Council and appointing an Administrator

*Planning and Environment Act 1987* — Notices of approval of amendments to the following Planning Schemes:

Ballarat — C117, C133  
 Brimbank — C118  
 Casey — C118, C123  
 East Gippsland — C70  
 Golden Plains — C37, C38  
 Greater Dandenong — C98  
 Greater Shepparton — C129  
 Indigo — C44  
 Knox — C80  
 Melbourne — C145  
 Mitchell — C57  
 Monash — C87  
 Surf Coast — C51  
 Victoria Planning Provisions — VC61  
 Whittlesea — C132  
 Wodonga — C67  
 Wyndham — C68

Statutory Rules under the following Acts:

*Building Act 1993* — SR 105  
*Crimes Act 1958* — SR 102  
*Domestic (Feral and Nuisance) Animals Act 1994* — SR 100  
*Local Government Act 1989* — SR 104  
*Magistrates' Court Act 1989* — SR 101  
*Road Safety Act 1986* — SR 94  
*Supreme Court Act 1986* — SRs 96, 97, 98, 99  
*Wildlife Act 1975* — SR 103

*Subordinate Legislation Act 1994:*

Minister's exception certificates in relation to Statutory Rules 96, 97, 98, 99  
 Ministers' exemption certificates in relation to Statutory Rules 94, 101, 102, 103, 104, 105.

The following proclamations fixing operative dates were tabled by the Clerk in accordance with an order of the House dated 19 December 2006:

*Animals Legislation Amendment (Animal Care) Act 2007* — Remaining provisions — 1 September 2009 (*Gazette S298, 1 September 2009*)

*Justice Legislation Amendment Act 2009* — Part 2 — 3 September 2009 (*Gazette G36, 3 September 2009*).

- 24 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Agreeing to the following bills without amendment:

Local Government Amendment (Conflicting Duties) Bill 2009  
 Racing Legislation Amendment (Racing Integrity Assurance) Bill 2009  
 Water Amendment (Non Water User Limit) Bill 2009.

- 25 **MESSAGES FROM THE GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that he had given the royal assent to the following bills, presented to him by the Clerk of the Parliaments:

On 8 September 2009  
 Courts Legislation Amendment (Judicial Resolution Conference) Bill 2009  
 Courts Legislation Amendment (Sunset Provisions) Bill 2009  
 Racing Legislation Amendment (Racing Integrity Assurance) Bill 2009  
 Local Government Amendment (Conflicting Duties) Bill 2009

On 15 September 2009  
 Water Amendment (Non Water User Limit) Bill 2009.

- 26 **MESSAGES FROM THE GOVERNOR** — Recommending appropriations for the purposes of the following bills:

Land Legislation Amendment Bill 2009  
 Planning Legislation Amendment Bill 2009 (No. 2)  
 Valuation of Land Amendment Bill 2009.

- 27 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, under SO 94(2), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 17 September 2009:

Education and Training Reform Amendment (School Age) Bill 2009  
 Land Legislation Amendment Bill 2009  
 Local Government Amendment (Offences and Other Matters) Bill 2009  
 Personal Property Securities (Commonwealth Powers) Bill 2009  
 Valuation of Land Amendment Bill 2009  
 Victorian Renewable Energy Amendment Bill 2009

(*Mr Batchelor*) — put, after debate, and agreed to.

- 28 **STATEMENTS BY MEMBERS** — Statements by members were made.

- 29 **LOCAL GOVERNMENT AMENDMENT (OFFENCES AND OTHER MATTERS) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Bill read a second time and, by leave, immediately read a third time.

Bill sent to the Legislative Council and their agreement requested.

- 30 **PERSONAL PROPERTY SECURITIES (COMMONWEALTH POWERS) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 10.00 pm under standing orders.*

- 31 **ADJOURNMENT** — The Deputy Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.52 pm.

R W PURDEY  
Clerk of the Legislative Assembly

JENNY LINDELL  
Speaker

## No 137 — Wednesday 16 September 2009

- 1 The Speaker took the Chair and read the Prayer.
- 2 **STATUTE LAW AMENDMENT (EVIDENCE CONSEQUENTIAL PROVISIONS) BILL 2009** — Mr Hulls obtained leave to bring in 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 the Bill was read a first time and ordered to be read a second time tomorrow.
- 3 **CRIMINAL PROCEDURE AMENDMENT (CONSEQUENTIAL AND TRANSITIONAL PROVISIONS) BILL 2009** — Mr Hulls obtained leave to bring in 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 the Bill was read a first time and ordered to be read a second time tomorrow.
- 4 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:
- Upgrade of Health Services for Bass Coast Region** — Requesting that the House asks the Government to support funding for the upgrade of health services in the Bass Coast region, bearing 19 signatures (*Mr Smith, Bass*)
- Housing for Mentally Ill** — Requesting that the House acts immediately to provide long term housing for single people in the Bass Coast region with a chronic mental illness, bearing 470 signatures (*Mr Smith, Bass*)
- Bus Route 289** — Requesting that the House directs that the 289 bus service from Box Hill to Donvale be immediately reinstated, bearing 105 signatures (*Ms Wooldridge*)

**Hastings Police Station** — Requesting that the House directs the Government to immediately return the Hastings Police Station to 24 hour status in the interests of community safety, bearing 1377 signatures (*Mr Burgess*)

**Youth Allowance — Rural Students** — Requesting that the House rejects the proposed changes to the independence test for the Youth Allowance and calls on the Government to vigorously lobby the Federal Government to ensure tertiary education is accessible for rural students, bearing 102 and 53 signatures (*Mr Delahunty and Mr Crisp respectively*)

**Melbourne–Mildura Train Line** — Requesting that the House brings forward the reinstatement of the Melbourne–Mildura passenger train service in view of concerns including global warming, and the need to connect Mildura to both the Melbourne and the national rail networks, bearing 57 signatures (*Mr Crisp*)

**Victorian Patient Transport Assistance Scheme** — Requesting that the House updates and revises the Victorian patient transport assistance scheme regulations to — (a) provide assistance for 50 km one way travel to the most appropriate town centre with medical/dental specialist treatment; (b) increase the current reimbursement and accommodation rates; and (c) allow for the calculation of kilometres travelled to be based on the safest and most appropriate road route, rather than the shortest, bearing 39 signatures (*Mr Crisp*)

**Shepparton to Cobram Passenger Rail Services** — Requesting that the Government takes positive action to reinstate passenger rail services from Shepparton to Cobram as a matter of urgency, bearing 2528 signatures (*Mr Jasper*)

**MICA Paramedic Service** — Requesting that the Minister for Health addresses the proposed loss of the MICA paramedic service as a matter of urgency, bearing 1147 signatures (*Mr Dixon*).

Petitions ordered to be tabled.

- 5 **PETITION — UPGRADE OF HEALTH SERVICES FOR BASS COAST REGION** — Motion made and question — That the petition presented by the Member for Bass be taken into consideration tomorrow (*Mr Smith, Bass*) — put and agreed to.
- 6 **PETITION — HOUSING FOR MENTALLY ILL** — Motion made and question — That the petition presented by the Member for Bass be taken into consideration tomorrow (*Mr Smith, Bass*) — put and agreed to.
- 7 **PETITION — MICA PARAMEDIC SERVICE** — Motion made and question — That the petition presented by the Member for Nepean be taken into consideration tomorrow (*Mr Dixon*) — put and agreed to.
- 8 **PETITION — BUS ROUTE 289** — Motion made and question — That the petition presented by the Member for Doncaster be taken into consideration tomorrow (*Ms Wooldridge*) — put and agreed to.
- 9 **PETITION — YOUTH ALLOWANCE — RURAL STUDENTS** — Motion made and question — That the petition presented by the Member for Lowan be taken into consideration tomorrow (*Mr Delahunty*) — put and agreed to.
- 10 **PETITION — HASTINGS POLICE STATION** — Motion made and question — That the petition presented by the Member for Hastings be taken into consideration tomorrow (*Mr Burgess*) — put and agreed to.
- 11 **PETITION — YOUTH ALLOWANCE — RURAL STUDENTS** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.

12 **PETITION — MELBOURNE–MILDURA TRAIN LINE** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.

13 **PETITION — VICTORIAN PATIENT TRANSPORT ASSISTANCE SCHEME** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.

14 **PETITION — SHEPPARTON TO COBRAM PASSENGER RAIL SERVICES** — Motion made and question — That the petition presented by the Member for Murray Valley be taken into consideration tomorrow (*Mr Jasper*) — put and agreed to.

15 **DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:

*Interpretation of Legislation Act 1984* — Notice under s 32(3)(a)(iii) in relation to Statutory Rule 88 (*Gazette G37, 10 September 2009*)

Ombudsman, Office of — Report 2008–09 — Ordered to be printed.

16 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Justice Legislation Further Amendment Bill 2009 without amendment.

17 **STATEMENTS BY MEMBERS** — Statements by members were made.

18 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE — SOCIAL HOUSING** — The House was informed that Mr Languiller had proposed that a definite matter of public importance be submitted to the House for discussion, namely —

'That this House congratulates the Brumby Labor Government for its continued investment in social housing that creates jobs and homes for Victorian families and condemns the Liberal and National Parties for their continued opposition to social housing in Victoria.'

Mr Languiller addressed the House — Discussion followed.

19 **STATEMENTS ON PARLIAMENTARY COMMITTEE REPORTS** — Statements were made on the following Committee Reports:

Environment and Natural Resources Committee's Report on the Inquiry into Melbourne's Future Water Supply

Public Accounts and Estimates Committee's Report on the 2009–10 Budget Estimates Part One, Volumes One and Two

Drugs and Crime Prevention Committee's Report on the Inquiry into Strategies to prevent High Volume Offending and Recidivism by Young People

Education and Training Committee's Report on the Inquiry into Geographical Differences in the Rate in which Victorian Students Participate in Higher Education

Electoral Matters Committee's Report on the Inquiry into Voter Participation and Informal Voting

Economic Development and Infrastructure Committee's Report on the Inquiry into Improving Access to Victorian Public Sector Information and Data.

- 20 **PLANNING LEGISLATION AMENDMENT BILL 2009 (NO. 2)** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 2.00 pm under standing orders.*

- 21 **QUESTIONS** — (Under SO 55).

- 22 **PLANNING LEGISLATION AMENDMENT BILL 2009 (NO. 2)** — Debate continued on question — That this Bill be now read a second time.

Question — put.

A division having been called, the Speaker advised that there was only one vote for the 'noes' and, accordingly, declared the question agreed to. Mr Ingram asked that his dissent be recorded.

By leave, Bill immediately read a third time.

Bill sent to the Legislative Council and their agreement requested.

- 23 **VICTORIAN RENEWABLE ENERGY AMENDMENT BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Bill read a second time and, by leave, immediately read a third time.

Bill sent to the Legislative Council and their agreement requested.

- 24 **VALUATION OF LAND AMENDMENT BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Bill read a second time and, by leave, immediately read a third time.

Bill sent to the Legislative Council and their agreement requested.

- 25 **LAND LEGISLATION AMENDMENT BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 10.00 pm under standing orders.*

- 26 **ADJOURNMENT** — The Acting Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.31 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JENNY LINDELL  
*Speaker*

## No 138 — Thursday 17 September 2009

- 1 The Speaker took the Chair and read the Prayer.

- 2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

**Fire Services Funding** — Requesting that the House investigates and implements a fairer model of funding fire services in Victoria as is the case in other states of Australia, bearing 108 signatures (*Dr Sykes*)

**Victorian Patient Transport Assistance Scheme** — Requesting that the House updates and revises the Victorian patient transport assistance scheme regulations to — (a) provide assistance for 50 km one way travel to the most appropriate town centre with medical/dental specialist treatment; (b) increase the current reimbursement and accommodation rates; and (c) allow for the calculation of kilometres travelled to be based on the safest and most appropriate road route, rather than the shortest, bearing 78 and 18 signatures (*Mr Delahunty and Mr Crisp respectively*)

**Youth Allowance — Rural Students** — Requesting that the House rejects the proposed changes to the independence test for the Youth Allowance and calls on the Government to vigorously lobby the Federal Government to ensure tertiary education is accessible for rural students, bearing 55 signatures (*Mr Crisp*)

**Melbourne–Mildura Train Line** — Requesting that the House brings forward the reinstatement of the Melbourne–Mildura passenger train service in view of concerns including global warming, and the need to connect Mildura to both the Melbourne and the national rail networks, bearing 67 signatures (*Mr Crisp*)

**Refuse Transfer Station** — Requesting that the House takes appropriate action to defeat permit application number PLN 08/0410 made to the City of Greater Dandenong to construct a refuse transfer station in Springvale, bearing 65 signatures (*Ms Munt*)

**Youth Allowance and Living Away From Home Allowance** — Requesting that the House rejects the proposed changes to the independence tests for the Youth Allowance and the Living Away From Home Allowance and calls on the Government to vigorously lobby the Federal Government to ensure tertiary education is accessible for rural students, bearing 131 signatures (*Mr Jasper*).

Petitions ordered to be tabled.

- 3 **PETITION — YOUTH ALLOWANCE AND LIVING AWAY FROM HOME ALLOWANCE** — Motion made and question — That the petition presented by the Member for Murray Valley be taken into consideration tomorrow (*Mr Jasper*) — put and agreed to.
- 4 **PETITION — REFUSE TRANSFER STATION** — Motion made and question — That the petition presented by the Member for Mordialloc be taken into consideration tomorrow (*Ms Munt*) — put and agreed to.
- 5 **PETITION — VICTORIAN PATIENT TRANSPORT ASSISTANCE SCHEME** — Motion made and question — That the petition presented by the Member for Lowan be taken into consideration tomorrow (*Mr Delahunty*) — put and agreed to.
- 6 **PETITION — FIRE SERVICES FUNDING** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.
- 7 **PETITION — VICTORIAN PATIENT TRANSPORT ASSISTANCE SCHEME** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Delahunty*) — put and agreed to.
- 8 **PETITION — YOUTH ALLOWANCE — RURAL STUDENTS** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Delahunty*) — put and agreed to.

- 9 **PETITION — MELBOURNE–MILDURA TRAIN LINE** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Delahunty*) — put and agreed to.

10 **DOCUMENTS**

**PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE** — Motion made, by leave, and question — That the Report 2008–09 of the Public Accounts and Estimates Committee be tabled (*Mr Stensholt*) — put and agreed to.

Ordered to be printed.

**PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE** — Mr Stensholt, Chair, 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, together with appendices and transcripts of evidence.

Ordered to be tabled and the report and appendices printed.

**DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:

*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 — Ordered to be printed

Workplace Rights Advocate, Office of — Report 1 July 2008 to 10 June 2009.

- 11 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourns until Tuesday 13 October 2009 (*Ms Neville*) — put and agreed to.

- 12 **STATEMENTS BY MEMBERS** — Statements by members were made.

- 13 **LAND LEGISLATION AMENDMENT BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Bill read a second time and, by leave, immediately read a third time.

Bill sent to the Legislative Council and their agreement requested.

- 14 **EDUCATION AND TRAINING REFORM AMENDMENT (SCHOOL AGE) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 2.00 pm under standing orders.*

- 15 **QUESTIONS** — (Under SO 55).

- 16 **EDUCATION AND TRAINING REFORM AMENDMENT (SCHOOL AGE) BILL 2009** — Debate continued on question — That this Bill be now read a second time.

Bill read a second time and, by leave, immediately read a third time.

Bill sent to the Legislative Council and their agreement requested.

- 17 **PERSONAL PROPERTY SECURITIES (COMMONWEALTH POWERS) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.
- Bill read a second time and, by leave, immediately read a third time.
- Bill sent to the Legislative Council and their agreement requested.
- 18 **LAND (REVOCATION OF RESERVATIONS AND OTHER MATTERS) BILL 2009** — *Mr Batchelor tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*
- Motion made and question proposed — That this Bill be now read a second time (*Mr Batchelor*).
- Motion made and question — That the debate be now adjourned (*Ms Asher*) — put and agreed to.
- Ordered — That the debate be adjourned until Thursday 1 October 2009.
- 19 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 5 to 8 inclusive, be postponed until later this day.
- 20 **UNIVERSITY OF MELBOURNE BILL 2009** — *Ms Allan tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*
- Motion made and question proposed — That this Bill be now read a second time (*Ms Allan*).
- Motion made and question — That the debate be now adjourned (*Mr Dixon*) — put and agreed to.
- Ordered — That the debate be adjourned until Thursday 1 October 2009.
- 21 **MONASH UNIVERSITY BILL 2009** — *Ms Allan tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*
- Motion made and question proposed — That this Bill be now read a second time (*Ms Allan*).
- Motion made and question — That the debate be now adjourned (*Mr Dixon*) — put and agreed to.
- Ordered — That the debate be adjourned until Thursday 1 October 2009.
- 22 **LA TROBE UNIVERSITY BILL 2009** — *Ms Allan tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*
- Motion made and question proposed — That this Bill be now read a second time (*Ms Allan*).
- Motion made and question — That the debate be now adjourned (*Mr Dixon*) — put and agreed to.
- Ordered — That the debate be adjourned until Thursday 1 October 2009.
- 23 **DEAKIN UNIVERSITY BILL 2009** — *Ms Allan tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*
- Motion made and question proposed — That this Bill be now read a second time (*Ms Allan*).
- Motion made and question — That the debate be now adjourned (*Mr Dixon*) — put and agreed to.
- Ordered — That the debate be adjourned until Thursday 1 October 2009.

- 24 **SENTENCING AMENDMENT BILL 2009** — *Mr Hulls tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*
- Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).
- Motion made and question — That the debate be now adjourned (*Mr Clark*) — put and agreed to.
- Ordered — That the debate be adjourned until Thursday 1 October 2009.
- 25 **STATUTE LAW AMENDMENT (EVIDENCE CONSEQUENTIAL PROVISIONS) BILL 2009** — *Mr Hulls tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*
- Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).
- Motion made and question — That the debate be now adjourned (*Mr Clark*) — put and agreed to.
- Ordered — That the debate be adjourned until Thursday 1 October 2009.
- 26 **CRIMINAL PROCEDURE AMENDMENT (CONSEQUENTIAL AND TRANSITIONAL PROVISIONS) BILL 2009** — *Mr Hulls tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*
- Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).
- Mr Hulls made the statement of intention required by s 85(5)(c) of the Constitution Act 1975.*
- Motion made and question — That the debate be now adjourned (*Mr Clark*) — put and agreed to.
- Ordered — That the debate be adjourned until Thursday 1 October 2009.
- 27 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Wynne*) — put and agreed to.
- 28 **ADJOURNMENT** — The Speaker left the Chair, after debate, at 5.23 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JENNY LINDELL  
*Speaker*



## LEGISLATIVE ASSEMBLY OF VICTORIA

### VOTES AND PROCEEDINGS Nos 139, 140, 141 and 142

#### No 139 — Tuesday 13 October 2009

- 1 The House met according to the adjournment — The Speaker took the Chair and read the Prayer.
- 2 **SUSPENSION OF STANDING ORDERS** — Motion made, by leave, and question — That so much of standing orders be suspended immediately so as to allow:
  - (1) Precedence to be given to a motion of condolence to the people affected by the recent natural disasters in the South Pacific, Indonesia and Asia
  - (2) The debate to be no longer than one hour and the time limit for each member to be 10 minutes

*(Mr Batchelor)* — put and agreed to.

- 3 **NATURAL DISASTERS IN THE SOUTH PACIFIC, INDONESIA AND ASIA** — Motion made and question — That the following resolution be agreed to by this House —

We, the Legislative Assembly of Victoria, offer our deepest and sincere condolences to the families of the victims of the recent natural disasters in the South Pacific, Indonesia and Asia and the survivors of these disasters and join with the people of Victoria in expressing our sympathy to those affected

*(Mr Brumby)* — put, after members had addressed the House in support of the motion and, members rising in their places to signify their assent, agreed to unanimously.

*[The Speaker having left the Chair at 2.56 pm, resumed it at 3.01 pm]*

- 4 **DEATH OF THE HONOURABLE BRIAN WILLIAM MIER** — Motion made and question — That this House expresses its sincere sorrow at the death 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 Member of the Legislative Council for the Electoral Province of Waverley from 1982 to 1996 and Minister for Prices, Minister for Aboriginal Affairs and Minister for Consumer Affairs from 1990 to 1991 *(Mr Brumby)* — put, after members had addressed the House in support of the motion and, members rising in their places to signify their assent, agreed to unanimously.
- 5 **ADJOURNMENT** — Motion made and question — That, as a further mark of respect to the memory of the late Honourable Brian William Mier, the House now adjourns until 5.00 pm today *(Mr Brumby)* — put and agreed to.

And the House, at 3.57 pm adjourned until 5.00 pm today.

R W PURDEY  
*Clerk of the Legislative Assembly*

JENNY LINDELL  
*Speaker*

## No 140 — Tuesday 13 October 2009 (5.00 PM)

1 The House met according to the adjournment — The Speaker took the Chair.

2 **QUESTIONS** — (Under SO 55).

3 **ACTING OMBUDSMAN** — The Speaker advised that, on 29 September 2009, the Acting Speaker administered to John Taylor, the Acting Ombudsman, the oath required by s 10 of the *Ombudsman Act 1973*.

4 **FAIR WORK (COMMONWEALTH POWERS) AMENDMENT BILL 2009** — Mr Hulls obtained leave to bring in 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 the Bill was read a first time and ordered to be read a second time tomorrow.

5 **ELECTRICITY INDUSTRY AMENDMENT (CRITICAL INFRASTRUCTURE) BILL 2009** — Mr Batchelor obtained leave to bring in 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 the Bill was read a first time and ordered to be read a second time tomorrow.

6 **JUSTICE LEGISLATION MISCELLANEOUS AMENDMENTS BILL 2009** — Mr Batchelor, on behalf of Mr Cameron, obtained leave to bring in 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, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.

7 **STATE TAXATION ACTS FURTHER AMENDMENT BILL 2009** — Mr Holding obtained leave to bring in 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 the Bill was read a first time and ordered to be read a second time tomorrow.

8 **LOCAL GOVERNMENT (BRIMBANK CITY COUNCIL) BILL 2009** — Mr Wynne obtained leave to bring in 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 the Bill was read a first time and under SO 61(2) ordered to be read a second time immediately.

9 **LOCAL GOVERNMENT (BRIMBANK CITY COUNCIL) BILL 2009** — Mr Wynne tabled a statement of compatibility in accordance with the *Charter of Human Rights and Responsibilities Act 2006*.

Motion made and question proposed — That this Bill be now read a second time (*Mr Wynne*).

Motion made and question — That the debate be now adjourned (*Mrs Powell*) — put and agreed to.

Ordered — That the debate be adjourned until tomorrow.

10 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

**Liquor Licence Fees** — Requesting that the Government recognises the damage across-the-board increases to liquor licences will cause, particularly in many country communities, and reviews the

proposed legislation as a matter of urgency, bearing 1308, 380 and 135 signatures (*Dr Sykes, Mr Delahunty and Mr Weller respectively*)

**Youth Allowance — Rural Students** — Requesting that the House rejects the proposed changes to the independence test for the Youth Allowance and calls on the Government to vigorously lobby the Federal Government to ensure tertiary education is accessible for rural students, bearing 77 signatures (*Dr Sykes*)

**Road Access in Melton Area** — Requesting that the House takes immediate action to review road developments in the Melton area, particularly — (a) the inclusion of a Melbourne-bound ramp at Hopetoun Road; (b) assessment of the fire risk to the Hopetoun Park estate if local access is not included in Western Highway redevelopment; and (c) community consultation regarding the Bulmans/Clarke Road interchange, bearing 712 signatures (*Mr Nardella*)

**Melbourne–Mildura Train Line** — Requesting that the House brings forward the reinstatement of the Melbourne–Mildura passenger train service in view of concerns including global warming, and the need to connect Mildura to both the Melbourne and the national rail networks, bearing 52 signatures (*Mr Crisp*)

**Amendment C58 to Mildura Planning Scheme** — Requesting that the House calls on the Minister for Planning to withdraw Amendment C58 to the Mildura Planning Scheme, bearing 22 signatures (*Mr Crisp*)

**Traralgon V/Line Services** — Requesting that the House retains all current Traralgon V/Line services to Southern Cross station, bearing 46 signatures (*Mr Northe*)

**Shepparton to Cobram Passenger Rail Services** — Requesting that the Government takes positive action to reinstate passenger rail services from Shepparton to Cobram as a matter of urgency, bearing 46 signatures (*Mr Jasper*)

**Natural Gas Extension Program** — Requesting that the Government commits to a further round of funding through the Natural Gas Extension program to subsidise natural gas reticulation to Heathcote, bearing 716 signatures (*Mr Weller*)

**Skydiving at Barwon Heads Airport** — Requesting that the House seeks a commitment from the owners of the Barwon Heads Airport that they will not support any moves that would lead to skydiving at the airport in the future, bearing 92 signatures (*Mr Crutchfield*)

**Show Day Holiday** — Requesting that the House amends legislation and allows local councils the flexibility to allocate Show Day holidays to individual communities, bearing 120 signatures (*Mr Walsh*)

**Public and Social Housing in Ringwood** — Requesting the Government postpones the commencement of the social housing development at Larissa Avenue, Ringwood pending a thorough consultation period with the community, bearing 114 signatures (*Mr Smith, Warrandyte*).

Petitions ordered to be tabled.

- 11 **PETITION — LIQUOR LICENCE FEES** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.
- 12 **PETITION — YOUTH ALLOWANCE — RURAL STUDENTS** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.

- 13 **PETITION — ROAD ACCESS IN MELTON AREA** — Motion made and question — That the petition presented by the Member for Melton be taken into consideration tomorrow (*Mr Nardella*) — put and agreed to.
- 14 **PETITION — SHOW DAY HOLIDAY** — Motion made and question — That the petition presented by the Member for Swan Hill be taken into consideration tomorrow (*Mr Walsh*) — put and agreed to.
- 15 **PETITION — PUBLIC AND SOCIAL HOUSING IN RINGWOOD** — Motion made and question — That the petition presented by the Member for Warrandyte be taken into consideration tomorrow (*Mr Smith, Warrandyte*) — put and agreed to.
- 16 **PETITION — SKYDIVING AT BARWON HEADS AIRPORT** — Motion made and question — That the petition presented by the Member for South Barwon be taken into consideration tomorrow (*Mr Crutchfield*) — put and agreed to.
- 17 **PETITION — LIQUOR LICENCE FEES** — Motion made and question — That the petition presented by the Member for Lowan be taken into consideration tomorrow (*Mr Delahunty*) — put and agreed to.
- 18 **PETITION — LIQUOR LICENCE FEES** — Motion made and question — That the petition presented by the Member for Rodney be taken into consideration tomorrow (*Mr Weller*) — put and agreed to.
- 19 **PETITION — NATURAL GAS EXTENSION PROGRAM** — Motion made and question — That the petition presented by the Member for Rodney be taken into consideration tomorrow (*Mr Weller*) — put and agreed to.
- 20 **PETITION — TRARALGON V/LINE SERVICES** — Motion made and question — That the petition presented by the Member for Morwell be taken into consideration tomorrow (*Mr Northe*) — put and agreed to.
- 21 **PETITION — MELBOURNE–MILDURA TRAIN LINE** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.
- 22 **PETITION — AMENDMENT C58 TO MILDURA PLANNING SCHEME** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.

23 **DOCUMENTS**

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — Mr Carli, Chair, presented the Alert Digest No 12 of 2009 from the Scrutiny of Acts and Regulations Committee on the:

Criminal Procedure Amendment (Consequential and Transitional Provisions) Bill 2009  
 Deakin University Bill 2009  
 Fair Work (Commonwealth Powers) Bill 2009  
 La Trobe University Bill 2009  
 Land (Revocation of Reservations and Other Matters) Bill 2009  
 Monash University Bill 2009  
 Planning Legislation Amendment Bill 2009 (No. 2)  
 Sentencing Amendment Bill 2009  
 Statute Law Amendment (Evidence Consequential Provisions) Bill 2009  
 Local Government Amendment (Offences and Other Matters) Bill 2009  
 Personal Property Securities (Commonwealth Powers) Bill 2009  
 Road Legislation Amendment Bill 2009

Superannuation Legislation Amendment Bill 2009  
University of Melbourne Bill 2009

together with appendices.

Ordered to be tabled and printed.

**DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:

*Crown Land (Reserves) Act 1978* — Order under s 17D granting a lease over Shepparton Public Garden Reserve

*Duties Act 2000* — Reports 2008–09 of exemptions and refunds under ss 250B and 250DD (two documents)

*Estate Agents Act 1980* — Notice of approval under s 10C (*Gazette G38, 17 September 2009*)

*Gambling Regulation Act 2003* — Amendment to Category 2 Public Lottery Licence

*Planning and Environment Act 1987* — Notices of approval of amendments to the following Planning Schemes:

Ballarat — C123  
Banyule — C61  
Bass Coast — C95  
Boroondara — C64, C104  
Brimbank — C110  
Cardinia — C123, C136  
East Gippsland — C72, C77  
Glen Eira — C72  
Glenelg — C51  
Greater Bendigo — C114  
Hobsons Bay — C66  
Knox — C76, C100  
Mansfield — C14, C17  
Maribyrnong — C80, C81  
Mildura — C59  
Mitchell — C68  
Monash — C65  
Mornington Peninsula — C84, C95  
Mount Alexander — C23  
Moyne — C39  
Murrindindi — C22  
Nillumbik — C61  
Surf Coast — C43 Part 2  
Victoria Planning Provisions — VC59, VC60  
Warrnambool — C55  
Whitehorse — C92  
Whittlesea — C117  
Wyndham — C129  
Yarra — C119  
Yarra Ranges — C82, C91

Public Record Office Victoria — Report 2008–09

Statutory Rules under the following Acts:

*Associations Incorporation Act 1981* — SR 113  
*Coroners Act 2008* — SR 109  
*Gambling Regulation Act 2003* — SRs 108, 114  
*Guardianship and Administration Act 1986* — SR 107  
*Infringements Act 2006* — SR 106  
*Magistrates' Court Act 1989* — SR 110  
*Road Safety Act 1986* — SRs 115, 116  
*Sheriff Act 2009* — SR 112  
*Supreme Court Act 1986* — SRs 109, 111

*Subordinate Legislation Act 1994*:

Minister's exception certificate in relation to Statutory Rule 109  
 Ministers' exemption certificates in relation to Statutory Rules 106, 110, 111, 113, 114, 115, 116

*Surveillance Devices Act 1999*:

Report 2008–09 under s 30L  
 Report of the Special Investigations Monitor under s 30Q.

The following proclamations fixing operative dates were tabled by the Clerk in accordance with an order of the House dated 19 December 2006:

*Courts Legislation Amendment (Judicial Resolution Conference) Act 2009* — Whole Act — 15 September 2009 (*Gazette S319, 16 September 2009*)  
*Road Legislation Amendment Act 2009* — Section 10 — 1 October 2009 (*Gazette S332, 22 September 2009*)  
*Sheriff Act 2009* — Whole Act — 1 October 2009 (*Gazette G40, 1 October 2009*).

24 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Major Transport Projects Facilitation Bill 2009 without amendment.

25 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Cemeteries and Crematoria Amendment Bill 2009 with an amendment.

Ordered — That the amendment be taken into consideration tomorrow.

26 **MESSAGE FROM THE GOVERNOR — ASSENT TO BILL** — Informing the Legislative Assembly that he had, on 22 September 2009, given the royal assent to the Justice Legislation Further Amendment Bill 2009, presented to him by the Clerk of the Legislative Council for and in the absence of the Clerk of the Parliaments.

27 **MESSAGE FROM THE LIEUTENANT-GOVERNOR — ASSENT TO BILL** — Informing the Legislative Assembly that she had, on 29 September 2009, given the royal assent to the Major Transport Projects Facilitation Bill 2009, presented to her by the Deputy Clerk of the Legislative Assembly for and in the absence of the Clerk of the Parliaments.

28 **MESSAGES FROM THE GOVERNOR** — Recommending appropriations for the purposes of the following bills:

Criminal Procedure Amendment (Consequential and Transitional Provisions) Bill 2009  
 Deakin University Bill 2009  
 La Trobe University Bill 2009  
 Land (Revocation of Reservations and Other Matters) Bill 2009

Monash University Bill 2009  
 Statute Law Amendment (Evidence Consequential Provisions) Bill 2009  
 University of Melbourne Bill 2009.

- 29 **CONCURRENT DEBATE — UNIVERSITY OF MELBOURNE BILL 2009, MONASH UNIVERSITY BILL 2009, LA TROBE UNIVERSITY BILL 2009 AND DEAKIN UNIVERSITY BILL 2009** — Motion made, by leave, and question — That this House authorises and requires the Speaker to permit the second reading and subsequent stages of the University of Melbourne Bill 2009, the Monash University Bill 2009, the La Trobe University Bill 2009 and the Deakin University Bill 2009 to be moved and debated concurrently (*Mr Batchelor*) — put and agreed to.

- 30 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, under SO 94(2), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 15 October 2009:

Criminal Procedure Amendment (Consequential and Transitional Provisions) Bill 2009  
 Deakin University Bill 2009  
 La Trobe University Bill 2009  
 Land (Revocation of Reservations and Other Matters) Bill 2009  
 Monash University Bill 2009  
 Sentencing Amendment Bill 2009  
 Statute Law Amendment (Evidence Consequential Provisions) Bill 2009  
 University of Melbourne Bill 2009

(*Mr Batchelor*) — put, after debate, and agreed to.

- 31 **STATEMENTS BY MEMBERS** — Statements by members were made.
- 32 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Gambling Regulation Further Amendment Bill 2009 without amendment.
- 33 **LAND (REVOCAION OF RESERVATIONS AND OTHER MATTERS) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 10.00 pm under standing orders.*

- 34 **ADJOURNMENT** — The Acting Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.34 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JENNY LINDELL  
*Speaker*

## No 141 — Wednesday 14 October 2009

- 1 The Speaker took the Chair and read the Prayer.
- 2 **PARKS AND CROWN LAND LEGISLATION AMENDMENT (RIVER RED GUMS) BILL 2009** — Mr Batchelor obtained leave to bring in 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 the Bill was read a first time and ordered to be read a second time tomorrow.

- 3 **HEALTH PRACTITIONER REGULATION NATIONAL LAW (VICTORIA) BILL 2009** — Mr Andrews obtained leave to bring in 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 the Bill was read a first time and ordered to be read a second time tomorrow.

- 4 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

**Liquor Licence Fees** — Requesting that the Government recognises the damage across-the-board increases to liquor licences will cause, particularly in many country communities, and reviews the proposed legislation as a matter of urgency, bearing 153 and 462 signatures (*Dr Sykes and Mr Jasper respectively*)

**Bus Route 289** — Requesting that the House directs that the 289 bus service from Box Hill to Donvale be immediately reinstated, bearing 12 signatures (*Ms Wooldridge*)

**Social Housing in Ferntree Gully** — Requesting that the House postpones the proposed social housing development at the former Ferntree Gully Primary School site pending a thorough consultation period with the community, bearing 826 signatures (*Mr Wakeling*)

**Croydon South Primary School Site** — Requesting that the Government turns the disused Croydon South Primary School site into public parkland and open space and allows the buildings to be used by community groups, bearing 554 signatures (*Mr Hodgett*)

**Melbourne–Mildura Train Line** — Requesting that the House brings forward the reinstatement of the Melbourne–Mildura passenger train service in view of concerns including global warming, and the need to connect Mildura to both the Melbourne and the national rail networks, bearing 78 signatures (*Mr Crisp*)

**Victorian Patient Transport Assistance Scheme** — Requesting that the House updates and revises the Victorian patient transport assistance scheme regulations to — (a) provide assistance for 50 km one way travel to the most appropriate town centre with medical/dental specialist treatment; (b) increase the current reimbursement and accommodation rates; and (c) allow for the calculation of kilometres travelled to be based on the safest and most appropriate road route, rather than the shortest, bearing 42 signatures (*Mr Crisp*)

**Youth Allowance — Rural Students** — Requesting that the House rejects the proposed changes to the independence test for the Youth Allowance and calls on the Government to vigorously lobby the Federal Government to ensure tertiary education is accessible for rural students, bearing 65 signatures (*Mr Crisp*)

**Train Service Needs for Mildura** — Requesting that the House reinstates the Melbourne to Mildura passenger train service to cater for the aged, disabled and financially disadvantaged, bearing 112 signatures (*Mr Crisp*).

Petitions ordered to be tabled.

- 5 **PETITION — BUS ROUTE 289** — Motion made and question — That the petition presented by the Member for Doncaster be taken into consideration tomorrow (*Ms Wooldridge*) — put and agreed to.
- 6 **PETITION — MELBOURNE–MILDURA TRAIN LINE** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.

- 7 **PETITION — VICTORIAN PATIENT TRANSPORT ASSISTANCE SCHEME** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.
- 8 **PETITION — YOUTH ALLOWANCE — RURAL STUDENTS** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.
- 9 **PETITION — TRAIN SERVICE NEEDS FOR MILDURA** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.
- 10 **PETITION — LIQUOR LICENCE FEES** — Motion made and question — That the petition presented by the Member for Murray Valley be taken into consideration tomorrow (*Mr Jasper*) — put and agreed to.
- 11 **PETITION — SOCIAL HOUSING IN FERNTREE GULLY** — Motion made and question — That the petition presented by the Member for Ferntree Gully be taken into consideration tomorrow (*Mr Wakeling*) — put and agreed to.
- 12 **PETITION — LIQUOR LICENCE FEES** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.
- 13 **PETITION — CROYDON SOUTH PRIMARY SCHOOL SITE** — Motion made and question — That the petition presented by the Member for Kilsyth be taken into consideration tomorrow (*Mr Hodggett*) — put and agreed to.

14 **DOCUMENTS**

**PARLIAMENTARY DEPARTMENTS REPORTS** — Motion made, by leave, and question — That the Reports 2008–09 of the Department of the Legislative Assembly and the Department of Parliamentary Services be tabled (*Ms Barker*) — put and agreed to.

**DOCUMENT TABLED UNDER AN ACT OF PARLIAMENT** — The Clerk tabled the following document in accordance with an Act of Parliament:

*Financial Management Act 1994* — Financial Report for the State of Victoria 2008–09, incorporating the Quarterly Financial Report No 4 — Ordered to be printed.

- 15 **STATEMENTS BY MEMBERS** — Statements by members were made.
- 16 **GRIEVANCES** — Question — That grievances be noted — put, after debate, and agreed to.
- 17 **STATEMENTS ON PARLIAMENTARY COMMITTEE REPORTS** — Statements were made on the following Committee Reports:

Public Accounts and Estimates Committee's Report on the 2009–10 Budget Estimates Part One, Volumes One and Two

Road Safety Committee's Report on the Inquiry into Improving Safety at Level Crossings

Environment and Natural Resources Committee's Report on the Impact of Public Land Management Practices on Bushfires in Victoria

Electoral Matters Committee's Report on the Inquiry into Voter Participation and Informal Voting

Environment and Natural Resources Committee's Report on the Inquiry into Melbourne's Future Water Supply

Public Accounts and Estimates Committee's Report 2008–09.

*Business having been interrupted at 2.00 pm under standing orders.*

18 **QUESTIONS** — (Under SO 55).

19 **LOCAL GOVERNMENT (BRIMBANK CITY COUNCIL) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Bill read a second time and, by leave, immediately read a third time.

Bill sent to the Legislative Council and their agreement requested.

20 **SENTENCING AMENDMENT BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Mr Noonan*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

21 **UNIVERSITY OF MELBOURNE BILL 2009, MONASH UNIVERSITY BILL 2009, LA TROBE UNIVERSITY BILL 2009 AND DEAKIN UNIVERSITY BILL 2009** — Order read for resuming debate on question — That these Bills be now read a second time.

Under standing orders, Ms Allan announced an amendment to be proposed when the House considers the **La Trobe University Bill 2009** in detail and requested that it be circulated. Amendment circulated.

Debate resumed on question — That these Bills be now read a second time.

*Business having been interrupted at 10.00 pm under standing orders.*

22 **ADJOURNMENT** — The Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.34 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JENNY LINDELL  
*Speaker*

## No 142 — Thursday 15 October 2009

1 The Speaker took the Chair and read the Prayer.

2 **PARKS AND CROWN LAND LEGISLATION AMENDMENT (EAST GIPPSLAND) BILL 2009** — Mr Batchelor obtained leave to bring in 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, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.

3 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

**Housing for Mentally Ill** — Requesting that the House acts immediately to provide long term housing for single people in the Bass Coast region with a chronic mental illness, bearing 206 signatures (*Mr Smith, Bass*)

**Equal Opportunity Act 1995 Exemptions and Exceptions** — Requesting that the House ensures that Victorians continue to enjoy the freedom of choice, particularly in relation to education, that the exemptions and exceptions in the *Equal Opportunity Act 1995* currently provide for, bearing 28 signatures (*Mr Clark*)

**Changes to Equal Opportunity Act 1995** — Requesting that the Government abandons 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, bearing 65 signatures (*Ms Wooldridge*)

**Train Service Needs for Mildura** — Requesting that the House reinstates the Melbourne to Mildura passenger train service to cater for the aged, disabled and financially disadvantaged, bearing 79 signatures (*Mr Crisp*)

**Fire Services Funding** — Requesting that the House investigates and implements a fairer model of funding fire services in Victoria as is the case in other states of Australia, bearing 27 signatures (*Mr Crisp*)

**Victorian Patient Transport Assistance Scheme** — Requesting that the House updates and revises the Victorian patient transport assistance scheme regulations to — (a) provide assistance for 50 km one way travel to the most appropriate town centre with medical/dental specialist treatment; (b) increase the current reimbursement and accommodation rates; and (c) allow for the calculation of kilometres travelled to be based on the safest and most appropriate road route, rather than the shortest, bearing 19 signatures (*Mr Crisp*)

**Youth Allowance — Rural Students** — Requesting that the House rejects the proposed changes to the independence test for the Youth Allowance and calls on the Government to vigorously lobby the Federal Government to ensure tertiary education is accessible for rural students, bearing 69 and 34 signatures (*Mr Crisp and Mrs Powell respectively*)

**Shepparton to Cobram Passenger Rail Services** — Requesting that the Government takes positive action to reinstate passenger rail services from Shepparton to Cobram as a matter of urgency, bearing 153 signatures (*Mr Jasper*).

Petitions ordered to be tabled.

4 **PETITION — CHANGES TO EQUAL OPPORTUNITY ACT 1995** — Motion made and question — That the petition presented by the Member for Doncaster be taken into consideration tomorrow (*Ms Wooldridge*) — put and agreed to.

5 **PETITION — YOUTH ALLOWANCE — RURAL STUDENTS** — Motion made and question — That the petition presented by the Member for Shepparton be taken into consideration tomorrow (*Mrs Powell*) — put and agreed to.

6 **PETITION — HOUSING FOR MENTALLY ILL** — Motion made and question — That the petition presented by the Member for Bass be taken into consideration tomorrow (*Mr Smith, Bass*) — put and agreed to.

- 7 **PETITION — TRAIN SERVICE NEEDS FOR MILDURA** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.
- 8 **PETITION — FIRE SERVICES FUNDING** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.
- 9 **PETITION — VICTORIAN PATIENT TRANSPORT ASSISTANCE SCHEME** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.
- 10 **PETITION — YOUTH ALLOWANCE — RURAL STUDENTS** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.

11 **DOCUMENTS**

**OFFICE OF THE PUBLIC ADVOCATE** — Motion made, by leave, and question — That the Office of the Public Advocate Report 2008–09 be tabled (*Mr Batchelor*) — put and agreed to.

**CONSUMER UTILITIES ADVOCACY CENTRE** — Motion made, by leave, and question — That the Consumer Utilities Advocacy Centre Report 2008–09 be tabled (*Mr Robinson*) — put and agreed to.

**VICTORIAN COMPETITION AND EFFICIENCY COMMISSION** — Motion made, by leave, and question — That the Victorian Competition and Efficiency Commission Report 2008–09 be tabled (*Mr Batchelor*) — put and agreed to.

**PUBLIC SECTOR ASSET INVESTMENT PROGRAM — BUDGET INFORMATION PAPER NO 1** — Motion made, by leave, and question — That the Public Sector Asset Investment Program 2009–10 Budget Information Paper No 1 be tabled (*Mr Batchelor*) — put and agreed to.

**PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE** — Mr Stensholt, Chair, presented a report from the Public Accounts and Estimates Committee on the 2009–10 Budget Estimates Part Two, together with minority reports and an extract from the proceedings.

Ordered to be tabled and printed.

**DOCUMENT TABLED BY COMMAND OF THE GOVERNOR**

Mr Hulls presented by Command of the Governor:

Children's Court of Victoria — Report 2007–08.

Ordered to be tabled.

**DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:

Accident Compensation Conciliation Service — Report 2008–09

Adult, Community and Further Education Board — Report 2008–09

Adult Parole Board — Report 2008–09

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Alexandra District Hospital — Report 2008–09

Alfred Health — Report 2008–09

Alpine Health — Report 2008–09 (two documents)

Altona Memorial Park, Trustees of — Report 2008–09

Ambulance Victoria — Report 2008–09

Austin Health — Report 2008–09 (two documents)

Australian Grand Prix Corporation — Report 2008–09

Bairnsdale Regional Health Service — Report 2008–09 (two documents)

Ballarat Health Services — Report 2008–09

Barwon Health — Report 2008–09

Barwon Region Water Corporation — Report 2008–09

Bass Coast Regional Health — Report 2008–09

Beaufort and Skipton Health Service — Report 2008–09

Beechworth Health Service — Report 2008–09 (two documents)

Benalla and District Memorial Hospital — Report 2008–09

Bendigo Health Care Group — Report 2008–09

Boort District Health — Report 2008–09 (two documents)

Building Commission — Report 2008–09

Calvary Health Care Bethlehem Ltd — Report 2008–09 (two documents)

Casterton Memorial Hospital — Report 2008–09

CenITex — Report 2008–09

Central Gippsland Health Service — Report 2008–09 (two documents)

Central Gippsland Region Water Corporation — Report 2008–09

Central Highlands Region Water Corporation — Report 2008–09

Cheltenham and Regional Cemeteries Trust — Report 2008–09

Child Safety Commissioner — Report 2008–09

City West Water Ltd — Report 2008–09

Cobram District Hospital — Report 2008–09 (two documents)

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Cohuna District Hospital — Report 2008–09

Colac Area Health — Report 2008–09

Coliban Region Water Corporation — Report 2008–09 (two documents)

Commissioner for Law Enforcement Data Security, Office of — Report 2008–09

Community Visitors — Report 2008–09 under the *Mental Health Act 1986*, *Health Services Act 1988* and *Disability Act 2006* — Ordered to be printed

*Confiscation Act 1997* — Asset Confiscation Operations Report 2008–09

Consumer Affairs Victoria — Report 2008–09 — Ordered to be printed

Country Fire Authority — Report 2008–09

Dental Health Services Victoria — Report 2008–09

Djerriwarrh Health Services — Report 2008–09 (two documents)

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

Education and Early Childhood Development, Department of — Report 2008–09

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 Trust — Report 2008–09

Fed Square Pty Ltd — Report 2008–09

Film Victoria — Report 2008–09

*Financial Management Act 1994:*

Report from the Minister for Community Services that she had received the Report 2008–09 of the Disability Services Commissioner

Reports from the Minister for Environment and Climate Change that he had received the reports 2008–09 of the:

Alpine Resorts Co-ordinating Council

Commissioner for Environmental Sustainability

Surveyors Registration Board of Victoria

Reports from the Minister for Health that he had received the reports 2008–09 of the:

Anderson's Creek Cemetery Trust

Bendigo Cemeteries Trust

Chinese Medicine Registration Board of Victoria

Chiropractors Registration Board of Victoria

Dental Practice Board of Victoria

Health Purchasing Victoria

Infertility Treatment Authority

Lilydale Cemeteries Trust

Maldon Hospital

Manangatang and District Hospital

Medical Radiation Practitioners Board of Victoria

Mildura Cemetery Trust

Omeo District Health

Optometrists Registration Board of Victoria

Osteopaths Registration Board of Victoria

Pharmacy Board of Victoria

Physiotherapists Registration Board of Victoria

Podiatrists Registration Board of Victoria

Preston Cemetery Trust

Templestowe Cemetery Trust

Wyndham Cemeteries Trust

Report from the Minister for Mental Health that she had received the Report 2008–09 of the Mental Health Review Board incorporating the Psychosurgery Review Board

Reports from the Minister for Planning that he had received the reports 2008–09 of the:

Architects Registration Board of Victoria

Dandenong Development Board

Heritage Council of Victoria

Reports from the Minister for Public Transport that she had received the reports 2008–09 of the:

Rolling Stock (VL-1) Pty Ltd

Rolling Stock (VL-2) Pty Ltd

Rolling Stock (VL-3) Pty Ltd

Report from the Minister for Women's Affairs that she had received the Report 2008–09 of the Queen Victoria Women's Centre

Geelong Cemeteries Trust — Report 2008–09

Gippsland and Southern Rural Water Corporation — Report 2008–09

Gippsland Southern Health Service — Report 2008–09 (two documents)

Goulburn-Murray Rural Water Corporation — Report 2008–09

Goulburn Valley Health — Report 2008–09

Goulburn Valley Region Water Corporation — Report 2008–09

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Grampians Wimmera Mallee Water Corporation — Report 2008–09

Greyhound Racing Victoria — Report 2008–09

Growth Areas Authority — Report 2008–09

Health Services Commissioner, Office of — Report 2008–09

Hepburn Health Service — Report 2008–09

Hesse Rural Health Service — Report 2008–09

Heywood Rural Health — Report 2008–09

Human Services, Department of — Report 2008–09

Inglewood and Districts Health Service — Report 2008–09

Innovation, Industry and Regional Development, Department of — Report 2008–09

Justice, Department of — Report 2008–09

Kerang District Health — Report 2008–09

Kilmore and District Hospital — Report 2008–09

Kooweerup Regional Health Service — Report 2008–09 (two documents)

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

Lorne Community Hospital — Report 2008–09

Lower Murray Urban and Rural Water Corporation — Report 2008–09

Mallee Track Health and Community Service — Report 2008–09

Mansfield District Hospital — Report 2008–09 (two documents)

Maryborough District Health Service — Report 2008–09

McIvor Health and Community Services — Report 2008–09

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

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Melbourne Water Corporation — Report 2008–09

Mercy Public Hospitals Inc — Report 2008–09 (two documents)

Metropolitan Fire and Emergency Services Board — Report 2008–09

Moyne Health Services — Report 2008–09

Mt Alexander Hospital — Report 2008–09

Nathalia District Hospital — Report 2008–09 (two documents)

National Environment Protection Council — Report 2007–08

*National Parks Act 1975* — Report 2008–09 on the working of the Act

National Parks Advisory Council — Report 2008–09

Necropolis Springvale, Trustees of — Report 2008–09

North East Region Water Corporation — Report 2008–09

Northeast Health Wangaratta — Report 2008–09

Northern Health — Report 2008–09 (two documents)

Northern Victoria Irrigation Renewal Project — Report 2008–09

Numurkah District Health Service — Report 2008–09 (two documents)

Nurses Board of Victoria — Report 2008–09

Ombudsman — Brookland Greens Estate — Investigation into methane gas leaks — Ordered to be printed

Orbost Regional Health — Report 2008–09

Otway Health and Community Services — Report 2008–09

Parks Victoria — Report 2008–09 (two documents)

Parliamentary Contributory Superannuation Fund — Report 2008–09

Peninsula Health — Report 2008–09 (two documents)

Peter MacCallum Cancer Centre — Report 2008–09

Phillip Island Nature Park — Report 2008–09

Planning and Community Development, Department of — Report 2008–09

Plumbing Industry Commission — Report 2008–09

Police Appeals Board — Report 2008–09

Police Integrity, Office of — Report 2008–09 — Ordered to be printed

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Port of Hastings Corporation — Report 2008–09

Port of Melbourne Corporation — Report 2008–09

Portland District Health — Report 2008–09

Premier and Cabinet, Department of — Report 2008–09

Primary Industries, Department of — Report 2008–09 (two documents)

Public Transport Ticketing Body — Report 2008–09

Queen Elizabeth Centre — Report 2008–09 (two documents)

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

Rochester and Elmore District Health Service — Report 2008–09

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 (two documents)

South East Water Ltd — Report 2008–09

South Gippsland Hospital — Report 2008–09

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 1 July 2008 to 31 July 2009

---

Southern Health — Report 2008–09

St Vincent's — Report 2008–09 (two documents)

State Electricity Commission of Victoria — Report 2008–09

State Services Authority — Report 2008–09

State Sport Centres Trust — Report 2008–09

State Trustees Ltd — Report 2008–09

Stawell Regional Health — Report 2008–09

Sustainability and Environment, Department of — Report 2008–09

Sustainability Victoria — Report 2008–09

Swan Hill District Health — Report 2008–09

Tallangatta Health Service — Report 2008–09 (two documents)

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 of — Report 2008–09

Treasury and Finance, Department of — Report 2008–09

Treasury Corporation of Victoria — Report 2008–09

Tweddle Child and Family Health Service — Report 2008–09 (two documents)

Upper Murray Health and Community Services — Report 2008–09 (two documents)

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 — Chief Commissioner, Office of — Report 2008–09

Victoria State Emergency Service Authority — Report 2008–09

Victorian Coastal Council — Report 2008–09

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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 documents)

Victorian Institute of Forensic Mental Health — Report 2008–09 (two documents)

Victorian Institute of Sport Trust — Report 2008–09 (two documents)

Victorian Institute of Teaching — Report 2008–09

Victorian Managed Insurance Authority — Report 2008–09

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* — Reports under s 77A (three documents)

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

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

Yarra Bend Park Trust — Report 2008–09

Yarra Valley Water Ltd — Report 2008–09 (three documents)

Yarram and District Health Service — Report 2008–09 (two documents)

Yarrawonga District Health Service — Report 2008–09 (two documents)

Yea and District Memorial Hospital — Report 2008–09

Young Farmers' Finance Council — Report 2008–09

Youth Parole Board and Youth Residential Board — Report 2008–09

Zoological Parks and Gardens Board — Report 2008–09 (two documents).

12 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Energy and Resources Legislation Amendment Bill 2009 without amendment.

13 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourns until Tuesday 10 November 2009 (*Mr Batchelor*) — put and agreed to.

14 **STATEMENTS BY MEMBERS** — Statements by members were made.

15 **PARKS AND CROWN LAND LEGISLATION AMENDMENT (RIVER RED GUMS) BILL 2009** — *Mr Batchelor* tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.

Motion made and question proposed — That this Bill be now read a second time (*Mr Batchelor*).

Motion made and question — That the debate be now adjourned (*Ms Asher*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 29 October 2009.

16 **STATUTE LAW AMENDMENT (EVIDENCE CONSEQUENTIAL PROVISIONS) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Mr Lim*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

17 **CRIMINAL PROCEDURE AMENDMENT (CONSEQUENTIAL AND TRANSITIONAL PROVISIONS) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Mr Langdon*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

*Business having been interrupted at 2.00 pm under standing orders.*

18 **QUESTIONS** — (Under SO 55).

19 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Personal Property Securities (Commonwealth Powers) Bill 2009 without amendment.

- 20 **GAMBLING REGULATION AMENDMENT (RACING CLUB VENUE OPERATOR LICENCES) BILL 2009** — The Speaker announced the receipt of a message from the Legislative Council presenting, for the agreement of the Legislative Assembly, 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 Robinson, the Bill was read a first time and ordered to be read a second time tomorrow.

- 21 **STATUTE LAW AMENDMENT (EVIDENCE CONSEQUENTIAL PROVISIONS) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Bill read a second time and, by leave, immediately read a third time with the concurrence of a special majority of the whole number of the members of the Legislative Assembly.

Bill sent to the Legislative Council and their agreement requested.

- 22 **CRIMINAL PROCEDURE AMENDMENT (CONSEQUENTIAL AND TRANSITIONAL PROVISIONS) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Bill read a second time and, by leave, immediately read a third time with the concurrence of an absolute majority of the whole number of the members of the Legislative Assembly.

Bill sent to the Legislative Council and their agreement requested.

- 23 **SENTENCING AMENDMENT BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Allocation of time — The Deputy Speaker advised that the time allocated for consideration of bills under the resolution of the House on Tuesday 13 October 2009 had expired.*

Question — That this Bill be now read a second time — put and agreed to.

Question — That this Bill be now read a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 24 **UNIVERSITY OF MELBOURNE BILL 2009, MONASH UNIVERSITY BILL 2009, LA TROBE UNIVERSITY BILL 2009 AND DEAKIN UNIVERSITY BILL 2009** — Order read for resuming debate on question — That these Bills be now read a second time.

Question — That these Bills be now read a second time, the Government amendment to the **La Trobe University Bill 2009** be agreed to and these Bills be now read a third time — put and agreed to.

Bills sent to the Legislative Council and their agreement requested.

- 25 **LAND (REVOCATION OF RESERVATIONS AND OTHER MATTERS) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time and a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

26 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Rejecting the Police Regulation Amendment Bill 2008.

27 **CEMETERIES AND CREMATORIA AMENDMENT BILL 2009** — Order read for the consideration of the amendment made by the Legislative Council.

After debate, the amendment was agreed to.

Message sent to the Legislative Council informing them accordingly.

28 **ELECTRICITY INDUSTRY AMENDMENT (CRITICAL INFRASTRUCTURE) BILL 2009** — *Mr Batchelor tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Batchelor*).

Motion made and question — That the debate be now adjourned (*Mr Clark*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 29 October 2009.

29 **STATE TAXATION ACTS FURTHER AMENDMENT BILL 2009** — *Mr Batchelor tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Batchelor*).

Motion made and question — That the debate be now adjourned (*Dr Naphine*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 29 October 2009.

30 **FAIR WORK (COMMONWEALTH POWERS) AMENDMENT BILL 2009** — *Mr Hulls tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).

Motion made and question — That the debate be now adjourned (*Dr Naphine*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 29 October 2009.

31 **JUSTICE LEGISLATION MISCELLANEOUS AMENDMENTS BILL 2009** — *Mr Cameron tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Cameron*).

Motion made and question — That the debate be now adjourned (*Mr McIntosh*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 29 October 2009.

32 **HEALTH PRACTITIONER REGULATION NATIONAL LAW (VICTORIA) BILL 2009** — *Mr Andrews tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Andrews*).

Motion made and question — That the debate be now adjourned (*Mrs Shardey*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 29 October 2009.

33 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Wynne*) — put and agreed to.

34 **ADJOURNMENT** — The Deputy Speaker left the Chair, after debate, at 5.34 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JENNY LINDELL  
*Speaker*

## LEGISLATIVE ASSEMBLY OF VICTORIA

### VOTES AND PROCEEDINGS Nos 143, 144 and 145

#### No 143 — Tuesday 10 November 2009

1 The House met according to the adjournment — The Speaker took the Chair and read the Prayer.

2 **QUESTIONS** — (Under SO 55).

3 **CONSTITUTION (APPOINTMENTS) BILL 2009** — Mr Brumby obtained leave to bring in 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, after debate, the Bill was read a first time and under SO 61(2) ordered to be read a second time immediately.

4 **CONSTITUTION (APPOINTMENTS) BILL 2009** — *Mr Brumby tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Brumby*).

Motion made and question — That the debate be now adjourned (*Mr Baillieu*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

5 **SERIOUS SEX OFFENDERS (DETENTION AND SUPERVISION) BILL 2009** — Mr Hulls obtained leave to bring in 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 the Bill was read a first time and ordered to be read a second time tomorrow.

6 **SUMMARY OFFENCES AND CONTROL OF WEAPONS ACTS AMENDMENT BILL 2009** — Mr Batchelor on behalf of Mr Cameron obtained leave to bring in a Bill '*for an Act to amend the **Summary Offences Act 1966** and the **Control of Weapons Act 1990** and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.

7 **EMERGENCY SERVICES LEGISLATION AMENDMENT BILL 2009** — Mr Batchelor on behalf of Mr Cameron obtained leave to bring in 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 the Bill was read a first time and ordered to be read a second time tomorrow.

8 **TRANSPORT LEGISLATION AMENDMENT (HOON BOATING AND OTHER AMENDMENTS) BILL 2009** — Mr Batchelor on behalf of Mr Pallas obtained leave to bring in 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 the Bill was read a first time and ordered to be read a second time tomorrow.

- 9 **PLANNING AND ENVIRONMENT AMENDMENT (GROWTH AREAS INFRASTRUCTURE CONTRIBUTION) BILL 2009** — Mr Batchelor obtained leave to bring in 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, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 10 **FIRE SERVICES FUNDING (FEASIBILITY STUDY) BILL 2009** — Mr Holding obtained leave to bring in a Bill *for an Act to amend the Taxation Administration Act 1997 in relation to feasibility studies and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 11 **EDUCATION AND TRAINING REFORM AMENDMENT (OVERSEAS STUDENTS) BILL 2009** — Ms Allan obtained leave to bring in 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 the Bill was read a first time and ordered to be read a second time tomorrow.
- 12 **LIQUOR CONTROL REFORM AMENDMENT (PARTY BUSES) BILL 2009** — Mr Robinson obtained leave to bring in 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 the Bill was read a first time and ordered to be read a second time tomorrow.
- 13 **MELBOURNE CRICKET GROUND AND YARRA PARK AMENDMENT BILL 2009** — Mr Merlino obtained leave to bring in 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, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 14 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

**Housing for Mentally Ill** — Requesting that the House acts immediately to provide long term housing for single people in the Bass Coast region with a chronic mental illness, bearing 123 signatures (*Mr Smith, Bass*)

**New Gambling Machines** — Requesting that the Government closes the loophole that now allows for Crown Casino to install 200 more automated gaming machines which were previously disallowed, bearing 34 signatures (*Mr Smith, Bass*)

**Show Day Holiday** — Requesting that the House amends legislation and allows local councils the flexibility to allocate Show Day holidays to individual communities, bearing 168 and 1243 signatures (*Mr Delahunty and Mr Walsh respectively*)

**Liquor Licence Fees** — Requesting that the Government recognises the damage across-the-board increases to liquor licences will cause, particularly in many country communities, and reviews the proposed legislation as a matter of urgency, bearing 224 signatures (*Mr Delahunty*)

**Melbourne–Mildura Train Line** — Requesting that the House brings forward the reinstatement of the Melbourne–Mildura passenger train service in view of concerns including global warming, and the

need to connect Mildura to both the Melbourne and the national rail networks, bearing 23 signatures (*Mr Crisp*)

**Train Service Needs for Mildura** — Requesting that the House reinstates the Melbourne to Mildura passenger train service to cater for the aged, disabled and financially disadvantaged, bearing 43 signatures (*Mr Crisp*)

**Youth Allowance — Rural Students** — Requesting that the House rejects the proposed changes to the independence test for the Youth Allowance and calls on the Government to vigorously lobby the Federal Government to ensure tertiary education is accessible for rural students, bearing 30 signatures (*Mr Crisp*)

**Pedestrian Crossing in Narre Warren** — Requesting that the House acts promptly to establish a pedestrian crossing at the intersection of Webb Street and Centre Road in Narre Warren, bearing 166 signatures (*Ms Graley*)

**Alternatives to Goulburn Valley Pipeline** — Requesting that the House — (a) rejects the proposal to build the pipe that would take water from the Goulburn Valley to Melbourne; and (b) calls on the Government to invest in other measures to increase Melbourne's water supply such as recycled water and stormwater capture for industry, parks and gardens, bearing 32 signatures (*Mr Walsh*).

Petitions ordered to be tabled.

- 15 **PETITION — SHOW DAY HOLIDAY** — Motion made and question — That the petition presented by the Member for Lowan be taken into consideration tomorrow (*Mr Delahunty*) — put and agreed to.
- 16 **PETITION — LIQUOR LICENCE FEES** — Motion made and question — That the petition presented by the Member for Lowan be taken into consideration tomorrow (*Mr Delahunty*) — put and agreed to.
- 17 **PETITION — HOUSING FOR MENTALLY ILL** — Motion made and question — That the petition presented by the Member for Bass be taken into consideration tomorrow (*Mr Smith, Bass*) — put and agreed to.
- 18 **PETITION — NEW GAMBLING MACHINES** — Motion made and question — That the petition presented by the Member for Bass be taken into consideration tomorrow (*Mr Smith, Bass*) — put and agreed to.
- 19 **PETITION — SHOW DAY HOLIDAY** — Motion made and question — That the petition presented by the Member for Swan Hill be taken into consideration tomorrow (*Mr McIntosh*) — put and agreed to.
- 20 **PETITION — ALTERNATIVES TO GOULBURN VALLEY PIPELINE** — Motion made and question — That the petition presented by the Member for Swan Hill be taken into consideration tomorrow (*Mr McIntosh*) — put and agreed to.
- 21 **PETITION — MELBOURNE–MILDURA TRAIN LINE** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.
- 22 **PETITION — TRAIN SERVICE NEEDS FOR MILDURA** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.

- 23 **PETITION — YOUTH ALLOWANCE — RURAL STUDENTS** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.

24 **DOCUMENTS**

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — Mr Carli, Chair, presented the Alert Digest No 13 of 2009 from the Scrutiny of Acts and Regulations Committee on the:

Electricity Industry Amendment (Critical Infrastructure) Bill 2009  
 Fair Work (Commonwealth Powers) Amendment Bill 2009  
 Gambling Regulation Amendment (Racing Club Venue Operator Licences) Bill 2009  
 Health Practitioner Regulation National Health (Victoria) Bill 2009  
 Justice Legislation Miscellaneous Amendments Bill 2009  
 Local Government (Brimbank City Council) Bill 2009  
 Parks and Crown Land Legislation Amendment (River Red Gums) Bill 2009  
 Road Legislation Amendment Bill 2009  
 State Taxation Acts Further Amendment Bill 2009

together with appendices.

Ordered to be tabled and printed.

**DOCUMENTS BY COMMAND OF THE GOVERNOR**

Mr Hulls presented by Command of the Governor:

Magistrates' Court of Victoria — Report 2008–09

Ordered to be tabled.

Supreme Court of Victoria — Report 2007–08

Ordered to be tabled.

**DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:

Agriculture Victoria Services Pty Ltd — Report 2008–09

Australian Centre for the Moving Image — Report 2008–09

Corangamite Catchment Management Authority — Report 2008–09

*Crown Land (Reserves) Act 1978* — Orders under s 17D granting leases over:

Eastern Beach Public Park Reserve, Geelong  
 Sandringham Beach Park

East Gippsland Catchment Management Authority — Report 2008–09

*Financial Management Act 1994*:

Reports from the Minister for Agriculture that he had received the reports 2008–09 of the:  
 Dairy Food Safety Victoria  
 Murray Valley Citrus Board

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Murray Valley Wine Grape Industry Development Committee  
Northern Victorian Fresh Tomato Industry Development Committee  
Phytogene Pty Ltd  
PrimeSafe  
Veterinary Practitioners Registration Board of Victoria  
Victorian Strawberry Industry Development Committee  
Reports from the Minister for Environment and Climate Change that he had received the reports 2008–09 of the:  
Barwon Regional Waste Management Group  
Calder Regional Waste Management Group  
Central Murray Regional Waste Management Group  
Desert Fringe Regional Waste Management Group  
Gippsland Regional Waste Management Group  
Goulburn Valley Regional Waste Management Group  
Grampians Regional Waste Management Group  
Highlands Regional Waste Management Group  
Mildura Regional Waste Management Group  
Mornington Peninsula Regional Waste Management Group  
North East Regional Waste Management Group  
South West Regional Waste Management Group  
Report from the Minister for Health that he had received the Report 2008–09 of the Ballarat General Cemeteries Trust  
Report from the Minister for Skills and Workforce Participation that she had received the Report 2008 of the International Fibre Centre  
Reports from the Minister for Veterans' Affairs that he had received the reports 2008–09 of the:  
Shrine of Remembrance  
Victorian Veterans Council

Fisheries Co-Management Council — Report 2008–09

Geelong Performing Arts Centre Trust — Report 2008–09

Geoffrey Gardiner Dairy Foundation Ltd — Report 2008–09 (two documents)

Glenelg Hopkins Catchment Management Authority — Report 2008–09

Goulburn Broken Catchment Management Authority — Report 2008–09

Harness Racing Victoria — Report 2008–09

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 — Ordered to be printed

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 as at 30 September 2009 — Ordered to be printed

Metropolitan Waste Management Group — Report 2008–09

Museums Board of Victoria — Report 2008–09 (two documents)

National Gallery of Victoria, Council of Trustees — Report 2008–09

North Central Catchment Management Authority — Report 2008–09

North East Catchment Management Authority — Report 2008–09

*Parliamentary Committees Act 2003:*

Government response to the Electoral Matters Committee's Report on the Inquiry into Political Donations and Disclosure

Government response to the Law Reform Committee's Report on the Inquiry into Alternative Dispute Resolution and Restorative Justice

Government response to the Public Accounts and Estimates Committee's Report on the 2007–08 Financial and Performance Outcomes

*Planning and Environment Act 1987* — Notices of approval of amendments to the following Planning Schemes:

Bass Coast — C86

Baw Baw — C68, C69

Benalla — C3, C23

Boroondara — C87

Casey — C80 Part 3

Frankston — C61

Gannawarra — C24

Glen Eira — C66

Greater Bendigo — C84, C104

Greater Geelong — C154 Part 3, C183

Horsham — C44

Hume — C110, C114, C118

Kingston — C76

Latrobe — C11

Maribyrnong — C73 Part 1

Maroondah — C75

Melton — C64

Mitchell — C39

Moreland — C94

Mornington Peninsula — C98

Stonnington — C105

Surf Coast — C56

Wangaratta — C33

Wellington — C45

Whitehorse — C121

Wyndham — C116

Port Phillip and Westernport Catchment Management Authority — Report 2008–09

Professional Standards Council — Report 2008–09

Public Prosecutions — Director, Committee and Office — Report 2008–09

Recreational Fishing Licence Trust Account — Report 2008–09 on the disbursement of Revenue

Sentencing Advisory Council — Report 2008–09

Special Investigations Monitor, Office of — Report 2008–09

Statutory Rules under the following Acts:

*Coroners Act 2008* — SRs 120, 131

*Criminal Procedure Act 2009* — SR 132

*Fair Trading Act 1999* — SR 125

*Gas Industry Act 2001* — SR 121

*Land Acquisition and Compensation Act 1986* — SR 124

*Marine Act 1988* — SR 126

*National Gas (Victoria) Act 2008* — SR 122

*Police Integrity Act 2008* — SR 117

*Road Management Act 2004* — SR 127

*Road Safety Act 1986* — SRs 118, 119, 128, 129, 130

*Supreme Court Act 1986* — SR 132

*Water Act 1989* — SR 123

*Subordinate Legislation Act 1994*:

Minister's exception certificates in relation to Statutory Rules 120, 131, 132

Ministers' exemption certificates in relation to Statutory Rules 107, 117, 121, 122, 124, 125, 126, 127, 128

Trust for Nature — Report 2008–09 (two documents)

Victoria Grants Commission — Report 2008–09

Victoria Law Foundation — Report 2008–09

Victorian Arts Centre Trust — Report 2008–09 (two documents)

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 — Ordered to be printed

Victorian Institute of Forensic Medicine — Report 2008–09

Victorian Law Reform Commission — Report 2008–09 — Ordered to be printed

Victorian Multicultural Commission — Report 2008–09

Victorian Privacy Commissioner, Office of — Report 2008–09 — Ordered to be printed

Victorian Small Business Commissioner, Office of — Report 2008–09

VITS LanguageLink — Report 2008–09

West Gippsland Catchment Management Authority — Report 2008–09 (two documents)

Wimmera Catchment Management Authority — Report 2008–09.

The following proclamations fixing operative dates were tabled by the Clerk in accordance with an order of the House dated 19 December 2006:

*Electricity Industry Amendment (Premium Solar Feed-in Tariff) Act 2009* — Whole Act — 1 November 2009 (*Gazette G44, 29 October 2009*)

*Gambling Regulation Further Amendment Act 2009* — Part 1, Part 2 (except ss 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 s 85(2)), Part 5, Part 6, Part 8 (except ss 108 to 110), Part 9 (except Division 1 of that Part) and Part 10 — 21 October 2009; Part 7 — 25 November 2009 (*Gazette S363, 21 October 2009*)

*Greenhouse Gas Geological Sequestration Act 2008* — Part 1, s 14, Divisions 1 and 2 of Part 3 and ss 147 to 150 — 30 October 2009 (*Gazette 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 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 G44, 29 October 2009*)

*Major Transport Projects Facilitation Act 2009* — Whole Act — 1 November 2009 (*Gazette G44, 29 October 2009*)

*Racing Legislation Amendment (Racing Integrity Assurance) Act 2009* — Whole Act (except Parts 2, 3 and 4) — 15 October 2009 (*Gazette G42, 15 October 2009*)

*Road Legislation Amendment Act 2009* — Remaining provisions — 9 November 2009 (*Gazette S390, 4 November 2009*)

*Transport Legislation Miscellaneous Amendments Act 2009* — Section 3 — 26 October 2009 (*Gazette G43, 22 October 2009*).

- 25 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Liquor Control Reform Amendment (Licensing) Bill 2009 without amendment.
- 26 **MESSAGES FROM THE GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that he had given the royal assent to the following bills, presented to him by the Clerk of the Parliaments:

On 21 October 2009

Energy and Resources Legislation Amendment Bill 2009

Gambling Regulation Further Amendment Bill 2009

Liquor Control Reform Amendment (Licensing) Bill 2009

Personal Property Securities (Commonwealth Powers) Bill 2009

On 27 October 2009

Cemeteries and Crematoria Amendment Bill 2009.

- 27 **MESSAGES FROM THE GOVERNOR** — Recommending appropriations for the purposes of the following bills:

Justice Legislation Miscellaneous Amendments Bill 2009

Parks and Crown Land Legislation Amendment (River Red Gums) Bill 2009

State Taxation Acts Further Amendment Bill 2009.

- 28 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, under SO 94(2), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 12 November 2009:

Electricity Industry Amendment (Critical Infrastructure) Bill 2009

Fair Work (Commonwealth Powers) Amendment Bill 2009

Gambling Regulation Amendment (Racing Club Venue Operator Licences) Bill 2009

Health Practitioner Regulation National Law (Victoria) Bill 2009

Justice Legislation Miscellaneous Amendments Bill 2009  
 Parks and Crown Land Legislation Amendment (River Red Gums) Bill 2009  
 State Taxation Acts Further Amendment Bill 2009

*(Mr Batchelor)* — put, after debate, and agreed to.

29 **STATEMENTS BY MEMBERS** — Statements by members were made.

30 **PARKS AND CROWN LAND LEGISLATION AMENDMENT (EAST GIPPSLAND) BILL 2009** — *Mr Batchelor* tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.

Motion made and question proposed — That this Bill be now read a second time (*Mr Batchelor*).

Motion made and question — That the debate be now adjourned (*Ms Wooldridge*) — put and agreed to.

Ordered — That the debate be adjourned until Tuesday 24 November 2009.

31 **GAMBLING REGULATION AMENDMENT (RACING CLUB VENUE OPERATOR LICENCES) BILL 2009** — *Mr Robinson* tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.

Motion made and question proposed — That this Bill be now read a second time (*Mr Robinson*).

Motion made and question — That the debate be now adjourned (*Mr O'Brien*) — put and agreed to.

Ordered — That the debate be adjourned until tomorrow.

32 **ELECTRICITY INDUSTRY AMENDMENT (CRITICAL INFRASTRUCTURE) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Bill read a second time and, by leave, immediately read a third time.

Bill sent to the Legislative Council and their agreement requested.

33 **POSTPONEMENT OF ORDER OF THE DAY** — Ordered — That the consideration of Government Business, Order of the Day, No 4 be postponed until later this day.

34 **STATE TAXATION ACTS FURTHER AMENDMENT BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Ms Beattie*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

35 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Planning Legislation Amendment Bill 2009 (No. 2) without amendment.

36 **FAIR WORK (COMMONWEALTH POWERS) AMENDMENT BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 10.00 pm under standing orders.*

- 37 **ADJOURNMENT** — The Deputy Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.36 pm.

R W PURDEY  
Clerk of the Legislative Assembly

JENNY LINDELL  
Speaker

## No 144 — Wednesday 11 November 2009

- 1 The Speaker took the Chair and read the Prayer.

- 2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

**Fire Services Levy** — Requesting that the House investigates and implements a fairer model of funding fire services in Victoria, bearing 77 signatures (*Dr Sykes*)

**Liquor Licence Fees** — Requesting that the Government recognises the damage across-the-board increases to liquor licences will cause, particularly in many country communities, and reviews the proposed legislation as a matter of urgency, bearing 453, 340 and 486 signatures (*Dr Sykes, Mr Northe and Mr Jasper respectively*)

**Social Housing in Ferntree Gully** — Requesting that the House postpones the proposed social housing development at the former Ferntree Gully Primary School site pending a thorough consultation period with the community, bearing 121 signatures (*Mr Wakeling*)

**Amendments to Lara Structure Plan** — Requesting that the House does not allow the parcels of land adjacent to Serendip Sanctuary referred to as the Caddy's Road Development to be rezoned from Rural Living to Residential 1, bearing 2406 signatures (*Mr Eren*)

**Melbourne–Mildura Train Line** — Requesting that the House brings forward the reinstatement of the Melbourne–Mildura passenger train service in view of concerns including global warming, and the need to connect Mildura to both the Melbourne and the national rail networks, bearing 27 signatures (*Mr Crisp*)

**Train Service Needs for Mildura** — Requesting that the House reinstates the Melbourne to Mildura passenger train service to cater for the aged, disabled and financially disadvantaged, bearing 29 signatures (*Mr Crisp*)

**Youth Allowance — Rural Students** — Requesting that the House rejects the proposed changes to the independence test for the Youth Allowance and calls on the Government to vigorously lobby the Federal Government to ensure tertiary education is accessible for rural students, bearing 28 signatures (*Mr Crisp*)

**Traralgon V/Line Services** — Requesting that the House retains all current Traralgon V/Line services to Southern Cross station, bearing 42 signatures (*Mr Northe*)

**MICA Paramedic Service** — Requesting that the Minister for Health addresses the proposed loss of the MICA paramedics service as a matter of urgency, bearing 17 signatures (*Mr Dixon*)

**Southern Peninsula Aquatic Centre** — Requesting that the House instructs the Department of Sustainability and Environment to immediately grant coastal consent to allow the planning and construction of the Southern Peninsula Aquatic Centre in Rosebud, bearing 10 signatures (*Mr Dixon*)

**Criteria for Mergers of Schools** — Requesting that the House asks the Minister for Education to review the criteria for school mergers and provide support for schools to prevent the necessity to merge, bearing 108 signatures (*Mr Dixon*)

**Fire Services Funding** — Requesting that the House investigates and implements a fairer model of funding fire services in Victoria as is the case in other states of Australia, bearing 207 signatures (*Mrs Powell*).

Petitions ordered to be tabled.

- 3 **PETITION — MICA PARAMEDIC SERVICE** — Motion made and question — That the petition presented by the Member for Nepean be taken into consideration tomorrow (*Mr Dixon*) — put and agreed to.
- 4 **PETITION — SOUTHERN PENINSULA AQUATIC CENTRE** — Motion made and question — That the petition presented by the Member for Nepean be taken into consideration tomorrow (*Mr Dixon*) — put and agreed to.
- 5 **PETITION — CRITERIA FOR MERGERS OF SCHOOLS** — Motion made and question — That the petition presented by the Member for Nepean be taken into consideration tomorrow (*Mr Dixon*) — put and agreed to.
- 6 **PETITION — FIRE SERVICES FUNDING** — Motion made and question — That the petition presented by the Member for Shepparton be taken into consideration tomorrow (*Mrs Powell*) — put and agreed to.
- 7 **PETITION — SOCIAL HOUSING IN FERNTREE GULLY** — Motion made and question — That the petition presented by the Member for Ferntree Gully be taken into consideration tomorrow (*Mr Wakeling*) — put and agreed to.
- 8 **PETITION — AMENDMENTS TO LARA STRUCTURE PLAN** — Motion made and question — That the petition presented by the Member for Lara be taken into consideration tomorrow (*Mr Eren*) — put and agreed to.
- 9 **PETITION — MELBOURNE–MILDURA TRAIN LINE** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.
- 10 **PETITION — TRAIN SERVICE NEEDS FOR MILDURA** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.
- 11 **PETITION — YOUTH ALLOWANCE — RURAL STUDENTS** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.
- 12 **PETITION — LIQUOR LICENCE FEES** — Motion made and question — That the petition presented by the Member for Murray Valley be taken into consideration tomorrow (*Mr Jasper*) — put and agreed to.
- 13 **PETITION — LIQUOR LICENCE FEES** — Motion made and question — That the petition presented by the Member for Morwell be taken into consideration tomorrow (*Mr Northe*) — put and agreed to.

- 14 **PETITION — TRARALGON V/LINE SERVICES** — Motion made and question — That the petition presented by the Member for Morwell be taken into consideration tomorrow (*Mr Northe*) — put and agreed to.

15 **DOCUMENTS**

**PARTNERSHIPS VICTORIA PROJECT SUMMARY: THE BIOSCIENCES RESEARCH CENTRE PROJECT** — Motion made, by leave, and question — That the Partnerships Victoria Project Summary: The Biosciences Research Centre Project be tabled (*Mr Pallas*) — put and agreed to.

**DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:

Auditor-General:

Local Government: Results of the 2008–09 Audits — Ordered to be printed

Management of the Community Support Fund — Ordered to be printed

Public Hospitals: Results of the 2008–09 Audits — Ordered to be printed

Responding to Mental Health Crises in the Community — Ordered to be printed

Towards a 'smart grid' — the roll-out of Advanced Metering Infrastructure — Ordered to be printed

*Financial Management Act 1994* — 2009–10 Quarterly Financial Report for the State of Victoria for the period ended 30 September 2009

*Major Sporting Events Act 2009* — Major sporting event order under s 22

*National Parks Act 1975*:

Advice under s 11

Report on the Cobboboonee National Park under s 17 (two documents)

*Planning and Environment Act 1987* — Urban Growth Boundary — Victoria Planning Provision Amendment VC55, explanatory documents and maps.

- 16 **STATEMENTS BY MEMBERS** — Statements by members were made.

- 17 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE — SAFETY ON PUBLIC TRANSPORT NETWORK** — The House was informed that Mr Ryan had proposed that a definite matter of public importance be submitted to the House for discussion, namely —

'That this House congratulates the Liberal National Coalition for its policy initiative that in government it will provide more than 900 Protective Service Officers and 100 extra Transit Police to improve public safety on the public transport network and condemns the Government for the fact that there are on average five acts of violence a day committed on the network, an increase of over 40 per cent since the election of the current Government, which has taken no effective action to stem this escalating problem thereby leaving those who use the public transport system in Victoria dangerously exposed to acts of violence.'

Mr Ryan addressed the House — Discussion followed.

*[The Deputy Speaker having left the Chair at 10.45 am, resumed it at 11.17 am]*

- 18 **STATEMENTS ON PARLIAMENTARY COMMITTEE REPORTS** — Statements were made on the following Committee Reports:

Public Accounts and Estimates Committee's Report on the 2009–10 Budget Estimates Part Two

Education and Training Committee's Report on the Inquiry into dress codes and school uniforms in Victorian Schools

*Business having been interrupted at 2.00 pm under standing orders.*

19 **QUESTIONS** — (Under SO 55).

20 **STATEMENTS ON PARLIAMENTARY COMMITTEE REPORTS** — Statements continued on the following Committee Reports:

Public Accounts and Estimates Committee's Report on Strengthening Government and Parliamentary Accountability in Victoria

Public Accounts and Estimates Committee's Report on the Review of the Findings and Recommendations of the Auditor-General's Reports 2007–08.

21 **POSTPONEMENT OF ORDER OF THE DAY** — Ordered — That the consideration of Government Business, Order of the Day, No 1 be postponed until later this day.

22 **GAMBLING REGULATION AMENDMENT (RACING CLUB VENUE OPERATOR LICENCES) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Bill read a second time and, by leave, immediately read a third time.

Message sent to the Legislative Council informing them that the Bill has been agreed to without amendment.

23 **EMERGENCY SERVICES LEGISLATION AMENDMENT BILL 2009** — *Mr Batchelor tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Batchelor*).

Motion made and question — That the debate be now adjourned (*Mr McIntosh*) — put and agreed to.

Ordered — That the debate be adjourned until Tuesday 24 November 2009.

24 **JUSTICE LEGISLATION MISCELLANEOUS AMENDMENTS BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Bill read a second time and, by leave, immediately read a third time.

Bill sent to the Legislative Council and their agreement requested.

25 **HEALTH PRACTITIONER REGULATION NATIONAL LAW (VICTORIA) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Mr Foley*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 26 **PARKS AND CROWN LAND LEGISLATION AMENDMENT (RIVER RED GUMS) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 10.00 pm under standing orders.*

Motion made and question — That the sitting be continued (*Mr Holding*) — put and agreed to.

Debate continued on question — That this Bill be now read a second time.

Motion made and question — That the debate be now adjourned (*Mr Howard*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 27 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Victorian Renewable Energy Amendment Bill 2009 without amendment.

- 28 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 7 to 10 inclusive, be postponed until later this day.

- 29 **TRANSPORT LEGISLATION AMENDMENT (HOON BOATING AND OTHER AMENDMENTS) BILL 2009** — *Mr Pallas tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Pallas*).

Motion made and question — That the debate be now adjourned (*Mr Mulder*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 25 November 2009.

- 30 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Education and Training Reform Amendment (School Age) Bill 2009 without amendment.

- 31 **PLANNING AND ENVIRONMENT AMENDMENT (GROWTH AREAS INFRASTRUCTURE CONTRIBUTION) BILL 2009** — *Mr Pallas tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Pallas*).

*Mr Pallas made the statement of intention required by s 85(5)(c) of the Constitution Act 1975.*

Motion made and question — That the debate be now adjourned (*Mr Clark*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 25 November 2009.

- 32 **FIRE SERVICES FUNDING (FEASIBILITY STUDY) BILL 2009** — *Mr Holding tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Holding*).

Motion made and question — That the debate be now adjourned (*Mr Clark*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 25 November 2009.

- 33 **EDUCATION AND TRAINING REFORM AMENDMENT (OVERSEAS STUDENTS) BILL 2009** — *Ms Allan tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Ms Allan*).

Motion made and question — That the debate be now adjourned (*Mr Kotsiras*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 25 November 2009.

- 34 **LIQUOR CONTROL REFORM AMENDMENT (PARTY BUSES) BILL 2009** — *Mr Robinson tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Robinson*).

Motion made and question — That the debate be now adjourned (*Mr Smith, Warrandyte*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 25 November 2009.

- 35 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Robinson*) — put and agreed to.

- 36 **ADJOURNMENT** — The Acting Speaker left the Chair, after debate, at 11.55 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JENNY LINDELL  
*Speaker*

## No 145 — Thursday 12 November 2009

- 1 The Speaker took the Chair and read the Prayer.

- 2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

**Youth Allowance — Rural Students** — Requesting that the House rejects the proposed changes to the independence test for the Youth Allowance and calls on the Government to vigorously lobby the Federal Government to ensure tertiary education is accessible for rural students, bearing 20, 44 and 484 signatures (*Dr Sykes, Mr Crisp and Mr Weller respectively*)

**Liquor Licence Fees** — Requesting that the Government recognises the damage across-the-board increases to liquor licences will cause, particularly in many country communities, and reviews the proposed legislation as a matter of urgency, bearing 293 and 167 signatures (*Dr Sykes and Mr Weller respectively*)

**Croydon South Primary School Site** — Requesting that the Government turns the disused Croydon South Primary School site into public parkland and open space and allows the buildings to be used by community groups, bearing 14 signatures (*Mr Hodgett*)

**Victorian Patient Transport Assistance Scheme** — Requesting that the House updates and revises the Victorian patient transport assistance scheme regulations to — (a) provide assistance for 50 km one way travel to the most appropriate town centre with medical/dental specialist treatment; (b) increase the current reimbursement and accommodation rates; and (c) allow for the calculation of kilometres travelled to be based on the safest and most appropriate road route, rather than the shortest, bearing 28 and 19 signatures respectively (*Mr Delahunty and Mr Crisp respectively*)

**Marine Safety Laws** — Requesting that the House ensures that rural people are not disadvantaged by the proposed changes to marine safety laws by introducing skill based licence testing and rejects — (a) restricting the distance boats may travel offshore; (b) increasing boat registration; (c) introducing owner onus; and (d) increasing penalties and charges to recreational boaters, bearing 186 signatures (*Mr Delahunty*)

**Melbourne–Mildura Train Line** — Requesting that the House brings forward the reinstatement of the Melbourne–Mildura passenger train service in view of concerns including global warming, and the need to connect Mildura to both the Melbourne and the national rail networks, bearing 34 signatures (*Mr Crisp*)

**Train Service Needs for Mildura** — Requesting that the House reinstates the Melbourne to Mildura passenger train service to cater for the aged, disabled and financially disadvantaged, bearing 47 signatures (*Mr Crisp*)

**Shepparton to Cobram Passenger Rail Services** — Requesting that the Government takes positive action to reinstate passenger rail services from Shepparton to Cobram as a matter of urgency, bearing 390 signatures (*Mr Jasper*)

**Sand Road Intersection, Longwarry** — Requesting that the House directs the Government to take immediate action in upgrading the intersection of Sand Road and Princes Freeway at Longwarry, to incorporate slipway and flyover access onto the Princes Freeway, bearing 1083 signatures (*Mr Blackwood*)

**Accountability of Ombudsman** — Requesting that the House — (a) reviews the *Ombudsman Act 1973* and the *Freedom of Information Act 1982* to ensure the Office of the Ombudsman is accountable, open, transparent and fair in its dealings with the public; (b) revokes freedom of information exemptions applying to the Ombudsman; and (c) establishes mandatory disciplinary action and penalties for breaches of the *Freedom of Information Act 1982*, bearing 1 signature (*Ms Barker*)

**Natural Gas Extension Program** — Requesting that the Government commits to a further round of funding through the Natural Gas Extension Program to subsidise natural gas reticulation to Heathcote, bearing 80 signatures (*Mr Weller*).

Petitions ordered to be tabled.

- 3 **PETITION — SHEPPARTON TO COBRAM PASSENGER RAIL SERVICES** — Motion made and question — That the petition presented by the Member for Murray Valley be taken into consideration tomorrow (*Mr Jasper*) — put and agreed to.
- 4 **PETITION — SAND ROAD INTERSECTION, LONGWARRY** — Motion made and question — That the petition presented by the Member for Narracan be taken into consideration tomorrow (*Mr Blackwood*) — put and agreed to.
- 5 **PETITION — YOUTH ALLOWANCE — RURAL STUDENTS** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.

- 6 **PETITION — VICTORIAN PATIENT TRANSPORT ASSISTANCE SCHEME** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.
- 7 **PETITION — MELBOURNE–MILDURA TRAIN LINE** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.
- 8 **PETITION — TRAIN SERVICE NEEDS FOR MILDURA** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.
- 9 **PETITION — YOUTH ALLOWANCE — RURAL STUDENTS** — Motion made and question — That the petition presented by the Member for Rodney be taken into consideration tomorrow (*Mr Weller*) — put and agreed to.
- 10 **PETITION — LIQUOR LICENCE FEES** — Motion made and question — That the petition presented by the Member for Rodney be taken into consideration tomorrow (*Mr Weller*) — put and agreed to.
- 11 **PETITION — NATURAL GAS EXTENSION PROGRAM** — Motion made and question — That the petition presented by the Member for Rodney be taken into consideration tomorrow (*Mr Weller*) — put and agreed to.
- 12 **PETITION — VICTORIAN PATIENT TRANSPORT ASSISTANCE SCHEME** — Motion made and question — That the petition presented by the Member for Lowan be taken into consideration tomorrow (*Mr Delahunty*) — put and agreed to.
- 13 **PETITION — MARINE SAFETY LAWS** — Motion made and question — That the petition presented by the Member for Lowan be taken into consideration tomorrow (*Mr Delahunty*) — put and agreed to.
- 14 **PETITION — CROYDON SOUTH PRIMARY SCHOOL SITE** — Motion made and question — That the petition presented by the Member for Kilsyth be taken into consideration tomorrow (*Mr Hodgett*) — put and agreed to.
- 15 **PETITION — FIRE SERVICES LEVY** — Motion made and question — That the petition presented by the Member for Benalla on Wednesday 11 November 2009 be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.
- 16 **PETITION — LIQUOR LICENCE FEES** — Motion made and question — That the petition presented by the Member for Benalla on Wednesday 11 November 2009 be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.
- 17 **PETITION — YOUTH ALLOWANCE — RURAL STUDENTS** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.
- 18 **PETITION — LIQUOR LICENCE FEES** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.
- 19 **DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:

Infertility Treatment Authority — Report 2008–09

Mildura Cemetery Trust — Report 2008–09

Ombudsman — Own motion investigation into the tendering and contracting of information and technology services within Victoria Police — Ordered to be printed.

20 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourns until Tuesday 24 November 2009 (*Ms Neville*) — put and agreed to.

21 **STATEMENTS BY MEMBERS** — Statements by members were made.

22 **FAIR WORK (COMMONWEALTH POWERS) AMENDMENT BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Bill read a second time and, by leave, immediately read a third time.

Bill sent to the Legislative Council and their agreement requested.

23 **HEALTH PRACTITIONER REGULATION NATIONAL LAW (VICTORIA) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Bill read a second time and, by leave, immediately read a third time.

Bill sent to the Legislative Council and their agreement requested.

24 **PARKS AND CROWN LAND LEGISLATION AMENDMENT (RIVER RED GUMS) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 2.00 pm under standing orders.*

25 **QUESTIONS** — (Under SO 55).

26 **PARKS AND CROWN LAND LEGISLATION AMENDMENT (RIVER RED GUMS) BILL 2009** — Debate continued on question — That this Bill be now read a second time.

*Allocation of time — The Acting Speaker advised that the time allocated for consideration of bills under the resolution of the House on Tuesday 10 November 2009 had expired.*

Question — put.

The House divided (the Speaker, Ms Lindell, in the Chair) —

AYES 49<sup>1</sup>

Ms Allan; Ms Barker; Mr Batchelor; Ms Beattie; Mr Brooks; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Mr Eren; Mr Foley; Ms Graley; Ms Green; Dr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Ms Kairouz; Ms Kosky; Mr Langdon; Mr Languiller; Mr Lim; Ms Lobato; Mrs Maddigan; Ms Marshall; Mr Merlino; Ms Munt; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Pike; Ms Richardson; Mr Robinson; Mr Scott; Mr Seitz; Mr Stensholt; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

<sup>1</sup> Originally reported as 50. Division corrected after the Speaker informed the House that the Clerk had identified a discrepancy between the number of votes cast by the Government Whip and the number of Government members actually present. Upon investigation it was found that the Government votes cast for the 'Ayes' should have been 49 rather than 50.

NOES 32

Ms Asher; Mr Baillieu; Mr Blackwood; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Hodgett; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Morris; Mr Mulder; Dr Napthine; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith (*Bass*); Mr Smith (*Warrandyte*); Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Walsh; Mr Weller; Mr Wells; Ms Wooldridge.

Question agreed to.

Question — That this Bill be now read a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 27 **STATE TAXATION ACTS FURTHER AMENDMENT BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time and a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 28 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Local Government (Brimbank City Council) Bill 2009 without amendment.

- 29 **CONSTITUTION (APPOINTMENTS) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Bill read a second time and, by leave, immediately read a third time with the concurrence of a special majority of the whole number of the members of the Legislative Assembly.

Bill sent to the Legislative Council and their agreement requested.

- 30 **SUMMARY OFFENCES AND CONTROL OF WEAPONS ACTS AMENDMENT BILL 2009** — *Mr Cameron tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Cameron*).

Motion made and question — That the debate be now adjourned (*Mr Tilley*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 26 November 2009.

- 31 **SERIOUS SEX OFFENDERS (DETENTION AND SUPERVISION) BILL 2009** — *Mr Cameron tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Cameron*).

Motion made and question — That the debate be now adjourned (*Mr Tilley*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 26 November 2009.

- 32 **MELBOURNE CRICKET GROUND AND YARRA PARK AMENDMENT BILL 2009** — *Mr Merlino tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Merlino*).

Motion made and question — That the debate be now adjourned (*Mrs Powell*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 26 November 2009.

33 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Wynne*) — put and agreed to.

34 **ADJOURNMENT** — The Speaker left the Chair, after debate, at 6.11 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JENNY LINDELL  
*Speaker*

## LEGISLATIVE ASSEMBLY OF VICTORIA

### VOTES AND PROCEEDINGS Nos 146, 147 and 148

#### No 146 — Tuesday 24 November 2009

- 1 The House met according to the adjournment — The Speaker took the Chair and read the Prayer.
- 2 **QUESTIONS** — (Under SO 55).
- 3 **LEGISLATION REFORM (REPEALS NO. 5) BILL 2009** — Mr Hulls obtained leave to bring in 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 the Bill was read a first time and ordered to be read a second time tomorrow.
- 4 **WATER AMENDMENT (ENTITLEMENTS) BILL 2009** — Mr Holding obtained leave to bring in a Bill '*for an Act to amend the **Water Act 1989** and the **Residential Tenancies Act 1997** and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 5 **ROYAL MELBOURNE INSTITUTE OF TECHNOLOGY BILL 2009** — Ms Allan obtained leave to bring in 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 the Bill was read a first time and ordered to be read a second time tomorrow.
- 6 **SWINBURNE UNIVERSITY OF TECHNOLOGY BILL 2009** — Ms Allan obtained leave to bring in 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 the Bill was read a first time and ordered to be read a second time tomorrow.
- 7 **VICTORIA UNIVERSITY BILL 2009** — Ms Allan obtained leave to bring in 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 the Bill was read a first time and ordered to be read a second time tomorrow.
- 8 **UNIVERSITY OF BALLARAT BILL 2009** — Ms Allan obtained leave to bring in 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 the Bill was read a first time and ordered to be read a second time tomorrow.
- 9 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:
  - Equal Opportunity Act 1995 Exemptions and Exceptions** — Requesting that the House ensures that Victorians continue to enjoy the freedom of choice, particularly in relation to education, that the exemptions and exceptions in the *Equal Opportunity Act 1995* currently provide for, bearing 41 signatures (*Ms Allan*)
  - Victorian College of the Arts and Music** — Requesting that the House takes action to safeguard the Faculty of the Victorian College of the Arts and Music as the premier arts training institution by —
    - (a) ensuring its integrity by freezing any curriculum changes until genuine consultation takes place;
    - and (b) allocating sufficient funding, bearing 13564 signatures (*Mr Hudson*)

**Route 75 Tram Service** — Requesting that the House asks the Government to fund the extension of the Route 75 tram service from Vermont South to Knox as part of the 2010–11 State budget and subsequent budgets, bearing 1448 signatures (*Ms Marshall*)

**Hastings Police Station** — Requesting that the House directs the Government to immediately return the Hastings Police Station to 24 hour status in the interests of community safety, bearing 61 signatures (*Mr Burgess*)

**Glenelg Highway** — Requesting that the House gives careful consideration to the repair or replacement of the Glenelg Highway particularly the section between Coleraine and Casterton in the next financial year, bearing 385 signatures (*Mr Delahunty*)

**Train Service Needs for Mildura** — Requesting that the House reinstates the Melbourne to Mildura passenger train service to cater for the aged, disabled and financially disadvantaged, bearing 40 signatures (*Mr Crisp*)

**Youth Allowance — Rural Students** — Requesting that the House rejects the proposed changes to the independence test for the Youth Allowance and calls on the Government to vigorously lobby the Federal Government to ensure tertiary education is accessible for rural students, bearing 25 signatures (*Mr Crisp*)

**Victorian Patient Transport Assistance Scheme** — Requesting that the House updates and revises the Victorian patient transport assistance scheme regulations to — (a) provide assistance for 50 km one way travel to the most appropriate town centre with medical/dental specialist treatment; (b) increase the current reimbursement and accommodation rates; and (c) allow for the calculation of kilometres travelled to be based on the safest and most appropriate road route, rather than the shortest, bearing 19 signatures (*Mr Crisp*)

**Traralgon V/Line Services** — Requesting that the House retains all current Traralgon V/Line services to Southern Cross station, bearing 72 signatures (*Mr Northe*)

**Liquor Licence Fees** — Requesting that the Government recognises the damage across-the-board increases to liquor licences will cause, particularly in many country communities, and reviews the proposed legislation as a matter of urgency, bearing 79 signatures (*Mr Northe*)

**Office of Housing Properties — Cooling Facilities** — Requesting that the House amends legislation to ensure it is a standard requirement that air conditioning and/or ceiling fans are installed in Office of Housing properties, bearing 128 signatures (*Mr Northe*)

**Warragul Railway Station — Park and Ride Facilities** — Requesting that the House directs the Government to take immediate action on its previous commitment to establish Park and Ride facilities at the Warragul Railway Station, bearing 2787 signatures (*Mr Blackwood*).

Petitions ordered to be tabled.

- 10 **PETITION — GLENELG HIGHWAY** — Motion made and question — That the petition presented by the Member for Lowan be taken into consideration tomorrow (*Mr Delahunty*) — put and agreed to.
- 11 **PETITION — VICTORIAN COLLEGE OF THE ARTS AND MUSIC** — Motion made and question — That the petition presented by the Member for Bentleigh be taken into consideration tomorrow (*Mrs Victoria*) — put and agreed to.
- 12 **PETITION — TRAIN SERVICE NEEDS FOR MILDURA** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.

- 13 **PETITION — YOUTH ALLOWANCE — RURAL STUDENTS** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.
- 14 **PETITION — VICTORIAN PATIENT TRANSPORT ASSISTANCE SCHEME** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.
- 15 **PETITION — WARRAGUL RAILWAY STATION — PARK AND RIDE FACILITIES** — Motion made and question — That the petition presented by the Member for Narracan be taken into consideration tomorrow (*Mr Blackwood*) — put and agreed to.
- 16 **PETITION — TRARALGON V/LINE SERVICES** — Motion made and question — That the petition presented by the Member for Morwell be taken into consideration tomorrow (*Mr Northe*) — put and agreed to.
- 17 **PETITION — LIQUOR LICENCE FEES** — Motion made and question — That the petition presented by the Member for Morwell be taken into consideration tomorrow (*Mr Northe*) — put and agreed to.
- 18 **PETITION — OFFICE OF HOUSING PROPERTIES — COOLING FACILITIES** — Motion made and question — That the petition presented by the Member for Morwell be taken into consideration tomorrow (*Mr Northe*) — put and agreed to.
- 19 **DOCUMENTS**

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — Mr Carli, Chair, presented the Alert Digest No 14 of 2009 from the Scrutiny of Acts and Regulations Committee on the:

Constitution (Appointments) Bill 2009  
 Education and Training Reform Amendment (Overseas Students) Bill 2009  
 Education and Training Reform Amendment (School Age) Bill 2009  
 Emergency Services Legislation Amendment Bill 2009  
 Fire Services Funding (Feasibility Study) Bill 2009  
 Health Practitioner National Health (Victoria) Bill 2009  
 Liquor Control Reform Amendment (Party Buses) Bill 2009  
 Melbourne Cricket Ground and Yarra Park Amendment Bill 2009  
 Parks and Crown Land Legislation Amendment (East Gippsland) Bill 2009  
 Planning and Environment Amendment (Growth Areas Infrastructure Contribution) Bill 2009  
 Serious Sex Offenders (Detention and Supervision) Bill 2009  
 Summary Offences and Control of Weapons Acts Amendment Bill 2009  
 Transport Legislation Amendment (Hoon Boating and Other Amendments) Bill 2009

together with appendices.

Ordered to be tabled and printed.

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — Mr Carli, Chair, presented a report from the Scrutiny of Acts and Regulations Committee on Exceptions and Exemptions to the *Equal Opportunity Act 1995*, together with extracts from the proceedings, appendices, a minority report and transcripts of evidence.

Ordered to be tabled and the report, extracts from the proceedings, appendices and minority report printed.

**OUTER SUBURBAN/INTERFACE SERVICES AND DEVELOPMENT COMMITTEE** —

Mr Seitz, Chair, presented a report from the Outer Suburban/Interface Services and Development Committee on the Inquiry into the Impact of the State Government's Decision to Change the Urban Growth Boundary, together with appendices, extracts from the proceedings, a minority report and transcripts of evidence.

Ordered to be tabled and the report, appendices, extracts from the proceedings and minority report printed.

**DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:

Auditor-General — Report on the Annual Financial Report of the State of Victoria 2008–09 — Ordered to be printed

*Bushfires Royal Commission (Report) Act 2009* — 2009 Victorian Bushfires Royal Commission Interim Report 2: Priorities for Building in Bushfire Prone Areas, November 2009 — Ordered to be printed

*Crown Land (Reserves) Act 1978*:

Order under s 17B granting a licence over Torquay and Jan Juc Foreshore Reserve

Order under s 17D granting a lease over Scotchmans Creek Linear Reserve Park

Melbourne Central City Studios Pty Ltd — Report 2008–09, together with an explanation for the delay

*Planning and Environment Act 1987* — Notices of approval of amendments to the following Planning Schemes:

Baw Baw — C42

Boroondara — C103

Cardinia — C125

Colac Otway — C59

Corangamite — C26

Glenelg — C47

Greater Geelong — C93, C141, C191

Kingston — C81

Manningham — C84

Melbourne — C154

Moonee Valley — C93

Moorabool — C49

Mornington Peninsula — C132

Port Phillip — C74

West Wimmera — C18

Whittlesea — C116

Wodonga — C56

Yarra — C118

*Project Development and Construction Management Act 1994* — Nomination orders under s 6, application orders under s 8 and statements under s 9 of reasons for making a nomination order (six documents)

Queen Victoria Women's Centre Trust — Report 2008–09

Special Investigations Monitor, Office of — Report for period ended 30 June 2009 under s 39 of the *Crimes (Controlled Operations) Act 2004*, s 131T of the *Fisheries Act 1995* and s 74P of the *Wildlife Act 1975*

Statutory Rules under the following Acts:

*Alpine Resorts (Management) Act 1997* — SR 136  
*Births, Deaths and Marriages Registration Act 1996* — SR 133  
*Building Act 1993* — SR 139  
*Corrections Act 1986* — SR 135  
*Gambling Regulation Act 2003* — SR 141  
*Liquor Control Reform Act 1998* — SR 134  
*Road Safety Act 1986* — SRs 137, 138, 140

*Subordinate Legislation Act 1994* — Ministers' exemption certificates in relation to Statutory Rules 130, 135, 137, 138, 139, 141

Victorian Industry Participation Policy — Report 2008–09.

- 20 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Agreeing to the following bills without amendment:

Criminal Procedure Amendment (Consequential and Transitional Provisions) Bill 2009  
 Local Government Amendment (Offences and Other Matters) Bill 2009  
 Statute Law Amendment (Evidence Consequential Provisions) Bill 2009.

- 21 **MESSAGES FROM THE GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that he had given the royal assent to the following bills, presented to him by the Clerk of the Parliaments:

On 17 November 2009

Education and Training Reform Amendment (School Age) Bill 2009  
 Gambling Regulation Amendment (Racing Club Venue Operator Licences) Bill 2009  
 Local Government Amendment (Offences and Other Matters) Bill 2009  
 Local Government (Brimbank City Council) Bill 2009  
 Planning Legislation Amendment Bill 2009  
 Victorian Renewable Energy Amendment Bill 2009

On 24 November 2009

Criminal Procedure Amendment (Consequential and Transitional Provisions) Bill 2009  
 Statute Law Amendment (Evidence Consequential Provisions) Bill 2009.

- 22 **MESSAGES FROM THE GOVERNOR** — Recommending appropriations for the purposes of the following bills:

Emergency Services Legislation Amendment Bill 2009  
 Parks and Crown Land Legislation Amendment (East Gippsland) Bill 2009  
 Planning and Environment Amendment (Growth Areas Infrastructure Contribution) Bill 2009  
 Serious Sex Offenders (Detention and Supervision) Bill 2009  
 Summary Offences and Control of Weapons Acts Amendment Bill 2009  
 Transport Legislation Amendment (Hoon Boating and Other Amendments) Bill 2009.

- 23 **PARLIAMENTARY COMMITTEES — EXTENSION TO REPORTING DATES** — Motion made, by leave, and question — That —

- (1) The resolution of the House of 4 December 2007 providing that the **Road Safety Committee** be required to present its report, on the Inquiry into Federal-State Road Funding Arrangements, to the Parliament no later than 30 September 2009 be amended so far as to require the report to be presented to the Parliament no later than 1 July 2010;
- (2) The resolution of the House of 4 December 2008 providing that the **Education and Training Committee** be required to present its report, on the Inquiry into Skills Shortages in the Rail Industry, to the Parliament no later than 31 December 2009 be amended so far as to require the report to be presented to the Parliament no later than 30 April 2010;
- (3) The resolution of the House of 4 December 2008 providing that the **Environment and Natural Resources Committee** be required to present its report, on the Inquiry into the Approvals Process for Renewable Energy Projects in Victoria, to the Parliament no later than 31 December 2009 be amended so far as to require the report to be presented to the Parliament no later than 28 February 2010 —

*(Mr Batchelor)* — put and agreed to.

24 **ORDERS OF THE HOUSE RESCINDED** — Motion made, by leave, and question — That —

- (1) The Orders of the House making the resumption of debate on the second readings of the:
  - (a) Transport Legislation Amendment (Hoon Boating and Other Amendments) Bill 2009;
  - (b) Planning and Environment Amendment (Growth Areas Infrastructure Contribution) Bill 2009;
  - (c) Fire Services Funding (Feasibility Study) Bill 2009;
  - (d) Education and Training Reform Amendment (Overseas Students) Bill 2009 —  
Orders of the Day for Wednesday 25 November 2009, be read and rescinded;
- (2) The Orders of the House making the resumption of debate on the second readings of the:
  - (a) Summary Offences and Control of Weapons Acts Amendment Bill 2009; and
  - (b) Serious Sex Offenders (Detention and Supervision) Bill 2009 —  
Orders of the Day for Thursday 26 November 2009, be read and rescinded; and
- (3) These Bills be made Orders of the Day for today —

*(Mr Batchelor)* — put, after debate, and agreed to.

25 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, under SO 94(2), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 6.00 pm on Thursday 26 November 2009:

Education and Training Reform Amendment (Overseas Students) Bill 2009  
 Emergency Services Legislation Amendment Bill 2009  
 Fire Services Funding (Feasibility Study) Bill 2009  
 Parks and Crown Land Legislation Amendment (East Gippsland) Bill 2009  
 Planning and Environment Amendment (Growth Areas Infrastructure Contribution) Bill 2009

Serious Sex Offenders (Detention and Supervision) Bill 2009  
 Summary Offences and Control of Weapons Acts Amendment Bill 2009  
 Transport Legislation Amendment (Hoon Boating and Other Amendments) Bill 2009

(*Mr Batchelor*) — put, after debate, and agreed to.

26 **STATEMENTS BY MEMBERS** — Statements by members were made.

27 **EMERGENCY SERVICES LEGISLATION AMENDMENT BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Bill read a second time and, by leave, immediately read a third time.

Bill sent to the Legislative Council and their agreement requested.

28 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Constitution (Appointments) Bill 2009 without amendment.

29 **PARKS AND CROWN LAND LEGISLATION AMENDMENT (EAST GIPPSLAND) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 10.00 pm under standing orders.*

30 **ADJOURNMENT** — The Deputy Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.41 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JENNY LINDELL  
*Speaker*

## No 147 — Wednesday 25 November 2009

1 The Speaker took the Chair and read the Prayer.

2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

**Fire Services Levy** — Requesting that the House investigates and implements a fairer model of funding fire services in Victoria, bearing 160 signatures (*Dr Sykes*)

**Liquor Licence Fees** — Requesting that the Government recognises the damage across-the-board increases to liquor licences will cause, particularly in many country communities, and reviews the proposed legislation as a matter of urgency, bearing 349 and 31 signatures (*Dr Sykes and Mr Delahunty respectively*)

**Social Housing in Doncaster** — Requesting that the House postpones the commencement of the social housing development on Tram Road, Doncaster pending further consultation with the community, bearing 134 signatures (*Ms Wooldridge*)

**Route 75 Tram Service** — Requesting that the House asks the Government to fund the extension of the Route 75 tram service from Vermont South to Knox as part of the 2010–11 State budget and subsequent budgets, bearing 70 signatures (*Ms Marshall*)

**Traffic Lights in Delahey** — Requesting that the Minister for Roads and Ports, VicRoads and Brimbank City Council take immediate action to install traffic lights on the corner of Kings and Taylors Road, Delahey, bearing 20 signatures (*Mr Seitz*)

**Train Service Needs for Mildura** — Requesting that the House reinstates the Melbourne to Mildura passenger train service to cater for the aged, disabled and financially disadvantaged, bearing 45 signatures (*Mr Crisp*)

**Youth Allowance — Rural Students** — Requesting that the House rejects the proposed changes to the independence test for the Youth Allowance and calls on the Government to vigorously lobby the Federal Government to ensure tertiary education is accessible for rural students, bearing 24 signatures (*Mr Crisp*)

**Melbourne–Mildura Train Line** — Requesting that the House brings forward the reinstatement of the Melbourne–Mildura passenger train service in view of concerns including global warming, and the need to connect Mildura to both the Melbourne and the national rail networks, bearing 25 signatures (*Mr Crisp*)

**Rail Services for Eaglehawk** — Requesting that the Government provides an increase in the number of rail services from the Eaglehawk railway station and provides improved parking and CCTV facilities, bearing 139 signatures (*Mr Mulder*)

**Closure of Essendon Airport** — Requesting that the House calls upon the Government to abandon its plan to close Essendon airport, bearing 154 signatures (*Dr Naphthine*)

**Public and Social Housing in Ringwood** — Requesting the Government postpones the commencement of the social housing development at Larissa Avenue, Ringwood pending a thorough consultation period with the community, bearing 46 signatures (*Mr Smith, Warrantdyte*).

Petitions ordered to be tabled.

### 3 DOCUMENTS

**ROAD SAFETY COMMITTEE** — Mr Eren, Chair, presented a report from the Road Safety Committee on the Inquiry into the Process of Development, Adoption and Implementation of Australian Design Rules, together with appendices and transcripts of evidence.

Ordered to be tabled and the report and appendices printed.

**DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:

Auditor-General:

Maintaining the Integrity and Confidentiality of Personal Information — Ordered to be printed

Managing Offenders on Community Corrections Orders — Ordered to be printed

Vehicle Fleet Management — Ordered to be printed

Water Entities: Results of the 2008–09 Audits — Ordered to be printed

*Professional Standards Act 2003*:

Notice of revocation of the Engineers Australia (Victoria) Scheme (*Gazette G 47, 19 November 2009*)

Engineers Australia (Victoria) Scheme under s 14 (*Gazette G 47, 19 November 2009*).

### 4 CONSUMER AFFAIRS LEGISLATION AMENDMENT BILL 2009

— Mr Robinson obtained leave to bring in 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 the Bill was read a first time and ordered to be read a second time tomorrow.*

- 5 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Agreeing to the following bills without amendment:

Deakin University Bill 2009  
 La Trobe University Bill 2009  
 Monash University Bill 2009  
 University of Melbourne Bill 2009.

- 6 **STATEMENTS BY MEMBERS** — Statements by members were made.

- 7 **STATEMENTS ON PARLIAMENTARY COMMITTEE REPORTS** — Statements were made on the following Committee Reports:

Environment and Natural Resources Committee's Report on the Inquiry into Melbourne's Future Water Supply

Road Safety Committee's Report on the Inquiry into the Process of Development, Adoption and Implementation of Australian Design Rules

Public Accounts and Estimates Committee's Report on the 2009–10 Budget Estimates Part Two

Outer Suburban/Interface Services and Development Committee's Report on the Inquiry into the Impact of the State Government's Decision to Change the Urban Growth Boundary

Education and Training Committee's Report on the Inquiry into Geographical Differences in the Rate in which Victorian Students Participate in Higher Education

Drugs and Crime Prevention Committee's Report on the Inquiry into Strategies to prevent High Volume Offending and Recidivism in Young People.

- 8 **CARBON POLLUTION REDUCTION SCHEME** — Motion made and question — That this House accepts the overwhelming scientific consensus that human activity is causing global warming and urges effective action to reduce greenhouse gas emissions and mitigate the effects of climate change and specifically this House calls for:

- (1) The Federal Senate to pass the Carbon Pollution Reduction Scheme (CPRS) legislation as soon as possible;
- (2) The international leaders gathering in Copenhagen to prepare an effective, binding international agreement to reduce greenhouse gas emissions;
- (3) A combined effort by Australian governments, communities and businesses to successfully implement the CPRS and make a smooth transition to a low-carbon future —

(*Mr Brumby*) — put, after debate and agreed to.

9 **RURAL AND REGIONAL COMMITTEE** — Motion made and question — That under s 33 of the *Parliamentary Committees Act 2003*, the **Rural and Regional Committee** be required to inquire into, consider and report no later than 31 August 2010 on positioning the Wimmera-Mallee Pipeline region to capitalise on new economic development opportunities and, in particular, the Committee is required to:

- (1) Identify the economic development opportunities that will arise as a result of the Wimmera-Mallee Pipeline;
- (2) Explore the strengths of the Wimmera-Mallee region as a business location, including an industry capability analysis to identify the industries that would be best placed to establish in this region;
- (3) Identify the key factors that should be promoted to attract investment to this region;
- (4) Recommend actions that can be taken by the Victorian Government to support the region to capitalise on the opportunities arising from the Wimmera-Mallee Pipeline —

(*Ms Allan*) — put, after debate, and agreed to.

10 **PARKS AND CROWN LAND LEGISLATION AMENDMENT (EAST GIPPSLAND) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 2.00 pm under standing orders.*

11 **QUESTIONS** — (Under SO 55).

*[The Speaker having left the Chair at 2.14 pm, resumed it at 2.16 pm]*

12 **PARKS AND CROWN LAND LEGISLATION AMENDMENT (EAST GIPPSLAND) BILL 2009** — Resumption of debate on question — That this Bill be now read a second time.

Under standing orders, Mr Ingram announced amendments to be proposed when the House considers the Bill in detail and requested that they be circulated. Amendments circulated.

Debate resumed on question — That this Bill be now read a second time.

Motion made and question — That the debate be now adjourned (*Ms Richardson*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

13 **PLANNING AND ENVIRONMENT AMENDMENT (GROWTH AREAS INFRASTRUCTURE CONTRIBUTION) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Mr Nardella*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

14 **TRANSPORT LEGISLATION AMENDMENT (HOON BOATING AND OTHER AMENDMENTS) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time.

Under standing orders, Mr Mulder announced amendments to be proposed when the House considers the Bill in detail and requested that they be circulated. Amendments circulated.

Debate resumed on question — That this Bill be now read a second time.

Motion made and question — That the debate be now adjourned (*Mr Noonan*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 15 **FIRE SERVICES FUNDING (FEASIBILITY STUDY) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time.

Under standing orders, Mr Wells announced amendments to be proposed when the House considers the Bill in detail and requested that they be circulated. Amendments circulated.

Debate resumed on question — That this Bill be now read a second time.

Motion made and question — That the debate be now adjourned (*Mr Stensholt*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 16 **EDUCATION AND TRAINING REFORM AMENDMENT (OVERSEAS STUDENTS) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Ms Thomson, Footscray*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 17 **POSTPONEMENT OF ORDER OF THE DAY** — Ordered — That the consideration of Government Business, Order of the Day, No 6 be postponed until later this day.

- 18 **SERIOUS SEX OFFENDERS (DETENTION AND SUPERVISION) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Ms Richardson*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 19 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Sentencing Amendment Bill 2009 without amendment.

- 20 **SUMMARY OFFENCES AND CONTROL OF WEAPONS ACTS AMENDMENT BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Mrs Maddigan*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 21 **LEGISLATION REFORM (REPEALS NO. 5) BILL 2009** — *Mr Cameron tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Cameron*).

Motion made and question — That the debate be now adjourned (*Mr Clark*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 9 December 2009.

- 22 **WATER AMENDMENT (ENTITLEMENTS) BILL 2009** — *Mr Holding tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Holding*).

Motion made and question — That the debate be now adjourned (*Mr Walsh*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 9 December 2009.

- 23 **ROYAL MELBOURNE INSTITUTE OF TECHNOLOGY BILL 2009** — *Ms Allan tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Ms Allan*).

*Business having been interrupted at 10.00 pm under standing orders.*

Motion made and question — That the sitting be continued (*Ms Allan*) — put and agreed to.

Debate continued on question — That this Bill be now read a second time.

Motion made and question — That the debate be now adjourned (*Mr Dixon*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 9 December 2009.

- 24 **SWINBURNE UNIVERSITY OF TECHNOLOGY BILL 2009** — *Ms Allan tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Ms Allan*).

Motion made and question — That the debate be now adjourned (*Mr Dixon*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 9 December 2009.

- 25 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Electricity Industry Amendment (Critical Infrastructure) Bill 2009 without amendment.

- 26 **VICTORIA UNIVERSITY BILL 2009** — *Ms Allan tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Ms Allan*).

Motion made and question — That the debate be now adjourned (*Mr Dixon*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 9 December 2009.

- 27 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Justice Legislation Miscellaneous Amendments Bill 2009 with an amendment.

Ordered — That the amendment be taken into consideration tomorrow.

- 28 **UNIVERSITY OF BALLARAT BILL 2009** — *Ms Allan tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*
- Motion made and question proposed — That this Bill be now read a second time (*Ms Allan*).
- Motion made and question — That the debate be now adjourned (*Mr Dixon*) — put and agreed to.
- Ordered — That the debate be adjourned until Wednesday 9 December 2009.
- 29 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Ms Allan*) — put and agreed to.
- 30 **ADJOURNMENT** — The Acting Speaker left the Chair, after debate, at 11.18 pm.

R W PURDEY  
Clerk of the Legislative Assembly

JENNY LINDELL  
Speaker

## No 148 — Thursday 26 November 2009

- 1 The Speaker took the Chair and read the Prayer.
- 2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:
- Housing for Mentally Ill** — Requesting that the House acts immediately to provide long term housing for single people in the Bass Coast region with a chronic mental illness, bearing 37 signatures (*Mr Smith, Bass*)
- Paramedics for Heyfield District** — Requesting that the Government shows its support for an application for permanent paramedics in the Heyfield and district community, bearing 1724 signatures (*Mr Ingram*)
- Show Day Holiday** — Requesting that the House amends legislation and allows local councils the flexibility to allocate Show Day holidays to individual communities, bearing 241 signatures (*Mr Delahunty*)
- Roadside Cropping in Hindmarsh Shire** — Requesting that the House prevents Hindmarsh Shire from planting native grasses and trees along the Minyip Road and allows the farmers to continue their roadside cropping program, bearing 916 signatures (*Mr Delahunty*)
- Train Service Needs for Mildura** — Requesting that the House reinstates the Melbourne to Mildura passenger train service to cater for the aged, disabled and financially disadvantaged, bearing 67 signatures (*Mr Crisp*)
- Youth Allowance — Rural Students** — Requesting that the House rejects the proposed changes to the independence test for the Youth Allowance and calls on the Government to vigorously lobby the Federal Government to ensure tertiary education is accessible for rural students, bearing 24 signatures (*Mr Crisp*)
- Graffiti in the City of Kingston** — Requesting that the Government reviews current laws dealing with graffiti, increases sentencing options for magistrates dealing with graffiti offenders between

12 and 18 years old and mandates government and community responsibilities for graffiti removal within 48 hours, bearing 398 and 378 signatures (*Ms Munt and Mr Thompson, Sandringham respectively*).

Petitions ordered to be tabled.

- 3 **PETITION — GRAFFITI IN THE CITY OF KINGSTON** — Motion made and question — That the petition presented by the Member for Sandringham be taken into consideration tomorrow (*Mr Thompson, Sandringham*) — put and agreed to.
- 4 **PETITION — HOUSING FOR MENTALLY ILL** — Motion made and question — That the petition presented by the Member for Bass be taken into consideration tomorrow (*Mr Smith, Bass*) — put and agreed to.
- 5 **PETITION — SHOW DAY HOLIDAY** — Motion made and question — That the petition presented by the Member for Lowan be taken into consideration tomorrow (*Mr Delahunty*) — put and agreed to.
- 6 **PETITION — ROADSIDE CROPPING IN HINDMARSH SHIRE** — Motion made and question — That the petition presented by the Member for Lowan be taken into consideration tomorrow (*Mr Delahunty*) — put and agreed to.
- 7 **PETITION — PARAMEDICS FOR HEYFIELD DISTRICT** — Motion made and question — That the petition presented by the Member for Gippsland East be taken into consideration tomorrow (*Mr Ingram*) — put and agreed to.
- 8 **PETITION — PUBLIC AND SOCIAL HOUSING IN RINGWOOD** — Motion made and question — That the petition presented by the Member for Warrandyte on Wednesday 25 November 2009 be taken into consideration tomorrow (*Mr Smith, Warrandyte*) — put and agreed to
- 9 **PETITION — LIQUOR LICENCE FEES** — Motion made and question — That the petition presented by the Member for Lowan on Wednesday 25 November 2009 be taken into consideration tomorrow (*Mr Delahunty*) — put and agreed to
- 10 **PETITION — RAIL SERVICES FOR EAGLEHAWK** — Motion made and question — That the petition presented by the Member for Polwarth on Wednesday 25 November 2009 be taken into consideration tomorrow (*Mr Mulder*) — put and agreed to
- 11 **PETITION — SOCIAL HOUSING IN DONCASTER** — Motion made and question — That the petition presented by the Member for Doncaster on Wednesday 25 November 2009 be taken into consideration tomorrow (*Ms Wooldridge*) — put and agreed to
- 12 **PETITION — TRAIN SERVICE NEEDS FOR MILDURA** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.
- 13 **PETITION — YOUTH ALLOWANCE — RURAL STUDENTS** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.
- 14 **PETITION — TRAIN SERVICE NEEDS FOR MILDURA** — Motion made and question — That the petition presented by the Member for Mildura on Wednesday 25 November 2009 be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.
- 15 **PETITION — YOUTH ALLOWANCE — RURAL STUDENTS** — Motion made and question — That the petition presented by the Member for Mildura on Wednesday 25 November 2009 be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.

16 **PETITION — MELBOURNE-MILDURA TRAIN LINE** — Motion made and question — That the petition presented by the Member for Mildura on Wednesday 25 November 2009 be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.

17 **DOCUMENTS**

**PARTNERSHIPS VICTORIA PROJECT SUMMARY: VICTORIAN DESALINATION PROJECT** — Motion made, by leave, and question — That the Partnerships Victoria Project Summary: Victorian Desalination Project be tabled (*Mr Holding*) — put and agreed to.

**DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:

*Commissioner for Environmental Sustainability Act 2003* — Government response to the State of the Environment Report Victoria 2008

*Financial Management Act 1994* — Budget Update 2009–10

*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 2007–August 2007

Ombudsman — Own motion investigation into the Department of Human Services Child Protection Program — Ordered to be printed.

18 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourns until Tuesday 8 December 2009 (*Mr Batchelor*) — put and agreed to.

19 **STATEMENTS BY MEMBERS** — Statements by members were made.

20 **PLANNING AND ENVIRONMENT AMENDMENT (GROWTH AREAS INFRASTRUCTURE CONTRIBUTION) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Mr Delahunty*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

21 **FIRE SERVICES FUNDING (FEASIBILITY STUDY) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 2.00 pm under standing orders.*

22 **QUESTIONS** — (Under SO 55).

23 **FIRE SERVICES FUNDING (FEASIBILITY STUDY) BILL 2009** — Debate resumed on question — That this Bill be now read a second time.

Motion made and question — That the debate be now adjourned (*Mr Wakeling*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

24 **POSTPONEMENT OF ORDER OF THE DAY** — Motion made question — That the consideration of Government Business, Order of the Day, No 3 be postponed until later this day (*Ms Kosky*) — after debate, put.

A division having been called, the Deputy Speaker advised that there was only one vote for the 'noes' and accordingly, declared the question agreed to. Mr Ingram asked that his dissent be recorded.

- 25 **TRANSPORT LEGISLATION AMENDMENT (HOON BOATING AND OTHER AMENDMENTS) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Mr Kotsiras*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 26 **POSTPONEMENT OF ORDER OF THE DAY** — Ordered — That the consideration of Government Business, Order of the Day, No 5 be postponed until later this day.

- 27 **SUMMARY OFFENCES AND CONTROL OF WEAPONS ACTS AMENDMENT BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Mr Kotsiras*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 28 **FIRE SERVICES FUNDING (FEASIBILITY STUDY) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time.

Bill read a second time and considered in detail (*see pp 781–2*).

*Allocation of time* — *The Deputy Speaker advised that the time allocated for consideration of bills under the resolution of the House on Tuesday 24 November 2009 had expired.*

Question — That the words proposed to be omitted stand part of the clause — put.

The House divided (the Deputy Speaker, Ms Barker, in the Chair) —

AYES 46

Ms Allan; Mr Andrews; Mr Batchelor; Ms Beattie; Mr Brooks; Ms Campbell; Mr Carli; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Mr Eren; Mr Foley; Ms Graley; Ms Green; Mr Hardman; Dr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Ms Kairouz; Ms Kosky; Mr Langdon; Mr Languiller; Mr Lim; Ms Lobato; Mr Lupton; Mrs Maddigan; Ms Marshall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Noonan; Mr Pandazopoulos; Mr Perera; Ms Pike; Ms Richardson; Mr Robinson; Mr Scott; Mr Seitz; Mr Stensholt; Ms Thomson (*Footscray*); Mr Trezise.

NOES 33

Ms Asher; Mr Baillieu; Mr Blackwood; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Hodgett; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Morris; Mr Mulder; Dr Napthine; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith (*Bass*); Mr Smith (*Warrandyte*); Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Weller; Mr Wells; Ms Wooldridge.

Question agreed to.

Question — That clause 1 stand part of the Bill — put and agreed to.

Question — That clauses 2 to 6 inclusive stand part of the Bill, the Bill be agreed to without amendment and the Bill be now read a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 29 **PARKS AND CROWN LAND LEGISLATION AMENDMENT (EAST GIPPSLAND) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time and a third time — put.

A division having been called, the Deputy Speaker advised that there was only one vote for the 'noes' and accordingly, declared the question agreed to. Mr Ingram asked that his dissent be recorded.

Bill sent to the Legislative Council and their agreement requested.

- 30 **TRANSPORT LEGISLATION AMENDMENT (HOON BOATING AND OTHER AMENDMENTS) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time and a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 31 **EDUCATION AND TRAINING REFORM AMENDMENT (OVERSEAS STUDENTS) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time and a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 32 **SUMMARY OFFENCES AND CONTROL OF WEAPONS ACTS AMENDMENT BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time and a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 33 **SERIOUS SEX OFFENDERS (DETENTION AND SUPERVISION) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time and a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 34 **PLANNING AND ENVIRONMENT AMENDMENT (GROWTH AREAS INFRASTRUCTURE CONTRIBUTION) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time — put.

The House divided (the Deputy Speaker, Ms Barker, in the Chair) —

AYES 47

Ms Allan; Mr Andrews; Mr Batchelor; Ms Beattie; Mr Brooks; Ms Campbell; Mr Carli; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Mr Eren; Mr Foley; Ms Graley; Ms Green; Mr Hardman; Dr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Ms Kairouz; Ms Kosky; Mr Langdon; Mr Languiller; Mr Lim; Ms Lobato; Mr Lupton; Mrs Maddigan; Ms Marshall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Noonan; Mr Pandazopoulos; Mr Perera; Ms Pike; Ms Richardson; Mr Robinson; Mr Scott; Mr Seitz; Mr Stensholt; Ms Thomson (*Footscray*); Mr Trezise.

## NOES 32

Ms Asher; Mr Baillieu; Mr Blackwood; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Hodgett; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Morris; Mr Mulder; Dr Naphine; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith (*Bass*); Mr Smith (*Warrandyte*); Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Weller; Mr Wells; Ms Wooldridge.

Question agreed to.

Bill read a third time with the concurrence of an absolute majority of the whole number of the members of the Legislative Assembly.

Bill sent to the Legislative Council and their agreement requested.

- 35 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Agreeing to the following bills without amendment:

Fair Work (Commonwealth Powers) Amendment Bill 2009  
Emergency Services Legislation Amendment Bill 2009.

- 36 **POSTPONEMENT OF ORDER OF THE DAY** — Ordered — That the consideration of Government Business, Order of the Day, No 8 be postponed until later this day.

- 37 **CONSUMER AFFAIRS LEGISLATION AMENDMENT BILL 2009** — *Mr Robinson tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Robinson*).

Motion made and question — That the debate be now adjourned (*Mr O'Brien*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 10 December 2009.

- 38 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Robinson*) — put and agreed to.

- 39 **ADJOURNMENT** — The Speaker left the Chair, after debate, at 7.01pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JENNY LINDELL  
*Speaker*

LEGISLATIVE ASSEMBLY OF VICTORIA

**CONSIDERATION IN DETAIL**  
**Supplement to Votes Nos 146, 147 and 148**

**No 148 — Thursday 26 November 2009**

**FIRE SERVICES FUNDING (FEASIBILITY STUDY) BILL 2009**

**Clause 1**, Mr Wells moved amendment No 1 (*see Schedule*).

*Allocation of time — The Deputy Speaker advised that the time allocated for consideration of bills under the resolution of the House on Tuesday 24 November 2009 had expired (for remaining stages see p 778).*

## **SCHEDULE OF AMENDMENT MOVED**

### **FIRE SERVICES FUNDING (FEASIBILITY STUDY) BILL 2009**

Amendment moved by Mr Wells

1. Clause 1, lines 3 and 4, omit "feasibility studies" and insert "the conduct of a fire services funding feasibility study".

## LEGISLATIVE ASSEMBLY OF VICTORIA

### VOTES AND PROCEEDINGS Nos 149, 150 and 151

#### No 149 — Tuesday 8 December 2009

- 1 The House met according to the adjournment — The Speaker took the Chair and read the Prayer.
- 2 **QUESTIONS** — (Under SO 55).
- 3 **LEGISLATION REFORM (REPEALS NO. 6) BILL 2009** — Mr Batchelor obtained leave to bring in a Bill '*for an Act to repeal certain spent Acts*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 4 **MAGISTRATES' COURT AMENDMENT (MENTAL HEALTH LIST) BILL 2009** — Mr Hulls obtained leave to bring in 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 the Bill was read a first time and ordered to be read a second time tomorrow.
- 5 **CRIMES LEGISLATION AMENDMENT BILL 2009** — Mr Hulls obtained leave to bring in 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 the Bill was read a first time and ordered to be read a second time tomorrow.
- 6 **ACCIDENT COMPENSATION AMENDMENT BILL 2009** — Mr Holding obtained leave to bring in 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, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 7 **PUBLIC FINANCE AND ACCOUNTABILITY BILL 2009** — Mr Holding obtained leave to bring in 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 the Bill was read a first time and ordered to be read a second time tomorrow.
- 8 **SEVERE SUBSTANCE DEPENDENCE TREATMENT BILL 2009** — Mr Andrews obtained leave to bring in 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, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 9 **EDUCATION AND TRAINING REFORM AMENDMENT BILL 2009** — Ms Pike obtained leave to bring in a Bill '*for an Act to amend the *Education and Training Reform Act 2006* and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 10 **TRANSPORT INTEGRATION BILL 2009** — Ms Kosky obtained leave to bring in 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, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.

11 **LIVESTOCK MANAGEMENT BILL 2009** — Mr Helper obtained leave to bring in a Bill *'for an Act to regulate livestock management in Victoria and for other purposes'*; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.

12 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

**Fire Services Levy** — Requesting that the House investigates and implements a fairer model of funding fire services in Victoria, bearing 79 signatures (*Dr Sykes*)

**Liquor Licence Fees** — Requesting that the Government recognises the damage across-the-board increases to liquor licences will cause, particularly in many country communities, and reviews the proposed legislation as a matter of urgency, bearing 33 and 118 signatures (*Dr Sykes and Mr Jasper respectively*)

**Upper Yarra Valley Fire Protection** — Requesting that the House supports the residents of the Upper Yarra Valley region by — (a) adding the Upper Yarra Valley to the list of 52 townships nominated as high risk fire areas in Victoria and reviewing traffic flow and exit strategies in the Warburton area; (b) providing safe and suitable refuges in Warburton and East Warburton; (c) implementing a township warning system and protection plan; (d) providing permanent radio reception to ABC 774 to Warburton and East Warburton; and (e) increasing the area of annual fuel reduction as recommended by the Environmental and Natural Resources Committee, bearing 578 signatures (*Mrs Fyffe*)

**Road Works in Loch Sport** — Requesting that the House asks the Government to undertake immediate repairs and improvements to Loch Sport Road in view of proposed increased use of the road, bearing 254 signatures (*Mr Ryan*)

**Show Day Holiday** — Requesting that the House amends legislation and allows local councils the flexibility to allocate Show Day holidays to individual communities, bearing 38 signatures (*Mr Delahunty*)

**Victorian Patient Transport Assistance Scheme** — Requesting that the House updates and revises the Victorian patient transport assistance scheme regulations to — (a) provide assistance for 50 km one way travel to the most appropriate town centre with medical/dental specialist treatment; (b) increase the current reimbursement and accommodation rates; and (c) allow for the calculation of kilometres travelled to be based on the safest and most appropriate road route, rather than the shortest, bearing 14 signatures (*Mr Crisp*)

**Melbourne–Mildura Train Line** — Requesting that the House brings forward the reinstatement of the Melbourne–Mildura passenger train service in view of concerns including global warming, and the need to connect Mildura to both the Melbourne and the national rail networks, bearing 17 signatures (*Mr Crisp*)

**Fire Services Funding** — Requesting that the House investigates and implements a fairer model of funding fire services in Victoria as is the case in other states of Australia, bearing 20 signatures (*Mr Crisp*)

**Youth Allowance — Rural Students** — Requesting that the House rejects the proposed changes to the independence test for the Youth Allowance and calls on the Government to vigorously lobby the Federal Government to ensure tertiary education is accessible for rural students, bearing 14 and 51 signatures (*Mr Crisp and Mr Walsh respectively*)

**Traralgon V/Line Services** — Requesting that the House retains all current Traralgon V/Line services to Southern Cross station, bearing 28 signatures (*Mr Northe*)

**Equal Opportunity Act 1995 Exemptions and Exceptions** — Requesting that the House ensures that Victorians continue to enjoy the freedom of choice, particularly in relation to education, that the exemptions and exceptions in the *Equal Opportunity Act 1995* currently provide for, bearing 62 signatures (*Mr Smith, Warrandyte*).

Petitions ordered to be tabled.

13 **PETITION — UPPER YARRA VALLEY FIRE PROTECTION** — Motion made and question — That the petition presented by the Member for Evelyn be taken into consideration tomorrow (*Mrs Fyffe*) — put and agreed to.

14 **PETITION — VICTORIAN PATIENT TRANSPORT ASSISTANCE SCHEME** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.

15 **PETITION — MELBOURNE–MILDURA TRAIN LINE** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.

16 **PETITION — FIRE SERVICES FUNDING** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.

17 **PETITION — YOUTH ALLOWANCE — RURAL STUDENTS** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.

18 **PETITION — FIRE SERVICES LEVY** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.

19 **PETITION — LIQUOR LICENCE FEES** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.

20 **PETITION — LIQUOR LICENCE FEES** — Motion made and question — That the petition presented by the Member for Murray Valley be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.

21 **PETITION — TRARALGON V/LINE SERVICES** — Motion made and question — That the petition presented by the Member for Morwell be taken into consideration tomorrow (*Mr Northe*) — put and agreed to.

22 **PETITION — SHOW DAY HOLIDAY** — Motion made and question — That the petition presented by the Member for Lowan be taken into consideration tomorrow (*Mr Delahunty*) — put and agreed to.

## 23 DOCUMENTS

**VICTORIAN GOVERNMENT INDIGENOUS AFFAIRS REPORT** — Motion made, by leave, and question — That the Victorian Government Indigenous Affairs Report 2008–09 be tabled (*Mr Wynne*) — put and agreed to.

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — Mr Carli, Chair, presented the Alert Digest No 15 of 2009 from the Scrutiny of Acts and Regulations Committee on the:

Consumer Affairs Legislation Amendment Bill 2009  
 Criminal Procedure Amendment (Consequential and Transitional Provisions) Bill 2009  
 Legislation Reform (Repeals No. 5) Bill 2009  
 Royal Melbourne Institute of Technology Bill 2009  
 Swinburne University of Technology Bill 2009  
 University of Ballarat Bill 2009  
 Victoria University Bill 2009  
 Water Amendment (Entitlements) Bill 2009

together with appendices.

Ordered to be tabled and printed.

**DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:

Health Services Commissioner — Investigation Report into Shamir Shalom — Ordered to be printed

*Interpretation of Legislation Act 1984* — Notice under s 32(3)(a)(iii) in relation to Statutory Rule 125 (*Gazette G47, 19 November 2009*)

*Land Acquisition and Compensation Act 1986* — Certificate under s 7

*Parliamentary Committees Act 2003* — Government response to the Public Accounts and Estimates Committee's Report on New Directions in Accountability, Inquiry into Victoria's Public Finance Practices and Legislation

*Planning and Environment Act 1987* — Notices of approval of amendments to the following Planning Schemes:

Ararat — C14 Part 1, C15  
 Ballarat — C107  
 Bass Coast — C97, C106  
 Baw Baw — C72  
 Cardinia — C60  
 East Gippsland — C63  
 Golden Plains — C46  
 Greater Dandenong — C104  
 Horsham — C25 Part 3, C48  
 Kingston — C108  
 Latrobe — C52  
 Manningham — C85  
 Monash — C74  
 Moyne — C21  
 South Gippsland — C45  
 Stonnington — C83  
 West Wimmera — C19  
 Whitehorse — C20, C122  
 Wodonga — C41, C61, C70  
 Wyndham — C111  
 Yarra — C99  
 Yarra Ranges — C40

Statutory Rules under the following Acts:

*Criminal Procedure Act 2009* — SR 145  
*Relationships Act 2008* — SR 142  
*Supreme Court Act 1986* — SRs 144, 145, 146  
*Wildlife Act 1975* — SR 143

*Subordinate Legislation Act 1994*:

Minister's exception certificates in relation to Statutory Rules 144, 145, 146  
 Minister's exemption certificate in relation to Statutory Rule 140

*Wrongs Act 1958* — Notice under s 28LXA (*Gazette G48, 26 November 2009*).

The following proclamations fixing operative dates were tabled by the Clerk in accordance with an order of the House dated 19 December 2006:

*Greenhouse Gas Geological Sequestration Act 2008* — Remaining provisions (except Division 2 of Part 18) — 1 December 2009 (*Gazette S439, 1 December 2009*)  
*National Parks Amendment (Point Nepean) Act 2009* — Sections 3, 4, 5, 6, 7 and 8 — 6 December 2009 (*Gazette G49, 3 December 2009*)  
*Personal Property Securities (Commonwealth Powers) Act 2009* — Section 6(2) — 26 November 2009 (*Gazette G48, 26 November 2009*).

- 24 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Agreeing to the following bills without amendment:

Casino Legislation Amendment Bill 2009  
 Health Practitioner Regulation National Law (Victoria) Bill 2009  
 Land Legislation Amendment Bill 2009  
 Land (Revocation of Reservations and Other Matters) Bill 2009  
 Parks and Crown Land Legislation Amendment (River Red Gums) Bill 2009  
 State Taxation Acts Further Amendment Bill 2009.

- 25 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Valuation of Land Amendment Bill 2009 with amendments.

Ordered — That the amendments be taken into consideration later this day.

- 26 **MESSAGES FROM THE GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that he had given the royal assent to the following bills, presented to him by the Clerk of the Parliaments:

On 1 December 2009  
 Constitution (Appointments) Bill 2009  
 Deakin University Bill 2009  
 Electricity Industry Amendment (Critical Infrastructure) Bill 2009  
 Emergency Services Legislation Amendment Bill 2009  
 Fair Work (Commonwealth Powers) Amendment Bill 2009  
 La Trobe University Bill 2009  
 Monash University Bill 2009  
 Sentencing Amendment Bill 2009  
 University of Melbourne Bill 2009

On 8 December 2009  
 Health Practitioner Regulation National Law (Victoria) Bill 2009

Land Legislation Amendment Bill 2009  
 Land (Revocation of Reservations and Other Matters) Bill 2009  
 Parks and Crown Land Legislation Amendment (River Red Gums) Bill 2009  
 State Taxation Acts Further Amendment Bill 2009.

- 27 **MESSAGES FROM THE GOVERNOR** — Recommending appropriations for the purposes of the following bills:

Consumer Affairs Legislation Amendment Bill 2009  
 Liquor Control Reform Amendment (Party Buses) Bill 2009  
 Royal Melbourne Institute of Technology Bill 2009  
 Swinburne University of Technology Bill 2009  
 University of Ballarat Bill 2009  
 Victoria University Bill 2009.

- 28 **RURAL AND REGIONAL COMMITTEE — SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — The Speaker announced that she had received the resignations of Ms Marshall, from the Rural and Regional Committee, and Mr Ryan Smith from the Scrutiny of Acts and Regulations Committee, effective from today.

- 29 **MEMBERSHIP OF COMMITTEES** — Motion made, by leave, and question — That Mr Nardella be appointed a member of the Rural and Regional Committee and Mr Burgess be appointed a member of the Scrutiny of Acts and Regulations Committee (*Mr Batchelor*) — put and agreed to.

- 30 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, under SO 94(2), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 10 December 2009:

Consumer Affairs Legislation Amendment Bill 2009  
 Justice Legislation Miscellaneous Amendments Bill 2009 — Amendment of the Legislative Council  
 Legislation Reform (Repeals No. 5) Bill 2009  
 Liquor Control Reform Amendment (Party Buses) Bill 2009  
 Melbourne Cricket Ground and Yarra Park Amendment Bill 2009  
 Royal Melbourne Institute of Technology Bill 2009  
 Swinburne University of Technology Bill 2009  
 University of Ballarat Bill 2009  
 Victoria University Bill 2009  
 Water Amendment (Entitlements) Bill 2009

(*Mr Batchelor*) — put, after debate, and agreed to.

- 31 **STATEMENTS BY MEMBERS** — Statements by members were made.

- 32 **ROYAL MELBOURNE INSTITUTE OF TECHNOLOGY BILL 2009, SWINBURNE UNIVERSITY OF TECHNOLOGY BILL 2009, VICTORIA UNIVERSITY BILL 2009 AND UNIVERSITY OF BALLARAT BILL 2009** — Motion made and question — That this House authorises and requires the Speaker to permit the second reading and subsequent stages of the Royal Melbourne Institute of Technology Bill 2009, the Swinburne University of Technology Bill 2009, the Victoria University Bill 2009 and the University of Ballarat Bill 2009 to be moved and debated concurrently (*Mr Batchelor*) — put, after debate, and agreed to.

- 33 **MELBOURNE CRICKET GROUND AND YARRA PARK AMENDMENT BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Bill read a second time and, by leave, immediately read a third time.

Bill sent to the Legislative Council and their agreement requested.

- 34 **LIQUOR CONTROL REFORM AMENDMENT (PARTY BUSES) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time.

Under standing orders, Mr Robinson announced amendments to be proposed when the House considers the Bill in detail and requested that they be circulated. Amendments circulated.

Debate resumed on question — That this Bill be now read a second time.

Bill read a second time, considered in detail and agreed to with amendments, read a third time (*see pp 798–9*).

Bill sent to the Legislative Council and their agreement requested.

- 35 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Parks and Crown Land Legislation Amendment (East Gippsland) Bill 2009 without amendment.

- 36 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Transport Legislation Amendment (Hoon Boating and Other Amendments) Bill 2009 with amendments.

Ordered — That the amendments be taken into consideration tomorrow.

- 37 **JUSTICE LEGISLATION MISCELLANEOUS AMENDMENTS BILL 2009** — Order read for the consideration of the amendment made by the Legislative Council.

After debate, the amendment was agreed to.

Message sent to the Legislative Council informing them accordingly.

- 38 **VALUATION OF LAND AMENDMENT BILL 2009** — Order read for the consideration of the amendments made by the Legislative Council.

After debate, the amendments were agreed to.

Message sent to the Legislative Council informing them accordingly.

- 39 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Batchelor*) — put and agreed to.

- 40 **ADJOURNMENT** — The Deputy Speaker left the Chair, after debate, at 10.29 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JENNY LINDELL  
*Speaker*

## No 150 — Wednesday 9 December 2009

- 1 The Speaker took the Chair and read the Prayer.

- 2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

**Public Land and Fire Management Practices** — Requesting that the House calls on the Government to fully implement the recommendations of the Environment and Natural Resources Committee's report into public land management, including increasing the levels of fuel reduction and ecological burning to 385,000 hectares per annum, bearing 71 signatures (*Mr Ingram*)

**Hastings Police Station** — Requesting that the House directs the Government to immediately return the Hastings Police Station to 24 hour status in the interests of community safety, bearing 262 signatures (*Mr Burgess*)

**Victorian Patient Transport Assistance Scheme** — Requesting that the House updates and revises the Victorian patient transport assistance scheme regulations to — (a) provide assistance for 50 km one way travel to the most appropriate town centre with medical/dental specialist treatment; (b) increase the current reimbursement and accommodation rates; and (c) allow for the calculation of kilometres travelled to be based on the safest and most appropriate road route, rather than the shortest, bearing 20 signatures (*Mr Crisp*)

**Train Service Needs for Mildura** — Requesting that the House reinstates the Melbourne to Mildura passenger train service to cater for the aged, disabled and financially disadvantaged, bearing 49 signatures (*Mr Crisp*)

**Fire Services Funding** — Requesting that the House investigates and implements a fairer model of funding fire services in Victoria as is the case in other states of Australia, bearing 61 signatures (*Mrs Powell*)

**Liquor Licence Fees** — Requesting that the Government recognises the damage across-the-board increases to liquor licences will cause, particularly in many country communities, and reviews the proposed legislation as a matter of urgency, bearing 212 signatures (*Mrs Powell*).

Petitions ordered to be tabled.

- 3 **PETITION — PUBLIC LAND AND FIRE MANAGEMENT PRACTICES** — Motion made and question — That the petition presented by the Member for Gippsland East be taken into consideration tomorrow (*Mr Ingram*) — put and agreed to.
- 4 **PETITION — VICTORIAN PATIENT TRANSPORT ASSISTANCE SCHEME** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.
- 5 **PETITION — TRAIN SERVICE NEEDS FOR MILDURA** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.
- 6 **PETITION — EQUAL OPPORTUNITY ACT 1995 EXEMPTIONS AND EXCEPTIONS** — Motion made and question — That the petition presented by the Member for Warrandyte on Tuesday 8 December 2009 be taken into consideration tomorrow (*Mr Smith, Warrandyte*) — put and agreed to.
- 7 **PETITION — HASTINGS POLICE STATION** — Motion made and question — That the petition presented by the Member for Hastings be taken into consideration tomorrow (*Mr Burgess*) — put and agreed to.
- 8 **PETITION — FIRE SERVICES FUNDING** — Motion made and question — That the petition presented by the Member for Shepparton be taken into consideration tomorrow (*Mrs Powell*) — put and agreed to.

- 9 **PETITION — LIQUOR LICENCE FEES** — Motion made and question — That the petition presented by the Member for Shepparton be taken into consideration tomorrow (*Mrs Powell*) — put and agreed to.

10 **DOCUMENTS**

**RESPONSE TO AUDITOR-GENERAL'S REPORTS** — Motion made, by leave, and question — That the Response by the Minister for Finance to the Auditor-General's Reports issued during 2008–09 be tabled (*Mr Holding*) — put and agreed to.

**LAW REFORM COMMITTEE** — Mr Clark, Deputy Chair, presented a report from the Law Reform Committee on the review of the *Members of Parliament (Register of Interests) Act 1978*, together with appendices, a minority report, an extract from the proceedings and transcripts of evidence.

Ordered to be tabled and the report, appendices, minority report and extract from the proceedings printed.

**RURAL AND REGIONAL COMMITTEE** — Mr Northe presented a report from the Rural and Regional Committee on the Inquiry into Regional Centres of the Future, together with appendices, a minority report and transcripts of evidence.

Ordered to be tabled and the report, appendices and minority report printed.

**DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:

Auditor-General:

Making Public Transport More Accessible for People Who Face Mobility Challenges — Ordered to be printed

Portfolio Departments and Associated Entities: Results of the 2008–09 Audits — Ordered to be printed

Use of Development Contributions by Local Government — Ordered to be printed

*Planning and Environment Act 1987* — Notices of approval of amendments to the following Planning Schemes:

Mornington Peninsula — C118

Yarra Ranges — C105.

- 11 **STATEMENTS BY MEMBERS** — Statements by members were made.
- 12 **GRIEVANCES** — Question — That grievances be noted — put, after debate, and agreed to.
- 13 **STATEMENTS ON PARLIAMENTARY COMMITTEE REPORTS** — Statements were made on the following Committee Reports:

Public Accounts and Estimates Committee's Report on New Directions in Accountability, Inquiry into Victoria's Public Finance Practices and Legislation

Outer Suburban/Interface Services and Development Committee's Report on the Inquiry into the Impact of the State Government's Decision to Change the Urban Growth Boundary

Rural and Regional Committee's Report on the Inquiry into Regional Centres of the Future

Scrutiny of Acts and Regulations Committee's Report on the Exceptions and Exemptions to the *Equal Opportunity Act 1995*

Rural and Regional Committee's Report on the Inquiry into Rural and Regional Tourism

Drugs and Crime Prevention Committee's Report on the Inquiry into Strategies to prevent High Volume Offending and Recidivism by Young People.

- 14 **ORDER OF THE DAY DISCHARGED** — Motion made and question — That the following Order of the Day, Government Business, be read and discharged:

*Annual Statement of Government Intentions 2009 — Responses to the Statement — Resumption of debate*

(*Mr Batchelor*) — put, after debate, and agreed to.

*Business having been interrupted at 2.00 pm under standing orders.*

- 15 **QUESTIONS** — (Under SO 55).

- 16 **TRANSPORT LEGISLATION AMENDMENT (HOON BOATING AND OTHER AMENDMENTS) BILL 2009** — Order read for the consideration of the amendments made by the Legislative Council.

After debate, the amendments were agreed to.

Message sent to the Legislative Council informing them accordingly.

- 17 **LEGISLATION REFORM (REPEALS NO. 5) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Bill read a second time and, by leave, immediately read a third time.

Bill sent to the Legislative Council and their agreement requested.

- 18 **WATER AMENDMENT (ENTITLEMENTS) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Bill read a second time and, by leave, immediately read a third time.

Bill sent to the Legislative Council and their agreement requested.

- 19 **ROYAL MELBOURNE INSTITUTE OF TECHNOLOGY BILL 2009, SWINBURNE UNIVERSITY OF TECHNOLOGY BILL 2009, UNIVERSITY OF BALLARAT BILL 2009 AND VICTORIA UNIVERSITY BILL 2009** — Order read for resuming debate on question — That these Bills be now read a second time; debate resumed.

Bills read a second time and, by leave, immediately read a third time.

Bills sent to the Legislative Council and their agreement requested.

- 20 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Holding*) — put and agreed to.

21 **ADJOURNMENT** — The Acting Speaker left the Chair, after debate, at 9.55 pm.

R W PURDEY  
Clerk of the Legislative Assembly

JENNY LINDELL  
Speaker

## No 151 — Thursday 10 December 2009

1 The Speaker took the Chair and read the Prayer.

2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

**Housing for Mentally Ill** — Requesting that the House acts immediately to provide long term housing for single people in the Bass Coast region with a chronic mental illness, bearing 42 signatures (*Mr Smith, Bass*)

**Leongatha Hospital** — Requesting that the House calls upon the Government to fund the development of a new hospital at Leongatha as a matter of urgency, bearing 3326 signatures (*Mr Ryan*)

**Train Service Needs for Mildura** — Requesting that the House reinstates the Melbourne to Mildura passenger train service to cater for the aged, disabled and financially disadvantaged, bearing 49 signatures (*Mr Crisp*)

**Noxious Weed Control** — Requesting that the House calls upon the Government to — (a) clarify responsibility for the control of noxious weeds; and (b) increase funding levels to implement appropriate eradication programs and to include Paterson's Curse, bearing 40 signatures (*Mr Jasper*)

**Warragul Railway Station — Park and Ride Facilities** — Requesting that the House directs the Government to take immediate action on its previous commitment to establish Park and Ride facilities at the Warragul Railway Station, bearing 263 signatures (*Mr Blackwood*)

**Complaints about the Ombudsman** — Requesting that the House acts now to establish an open, transparent and fair complaints resolution management process and to protect the public from the practices and processes of the Office of the Ombudsman, bearing 1 signature (*Ms Barker*).

Petitions ordered to be tabled.

3 **PETITION — HOUSING FOR MENTALLY ILL** — Motion made and question — That the petition presented by the Member for Bass be taken into consideration tomorrow (*Mr Smith, Bass*) — put and agreed to.

4 **PETITION — TRAIN SERVICE NEEDS FOR MILDURA** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.

5 **PETITION — NOXIOUS WEED CONTROL** — Motion made and question — That the petition presented by the Member for Murray Valley be taken into consideration tomorrow (*Mr Jasper*) — put and agreed to.

- 6 **PETITION — WARRAGUL RAILWAY STATION — PARK AND RIDE FACILITIES** — Motion made and question — That the petition presented by the Member for Narracan be taken into consideration tomorrow (*Mr Blackwood*) — put and agreed to.

7 **DOCUMENTS**

**STANDING ORDERS COMMITTEE** — Ms Barker presented a report from the Standing Orders Committee on the Inquiry into Petitions, the Opening of Parliament, and the Passage of Legislation, together with appendices.

Ordered to be tabled and printed.

**DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:

*Crimes (Assumed Identities) Act 2004* — Report 2008–09 under s 31

Forensic Leave Panel — Report 2008

*Freedom of Information Act 1982* — Report 2008–09 of the Attorney-General on the operation of the Act

Ombudsman — *Whistleblowers Protection Act 2001*: Investigation into the handling of drugs exhibits at the Victoria Police Forensic Services Centre — Ordered to be printed

Statutory Rules under the following Acts:

*Electricity Safety Act 1998* — SR 151

*Environment Protection Act 1970* — SR 152

*Fair Trading Act 1999* — SR 148

*Greenhouse Gas Geological Sequestration Act 2008* — SRs 149, 150

*Travel Agents Act 1986* — SR 147

*Subordinate Legislation Act 1994*:

Ministers' exemption certificates in relation to Statutory Rules 147, 148, 152

Minister's infringements offence consultation certificate in relation to Statutory Rule 151

*Surveillance Devices Act 1999* — Report 2008–09 under s 30L

*Terrorism (Community Protection) Act 2003* — Reports 2008–09 under ss 13 and 13ZR.

- 8 **STATEMENTS BY MEMBERS** — Statements by members were made.
- 9 **CONSUMER AFFAIRS LEGISLATION AMENDMENT BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time.

Under standing orders, Mr Robinson announced amendments to be proposed when the House considers the Bill in detail and requested that they be circulated. Amendments circulated.

Debate resumed on question — That this Bill be now read a second time.

Motion made and question — That the debate be now adjourned (*Mr Langdon*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 10 **TRANSPORT INTEGRATION BILL 2009** — *Ms Kosky tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Ms Kosky*).

Motion made and question — That the debate be now adjourned (*Mr Mulder*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 24 December 2009.

- 11 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 3 and 4, be postponed until later this day.

- 12 **LIVESTOCK MANAGEMENT BILL 2009** — *Mr Helper tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Helper*).

Motion made and question — That the debate be now adjourned (*Mr Walsh*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 24 December 2009.

- 13 **POSTPONEMENT OF ORDER OF THE DAY** — Ordered — That the consideration of Government Business, Order of the Day, No 6 be postponed until later this day.

- 14 **SEVERE SUBSTANCE DEPENDENCE TREATMENT BILL 2009** — *Mr Andrews tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Andrews*).

Motion made and question — That the debate be now adjourned (*Ms Wooldridge*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 24 December 2009.

- 15 **CONSUMER AFFAIRS LEGISLATION AMENDMENT BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 2.00 pm under standing orders.*

- 16 **QUESTIONS** — (Under SO 55).

- 17 **CONSUMER AFFAIRS LEGISLATION AMENDMENT BILL 2009** — Debate resumed on question — That this Bill be now read a second time.

Motion made and question — That the debate be now adjourned (*Mr Brooks*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 18 **MAGISTRATES' COURT AMENDMENT (MENTAL HEALTH LIST) BILL 2009** — *Mr Hulls tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).

Motion made and question — That the debate be now adjourned (*Dr Naphthine*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 24 December 2009.

- 19 **CRIMES LEGISLATION AMENDMENT BILL 2009** — *Mr Hulls tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).

Motion made and question — That the debate be now adjourned (*Dr Naphine*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 24 December 2009.

- 20 **EDUCATION AND TRAINING REFORM AMENDMENT BILL 2009** — *Ms Pike tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Ms Pike*).

Motion made and question — That the debate be now adjourned (*Mr Dixon*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 24 December 2009.

- 21 **LEGISLATION REFORM (REPEALS NO. 6) BILL 2009** — *Mr Cameron tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Cameron*).

Motion made and question — That the debate be now adjourned (*Mr Wakeling*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 24 December 2009.

- 22 **LEGISLATION REFORM (REPEALS NO. 6) BILL 2009** — Motion made, by leave, and question — That the proposals contained in the Legislation Reform (Repeals No. 6) Bill 2009 be referred to the Scrutiny of Acts and Regulations Committee for inquiry, consideration and report (*Mr Cameron*) — put and agreed to.

- 23 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourns until a day and hour to be fixed by the Speaker, which time of meeting shall be notified in writing to each member of the House (*Mr Cameron*) — put, after debate, and agreed to.

- 24 **ACCIDENT COMPENSATION AMENDMENT BILL 2009** — *Mr Holding tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Holding*).

*Mr Holding commenced the statement of intention required by s 85(5)(c) of the Constitution Act 1975.*

*Allocation of time — The Acting Speaker advised that the time allocated for consideration of bills under the resolution of the House on Tuesday 8 December 2009 had expired.*

- 25 **CONSUMER AFFAIRS LEGISLATION AMENDMENT BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time, Government amendment Nos 1 and 2 be agreed to and the Bill be now read a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 26 **ACCIDENT COMPENSATION AMENDMENT BILL 2009** — Debate continued on question — That this Bill be now read a second time.
- Mr Holding concluded the statement of intention required by s 85(5)(c) of the Constitution Act 1975.*
- Motion made and question — That the debate be now adjourned (*Mr Wells*) — put and agreed to.
- Ordered — That the debate be adjourned until Thursday 24 December 2009.
- 27 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Fire Services Funding (Feasibility Study) Bill 2009 without amendment.
- 28 **PUBLIC FINANCE AND ACCOUNTABILITY BILL 2009** — *Mr Holding tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*
- Motion made and question proposed — That this Bill be now read a second time (*Mr Holding*).
- Motion made and question — That the debate be now adjourned (*Mr Clark*) — put and agreed to.
- Ordered — That the debate be adjourned until Thursday 24 December 2009.
- 29 **DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:
- Disability Services Commissioner — Report 2008–09
- Food Safety Council — Report 2008–09
- Mental Health Review Board incorporating the Psychosurgery Review Board — Report 2008–09.
- 30 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Wynne*) — put and agreed to.
- 31 **ADJOURNMENT** — The Speaker left the Chair, after debate, at 4.57 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JENNY LINDELL  
*Speaker*

LEGISLATIVE ASSEMBLY OF VICTORIA

**CONSIDERATION IN DETAIL**  
**Supplement to Votes Nos 149, 150 and 151**

**No 149 — Tuesday 8 December 2009**

**LIQUOR CONTROL REFORM AMENDMENT (PARTY BUSES) BILL 2009**

**Clauses 1 to 7** agreed to.

**Clause 8**, Mr Robinson moved amendment Nos 1 and 2 (*see Schedule*).

Amendments put and agreed to.

Clause agreed to as amended.

**Clauses 9 and 10** agreed to.

Bill agreed to as amended.

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## SCHEDULE OF AMENDMENTS MOVED

### LIQUOR CONTROL REFORM AMENDMENT (PARTY BUSES) BILL 2009

Amendments moved by Mr Robinson

1. Clause 8, line 2, omit "After" and insert "(1) After".
2. Clause 8, after line 5 insert—
  - '(2) In section 141 of the Principal Act—
    - (a) in subsection (1AA) for "(2)(m)" **substitute** "(2)(fc), (m)";
    - (b) after subsection (2)(fb) **insert**—
      - "(fc) section 113A(1) (consumption of liquor on party buses);".



## LEGISLATIVE ASSEMBLY OF VICTORIA

### VOTES AND PROCEEDINGS Nos 152, 153 and 154

#### No 152 — Tuesday 2 February 2010

1 The House met in accordance with the terms of the resolution of 10 December 2009, the Speaker having fixed this day at 2.00 pm as the time of meeting — The Speaker took the Chair and read the Prayer.

2 **ANNUAL STATEMENT OF GOVERNMENT INTENTIONS 2010** — The Premier made a Statement of Government Intentions for 2010.

3 **RESIGNATION OF SEAT** — The Speaker announced that she had on 18 January 2010 received the following letter:

Monday 18 January 2010

The Speaker of the Legislative Assembly  
Parliament of Victoria

Dear Speaker

I wish to advise you of my resignation as the Member for Altona in the Victorian Parliament effective immediately.

It has been a great honour to serve the people of Altona for over 13 years, and in particular to serve as a member of the Bracks and Brumby Governments since 1999.

During that time we have seen significant reform and I am proud to have been a member of a team that has delivered substantial and long lasting opportunities for the people of Victoria.

I would like to thank the Premier, the Cabinet and my caucus colleagues for the opportunity to be a Minister. A better team would be hard to find.

And I would like to extend my thanks to those who have shared with me the experience of being a Member of the Victorian Parliament.

Whilst this has been a difficult decision, it is the right decision for my family and me.

Yours truly,

Lynne Kosky MLA  
Member for Altona.

4 **ISSUE OF WRIT** — The Speaker announced that she had, on 18 January 2010, issued a writ for a by-election for the electoral district of Altona to be held on Saturday 13 February 2010.

5 **QUESTIONS** — (Under SO 55).

6 **OFFSHORE PETROLEUM AND GREENHOUSE GAS STORAGE BILL 2010** — Mr Batchelor obtained leave to bring in 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, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.

7 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

**Youth Allowance — Rural Students** — Requesting that the House rejects the proposed changes to the independence test for the Youth Allowance and calls on the Government to vigorously lobby the Federal Government to ensure tertiary education is accessible for rural students, bearing 242 signatures (*Dr Sykes*)

**Liquor Licence Fees** — Requesting that the Government recognises the damage across-the-board increases to liquor licences will cause, particularly in many country communities, and reviews the proposed legislation as a matter of urgency, bearing 125 signatures (*Dr Sykes*)

**Victorian Patient Transport Assistance Scheme** — Requesting that the House updates and revises the Victorian patient transport assistance scheme regulations to — (a) provide assistance for 50 km one way travel to the most appropriate town centre with medical/dental specialist treatment; (b) increase the current reimbursement and accommodation rates; and (c) allow for the calculation of kilometres travelled to be based on the safest and most appropriate road route, rather than the shortest, bearing 24 signatures (*Dr Sykes*)

**Upper Yarra Valley Fire Protection** — Requesting that the House supports the residents of the Upper Yarra Valley region by — (a) adding the Upper Yarra Valley to the list of 52 townships nominated as high risk fire areas in Victoria and reviewing traffic flow and exit strategies in the Warburton area; (b) providing safe and suitable refuges in Warburton and East Warburton; (c) implementing a township warning system and protection plan; (d) providing permanent radio reception to ABC 774 to Warburton and East Warburton; and (e) increasing the area of annual fuel reduction as recommended by the Environment and Natural Resources Committee, bearing 17 signatures (*Mrs Fyffe*)

**Leongatha Hospital** — Requesting that the House calls upon the Government to fund the development of a new hospital at Leongatha as a matter of urgency, bearing 223 signatures (*Mr Ryan*)

**South Gippsland Planning Scheme Amendment C48** — Requesting that the House removes restrictions on property owners in South Gippsland imposed by Planning Amendment C48, bearing 2676 signatures (*Mr Ryan*)

**Train Service Needs for Mildura** — Requesting that the House reinstates the Melbourne to Mildura passenger train service to cater for the aged, disabled and financially disadvantaged, bearing 42 signatures (*Mr Crisp*)

**Traralgon V/Line Services** — Requesting that the House retains all current Traralgon V/Line services to Southern Cross station, bearing 25 signatures (*Mr Northe*)

**Shared Housing Accommodation in Berwick** — Requesting that the House calls on the Ministers for Community Services and Housing to reverse the decision of providing an unsupervised shared housing accommodation property for 10 people between the ages of 15 and 17 in Bellevue Drive, Berwick, bearing 414 signatures (*Ms Graley*)

**Public and Social Housing in Ringwood** — Requesting that the Government postpones the commencement of the social housing development at Larissa Avenue, Ringwood pending a thorough consultation period with the community, bearing 12 signatures (*Mr Smith, Warrantdyte*).

Petitions ordered to be tabled.

- 8 **PETITION — YOUTH ALLOWANCE — RURAL STUDENTS** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.
- 9 **PETITION — LIQUOR LICENCE FEES** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.
- 10 **PETITION — VICTORIAN PATIENT TRANSPORT ASSISTANCE SCHEME** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.
- 11 **PETITION — UPPER YARRA VALLEY FIRE PROTECTION** — Motion made and question — That the petition presented by the Member for Evelyn be taken into consideration tomorrow (*Mrs Fyffe*) — put and agreed to.
- 12 **PETITION — PUBLIC AND SOCIAL HOUSING IN RINGWOOD** — Motion made and question — That the petition presented by the Member for Warrandyte be taken into consideration tomorrow (*Mr Smith, Warrandyte*) — put and agreed to.
- 13 **PETITION — TRAIN SERVICE NEEDS FOR MILDURA** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.
- 14 **PETITION — TRARALGON V/LINE SERVICES** — Motion made and question — That the petition presented by the Member for Morwell be taken into consideration tomorrow (*Mr Northe*) — put and agreed to.
- 15 **DOCUMENTS**

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — Mr Carli, Chair, presented the Alert Digest No 1 of 2010 from the Scrutiny of Acts and Regulations Committee on the:

Accident Compensation Amendment Bill 2009  
 Constitution (Appointments) Bill 2009  
 Crimes Legislation Amendment Bill 2009  
 Education and Training Reform Amendment Bill 2009  
 Legislation Reform (Repeals No. 6) Bill 2009  
 Livestock Management Bill 2009  
 Magistrates' Court Amendment (Mental Health List) Bill 2009  
 Public Finance and Accountability Bill 2009  
 Serious Sex Offenders (Detention and Supervision) Bill 2009  
 Severe Substance Dependence Treatment Bill 2009  
 Summary Offences and Control of Weapons Acts Amendment Bill 2009  
 Transport Integration Bill 2009

together with appendices.

Ordered to be tabled and printed.

**DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:

Border Groundwaters Agreement Review Committee — Report 2008–09

Family and Community Development Committee — Inquiry into Supported Accommodation for Victorians with a Disability and/or Mental Illness, together with an appendix, a minority report, an extract from the proceedings and transcripts of evidence — Report, appendix, minority report and extract from the proceedings — Ordered to be printed

*Financial Management Act 1994* — Report from the Minister for Skills and Workforce Participation that she had received the Report 2008–09 of the TAFE Development Centre

*Interpretation of Legislation Act 1984* — Notices under s 32(3)(a)(iii) in relation to Statutory Rules 150 (*Gazette G50, 10 December 2009*), 151 (*Gazette G52, 24 December 2009*), 164 (*Gazette G51, 17 December 2009*), 175/2009 (*Gazette G2, 14 January 2010*)

Medical Practitioners Board of Victoria — Report year ended 30 September 2009

Murray-Darling Basin Authority — Report 2008–09

*Parliamentary Committees Act 2003*:

Government response to the Drugs and Crime Prevention Committee's Report on the Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People

Government response to the Economic Development and Infrastructure Committee's Report on the Inquiry into Improving Access to Victorian Public Sector Information and Data

*Planning and Environment Act 1987* — Notices of approval of amendments to the following Planning Schemes:

Ballarat — C95  
 Bass Coast — C61  
 Baw Baw — C61, C66  
 Boroondara — C92, C94, C110  
 Campaspe — C70, C72, C75  
 Cardinia — C91, C135  
 Casey — C128  
 Central Goldfields — C21  
 Corangamite — C19  
 East Gippsland — C61, C79  
 Frankston — C54  
 Glenelg — C16  
 Greater Bendigo — C108  
 Greater Dandenong — C81, C108, C120  
 Greater Geelong — C117, C129 Part 1, C152, C179, C210  
 Greater Shepparton — C130, C132  
 Hobsons Bay — C29 Part 2  
 Hume — C115  
 Indigo — C51  
 Kingston — C100  
 Knox — C85  
 Latrobe — C17, C62, C64  
 Mansfield — C16  
 Maroondah — C60, C70  
 Melton — C94  
 Moira — C42  
 Monash — C94  
 Moonee Valley — C95  
 Moorabool — C45, C52  
 Moreland — C115, C125

Mornington Peninsula — C94, C131, C136, C138  
 Murrindindi — C25  
 Queenscliffe — C20, C21  
 Southern Grampians — C10  
 Stonnington — C107, C111  
 Surf Coast — C38  
 Victoria Planning Provisions — VC64, VC65  
 Wellington — C54  
 Whitehorse — C103, C124  
 Whittlesea — C129  
 Wyndham — C124, C126  
 Yarra Ranges — C62, C88, C93, C94, C100

*Project Development and Construction Management Act 1994* — Nomination order under s 6, application order under s 8 and a statement under s 9 of reasons for making a nomination order (three documents)

Statutory Rules under the following Acts:

*Assisted Reproductive Treatment Act 2008* — SR 177/2009  
*Associations Incorporation Act 1981* — SR 1  
*Bail Act 1977* — SR 155/2009  
*Charter of Human Rights and Responsibilities Act 2006* — SR 174/2009  
*Children, Youth and Families Act 2005* — SRs 159, 183, 186, 189/2009  
*Control of Weapons Act 1990* — SR 188/2009  
*County Court Act 1958* — SRs 182, 183, 184, 185/2009  
*Crimes Act 1958* — SRs 158, 161, 173/2009  
*Criminal Procedure Act 2009* — SRs 169, 181, 183, 189/2009  
*Crown Proceedings Act 1958* — SR 171/2009  
*Electricity Safety Act 1998* — SRs 164, 165, 175/2009  
*Evidence Act 1958* — SR 172/2009  
*Evidence Act 2008* — SR 162/2009  
*Forests Act 1958* — SR 166/2009  
*Gambling Regulation Act 2003* — SR 167/2009  
*Health Services Act 1988* — SR 176/2009  
*Infringements Act 2006* — SR 168/2009  
*Magistrates' Court Act 1989* — SRs 153, 157, 170, 181/2009  
*Major Crime (Investigative Powers) Act 2004* — SR 156/2009  
*Marine Act 1988* — SR 180/2009  
*Metropolitan Fire Brigades Act 1958* — SR 179/2009  
*Public Health and Wellbeing Act 2008* — SR 178/2009  
*Sentencing Act 1991* — SR 160/2009  
*Serious Sex Offenders (Detention and Supervision) Act 2009* — SR 187/2009  
*Supreme Court Act 1986* — SR 163/2009  
*Victorian Civil and Administrative Tribunal Act 1998* — SR 154/2009

*Subordinate Legislation Act 1994*:

Ministers' exception certificates in relation to Statutory Rules 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 169, 170, 171, 173, 179, 181, 182, 183, 184, 185, 186, 189/2009  
 Ministers' exemption certificates in relation to Statutory Rules 150, 163, 167, 168, 172, 175, 176, 187, 188/2009  
 Ministers' infringements offence consultation certificates in relation to Statutory Rules 164, 180/2009

*Water Act 1989* — Declaration of the Abolition of the Mid Loddon Water Supply Protection Area Order 2010.

The following proclamations fixing operative dates were tabled by the Clerk in accordance with an order of the House dated 19 December 2006:

*Cemeteries and Crematoria Amendment Act 2009* — Whole Act (except ss 6, 7, 24 and 25) — 1 January 2010 (*Gazette G51, 17 December 2009*); s 7 and s 25 — 1 February 2010 (*Gazette G4, 28 January 2010*)

*Criminal Procedure Act 2009* — Remaining provisions (except s 437) — 1 January 2010 (*Gazette G50, 10 December 2009*)

*Criminal Procedure Amendment (Consequential and Transitional Provisions) Act 2009* — Remaining provisions — 1 January 2010 (*Gazette G50, 10 December 2009*)

*Electricity Safety Amendment Act 2007* — Part 2 — 13 December 2009 (*Gazette G50, 10 December 2009*)

*Energy and Resources Legislation Amendment Act 2009* — Parts 1 to 6 (except ss 6, 7, 8 and 12) — 13 December 2009; ss 28, 30 and 31 and Part 9 — 1 January 2010 (*Gazette G50, 10 December 2009*); ss 23, 24 and 32 — 27 January 2010 (*Gazette S33, 27 January 2010*)

*Fair Work (Commonwealth Powers) Amendment Act 2009* — Whole Act except Part 2 — 1 January 2010 (*Gazette G50, 10 December 2009*); Part 2 — 1 January 2010 (*Gazette G51, 17 December 2009*)

*Justice Legislation Miscellaneous Amendments Act 2009* — Part 6, except ss 41 and 42 — 17 December 2009 (*Gazette G51, 17 December 2009*)

*Land (Revocation of Reservations and Other Matters) Act 2009* — Part 1 and Part 3 and Schedule 1 — 17 December 2009 (*Gazette G51, 17 December 2009*)

*Local Government Amendment (Offences and Other Matters) Act 2009* — Whole Act, except Part 2 — 8 December 2009; Part 2 — 1 February 2010 (*Gazette S455, 8 December 2009*)

*Parks and Crown Land Legislation Amendment (River Red Gums) Act 2009* — Part 1, ss 3, 4, 13, 14, 15, 16, 25, 34 and 35, and Parts 5, 6, 7, 8 and 10 — 1 January 2010 (*Gazette G51, 17 December 2009*)

*Serious Sex Offenders (Detention and Supervision) Act 2009* — Whole Act — 1 January 2010 (*Gazette 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, s 40, and Parts 10, 11 and 12 — 17 December 2009; s 23(2) — 1 January 2010 (*Gazette G51, 17 December 2009*)

*Victorian Renewable Energy Amendment Act 2009* — Whole Act — 10 December 2009 (*Gazette G50, 10 December 2009*).

16 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Agreeing to the following bills without amendment:

Education and Training Reform Amendment (Overseas Students) Bill 2009

Liquor Control Reform Amendment (Party Buses) Bill 2009

Melbourne Cricket Ground and Yarra Park Amendment Bill 2009

Serious Sex Offenders (Detention and Supervision) Bill 2009

Summary Offences and Control of Weapons Acts Amendment Bill 2009.

17 **MESSAGE FROM THE GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that he had, on 15 December 2009, given the royal assent to the following bills, presented to him by the Clerk of the Parliaments:

Casino Legislation Amendment Bill 2009

Education and Training Reform Amendment (Overseas Students) Bill 2009

Fire Services Funding (Feasibility Study) Bill 2009

Justice Legislation Miscellaneous Amendments Bill 2009

Liquor Control Reform Amendment (Party Buses) Bill 2009

Melbourne Cricket Ground and Yarra Park Amendment Bill 2009

Parks and Crown Land Legislation Amendment (East Gippsland) Bill 2009

Serious Sex Offenders (Detention and Supervision) Bill 2009

Summary Offences and Control of Weapons Acts Amendment Bill 2009

Transport Legislation Amendment (Hoon Boating and Other Amendments) Bill 2009  
Valuation of Land Amendment Bill 2009.

- 18 **MESSAGES FROM THE GOVERNOR** — Recommending appropriations for the purposes of the following bills:

Accident Compensation Amendment Bill 2009  
Education and Training Reform Amendment Bill 2009  
Livestock Management Bill 2009  
Magistrates' Court Amendment (Mental Health List) Bill 2009  
Public Finance and Accountability Bill 2009  
Severe Substance Dependence Treatment Bill 2009  
Transport Integration Bill 2009.

- 19 **FAMILY AND COMMUNITY DEVELOPMENT COMMITTEE — OUTER SUBURBAN/INTERFACE SERVICES AND DEVELOPMENT COMMITTEE — PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE** — The Speaker announced that she had received the resignation of Ms Wooldridge from the Family and Community Development Committee and Ms Green from the Outer Suburban/Interface Services and Development Committee, effective from 1 February 2010, and the resignation of Ms Munt from the Public Accounts and Estimates Committee effective from today.

- 20 **MEMBERSHIP OF COMMITTEES** — Motion made, by leave, and question — That:

- (1) Mrs Shardey be appointed a member of the Family and Community Development Committee;
- (2) Mr Langdon be appointed a member of the Outer Suburban/Interface Services and Development Committee; and
- (3) Ms Graley be appointed a member of the Public Accounts and Estimates Committee —

*(Mr Batchelor)* — put and agreed to.

- 21 **OUTER SUBURBAN/INTERFACE SERVICES AND DEVELOPMENT COMMITTEE — EXTENSION TO REPORTING DATE** — Motion made, by leave, and question — That the resolution of the House of 31 March 2009 providing that the Outer Suburban/Interface Services and Development Committee be required to present its report, on the Inquiry into the Sustainable Development of Agribusiness in Outer Suburban Melbourne, to the Parliament no later than 31 March 2010 be amended so far as to require the report to be presented to the Parliament no later than 31 May 2010 *(Mr Batchelor)* — put and agreed to.

- 22 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, under SO 94(2), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 4 February 2010:

Accident Compensation Amendment Bill 2009  
Magistrates' Court Amendment (Mental Health List) Bill 2009  
Public Finance and Accountability Bill 2009  
Transport Integration Bill 2009

*(Mr Batchelor)* — put, after debate, and agreed to.

- 23 **STATEMENTS BY MEMBERS** — Statements by members were made.

- 24 **ACCIDENT COMPENSATION AMENDMENT BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Under standing orders, Mr Merlino announced amendments to be proposed when the House considers the Bill in detail and requested that they be circulated. Amendments circulated.

Debate resumed on question — That this Bill be now read a second time.

Motion made and question — That the debate be now adjourned (*Mr Pallas*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

25 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 2 and 3, be postponed until later this day.

26 **MAGISTRATES' COURT AMENDMENT (MENTAL HEALTH LIST) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 10.00 pm under standing orders.*

27 **ADJOURNMENT** — The Deputy Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.42 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JENNY LINDELL  
*Speaker*

## No 153 — Wednesday 3 February 2010

1 The Speaker took the Chair and read the Prayer.

2 **LIQUOR CONTROL REFORM AMENDMENT (ANZAC DAY) BILL 2010** — Mr Robinson obtained leave to bring in 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 the Bill was read a first time and ordered to be read a second time tomorrow.

3 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

**King Valley General Practitioner Services** — Requesting that the House acts immediately to ensure the continuation of a one day a week general practitioner service at Whitfield and Moyhu in the King Valley, bearing 538 signatures (*Dr Sykes*)

**Cropping in Hindmarsh Shire** — Requesting that the House prevents Hindmarsh Shire from planting native grasses and trees along the Minyip Road and allows farmers to continue their roadside cropping program, bearing 124 signatures (*Mr Delahunty*)

**Train Service Needs for Mildura** — Requesting that the House reinstates the Melbourne to Mildura passenger train service to cater for the aged, disabled and financially disadvantaged, bearing 56 signatures (*Mr Crisp*).

Petitions ordered to be tabled.

4 **PETITION — TRAIN SERVICE NEEDS FOR MILDURA** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.

5 **PETITION — CROPPING IN HINDMARSH SHIRE** — Motion made and question — That the petition presented by the Member for Lowan be taken into consideration tomorrow (*Mr Delahunty*) — put and agreed to.

6 **PETITION — KING VALLEY GENERAL PRACTITIONER SERVICES** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.

7 **DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:

Auditor-General — The Effectiveness of Student Wellbeing Programs and Services — Ordered to be printed

*Gambling Regulation Act 2003* — Report of the Review Panel to the Minister in Relation to Registrations of Interest in the Grant of the Keno Licence under s 10.2A.11 — Ordered to be printed.

8 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Agreeing to the following bills without amendment:

Consumer Affairs Legislation Amendment Bill 2009  
Legislation Reform (Repeals No. 5) Bill 2009.

9 **STATEMENTS BY MEMBERS** — Statements by members were made.

10 **GRIEVANCES** — Question — That grievances be noted — put, after debate, and agreed to.

11 **STATEMENTS ON PARLIAMENTARY COMMITTEE REPORTS** — Statements were made on the following Committee Reports:

Public Accounts and Estimates Committee's Report on New Directions in Accountability, Inquiry into Victoria's Public Finance Practices and Legislation

Drugs and Crime Prevention Committee's Report on the Inquiry into Strategies to prevent High Volume Offending and Recidivism by Young People

Family and Community Development Committee's Report on the Inquiry into Supported Accommodation for Victorians with a Disability and/or Mental Illness

Scrutiny of Acts and Regulations Committee's Report on the Exceptions and Exemptions to the *Equal Opportunity Act 1995*.

12 **PUBLIC FINANCE AND ACCOUNTABILITY BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 2.00 pm under standing orders.*

13 **QUESTIONS** — (Under SO 55).

14 **PUBLIC FINANCE AND ACCOUNTABILITY BILL 2009** — Debate continued on question — That this Bill be now read a second time.

Amendment proposed — That all the words after 'That' be omitted with the view of inserting in their place the words 'this Bill be withdrawn and redrafted to:

- (1) Ensure independent public bodies are not subject to political control and direction by government;
- (2) Ensure that outcomes are specified and reported on in a manner that enables government to be held accountable for its performance or non-performance towards achieving those outcomes;
- (3) Prevent government manipulation of performance measures through eliminating or redefining measures it finds politically embarrassing;
- (4) Prevent deliberate accumulation and dumping of annual reports in Parliament each year by government so as to avoid accountability;
- (5) Ensure that budget papers and annual reports provide a full range of relevant information on the performance of government, departments and public sector entities; and
- (6) Require that directions, determinations, notices and other requirements by the Minister under the legislation be made public and be readily accessible via the Department of Treasury and Finance website' —

*(Mr Clark)* — and, after debate —

Motion made and question — That the debate be now adjourned *(Mr Donnellan)* — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 15 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That the government business program agreed to by this House on 2 February 2010 be amended by omitting the Order of the Day, Government Business, relating to the Public Finance and Accountability Bill 2009 *(Mr Pallas)* — put, after debate, and agreed to.

- 16 **POSTPONEMENT OF ORDER OF THE DAY** — Ordered — That the consideration of Government Business, Order of the Day, No 2 be postponed until later this day.

- 17 **MAGISTRATES' COURT AMENDMENT (MENTAL HEALTH LIST) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned *(Mr Lim)* — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 18 **TRANSPORT INTEGRATION BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 10.00 pm under standing orders.*

- 19 **ADJOURNMENT** — The Acting Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.33 pm.

## No 154 — Thursday 4 February 2010

1 The Speaker took the Chair and read the Prayer.

2 **PETITION** — The Clerk announced that the following petition had been lodged for presentation:

**Train Service Needs for Mildura** — Requesting that the House reinstates the Melbourne to Mildura passenger train service to cater for the aged, disabled and financially disadvantaged, bearing 49 signatures (*Mr Crisp*).

Ordered to be tabled.

3 **PETITION — TRAIN SERVICE NEEDS FOR MILDURA** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.

4 **DOCUMENTS**

**VICTORIAN COMPETITION AND EFFICIENCY COMMISSION REPORT AND GOVERNMENT RESPONSE** — Motion made, by leave, and question — That the Victorian Competition and Efficiency Commission Report, A Sustainable Future for Victoria: Getting Environmental Regulation Right, and Government response be tabled (*Ms Neville*) — put and agreed to.

**PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE** — Mr Stensholt, Chair, presented a Discussion Paper on the Inquiry into Victoria's *Audit Act 1994* from the Public Accounts and Estimates Committee.

Ordered to be tabled and printed.

**DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:

*Crimes (Assumed Identities) Act 2004* — Report 2008–09 of the Chief Commissioner, Victoria Police under s 31

Police Integrity, Office of — Information Security and the Victoria Police State Surveillance Unit — Ordered to be printed

*Surveillance Devices Act 1999* — Report 2008–09 of the Chief Commissioner, Victoria Police under s 30L

*Terrorism (Community Protection) Act 2003* — Report 2008–09 of the Chief Commissioner, Victoria Police under s 21M.

5 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourns until Tuesday 23 February 2010 (*Ms Neville*) — put and agreed to.

6 **STATEMENTS BY MEMBERS** — Statements by members were made.

7 **ANNUAL STATEMENT OF GOVERNMENT INTENTIONS 2010** — Order read for responses to the Statement; responses commenced.

*Business having been interrupted at 2.00 pm under standing orders.*

8 **QUESTIONS** — (Under SO 55).

9 **ANNUAL STATEMENT OF GOVERNMENT INTENTIONS 2010** — Responses continued.

Motion made and question — That the debate be now adjourned (*Mrs Fyffe*) — put and agreed to.

Ordered — That the debate be adjourned until tomorrow.

10 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 2 and 3, be postponed until later this day.

11 **ACCIDENT COMPENSATION AMENDMENT BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Bill read a second time and considered in detail (*see p 814*).

*Allocation of time — The Deputy Speaker advised that the time allocated for consideration of bills under the resolution of the House on Tuesday 2 February 2010 and as amended on Wednesday 3 February 2010 had expired.*

Question — That clause 1 be agreed to — put and agreed to.

Question — That clauses 2 to 194 inclusive and Government amendment Nos 1 to 22 inclusive be agreed to and the Bill be agreed to with amendments — put and agreed to.

Bill read a third time with the concurrence of an absolute majority of the whole number of the members of the Legislative Assembly.

Bill sent to the Legislative Council and their agreement requested.

12 **TRANSPORT INTEGRATION BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time and a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

13 **MAGISTRATES' COURT AMENDMENT (MENTAL HEALTH LIST) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time and a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

14 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Water Amendment (Entitlements) Bill 2009 with an amendment.

Ordered — That the amendment be taken into consideration tomorrow.

15 **OFFSHORE PETROLEUM AND GREENHOUSE GAS STORAGE BILL 2010** — *Mr Batchelor tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Batchelor*).

Motion made and question — That the debate be now adjourned (*Mr O'Brien*) — put and agreed to.

Ordered, after debate — That the debate be adjourned until Thursday 18 February 2010.

- 16 **LIQUOR CONTROL REFORM AMENDMENT (ANZAC DAY) BILL 2010** — *Mr Robinson tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Robinson*).

Motion made and question — That the debate be now adjourned (*Mr O'Brien*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 18 February 2010.

- 17 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Wynne*) — put and agreed to.
- 18 **ADJOURNMENT** — The Speaker left the Chair, after debate, at 5.12 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JENNY LINDELL  
*Speaker*

LEGISLATIVE ASSEMBLY OF VICTORIA

**CONSIDERATION IN DETAIL**  
**Supplement to Votes Nos 152, 153 and 154**

**No 154 — Thursday 4 February 2010**

**ACCIDENT COMPENSATION AMENDMENT BILL 2009**

**Clause 1** — debate commenced.

*Allocation of time — The Deputy Speaker advised that the time allocated for consideration of bills under the resolution of the House on Tuesday 2 February 2010 and as amended on Wednesday 3 February 2010 had expired (for remaining stages see p 812).*

## LEGISLATIVE ASSEMBLY OF VICTORIA

### VOTES AND PROCEEDINGS Nos 155, 156 and 157

#### No 155 — Tuesday 23 February 2010

- 1 The House met according to the adjournment — The Speaker took the Chair and read the Prayer.
- 2 **RETURN TO WRIT** — The Speaker announced that she had received a return to the writ issued on 18 January 2010 which states that Jill Hennessy has been elected for the Electoral District of Altona.
- 3 **MEMBER SWORN** — Jill Hennessy was then introduced and took and subscribed the affirmation required by law.
- 4 **QUESTIONS** — (Under SO 55).
- 5 **RADIATION AMENDMENT BILL 2010** — Mr Andrews obtained leave to bring in 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 the Bill was read a first time and ordered to be read a second time tomorrow.
- 6 **STATUTE LAW AMENDMENT (NATIONAL HEALTH PRACTITIONER REGULATION) BILL 2010** — Mr Andrews obtained leave to bring in 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, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 7 **CREDIT (COMMONWEALTH POWERS) BILL 2010** — Mr Robinson obtained leave to bring in 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, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 8 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:
  - Train Service Needs for Mildura** — Requesting that the House reinstates the Melbourne to Mildura passenger train service to cater for the aged, disabled and financially disadvantaged, bearing 43 signatures (*Mr Crisp*)
  - Traralgon V/Line Services** — Requesting that the House retains all current Traralgon V/Line services to Southern Cross station, bearing 19 signatures (*Mr Northe*)
  - Camberwell to Alamein Train Service** — Requesting that the House directs that at least one three-carriage train continues to operate on the Camberwell to Alamein line on hot days, bearing 1087 signatures (*Mr Mulder*)

**Fluoridation in Swan Hill** — Requesting that the House offers the residents of Swan Hill a referendum on water fluoridation, bearing 2805 signatures (*Mr Walsh*).

Petitions ordered to be tabled.

9 **PETITION — TRAIN SERVICE NEEDS FOR MILDURA** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.

10 **PETITION — TRARALGON V/LINE SERVICES** — Motion made and question — That the petition presented by the Member for Morwell be taken into consideration tomorrow (*Mr Northe*) — put and agreed to.

11 **DOCUMENTS**

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — Mr Carli, Chair, 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 be tabled and printed.

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — Mr Carli, Chair, presented the Alert Digest No 2 of 2010 from the Scrutiny of Acts and Regulations Committee on the:

Consumer Affairs Legislation Bill 2009  
Liquor Control Reform Amendment (ANZAC Day) Bill 2010  
Offshore Petroleum and Greenhouse Gas Storage Bill 2010  
Transport Integration Bill 2009

together with appendices.

Ordered to be tabled and printed.

**DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:

*Crown Land (Reserves) Act 1978* — Orders under s 17D granting leases over:

Cross Keys Reserve  
O'Donnell Gardens Reserve and Shakespeare Grove Reserve

Falls Creek Alpine Resort Management Board — Report year ended 31 October 2009

*Financial Management Act 1994* — Report from the Minister for Environment and Climate Change the he had received the Report 2008–09 of the Lake Mountain Alpine Resort Management Board

Mount Baw Baw Alpine Resort Management Board — Report year ended 31 October 2009

Mount Buller and Mount Stirling Alpine Resort Management Board — Report year ended 31 October 2009

Mount Hotham Alpine Resort Management Board — Report year ended 31 October 2009

*Parliamentary Committees Act 2003* — Government response to the Education and Training Committee's Report on the Inquiry into Geographical Differences in the Rate in which Victorian Students Participate in Higher Education

*Planning and Environment Act 1987* — Notices of approval of amendments to the following Planning Schemes:

Alpine — C11  
 Alpine Resorts — C20  
 Ararat — C22  
 Bass Coast — C108, C109, C110, C111  
 Baw Baw — C44 Part 1  
 Bayside — C84  
 Casey — C94, C102, C104, C120  
 Darebin — C64  
 East Gippsland — C78, C83  
 Frankston — C58, C59  
 French Island and Sandstone Island — C3  
 Glenelg — C49  
 Greater Bendigo — C138  
 Greater Dandenong — C119  
 Greater Geelong — C212  
 Greater Shepparton — C115, C125  
 Horsham — C38  
 Hume — C106  
 Loddon — C18  
 Manningham — C77  
 Melton — C95  
 Mornington Peninsula — C9, C114  
 Mount Alexander — C34  
 Moyne — C41, C43  
 Northern Grampians — C11  
 Port Phillip — C70  
 South Gippsland — C26  
 Stonnington — C80, C88, C97  
 Surf Coast — C52, C58  
 Wellington — C58, C63  
 Whitehorse — C96, C99  
 Whittlesea — C119, C122, C136  
 Wodonga — C72  
 Yarriambiack — C8

Statutory Rules under the following Acts:

*Infringements Act 2006* — SR 2  
*Magistrates' Court Act 1989* — SR 6  
*Mineral Resources (Sustainable Development) Act 1990* — SR 3  
*Public Transport Competition Act 1995* — SR 5  
*Road Safety Act 1986* — SR 7  
*Transport Act 1983* — SR 4

*Subordinate Legislation Act 1994*:

Minister's exception certificate in relation to Statutory Rule 6  
 Ministers' exemption certificates in relation to Statutory Rules 2, 4, 5, 7  
 Minister's infringements offence consultation certificate in relation to Statutory Rule 3.

The following proclamations fixing operative dates were tabled by the Clerk in accordance with an order of the House dated 19 December 2006:

*Cemeteries and Crematoria Amendment Act 2009* — Sections 6 and 24 — 1 March 2010 (*Gazette G 7, 18 February 2010*)

*State Taxation Acts Further Amendment Act 2009* — Division 1 of Part 5 and Part 6 — 1 March 2010 (*Gazette G 7, 18 February 2010*).

- 12 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Agreeing to the following bills without amendment:

Royal Melbourne Institute of Technology Bill 2009  
Swinburne University of Technology Bill 2009  
University of Ballarat Bill 2009.

- 13 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Victoria University Bill 2009 with amendments.

Ordered — That the amendments be taken into consideration tomorrow.

- 14 **MESSAGES FROM THE GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that he had given the royal assent to the following bills, presented to him by the Clerk of the Parliaments:

On 9 February 2010  
Consumer Affairs Legislation Amendment Bill 2009  
Legislation Reform (Repeals No. 5) Bill 2009

On 16 February 2010  
Royal Melbourne Institute of Technology Bill 2009  
Swinburne University of Technology Bill 2009  
University of Ballarat Bill 2009.

- 15 **MESSAGE FROM THE GOVERNOR** — Recommending an appropriation for the purposes of the Offshore Petroleum and Greenhouse Gas Storage Bill 2010.

- 16 **SUSPENSION OF SESSIONAL ORDERS** — Motion made, by leave, and question — That so much of sessional orders be suspended to allow the Member for Altona to speak for 15 minutes in response to the Annual Statement of Government Intentions 2010 (*Mr Batchelor*) — put and agreed to.

- 17 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, under SO 94(2), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 25 February 2010:

Crimes Legislation Amendment Bill 2009  
Education and Training Reform Amendment Bill 2009  
Liquor Control Reform Amendment (ANZAC Day) Bill 2010  
Offshore Petroleum and Greenhouse Gas Storage Bill 2010  
Public Finance and Accountability Bill 2009

(*Mr Batchelor*) — after debate, put.

The House divided (the Speaker, Ms Lindell, in the Chair) —

AYES 49

Ms Allan; Ms Barker; Mr Batchelor; Ms Beattie; Mr Brooks; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Mr Donnellan; Ms Duncan; Mr Eren; Mr Foley; Ms Graley; Ms Green; Mr Hardman; Dr Harkness; Ms Hennessy; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Ms Kairouz; Mr Langdon; Mr Languiller; Mr Lim; Ms Lobato; Mr Lupton; Mrs Maddigan; Ms Marshall; Mr Merlino; Ms Morand; Mr Nardella; Ms Neville; Mr Noonan; Ms Overington; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Pike; Ms Richardson; Mr Robinson; Mr Scott; Mr Seitz; Mr Stensholt; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

NOES 32

Ms Asher; Mr Baillieu; Mr Blackwood; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Hodgett; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Morris; Mr Mulder; Dr Napthine; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Mr Smith (*Bass*); Mr Smith (*Warrandyte*); Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Weller; Mr Wells; Ms Wooldridge.

Question agreed to.

18 **STATEMENTS BY MEMBERS** — Statements by members were made.

19 **OFFSHORE PETROLEUM AND GREENHOUSE GAS STORAGE BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Mr Scott*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

20 **LIQUOR CONTROL REFORM AMENDMENT (ANZAC DAY) BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time.

Under standing orders, Mr Merlino announced amendments to be proposed when the House considers the Bill in detail and requested that they be circulated. Amendments circulated.

Debate resumed on question — That this Bill be now read a second time.

Motion made and question — That the debate be now adjourned (*Mr Donnellan*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

21 **CRIMES LEGISLATION AMENDMENT BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Mr Hudson*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

22 **POSTPONEMENT OF ORDER OF THE DAY** — Ordered — That the consideration of Government Business, Order of the Day, No 4 be postponed until later this day.

23 **EDUCATION AND TRAINING REFORM AMENDMENT BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Mr Crisp*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

24 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Rejecting the Planning and Environment Amendment (Growth Areas Infrastructure Contribution) Bill 2009.

25 **CRIMES LEGISLATION AMENDMENT BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 10.00 pm under standing orders.*

26 **ADJOURNMENT** — The Deputy Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.45 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JENNY LINDELL  
*Speaker*

## No 156 — Wednesday 24 February 2010

1 The Speaker took the Chair and read the Prayer.

2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

**Liquor Licence Fees** — Requesting that the Government recognises the damage across-the-board increases to liquor licences will cause, particularly in many country communities, and reviews the proposed legislation as a matter of urgency, bearing 25 signatures (*Dr Sykes*)

**Fire Services Levy** — Requesting that the House investigates and implements a fairer model of funding fire services in Victoria, bearing 96, 19 and 99 signatures (*Dr Sykes, Mr Delahunty and Mr Jasper respectively*)

**Youth Allowance — Rural Students** — Requesting that the House rejects the proposed changes to the independence test for the Youth Allowance and calls on the Government to vigorously lobby the Federal Government to ensure tertiary education is accessible for rural students, bearing 42 and 37 signatures (*Dr Sykes and Mr Jasper respectively*)

**Train Service Needs for Mildura** — Requesting that the House reinstates the Melbourne to Mildura passenger train service to cater for the aged, disabled and financially disadvantaged, bearing 58 signatures (*Mr Crisp*)

**Victorian Rock Eisteddfod Challenge** — Requesting that the House calls upon the Government to increase its funding commitment to the Victorian Rock Eisteddfod Challenge, bearing 665 signatures (*Mr Northe*)

**Intersection of Glenvue Road and Dundas Street, Rye** — Requesting that the House requests VicRoads to reduce the speed limit to 60 km per hour at the intersection of Glenvue Road and Dundas Street, Rye or provide necessary funding to carry out road works to realign Dundas Street, bearing 408 signatures (*Mr Dixon*).

Petitions ordered to be tabled.

3 **PETITION — INTERSECTION OF GLENVUE ROAD AND DUNDAS STREET, RYE** — Motion made and question — That the petition presented by the Member for Nepean be taken into consideration tomorrow (*Mr Dixon*) — put and agreed to.

- 4 **PETITION — FIRE SERVICES LEVY** — Motion made and question — That the petition presented by the Member for Murray Valley be taken into consideration tomorrow (*Mr Jasper*) — put and agreed to.
- 5 **PETITION — YOUTH ALLOWANCE — RURAL STUDENTS** — Motion made and question — That the petition presented by the Member for Murray Valley be taken into consideration tomorrow (*Mr Jasper*) — put and agreed to.
- 6 **PETITION — LIQUOR LICENCE FEES** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.
- 7 **PETITION — FIRE SERVICES LEVY** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.
- 8 **PETITION — YOUTH ALLOWANCE — RURAL STUDENTS** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.
- 9 **PETITION — VICTORIAN ROCK EISTEDDFOD CHALLENGE** — Motion made and question — That the petition presented by the Member for Morwell be taken into consideration tomorrow (*Mr Northe*) — put and agreed to.
- 10 **PETITION — TRAIN SERVICE NEEDS FOR MILDURA** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.
- 11 **PETITION — FIRE SERVICES LEVY** — Motion made and question — That the petition presented by the Member for Lowan be taken into consideration tomorrow (*Mr Delahunty*) — put and agreed to.
- 12 **DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:
- Auditor-General:
- Management of Concessions by the Department of Human Services — Ordered to be printed  
Tendering and Contracting in Local Government — Ordered to be printed
- Statutory Rules under the following Acts:
- Road Safety Act 1986* — SR 9  
*Taxation Administration Act 1997* — SR 10  
*Transport Accident Act 1986* — SR 8.
- 13 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Transport Integration Bill 2009 without amendment.
- 14 **STATEMENTS BY MEMBERS** — Statements by members were made.
- 15 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE — LIQUOR LICENSING** — The House was informed that Mr O'Brien had proposed that a definite matter of public importance be submitted to the House for discussion, namely —

'That this House condemns the Brumby Labor Government for:

- (1) Introducing an unfair and discriminatory liquor licensing regime that has hurt thousands of small businesses and community organisations across Victoria;
- (2) Maintaining that "the ... risk-based renewal fees are not considered a burden on businesses" despite the \$20 million licensing revenue increase imposing massive fee rises on many struggling enterprises;
- (3) Failing to provide small businesses and community organisations with an adequate opportunity to apply for reductions in their liquor licensing fees —

and calls on the Government to scrap its failed system in favour of a genuinely risk-based approach that does not penalise responsible licensees for the Brumby Government's failure to tackle anti-social behaviour.'

Mr O'Brien addressed the House — Discussion followed.

16 **STATEMENTS ON PARLIAMENTARY COMMITTEE REPORTS** — Statements were made on the following Committee Reports:

Family and Community Development Committee's Report on the Inquiry into Supported Accommodation for Victorians with a Disability and/or Mental Illness

Environment and Natural Resources Committee's Report on the Inquiry into Melbourne's Future Water Supply

Drugs and Crime Prevention Committee's Report on the Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People

Education and Training Committee's Report on the Inquiry into Geographical Differences in the Rate in which Victorian Students Participate in Higher Education

Economic Development and Infrastructure Committee's Report on the Inquiry into Improving Access to Victorian Public Sector Information and Data.

17 **ANNUAL STATEMENT OF GOVERNMENT INTENTIONS 2010** — Order read for responses to the Statement; responses resumed.

*Business having been interrupted at 2.00 pm under standing orders.*

18 **QUESTIONS** — (Under SO 55).

*Members named and suspended* — The Member for Kororoit (*Ms Kairouz*) and the Member for Melton (*Mr Nardella*) having been named by the Speaker for disregarding the authority of the Chair —

Motion made and question — That the Member for Kororoit (*Ms Kairouz*) and the Member for Melton (*Mr Nardella*) be suspended from the service of the House during the remainder of the day's sitting (*Mr Batchelor*) — put and agreed to.

Ms Kairouz and Mr Nardella accordingly withdrew from the Chamber.

19 **ANNUAL STATEMENT OF GOVERNMENT INTENTIONS 2010** — Responses resumed.

Motion made and question — That the debate be now adjourned (*Mr Foley*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 20 **POSTPONEMENT OF ORDER OF THE DAY** — Ordered — That the consideration of Government Business, Order of the Day, No 2 be postponed until later this day.
- 21 **RADIATION AMENDMENT BILL 2010** — *Mr Andrews tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*
- Motion made and question proposed — That this Bill be now read a second time (*Mr Andrews*).
- Motion made and question — That the debate be now adjourned (*Dr Naphine*) — put and agreed to.
- Ordered — That the debate be adjourned until Wednesday 10 March 2010.
- 22 **STATUTE LAW AMENDMENT (NATIONAL HEALTH PRACTITIONER REGULATION) BILL 2010** — *Mr Andrews tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*
- Motion made and question proposed — That this Bill be now read a second time (*Mr Andrews*).
- Motion made and question — That the debate be now adjourned (*Dr Naphine*) — put and agreed to.
- Ordered — That the debate be adjourned until Wednesday 10 March 2010.
- 23 **CREDIT (COMMONWEALTH POWERS) BILL 2010** — *Mr Robinson tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*
- Motion made and question proposed — That this Bill be now read a second time (*Mr Robinson*).
- Motion made and question — That the debate be now adjourned (*Mr O'Brien*) — put and agreed to.
- Ordered — That the debate be adjourned until Wednesday 10 March 2010.
- 24 **ANNUAL STATEMENT OF GOVERNMENT INTENTIONS 2010** — Order read for responses to the Statement; responses resumed.
- Business having been interrupted at 10.00 pm under standing orders.*
- Motion made and question — That the sitting be continued (*Mr Cameron*) — put and agreed to.
- Responses continued.
- Motion made and question — That the debate be now adjourned (*Mr Smith, Warrandyte*) — put and agreed to.
- Ordered — That the debate be adjourned until later this day.
- 25 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Cameron*) — put and agreed to.
- 26 **ADJOURNMENT** — The Deputy Speaker left the Chair, after debate, at 10.47 pm.

## No 157 — Thursday 25 February 2010

1 The Speaker took the Chair and read the Prayer.

2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

**Train Service Needs for Mildura** — Requesting that the House reinstates the Melbourne to Mildura passenger train service to cater for the aged, disabled and financially disadvantaged, bearing 86 signatures (*Mr Crisp*)

**Radiotherapy Service in South-West Victoria** — Requesting that the House immediately provides radiotherapy facilities for the south-west, ideally in Warrnambool, bearing 1706 signatures (*Dr Naphthine*).

Petitions ordered to be tabled.

3 **PETITION — RADIOTHERAPY SERVICE IN SOUTH-WEST VICTORIA** — Motion made and question — That the petition presented by the Member for South-West Coast be taken into consideration tomorrow (*Dr Naphthine*) — put and agreed to.

4 **PETITION — TRAIN SERVICE NEEDS FOR MILDURA** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.

5 **DOCUMENTS**

**ENVIRONMENT AND NATURAL RESOURCES COMMITTEE** — Mr Pandazopoulos, Chair, presented a report from the Environment and Natural Resources Committee on the Inquiry into the Approvals Process for Renewable Energy Projects in Victoria, together with appendices, a minority report, an extract from the proceedings and transcripts of evidence.

Ordered to be tabled and the report, appendices, minority report and extract from the proceedings printed.

**ECONOMIC DEVELOPMENT AND INFRASTRUCTURE COMMITTEE** — Ms Campbell, Chair, presented an interim report from the Economic Development and Infrastructure Committee on the Inquiry into State Government Taxation and Debt, together with appendices.

Ordered to be tabled and printed.

### **DOCUMENTS TABLED BY COMMAND OF THE GOVERNOR**

Mr Hulls presented by Command of the Governor:

Children's Court of Victoria — Report 2008–09

Supreme Court of Victoria — Report 2008–09

Ordered to be tabled.

**DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:

Ombudsman — Ombudsman's recommendations — Report on their implementation — Ordered to be printed

Police Integrity, Office of — Information Security and the Victoria Police State Surveillance Unit — Ordered to be printed (*in lieu of report previously tabled on Thursday 4 February 2010*).

6 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourns until Tuesday 9 March 2010 (*Ms Neville*) — put and agreed to.

7 **STATEMENTS BY MEMBERS** — Statements by members were made.

8 **LIQUOR CONTROL REFORM AMENDMENT (ANZAC DAY) BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Mr Crisp*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

9 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That the government business program agreed to by this House on 23 February 2010 be amended by omitting the Order of the Day, Government Business, relating to the Public Finance and Accountability Bill 2009 (*Mr Batchelor*) — put, after debate, and agreed to.

10 **LIQUOR CONTROL REFORM AMENDMENT (ANZAC DAY) BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Mr Kotsiras*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

11 **OFFSHORE PETROLEUM AND GREENHOUSE GAS STORAGE BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 2.00 pm under standing orders.*

12 **QUESTIONS** — (Under SO 55).

13 **OFFSHORE PETROLEUM AND GREENHOUSE GAS STORAGE BILL 2010** — Debate resumed on question — That this Bill be now read a second time.

Bill read a second time and, by leave, immediately read a third time.

Bill sent to the Legislative Council and their agreement requested.

14 **PUBLIC FINANCE AND ACCOUNTABILITY BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time — *and on the amendment* — That all the words after 'That' be omitted with the view of inserting in their place the words 'this Bill be withdrawn and redrafted to:

- (1) Ensure independent public bodies are not subject to political control and direction by government;
- (2) Ensure that outcomes are specified and reported on in a manner that enables government to be held accountable for its performance or non-performance towards achieving those outcomes;
- (3) Prevent government manipulation of performance measures through eliminating or redefining measures it finds politically embarrassing;

- (4) Prevent deliberate accumulation and dumping of annual reports in Parliament each year by government so as to avoid accountability;
- (5) Ensure that budget papers and annual reports provide a full range of relevant information on the performance of government, departments and public sector entities; and
- (6) Require that directions, determinations, notices and other requirements by the Minister under the legislation be made public and be readily accessible via the Department of Treasury and Finance website'; debate resumed.

*Allocation of time — The Acting Speaker advised that the time allocated for consideration of bills under the resolution of the House on Tuesday 23 February 2010 and as amended on Thursday 25 February 2010 had expired.*

- 15 **CRIMES LEGISLATION AMENDMENT BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time and a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 16 **EDUCATION AND TRAINING REFORM AMENDMENT BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time and a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 17 **LIQUOR CONTROL REFORM AMENDMENT (ANZAC DAY) BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time, Government amendment Nos 1 to 5 inclusive be agreed to and the Bill be now read a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 18 **PUBLIC FINANCE AND ACCOUNTABILITY BILL 2009** — Debate continued on question — That this Bill be now read a second time — *and on the amendment* — That all the words after 'That' be omitted with the view of inserting in their place the words 'this Bill be withdrawn and redrafted to:

- (1) Ensure independent public bodies are not subject to political control and direction by government;
- (2) Ensure that outcomes are specified and reported on in a manner that enables government to be held accountable for its performance or non-performance towards achieving those outcomes;
- (3) Prevent government manipulation of performance measures through eliminating or redefining measures it finds politically embarrassing;
- (4) Prevent deliberate accumulation and dumping of annual reports in Parliament each year by government so as to avoid accountability;
- (5) Ensure that budget papers and annual reports provide a full range of relevant information on the performance of government, departments and public sector entities; and

- (6) Require that directions, determinations, notices and other requirements by the Minister under the legislation be made public and be readily accessible via the Department of Treasury and Finance website'.

Motion made and question — That the debate be now adjourned (*Mr Burgess*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 19 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Wynne*) — put and agreed to.

- 20 **ADJOURNMENT** — The Speaker left the Chair, after debate, at 4.43 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JENNY LINDELL  
*Speaker*



## LEGISLATIVE ASSEMBLY OF VICTORIA

### VOTES AND PROCEEDINGS Nos 158, 159 and 160

#### No 158 — Tuesday 9 March 2010

- 1 The House met according to the adjournment — The Speaker took the Chair and read the Prayer.
- 2 **EARTHQUAKE IN CHILE** — Motion made, by leave, and question — That we, the Legislative Assembly of Victoria, offer our deepest and sincere condolences to the individuals, families and communities affected by the recent earthquake in Chile and join with the people of Victoria in expressing our sympathy (*Mr Brumby*) — put, after members had addressed the House in support of the motion and, members rising in their places to signify their assent, agreed to unanimously.
- 3 **QUESTIONS** — (Under SO 55).
- 4 **JUSTICE LEGISLATION AMENDMENT BILL 2010** — Mr Hulls obtained leave to bring in 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, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 5 **EQUAL OPPORTUNITY BILL 2010** — Mr Hulls obtained leave to bring in 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 the Bill was read a first time and ordered to be read a second time tomorrow.
- 6 **CHILD EMPLOYMENT AMENDMENT BILL 2010** — Mr Hulls obtained leave to bring in 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, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 7 **TRANSPORT LEGISLATION AMENDMENT (COMPLIANCE, ENFORCEMENT AND REGULATION) BILL 2010** — Mr Pallas obtained leave to bring in 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 the Bill was read a first time and ordered to be read a second time tomorrow.
- 8 **HEALTH AND HUMAN SERVICES LEGISLATION AMENDMENT BILL 2010** — Mr Andrews obtained leave to bring in 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, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.

- 9 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

**Melbourne–Mildura Train Line** — Requesting that the House brings forward the reinstatement of the Melbourne–Mildura passenger train service in view of concerns including global warming, and the need to connect Mildura to both the Melbourne and the national rail networks, bearing 32 signatures (*Mr Crisp*)

**Bus Access to Brandon Park Shopping Centre** — Requesting that the House takes action to have bus routes 885, 888 and 889 amended so buses can have access to Brandon Park Shopping Centre in Wheelers Hill via Brandon Park Drive, bearing 191 signatures (*Mr Andrews*).

Petitions ordered to be tabled.

- 10 **PETITION — MELBOURNE–MILDURA TRAIN LINE** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.

- 11 **DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:

*Crown Land (Reserves) Act 1978* — Order under s 17D granting a lease over Yarra Bend Park

Emergency Services Superannuation Scheme — Actuarial investigation as at 30 June 2009

*Interpretation of Legislation Act 1984* — Notice under s 32(4)(a)(iii) in relation to Statutory Rule 61/2000 (*Gazette G7, 18 February 2010*)

*Planning and Environment Act 1987* — Notices of approval of amendments to the following Planning Schemes:

Cardinia — C137

Frankston — C57

Hume — C109

Macedon Ranges — C70

Maribyrnong — C56

Mildura — C61

Wellington — C57, C59

Statutory Rules under the following Acts:

*Conservation, Forests and Lands Act 1987* — SR 11

*Racing Act 1958* — SR 12

*Subordinate Legislation Act 1994* — Ministers' exemption certificates in relation to Statutory Rules 11, 12.

The following proclamations fixing operative dates were tabled by the Clerk in accordance with an order of the House dated 19 December 2006:

*Consumer Affairs Legislation Amendment Act 2010* — Section 19, Part 8 and Part 9 — 1 March 2010 (*Gazette 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 G8, 25 February 2010*)

*Racing Legislation Amendment (Racing Integrity Assurance) Act 2009* — Parts 2, 3 and 4 — 1 March 2010 (*Gazette G8, 25 February 2010*).

- 12 **RESIGNATION OF MEMBER OF THE LEGISLATIVE COUNCIL** — The Speaker announced that she had received the following letter from the Governor:

Monday 1<sup>st</sup> March, 2010

Hon. Jenny Lindell, MP,  
Speaker,  
Legislative Assembly,  
Parliament House,  
MELBOURNE. Vic. 3002

Dear Speaker,

I write to advise that on Monday 1<sup>st</sup> 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 Assembly is now required to fill this vacancy.

Yours sincerely,

David de Kretser  
Governor.

- 13 **MESSAGE FROM THE LEGISLATIVE COUNCIL — COUNCIL VACANCY** — The Speaker announced the receipt of a message from the Legislative Council proposing that the Council 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 Theo Theophanous and that the place and time of such meeting be the Legislative Assembly Chamber today at 6.15 pm.

Ordered — That the message be taken into consideration immediately.

Motion made and question — That this House meets the Legislative Council 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 Theo Theophanous and, as proposed by the Legislative Council, agrees that the place and time of this meeting be the Legislative Assembly Chamber on Tuesday 9 March 2010 at 6.15 pm (*Mr Batchelor*) — put, after debate, and agreed to.

Message sent to the Legislative Council informing them accordingly.

- 14 **MESSAGE FROM THE GOVERNOR — ASSENT TO BILL** — Informing the Legislative Assembly that he had, on 2 March 2010, given the royal assent to the Transport Integration Bill 2009, presented to him by the Clerk of the Legislative Council for and in the absence of the Clerk of the Parliaments.

- 15 **MESSAGE FROM THE GOVERNOR** — Recommending an appropriation for the purposes of the Statute Law Amendment (National Health Practitioner Regulation) Bill 2010.

- 16 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, under SO 94(2), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 11 March 2010:

Credit (Commonwealth Powers) Bill 2010  
Livestock Management Bill 2009

Severe Substance Dependence Treatment Bill 2009  
Statute Law Amendment (National Health Practitioner Regulation) Bill 2010

(*Mr Batchelor*) — put, after debate, and agreed to.

17 **STATEMENTS BY MEMBERS** — Statements by members were made.

18 **SEVERE SUBSTANCE DEPENDENCE TREATMENT BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Mr Perera*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

19 **JOINT SITTING — LEGISLATIVE COUNCIL VACANCY** — The Acting Speaker reported that the House met today with the Legislative Council for the purpose of choosing a person to hold the seat in the Legislative Council rendered vacant by the resignation of Theo Theophanous and that Nathan Murphy has been duly chosen to hold the vacant place.

20 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Magistrates' Court Amendment (Mental Health List) Bill 2009 with amendments.

Ordered — That the amendments be taken into consideration tomorrow.

21 **LIVESTOCK MANAGEMENT BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time.

Under standing orders, Mr Walsh announced an amendment to be proposed when the House considers the Bill in detail and requested that it be circulated. Amendment circulated.

Debate resumed on question — That this Bill be now read a second time.

Motion made and question — That the debate be now adjourned (*Mr Holding*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

22 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 3 to 8 inclusive, be postponed until later this day.

23 **ANNUAL STATEMENT OF GOVERNMENT INTENTIONS 2010** — Order read for responses to the Statement; responses resumed.

*Business having been interrupted at 10.00 pm under standing orders.*

Motion made and question — That the sitting be continued (*Mr Holding*) — put and agreed to.

Responses continued.

Motion made and question — That the debate be now adjourned (*Mr Herbert*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

24 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Helper*) — put and agreed to.

25 **ADJOURNMENT** — The Deputy Speaker left the Chair, after debate, at 10.50 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JENNY LINDELL  
*Speaker*

## No 159 — Wednesday 10 March 2010

1 The Speaker took the Chair and read the Prayer.

2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

**Housing for Mentally Ill** — Requesting that the House acts immediately to provide long term housing for single people in the Bass Coast region with a chronic mental illness, bearing 19 signatures (*Mr Smith, Bass*)

**Medical Services on Phillip Island** — Requesting that the House immediately funds a 24-hour accident and emergency department and bulk-billing medical service on Phillip Island, bearing 767 signatures (*Mr Smith, Bass*)

**Melbourne–Mildura Train Line** — Requesting that the House brings forward the reinstatement of the Melbourne–Mildura passenger train service in view of concerns including global warming, and the need to connect Mildura to both the Melbourne and the national rail networks, bearing 26 signatures (*Mr Crisp*)

**Electricity Smart Meters** — Requesting that the House requires the Government to immediately freeze the roll out of smart meters for electricity use in Victoria until it is independently demonstrated that consumers will not have to pay higher bills, bearing 114 signatures (*Mr Walsh*)

**Liquor Licence Fees** — Requesting that the Government recognises the damage across-the-board increases to liquor licences will cause, particularly in many country communities, and reviews the proposed legislation as a matter of urgency, bearing 415 signatures (*Mr Walsh*)

**Alternatives to Goulburn Valley Pipeline** — Requesting that the House — (a) rejects the proposal to build the pipe that would take water from the Goulburn Valley to Melbourne; and (b) calls on the Government to invest in other measures to increase Melbourne's water supply such as recycled water and stormwater capture for industry, parks and gardens, bearing 13 signatures (*Mr Walsh*).

Petitions ordered to be tabled.

3 **PETITION — ELECTRICITY SMART METERS** — Motion made and question — That the petition presented by the Member for Swan Hill be taken into consideration tomorrow (*Mr Walsh*) — put and agreed to.

4 **PETITION — LIQUOR LICENCE FEES** — Motion made and question — That the petition presented by the Member for Swan Hill be taken into consideration tomorrow (*Mr Walsh*) — put and agreed to.

5 **PETITION — ALTERNATIVES TO GOULBURN VALLEY PIPELINE** — Motion made and question — That the petition presented by the Member for Swan Hill be taken into consideration tomorrow (*Mr Walsh*) — put and agreed to.

- 6 **PETITION — HOUSING FOR MENTALLY ILL** — Motion made and question — That the petition presented by the Member for Bass be taken into consideration tomorrow (*Mr Smith, Bass*) — put and agreed to.
- 7 **PETITION — MEDICAL SERVICES ON PHILLIP ISLAND** — Motion made and question — That the petition presented by the Member for Bass be taken into consideration tomorrow (*Mr Smith, Bass*) — put and agreed to.
- 8 **PETITION — MELBOURNE–MILDURA TRAIN LINE** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.

9 **DOCUMENTS**

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — Mr Carli, Chair, presented the Alert Digest No 3 of 2010 from the Scrutiny of Acts and Regulations Committee on the:

Credit (Commonwealth Powers) Bill 2010  
 Electricity Industry Amendment (Critical Infrastructure) Bill 2009  
 Radiation Amendment Bill 2010  
 Statute Law Amendment (National Health Practitioner Regulation) Bill 2010

together with appendices.

Ordered to be tabled and printed.

**DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:

Alpine Resorts Co-ordinating Council — Report 2008–09

Auditor-General — Irrigation Water Stores: Lake Mokoan and Tarago Reservoir — Ordered to be printed

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 2007–08

*Planning and Environment Act 1987* — Notices of approval of amendments to the following Planning Schemes:

Baw Baw — C73  
 Horsham — C43  
 Moorabool — C18  
 Moyne — C50  
 Nillumbik — C58 Part 1  
 Yarra Ranges — C98

Surveyor's Registration Board of Victoria — Report 2008–09.

10 **ENVIRONMENT AND NATURAL RESOURCES COMMITTEE** — The Speaker announced that she had received the resignation of Mr Viney, MLC, from the Environment and Natural Resources Committee, effective from Tuesday 9 March 2010.

11 **STATEMENTS BY MEMBERS** — Statements by members were made.

12 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE — VICTORIAN TRANSPORT PLAN** — The House was informed that Mr Pallas had proposed that a definite matter of public importance be submitted to the House for discussion, namely —

'That this House congratulates the Brumby Labor Government for delivering on initiatives in the \$38 billion Victorian Transport Plan to provide the State with the best transport network in Australia and condemns the Liberal-National Coalition for its stated policy to slash projects from the plan and calls on the Opposition to inform the people of Victoria exactly which transport projects they would slash.'

Mr Pallas addressed the House — Discussion followed.

13 **STATEMENTS ON PARLIAMENTARY COMMITTEE REPORTS** — Statements were made on the following Committee Reports:

Public Accounts and Estimates Committee's Discussion Paper on the Inquiry into Victoria's *Audit Act 1994*

Outer Suburban/Interface Services and Development Committee's Report on the Inquiry into the Impact of the State Government's Decision to Change the Urban Growth Boundary

Environment and Natural Resources Committee's Report on the Inquiry into the Approvals Process for Renewable Energy Projects in Victoria

Law Reform Committee's Report on the Review of the *Members of Parliament (Register of Interests) Act 1975*

Education and Training Committee's Report on the Inquiry into Geographical Differences in the Rate in which Victorian Students Participate in Higher Education.

14 **CREDIT (COMMONWEALTH POWERS) BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 2.00 pm under standing orders.*

15 **QUESTIONS** — (Under SO 55).

16 **CREDIT (COMMONWEALTH POWERS) BILL 2010** — Debate continued on question — That this Bill be now read a second time.

Bill read a second time and, by leave, immediately read a third time.

Bill sent to the Legislative Council and their agreement requested.

17 **STATUTE LAW AMENDMENT (NATIONAL HEALTH PRACTITIONER REGULATION) BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Ms Allan*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 18 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 3 to 8 inclusive be postponed until later this day.

- 19 **HEALTH AND HUMAN SERVICES LEGISLATION AMENDMENT BILL 2010** — *Mr Andrews tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Andrews*).

Motion made and question — That the debate be now adjourned (*Mr Clark*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 24 March 2010.

- 20 **TRANSPORT LEGISLATION AMENDMENT (COMPLIANCE, ENFORCEMENT AND REGULATION) BILL 2010** — *Mr Pallas tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Pallas*).

Motion made and question — That the debate be now adjourned (*Mr Mulder*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 24 March 2010.

- 21 **CHILD EMPLOYMENT AMENDMENT BILL 2010** — *Mr Hulls tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).

Motion made and question — That the debate be now adjourned (*Mr Smith, Warrandyte*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 24 March 2010.

- 22 **EQUAL OPPORTUNITY BILL 2010** — *Mr Hulls tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).

Motion made and question — That the debate be now adjourned (*Mr Clark*) — put and agreed to.

Ordered, after debate — That the debate be adjourned until Wednesday 24 March 2010.

- 23 **SEVERE SUBSTANCE DEPENDENCE TREATMENT BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 10.00 pm under standing orders.*

- 24 **ADJOURNMENT** — The Acting Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.39 pm.

## No 160 — Thursday 11 March 2010

1 The Speaker took the Chair and read the Prayer.

2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

**Medical Services on Phillip Island** — Requesting that the House immediately funds a 24-hour accident and emergency department and bulk-billing medical service on Phillip Island, bearing 1387 signatures (*Mr Smith, Bass*)

**Electricity Smart Meters** — Requesting that the House requires the Government to immediately freeze the roll out of smart meters for electricity use in Victoria until it is independently demonstrated that consumers will not have to pay higher bills, bearing 84, 96 and 222 signatures (*Dr Sykes, Mr Jasper and Mrs Powell respectively*)

**Melbourne–Mildura Train Line** — Requesting that the House brings forward the reinstatement of the Melbourne–Mildura passenger train service in view of concerns including global warming, and the need to connect Mildura to both the Melbourne and the national rail networks, bearing 25 signatures (*Mr Crisp*)

**Victorian Rock Eisteddfod Challenge** — Requesting that the House calls upon the Government to increase its funding commitment to the Victorian Rock Eisteddfod Challenge, bearing 16 signatures (*Mr Northe*)

**Liquor Licence Fees** — Requesting that the Government recognises the damage across-the-board increases to liquor licences will cause, particularly in many country communities, and reviews the proposed legislation as a matter of urgency, bearing 47, 23 and 34 signatures (*Mr Northe, Mr Jasper and Mrs Powell respectively*)

**Noxious Weed Control** — Requesting that the House calls upon the Government to — (a) clarify responsibility for the control of noxious weeds; and (b) increase funding levels to implement appropriate eradication programs and to include Paterson's Curse, bearing 37 signatures (*Mr Jasper*)

**Jika Jika Community Centre** — Requesting that the House reinstates funding to Jika Jika Community Centre to continue the Our Homes Our Health program, bearing 25 signatures (*Ms Richardson*)

**New Street Railway Gates** — Requesting that the Government, rail operators and the City of Bayside re-open the New Street railway gates, bearing 230 signatures (*Mr Thompson, Sandringham*).

Petitions ordered to be tabled.

3 **PETITION — NEW STREET RAILWAY GATES** — Motion made and question — That the petition presented by the Member for Sandringham be taken into consideration tomorrow (*Mr Thompson, Sandringham*) — put and agreed to.

4 **PETITION — ELECTRICITY SMART METERS** — Motion made and question — That the petition presented by the Member for Shepparton be taken into consideration tomorrow (*Mrs Powell*) — put and agreed to.

5 **PETITION — LIQUOR LICENCE FEES** — Motion made and question — That the petition presented by the Member for Shepparton be taken into consideration tomorrow (*Mrs Powell*) — put and agreed to.

- 6 **PETITION — ELECTRICITY SMART METERS** — Motion made and question — That the petition presented by the Member for Murray Valley be taken into consideration tomorrow (*Mr Jasper*) — put and agreed to.
- 7 **PETITION — LIQUOR LICENCE FEES** — Motion made and question — That the petition presented by the Member for Murray Valley be taken into consideration tomorrow (*Mr Jasper*) — put and agreed to.
- 8 **PETITION — NOXIOUS WEED CONTROL** — Motion made and question — That the petition presented by the Member for Murray Valley be taken into consideration tomorrow (*Mr Jasper*) — put and agreed to.
- 9 **PETITION — MELBOURNE–MILDURA TRAIN LINE** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.
- 10 **PETITION — VICTORIAN ROCK EISTEDDFOD CHALLENGE** — Motion made and question — That the petition presented by the Member for Morwell be taken into consideration tomorrow (*Mr Northe*) — put and agreed to.
- 11 **PETITION — LIQUOR LICENCE FEES** — Motion made and question — That the petition presented by the Member for Morwell be taken into consideration tomorrow (*Mr Northe*) — put and agreed to.
- 12 **PETITION — ELECTRICITY SMART METERS** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.
- 13 **DOCUMENTS**

**ELECTORAL MATTERS COMMITTEE** — Mr Scott, Chair, presented a report from the Electoral Matters Committee on the Inquiry into the provisions of the *Electoral Act 2002* relating to misleading or deceptive political advertising, together with appendices, a minority report and transcripts of evidence.

Ordered to be tabled and the report, appendices and minority report printed.

**DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:

*Financial Management Act 1994* — 2009–10 Mid-Year Financial Report incorporating the Quarterly Financial Report No 2 for the period ended 31 December 2009

*Gambling Regulation Act 2003* — Order under s 2.5A.9

Ombudsman — *Whistleblowers Protection Act 2001*: Investigation into the disclosure of information by a councillor of the City of Casey — Ordered to be printed

*Parliamentary Committees Act 2003* — Government response to the Scrutiny of Acts and Regulations Committee's Report on the Exceptions and Exemptions to the *Equal Opportunity Act 1995*

Statutory Rules under the following Acts:

*Building Act 1993* — SR 15

*Fisheries Act 1995* — SR 13

*Road Safety Act 1986* — SR 16

*Victorian Civil and Administrative Tribunal Act 1998* — SR 14.

14 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourns until Tuesday 23 March 2010 (*Ms Neville*) — put and agreed to.

15 **STATEMENTS BY MEMBERS** — Statements by members were made.

16 **ANNUAL STATEMENT OF GOVERNMENT INTENTIONS 2010** — Order read for responses to the Statement; responses resumed.

*Business having been interrupted at 2.00 pm under standing orders.*

17 **QUESTIONS** — (Under SO 55).

18 **ANNUAL STATEMENT OF GOVERNMENT INTENTIONS 2010** — Responses continued.

Motion made and question — That the debate be now adjourned (*Ms Barker*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

19 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 2 to 4 inclusive, be postponed until later this day.

20 **LIVESTOCK MANAGEMENT BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Bill read a second time and considered in detail (*see pp 841–2*).

*Allocation of time — The Deputy Speaker advised that the time allocated for consideration of bills under the resolution of the House on Tuesday 9 March 2010 had expired.*

Question — That the amendment be agreed to — put.

The House divided (the Deputy Speaker, Ms Barker, in the Chair) —

AYES 33

Ms Asher; Mr Baillieu; Mr Blackwood; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Hodgett; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Morris; Mr Mulder; Dr Naphine; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith (*Bass*); Mr Smith (*Warrandyte*); Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Weller; Mr Wells; Ms Wooldridge.

NOES 52

Ms Allan; Mr Andrews; Mr Batchelor; Ms Beattie; Mr Brooks; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Mr Eren; Mr Foley; Ms Graley; Ms Green; Mr Hardman; Dr Harkness; Mr Helper; Ms Hennessy; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Ms Kairouz; Mr Langdon; Mr Languiller; Mr Lim; Ms Lobato; Mr Lupton; Mrs Maddigan; Ms Marshall; Mr Merlino; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Noonan; Ms Overington; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Pike; Ms Richardson; Mr Robinson; Mr Scott; Mr Stensholt; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

Question defeated.

Question — That clause 63 stand part of the Bill — put and agreed to.

Question — That the Bill be agreed to without amendment and the Bill be now read a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 21 **SEVERE SUBSTANCE DEPENDENCE TREATMENT BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time and a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 22 **STATUTE LAW AMENDMENT (NATIONAL HEALTH PRACTITIONER REGULATION) BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time and a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 23 **JUSTICE LEGISLATION AMENDMENT BILL 2010** — *Mr Hulls tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).

Motion made and question — That the debate be now adjourned (*Mr McIntosh*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 25 March 2010.

- 24 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Crimes Legislation Amendment Bill 2009 with amendments.

Ordered — That the amendments be taken into consideration immediately.

- 25 **CRIMES LEGISLATION AMENDMENT BILL 2009** — Order read for the consideration of the amendments made by the Legislative Council.

After debate, the amendments were agreed to.

Message sent to the Legislative Council informing them accordingly.

- 26 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Hulls*) — put and agreed to.

- 27 **ADJOURNMENT** — The Speaker left the Chair, after debate, at 5.24 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JENNY LINDELL  
*Speaker*

LEGISLATIVE ASSEMBLY OF VICTORIA

**CONSIDERATION IN DETAIL**  
**Supplement to Votes Nos 158, 159 and 160**

**No 160 — Thursday 11 March 2010**

**LIVESTOCK MANAGEMENT BILL 2009**

**Clauses 1 to 62** agreed to.

**Clauses 63**, Mr Walsh moved an amendment (*see Schedule*).

*Allocation of time — the Deputy Speaker advised that the time allocated for consideration of bills under the resolution of the House on Tuesday 9 March 2010 had expired (for remaining stages see pp 839–40).*

## SCHEDULE OF AMENDMENT MOVED

### LIVESTOCK MANAGEMENT BILL 2009

Amendment moved by Mr Walsh

Clause 63, page 39, after line 22 insert—

"() The regulations are subject to disallowance by a House of the Parliament."

## LEGISLATIVE ASSEMBLY OF VICTORIA

### VOTES AND PROCEEDINGS Nos 161, 162 and 163

#### No 161 — Tuesday 23 March 2010

- 1 The House met according to the adjournment — The Speaker took the Chair and read the Prayer.
- 2 **DEATH OF JANET TINDALE CALDER WILSON** — The Speaker announced the death of Janet (Jan) Tindale Calder Wilson, Member of the Legislative Assembly for the Electoral District of Dandenong North from 1985 to 1999; and members rose in their places as a mark of respect to the memory of the deceased.
- 3 **QUESTIONS** — (Under SO 55).
- 4 **MEMBERS OF PARLIAMENT (STANDARDS) BILL 2010** — Mr Hulls obtained leave to bring in 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 the Bill was read a first time and ordered to be read a second time tomorrow.
- 5 **JUSTICE LEGISLATION AMENDMENT (VICTIMS OF CRIME ASSISTANCE AND OTHER MATTERS) BILL 2010** — Mr Hulls obtained leave to bring in 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 the Bill was read a first time and ordered to be read a second time tomorrow.
- 6 **TRUSTEE COMPANIES LEGISLATION AMENDMENT BILL 2010** — Mr Hulls obtained leave to bring in 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, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 7 **EDUCATION AND TRAINING REFORM FURTHER AMENDMENT BILL 2010** — Ms Pike obtained leave to bring in 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 the Bill was read a first time and ordered to be read a second time tomorrow.
- 8 **THERAPEUTIC GOODS (VICTORIA) BILL 2010** — Mr Andrews obtained leave to bring in 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, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 9 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:  
  
**Medical Services on Phillip Island** — Requesting that the House immediately funds a 24-hour accident and emergency department and bulk-billing medical service on Phillip Island, bearing 1138 signatures (*Mr Smith, Bass*)

**Fire Services Levy** — Requesting that the House investigates and implements a fairer model of funding fire services in Victoria, bearing 41 signatures (*Dr Sykes*)

**Electricity Smart Meters** — Requesting that the House requires the Government to immediately freeze the roll out of smart meters for electricity use in Victoria until it is independently demonstrated that consumers will not have to pay higher bills, bearing 38, 37 and 167 signatures (*Dr Sykes, Mr Delahunty and Mr Walsh respectively*)

**Regional Education** — Requesting that the House requires the Government to support regional education and provide schools, teachers and students with the resources required to improve educational outcomes, bearing 19 signatures (*Mr Delahunty*)

**Victorian Rock Eisteddfod Challenge** — Requesting that the House calls upon the Government to increase its funding commitment to the Victorian Rock Eisteddfod Challenge, bearing 9 signatures (*Mr Delahunty*)

**Liquor Licence Fees** — Requesting that the Government recognises the damage across-the-board increases to liquor licences will cause, particularly in many country communities, and reviews the proposed legislation as a matter of urgency, bearing 34 and 268 signatures (*Mr Delahunty and Mr Walsh respectively*)

**Train Service Needs for Mildura** — Requesting that the House reinstates the Melbourne to Mildura passenger train service to cater for the aged, disabled and financially disadvantaged, bearing 51 signatures (*Mr Crisp*)

**Rock Eisteddfod — Gippsland** — Requesting that the House calls upon the Government to increase funding to the Victorian Rock Eisteddfod Challenge, bearing 8 signatures (*Mr Northe*).

Petitions ordered to be tabled.

- 10 **PETITION — MEDICAL SERVICES ON PHILLIP ISLAND** — Motion made and question — That the petition presented by the Member for Bass be taken into consideration tomorrow (*Mr Smith, Bass*) — put and agreed to.
- 11 **PETITION — TRAIN SERVICE NEEDS FOR MILDURA** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.
- 12 **PETITION — FIRE SERVICES LEVY** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.
- 13 **PETITION — ELECTRICITY SMART METERS** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.
- 14 **PETITION — ELECTRICITY SMART METERS** — Motion made and question — That the petition presented by the Member for Lowan be taken into consideration tomorrow (*Mr Delahunty*) — put and agreed to.
- 15 **PETITION — REGIONAL EDUCATION** — Motion made and question — That the petition presented by the Member for Lowan be taken into consideration tomorrow (*Mr Delahunty*) — put and agreed to.
- 16 **PETITION — VICTORIAN ROCK EISTEDDFOD CHALLENGE** — Motion made and question — That the petition presented by the Member for Lowan be taken into consideration tomorrow (*Mr Delahunty*) — put and agreed to.

17 **PETITION — LIQUOR LICENCE FEES** — Motion made and question — That the petition presented by the Member for Lowan be taken into consideration tomorrow (*Mr Delahunty*) — put and agreed to.

18 **PETITION — ROCK EISTEDDFOD — GIPPSLAND** — Motion made and question — That the petition presented by the Member for Morwell be taken into consideration tomorrow (*Mr Northe*) — put and agreed to.

19 **DOCUMENTS**

**VICTORIAN COMPETITION AND EFFICIENCY COMMISSION REPORT AND GOVERNMENT RESPONSE** — Motion made, by leave, and question — That the Victorian Competition and Efficiency Commission Report, Getting it Together: An Inquiry into the Sharing of Government and Community Facilities and the Government response be tabled (*Mr Holding*) — put and agreed to.

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — Motion made, by leave, and question — That the Annual Review 2009 of the Scrutiny of Acts and Regulations Committee, together with appendices, be tabled (*Mr Carli*) — put and agreed to.

Ordered to be printed.

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — Mr Carli, Chair, presented the Alert Digest No 4 of 2010 from the Scrutiny of Acts and Regulations Committee on the:

Accident Compensation Amendment Bill 2009  
 Child Employment Amendment Bill 2010  
 Crimes Legislation Amendment Act 2010  
 Crimes Legislation Amendment Bill 2009  
 Equal Opportunity Bill 2010  
 Health and Human Services Legislation Amendment Bill 2010  
 Justice Legislation Amendment Bill 2010  
 Justice Legislation Miscellaneous Amendments Bill 2009  
 Transport Legislation Amendment (Compliance, Enforcement and Regulation) Bill 2010

together with appendices.

Ordered to be tabled and printed.

**DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:

*Commissioner for Environmental Sustainability Act 2003* — Strategic Audit of Victorian Government Agencies' Environmental Management Systems

*Crown Land (Reserves) Act 1978* — Order under s 17D granting a lease over Torquay Foreshore Reserve

Essential Services Commission — Review of the Victorian Rail Access Regime (three documents)

*Legal Profession Act 2004* — Practitioner Remuneration Order under s 3.4.24

*Planning and Environment Act 1987* — Notices of approval of amendments to the following Planning Schemes:

Ballarat — C137

Brimbank — C119, C123  
 Casey — C112, C131  
 Greater Bendigo — C126  
 Hume — C113  
 Manningham — C88  
 Mildura — C65  
 Moreland — C81  
 Murrindindi — C27  
 Strathbogie — C21, C47  
 Wellington — C53 Part 2  
 Wodonga — C58

State Services Authority — The State of the Public Sector in Victoria Report 2008–09

Statutory Rule under the *Infringements Act 2006* — SR 17

*Subordinate Legislation Act 1994* — Ministers' exemption certificates in relation to Statutory Rules 13, 14, 15, 16, 17.

- 20 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Agreeing to the following bills without amendment:

Accident Compensation Amendment Bill 2009  
 Liquor Control Reform Amendment (ANZAC Day) Bill 2010  
 Offshore Petroleum and Greenhouse Gas Storage Bill 2010.

- 21 **MESSAGES FROM THE GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that he had given the royal assent to the following bills, presented to him by the Clerk of the Parliaments:

On 16 March 2010  
 Crimes Legislation Amendment Bill 2009  
 Liquor Control Reform Amendment (ANZAC Day) Bill 2010

On 23 March 2010  
 Accident Compensation Amendment Bill 2009  
 Offshore Petroleum and Greenhouse Gas Storage Bill 2010.

- 22 **MESSAGES FROM THE GOVERNOR** — Recommending appropriations for the purposes of the following bills:

Equal Opportunity Bill 2010  
 Health and Human Services Legislation Amendment Bill 2010  
 Justice Legislation Amendment Bill 2010.

- 23 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, under SO 94(2), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 25 March 2010:

Equal Opportunity Bill 2010  
 Justice Legislation Amendment Bill 2010  
 Legislation Reform (Repeals No. 6) Bill 2009  
 Magistrates' Court Amendment (Mental Health List) Bill 2009 — Amendments of the Legislative Council  
 Radiation Amendment Bill 2010  
 Transport Legislation Amendment (Compliance, Enforcement and Regulation) Bill 2010

Victoria University Bill 2009 — Amendments of the Legislative Council

(*Mr Batchelor*) — after debate, put.

The House divided (the Speaker, Ms Lindell, in the Chair) —

AYES 51

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beattie; Mr Brooks; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Mr Eren; Mr Foley; Ms Graley; Ms Green; Mr Hardman; Dr Harkness; Mr Helper; Ms Hennessy; Mr Holding; Mr Hudson; Mr Hulls; Ms Kairouz; Mr Langdon; Mr Languiller; Mr Lim; Ms Lobato; Mr Lupton; Mrs Maddigan; Ms Marshall; Mr Merlino; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Noonan; Ms Overington; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Pike; Ms Richardson; Mr Robinson; Mr Scott; Mr Seitz; Mr Stensholt; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

NOES 33

Ms Asher; Mr Baillieu; Mr Blackwood; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Hodgett; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Morris; Mr Mulder; Dr Napthine; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith (*Bass*); Mr Smith (*Warrandyte*); Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Weller; Mr Wells; Ms Wooldridge.

Question agreed to.

24 **STATEMENTS BY MEMBERS** — Statements by members were made.

25 **PLANNING AND ENVIRONMENT AMENDMENT (GROWTH AREAS INFRASTRUCTURE CONTRIBUTION) BILL 2009** — Motion made, and question — That the Planning and Environment Amendment (Growth Areas Infrastructure Contribution) Bill 2009 be referred to the Dispute Resolution Committee for consideration under s 65C of the *Constitution Act 1975* and that a message be sent to the Legislative Council informing them accordingly (*Mr Cameron*) — after debate, put.

The House divided (the Speaker, Ms Lindell, in the Chair) —

AYES 53

Ms Allan; Ms Barker; Mr Batchelor; Ms Beattie; Mr Brooks; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Mr Eren; Mr Foley; Ms Graley; Ms Green; Mr Hardman; Dr Harkness; Mr Helper; Ms Hennessy; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Ms Kairouz; Mr Langdon; Mr Languiller; Mr Lim; Ms Lobato; Mr Lupton; Mrs Maddigan; Ms Marshall; Mr Merlino; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Pike; Ms Richardson; Mr Robinson; Mr Scott; Mr Seitz; Mr Stensholt; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

NOES 32

Ms Asher; Mr Baillieu; Mr Blackwood; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Hodgett; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Morris; Mr Mulder; Dr Napthine; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith (*Bass*); Mr Smith (*Warrandyte*); Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Weller; Mr Wells; Ms Wooldridge.

Question agreed to.

26 **MAGISTRATES' COURT AMENDMENT (MENTAL HEALTH LIST) BILL 2009** — Order read for the consideration of the amendments made by the Legislative Council.

After debate, the amendments were agreed to.

Message sent to the Legislative Council informing them accordingly.

- 27 **VICTORIA UNIVERSITY BILL 2009** — Order read for the consideration of the amendments made by the Legislative Council.

After debate, the amendments were agreed to.

Message sent to the Legislative Council informing them accordingly.

- 28 **RADIATION AMENDMENT BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 10.00 pm under standing orders.*

- 29 **ADJOURNMENT** — The Deputy Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.32 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JENNY LINDELL  
*Speaker*

## No 162 — Wednesday 24 March 2010

- 1 The Speaker took the Chair and read the Prayer.

- 2 **ENVIRONMENT PROTECTION AMENDMENT (LANDFILL LEVIES) BILL 2010** — Ms Morand obtained leave to bring in 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, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.

- 3 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

**Electricity Smart Meters** — Requesting that the House requires the Government to immediately freeze the roll out of smart meters for electricity use in Victoria until it is independently demonstrated that consumers will not have to pay higher bills, bearing 92, 91 and 235 signatures (*Mrs Victoria, Mr Jasper and Mrs Powell respectively*)

**Hastings Police Station** — Requesting that the House directs the Government to immediately return the Hastings Police Station to 24 hour status in the interests of community safety, bearing 55 signatures (*Mr Burgess*)

**Growth Areas Infrastructure Contribution** — Requesting that the House asks the Government to withdraw its proposal to impose a Growth Areas Infrastructure Contribution as part of the expanded Urban Growth Boundary, bearing 99 signatures (*Mr Burgess*)

**Train Service Needs for Mildura** — Requesting that the House reinstates the Melbourne to Mildura passenger train service to cater for the aged, disabled and financially disadvantaged, bearing 31 signatures (*Mr Crisp*).

Petitions ordered to be tabled.

- 4 **PETITION — ELECTRICITY SMART METERS** — Motion made and question — That the petition presented by the Member for Bayswater be taken into consideration tomorrow (*Mrs Victoria*) — put and agreed to.

- 5 **PETITION — ELECTRICITY SMART METERS** — Motion made and question — That the petition presented by the Member for Shepparton be taken into consideration tomorrow (*Mrs Powell*) — put and agreed to.
- 6 **PETITION — HASTINGS POLICE STATION** — Motion made and question — That the petition presented by the Member for Hastings be taken into consideration tomorrow (*Mr Burgess*) — put and agreed to.
- 7 **PETITION — GROWTH AREAS INFRASTRUCTURE CONTRIBUTION** — Motion made and question — That the petition presented by the Member for Hastings be taken into consideration tomorrow (*Mr Burgess*) — put and agreed to.
- 8 **PETITION — TRAIN SERVICE NEEDS FOR MILDURA** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.
- 9 **PETITION — ELECTRICITY SMART METERS** — Motion made and question — That the petition presented by the Member for Murray Valley be taken into consideration tomorrow (*Mr Jasper*) — put and agreed to.
- 10 **DOCUMENT TABLED UNDER AN ACT OF PARLIAMENT** — The Clerk tabled the following document in accordance with an Act of Parliament:
- Auditor-General — Management of Safety Risks at Level Crossings — Ordered to be printed.
- 11 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Livestock Management Bill 2009 with an amendment.
- Ordered — That the amendment be taken into consideration later this day.
- 12 **STATEMENTS BY MEMBERS** — Statements by members were made.
- 13 **GRIEVANCES** — Question — That grievances be noted — put, after debate, and agreed to.
- 14 **STATEMENTS ON PARLIAMENTARY COMMITTEE REPORTS** — Statements were made on the following Committee Reports:
- Environment and Natural Resources Committee's Report on the Inquiry into the Approvals Process for Renewable Energy Projects in Victoria
- Environment and Natural Resources Committee's Report on the Inquiry into Melbourne's Future Water Supply
- Scrutiny of Acts and Regulations Committee's Annual Review 2009
- Electoral Matters Committee's Report on the Inquiry into the provisions of the *Electoral Act 2002* relating to misleading or deceptive political advertising
- Public Accounts and Estimates Committee's Discussion Paper on the Inquiry into Victoria's *Audit Act 1994*.
- 15 **NEW DAMS** — Motion made, and question — That this House calls on the Liberal Party and The Nationals to rule out building new dams on the Mitchell River and its tributaries or any other Gippsland river, and in the Otways, or building Big Buffalo or other dams impacting on the Ovens River (*Mr Holding*) — and, after debate —

*Business having been interrupted at 2.00 pm under standing orders.*

16 **QUESTIONS** — (Under SO 55).

17 **NEW DAMS** — Debate continued on question — That this House calls on the Liberal Party and The Nationals to rule out building new dams on the Mitchell River and its tributaries or any other Gippsland river, and in the Otways, or building Big Buffalo or other dams impacting on the Ovens River — put and agreed to.

18 **POSTPONEMENT OF ORDER OF THE DAY** — Ordered — That the consideration of Government Business, Order of the Day, No 1 be postponed until later this day.

19 **TRANSPORT LEGISLATION AMENDMENT (COMPLIANCE, ENFORCEMENT AND REGULATION) BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Mr Nardella*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

20 **EQUAL OPPORTUNITY BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time.

Under standing orders, Mr Hulls announced amendments to be proposed when the House considers the Bill in detail and requested that they be circulated. Amendments circulated.

Motion made and question — That the debate be now adjourned (*Mr Clark*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

21 **TRANSPORT LEGISLATION AMENDMENT (COMPLIANCE, ENFORCEMENT AND REGULATION) BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Ms Green*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

22 **EQUAL OPPORTUNITY BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 10.00 pm under standing orders.*

23 **ADJOURNMENT** — The Acting Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.39 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JENNY LINDELL  
*Speaker*

## No 163 — Thursday 25 March 2010

1 The Speaker took the Chair and read the Prayer.

2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

**Medical Services on Phillip Island** — Requesting that the House immediately funds a 24-hour accident and emergency department and bulk-billing medical service on Phillip Island, bearing 100 signatures (*Mr Smith, Bass*)

**Train Service Needs for Mildura** — Requesting that the House reinstates the Melbourne to Mildura passenger train service to cater for the aged, disabled and financially disadvantaged, bearing 46 signatures (*Mr Crisp*).

Petitions ordered to be tabled.

3 **PETITION — MEDICAL SERVICES ON PHILLIP ISLAND** — Motion made and question — That the petition presented by the Member for Bass be taken into consideration tomorrow (*Mr Smith, Bass*) — put and agreed to.

4 **PETITION — TRAIN SERVICE NEEDS FOR MILDURA** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.

5 **DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:

*Parliamentary Committees Act 2003* — Government response to the Environment and Natural Resources Committee's Inquiry into Melbourne's Future Water Supply

*Safe Drinking Water Act 2003* — Drinking Water Quality in Victoria Report 2008–09.

6 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourns until Tuesday 13 April 2010 (*Ms Neville*) — put and agreed to.

7 **STATEMENTS BY MEMBERS** — Statements by members were made.

8 **LEGISLATION REFORM (REPEALS NO. 6) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Mr Brooks*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

9 **JUSTICE LEGISLATION AMENDMENT BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time.

Under standing orders, Mr Robinson announced amendments to be proposed when the House considers the Bill in detail and requested that they be circulated. Amendments circulated.

Under standing orders, Mr O'Brien announced amendments to be proposed when the House considers the Bill in detail and requested that they be circulated. Amendments circulated.

Debate resumed on question — That this Bill be now read a second time.

Motion made and question — That the debate be now adjourned (*Mr Langdon*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 10 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 3 and 4, be postponed until later this day.

- 11 **EQUAL OPPORTUNITY BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 2.00 pm under standing orders.*

- 12 **QUESTIONS** — (Under SO 55).

- 13 **EQUAL OPPORTUNITY BILL 2010** — Debate resumed on question — That this Bill be now read a second time.

Motion made and question — That the debate be now adjourned (*Mr Langdon*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 14 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Credit (Commonwealth Powers) Bill 2010 with amendments.

Ordered — That the amendments be taken into consideration later this day.

- 15 **POSTPONEMENT OF ORDER OF THE DAY** — Ordered — That the consideration of Government Business, Order of the Day, No 6 be postponed until later this day.

- 16 **MEMBERS OF PARLIAMENT (STANDARDS) BILL 2010** — *Mr Brumby tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Brumby*).

Motion made and question — That the debate be now adjourned (*Mr Clark*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 8 April 2010.

- 17 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Statute Law Amendment (National Health Practitioner Regulation) Bill 2010 without amendment.

- 18 **EQUAL OPPORTUNITY BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Allocation of time — The Deputy Speaker advised that the time allocated for consideration of bills under the resolution of the House on Tuesday 23 March 2010 had expired.*

Question — That this Bill be now read a second time, Government amendment Nos 1 to 7 inclusive be agreed to and the Bill be now read a third time — put.

The House divided (the Deputy Speaker, Ms Barker, in the Chair) —

AYES 50

Ms Allan; Mr Andrews; Mr Batchelor; Mr Brooks; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Mr Eren; Mr Foley; Ms Graley; Ms Green; Mr Hardman; Dr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Ms Kairouz; Mr Langdon; Mr Languiller; Mr Lim; Ms Lobato; Mr Lupton; Mrs Maddigan; Ms Marshall; Mr Merlino; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Noonan; Ms Overington; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Pike; Ms Richardson; Mr Robinson; Mr Scott; Mr Seitz; Mr Stensholt; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

NOES 33

Ms Asher; Mr Baillieu; Mr Blackwood; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Hodgett; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Morris; Mr Mulder; Dr Napthine; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith (*Bass*); Mr Smith (*Warrandyte*); Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Weller; Mr Wells; Ms Wooldridge.

Question agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 19 **LEGISLATION REFORM (REPEALS NO. 6) BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time and a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 20 **JUSTICE LEGISLATION AMENDMENT BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time, Government amendment Nos 1 to 4 inclusive be agreed to and the Bill be now read a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 21 **TRANSPORT LEGISLATION AMENDMENT (COMPLIANCE, ENFORCEMENT AND REGULATION) BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time and a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 22 **RADIATION AMENDMENT BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time and a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 23 **ENVIRONMENT PROTECTION AMENDMENT (LANDFILL LEVIES) BILL 2010** — *Mr Batchelor tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Batchelor*).

Motion made and question — That the debate be now adjourned (*Ms Wooldridge*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 8 April 2010.

- 24 **JUSTICE LEGISLATION AMENDMENT (VICTIMS OF CRIME ASSISTANCE AND OTHER MATTERS) BILL 2010** — *Mr Hulls tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).

Motion made and question — That the debate be now adjourned (*Mr Clark*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 8 April 2010.

- 25 **TRUSTEE COMPANIES LEGISLATION AMENDMENT BILL 2010** — *Mr Holding tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Holding*).

Motion made and question — That the debate be now adjourned (*Mr Clark*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 8 April 2010.

- 26 **EDUCATION AND TRAINING REFORM FURTHER AMENDMENT BILL 2010** — *Ms Pike tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Ms Pike*).

Motion made and question — That the debate be now adjourned (*Mr Dixon*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 8 April 2010.

- 27 **THERAPEUTIC GOODS (VICTORIA) BILL 2010** — *Mr Andrews tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Andrews*).

Motion made and question — That the debate be now adjourned (*Dr Napthine*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 8 April 2010.

- 28 **CREDIT (COMMONWEALTH POWERS) BILL 2010** — Order read for the consideration of the amendments made by the Legislative Council.

After debate, the amendments were agreed to.

Message sent to the Legislative Council informing them accordingly.

- 
- 29 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Robinson*) — put and agreed to.
- 30 **ADJOURNMENT** — The Speaker left the Chair, after debate, at 5.37 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JENNY LINDELL  
*Speaker*



## LEGISLATIVE ASSEMBLY OF VICTORIA

# VOTES AND PROCEEDINGS

## Nos 164, 165 and 166

### No 164 — Tuesday 13 April 2010

- 1 The House met according to the adjournment — The Speaker took the Chair and read the Prayer.
- 2 **QUESTIONS** — (Under SO 55).
- 3 **COURTS LEGISLATION MISCELLANEOUS AMENDMENTS BILL 2010** — Mr Hulls obtained leave to bring in 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, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 4 **PRAHRAN MECHANICS' INSTITUTE AMENDMENT BILL 2010** — Mr Wynne obtained leave to bring in a Bill '*for an Act to amend the Prahran Mechanics' Institute Act 1899*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 5 **BUILDING AMENDMENT BILL 2010** — Mr Wynne obtained leave to bring in a Bill '*for an Act to amend the Building Act 1993 and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 6 **FAIR TRADING AMENDMENT (UNFAIR CONTRACT TERMS) BILL 2010** — Mr Robinson obtained leave to bring in a Bill '*for an Act to amend the Fair Trading Act 1999 in relation to unfair contract terms and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 7 **GAMBLING REGULATION AMENDMENT (LICENSING) BILL 2010** — Mr Robinson obtained leave to bring in 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, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 8 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:
  - Lentil as Anything** — Requesting that the House urgently reconsiders the proposed cessation of Lentil as Anything's tenure at the Abbotsford Convent, bearing 31 signatures (*Dr Sykes*)
  - Fire Services Levy** — Requesting that the House investigates and implements a fairer model of funding fire services in Victoria, bearing 135 signatures (*Dr Sykes*)
  - Electricity Smart Meters** — Requesting that the House requires the Government to immediately freeze the roll out of smart meters for electricity use in Victoria until it is independently demonstrated that consumers will not have to pay higher bills, bearing 224, 343, 23 and 31 signatures (*Dr Sykes, Mr Delahunty, Mr Crisp and Mr Northe respectively*)
  - Train Service Needs for Mildura** — Requesting that the House reinstates the Melbourne to Mildura passenger train service to cater for the aged, disabled and financially disadvantaged, bearing 42 signatures (*Mr Crisp*).

Petitions ordered to be tabled.

- 9 **PETITION — ELECTRICITY SMART METERS** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.
- 10 **PETITION — TRAIN SERVICE NEEDS FOR MILDURA** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.
- 11 **PETITION — ELECTRICITY SMART METERS** — Motion made and question — That the petition presented by the Member for Lowan be taken into consideration tomorrow (*Mr Delahunty*) — put and agreed to.
- 12 **PETITION — LENTIL AS ANYTHING** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.
- 13 **PETITION — FIRE SERVICES LEVY** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.
- 14 **PETITION — ELECTRICITY SMART METERS** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.
- 15 **DOCUMENTS**

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — Mr Carli, Chair, presented the Alert Digest No 5 of 2010 from the Scrutiny of Acts and Regulations Committee on the:

Education and Training Reform Further Amendment Bill 2010  
 Environment Protection Amendment (Landfill Levies) Bill 2010  
 Equal Opportunity Bill 2010  
 Justice Legislation Amendment (Victims of Crime Assistance and Other Matters) Bill 2010  
 Members of Parliament (Standards) Bill 2010  
 Therapeutic Goods (Victoria) Bill 2010  
 Trustee Companies Legislation Amendment Bill 2010

together with appendices.

Ordered to be tabled and printed.

**DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:

*Charter of Human Rights and Responsibilities Act 2006* — Report 2009 on the operation of the Act — Ordered to be printed

*Crown Land (Reserves) Act 1978* — Order under s 17D granting a lease over Albert Park Reserve

*Interpretation of Legislation Act 1984* — Notice under s 32(3)(a)(iii) in relation to Statutory Rule 180/2009 (*Gazette G7, 18 February 2010*)

*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 — Ordered to be printed

National Environment Protection Council — Report 2008–09

*Planning and Environment Act 1987* — Notices of approval of amendments to the following Planning Schemes:

Alpine — C24  
 Boroondara — C97  
 Brimbank — C132  
 Colac Otway — C60  
 Darebin — C79  
 Glen Eira — C67  
 Glenelg — C48  
 Greater Bendigo — C101  
 Greater Geelong — C185  
 Hobsons Bay — C75  
 Hume — C117  
 Latrobe — C21  
 Melbourne — C133, C151  
 Melton — C96  
 Moreland — C97  
 Mornington Peninsula — C139  
 Moyne — C5  
 Pyrenees — C23, C28  
 Stonnington — C123  
 Surf Coast — C46  
 Warrnambool — C17, C61 Part 1  
 Whitehorse — C125  
 Whittlesea — C134  
 Wodonga — C68  
 Yarra Ranges — C87, C96

*Professional Standards Act 2003* — Under s 14:

Australian Computer Society Limited Liability (NSW) Scheme (*Gazette G10, 11 March 2010*)  
 Law Institute of Victoria Limited Scheme (*Gazette G10, 11 March 2010*)  
 Professional Surveyors' Occupational Association Scheme (*Gazette G10, 11 March 2010*)  
 Victorian Bar Professional Standards Scheme and Instrument Amending the Victorian Bar Professional Standards Scheme (*Gazette G10, 11 March 2010*)

Surveillance Devices Act 1999 — Report of the Special Investigations Monitor under s 30Q.

The following proclamations fixing operative dates were tabled by the Clerk in accordance with an order of the House dated 19 December 2006:

*Credit (Commonwealth Powers) Act 2010* — Part 1, Part 2 and ss 11, 19, 29, 33, 39 and 48 — 1 April 2010 (*Gazette S114, 31 March 2010*)  
*Liquor Control Reform Amendment (ANZAC Day) Act 2010* — Whole Act — 25 March 2010 (*Gazette G12, 25 March 2010*)  
*Liquor Control Reform Amendment (Party Buses) Act 2009* — Remaining provisions except s 9 — 1 April 2010 (*Gazette 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 S110, 30 March 2010*).

16 **MESSAGE FROM THE GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that he had, on 30 March 2010, given the royal assent to the following bills, presented to him by the Clerk of the Parliaments:

Credit (Commonwealth Powers) Bill 2010  
 Magistrates' Court Amendment (Assessment and Referral Court List) Bill 2009  
 Statute Law Amendment (National Health Practitioner Regulation) Bill 2010  
 Victoria University Bill 2009.

17 **MESSAGE FROM THE GOVERNOR** — Recommending an appropriation for the purposes of the Justice Legislation Amendment (Victims of Crime Assistance and Other Matters) Bill 2010.

18 **BUDGET SPEECH 2010–2011** — Motion made, by leave, and question — That —

- (1) So much of standing and sessional orders be suspended so as to allow on Tuesday 4 May 2010, following the introduction and motion for the second reading of the Annual Appropriation Bill:
- (a) the Minister moving the second reading to retain their right to speak (for 15 minutes) on the question later in the debate;
- (b) John Lenders MLC, Treasurer, under s 52 of the *Constitution Act 1975*, be permitted to attend the House for the purpose of giving a speech of unlimited duration in relation to the Victorian State Budget 2010–2011;
- (2) A message be sent to the Legislative Council advising them that, under s 52 of the *Constitution Act 1975*, approval has been granted for John Lenders MLC, 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 —

(*Mr Batchelor*) — put and agreed to.

19 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, under SO 94(2), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 15 April 2010:

Education and Training Reform Further Amendment Bill 2010  
 Environment Protection Amendment (Landfill Levies) Bill 2010  
 Justice Legislation Amendment (Victims of Crime Assistance and Other Matters) Bill 2010  
 Livestock Management Bill 2009 — Amendment of the Legislative Council  
 Members of Parliament (Standards) Bill 2010  
 Therapeutic Goods (Victoria) Bill 2010  
 Trustee Companies Legislation Amendment Bill 2010

(*Mr Batchelor*) — put, after debate, and agreed to.

20 **STATEMENTS BY MEMBERS** — Statements by members were made.

21 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 1 to 4 inclusive, be postponed until later this day.

22 **TRUSTEE COMPANIES LEGISLATION AMENDMENT BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Bill read a second time and, by leave, immediately read a third time.

Bill sent to the Legislative Council and their agreement requested.

23 **LIVESTOCK MANAGEMENT BILL 2009** — Order read for the consideration of the amendment made by the Legislative Council.

After debate, the amendment was agreed to.

Message sent to the Legislative Council informing them accordingly.

- 24 **ENVIRONMENT PROTECTION AMENDMENT (LANDFILL LEVIES) BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 10.00 pm under standing orders.*

- 25 **ADJOURNMENT** — The Deputy Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.35 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JENNY LINDELL  
*Speaker*

## No 165 — Wednesday 14 April 2010

- 1 The Speaker took the Chair and read the Prayer.

- 2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

**Electricity Smart Meters** — Requesting that the House requires the Government to immediately freeze the roll out of smart meters for electricity use in Victoria until it is independently demonstrated that consumers will not have to pay higher bills, bearing 72, 129 and 459 signatures (*Mrs Victoria, Mrs Fyffe and Mrs Powell respectively*)

**Traffic Lights in Bulleen** — Requesting that the House supports the installation of traffic lights at the intersection of Bulleen Road and Golden Way in Bulleen, bearing 24 signatures (*Mr Kotsiras*)

**Train Service Needs for Mildura** — Requesting that the House reinstates the Melbourne to Mildura passenger train service to cater for the aged, disabled and financially disadvantaged, bearing 53 signatures (*Mr Crisp*).

Petitions ordered to be tabled.

- 3 **PETITION — ELECTRICITY SMART METERS** — Motion made and question — That the petition presented by the Member for Shepparton be taken into consideration tomorrow (*Mrs Powell*) — put and agreed to.
- 4 **PETITION — ELECTRICITY SMART METERS** — Motion made and question — That the petition presented by the Member for Evelyn be taken into consideration tomorrow (*Mrs Fyffe*) — put and agreed to.
- 5 **PETITION — TRAFFIC LIGHTS IN BULLEEN** — Motion made and question — That the petition presented by the Member for Bulleen be taken into consideration tomorrow (*Mr Kotsiras*) — put and agreed to.
- 6 **PETITION — ELECTRICITY SMART METERS** — Motion made and question — That the petition presented by the Member for Bayswater be taken into consideration tomorrow (*Mrs Victoria*) — put and agreed to.

7 **PETITION — TRAIN SERVICE NEEDS FOR MILDURA** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.

8 **DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:

Auditor-General — Fees and Charges — cost recovery by local government — Ordered to be printed

*Parliamentary Committees Act 2003:*

Government response to the Law Reform Committee's Report on the Review of 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.

9 **STATEMENTS BY MEMBERS** — Statements by members were made.

10 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE — VICTORIA POLICE RESOURCES** — The House was informed that Mr Ryan had proposed that a definite matter of public importance be submitted to the House for discussion, namely —

'That this House congratulates the Opposition for its commitment to recruit and train 1600 additional front line operational police within its first term on assuming government in November 2010 and condemns the Brumby Government for its failure to adequately resource Victoria Police thereby leaving Victorians dangerously exposed to the impact of escalating violent crime which in the last 10 years has seen crimes against the person (CAP) increase by 40 per cent and assaults increase by 70 per cent.'

Mr Ryan addressed the House — Discussion followed.

11 **STATEMENTS ON PARLIAMENTARY COMMITTEE REPORTS** — Statements were made on the following Committee Reports:

Environment and Natural Resources Committee's Report on the Inquiry into Melbourne's Future Water Supply

Public Accounts and Estimates Committee's 2009–10 Budget Estimates Part One and Part Two

Rural and Regional Committee's Report on the Inquiry into Regional Centres of the Future

Environment and Natural Resources Committee's Report on the Inquiry into the Approvals Process for Renewable Energy Projects in Victoria

Electoral Matters Committee's Report on the Conduct of the 2006 Victorian State Election.

12 **EDUCATION AND TRAINING REFORM FURTHER AMENDMENT BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time.

Under standing orders, Mr Dixon announced amendments to be proposed when the House considers the Bill in detail and requested that they be circulated. Amendments circulated.

Debate resumed on question — That this Bill be now read a second time.

*Business having been interrupted at 2.00 pm under standing orders.*

- 13 **QUESTIONS** — (Under SO 55).
- 14 **EDUCATION AND TRAINING REFORM FURTHER AMENDMENT BILL 2010** — Debate continued on question — That this Bill be now read a second time.
- Bill read a second time, considered in detail and agreed to with amendments, read a third time (*see pp 866–7*).
- Bill sent to the Legislative Council and their agreement requested.
- 15 **JUSTICE LEGISLATION AMENDMENT (VICTIMS OF CRIME ASSISTANCE AND OTHER MATTERS) BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.
- Business having been interrupted at 10.00 pm under standing orders.*
- 16 **ADJOURNMENT** — The Acting Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.49 pm.

R W PURDEY  
Clerk of the Legislative Assembly

JENNY LINDELL  
Speaker

## No 166 — Thursday 15 April 2010

- 1 The Speaker took the Chair and read the Prayer.
- 2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:
- Train Service Needs for Mildura** — Requesting that the House reinstates the Melbourne to Mildura passenger train service to cater for the aged, disabled and financially disadvantaged, bearing 89 signatures (*Mr Crisp*)
- Electricity Smart Meters** — Requesting that the House requires the Government to immediately freeze the roll out of smart meters for electricity use in Victoria until it is independently demonstrated that consumers will not have to pay higher bills, bearing 177 signatures (*Mr Weller*).
- Petitions ordered to be tabled.
- 3 **PETITION — ELECTRICITY SMART METERS** — Motion made and question — That the petition presented by the Member for Rodney be taken into consideration tomorrow (*Mr Weller*) — put and agreed to.
- 4 **DOCUMENT TABLED UNDER AN ACT OF PARLIAMENT** — The Clerk tabled the following document in accordance with an Act of Parliament:
- Ombudsman — Report of an Investigation into Local Government Victoria's response to the Inspectors of Municipal Administration's report on the City of Ballarat — Ordered to be printed.
- 5 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourns until Tuesday 4 May 2010 (*Ms Neville*) — put and agreed to.

- 6 **STATEMENTS BY MEMBERS** — Statements by members were made.
- 7 **COURTS LEGISLATION MISCELLANEOUS AMENDMENTS BILL 2010** — *Mr Hulls tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*
- Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).
- Motion made and question — That the debate be now adjourned (*Mr Clark*) — put and agreed to.
- Ordered — That the debate be adjourned until Thursday 29 April 2010.
- 8 **PRAHRAN MECHANICS' INSTITUTE AMENDMENT BILL 2010** — *Mr Wynne tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*
- Motion made and question proposed — That this Bill be now read a second time (*Mr Wynne*).
- Motion made and question — That the debate be now adjourned (*Mrs Powell*) — put and agreed to.
- Ordered — That the debate be adjourned until Thursday 29 April 2010.
- 9 **BUILDING AMENDMENT BILL 2010** — *Mr Wynne tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*
- Motion made and question proposed — That this Bill be now read a second time (*Mr Wynne*).
- Motion made and question — That the debate be now adjourned (*Mrs Powell*) — put and agreed to.
- Ordered — That the debate be adjourned until Thursday 29 April 2010.
- 10 **FAIR TRADING AMENDMENT (UNFAIR CONTRACT TERMS) BILL 2010** — *Mr Robinson tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*
- Motion made and question proposed — That this Bill be now read a second time (*Mr Robinson*).
- Motion made and question — That the debate be now adjourned (*Mr O'Brien*) — put and agreed to.
- Ordered — That the debate be adjourned until Thursday 29 April 2010.
- 11 **GAMBLING REGULATION AMENDMENT (LICENSING) BILL 2010** — *Mr Robinson tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*
- Motion made and question proposed — That this Bill be now read a second time (*Mr Robinson*).
- Motion made and question — That the debate be now adjourned (*Mr O'Brien*) — put and agreed to.
- Ordered — That the debate be adjourned until Thursday 29 April 2010.
- 12 **THERAPEUTIC GOODS (VICTORIA) BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.
- Bill read a second time and, by leave, immediately read a third time.

Bill sent to the Legislative Council and their agreement requested.

- 13 **MEMBERS OF PARLIAMENT (STANDARDS) BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time.

Under standing orders, Mr Clark announced amendments to be proposed when the House considers the Bill in detail and requested that they be circulated. Amendments circulated.

Debate resumed on question — That this Bill be now read a second time.

*Business having been interrupted at 2.00 pm under standing orders.*

- 14 **QUESTIONS** — (Under SO 55).

- 15 **MEMBERS OF PARLIAMENT (STANDARDS) BILL 2010** — Debate resumed on question — That this Bill be now read a second time.

*Allocation of time — The Deputy Speaker advised that the time allocated for consideration of bills under the resolution of the House on Tuesday 13 April 2010 had expired.*

Question — That this Bill be now read a second time — put and agreed to.

Question — That this Bill be now read a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 16 **ENVIRONMENT PROTECTION AMENDMENT (LANDFILL LEVIES) BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time and a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 17 **JUSTICE LEGISLATION AMENDMENT (VICTIMS OF CRIME ASSISTANCE AND OTHER MATTERS) BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time and a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 18 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Cameron*) — put and agreed to.

- 19 **ADJOURNMENT** — The Speaker left the Chair, after debate, at 4.36 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JENNY LINDELL  
*Speaker*

LEGISLATIVE ASSEMBLY OF VICTORIA

**CONSIDERATION IN DETAIL**  
**Supplement to Votes Nos 164, 165 and 166**

**No 165 — Wednesday 14 April 2010**

**EDUCATION AND TRAINING REFORM FURTHER AMENDMENT BILL 2010**

**Clauses 1 to 16** agreed to.

**Clause 17**, Mr Dixon moved amendment Nos 1 and 2 (*see Schedule*).

Amendments put and agreed to.

Clause agreed to as amended.

**Clauses 18 to 27** agreed to.

Bill agreed to as amended.

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## SCHEDULE OF AMENDMENTS MOVED

### EDUCATION AND TRAINING REFORM FURTHER AMENDMENT BILL 2010

Amendments moved by Mr Dixon

1. Clause 17, page 10, line 20, omit "and Wilga Road".
2. Clause 17, page 10, lines 25 to 27, omit "and the imaginary extension of Wilga Road in a direct line east to the Murray River" and insert ", Wilga Road until it intersects with the Calder Highway, the Calder Highway from Wilga Road until it intersects with Castle Crossings Road, Castle Crossings Road from the Calder Highway until it intersects with Kulkynne Way and the imaginary extension of Castle Crossings Road from that intersection in a direct line east to the Murray River".



## LEGISLATIVE ASSEMBLY OF VICTORIA

### VOTES AND PROCEEDINGS Nos 167, 168 and 169

#### No 167 — Tuesday 4 May 2010

- 1 The House met according to the adjournment — The Speaker took the Chair and read the Prayer.
- 2 **QUESTIONS** — (Under SO 55).
- 3 **STATE TAXATION ACTS AMENDMENT BILL 2010** — Mr Holding obtained leave to bring in 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 **Debits Tax Act 1990** and the **Financial Institutions Duty Act 1982** and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 4 **PARKS AND CROWN LAND LEGISLATION (MOUNT BUFFALO) BILL 2010** — Mr Batchelor obtained leave to bring in 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, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 5 **TRANSPORT LEGISLATION AMENDMENT (PORTS INTEGRATION) BILL 2010** — Mr Pallas obtained leave to bring in 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 the Bill was read a first time and ordered to be read a second time tomorrow.
- 6 **DOMESTIC ANIMALS AMENDMENT (DANGEROUS DOGS) BILL 2010** — Mr Helper obtained leave to bring in a Bill '*for an Act to amend the **Domestic Animals Act 1994** and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 7 **PHARMACY REGULATION BILL 2010** — Mr Andrews obtained leave to bring in 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, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 8 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:
  - Medical Services on Phillip Island** — Requesting that the House immediately funds a 24-hour accident and emergency department and bulk-billing medical service on Phillip Island, bearing 9 signatures (*Mr Smith, Bass*)
  - Electricity Smart Meters** — Requesting that the House requires the Government to immediately freeze the roll out of smart meters for electricity use in Victoria until it is independently demonstrated

that consumers will not have to pay higher bills, bearing 85, 16 and 344 signatures (*Mr Delahunty, Mr Crisp and Mr Walsh respectively*)

**Melbourne–Mildura Train Line** — Requesting that the House brings forward the reinstatement of the Melbourne–Mildura passenger train service in view of concerns including global warming, and the need to connect Mildura to both the Melbourne and the national rail networks, bearing 11 signatures (*Mr Crisp*)

**Little Lake Boort** — Requesting that the Government finds sources of water for the Boort and district community, bearing 620 signatures (*Mr Walsh*).

Petitions ordered to be tabled.

- 9 **PETITION — MEDICAL SERVICES ON PHILLIP ISLAND** — Motion made and question — That the petition presented by the Member for Bass be taken into consideration tomorrow (*Mr Smith, Bass*) — put and agreed to.
- 10 **PETITION — ELECTRICITY SMART METERS** — Motion made and question — That the petition presented by the Member for Swan Hill be taken into consideration tomorrow (*Mr Walsh*) — put and agreed to.
- 11 **PETITION — LITTLE LAKE BOORT** — Motion made and question — That the petition presented by the Member for Swan Hill be taken into consideration tomorrow (*Mr Walsh*) — put and agreed to.
- 12 **PETITION — ELECTRICITY SMART METERS** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.
- 13 **PETITION — MELBOURNE–MILDURA TRAIN LINE** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.
- 14 **PETITION — ELECTRICITY SMART METERS** — Motion made and question — That the petition presented by the Member for Lowan be taken into consideration tomorrow (*Mr Delahunty*) — put and agreed to.
- 15 **DOCUMENTS**

**PUBLIC SECTOR ASSET INVESTMENT PROGRAM — BUDGET INFORMATION PAPER NO 1** — Motion made, by leave, and question — That the Public Sector Asset Investment Program 2010–11, Budget Information Paper No 1 be tabled (*Mr Holding*) — put and agreed to.

**PUTTING PATIENTS FIRST — BUDGET INFORMATION PAPER NO 2** — Motion made, by leave, and question — That Putting Patients First, Budget Information Paper No 2 be tabled (*Mr Holding*) — put and agreed to.

**PARTNERSHIPS VICTORIA PROJECT SUMMARY: THE PENINSULA LINK PROJECT** — Motion made, by leave, and question — That the Partnerships Victoria Project Summary: The Peninsula Link Project be tabled (*Mr Pallas*) — put and agreed to.

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — Mr Carli, Chair, presented the Alert Digest No 6 of 2010 from the Scrutiny of Acts and Regulations Committee on the:

Building Amendment Bill 2010

Courts Legislation Miscellaneous Amendments Bill 2010

Fair Trading Amendment (Unfair Contract Terms) Bill 2010

Gambling Regulation Amendment (Licensing) Bill 2010  
 Prahran Mechanics' Institute Amendment Bill 2010  
 Public Finance and Accountability Bill 2009  
 Severe Substance Dependence Treatment Bill 2009  
 Therapeutic Goods (Victoria) Bill 2010

together with appendices.

Ordered to be tabled and printed.

**DOCUMENT TABLED UNDER AN ACT OF PARLIAMENT** — The Clerk tabled the following document in accordance with an Act of Parliament:

*Constitution Act 1975* — Dispute Resolution reached on 22 April 2010 by the Dispute Resolution Committee on the Planning and Environment Amendment (Growth Areas Infrastructure Contribution) Bill 2009.

- 16 **PLANNING AND ENVIRONMENT AMENDMENT (GROWTH AREAS INFRASTRUCTURE CONTRIBUTION) BILL 2009** — Motion made, by leave, and question — That the Dispute Resolution reached on 22 April 2010 by the Dispute Resolution Committee on the Planning and Environment Amendment (Growth Areas Infrastructure Contribution) Bill 2009 be taken into consideration later this day (*Mr Batchelor*) — put and agreed to.

- 17 **DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:

Adult Multicultural Education Services — Report 2009 (two documents)

Centre for Adult Education — Report 2009

*Crown Land (Reserves) Act 1978* — Order under s 17B granting licences over Seville Cricket and Recreation Reserve

*EastLink Project Act 2004*:

Order varying the project area

Order varying the extended project area

*Financial Management Act 1994*:

Budget Paper No 2 — Strategy and Outlook 2010–11

Budget Paper No 3 — Service Delivery 2010–11

Budget Paper No 4 — Statement of Finances 2010–11 incorporating Quarterly Financial Report No 3

*Fisheries Act 1995* — Review of the operation of s 151

*Planning and Environment Act 1987* — Notices of approval of amendments to the following Planning Schemes:

Greater Geelong — C150

Hepburn — C50

Hume — C139

Indigo — C36, C49

Knox — C88

Maribyrnong — C88

Melbourne — C155, C159

Murrindindi — C26  
 Northern Grampians — C34  
 Port Phillip — C83, C101  
 South Gippsland — C49, C51  
 Stonnington — C119  
 Warrnambool — C48  
 Whitehorse — C119, C120  
 Whittlesea — C121  
 Yarra Ranges — C92

Statutory Rules under the following Acts:

*Occupational Health and Safety Act 2004* — SR 18  
*Subordinate Legislation Act 1994* — SRs 19, 20

*Subordinate Legislation Act 1994*:

Minister's exception certificates in relation to Statutory Rules 19, 20  
 Minister's exemption certificate in relation to Statutory Rule 18.

The following proclamation fixing an operative date was tabled by the Clerk in accordance with an order of the House dated 19 December 2006:

*Magistrates' Court Amendment (Assessment and Referral Court List) Act 2010* — Whole Act, other than s 8 — 21 April 2010 (*Gazette S135, 20 April 2010*).

- 18 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Equal Opportunity Bill 2010 without amendment.
- 19 **MESSAGE FROM THE GOVERNOR — ASSENT TO BILL** — Informing the Legislative Assembly that he had, on 20 April 2010, given the royal assent to the Livestock Management Bill 2009, presented to him by the Deputy Clerk of the Legislative Council for and in the absence of the Clerk of the Parliaments.
- 20 **MESSAGE FROM THE GOVERNOR — ASSENT TO BILL** — Informing the Legislative Assembly that he had, on 27 April 2010, given the royal assent to the Equal Opportunity Bill 2010, presented to him by the Clerk of the Parliaments.
- 21 **MESSAGES FROM THE GOVERNOR** — Recommending appropriations for the purposes of the following bills:
- Building Amendment Bill 2010  
 Courts Legislation Miscellaneous Amendments Bill 2010.
- 22 **MESSAGE FROM THE LIEUTENANT-GOVERNOR** — Recommending an appropriation for the purposes of the Appropriation (2010/2011) Bill 2010, and accompanying Estimates of Expenditure requiring annual appropriation in the financial year 2010/2011.
- Estimates ordered to be tabled.
- 23 **APPROPRIATION (2010/2011) BILL 2010** — Mr Brumby obtained leave to bring in 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 the Bill was read a first time and under SO 87 ordered to be read a second time immediately.

In accordance with the resolution of the House on 13 April 2010 the Treasurer, Mr Lenders, was admitted into the Chamber by the Serjeant-at-Arms.

*Mr Brumby tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Brumby*).

Mr Lenders delivered a speech in relation to the Bill.

Motion made and question — That the debate be now adjourned (*Mr Wells*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 6 May 2010.

Mr Lenders was escorted from the Chamber by the Serjeant-at-Arms.

- 24 **MESSAGE FROM THE LIEUTENANT-GOVERNOR** — Recommending an appropriation for the purposes of the Appropriation (Parliament 2010/2011) Bill 2010, and accompanying Estimates of Expenditure for Parliament requiring annual appropriation in the financial year 2010/2011.

Estimates ordered to be tabled.

- 25 **APPROPRIATION (PARLIAMENT 2010/2011) BILL 2010** — Mr Brumby obtained leave to bring in 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 the Bill was read a first time and under SO 87 ordered to be read a second time immediately.

*Mr Brumby tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Brumby*).

Motion made and question — That the debate be now adjourned (*Mr Wells*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 6 May 2010.

- 26 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, under SO 94(2), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 6 May 2010:

Child Employment Amendment Bill 2010  
 Courts Legislation Miscellaneous Amendments Bill 2010  
 Fair Trading Amendment (Unfair Contract Terms) Bill 2010  
 Health and Human Services Legislation Amendment Bill 2010  
 Prahran Mechanics' Institute Amendment Bill 2010

(*Mr Batchelor*) — put, after debate, and agreed to.

- 27 **STATEMENTS BY MEMBERS** — Statements by members were made.

- 28 **CHILD EMPLOYMENT AMENDMENT BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Ms Richardson*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 29 **HEALTH AND HUMAN SERVICES LEGISLATION AMENDMENT BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Mr Morris*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 30 **DISPUTE RESOLUTION REACHED ON 22 APRIL 2010 BY THE DISPUTE RESOLUTION COMMITTEE** — Order read for the consideration of the Dispute Resolution.

Motion made and question — That the House takes note of the Dispute Resolution reached on 22 April 2010 by the Dispute Resolution Committee on the Planning and Environment Amendment (Growth Areas Infrastructure Contribution) Bill 2009 (*Mr Batchelor*) — put, after debate, and agreed to.

- 31 **PLANNING AND ENVIRONMENT AMENDMENT (GROWTH AREAS INFRASTRUCTURE CONTRIBUTION) BILL 2009** — Motion made, by leave, and question — That:

- (1) The order of the House for the third reading of the Disputed Bill, the Planning and Environment Amendment (Growth Areas Infrastructure Contribution) Bill 2009, be read and rescinded.
- (2) So much of standing orders be suspended so as to allow the Disputed Bill to be reinstated in the House, and restored to the notice paper at the consideration in detail stage, to enable the consideration of the amendments specified in Schedule 2 of the Dispute Resolution reached by the Dispute Resolution Committee on 22 April 2010 —

(*Mr Batchelor*) — put and agreed to.

- 32 **MESSAGE FROM THE LIEUTENANT-GOVERNOR** — Recommending a further appropriation for the purposes of the Planning and Environment Amendment (Growth Areas Infrastructure Contribution) Bill 2009.

- 33 **PLANNING AND ENVIRONMENT AMENDMENT (GROWTH AREAS INFRASTRUCTURE CONTRIBUTION) BILL 2009** — Order read for the consideration of the Bill in detail.

Bill considered in detail and agreed to with amendments, read a third time with the concurrence of an absolute majority of the whole number of the members of the Legislative Assembly (*see pp 884–98*).

Bill sent to the Legislative Council informing them accordingly.

- 34 **HEALTH AND HUMAN SERVICES LEGISLATION AMENDMENT BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 10.00 pm under standing orders.*

- 35 **ADJOURNMENT** — The Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.39 pm.

## No 168 — Wednesday 5 May 2010

1 The Speaker took the Chair and read the Prayer.

2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

**Housing for Mentally Ill** — Requesting that the House acts immediately to provide long term housing for single people in the Bass Coast region with a chronic mental illness, bearing 9 signatures (*Mr Smith, Bass*)

**Regional Education** — Requesting that the House requires the Government to support regional education and provide schools, teachers and students with the resources required to improve educational outcomes, bearing 8 signatures (*Dr Sykes*)

**Liquor Licence Fees** — Requesting that the Government recognises the damage across-the-board increases to liquor licences will cause, particularly in many country communities, and reviews the proposed legislation as a matter of urgency, bearing 36 and 35 signatures (*Dr Sykes and Mr Weller respectively*)

**Traffic Lights in Bulleen** — Requesting that the House supports the installation of traffic lights at the intersection of Bulleen Road and Golden Way in Bulleen, bearing 51 signatures (*Mr Kotsiras*)

**Electricity Smart Meters** — Requesting that the House requires the Government to immediately freeze the roll out of smart meters for electricity use in Victoria until it is independently demonstrated that consumers will not have to pay higher bills, bearing 60, 18 and 31 signatures (*Ms Wooldridge, Mr Crisp and Mr Weller respectively*)

**Lilydale School Grounds** — Requesting that the House supports the acquisition of the former Lilydale Police Station by the Lilydale Primary School, bearing 172 signatures (*Mrs Fyffe*)

**Train Service Needs for Mildura** — Requesting that the House reinstates the Melbourne to Mildura passenger train service to cater for the aged, disabled and financially disadvantaged, bearing 80 signatures (*Mr Crisp*)

**Cobram Blood Bank Service** — Requesting that the Government takes positive action to reinstate the mobile blood bank service in Cobram as a matter of urgency, bearing 1499 signatures (*Mr Jasper*)

**Coliban Water Price Increases** — Requesting that the House reviews the proposed increases to household water prices by Coliban Water so the cost of water does not impose financial hardship, bearing 235 signatures (*Mr Weller*).

Petitions ordered to be tabled.

3 **PETITION — TRAFFIC LIGHTS IN BULLEEN** — Motion made and question — That the petition presented by the Member for Bulleen be taken into consideration tomorrow (*Mr Kotsiras*) — put and agreed to.

4 **PETITION — ELECTRICITY SMART METERS** — Motion made and question — That the petition presented by the Member for Doncaster be taken into consideration tomorrow (*Ms Wooldridge*) — put and agreed to.

5 **PETITION — COBRAM BLOOD BANK SERVICE** — Motion made and question — That the petition presented by the Member for Murray Valley be taken into consideration tomorrow (*Mr Jasper*) — put and agreed to.

- 6 **PETITION — HOUSING FOR MENTALLY ILL** — Motion made and question — That the petition presented by the Member for Bass be taken into consideration tomorrow (*Mr Smith, Bass*) — put and agreed to.
- 7 **PETITION — LILYDALE SCHOOL GROUNDS** — Motion made and question — That the petition presented by the Member for Evelyn be taken into consideration tomorrow (*Mrs Fyffe*) — put and agreed to.
- 8 **PETITION — LIQUOR LICENCE FEES** — Motion made and question — That the petition presented by the Member for Rodney be taken into consideration tomorrow (*Mr Weller*) — put and agreed to.
- 9 **PETITION — ELECTRICITY SMART METERS** — Motion made and question — That the petition presented by the Member for Rodney be taken into consideration tomorrow (*Mr Weller*) — put and agreed to.
- 10 **PETITION — COLIBAN WATER PRICE INCREASES** — Motion made and question — That the petition presented by the Member for Rodney be taken into consideration tomorrow (*Mr Weller*) — put and agreed to.
- 11 **PETITION — ELECTRICITY SMART METERS** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.
- 12 **PETITION — TRAIN SERVICE NEEDS FOR MILDURA** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.
- 13 **PETITION — REGIONAL EDUCATION** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.
- 14 **PETITION — LIQUOR LICENCE FEES** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.
- 15 **DOCUMENTS**

**AUSTRALIAN CATHOLIC UNIVERSITY LTD** — Motion made, by leave, and question — That the Report 2009 of the Australian Catholic University Ltd be tabled (*Mr Wynne*) — put and agreed to.

**MELBOURNE COLLEGE OF DIVINITY** — Motion made, by leave, and question — That the Report 2009 of the Melbourne College of Divinity be tabled (*Mr Wynne*) — put and agreed to.

**EDUCATION AND TRAINING COMMITTEE** — Mr Howard, Chair, presented a report from the Education and Training Committee on the Inquiry into Skills Shortages in the Rail Industry, together with appendices and transcripts of evidence.

Ordered to be tabled and the report and appendices printed.

**PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE** — Mr Noonan 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, together with appendices and transcripts of evidence.

Ordered to be tabled and the report and appendices printed.

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**DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:

Auditor-General:

Annual Plan 2010–11

Performance Reporting by Departments — Ordered to be printed

Ballarat University — Report 2009 (two documents)

Bendigo Regional Institute of TAFE — Report 2009 (two documents)

Box Hill Institute of TAFE — Report 2009

Central Gippsland Institute of TAFE — Report 2009

Chisholm Institute of TAFE — Report 2009

Deakin University — Report 2009

Driver Education Centre of Australia Ltd — Report 2009

East Gippsland Institute of TAFE — Report 2009

Gordon Institute of TAFE — Report 2009

Goulburn Ovens Institute of TAFE — Report 2009 (two documents)

Holmesglen Institute of TAFE — Report 2009

*Interpretation of Legislation Act 1984* — Notice under s 32(3)(a)(iii) in relation to Statutory Rule 21 (*Gazette S 161, 3 May 2010*)

Kangan Batman Institute of TAFE — Report 2009

La Trobe University — Report 2009

Melbourne University — Report 2009

Monash University — Report 2009

Northern Melbourne Institute of TAFE — Report 2009

RMIT University — Report 2009

South West Institute of TAFE — Report 2009

Statutory Rule under the *Electricity Safety Act 1998* — SR 21

*Subordinate Legislation Act 1994* — Minister's infringements offence consultation certificate in relation to Statutory Rule 21

Sunraysia Institute of TAFE — Report 2009

Swinburne University of Technology — Report 2009

Victoria University — Report 2009 (two documents)

William Angliss Institute of TAFE — Report 2009

Wodonga Institute of TAFE — Report 2009.

16 **STATEMENTS BY MEMBERS** — Statements by members were made.

17 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE — INVESTMENT TO CREATE AND SECURE JOBS** — The House was informed that Ms Allan had proposed that a definite matter of public importance be submitted to the House for discussion, namely —

'That this House congratulates the Brumby Labor Government for its continued investment to create and secure jobs for Victorian families.'

Ms Allan addressed the House — Discussion followed.

18 **STATEMENTS ON PARLIAMENTARY COMMITTEE REPORTS** — Statements were made on the following Committee Reports:

Education and Training Committee's Report on the Inquiry into Skills Shortages in the Rail Industry

Electoral Matters Committee's Report on the Inquiry into the provisions of the *Electoral Act 2002* relating to misleading or deceptive political advertising

Economic Development and Infrastructure Committee's Report on the Inquiry into Mandatory Ethanol and Biofuels Targets in Victoria

Education and Training Committee's Report on the Geographical Differences in the Rate in which Victorian Students Participate in Higher Education

Electoral Matters Committee's Report on the Inquiry into Voter Participation and Informal Voting.

19 **PRAHRAN MECHANICS' INSTITUTE AMENDMENT BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time.

The Acting Speaker announced that the Speaker had ruled the Bill to be a private bill.

Motion made and question — That this Bill be treated as a public bill and that fees be dispensed with (*Mr Wynne*) — put and agreed to.

Debate resumed on question — That this Bill be now read a second time.

*Business having been interrupted at 2.00 pm under standing orders.*

20 **QUESTIONS** — (Under SO 55).

21 **PRAHRAN MECHANICS' INSTITUTE AMENDMENT BILL 2010** — Debate continued on question — That this Bill be now read a second time.

Bill read a second time and, by leave, immediately read a third time.

Bill sent to the Legislative Council and their agreement requested.

22 **FAIR TRADING AMENDMENT (UNFAIR CONTRACT TERMS) BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Bill read a second time and, by leave, immediately read a third time.

Bill sent to the Legislative Council and their agreement requested.

- 23 **COURTS LEGISLATION MISCELLANEOUS AMENDMENTS BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 10.00 pm under standing orders.*

- 24 **ADJOURNMENT** — The Acting Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.37 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JENNY LINDELL  
*Speaker*

## No 169 — Thursday 6 May 2010

- 1 The Speaker took the Chair and read the Prayer.

- 2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

**Train Service Needs for Mildura** — Requesting that the House reinstates the Melbourne to Mildura passenger train service to cater for the aged, disabled and financially disadvantaged, bearing 59 signatures (*Mr Crisp*)

**Road through the Black Spur** — Requesting that the House takes necessary action to ensure the road through the Black Spur is improved, bearing 1496 signatures (*Mr Hardman*).

Petitions ordered to be tabled.

- 3 **PETITION — TRAIN SERVICE NEEDS FOR MILDURA** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.

- 4 **DOCUMENTS**

**INQUIRY INTO THE CIRCUMSTANCES THAT LED TO THE CONVICTION OF MR FARAH ABDULKADIR JAMA** — Motion made, by leave, and question — That the Report of the Inquiry into the circumstances that led to the conviction of Mr Farah Abdulkadir Jama be tabled (*Mr Batchelor*) — put and agreed to.

Ordered to be printed.

**PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE** — Mr Stensholt, Chair, presented a report from the Public Accounts and Estimates Committee on the 2008–09 Financial and Performance Outcomes, together with appendices.

Ordered to be tabled and printed.

**PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE** — Mr Stensholt, Chair, 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, together with appendices.

Ordered to be tabled and printed.

**DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:

*Melbourne City Link Act 1995* — Clause 2.4(d) Notice Varying the Agreement for the Melbourne City Link

*National Parks Act 1975* — Advice under s 11.

5 **FINANCIAL AUDIT OF THE AUDITOR-GENERAL'S OFFICE** — Motion made, by leave, and question — That under s 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 s 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) —

(*Mr Batchelor*) — put and agreed to.

Ordered — That a message be sent to the Legislative Council requesting their agreement.

6 **PERFORMANCE AUDIT OF THE AUDITOR-GENERAL'S OFFICE** — Motion made, by leave, and question — That under s 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 s 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) —

(*Mr Batchelor*) — put, after debate, and agreed to.

Ordered — That a message be sent to the Legislative Council requesting their agreement.

- 7 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourns until Tuesday 25 May 2010 (*Mr Batchelor*) — put and agreed to.

- 8 **STATEMENTS BY MEMBERS** — Statements by members were made.

- 9 **APPROPRIATION (2010/2011) BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 2.00 pm under standing orders.*

- 10 **QUESTIONS** — (Under SO 55).

- 11 **APPROPRIATION (2010/2011) BILL 2010** — Debate continued on question — That this Bill be now read a second time.

Motion made and question — That the debate be now adjourned (*Mr McIntosh*) — put and agreed to.

Ordered — That the debate be adjourned until tomorrow

- 12 **COURTS LEGISLATION MISCELLANEOUS AMENDMENTS BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time.

Bill read a second time and, by leave, immediately read a third time with the concurrence of an absolute majority of the whole number of the members of the Legislative Assembly.

Bill sent to the Legislative Council and their agreement requested.

- 13 **CHILD EMPLOYMENT AMENDMENT BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time.

Bill read a second time and, by leave, immediately read a third time.

Bill sent to the Legislative Council and their agreement requested.

- 14 **HEALTH AND HUMAN SERVICES LEGISLATION AMENDMENT BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time.

Bill read a second time and, by leave, immediately read a third time.

Bill sent to the Legislative Council and their agreement requested.

- 15 **STATE TAXATION ACTS AMENDMENT BILL 2010** — *Mr Holding tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Holding*).

Motion made and question — That the debate be now adjourned (*Mr McIntosh*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 20 May 2010.

- 16 **PARKS AND CROWN LAND LEGISLATION (MOUNT BUFFALO) BILL 2010** — *Mr Batchelor tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*
- Motion made and question proposed — That this Bill be now read a second time (*Mr Batchelor*).
- Motion made and question — That the debate be now adjourned (*Ms Wooldridge*) — put and agreed to.
- Ordered — That the debate be adjourned until Thursday 20 May 2010.
- 17 **TRANSPORT LEGISLATION AMENDMENT (PORTS INTEGRATION) BILL 2010** — *Mr Pallas tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*
- Motion made and question proposed — That this Bill be now read a second time (*Mr Pallas*).
- Motion made and question — That the debate be now adjourned (*Mr McIntosh*) — put and agreed to.
- Ordered — That the debate be adjourned until Thursday 20 May 2010.
- 18 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Agreeing to the appointment of Mr Peter Sexton of WHK Howarth Melbourne to conduct the financial audit of the Victorian Auditor-General's Office and the appointment of Mr Tom Fazio of PKF, Chartered Accountants to conduct the performance audit of the Auditor-General and the Victorian Auditor-General's Office.
- 19 **DOMESTIC ANIMALS AMENDMENT (DANGEROUS DOGS) BILL 2010** — *Mr Helper tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*
- Motion made and question proposed — That this Bill be now read a second time (*Mr Helper*).
- Motion made and question — That the debate be now adjourned (*Mr McIntosh*) — put and agreed to.
- Ordered — That the debate be adjourned until Thursday 20 May 2010.
- 20 **PHARMACY REGULATION BILL 2010** — *Mr Andrews tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*
- Motion made and question proposed — That this Bill be now read a second time (*Mr Andrews*).
- Motion made and question — That the debate be now adjourned (*Mr McIntosh*) — put and agreed to.
- Ordered — That the debate be adjourned until Thursday 20 May 2010.
- 21 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Andrews*) — put and agreed to.

22    **ADJOURNMENT** — The Deputy Speaker left the Chair, after debate, at 4.59 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JENNY LINDELL  
*Speaker*

LEGISLATIVE ASSEMBLY OF VICTORIA

**CONSIDERATION IN DETAIL**  
**Supplement to Votes Nos 167, 168 and 169**

**No 167 — Tuesday 4 May 2010**

**PLANNING AND ENVIRONMENT AMENDMENT (GROWTH AREAS INFRASTRUCTURE CONTRIBUTION) BILL 2009**

**Clause 1** agreed to.

**Clause 2**, Mr Wynne moved amendment No 1 (*see Schedule*).

Amendment put and agreed to.

Clause agreed to as amended.

**Clauses 3 to 8** agreed to.

**Clause 9**, Mr Wynne moved amendment Nos 2 to 107 (*see Schedule*).

Amendments put and agreed to.

Clause agreed to as amended.

**Clauses 10 and 11** agreed to.

**Clause 12**, Mr Wynne moved amendment No 108 (*see Schedule*).

Amendment put and agreed to.

Clause agreed to as amended.

**Clause 13**, Mr Wynne moved amendment Nos 109 to 124 (*see Schedule*).

Amendments put and agreed to.

Clause agreed to as amended.

**Clauses 14 to 16** agreed to.

**Clause 17**, Mr Wynne moved amendment Nos 125 and 126 (*see Schedule*).

Amendments put and agreed to.

Clause agreed to as amended.

**Clauses 18 to 23** agreed to.

**Clause 24**, Mr Wynne moved amendment Nos 127 to 129 (*see Schedule*).

Amendments put and agreed to.

Clause agreed to as amended.

**Clause 25**, Mr Wynne moved amendment Nos 130 and 131 (*see Schedule*).

Amendments put and agreed to.

Clause agreed to as amended.

**Clause 26**, Mr Wynne moved amendment No 132 (*see Schedule*).

Amendment put and agreed to.

Clause agreed to as amended.

**Clauses 27 to 29** agreed to.

**Clause 30**, Mr Wynne moved amendment No 133 (*see Schedule*).

Amendment put and agreed to.

Clause agreed to as amended.

**Clauses 31 and 32** agreed to.

**Clause 33**, Mr Wynne moved amendment No 134 (*see Schedule*).

Amendment put and agreed to.

Clause agreed to as amended.

Bill agreed to as amended.

## SCHEDULE OF AMENDMENTS MOVED

### PLANNING AND ENVIRONMENT AMENDMENT (GROWTH AREAS INFRASTRUCTURE CONTRIBUTION) BILL 2009

Amendments recommended by the Dispute Resolution Committee

1. Clause 2, line 12, omit "1 October 2010" and insert "1 May 2011".
2. Clause 9, page 5, after line 24 insert—
 

*"consumer price index* means the Consumer Price Index (All Groups Index) for Melbourne issued by the Australian Statistician;"
3. Clause 9, page 7, after line 20 insert—
 

*"precinct structure plan* in relation to land means a precinct structure plan which has been incorporated by the planning scheme applying to that land;

*precinct structure plan area* means an area or areas of land to which a precinct structure plan applies;"
4. Clause 9, page 14, line 17, before "2010" insert "October".
5. Clause 9, page 16, line 20, omit "2009/2010" and insert "2010/2011".
6. Clause 9, page 16, line 32, omit "20010/2011" and insert "2011/2012".
7. Clause 9, page 18, line 11, omit "A" and insert "Subject to section 201SLA, a".
8. Clause 9, page 19, line 18, omit "2-03" and insert "10".
9. Clause 9, page 19, line 24, omit "2-03" and insert "10".
10. Clause 9, page 19, lines 25 to 26, omit "time of the occurrence of the transaction" and insert "commencement day".
11. Clause 9, page 19, after line 27 insert—
 

"(b) any land or part of any land that is the subject of a dutiable transaction relating to that land, if the land or part—

  - (i) has a total lot area of between 0.41 hectares and 5 hectares; or
  - (ii) is part of a lot (the other part of the lot not being in the contribution area) and that part of the lot has a total lot area of between 0.41 hectares and 5 hectares; or".
12. Clause 9, page 19, line 28, omit "(b)" and insert "(c)".
13. Clause 9, page 20, lines 7 to 11, omit all words and expressions on these lines and insert—
 

"(d) any land or part of any land that is the subject of a GAIC event, if—

  - (i) the land or part on the relevant day and at the time of the occurrence of the event had a total lot area of 0.41 hectares or less; or
  - (ii) the land or part was the subject of a statement of compliance issued before the relevant day, which related to a plan of subdivision under which the land or part was to be subdivided into lots each having an area of 0.41 hectares or less and the registration of the subdivision had taken effect before the time of occurrence of the event."
14. Clause 9, page 25, line 18, after "contribution" insert "under this Act".
15. Clause 9, page 25, after line 21 insert—
 

**"Note**

Other persons may be liable to pay a growth areas infrastructure contribution under Subdivision 3 or 4."

16. Clause 9, page 25, after line 30 insert—
- "(2) In calculating the amount of growth areas infrastructure contribution under subsection (1) the area of land in hectares will be rounded off to the fifth decimal point.
- Example**
- If the area of the land is 93.675897 hectares, the growth areas infrastructure contribution will be calculated on 93.67590 hectares."
17. Clause 9, page 25, line 31, omit "(2)" and insert "(3)".
18. Clause 9, page 25, line 33, omit "2009/2010" and insert "2010/2011".
19. Clause 9, page 26, line 6, omit "June" and insert "October".
20. Clause 9, page 26, line 20, omit "June" and insert "October".
21. Clause 9, page 26, line 37, omit "(3)" and insert "(4)".
22. Clause 9, page 26, line 39, omit "2010/2011" and insert "2011/2012".
23. Clause 9, page 27, line 10, omit "(4)" and insert "(5)".
24. Clause 9, page 27, line 12, omit "2010/2011" and insert "2011/2012".
25. Clause 9, page 27, line 18, omit "(5)" and insert "(6)".
26. Clause 9, page 27, line 30, omit "(6)" and insert "(7)".
27. Clause 9, page 29, line 14, omit "2009/2010" and insert "2010/2011".
28. Clause 9, page 32, line 2, before "201SP" insert "201SMAA,".
29. Clause 9, page 32, after line 29 insert—
- "(3) In subsections (1) and (2), a reference to a growth areas infrastructure contribution does not include any part of a growth areas infrastructure contribution that is deferred under section 201SM."
30. Clause 9, page 32, line 30, omit "(3)" and insert "(4)".
31. Clause 9, page 32, after line 34 insert—
- "201SLA Refund of GAIC if land no longer in contribution area**
- (1) Subject to subsection (2), if land in respect of which a growth areas infrastructure contribution has been paid ceases to be in the contribution area within 3 years after the liability to pay the contribution arose, the person who paid the contribution is entitled to a refund by the Commissioner under Part 4 of the **Taxation Administration Act 1997** of that contribution including any indexation of that contribution.
- (2) If the person who paid the growth areas infrastructure contribution under subsection (1) was a purchaser of land under a contract for the sale of land of a class referred to in section 50(1) of the **Sale of Land Act 1962** and that purchaser deducted the amount of the contribution from the purchase price under section 50(2) of that Act, the taxpayer is taken to be the vendor of that land under that contract for the sale of land for the purposes of Part 4 of the **Taxation Administration Act 1997**.
- (3) If land referred to in subsection (1) subsequently becomes land that is in the contribution area, section 201S(1) applies as if the next GAIC event, which occurs in relation to that land after it becomes land that is in the contribution area, is the first GAIC event that occurs in relation to that land.
- (4) Nothing in this section entitles a person who has been given approval under Subdivision 4 for the staged payment of a growth areas infrastructure contribution to a refund of that contribution."
32. Clause 9, page 33, lines 4 to 8, omit all words and expressions on these lines and insert—

- "(1) Subject to subsection (2), a person who is liable to pay a growth areas infrastructure contribution imposed in respect of a dutiable transaction relating to land may elect to defer the payment of—
- (a) up to 100% of that contribution if the land is type A land and the transaction occurred before the commencement day; or
  - (b) up to 70% of that contribution in any other case.
- (2) A person who is liable to pay a growth areas infrastructure contribution under section 201SMAA may elect to defer the payment of that contribution."

33. Clause 9, page 33, line 9, omit "(2)" and insert "(3)".

34. Clause 9, page 33, after line 14 insert—

- "(4) An election to defer the payment of the whole or part of a growth areas infrastructure contribution under subsection (1) takes effect from the time that the liability to pay the contribution arises.
- (5) An election to defer the payment of a growth area infrastructure contribution under subsection (2) takes effect from the time the liability to pay the contribution arises in accordance with section 201SMAA(7).
- (6) A person who has deferred the payment of part of a growth areas infrastructure contribution under this section must pay the part of the contribution that has not been deferred in accordance with section 201SL.
- (7) If a part of a growth areas infrastructure contribution that has not been deferred under this section is not paid in accordance with section 201SL, the whole of the contribution becomes immediately payable as if the election of the deferral had never been made.

**Note**

If the non-deferred part of a growth areas infrastructure contribution is not paid within the period for payment under section 201SL, a tax default within the meaning of the **Taxation Administration Act 1997** will occur in respect of payment of the whole of the contribution that the person would have had to pay if the person had not deferred part of the contribution. Under Part 5 of that Act, the person will then be liable to pay interest and penalty tax from what would have been the last day for payment of the whole of the contribution under section 201SL."

35. Clause 9, page 33, lines 15 to 34, page 34, lines 1 to 16, omit all words and expressions on these lines and insert—

**"201SMAA Liability to pay deferred GAIC in relation to subsequent dutiable transactions**

- (1) This section applies if—
- (a) a person (the *relevant person*) who is liable to pay a growth areas infrastructure contribution in relation to land has deferred the payment of the whole or part of that contribution under section 201SM(1); and
  - (b) a subsequent dutiable transaction relating to land occurs in relation to the land in respect of which the contribution is imposed.
- (2) Subject to this section, on the occurrence of that subsequent dutiable transaction—
- (a) except in the case of a significant acquisition, the person who would be taken to be the transferee in respect of the subsequent dutiable transaction under Part 1 of Chapter 2 of the **Duties Act 2000** becomes liable to pay the amount of deferred growth areas infrastructure contribution; or
  - (b) in the case of a subsequent dutiable transaction that is a sub-sale of dutiable property referred to in section 10(1)(a) of the **Duties Act 2000**, the subsequent purchaser to whom the property is transferred becomes liable to pay the amount of deferred growth areas infrastructure contribution; or

- (c) in the case of a subsequent dutiable transaction that is a significant acquisition, the following persons are jointly and severally liable to pay the amount of deferred growth areas infrastructure contribution—
  - (i) the person who makes the acquisition; and
  - (ii) the land rich landholder, or if the landholder is a unit trust scheme (within the meaning of the **Duties Act 2000**), the trustee of the landholder; and
  - (iii) if the significant acquisition results from an aggregation of acquisitions by the person referred to in subparagraph (i) and other persons—each of those other persons.
- (3) Subject to subsection (4), the liability of the relevant person to pay the deferred growth areas infrastructure contribution is extinguished;
- (4) If the subsequent dutiable transaction occurred in relation to less than the whole of the interest in the land or in a land rich landowner that owns the land—
  - (a) the liability of the subsequent transferee to pay the growth areas infrastructure contribution will be in proportion to the proportion of the interest in the land or land rich landowner that was the subject of the subsequent dutiable transaction; and
  - (b) the relevant person remains liable to pay the remaining part of that deferred growth areas infrastructure contribution.

#### Example

ABC Pty Ltd bought type B land in 2011. The GAIC liability for the land was \$600,000. ABC Pty Ltd paid 30% GAIC liability (\$180,000) and deferred 70% of the liability. In 2012, ABC Pty Ltd sold 50% of its interest in the land to XYZ Pty Ltd.

XYZ Pty Ltd is liable to pay 50% of the deferred 70% GAIC plus interest and can elect to defer that amount of assumed liability. ABC Pty Ltd's deferral continues in respect of the remaining 50% of the deferred 70% GAIC plus interest. There is a charge on the land for the whole deferred GAIC plus interest when it comes due.

The relevant person is relieved of the liability to pay their deferred GAIC liability upon occurrence of the subsequent dutiable transaction relating to the land. The relief from liability can be partial or in full, depending on the extent of the disposed interest in the land or landholder by the relevant person.

- (5) The liability under this section to pay a growth areas infrastructure contribution arises from the time the subsequent dutiable transaction relating to the land occurs.
- (6) Subject to sections 201SP and 201SS, a growth areas infrastructure contribution for which a subsequent transferee is liable under this section must be paid to the Commissioner within 3 months after the liability arises.
- (7) This section also applies to succeeding subsequent dutiable transactions relating to the land.
- (8) In this section a dutiable transaction relating to land occurs—
  - (a) in the case of a dutiable transaction relating to land other than a significant acquisition, at the time at which the transaction would be taken to have occurred under Chapter 2 of the **Duties Act 2000**; and
  - (b) in the case of a significant acquisition—
    - (i) if the acquisition occurs on a particular day, on that day; or
    - (ii) if the acquisition occurs over a period of time, on the last day of that period.
- (9) In this section *subsequent transferee* means a person referred to in subsection (2).

- (1) A growth areas infrastructure contribution that is deferred in whole or in part under section 201SM—
  - (a) is to be indexed in accordance with section 201SN for the period specified in this section (if any) from the time that the liability to pay the contribution arose before the first deferral of payment of the contribution under section 201SM(1); and
  - (b) is subject to the payment of interest calculated at the rate set out in section 201SO for the period specified in this section (if any).
- (2) In the case of type A land, if the dutiable transaction relating to that land occurs before the commencement day, the deferred contribution is to be indexed until the earlier of the following—
  - (a) the contribution is paid in accordance with section 201SP;
  - (b) approval is given for staged payment of the contribution under Subdivision 4.
- (3) In the case of type A land, if the dutiable transaction relating to that land occurs on or after the commencement day and before the land becomes part of a precinct structure plan area—
  - (a) the deferred contribution is to be indexed until the earlier of the following—
    - (i) the land becomes part of that area;
    - (ii) the contribution is paid in accordance with section 201SP; and
  - (b) if the deferred contribution is not paid under paragraph (a)(ii), the deferred contribution (as indexed) is subject to the payment of interest from the time that the land becomes part of a precinct structure plan area until the earlier of the following—
    - (i) the contribution is paid in accordance with section 201SP;
    - (ii) approval is given for staged payment of the contribution under Subdivision 4.
- (4) In the case of type A land, if the dutiable transaction relating to that land occurs on or after the commencement day and after the land becomes part of a precinct structure plan area, the deferred contribution is subject to the payment of interest from the time that the liability to pay the contribution arose before the first deferral of payment of the contribution under section 201SM(1) until the earlier of the following—
  - (a) the contribution is paid in accordance with section 201SP;
  - (b) approval is given for staged payment of the contribution under Subdivision 4.
- (5) In the case of type B-1 land, type B-2 land or type C land, if the dutiable transaction relating to that land occurs before the land becomes part of a precinct structure plan area—
  - (a) the deferred contribution is to be indexed until the earlier of the following—
    - (i) the land becomes part of that area;
    - (ii) the contribution is paid in accordance with section 201SP; and
  - (b) if the deferred contribution is not paid under paragraph (a)(ii), the deferred contribution (as indexed) is subject to the payment of interest from the time that the land becomes part of a precinct structure plan area until the earlier of the following—
    - (i) the contribution is paid in accordance with section 201SP;
    - (ii) approval is given for staged payment of the contribution under Subdivision 4.
- (6) In the case of type B-1 land, type B-2 land or type C land, if the dutiable transaction relating to that land occurs on or after the land becomes part of a precinct structure plan area, the deferred contribution is subject to the payment of interest from the time that the

liability to pay the contribution arose before the first deferral of payment of the contribution under section 201SM(1) until the earlier of the following—

- (a) the contribution is paid in accordance with section 201SP;
  - (b) approval is given for staged payment of the contribution under Subdivision 4.
- (7) In this section, type A land will be taken to have become part of a precinct structure plan area if the land—
- (a) is zoned under an planning scheme as a Comprehensive Development Zone and is subject to a Comprehensive Development Plan incorporated by that planning scheme; or
  - (b) is within an urban development area and is subject to a Development Plan approved by the responsible authority in accordance with the planning scheme that applies to that land.
- (8) If, under this section a growth areas infrastructure contribution is to be indexed in accordance with section 201SN for the period specified in this section, a reference in this Part to that contribution is taken to be a reference to that contribution so indexed.

**201SN Method of calculating indexation of deferred GAIC**

- (1) If the whole or part of a growth areas infrastructure contribution has been deferred under section 201SM and is subject to indexation under section 201SMA, the deferred amount of growth areas infrastructure contribution is indexed in accordance with this section.
- (2) Indexation of a deferred amount of growth areas infrastructure contribution is to be calculated at the end of each financial year after the liability to pay the contribution arose before the first deferral of payment of the contribution under section 201SM(1).
- (3) The indexation of a deferred amount of growth areas infrastructure contribution for the 2011/2012 financial year and each subsequent financial year is calculated in accordance with Part 5 of Schedule 1.
- (4) The deferred amount of a growth areas infrastructure contribution, after indexation, for a financial year is the adjusted deferred amount of the contribution for that financial year within the meaning of Part 5 of Schedule 1.

**201SO Interest payable on deferred GAIC**

- (1) If the whole or part of a growth areas infrastructure contribution has been deferred under section 201SM and is subject to the payment of interest under section 201SMA, the payment of interest is calculated at the 10-year bond rate applying from time to time.
- (2) The interest is calculated on a daily basis for the period that the interest is payable under section 201SMA and is calculated on the deferred amount of the growth areas infrastructure contribution.
- (3) In this section the *10-year bond rate* in respect of any day is the average of the daily yields for the 10-year Treasury Corporation of Victoria bond (published from time to time by the Treasury Corporation of Victoria established under Part 2 of the **Treasury Corporation of Victoria Act 1992**) for the month of May in the financial year preceding the financial year in which the day occurs.

**201SOA Remission of interest by Commissioner**

The Commissioner, in such circumstances as the Commissioner considers appropriate, may remit interest payable under this Subdivision by any amount.

**201SOB Removal of liability for GAIC if land ceases to be in contribution area**

If land, in respect of which a growth areas infrastructure contribution has been deferred, ceases to be in the contribution area within 3 years after the liability to pay the

contribution arose, the liability to pay that deferred contribution is extinguished to the extent that it relates to the land that has ceased to be in the contribution area."

36. Clause 9, page 34, line 21, after "of" insert "the whole or part of".
37. Clause 9, page 34, line 25, omit "contribution and the" and insert "deferred contribution and any".
38. Clause 9, page 34, line 27, after "that" insert "deferred".
39. Clause 9, page 34, lines 29 to 32, omit all words and expressions on these lines".
40. Clause 9, page 35, line 1, omit "(b) " and insert "(a)".
41. Clause 9, page 35, line 4, omit "(c)" and insert "(b)".
42. Clause 9, page 35, line 8 before "a" insert "the whole or part of".
43. Clause 9, page 35, line 12, omit "contribution and the" and insert "deferred contribution and any".
44. Clause 9, page 35, line 14, after "that" insert "deferred".
45. Clause 9, page 35, lines 16 to 28, omit all words and expressions on these lines.
46. Clause 9, page 35, line 29, omit "(c)" and insert "(a)".
47. Clause 9, page 35, line 33, after "the" insert "deferred".
48. Clause 9, page 36, line 1, omit "(d) and insert "(b)".
49. Clause 9, page 36, line 24, before "a" insert "the whole or part of".
50. Clause 9, page 36, lines 32 to 37, omit all words and expressions on these lines.
51. Clause 9, page 36, after line 37 insert—

**"201SPA Default on payment of deferred GAIC**

If a person does not pay the deferred growth areas infrastructure contribution and any interest charged under this Subdivision relating to that contribution when due for payment under section 201SP, the amount of the contribution deferred under section 201SM becomes immediately payable as if the election of the deferral had never been made.

**Note**

If the deferred growth areas infrastructure contribution, including any indexation and interest, is not paid when due under section 201SP, a tax default within the meaning of the **Taxation Administration Act 1997** will occur in respect of payment of the whole of the contribution that the person would have had to pay if the person had not deferred part of the contribution. Under Part 5 of that Act, the person will then be liable to pay interest and penalty tax from what would have been the last day for payment of the whole of the contribution under section 201SL."

52. Clause 9, page 37, line 5, omit "the" and insert "any".
53. Clause 9, page 37, line 7, omit "contribution" and insert "deferred contribution, which is due to be paid under section 201SP".
54. Clause 9, page 37, line 30, after "paid" insert "or the liability to pay the contribution is extinguished".
55. Clause 9, page 37, line 31, omit "may" and insert "must".
56. Clause 9, page 38, line 22, before "which" insert "the whole or part of".
57. Clause 9, page 38, line 25, after "the" insert "deferred".
58. Clause 9, page 39, lines 4 to 8, omit all words and expressions on these lines.
59. Clause 9, page 39, line 9, omit "(6)" and insert "(5)".
60. Clause 9, page 39, line 28, after "immediately" insert "as if the approval had never been given".
61. Clause 9, page 40, line 1, omit "(7)" and insert "(6)".
62. Clause 9, page 40, line 6, omit "(8)" and insert "(7)".

63. Clause 9, page 40, line 12, omit "(9)" and insert "(8)".
64. Clause 9, page 40, line 14, omit "the" and insert "any".
65. Clause 9, page 40, after line 15 insert—

**"201SRA Subsequent owner of land in respect of which approval granted liable to pay GAIC**

- (1) If an approval is granted under section 201SR for the staged payment of a growth areas infrastructure contribution and the ownership of the whole of the land in respect of which the contribution is imposed is transferred to a person (the *subsequent owner*) other than the person granted the approval (the *former owner*) as a result of the occurrence of a dutiable transaction relating to land—
- (a) the liability to pay the contribution is imposed on the subsequent owner from the time of the occurrence of the transaction; and
  - (b) the liability of the former owner to pay the contribution is extinguished from the time of the occurrence of the transaction; and
  - (c) the subsequent owner is taken to have been granted an approval for the staged payment of the contribution that the subsequent owner is liable to pay under paragraph (a); and
  - (d) the approval taken to have been granted under paragraph (c) is subject to the same conditions as the approval granted to the former owner; and
  - (e) the approval taken to have been granted under paragraph (c) is taken to take effect from the date the dutiable transaction relating to land occurs.
- (2) Within 10 days of the date of occurrence of the dutiable transaction referred to in subsection (1), the former owner must give the Minister written notice of the transaction setting out the contact details for the subsequent owner.
- (3) The Minister, on the application of the subsequent owner, must give to the subsequent owner a notice in the same form as the notice in section 201SU(1) subject to paragraph (c) of that section being read as if the reference to "the GAIC event" were a reference to "the dutiable transaction relating to land".
- (4) The Minister must forward a copy of the notice under subsection (3) to the Commissioner and to the Growth Areas Authority.
- (5) In this section a dutiable transaction relating to land occurs at the time at which the transaction would be taken to have occurred under Chapter 2 of the **Duties Act 2000**.
66. Clause 9, page 40, line 26, omit "that" and insert "the whole or part of which".
67. Clause 9, page 40, line 27, after "that" insert "deferred".
68. Clause 9, page 41, line 7, omit "201SN(1)" and insert "201SO".
69. Clause 9, page 41, lines 9 and 10, omit "that liability to pay the contribution arises" and insert "by which the contribution would have been payable under section 201SL had the approval not been given".
70. Clause 9, page 41, line 14, omit "that" and insert "the whole or part of which".
71. Clause 9, page 42, line 24, omit "Any" and insert "A".
72. Clause 9, page 42, lines 27 to 29, omit ", including the interest payable under section 201SV relating to that contribution,".
73. Clause 9, page 43, lines 3 to 5, omit ", including the interest payable under section 201SV relating to that contribution,".

74. Clause 9, page 43, line 18, omit "may" and insert "must".
75. Clause 9, page 43, after line 25 insert—  
 "(8) In this section a growth areas infrastructure contribution includes any interest payable under Subdivision 3, and the interest payable under section 201SV, relating to that contribution."
76. Clause 9, page 44, lines 1 to 7, omit all words and expressions on these lines.
77. Clause 9, page 44, line 22, after "the" insert "whole or part of the".
78. Clause 9, page 44, line 25, omit "contribution and the" and insert "deferred contribution and any".
79. Clause 9, page 45, after line 8 insert—  
 "(iii) the liability of the person to pay the contribution has been extinguished under section 201SMAA or 201SOB or".
80. Clause 9, page 45, lines 9 to 17, omit all words and expressions on these lines and insert—  
 "(c) if the person has been given an approval under Subdivision 4 for the staged payment of the contribution and—  
 (i) the Commissioner is satisfied that person has paid the whole contribution, the interest payable under section 201SV and any applicable interest or penalty tax imposed under Part 5 of the **Taxation Administration Act 1997**; or  
 (ii) the liability of the person to pay the contribution has been extinguished under section 201SRA; or".
81. Clause 9, page 45, line 30, after "pay" insert "the whole or part of".
82. Clause 9, page 48, line 8, after "3" insert "and the percentage of the contribution that has been deferred".
83. Clause 9, page 49, line 17, omit "the" and insert "any".
84. Clause 9, page 49, line 19, after "contribution" insert "payable under Subdivision 3".
85. Clause 9, page 54, line 32, omit "that" and insert "the whole or part of which".
86. Clause 9, page 55, line 10, omit "that" and insert "the whole or part of which".
87. Clause 9, page 59, line 13, omit "that" and insert "the whole or part of which".
88. Clause 9, page 61, line 15, omit "contribution." and insert "contribution; or".
89. Clause 9, page 61, after line 15 insert—  
 "(d) to extend the period within which the growth areas infrastructure contribution must be paid."
90. Clause 9, page 61, line 18, omit "that" and insert "the whole or part of which".
91. Clause 9, page 62, after line 28 insert—  
 "(4) If the Board grants an extension of the time within which a person must pay a growth areas infrastructure contribution, the Board must give the person a notice stating that the extension has been granted."
92. Clause 9, page 62, line 29, omit "(4)" and insert "(5)".
93. Clause 9, page 62, line 30, omit "or (3)" and insert ", (3) or (4)".
94. Clause 9, page 63, line 1, omit "(5)" and insert "(6)".
95. Clause 9, page 63, line 15, omit "(6)" and insert "(7)".
96. Clause 9, page 64, lines 1 to 4, omit "selected by the Chief Executive Officer of the Growth Areas Authority or his or her nominee from a panel of 3 persons".

97. Clause 9, page 65, after line 25 insert—

**"201UAA Growth Areas Authority to inform Commissioner when precinct structure plan applies to contribution area land**

The Growth Areas Authority must, within 10 days of any land in the contribution area becoming part of a precinct structure plan area, give to the Commissioner in writing the following information—

- (a) a description of the land;
- (b) the date that the notice of approval of the amendment to the planning scheme, which made the land part of the precinct structure plan area, was published in the Government Gazette.

**201UAB Growth Areas Authority may request council to provide information about contribution area land**

- (1) The Growth Areas Authority may, for the purposes of carrying out any function conferred on it under this Part, make a written request to a municipal council to provide the Authority with information relating to any land within the municipal district of that council that is within a growth area.
- (2) A municipal council must as soon as possible provide the Growth Areas Authority with the information requested under subsection (1)."

98. Clause 9, page 65, line 34, after "must" insert "be".

99. Clause 9, page 66, line 32, before "record" insert ", without charge,".

100. Clause 9, page 68, line 10, omit "Infrastructure" and insert "Public Transport".

101. Clause 9, page 68, line 20, omit "Infrastructure" and insert "Public Transport".

102. Clause 9, page 68, line 22. omit "Infrastructure" and insert "Public Transport".

103. Clause 9, page 68, line 29, before "infrastructure" insert "public transport".

104. Clause 9, page 69, lines 17 to 26, omit all words and expressions on these lines and insert—

"(1) There must be paid out of the Building New Communities Fund amounts authorised by the Minister to be used to provide financial assistance for or with respect to capital works for State funded infrastructure including the following—

- (a) transport infrastructure including walking and cycling but excluding major public transport infrastructure;
- (b) community infrastructure including health facilities, education facilities, regional libraries, neighbourhood houses and major recreation facilities;
- (c) environmental infrastructure including regional open space, trails and creek protection;
- (d) economic infrastructure including providing access to information and technology and infrastructure supporting the development of commerce and industry;
- (e) the acquisition of land and other infrastructure necessary or required for the establishment or maintenance of any infrastructure referred to in this subsection."

105. Clause 9, page 70, lines 6 to 10, omit all words and expressions on these lines and insert—

"(a) details of the income and expenditure of the Growth Areas Public Transport Fund and the Building New Communities Fund including—

- (i) details of projects funded from each Fund; and

- (ii) separate details of the income and expenditure of each Fund in respect of each growth area; and".

106. Clause 9, page 70, after line 10 insert—

"(b) the proportion of all money, received by the Commissioner in respect of growth areas infrastructure contributions relating to each growth area since the commencement day, that has been paid out in relation to that growth area since that day; and".

107. Clause 9, page 70, line 11, omit "(b)" and insert "(c)".

108. Clause 12, line 23, omit "2009/2010" and insert "2010/2011".

109. Clause 13, page 73, lines 1 to 15, omit all words and expressions on these lines.

110. Clause 13, page 73, line 19, omit "3" and insert "2".

111. Clause 13, page 74, line 31, omit "4" and insert "3".

112. Clause 13, page 75, line 1, omit "2009/2010" and insert "2010/2011".

113. Clause 13, page 75, line 11, omit "construction" and insert "consumer price".

114. Clause 13, page 75, line 18, omit "construction" and insert "consumer price".

115. Clause 13, page 75, lines 24 to 32, omit all words and expressions on these lines and insert—

**Example**

In the case of a determination of the threshold amount for the 2011/2012 financial year, "PTA" is the threshold amount applying in the 2010/2011 financial year, "A" is the sum of the consumer price index numbers for June 2010, September 2010, December 2010 and March 2011 and "B" is the sum of the consumer price index numbers for June 2009, September 2009, December 2009 and March 2010."

116. Clause 13, page 76, line 4, omit "5" and insert "6".

117. Clause 13, page 76, line 7, omit "5" and insert "4".

118. Clause 13, page 76, line 10, omit "2010/2011" and insert "2011/2012".

119. Clause 13, page 76, line 24, omit "construction" and insert "consumer price".

120. Clause 13, page 76, line 29, omit "construction" and insert "consumer price".

121. Clause 13, page 77, line 1, omit "construction" and insert "consumer price".

122. Clause 13, page 77, lines 7 to 15, omit all words and expressions on these lines and insert—

**Example**

In the case of a determination of the threshold amount for the 2011/2012 financial year, "PTA" is the threshold amount applying in the 2010/2011 financial year, "A" is the sum of the consumer price index numbers for June 2010, September 2010, December 2010 and March 2011 and "B" is the sum of the consumer price index numbers for June 2009, September 2009, December 2009 and March 2010."

123. Clause 13, page 77, line 21, omit "(up).!" and insert "(up).".

124. Clause 13, page 77, after line 21, insert—

## PART 5

Section 201SN

## INDEXATION OF DEFERRED GROWTH AREAS INFRASTRUCTURE CONTRIBUTION

## 5 Adjusted deferred amount of growth areas infrastructure contribution

- (1) The adjusted deferred amount of growth areas infrastructure contribution for the 2011/2012 financial year and each subsequent financial year is to be determined in accordance with the following formula—

$$ADA = \frac{PDA \times A}{B}$$

where—

ADA is the adjusted deferred amount of the contribution to be determined, rounded down to the nearest 2 decimal places;

PDA is the deferred amount or the adjusted deferred amount (as the case may be) of the contribution for the previous financial year;

A is the sum of the consumer price index numbers for the 4 consecutive quarters of June, September, December and March occurring immediately before the beginning of the financial year in respect of which the adjusted deferred amount of the contribution is to be determined;

B is the sum of the consumer price index numbers for the 4 consecutive quarters of June, September, December and March occurring immediately before the beginning of the previous financial year.

**Example**

In the case of a determination of the adjusted deferred amount of contribution for the 2011/2012 financial year, "PDA" is the deferred amount of the contribution for the 2010/2011 financial year, "A" is the sum of the consumer price index numbers for June 2010, September 2010, December 2010 and March 2011 and "B" is the sum of the consumer price index numbers for June 2009, September 2009, December 2009 and March 2010.

- (2) The adjusted deferred amount of growth areas infrastructure contribution under subclause (1) is to be rounded up or down to the nearest \$10 (and, if the amount by which the contribution to be rounded is \$5, is to be rounded up).'.'

125. Clause 17, page 81, line 7, after "paid" insert "or there has been a deferral of the whole or part of the liability to pay the contribution".

126. Clause 17, page 81, after line 26 insert—

"(ia) any certificate of deferral of the liability to pay the whole or part of a growth areas infrastructure contribution imposed in respect of the land issued under that Part;".

127. Clause 24, line 9, omit all words and expressions on this line and insert "**24 Refunds of tax**".

128. Clause 24, after line 9 insert—

'(1) In section 19(2A) of the **Taxation Administration Act 1997**, after "**2005**" insert "or a refund of a contribution paid or purportedly paid under Part 9B of the **Planning and Environment Act 1987**".'

129. Clause 24, line 10, before "At" insert "(2)".

130. Clause 25, line 22, omit "1987 if—" and insert '1987.'.
131. Clause 25, lines 23 to 31, omit all words and expressions on these lines.
132. Clause 26, line 17, after "the" insert "whole or part of the".
133. Clause 30, line 21, omit "Infrastructure" and insert "Public Transport".
134. Clause 33, line 3, omit "1 October 2011" and insert "1 May 2012".

## LEGISLATIVE ASSEMBLY OF VICTORIA

### VOTES AND PROCEEDINGS Nos 170, 171 and 172

#### No 170 — Tuesday 25 May 2010

- 1 The House met according to the adjournment — The Speaker took the Chair and read the Prayer.
- 2 **QUESTIONS** — (Under SO 55).
- 3 **ASSOCIATIONS INCORPORATION AMENDMENT BILL 2010** — Mr Robinson obtained leave to bring in 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, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 4 **SUPERANNUATION LEGISLATION AMENDMENT BILL 2010** — Mr Holding obtained leave to bring in 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, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 5 **WATER AMENDMENT (VICTORIAN ENVIRONMENTAL WATER HOLDER) BILL 2010** — Mr Holding obtained leave to bring in 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 the Bill was read a first time and ordered to be read a second time tomorrow.
- 6 **CONTROL OF WEAPONS AMENDMENT BILL 2010** — Mr Cameron obtained leave to bring in a Bill '*for an Act to amend the Control of Weapons Act 1990 and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 7 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:
  - Train Service Needs for Mildura** — Requesting that the House reinstates the Melbourne to Mildura passenger train service to cater for the aged, disabled and financially disadvantaged, bearing 57 signatures (*Mr Crisp*)
  - Mildura Aboriginal Corporation** — Requesting that the House investigates funding arrangements and services at the Mildura Aboriginal Corporation to ensure the Aboriginal community is properly supported, bearing 20 signatures (*Mr Crisp*)
  - Regional Education** — Requesting that the House requires the Government to support regional education and provide schools, teachers and students with the resources required to improve educational outcomes, bearing 14 signatures (*Mr Northe*)
  - Electricity Smart Meters** — Requesting that the House requires the Government to immediately freeze the roll out of smart meters for electricity use in Victoria until it is independently demonstrated that consumers will not have to pay higher bills, bearing 281 signatures (*Mr Northe*)

**Free School Bus Services in Echuca** — Requesting that the House ensures that the free school bus service in the Mary Ann Road area of Echuca is maintained, bearing 26 signatures (*Mr Weller*).

Petitions ordered to be tabled.

8 **PETITION — TRAIN SERVICE NEEDS FOR MILDURA** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.

9 **PETITION — MILDURA ABORIGINAL CORPORATION** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.

10 **PETITION — REGIONAL EDUCATION** — Motion made and question — That the petition presented by the Member for Morwell be taken into consideration tomorrow (*Mr Northe*) — put and agreed to.

11 **PETITION — ELECTRICITY SMART METERS** — Motion made and question — That the petition presented by the Member for Morwell be taken into consideration tomorrow (*Mr Northe*) — put and agreed to.

12 **PETITION — FREE SCHOOL BUS SERVICES IN ECHUCA** — Motion made and question — That the petition presented by the Member for Rodney be taken into consideration tomorrow (*Mr Weller*) — put and agreed to.

13 **DOCUMENTS**

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — Mr Carli, Chair, presented the Alert Digest No 7 of 2010 from the Scrutiny of Acts and Regulations Committee on the:

Appropriation (2010/2011) Bill 2010

Appropriation (Parliament 2010/2011) Bill 2010

Building Amendment Bill 2010

Child Employment Amendment Bill 2010

Domestic Animals Amendment (Dangerous Dogs) Bill 2010

Drugs, Poisons and Controlled Substances Amendment (Prohibition of Display and Sale of Bongs) Bill 2010

Education and Training Reform Further Amendment Bill 2010

Justice Legislation Amendment Bill 2010

Members of Parliament (Standards) Bill 2010

Parks and Crown Land Legislation (Mount Buffalo) Bill 2010

Pharmacy Regulation Bill 2010

State Taxation Acts Amendment Bill 2010

Transport Legislation Amendment (Ports Integration) Bill 2010

together with appendices.

Ordered to be tabled and printed.

**DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:

*Interpretation of Legislation Act 1984* — Notice under s 32(3)(a)(iii) in relation to Statutory Rule 18 (*Gazette G18, 6 May 2010*)

*Parliamentary Committees Act 2003* — Government response to the Rural and Regional Committee's Report on the Inquiry into Regional Centres of the Future

*Planning and Environment Act 1987* — Notices of approval of amendments to the following Planning Schemes:

Boroondara — C93, C105, C111  
 Cardinia — C77, C113  
 Casey — C119  
 Darebin — C114  
 Greater Shepparton — C94  
 Knox — C71  
 Latrobe — C24 Part 1  
 Maribyrnong — C91  
 Monash — C91  
 Mount Alexander — C48  
 Nillumbik — C59  
 South Gippsland — C53  
 Stonnington — C121, C124  
 Surf Coast — C54, C64  
 Victoria Planning Provisions — VC70  
 Whittlesea — C125  
 Wodonga — C79

Statutory Rules under the following Acts:

*Magistrates' Court Act 1989* — SR 25  
*Road Safety Act 1986* — SR 26  
*Supreme Court Act 1986* — SRs 22, 23, 24

*Subordinate Legislation Act 1994*:

Minister's exception certificates in relation to Statutory Rules 22, 23, 24, 25  
 Minister's exemption certificate in relation to Statutory Rule 26

Victorian Electoral Commission — Report on the Altona District by-election held on 13 February 2010.

The following proclamations fixing operative dates were tabled by the Clerk in accordance with an order of the House dated 19 December 2006:

*Transport Legislation Amendment (Compliance, Enforcement and Regulation) Act 2010* — Part 1, ss 18, 37, 38, 40, 41, 42, 43, Division 4 of Part 5, ss 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 G20, 20 May 2010*)  
*Trustee Companies Legislation Amendment Act 2010* — Whole Act — 11 May 2010 (*Gazette S171, 11 May 2010*).

14 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Agreeing to the following bills without amendment:

Justice Legislation Amendment (Victims of Crime Assistance and Other Matters) Bill 2010  
 Transport Legislation Amendment (Compliance, Enforcement and Regulation) Bill 2010  
 Trustee Companies Legislation Amendment Bill 2010.

15 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Education and Training Reform Amendment Bill 2009 with amendments.

Ordered — That the amendments be taken into consideration tomorrow.

- 16 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Justice Legislation Amendment Bill 2010 with amendments.

Ordered — That the amendments be taken into consideration tomorrow.

- 17 **MESSAGES FROM THE GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that he had given the royal assent to the following bills, presented to him by the Clerk of the Parliaments:

On 11 May 2010

Trustee Companies Legislation Amendment Bill 2010

On 18 May 2010

Justice Legislation Amendment (Victims of Crime Assistance and Other Matters) Bill 2010

Transport Legislation Amendment (Compliance, Enforcement and Regulation) Bill 2010.

- 18 **MESSAGES FROM THE GOVERNOR** — Recommending appropriations for the purposes of the following bills:

Pharmacy Regulation Bill 2010

State Taxation Acts Amendment Bill 2010

Transport Legislation Amendment (Ports Integration) Bill 2010.

- 19 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, under SO 94(2), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 27 May 2010:

Building Amendment Bill 2010

Parks and Crown Land Legislation (Mount Buffalo) Bill 2010

State Taxation Acts Amendment Bill 2010

Transport Legislation Amendment (Ports Integration) Bill 2010

(*Mr Batchelor*) — put, after debate, and agreed to.

- 20 **STATEMENTS BY MEMBERS** — Statements by members were made.

- 21 **STATE TAXATION ACTS AMENDMENT BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Ms Green*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 22 **POSTPONEMENT OF ORDER OF THE DAY** — Ordered — That the consideration of Government Business, Order of the Day, No 2 be postponed until later this day.

- 23 **BUILDING AMENDMENT BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Ms Beattie*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

24 **PARKS AND CROWN LAND LEGISLATION (MOUNT BUFFALO) BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Ms Duncan*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

25 **POSTPONEMENT OF ORDER OF THE DAY** — Ordered — That the consideration of Government Business, Order of the Day, No 5 be postponed until later this day.

26 **TRANSPORT LEGISLATION AMENDMENT (PORTS INTEGRATION) BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 10.00 pm under standing orders.*

27 **ADJOURNMENT** — The Deputy Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.38 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JENNY LINDELL  
*Speaker*

## No 171 — Wednesday 26 May 2010

1 The Speaker took the Chair and read the Prayer.

2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

**Train Service Needs for Mildura** — Requesting that the House reinstates the Melbourne to Mildura passenger train service to cater for the aged, disabled and financially disadvantaged, bearing 54 signatures (*Mr Crisp*)

**Electricity Smart Meters** — Requesting that the House requires the Government to immediately freeze the roll out of smart meters for electricity use in Victoria until it is independently demonstrated that consumers will not have to pay higher bills, bearing 259 signatures (*Mr Walsh*).

Petitions ordered to be tabled.

3 **PETITION — TRAIN SERVICE NEEDS FOR MILDURA** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.

4 **DOCUMENTS**

**OUTER SUBURBAN/INTERFACE SERVICES AND DEVELOPMENT COMMITTEE** — Mr Seitz, Chair, presented a report from the Outer Suburban/Interface Services and Development Committee on the Inquiry into Sustainable Development of Agribusiness in Outer Suburban Melbourne, together with appendices and transcripts of evidence.

Ordered to be tabled and the report and appendices printed.

**ROAD SAFETY COMMITTEE** — Mr Eren, Chair, presented a report from the Road Safety Committee on the Inquiry into Pedestrian Safety in Car Parks, together with appendices, a minority report and transcripts of evidence.

Ordered to be tabled and the report, appendices and minority report printed.

**PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE** — Mr Wells, Deputy Chair, presented a report from the Public Accounts and Estimates Committee on the 2010–11 Budget Estimates — Part One, together with an appendix and transcripts of evidence.

Ordered to be tabled and printed.

**DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:

Anti-Cancer Council Victoria — Report 2009 (two documents)

Auditor-General:

Control of Invasive Plants and Animals in Victoria's Parks — Ordered to be printed  
 Managing Teacher Performance in Government Schools — Ordered to be printed  
 Partnering with the Community Sector in Human Services and Health — Ordered to be printed  
 Tertiary Education and Other Entities: Results of the 2009 Audits — Ordered to be printed  
 The Community Building Initiative — Ordered to be printed

*EastLink Project Act 2004* — EastLink Concession Deed Second Amending Deed

Ombudsman — Own motion investigation into Child Protection — out of home care — Ordered to be printed

Statutory Rules under the following Acts:

*Marine Act 1988* — SR 27

*Road Safety Act 1986* — SR 28

*Subordinate Legislation Act 1994* — Minister's exemption certificate in relation to Statutory Rule 28.

5 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Agreeing to the following bills without amendment:

Legislation Reform (Repeals No. 6) Bill 2009

Radiation Amendment Bill 2010.

6 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Planning and Environment Amendment (Growth Areas Infrastructure Contribution) Bill 2009 with the amendments recommended by the Dispute Resolution Committee.

7 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Returning the Severe Substance Dependence Treatment Bill 2009 suggesting amendments and advising that they have also made amendments to the Bill.

Ordered — That the suggested amendments and amendments be taken into consideration tomorrow.

8 **STATEMENTS BY MEMBERS** — Statements by members were made.

9 **GRIEVANCES** — Question — That grievances be noted — put, after debate, and agreed to.

- 10 **STATEMENTS ON PARLIAMENTARY COMMITTEE REPORTS** — Statements were made on the following Committee Reports:

Road Safety Committee's Report on the Inquiry into Pedestrian Safety in Car Parks

Education and Training Committee's Report on the Skills Shortages in the Rail Industry

Outer Suburban/Interface Services and Development Committee's Report on the Inquiry into Sustainable Development of Agribusiness in Outer Suburban Melbourne

Electoral Matters Committee's Report on the Inquiry into Voter Participation and Informal Voting.

- 11 **APPROPRIATION (2010/2011) BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 2.00 pm under standing orders.*

- 12 **QUESTIONS** — (Under SO 55).

*Member named and suspended* — The Member for Hastings (*Mr Burgess*) having been named by the Speaker for disregarding the authority of the Chair —

Motion made and question — That the Member for Hastings (*Mr Burgess*) be suspended from the service of the House during the remainder of the day's sitting (*Mr Batchelor*) — put and agreed to.

Mr Burgess accordingly withdrew from the Chamber.

- 13 **APPROPRIATION (2010/2011) BILL 2010** — Debate resumed on question — That this Bill be now read a second time.

Motion made and question — That the debate be now adjourned (*Mr Langdon*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 14 **ASSOCIATIONS INCORPORATION AMENDMENT BILL 2010** — *Mr Robinson tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Robinson*).

Motion made and question — That the debate be now adjourned (*Mr O'Brien*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 9 June 2010.

- 15 **SUPERANNUATION LEGISLATION AMENDMENT BILL 2010** — *Mr Holding tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Holding*).

Motion made and question — That the debate be now adjourned (*Mr Walsh*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 9 June 2010.

- 16 **WATER AMENDMENT (VICTORIAN ENVIRONMENTAL WATER HOLDER) BILL 2010** — *Mr Holding tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Holding*).

Motion made and question — That the debate be now adjourned (*Mr Walsh*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 9 June 2010.

- 17 **APPROPRIATION (2010/2011) BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 10.00 pm under standing orders.*

- 18 **ADJOURNMENT** — The Acting Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.34 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JENNY LINDELL  
*Speaker*

## No 172 — Thursday 27 May 2010

- 1 The Speaker took the Chair and read the Prayer.

- 2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

**Pedestrian Crossing in Graham Street, Wonthaggi** — Requesting that the House and the Minister for Roads and Ports act immediately to install a suitable pedestrian crossing at Graham Street, Wonthaggi and consider allocating an alternative route for heavy vehicles, bearing 174 signatures (*Mr Smith, Bass*)

**Mildura Aboriginal Corporation** — Requesting that the House investigates funding arrangements and services at the Mildura Aboriginal Corporation to ensure the Aboriginal community is properly supported, bearing 21 signatures (*Mr Crisp*)

**Train Service Needs for Mildura** — Requesting that the House reinstates the Melbourne to Mildura passenger train service to cater for the aged, disabled and financially disadvantaged, bearing 57 signatures (*Mr Crisp*)

**Shepparton to Cobram Passenger Rail Services** — Requesting that the Government takes positive action to reinstate passenger rail services from Shepparton to Cobram as a matter of urgency, bearing 30 signatures (*Mr Jasper*).

Petitions ordered to be tabled.

- 3 **PETITION — MILDURA ABORIGINAL CORPORATION** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.

4 **PETITION — TRAIN SERVICE NEEDS FOR MILDURA** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.

5 **PETITION — SHEPPARTON TO COBRAM PASSENGER RAIL SERVICES** — Motion made and question — That the petition presented by the Member for Murray Valley be taken into consideration tomorrow (*Mr Jasper*) — put and agreed to.

6 **DOCUMENTS**

**PRIVILEGES COMMITTEE** — Mr Lupton, Chair, presented a report from the Privileges Committee on the right of reply from Mr Rob Small, a person referred to in the Legislative Assembly, together with an appendix.

Ordered to be tabled and printed.

**PRIVILEGES COMMITTEE** — Mr Lupton, Chair, presented a report from the Privileges Committee on the right of reply from Mr Brian Rule, a person referred to in the Legislative Assembly, together with an appendix.

Ordered to be tabled and printed.

**DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:

*National Parks Act 1975* — Notice of consent under s 40

*Parliamentary Committees Act 2003* — Government response to the Outer Suburban/Interface Services and Development Committee's Report on the Inquiry into the Impact of the State Government's Decision to Change the Urban Growth Boundary.

7 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourns until Tuesday 8 June 2010 (*Mr Helper*) — put and agreed to.

8 **STATEMENTS BY MEMBERS** — Statements by members were made.

9 **APPROPRIATION (2010/2011) BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 2.00 pm under standing orders.*

10 **QUESTIONS** — (Under SO 55).

11 **APPROPRIATION (2010/2011) BILL 2010** — Resumption of debate on question — That this Bill be now read a second time.

Motion made and question — That the debate be now adjourned (*Mr McIntosh*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

12 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Environment Protection Amendment (Landfill Levies) Bill 2010 without amendment.

13 **POSTPONEMENT OF ORDER OF THE DAY** — Ordered — That the consideration of Government Business, Order of the Day, No 2 be postponed until later this day.

- 14 **BUILDING AMENDMENT BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time.

Amendment proposed — That all the words after 'That' be omitted with the view of inserting in their place the words 'this Bill be withdrawn and redrafted to provide for first resort builders warranty insurance similar to the Queensland model, which is accepted best practice' (*Mr Ingram*) — and, after debate —

Motion made and question — That the debate be now adjourned (*Mr Langdon*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 15 **TRANSPORT LEGISLATION AMENDMENT (PORTS INTEGRATION) BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Allocation of time — The Deputy Speaker advised that the time allocated for consideration of bills under the resolution of the House on Tuesday 25 May 2010 had expired.*

Question — That this Bill be now read a second time — put.

The House divided (the Deputy Speaker, Ms Barker, in the Chair) —

#### AYES 52

Ms Allan; Mr Andrews; Mr Batchelor; Ms Beattie; Mr Brooks; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Mr Foley; Ms Graley; Ms Green; Mr Hardman; Dr Harkness; Mr Helper; Ms Hennessy; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Ms Kairouz; Mr Langdon; Mr Languiller; Mr Lim; Ms Lobato; Mr Lupton; Mrs Maddigan; Ms Marshall; Mr Merlino; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Noonan; Ms Overington; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Richardson; Mr Robinson; Mr Scott; Mr Seitz; Mr Stensholt; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

#### NOES 32

Ms Asher; Mr Baillieu; Mr Blackwood; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Hodgett; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Morris; Mr Mulder; Dr Naphine; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith (*Bass*); Mr Smith (*Warrandyte*); Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Weller; Mr Wells; Ms Wooldridge.

Question agreed to.

Question — That this Bill be now read a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 16 **PARKS AND CROWN LAND LEGISLATION (MOUNT BUFFALO) BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time and a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 17 **STATE TAXATION ACTS AMENDMENT BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time and a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 18 **BUILDING AMENDMENT BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time — *and on the amendment* — That all the words after 'That' be omitted with the view of inserting in their place the words 'this Bill be withdrawn and redrafted to provide for first resort builders warranty insurance similar to the Queensland model, which is accepted best practice'.
- Question — That the words proposed to be omitted stand part of the question — put and agreed to.
- Mr Ingram asked that his dissent be recorded.
- Question — That this Bill be now read a second time and a third time — put and agreed to.
- Bill sent to the Legislative Council and their agreement requested.
- 19 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Agreeing to the following bills without amendment:
- Fair Trading Amendment (Unfair Contract Terms) Bill 2010  
Therapeutic Goods (Victoria) Bill 2010.
- 20 **CONTROL OF WEAPONS AMENDMENT BILL 2010** — *Mr Cameron tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*
- Motion made and question proposed — That this Bill be now read a second time (*Mr Cameron*).
- Motion made and question — That the debate be now adjourned (*Mr Walsh*) — put and agreed to.
- Ordered — That the debate be adjourned until Thursday 10 June 2010.
- 21 **WATER AMENDMENT (ENTITLEMENTS) BILL 2009** — Order read for the consideration of the amendment made by the Legislative Council.
- After debate, the amendment was agreed to.
- Message sent to the Legislative Council informing them accordingly.
- 22 **EDUCATION AND TRAINING REFORM AMENDMENT BILL 2009** — Order read for the consideration of the amendments made by the Legislative Council.
- After debate, the amendments were agreed to.
- Message sent to the Legislative Council informing them accordingly.
- 23 **JUSTICE LEGISLATION AMENDMENT BILL 2010** — Order read for the consideration of the amendments made by the Legislative Council.
- After debate, the amendments were agreed to.
- Message sent to the Legislative Council informing them accordingly.
- 24 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Wynne*) — put and agreed to.

25    **ADJOURNMENT** — The Speaker left the Chair, after debate, at 5.09 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JENNY LINDELL  
*Speaker*

## LEGISLATIVE ASSEMBLY OF VICTORIA

### VOTES AND PROCEEDINGS Nos 173, 174 and 175

#### No 173 — Tuesday 8 June 2010

- 1 The House met according to the adjournment — The Speaker took the Chair and read the Prayer.
- 2 **QUESTIONS** — (Under SO 55).
- 3 **WORKING WITH CHILDREN AMENDMENT BILL 2010** — Mr Hulls obtained leave to bring in a Bill '*for an Act to amend the **Working with Children Act 2005** and the **Child Employment Act 2003** and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 4 **PERSONAL SAFETY INTERVENTION ORDERS BILL 2010** — Mr Hulls obtained leave to bring in 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 the Bill was read a first time and ordered to be read a second time tomorrow.
- 5 **ELECTORAL AMENDMENT (ELECTORAL PARTICIPATION) BILL 2010** — Mr Hulls obtained leave to bring in a Bill '*for an Act to amend the **Electoral Act 2002** to increase electoral participation and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 6 **SUPPORTED RESIDENTIAL SERVICES (PRIVATE PROPRIETORS) BILL 2010** — Ms Neville obtained leave to bring in 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, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 7 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:
  - Mobile Phone Tower in Myrree** — Requesting that the House notes the need for a mobile phone tower be erected in Myrree to ensure residents have access to mobile phone reception at all times, bearing 113 signatures (*Dr Sykes*)
  - Electricity Smart Meters** — Requesting that the House requires the Government to immediately freeze the roll out of smart meters for electricity use in Victoria until it is independently demonstrated that consumers will not have to pay higher bills, bearing 7 and 14 signatures (*Dr Sykes and Mr Crisp respectively*)
  - Amendment C33 Wellington Shire Planning Scheme** — Requesting that the House directs the Wellington Shire to remove Port Albert from the C33 Amendment in the Wellington Shire Planning Scheme, bearing 685 signatures (*Mr Ryan*)
  - Melbourne–Mildura Train Line** — Requesting that the House brings forward the reinstatement of the Melbourne–Mildura passenger train service in view of concerns including global warming, and the need to connect Mildura to both the Melbourne and the national rail networks, bearing 23 signatures (*Mr Crisp*).

Petitions ordered to be tabled.

8 **PETITION — AMENDMENT C33 WELLINGTON SHIRE PLANNING SCHEME** — Motion made and question — That the petition presented by the Member for Gippsland South be taken into consideration tomorrow (*Mr Walsh*) — put and agreed to.

9 **PETITION — ELECTRICITY SMART METERS** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.

10 **PETITION — MELBOURNE–MILDURA TRAIN LINE** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.

11 **PETITION — MOBILE PHONE TOWER IN MYRRHEE** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.

12 **PETITION — ELECTRICITY SMART METERS** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.

13 **DOCUMENTS**

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — Mr Carli, Chair, presented the Alert Digest No 8 of 2010 from the Scrutiny of Acts and Regulations Committee on the:

Associations Incorporation Amendment Bill 2010  
Control of Weapons Amendment Bill 2010  
Superannuation Legislation Amendment Bill 2010  
Water Amendment (Victorian Environmental Water Holder) Bill 2010

together with appendices.

Ordered to be tabled and printed.

**DRUGS AND CRIME PREVENTION COMMITTEE** — Mrs Maddigan, Chair, presented a report from the Drugs and Crime Prevention Committee on the Inquiry into People Trafficking for Sex Work, together with appendices and transcripts of evidence.

Ordered to be tabled and the report and appendices printed.

**DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:

*Melbourne City Link Act 1995:*

M1 Corridor Redevelopment Deed Third Amending Deed  
Melbourne City Link Twenty-eighth Amending Deed

*Parliamentary Committees Act 2003* — Government response to the Road Safety Committee's Report on the Inquiry into the Process of Development, Adoption and Implementation of Australian Design Rules

*Planning and Environment Act 1987* — Notices of approval of amendments to the following Planning Schemes:

Bayside — C104

Boroondara — C106  
 Brimbank — C86  
 Campaspe — C74  
 East Gippsland — C76  
 Golden Plains — C54  
 Greater Bendigo — C125, C140, C142  
 Greater Geelong — C206, C207, C211  
 Indigo — C21  
 Knox — C83  
 Manningham — C87  
 Maroondah — C68  
 Mitchell — C66  
 Moorabool — C55  
 Stonnington — C137  
 West Wimmera — C20  
 Yarra — C135

Statutory Rules under the following Acts:

*Agricultural and Veterinary Chemicals (Control of Use) Act 1992* — SR 29  
*Building Act 1993* — SR 32  
*Forests Act 1958* — SR 30  
*Road Safety Act 1986* — SR 33  
*Transport Accident Act 1986* — SR 31

*Subordinate Legislation Act 1994* — Ministers' exemption certificates in relation to Statutory Rules 27, 29, 32, 33.

- 14 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Agreeing to the following bills without amendment:

Child Employment Amendment Bill 2010  
 Education and Training Reform Further Amendment Bill 2010  
 Health and Human Services Legislation Amendment Bill 2010  
 Prahran Mechanics' Institute Amendment Bill 2010.

- 15 **MESSAGE FROM THE GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that he had, on 1 June 2010, given the royal assent to the following bills, presented to him by the Clerk of the Legislative Council for and in the absence of the Clerk of the Parliaments:

Environment Protection Amendment (Landfill Levies) Bill 2010  
 Fair Trading Amendment (Unfair Contract Terms) Bill 2010  
 Legislation Reform (Repeals No. 6) Bill 2009  
 Planning and Environment Amendment (Growth Areas Infrastructure Contribution) Bill 2009  
 Radiation Amendment Bill 2010  
 Therapeutic Goods (Victoria) Bill 2010.

- 16 **MESSAGE FROM THE GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that he had today given the royal assent to the following bills, presented to him by the Clerk of the Parliaments:

Child Employment Amendment Bill 2010  
 Education and Training Reform Amendment Bill 2009  
 Education and Training Reform Further Amendment Bill 2010  
 Health and Human Services Legislation Amendment Bill 2010  
 Justice Legislation Amendment Bill 2010

Prahran Mechanics' Institute Amendment Bill 2010  
Water Amendment (Entitlements) Bill 2009.

- 17 **MESSAGES FROM THE GOVERNOR** — Recommending appropriations for the purposes of the following bills:

Control of Weapons Amendment Bill 2010  
Superannuation Legislation Amendment Bill 2010  
Water Amendment (Victorian Environmental Water Holder) Bill 2010.

- 18 **PARLIAMENTARY COMMITTEES — EXTENSION TO REPORTING DATES** — Motion made, by leave, and question — That —

- (1) The resolution of the House of 4 December 2008 providing that the **Education and Training Committee** be required to present its report, on the inquiry into the potential for developing opportunities for schools to become a focus for promoting healthy community living, to the Parliament no later than 1 July 2010 be amended so far as to require the report to be presented to the Parliament no later than 7 October 2010; and
- (2) The resolution of the House of 13 August 2009 providing that the **Outer Suburban/Interface Services and Development Committee** be required to present its report, on the inquiry into farmers' markets, to the Parliament no later than 31 August 2010 be amended so far as to require the report to be presented to the Parliament no later than 7 October 2010 —

*(Mr Batchelor)* — put and agreed to.

- 19 **ORDER OF THE HOUSE RESCINDED** — Motion made, by leave, and question — That the Order of the House making the resumption of debate on the second reading of the Superannuation Legislation Amendment Bill 2010 an Order of the Day for 9 June 2010 be read and rescinded and that the Bill be made an Order of the Day for today *(Mr Batchelor)* — put, after debate, and agreed to.

- 20 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, under SO 94(2), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 10 June 2010:

Appropriation (2010/2011) Bill 2010  
Appropriation (Parliament 2010/2011) Bill 2010  
Pharmacy Regulation Bill 2010  
Superannuation Legislation Amendment Bill 2010

*(Mr Batchelor)* — put, after debate, and agreed to.

- 21 **STATEMENTS BY MEMBERS** — Statements by members were made.

- 22 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 1 and 2, be postponed until later this day.

- 23 **PHARMACY REGULATION BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned *(Mr Stensholt)* — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 24 **SUPERANNUATION LEGISLATION AMENDMENT BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Mr Stensholt*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 25 **APPROPRIATION (2010/2011) BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 10.00 pm under standing orders.*

Motion made and question — That the sitting be continued (*Mr Holding*) — put and agreed to.

Debate continued on question — That this Bill be now read a second time.

Motion made and question — That the debate be now adjourned (*Ms Marshall*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 26 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Merlino*) — put and agreed to.

- 27 **ADJOURNMENT** — The House, after debate, having continued to sit after midnight —

WEDNESDAY 9 JUNE 2010

The Deputy Speaker left the Chair, after debate, at 12.00 am.

R W PURDEY  
*Clerk of the Legislative Assembly*

JENNY LINDELL  
*Speaker*

## No 174 — Wednesday 9 June 2010

- 1 The Speaker took the Chair and read the Prayer.

- 2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

**Pedestrian Crossing in Graham Street Wonthaggi** — Requesting that the House and the Minister for Roads and Ports act immediately to install a suitable pedestrian crossing at Graham Street, Wonthaggi and consider allocating an alternative route for heavy vehicles, bearing 41 signatures (*Mr Smith, Bass*)

**Manor Lakes Regional Rail Link** — Requesting that the House ensures the section of the Regional Rail Link that passes through Manor Lakes is constructed in a full ground cutting as detailed in the Regional Rail Link Engineering Design, bearing 4568 signatures (*Mr Eren*)

**Train Service Needs for Mildura** — Requesting that the House reinstates the Melbourne to Mildura passenger train service to cater for the aged, disabled and financially disadvantaged, bearing 28 signatures (*Mr Crisp*)

**Electricity Smart Meters** — Requesting that the House requires the Government to immediately freeze the roll out of smart meters for electricity use in Victoria until it is independently demonstrated that consumers will not have to pay higher bills, bearing 80 signatures (*Mr Northe*).

Petitions ordered to be tabled.

3 **PETITION — PEDESTRIAN CROSSING IN GRAHAM STREET WONTHAGGI** — Motion made and question — That the petition presented by the Member for Bass be taken into consideration tomorrow (*Mr Smith, Bass*) — put and agreed to.

4 **PETITION — TRAIN SERVICE NEEDS FOR MILDURA** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.

5 **PETITION — ELECTRICITY SMART METERS** — Motion made and question — That the petition presented by the Member for Morwell be taken into consideration tomorrow (*Mr Northe*) — put and agreed to.

## 6 DOCUMENTS

**PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE** — Mr Stensholt, Chair, presented a report from the Public Accounts and Estimates Committee on the 2010–11 Budget Estimates — Part Two, together with transcripts of evidence.

Ordered to be tabled and printed.

**DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:

Auditor-General:

Administration of the Victorian Certificate of Education — Ordered to be printed

Hazardous Waste Management — Ordered to be printed

Irrigation Efficiency Programs — Ordered to be printed

Personal Safety and Security on the Metropolitan Train System — Ordered to be printed

*Interpretation of Legislation Act 1984* — Notice under s 32(3)(a)(iii) in relation to Statutory Rule 26 (*Gazette G22, 3 June 2010*)

*Planning and Environment Act 1987* — Urban Growth Boundary — Victoria Planning Provision Amendment VC67, explanatory documents and maps

Statutory Rules under the following Acts:

*Chattel Securities Act 1987* — SR 36

*Road Safety Act 1986* — SR 35

*Transfer of Land Act 1958* — SR 34

*Subordinate Legislation Act 1994* — Ministers' exception certificates in relation to Statutory Rules 34, 35, 36.

7 **STATEMENTS BY MEMBERS** — Statements by members were made.

8 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE — REGIONAL GROWTH FUND** — The House was informed that Mr Ryan had proposed that a definite matter of public importance be submitted to the House for discussion, namely —

'That this House congratulates the Victorian Liberal Nationals Coalition on its far sighted policy commitment to establish a \$1 billion Regional Growth Fund for the benefit of regional and rural Victoria.'

Mr Ryan addressed the House — Discussion followed.

- 9 **STATEMENTS ON PARLIAMENTARY COMMITTEE REPORTS** — Statements were made on the following Committee Reports:

Public Accounts and Estimates Committee's Report on the 2010–11 Budget Estimates — Part One

Public Accounts and Estimates Committee's Report on the 2010–11 Budget Estimates — Part Two

Education and Training Committee's Report on the Inquiry into Geographical Differences in the Rate in which Victorian Students Participate in Higher Education.

- 10 **WORKING WITH CHILDREN AMENDMENT BILL 2010** — *Mr Hulls tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).

Motion made and question — That the debate be now adjourned (*Mr Smith, Warrandyte*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 23 June 2010.

*Business having been interrupted at 2.00 pm under standing orders.*

- 11 **QUESTIONS** — (Under SO 55).

- 12 **PERSONAL SAFETY INTERVENTION ORDERS BILL 2010** — *Mr Hulls tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).

*Mr Hulls made the statement of intention required by s 85(5)(c) of the Constitution Act 1975.*

Motion made and question — That the debate be now adjourned (*Mr Clark*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 23 June 2010.

- 13 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 3 and 4, be postponed until later this day.

- 14 **APPROPRIATION (2010/2011) BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Ms Neville*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 15 **SUPPORTED RESIDENTIAL SERVICES (PRIVATE PROPRIETORS) BILL 2010** — *Ms Neville tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Ms Neville*).

Motion made and question — That the debate be now adjourned (*Ms Wooldridge*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 23 June 2010.

- 16 **APPROPRIATION (2010/2011) BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 10.00 pm under standing orders.*

- 17 **ADJOURNMENT** — The Acting Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.38 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JENNY LINDELL  
*Speaker*

## No 175 — Thursday 10 June 2010

- 1 The Speaker took the Chair and read the Prayer.

- 2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

**Access to Medical Specialists in Bairnsdale** — Requesting that the House calls upon the Government to mediate and source suitable consulting rooms at minimal cost in Bairnsdale for visiting medical specialists to ensure local people have access to services, bearing 4929 signatures (*Mr Ingram*)

**Public Transport in Clunes** — Requesting that the House instructs the Minister for Public Transport to implement a regular public transport service including a train regularly stopping in Clunes, bearing 364 signatures (*Mr Ingram*)

**Train Service for Clunes** — Requesting that the House instructs the Minister for Public Transport to ensure that the Maryborough to Ballarat train service stops at Clunes, bearing 572 signatures (*Mr Ingram*)

**Electricity Smart Meters** — Requesting that the House requires the Government to immediately freeze the roll out of smart meters for electricity use in Victoria until it is independently demonstrated that consumers will not have to pay higher bills, bearing 22 signatures (*Mr Walsh*)

**Liquor Licence Fees** — Requesting that the Government recognises the damage across-the-board increases to liquor licences will cause, particularly in many country communities, and reviews the proposed legislation as a matter of urgency, bearing 38 signatures (*Mr Walsh*)

**Water Price Rises** — Requesting that the House condemns the Government for its mismanagement of the State's water supply, bearing 249 signatures (*Mr Walsh*).

Petitions ordered to be tabled.

- 3 **PETITION — ELECTRICITY SMART METERS** — Motion made and question — That the petition presented by the Member for Swan Hill be taken into consideration tomorrow (*Mr Walsh*) — put and agreed to.

- 4 **PETITION — LIQUOR LICENCE FEES** — Motion made and question — That the petition presented by the Member for Swan Hill be taken into consideration tomorrow (*Mr Walsh*) — put and agreed to.
- 5 **PETITION — WATER PRICE RISES** — Motion made and question — That the petition presented by the Member for Swan Hill be taken into consideration tomorrow (*Mr Walsh*) — put and agreed to.
- 6 **PETITION — ACCESS TO MEDICAL SPECIALISTS IN BAIRNSDALE** — Motion made and question — That the petition presented by the Member for Gippsland East be taken into consideration tomorrow (*Mr Ingram*) — put and agreed to.
- 7 **PETITION — PUBLIC TRANSPORT IN CLUNES** — Motion made and question — That the petition presented by the Member for Gippsland East be taken into consideration tomorrow (*Mr Ingram*) — put and agreed to.
- 8 **PETITION — TRAIN SERVICE FOR CLUNES** — Motion made and question — That the petition presented by the Member for Gippsland East be taken into consideration tomorrow (*Mr Ingram*) — put and agreed to.
- 9 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Courts Legislation Miscellaneous Amendments Bill 2010 without amendment.
- 10 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourns until Tuesday 22 June 2010 (*Ms D'Ambrosio*) — put and agreed to.
- 11 **STATEMENTS BY MEMBERS** — Statements by members were made.
- 12 **ELECTORAL AMENDMENT (ELECTORAL PARTICIPATION) BILL 2010** — *Mr Hulls tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*
- Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).
- Motion made and question — That the debate be now adjourned (*Mr O'Brien*) — put and agreed to.
- Ordered — That the debate be adjourned until Thursday 24 June 2010.
- 13 **APPROPRIATION (PARLIAMENT 2010/2011) BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.
- Motion made and question — That the debate be now adjourned (*Mr Delahunty*) — put and agreed to.
- Ordered — That the debate be adjourned until later this day.
- 14 **APPROPRIATION (2010/2011) BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.
- Business having been interrupted at 2.00 pm under standing orders.*
- 15 **QUESTIONS** — (Under SO 55).
- 16 **APPROPRIATION (2010/2011) BILL 2010** — Debate continued on question — That this Bill be now read a second time.

Bill read a second time and, by leave, immediately read a third time.

Bill sent to the Legislative Council and their agreement requested.

- 17 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Building Amendment Bill 2010 without amendment.

- 18 **PHARMACY REGULATION BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Allocation of time — The Deputy Speaker advised that the time allocated for consideration of bills under the resolution of the House on Tuesday 8 June 2010 had expired.*

Question — That this Bill be now read a second time — put and agreed to.

Question — That this Bill be now read a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 19 **SUPERANNUATION LEGISLATION AMENDMENT BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time — put and agreed to.

Bill read a third time with the concurrence of an absolute majority of the whole number of the members of the Legislative Assembly.

Bill sent to the Legislative Council and their agreement requested.

- 20 **APPROPRIATION (PARLIAMENT 2010/2011) BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time and a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 21 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Agreeing to the following bills without amendment:

Parks and Crown Land Legislation (Mount Buffalo) Bill 2010  
State Taxation Acts Amendment Bill 2010.

- 22 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Wynne*) — put and agreed to.

- 23 **ADJOURNMENT** — The Speaker left the Chair, after debate, at 4.46 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JENNY LINDELL  
*Speaker*

## LEGISLATIVE ASSEMBLY OF VICTORIA

### VOTES AND PROCEEDINGS Nos 176, 177 and 178

#### No 176 — Tuesday 22 June 2010

- 1 The House met according to the adjournment — The Speaker took the Chair and read the Prayer.
- 2 **QUESTIONS** — (Under SO 55).
- 3 **CIVIL PROCEDURE BILL 2010** — Mr Hulls obtained leave to bring in 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 the Bill was read a first time and ordered to be read a second time tomorrow.
- 4 **JURIES AMENDMENT (REFORM) BILL 2010** — Mr Hulls obtained leave to bring in a Bill '*for an Act to amend the **Juries Act 2000** and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 5 **ENERGY AND RESOURCES LEGISLATION AMENDMENT BILL 2010** — Mr Batchelor obtained leave to bring in 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, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 6 **FIREARMS AND OTHER ACTS AMENDMENT BILL 2010** — Mr Cameron obtained leave to bring in 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, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 7 **PRIMARY INDUSTRIES LEGISLATION AMENDMENT BILL 2010** — Mr Helper obtained leave to bring in 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, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 8 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:
  - New Street Railway Gates** — Requesting that the House calls upon the Government, Metro Rail and the City of Bayside to instigate immediate action to re-open the New Street railway gates, bearing 30 signatures (*Ms Asher*)
  - Retail Betting Agencies** — Requesting that the House ensures the continued and viable operation of the current network of retail betting agencies is a condition of the post-2012 wagering licence awarded by the Government, bearing 3145 and 4445 signatures (*Ms Asher and Dr Naphthine respectively*)

**Domaine Retirement Village** — Requesting that the House directs VicRoads to install pedestrian operated traffic signals outside the Domaine Retirement Village on Victoria Street in Doncaster, bearing 179 signatures (*Ms Wooldridge*)

**Conditions in the Community Sector** — Requesting that the House immediately invests in the conditions of workers in the community sector to provide — (a) better wages; (b) portability of long service leave; (c) paid parental leave; and (d) safe workplaces, bearing 2168 signatures (*Mr Trezise*)

**Equal Remuneration in the Community Sector** — Requesting that the Government supports the community sector by committing to properly fund the pay increase that will result from the ASU's equal remuneration case, bearing 584 signatures (*Mr Trezise*)

**Electricity Smart Meters** — Requesting that the House requires the Government to immediately freeze the roll out of smart meters for electricity use in Victoria until it is independently demonstrated that consumers will not have to pay higher bills, bearing 8, 100 and 365 signatures (*Mr Crisp, Mr Northe and Mr Walsh respectively*)

**Liquor Licence Fees** — Requesting that the Government recognises the damage across-the-board increases to liquor licences will cause, particularly in many country communities, and reviews the proposed legislation as a matter of urgency, bearing 19 signatures (*Mr Walsh*)

**Fire Services Funding** — Requesting that the House investigates and implements a fairer model of funding fire services in Victoria as is the case in other states of Australia, bearing 19 signatures (*Mr Walsh*).

Petitions ordered to be tabled.

- 9 **PETITION — NEW STREET RAILWAY GATES** — Motion made and question — That the petition presented by the Member for Brighton be taken into consideration tomorrow (*Ms Asher*) — put and agreed to.
- 10 **PETITION — RETAIL BETTING AGENCIES** — Motion made and question — That the petition presented by the Member for Brighton be taken into consideration tomorrow (*Ms Asher*) — put and agreed to.
- 11 **PETITION — RETAIL BETTING AGENCIES** — Motion made and question — That the petition presented by the Member for South-West Coast be taken into consideration tomorrow (*Dr Napthine*) — put and agreed to.
- 12 **PETITION — DOMAINE RETIREMENT VILLAGE** — Motion made and question — That the petition presented by the Member for Doncaster be taken into consideration tomorrow (*Ms Wooldridge*) — put and agreed to.
- 13 **PETITION — ELECTRICITY SMART METERS** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.
- 14 **PETITION — ELECTRICITY SMART METERS** — Motion made and question — That the petition presented by the Member for Morwell be taken into consideration tomorrow (*Mr Northe*) — put and agreed to.

15 **DOCUMENTS**

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — Mr Carli, Chair, presented the Alert Digest No 9 of 2010 from the Scrutiny of Acts and Regulations Committee on the:

Control of Weapons Amendment Bill 2010  
 Courts Legislation Miscellaneous Amendments Bill 2010  
 Electoral Amendment (Electoral Participation) Bill 2010  
 Personal Safety Intervention Orders Bill 2010  
 Pharmacy Regulation Bill 2010  
 Supported Residential Services (Private Proprietors) Bill 2010  
 Working with Children Amendment Bill 2010

together with appendices.

Ordered to be tabled and printed.

**DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:

*Planning and Environment Act 1987* — Notices of approval of amendments to the following Planning Schemes:

Baw Baw — C75  
 Greater Geelong — C226  
 Melbourne — C122  
 Murrindindi — C23  
 Surf Coast — C37

Statutory Rules under the following Acts:

*Conservation, Forests and Lands Act 1987* — SR 37  
*Subordinate Legislation Act 1994* — SR 38

*Subordinate Legislation Act 1994*:

Minister's exception certificate in relation to Statutory Rule 38  
 Minister's exemption certificate in relation to Statutory Rule 37

*Water Act 1989*:

Abolition of Campaspe Deep Lead Groundwater Supply Protection Area Order 2010  
 Lower Campaspe Valley Water Supply Protection Area (Groundwater) Order 2010.

The following proclamations fixing operative dates were tabled by the Clerk in accordance with an order of the House dated 19 December 2006:

*Livestock Disease Control Act 1994* — Section 92(2) — 1 July 2010 (*Gazette G24, 17 June 2010*)  
*Planning and Environment Amendment (Growth Areas Infrastructure Contribution) Act 2010* — Part 1 and ss 3, 4 and 5 — 8 June 2010 (*Gazette S212, 8 June 2010*)  
*State Taxation Acts Further Amendment Act 2008* — Section 11(3) and Division 3 of Part 4 — 1 July 2010 (*Gazette G24, 17 June 2010*)  
*Transport Legislation Amendment (Compliance, Enforcement and Regulation) Act 2010* — Sections 39, 72, 73 and 74 — 11 June 2010; ss 4, 5, 6, 7, 8, 9, 10, 11, 12 and 13, Division 2 of Part 2, the remaining provisions of Division 1 of Part 3 and ss 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 G23, 10 June 2010*).

- 16 **MESSAGE FROM THE LIEUTENANT-GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that she had, on 15 June 2010, given the royal assent to the following bills, presented to her by the Clerk of the Parliaments:

Building Amendment Bill 2010  
 Courts Legislation Miscellaneous Amendments Bill 2010  
 Parks and Crown Land Legislation (Mount Buffalo) Bill 2010  
 State Taxation Acts Amendment Bill 2010.

- 17 **MESSAGES FROM THE LIEUTENANT-GOVERNOR** — Recommending appropriations for the purposes of the following bills:

Personal Safety Intervention Orders Bill 2010  
 Supported Residential Services (Private Proprietors) Bill 2010.

- 18 **ROAD SAFETY COMMITTEE — EXTENSION TO REPORTING DATE** — Motion made, by leave, and question — That the resolution of the House of 24 November 2009 providing that the Road Safety Committee be required to present its report, on the inquiry into Federal-State road funding arrangements, to the Parliament no later than 1 July 2010 be amended so far as to require the report to be presented to the Parliament no later than 1 September 2010 (*Mr Batchelor*) — put and agreed to.

- 19 **ORDER OF THE DAY DISCHARGED** — Motion made, by leave, and question — That the following Order of the Day, Government Business, be read and discharged:

*Macedonian Orthodox Church (Victoria) Property Trust Bill 2009 — Second reading — Resumption of debate*

and that the Bill be withdrawn (*Mr Batchelor*) — put, after debate, and agreed to.

- 20 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, under SO 94(2), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 24 June 2010:

Control of Weapons Amendment Bill 2010  
 Domestic Animals Amendment (Dangerous Dogs) Bill 2010  
 Electoral Amendment (Electoral Participation) Bill 2010  
 Gambling Regulation Amendment (Licensing) Bill 2010  
 Public Finance and Accountability Bill 2009  
 Supported Residential Services (Private Proprietors) Bill 2010  
 Water Amendment (Victorian Environmental Water Holder) Bill 2010  
 Working with Children Amendment Bill 2010

(*Mr Batchelor*) — after debate, put.

The House divided (the Speaker, Ms Lindell, in the Chair) —

AYES 51

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beattie; Mr Brooks; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Mr Donnellan; Ms Duncan; Mr Eren; Mr Foley; Ms Graley; Ms Green; Mr Hardman; Dr Harkness; Mr Helper; Ms Hennessy; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Ms Kairouz; Mr Langdon; Mr Languiller; Mr Lim; Ms Lobato; Mr Lupton; Mrs Maddigan; Ms Marshall; Mr Merlino; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Pike; Ms Richardson; Mr Robinson; Mr Scott; Mr Seitz; Mr Stensholt; Mr Trezise; Mr Wynne.

## NOES 31

Ms Asher; Mr Baillieu; Mr Blackwood; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Hodgett; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Morris; Mr Mulder; Dr Napthine; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Mr Smith (*Warrandyte*); Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Weller; Mr Wells; Ms Wooldridge.

Question agreed to.

21 **STATEMENTS BY MEMBERS** — Statements by members were made.

22 **CONTROL OF WEAPONS AMENDMENT BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time.

Under standing orders, Mr Helper announced an amendment to be proposed when the House considers the Bill in detail and requested that it be circulated. Amendment circulated.

Debate resumed on question — That this Bill be now read a second time.

Motion made and question — That the debate be now adjourned (*Ms Munt*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

23 **GAMBLING REGULATION AMENDMENT (LICENSING) BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Mr Perera*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

24 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Rejecting the Transport Legislation Amendment (Ports Integration) Bill 2010.

25 **DOMESTIC ANIMALS AMENDMENT (DANGEROUS DOGS) BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 10.00 pm under standing orders.*

26 **ADJOURNMENT** — The Deputy Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.52 pm.

R W PURDEY  
Clerk of the Legislative Assembly

JENNY LINDELL  
Speaker

## No 177 — Wednesday 23 June 2010

1 The Speaker took the Chair and read the Prayer.

2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

**Liquor Licence Fees** — Requesting that the Government recognises the damage across-the-board increases to liquor licences will cause, particularly in many country communities, and reviews the

proposed legislation as a matter of urgency, bearing 11 and 11 signatures (*Dr Sykes and Mrs Powell respectively*)

**Electricity Smart Meters** — Requesting that the House requires the Government to immediately freeze the roll out of smart meters for electricity use in Victoria until it is independently demonstrated that consumers will not have to pay higher bills, bearing 6 and 478 signatures (*Dr Sykes and Mrs Powell respectively*)

**Victorian Patient Transport Assistance Scheme** — Requesting that the House updates and revises the Victorian patient transport assistance scheme regulations to — (a) provide assistance for 50 km one way travel to the most appropriate town centre with medical/dental specialist treatment; (b) increase the current reimbursement and accommodation rates; and (c) allow for the calculation of kilometres travelled to be based on the safest and most appropriate road route, rather than the shortest, bearing 5 signatures (*Dr Sykes*)

**Youth Allowance — Rural Students** — Requesting that the House rejects the proposed changes to the independence test for the Youth Allowance and calls on the Government to vigorously lobby the Federal Government to ensure tertiary education is accessible for rural students, bearing 15 signatures (*Dr Sykes*)

**Regional Education** — Requesting that the House requires the Government to support regional education and provide schools, teachers and students with the resources required to improve educational outcomes, bearing 6 signatures (*Dr Sykes*)

**Fire Services Levy** — Requesting that the House investigates and implements a fairer model of funding fire services in Victoria, bearing 200 signatures (*Dr Sykes*)

**Digital Train Radio System Base Tower, Seaford Rail Station** — Requesting that the House asks the Minister for Public Transport to cease works on the erection of a Digital Train Radio System Base Tower at Seaford Railway Station until a more suitable location for the tower can be found on the railway reserve, bearing 267 signatures (*Dr Harkness*)

**Bungower Rail Level Crossing** — Requesting that the House asks the Government to install boom barriers at the Bungower Rail Level Crossing to prevent accidents, bearing 24 signatures (*Mr Burgess*)

**Pedestrian Crossing in Baxter and Tooradin Roads, Baxter** — Requesting that the House instructs VicRoads to install a pedestrian crossing in Baxter and Tooradin Roads in Baxter, bearing 107 signatures (*Mr Burgess*).

Petitions ordered to be tabled.

- 3 **PETITION — LIQUOR LICENCE FEES** — Motion made and question — That the petition presented by the Member for Shepparton be taken into consideration tomorrow (*Mrs Powell*) — put and agreed to.
- 4 **PETITION — ELECTRICITY SMART METERS** — Motion made and question — That the petition presented by the Member for Shepparton be taken into consideration tomorrow (*Mrs Powell*) — put and agreed to.
- 5 **PETITION — BUNGOWER RAIL LEVEL CROSSING** — Motion made and question — That the petition presented by the Member for Hastings be taken into consideration tomorrow (*Mr Morris*) — put and agreed to.
- 6 **PETITION — PEDESTRIAN CROSSING IN BAXTER AND TOORADIN ROADS, BAXTER** — Motion made and question — That the petition presented by the Member for Hastings be taken into consideration tomorrow (*Mr Morris*) — put and agreed to.

- 7 **PETITION — LIQUOR LICENCE FEES** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.
- 8 **PETITION — ELECTRICITY SMART METERS** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.
- 9 **PETITION — VICTORIAN PATIENT TRANSPORT ASSISTANCE SCHEME** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.
- 10 **PETITION — YOUTH ALLOWANCE — RURAL STUDENTS** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.
- 11 **PETITION — REGIONAL EDUCATION** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.
- 12 **PETITION — FIRE SERVICES LEVY** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.
- 13 **DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:

Auditor-General:

Access to Social Housing — Ordered to be printed  
 Management of Major Rail Projects — Ordered to be printed  
 Managing the Requirements for Disclosing Private Sector Contracts — Ordered to be printed

Ombudsman — Investigation into the probity of the Kew Residential Services and St Kilda Triangle developments — Ordered to be printed.

- 14 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Agreeing to the following bills without amendment:
- Appropriation (Parliament 2010/2011) Bill 2010  
 Pharmacy Regulation Bill 2010  
 Superannuation Legislation Amendment Bill 2010.

- 15 **STATEMENTS BY MEMBERS** — Statements by members were made.

- 16 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE — BLUEPRINT FOR REGIONAL AND RURAL VICTORIA** — The House was informed that Ms Allan had proposed that a definite matter of public importance be submitted to the House for discussion, namely —

'That this House congratulates the Brumby Labor Government for its ongoing investment and support for regional and rural Victoria including through the *Ready for Tomorrow: A Blueprint for Regional and Rural Victoria* and condemns the Liberal and Nationals Coalition for taking regional and rural Victoria for granted.'

Ms Allan addressed the House — Discussion followed.

- 17 **STATEMENTS ON PARLIAMENTARY COMMITTEE REPORTS** — Statements were made on the following Committee Reports:

Public Accounts and Estimates Committee's Report on the Review of the Findings and Recommendations of the Auditor-General's Reports 2008

Drugs and Crime Prevention Committee's Report on the Inquiry into People Trafficking for Sex Work

Road Safety Committee's Report on the Inquiry into Pedestrian Safety in Car Parks

Outer Suburban/Interface Services and Development Committee's Report on the Inquiry into Sustainable Development of Agribusiness in Outer Suburban Melbourne.

- 18 **WATER AMENDMENT (VICTORIAN ENVIRONMENTAL WATER HOLDER) BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 2.00 pm under standing orders.*

- 19 **QUESTIONS** — (Under SO 55).

- 20 **WATER AMENDMENT (VICTORIAN ENVIRONMENTAL WATER HOLDER) BILL 2010** — Debate continued on question — That this Bill be now read a second time.

Amendment proposed — That all the words after 'That' be omitted with the view of inserting in their place the words 'this Bill be withdrawn and redrafted to provide that water held by the Victorian Environmental Water Holder be treated as borrowed water in the event that the Minister qualifies environmental entitlements under the *Water Act 1989*, to ensure that when environmental flows, entitlements, water shares or water set aside for the environment is qualified and withheld for purposes other than at the direction of the Water Holder, the water is to be paid back within five years' (*Mr Ingram*) — and, after debate —

Motion made and question — That the debate be now adjourned (*Mr Langdon*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 21 **WORKING WITH CHILDREN AMENDMENT BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Mr Langdon*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 22 **SUPPORTED RESIDENTIAL SERVICES (PRIVATE PROPRIETORS) BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 10.00 pm under standing orders.*

- 23 **ADJOURNMENT** — The Acting Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.40 pm.

## No 178 — Thursday 24 June 2010

1 The Speaker took the Chair and read the Prayer.

2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

**Pedestrian Crossing in Graham Street, Wonthaggi** — Requesting that the House and the Minister for Roads and Ports act immediately to install a suitable pedestrian crossing at Graham Street, Wonthaggi and consider allocating an alternative route for heavy vehicles, bearing 42 signatures (*Mr Smith, Bass*)

**Additional Police Officers for Victoria** — Requesting that the House allocates the necessary funding to provide for the urgent recruitment of 3,000 additional police officers to secure the safety of the Victorian community, bearing 67104 signatures (*Mr Ryan*)

**Equal Opportunity Act 1995 Exemptions and Exceptions** — Requesting that the House ensures that Victorians continue to enjoy the freedom of choice, particularly in relation to education, that the exemptions and exceptions in the *Equal Opportunity Act 1995* currently provide for, bearing 26 signatures (*Ms D'Ambrosio*)

**Fire Services Levy** — Requesting that the House investigates and implements a fairer model of funding fire services in Victoria, bearing 19 signatures (*Mr Jasper*)

**Electricity Smart Meters** — Requesting that the House requires the Government to immediately freeze the roll out of smart meters for electricity use in Victoria until it is independently demonstrated that consumers will not have to pay higher bills, bearing 52 and 29 signatures (*Mr Jasper and Mr Thompson, Sandringham respectively*)

**New Street Railway Gates** — Requesting that the House calls upon the Government, Metro Rail and the City of Bayside to instigate immediate action to re-open the New Street railway gates, bearing 2 signatures (*Mr Thompson, Sandringham*).

Petitions ordered to be tabled.

3 **PETITION — FIRE SERVICES LEVY** — Motion made and question — That the petition presented by the Member for Murray Valley be taken into consideration tomorrow (*Mr Jasper*) — put and agreed to.

4 **PETITION — ELECTRICITY SMART METERS** — Motion made and question — That the petition presented by the Member for Murray Valley be taken into consideration tomorrow (*Mr Jasper*) — put and agreed to.

5 **PETITION — PEDESTRIAN CROSSING IN GRAHAM STREET, WONTHAGGI** — Motion made and question — That the petition presented by the Member for Bass be taken into consideration tomorrow (*Mr Smith, Bass*) — put and agreed to.

6 **PETITION — ADDITIONAL POLICE OFFICERS FOR VICTORIA** — Motion made and question — That the petition presented by the Member for Gippsland South be taken into consideration tomorrow (*Mr Ingram*) — put and agreed to.

7 **DOCUMENTS**

**HEALTH PRACTITIONER REGULATION NATIONAL LAW — REGULATION NO 42/2010** — Motion made, by leave, and question — That Regulation No 42/2010 under the Health Practitioner Regulation National Law be tabled (*Mr Batchelor*) — put and agreed to.

**ELECTORAL MATTERS COMMITTEE** — Mr Scott, Chair, presented a report from the Electoral Matters Committee on the Inquiry into the functions and administration of voting centres, together with appendices and transcripts of evidence.

Ordered to be tabled and the report and appendices printed.

**DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:

*Freedom of Information Act 1982* — Statement of reasons for seeking leave to appeal under s 65AB

*Multicultural Victoria Act 2004* — Victorian Government Achievements in Multicultural Affairs Report 2008–09

*Parliamentary Committees Act 2003* — Government response to the Electoral Matters Committee's Report on the Inquiry into Voter Participation and Informal Voting

*Planning and Environment Act 1987* — Notice of approval of an amendment to the Victoria Planning Provisions — VC62

Police Integrity, Office of — Update on conditions in Victoria Police cells — Ordered to be printed

Statutory Rules under the following Acts:

*Livestock Disease Control Act 1994* — SR 39

*Motor Car Traders Act 1986* — SR 40

*Transport Act 1983* — SR 41

*Subordinate Legislation Act 1994* — Ministers' exemption certificates in relation to Statutory Rules 39, 40.

8 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourns until Tuesday 27 July 2010 (*Ms Neville*) — put and agreed to.

9 **STATEMENTS BY MEMBERS** — Statements by members were made.

10 **TRANSPORT LEGISLATION AMENDMENT (PORTS INTEGRATION) BILL 2010** — Motion made and question — That the Transport Legislation Amendment (Ports Integration) Bill 2010 be referred to the Dispute Resolution Committee for consideration under s 65C of the *Constitution Act 1975* and that a message be sent to the Legislative Council informing them accordingly (*Mr Cameron*) — after debate, put.

The House divided (the Deputy Speaker, Ms Barker, in the Chair) —

AYES 49

Mr Andrews; Mr Batchelor; Ms Beattie; Mr Brooks; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Mr Eren; Mr Foley; Ms Graley; Ms Green; Mr Hardman; Dr Harkness; Mr Helper; Ms Hennessy; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Ms Kairouz; Mr Langdon; Mr Languiller; Mr Lim; Ms Lobato; Mr Lupton; Mrs Maddigan; Mr Merlino; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Pike; Ms Richardson; Mr Robinson; Mr Scott; Mr Seitz; Mr Stensholt; Mr Trezise; Mr Wynne.

## NOES 31

Ms Asher; Mr Baillieu; Mr Blackwood; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Hodgett; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Morris; Mr Mulder; Dr Naphine; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Mr Smith (*Bass*); Mr Smith (*Warrandyte*); Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Weller; Mr Wells; Ms Wooldridge.

Question agreed to.

- 11 **ELECTORAL AMENDMENT (ELECTORAL PARTICIPATION) BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time.

Under standing orders, Mr Clark announced amendments to be proposed when the House considers the Bill in detail and requested that they be circulated. Amendments circulated.

Debate resumed on question — That this Bill be now read a second time.

*Business having been interrupted at 2.00 pm under standing orders.*

- 12 **QUESTIONS** — (Under SO 55).

- 13 **ELECTORAL AMENDMENT (ELECTORAL PARTICIPATION) BILL 2010** — Debate resumed on question — That this Bill be now read a second time.

Motion made and question — That the debate be now adjourned (*Mr Eren*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 14 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 2 and 3, be postponed until later this day.

- 15 **PUBLIC FINANCE AND ACCOUNTABILITY BILL 2009** — Order read for resuming debate on question — That this Bill be now read a second time — *and on the amendment* — That all the words after 'That' be omitted with the view of inserting in their place the words 'this Bill be withdrawn and redrafted to:

- (1) Ensure independent public bodies are not subject to political control and direction by government;
- (2) Ensure that outcomes are specified and reported on in a manner that enables government to be held accountable for its performance or non-performance towards achieving those outcomes;
- (3) Prevent government manipulation of performance measures through eliminating or redefining measures it finds politically embarrassing;
- (4) Prevent deliberate accumulation and dumping of annual reports in Parliament each year by government so as to avoid accountability;
- (5) Ensure that budget papers and annual reports provide a full range of relevant information on the performance of government, departments and public sector entities; and
- (6) Require that directions, determinations, notices and other requirements by the Minister under the legislation be made public and be readily accessible via the Department of Treasury and Finance website'; debate resumed.

*Allocation of time — The Deputy Speaker advised that the time allocated for consideration of bills under the resolution of the House on Tuesday 22 June 2010 had expired.*

Question — That the words proposed to be omitted stand part of the question — put.

The House divided (the Speaker, Ms Lindell, in the Chair) —

AYES 54

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beattie; Mr Brooks; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Mr Eren; Mr Foley; Ms Graley; Ms Green; Mr Hardman; Dr Harkness; Mr Helper; Ms Hennessy; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Ms Kairouz; Mr Langdon; Mr Languiller; Mr Lim; Ms Lobato; Mr Lupton; Mrs Maddigan; Ms Marshall; Mr Merlino; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Noonan; Ms Overington; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Pike; Ms Richardson; Mr Robinson; Mr Scott; Mr Seitz; Mr Stensholt; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

NOES 31

Ms Asher; Mr Baillieu; Mr Blackwood; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mr Hodgett; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Morris; Mr Mulder; Dr Napthine; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Mr Smith (*Bass*); Mr Smith (*Warrandyte*); Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Weller; Mr Wells; Ms Wooldridge.

Question agreed to.

Question — That this Bill be now read a second time — put and agreed to.

Bill read a third time with the concurrence of a special majority of the whole number of the members of the Legislative Assembly.

Bill sent to the Legislative Council and their agreement requested.

- 16 **DOMESTIC ANIMALS AMENDMENT (DANGEROUS DOGS) BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time and a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 17 **CONTROL OF WEAPONS AMENDMENT BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time, the Government amendment be agreed to and the Bill be now read a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 18 **SUPPORTED RESIDENTIAL SERVICES (PRIVATE PROPRIETORS) BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time and a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 19 **GAMBLING REGULATION AMENDMENT (LICENSING) BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time and a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 20 **ELECTORAL AMENDMENT (ELECTORAL PARTICIPATION) BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time and a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 21 **WORKING WITH CHILDREN AMENDMENT BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time and a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 22 **WATER AMENDMENT (VICTORIAN ENVIRONMENTAL WATER HOLDER) BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time — *and on the amendment* — That all the words after 'That' be omitted with the view of inserting in their place the words 'this Bill be withdrawn and redrafted to provide that water held by the Victorian Environmental Water Holder be treated as borrowed water in the event that the Minister qualifies environmental entitlements under the *Water Act 1989*, to ensure that when environmental flows, entitlements, water shares or water set aside for the environment is qualified and withheld for purposes other than at the direction of the Water Holder, the water is to be paid back within five years'.

Question — That the words proposed to be omitted stand part of the question — put and agreed to.

Question — That this Bill be now read a second time and a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 23 **DOCUMENT TABLED UNDER AN ACT OF PARLIAMENT** — The Clerk tabled the following document in accordance with an Act of Parliament:

*Members of Parliament (Register of Interests) Act 1978* — Summary of Variations Notified between 13 April 2010 and 23 June 2010 — Ordered to be printed.

- 24 **SEVERE SUBSTANCE DEPENDENCE TREATMENT BILL 2009** — Order read for the consideration of the amendments suggested and the amendments made by the Legislative Council.

On the motion of Ms Neville and, after debate — amendment Nos 1 to 3 inclusive agreed to.

On the motion of Ms Neville and, after debate — suggested amendment Nos 1 to 3 inclusive not made.

Message sent to the Legislative Council informing them accordingly.

- 25 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 10 to 13 inclusive, be postponed until later this day.

- 26 **PRIMARY INDUSTRIES LEGISLATION AMENDMENT BILL 2010** — *Mr Helper tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Helper*).

Motion made and question — That the debate be now adjourned (*Mr McIntosh*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 8 July 2010.

- 27 **CIVIL PROCEDURE BILL 2010** — *Mr Hulls tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).

Motion made and question — That the debate be now adjourned (*Mr Clark*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 8 July 2010.

- 28 **JURIES AMENDMENT (REFORM) BILL 2010** — *Mr Hulls tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).

Motion made and question — That the debate be now adjourned (*Mr Clark*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 8 July 2010.

- 29 **ENERGY AND RESOURCES LEGISLATION AMENDMENT BILL 2010** — *Mr Batchelor tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Batchelor*).

Motion made and question — That the debate be now adjourned (*Mr O'Brien*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 8 July 2010.

- 30 **FIREARMS AND OTHER ACTS AMENDMENT BILL 2010** — *Mr Cameron tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Cameron*).

Motion made and question — That the debate be now adjourned (*Mr McIntosh*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 8 July 2010.

- 31 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Wynne*) — put and agreed to.

- 32 **ADJOURNMENT** — The Speaker left the Chair, after debate, at 5.56 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JENNY LINDELL  
*Speaker*

## LEGISLATIVE ASSEMBLY OF VICTORIA

### VOTES AND PROCEEDINGS Nos 179, 180 and 181

#### No 179 — Tuesday 27 July 2010

- 1 The House met according to the adjournment — The Speaker took the Chair and read the Prayer.
- 2 **DEATH OF MILTON STANLEY WHITING, OAM** — The Speaker announced the death of Milton Stanley Whiting, OAM, Member of the Legislative Assembly for the Electoral District of Mildura from 1962 to 1988; and members rose in their places as a mark of respect to the memory of the deceased.
- 3 **QUESTIONS** — (Under SO 55).
- 4 **TRADITIONAL OWNER SETTLEMENT BILL 2010** — Mr Brumby obtained leave to bring in 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 the Bill was read a first time and ordered to be read a second time tomorrow.
- 5 **CLIMATE CHANGE BILL 2010** — Mr Brumby obtained leave to bring in 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 the Bill was read a first time and ordered to be read a second time tomorrow.
- 6 **MINERAL RESOURCES AMENDMENT (SUSTAINABLE DEVELOPMENT) BILL 2010** — Mr Batchelor obtained leave to bring in 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, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 7 **LOCAL GOVERNMENT AND PLANNING LEGISLATION AMENDMENT BILL 2010** — Mr Wynne obtained leave to bring in 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, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 8 **PRIVATE SECURITY AMENDMENT BILL 2010** — Mr Cameron obtained leave to bring in a Bill *'for an Act to amend the **Private Security Act 2004** and for other purposes'*; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 9 **TRANSPORT ACCIDENT AND ACCIDENT COMPENSATION LEGISLATION AMENDMENT BILL 2010** — Mr Holding obtained leave to bring in 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, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.

10 **PLANT BIOSECURITY BILL 2010** — Mr Helper obtained leave to bring in 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, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.

11 **LIQUOR CONTROL REFORM AMENDMENT BILL 2010** — Mr Robinson obtained leave to bring in a Bill '*for an Act to amend the **Liquor Control Reform Act 1998** and for other purposes'*; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.

12 **CONSUMER AFFAIRS LEGISLATION AMENDMENT (REFORM) BILL 2010** — Mr Robinson obtained leave to bring in 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, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.

13 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

**Electricity Smart Meters** — Requesting that the House requires the Government to immediately freeze the roll out of smart meters for electricity use in Victoria until it is independently demonstrated that consumers will not have to pay higher bills, bearing 8 and 340 signatures (*Mr Crisp and Mr Northe respectively*)

**Melbourne–Mildura Train Line** — Requesting that the House brings forward the reinstatement of the Melbourne–Mildura passenger train service in view of concerns including global warming, and the need to connect Mildura to both the Melbourne and the national rail networks, bearing 15 signatures (*Mr Crisp*)

**Regional Education** — Requesting that the House requires the Government to support regional education and provide schools, teachers and students with the resources required to improve educational outcomes, bearing 9 signatures (*Mr Northe*).

Petitions ordered to be tabled.

14 **PETITION — ELECTRICITY SMART METERS** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.

15 **PETITION — MELBOURNE–MILDURA TRAIN LINE** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.

16 **PETITION — ELECTRICITY SMART METERS** — Motion made and question — That the petition presented by the Member for Morwell be taken into consideration tomorrow (*Mr Northe*) — put and agreed to.

17 **PETITION — REGIONAL EDUCATION** — Motion made and question — That the petition presented by the Member for Morwell be taken into consideration tomorrow (*Mr Northe*) — put and agreed to.

18 **DOCUMENTS**

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — Mr Carli, Chair, presented the Alert Digest No 10 of 2010 from the Scrutiny of Acts and Regulations Committee on the:

Civil Procedure Bill 2010  
 Energy and Resources Legislation Amendment Bill 2010  
 Firearms and Other Acts Amendment Bill 2010  
 Juries Amendment (Reform) Bill 2010  
 Primary Industries Legislation Amendment Bill 2010  
 Water Amendment (Victorian Environmental Water Holder) Bill 2010

together with appendices.

Ordered to be tabled and printed.

**DOCUMENT TABLED UNDER AN ACT OF PARLIAMENT** — The Clerk tabled the following document in accordance with an Act of Parliament:

*Constitution Act 1975* — Dispute Resolution reached on 19 July 2010 by the Dispute Resolution Committee on the Transport Legislation Amendment (Ports Integration) Bill 2010.

19 **TRANSPORT LEGISLATION AMENDMENT (PORTS INTEGRATION) BILL 2010** — Motion made, by leave, and question — That the House takes note of the Dispute Resolution reached on 19 July 2010 by the Dispute Resolution Committee on the Transport Legislation Amendment (Ports Integration) Bill 2010 (*Mr Batchelor*) — put, after debate, and agreed to.

20 **TRANSPORT LEGISLATION AMENDMENT (PORTS INTEGRATION) BILL 2010** — Motion made, by leave, and question — That the Transport Legislation Amendment (Ports Integration) Bill 2010 be returned to the Legislative Council for their agreement as recommended by the Dispute Resolution Committee in its Resolution of 19 July 2010 and that a message be sent to the Legislative Council advising them accordingly (*Mr Batchelor*) — put and agreed to.

21 **DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:

*Fundraising Act 1998* — Exemption Order under s 16A

*Interpretation of Legislation Act 1984* — Notices under s 32(3)(a)(iii) in relation to Statutory Rule 47 (*Gazettes S262 and S267, 1 July 2010*)

*Land Acquisition and Compensation Act 1986* — Certificate under s 7

*Parliamentary Committees Act 2003* — Government response to the Family and Community Development Committee's Report on the Inquiry into Supported Accommodation for Victorians with a Disability and/or Mental Illness

*Planning and Environment Act 1987* — Notices of approval of amendments to the following Planning Schemes:

Bass Coast — C90  
 Baw Baw — C76  
 Boroondara — C102  
 Brimbank — C106 Part 2, C106 Part 3, C135  
 Cardinia — C114, C121  
 Casey — C137

Corangamite — C18, C27  
 Darebin — C68, C110, C116  
 Glenelg — C53  
 Greater Dandenong — C111, C123  
 Greater Geelong — C213, C234  
 Greater Shepparton — C75  
 Hindmarsh — C8, C10  
 Kingston — C112  
 Knox — C70, C89, C91  
 Manningham — C63  
 Maribyrnong — C73 Part 2  
 Mildura — C44  
 Mitchell — C50, C65  
 Monash — C110  
 Moreland — C107  
 Mornington Peninsula — C144, C159  
 Nillumbik — C70  
 Northern Grampians — C32  
 Pyrenees — C25 Part 1  
 Surf Coast — C50  
 Towong — C21  
 Warrnambool — C62, C63, C67, C74  
 Whitehorse — C106, C137  
 Wodonga — C77  
 Yarra Ranges — C77

*Planning and Environment Act 1987* — Urban Growth Boundary — Victoria Planning Provisions Amendment VC68, explanatory documents and maps

Statutory Rules under the following Acts:

*Accident Compensation Act 1985* — SR 61  
*Accident Towing Services Act 2007* — SR 63  
*Building Act 1993* — SRs 50, 51  
*Children, Youth and Families Act 2005* — SRs 55, 67  
*Conservation, Forests and Lands Act 1987* — SR 58  
*Conveyancers Act 2006* — SR 46  
*Country Fire Authority Act 1958* — SR 66  
*Criminal Procedure Act 2009* — SR 55  
*Electricity Safety Act 1998* — SR 47  
*Fair Trading Act 1999* — SR 45  
*Forests Act 1958* — SR 57  
*Guardianship and Administration Act 1986* — SR 69  
*Heritage Act 1995* — SR 65  
*Land Acquisition and Compensation Act 1986* — SR 44  
*Magistrates' Court Act 1989* — SR 43  
*Mineral Resources (Sustainable Development) Act 1990* — SR 56  
*National Parks Act 1975* — SR 60  
*Residential Tenancies Act 1997* — SR 49  
*Road Safety Act 1986* — SR 52  
*Subordinate Legislation Act 1994* — SRs 48, 64  
*Supreme Court Act 1986* — SRs 53, 54, 55  
*Tobacco Act 1987* — SR 62  
*Victorian Civil and Administrative Tribunal Act 1998* — SR 68  
*Zoological Parks and Gardens Act 1995* — SR 59

*Subordinate Legislation Act 1994:*

Ministers' exception certificates in relation to Statutory Rules 43, 48, 50, 51, 53, 54, 55, 59, 64, 66, 68  
 Ministers' exemption certificates in relation to Statutory Rules 41, 45, 52, 57, 58, 60  
 Minister's infringements offence consultation certificates in relation to Statutory Rules 47, 56

Surveyor-General — Report 2009–10 on administration of the *Survey Co-ordination Act 1958*

*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.

The following proclamations fixing operative dates were tabled by the Clerk in accordance with an order of the House dated 19 December 2006:

*Building Amendment Act 2010* — Part 2 (except ss 39 and 40 and ss 47 and 48) — 16 July 2010 (*Gazette G28, 15 July 2010*)

*Consumer Affairs Legislation Amendment Act 2010* — Part 2, Part 3 (except ss 4(1), 12, 14 and 15), ss 28 and 29, Part 6, ss 47 and 63, and the remaining provisions of Part 10 (except ss 82, 107 and 108) — 1 August 2010 (*Gazette G29, 22 July 2010*)

*Credit (Commonwealth Powers) Act 2010* — Remaining provisions of Part 3 (except s 20(2) and Division 15 of that Part) and Part 4 — 1 July 2010 (*Gazette G25, 24 June 2010*)

*Education and Training Reform Amendment Act 2010* — Part 1, ss 4, 10, 44(1), 58, 59, 61 and Part 3 — 15 July 2010 (*Gazette G28, 15 July 2010*)

*Education and Training Reform Further Amendment Act 2010* — Part 1, ss 4, 12, 15, 16, 20, 21, 22, 25 and Division 3 of Part 3 — 15 July 2010 (*Gazette G28, 15 July 2010*)

*Energy and Resources Legislation Amendment Act 2009* — Sections 25 to 27, 29 and 42 — 30 June 2010 (*Gazette S255, 30 June 2010*)

*Fair Trading Amendment (Unfair Contract Terms) Act 2010* — Whole Act — 1 July 2010 (*Gazette G25, 24 June 2010*)

*Health and Human Services Legislation Amendment Act 2010* — Part 1, ss 11 and 16 and Part 6 — 23 June 2010; Remaining provisions — 1 July 2010 (*Gazette S235, 23 June 2010*)

*Justice Legislation Amendment Act 2010* — Section 5, Part 3, Part 5, the 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 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 G26, 1 July 2010*)

*La Trobe University Act 2009* — Whole Act — 1 July 2010 (*Gazette G25, 24 June 2010*)

*Monash University Act 2009* — Whole Act — 1 July 2010 (*Gazette G25, 24 June 2010*)

*Parks and Crown Land Legislation Amendment (River Red Gums) Act 2009* — Remaining provisions of Parts 2 and 3 and ss 42(1) and 42(4) — 29 June 2010 (*Gazette G25, 24 June 2010*); Remaining provisions of Part 4 — 1 July 2010 (*Gazette G26, 1 July 2010*)

*Parks and Crown Land Legislation (Mount Buffalo) Act 2010* — Whole Act (except ss 9, 10, 11, 12, 13, 16, 17 and 18) — 8 July 2010 (*Gazette G27, 8 July 2010*)

*Planning and Environment Amendment (Growth Areas Infrastructure Contribution) Act 2010* — Remaining provisions — 1 July 2010 (*Gazette S242, 25 June 2010*)

*Radiation Amendment Act 2010* — Whole Act — 13 July 2010 (*Gazette G27, 8 July 2010*)

*Royal Melbourne Institute of Technology Act 2010* — Whole Act — 1 September 2010 (*Gazette G25, 24 June 2010*)

*Superannuation Legislation Amendment Act 2010* — Whole Act — 1 July 2010 (*Gazette G26, 1 July 2010*)

*Transport Integration Act 2010* — Whole Act — 1 July 2010 (*Gazette S256, 30 June 2010*)

*University of Ballarat Act 2010* — Whole Act — 1 July 2010 (*Gazette G25, 24 June 2010*)

*University of Melbourne Act 2009* — Whole Act — 1 July 2010 (*Gazette G25, 24 June 2010*)

*Victoria University Act 2010* — Whole Act — 1 September 2010 (*Gazette G25, 24 June 2010*).

22 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Appropriation (2010/2011) Bill 2010 without amendment.

23 **APPROPRIATION (2010/2011) BILL 2010 — APPROPRIATION (PARLIAMENT 2010/2011) BILL 2010** — The Acting Speaker announced that on 30 June 2010, the Speaker had presented to the Governor, the Appropriation (2010/2011) Bill 2010 and the Appropriation (Parliament 2010/2011) Bill 2010 to which the Governor had been pleased to give the royal assent.

24 **MESSAGE FROM THE GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that he had, on 30 June 2010, given the royal assent to the following bills, presented to him by the Clerk of the Parliaments:

Pharmacy Regulation Bill 2010  
Superannuation Legislation Amendment Bill 2010.

25 **MESSAGES FROM THE GOVERNOR** — Recommending appropriations for the purposes of the following bills:

Civil Procedure Bill 2010  
Energy and Resources Legislation Amendment Bill 2010  
Juries Amendment (Reform) Bill 2010  
Primary Industries Legislation Amendment Bill 2010.

26 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, under SO 94(2), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 29 July 2010:

Associations Incorporation Amendment Bill 2010  
Civil Procedure Bill 2010  
Energy and Resources Legislation Amendment Bill 2010  
Firearms and Other Acts Amendment Bill 2010  
Juries Amendment (Reform) Bill 2010  
Personal Safety Intervention Orders Bill 2010  
Primary Industries Legislation Amendment Bill 2010

(*Mr Batchelor*) — put, after debate, and agreed to.

27 **STATEMENTS BY MEMBERS** — Statements by members were made.

28 **POSTPONEMENT OF ORDER OF THE DAY** — Ordered — That the consideration of Government Business, Order of the Day, No 1 be postponed until later this day.

29 **PERSONAL SAFETY INTERVENTION ORDERS BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Mr Donnellan*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

30 **ENERGY AND RESOURCES LEGISLATION AMENDMENT BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Mr Scott*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 31 **CIVIL PROCEDURE BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Mr Langdon*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

*Business having been interrupted at 10.00 pm under standing orders.*

- 32 **ADJOURNMENT** — The Deputy Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.30 pm.

R W PURDEY  
Clerk of the Legislative Assembly

JENNY LINDELL  
Speaker

## No 180 — Wednesday 28 July 2010

- 1 The Speaker took the Chair and read the Prayer.

- 2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

**Pedestrian Crossing in Graham Street, Wonthaggi** — Requesting that the House and the Minister for Roads and Ports act immediately to install a suitable pedestrian crossing at Graham Street, Wonthaggi and consider allocating an alternative route for heavy vehicles, bearing 89 signatures (*Mr Smith, Bass*)

**Electricity Smart Meters** — Requesting that the House requires the Government to immediately freeze the roll out of smart meters for electricity use in Victoria until it is independently demonstrated that consumers will not have to pay higher bills, bearing 8 signatures (*Mrs Victoria*)

**Great Alpine Road Upgrade** — Requesting that the House ensures there is enough funding to have the Great Alpine Road upgraded from Bright to Harrietville to include a sealed shoulder, bearing 1151 signatures (*Dr Sykes*)

**Alpine Health, Bright Campus** — Requesting that the House requires the Government to take immediate action to work with Bright and District residents to redevelop the Bright campus of Alpine Health into an integrated healthcare facility to include residential aged care facilities, bearing 3795 signatures (*Dr Sykes*)

**Ombudsman Act Amendment** — Requesting that the House amends the *Ombudsman Act 1973* by deleting s 13(3)(ca) of the Act which excludes the Victorian Electoral Commission from being investigated by the Office of the State Ombudsman, bearing 18 signatures (*Mr Herbert*).

Petitions ordered to be tabled.

- 3 **PETITION — ELECTRICITY SMART METERS** — Motion made and question — That the petition presented by the Member for Bayswater be taken into consideration tomorrow (*Mrs Victoria*) — put and agreed to.

- 4 **PETITION — GREAT ALPINE ROAD UPGRADE** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.
- 5 **PETITION — ALPINE HEALTH, BRIGHT CAMPUS** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.
- 6 **PETITION — PEDESTRIAN CROSSING IN GRAHAM STREET, WONTHAGGI** — Motion made and question — That the petition presented by the Member for Bass be taken into consideration tomorrow (*Mr Wakeling*) — put and agreed to.

7 **DOCUMENTS**

**PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE** — Motion made, by leave, and question — That the Report 2009–10 of the Public Accounts and Estimates Committee be tabled (*Mr Stensholt*) — put and agreed to.

Ordered to be printed.

**ECONOMIC DEVELOPMENT AND INFRASTRUCTURE COMMITTEE** — Ms Campbell, Chair, presented a report from the Economic Development and Infrastructure Committee on the Inquiry into Manufacturing in Victoria, together with appendices and transcripts of evidence.

Ordered to be tabled and the report and appendices printed.

**DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:

Auditor-General:

Portfolio Departments: Interim Results of the 2009–10 Audits — Ordered to be printed

Taking Action on Problem Gambling — Ordered to be printed

*Duties Act 2000* — Reports 2009–10 of exemptions and refunds under ss 250B and 250DD (two documents)

Essential Services Commission — Review of Accident, Towing and Storage Fees (two documents).

- 8 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Electoral Amendment (Electoral Participation) Bill 2010 without amendment.
- 9 **SUSPENSION OF STANDING ORDERS** — Motion made, by leave, and question — That so much of standing orders be suspended so as to allow:

- (1) A motion 'That the House takes note of the 2009 Victorian Bushfires Royal Commission Final Report, July 2010' to be moved on Tuesday 10 August 2010 immediately after question time;
- (2) Debate on the motion to be limited to a lead Government and non-Government speaker to each speak for no more than 20 minutes, a second Government and non-Government speaker to each speak for no more than 15 minutes, a further six Government and six non-Government speakers to each speak for no more than 10 minutes, and seven Government and eight non-Government speakers to each speak for no more than five minutes; and
- (3) The Chair to put the question on the motion following the last speaker specified in (2), or sooner if there is no further debate —

(*Mr Wynne*) — put, after debate, and agreed to.

10 **STATEMENTS BY MEMBERS** — Statements by members were made.

11 **GRIEVANCES** — Question — That grievances be noted — put, after debate, and agreed to.

12 **STATEMENTS ON PARLIAMENTARY COMMITTEE REPORTS** — Statements were made on the following Committee Reports:

Family and Community Development Committee's Report on the Inquiry into Supported Accommodation for Victorians with a Disability and/or Mental Illness

Electoral Matters Committee's Report on the Inquiry into the functions and administration of voting centres

Rural and Regional Committee's Report on the Inquiry into Regional Centres of the Future

Economic Development and Infrastructure Committee's Report on the Inquiry into Manufacturing in Victoria

Drugs and Crime Prevention Committee's Report on the Inquiry into People Trafficking for Sex Work.

13 **URBAN GROWTH BOUNDARY — PLANNING SCHEME AMENDMENT** — Motion made and question — That under s 46AH of the *Planning and Environment Act 1987*, Victoria Planning Provisions Amendment VC68 be ratified (*Mr Wynne*) — and, after debate —

Motion made and question — That the debate be now adjourned (*Mr Clark*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

*Business having been interrupted at 2.00 pm under standing orders.*

14 **QUESTIONS** — (Under SO 55).

15 **TRADITIONAL OWNER SETTLEMENT BILL 2010** — *Mr Brumby tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Brumby*).

Motion made and question — That the debate be now adjourned (*Mrs Powell*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 11 August 2010.

16 **URBAN GROWTH BOUNDARY — PLANNING SCHEME AMENDMENT** — Order read for resuming debate on question — That under s 46AH of the *Planning and Environment Act 1987*, Victoria Planning Provisions Amendment VC68 be ratified; debate resumed.

Question — put and agreed to.

17 **MINERAL RESOURCES AMENDMENT (SUSTAINABLE DEVELOPMENT) BILL 2010** — *Mr Batchelor tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Batchelor*).

Motion made and question — That the debate be now adjourned (*Mr O'Brien*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 11 August 2010.

- 18 **LOCAL GOVERNMENT AND PLANNING LEGISLATION AMENDMENT BILL 2010** — *Mr Wynne tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Wynne*).

Motion made and question — That the debate be now adjourned (*Mr Clark*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 11 August 2010.

- 19 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 4 to 8 inclusive, be postponed until later this day.

- 20 **JURIES AMENDMENT (REFORM) BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time.

Under standing orders, Mr Clark announced an amendment to be proposed when the House considers the Bill in detail and requested that it be circulated. Amendment circulated.

Debate resumed on question — That this Bill be now read a second time.

Motion made and question — That the debate be now adjourned (*Ms Beattie*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 21 **FIREARMS AND OTHER ACTS AMENDMENT BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Mr Langdon*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 22 **PRIMARY INDUSTRIES LEGISLATION AMENDMENT BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Mrs Powell*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 23 **PLANT BIOSECURITY BILL 2010** — *Mr Helper tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Helper*).

*Mr Helper made the statement of intention required by s 85(5)(c) of the Constitution Act 1975.*

Motion made and question — That the debate be now adjourned (*Mr Delahunty*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 11 August 2010.

- 24 **LIQUOR CONTROL REFORM AMENDMENT BILL 2010** — *Mr Robinson tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*
- Motion made and question proposed — That this Bill be now read a second time (*Mr Robinson*).
- Motion made and question — That the debate be now adjourned (*Mr Clark*) — put and agreed to.
- Ordered — That the debate be adjourned until Wednesday 11 August 2010.
- 25 **CONSUMER AFFAIRS LEGISLATION AMENDMENT (REFORM) BILL 2010** — *Mr Robinson tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*
- Motion made and question proposed — That this Bill be now read a second time (*Mr Robinson*).
- Business having been interrupted at 10.00 pm under standing orders.*
- Motion made and question — That the sitting be continued (*Mr Robinson*) — put and agreed to.
- Debate continued on question — That this Bill be now read a second time.
- Motion made and question — That the debate be now adjourned (*Mr Clark*) — put and agreed to.
- Ordered — That the debate be adjourned until Wednesday 11 August 2010.
- 26 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Cameron*) — put and agreed to.
- 27 **ADJOURNMENT** — The Acting Speaker left the Chair, after debate, at 10.38 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JENNY LINDELL  
*Speaker*

## No 181 — Thursday 29 July 2010

- 1 The Speaker took the Chair and read the Prayer.
- 2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:
- Mobile Phone Tower in Myrree** — Requesting that the House notes the need for a mobile phone tower to be erected in Myrree to ensure residents have access to mobile phone reception at all times, bearing 85 signatures (*Dr Sykes*)
- Liquor Licence Fees** — Requesting that the Government recognises the damage across-the-board increases to liquor licences will cause, particularly in many country communities, and reviews the proposed legislation as a matter of urgency, bearing 19 signatures (*Dr Sykes*)
- Fire Services Levy** — Requesting that the House investigates and implements a fairer model of funding fire services in Victoria, bearing 14 signatures (*Dr Sykes*)

**Electricity Smart Meters** — Requesting that the House requires the Government to immediately freeze the roll out of smart meters for electricity use in Victoria until it is independently demonstrated that consumers will not have to pay higher bills, bearing 29 and 51 signatures (*Mrs Fyffe and Mr Northe respectively*)

**Improved Rail Services for the Eastern Suburbs** — Requesting that the House seeks a commitment from the Government to modify the Victorian Transport Plan to include — (a) a full and public feasibility study for heavy rail lines to Rowville and Doncaster; (b) a greater commitment to the extension of the rail tunnel from Domain to Caulfield; (c) a full and public feasibility study for an increase in capacity on the Belgrave/Lilydale and Glen Waverley lines; (d) improved passenger facilities; and (e) fully accessible public transport facilities and vehicles, bearing 2641 signatures (*Ms Lobato*)

**Traffic Lights at Sacred Heart Primary School, Sandringham** — Requesting that the House asks VicRoads and the City of Bayside to install traffic lights at the site of Sacred Heart Primary School in Bay Road, Sandringham, bearing 129 signatures (*Mr Thompson, Sandringham*)

**Shepparton Alternate Route** — Requesting that the House calls on the Government to immediately allocate funds for the Shepparton Alternate Route to — (a) widen the full length, including piping or filling drains on both sides; (b) construct turning lanes at high traffic intersections; and (c) provide warning signs, flashing lights and reduced speed limits at school start and finish times, bearing 189 signatures (*Mrs Powell*).

Petitions ordered to be tabled.

- 3 **PETITION — SHEPPARTON ALTERNATE ROUTE** — Motion made and question — That the petition presented by the Member for Shepparton be taken into consideration tomorrow (*Mrs Powell*) — put and agreed to.
- 4 **PETITION — ELECTRICITY SMART METERS** — Motion made and question — That the petition presented by the Member for Evelyn be taken into consideration tomorrow (*Mrs Fyffe*) — put and agreed to.
- 5 **PETITION — TRAFFIC LIGHTS AT SACRED HEART PRIMARY SCHOOL, SANDRINGHAM** — Motion made and question — That the petition presented by the Member for Sandringham be taken into consideration tomorrow (*Mr Thompson, Sandringham*) — put and agreed to.
- 6 **PETITION — MOBILE PHONE TOWER IN MYRRHEE** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.
- 7 **PETITION — LIQUOR LICENCE FEES** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.
- 8 **PETITION — FIRE SERVICES LEVY** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.
- 9 **PETITION — ELECTRICITY SMART METERS** — Motion made and question — That the petition presented by the Member for Morwell be taken into consideration tomorrow (*Mr Northe*) — put and agreed to.

10 **DOCUMENTS**

**VICTORIAN CHILD DEATH REVIEW COMMITTEE** — Motion made, by leave, and question — That the Victorian Child Death Review Committee's Report of inquiries into the deaths of children known to Child Protection 2010 be tabled (*Ms Neville*) — put and agreed to.

**DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:

*Gambling Regulation Act 2003* — Report of the Gambling and Lotteries Licence Review Panel to the Minister for Gaming in relation to expressions of interest in the grant of a wagering and betting licence under s 10.2A.11 — Ordered to be printed

Ombudsman — *Whistleblowers Protection Act 2001*: Investigation into an allegation of improper conduct within RMIT's School of Engineering (TAFE) — Aerospace — Ordered to be printed.

11 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourns until Tuesday 10 August 2010 (*Ms Neville*) — put and agreed to.

12 **STATEMENTS BY MEMBERS** — Statements by members were made.

13 **CLIMATE CHANGE BILL 2010** — *Mr Brumby tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Brumby*).

Motion made and question — That the debate be now adjourned (*Mr O'Brien*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 12 August 2010.

14 **ASSOCIATIONS INCORPORATION AMENDMENT BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Mr Kotsiras*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

15 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 3 to 7 inclusive, be postponed until later this day.

16 **ENERGY AND RESOURCES LEGISLATION AMENDMENT BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 2.00 pm under standing orders.*

17 **QUESTIONS** — (Under SO 55).

18 **ENERGY AND RESOURCES LEGISLATION AMENDMENT BILL 2010** — Debate resumed on question — That this Bill be now read a second time.

Bill read a second time and, by leave, immediately read a third time.

Bill sent to the Legislative Council and their agreement requested.

- 19 **PRIMARY INDUSTRIES LEGISLATION AMENDMENT BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.
- Allocation of time — The Deputy Speaker advised that the time allocated for consideration of bills under the resolution of the House on Tuesday 27 July 2010 had expired.*
- Question — That this Bill be now read a second time — put and agreed to.
- Question — That this Bill be now read a third time — put and agreed to.
- Bill sent to the Legislative Council and their agreement requested.
- 20 **PERSONAL SAFETY INTERVENTION ORDERS BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time.
- Question — That this Bill be now read a second time — put and agreed to.
- Bill read a third time with the concurrence of an absolute majority of the whole number of the members of the Legislative Assembly.
- Bill sent to the Legislative Council and their agreement requested.
- 21 **CIVIL PROCEDURE BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time.
- Question — That this Bill be now read a second time and a third time — put and agreed to.
- Bill sent to the Legislative Council and their agreement requested.
- 22 **ASSOCIATIONS INCORPORATION AMENDMENT BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time.
- Question — That this Bill be now read a second time and a third time — put and agreed to.
- Bill sent to the Legislative Council and their agreement requested.
- 23 **JURIES AMENDMENT (REFORM) BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time.
- Question — That this Bill be now read a second time and a third time — put and agreed to.
- Bill sent to the Legislative Council and their agreement requested.
- 24 **FIREARMS AND OTHER ACTS AMENDMENT BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time.
- Question — That this Bill be now read a second time and a third time — put and agreed to.
- Bill sent to the Legislative Council and their agreement requested.
- 25 **PRIVATE SECURITY AMENDMENT BILL 2010** — *Mr Cameron tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*
- Motion made and question proposed — That this Bill be now read a second time (*Mr Cameron*).
- Motion made and question — That the debate be now adjourned (*Mr McIntosh*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 12 August 2010.

- 26 **TRANSPORT ACCIDENT AND ACCIDENT COMPENSATION LEGISLATION AMENDMENT BILL 2010** — *Mr Holding tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Holding*).

*Mr Holding made the statement of intention required by s 85(5)(c) of the Constitution Act 1975*

Motion made and question — That the debate be now adjourned (*Mr McIntosh*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 12 August 2010.

- 27 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Wynne*) — put and agreed to.

- 28 **ADJOURNMENT** — The Speaker left the Chair, after debate, at 5.02 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JENNY LINDELL  
*Speaker*



## LEGISLATIVE ASSEMBLY OF VICTORIA

### VOTES AND PROCEEDINGS 182, 183 and 184

#### No 182 — Tuesday 10 August 2010

- 1 The House met according to the adjournment — The Speaker took the Chair and read the Prayer.
- 2 **QUESTIONS** — (Under SO 55).
- 3 **VICTORIAN BUSHFIRES ROYAL COMMISSION FINAL REPORT** — Motion made and question — That the House takes note of the 2009 Victorian Bushfires Royal Commission Final Report, July 2010 (*Mr Brumby*) — put, after debate, and agreed to.
- 4 **CONFISCATION AMENDMENT BILL 2010** — Mr Holding, on behalf of Mr Cameron, obtained leave to bring in a Bill '*for an Act to amend the **Confiscation Act 1997** and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 5 **JUSTICE LEGISLATION FURTHER AMENDMENT BILL 2010** — Mr Holding, on behalf of Mr Cameron, obtained leave to bring in 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, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 6 **OCCUPATIONAL LICENSING NATIONAL LAW BILL 2010** — Mr Holding obtained leave to bring in a Bill '*for an Act to provide for a national law to regulate the licensing of certain occupations and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 7 **ROAD LEGISLATION MISCELLANEOUS AMENDMENTS BILL 2010** — Mr Pallas obtained leave to bring in 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, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 8 **MARINE SAFETY BILL 2010** — Mr Pallas obtained leave to bring in 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 the Bill was read a first time and ordered to be read a second time tomorrow.
- 9 **EDUCATION AND TRAINING REFORM AMENDMENT (SKILLS) BILL 2010** — Ms Pike obtained leave to bring in 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 the Bill was read a first time and ordered to be read a second time tomorrow.

10 **FAIR TRADING AMENDMENT (AUSTRALIAN CONSUMER LAW) BILL 2010** — Ms Pike, on behalf of Mr Robinson, obtained leave to bring in 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 the Bill was read a first time and ordered to be read a second time tomorrow.

11 **RESIDENTIAL TENANCIES AMENDMENT BILL 2010** — Ms Pike, on behalf of Mr Robinson, obtained leave to bring in 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, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.

12 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

**Pedestrian Crossing in Graham Street, Wonthaggi** — Requesting that the House and the Minister for Roads and Ports act immediately to install a suitable pedestrian crossing at Graham Street, Wonthaggi and consider allocating an alternative route for heavy vehicles, bearing 19 signatures (*Mr Smith, Bass*)

**Bus Service from Venus Bay to Wonthaggi** — Requesting that the House and the Minister for Public Transport act immediately to offer a weekly bus service from Venus Bay, via Tarwin Lower, to Wonthaggi, bearing 447 signatures (*Mr Smith, Bass*)

**Train Service Needs for Mildura** — Requesting that the House reinstates the Melbourne to Mildura passenger train service to cater for the aged, disabled and financially disadvantaged, bearing 8 signatures (*Mr Crisp*).

Petitions ordered to be tabled.

13 **PETITION — PEDESTRIAN CROSSING IN GRAHAM STREET, WONTHAGGI** — Motion made and question — That the petition presented by the Member for Bass be taken into consideration tomorrow (*Mr Smith, Bass*) — put and agreed to.

14 **PETITION — BUS SERVICE FROM VENUS BAY TO WONTHAGGI** — Motion made and question — That the petition presented by the Member for Bass be taken into consideration tomorrow (*Mr Smith, Bass*) — put and agreed to.

15 **PETITION — TRAIN SERVICE NEEDS FOR MILDURA** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.

16 **DOCUMENTS**

**STATEMENT ON MINISTERIAL INTERVENTION IN PLANNING MATTERS** — Motion made, by leave, and question — That a Statement on Ministerial Intervention in Planning Matters for the period May 2009 to April 2010 under the *Planning and Environment Act 1987*, the *Victorian Civil and Administrative Tribunal Act 1998* and the *Heritage Act 1995* be tabled (*Mr Andrews*) — put and agreed to.

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — Motion made, by leave, and question — That the Annual Review 2009, Regulations 2009 from the Scrutiny of Acts and Regulations Committee, together with appendices, be tabled (*Mr Carli*) — put and agreed to.

Ordered to be printed.

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — Mr Carli, Chair, presented the Alert Digest No 11 of 2010 from the Scrutiny of Acts and Regulations Committee on the:

Bail Amendment Bill 2010  
 Climate Change Bill 2010  
 Consumer Affairs Legislation Amendment (Reform) Bill 2010  
 Control of Weapons Amendment Bill 2010  
 Liquor Control Reform Amendment Bill 2010  
 Local Government and Planning Legislation Amendment Bill 2010  
 Mineral Resources Amendment (Sustainable Development) Bill 2010  
 Personal Property Securities (Statute Law Revision and Implementation) Bill 2010  
 Personal Safety Intervention Orders Bill 2010  
 Plant Biosecurity Bill 2010  
 Private Security Amendment Bill 2010  
 Subordinate Legislation Amendment Bill 2010  
 Superannuation Legislation Amendment Bill 2010  
 Tourist and Heritage Railways Bill 2010  
 Traditional Owner Settlement Bill 2010  
 Transport Accident and Accident Compensation Legislation Amendment Bill 2010

together with appendices.

Ordered to be tabled and printed.

**PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE** — Ms Graley presented a report from the Public Accounts and Estimates Committee on the Public Finance and Accountability Bill 2009, together with an appendix, a minority report and an extract from the proceedings.

Ordered to be tabled and printed.

**DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:

*Bushfires Royal Commission (Report) Act 2009* — 2009 Victorian Bushfires Royal Commission Final Report, July 2010 (five documents and CD) — Ordered to be printed

*Crown Land (Reserves) Act 1978* — Order under s 17D granting a lease over Sandringham Beach Park Reserve

Melbourne Cricket Ground Trust — Report year ended 31 March 2010

*Planning and Environment Act 1987* — Notices of approval of amendments to the following Planning Schemes:

East Gippsland — C68, C85  
 Horsham — C50  
 Hume — C124  
 Maroondah — C105  
 South Gippsland — C46  
 Victoria Planning Provisions — VC66, VC69  
 Wellington — C53 Part 1, C60

Statutory Rules under the following Acts:

*Electronic Transactions (Victoria) Act 2000* — SR 70  
*Victorian Civil and Administrative Tribunal Act 1998* — SR 73

*Water Act 1989* — SRs 71, 72

*Subordinate Legislation Act 1994*:

Minister's exception certificate in relation to Statutory Rule 73

Ministers' exemption certificates in relation to Statutory Rules 62, 69

*Water Act 1989* — Koo Wee Rup Water Supply Protection Area Groundwater Management Plan under s 32A.

17 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Control of Weapons Amendment Bill 2010 without amendment.

18 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Severe Substance Dependence Treatment Bill 2009 without further amendment.

19 **MESSAGES FROM THE GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that he had given the royal assent to the following bills, presented to him by the Clerk of the Parliaments:

On 3 August 2010

Electoral Amendment (Electoral Participation) Bill 2010

On 10 August 2010

Control of Weapons Amendment Bill 2010

Severe Substance Dependence Treatment Bill 2009.

20 **MESSAGES FROM THE GOVERNOR** — Recommending appropriations for the purposes of the following bills:

Climate Change Bill 2010

Consumer Affairs Legislation Amendment (Reform) Bill 2010

Liquor Control Reform Amendment Bill 2010

Plant Biosecurity Bill 2010

Private Security Amendment Bill 2010

Traditional Owner Settlement Bill 2010

Transport Accident and Accident Compensation Legislation Amendment Bill 2010.

21 **SUSPENSION OF STANDING ORDERS** — Motion made, by leave, and question — That so much of standing orders be suspended to allow the matter of public importance due on Wednesday 11 August 2010 to be omitted from the order of business on that day, and on Wednesday 1 September 2010 and Wednesday 6 October 2010 the matters of public importance due to be proposed under SO 39 to be proposed by the Opposition (*Mr Andrews*) — put, after debate, and agreed to.

22 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, under SO 94(2), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 6.00 pm on Thursday 12 August 2010:

Climate Change Bill 2010

Consumer Affairs Legislation Amendment (Reform) Bill 2010

Liquor Control Reform Amendment Bill 2010

Local Government and Planning Legislation Amendment Bill 2010

Mineral Resources Amendment (Sustainable Development) Bill 2010

Plant Biosecurity Bill 2010

Private Security Amendment Bill 2010

Traditional Owner Settlement Bill 2010

(*Mr Andrews*) — put, after debate, and agreed to.

- 23 **STATEMENTS BY MEMBERS** — Statements by members were made.
- 24 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Holding*) — put and agreed to.
- 25 **ADJOURNMENT** — The Deputy Speaker left the Chair, after debate, at 10.11 pm.

R W PURDEY  
Clerk of the Legislative Assembly

JENNY LINDELL  
Speaker

## No 183 — Wednesday 11 August 2010

- 1 The Speaker took the Chair and read the Prayer.
- 2 **PETITION** — The Clerk announced that the following petition had been lodged for presentation:
- Train Service Needs for Mildura** — Requesting that the House reinstates the Melbourne to Mildura passenger train service to cater for the aged, disabled and financially disadvantaged, bearing 25 signatures (*Mr Crisp*).
- Ordered to be tabled.
- 3 **PETITION — TRAIN SERVICE NEEDS FOR MILDURA** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.
- 4 **DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:
- Auditor-General:
- Local Government: Interim Results of the 2009–10 Audits — Ordered to be printed  
Water Entities: Interim Results of the 2009–10 Audits — Ordered to be printed
- Freedom of Information Act 1982* — Statement of reasons for seeking leave to appeal under s 65AB
- Ombudsman, Office of — Report 2009–10 — Part 1 — Ordered to be printed.
- The following proclamation fixing an operative date was tabled by the Clerk in accordance with an order of the House dated 19 December 2006:
- Therapeutic Goods (Victoria) Act 2010* — Whole Act — 3 August 2010 (*Gazette S306, 3 August 2010*).
- 5 **STATEMENTS BY MEMBERS** — Statements by members were made.
- 6 **STATEMENTS ON PARLIAMENTARY COMMITTEE REPORTS** — Statements were made on the following Committee Reports:

Public Accounts and Estimates Committee's Report on the Public Finance and Accountability Bill 2009

Electoral Matters Committee's Report on the Inquiry into functions and administration of voting centres

Drugs and Crime Prevention Committee's Report on the Inquiry into People Trafficking for Sex Work

Outer Suburban/Interface Services and Development Committee's Report on the Inquiry into Sustainable Development of Agribusiness in Outer Suburban Melbourne.

- 7 **TRADITIONAL OWNER SETTLEMENT BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Amendment proposed — That all the words after 'That' be omitted with the view of inserting in their place the words 'this House refuses to read this Bill a second time until there has been adequate time for proper consultation on the contents of the Bill with the community and with affected stakeholders' (*Mr Clark*) — and, after debate —

Motion made and question — That the debate be now adjourned (*Mr Herbert*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 8 **MINERAL RESOURCES AMENDMENT (SUSTAINABLE DEVELOPMENT) BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Mr Delahunty*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

*Business having been interrupted at 2.00 pm under standing orders.*

- 9 **QUESTIONS** — (Under SO 55).

- 10 **LOCAL GOVERNMENT AND PLANNING LEGISLATION AMENDMENT BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Ms Kairouz*) — put and agreed to.

Ordered — That the debate be adjourned until tomorrow.

- 11 **LIQUOR CONTROL REFORM AMENDMENT BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Ms Hennessy*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 12 **CONSUMER AFFAIRS LEGISLATION AMENDMENT (REFORM) BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Ms Richardson*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 13 **PLANT BIOSECURITY BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Mr Langdon*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 14 **TRADITIONAL OWNER SETTLEMENT BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time — *and on the amendment* — That all the words after 'That' be omitted with the view of inserting in their place the words 'this House refuses to read this Bill a second time until there has been adequate time for proper consultation on the contents of the Bill with the community and with affected stakeholders'; debate resumed.

Motion made and question — That the debate be now adjourned (*Mr Langdon*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 15 **LIQUOR CONTROL REFORM AMENDMENT BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 10.00 pm under standing orders.*

Motion made and question — That the sitting be continued (*Mr Wynne*) — put and agreed to.

Debate continued on question — That this Bill be now read a second time.

Motion made and question — That the debate be now adjourned (*Mr Langdon*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 16 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Merlino*) — put and agreed to.

- 17 **ADJOURNMENT** — The Acting Speaker left the Chair, after debate, at 11.18 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JENNY LINDELL  
*Speaker*

## No 184 — Thursday 12 August 2010

- 1 The Speaker took the Chair and read the Prayer.

- 2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

**Traffic Lights in Bulleen** — Requesting that the House supports the installation of traffic lights at the intersection of Bulleen Road and Golden Way in Bulleen, bearing 313 signatures (*Mr Kotsiras*)

**Train Service Needs for Mildura** — Requesting that the House reinstates the Melbourne to Mildura passenger train service to cater for the aged, disabled and financially disadvantaged, bearing 30 signatures (*Mr Crisp*)

**New Street Railway Gates** — Requesting that the House calls upon the Government, Metro Rail and the City of Bayside to instigate immediate action to re-open the New Street railway gates, bearing 39 signatures (*Mr Thompson, Sandringham*).

Petitions ordered to be tabled.

3 **PETITION — TRAFFIC LIGHTS IN BULLEEN** — Motion made and question — That the petition presented by the Member for Bulleen be taken into consideration tomorrow (*Mr Kotsiras*) — put and agreed to.

4 **PETITION — NEW STREET RAILWAY GATES** — Motion made and question — That the petition presented by the Member for Sandringham be taken into consideration tomorrow (*Mr Thompson, Sandringham*) — put and agreed to.

5 **PETITION — TRAIN SERVICE NEEDS FOR MILDURA** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.

## 6 DOCUMENTS

**PRIVILEGES COMMITTEE** — Mr Lupton, Chair, presented a report from the Privileges Committee on the right of reply from Ms Arnie Azaris, a person referred to in the Legislative Assembly, together with appendices.

Ordered to be tabled and printed.

**PRIVILEGES COMMITTEE** — Mr Lupton, Chair, presented a report from the Privileges Committee on the right of reply from Ms Julianne Bell, a person referred to in the Legislative Assembly, together with appendices.

Ordered to be tabled and printed.

**DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:

Police Integrity, Office of — Complaint Investigation Report — Ordered to be printed

Victorian Law Reform Commission — Surveillance in Public Places — Ordered to be printed.

7 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourns until Tuesday 31 August 2010 (*Ms Neville*) — put and agreed to.

8 **STATEMENTS BY MEMBERS** — Statements by members were made.

9 **POSTPONEMENT OF ORDER OF THE DAY** — Ordered — That the consideration of Government Business, Order of the Day, No 1 be postponed until later this day.

10 **CLIMATE CHANGE BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 2.00 pm under standing orders.*

- 11 **QUESTIONS** — (Under SO 55).
- 12 **CLIMATE CHANGE BILL 2010** — Debate resumed on question — That this Bill be now read a second time.
- Motion made and question — That the debate be now adjourned (*Ms Green*) — put and agreed to.
- Ordered — That the debate be adjourned until later this day.
- 13 **TOURIST AND HERITAGE RAILWAYS BILL 2010** — The Acting Speaker announced the receipt of a message from the Legislative Council presenting, for the agreement of the Legislative Assembly, 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 Pallas, the Bill was read a first time and ordered to be read a second time tomorrow.
- 14 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Domestic Animals Amendment (Dangerous Dogs) Bill 2010 without amendment.
- 15 **PRIVATE SECURITY AMENDMENT BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.
- Motion made and question — That the debate be now adjourned (*Mr Kotsiras*) — put and agreed to.
- Ordered — That the debate be adjourned until later this day.
- 16 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Transport Legislation Amendment (Ports Integration) Bill 2010 as recommended by the Dispute Resolution Committee.
- 17 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 3 to 7 inclusive, be postponed until later this day.
- 18 **PLANT BIOSECURITY BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.
- Motion made and question — That the debate be now adjourned (*Mr Langdon*) — put and agreed to.
- Ordered — That the debate be adjourned until later this day.
- 19 **CLIMATE CHANGE BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.
- Bill read a second time and, by leave, immediately read a third time.
- Bill sent to the Legislative Council and their agreement requested.
- 20 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Associations Incorporation Amendment Bill 2010 with amendments.
- Ordered — That the amendments be taken into consideration later this day.
- 21 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Working with Children Amendment Bill 2010 without amendment.

- 22 **MINERAL RESOURCES AMENDMENT (SUSTAINABLE DEVELOPMENT) BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Allocation of time* — *The Speaker advised that the time allocated for consideration of bills under the resolution of the House on Tuesday 10 August 2010 had expired.*

Question — That this Bill be now read a second time — put and agreed to.

Question — That this Bill be now read a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 23 **LOCAL GOVERNMENT AND PLANNING LEGISLATION AMENDMENT BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time and a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 24 **CONSUMER AFFAIRS LEGISLATION AMENDMENT (REFORM) BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time and a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 25 **TRADITIONAL OWNER SETTLEMENT BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time — *and on the amendment* — That all the words after 'That' be omitted with the view of inserting in their place the words 'this House refuses to read this Bill a second time until there has been adequate time for proper consultation on the contents of the Bill with the community and with affected stakeholders'.

Question — That the words proposed to be omitted stand part of the question — put.

The House divided (the Speaker, Ms Lindell, in the Chair) —

AYES 48

Mr Andrews; Ms Barker; Mr Batchelor; Ms Beattie; Mr Brooks; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Mr Eren; Mr Foley; Ms Grale; Ms Green; Mr Hardman; Dr Harkness; Mr Helper; Ms Hennessy; Mr Herbert; Mr Howard; Mr Hulls; Ms Kairouz; Mr Langdon; Mr Languiller; Mr Lim; Mr Lupton; Mrs Maddigan; Ms Marshall; Mr Merlino; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Pike; Ms Richardson; Mr Scott; Mr Seitz; Mr Stensholt; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

NOES 30

Ms Asher; Mr Baillieu; Mr Blackwood; Mr Clark; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Hodgett; Mr Ingram; Mr Kotsiras; Mr McIntosh; Mr Morris; Mr Mulder; Dr Napthine; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith (*Bass*); Mr Smith (*Warrandyte*); Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Weller; Mr Wells; Ms Wooldridge.

Question agreed to.

Question — That this Bill be now read a second time and a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 26 **LIQUOR CONTROL REFORM AMENDMENT BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time.
- Question — That this Bill be now read a second time and a third time — put and agreed to.
- Bill sent to the Legislative Council and their agreement requested.
- 27 **PLANT BIOSECURITY BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time.
- Question — That this Bill be now read a second time — put and agreed to.
- Bill read a third time with the concurrence of an absolute majority of the whole number of the members of the Legislative Assembly.
- Bill sent to the Legislative Council and their agreement requested.
- 28 **PRIVATE SECURITY AMENDMENT BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time.
- Question — That this Bill be now read a second time and a third time — put and agreed to.
- Bill sent to the Legislative Council and their agreement requested.
- 29 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 9 to 13 inclusive, be postponed until later this day.
- 30 **EDUCATION AND TRAINING REFORM AMENDMENT (SKILLS) BILL 2010** — *Ms Pike tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*
- Motion made and question proposed — That this Bill be now read a second time (*Ms Pike*).
- Motion made and question — That the debate be now adjourned (*Mr McIntosh*) — put and agreed to.
- Ordered — That the debate be adjourned until Thursday 26 August 2010.
- 31 **CONFISCATION AMENDMENT BILL 2010** — *Mr Hulls tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*
- Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).
- Motion made and question — That the debate be now adjourned (*Mr Clark*) — put and agreed to.
- Ordered — That the debate be adjourned until Thursday 26 August 2010.
- 32 **JUSTICE LEGISLATION FURTHER AMENDMENT BILL 2010** — *Mr Cameron tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*
- Motion made and question proposed — That this Bill be now read a second time (*Mr Cameron*).
- Motion made and question — That the debate be now adjourned (*Mr McIntosh*) — put and agreed to.
- Ordered — That the debate be adjourned until Thursday 26 August 2010.

- 33 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Agreeing to the following bills without amendment:

Primary Industries Legislation Amendment Bill 2010  
Civil Procedure Bill 2010.

- 34 **OCCUPATIONAL LICENSING NATIONAL LAW BILL 2010** — *Mr Cameron tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Cameron*).

Motion made and question — That the debate be now adjourned (*Mr Wells*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 26 August 2010.

- 35 **ROAD LEGISLATION MISCELLANEOUS AMENDMENTS BILL 2010** — *Mr Pallas tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Pallas*).

Motion made and question — That the debate be now adjourned (*Dr Napthine*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 26 August 2010.

- 36 **MARINE SAFETY BILL 2010** — *Mr Pallas tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Pallas*).

Motion made and question — That the debate be now adjourned (*Dr Napthine*) — put and agreed to.

Motion made and question proposed — That the debate be adjourned for two weeks (*Mr Pallas*).

Amendment proposed — That the word 'two' be omitted with the view of inserting in its place the word 'four' (*Mr Ingram*) — and, after debate —

Question — That the word proposed to be omitted stand part of the question — put.

The House divided (the Speaker, Ms Lindell, in the Chair) —

AYES 29

Mr Andrews; Ms Barker; Mr Batchelor; Mr Brooks; Mr Cameron; Ms Campbell; Ms D'Ambrosio; Mr Donnellan; Mr Foley; Ms Graley; Dr Harkness; Ms Hennessy; Ms Kairouz; Mr Langdon; Mr Lupton; Mr Merlino; Ms Morand; Ms Munt; Mr Nardella; Mr Noonan; Mr Pallas; Mr Perera; Ms Richardson; Mr Robinson; Mr Scott; Mr Seitz; Mr Stensholt; Ms Thomson (*Footscray*); Mr Wynne.

NOES 9

Mr Clark; Mr Ingram; Mr McIntosh; Mr Morris; Dr Napthine; Mrs Powell; Mr Thompson (*Sandringham*); Mr Weller; Mr Wells.

Question agreed to.

Ordered — That the debate be adjourned until Thursday 26 August 2010.

- 37 **POSTPONEMENT OF ORDER OF THE DAY** — Ordered — That the consideration of Government Business, Order of the Day, No 15 be postponed until later this day.
- 38 **RESIDENTIAL TENANCIES AMENDMENT BILL 2010** — *Mr Robinson tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*
- Motion made and question proposed — That this Bill be now read a second time (*Mr Robinson*).
- Motion made and question — That the debate be now adjourned (*Mr McIntosh*) — put and agreed to.
- Ordered — That the debate be adjourned until Thursday 26 August 2010.
- 39 **FAIR TRADING AMENDMENT (AUSTRALIAN CONSUMER LAW) BILL 2010** — *Mr Robinson tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*
- Motion made and question proposed — That this Bill be now read a second time (*Mr Robinson*).
- Motion made and question — That the debate be now adjourned (*Mr McIntosh*) — put and agreed to.
- Ordered — That the debate be adjourned until Thursday 26 August 2010.
- 40 **ASSOCIATIONS INCORPORATION AMENDMENT BILL 2010** — Order read for the consideration of the amendments made by the Legislative Council.
- After debate, the amendments were agreed to.
- Message sent to the Legislative Council informing them accordingly.
- 41 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Wynne*) — put and agreed to.
- 42 **ADJOURNMENT** — The Speaker left the Chair, after debate, at 10.00 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JENNY LINDELL  
*Speaker*



## LEGISLATIVE ASSEMBLY OF VICTORIA

### VOTES AND PROCEEDINGS Nos 185, 186 and 187

#### No 185 — Tuesday 31 August 2010

- 1 The House met according to the adjournment — The Speaker took the Chair and read the Prayer.
- 2 **RESIGNATION OF SEAT** — The Speaker announced that she had, on 25 August 2010, received the resignation of the Member for Ivanhoe.
- 3 **DEATH OF THE HONOURABLE JAMES HARLEY KENNAN, SC** — Motion made and question — That this House expresses its sincere sorrow at the death 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 Member of the Legislative Council for the Electoral Province of Thomastown 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 and Minister responsible for Aboriginal Affairs from 1986 to 1987, Minister for Transport from 1987 to 1990, Deputy Premier and Minister for the Arts from 1990 to 1992, Minister for Major Projects from 1991 to 1992, Deputy Leader of the Opposition from 1992 to 1993 and Leader of the Opposition in 1993 (*Mr Brumby*) — put, after members had addressed the House in support of the motion and, members rising in their places to signify their assent, agreed to unanimously.
- 4 **ADJOURNMENT** — Motion made and question — That, as a further mark of respect to the memory of the late Honourable James Harley Kennan, SC, the House now adjourns until tomorrow (*Mr Brumby*) — put and agreed to.

And the House, at 3.53 pm adjourned until tomorrow at 9.30 am.

R W PURDEY  
*Clerk of the Legislative Assembly*

JENNY LINDELL  
*Speaker*

#### No 186 — Wednesday 1 September 2010

- 1 The House met according to the adjournment — The Speaker took the Chair and read the Prayer.
- 2 **JUDICIAL COMMISSION OF VICTORIA BILL 2010** — Mr Hulls obtained leave to bring in 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 the Bill was read a first time and ordered to be read a second time tomorrow.
- 3 **FIRE SERVICES COMMISSIONER BILL 2010** — Mr Cameron obtained leave to bring in 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 the Bill was read a first time and ordered to be read a second time tomorrow.

4 **ROAD SAFETY AMENDMENT (HOON DRIVING) BILL 2010** — Ms Morand, on behalf of Mr Pallas, obtained leave to bring in 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 the Bill was read a first time and ordered to be read a second time tomorrow.

5 **EDUCATION AND CARE SERVICES NATIONAL LAW BILL 2010** — Ms Morand obtained leave to bring in a Bill *'for an Act to provide for a National Law to regulate education and care services for children and for other purposes'*; and the Bill was read a first time and ordered to be read a second time tomorrow.

6 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

**Myki Cards for Seniors** — Requesting that the House resolves that the Minister for Public Transport directs the Transport Ticketing Authority to distribute free myki cards to Victorians over 60 as promised and without delay, bearing 984 signatures (*Mrs Victoria*)

**Prostate Screening Program** — Requesting that the House immediately takes the necessary steps to introduce prostate screening programs for men over 50, bearing 6140 signatures (*Mr Nardella*)

**Melbourne–Mildura Train Line** — Requesting that the House brings forward the reinstatement of the Melbourne–Mildura passenger train service in view of concerns including global warming, and the need to connect Mildura to both the Melbourne and the national rail networks, bearing 12 signatures (*Mr Crisp*)

**Electricity Smart Meters** — Requesting that the House requires the Government to immediately freeze the roll out of smart meters for electricity use in Victoria until it is independently demonstrated that consumers will not have to pay higher bills, bearing 20 and 19 signatures (*Mr Northe and Mr Walsh respectively*)

**Rupanyup Speed Limit** — Requesting that the House requires VicRoads to immediately adjust the speed limit on the Rupanyup town centre section of the Wimmera Highway to 50 km per hour, bearing 158 signatures (*Mr Walsh*).

Petitions ordered to be tabled.

7 **PETITION — MYKI CARDS FOR SENIORS** — Motion made and question — That the petition presented by the Member for Bayswater be taken into consideration tomorrow (*Mrs Victoria*) — put and agreed to.

8 **PETITION — PROSTATE SCREENING PROGRAM** — Motion made and question — That the petition presented by the Member for Melton be taken into consideration tomorrow (*Mr Nardella*) — put and agreed to.

9 **PETITION — MELBOURNE–MILDURA TRAIN LINE** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.

10 **PETITION — ELECTRICITY SMART METERS** — Motion made and question — That the petition presented by the Member for Morwell be taken into consideration tomorrow (*Mr Northe*) — put and agreed to.

11 **DOCUMENTS**

**PARTNERSHIPS VICTORIA PROJECT SUMMARY: ARARAT PRISON PROJECT** — Motion made, by leave, and question — That the Partnerships Victoria Project Summary: Ararat Prison Project be tabled (*Mr Cameron*) — put and agreed to.

**LAW REFORM COMMITTEE** — Mr Clark presented a report from the Law Reform Committee on the Inquiry into Powers of Attorney, together with appendices, an extract from the proceedings and transcripts of evidence.

Ordered to be tabled and the report, appendices and extract from the proceedings printed.

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — Mr Carli, Chair, presented the Alert Digest No 12 of 2010 from the Scrutiny of Acts and Regulations Committee on the:

- Bail Amendment Bill 2010
- Confiscation Amendment Bill 2010
- Education and Training Reform Amendment (Skills) Bill 2010
- Fair Trading Amendment (Australian Consumer Law) Bill 2010
- Firearms and Other Acts Amendment Bill 2010
- Juries Amendment (Reform) Bill 2010
- Justice Legislation Further Amendment Bill 2010
- Marine Safety Bill 2010
- Occupational Licensing National Law Bill 2010
- Personal Property Securities (Statute Law Revision and Implementation) Bill 2010
- Primary Industries Legislation Amendment Bill 2010
- Private Security Amendment Bill 2010
- Residential Tenancies Amendment Bill 2010
- Road Legislation Miscellaneous Amendments Bill 2010

together with appendices.

Ordered to be tabled and printed.

**EDUCATION AND TRAINING COMMITTEE** — Mr Kotsiras presented an interim report from the Education and Training Committee on the Inquiry into the Administration of the Federal Government's Building the Education Revolution Program in Victoria, together with appendices.

Ordered to be tabled and printed.

**PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE** — Mr Stensholt, Chair, presented a report from the Public Accounts and Estimates Committee on the Public Finance and Accountability Bill 2009 — Further Considerations, together with appendices, an extract from the proceedings and transcripts of evidence.

Ordered to be tabled and printed.

**ROAD SAFETY COMMITTEE** — Mr Eren, Chair, presented a report from the Road Safety Committee on the Inquiry into Federal-State Road Funding Arrangements, together with appendices and transcripts of evidence.

Ordered to be tabled and the report and appendices printed.

**RURAL AND REGIONAL COMMITTEE** — Mr Nardella presented a report from the Rural and Regional Committee on the Inquiry into Positioning the Wimmera Mallee Pipeline Region to Capitalise on new Economic Development Opportunities, together with appendices and transcripts of evidence.

Ordered to be tabled and the report and appendices printed.

**DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:

Auditor-General:

Business Continuity Management in Local Government — Ordered to be printed  
Public Hospitals: Interim Results of the 2009–10 Audits — Ordered to be printed  
Sustainable Farm Families Program — Ordered to be printed

*Crown Land (Reserves) Act 1978:*

Order under s 17B granting a licence over Darling Gardens Reserve

Orders under s 17D granting leases over:

Esplanade Public Park Reserve  
Lorne Foreshore Reserve  
Sandringham Beach Park Reserve

*Financial Management Act 1994* — Report from the Minister for Agriculture that he had received the Report 2009–10 of the Victorian Broiler Industry Negotiation Committee

*Land Acquisition and Compensation Act 1986* — Certificate under s 7

Ombudsman, Office of — Report 2009–10 — Part II — Ordered to be printed

*Parliamentary Committees Act 2003* — Government response to the Environment and Natural Resources Committee's Report on the Inquiry into Approval Processes for Renewable Energy Projects in Victoria

*Planning and Environment Act 1987* — Notices of approval of amendments to the following Planning Schemes:

Banyule — C67, C74  
Bass Coast — C88, C101  
Cardinia — C143, C144  
Casey — C116, C135, C138  
Frankston — C38  
French Island and Sandstone Island — C4  
Glen Eira — C68, C73  
Greater Geelong — C60, C159, C178, C201, C227, C229  
Hume — C125, C127, C131, C140  
Melbourne — C166  
Melton — C71, C83, C102  
Monash — C101  
Moonee Valley — C94  
Moorabool — C56  
Moreland — C116  
Mount Alexander — C43  
Stonnington — C91, C101, C103

Surf Coast — C48, C62  
 Whitehorse — C117  
 Whittlesea — C109  
 Wyndham — C78, C132, C136, C138, C139

*Professional Standards Act 2003* — The New South Wales Bar Association Scheme under s 14  
 (*Gazette G33, 19 August 2010*)

Statutory Rules under the following Acts:

*Assisted Reproductive Treatment Act 2008* — SR 74  
*Cemeteries and Crematoria Act 2003* — SR 75  
*Health Services Act 1988* — SR 76  
*Non-Emergency Patient Transport Act 2003* — SR 78  
*Public Health and Wellbeing Act 2008* — SR 79  
*Residential Tenancies Act 1997* — SR 77  
*Road Safety Act 1986* — SR 80

*Subordinate Legislation Act 1994* — Ministers' exemption certificates in relation to Statutory Rules  
 46, 71, 72, 74, 75, 76, 77, 78, 79, 80

*Water Act 1989*:

Abolition of King Parrot Creek Catchment Water Supply Protection Area Order 2010  
 Abolition of Yea River Catchment Water Supply Protection Area Order 2010.

The following proclamations fixing operative dates were tabled by the Clerk in accordance with an order of the House dated 19 December 2006:

*Control of Weapons Amendment Act 2010* — Whole Act (other than sections 6 and 22) — 22 August 2010; Section 6 — 1 January 2011 (*Gazette G33, 19 August 2010*)  
*Electoral Amendment (Electoral Participation) Act 2010* — Whole Act — 20 August 2010 (*Gazette G33, 19 August 2010*)  
*Parks and Crown Land Legislation Amendment (East Gippsland) Act 2009* — Whole Act — 20 August 2010 (*Gazette G33, 19 August 2010*)  
*Parks and Crown Land Legislation (Mount Buffalo) Act 2010* — Sections 9, 10, 11, 12, 13, 16, 17 and 18 — 21 August 2010 (*Gazette G33, 19 August 2010*)  
*Pharmacy Regulation Act 2010* — Whole Act (except Division 2 of Part 8) — 24 August 2010 (*Gazette G32, 12 August 2010*).

- 12 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Agreeing to the following bills without amendment:

Firearms and Other Acts Amendment Bill 2010  
 Supported Residential Services (Private Proprietors) Bill 2010  
 Water Amendment (Victorian Environmental Water Holder) Bill 2010.

- 13 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Gambling Regulation Amendment (Licensing) Bill 2010 with an amendment.

Ordered — That the amendment be taken into consideration tomorrow.

- 14 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Energy and Resources Legislation Amendment Bill 2010 with amendments.

Ordered — That the amendments be taken into consideration tomorrow.

- 15 **BAIL AMENDMENT BILL 2010** — The Speaker announced the receipt of a message from the Legislative Council presenting, for the agreement of the Legislative Assembly, 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 Hulls, the Bill was read a first time and ordered to be read a second time tomorrow.

- 16 **PERSONAL PROPERTY SECURITIES (STATUTE LAW REVISION AND IMPLEMENTATION) BILL 2010** — The Speaker announced the receipt of a message from the Legislative Council presenting, for the agreement of the Legislative Assembly, 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 Hulls, the Bill was read a first time and ordered to be read a second time tomorrow.

- 17 **SUBORDINATE LEGISLATION AMENDMENT BILL 2010** — The Speaker announced the receipt of a message from the Legislative Council presenting, for the agreement of the Legislative Assembly, 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 Brumby, the Bill was read a first time and ordered to be read a second time tomorrow.

- 18 **MESSAGES FROM THE GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that he had given the royal assent to the following bills, presented to him by the Clerk of the Parliaments:

On 17 August 2010

Domestic Animals Amendment (Dangerous Dogs) Bill 2010

Transport Legislation Amendment (Ports Integration) Bill 2010

On 24 August 2010

Associations Incorporation Amendment Bill 2010

Civil Procedure Bill 2010

Primary Industries Legislation Amendment Bill 2010

Supported Residential Services (Private Proprietors) Bill 2010

Water Amendment (Victorian Environmental Water Holder) Bill 2010

Working with Children Amendment Bill 2010.

- 19 **MESSAGES FROM THE GOVERNOR** — Recommending appropriations for the purposes of the following bills:

Confiscation Amendment Bill 2010

Fair Trading Amendment (Australian Consumer Law) Bill 2010

Justice Legislation Further Amendment Bill 2010

Marine Safety Bill 2010

Occupational Licensing National Law Bill 2010

Residential Tenancies Amendment Bill 2010.

- 20 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, under SO 94(2), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 2 September 2010:

Confiscation Amendment Bill 2010  
 Education and Training Reform Amendment (Skills) Bill 2010  
 Justice Legislation Further Amendment Bill 2010  
 Marine Safety Bill 2010  
 Occupational Licensing National Law Bill 2010  
 Residential Tenancies Amendment Bill 2010

*(Mr Batchelor)* — put, after debate, and agreed to.

21 **STATEMENTS BY MEMBERS** — Statements by members were made.

22 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE — GOVERNMENT RESPONSE TO BUSHFIRES ROYAL COMMISSION RECOMMENDATIONS** — The House was informed that Mr Ryan had proposed that a definite matter of public importance be submitted to the House for discussion, namely —

'That this House condemns the Brumby Labor Government for its failure to adopt all of the 67 recommendations of the Bushfires Royal Commission.'

Mr Ryan addressed the House — Discussion followed.

23 **STATEMENTS ON PARLIAMENTARY COMMITTEE REPORTS** — Statements were made on the following Committee Reports:

Drugs and Crime Prevention Committee's Report on the Inquiry into People Trafficking for Sex Work

Public Accounts and Estimates Committee's Report on the Public Finance and Accountability Bill 2009 — Further Considerations

Environment and Natural Resources Committee's Report on the Impact of Public Land Management Practices on Bushfires in Victoria

Road Safety Committee's Report on the Inquiry into Federal-State Road Funding Arrangements.

*Business having been interrupted at 2.00 pm under standing orders.*

24 **QUESTIONS** — (Under SO 55).

25 **STATEMENTS ON PARLIAMENTARY COMMITTEE REPORTS** — Statements resumed on Committee Reports.

26 **CONFISCATION AMENDMENT BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time.

Under standing orders, Mr Wynne announced amendments to be proposed when the House considers the Bill in detail and requested that they be circulated. Amendments circulated.

Debate resumed on question — That this Bill be now read a second time.

Motion made and question — That the debate be now adjourned (*Ms Green*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

27 **JUSTICE LEGISLATION FURTHER AMENDMENT BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Ms Green*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 28 **OCCUPATIONAL LICENSING NATIONAL LAW BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Ms Kairouz*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 29 **MARINE SAFETY BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time.

Under standing orders, Ms D'Ambrosio announced amendments to be proposed when the House considers the Bill in detail and requested that they be circulated. Amendments circulated.

Under standing orders, Dr Napthine announced an amendment to be proposed when the House considers the Bill in detail and requested that it be circulated. Amendment circulated.

Debate resumed on question — That this Bill be now read a second time.

Motion made and question — That the debate be now adjourned (*Mr Trezise*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 30 **EDUCATION AND TRAINING REFORM AMENDMENT (SKILLS) BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time.

Under standing orders, Ms Pike announced amendments to be proposed when the House considers the Bill in detail and requested that they be circulated. Amendments circulated.

Under standing orders, Mr Dixon announced amendments to be proposed when the House considers the Bill in detail and requested that they be circulated. Amendments circulated.

Debate resumed on question — That this Bill be now read a second time.

*Business having been interrupted at 10.00 pm under standing orders.*

Motion made and question — That the sitting be continued (*Mr Cameron*) — put and agreed to.

Debate continued on question — That this Bill be now read a second time.

Motion made and question — That the debate be now adjourned (*Ms Graley*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 31 **RESIDENTIAL TENANCIES AMENDMENT BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time.

Under standing orders, Ms Pike announced amendments to be proposed when the House considers the Bill in detail and requested that they be circulated. Amendments circulated.

Debate resumed on question — That this Bill be now read a second time.

Motion made and question — That the debate be now adjourned (*Mr Carli*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

32 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Merlino*) — put and agreed to.

33 **ADJOURNMENT** — The House, after debate, having continued to sit after midnight —

THURSDAY 2 SEPTEMBER 2010

The Acting Speaker left the Chair, after debate, at 12.04 am.

R W PURDEY  
*Clerk of the Legislative Assembly*

JENNY LINDELL  
*Speaker*

## No 187 — Thursday 2 September 2010

1 The Speaker took the Chair and read the Prayer.

2 **PETITION** — The Clerk announced that the following petition had been lodged for presentation:

**Traffic Lights in Epping** — Requesting that the House installs traffic lights at the intersection of High Street, Epping Road, Findon Road and O'Herns Road in Epping to improve safety and ease congestion, bearing 1352 signatures (*Ms Green*).

Ordered to be tabled.

3 **PETITION — TRAFFIC LIGHTS IN EPPING** — Motion made and question — That the petition presented by the Member for Yan Yean be taken into consideration tomorrow (*Ms Green*) — put and agreed to.

4 **DOCUMENTS**

**ENVIRONMENT AND NATURAL RESOURCES COMMITTEE** — Mr Pandazopoulos, Chair, presented a report from the Environment and Natural Resources Committee on the Inquiry into Soil Carbon Sequestration in Victoria, together with appendices and transcripts of evidence.

Ordered to be tabled and the report and appendices printed.

**DRUGS AND CRIME PREVENTION COMMITTEE** — Mrs Maddigan, Chair, presented a report from the Drugs and Crime Prevention Committee on the Inquiry into Strategies to Reduce Assaults in Public Places in Victoria, together with appendices and transcripts of evidence.

Ordered to be tabled and the report and appendices printed.

**DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:

Statutory Rules under the following Acts:

*Building Act 1993* — SR 82

*Mental Health Act 1986* — SR 81

*Subordinate Legislation Act 1994* — Ministers' exemption certificates in relation to Statutory Rules 81, 82

*Water Act 1989* — Warrion Water Supply Protection Area Groundwater Management Plan under s 32.

5 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourns until Tuesday 14 September 2010 (*Mr Batchelor*) — put and agreed to.

6 **STATEMENTS BY MEMBERS** — Statements by members were made.

7 **CONFISCATION AMENDMENT BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Ms Kairouz*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

8 **OCCUPATIONAL LICENSING NATIONAL LAW BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Bill read a second time and, by leave, immediately read a third time.

Bill sent to the Legislative Council and their agreement requested.

9 **RESIDENTIAL TENANCIES AMENDMENT BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Mr Donnellan*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

10 **JUSTICE LEGISLATION FURTHER AMENDMENT BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Mr Trezise*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

11 **MARINE SAFETY BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 2.00 pm under standing orders.*

12 **QUESTIONS** — (Under SO 55).

13 **MARINE SAFETY BILL 2010** — Debate resumed on question — That this Bill be now read a second time.

Motion made and question — That the debate be now adjourned (*Mr Perera*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 14 **EDUCATION AND TRAINING REFORM AMENDMENT (SKILLS) BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Bill read a second time and considered in detail (*see pp 979–80*).

*Allocation of time* — *The Deputy Speaker advised that the time allocated for consideration of bills under the resolution of the House on Wednesday 1 September 2010 had expired.*

Question — That clause 56 stand part of the Bill — put.

The House divided (the Deputy Speaker, Ms Barker, in the Chair) —

AYES 48

Mr Andrews; Mr Batchelor; Ms Beattie; Mr Brooks; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Mr Foley; Ms Graley; Ms Green; Mr Hardman; Dr Harkness; Mr Helper; Ms Hennessy; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Ms Kairouz; Mr Languiller; Mr Lim; Ms Lobato; Mr Lupton; Mrs Maddigan; Ms Marshall; Mr Merlino; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Pandazopoulos; Mr Perera; Ms Pike; Ms Richardson; Mr Robinson; Mr Scott; Mr Seitz; Mr Stensholt; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

NOES 33

Ms Asher; Mr Baillieu; Mr Blackwood; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Hodgett; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Morris; Mr Mulder; Dr Napthine; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith (*Bass*); Mr Smith (*Warrandyte*); Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Weller; Mr Wells; Ms Wooldridge.

Question agreed to.

Question — That clauses 57 to 72 inclusive stand part of the bill, the Schedule and Government amendment Nos 5 to 18 inclusive be agreed to, the Bill be agreed to as amended and the Bill be now read a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 15 **CONFISCATION AMENDMENT BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time, Government amendment Nos 1 and 2 be agreed to and the Bill be now read a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 16 **RESIDENTIAL TENANCIES AMENDMENT BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time, Government amendment Nos 1 to 29 inclusive be agreed to and the Bill be now read a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 17 **JUSTICE LEGISLATION FURTHER AMENDMENT BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time and a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 18 **MARINE SAFETY BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time, Government amendment Nos 1 to 19 inclusive be agreed to and the Bill be now read a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 19 **ENERGY AND RESOURCES LEGISLATION AMENDMENT BILL 2010** — Order read for the consideration of the amendments made by the Legislative Council.

After debate, the amendments were agreed to.

Message sent to the Legislative Council informing them accordingly.

- 20 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Personal Safety Intervention Orders Bill 2010 without amendment.

- 21 **GAMBLING REGULATION AMENDMENT (LICENSING) BILL 2010** — Order read for the consideration of the amendment made by the Legislative Council.

After debate, the amendment was agreed to.

Message sent to the Legislative Council informing them accordingly.

- 22 **JUDICIAL COMMISSION OF VICTORIA BILL 2010** — *Mr Hulls tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).

Motion made and question — That the debate be now adjourned (*Mr Clark*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 16 September 2010.

- 23 **FIRE SERVICES COMMISSIONER BILL 2010** — *Mr Cameron tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Cameron*).

Motion made and question — That the debate be now adjourned (*Mr McIntosh*) — put and agreed to.

Ordered, after debate — That the debate be adjourned until Wednesday 15 September 2010.

- 24 **ROAD SAFETY AMENDMENT (HOON DRIVING) BILL 2010** — *Mr Pallas tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Pallas*).

Motion made and question — That the debate be now adjourned (*Mr Mulder*) — put and agreed to.

Ordered, after debate — That the debate be adjourned until Wednesday 15 September 2010.

- 25 **EDUCATION AND CARE SERVICES NATIONAL LAW BILL 2010** — *Ms Morand tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Ms Morand*).

Motion made and question — That the debate be now adjourned (*Mr Dixon*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 16 September 2010.

- 26 **TOURIST AND HERITAGE RAILWAYS BILL 2010** — *Mr Pallas tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Pallas*).

Motion made and question — That the debate be now adjourned (*Mr McIntosh*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 9 September 2010.

- 27 **BAIL AMENDMENT BILL 2010** — *Mr Hulls tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).

Motion made and question — That the debate be now adjourned (*Mr Clark*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 9 September 2010.

- 28 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Agreeing to the following bills without amendment:

Liquor Control Reform Amendment Bill 2010

Local Government and Planning Legislation Amendment Bill 2010

Plant Biosecurity Bill 2010.

- 29 **PERSONAL PROPERTY SECURITIES (STATUTE LAW REVISION AND IMPLEMENTATION) BILL 2010** — *Mr Hulls tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).

Motion made and question — That the debate be now adjourned (*Mr Clark*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 9 September 2010.

- 30 **SUBORDINATE LEGISLATION AMENDMENT BILL 2010** — *Mr Hulls tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).

Motion made and question — That the debate be now adjourned (*Mr Clark*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 9 September 2010.

- 31 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Wynne*) — put and agreed to.

32    **ADJOURNMENT** — The Speaker left the Chair, after debate, at 6.59 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JENNY LINDELL  
*Speaker*

LEGISLATIVE ASSEMBLY OF VICTORIA

**CONSIDERATION IN DETAIL**  
**Supplement to Votes Nos 185, 186 and 187**

**No 187 — Thursday 2 September 2010**

**EDUCATION AND TRAINING REFORM AMENDMENT (SKILLS) BILL 2010**

**Clause 1**, Ms Pike moved amendment No 1 (*see Schedule*).

Amendment put and agreed to.

Clause agreed to as amended.

**Clauses 2 to 20** agreed to.

**Clause 21**, Ms Pike moved amendment No 2 (*see Schedule*).

Amendment put and agreed to.

Clause agreed to as amended.

**Clauses 22 to 32** agreed to.

**Heading to Clause 33**, Ms Pike moved amendment No 3 (*see Schedule*).

Amendment put and agreed to.

Heading to Clause agreed to as amended.

**Clauses 33 to 48** agreed to.

**Heading to Clause 49**, *The Deputy Speaker advised that, if Mr Dixon's amendment No 1 is not agreed to, amendment No 2 cannot be moved as it is consequential.*

Mr Dixon moved amendment No 1 (*see Schedule*).

Amendment put and defeated.

Heading to Clause agreed to.

**Clause 49** agreed to.

**Part 3, New Division 9 Heading**, Ms Pike moved amendment No 4 (*see Schedule*).

New Heading agreed to and added to the bill.

**Clauses 50 to 55** agreed to.

**Clause 56** — debate commenced.

*Allocation of time — the Deputy Speaker advised that the time allocated for consideration of bills under the resolution of the House on Wednesday 1 September 2010 had expired (for remaining stages see p 975).*

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## SCHEDULE OF AMENDMENTS MOVED

### EDUCATION AND TRAINING REFORM AMENDMENT (SKILLS) BILL 2010

Amendments moved by Ms Pike

1. Clause 1, page 2, after line 20 insert—
  - "() to enable the Victorian Registration and Qualifications Authority to apply to the Supreme Court for an order that a registered training organisation be placed under judicial administration;".
2. Clause 21, line 21, omit "(1)".
3. Clause heading to clause 33, omit "**4.6AC**" and insert "**4.6A.5C**".
4. Page 66, after line 31 insert the following heading—

**"Division 9—Reserve step-in powers"**.

Amendment moved by Mr Dixon

1. Clause heading to clause 49, omit "**Schedule 5**" and insert "**regulation-making powers**".

## LEGISLATIVE ASSEMBLY OF VICTORIA

### VOTES AND PROCEEDINGS Nos 188, 189 and 190

#### No 188 — Tuesday 14 September 2010

- 1 The House met according to the adjournment — The Speaker took the Chair and read the Prayer.
- 2 **BY-ELECTION FOR THE ELECTORAL DISTRICT OF IVANHOE** — The Speaker announced that:
  - (1) On 13 September 2010 she issued a writ for a by-election for the Electoral District of Ivanhoe to be held on 6 November 2010.
  - (2) Today she issued a writ of supersedeas to direct that the conduct of the by-election cease and to revoke the by-election writ.
- 3 **QUESTIONS** — (Under SO 55).
- 4 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

**Improved Rail Services for the Eastern Suburbs** — Requesting that the House seeks a commitment from the Government to modify the Victorian Transport Plan to include — (a) a full and public feasibility study for heavy rail lines to Rowville and Doncaster; (b) a greater commitment to the extension of the rail tunnel from Domain to Caulfield; (c) a full and public feasibility study for an increase in capacity on the Belgrave/Lilydale and Glen Waverley lines; (d) improved passenger facilities; and (e) fully accessible public transport facilities and vehicles, bearing 10883 signatures (*Ms Lobato*)

**Melbourne–Mildura Passenger Train Service** — Requesting that the House reinstates the Melbourne–Mildura passenger train service to cater for people living in smaller towns who require connectivity to larger towns for work, health, education, shopping and social activities, bearing 64 signatures (*Mr Crisp*)

**Geelong Geothermal Power Project** — Requesting that the House not allow any geothermal development to proceed in the Gherang and Wensleydale communities or any other populated area in the state, bearing 142 signatures (*Mr Mulder*)

**New Street Railway Gates** — Requesting that the House calls upon the Government, Metro Rail and the City of Bayside to instigate immediate action to re-open the New Street railway gates, bearing 6 signatures (*Mr Thompson, Sandringham*).

Petitions ordered to be tabled.
- 5 **PETITION — IMPROVED RAIL SERVICES FOR THE EASTERN SUBURBS** — Motion made and question — That the petition presented by the Member for Gembrook be taken into consideration tomorrow (*Ms Lobato*) — put and agreed to.
- 6 **PETITION — MELBOURNE–MILDURA PASSENGER TRAIN SERVICE** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.

- 7 **PETITION — GEELONG GEOTHERMAL POWER PROJECT** — Motion made and question — That the petition presented by the Member for Polwarth be taken into consideration tomorrow (*Mr Mulder*) — put and agreed to.

8 **DOCUMENTS**

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — Mr Brooks presented the Alert Digest No 13 of 2010 from the Scrutiny of Acts and Regulations Committee on the:

Education and Care Services National Law Bill 2010  
 Fire Services Commissioner Bill 2010  
 Government (Political) Advertising Bill 2010  
 Judicial Commission of Victoria Bill 2010  
 Marine Safety Bill 2010  
 Road Safety Amendment (Hoon Driving) Bill 2010  
 Traditional Owner Settlement Bill 2010  
 Transport Accident and Accident Compensation Legislation Amendment Bill 2010

together with appendices.

Ordered to be tabled and printed.

**DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:

*Agricultural Industry Development Act 1990* — Order under s 8

Agriculture Victoria Services Pty Ltd — Report 2009–10

*Audit Act 1994* — Report on the Performance Audit of the Victorian Auditor-General and Victorian Auditor-General's Office, August 2010

*Crown Land (Reserves) Act 1978*:

Determination under s 17CA giving notice of intention to grant a lease over Albert Park Reserve  
 Order under s 17D granting a lease over Albert Park Reserve

*Financial Management Act 1994*:

Reports from the Minister for Agriculture that he had received the reports 2009–10 of:

Dairy Food Safety Victoria

Murray Valley Wine Grape Industry Development Committee

Northern Victorian Fresh Tomato Industry Development Committee

Phytogene Pty Ltd

PrimeSafe

Veterinary Practitioners Registration Board of Victoria

Report from the Minister for Environment and Climate Change that he had received the Report 2009–10 of the Alpine Resorts Co-ordinating Council

Geoffrey Gardiner Dairy Foundation Ltd — Report 2009–10 (two documents)

*Interpretation of Legislation Act 1984* — Notice under s 32(3)(a)(iii) in relation to Statutory Rule 86 (*Gazette S358, 3 September 2010*)

*Major Sporting Events Act 2009* — Major sporting event order under s 22

Primary Industries, Department of — Report 2009–10

*Planning and Environment Act 1987* — Notices of approval of amendments to the following Planning Schemes:

Cardinia — C141, C148  
 Frankston — C48  
 Golden Plains — C48, C49, C56  
 Greater Dandenong — C106  
 Knox — C79  
 Melton — C97  
 Morning Peninsula — C129  
 Stonnington — C75  
 Victoria Planning Provisions — VC73

Recreational Fishing Licence Trust Account — Report 2009–10 on the disbursement of Revenue

*Road Management Act 2004* — Code of Practice for Worksite Safety — Traffic Management

Statutory Rules under the following Acts:

*Corporations (Ancillary Provisions) Act 2001* — SR 83  
*Court Security Act 1980* — SR 85  
*Electricity Safety Act 1998* — SR 86  
*Supreme Court Act 1986* — SR 83  
*Victims of Crime Assistance Act 1996* — SR 84

*Subordinate Legislation Act 1994*:

Minister's exception certificates in relation to Statutory Rules 67, 83, 84  
 Ministers' exemption certificates in relation to Statutory Rules 85, 86

VicForests — Report 2009–10.

The following proclamation fixing operative dates was tabled by the Clerk in accordance with an order of the House dated 19 December 2006:

*Domestic Animals Amendment (Dangerous Dogs) Act 2010* — Whole Act (except s 17) — 1 September 2010; s 17 — 1 January 2011 (*Gazette S354, 31 August 2010*).

9 **BY-ELECTION FOR THE ELECTORAL DISTRICT OF IVANHOE** — The Speaker announced that today the Victorian Electoral Commissioner returned the writ of supersedeas advising that he had ceased to conduct the by-election for the Electoral District of Ivanhoe.

10 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Agreeing to the following bills without amendment:

Climate Change Bill 2010  
 Mineral Resources Amendment (Sustainable Development) Bill 2010  
 Private Security Amendment Bill 2010.

11 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Consumer Affairs Legislation Amendment (Reform) Bill 2010 with amendments.

Ordered — That the amendments be taken into consideration tomorrow.

- 12 **MESSAGES FROM THE GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that he had given the royal assent to the following bills, presented to him by the Clerk of the Parliaments:

On 7 September 2010  
Firearms and Other Acts Amendment Bill 2010  
Personal Safety Intervention Orders Bill 2010

On 14 September 2010  
Climate Change Bill 2010  
Energy and Resources Legislation Amendment Bill 2010  
Gambling Regulation Amendment (Licensing) Bill 2010  
Liquor Control Reform Amendment Bill 2010  
Local Government and Planning Legislation Amendment Bill 2010  
Mineral Resources Amendment (Sustainable Development) Bill 2010  
Plant Biosecurity Bill 2010  
Private Security Amendment Bill 2010.

- 13 **MESSAGES FROM THE GOVERNOR** — Recommending appropriations for the purposes of the following bills:

Education and Care Services National Law Bill 2010  
Fire Services Commissioner Bill 2010  
Judicial Commission of Victoria Bill 2010.

- 14 **DRUGS AND CRIME PREVENTION COMMITTEE** — Motion made, by leave, and question — That the resolution of the House of 2 September 2009 providing that the Drugs and Crime Prevention Committee be required to present its report, on the impact of drug-related offending on female prisoner numbers, to the Parliament no later than 31 August 2010 be amended so far as to require the report to be presented to the Parliament no later than 7 October 2010 (*Mr Batchelor*) — put and agreed to.

- 15 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, under SO 94(2), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 16 September 2010:

Education and Care Services National Law Bill 2010  
Fair Trading Amendment (Australian Consumer Law) Bill 2010  
Fire Services Commissioner Bill 2010  
Judicial Commission of Victoria Bill 2010  
Road Legislation Miscellaneous Amendments Bill 2010  
Road Safety Amendment (Hoon Driving) Bill 2010  
Transport Accident and Accident Compensation Legislation Amendment Bill 2010

(*Mr Batchelor*) — put, after debate, and agreed to.

- 16 **STATEMENTS BY MEMBERS** — Statements by members were made.

- 17 **TRANSPORT ACCIDENT AND ACCIDENT COMPENSATION LEGISLATION AMENDMENT BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time.

Under standing orders, Mr Helper announced amendments to be proposed when the House considers the Bill in detail and requested that they be circulated. Amendments circulated.

Debate resumed on question — That this Bill be now read a second time.

Motion made and question — That the debate be now adjourned (*Mr Brooks*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 18 **ROAD LEGISLATION MISCELLANEOUS AMENDMENTS BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Mr Foley*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 19 **FAIR TRADING AMENDMENT (AUSTRALIAN CONSUMER LAW) BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time.

Under standing orders, Mr Pallas announced amendments to be proposed when the House considers the Bill in detail and requested that they be circulated. Amendments circulated.

Debate resumed on question — That this Bill be now read a second time.

*Business having been interrupted at 10.00 pm under standing orders.*

- 20 **ADJOURNMENT** — The Deputy Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.34 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JENNY LINDELL  
*Speaker*

## No 189 — Wednesday 15 September 2010

- 1 The Speaker took the Chair and read the Prayer.

- 2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

**Bus Service in Kilsyth** — Requesting that the House calls upon the Government to fund a bus service along Colchester Road, Kilsyth (Route AF) as per the Recommendations Report for the Metropolitan Bus Service Reviews: Knox/Maroondah/Yarra Ranges, bearing 460 signatures (*Mr Hodgett*)

**Traffic Lights Upgrade on Bayswater Road and Eastfield Road** — Requesting that the House asks the Government to install a right turning arrow on the corner of the Bayswater Road and Eastfield Road intersection in the Croydon area, bearing 86 signatures (*Mr Hodgett*)

**Melbourne–Mildura Passenger Train Service** — Requesting that the House reinstates the Melbourne–Mildura passenger train service to cater for people living in smaller towns who require connectivity to larger towns for work, health, education, shopping and social activities, bearing 66 signatures (*Mr Crisp*)

**Liquor Licence Fees** — Requesting that the Government recognises the damage across-the-board increases to liquor licences will cause, particularly in many country communities, and reviews the proposed legislation as a matter of urgency, bearing 17 signatures (*Mr Jasper*)

**Electricity Smart Meters** — Requesting that the House requires the Government to immediately freeze the roll out of smart meters for electricity use in Victoria until it is independently demonstrated that consumers will not have to pay higher bills, bearing 12 signatures (*Mr Jasper*)

**Noxious Weed Control** — Requesting that the House calls upon the Government to — (a) clarify responsibility for the control of noxious weeds; and (b) increase funding levels to implement appropriate eradication programs and to include Paterson's Curse, bearing 18 signatures (*Mr Jasper*)

**Traffic Lights in Epping Area** — Requesting that the House installs traffic lights at the intersection of High Street, Epping Road, Findon Road and O'Herns Road, Epping, bearing 8 signatures (*Ms Green*).

Petitions ordered to be tabled.

3 **PETITION — MELBOURNE–MILDURA PASSENGER TRAIN SERVICE** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.

4 **PETITION — BUS SERVICE IN KILSYTH** — Motion made and question — That the petition presented by the Member for Kilsyth be taken into consideration tomorrow (*Mr Hodgett*) — put and agreed to.

5 **PETITION — TRAFFIC LIGHTS UPGRADE ON BAYSWATER ROAD AND EASTFIELD ROAD** — Motion made and question — That the petition presented by the Member for Kilsyth be taken into consideration tomorrow (*Mr Hodgett*) — put and agreed to.

## 6 DOCUMENTS

**CONSUMER UTILITIES ADVOCACY CENTRE** — Motion made, by leave, and question — That the Consumer Utilities Advocacy Centre Report 2009–10 be tabled (*Mr Batchelor*) — put and agreed to.

**PARLIAMENTARY DEPARTMENTS REPORTS** — Motion made, by leave, and question — That the Reports 2009–10 of the Department of the Legislative Assembly and the Department of Parliamentary Services be tabled (*Ms Barker*) — put and agreed to.

**EDUCATION AND TRAINING COMMITTEE** — Mr Howard, Chair, presented a report from the Education and Training Committee on the Inquiry into the Potential for Developing Opportunities for Schools to Become a Focus for Promoting Healthy Community Living, together with appendices and transcripts of evidence.

Ordered to be tabled and the report and appendices printed.

**LAW REFORM COMMITTEE** — Mr Clark, Deputy Chair, presented an interim report from the Law Reform Committee on the Inquiry into access by donor-conceived people to information about donors, together with an appendix.

Ordered to be tabled and printed.

**PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE** — Mr Stensholt, Chair, 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, together with appendices and transcripts of evidence.

Ordered to be tabled and the report and appendices printed.

**DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:

Adult, Community and Further Education Board — Report 2009–10

Auditor-General:

Delivery of NURSE-ON-CALL — Ordered to be printed

Management of Prison Accommodation Using Public Private Partnerships — Ordered to be printed

CenITex — Report 2009–10

Corangamite Catchment Management Authority — Report 2009–10

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

*Financial Management Act 1994* — Financial Report for the State of Victoria 2009–10, incorporating the Quarterly Financial Report No 4 — Ordered to be printed

*Financial Management Act 1994:*

Reports from the Minister for Agriculture that he had received the reports 2009–10 of:

Murray Valley Citrus Board

Victorian Strawberry Industry Development Committee

Reports from the Minister for Environment and Climate Change that he had received the reports 2009–10 of:

Barwon Regional Waste Management Group

Calder Regional Waste Management Group

Central Murray Regional Waste Management Group

Commissioner for Environmental Sustainability

Desert Fringe Regional Waste Management Group

Gippsland Regional Waste Management Group

Goulburn Valley Regional Waste Management Group

Grampians Regional Waste Management Group

Highlands Regional Waste Management Group

Mildura Regional Waste Management Group

Mornington Peninsula Regional Waste Management Group

North East Regional Waste Management Group

South West Regional Waste Management Group

Surveyors Registration Board of Victoria

Reports from the Minister for Planning that he had received the reports 2009–10 of:

Dandenong Development Board

Heritage Council of Victoria

Reports from the Minister for Public Transport that he had received the reports 2009–10 of:

Rolling Stock (VL-1) Pty Ltd

Rolling Stock (VL-2) Pty Ltd

Rolling Stock (VL-3) Pty Ltd

Report from the Minister for Veterans' Affairs that he had received the Report 2009–10 of the Victorian Veterans Council

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Glenelg Hopkins Catchment Management Authority — Report 2009–10

Goulburn Broken Catchment Management Authority — Report 2009–10

Justice, Department of — Report 2009–10

Mallee Catchment Management Authority — Report 2009–10

Melbourne and Olympic Parks Trust — Report 2009–10

Melbourne Market Authority — Report 2009–10

*National Parks Act 1975* — Report 2009–10 on the working of the Act

National Parks Advisory Council — Report 2009–10

North Central Catchment Management Authority — Report 2009–10

North East Catchment Management Authority — Report 2009–10

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 Holdings (Victoria) Pty Ltd — Report 2009–10

Rolling Stock (Victoria-VL) Pty Ltd — Report 2009–10

Royal Botanic Gardens Board — Report 2009–10

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

VITS Languagelink — Report 2009–10

West Gippsland Catchment Management Authority — Report 2009–10

Wimmera Catchment Management Authority — Report 2009–10.

7 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Traditional Owner Settlement Bill 2010 without amendment.

8 **SUSPENSION OF STANDING ORDERS** — Motion made, by leave, and question — That so much of standing orders be suspended on Thursday 7 October 2010, so as to allow business to be interrupted immediately after question time to enable:

- (1) Valedictory statements from retiring members, including the opportunity for the Premier to make a statement on behalf of the Member for Ballarat West.
- (2) Statements from the Premier, Deputy Premier, Leader of the Opposition and Leader of the Nationals.
- (3) The time limit for statements to be 10 minutes each.
- (4) Any business under discussion at the time of interruption and not completed will be resumed immediately after the statements. Any member speaking at the time of the interruption may then continue his or her speech —

*(Mr Batchelor)* — put and agreed to.

9 **STATEMENTS BY MEMBERS** — Statements by members were made.

10 **GRIEVANCES** — Question — That grievances be noted — put, after debate, and agreed to.

11 **STATEMENTS ON PARLIAMENTARY COMMITTEE REPORTS** — Statements were made on the following Committee Reports:

Public Accounts and Estimates Committee's Report on the Public Finance and Accountability Bill 2009 — Further Considerations

Public Accounts and Estimates Committee's Report on the Public Finance and Accountability Bill 2009

Education and Training Committee's Report on the Inquiry into the Potential for Developing Opportunities for Schools to become a focus for Promoting Healthy Community Living

Family and Community Development Committee's Report on the Inquiry into Supported Accommodation for Victorians with a Disability and/or Mental Illness

Road Safety Committee's Report on the Inquiry into Federal-State Funding Arrangements

Education and Training Committee's Report on the Inquiry into the Administration of the Federal Government's Building the Education Revolution Program in Victoria

Public Accounts and Estimates Committee's Report on the Review of the Findings and Recommendations of the Auditor-General's Reports July–December 2008.

12 **TRANSPORT ACCIDENT AND ACCIDENT COMPENSATION LEGISLATION AMENDMENT BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Bill read a second time, considered in detail and agreed to with amendments, read a third time with the concurrence of an absolute majority of the whole number of the members of the Legislative Assembly (*see pp 1005, 1008*).

Bill sent to the Legislative Council and their agreement requested.

*Business having been interrupted at 2.00 pm under standing orders.*

13 **QUESTIONS** — (Under SO 55).

14 **FAIR TRADING AMENDMENT (AUSTRALIAN CONSUMER LAW) BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Bill read a second time. Mr Ingram asked that his dissent be recorded.

Bill considered in detail and agreed to with amendments, read a third time (*see pp 1006, 1009*).

Bill sent to the Legislative Council and their agreement requested.

15 **ROAD LEGISLATION MISCELLANEOUS AMENDMENTS BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Bill read a second time and, by leave, immediately read a third time.

Bill sent to the Legislative Council and their agreement requested.

16 **FIRE SERVICES COMMISSIONER BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Mr Brooks*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

17 **GOVERNMENT (POLITICAL) ADVERTISING BILL 2010** — The Acting Speaker announced the receipt of a message from the Legislative Council presenting, for the agreement of the Legislative Assembly, 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*'.

Motion made and question — That this Bill be now read a first time (*Mr McIntosh*) — put.

The House divided (the Speaker, Ms Lindell, in the Chair) —

AYES 33

Ms Asher; Mr Baillieu; Mr Blackwood; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Hodgett; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Morris; Mr Mulder; Dr Napthine; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith (*Bass*); Mr Smith (*Warrandyte*); Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Weller; Mr Wells; Ms Wooldridge.

NOES 43

Ms Allan; Ms Barker; Mr Batchelor; Ms Beattie; Mr Brooks; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Duncan; Mr Eren; Mr Foley; Ms Green; Mr Hardman; Dr Harkness; Mr Helper; Ms Hennessy; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Ms Kairouz; Mr Lim; Ms Lobato; Mr Lupton; Mrs Maddigan; Ms Marshall; Ms Morand; Ms Munt; Mr Nardella; Mr Noonan; Mr Pallas; Mr Perera; Ms Pike; Ms Richardson; Mr Robinson; Mr Scott; Mr Seitz; Mr Stensholt; Ms Thomson (*Footscray*); Mr Trezise.

Question defeated.

- 18 **FIRE SERVICES COMMISSIONER BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Bill read a second time and, by leave, immediately read a third time.

Bill sent to the Legislative Council and their agreement requested.

- 19 **CARDINIA PLANNING SCHEME** — Motion made and question — That under s 46AH of the *Planning and Environment Act 1987*, Amendment C141 to the Cardinia Planning Scheme be ratified (*Mr Wynne*) — put, after debate, and agreed to.

- 20 **ROAD SAFETY AMENDMENT (HOON DRIVING) BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time.

Under standing orders, Mr Mulder announced amendments to be proposed when the House considers the Bill in detail and requested that they be circulated. Amendments circulated.

Debate resumed on question — That this Bill be now read a second time.

*Business having been interrupted at 10.00 pm under standing orders.*

Motion made and question — That the sitting be continued (*Ms Pike*) — put and agreed to.

Debate continued on question — That this Bill be now read a second time.

Motion made and question — That the debate be now adjourned (*Mr Brooks*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 21 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Cameron*) — put and agreed to.

- 22 **ADJOURNMENT** — The Acting Speaker left the Chair, after debate, at 11.30 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JENNY LINDELL  
*Speaker*

## No 190 — Thursday 16 September 2010

- 1 The Speaker took the Chair and read the Prayer.

- 2 **COMMUNITY SERVICES LONG SERVICE LEAVE BILL 2010** — Ms Neville obtained leave to bring in a Bill '*for an Act to establish a scheme for portability of long service leave for employees carrying out particular community service activities*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.

3 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

**Pedestrian Crossing in Graham Street, Wonthaggi** — Requesting that the House and the Minister for Roads and Ports act immediately to install a suitable pedestrian crossing at Graham Street, Wonthaggi and consider allocating an alternative route for heavy vehicles, bearing 29 signatures (*Mr Smith, Bass*)

**Traffic Lights in Wantirna South** — Requesting that the House resolves that the Minister for Roads and Ports, in conjunction with VicRoads, undertakes an immediate review of the intersection of Coleman Road, Stud Road and Harold Street in Wantirna South including consideration of a right turning arrow, bearing 705 signatures (*Mrs Victoria*)

**Electricity Smart Meters** — Requesting that the House requires the Government to immediately freeze the roll out of smart meters for electricity use in Victoria until it is independently demonstrated that consumers will not have to pay higher bills, bearing 32 signatures (*Mrs Fyffe*)

**Melbourne–Mildura Passenger Train Service** — Requesting that the House reinstates the Melbourne–Mildura passenger train service to cater for people living in smaller towns who require connectivity to larger towns for work, health, education, shopping and social activities, bearing 40 signatures (*Mr Crisp*)

**Mordialloc Creek** — Requesting that the House takes immediate and ongoing action to improve the environmental health of Mordialloc Creek and commits to consultation and joint management with the community, bearing 1961 signatures (*Mr Thompson, Sandringham*)

**Shepparton Alternate Route** — Requesting that the House calls on the Government to immediately allocate funds for the Shepparton Alternate Route to — (a) widen the full length, including piping or filling drains on both sides; (b) construct turning lanes at high traffic intersections; and (c) provide warning signs, flashing lights and reduced speed limits at school start and finish times, bearing 653 signatures (*Mrs Powell*).

Petitions ordered to be tabled.

4 **PETITION — PEDESTRIAN CROSSING IN GRAHAM STREET, WONTHAGGI** — Motion made and question — That the petition presented by the Member for Bass be taken into consideration tomorrow (*Mr Smith, Bass*) — put and agreed to.

5 **PETITION — MORDIALLOC CREEK** — Motion made and question — That the petition presented by the Member for Sandringham be taken into consideration tomorrow (*Mr Thompson, Sandringham*) — put and agreed to.

6 **PETITION — TRAFFIC LIGHTS IN WANTIRNA SOUTH** — Motion made and question — That the petition presented by the Member for Bayswater be taken into consideration tomorrow (*Mrs Victoria*) — put and agreed to.

7 **PETITION — SHEPPARTON ALTERNATE ROUTE** — Motion made and question — That the petition presented by the Member for Shepparton be taken into consideration tomorrow (*Mrs Powell*) — put and agreed to.

8 **PETITION — MELBOURNE–MILDURA PASSENGER TRAIN SERVICE** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.

9 **PETITION — ELECTRICITY SMART METERS** — Motion made and question — That the petition presented by the Member for Evelyn be taken into consideration tomorrow (*Mrs Fyffe*) — put and agreed to.

10 **DOCUMENTS**

**OFFICE OF THE PUBLIC ADVOCATE** — Motion made, by leave, and question — That the Office of the Public Advocate Report 2009–10 be tabled (*Mr Batchelor*) — put and agreed to.

Ordered to be printed.

**PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE** — Mr Stensholt, Chair, presented a report from the Public Accounts and Estimates Committee on the 2010–11 Budget Estimates — Part Three, together with appendices and an extract from the proceedings.

Ordered to be tabled and printed.

**ECONOMIC DEVELOPMENT AND INFRASTRUCTURE COMMITTEE** — Ms Campbell, Chair, presented a report from the Economic Development and Infrastructure Committee on the Inquiry into State Government Taxation and Debt, together with appendices and transcripts of evidence.

Ordered to be tabled and the report and appendices printed.

**DOCUMENT BY COMMAND OF THE GOVERNOR**

Mr Hulls presented by Command of the Governor:

County Court of Victoria — Report 2008–09

Ordered to be tabled.

**DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:

Accident Compensation Conciliation Service — Report 2009–10

Adult Parole Board — Report 2009–10

Alexandra District Hospital — Report 2009–10

Alfred Health — Report 2009–10

Alpine Health — Report 2009–10

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 documents)

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

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Beaufort and Skipton Health Service — Report 2009–10

Beechworth Health Service — Report 2009–10

Benalla and District Memorial Hospital — Report 2009–10

Bendigo Health Care Group — Report 2009–10

Boort District Hospital — Report 2009–10

Building Commission — Report 2009–10

Calvary Health Care Bethlehem Ltd — Report 2009–10

Casterton Memorial Hospital — Report 2009–10

Castlemaine Health — Report 2009–10

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 period ended 28 February 2010

Child Safety Commissioner — Report 2009–10

City West Water Ltd — 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 and Data Security, Office of — Report 2009–10

Community Visitors — Report 2009–10 under the *Mental Health Act 1986*, *Health Services Act 1988* and *Disability Act 2006* — Ordered to be printed

*Confiscation Act 1997* — Asset Confiscation Operations Report 2009–10

Consumer Affairs Victoria — Report 2009–10 — Ordered to be printed

Coroners Court of Victoria — Report 2009–10

Coronial Council of Victoria — Report 1 November 2009 to 30 June 2010

Country Fire Authority — Report 2009–10

Dental Health Services Victoria — Report 2009–10 (two documents)

Disability Services Commissioner — Report 2009–10

Djerriwarrh Health Services — Report 2009–10

Dunmunkle Health Services — Report 2009–10

East Gippsland Region Water Corporation — Report 2009–10

East Grampians Health Service — Report 2009–10

East Wimmera Health Service — Report 2009–10

Eastern Health — Report 2009–10

Echuca Regional Health — Report 2009–10

Edenhope and District Memorial Hospital — Report 2009–10

Education and Early Childhood Development, Department of — 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 period ended 28 February 2010

Fed Square Pty Ltd — Report 2009–10

*Financial Management Act 1994:*

Reports from the Minister for Health that he had received the reports period ended 28 February 2010 of:

Anderson's Creek Cemetery Trust  
 Keilor Cemetery Trust  
 Lilydale Cemeteries Trust  
 Preston Cemetery Trust  
 Templestowe Cemetery Trust  
 Wyndham Cemeteries Trust

Reports from the Minister for Health that he had received the reports 2009–10 of:

Ballaarat General Cemeteries Trust  
 Bendigo Cemeteries Trust  
 Chinese Medicine Registration Board of Victoria  
 Chiropractors Registration Board of Victoria  
 Dental Practice Board of Victoria  
 Health Purchasing Victoria  
 Maldon Hospital  
 Medical Radiation Practitioners Board of Victoria  
 Mildura Cemetery Trust  
 Optometrists Registration Board of Victoria  
 Osteopaths Registration Board of Victoria  
 Pharmacy Board of Victoria  
 Physiotherapists Registration Board of Victoria  
 Podiatrists Registration Board of Victoria  
 Psychologists Registration Board of Victoria  
 Tweddle Child and Family Health Service

Victorian Assisted Reproduction Treatment Authority  
Report from the Minister for Housing that he had received the Report 2009–10 of the Registrar of Housing Agencies  
Report from the Minister for Veterans' Affairs that he had received the Report 2009–10 of the Shrine of Remembrance  
Report from the Minister for Women's Affairs that she had received the Report 2009–10 of the Queen Victoria Women's Centre

Food Safety Council — Report 2009–10

Forensic Leave Panel — Report 2009

*Freedom of Information Act 1982* — Report 2009–10 of the Attorney-General on the operation of the Act

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-Murray Rural Water Corporation — Report 2009–10

Goulburn Valley Health — Report 2009–10

Goulburn Valley Region 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 of — Report 2009–10

Health Services Commissioner, Office of — Report 2009–10

Heathcote Health — Report 2009–10

Hepburn Health Service — Report 2009–10

Hesse Rural Health Service — Report 2009–10

Heywood Rural Health — Report 2009–10 (three documents)

Human Services, Department of — Report 2009–10

Inglewood and Districts Health Service — Report 2009–10

Innovation, Industry and Regional Development, Department of — Report 2009–10

Judicial College of Victoria — Report 2009–10

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- Kerang District Health — Report 2009–10
- Kilmore and District Hospital — Report 2009–10
- Kooweerup Regional Health Service — Report 2009–10
- Kyabram and District Health Service — Report 2009–10
- Kyneton District Health Service — Report 2009–10
- Latrobe Regional Hospital — Report 2009–10
- Legal Practitioners' Liability Fund — Report 2009–10
- Legal Services Board — Report 2009–10
- Legal Services Commissioner — Report 2009–10 — Ordered to be printed
- Library Board of Victoria — Report 2009–10
- Lorne Community Hospital — Report 2009–10
- Lower Murray Urban and Rural Water Corporation — Report 2009–10
- Mallee Track Health and Community Services — Report 2009–10
- Mansfield District Hospital — Report 2009–10
- Maryborough District Health Service — Report 2009–10
- Medical Practitioners Board of Victoria— Report 2009–10
- 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 — Ordered to be printed
- Mental Health Review Board incorporating the Psychosurgery Review Board — Report 2009–10
- Mercy Public Hospitals Inc — Report 2009–10
- Metropolitan Fire and Emergency Services Board — Report 2009–10
- Metropolitan Waste Management Group — Report 2009–10
- Moyne Health Services — Report 2009–10
- Municipal Association of Victoria — Report 2008–09
- Museums Board of Victoria — Report 2009–10
- Nathalia District Hospital — Report 2009–10

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National Gallery of Victoria, Council of Trustees — Report 2009–10

Necropolis Springvale, Trustees of — Report period ended 28 February 2010

Northeast Health Wangaratta — Report 2009–10

North East Region Water Corporation — Report 2009–10

Northern Health — Report 2009–10

Northern Victoria Irrigation Renewal Project — Report 2009–10

Numurkah District Health Service — Report 2009–10

Nurses Board of Victoria — Report 2009–10

Omeo District Health — Report 2009–10

Orbost Regional Health — Report 2009–10

Otway Health and Community Services — Report 2009–10 (two documents)

Parks Victoria — Report 2009–10

Peninsula Health — Report 2009–10

Peter MacCallum Cancer Centre — Report 2009–10

Planning and Community Development, Department of — Report 2009–10

Plumbing Industry Commission — Report 2009–10

Police Appeals Board — Report 2009–10

Police Integrity, Office of — Report 2009–10 — Ordered to be printed

Port of Hastings Corporation — Report 2009–10

Port of Melbourne Corporation — Report 2009–10

Portland District Health — Report 2009–10 (two documents)

Premier and Cabinet, Department of — Report 2009–10

Professional Standards Council Victoria — Report 2009–10 (two documents)

Public Prosecutions — Director, Committee and Office — Report 2009–10

Queen Elizabeth Centre — Report 2009–10

Racing Integrity Commissioner, Office of — Report 2009–10

Radiation Advisory Committee — Report 2009–10

Regional Development Victoria — Report 2009–10

Roads Corporation (VicRoads) — Report 2009–10

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- Robinvale District Health Services — Report 2009–10
- 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
- South East Water Ltd — Report 2009–10
- South Gippsland Hospital — Report 2009–10
- South Gippsland Region Water Corporation — Report 2009–10
- Southern and Eastern Integrated Transport Authority — Report 2009–10
- Southern Health — Report 2009–10
- South West Healthcare — Report 2009–10
- Special Investigations Monitor, Office of — Report 2009–10
- St Vincent's Hospital (Melbourne) Ltd — Report 2009–10 (two documents)
- State Electricity Commission of Victoria — Report 2009–10
- State Services Authority — Report 2009–10
- State Trustees Ltd — Report 2009–10
- Statutory Rules under the following Acts:
- Electoral Act 2002* — SR 87
- Health Services Act 1988* — SR 88
- Libraries Act 1988* — SR 89
- Transport (Compliance and Miscellaneous) Act 1983* — SR 90
- Stawell Regional Health — Report 2009–10
- Subordinate Legislation Act 1994* — Ministers' exemption certificates in relation to Statutory Rules 87, 88, 89, 90
- Sustainability and Environment, Department of — Report 2009–10
- Sustainability Victoria — Report 2009–10
- Swan Hill District Health — Report 2009–10

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Tallangatta Health Service — Report 2009–10 (two documents)

Terang and Mortlake Health Service — Report 2009–10

Timboon and District Healthcare Service — Report 2009–10

Tourism Victoria — Report 2009–10

Transport Accident Commission — Report 2009–10

Transport, Department of — Report 2009–10

Transport Ticketing Authority — Report 2009–10

Treasury and Finance, Department of — Report 2009–10

Treasury Corporation of Victoria — Report 2009–10

Upper Murray Health and Community Services — Report 2009–10 (two documents)

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 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 — Ordered to be printed

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, Office of — Report 2009–10 — Ordered to be printed

Victorian Regional Channels Authority — Report 2009–10

Victorian Small Business Commissioner, Office of — Report 2009–10

Victorian Urban Development Authority — Report 2009–10

Victorian WorkCover Authority — Report 2009–10

V/Line Passenger Corporation — Report 2009–10

V/Line Passenger Pty Ltd — Report 2009–10

Wannon Region Water Corporation — Report 2009–10

*Water Industry Act 1994* — Reports under s 77A (three reports)

West Gippsland Healthcare Group — Report 2009–10

Western District Health Service — Report 2009–10

Western Health — Report 2009–10

Westernport Region Water Corporation — Report 2009–10

Western Region Water Corporation — Report 2009–10

West Wimmera Health Service — Report 2009–10

Wimmera Health Care Group — Report 2009–10

Yarram and District Health Service — Report 2009–10

Yarra Valley Water Ltd — Report 2009–10

Yarrawonga District Health Service — Report 2009–10

Yea and District Memorial Hospital — Report 2009–10

Young Farmers' Finance Council — Report 2009–10

Youth Parole Board and Youth Residential Board — Report 2009–10

Zoological Parks and Gardens Board — Report 2009–10 (two documents).

11 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourns until Tuesday 5 October 2010 (*Mr Batchelor*) — put and agreed to.

12 **STATEMENTS BY MEMBERS** — Statements by members were made.

13 **EDUCATION AND CARE SERVICES NATIONAL LAW BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time.

Under standing orders, Ms Wooldridge announced amendments to be proposed when the House considers the Bill in detail and requested that they be circulated. Amendments circulated.

Debate resumed on question — That this Bill be now read a second time.

Amendment proposed — That all the words after 'That' be omitted with the view of inserting in their place the words 'this House refuses to read this Bill a second time until:

- (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' —

(*Ms Wooldridge*) — and, after debate —

Question — That the words proposed to be omitted stand part of the question — put.

The House divided (the Speaker, Ms Lindell, in the Chair) —

AYES 46

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beattie; Mr Brooks; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Mr Eren; Mr Foley; Ms Green; Mr Hardman; Dr Harkness; Mr Helper; Ms Hennessy; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Ms Kairouz; Mr Languiller; Mr Lim; Mr Lupton; Mrs Maddigan; Ms Marshall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Perera; Ms Pike; Ms Richardson; Mr Robinson; Mr Scott; Mr Seitz; Mr Stensholt; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

NOES 32

Ms Asher; Mr Baillieu; Mr Blackwood; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Hodgett; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Morris; Mr Mulder; Dr Napthine; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Mr Smith (*Bass*); Mr Smith (*Warrantyte*); Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Weller; Mr Wells; Ms Wooldridge.

Question agreed to.

Bill read a second time, considered in detail and agreed to without amendment, read a third time (*see pp 1006–7, 1009*).

Bill sent to the Legislative Council and their agreement requested.

- 14 **JUDICIAL COMMISSION OF VICTORIA BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Amendment proposed — That all the words after 'That' be omitted with the view of inserting in their place the words 'this Bill be withdrawn and redrafted to:

- (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.
- (2) Ensure the powers of the Attorney-General do not undermine the independence of the Judicial Commission' —

(*Mr Clark*) — and, after debate —

*Business having been interrupted at 2.00 pm under standing orders.*

- 15 **QUESTIONS** — (Under SO 55).

- 16 **JUDICIAL COMMISSION OF VICTORIA BILL 2010** — Debate resumed on question — That this Bill be now read a second time — and on the amendment.

*Allocation of time — The Deputy Speaker advised that the time allocated for consideration of bills under the resolution of the House on Tuesday 14 September 2010 had expired.*

Question — That the words proposed to be omitted stand part of the question — put.

The House divided (the Speaker, Ms Lindell, in the Chair) —

AYES 52

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beattie; Mr Brooks; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Mr Donnellan; Ms Duncan; Mr Eren; Mr Foley; Ms Graley; Ms Green; Mr Hardman; Dr Harkness; Mr Helper; Ms Hennessy; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Ms Kairouz; Mr Languiller; Mr Lim; Ms Lobato; Mr Lupton; Mrs Maddigan; Ms Marshall; Mr Merlino; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Noonan; Ms Overington; Mr Pallas; Mr Perera; Ms Pike; Ms Richardson; Mr Robinson; Mr Scott; Mr Seitz; Mr Stensholt; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

NOES 30

Ms Asher; Mr Baillieu; Mr Blackwood; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Hodgett; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Morris; Dr Naphine; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Mr Smith (*Bass*); Mr Smith (*Warrandyte*); Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Weller; Mr Wells; Ms Wooldridge.

Question agreed to.

Question — That this Bill be now read a second time — put.

The House divided (the Speaker, Ms Lindell, in the Chair) —

AYES 53

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beattie; Mr Brooks; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Mr Eren; Mr Foley; Ms Graley; Ms Green; Mr Hardman; Dr Harkness; Mr Helper; Ms Hennessy; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Ms Kairouz; Mr Languiller; Mr Lim; Ms Lobato; Mr Lupton; Mrs Maddigan; Ms Marshall; Mr Merlino; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Noonan; Ms Overington; Mr Pallas; Mr Perera; Ms Pike; Ms Richardson; Mr Robinson; Mr Scott; Mr Seitz; Mr Stensholt; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

NOES 31

Ms Asher; Mr Baillieu; Mr Blackwood; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Hodgett; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Morris; Mr Mulder; Dr Naphine; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Mr Smith (*Bass*); Mr Smith (*Warrandyte*); Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Weller; Mr Wells; Ms Wooldridge.

Question agreed to.

Bill read a third time with the concurrence of a special majority of the whole number of the members of the Legislative Assembly.

Bill sent to the Legislative Council and their agreement requested.

- 17 **ROAD SAFETY AMENDMENT (HOON DRIVING) BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time and a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 18 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Confiscation Amendment Bill 2010 with amendments.

Ordered — That the amendments be taken into consideration later this day.

- 19 **CONSUMER AFFAIRS LEGISLATION AMENDMENT (REFORM) BILL 2010** — Order read for the consideration of the amendments made by the Legislative Council.

After debate, the amendments were agreed to.

Message sent to the Legislative Council informing them accordingly.

- 20 **CONFISCATION AMENDMENT BILL 2010** — Order read for the consideration of the amendments made by the Legislative Council.

After debate, the amendments were disagreed with.

Message sent to the Legislative Council informing them accordingly.

- 21 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Hulls*) — put and agreed to.

- 22 **ADJOURNMENT** — The Speaker left the Chair, after debate, at 5.18 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JENNY LINDELL  
*Speaker*

LEGISLATIVE ASSEMBLY OF VICTORIA

**CONSIDERATION IN DETAIL**  
**Supplement to Votes Nos 188, 189 and 190**

**No 189 — Wednesday 15 September 2010**

**TRANSPORT ACCIDENT AND ACCIDENT COMPENSATION LEGISLATION AMENDMENT BILL  
2010**

**Clause 1** agreed to.

**Clause 2**, Mr Holding moved amendment Nos 1 to 12 (*see Schedule 1*).

Amendments put and agreed to.

Clause agreed to as amended.

**Clauses 3 to 20** agreed to.

**Clause 21**, Mr Holding moved amendment Nos 13 to 15 (*see Schedule 1*).

Amendments put and agreed to.

Clause agreed to as amended.

**Clauses 22 to 82** agreed to.

**Clause 83**, Mr Holding moved amendment No 16 (*see Schedule 1*).

Amendment put and agreed to.

Clause agreed to as amended.

**Clauses 84 to 98** agreed to.

**Clause 99**, Mr Holding moved amendment Nos 17 and 18 (*see Schedule 1*).

Amendments put and agreed to.

Clause agreed to as amended.

**Clauses 100 to 122** agreed to.

**Clause 123**, Mr Holding moved amendment Nos 19 and 20 (*see Schedule 1*).

Amendments put and agreed to.

Clause agreed to as amended.

**Clauses 124 to 165** agreed to.

Bill agreed to as amended.

**FAIR TRADING AMENDMENT (AUSTRALIAN CONSUMER LAW) BILL 2010**

**Clause 1** agreed to.

**Clause 2**, Mr Robinson moved amendment No 1 (*see Schedule 2*).

Amendment put and agreed to.

Clause agreed to as amended.

**Clauses 3 to 39** agreed to.

**Clause 40**, Mr Robinson moved amendment Nos 2 to 4 (*see Schedule 2*).

Amendments put and agreed to.

Clause agreed to as amended.

**Clauses 41 to 46** agreed to.

**Clause 47**, Mr Robinson moved amendment Nos 5 to 12 (*see Schedule 2*).

Amendments put and agreed to.

Clause agreed to as amended.

**Clause 48** agreed to.

**Clause 49**, Mr Robinson moved amendment No 13 (*see Schedule 2*).

Amendment put and agreed to.

Clause agreed to as amended.

**Schedule** agreed to.

Bill agreed to as amended.

**No 190 — Thursday 16 September 2010****EDUCATION AND CARE SERVICES NATIONAL LAW BILL 2010**

**Clauses 1 to 17** agreed to.

**Schedule**, *The Deputy Speaker advised that if amendment No 1 is not agreed to amendment No 2 cannot be moved as it is consequential.*

Ms Wooldridge moved amendment No 1 (*see Schedule 3*).

Question — That the word proposed to be omitted stand part of the Clause — put.

The House divided (the Deputy Speaker, Ms Barker, in the Chair) —

AYES 45

Ms Allan; Mr Andrews; Mr Batchelor; Ms Beattie; Mr Brooks; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Mr Eren; Mr Foley; Ms Green; Mr Hardman; Dr Harkness; Mr Helper; Ms Hennessy; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Ms Kairouz; Mr Languiller; Mr Lim; Mr Lupton; Mrs Maddigan; Ms Marshall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Perera; Ms Pike; Ms Richardson; Mr Robinson; Mr Scott; Mr Seitz; Mr Stensholt; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

NOES 32

Ms Asher; Mr Baillieu; Mr Blackwood; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Hodgett; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Morris; Mr Mulder; Dr Napthine; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Mr Smith (*Bass*); Mr Smith (*Warrandyte*); Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Weller; Mr Wells; Ms Wooldridge.

Question agreed to.

*The Deputy Speaker advised that if amendment No 3 is not agreed to, the remaining amendments cannot be moved as they are consequential.*

Ms Wooldridge moved amendment No 3 (*see Schedule 3*).

Question — That the word proposed to be omitted stand part of the Clause — put.

The House divided (the Deputy Speaker, Ms Barker, in the Chair) —

AYES 45

Ms Allan; Mr Andrews; Mr Batchelor; Ms Beattie; Mr Brooks; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Mr Eren; Mr Foley; Ms Green; Mr Hardman; Dr Harkness; Mr Helper; Ms Hennessy; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Ms Kairouz; Mr Languiller; Mr Lim; Mr Lupton; Mrs Maddigan; Ms Marshall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Noonan; Mr Pallas; Mr Perera; Ms Pike; Ms Richardson; Mr Robinson; Mr Scott; Mr Seitz; Mr Stensholt; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

NOES 32

Ms Asher; Mr Baillieu; Mr Blackwood; Mr Burgess; Mr Clark; Mr Crisp; Mr Delahunty; Mr Dixon; Mrs Fyffe; Mr Hodgett; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Morris; Mr Mulder; Dr Napthine; Mr Northe; Mr O'Brien; Mrs Powell; Mr Ryan; Mr Smith (*Bass*); Mr Smith (*Warrandyte*); Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Walsh; Mr Weller; Mr Wells; Ms Wooldridge.

Question agreed to.

**Schedule** agreed to.

Bill agreed to without amendment.

## SCHEDULES OF AMENDMENTS MOVED

### SCHEDULE 1

#### TRANSPORT ACCIDENT AND ACCIDENT COMPENSATION LEGISLATION AMENDMENT BILL 2010

Amendments moved by Mr Holding

1. Clause 2, line 14, omit "section" and insert "sections 159 and".
2. Clause 2, lines 17 to 18, omit subclause (2).
3. Clause 2, line 19, omit "(3)" and insert "(2)".
4. Clause 2, line 21, omit "(4)" and insert "(3)".
5. Clause 2, line 22, after "158" insert ", 160".
6. Clause 2, line 24, omit "(5)" and insert "(4)".
7. Clause 2, line 27, omit "(6)" and insert "(5)".
8. Clause 2, line 29, omit "(7)" (where first occurring) and insert "(6)".
9. Clause 2, line 33, omit "(8)" and insert "(7)".
10. Clause 2, page 3, line 1, omit "(9)" and insert "(8)".
11. Clause 2, page 3, line 5, omit "(10)" and insert "(9)".
12. Clause 2, page 3, line 5, omit "(8)" and insert "(7)".
13. Clause 21, line 19, after "(if any)" insert "in the relevant enhancement period".
14. Clause 21, line 33, after "(if any)" insert "in the relevant enhancement period".
15. Clause 21, page 19, line 22, after "(if any)" insert "in the relevant enhancement period".
16. Clause 83, page 110, line 12, after "item" insert "or, if that amount has been varied in accordance with this section, that amount as last so varied".
17. Clause 99, page 133, after line 15 insert—

"(5) A litigated legal costs order under subsection (1) may provide for the amounts of costs specified in the order to be indexed in accordance with the all groups consumer price index for Melbourne as published by the Australian Statistician."
18. Clause 99, page 133, line 16, omit "(5)" and insert "(6)".
19. Clause 123, line 26, omit "(4)" and insert "(6)".
20. Clause 123, line 27, omit "(4)" and insert "(5)".

## SCHEDULE 2

### FAIR TRADING AMENDMENT (AUSTRALIAN CONSUMER LAW) BILL 2010

Amendments moved by Mr Robinson

1. Clause 2, line 2, omit "1 January 2011" and insert "a day or days to be proclaimed".
2. Clause 40, lines 20 to 31 and page 35, lines 1 to 4, omit all words and expressions on these lines and insert—
  - "() The Minister must publish in the Government Gazette a copy of any notice that the Minister publishes on the internet under section 109, 111(2), 113, 122, 129 or 130 of the Australian Consumer Law (Victoria)."
3. Clause 40, page 35, lines 14 and 15, omit "the publication of the order in the Government Gazette" and insert "the imposition of the interim ban or the issue of the recall notice under the Australian Consumer Law (Victoria)".
4. Clause 40, page 35, lines 30 to 32, omit "or recall notice is published in the Government Gazette" and insert "is imposed or the recall notice is issued under the Australian Consumer Law (Victoria)".
5. Clause 47, line 14, omit "1 January 2011" and insert "the commencement day".
6. Clause 47, line 18, omit "1 January 2011" and insert "the commencement day".
7. Clause 47, lines 19 and 20, omit "1 January 2011" and insert "the commencement day".
8. Clause 47, line 29, omit "1 January 2011" and inset "the commencement day".
9. Clause 47, page 40, after line 6, insert—
  - "() In this section, *commencement day* means the day on which section 17 of the **Fair Trading Amendment (Australian Consumer Law) Act 2010** comes into operation."
10. Clause 47, page 40, line 8, after "by" insert "a provision of".
11. Clause 47, page 40, line 12, omit "1 January 2011" and insert "the date of the commencement of that provision".
12. Clause 47, page 41, line 26, omit "1 January 2012" and insert "the first anniversary of the first day on which all of the provisions of the **Fair Trading Amendment (Australian Consumer Law) Act 2010** are in operation".
13. Clause 49, line 2, omit "1 January 2012" and insert "the first anniversary of the first day on which all of its provisions are in operation".

## SCHEDULE 3

### EDUCATION AND CARE SERVICES NATIONAL LAW BILL 2010

Amendments moved by Ms Wooldridge

1. Schedule, clause 280, lines 15 to 17, omit "a participating jurisdiction determined by the Ministerial Council" and insert "each participating jurisdiction".
3. Schedule, clause 303, page 221, lines 1 to 10, omit all the words and expressions on these lines.



## LEGISLATIVE ASSEMBLY OF VICTORIA

### VOTES AND PROCEEDINGS Nos 191, 192 and 193

#### No 191 — Tuesday 5 October 2010

- 1 The House met according to the adjournment — The Speaker took the Chair and read the Prayer.
- 2 **QUESTIONS** — (Under SO 55).
- 3 **CRIMES AMENDMENT (FORENSIC PROCEDURES) BILL 2010** — Mr Hulls obtained leave to bring in a Bill '*for an Act to amend the Crimes Act 1958 in relation to forensic procedures and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 4 **SENTENCING AMENDMENT BILL 2010** — Mr Hulls obtained leave to bring in 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, after debate, the Bill was read a first time and, after debate, ordered to be read a second time tomorrow.
- 5 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:
  - Brighton East Public Bus Routes** — Requesting that the Government gives consideration to objections to public bus routes along residential streets in the Brighton East area by directing public bus routes along primary arterial roads, bearing 334 signatures (*Ms Asher*)
  - Younger Onset Dementia Services** — Requesting that the House recognises that people have a right to tailored dementia services, regardless of age, and urges the Government to fund — (a) a skilled support worker for people with younger onset dementia; (b) a user friendly website of younger onset dementia support strategies; and (c) peer support innovations such as Alzheimer's Australia Vic Memory Lane Café, bearing 884 signatures (*Mr Languiller*)
  - Electricity Smart Meters** — Requesting that the House requires the Government to immediately freeze the roll out of smart meters for electricity use in Victoria until it is independently demonstrated that consumers will not have to pay higher bills, bearing 25, 52, 84 and 146 signatures (*Mr Delahunty, Mr Northe, Mrs Powell and Dr Napthine respectively*)
  - Liquor Licence Fees** — Requesting that the Government recognises the damage across-the-board increases to liquor licences will cause, particularly in many country communities, and reviews the proposed legislation as a matter of urgency, bearing 16 signatures (*Mr Delahunty*)
  - Regional Education** — Requesting that the House requires the Government to support regional education and provide schools, teachers and students with the resources required to improve educational outcomes, bearing 18 signatures (*Mr Delahunty*)
  - Electronic Gaming Machines** — Requesting that the House not grant any additional electronic gaming machine licences for Mildura, bearing 35 signatures (*Mr Crisp*)
  - Melbourne–Mildura Passenger Train Service** — Requesting that the House reinstates the Melbourne–Mildura passenger train service to cater for people living in smaller towns who require connectivity to larger towns for work, health, education, shopping and social activities, bearing 56 signatures (*Mr Crisp*)

**Morwell to Traralgon Bike Path Link** — Requesting that the House calls upon the Government to provide funding to establish a Morwell to Traralgon bike path link for the benefit of the residents of Morwell electorate and the wider Gippsland community, bearing 219 signatures (*Mr Northe*)

**Old Gippsdown Heritage Park** — Requesting that the House takes immediate action to address the funding shortfall by providing annual financial support to offset the management of Old Gippsdown Heritage Park, bearing 1850 signatures (*Mr Blackwood*)

**Albert Park College** — Requesting that the House calls upon the Government to immediately announce that Albert Park College will provide for both Year 7 and 8 students in 2011 providing certainty for the school and prospective students and their families, bearing 183 signatures (*Mr Dixon*)

**New Street Railway Gates** — Requesting that the House calls upon the Government, Metro Rail and the City of Bayside to instigate immediate action to re-open the New Street railway gates, bearing 21 signatures (*Mr Thompson, Sandringham*).

Petitions ordered to be tabled.

- 6 **PETITION — BRIGHTON EAST PUBLIC BUS ROUTES** — Motion made and question — That the petition presented by the Member for Brighton be taken into consideration tomorrow (*Ms Asher*) — put and agreed to.
- 7 **PETITION — YOUNGER ONSET DEMENTIA SERVICES** — Motion made and question — That the petition presented by the Member for Derrimut be taken into consideration tomorrow (*Mr Languiller*) — put and agreed to.
- 8 **PETITION — ELECTRICITY SMART METERS** — Motion made and question — That the petition presented by the Member for Lowan be taken into consideration tomorrow (*Mr Delahunty*) — put and agreed to.
- 9 **PETITION — LIQUOR LICENCE FEES** — Motion made and question — That the petition presented by the Member for Lowan be taken into consideration tomorrow (*Mr Delahunty*) — put and agreed to.
- 10 **PETITION — REGIONAL EDUCATION** — Motion made and question — That the petition presented by the Member for Lowan be taken into consideration tomorrow (*Mr Delahunty*) — put and agreed to.
- 11 **PETITION — NEW STREET RAILWAY GATES** — Motion made and question — That the petition presented by the Member for Sandringham be taken into consideration tomorrow (*Mr Thompson, Sandringham*) — put and agreed to.
- 12 **PETITION — ELECTRICITY SMART METERS** — Motion made and question — That the petition presented by the Member for South-West Coast be taken into consideration tomorrow (*Dr Naphine*) — put and agreed to.
- 13 **PETITION — ALBERT PARK COLLEGE** — Motion made and question — That the petition presented by the Member for Nepean be taken into consideration tomorrow (*Mr Kotsiras*) — put and agreed to.
- 14 **PETITION — ELECTRICITY SMART METERS** — Motion made and question — That the petition presented by the Member for Morwell be taken into consideration tomorrow (*Mr Northe*) — put and agreed to.

- 15 **PETITION — MORWELL TO TRARALGON BIKE PATH LINK** — Motion made and question — That the petition presented by the Member for Morwell be taken into consideration tomorrow (*Mr Northe*) — put and agreed to.
- 16 **PETITION — OLD GIPPSTOWN HERITAGE PARK** — Motion made and question — That the petition presented by the Member for Narracan be taken into consideration tomorrow (*Mr Blackwood*) — put and agreed to.
- 17 **PETITION — ELECTRONIC GAMING MACHINES** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.
- 18 **PETITION — MELBOURNE–MILDURA PASSENGER TRAIN SERVICE** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.
- 19 **DOCUMENTS**

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — Mr Carli, Chair, presented the Alert Digest No 14 of 2010 from the Scrutiny of Acts and Regulations Committee on the:

Associations Incorporation Amendment Bill 2010  
 Education and Care Services National Law Bill 2010  
 Justice Legislation Amendment (Victims of Crime and Other Matters) Bill 2010  
 Justice Legislation Further Amendment Bill 2010  
 Occupational Licensing National Law Bill 2010  
 Plant Biosecurity Bill 2010  
 Transport Legislation Amendment (Compliance, Enforcement and Regulation) Bill 2010

together with appendices.

Ordered to be tabled and printed.

**DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:

Altona Memorial Park — Report period ended 28 February 2010

Auditor-General:

Soil Health Management — Ordered to be printed  
 Sustainable Management of Victoria's Groundwater Resources — Ordered to be printed  
 The Department of Human Services' Role in Emergency Recovery — Ordered to be printed

Auditor-General, Office of — Report 2009–10

*Drugs, Poisons and Controlled Substances Act 1981* — Report 2009 under s 96

*Financial Management Act 1994*:

Report from the Minister for Planning that he had received the Report 2009–10 of the Architects Registration Board of Victoria  
 Report from the Minister for Skills and Workforce Participation that she had received the Report 2009 of the International Fibre Centre

*Parliamentary Committees Act 2003* — Government response to the Education and Training Committee's Report on the Inquiry into Skills Shortages in the Rail Industry

*Planning and Environment Act 1987* — Notices of approval of amendments to the following Planning Schemes:

Bayside — C75 Part 1, C76  
 Boroondara — C115  
 Brimbank — C136  
 Campaspe — C79  
 Cardinia — C100  
 Glen Eira — C74  
 Greater Bendigo — C89 Part 1  
 Greater Dandenong — C101  
 Greater Geelong — C236  
 Greater Shepparton — C111, C146  
 Kingston — C95  
 Maroondah — C78  
 Moira — C66  
 Monash — C92  
 Moreland — C85, C105  
 Mornington Peninsula — C117, C146, C148  
 Mount Alexander — C41  
 Stonnington — C84, C122  
 Surf Coast — C60  
 Victoria Planning Provisions — VC63, VC71  
 Whitehorse — C83, C114, C128  
 Whittlesea — C144  
 Wodonga — C76  
 Wyndham — C131  
 Yarra — C85, C132

*Professional Standards Act 2003* — Report of the Attorney-General on the review of the Act under s 58

*Project Development and Construction Management Act 1994* — Nomination order under s 6, application order under s 8 and a statement under s 9 of reasons for making a nomination order (9 documents)

Public Record Office Victoria — Report 2009–10

Statutory Rules under the following Acts:

*Infringements Act 2006* — SR 92  
*Occupational Health and Safety Act 2004* — SR 93  
*Retail Leases Act 2003* — SR 91  
*Subordinate Legislation Act 1994* — SR 94  
*Transport (Compliance and Miscellaneous) Act 1983* — SR 95

*Subordinate Legislation Act 1994* — Ministers' exemption certificates in relation to Statutory Rules 61, 92, 93, 95

*Surveillance Devices Act 1999* — Report of the Special Investigations Monitor under s 30Q

*Terrorism (Community Protection) Act 2003* — Reports 2009–10 under ss 13 and 13ZR

Victorian Law Reform Commission — Protection Applications in the Children's Court — Ordered to be printed.

The following proclamations fixing operative dates were tabled by the Clerk in accordance with an order of the House dated 19 December 2006:

*Education and Training Reform Amendment Act 2010* — Sections 5 to 9 and 60 — 22 September 2010 (*Gazette S385, 22 September 2010*)

*Gambling Regulation Amendment (Licensing) Act 2010* — Part 1, Part 2 (except ss 6, 7, 10 to 12, 20, 22, 29 to 31, 33, 42, 46 to 48 and 56 to 61), Part 3, Part 4, Part 5 and Part 6 — 15 September 2010; ss 56 to 61 — 1 December 2010; ss 6, 7, 10 to 12, 42 and 46 to 48 — 1 January 2011 (*Gazette S372, 14 September 2010*)

*Local Government and Planning Legislation Amendment Act 2010* — Whole Act — 24 September 2010 (*Gazette G38, 23 September 2010*)

*Primary Industries Legislation Amendment Act 2010* — Whole Act (except ss 18, 31, 33, 43(4) and 45) — 1 October 2010 (*Gazette G39, 30 September 2010*)

*Traditional Owner Settlement Act 2010* — Whole Act — 23 September 2010 (*Gazette S382, 22 September 2010*)

*Workplace Rights Advocate (Repeal) Act 2009* — Sections 5, 6 and 7 — 1 October 2010 (*Gazette G39, 30 September 2010*).

- 20 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Agreeing to the following bills without amendment:

Justice Legislation Further Amendment Bill 2010  
 Marine Safety Bill 2010  
 Occupational Licensing National Law Bill 2010  
 Residential Tenancies Amendment Bill 2010.

- 21 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Education and Training Reform Amendment (Skills) Bill 2010 with amendments.

Ordered — That the amendments be taken into consideration later this day.

- 22 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Insisting on an amendment disagreed with by the Legislative Assembly and not insisting on the remaining amendment disagreed with by the Assembly to the Confiscation Amendment Bill 2010.

Ordered — That the message be taken into consideration later this day.

- 23 **MESSAGES FROM THE GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that he had given the royal assent to the following bills, presented to him by the Clerk of the Parliaments:

On 21 September 2010  
 Traditional Owner Settlement Bill 2010

On 28 September 2010  
 Consumer Affairs Legislation Amendment (Reform) Bill 2010  
 Justice Legislation Further Amendment Bill 2010  
 Marine Safety Bill 2010  
 Occupational Licensing National Law Bill 2010  
 Residential Tenancies Amendment Bill 2010.

- 24 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, under SO 94(2), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 12.55 pm on Thursday 7 October 2010:

Bail Amendment Bill 2010

Personal Property Securities (Statute Law Revision and Implementation) Bill 2010

Subordinate Legislation Amendment Bill 2010

Tourist and Heritage Railways Bill 2010

*(Mr Batchelor)* — put, after debate, and agreed to.

- 25 **STATEMENTS BY MEMBERS** — Statements by members were made.
- 26 **POSTPONEMENT OF ORDER OF THE DAY** — Ordered — That the consideration of Government Business, Order of the Day, No 1 be postponed until tomorrow.
- 27 **SUBORDINATE LEGISLATION AMENDMENT BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned *(Mr Languiller)* — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 28 **EDUCATION AND TRAINING REFORM AMENDMENT (SKILLS) BILL 2010** — Order read for the consideration of the amendments made by the Legislative Council.

On the motion of Ms Pike and, after debate — Amendment No 1 disagreed with.

On the motion of Ms Pike — Amendment No 2 agreed to.

On the motion of Ms Pike — Amendment Nos 3 and 4 agreed to.

On the motion of Ms Pike — Amendment Nos 5 and 6 disagreed with.

On the motion of Ms Pike and, after debate — Amendment No 7 agreed to with an amendment.

On the motion of Ms Pike — Amendment No 8 agreed to with an amendment.

On the motion of Ms Pike — Amendment Nos 9 to 14 disagreed with.

Message sent to the Legislative Council informing them accordingly.

- 29 **CONFISCATION AMENDMENT BILL 2010** — Order read for the consideration of the message from the Legislative Council.

Motion made and question — That this House does not insist on disagreeing with amendment No 1 made and insisted on by the Council *(Mr Hulls)* — put, after debate and agreed to.

Message sent to the Legislative Council informing them accordingly.

- 30 **PERSONAL PROPERTIES SECURITIES (STATUTE LAW REVISION AND IMPLEMENTATION) BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned *(Mr Brooks)* — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 31 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Education and Care Services National Law Bill 2010 with an amendment.

Ordered — That the amendment be taken into consideration immediately.

- 32 **EDUCATION AND CARE SERVICES NATIONAL LAW BILL 2010** — Order read for the consideration of the amendment made by the Legislative Council.

After debate, the amendment was agreed to.

Message sent to the Legislative Council informing them accordingly.

- 33 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Road Safety Amendment (Hoon Driving) Bill 2010 with an amendment.

Ordered — That the amendment be taken into consideration later this day.

- 34 **TOURIST AND HERITAGE RAILWAYS BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Business having been interrupted at 10.00 pm under standing orders.*

- 35 **ADJOURNMENT** — The Deputy Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.34 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JENNY LINDELL  
*Speaker*

## No 192 — Wednesday 6 October 2010

- 1 The Speaker took the Chair and read the Prayer.

- 2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

**Alpine Health, Bright Campus** — Requesting that the House requires the Government to take immediate action to work with Bright and District residents to redevelop the Bright campus of Alpine Health into an integrated healthcare facility to include residential aged care facilities, bearing 11 signatures (*Dr Sykes*)

**Lentil as Anything** — Requesting that the House urgently reconsiders the proposed cessation of Lentil as Anything's tenure at the Abbotsford Convent, bearing 16 signatures (*Dr Sykes*)

**Mobile Phone Tower in Myrree** — Requesting that the House notes the need for a mobile phone tower to be erected in Myrree to ensure residents have access to mobile phone reception at all times, bearing 28 signatures (*Dr Sykes*)

**Multipurpose Community Facility in Tinamba** — Requesting that the House calls upon the Government to fund a new multipurpose community facility for the Tinamba district, bearing 508 signatures (*Mr Ingram*)

**Marine Parks Proposal** — Requesting that the House rejects the proposal by the Victorian National Parks Association to lock up a further 20 per cent of Victorian waters to marine parks, stopping all recreational and commercial fishing in these areas, bearing 2861 signatures (*Mr Ingram*)

**Bus Service in Kilsyth** — Requesting that the House calls upon the Government to fund a bus service along Colchester Road, Kilsyth (Route AF) as per the Recommendations Report for the Metropolitan Bus Service Reviews: Knox/Maroondah/Yarra Ranges, bearing 36 signatures (*Mr Hodgett*)

**Electricity Smart Meters** — Requesting that the House requires the Government to immediately freeze the roll out of smart meters for electricity use in Victoria until it is independently demonstrated that consumers will not have to pay higher bills, bearing 262 signatures (*Mr O'Brien*)

**Melbourne–Mildura Passenger Train Service** — Requesting that the House reinstates the Melbourne–Mildura passenger train service to cater for people living in smaller towns who require connectivity to larger towns for work, health, education, shopping and social activities, bearing 113 signatures (*Mr Crisp*)

**Proposed Mildura Casino** — Requesting that the House not make a decision regarding a casino for Mildura until a comprehensive socioeconomic study has been completed, followed by a plebiscite of the community, bearing 100 signatures (*Mr Crisp*)

**Intersection of Nepean Highway and Warrigal Road, Mentone** — Requesting that the House canvasses for a supervisor or supervisors at the intersection of the Nepean Highway and Warrigal Road, Mentone, bearing 57 signatures (*Ms Munt*)

**Royal Commission into Corruption** — Requesting that the House recognises the need for a Royal Commission to investigate corruption with broad reference to probe, encompass and expose a range of issues including measures to combat corruption, conflicts of interest in public institutions, fraud, corruption in public projects, impacts on rights to freedom of speech and privacy, and all other relevant issues, considerations and remedies, bearing 3516 signatures (*Mr Thompson, Sandringham*).

Petitions ordered to be tabled.

- 3 **PETITION — MULTIPURPOSE COMMUNITY FACILITY IN TINAMBA** — Motion made and question — That the petition presented by the Member for Gippsland East be taken into consideration tomorrow (*Mr Ingram*) — put and agreed to.
- 4 **PETITION — MARINE PARKS PROPOSAL** — Motion made and question — That the petition presented by the Member for Gippsland East be taken into consideration tomorrow (*Mr Ingram*) — put and agreed to.
- 5 **PETITION — BUS SERVICE IN KILSYTH** — Motion made and question — That the petition presented by the Member for Kilsyth be taken into consideration tomorrow (*Mr Hodgett*) — put and agreed to.
- 6 **PETITION — ELECTRICITY SMART METERS** — Motion made and question — That the petition presented by the Member for Malvern be taken into consideration tomorrow (*Mr O'Brien*) — put and agreed to.
- 7 **PETITION — MELBOURNE–MILDURA PASSENGER TRAIN SERVICE** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.

- 8 **PETITION — PROPOSED MILDURA CASINO** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.
- 9 **PETITION — ROYAL COMMISSION INTO CORRUPTION** — Motion made and question — That the petition presented by the Member for Sandringham be taken into consideration tomorrow (*Mr Thompson, Sandringham*) — put and agreed to.
- 10 **PETITION — INTERSECTION OF NEPEAN HIGHWAY AND WARRIGAL ROAD, MENTONE** — Motion made and question — That the petition presented by the Member for Mordialloc be taken into consideration tomorrow (*Ms Munt*) — put and agreed to.
- 11 **PETITION — ALPINE HEALTH, BRIGHT CAMPUS** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.
- 12 **PETITION — LENTIL AS ANYTHING** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.
- 13 **PETITION — MOBILE PHONE TOWER IN MYRRHEE** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.
- 14 **DOCUMENTS**

**LAW REFORM COMMITTEE** — Mr Clark, Deputy Chair, presented a report from the Law Reform Committee on the Inquiry into arrangements for security and security information gathering for State Government construction projects, together with an extract from the proceedings and a minority report.

Ordered to be tabled and printed.

**FAMILY AND COMMUNITY DEVELOPMENT COMMITTEE** — Mr Perera, Chair, presented a report from the Family and Community Development Committee on the Inquiry into the Adequacy and Future Directions of Public Housing in Victoria, together with appendices and transcripts of evidence.

Ordered to be tabled and the report and appendices printed.

**DRUGS AND CRIME PREVENTION COMMITTEE** — Mrs Maddigan, Chair, presented an interim report from the Drugs and Crime Prevention Committee on the Inquiry into the impact of drug-related offending on female prisoner numbers, together with appendices and transcripts of evidence.

Ordered to be tabled and the report and appendices printed.

**OUTER SUBURBAN/INTERFACE SERVICES AND DEVELOPMENT COMMITTEE** — Mr Seitz, Chair, presented a report from the Outer Suburban/Interface Services and Development Committee on the Inquiry into Farmers' Markets, together with appendices and transcripts of evidence.

Ordered to be tabled and the report and appendices printed.

## DOCUMENTS BY COMMAND OF THE GOVERNOR

Mr Hulls presented by Command of the Governor:

Magistrates' Court of Victoria — Report 2009–10

Ordered to be tabled.

Supreme Court of Victoria — Report 2009–10

Ordered to be tabled.

**DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:

Albury Wodonga Health — Report 2009–10

Ambulance Victoria — Report 2009–10

Auditor-General:

Access to Ambulance Services — Ordered to be printed

Management of the Freight Network — Ordered to be printed

Security of Infrastructure Control Systems for Water and Transport — Ordered to be printed

*Crimes (Controlled Operations) Act 2004* — Report of the Special Investigations Monitor under s 39

*Fisheries Act 1995* — Report of the Special Investigations Monitor under s 131T

Melbourne Recital Centre — Report 2009–10 (two documents)

Ombudsman — *Whistleblowers Protection Act 2001*: Investigation into conditions at the Melbourne Youth Justice Precinct — Ordered to be printed

*Parliamentary Committees Act 2003*:

Government response to the Outer Suburban/Interface Services and Development Committee's Report on the Inquiry into 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

Statutory Rules under the following Acts:

*Children's Services Act 1996* — SR 96

*Environment Protection Act 1970* — SR 98

*Local Government Act 1989* — SR 99

*Prostitution Control Act 1994* — SR 97

*Subordinate Legislation Act 1994* — Ministers' exemption certificates in relation to Statutory Rules 96, 97, 99

Victims of Crime Assistance Tribunal — Report 2009–10

*Wildlife Act 1975* — Report of the Special Investigations Monitor under s 74P.

- 15 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Transport Accident and Accident Compensation Legislation Amendment Bill 2010 with amendments.

Ordered — That the amendments be taken into consideration later this day.

- 16 **STATEMENTS BY MEMBERS** — Statements by members were made.

- 17 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE — VICTORIAN MAJOR PROJECTS** — The House was informed that Mr Ryan had proposed that a definite matter of public importance be submitted to the House for discussion, namely —

'That this House condemns the Brumby Labor Government for its irresponsible financial management of Victorian major projects thereby resulting in extraordinary cost of living increases for Victorian families.'

Mr Ryan addressed the House — Discussion followed.

- 18 **STATEMENTS ON PARLIAMENTARY COMMITTEE REPORTS** — Statements were made on the following Committee Reports:

Drugs and Crime Prevention Committee's Report on the Inquiry into the impact of drug-related offending on female prisoner numbers

Outer Suburban/Interface Services and Development Committee's Report on the Inquiry into Farmers' Markets

Family and Community Development Committee's Report on the Inquiry into the Adequacy and Future Directions of Public Housing in Victoria

Public Accounts and Estimates Committee's Report on the 2010–11 Budget Estimates — Part Three

Law Reform Committee's Report on the Inquiry into arrangements for security and security information gathering for State Government construction projects.

- 19 **ROAD SAFETY AMENDMENT (HOON DRIVING) BILL 2010** — Order read for the consideration of the amendment made by the Legislative Council.

After debate, the amendment was agreed to with an amendment and a further amendment was made to the Bill.

Message sent to the Legislative Council informing them accordingly.

- 20 **COMMUNITY SERVICES LONG SERVICE LEAVE BILL 2010** — *Ms Neville tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Ms Neville*).

*Business having been interrupted at 2.00 pm under standing orders.*

- 21 **QUESTIONS** — (Under SO 55).

- 22 **COMMUNITY SERVICES LONG SERVICE LEAVE BILL 2010** — Debate continued on question — That this Bill be now read a second time.

*Ms Neville made the statement of intention required by s 85(5)(c) of the Constitution Act 1975.*

Motion made and question — That the debate be now adjourned (*Ms Wooldridge*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 20 October 2010.

- 23 **CRIMES AMENDMENT (FORENSIC PROCEDURES) BILL 2010** — *Mr Hulls tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).

Motion made and question — That the debate be now adjourned (*Mr Clark*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 20 October 2010.

- 24 **SENTENCING AMENDMENT BILL 2010** — *Mr Hulls tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006.*

Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*) — and, after debate —

Motion made and question — That the debate be now adjourned (*Ms Thomson, Footscray*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 25 **MESSAGE FROM THE ADMINISTRATOR AS THE GOVERNOR'S DEPUTY** — Recommending an appropriation for the purposes of the Sentencing Amendment Bill 2010.

- 26 **SENTENCING AMENDMENT BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Mr Brooks*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 27 **TRANSPORT ACCIDENT AND ACCIDENT COMPENSATION LEGISLATION AMENDMENT BILL 2010** — Order read for the consideration of the amendments made by the Legislative Council.

After debate, the amendments were agreed to with the concurrence of an absolute majority of the whole number of the members of the Legislative Assembly.

Message sent to the Legislative Council informing them accordingly.

- 28 **SENTENCING AMENDMENT BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Bill read a second time and, by leave, immediately read a third time.

Bill sent to the Legislative Council and their agreement requested.

- 29 **BAIL AMENDMENT BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time.

Under standing orders, Mr Ingram announced amendments to be proposed when the House considers the Bill in detail and requested that they be circulated. Amendments circulated.

Debate resumed on question — That this Bill be now read a second time.

Motion made and question — That the debate be now adjourned (*Mr Languiller*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 30 **STANDING ORDERS AMENDED** — By leave, Mr McIntosh announced an amendment to be proposed to the motion and requested that it be circulated. Amendment circulated.

Motion made and question — That —

(1) Standing orders be amended as follows:

- (a) Standing Order 2, omit subparagraph (3) and subparagraph (4);
- (b) Standing Order 2, in subparagraph (5), after "announced" insert "by the Serjeant-at-Arms, the Commissioner delivers the Commission to the Clerk, ";
- (c) Standing Order 5, in subparagraph (2), after "business" insert ", in assertion of the House's rights";
- (d) Standing Order 5, omit subparagraph (3).

(2) The Clerk of the Legislative Assembly be authorised to carry out any consequential renumbering in Standing Orders 2 and 5 —

(*Mr Batchelor*) — and, after debate —

Amendment proposed — In paragraph 1(c) omit "in assertion of the House's rights" and insert "to reassert and maintain the right of the House to deal with its own business before the Governor's business" (*Mr McIntosh*) — put, after debate, and agreed to.

Original question as amended put and agreed to.

- 31 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Batchelor*) — put and agreed to.

- 32 **ADJOURNMENT** — The Acting Speaker left the Chair, after debate, at 10.13 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JENNY LINDELL  
*Speaker*

## No 193 — Thursday 7 October 2010

1 The Speaker took the Chair and read the Prayer.

2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

**Traffic Lights in Wantirna South** — Requesting that the House resolves that the Minister for Roads and Ports, in conjunction with VicRoads, undertakes an immediate review of the intersection of Coleman Road, Stud Road and Harold Street in Wantirna South including consideration of right turning arrows, bearing 97 signatures (*Mrs Victoria*)

**Abortion Law** — Requesting that the House repeals the *Abortion Law Reform Act 2008*, bearing 5666 signatures (*Mr Clark*)

**Duck Shooting Ban** — Requesting that the House follows other State Governments in Australia and permanently bans the recreational shooting of Australian native waterbirds in Victoria, bearing 30233 signatures (*Mr Carli*)

**Marine Parks Proposal** — Requesting that the House rejects the proposal by the Victorian National Parks Association to lock up a further 20 per cent of Victorian waters to marine parks, stopping all recreational and commercial fishing in these areas, bearing 204 signatures (*Mr Ingram*)

**The Knob Recreation Reserve, Stratford** — Requesting that the House calls upon the Government to reinstate a community-appointed Committee of Management to ensure the The Knob Recreation Reserve in Stratford is managed in accordance with local community values and can continue to be used for recreational activities for generations to come, bearing 1508 signatures (*Mr Ingram*)

**Electricity Smart Meter Program** — Requesting that the House requests that the Government halts the roll out of the electricity smart meter program permanently, bearing 77 signatures (*Mr Burgess*)

**Hastings Jetty** — Requesting that the Government — (a) immediately consults the Hastings community regarding the need for repairs to Hastings Jetty; (b) ensures the community's wishes are reflected by any repairs undertaken on the jetty; and (c) ensures any repairs carried out on the jetty preserve the integrity and iconic status of the jetty for future generations, bearing 229 signatures (*Mr Burgess*)

**Changes to Hastings Jetty** — Requesting that the Government — (a) immediately consults the Hastings community to ascertain the nature of the repairs to Hastings Jetty; and (b) ensures that any repairs reflect the community's wishes and preserve the integrity and iconic and cherished status of this landmark, bearing 47 signatures (*Mr Burgess*)

**Frankston Reservoir** — Requesting that the House supports the Frankston Reservoir becoming designated as a nature conservation reserve to save native species and protect biodiversity, bearing 1033 signatures (*Mr Burgess*)

**Sow Stalls Ban** — Requesting that the House introduces a ban on sow stalls in Victoria as a matter of urgency, bearing 741 signatures (*Ms Duncan*)

**Melbourne–Mildura Passenger Train Service** — Requesting that the House reinstates the Melbourne–Mildura passenger train service to cater for people living in smaller towns who require connectivity to larger towns for work, health, education, shopping and social activities, bearing 114 signatures (*Mr Crisp*)

**Proposed Mildura Casino** — Requesting that the House not make a decision regarding a casino for Mildura until a comprehensive socioeconomic study has been completed, followed by a plebiscite of the community, bearing 154 signatures (*Mr Crisp*)

**Casino Licence for Mildura** — Requesting that the House not grant a licence for the establishment of a casino in Mildura, bearing 397 signatures (*Mr Crisp*)

**Respite Beds in Whittlesea** — Requesting that the Government commits, prior to the 2010 state election, to providing funding and resourcing for respite beds to ensure that people with disabilities in the City of Whittlesea have a choice of respite options available, bearing 3544 signatures (*Ms Green*).

Petitions ordered to be tabled.

- 3 **PETITION — TRAFFIC LIGHTS IN WANTIRNA SOUTH** — Motion made and question — That the petition presented by the Member for Bayswater be taken into consideration tomorrow (*Mrs Victoria*) — put and agreed to.
- 4 **PETITION — RESPITE BEDS IN WHITTLESEA** — Motion made and question — That the petition presented by the Member for Yan Yean be taken into consideration tomorrow (*Ms Green*) — put and agreed to.
- 5 **PETITION — ELECTRICITY SMART METER PROGRAM** — Motion made and question — That the petition presented by the Member for Hastings be taken into consideration tomorrow (*Mr Burgess*) — put and agreed to.
- 6 **PETITION — HASTINGS JETTY** — Motion made and question — That the petition presented by the Member for Hastings be taken into consideration tomorrow (*Mr Burgess*) — put and agreed to.
- 7 **PETITION — CHANGES TO HASTINGS JETTY** — Motion made and question — That the petition presented by the Member for Hastings be taken into consideration tomorrow (*Mr Burgess*) — put and agreed to.
- 8 **PETITION — FRANKSTON RESERVOIR** — Motion made and question — That the petition presented by the Member for Hastings be taken into consideration tomorrow (*Mr Burgess*) — put and agreed to.
- 9 **PETITION — MARINE PARKS PROPOSAL** — Motion made and question — That the petition presented by the Member for Gippsland East be taken into consideration tomorrow (*Mr Ingram*) — put and agreed to.
- 10 **PETITION — THE KNOB RECREATION RESERVE, STRATFORD** — Motion made and question — That the petition presented by the Member for Gippsland East be taken into consideration tomorrow (*Mr Ingram*) — put and agreed to.
- 11 **PETITION — DUCK SHOOTING BAN** — Motion made and question — That the petition presented by the Member for Brunswick be taken into consideration tomorrow (*Mr Carli*) — put and agreed to.
- 12 **PETITION — MELBOURNE–MILDURA PASSENGER TRAIN SERVICE** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.
- 13 **PETITION — PROPOSED MILDURA CASINO** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.
- 14 **PETITION — CASINO LICENCE FOR MILDURA** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Crisp*) — put and agreed to.

## 15 DOCUMENTS

**RESPONSE BY THE MINISTER FOR FINANCE TO THE AUDITOR-GENERAL'S REPORTS** — Motion made, by leave, and question — That the Response by the Minister for Finance to the Auditor-General's Reports issued during 2009–10 be tabled (*Mr Helper*) — put and agreed to.

**PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE** — Mr Stensholt, Chair, presented a report from the Public Accounts and Estimates Committee on the Inquiry into Victoria's *Audit Act 1994*, together with appendices and transcripts of evidence.

Ordered to be tabled and the report and appendices printed.

**RURAL AND REGIONAL COMMITTEE** — Mr Northe presented a report from the Rural and Regional Committee on the Inquiry into the Extent and Nature of Disadvantage and Inequity in Rural and Regional Victoria, together with appendices, a minority report and transcripts of evidence.

Ordered to be tabled and the report, appendices and minority report printed.

**DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:

Alpine Resorts Co-ordinating Council — Report 2009–10

Auditor-General:

Annual Financial Report of the State of Victoria, 2009–10 — Ordered to be printed  
Restricting Environmental Flows during Water Shortages — Ordered to be printed  
Victorian Registration and Qualifications Authority — Ordered to be printed

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* — State of the Environment Report under s 17

Commissioner for Environmental Sustainability — Report 2009–10

*Crimes (Assumed Identities) Act 2004* — Report 2009–10 under s 31

Desert Fringe Regional Waste Management Group — Report 2009–10

*Financial Management Act 1994* — Report from the Minister for Innovation that he had received the Report 2009–10 of the Melbourne Central City Studios Pty Ltd

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 2008–09, 2009–10 under s 148R

*Members of Parliament (Register of Interests) Act 1978* — Cumulative Summary of Returns as at 30 September 2010 — Ordered to be printed

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

Ombudsman — Ombudsman's recommendations — Second report on their implementation — Ordered to be printed

Police Integrity, Office of — Managing conflict of interest in Victoria Police — Ordered to be printed

South Western Regional Waste Management Group — Report 2009–10

*Surveillance Devices Act 1999* — Reports 2009–10 under s 30L (two reports)

Surveyor's Registration Board of Victoria — Report 2009–10

Victoria Grants Commission — Report year ended 31 August 2010

Victorian Law Reform Commission — Report 2009–10 — Ordered to be printed.

- 16 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourns until a day and hour to be fixed by the Speaker, which time of meeting shall be notified in writing to each member of the House (*Mr Helper*) — put and agreed to.

- 17 **STATEMENTS BY MEMBERS** — Statements by members were made.

- 18 **BAIL AMENDMENT BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Ms Green*) — after debate, put.

The House divided (the Speaker, Ms Lindell, in the Chair) —

AYES 42

Ms Allan; Mr Andrews; Ms Barker; Ms Beattie; Mr Brooks; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Mr Foley; Ms Galey; Ms Green; Mr Hardman; Dr Harkness; Mr Helper; Ms Hennessy; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Ms Kairouz; Mr Languiller; Mr Lim; Ms Lobato; Mr Lupton; Mrs Maddigan; Ms Marshall; Ms Morand; Ms Munt; Mr Nardella; Mr Noonan; Mr Perera; Ms Pike; Ms Richardson; Mr Robinson; Mr Scott; Mr Seitz; Mr Stensholt; Ms Thomson (*Footscray*); Mr Trezise; Mr Wynne.

NOES 28

Ms Asher; Mr Blackwood; Mr Burgess; Mr Clark; Mr Crisp; Mr Dixon; Mrs Fyffe; Mr Hodgett; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Morris; Mr Mulder; Mr Northe; Mr O'Brien; Mrs Powell; Mrs Shardey; Mr Smith (*Bass*); Mr Smith (*Warrandyte*); Dr Sykes; Mr Thompson (*Sandringham*); Mr Tilley; Mrs Victoria; Mr Wakeling; Mr Weller; Mr Wells; Ms Wooldridge.

Question agreed to.

Ordered — That the debate be adjourned until later this day.

19 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 2 and 3, be postponed until later this day.

20 **TOURIST AND HERITAGE RAILWAYS BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

*Allocation of time — The Acting Speaker advised that the time allocated for consideration of bills under the resolution of the House on Tuesday 5 October 2010 had expired.*

Question — That this Bill be now read a second time — put and agreed to.

Question — That this Bill be now read a third time — put and agreed to.

Message sent to the Legislative Council informing them that the Bill has been agreed to without amendment.

21 **BAIL AMENDMENT BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time and a third time — put and agreed to.

Message sent to the Legislative Council informing them that the Bill has been agreed to without amendment.

22 **SUBORDINATE LEGISLATION AMENDMENT BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time and a third time — put and agreed to.

Message sent to the Legislative Council informing them that the Bill has been agreed to without amendment.

23 **PERSONAL PROPERTY SECURITIES (STATUTE LAW REVISION AND IMPLEMENTATION) BILL 2010** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time and a third time — put and agreed to.

Message sent to the Legislative Council informing them that the Bill has been agreed to without amendment.

*Business having been interrupted at 2.00 pm under standing orders.*

24 **QUESTIONS** — (Under SO 55).

25 **STATEMENTS MARKING THE END OF THE 56<sup>TH</sup> PARLIAMENT** — In accordance with the order of the House of 15 September 2010, retiring members made valedictory statements, and the Premier, Deputy Premier, Leader of the Opposition and Leader of The Nationals made statements marking the end of the 56<sup>th</sup> Parliament.

26 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Not insisting on the amendments disagreed with by the Legislative Assembly, and agreeing to the amendments made by the Assembly to the amendments made by the Legislative Council, to the Education and Training Reform Amendment (Skills) Bill 2010.

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- 27 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Agreeing to the following bills without amendment:
- Sentencing Amendment Bill 2010  
Fair Trading Amendment (Australian Consumer Law) Bill 2010  
Road Legislation Miscellaneous Amendments Bill 2010.
- 28 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Fire Services Commissioner Bill 2010 without amendment.
- 29 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the amendment made by the Legislative Assembly to the amendment made by the Legislative Council, and agreeing to the further amendment made by the Assembly to the Road Safety Amendment (Hoon Driving) Bill 2010.
- 30 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Batchelor*) — put and agreed to.
- 31 **ADJOURNMENT** — The Speaker left the Chair, after debate, at 7.39 pm.

R W PURDEY  
*Clerk of the Legislative Assembly*

JENNY LINDELL  
*Speaker*

