LEGISLATIVE COUNCIL
MINUTES OF THE PROCEEDINGS
Nos. 96, 97 and 98

No. 96 — Tuesday, 13 November 2012

1 The President took the Chair and read the Prayer.

2 THE LATE DR SUBHAKANTA BEHARA — The President advised the House of the death on 9 November 2012 of Dr Subhakanta Behara, Consul-General for India in Melbourne. Members stood in their places as a mark of respect to the memory of the late Dr Subhakanta Behara.

3 ASSENT TO ACTS — The President read Messages from the Governor informing the Council that he had, on the following dates, given the Royal Assent to the following Acts presented to him by the Clerk of the Parliaments:
   On 30 October 2012 —
      Civil Procedure Amendment Act 2012
      Local Government Legislation Amendment (Miscellaneous) Act 2012
      Resources Legislation Amendment (General) Act 2012.
   On 7 November 2012 —
      Serious Sex Offenders (Detention and Supervision) Amendment Act 2012

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

5 PAPERS —
   ALERT DIGEST — Mr O'Donohue presented Alert Digest No. 16 of 2012 (including Appendices) from the Scrutiny of Acts and Regulations Committee.
   Ordered to lie on the Table and to be printed.

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   PAPERS PURSUANT TO STATUTE — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:
      Architects Registration Board of Victoria — Minister’s report of receipt of 2011-12 report.
      Crown Land (Reserves) Act 1978 —
         Minister’s Order of 22 October 2012 giving approval to the granting of leases at Lakeside Stadium Reserve.
         Minister’s Order of 22 October 2012 giving approval to the granting of a licence at Lorne Pier Reserve.
         Minister’s Order of 23 October 2012 giving approval to the granting of a licence at Edinburgh Gardens Reserve.
Minister’s Order of 30 October 2012 giving approval to the granting of a licence at Bannockburn Bushland Reserve.


Melbourne City Link Act 1995 —
City Link and Extension Projects Integration and Facilitation Agreement Twentieth Amending Deed, 30 October 2012, pursuant to section 15B(5) of the Act.
Freeway Management System Coordination Agreement Second Amending Deed, 30 October 2012, pursuant to section 15(2) of the Act.
M1 Corridor Redevelopment Deed Fourth Amending Deed, 30 October 2012, pursuant to section 15(2) of the Act.
Melbourne City Link Thirtieth Amending Deed, 30 October 2012, pursuant to section 15(2) of the Act.


Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes:
- Alpine Planning Scheme — Amendment C25.
- Ararat Planning Scheme — Amendment C18.
- Ballarat Planning Scheme — Amendment C158.
- Boroondara Planning Scheme — Amendments C121, C152 and C165.
- Campaspe Planning Scheme — Amendment C92.
- Cardinia Planning Scheme — Amendment C106.
- Frankston Planning Scheme — Amendment C63.
- Greater Geelong Planning Scheme — Amendment C269.
- Greater Shepparton Planning Scheme — Amendment C164.
- Hobsons Bay Planning Scheme — Amendment C63.
- Horsham Planning Scheme — Amendment C53.
- Knox Planning Scheme — Amendment C124.
- Loddon Planning Scheme — Amendment C32.
- Macedon Ranges Planning Scheme — Amendments C66 and C80.
- Melbourne Planning Scheme — Amendment C195.
- Mitchell Planning Scheme — Amendment C89.
- Mornington Peninsula Planning Scheme — Amendments C152, C158 and C169.
- Whittlesea Planning Scheme — Amendment C166 Part 1.
- Wyndham Planning Scheme — Amendment C167.
- Yarra Planning Scheme — Amendment C161.

Statutory Rules under the following Acts of Parliament:
- Local Government Act 1989 — No. 117.
- Magistrates’ Court Act 1989 — Nos. 119 and 123.
- Magistrates’ Court Act 1989 — Criminal Procedure Act 2009 — No. 118.
- Supreme Court Act 1986 — No. 120.

Subordinate Legislation Act 1994 —
Documents under section 15 in respect of Statutory Rule Nos. 115 to 121 and 123.
Legislative Instruments and related documents under section 16B in respect of —
An extension notice of 18 October 2012 of the interim ban order of 23 August 2012 on the supply of small, separable or loose permanent magnetic objects under the Australian Consumer Law and Fair Trading Act 2012.

Minister’s notice of 29 October 2012 of consent for Tow Trucks to use Emergency Stopping Lanes on Freeways under Road Safety Road Rules 2009.

Specifications of Railway Stations for the purposes of the definition of ‘Designated Area’ of 2 April 2012 and 20 April 2012 made under the Transport (Ticketing) Regulations 2006.


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

- Freedom of Information Amendment (Freedom of Information Commissioner) Act 2012 — Part 1, sections 4, 6, 8 and 33 and Divisions 4 and 5 of Part 3 — 7 November 2012 (Gazette No. S373, 7 November 2012).
- Leo Cussen Institute (Registration as a Company) Act 2011 — Section 8 — 18 October 2012 (Gazette No. S345, 16 October 2012).
- Port Management Further Amendment Act 2012 — 14 November 2012 (Gazette No. S373, 7 November 2012).

6 **PRODUCTION OF DOCUMENTS — EAST-WEST ROAD TUNNEL** — The Clerk laid on the Table a letter from the Premier, dated 9 November 2012, together with certain documents provided to Infrastructure Australia by the Department of Premier and Cabinet since January 2011 relating to the proposal for an east-west road tunnel, in accordance with the Resolution of the Council of 24 October 2012.

7 **COMMONWEALTH HEALTH FUNDING** — Mr D.M. Davis moved, by leave, That this House —

1. expresses its serious concern at the recently announced reduction in Commonwealth health funding, changes which, if implemented, will result in retrospective, current year and future year reductions to state hospital funding which will seriously impact state budgets that have already been set;

2. expresses concern about the factual basis of the Commonwealth’s decision, which relies on disputed population figures, noting also the lack of consultation with States and Territories prior to the decision;

3. calls upon the heads of Treasuries to convene urgently to discuss the Commonwealth Treasurer’s determination and report on the basis of this decision, noting that the reductions in Commonwealth funding for public hospitals will, unless reversed, be implemented in early December 2012 in the form of a $39 million claw back of funding to Victoria from the 2011-12 financial year and a $67 million reduction in the 2012-13 financial year for Victorian hospitals and large reductions in forthcoming financial years bringing the total Commonwealth funding reductions of the health and hospitals funding through the healthcare SPP and National Hospital Agreement to $475 million since the announcement of the Commonwealth’s 2012-13 Budget; and

4. further notes that six state health ministers expressed concern about the announced reduction in Commonwealth health funding at the recent Standing Council on Health meeting.

Debate ensued.

On the motion of Ms Hartland, the debate was adjourned until the next day of meeting.
BUSINESS OF THE COUNCIL — Mr Lenders moved, by leave, That precedence be given to the following General Business on Wednesday, 14 November 2012:

1. Notice of Motion No. 405 standing in the name of Mr Lenders referring a matter to the Environment and Natural Resources Committee relating to unconventional gas explorations;
2. Notice of Motion No. 383 standing in the name of Mr Barber relating to the introduction of the Alcoa (Portland Aluminium Smelter) (Amendment) Act Amendment Bill 2012;
3. the Notice of Motion given this day by Ms Hartland relating to the introduction of the Tobacco Amendment (Smoking in Outdoor Areas) Bill 2012;
4. the Notice of Motion given this day by Mr Jennings relating to health services in Victoria; and
5. the Notice of Motion given this day by Ms Hartland calling on the Government to introduce legislation to ban solariums and the private sale of sunbeds.

Question — put and agreed to.

MEMBERS’ STATEMENTS — Statements were made by Members pursuant to Standing Order 5.12.

BUSINESS POSTPONED — Ordered — That the consideration of the Notices of Motion, Government Business, and Orders of the Day, Government Business, Nos. 1 to 5, be postponed until the later this day.

PARLIAMENTARY APOLOGY FOR PAST ADOPTION PRACTICES — Mrs Coote moved, That the Council take note of the Parliamentary Apology for Past Adoption Practices tabled in this House on 25 October 2012.

Debate ensued.

On the motion of Ms Pennicuik, the debate was adjourned until the next day of meeting.

ENVIRONMENT AND PLANNING LEGISLATION COMMITTEE REFERENCE — Mr D.M. Davis moved, That, with reference to the Department of Planning and Community Development’s Report, 2011-12, and a commitment to cut red tape in planning, this House requires the Environment and Planning Legislation Committee to inquire into, consider and report on reform of the application of the Regulatory Impact Statement (RIS) process and in particular —

1. Regulatory Impact Assessment models;
2. Business Impact Assessment models;
3. possible legislative reform;
4. economic modelling and methodology application including:
   a. discount rates; and
   b. consultant costs;
5. regulatory impacts of the RIS process; and
6. the annual cost to government of RIS processes;

and the Committee is required to present its final report no later than 29 November 2013.

Debate ensued.

Mr Viney moved, as an amendment, That the words “Environment and Planning Legislation” be omitted with the view of inserting in their place “Environment and Planning References”.

Debate ensued.

Question — That the amendment moved by Mr Viney be agreed to — put and negatived.

Question — That, with reference to the Department of Planning and Community Development’s Report, 2011-12, and a commitment to cut red tape in planning, this House requires the Environment and Planning Legislation Committee to inquire into, consider and report on reform of the application of the Regulatory Impact Statement (RIS) process and in particular —

1. Regulatory Impact Assessment models;
2. Business Impact Assessment models;
(3) possible legislative reform;
(4) economic modelling and methodology application including:
   (a) discount rates; and
   (b) consultant costs;
(5) regulatory impacts of the RIS process; and
(6) the annual cost to government of RIS processes;
and the Committee is required to present its final report no later than 29 November 2013.
— put and agreed to.

13 JUSTICE LEGISLATION AMENDMENT (MISCELLANEOUS) BILL 2012 — Debate resumed on the question, That the Bill be now read a second time.
Question — put and agreed to.
Bill read a second time and, by leave, read a third time and passed.
Bill returned to the Assembly with a Message informing them that the Council have agreed to the Bill without amendment.

14 ROAD MANAGEMENT AMENDMENT (PENINSULA LINK) BILL 2012 — Debate resumed on the question, That the Bill be now read a second time.
Question — put and agreed to.
Bill read a second time and, by leave, read a third time and passed.
Bill returned to the Assembly with a Message informing them that the Council have agreed to the Bill without amendment.

15 BUSINESS POSTPONED — Ordered — That the consideration of Orders of the Day, Government Business, Nos. 3 and 4, be postponed until later this day.

16 RETAIL LEASES AMENDMENT BILL 2012 — Debate resumed on the question, That the Bill be now read a second time.
Business having been interrupted at 9.58 p.m. pursuant to Sessional Orders —

17 ADJOURNMENT — The Deputy President proposed the question, That the House do now adjourn.
Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Orders.
And then the Council, at 10.23 p.m., adjourned until tomorrow.

WAYNE TUNNECLIFFE
Clerk of the Legislative Council

No. 97 — Wednesday, 14 November 2012

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

2 PETITIONS —
SECONDARY SCHOOL IN MERNDA — Ms Mikakos presented a Petition bearing 44 signatures from certain citizens of Victoria requesting that the Government make allowances in the 2012-13 Budget to begin construction of a school at the earliest possible date at Breadalbane Avenue, Mernda.
Ordered to lie on the Table.
On the motion of Ms Mikakos, the petition was ordered to be taken into consideration on the next day of meeting.

TAFE FUNDING — Ms Tierney and Mr Leane each presented Petitions bearing 688 and 413 signatures, respectively, from certain citizens of Victoria requesting that the Government abandon the planned TAFE funding cuts and guarantee no further cuts will be made.
Ordered to lie on the Table.
SWINBURNE UNIVERSITY LILYDALE CAMPUS FUNDING — Mr Leane presented a Petition bearing 195 signatures from certain citizens of Victoria requesting that the Government abandon the planned TAFE funding cuts and guarantee no further cuts will be made and work to secure the future of Swinburne University Lilydale campus.

Ordered to lie on the Table.

3 PAPERS

ENVIRONMENT AND NATURAL RESOURCES COMMITTEE — ESTABLISHMENT AND EFFECTIVENESS OF REGISTERED ABORIGINAL PARTIES — Mr Koch presented a Report from the Environment and Natural Resources Committee on the Establishment and Effectiveness of Registered Aboriginal Parties (including Appendices and an Extract of Proceedings), together with Transcripts of Evidence.

Ordered to lie on the Table and the Report to be printed.

Mr Koch moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

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EDUCATION AND TRAINING COMMITTEE — AGRICULTURAL EDUCATION AND TRAINING IN VICTORIA — Ms Tierney presented a Report from the Education and Training Committee on Agricultural Education and Training in Victoria (including Appendices), together with Transcripts of Evidence.

Ordered to lie on the Table and the Report to be printed.

Ms Tierney moved, That the Council take note of the Report.

Debate ensued.

Question — put and agreed to.

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

Auditor-General’s Reports on —
- Port of Melbourne Channel Deepening Project: Achievement of Objectives, November 2012.
- Public Hospitals: Results of the 2011-12 Audits, November 2012.
- Water Entities: Results of the 2011-12 Audits, November 2012.


Statutory Rules under the following Acts of Parliament:
- Port Management Act 1995 — Nos. 124 and 125.

4 MEMBERS’ STATEMENTS — Statements were made by Members pursuant to Standing Order 5.12.

5 ENVIRONMENT AND NATURAL RESOURCES COMMITTEE REFERENCE — Mr Lenders moved, That, under section 33 of the Parliamentary Committees Act 2003, this House requires the Environment and Natural Resources Committee to inquire, consider and report, no later than 30 August 2013, on unconventional gas explorations, including coal seam gas in regional and rural Victoria and, in particular, the Committee should:

(1) investigate the extent of unconventional exploration for gas in Victoria;
(2) consider methodologies for measurement of the effects of unconventional gas exploration, including any potential issues associated with the measurement of those effects;
(3) consider the impact of unconventional exploration, including the various extraction methods used on the —
(a) natural environment;
(b) human health; and
(c) economy and jobs in Victoria;

(4) consider the appropriateness of current policies governing decisions about unconventional gas explorations and whether they are adequate to ensure community consultation; and

(5) draw on and incorporate relevant materials from other Australian Parliamentary investigations in the interests of a concise report within the required timeline.

Debate ensued.

Business having been interrupted at 12 noon pursuant to Standing Orders —

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

7 ENVIRONMENT AND NATURAL RESOURCES COMMITTEE REFERENCE — Debate continued on the question, That, under section 33 of the Parliamentary Committees Act 2003, this House requires the Environment and Natural Resources Committee to inquire, consider and report, no later than 30 August 2013, on unconventional gas explorations, including coal seam gas in regional and rural Victoria and, in particular, the Committee should:

(1) investigate the extent of unconventional exploration for gas in Victoria;

(2) consider methodologies for measurement of the effects of unconventional gas exploration, including any potential issues associated with the measurement of those effects;

(3) consider the impact of unconventional exploration, including the various extraction methods used on the —
   (a) natural environment;
   (b) human health; and
   (c) economy and jobs in Victoria;

(4) consider the appropriateness of current policies governing decisions about unconventional gas explorations and whether they are adequate to ensure community consultation; and

(5) draw on and incorporate relevant materials from other Australian Parliamentary investigations in the interests of a concise report within the required timeline.

Question — put.

The Council divided — The President in the Chair.

AYES, 18
NOES, 20

Mr Barber    Mr Atkinson
Ms Broad     Mrs Coote
Ms Darveniza Ms Crozier
Mr Eideh     Mr Dalla-Riva
Mr Elasmar (Teller) Mr D.M. Davis
Mr Jennings  Mr P.R. Davis
Ms Hartland  Mr Drum
Mr Leane (Teller) Mr Elsbury
Mr Lenders   Mr Finn
Mr Pakula    Mr Guy
Ms Pennicuik Mr Hall (Teller)
Ms Pulford   Mr Koch
Mr Scheffer  Ms Lovell
Mr Somyurek Mr O'Brien (Teller)
Mr Tarlamis  Mr O'Donohue
Mr Tee      Mr Ondarchie
Ms Tierney   Mrs Petrovich
Mr Viney
Mrs Peulich
Mr Ramsay
Mr Rich-Phillips

Question negatived.

8 **ALCOA (PORTLAND ALUMINIUM SMELTER) (AMENDMENT) ACT AMENDMENT BILL 2012** — Mr Barber, pursuant to notice, introduced *A Bill for an Act to amend the Alcoa (Portland Aluminium Smelter) (Amendment) Act 1984 and for other purposes.*

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

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

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

On the motion of Mr Elsbury, the debate was adjourned for two weeks.

9 **TOBACCO AMENDMENT (SMOKING IN OUTDOOR AREAS) BILL 2012** — Ms Hartland, pursuant to notice, introduced *A Bill for an Act to amend the Tobacco Act 1987 to prohibit smoking in certain outdoor areas and for other purposes.*

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

10 **HEALTH SERVICES** — Mr Jennings moved, That this House notes that two years after being elected the Baillieu-Ryan Government has failed Victoria in health service development and further notes its actions in shutting down scrutiny of health services in Victoria.

Debate ensued.

On the motion of Mr Leane (for Ms Mikakos), the debate was adjourned until later this day.

11 **SOLARIUM BAN** — Ms Hartland moved, That this House —

(a) notes the statement released by the Cancer Council of Victoria and signed by 161 cancer specialists and clinicians of the Victorian Co-operative Oncology Group calling for the ban of solariums; and

(b) calls on the Baillieu Government to introduce legislation to ban solariums and the private sale of sunbeds.

Debate ensued.

Mr Jennings moved, as an amendment, That after paragraph (b) the following be inserted — “; and

(c) requires the Legal and Social Issues References Committee to inquire into, consider and report no later than 1 August 2013 on the health risks associated with solarium/sunbed use in Victoria.”.

Debate ensued.

Question — That the amendment moved by Mr Jennings be agreed to — put.

The Council divided — The President in the Chair.

**AYES, 18**

Mr Barber
Ms Broad
Ms Darveniza
Mr Eideh
Mr Elasmar
Mr Jennings
Ms Hartland
Mr Leane
Mr Lenders
Ms Mikakos
Mr Pakula
Ms Pennicuik *(Teller)*
Mr Scheffer

**NOES, 20**

Mr Atkinson
Mrs Coote
Ms Crozier
Mr Dalla-Riva
Mr D.M. Davis
Mr P.R. Davis
Mr Drum *(Teller)*
Mr Elsbury
Mr Finn
Mr Guy
Mr Hall
Mr Koch
Ms Lovell
Amendment negatived.

Question — That this House —

(a) notes the statement released by the Cancer Council of Victoria and signed by 161 cancer specialists and clinicians of the Victorian Co-operative Oncology Group calling for the ban of solariums; and

(b) calls on the Baillieu Government to introduce legislation to ban solariums and the private sale of sunbeds.

— put and agreed to.

12 HEALTH SERVICES — Debate continued on the question, That this House notes that two years after being elected the Baillieu-Ryan Government has failed Victoria in health service development and further notes its actions in shutting down scrutiny of health services in Victoria.

Business having been interrupted at 5.30 p.m. pursuant to Standing Orders —

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

14 ADJOURNMENT — Mr Guy moved, That the House do now adjourn.

Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.12.

And then the Council, at 6.39 p.m., adjourned until tomorrow.

WAYNE TUNNECLIFFE
Clerk of the Legislative Council

No. 98 — Thursday, 15 November 2012

1 The President took the Chair and read the Prayer.

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


Professional Standards Act 2003 — Association of Taxation and Management Accountants Scheme, 26 October 2012.

3 SITTING OF THE COUNCIL — Mr D.M. Davis moved, That the Council, at its rising, adjourn until Tuesday, 27 November 2012.

Question — put and agreed to.

4 MEMBERS’ STATEMENTS — Statements were made by Members pursuant to Standing Order 5.12.
5 BUSINESS POSTPONED — Ordered — That the consideration of the Notices of Motion, Government Business, be postponed until later this day.

6 TOBACCO AMENDMENT (SMOKING AT PATROLLED BEACHES) BILL 2012 — Debate resumed on the question, That the Bill be now read a second time.
Question — put and agreed to.
Bill read a second time and committed to a Committee of the whole.
House in Committee.

Business having been interrupted at 12 noon pursuant to Standing Orders —

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

8 TOBACCO AMENDMENT (SMOKING AT PATROLLED BEACHES) BILL 2012 — Bill further considered in Committee of the whole.
Bill reported without amendment, the Report was adopted, and the Bill was read a third time and passed.
Bill returned to the Assembly with a Message informing them that the Council have agreed to the Bill without amendment.

9 RETAIL LEASES AMENDMENT BILL 2012 — Debate resumed on the question, That the Bill be now read a second time.
Question — put and agreed to.
Bill read a second time and, by leave, read a third time and passed.
Bill returned to the Assembly with a Message informing them that the Council have agreed to the Bill without amendment.

10 FREE PRESBYTERIAN CHURCH PROPERTY AMENDMENT BILL 2012 — Order read for the resumption of debate on the question, That the Bill be now read a second time.

And the Deputy President having ruled the Bill to be a Private Bill —

On the motion of Mr Guy, this Bill was ordered to be dealt with as a Public Bill.
Debate resumed.
Question — put and agreed to.
Bill read a second time and, by leave, read a third time and passed.
Bill returned to the Assembly with a Message informing them that the Council have agreed to the Bill without amendment.

11 PARLIAMENTARY APOLOGY FOR PAST ADOPTION PRACTICES — Debate resumed on the question, That the Council take note of the Parliamentary Apology for Past Adoption Practices.
Question — put and agreed to.

12 COMMONWEALTH HEALTH FUNDING — Debate resumed on the question, That this House —

(1) expresses its serious concern at the recently announced reduction in Commonwealth health funding, changes which, if implemented, will result in retrospective, current year and future year reductions to state hospital funding which will seriously impact state budgets that have already been set;

(2) expresses concern about the factual basis of the Commonwealth’s decision, which relies on disputed population figures, noting also the lack of consultation with States and Territories prior to the decision;

(3) calls upon the heads of Treasuries to convene urgently to discuss the Commonwealth Treasurer’s determination and report on the basis of this decision, noting that the reductions in Commonwealth funding for public hospitals will, unless reversed, be implemented in early December 2012 in the form of a $39 million claw back of funding to Victoria from the 2011-12 financial year and a $67 million reduction in the 2012-13 financial year for Victorian hospitals and large reductions in forthcoming financial years bringing the total Commonwealth funding reductions of the health and hospitals funding
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through the healthcare SPP and National Hospital Agreement to $475 million since the announcement of the Commonwealth’s 2012-13 Budget; and

(4) further notes that six state health ministers expressed concern about the announced reduction in Commonwealth health funding at the recent Standing Council on Health meeting.

Question — put.

The Council divided — The President in the Chair.

AYES, 19 NOES, 16

Mr Atkinson
Mrs Coote
Ms Crozier
Mr Dalla-Riva
Mr D.M. Davis
Mr P.R. Davis (Teller)
Mr Drum
Mr Elsbury
Mr Finn
Mr Guy
Mr Koch
Mrs Kronberg
Mr O’Brien
Mr O’Donohue
Mr Ondarchie (Teller)
Mrs Petrovich
Mrs Peulich
Mr Ramsay
Mr Rich-Phillips

Mr Barber
Ms Broad
Mr Eideh
Mr Jennings
Ms Hartland (Teller)
Mr Leane
Mr Lenders
Ms Mikakos
Mr Pakula
Ms Pennicuik
Ms Pulford
Mr Scheffer (Teller)
Mr Somyurek
Mr Tee
Ms Tierney
Mr Viney

Question agreed to.

13 CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES) (ENFORCEMENT) AMENDMENT BILL 2012 — The President read a Message from the Assembly presenting A Bill for an Act to amend the Classification (Publications, Films and Computer Games) (Enforcement) Act 1995 to provide for the regulation of computer games with an R 18+ classification, to provide for an exemption from certain offences under that Act and for other purposes and requesting the agreement of the Council.

On the motion of Mr Rich-Phillips (for Mr Dalla-Riva), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the Charter of Human Rights and Responsibilities Act 2006.

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

On the motion of Mr Pakula, the debate was adjourned for one week.

14 EDUCATION LEGISLATION AMENDMENT (GOVERNANCE) BILL 2012 — The President read a Message from the Assembly presenting A Bill for an Act to amend the Education and Training Reform Act 2006, the Education and Training Reform Amendment (Skills) Act 2010 and various University Acts and for other purposes and requesting the agreement of the Council.

On the motion of Mr Rich-Phillips (for Mr Hall), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

Mr Rich-Phillips laid on the Table the statement of compatibility as required by the Charter of Human Rights and Responsibilities Act 2006.
On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

On the motion of Mr Lenders (for Ms Mikakos), the debate was adjourned for one week.

15 **OFFSHORE PETROLEUM AND GREENHOUSE GAS STORAGE AMENDMENT (NOPSEMA) BILL 2012** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Offshore Petroleum and Greenhouse Gas Storage Act 2010 in relation to the National Offshore Petroleum Safety and Environmental Management Authority and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Rich-Phillips (for Mr Hall), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

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

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

On the motion of Mr Lenders, the debate was adjourned for one week.

16 **POLICE REGULATION AMENDMENT BILL 2012** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Police Regulation Act 1958 to establish a Police Registration and Services Board, to amend the provisions for appointments, transfers, appeals and reviews and to make miscellaneous amendments and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Rich-Phillips (for Mr Dalla-Riva), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

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

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

On the motion of Mr Pakula, the debate was adjourned for one week.

17 **ROAD SAFETY AMENDMENT (OPERATOR ONUS) BILL 2012** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Road Safety Act 1986 in relation to the operator onus system and for other purposes* and requesting the agreement of the Council.

On the motion of Mr Rich-Phillips (for Mr Guy), the Bill was read a first time and, by leave, ordered to be read a second time forthwith.

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

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

On the motion of Mr Pakula (for Ms Pulford), the debate was adjourned for one week.

18 **STATE TAXATION AND OTHER ACTS AMENDMENT BILL 2012** — The President read a Message from the Assembly presenting *A Bill for an Act to amend the Land Tax Act 2005, the Road Safety Act 1986, the Taxation Administration Act 1997, the Trustee Companies Act 1984 and for other purposes* and requesting the agreement of the Council.

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

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

On the motion of Mr Rich-Phillips, the second reading speech was incorporated into Hansard.

Mr Rich-Phillips moved, That the Bill be now read a second time.

On the motion of Mr Lenders, the debate was adjourned for one week.
19 ADJOURNMENT — Mr Rich-Phillips moved, That the House do now adjourn. Debate ensued and responses to certain Adjournment matters were circulated pursuant to Standing Order 4.12. And then the Council, at 5.00 p.m., adjourned until Tuesday, 27 November 2012.

WAYNE TUNNECLiffe
Clerk of the Legislative Council
COMMITTEE OF THE WHOLE COUNCIL

Supplement to Minutes Nos. 96, 97 and 98

Thursday, 15 November 2012

1 TOBACCO AMENDMENT (SMOKING AT PATROLLED BEACHES) BILL 2012

Clauses 1 and 2 — put and agreed to.

Clause 3 — Ms Hartland moved —

1. Clause 3, after line 31 insert—

"( ) Nothing in this section limits the operation of a local law made under the Local Government Act 1989 applying to an area other than the area to which subsection (1) applies."

Question — That the amendment be agreed to — put.

The Committee divided — The Deputy President in the Chair.

AYES, 3 NOES, 33

Mr Barber
Ms Hartland (Teller)
Ms Pennicuik (Teller)
Ms Atkinson
Ms Broad
Mrs Coote
Ms Crozier
Mr Dalla-Riva
Mr D.M. Davis
Mr P.R. Davis
Mr Drum
Mr Eideh
Mr Elsbury (Teller)
Mr Finn
Mr Guy
Mr Jennings
Mr Koch
Mrs Kronberg
Mr Leane (Teller)
Mr Lenders
Ms Lovell
Ms Mikakos
Mr O'Donohue
Mr Ondarchie
Mr Pakula
Mrs Petrovich
Mrs Peulich
Ms Pulford
Mr Ramsay
Mr Rich-Phillips
Mr Scheffer
Mr Somyurek
Mr Tarlams
Mr Tee
Ms Tierney
Mr Viney

Amendment negatived.

Clause 3 — put and agreed to.
Clauses 4 and 5 — put and agreed to.

Bill reported without amendment.