

VICTORIA

VOTES AND PROCEEDINGS

OF THE

LEGISLATIVE ASSEMBLY

SESSION 2006–10

VOLUME 2

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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 19th December 2006 at 11.00 am as the time for the commencement and holding of the First session of the Fifty-sixth Parliament of Victoria for the dispatch of business, at the Parliament Houses, Melbourne. The Honourable Members of the Legislative Council and the Members of the Legislative Assembly are required to attend at that time and place.

Given under my Hand and the Seal of the State of Victoria, at Melbourne this 5th day of December 2006.

(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 15th 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 15th 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

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 KRETZER
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 19th 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*)

150th 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, 56th 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 Napthine; 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) —

AYES 62

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.

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.

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).

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, Warrantdyte*) — 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 (*Warrantdyte*); 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 (*Warrantdyte*); 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.

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- 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 Hodggett*) — 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 (*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 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 56¹

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).*

¹ 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.

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.

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 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 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).

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 (REVOCATION 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 Hodggett*).

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 Galey; 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 Hodggett*) — 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 Naphthine*)

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

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 printed¹

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

¹ Ordered to be printed on Tuesday 11 March 2008.

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

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 printed²

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

² 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 Graley; 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

Moirra — 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).

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 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.

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.

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).

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 (*Warrantyte*)

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.

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 (REVOCAION 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.

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.

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 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.

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 14¾ hours were a reference to 16¾ hours; and
 - (c) in Column 4 of Table 1 of Schedule 4 to 15¼ hours were a reference to 17¼ 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 (*Warrantdyte*); 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 Naphthine; 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 Naphthine; 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 —

WEDNESDAY 8 OCTOBER 2008

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 —

THURSDAY 9 OCTOBER 2008

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 56th Parliament of Victoria for the dispatch of business, at the Parliament Houses, Melbourne.
- B. Pursuant to section 8(1) of the *Constitution Act 1975* the Governor is empowered to vary and alter the places fixed within Victoria and the times fixed for holding every session of the Legislative Council and of the Legislative Assembly.

I, David de Kretser, Governor of Victoria, acting under section 8 of the *Constitution Act 1975* and all other powers vested in me:

1. hereby vary and alter the place for holding the first session of the Legislative Assembly:
 - i. from 15 October 2008 to the Monash University Gippsland Campus at Northways Road, Churchill; and
 - ii. thereafter, when the Legislative Assembly has completed its business on that day or on the following day if necessary, to the Houses of Parliament, Melbourne.
2. hereby vary and alter the place for holding the first session of the Legislative Council:
 - iii. from 15 October 2008 to Bellevue on the Lakes at 191–215 Esplanade, Lakes Entrance; and
 - iv. after the 16 October 2008, when the Legislative Council has completed its business on that day or on the following day if necessary, to the Houses of Parliament, Melbourne.

Given under my hand and the seal of Victoria at Melbourne, this 7th day of October 2008.

DAVID DE KRETSER AC
Governor
By His Excellency's Command

HON JOHN BRUMBY MP
Premier of Victoria

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)

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

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)

-
- 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

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

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

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 Naphine*)

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 Naphine*).

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.

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- 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 Naphthine*) — 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