

LEGISLATIVE ASSEMBLY OF VICTORIA

VOTES AND PROCEEDINGS

Nos 1, 2 and 3

No 1 — Tuesday 25 February 2003

The Parliament of Victoria begun and held at the City of Melbourne on Tuesday the twenty-fifth day of February, in the fifty-first year of the Reign of Her Majesty Queen Elizabeth the Second; and in the year of Our Lord Two thousand and three.

- 1 On which day, being the first day of the meeting of this Parliament, for the despatch of business, pursuant to proclamation (hereinafter set forth), Raymond William Purdey, Clerk of the Legislative Assembly, Marcus Leonard Bromley, Deputy Clerk and Geoffrey Herbert Westcott, Assistant Clerk and Clerk of Committees, attending in the House, the said proclamation was read at the Table by the Clerk:

FIXING THE TIME FOR HOLDING THE FIRST SESSION OF THE FIFTY-FIFTH PARLIAMENT OF VICTORIA

PROCLAMATION

I, John Landy, AC, MBE 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 25 February 2003 at 11.00am as the time for the commencement and holding of the First session of the Fifty-fifth Parliament of Victoria for the dispatch of business, at the Parliament Houses, Melbourne. The Honourable the 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 4th day of February 2003.

(LS)

JOHN LANDY
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 Mr Justice John Harber Phillips said:

HONOURABLE MEMBERS OF THE LEGISLATIVE COUNCIL AND MEMBERS OF THE LEGISLATIVE ASSEMBLY:

The Governor, not thinking fit to be present in person, has been pleased to cause a Commission to issue 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.

Then the said Commission was read and is as follows:

BY HIS EXCELLENCY JOHN LANDY, AC, MBE
GOVERNOR OF VICTORIA

TO THE HONOURABLE MR JUSTICE JOHN HARBER PHILLIPS, AC
CHIEF JUSTICE OF VICTORIA

AND

THE HONOURABLE MR JUSTICE JOHN SPENCE WINNEKE, AO
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-fifth Parliament at 11.00 am in the morning on Tuesday the twenty-fifth day of February 2003 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 19th day of February 2003

(LS)

JOHN LANDY
Governor

By His Excellency's Command
STEVE BRACKS
Premier

And then the Honourable the Chief Justice said:

HONOURABLE MEMBERS OF THE LEGISLATIVE COUNCIL AND MEMBERS OF THE LEGISLATIVE ASSEMBLY:

I have it in command from the Governor to let you know that later this day the Governor will declare to you in person in this place the reasons for calling this Parliament together; and, as it is necessary before you proceed to the despatch of 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 proper persons to be such President and Speaker.

And the members of the Assembly being returned —

- 3 **COMMISSION TO ADMINISTER OATH OR AFFIRMATION TO MEMBERS** — The Honourable Mr Justice Winneke, 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 was read as follows:

BY HIS EXCELLENCY JOHN LANDY, AC, MBE
GOVERNOR OF VICTORIA

TO THE HONOURABLE MR JUSTICE JOHN SPENCE WINNEKE, AO
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 twenty-fifth day of February 2003, 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 19th day of February 2003

(LS)

JOHN LANDY
Governor

By His Excellency's Command
STEVE BRACKS
Premier

- 4 **WRIT** — The Clerk announced that a writ issued under the hand of the Governor on 5 November 2002 for the election of members to serve in the Legislative Assembly of Victoria had been received from the Governor, and that by the returns endorsed on the writ it appeared that the following members were duly elected for the districts set opposite their respective names, viz:

Albert Park	Johnstone William Thwaites
Altona	Lynne Janice Kosky
Ballarat East	Geoffrey Kemp Howard
Ballarat West	Karen Marie Overington
Bass	Kenneth Maurice Smith
Bayswater	Peter John Lockwood
Bellarine	Lisa Mary Neville
Benalla	William Everett Sykes
Benambra	Antony Fulton Plowman
Bendigo East	Jacinta Marie Allan
Bendigo West	Robert Graham Cameron
Bentleigh	Robert John Hudson
Box Hill	Robert William Clark
Brighton	Louise Asher
Broadmeadows	John Mansfield Brumby
Brunswick	Carlo Carli
Bulleen	Nicholas Kotsiras

Bundoora	Sherryl Maree Garbutt
Burwood	Robert Einar Stensholt
Carrum	Jennifer Margaret Lindell
Caulfield	Helen Jean Shardey
Clayton	Hong Lim
Cranbourne	Jude Perera
Dandenong	John Pandazopoulos
Derrimut	Telmo Ramon Languiller
Doncaster	Victor John Pertou
Eltham	Steven Ralph Herbert
Essendon	Judith Marilyn Maddigan
Evelyn	Heather McTaggart
Ferntree Gully	Anne Lore Eckstein
Footscray	Bruce Allan Mildenhall
Forest Hill	Kirstie Marshall
Frankston	Alastair Ross Harkness
Geelong	Ian Douglas Trezise
Gembrook	Tamara Louise Lobato
Gippsland East	Craig Ingram
Gippsland South	Peter Julian Ryan
Hastings	Rosalyn Buchanan
Hawthorn	Edward Norman Baillieu
Ivanhoe	Craig Anthony Cuffe Langdon
Keilor	George Seitz
Kew	Andrew John McIntosh
Kilsyth	Dympna Anne Beard
Koroit	Andre Haermeyer
Lara	Peter James Loney
Lowan	Hugh Francis Delahunty
Lyndhurst	Timothy James Holding
Macedon	Joanne Therese Duncan
Malvern	Robert Keith Bennett Doyle
Melbourne	Bronwyn Jane Pike
Melton	Donato Antonio Nardella
Mildura	Russell Irwin Savage
Mill Park	Liliana D'Ambrosio
Mitcham	Anthony Gerard Robinson
Monbulk	James Anthony Merlino
Mordialloc	Janice Ruth Munt
Mornington	Robert Fitzgerald Cooper
Morwell	Brendan James Jenkins
Mount Waverley	Maxine Veronica Morand
Mulgrave	Daniel Michael Andrews
Murray Valley	Kenneth Stephen Jasper
Narracan	Ian John Maxfield
Narre Warren North	Luke Anthony Donnellan
Narre Warren South	Dale Lester Wilson
Nepean	Martin Francis Dixon
Niddrie	Rob Justin Hulls
Northcote	Mary Elizabeth Delahunty
Oakleigh	Ann Patricia Barker

Pascoe Vale	Christine Mary Campbell
Polwarth	Terence Wynn Mulder
Prahran	Anthony Gerard Lupton
Preston	Michael Andrew Leighton
Richmond	Richard William Wynne
Ripon	Jochen Helper
Rodney	Noel John Maughan
Sandringham	Murray Hamilton Ross Thompson
Scoresby	Kimberley Arthur Wells
Seymour	Benedict Paul Hardman
Shepparton	Elizabeth Jeanette Powell
South Barwon	Michael Paul Crutchfield
South-West Coast	Denis Vincent Napthine
Swan Hill	Peter Lindsay Walsh
Tarneit	Mary Jane Gillett
Thomastown	Peter Batchelor
Warrandyte	Phillip Neville Honeywood
Williamstown	Stephen Phillip Bracks
Yan Yean	Danielle Louise Green
Yuroke	Elizabeth Jean Beattie

- 5 **MEMBERS SWORN** — The members whose names are aforementioned took and subscribed the Oath or Affirmation as required by law, except Victor John Perton (who was not then present).

The Commissioner then retired from the House.

- 6 **ELECTION OF SPEAKER** — Mr Langdon, addressing himself to the Clerk, proposed the Member for Essendon, Judy Maddigan, as Speaker of the Legislative Assembly and moved, That the Member for Essendon do take the Chair of this House as Speaker, which motion was seconded by Mr Cameron.

Mrs Maddigan accepted nomination.

And no other member being proposed, the Clerk thereupon declared that the Member for Essendon had been duly elected as Speaker.

Mrs Maddigan was then taken out of her place by Mr Langdon and Mr Cameron and conducted to the Chair, where she returned her acknowledgment to the House for the great honour it had been pleased to confer upon her by choosing her to be its Speaker and then the Mace (which before lay under the Table) was laid upon the Table.

Then Mr Bracks, Mr Doyle, Mr Ryan, Mr Langdon and Mr Savage congratulated the Speaker.

- 7 **ELECTION OF CHAIR OF COMMITTEES** — Mr Pandazopoulos proposed to the House the Member for Lara, Peter Loney, for appointment as Chair of Committees and moved, That the Member for Lara be appointed Chair of Committees of this House, which motion was seconded by Mr Trezise.

Mr Loney accepted nomination.

And no other member being proposed, the Speaker announced that the Member for Lara had been duly elected as Chair of Committees.

8 **THE SPEAKER** left the Chair at 11.55 am and resumed the Chair at 2.31 pm and read the Prayer.

9 **PRESENTATION OF THE SPEAKER** — The Speaker reported that she had, that day, proceeded to the Library, Parliament House, and that she had 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 honourable 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.

JOHN LANDY
Governor of Victoria

Melbourne
25 February 2003

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 3.10 pm and resumed the Chair at 5.05 pm]

11 **DEATH OF LOUIS FREDERICK CORNU GARLICK** — The Speaker announced the death of Louis Frederick Cornu Garlick, Member of the Legislative Assembly for the Electoral District of Mildura from 1945 to 1947; and, honourable members rose in their places as a mark of respect to the memory of the deceased.

12 **DEATH OF THE HONOURABLE VINCENT PATRICK HEFFERNAN, OAM AND THE HONOURABLE CYRIL THOMAS EDMUNDS, AM** — Motion made and question —

(1) That this House expresses its sincere sorrow at the death of the Honourable Vincent Patrick Heffernan, OAM, 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 Ivanhoe from 1985 to 1996 and Minister for Small Business and Minister responsible for Youth Affairs from 1992 to 1996.

- (2) That this House expresses its sincere sorrow at the death of the Honourable Cyril Thomas Edmunds, 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 Districts of Moonee Ponds from 1967 to 1976, Ascot Vale from 1976 to 1985 and Pascoe Vale from 1985 to 1988, and as Speaker from 1982 to 1988.

(Mr Bracks) — put, after the Speaker and other honourable members had addressed the House in support of the motions and, honourable members rising in their places to signify their assent, agreed to unanimously.

- 13 **ADJOURNMENT** — Motion made and question — That, as a further mark of respect to the memory of the late Honourable Vincent Patrick Heffernan, OAM and the late Honourable Cyril Thomas Edmunds, AM, the House now adjourns until tomorrow at 9.30 am *(Mr Bracks)* — put and agreed to.

And the House, at 9.18 pm adjourned until tomorrow at 9.30 am.

R W PURDEY
Clerk of the Legislative Assembly

JUDY MADDIGAN
Speaker

No 2 — Wednesday 26 February 2003

- 1 The House met pursuant to adjournment — The Speaker took the Chair and read the Prayer.
- 2 **COMMISSION TO ADMINISTER OATH OR AFFIRMATION TO MEMBERS** — The Speaker announced that she had received from the Governor the following Commission:

BY HIS EXCELLENCY JOHN LANDY, AC, MBE
GOVERNOR OF VICTORIA

TO THE HONOURABLE JUDITH MADDIGAN,
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 25th day of February 2003

(LS)

JOHN LANDY
Governor

By His Excellency's Command,
STEVE BRACKS
Premier

- 3 **ACTING PUBLIC ADVOCATE** — The Speaker announced that former Speaker Andrianopoulos had, on 13 January 2003, administered to Frederick Wright, Acting Public Advocate, the oath required by Schedule 3 of the *Guardianship and Administration Act 1986*.
- 4 **QUESTIONS** — (Pursuant to Standing Order No 124).
- 5 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

Home Loan Schemes — Seeking that the Government sponsored Home Loan Schemes under the flawed new lending instrument called Capital Indexed Loans sold since 1984–85 under the sub-headings CAPIL, Deferred Interest Scheme (DIS), Indexed Repayment Loan (IRL), Home Opportunity Loan Scheme (HOLS) and Shared Home Opportunity Scheme (SHOS) — (a) be recalculated; (b) have payment and interest set at affordable levels and; (c) be amended in order to assist the low income bracket Victorians the loans were meant to assist, bearing 10, 8, 10, 20, 10, 10, 10, 9, 10, 10, 10 and 10 signatures respectively (*by Mr Doyle, Mr Smith, Ms Neville, Mr Harkness, Mr Baillieu, Mr Seitz, Mr Nardella, Ms Munt, Mr Cooper, Mr Dixon, Mr Wells and Mr Hardman respectively*)

Land at 813–825 Main Road, Eltham — Seeking that the Minister for Local Government intervenes to ensure that the land at 813–825 Main Road, Eltham remains in public ownership, bearing 454 signatures (*by Mr Herbert*)

Frankston Project (Revised) — Seeking that the House refers the Frankston Project (Revised) to an independent panel in order that it be the subject of full community scrutiny and comment as the community of Frankston has no confidence in the performance of the Frankston City Council, bearing 434 signatures (*by Mr Harkness*)

Gembrook-Launching Place Road — Seeking that the Minister for Transport takes action to have the unsealed section of Gembrook-Launching Place Road (Cardinia Shire), which is sub-standard and dangerous, sealed so that it conforms to the standard of the rest of the Main Road urban network, bearing 591 signatures (*by Ms Lobato*)

Kyabram Police Cluster — Seeking that the Government gives urgent attention to encouraging the Police Department to appoint additional police officers to the Kyabram Police Cluster, bearing 951 signatures (*by Mr Maughan*).

Severally ordered to lie on the Table.

- 6 **PETITION — HOME LOAN SCHEMES** — Motion made and question — That the petition presented by the Member for Scoresby relating to the Government sponsored Home Loan Schemes be taken into consideration tomorrow (*Mr Wells*) — put and agreed to.

7 PAPERS —

GARDINER FOUNDATION — Motion made, by leave, and question — That there be presented to this House the Report of the Gardiner Foundation for the year 2001–02 (*Mr Cameron*) — put and agreed to.

The said report was presented by Mr Cameron and ordered to lie on the Table.

PRIVILEGES COMMITTEE — Motion made, by leave, and question — That there be presented to this House the Report from the Privileges Committee on the Right of Reply for Professor John Power and Ms Ann Morrow, persons referred to in the Legislative Assembly, together with an appendix (*Mr Loney*) — put and agreed to.

The said report was presented by Mr Loney and ordered to lie on the Table and to be printed.

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

Adult Parole Board of Victoria — Report for the year 2001–02

Alpine Health — Report for the year 2001–02 (three papers)

Architects Registration Board — Report for the year 2001–02 (two papers)

Austin and Repatriation Medical Centre — Report for the year 2001–02 (two papers)

Australian Centre for the Moving Image — Report for the period 1 January 2002 to 30 June 2002

Bairnsdale Regional Health Service — Report for the year 2001–02 (two papers)

Barwon Health — Report for the year 2001–02

Bayside Health — Report for the year 2001–02

Beaufort and Skipton Health Service — Report for the year 2001–02

Beechworth Health Service — Report for the year 2001–02

Bendigo Health Care Group — Report for the year 2001–02

Building Commission — Report for the year 2001–02

Central Gippsland Health Service — Report for the year 2001–02

Cobram District Hospital — Report for the year 2001–02

Colac Area Health — Report for the year 2001–02

Coliban Region Water Authority — Report for the year 2001–02 (two papers)

Consumer and Business Affairs Victoria — Report for the year 2001–02 — Ordered to be printed

Dental Health Services Victoria — Report for the year 2001–02

Djerriwarrh Health Services — Report for the year 2001–02 (two papers)

Domestic Building (HIH) Indemnity Fund — Report for the period 8 June 2001 to 30 June 2002

Drugs, Poisons and Controlled Substances Act 1981 — Documents pursuant to s 12H — Poisons Code:

Amendment No 2 to the Standard for the Uniform Scheduling of Drugs and Poisons No 17
Notice regarding the amendment, commencement and availability of the Poisons Code

East Grampians Health Service — Report for the year 2001–02

East Wimmera Health Service — Report for the year 2001–02

Eastern Health — Report for the year 2001–02 (two papers)

Echuca Regional Health — Report for the year 2001–02

EcoRecycle Victoria — Report for the year 2001–02

Edenhope and District Memorial Hospital — Report for the year 2001–02

Environment Protection Authority — Report for the year 2001–02 (two papers)

Financial Management Act 1994:

Reports from the Minister for Agriculture that he had received the 2001–02 annual reports of the:

Murray Valley Wine Grape Industry Development Committee

Northern Victoria Fresh Tomato Industry Development Committee

Report from the Minister for Environment that he had received the 2001–02 annual reports 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 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 Victorian Regional Waste Management Group

Northern Regional Waste Management Group

South Western Regional Waste Management Group

Western Regional Waste Management Group

Reports from the Minister for Health that she had received the 2001–02 annual reports of the:

Alexandra and District Ambulance Service

Alexandra District Hospital

Boort District Hospital

Casterton Memorial Hospital

Chiropractors Registration Board of Victoria
 Cohuna District Hospital
 Coleraine District Health Services
 Dunmunkle Health Services
 Food Safety Council of Victoria
 Health Purchasing Victoria
 Hesse Rural Health Service
 Heywood Rural Hospital
 Inglewood and Districts Health Service
 Lorne Community Hospital
 Maldon Hospital
 Manangatang and District Hospital
 McIvor Health and Community Services
 Nathalia District Hospital
 Numurkah District Health Service
 O'Connell Family Centre
 Omeo District Hospital
 Osteopaths Registration Board of Victoria
 Physiotherapists Registration Board of Victoria
 Podiatrists Registration Board of Victoria
 South Gippsland Hospital
 Timboon and District Healthcare Service
 Yea and District Memorial Hospital
 Report from the Premier that he had received the 2001–02 annual report of VITS Language Link
 Reports from the Minister for Water that he had not received the 2001–02 annual reports,
 together with an explanation for the delay in tabling of the:
 Central Highlands Region Water Authority
 First Mildura Irrigation Trust
 Goulburn Valley Region Water Authority

Financial Management Act 1994:

Budget Sector — Quarterly Financial Report for the period ended 30 September 2002
 Budget Update for the year 2002–03

Geelong Performing Arts Centre Trust — Report for the year 2001–02

Gippsland Southern Health Service — Report for the year 2001–02

Goulburn Valley Health — Report for the year 2001–02 (two papers)

Hepburn Health Service — Report for the year 2001–02

Heritage Council — Report for the year 2001–02 (two papers)

Infertility Treatment Authority — Report for the year 2001–02

Interpretation of Legislation Act 1984:

Notices under s 32(3)(a)(iii) in relation to Statutory Rule Nos 95, 98

Notice under s 32(4)(a)(iii) in relation to Statutory Rule No 48

Intellectually Disabled Persons' Services Act 1986 — Report of the Community Visitors for the year 2001–02

Judicial Remuneration Tribunal Act 1995 — Report of Determinations Nos 1 and 2 of 2002

Kerang and District Hospital — Report for the year 2001–02

Kilmore and District Hospital — Report for the year 2001–02

Kooweerup Regional Health Service — Report for the year 2001–02 (two papers)

Kyabram & District Health Services — Report for the year 2001–02

Kyneton District Health Service — Report for the year 2001–02 (two papers)

Latrobe Regional Hospital — Report for the year 2001–02 (three papers)

Least Waste — Report for the year 2001–02

Legal Practice Act 1996 — Practitioner Remuneration Order pursuant to s 113

Library Board — Report for the year 2001–02

Mallee Track Health and Community Service — Report for the year 2001–02

Mansfield District Hospital — Report for the year 2001–02

Maryborough District Health Service — Report for the year 2001–02 (two papers)

Melbourne City Link Act 1995:

Statement of Variation No 1/2002 — Detailed Tolling Strategy

Company Leases:

Tullamarine Freeway Upgrade and Western Link Section 1

Southern Link Section 1

Southern Link Section 5

Trust Concurrent Leases:

Tullamarine Freeway Upgrade and Western Link Section 1

Southern Link Section 1

Southern Link Section 5

Trust Leases:

Southern Link Section 1

Southern Link Section 5

Melbourne Health — Report for the year 2001–02

Melbourne Market Authority — Report for the year 2001–02

Mental Health Act 1986 — Report of the Community Visitors for the year 2001–02

Mercy Public Hospitals Inc — Report for the year 2001–02 (two papers)

Moyne Health Services — Report for the year 2001–02

Mt Alexander Hospital — Report for the year 2001–02

Murray Valley Citrus Marketing Board — Report for the year 2001–02

Museums Board of Victoria — Report for the year 2001–02

National Gallery — Report for the year 2001–02

Natural Resources and Environment, Department of — Report for the year 2001–02

Northern Health — Report for the year 2001–02

Nurses Board — Report for the year 2001–02

Orbost Regional Health — Report for the year 2001–02

Otway Health and Community Services — Report for the year 2001–02

Parliamentary Committees Act 1968 — Response of the Attorney-General on action taken with respect to the recommendations made by the Scrutiny of Acts and Regulations Committee's Final Report on Privacy Code of Conduct for Members of the Victorian Parliament

Peninsula Health — Report for the year 2001–02 (four papers)

Peter MacCallum Cancer Institute — Report for the year 2001–02

Pharmacy Board — Report for the year 2001–02

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

Alpine Resorts Planning Scheme — No C8

Ballarat Planning Scheme — Nos C50, C53 Part 1, C56, C59, C61, C63

Bass Coast Planning Scheme — No C24

Baw Baw Planning Scheme — No C21

Bayside Planning Scheme — C30

Brimbank Planning Scheme — Nos C40, C46, C47

Campaspe Planning Scheme — Nos C25, C26

Cardinia Planning Scheme — Nos C36, C38, C45

Central Goldfields Planning Scheme — Nos C3, C4

Darebin Planning Scheme — No C16

East Gippsland Planning Scheme — Nos C12, C13, C17, C20

Frankston Planning Scheme — Nos C12 Part 1, C12 Part 2

Glen Eira Planning Scheme — Nos C27 Part 1, C27 Part 2

Glenelg Planning Scheme — No C5 Part 1

Greater Bendigo Planning Scheme — Nos C45, C47

Greater Dandenong Planning Scheme — No C29 Part 1

Greater Geelong Planning Scheme — Nos C25, C37, C57

Greater Shepparton Planning Scheme — Nos C20, C24

Horsham Planning Scheme — Nos C10, C12, C15

Hume Planning Scheme — Nos C4, C13, C28, C29, C36

Kingston Planning Scheme — No C29

Knox Planning Scheme — Nos C3, C4, C26, C34

Macedon Ranges Planning Scheme — No C17
 Manningham Planning Scheme — No C20
 Maribyrnong Planning Scheme — Nos C6, C29, C33, C34
 Maroondah Planning Scheme — No C14
 Melbourne Planning Scheme — Nos C20, C25, C68, C73
 Mildura Planning Scheme — Nos C7, C13, C15
 Mitchell Planning Scheme — No C25
 Monash Planning Scheme — Nos C12, C22, C23
 Moonee Valley Planning Scheme — No C28
 Moreland Planning Scheme — No C6
 Mornington Peninsula Planning Scheme — Nos C23, C32, C35, C53, C54
 Nillumbik Planning Scheme — Nos C17, C18, C23
 Port of Melbourne Planning Scheme — No L35
 Port Phillip Planning Scheme — Nos C25, C38
 Stonnington Planning Scheme — No C29
 Swan Hill Planning Scheme — Nos C8, C9
 Victoria Planning Provisions — Nos VC15, VC17
 Wangaratta Planning Scheme — Nos C9 Part 2, C14
 Warnambool Planning Scheme — Nos C12, C23
 West Wimmera Planning Scheme — No C4
 Whitehorse Planning Scheme — Nos C4 Part 1, C14, C24, C35, C36
 Whittlesea Planning Scheme — Nos C29, C30 Part 1, C43 Part 1, C46
 Wyndham Planning Scheme — Nos C4, C11 Part 1, C36, C37, C43, C46
 Yarra Planning Scheme — Nos C34, C39 Part 1, C42
 Yarra Ranges Planning Scheme — Nos C19, C29

Plumbing Industry Commission — Report for the year 2001–02

Portland and District Hospital — Report for the year 2001–02

Portland Coast Region Water Authority — Report for the year 2001–02

Premier and Cabinet, Department of — Report for the year 2001–02

Public Employment Office — Report for the year 2001–02

Public Prosecutions — Report of the Director, Committee and Office for the year 2001–02

Queen Elizabeth Centre — Report for the year 2001–02

Robinvale District Health Services — Report for the year 2001–02

Rochester and Elmore District Health Service — Report for the year 2001–02

Royal Victorian Eye & Ear Hospital — Report for the year 2001–02

Seymour District Memorial Hospital — Report for the year 2001–02

South Eastern Regional Waste Management Group — Report for the year 2001–02

South West Healthcare — Report for the year 2001–02

Southern Health — Report for the year 2001–02

St Vincent's Health — Report for the year 2001–02 (four papers)

Statutory Rules under the following Acts:

Adoption Act 1984 — SR No 129
Bail Act 1977 — SR No 1/2003
Building Act 1993 — SR No 132
Conservation, Forests and Lands Act 1987 — SR No 17/2003
Corporations (Ancillary Provisions) Act 2001 — SR No 122
Country Fire Authority Act 1958 — SR No 111
County Court Act 1958 — SR Nos 125, 126, 127
Crimes Act 1958 — SR Nos 128, 2/2003
Dangerous Goods Act 1985 — SR No 16/2003
Environment Protection Act 1970 — SR Nos 131, 10/2003
Fundraising Appeals Act 1998 — SR No 106
Gaming Machine Control Act 1991 — SR No 109
Health Act 1958 — SR No 4/2003
Land Conservation (Vehicle Control) Act 1972 — SR No 11/2003
Land Tax Act 1958 — SR No 136
Magistrates' Court Act 1989 — SR Nos 105, 123, 8, 9/2003
Members of Parliament (Register of Interest) Act 1978 — SR No 14/2003
Metropolitan Fire Bridges Act 1958 — SR No 111
Motor Car Traders Act 1986 — SR No 130
National Parks Act 1975 — SR No 108
Occupational Health and Safety Act 1985 — SR No 16/2003
Parliamentary Committees Act 1968 — SR No 13/2003
Parliamentary Salaries and Superannuation Act 1968 — SR No 12/2003
Pay-roll Tax Act 1971 — SR No 117
Petroleum (Submerged Lands) Act 1982 — SR No 134
Police Regulation Act 1958 — SR No 6/2003
Private Agents Act 1966 — SR No 133
Road Safety Act 1986 — SR Nos 113, 114, 115, 116, 7/2003
Subordinate Legislation Act 1994 — SR Nos 110, 119, 120, 3, 5, 15/2003
Supreme Court Act 1986 — SR Nos 118, 121, 122
Trade Measurement Act 1995 — SR No 112
Trade Measurement (Administration) Act 1995 — SR No 112
Treasury Corporation of Victoria Act 1992 — SR No 135
Victorian Civil and Administrative Tribunal Act 1998 — SR No 124
Wildlife Act 1975 — SR No 107

Stawell Regional Health — Report for the year 2001–02

Subordinate Legislation Act 1994:

Ministers' exception certificates in relation to Statutory Rule Nos 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 130, 5, 7, 15/2003
 Ministers' exemption certificates in relation to Statutory Rule Nos 96, 98, 105, 106, 107, 108, 112, 113, 114, 115, 116, 133, 4, 12, 13, 14, 17/2003

Swan Hill District Hospital — Report for the year 2001–02

Tallangatta Health Service — Report for the year 2001–02

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- Terang and Mortlake Health Service — Report for the year 2001–02
- Tourism Victoria — Report for the year 2001–02
- Upper Murray Health and Community Services — Report for the year 2001–02 (two papers)
- Urban and Regional Land Corporation — Report for the year 2001–02 (two papers)
- Victoria Grants Commission — Report for the year ended 31 August 2002
- Victoria Law Foundation — Report for the year 2001–02
- Victoria Police — Report of the Office of the Chief Commissioner for the year 2001–02 (two papers)
- Victorian Arts Centre Trust — Report for the year 2001–02
- Victorian Civil and Administrative Tribunal — Report for the year 2001–02
- Victorian Funds Management Corporation — Report for the year 2001–02
- Victorian Government Purchasing Board — Report for the year 2001–02
- Victorian Health Promotion Foundation — Report for the year 2001–02
- Victorian Institute of Forensic Mental Health — Report for the year 2001–02
- Victorian Multicultural Commission — Report for the year 2001–02
- Victorian Relief Committee — Report for the year 2001–02
- Wangaratta District Base Hospital — Report for the year 2001–02
- Water Act 1989* — Water Supply Protection Area Declaration Orders 2002 for:
- Olinda Creek Catchment
 - Steels, Dixons and Paul Creek Catchment
 - Stringybark Creek Catchment
 - Upper Loddon
 - Yarram
- West Gippsland Healthcare Group — Report for the year 2001–02
- West Wimmera Health Service — Report for the year 2001–02
- Western District Health Service — Report for the year 2001–02
- Western Health — Report for the year 2001–02
- Wimmera Health Care Group — Report for the year 2001–02
- Wodonga Regional Health Service — Report for the year 2001–02 (three papers)
- Women’s and Children’s Health Service — Report for the year 2001–02

Wonthaggi and District Hospital — Report for the year 2001–02

Yarram and District Health Service — Report for the year 2001–02 (two papers)

Yarrawonga District Health Service — Report for the year 2001–02

- 8 **PRIVILEGE BILL — INTERPRETATION OF LEGISLATION (AMENDMENT) BILL** — Mr Bracks obtained leave, with Mr Batchelor, to bring in a Bill '*to amend the **Interpretation of Legislation Act 1984***'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 9 **TERRORISM (COMMUNITY PROTECTION) BILL** — Mr Bracks, by leave, obtained leave with Mr Batchelor, to bring in a Bill '*to provide for the prevention of and response to terrorist acts, to amend the **Freedom of Information Act 1982** and the **Victorian Civil and Administrative Tribunal Act 1998** and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 10 **CONSTITUTION (PARLIAMENTARY REFORM) BILL** — Mr Bracks, by leave, obtained leave with Mr Batchelor, to bring in a Bill '*to reform the Parliament of Victoria, to amend the **Constitution Act 1975** and the **Electoral Act 2002**, to consequentially amend certain Acts and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 11 **PARLIAMENTARY COMMITTEES (AMENDMENT) BILL** — Mr Bracks, by leave, obtained leave with Mr Batchelor, to bring in a Bill '*to amend the **Parliamentary Committees Act 1968** and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 12 **COMMISSIONER FOR ENVIRONMENTAL SUSTAINABILITY BILL** — Mr Thwaites, by leave, obtained leave with Mr Batchelor, to bring in a Bill '*to provide for a Commissioner for Environmental Sustainability, to facilitate a periodical Report on the State of the Environment of Victoria and annual reporting on the implementation of environmental management systems, to consequentially amend the **Public Sector Management and Employment Act 1998** and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 13 **FIREARMS (TRAFFICKING AND HANDGUN CONTROL) BILL** — Mr Haermeyer, by leave, obtained leave with Mr Batchelor, to bring in a Bill '*to amend the **Firearms Act 1996**, the **Magistrates' Court Act 1989** and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 14 **PAY-ROLL TAX (MATERNITY AND ADOPTION LEAVE EXEMPTION) BILL** — Mr Brumby, by leave, obtained leave with Mr Batchelor, to bring in a Bill '*to amend the **Pay-roll Tax Act 1971** to grant an exemption from pay-roll tax in respect of paid maternity leave and paid adoption leave and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 15 **RETAIL LEASES BILL** — Mr Brumby, by leave, obtained leave with Mr Batchelor, to bring in a Bill '*to provide a new regulatory scheme for retail leases, to amend and repeal the **Retail Tenancies Reform Act 1998**, to amend the **Retail Tenancies Act 1986** and make minor amendments to certain other Acts and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.

- 16 **SMALL BUSINESS COMMISSIONER BILL** — Mr Brumby, by leave, obtained leave with Mr Batchelor, to bring in a Bill '*to establish the office of the Small Business Commissioner and to amend the **Liquor Control Reform Act 1998** and the **Victorian Civil and Administrative Tribunal Act 1998** and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 17 **OUTWORKERS (IMPROVED PROTECTION) BILL** — Mr Hulls, by leave, obtained leave with Mr Batchelor, to bring in a Bill '*to improve the protection of outworkers in the clothing industry, to establish an Ethical Clothing Trades Council of Victoria and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 18 **FEDERAL AWARDS (UNIFORM SYSTEM) BILL** — Mr Hulls, by leave, obtained leave with Mr Batchelor, to bring in a Bill '*to amend the **Commonwealth Powers (Industrial Relations) Act 1996** to refer to the Parliament of the Commonwealth a further matter relating to industrial relations, to empower the Victorian Civil and Administrative Tribunal to make orders applying federal award conditions as common rules in Victoria and for this purpose to amend the **Victorian Civil and Administrative Tribunal Act 1998** and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 19 **HEALTH LEGISLATION (RESEARCH INVOLVING HUMAN EMBRYOS AND PROHIBITION OF HUMAN CLONING) BILL** — Ms Pike, by leave, after debate, obtained leave with Mr Batchelor, to bring in a Bill '*to amend the **Infertility Treatment Act 1995** so as to make fresh provision for the regulation of certain activities involving the use of human embryos and for the prohibition of human cloning and certain other practices associated with reproductive technology, to make consequential amendments to the **Gene Technology Act 2001** and certain other Acts and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 20 **PUBLICATION OF REPORTS AND PROCEEDINGS** — Motion made, by leave, and question — That —
- (1) This House authorises the publication in written or electronic form of any report, paper, votes or proceedings within the meaning of s 73 of the *Constitution Act 1975* by such persons, officers or servants as may be nominated in writing from time to time by the Speaker.
 - (2) This resolution shall continue in force unless and until amended or rescinded by the House in this or a subsequent Parliament.
- (*Mr Batchelor*) — put, after debate and agreed to.
- 21 **OPERATION OF ACTS — PROCLAMATIONS** — Motion made, by leave, and question — That this House authorises and requires the Clerk to lay on the 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 and agreed to.

22 **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 **Order of business**

So much of Standing Orders are suspended so as to allow:

- (1) Government business to take precedence over all other business except:
 - (a) for motions of want of confidence in the government; and
 - (b) as provided for in Sessional Orders 3, 4, 8, 9, 12, 14 and 17.
- (2) Unless a matter concerning the privileges of the House arises, the order of business will be:

Tuesdays

Question time
 Formal business
 Statements by members (Sessional Order 8)
 Government business
 General business

Wednesdays

Formal business
 Statements by members (Sessional Order 8)
 Matter of public importance (Sessional Order 9) *or* grievance debate (Sessional Order 4)
 Statements on parliamentary committee reports (Sessional Order 17)
 Government business
 Question time (at 2.00 pm)
 Government business *continued*
 General business

Thursdays (and Fridays)

Formal business
 Statements by members (Sessional Order 8)
 Government business
 Question time (at 2.00 pm)
 Government business *continued*
 General business

3 **Question time**

So much of Standing Order No 124 as allows members to ask oral questions without notice at the time of giving notices of motion is suspended to allow the following procedure:

- (1) Members are able to ask oral questions without notice at 2.00 pm each sitting day (question time) except on a Tuesday when precedence is given to condolences under Sessional Order 12, with question time following immediately afterwards.
- (2) Question time will last for 30 minutes or until 10 questions have been answered, whichever is the longer — provided that these sessional orders do not allow more than one question time each sitting day.
- (3) At 2.00 pm on each sitting day (other than a Tuesday), unless a division is taking place:
 - (a) the Speaker will interrupt the business before the House; or
 - (b) if the House is in Committee, the Chairman will report progress and the Speaker will then interrupt business —

and the bells are then rung for one minute.
- (4) If a division is taking place at 2.00 pm, it will be completed without interruption and the result announced. If the division is on a closure motion, and the motion is agreed to, the question or questions then required to be put to close the issue before the House will also be dealt with. Business is then interrupted following the procedure in paragraph (3).
- (5) Any business under discussion and not completed at 2.00 pm will be resumed immediately at the end of question time. Any member speaking at the time of the interruption may then continue his or her speech.
- (6) All questions will be direct, succinct and seek factual information.
- (7) All answers to questions will be direct, factual and succinct.

4 **Grievances**

Standing Order No 59 is suspended to allow the following procedure:

- (1) A debate on the question ‘That grievances be noted’ will take place on the first sitting Wednesday of each Autumn and Spring sitting period and every subsequent third sitting Wednesday.
- (2) The debate will be the first order of the day after statements by members and will last for two hours, or until eight members have spoken, whichever is the shorter.
- (3) Subject to paragraph (2), any member may speak in the debate for a maximum of 15 minutes.

5 **Adjournment of the House**

Despite the right of a minister to move a motion for the adjournment of the House under Standing Order No 25:

- (1) At 10.00 pm each sitting day, unless a division is taking place:

- (a) the Speaker will interrupt the business before the House; or
 - (b) if the House is in Committee, the Chairman will report progress and the Speaker will then interrupt business.
- (2) If a division is taking place at 10.00 pm, it will be completed and the result announced. If the division is on a closure motion, and the motion is agreed to, the question or questions then required to be put to close the issue before the House will also be dealt with. Business is then interrupted following the procedure in paragraph (1).
- (3) After the interruption:
 - (a) before a motion for the adjournment is proposed by the Speaker, a minister may move that the sitting be continued. That motion must be put immediately without amendment or debate. If it is agreed to, the House or Committee will resume debate at the point at which it had been interrupted; or
 - (b) if a motion is not moved, the Speaker will immediately propose the question 'That the House now adjourns'. The question may be debated in accordance with the rules and practices of the House and paragraph (5). At the end of the debate, the Speaker will adjourn the House, without putting any question, until the next sitting day.
- (4) Where the House adjourns under sub-paragraph (3)(b), any business under discussion and any other business not concluded at the time of the adjournment will be listed on the notice paper for the next sitting day. Any member speaking at the time of the interruption may, when debate resumes, continue his or her speech.
- (5) Debate on the motion 'That the House now adjourns' will last for a maximum of 30 minutes or until 10 members have spoken, whichever is the shorter. Subject to such overall time period, the time limit for each member speaking in the debate is three minutes. Immediately afterwards a period of 30 minutes in total will be provided for ministers to respond.

6 **Government business program**

So much of standing orders are suspended to allow the programming of government business and the following procedures:

Agreement of program and later amendment

- (1) Before the House meets in any week:
 - (a) the Leader of the House, the Deputy Leader of the Opposition and the Deputy Leader of the Third Party, or their nominees, may meet as a business committee to try to agree how the House will deal with government business that week;
 - (b) after each meeting has finished, the outcome may be made public by any member of the business committee.

- (2) On the first day of the sitting week:
- (a) before government business is called on, the Leader of the House, or his or her nominee, may move, without leave, a motion setting times and dates (the completion time) by which consideration of specified items of government business and/or government bills must be completed in that sitting week;
 - (b) the debate will last for 30 minutes or until six members have spoken, whichever is the shorter;
 - (c) subject to sub-paragraph (b), the time limit for each member speaking in the debate is five minutes.
- (3) After a special meeting of the business committee:
- (a) the Leader of the House, or his or her nominee, at a change of business and without leave, may move a motion to amend the resolution agreed under paragraph (2);
 - (b) the debate will last for 30 minutes or until six members have spoken, whichever is the shorter;
 - (c) subject to sub-paragraph (b), the time limit for each member speaking in the debate is five minutes;
 - (d) any change to the program comes into operation one hour after the motion is agreed to.

Circulation of amendments

- (4) The following provisions apply to the circulation of amendments:
- (a) amendments may be circulated under Sessional Order 15; and
 - (b) during consideration of amendments made or suggested by the Legislative Council:
 - (i) a member may announce and circulate amendments to be proposed to the Council amendments, without leave but not when another member is speaking;
 - (ii) the announcement and request to circulate may not be debated.
 - (c) Amendments circulated under sub-paragraphs (a) or (b) may only be considered at the completion time in accordance with this Sessional Order if they have been circulated not less than two hours earlier.

Interruption at completion time

- (5) At the completion time, if there are specified bills or items of business to be completed:

- (a) unless a division is taking place, the Chair or Chairman will interrupt the business before the House or Committee;
- (b) if a division is taking place:
 - (i) it will be completed without interruption and the result announced;
 - (ii) if it is on a closure motion in relation to a non-specified bill or item of business, and the motion is agreed to, the question or questions then required to be put to close the issue before the House will also be dealt with;
 - (iii) the Chair or Chairman then interrupts business.

Where a specified item of business or bill is being debated at the interruption

- (6) In the case of a specified item of business being considered at the interruption, the Chair will immediately put the question on any amendment and/or motion already proposed from the Chair, in order to conclude proceedings on the item.
- (7) In the case of a specified bill being considered in Committee at the interruption:
 - (a) the Chairman will immediately put the question or questions:
 - (i) on any amendment or motion proposed from the Chair;
 - (ii) to dispose of any amendments, new clauses and new schedules required by the government which have been circulated under paragraph (4) — no other amendments, new clauses or new schedules will be proposed; and
 - (iii) to dispose of the bill in Committee.
 - (b) the Chairman will report to the House without a question being put;
 - (c) in the House, the Chair will, subject to paragraph (16), combine any remaining questions necessary for the bill to be passed and communication with the Legislative Council to be agreed.
- (8) In the case of a specified bill being considered by the House at the interruption:
 - (a) the Chair will immediately put the question on any amendment or motion already proposed from the Chair;
 - (b) the Committee stage of the bill is dispensed with;
 - (c) after resolution of any question or questions required by sub-paragraph (a) the Chair will immediately, subject to paragraph (16), combine any remaining questions necessary:

- (i) to dispose of any amendments, new clauses and new schedules required by the government which have been circulated under paragraph (4) — no other amendments, new clauses or new schedules will be proposed;
- (ii) to dispose of amendments made or suggested by the Legislative Council; and
- (iii) for the bill to be passed and communication with the Legislative Council to be agreed.

Where non-specified business is being debated at the interruption

- (9) Paragraphs (10) to (12) apply if, at the interruption, the House is considering a non-specified item of business or bill, and there are specified bills or items of business to be concluded.
- (10) Where a bill is being considered in Committee at the time of the interruption, the Chairman, subject to paragraph (5), will immediately report progress without a question being put.
- (11) Following the interruption, or after progress has been reported under paragraph (10), the House will immediately consider the specified items of business or bills following the procedure under paragraphs (13) to (16).
- (12) Any business under discussion and not completed at the time of the interruption will be resumed immediately after all specified items of business and bills have been dealt with. Any member speaking at the time of the interruption may then continue his or her speech.

Procedure for remaining items of specified items of business or bills

- (13) The Chair will direct the Clerk to call on each relevant order of the day in turn.
- (14) In the case of any remaining specified items of business, the Chair will put a combined question (if required) in order to conclude the proceedings.
- (15) In relation to any remaining specified bills:
 - (a) the Committee stage is dispensed with for bills before the House;
 - (b) the remaining Committee stages are dispensed with for bills being considered in Committee; and
 - (c) for all bills the Chair will, subject to paragraph (16), combine any remaining questions necessary:
 - (i) to dispose of any amendments, new clauses and new schedules required by the government which have been circulated under paragraph (4) — no other amendments, new clauses or new schedules will be proposed;

- (ii) to dispose of amendments made or suggested by the Legislative Council;
- (iii) for the bill to be passed and communication with the Legislative Council to be agreed.

Where questions cannot be combined

- (16) The Chair will not put combined questions under paragraphs (7), (8) or (15) in the following circumstances:
- (a) where the second and third readings of a bill must be passed with an absolute majority of the whole number of the members of the Legislative Assembly, the questions for the second and third readings, as appropriate, must be put separately;
 - (b) where amendments made or suggested by the Legislative Council are being considered, the Chair will put separate questions for each amendment — provided that if no member objects, any, or all, of the questions may be combined, except where the amendments must be passed with an absolute majority of the whole number of the members of the Legislative Assembly.

Points of order and motions

- (17) The Chair will not accept any points of order once the completion time has arrived until all the required questions under paragraphs (6), (7), (8), (14), (15) or (16) have been dealt with.
- (18) Standing and/or sessional orders relating to closure of debate (except for the use of the closure on dilatory motions) or guillotine shall not apply to any proceedings in respect of a specified item of business or bill.

7 Right of reply

- (1) Where a person (the applicant) has been referred to in the House by name, or in such a way as to be readily identified, he or she can send a written submission (the submission) to the Speaker asking for an appropriate response to be incorporated into the parliamentary record.
- (2) The submission must include a claim that, as a result of the reference:
- (a) the applicant has been adversely affected:
 - (i) in reputation; or
 - (ii) in relation to dealings or associations with others; or
 - (b) the applicant has been injured in connection with his or her occupation, trade, office or financial credit; or
 - (c) the applicant's privacy has been unreasonably invaded.
- (3) The Speaker will refer the submission to the Privileges Committee (the Committee) if the Speaker is satisfied that:

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- (a) the subject of the submission is not so obviously trivial, or the submission so frivolous, vexatious or offensive in character, as to make it inappropriate that it be considered by the Committee; and
 - (b) that it is practicable for the Committee to consider the submission under this Sessional Order.
 - (4) When a submission is referred, the secretary of the Committee will contact the applicant to draw his or her attention to the Committee's guidelines for preparing a brief draft statement in a correct form for incorporation.
 - (5) The Committee may decide not to consider a submission referred to it if:
 - (a) it considers that the subject of the submission is not sufficiently serious; or
 - (b) it considers that the submission is frivolous, vexatious or offensive in character; or
 - (c) the submission was received more than six months after the relevant comments were made in the House and the applicant has not shown exceptional circumstances to explain the delay —and will report any such decision to the House.
 - (6) If the Committee decides to consider a submission, it may hold discussions with the applicant and any member who referred to the applicant in the House.
 - (7) The Committee will meet privately when considering a submission.
 - (8) The Committee will not publicly release a submission, or its proceedings in relation to a submission, but may present to the House minutes of its proceedings and all or part of a submission.
 - (9) In considering a submission and reporting to the House, the Committee will not consider or judge the truth of:
 - (a) any statements made in the House; or
 - (b) the submission.
 - (10) In its report to the House, the Committee may make either of the following recommendations:
 - (a) that no further action should be taken by the House in relation to the submission; or
 - (b) that a response by the applicant, set out in the report and agreed to by the applicant and the Committee, should be published by the House or incorporated in Hansard.
 - (11) The Committee will not make any other recommendations.

- (12) A document presented to the House under paragraphs (8) or (10):
- (a) in the case of a response by an applicant, will be succinct and strictly relevant to the questions in issue and will not contain anything offensive in character; and
 - (b) will not contain any matter, the publication of which would have the effect of unreasonably:
 - (i) adversely affecting or injuring a person; or
 - (ii) invading a person's privacy, in the manner referred to in paragraph (2); or
 - (iii) adding to or aggravating any such adverse effect, injury or invasion of privacy.
- (13) The Committee may agree to guidelines and procedures relating to its consideration of submissions, providing they are consistent with this Sessional Order.

8 **Statements by members**

- (1) After formal business each sitting day members may make statements on any topic of concern during a maximum period of 30 minutes.
- (2) Subject to paragraph (1), the time limit for each member making a statement is 90 seconds, the call being allocated between members according to party/individual representation in the House.

9 **Matters of public importance**

Standing Order Nos 26 and 27 are suspended to allow the following procedure:

- (1) Except on grievance days under Sessional Order 4, precedence will be given to matters of public importance immediately after statements by members each sitting Wednesday.
- (2) A member may propose to the Speaker a definite matter of public importance to be submitted to the House for discussion. In considering which proposals to accept the Speaker will:
 - (a) alternate between those made by non-government members and those by government members;
 - (b) accept proposals from non-government members on a pro-rata basis according to the non-government representation in the House, the Speaker having full discretion in making and putting into effect the apportionment.
- (2) A member proposing a matter must give the Speaker a written statement of the proposal by 4.00 pm on the day before the day of the discussion.

- (3) If more than one member proposes a matter for discussion on the same day, the Speaker will decide which one to consider under paragraph (4).
- (4) The Speaker will decide whether the proposal is in order and, by 5.30 pm on the day before discussion, will give details of the proposal which has been accepted to the leader of each party and the independents.
- (5) Only one matter will be discussed on any one sitting day.
- (6) On the day of the discussion the Speaker will read the proposal to the House and will then call the member making the proposal to speak.
- (7) The discussion will be no longer than two hours, the first government and non-government speakers may speak for a maximum of 15 minutes and any other member for a maximum of 10 minutes. The call is to alternate between government and non-government speakers.
- (8) At any time during the discussion, a motion may be moved by any member 'That the business of the day be called on'. The motion will be put immediately and decided without amendment or debate and, if agreed to, statements on parliamentary committee reports under Sessional Order 17 will be called on immediately. No other question seeking to end the discussion can be proposed.

10 **Disorderly conduct of members**

So much of Standing Order No 117 is suspended to allow the following procedure where the Speaker or Deputy Speaker considers the conduct of a member to be disorderly:

- (1) The Speaker or Deputy Speaker may order the member to withdraw from the House for up to one and a half hours. That order is not open to debate or dissent.
- (2) The member, whilst suspended, may still return to the Chamber to vote in a division.
- (3) If a member is ordered to withdraw under paragraph (1) and the House adjourns before the end of the suspension period, the member, subject to paragraph (2), will not return to the Chamber on the next sitting day until the remaining time has expired. Time is calculated from the end of the ringing of the bells.
- (4) If a member does not immediately withdraw from the House when ordered to do so under paragraph (1), the Speaker or Deputy Speaker may name the member under Standing Order No 117.
- (5) Where the Deputy Speaker names the member, he or she will immediately report the matter to the Speaker.
- (6) The Speaker, after naming the member or receiving a report under paragraph (5), will immediately put the question, on a motion being made, 'That such member be suspended from the service of this House'.

11 Time limit of speeches

- (1) Standing Order No 103 is amended by omitting ‘No such reply shall exceed twenty minutes in the case of a substantive motion or in any other case fifteen minutes.’ and inserting ‘A reply will be for a maximum of 15 minutes.’.
- (2) Standing Order No 104 is suspended and a member may speak for the specified period in the following debates:

Appropriation bills — second reading

Mover.....	unlimited
Lead speaker in response from opposition	unlimited
Lead speaker in response from third party	1 hour
Any other member	15 minutes

Government bills (excluding appropriation bills) — second reading

Mover.....	unlimited
Lead speaker in response from opposition	30 minutes*
Lead speaker in response from third party	20 minutes*
Any other member	10 minutes

*Plus, where the minister speaks for more than 30 minutes, an additional time equivalent to the minister’s time in excess of 30 minutes.

Private members’ bills — second reading

Mover.....	30 minutes
Lead speakers in response from government and/or opposition, each	30 minutes
Lead speaker in response from third party	20 minutes
Any other member	10 minutes

All bills — Committee of the Whole

Mover.....	unlimited (in time and how often a mover may speak to a question)
Any other member	twice on each question, 5 minutes each time

Motions other than procedural motions

Mover.....	30 minutes
Lead speakers in response from government and/or opposition, each	30 minutes
Lead speaker in response from third party	20 minutes
Any other member	10 minutes

Procedural motions

These time limits apply to procedural motions, dilatory motions¹ and debate on the question that remaining business be postponed.

All members	5 minutes (subject to the overall time period) (maximum of 6 speakers or 30 minutes total debating time, whichever is the shorter)
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¹ For example, motions such as ‘That the Chairman do leave the Chair’, ‘That the debate be now adjourned’ and ‘That the question be now put’.

No-confidence motions

Mover.....	unlimited
Lead speaker in response from opposition	unlimited
Lead speaker in response from third party	1 hour
Any other member	15 minutes

Address-in-reply

Mover and seconder, each	20 minutes
Any other member	15 minutes

12 Condolences

Precedence on a Tuesday will be given to:

- (1) A condolence motion in the event of the death of:
 - (a) a sitting member or a member from the preceding Parliament;
 - (b) a past or present Governor, Premier, Presiding Officer, Leader of the Opposition, leader of a recognised political party, Leader of the Government or Opposition in the Legislative Council; or
 - (c) a person who had previous distinguished ministerial service or other distinguished service in Victoria.
- (2) An announcement by the Speaker in relation to the deaths of former members not referred to in paragraph (1). After the announcement the Speaker will ask members to rise in their places as a mark of respect to the memory of the deceased. The Speaker will then send a message of sympathy from the House to the relatives of the deceased —
provided that, if condolences under both paragraphs (1) and (2) are due to be expressed on the same sitting day, the announcement/s under paragraph (2) will be made first.

13 Reading of petitions

So much of Standing Order No 248B is suspended so as to allow:

- (1) A member to read the terms of a petition and the number of signatories during statements by members under Sessional Order 8.
- (2) Prior notice of not less than one day must be given to the Clerk and the Clerk's confirmation received that the petition complies with standing orders.
- (3) After reading the details under paragraph (1) the member must give the petition to the Clerk and cannot later move that the petition be taken into consideration under Standing Order No 248C.

14 General business

Despite the provisions of these sessional orders, any general business notice/s of motion and/or order/s of the day may, at the discretion of the government, be called on in total or partial substitution of a discussion of a matter of public of importance under Sessional Order 9.

15 Circulation of amendments

Amendments to be proposed in the Committee of the Whole to a bill may be circulated as follows:

- (1) During the debate on the question 'That this bill be now read a second time' a member, without leave but not when another member is speaking, may announce amendments to that bill and ask that they are circulated.
- (2) The announcement and request to circulate may not be debated.
- (3) Following circulation, the member may discuss the principles of the amendments during the second reading debate.

16 Introduction and first reading of bills

So much of Standing Order No 48 is suspended so as to allow a minister to introduce a bill under Standing Order No 128 without having given notice on a previous sitting day.

17 Statements on parliamentary committee reports

- (1) On a sitting Wednesday, immediately after the grievance debate or matter of public importance, as the case may be, members may make statements on any parliamentary committee reports tabled in the House during the current Parliament.
- (2) The overall time period for such statements is 30 minutes or until six members have spoken, whichever is the shorter.
- (3) Subject to paragraph (2), the time limit for each member making a statement is five minutes.

18 Ministerial statements

A minister may make a statement at a change in government business and without leave on the following basis:

- (1) The minister must give not less than two hours notice to the leaders of the opposition and the third party or their nominees, and the independent members.
- (2) The minister must hold discussions with the leaders, or their nominees, at the time of giving notice about the number of members to speak in reply. Following those discussions the minister must determine the number and advise the Speaker. The Speaker will announce the decision prior to calling the minister to make the statement.
- (3) The minister may speak for no more than 20 minutes. In responding the lead speaker for the opposition may speak for a maximum of 20 minutes. Subject to the determination made under paragraph (2), any other member may speak for a maximum of 10 minutes.

19 Divisions

- (1) Standing Order No 177 is amended by omitting ‘and turn a two-minute sandglass, kept on the Table for that purpose, and the doors shall not be closed until after the lapse of two minutes, as indicated by such sandglass’ and inserting ‘for three minutes as indicated by the timer, during which the doors are kept open’.
- (2) Standing Order No 178 is amended by substituting ‘three minutes’ for ‘two minutes’.
- (3) Despite paragraphs (1) and (2), where successive divisions occur, the Chair may direct the bells to be rung for one minute only.
- (4) Standing Order No 179 is amended by substituting ‘two or more tellers’ for ‘two tellers’.

(Mr Batchelor) — and, after debate —

The Speaker deferred putting the question in relation to the proposed sessional orders in order to allow consideration of amendments —

Sessional Order 2 — Amendment proposed —

1 Paragraph (2), under ‘Wednesday’ omit ‘parliamentary committee’ *(Mr Clark)*.

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

The House divided.

AYES 62

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D’Ambrosio; Ms Delahunty *(Northcote)*; Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Mr Jenkins; Ms Kosky; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Loney; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Savage; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne. Tellers: Mr Helper; Mr Langdon.

NOES 22

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty *(Lowan)*; Mr Doyle; Mr Honeywood; Mr Jasper; Mr Kotsiras; Mr McIntosh; Dr Napthine; Mr Plowman; Ms Powell; Mr Ryan; Mrs Shardey; Mr Smith; Mr Sykes; Mr Thompson; Mr Walsh; Mr Wells. Tellers: Mr Dixon; Mr Maughan.

And so it was resolved in the affirmative.

Sessional Order 6 — Amendment proposed —

1 Paragraph (7)(a)(ii), omit ‘required by the government’ *(Mr Ingram)*.

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

The House divided.

AYES 60

Ms Allan, Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield, Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Loney; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Trezise; Mr Wilson; Mr Wynne. Tellers: Mr Helper; Mr Langdon.

NOES 25

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Doyle; Mr Honeywood; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Mulder; Dr Napthine; Mr Plowman; Ms Powell; Mr Ryan; Mr Savage; Mrs Shardey; Mr Smith; Mr Sykes; Mr Thompson; Mr Walsh; Mr Wells. Tellers: Mr Dixon; Mr Maughan.

And so it was resolved in the affirmative.

Sessional Order 8 — Amendment proposed —

2 Paragraph (2), omit 'being allocated between members according to party/individual representation in the House' and insert 'alternating between government and non-government members' (*Mr Clark*).

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

The House divided.

AYES 60

Ms Allan, Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield, Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Loney; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Trezise; Mr Wilson; Mr Wynne. Tellers: Mr Helper; Mr Langdon.

NOES 25

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Doyle; Mr Honeywood; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Mulder; Dr Napthine; Mr Plowman; Ms Powell; Mr Ryan; Mr Savage; Mrs Shardey; Mr Smith; Mr Sykes; Mr Thompson; Mr Walsh; Mr Wells. Tellers: Mr Dixon; Mr Maughan.

And so it was resolved in the affirmative.

Sessional Order 11 — Amendment proposed —

4 Paragraph (2), under the heading ‘**Government bills (excluding appropriation bills) — second reading**’ omit ‘30 minutes’ and insert ‘60 minutes’ (*Mr Clark*).

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

The House divided.

AYES 61

Ms Allan, Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield, Ms D’Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Loney; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Savage; Mr Seitz; Mr Stensholt; Mr Trezise; Mr Wilson; Mr Wynne. Tellers: Mr Helper; Mr Langdon.

NOES 24

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Doyle; Mr Honeywood; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Mulder; Dr Napthine; Mr Plowman; Ms Powell; Mr Ryan; Mrs Shardey; Mr Smith; Mr Sykes; Mr Thompson; Mr Walsh; Mr Wells. Tellers: Mr Dixon; Mr Maughan.

And so it was resolved in the affirmative.

Sessional Order 11 — Amendment proposed —

5 Paragraph (2), under the heading ‘**Government bills (excluding appropriation bills) — second reading**’ omit ‘10 minutes’ and insert ‘15 minutes’ (*Mr Clark*).

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

The House divided.

AYES 60

Ms Allan, Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield, Ms D’Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Loney; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Trezise; Mr Wilson; Mr Wynne. Tellers: Mr Helper; Mr Langdon.

NOES 25

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Doyle; Mr Honeywood; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Mulder; Dr Napthine; Mr Plowman; Ms Powell; Mr Ryan; Mr Savage; Mrs Shardey; Mr Smith; Mr Sykes; Mr Thompson; Mr Walsh; Mr Wells. Tellers: Mr Dixon; Mr Maughan.

And so it was resolved in the affirmative.

Sessional Order 11 — Amendment proposed —

18 Paragraph (2), under the heading ‘**Private members’ bills — second reading**’ omit ‘30 minutes’ where twice occurring and insert ‘20 minutes’ (*Mr Ingram*).

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

Sessional Order 11 — Amendment proposed —

19 Paragraph (2), under the heading ‘**Motions other than procedural motions**’ omit ‘10 minutes’ and insert ‘15 minutes’ (*Mr Ingram*).

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

Sessional Order 14 — Amendment proposed —

20 Before ‘Despite’ insert ‘(1)’ (*Mr Ingram*).

Question — That the expression proposed to be inserted not be inserted — put.

The House divided.

AYES 83

Ms Allan; Mr Andrews; Ms Asher; Mr Baillieu; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Clark; Mr Cooper; Mr Crutchfield; Ms D’Ambrosio; Mr Delahunty (*Lowan*); Ms Delahunty (*Northcote*); Mr Dixon; Mr Donnellan; Mr Doyle; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Herbert; Mr Holding; Mr Honeywood; Mr Howard; Mr Hudson; Mr Hulls; Mr Jasper; Mr Jenkins; Ms Kosky; Mr Kotsiras; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Loney; Mr Lupton; Mr McIntosh; Ms McTaggart; Ms Marshall; Mr Maughan; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Mr Mulder; Ms Munt; Dr Napthine; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Plowman; Ms Powell; Mr Robinson; Mr Ryan; Mr Seitz; Mrs Shardey; Mr Smith; Mr Stensholt; Mr Sykes; Mr Thompson; Mr Trezise; Mr Walsh; Mr Wells; Mr Wilson; Mr Wynne. Tellers: Mr Helper; Mr Langdon.

NOES 2

Tellers: Mr Ingram; Mr Savage.

And so it was resolved in the affirmative.

Sessional Order 17 — Amendment proposed —

- 1 Paragraph (1), after ‘parliamentary committee reports’ insert ‘, excluding reports by the Scrutiny of Acts and Regulations Committee under s 4D(a) and s 4D(b) of the *Parliamentary Committees Act 1968*,’ (Mr Robinson).

Question — That this amendment be agreed to — put.

The House divided.

AYES 62

Ms Allan, Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield, Ms D’Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Mr Jenkins; Ms Kosky; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Loney; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Savage; Mr Seitz; Mr Stensholt; Mr Trezise; Mr Wilson; Mr Wynne. Tellers: Mr Helper; Mr Langdon.

NOES 23

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Doyle; Mr Honeywood; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Mulder; Dr Napthine; Mr Plowman; Ms Powell; Mr Ryan; Mrs Shardey; Mr Smith; Mr Sykes; Mr Thompson; Mr Walsh; Mr Wells. Tellers: Mr Dixon; Mr Maughan.

And so it was resolved in the affirmative.

Question — That the motion as amended be agreed to — put.

The House divided.

AYES 62

Ms Allan, Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield, Ms D’Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Mr Jenkins; Ms Kosky; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Loney; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Savage; Mr Seitz; Mr Stensholt; Mr Trezise; Mr Wilson; Mr Wynne. Tellers: Mr Helper; Mr Langdon.

NOES 23

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Doyle; Mr Honeywood; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Mulder; Dr Naphthine; Mr Plowman; Ms Powell; Mr Ryan; Mrs Shardey; Mr Smith; Mr Sykes; Mr Thompson; Mr Walsh; Mr Wells. Tellers: Mr Dixon; Mr Maughan.

And so it was resolved in the affirmative.

- 23 **TEMPORARY CHAIRS OF COMMITTEES** — The following warrant, nominating the Temporary Chairs of Committees, was laid upon the Table by the Speaker:

VICTORIA
LEGISLATIVE ASSEMBLY

Pursuant to the provisions of Standing Order No 12 of the Legislative Assembly, I do hereby nominate — Ann Patricia Barker, Christine Mary Campbell, Hugh Francis Delahunty, Craig Ingram, Kenneth Stephen Jasper, Nicholas Kotsiras, Jennifer Margaret Lindell, Donato Antonio Nardella, Antony Fulton Plowman, Russell Irwin Savage, George Seitz, Kenneth Maurice Smith and Murray Hamilton Ross Thompson to act as Temporary Chairs whenever requested so to do by the Chair of Committees.

Given under my hand this Twenty-sixth day of February, Two Thousand and Three.

Judy Maddigan
Speaker

- 24 **TEMPORARY RELIEF TO THE SPEAKER AND THE DEPUTY SPEAKER** — Motion made, by leave, and question — That during any absence of the Deputy Speaker, the Speaker be authorised to call upon any of the Temporary Chairs of Committees to temporarily relieve her in the Chair, and that during any absence of the Speaker, the Deputy Speaker be similarly authorised to call upon any of the Temporary Chairs (*Mr Batchelor*) — put and agreed to.
- 25 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourn until tomorrow at 9.30 am (*Mr Batchelor*) — put and agreed to.
- 26 **THE GOVERNOR'S SPEECH** — The Speaker reported that the House had, on Tuesday 25 February 2003, attended the Governor in the Legislative Council Chamber, when the Governor was pleased to make a speech to both Houses of Parliament, which speech was as follows:

*Honourable President and honourable members of the Legislative Council:
Honourable Speaker and members of the Legislative Assembly:*

The November 30th election resulted in the return of the Australian Labor Party with a substantial majority in both Houses of Parliament. The Leader of the Australian Labor Party, Mr Steve Bracks was offered and given the commission to govern.

I have called you together today for the first session of the 55th Parliament to outline the policy directions for the second term of the Government — and the legislation the Government will bring before this Parliament.

Before doing so, I would like to reflect on the way the Victorian community has drawn together in response to the tragedies and crises of the past six months.

In the terrible events in Bali — and in the bushfires here at home — we have seen Victorians at their very best.

We have seen acts of true courage and heroism.
We have seen acts of compassion and selflessness.

We have seen people prepared to set aside their own concerns and step forward to help others.

I thank those who played such an important part in responding to the tragedy in Bali: the police, forensic experts, coronial officers, medical officers, doctors, nurses, counsellors and countless others.

I thank the men and women of our firefighting and emergency services — a great many of whom are volunteers and who have turned out day after day, week after week, to save lives, property and entire communities.

I also thank the many Victorians who contributed in other ways to the firefighting effort.

From those who provided food and medical assistance to our firefighters — to those who rescued and cared for injured wildlife.

It has been an extraordinary community effort and one of which Victorians can be very proud.

The Government — indeed the whole Parliament and the Victorian community — is committed to assisting in the recovery of those parts of the State that have been damaged socially, economically and environmentally by the bushfires and the current drought.

To begin this recovery, the Government has established a Ministerial Task Force to support our many bushfire-affected communities — and the businesses that sustain them.

And just last week, the Government launched the 2003 Victorian Bushfire Recovery Appeal Fund for the collection and distribution of aid for bushfire relief.

Our firefighters will receive practical support through new legislation, giving them protection from civil litigation, and protection from discrimination in employment.

And a new offence will be created with a maximum penalty of 15 years for persons who intentionally or recklessly cause a bushfire.

Over the next four years the Government will continue to invest in communities across Victoria — improving the delivery of government services to all Victorians, and continuing to develop the whole of the State.

The Government will deliver on its promises to the people of Victoria — including important initiatives in water, the environment, families and children, health, education and community safety.

It will give particular attention to the needs of Victoria's regions and Melbourne's rapidly growing outer suburbs.

These commitments will be underpinned by sound financial management, ensuring that Victoria's financial position remains strong and secure.

The Government will continue to listen to the views of all Victorians, and give Victorians every opportunity to have their say in government decisions and policies.

The Government fully appreciates the honour and privilege of being given a strong mandate for its policies by the people of Victoria.

The Government now intends to meet its commitments to the people of Victoria — and implement that policy agenda.

Over the next four years, the Government's priorities will be to:

- improve community safety;
- restore our environment and secure Victoria's future water needs;
- strengthen the Victorian economy and provide good financial management;
- improve our services and community facilities; and complete the task of restoring democracy to Victoria by reforming the Parliament, in particular the Legislative Council.

Democracy and reform of the Legislative Council

The Government's first action in the first sitting of the new Parliament will be to reintroduce legislation to bring about long promised parliamentary reforms.

The Government's new *Constitution (Parliamentary Reform) Bill 2003* — will deliver a parliamentary system that is fairer, more accountable and more representative of the views of Victorians.

The Bill will implement the recommendations of the Constitution Commission to introduce fixed four year terms, improve the relationship between Victoria's two Houses of Parliament — and reform the Upper House to make it a more effective house of review and more representative of the diversity of views within the Victorian community.

This legislation represents the most significant reform of Victoria's parliamentary system since it was established in 1856.

The reforms will mean that in future, elections will be held on a fixed date every four years — the last Saturday in November.

Under this legislation the next election will be held on November 25, 2006 — the 150th anniversary of the first meeting of the Victorian Parliament.

At that election, the size of the Legislative Council will be reduced to 40 members, elected by proportional representation from 8 regions with 5 members in each region.

The Government has chosen this model because it delivers the highest possible level of representation for country Victoria while still being consistent with the democratic principle of 'one vote one value'.

The Bill also explicitly removes the Legislative Council's power to block supply — and provides for a deadlock process to resolve disputes between the Houses.

These changes will make the Legislative Council more democratic, more representative of the Victorian community and a much more effective and active house of review.

The Bill also gives Victorians a say in their Constitution for the first time, by introducing a requirement for a referendum on changes to core provisions in the Constitution.

The Government will also be moving revised sessional orders — to modernise the working of Parliament and adopt practices more in line with the Federal Parliament.

These changes will make the Parliament more productive and allow more debate on issues of substance.

In other reforms, the Government will legislate to strengthen Local Government and establish a common election day for all municipalities across Victoria.

Terrorism and community safety

The surge in terrorism around the world, and the devastating explosions in Bali, have heightened our sense of vulnerability.

The Government has responded by providing additional resources to Victoria's police and emergency services — and it will now legislate to give law enforcement agencies the powers they need to protect the public — and to implement Victoria's commitment to an effective national framework to combat terrorism.

The Government is equally committed to combating major crime, and to improving the safety of the Victorian community as a whole.

Victoria has taken a lead role in negotiations to establish the new Australian Crime Commission — and the Government will introduce legislation in this Parliament to enable the confiscation of assets, and other measures targeting major crime.

Gun control is another matter of great community concern, particularly in the wake of the senseless shootings at Monash University last year.

The Government will introduce legislation that implements the Council of Australian Government Firearms Trafficking Agreement.

This will include a ban on certain handguns, further restrictions on access to guns — and a new buyback program to reduce the number of guns in the community.

The Government will pursue a range of other issues requiring law reform through the Parliament and the Law Reform Commission.

Sentencing will be reformed through the establishment of judicial Sentencing Guidelines — and the Government will build two major new prisons and complete its reform of the Victorian corrections system.

The Government will further step up the fight against crime by recruiting an additional 600 police and implementing 'smarter crime fighting' approaches, using state of the art forensic techniques.

In addition, the Government will build 68 new police stations and develop a new legislative framework for the police force.

The environment and securing Victoria's future water needs

While community safety is the most immediate issue facing the Government, the most important long-term challenge for Victoria is preserving a healthy environment — and ensuring a secure future water supply.

Victoria must take action now to save our environment from the dangers of salinity, land clearing and climate change.

The Government is strongly committed to promoting the sustainable use of Victoria's resources, and to working with the Victorian community to protect our environment and natural assets.

The Government has established a new Department of Sustainability and Environment, to strengthen and coordinate its focus on these objectives.

In this Parliamentary term, the Government will legislate to establish the Victorian Water Trust.

The Trust will provide long-term funding for major projects aimed at reducing the wastage of water — and increasing the environmental flows in our major rivers.

The Trust will contribute to projects which include converting open irrigation channels into pipelines, reducing causes of irrigation wastage, promoting water conservation and the use of recycled water and restoring the health of Victoria's rivers.

The Government will also introduce legislation to enshrine in the Victorian Constitution the public ownership of water authorities, dams and major pipe works.

The Government will establish VicForests as an independent body to manage Victoria's public forests in a sustainable way that balances economic, environmental and social goals.

The Otway Ranges are one of Victoria's most important and unique environments.

Recognising the beauty and environmental value of the Otways, the Government will reduce wood chipping and logging in the Otways — leading to a total end to logging and wood chipping in native forests in the Otways, by 2008.

A single new Otways National Park will be created, extending from Anglesea to Cape Otway. The Park will protect key parts of the Otways, including some of Victoria's most significant rainforest areas.

Legislation will be introduced to establish a Commissioner for Environmental Sustainability, who will report on the state of the environment in Victoria and monitor the effectiveness of environmental programs.

The Government will tackle the issue of climate change, by joining with other State leaders to convene a national Climate Change Leaders Forum to develop a national approach.

The Government will promote sustainability across-the-board through a wide ranging program — including the Victorian Greenhouse Strategy, the development of wind power, better urban design, greater use of public transport and improved waste minimisation.

These significant initiatives demonstrate the Government's determination to lead the way in managing Victoria's natural resources wisely and responsibly — and laying down the groundwork for a long-term, sustainable future for Victoria.

Economic development

One of the Government's key priorities is the improved delivery of community services.

The Government recognises this is only possible in a climate of economic growth and prudent financial management.

Sound financial management, continuing budget surpluses and the maintenance of Victoria's triple-A rating will remain at the centre of the Government's policy objectives — and the Government will build on these strong economic fundamentals to continue to drive growth across the State.

The Government views innovation as one of the main drivers of economic growth and has invested heavily in innovation, education, science and technology since coming to office.

The Government will continue this investment.

It will encourage new regional innovation clusters and build on existing strengths in the key industry sectors, of information and communication technology, design, biotechnology, health, food and agriculture.

Key innovation projects will include the development of the Australian National Synchrotron at Monash — and the development of the Bio21 precinct, adjacent to Melbourne University.

Other major projects to be undertaken in the next four years include:

- the new Southern Cross interchange at Spencer Street and the fast rail projects to regional Victoria;
- a number of major road projects including the beginning of construction of the Mitcham to Frankston freeway;
- redevelopment of the Melbourne Showgrounds as a year round event centre;
- further stages of development at Docklands and commencement of developments at the 13 designated transit cities; and
- the Commonwealth Games athletes' village and sporting venues associated with the Games.

Victorian small business will be supported to grow and thrive in a fair marketplace — through the establishment of a Small Business Commissioner.

The Government will introduce a range of legislative measures designed to achieve fairness and safety at work — balanced with the need to create jobs and secure Victoria's economic future.

This will include legislation to apply the federal awards safety net to all vulnerable Victorian workers, legislation to protect outworkers and payroll tax exemptions for paid maternity and adoption leave.

Health

The Government believes a quality, public health care system is a fundamental building block of any decent society.

Over the next four years, the Government will continue to rebuild Victoria's hospital system — and work to improve the overall health of Victorians through disease prevention and early intervention initiatives.

The Government's key objectives are to:

- treat 35,000 more hospital patients each year and employ 900 extra nurses and health workers;
- treat more elective surgery waiting list patients, by building a dedicated 100-bed elective surgery centre at the Alfred Hospital, expand elective surgery capacity at Moorabbin Hospital, and increase support for rural patients;
- build three new super clinics in outer metropolitan Melbourne;
- build three new rehabilitation facilities for older people;
- complete major hospital developments currently underway; and
- commence the expansion or redevelopment of 10 more hospitals across the State.

In addition, the Government will meet its commitment to improve maternal and child health care services, expand dental health and mental health services – and increase the range of health and support services for older Victorians.

Education

The Government believes that every Victorian should have access to quality education — irrespective of where they live.

Over the next four years, the Government will make schools more accountable to parents and the community. More information will be available on literacy, numeracy and student performance in Years 11 and 12 and the destination of students post-Year 12.

Fifteen new schools will be funded, and a major program implemented to replace portables.

Funding will be provided to develop facilities and enable schools to specialise in particular areas. Extra teachers will also be provided to develop these specialisations.

The Government will provide extra funding for non-government schools in need, and will work with non-government schools to assist them provide quality education.

New funding for TAFE will be used to develop and deliver more flexible and innovative vocational education and training programs.

The Government recognises that one of the greatest challenges facing our community, is to engage those young people who do not currently complete Year 12 or its equivalent.

The Government will continue to support programs designed to improve education and training pathways for young people — and will implement a new OnTrack program, which will follow-up all young Victorians six months after they leave school.

Strong regions

The Government will continue to improve the delivery of services and infrastructure to country Victoria — to help meet the Government's goal of growing Victoria's regions.

The Government has renewed the Regional Infrastructure Development Fund and established Regional Development Victoria to generate jobs and economic development in our regions.

Many regional and rural communities will benefit from the extension of natural gas, and local community projects will assist small towns become more self-reliant and attract jobs.

The restoration of regional services will continue — with the Government establishing two new Rural Learning campuses and building better health facilities in regional areas.

Transport links will be modernised with the completion of major road projects and regional Fast Rail lines that will link regional communities to Melbourne — and regional products to global markets.

Funding has been provided to re-open four country rail passenger lines between Melbourne and Mildura, Leongatha, Bairnsdale and Ararat, and for the upgrading of the Warrnambool rail line.

The Government has adopted a new population target for regional Victoria, and will provide incentives to attract more skilled and semi skilled migrants into regional centres.

The Government will promote sustainable agriculture, and assist the rural sector to recover from the current drought — now entering its sixth year.

Resources for biosecurity will be increased to protect animal herds and crops from imported disease.

Measures will be taken to expand exports, and boost the contribution of Victoria's agricultural research institutes to the development of the State's food industry and the Government's initiatives in innovation.

Stronger Outer Suburbs

Melbourne is recognised as the world's most liveable city — and the Government wants to keep it that way.

The Government has released a comprehensive plan, *Melbourne 2030*, for a more compact and sustainable city and will shortly consider public comment on the details of how to implement this plan.

The Government will work with local communities to promote a more sustainable structure for Melbourne, through investment in designated major activity centres.

Green Wedge Protection legislation will be introduced to protect Melbourne's suburbs from unrestrained growth.

The Government is also committed to providing first class services for Melbourne's growing suburbs — including new schools, hospitals, police stations and other community facilities to keep up with growing demand.

Public transport will be expanded, and infrastructure will keep pace with development.

As part of its continuing commitment to new growth suburbs, the Government is upgrading roads through a \$100 million Outer Metropolitan Road Fund.

Other major infrastructure projects like the Mitcham-Frankston Freeway will link Melbourne's growth corridors, creating new job and investment opportunities.

Many Victorian families are now choosing to live in these growth areas and they need more support and facilities, particularly to assist them care for children.

The Government will support local communities to better coordinate services for children, such as maternal and child health centres, immunisation services, childcare and kindergartens.

Up to thirty new Children's Centres will demonstrate how services can work together across a whole region to provide more accessible - and responsive support for families and children at critical times in their lives.

Victorian Communities

The Government has established a new Department for Victorian Communities to advance another of its key objectives — building stronger communities and reducing disadvantage in the community.

The Government believes that communities face many complex problems that require different levels of government and community organisations to work together to find solutions.

The Government believes this partnership approach will enable it to achieve a number of important objectives, including:

- improved outcomes in health, education and justice for Aboriginal Victorians;
- more accessible services for people with a disability;
- improved services for problem gamblers; and
- increased assistance for newly arrived migrants and the promotion of the value to Victoria of a vibrant multicultural community.

Promoting equal opportunity for women continues to be a major goal for the Government.

In this term, the Government will implement a work/family balance strategy — and introduce \$1000 Return to Work grants for parents who have been out of the workforce looking after children.

The Government will encourage a vibrant arts sector.

It will support Victoria's major arts institutions — as well as encouraging grass roots community arts programs.

New jobs will be generated in our growing film industry including the establishment of a new film studio at Docklands.

The Government believes that sport and cultural pursuits also play a vital role in promoting a greater sense of community cohesion and pride.

The Department of Victorian Communities will aim to increase participation in sport — especially at the grass roots level.

In three years time, Melbourne will host the 2006 Commonwealth Games — the largest sporting and community event in our State's history.

The Government will ensure the Melbourne 2006 Games leave a positive legacy for Victoria — in the form of new community infrastructure, and a renewed interest in the positive influence of sport on health and general well being.

The Commonwealth Games will be an opportunity for Victoria to showcase itself to the world — and to demonstrate that we are putting into practice the Games' themes of multiculturalism, environmental sustainability and friendship.

Conclusion

Victoria has a great deal to do to be ready for the Games — but we also have a great deal to do to secure our future beyond 2006 and into the decades ahead.

Over the next four years, the legislation, Budgets and issues that come before this Parliament will shape the way Victoria develops, and lays the framework for a sustainable and prosperous future.

In a time of so much uncertainty abroad, Victorians are fortunate to be able to look forward to a period of stable government — and to reforms that will make our parliamentary democracy even stronger and fairer.

In a time when many people around the world struggle to gain access to the most basic of human requirements, Victorians can look forward to further improvements in vital government services such as education and health care.

Recent events remind us not to be complacent about these things and to continue to work together to ensure Victoria continues to be a safe, supportive and healthy place in which to live, work and raise a family.

The Government's plans over the next four years are directed towards that goal — and to creating a strong, secure and sustainable future for Victoria.

The Government will now work towards implementation of these plans, ever mindful of the responsibility to provide good government in the interests of all Victorians.

Condolences for MPs who have recently passed away

Finally, it is with deep regret that I advise Parliament of the deaths of three former members of the Legislative Assembly:

- the Honourable Vincent Patrick (known as Vin) Heffernan OAM, Member for Ivanhoe between 1985 and 1996, who served as Minister for Small Business and Minister responsible for Youth Affairs;
- the Honourable Cyril Thomas (known as Tom) Edmunds AM, Member for Moonee Ponds, Ascot Vale and then Pascoe Vale between 1967 and 1988 and Speaker of the House for several years; and
- Louis Frederick Cornu Garlick, Member for Mildura from 1945 to 1947.

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

February 25, 2003

JOHN LANDY AC MBE
Governor of Victoria

- 27 **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 the Speech which you have made to the Parliament (*Ms Lobato*) — and, after debate —

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

Ordered — That the debate be adjourned until tomorrow.

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

- 29 **ADJOURNMENT** — Resolved, after debate — That the House do now adjourn.

And the House, at 11.48 pm, adjourned until tomorrow.

R W PURDEY
Clerk of the Legislative Assembly

JUDY MADDIGAN
Speaker

No 3 — Thursday 27 February 2003

- 1 The Speaker took the Chair and read the Prayer.
- 2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

Home Loan Schemes — Seeking that the Government sponsored Home Loan Schemes under the flawed new lending instrument called Capital Indexed Loans sold since 1984–85 under the sub-headings CAPIL, Deferred Interest Scheme (DIS), Indexed Repayment Loan (IRL), Home Opportunity Loan Scheme (HOLS) and Shared Home Opportunity Scheme (SHOS) — (a) be recalculated; (b) have payment and interest set at affordable levels; and (c) be amended in order to assist the low income bracket Victorians the loans were meant to assist, bearing 10 signatures (*by Mr Robinson*)

Sullivan Bay Settlement Site — Seeking that the Government appreciates the cultural, historical and educational importance of the 1803–04 Sullivan Bay Settlement Site by exploring ways in which a replacement centre can be created, bearing 463 signatures (*by Mr Dixon*)

Collins First Settlement Site, Sorrento — Seeking that the Government provides a replacement building facility at the Collins First Settlement Site near Sorrento as a Visitor and Display Centre which will be operative for the bicentenary in October 2003, bearing 314 signatures (*by Mr Dixon*)

Severally ordered to lie on the Table.

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

Audit Act 1994 — Auditor General — Report on Public Sector Agencies — Results of special reviews and 30 June 2002 financial statement audits — Ordered to be printed

Footy Consortium Pty Ltd — Report for the year 2001–02

Health Services Act 1988 — Report of the Community Visitors for the year 2001–02 — Ordered to be printed

Parliamentary Contributory Superannuation Fund — Report for the year 2001–02

Phillip Island Nature Park Board of Management — Report for the year 2001–02 (two papers)

Tattersall's — Report for the year 2001–02

Water Act 1989 — Water Supply Protection Area Declaration Order 2003 — Barwon River Catchment

The following proclamations fixing operative dates were laid upon the Table by the Clerk pursuant to an Order of the House dated 26 February 2003:

Road Safety (Responsible Driving) Act 2002 — Remaining provisions (except sections 3, 4, 5 and 6 and paragraphs (b), (c), (d), (e) and (f) of section 10) on 15 December 2002 (*Gazette G44, 31 October 2002*)

Sentencing (Amendment) Act 2002 — Section 11 on 17 February 2003 (*Gazette G6, 6 February 2003*)

Victorian Institute of Teaching Act 2001 — Remaining provisions on 31 December 2002 (*Gazette G51, 19 December 2002*)

Wildlife (Amendment) Act 2002 — Whole Act on 1 November 2002 (*Gazette G44, 31 October 2002*)

Wrongs and Other Acts (Public Liability Insurance Reform) Act 2002 — Section 8 on 14 February 2003 (*Gazette G7, 13 February 2003*).

- 4 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourn until Tuesday 18 March 2003 (*Mr Batchelor*) — put and agreed to.

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

- 6 **CONSTITUTION (PARLIAMENTARY REFORM) BILL** — 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 Honeywood*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 13 March 2003.

- 7 **PARLIAMENTARY COMMITTEES (AMENDMENT) BILL** — 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 Honeywood*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 13 March 2003.

- 8 **TERRORISM (COMMUNITY PROTECTION) BILL** — 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 Honeywood*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 13 March 2003.

- 9 **FIREARMS (TRAFFICKING AND HANDGUN CONTROL) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Haermeyer*).

Mr Haermeyer 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 Wells*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 13 March 2003.

- 10 **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 47, 26 February 2003*); debate resumed.

Business having been interrupted at 2.00 pm pursuant to sessional orders.

- 11 **QUESTIONS** — (Pursuant to Standing Order No 124).

- 12 **ADDRESS-IN-REPLY TO THE GOVERNOR'S SPEECH** — Debate resumed 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 47, 26 February 2003*).

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

Ordered — That the debate be adjourned until tomorrow.

- 13 **OUTWORKERS (IMPROVED PROTECTION) 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 McIntosh*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 13 March 2003.

- 14 **FEDERAL AWARDS (UNIFORM SYSTEM) 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 McIntosh*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 13 March 2003.

- 15 **COMMISSIONER FOR ENVIRONMENTAL SUSTAINABILITY BILL** — 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 Plowman*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 13 March 2003.

- 16 **PAY-ROLL TAX (MATERNITY AND ADOPTION LEAVE EXEMPTION) 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 Clark*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 13 March 2003.

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

Mr Brumby made the statement of intention required by s 85(5)(c) of the Constitution Act 1975.

And, after debate —

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

Ordered — That the debate be adjourned until Thursday 13 March 2003.

- 18 **SMALL BUSINESS COMMISSIONER 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 (*Ms Asher*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 13 March 2003.

- 19 **HEALTH LEGISLATION (RESEARCH INVOLVING HUMAN EMBRYOS AND PROHIBITION OF HUMAN CLONING) BILL** — 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 Thursday 13 March 2003.

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

- 21 **ADJOURNMENT** — Resolved, after debate — That the House do now adjourn.

And the House, at 6.49 pm, adjourned until Tuesday 18 March 2003.

R W PURDEY
Clerk of the Legislative Assembly

JUDY MADDIGAN
Speaker

LEGISLATIVE ASSEMBLY OF VICTORIA

VOTES AND PROCEEDINGS Nos 4, 5 and 6

No 4 — Tuesday 18 March 2003

- 1 The House met pursuant to adjournment — The Speaker took the Chair and read the Prayer.
- 2 **MEMBER SWORN** — Victor John Perton took and subscribed the Oath required by law.
- 3 **QUESTIONS** — (Pursuant to Standing Order No 124).
- 4 **SOUTHERN AND EASTERN INTEGRATED TRANSPORT AUTHORITY BILL** — Mr Batchelor obtained leave, with Mr Thwaites, to bring in a Bill '*to establish the Southern and Eastern Integrated Transport Authority, to amend the **Borrowing and Investment Powers Act 1987** and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 5 **MAJOR EVENTS (CROWD MANAGEMENT) BILL** — Mr Thwaites, after debate, obtained leave with Mr Batchelor, to bring in a Bill '*to promote the safety and enjoyment of participants and spectators at certain venues and major events and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 6 **MELBOURNE CRICKET GROUND (AMENDMENT) BILL** — Mr Thwaites obtained leave, with Mr Bracks, to bring in a Bill '*to amend the **Melbourne Cricket Ground Act 1933** and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 7 **COMMONWEALTH GAMES ARRANGEMENTS (AMENDMENT) BILL** — Mr Thwaites obtained leave, with Mr Bracks, to bring in a Bill '*to amend the **Commonwealth Games Arrangements Act 2001** to facilitate the development of the Commonwealth Games Village and the development, re-development and use of the Games Village land after the Commonwealth Games, to make further provision for the development and use of Commonwealth Games projects, Commonwealth Games venues and Games related facilities, to establish a body corporate responsible for various matters relating to Commonwealth Games projects, to amend the **Project Development and Construction Management Act 1994** and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 8 **COUNTRY FIRE AUTHORITY (VOLUNTEER PROTECTION AND COMMUNITY SAFETY) BILL** — Mr Haermeyer obtained leave, with Mr Bracks, to bring in a Bill '*to amend the **Country Fire Authority Act 1958** to improve protection for volunteers and to enhance community safety*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.

- 9 **BUSINESS LICENSING LEGISLATION (AMENDMENT) BILL** — Mr Brumby obtained leave, with Mr Bracks, to bring in a Bill '*to amend the Associations Incorporation Act 1981, the Business Names Act 1962, the Estate Agents Act 1980, the Motor Car Traders Act 1986 and the Travel Agents Act 1986 to facilitate electronic document transactions and to make further provision for registers under those Acts and to amend the Business Licensing Authority Act 1998 and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 10 **SENTENCING (AMENDMENT) BILL** — Mr Hulls obtained leave, with Mr Bracks, to bring in a Bill '*to amend the Sentencing Act 1991 so as to empower the Court of Appeal to give guideline judgments and to establish a Sentencing Advisory Council, to make a minor amendment to the Sentencing (Amendment) Act 2002 and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 11 **SEAFOOD SAFETY BILL** — Mr Cameron obtained leave, with Mr Batchelor, to bring in a Bill '*to regulate the safety of seafood, to make related amendments to the Meat Industry Act 1993, to amend the Dairy Act 2000, the Food Act 1984 and the Fisheries Act 1995 and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 12 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

Home Loan Schemes — Seeking that the Government sponsored Home Loan Schemes under the flawed new lending instrument called Capital Indexed Loans sold since 1984/85 under the sub-headings — CAPIL, Deferred Interest Scheme (DIS), Indexed Repayment Loan (IRL), Home Opportunity Loan Scheme (HOLS) and Shared Home Opportunity Scheme (SHOS) — (a) be recalculated; (b) have payment and interest set at affordable levels; and (c) be amended in order to assist the low income bracket Victorians the loans were meant to assist, bearing 17, 10, 29, 10, and 20 signatures (*by Mr Stensholt, Ms Lobato, Ms Buchanan, Ms Morand and Ms Green, respectively*).

Severally ordered to lie on the Table.

13 **PAPERS** —

DRUG PREVENTION COUNCIL — Motion made, by leave, and question — That there be presented to this House the annual report from the Premier's Drug Prevention Council for the year 2001–02 (*Mr Bracks*) — put and agreed to.

The said report was presented by Mr Bracks and ordered to lie on the Table.

PAPERS PURSUANT TO STATUTE —

Mr Hulls presented by Command of the Governor:

Children's Court of Victoria — Report for the year 2001–02

Ordered to lie on the Table.

The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:

Auditor-General — Performance Audit Report — Managing risk across the public sector — Ordered to be printed

Border Groundwaters Agreement Review Committee — Report for the year 2001–02

Film Victoria — Report for the period 1 January 2002 to 30 June 2002

Financial Management Act 1994:

Report from the Minister for Agriculture that he had received the 2001–02 annual report of the Greater Victoria Wine Grape Industry Development Committee (*in lieu of letter tabled on 26 February 2003 in relation to the Murray Valley Wine Grape Industry Development Committee*)
Report from the Minister for Environment that he had not received the annual reports for the period 1 November 2001 to 31 October 2002, together with an explanation for the delay in tabling of the:

Falls Creek Alpine Resort Management Board

Lake Mountain Alpine Resort Management Board

Mt Baw Baw Alpine Resort Management Board

Mt Buller Alpine Resort Management Board

Mount Hotham Alpine Resort Management Board

Mount Stirling Alpine Resort Management Board

Report from the Minister for Health that she had received the 2001–02 annual report of the Optometrists Registration Board

Report from the Minister for Planning that she had received the 2001–02 annual report of the Surveyors Board

Financial Management Act 1994 — Budget Sector — Mid-Year Financial Report incorporating the Quarterly Financial Report for the period ended 31 December 2002

Melbourne 2006 Commonwealth Games Pty Ltd — Report for the year 2001–02

National Parks Act 1975 — Notice of consent from the Minister for Environment to explore for petroleum under permit No 151 relating to the Lower Glenelg National Park

Parliamentary Committees Act 1968 — Response from the Minister for Health on action taken with respect to the recommendations made by the Drugs and Crime Prevention Committee's Inquiry into the Inhalation of Volatile Substances

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

Ballarat Planning Scheme — No C47

Campaspe Planning Scheme — Nos C14 Part 1, C23

Darebin Planning Scheme — Nos C39, C44

Delatite Planning Scheme — No C16

Golden Plains Planning Scheme — Nos C11, C13

Hobsons Bay Planning Scheme — No C30

Kingston Planning Scheme — No C30

Knox Planning Scheme — Nos C16, C29

Maribyrnong Planning Scheme — No C36

Melbourne Planning Scheme — No C67

Mitchell Planning Scheme — No C15 Part 1

Monash Planning Scheme — No C34

Moreland Planning Scheme — No C26
 South Gippsland Planning Scheme — Nos C14, C15
 Stonnington Planning Scheme — No C34
 Wellington Planning Scheme — No C17
 West Wimmera Planning Scheme — No C2
 Wodonga Planning Scheme — No C15
 Wyndham Planning Scheme — No C40
 Yarra Planning Scheme — No C56
 Yarra Ranges Planning Scheme — No C22

Radiation Advisory Committee — Report for the year ended 30 September 2002

Rural Finance Act 1988 — Direction by the Treasurer to the Rural Finance Corporation to administer the January 2003 Bushfire Assistance Scheme

Snowy Hydro Limited — Report for the period 27 June 2001 to 28 June 2002

Statutory Rules under the following Acts:

Fisheries Act 1995 — SR No 22
Legal Practice Act 1996 — SR No 20
Meat Industry Act 1993 — SR No 18
Public Authorities (Dividends) Act 1983 — SR No 19
Water Industry Act 1994 — SR No 21

Subordinate Legislation Act 1994:

Minister's exception certificate in relation to Statutory Rule No 22
 Ministers' exemption certificates in relation to Statutory Rule Nos 20, 21

Victims of Crime Assistance Tribunal — Report for the year 2001–02.

The following proclamations fixing operative dates were laid upon the Table by the Clerk pursuant to an Order of the House dated 26 February 2003:

Agriculture Legislation (Amendments and Repeals) Act 2002 — Remaining provisions (except for ss 6(2)(a), (b) and (c), 9, 11, 12(4), 14(b) and 26) on 20 March 2003 (*Gazette G11, 13 March 2003*)

Regional Development Victoria Act 2002 — Whole Act on 3 March 2003 (*Gazette G9, 27 February 2003*)

Wrongs and Other Acts (Public Liability Insurance Reform) Act 2002 — Section 11 on 15 March 2003 (*Gazette G11, 13 March 2003*).

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

Commissioner for Environmental Sustainability Bill
 Constitution (Parliamentary Reform) Bill
 Federal Awards (Uniform System) Bill
 Outworkers (Improved Protection) Bill
 Parliamentary Committees (Amendment) Bill

Pay-roll Tax (Maternity and Adoption Leave Exemption) Bill
Retail Leases Bill
Small Business Commissioner Bill.

- 15 **GRIEVANCE DAY — SUSPENSION OF SESSIONAL ORDERS** — Motion made, by leave, and question — That so much of sessional orders be suspended on Wednesday 19 March 2003 to allow a grievance debate under Sessional Order 4 in substitution of a discussion on a matter of public importance under Sessional Order 9 (*Mr Batchelor*) — put and agreed to.

- 16 **PARLIAMENTARY COMMITTEES (AMENDMENT) BILL — SUSPENSION OF STANDING AND SESSIONAL ORDERS** — Motion made, by leave, and question — That standing and sessional orders be suspended so as to allow the following motion to be considered:

'That it be an instruction to the Committee that they have power to consider a new clause and amendments to the Parliamentary Committees (Amendment) Bill which, by amendment of the *Parliamentary Salaries and Superannuation Act 1968*, enable the schedules to the Parliamentary Allowances Regulations 2003 to apply from 30 November 2002 and Schedule 2 to those Regulations to take effect as always having included the Electoral Province of South Eastern' (*Mr Batchelor*) — put and agreed to.

- 17 **PARLIAMENTARY COMMITTEES (AMENDMENT) BILL** — Motion made, by leave, and question — That it be an instruction to the Committee that they have power to consider a new clause and amendments to the Parliamentary Committees (Amendment) Bill which, by amendment of the *Parliamentary Salaries and Superannuation Act 1968*, enable the schedules to the Parliamentary Allowances Regulations 2003 to apply from 30 November 2002 and Schedule 2 to those Regulations to take effect as always having included the Electoral Province of South Eastern (*Mr Batchelor*) — put and agreed to.

- 18 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, pursuant to Sessional Order 6(2), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 20 March 2003:

Constitution (Parliamentary Reform) Bill
Parliamentary Committees (Amendment) Bill
Terrorism (Community Protection) Bill
Firearms (Trafficking and Handgun Control) Bill
Retail Leases Bill
Small Business Commissioner Bill

(*Mr Batchelor*) — put and agreed to.

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

- 20 **CONSTITUTION (PARLIAMENTARY REFORM) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Pursuant to Sessional Orders, Mr Savage announced that it was proposed to move amendments in Committee and requested that they be circulated. Amendments circulated.

Pursuant to Sessional Orders, Mr Ingram announced that it was proposed to move amendments in Committee and requested that they be circulated. Amendments circulated.

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

Pursuant to Sessional Orders, Mr Ryan announced that it was proposed to move amendments in Committee 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 pursuant to Sessional 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 10.55 pm.

R W PURDEY
Clerk of the Legislative Assembly

JUDY MADDIGAN
Speaker

No 5 — Wednesday 19 March 2003

- 1 The Speaker took the Chair and read the Prayer.
- 2 **PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:

Agricultural Industry Development Act 1990 — Victorian Strawberry Industry Development Order

Crown Land (Reserves) Act 1978 — Section 17DA Order granting under s 17D leases by the Mint Incorporated.
- 3 **MESSAGE FROM THE GOVERNOR** — The Speaker announced the presentation of a message from the Governor recommending a further appropriation for the purposes of the Parliamentary Committees (Amendment) Bill.
- 4 **STATEMENTS BY MEMBERS** — Statements by members were made.
- 5 **GRIEVANCES** — Question — That grievances be noted — put, after debate, and agreed to.
- 6 **COUNTRY FIRE AUTHORITY (VOLUNTEER PROTECTION AND COMMUNITY SAFETY) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Haermeyer*).

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

Ordered — That the debate be adjourned until Wednesday 2 April 2003.

- 7 **PARLIAMENTARY COMMITTEES (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Pursuant to Sessional Orders, Ms Kosky announced that it was proposed to move amendments in Committee and requested that they be circulated. Amendments circulated.

Pursuant to Sessional Orders, Mr Ryan announced that it was proposed to move amendments in Committee 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 pursuant to sessional orders.

- 8 **QUESTIONS** — (Pursuant to Standing Order No 124).

- 9 **PARLIAMENTARY COMMITTEES (AMENDMENT) BILL** — Debate continued on question — That this Bill be now read a second time.

[The Speaker left the Chair at 3.35 pm and resumed the Chair at 7.02 pm]

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

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.

- 10 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 3 to 6 inclusive, be postponed until later this day.

- 11 **CONSTITUTION (PARLIAMENTARY REFORM) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Pursuant to Sessional Orders, Mr Batchelor announced that it was proposed to move amendments in Committee and requested that they be circulated. Amendments circulated.

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

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

- 12 **TERRORISM (COMMUNITY PROTECTION) BILL** — 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 Mildenhall*) — put and agreed to.

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

- 13 **FIREARMS (TRAFFICKING AND HANDGUN CONTROL) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Pursuant to Sessional Orders, Mr Savage announced that it was proposed to move amendments in Committee 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 Mildenhall*) — put and agreed to.

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

- 14 **RETAIL LEASES BILL** — 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.

Business having been interrupted at 10.00 pm pursuant to sessional 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 10.45 pm.

R W PURDEY
Clerk of the Legislative Assembly

JUDY MADDIGAN
Speaker

No 6 — Thursday 20 March 2003

- 1 The Speaker took the Chair and read the Prayer.
- 2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

Radiotherapy Unit at Frankston — Seeking that the Government grants approval to the establishment of a privately funded radiotherapy unit at Frankston which, though privately owned, will be available to the whole of the community, albeit private or public patients, bearing 9,757 signatures (*by Mr Dixon*)

Home Loan Schemes — Seeking that the Government sponsored Home Loan Schemes under the flawed new lending instrument called Capital Indexed Loans sold since 1984/85 under the sub-headings — CAPIL, Deferred Interest Scheme (DIS), Indexed Repayment Loan (IRL), Home Opportunity Loan Scheme (HOLS) and Shared Home Opportunity Scheme (SHOS) — (a) be recalculated; (b) have payment and interest set at affordable levels; and (c) be amended in order to assist the low income bracket Victorians the loans were meant to assist, bearing 10 signatures (*by Mr Leighton*).

Severally ordered to lie on the Table.

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

Parliamentary Committees Act 1968 — Response of the Premier on action taken with respect to the recommendations made by the Scrutiny of Acts and Regulations Committee's inquiry into the *Subordinate Legislation Act 1994*

Parliamentary Contributory Superannuation Fund — Actuarial Investigation — Report for the year 2001–02.

- 4 **PUBLIC HOLIDAYS AND SHOP TRADING REFORM ACTS (AMENDMENT) BILL** — The Speaker announced the receipt of a message from the Legislative Council transmitting a Bill 'to amend the *Public Holidays Act 1993* to appoint Easter Saturday as a public holiday and to amend the *Shop Trading Reform Act 1996* to generally require that shops be closed on Easter Sunday and for other purposes' and desiring the concurrence of the Legislative Assembly therein.

On the motion of Mr Brumby, the Bill transmitted by the foregoing message was read a first time, ordered to be printed and read a second time tomorrow.

- 5 **STATEMENTS BY MEMBERS** — Statements by members were made.
- 6 **SOUTHERN AND EASTERN INTEGRATED TRANSPORT AUTHORITY BILL** — 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 Thursday 3 April 2003.

- 7 **SMALL BUSINESS COMMISSIONER BILL** — 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.

- 8 **TERRORISM (COMMUNITY PROTECTION) BILL** — 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 Gillett*) — put and agreed to.

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

- 9 **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.

- 10 **CONSTITUTION (PARLIAMENTARY REFORM) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Pursuant to sessional orders, Mr Batchelor announced that it was proposed to move further amendments in Committee and requested that they be circulated. Further amendments circulated.

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

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

- 11 **FIREARMS (TRAFFICKING AND HANDGUN CONTROL) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Bill read a second time with the concurrence of an absolute majority of the whole number of the members of the Legislative Assembly and committed.

Bill considered in Committee and reported with amendments; as amended, considered, and amendments 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.

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

Business having been interrupted at 2.00 pm pursuant to sessional orders.

- 12 **QUESTIONS** — (Pursuant to Standing Order No 124).

- 13 **CONSTITUTION (PARLIAMENTARY REFORM) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Bill read a second time with the concurrence of an absolute majority of the whole number of the members of the Legislative Assembly and committed.

Bill considered in Committee.

Allocation of time — The Chair of Committees advised that the time allocated for consideration of bills pursuant to resolution of the House on Tuesday 18 March 2003 had expired.

Bill reported with amendments.

Question — That the House agrees to the amendments made by the Committee — put and agreed to.

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

The House divided.

AYES 62

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield, Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Mr Jenkins; Ms Kosky; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Loney; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Mildenhall; Ms Morand; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Savage; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne. Tellers: Mr Langdon; Mr Merlino; Ms Munt.

NOES 21

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Doyle; Mr Jasper; Mr Kotsiras; Mr McIntosh; Dr Naphthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Sykes; Mr Walsh; Mr Wells. Tellers: Mr Dixon; Mr Maughan; Mr Smith.

And so it was a resolved in the affirmative.

Bill read a third time with the concurrence of an absolute majority of the whole number of the members of the Legislative Assembly

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

- 14 **SMALL BUSINESS COMMISSIONER BILL** — 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 and third time and the Bill be transmitted to the Legislative Council and their concurrence desired therein — put and agreed to.

- 15 **TERRORISM (COMMUNITY PROTECTION) BILL** — 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 and third time and the Bill be transmitted to the Legislative Council and their concurrence desired therein — put and agreed to.

- 16 **RETAIL LEASES BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Bill read a second time with the concurrence of an absolute majority of the whole number of the members of the Legislative Assembly.

Bill read a third time with the concurrence of an absolute majority of the whole number of the members of the Legislative Assembly.

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

- 17 **PARLIAMENTARY COMMITTEES (AMENDMENT) BILL** — 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 6 inclusive be agreed to, the Bill be read a third time and the Bill be transmitted to the Legislative Council and their concurrence desired therein — put and agreed to.

- 18 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 8 and 9, be postponed until later this day.

- 19 **SEAFOOD SAFETY BILL** — 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 Naphine*) — put and agreed to.

Ordered, after debate — That the debate be adjourned until Thursday 3 April 2003.

- 20 **MAJOR EVENTS (CROWD MANAGEMENT) BILL** — 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 McIntosh*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 3 April 2003.

- 21 **MELBOURNE CRICKET GROUND (AMENDMENT) BILL** — 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 Baillieu*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 3 April 2003.

- 22 **COMMONWEALTH GAMES ARRANGEMENTS (AMENDMENT) BILL** — 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 Baillieu*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 3 April 2003.

- 23 **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 47, 26 February 2003*); 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.

- 24 **BUSINESS LICENSING LEGISLATION (AMENDMENT) 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 (*Ms Asher*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 3 April 2003.

- 25 **SENTENCING (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 McIntosh*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 3 April 2003.

- 26 **TERRORISM (COMMONWEALTH POWERS) BILL** — The Acting Speaker announced the receipt of a message from the Legislative Council transmitting a Bill '*to refer certain matters relating to terrorist acts to the Parliament of the Commonwealth for the purposes of section 51 (xxxvii) of the Constitution of the Commonwealth and for other purposes*' and desiring the concurrence of the Legislative Assembly therein.

On the motion of Mr Thwaites, the Bill transmitted by the foregoing message was read a first time, ordered to be printed and read a second time tomorrow.

- 27 **CRIMES (PROPERTY DAMAGE AND COMPUTER OFFENCES) BILL** — The Acting Speaker announced the receipt of a message from the Legislative Council transmitting a Bill '*to amend the Crimes Act 1958 to create offences relating to bushfires, computers and sabotage, to amend the Bail Act 1977 with respect to the granting of bail on a charge of arson causing death, to make consequential amendments to other Acts and for other purposes*' and desiring the concurrence of the Legislative Assembly therein.

On the motion of Mr Thwaites, the Bill transmitted by the foregoing message was read a first time, ordered to be printed and read a second time tomorrow.

- 28 **CONTROL OF WEAPONS AND FIREARMS ACTS (SEARCH POWERS) BILL** — The Acting Speaker announced the receipt of a message from the Legislative Council transmitting a Bill '*to amend the Control of Weapons Act 1990 and the Firearms Act 1996 and for other purposes*' and desiring the concurrence of the Legislative Assembly therein.

On the motion of Mr Brumby, the Bill transmitted by the foregoing message was read a first time, ordered to be printed and read a second time tomorrow.

- 29 **ERROR IN DIVISION LIST** — The Acting Speaker informed the House that, in the division which took place in the Committee of the Whole on the Constitution (Parliamentary Reform) Bill on the question 'That clause 1 stand part of the Bill', the Member for Mount Waverley, Ms Maxine Morand, was present but not recorded by the tellers for the 'Ayes'. The total of the 'Ayes' is therefore 60, instead of 59.

The Acting Speaker directed the Clerk to make the necessary correction in the division list.

- 30 **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 47, 26 February 2003*); debate resumed.

Business having been interrupted at 10.00 pm pursuant to sessional orders.

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

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.

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

Ordered — That the debate be adjourned until tomorrow.

- 31 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Batchelor*) — put and agreed to.
- 32 **ADJOURNMENT** — Resolved, after debate — That the House do now adjourn.

And the House, at 10.53 pm, adjourned until Tuesday 25 March 2003.

R W PURDEY
Clerk of the Legislative Assembly

JUDY MADDIGAN
Speaker

LEGISLATIVE ASSEMBLY OF VICTORIA

VOTES AND PROCEEDINGS Nos 7, 8 and 9

No 7 — Tuesday 25 March 2003

- 1 The Speaker took the Chair and read the Prayer.
- 2 **QUESTIONS** — (Pursuant to Standing Order No 124).
- 3 **CRIMES (STALKING AND FAMILY VIOLENCE) BILL** — Mr Hulls obtained leave, with Mr Batchelor, to bring in a Bill '*to amend the Crimes Act 1958 with respect to the offence of stalking and the Crimes (Family Violence) Act 1987 with respect to consent orders and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 4 **MURRAY-DARLING BASIN (AMENDMENT) BILL** — Mr Batchelor, on behalf of Mr Thwaites, after debate, obtained leave with Ms Pike, to bring in a Bill '*to amend the Murray-Darling Basin Act 1993 and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 5 **PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:
 - National Environment Protection Council — Report for the year 2001–02
 - Planning and Environment Act 1987* — Notices of approval of amendments to the following Planning Schemes:
 - Monash Planning Scheme — No C28
 - Warrnambool Planning Scheme — No C3
 - Sports Event Ticketing (Fair Access) Act 2002* — Guidelines pursuant to s 17
 - Victorian Environmental Assessment Council Act 2001* — Amended request pursuant to s 16(1)
 - Wildlife Act 1975* — Wildlife (Control of Hunting) Notice No 1/2003
 - Youth Parole Board and Youth Residential Board — Report for the year 2001–02.
- 6 **CONSTITUTION (PARLIAMENTARY REFORM) BILL — CLERK'S CORRECTION** — The Speaker announced that she had received a report from the Clerk that he had made the following correction in this Bill:

Clause 16(2) of the Circulation Print inserts a new section 18(1B) into the *Constitution Act 1975*. In paragraph (a) of new sub-section (1B), he has deleted '(1B)' and inserted '(1BA)' so that paragraph (a) now reads 'this sub-section or sub-section (1A), (1BA), (1C) or (3); or'.

- 7 **VICTORIAN HEALTH PROMOTION FOUNDATION** — The Speaker announced that she had received the following communication:

27 February 2003

The Hon Judy Maddigan MP
Speaker of the Legislative Assembly
Parliament House
Spring Street
Melbourne 3000

Dear Speaker,

MEMBERSHIP — VICTORIAN HEALTH PROMOTION FOUNDATION

The Victorian Health Promotion Foundation 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 members of the Foundation are members of either the Legislative Assembly or Legislative Council and elected by both houses jointly.

The positions of all previous members became vacant at the time of the prorogation of the 54th Parliament. The previously elected members were:

NAME:	TERM EXPIRY DATE:
The Hon Ronald Best	14/12/2002
The Hon Gerald Ashman	22/05/2005
Ms Jennifer Lindell	14/12/2002

I would be grateful if you could place this matter on the agenda for a Joint Sitting of both Houses in the Autumn Sitting of Parliament 2003. In order to maintain the membership of the Foundation 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 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 26 March 2003, at 6.15 pm (*Mr Batchelor*) — put and agreed to.

Ordered — That a message be sent to the Legislative Council acquainting them of the resolution and seeking their concurrence therein.

- 8 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, pursuant to Sessional Order 6(2), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 27 March 2003:

Public Holidays and Shop Trading Reform Acts (Amendment) Bill
 Health Legislation (Research Involving Human Embryos and Prohibition of Human Cloning) Bill
 Commissioner for Environmental Sustainability Bill
 Outworkers (Improved Protection) Bill
 Federal Awards (Uniform System) Bill
 Pay-roll Tax (Maternity and Adoption Leave Exemption) Bill

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

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

- 10 **PUBLIC HOLIDAYS AND SHOP TRADING REFORM ACTS (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 *(Ms Asher)* — put and agreed to.

Ordered — That the debate be adjourned until tomorrow.

- 11 **TERRORISM (COMMONWEALTH POWERS) 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 McIntosh)* — put and agreed to.

Ordered — That the debate be adjourned until tomorrow.

- 12 **CRIMES (PROPERTY DAMAGE AND COMPUTER OFFENCES) 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 McIntosh)* — put and agreed to.

Ordered — That the debate be adjourned until tomorrow.

- 13 **CONTROL OF WEAPONS AND FIREARMS ACTS (SEARCH POWERS) BILL** — Motion made and question proposed — That this Bill be now read a second time *(Mr Haermeyer)*.

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

Ordered — That the debate be adjourned until tomorrow.

- 14 **HEALTH LEGISLATION (RESEARCH INVOLVING HUMAN EMBRYOS AND PROHIBITION OF HUMAN CLONING) BILL** — 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 place thereof the words 'this House refuses to read this Bill a second time until consultation has taken place with expert and community groups on the desirability of submitting alternative legislation to parliament under which provisions relating to research involving human embryos are dealt with separately from those concerned with the prohibition of human cloning' (*Mrs Shardey*) — and, after debate —

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

The House divided.

*AYES 62

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Mr Jenkins; Ms Kosky; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Loney; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne. Tellers: Mr Crutchfield, Mr Langdon; Mr Lupton.

NOES 25

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Doyle; Mr Honeywood; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Mulder; Dr Napthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith; Mr Sykes; Mr Thompson; Mr Walsh; Mr Wells. Tellers: Mr Dixon; Mr Maughan; Mr Savage.

And so it was resolved in the affirmative.

Business having been interrupted at 10.12 pm pursuant to sessional orders.

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

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

* Division corrected by direction of the Speaker. See Votes and Proceedings, Wednesday 26 March 2003 p 73–4.

The House divided.

AYES 75

Ms Allan; Mr Andrews; Ms Asher; Mr Baillieu; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Mr Carli; Mr Cooper; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Mr Doyle; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Honeywood; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Mr Jasper; Mr Jenkins; Ms Kosky; Mr Kotsiras; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Mr Lockwood; Mr Loney; Mr McIntosh; Ms McTaggart; Ms Marshall; Mr Maughan; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Mr Perton; Ms Pike; Mr Plowman; Mrs Powell; Mr Robinson; Mr Seitz; Mrs Shardey; Mr Smith; Mr Stensholt; Mr Sykes; Mr Thompson; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wells; Mr Wynne. Tellers: Mr Crutchfield; Mr Langdon; Mr Lupton.

NOES 10

Ms Campbell; Mr Clark; Ms Lobato; Mr Maxfield; Mr Mulder; Mr Ryan; Mr Walsh. Tellers: Mr Delahunty (*Lowan*); Mr Merlino; Mr Savage.

And so it was resolved in the affirmative.

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

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

- 15 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Batchelor*) — put and agreed to.
- 16 **ADJOURNMENT** — Resolved, after debate — That the House do now adjourn.

And the House, at 10.42 pm, adjourned until tomorrow.

R W PURDEY
Clerk of the Legislative Assembly

JUDY MADDIGAN
Speaker

No 8 — Wednesday 26 March 2003

- 1 The Speaker took the Chair and read the Prayer.
- 2 **ERROR IN DIVISION LIST** — The Speaker informed the House that, in the division which took place in the House on 25 March 2003 on the Health Legislation (Research Involving Human Embryos and Prohibition of Human Cloning) Bill on the question relating to the

reasoned amendment 'That the words proposed to be omitted stand part', it was reported that the number for the ayes was 63. On recounting it has been found that the number should be 62.

The Speaker directed the Clerk to make the necessary correction in the division list.

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

Vehicle Turning Lane, Mountain Highway, Bayswater — Seeking that a second left-hand turning lane from Mountain Highway into Bayswater Road, Bayswater, recommended for six years by the Knox Council for budgetary approval by VicRoads, be approved and installed, relieving traffic congestion and establishing a safer entry into the Bayswater number two oval, bearing 128 signatures (*by Mr Lockwood*)

Home Loan Schemes — Seeking that the Government sponsored Home Loan Schemes under the flawed new lending instrument called Capital Indexed Loans sold since 1984/85 under the sub-headings — CAPIL, Deferred Interest Scheme (DIS), Indexed Repayment Loan (IRL), Home Opportunity Loan Scheme (HOLS) and Shared Home Opportunity Scheme (SHOS) — (a) be recalculated; (b) have payment and interest set at affordable levels; and (c) be amended in order to assist the low income bracket Victorians the loans were meant to assist, bearing 10 signatures (*by Mr Harkness*).

Severally ordered to lie on the Table.

- 4 **PAPER PURSUANT TO STATUTE** — The following Paper, pursuant to the direction of an Act of Parliament, was laid upon the Table by the Clerk:

Auditor-General — Performance Audit Report — Drug education in government schools — Ordered to be printed.

- 5 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Acquainting the 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.

- 6 **APPOINTMENT OF COMMITTEES** — Motion made, by leave, and question —

- (1) That Mr Cooper, Mr Leighton, Mr Lockwood, Mr Maughan, Mr Savage and Mr Smith be members of the **House Committee**; and that the Committee has leave to sit on days on which the House does not meet.
- (2) That the Speaker, Mr Carli, Mrs Powell, Mr Seitz and Mr Thompson be members of the **Library Committee**; and that the Committee has leave to sit on days on which the House does not meet.
- (3) That a select committee be appointed to inquire into and report upon complaints of breach of **privilege** referred to it by the House; such Committee to consist of Mr Cooper, Mr Herbert, Mr Honeywood, Ms Lindell, Mr Lupton, Mr Maughan, Mr Nardella, Mr Perton and Mr Stensholt, and that the committee has power to send for persons, papers and records; to sit on days on which the House does not meet, to meet and take evidence when the House is actually sitting, and to move from place to place; five to be the quorum.

- (4) That a select committee be appointed to consider and report upon the **Standing Orders** of the House; such Committee to consist of the Speaker, Ms Campbell, Mr Dixon, Mr Helper, Mr Loney, Mr Perton and Mrs Powell and that the committee has leave to sit on days on which the House does not meet; four to be the quorum.

(*Mr Batchelor*) — put and agreed to.

7 **JOINT INVESTIGATORY COMMITTEES** — Motion made, by leave, and question — That —

- (1) Mr Cooper, Ms Marshall, Mr Maxfield, Mr Sykes and Mr Wells be members of the **Drugs and Crime Prevention Committee**.
- (2) Mr Delahunty (*Lowan*), Mr Jenkins, Ms Morand and Mr Robinson be members of the **Economic Development Committee**.
- (3) Ms Duncan, Ms Lindell and Mr Seitz be members of the **Environment and Natural Resources Committee**.
- (4) Ms McTaggart, Ms Neville, Mrs Powell, Mrs Shardey and Mr Wilson be members of the **Family and Community Development Committee**.
- (5) Mr Harkness, Mr Langdon, Mr Mulder and Mr Trezise be members of the **Road Safety Committee**.
- (6) Ms D'Ambrosio, Mr Jasper, Mr Leighton, Mr Lockwood, Mr McIntosh, Mr Perera and Mr Thompson be members of the **Scrutiny of Acts and Regulations Committee**.
- (7) Ms Campbell, Mr Clark, Mr Donnellan, Ms Green and Mr Merlino be members of the **Public Accounts and Estimates Committee**.
- (8) Ms Beard, Mr Hudson, Mr Lupton and Mr Maughan be members of the **Law Reform Committee**.

(*Mr Batchelor*) — put and agreed to.

8 **JOINT INVESTIGATORY COMMITTEES** — Motion made, by leave, and question — That, contingent upon the coming into operation of the *Parliamentary Committees and Parliamentary Salaries and Superannuation Acts (Amendment) Act 2003* —

- (1) Mr Crutchfield, Mr Hardman, Mr Ingram, Dr Napthine and Mr Walsh be members of the **Rural and Regional Services and Development Committee**.
- (2) Mr Baillieu, Ms Buchanan, Mr Dixon, Mr Nardella and Mr Smith be members of the **Outer Suburban/Interface Services and Development Committee**.
- (3) Ms Eckstein, Mr Herbert, Mr Kotsiras, Ms Munt and Mr Perton be members of the **Education and Training Committee**.

(*Mr Batchelor*) — put and agreed to.

- 9 **STATEMENTS BY MEMBERS** — Statements by members were made.
- 10 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE — 2003 BUSHFIRES** — The House was informed that Mr Plowman 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 failure to establish a fully independent public enquiry to investigate the 2003 bushfires in respect of the preparedness for such a fire, the adequacy of the fire response and the appropriateness of the recovery program, with powers to subpoena witnesses and a requirement for sworn oral and written evidence covered by Parliamentary privilege.'
- Mr Plowman addressed the House — Discussion ensued.
- 11 **MURRAY-DARLING BASIN (AMENDMENT) BILL** — 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 Plowman*) — put and agreed to.
- Ordered — That the debate be adjourned until Wednesday 9 April 2003.
- 12 **PUBLIC HOLIDAYS AND SHOP TRADING REFORM ACTS (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.
- Pursuant to sessional orders, Mr Ingram announced that it was proposed to move amendments in Committee 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 pursuant to sessional orders.*
- 13 **QUESTIONS** — (Pursuant to Standing Order No 124).
- 14 **PUBLIC HOLIDAYS AND SHOP TRADING REFORM ACTS (AMENDMENT) BILL** — Debate resumed on question — That this Bill be now read a second time.
- Motion made and question — That the debate be now adjourned (*Mr Crutchfield*) — put and agreed to.
- Ordered — That the debate be adjourned until later this day.
- 15 **COMMISSIONER FOR ENVIRONMENTAL SUSTAINABILITY 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 pursuant to sessional 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 10.48 pm.

R W PURDEY
Clerk of the Legislative Assembly

JUDY MADDIGAN
Speaker

No 9 — Thursday 27 March 2003

- 1 The Speaker took the Chair and read the Prayer.
- 2 **VACANCIES IN THE MEMBERSHIP OF THE VICTORIAN HEALTH PROMOTION FOUNDATION** — The Speaker reported that, on Wednesday 26 March 2003, the House met with the Legislative Council in the Legislative Assembly Chamber for the purpose of sitting and voting together to elect three members of Parliament to the Victorian Health Promotion Foundation, and that Mr Hugh Delahunty MP, the Honourable Bill Forwood MLC and Ms Maxine Morand MP were elected to the Victorian Health Promotion Foundation.
- 3 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

Strathmore Secondary College — Seeking that the Government — (a) extends the boundary for access to Strathmore Secondary College to include Strathmore Heights; (b) makes Strathmore Heights a unique exemption to the 'as the crow flies' rule; and (c) effects this change immediately, never to be revoked or rescinded, bearing 96 signatures (*by Mr Langdon*)

Public Land — Point Nepean — Seeking that the Government and the Opposition make a commitment that the 311 hectares of environmentally sensitive and historically significant public land at Point Nepean, currently owned by the Department of Defence, be maintained in public hands by incorporating it into the adjoining Mornington Peninsula National Park, bearing 9,465 signatures (*by Mr Dixon*).

Severally ordered to lie on the Table.

- 4 **PETITION — PUBLIC LAND — POINT NEPEAN** — Motion made and question — That the petition presented by the Member for Nepean relating to public land at Point Nepean be taken into consideration tomorrow (*Mr Dixon*) — put and agreed to.
- 5 **PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:

Audit Act 1994 — Report of the Auditor-General on Control and compliance audits — Payroll management and administration of the goods and services tax — Ordered to be printed

Auditor-General — Performance Audit Report — Managing medical equipment in public hospitals — Ordered to be printed

Parliamentary Committees Act 1968 — Response of the Minister for Agriculture on action taken with respect to the recommendations made by the Environment and Natural Resources Committee's Inquiry into Fisheries Management: Second Report, June 2002.

- 6 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourn until Tuesday 8 April 2003 (*Mr Batchelor*) — put and agreed to.

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

- 8 **CRIMES (STALKING AND FAMILY VIOLENCE) BILL** — 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 McIntosh*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 10 April 2003.

- 9 **PAY-ROLL TAX (MATERNITY AND ADOPTION LEAVE EXEMPTION) BILL** — 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.

- 10 **OUTWORKERS (IMPROVED PROTECTION) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Pursuant to sessional orders, Mr McIntosh announced that it was proposed to move amendments in Committee and requested that they be circulated. Amendments circulated.

Pursuant to sessional orders, Mr Ryan announced that it was proposed to move amendments in Committee and requested that they be circulated. Amendments circulated.

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

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

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

- 11 **FEDERAL AWARDS (UNIFORM SYSTEM) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Pursuant to sessional orders, Mr Ryan announced that it was proposed to move amendments in Committee 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 pursuant to sessional orders.

12 **QUESTIONS** — (Pursuant to Standing Order No 124).

13 **FEDERAL AWARDS (UNIFORM SYSTEM) BILL** — Debate continued on question — That this Bill be now read a second time.

Allocation of time — The Speaker advised that the time allocated for consideration of bills pursuant to resolution of the House on Tuesday 25 March 2003 had expired.

Question — That this Bill be now read a second and third time and the Bill be transmitted to the Legislative Council and their concurrence desired therein — put and agreed to.

14 **COMMISSIONER FOR ENVIRONMENTAL SUSTAINABILITY BILL** — 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 and third time and the Bill be transmitted to the Legislative Council and their concurrence desired therein — put and agreed to.

15 **PUBLIC HOLIDAYS AND SHOP TRADING REFORM ACTS (AMENDMENT) BILL** — 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 and third time and a message be sent to the Legislative Council acquainting them that the Legislative Assembly has agreed to the Bill without amendment — put.

The House divided.

AYES 59

Ms Allan, Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield, Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Haermeyer; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Ms Kosky; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Loney; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne. Tellers: Mr Hardman; Mr Jenkins; Mr Langdon.

NOES 26

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Doyle; Mr Honeywood; Mr Ingram; Mr Jasper; Mr McIntosh; Mr Mulder; Dr Napthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith; Mr Savage; Mr Sykes; Mr Thompson; Mr Walsh; Mr Wells. Tellers: Mr Dixon; Mr Kotsiras; Mr Maughan.

And so it was resolved in the affirmative.

16 **PAY-ROLL TAX (MATERNITY AND ADOPTION LEAVE EXEMPTION) BILL** — 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 and third time and the Bill be transmitted to the Legislative Council and their concurrence desired therein — put and agreed to.

- 17 **OUTWORKERS (IMPROVED PROTECTION) BILL** — 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 and third time and the Bill be transmitted to the Legislative Council and their concurrence desired therein — put.

The House divided.

AYES 76

Ms Allan; Mr Andrews; Ms Asher; Mr Baillieu; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Clark; Mr Cooper; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Dixon; Mr Donnellan; Mr Doyle; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Haermeyer; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Honeywood; Mr Howard; Mr Hudson; Mr Hulls; Ms Kosky; Mr Kotsiras; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Loney; Mr Lupton; Mr McIntosh; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Mr Mulder; Ms Munt; Dr Naphthine; Mr Nardella; Ms Neville; Mr Pandazopoulos; Mr Perera; Mr Perton; Ms Pike; Mr Plowman; Mr Robinson; Mr Seitz; Mrs Shardey; Mr Smith; Mr Stensholt; Mr Thompson; Mr Thwaites; Mr Trezise; Mr Wells; Mr Wilson; Mr Wynne. Tellers: Mr Hardman; Mr Jenkins
Mr Langdon.

NOES 9

Mr Delahunty (*Lowan*); Mr Jasper; Mrs Powell; Mr Ryan; Mr Sykes; Mr Walsh; Tellers: Mr Ingram; Mr Maughan; Mr Savage.

And so it was resolved in the affirmative.

- 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 47, 26 February 2003*); debate resumed.

Business having been interrupted at 10.00 pm pursuant to sessional 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 10.47 pm.

R W PURDEY
Clerk of the Legislative Assembly

JUDY MADDIGAN
Speaker

LEGISLATIVE ASSEMBLY OF VICTORIA

VOTES AND PROCEEDINGS Nos 10, 11 and 12

No 10 — Tuesday 8 April 2003

- 1 The House met pursuant to adjournment — The Speaker took the Chair and read the Prayer.
- 2 **QUESTIONS** — (Pursuant to Standing Order No 124).
- 3 **TRANSPORT (MISCELLANEOUS AMENDMENTS) BILL** — Mr Batchelor obtained leave, with Mr Bracks, to bring in a Bill '*to amend the **Transport Act 1983**, the **Rail Corporations Act 1996** and the **Public Transport Competition Act 1995** and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 4 **PORT SERVICES (PORT OF MELBOURNE REFORM) BILL** — Mr Batchelor obtained leave, with Mr Bracks, to bring in a Bill '*to amend the **Port Services Act 1995** to abolish the Melbourne Port Corporation and to establish the Port of Melbourne Corporation, to make other amendments to that Act, to amend the **Public Authorities (Dividends) Act 1983**, to make consequential amendments to other Acts and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 5 **CONSTITUTION (WATER AUTHORITIES) BILL** — Mr Bracks obtained leave, with Mr Batchelor, to bring in a Bill '*to amend the **Constitution Act 1975** so as to entrench the responsibility of public authorities for ensuring the delivery of water services and their accountability to responsible Ministers for ensuring that delivery and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 6 **WATER (VICTORIAN WATER TRUST ADVISORY COUNCIL) BILL** — Mr Thwaites, after debate, obtained leave with Mr Bracks, to bring in a Bill '*to amend the **Water Act 1989** to establish the Victorian Water Trust Advisory Council and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 7 **REGIONAL INFRASTRUCTURE DEVELOPMENT FUND (AMENDMENT) BILL** — Mr Brumby, after debate, obtained leave with Mr Hulls, to bring in a Bill '*to amend the **Regional Infrastructure Development Fund Act 1999** to make further provision for payments from the Regional Infrastructure Development Fund*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 8 **MELBOURNE (FLINDERS STREET LAND) BILL** — Ms Delahunty (*Northcote*) obtained leave, with Mr Hulls, to bring in a Bill '*to provide for the divesting of certain land in the vicinity of Flinders Street from the Melbourne City Council, and for the revocation of the reservation of*

that land, to amend the Melbourne (Flinders-street) Land Act 1958 and for related matters'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.

- 9 **DANDENONG DEVELOPMENT BOARD BILL** — Ms Delahunty (*Northcote*) obtained leave, with Mr Batchelor, to bring in a Bill '*to establish the Dandenong Development Board and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 10 **SUMMARY OFFENCES (OFFENSIVE BEHAVIOUR) BILL** — Mr Hulls, after debate, obtained leave with Mr Batchelor, to bring in a Bill '*to amend the Summary Offences Act 1966 to create a new offence and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 11 **CHILD EMPLOYMENT BILL** — Mr Hulls obtained leave, with Ms Delahunty (*Northcote*), to bring in a Bill '*to reform the law relating to the employment of children under the age of 15, to repeal Division 9 of Part III of the Community Services Act 1970 and consequentially amend that Act and the Education Act 1958 and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 12 **SAFE DRINKING WATER BILL** — Ms Pike obtained leave, with Ms Delahunty (*Northcote*), to bring in a Bill '*to make provision for the supply of safe drinking water and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 13 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

Home Loan Schemes — Seeking that the Government sponsored Home Loan Schemes under the flawed new lending instrument called Capital Indexed Loans sold since 1984/85 under the sub-headings — CAPIL, Deferred Interest Scheme (DIS), Indexed Repayment Loan (IRL), Home Opportunity Loan Scheme (HOLS) and Shared Home Opportunity Scheme (SHOS) — (a) be recalculated; (b) have payment and interest set at affordable levels; and (c) be amended in order to assist the low income bracket Victorians the loans were meant to assist, bearing 10 and 10 signatures (*by Mr Mildenhall and Mr Wilson, respectively*)

Radiotherapy Unit at Frankston — Seeking that the Government grants approval to the establishment of a privately funded radiotherapy unit at Frankston which, though privately owned, will be available to the whole of the community, albeit private or public patients, bearing 54 signatures (*by Mr Dixon*).

Severally ordered to lie on the Table.

- 14 **PAPERS** —

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — Ms D'Ambrosio, Chair, brought up a report from the Scrutiny of Acts and Regulations Committee being the Alert Digest No 1 of 2003 on the:

Business Licensing Legislation (Amendment) Bill
 Commissioner for Environmental Sustainability Bill
 Commonwealth Games Arrangements (Amendment) Bill

Control of Weapons and Firearms Acts (Search Powers) Bill
 Country Fire Authority (Volunteer Protection and Community Safety) Bill
 Crimes (Property Damage and Computer Offences) Bill
 Crimes (Stalking and Family Violence) Bill
 Federal Awards (Uniform System) Bill
 Firearms (Trafficking and Handgun Control) Bill
 Health Legislation (Research Involving Embryos and Prohibition of Human Cloning) Bill
 Legal Practice (Validations) Bill
 Major Events (Crowd Management) Bill
 Melbourne Cricket Ground (Amendment) Bill
 Murray-Darling Basin (Amendment) Bill
 Outworkers (Improved Protection) Bill
 Parliamentary Committees and Parliamentary Salaries and Superannuation Acts
 (Amendment) Bill
 Pay-roll Tax (Maternity and Adoption Leave Exemption) Bill
 Public Holidays and Shop Trading Reform Acts (Amendment) Bill
 Retail Leases Bill
 Seafood Safety Bill
 Sentencing (Further Amendment) Bill
 Small Business Commissioner Bill
 Southern and Eastern Integrated Transport Authority Bill
 Terrorism (Commonwealth Powers) Bill
 Terrorism (Community Protection) Bill
 Vocational Education and Training (TAFE Qualifications) Bill.

Ordered to lie on the Table and to be printed.

PAPER BY COMMAND OF THE GOVERNOR —

Mr Hulls presented by Command of the Governor:

Council of Magistrates — Report for the year 2001–02

Ordered to lie on the Table.

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

Parliamentary Committees Act 1968 — Response of the Attorney-General on action taken with respect to the recommendations made by the Scrutiny of Acts and Regulations Committee's Final Report on the *Vagrancy Act 1966*

Planning and Environment Act 1987 — Melbourne Airport Environs Strategy Plan 2003

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

Colac Otway Planning Scheme — No C15
 Darebin Planning Scheme — Nos C15, C46
 Delatite Planning Scheme — No C8
 Greater Geelong Planning Scheme — No C69

Manningham Planning Scheme — No C28
 Maroondah Planning Scheme — No C21
 Melton Planning Scheme — No C36
 Monash Planning Scheme — No C21
 Moreland Planning Scheme — No C20
 Mount Alexander Planning Scheme — No C16
 Pyrenees Planning Scheme — No C1
 South Gippsland Planning Scheme — Nos C6, C8
 Wangaratta Planning Scheme — No C12
 Wellington Planning Scheme — No C7
 Wyndham Planning Scheme — No C41

Statutory Rules under the following Acts:

Agricultural Industry Development Act 1990 — SR No 23
Fair Trading Act 1999 — SR No 26
Fisheries Act 1995 — SR Nos 24, 25
Private Agents Act 1966 — SR No 27

Subordinate Legislation Act 1994 — Minister's exemption certificates in relation to Statutory Rule Nos 23, 24, 25

Surveillance Devices Act 1999 — Reports pursuant to s 37 from the Australian Crime Commission, Chief Commissioner of Police and Department of Sustainability and Environment.

The following proclamation fixing an operative date was laid upon the Table by the Clerk pursuant to an Order of the House dated 26 February 2003:

Agricultural Industry Development (Further Amendment) Act 2002 — Remaining provisions (except for ss 20 and 21) on 27 March 2003 (*Gazette G13, 27 March 2003*).

- 15 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Constitution (Parliamentary Reform) Bill without amendment.
- 16 **MESSAGE FROM THE GOVERNOR — ASSENT TO BILL** — Informing the Legislative Assembly that he had, on 2 April 2003, given the royal assent to the Public Holidays and Shop Trading Reform Acts (Amendment) Bill, presented to him by the Deputy Clerk of the Legislative Council for and in the absence of the Clerk of the Parliaments.
- 17 **MESSAGE FROM THE GOVERNOR — ASSENT TO BILL** — Informing the Legislative Assembly that he had, that day, given the royal assent to the Constitution (Parliamentary Reform) Bill, presented to him by the Clerk of the Parliaments.
- 18 **MESSAGES FROM THE GOVERNOR** — The Speaker announced the presentation of messages from the Governor recommending appropriations for the purposes of the following bills:
- Business Licensing Legislation (Amendment) Bill
 Commonwealth Games Arrangements (Amendment) Bill
 Country Fire Authority (Volunteer Protection and Community Safety) Bill
 Major Events (Crowd Management) Bill

Melbourne Cricket Ground (Amendment) Bill
 Murray-Darling Basin (Amendment) Bill
 Seafood Safety Bill
 Sentencing (Amendment) Bill
 Southern and Eastern Integrated Transport Authority Bill.

- 19 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, pursuant to Sessional Order 6(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 2003:

Southern and Eastern Integrated Transport Authority Bill
 Business Licensing Legislation (Amendment) Bill
 Sentencing (Amendment) Bill
 Seafood Safety Bill
 Major Events (Crowd Management) Bill
 Melbourne Cricket Ground (Amendment) Bill
 Commonwealth Games Arrangements (Amendment) Bill.

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

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

- 21 **SOUTHERN AND EASTERN INTEGRATED TRANSPORT AUTHORITY BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Pursuant to Sessional Orders, Mr Mulder announced that it was proposed to move amendments in Committee 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 McTaggart)* — put and agreed to.

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

- 22 **BUSINESS LICENSING 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, read a third time forthwith.

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

- 23 **SENTENCING (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, read a third time forthwith.

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

- 24 **SOUTHERN AND EASTERN INTEGRATED TRANSPORT AUTHORITY BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Pursuant to Sessional Orders, Mr Batchelor announced that it was proposed to move amendments in Committee and requested that they be circulated. Amendments circulated.

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

Bill read a second time and committed; considered in Committee.

Committee reported progress.

Business having been interrupted at 10.00 pm pursuant to sessional orders.

- 25 **ADJOURNMENT** — The Speaker, having announced that the time for the adjournment of the House had arrived and, after debate, the Deputy Speaker left the Chair at 10.50 pm.

R W PURDEY
Clerk of the Legislative Assembly

JUDY MADDIGAN
Speaker

No 11 — Wednesday 9 April 2003

- 1 The Speaker took the Chair and read the Prayer.
- 2 **WATER LEGISLATION (ESSENTIAL SERVICES COMMISSION AND OTHER AMENDMENTS) BILL** — Mr Thwaites, after debate, obtained leave with Mr Bracks, to bring in a Bill '*to amend the **Water Industry Act 1994** to specify the role of the Essential Services Commission in relation to the water industry, to amend the **Water Act 1989** in relation to the Central Gippsland Region Water Authority, to consequentially amend the **Water Act 1989** and the **Essential Services Commission Act 2001** and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 3 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

Home Loan Schemes — Seeking that the Government sponsored Home Loan Schemes under the flawed new lending instrument called Capital Indexed Loans sold since 1984/85 under the sub-headings — CAPIL, Deferred Interest Scheme (DIS), Indexed Repayment Loan (IRL), Home Opportunity Loan Scheme (HOLS) and Shared Home Opportunity Scheme (SHOS) — (a) be recalculated; (b) have payment and interest set at affordable levels; and (c) be amended in order to assist the low income bracket Victorians the loans were meant to assist, bearing 10 signatures (*by Ms Campbell*)

New Council for St Arnaud — Seeking that the Minister for Local Government commences the process whereby the Town of St Arnaud and the former Shire of Kara Kara, together with such other communities who desire to do so, may secede from the Shire and form a new Council based in St Arnaud, bearing 1,790 signatures (*by Mr Walsh*).

Severally ordered to lie on the Table.

- 4 **PAPER PURSUANT TO STATUTE** — The following Paper, pursuant to the direction of an Act of Parliament, was laid upon the Table by the Clerk:

Fawkner Crematorium and Memorial Park — Report for the year 2001, together with an explanation for the delay in tabling.

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

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

- 7 **TRANSPORT (MISCELLANEOUS AMENDMENTS) BILL** — 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 23 April 2003.

- 8 **PORT SERVICES (PORT OF MELBOURNE REFORM) BILL** — 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 23 April 2003.

- 9 **SEAFOOD SAFETY BILL** — 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 pursuant to sessional orders.

- 10 **QUESTIONS** — (Pursuant to Standing Order No 124).

- 11 **SEAFOOD SAFETY BILL** — Debate continued on question — That this Bill be now read a second time.

Bill read a second time and committed; considered in Committee and reported without amendment; read a third time.

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

- 12 **MAJOR EVENTS (CROWD MANAGEMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

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

- 13 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 5 to 9 inclusive, be postponed until later this day.

- 14 **REGIONAL INFRASTRUCTURE DEVELOPMENT FUND (AMENDMENT) 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 (*Mrs Shardey*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 23 April 2003.

- 15 **MELBOURNE (FLINDERS STREET LAND) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Ms Delahunty, Northcote*).

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

Ordered — That the debate be adjourned until Wednesday 23 April 2003.

- 16 **DANDENONG DEVELOPMENT BOARD BILL** — Motion made and question proposed — That this Bill be now read a second time (*Ms Delahunty, Northcote*).

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

Ordered — That the debate be adjourned until Wednesday 23 April 2003.

- 17 **SUMMARY OFFENCES (OFFENSIVE BEHAVIOUR) 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 Perton*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 23 April 2003.

- 18 **CHILD EMPLOYMENT 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 (*Mrs Shardey*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 23 April 2003.

- 19 **MELBOURNE CRICKET GROUND (AMENDMENT) 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 pursuant to sessional orders.

- 20 **ADJOURNMENT** — The Speaker, having announced that the time for the adjournment of the House had arrived and, after debate, the Acting Speaker left the Chair at 10.42 pm.

R W PURDEY
Clerk of the Legislative Assembly

JUDY MADDIGAN
Speaker

No 12 — Thursday 10 April 2003

- 1 The Speaker took the Chair and read the Prayer.
- 2 **PAPER PURSUANT TO STATUTE** — The following Paper, pursuant to the direction of an Act of Parliament, was laid upon the Table by the Clerk:

Interpretation of Legislation Act 1984 — Notice under s 32(3)(a)(iii) in relation to Statutory Rule No 16.

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

Retail Leases Bill
 Small Business Commissioner Bill.

- 4 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourn until Tuesday 29 April 2003 (*Mr Batchelor*) — put and agreed to.

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

- 6 **CONSTITUTION (WATER AUTHORITIES) BILL** — 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 Doyle*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 24 April 2003.

- 7 **WATER (VICTORIAN WATER TRUST ADVISORY COUNCIL) BILL** — 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 Plowman*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 24 April 2003.

- 8 **WATER LEGISLATION (ESSENTIAL SERVICES COMMISSION AND OTHER AMENDMENTS) BILL** — 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 Plowman*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 24 April 2003.

- 9 **SAFE DRINKING WATER BILL** — 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 Thursday 24 April 2003.

- 10 **MINISTERIAL STATEMENT — IMPLEMENTING 'WATER FOR THE FUTURE'** — Mr Thwaites made a ministerial statement relating to implementing 'Water for the Future', to which members responded.

- 11 **COMMONWEALTH GAMES ARRANGEMENTS (AMENDMENT) BILL** — 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 pursuant to sessional orders.

- 12 **QUESTIONS** — (Pursuant to Standing Order No 124).

- 13 **COMMONWEALTH GAMES ARRANGEMENTS (AMENDMENT) BILL** — Debate continued on question — That this Bill be now read a second time.

Pursuant to sessional orders, Mr Ryan announced that it was proposed to move an amendment in Committee and requested that it be circulated. Amendment 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 place thereof the words 'this House refuses to read this Bill a second time until the Government discloses full financial details regarding the fair market value and the agreed price of the Games Village Land, and consideration is given to providing proper compensation for persons adversely affected by the implementation of the general powers relating to roads' (*Mr Ryan*) — and, after debate —

Allocation of time — The Speaker advised that the time allocated for consideration of bills pursuant to resolution of the House on Tuesday 8 April 2003 had expired.

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

The House divided.

AYES 58

Ms Allan, Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Ms Campbell; Mr Carli; Mr Crutchfield, Ms D'Ambrosio; Ms Delahunty (*Northcote*); Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Jenkins; Ms Kosky; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Loney; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne. Tellers: Mr Langdon; Mr Maxfield; Mr Seitz.

NOES 25

Ms Asher; Mr Baillieu; Mr Clark; Mr Delahunty (*Lowan*); Mr Doyle; Mr Honeywood; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Mulder; Dr Naphthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Mr Sykes; Mr Thompson; Mr Walsh; Mr Wells. Tellers: Mr Dixon; Mr Maughan; Mr Smith.

And so it was resolved in the affirmative.

Question — That this Bill be read a second and third time and the Bill be transmitted to the Legislative Council and their concurrence desired therein — put.

The House divided.

AYES 60

Ms Allan, Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Ms Campbell; Mr Carli; Mr Crutchfield, Ms D'Ambrosio; Ms Delahunty (*Northcote*); Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Ingram; Mr Jenkins; Ms Kosky; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Loney; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Savage; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne. Tellers: Mr Langdon; Mr Maxfield; Mr Seitz.

NOES 23

Ms Asher; Mr Baillieu; Mr Clark; Mr Delahunty (*Lowan*); Mr Doyle; Mr Honeywood; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Mulder; Dr Naphthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Sykes; Mr Thompson; Mr Walsh; Mr Wells. Tellers: Mr Dixon; Mr Maughan; Mr Smith.

And so it was resolved in the affirmative.

- 14 **MELBOURNE CRICKET GROUND (AMENDMENT) BILL** — 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 and third time and the Bill be transmitted to the Legislative Council and their concurrence desired therein — put and agreed to.

- 15 **MAJOR EVENTS (CROWD MANAGEMENT) BILL** — 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 and third time and the Bill be transmitted to the Legislative Council and their concurrence desired therein — put and agreed to.

- 16 **SOUTHERN AND EASTERN INTEGRATED TRANSPORT AUTHORITY BILL** — Order read for the further consideration of the Bill in Committee.

Question — That Clauses 1 to 26 inclusive, Government amendment Nos 1 and 2 be agreed to, the Bill be read a third time and the Bill be transmitted to the Legislative Council and their concurrence desired therein — put and agreed to.

- 17 **LEGAL PRACTICE (VALIDATIONS) BILL** — The Speaker announced the receipt of a message from the Legislative Council transmitting a Bill '*to amend the **Legal Practice Act 1996** to validate certain delegations and other actions purportedly made or taken under that Act and for other purposes*' and desiring the concurrence of the Legislative Assembly therein.

On the motion of Mr Hulls, the Bill transmitted by the foregoing message was read a first time, ordered to be printed and read a second time tomorrow.

- 18 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Terrorism (Community Protection) Bill without amendment.

- 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 47 26 February 2003*); 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.

- 20 **SHOP TRADING REFORM (ESSENTIAL GOODS AMENDMENT) BILL** — The Speaker announced the receipt of a message from the Legislative Council transmitting a Bill '*to amend the **Shop Trading Reform Act 1996** with respect to trading by certain shops and for other purposes*' and desiring the concurrence of the Legislative Assembly therein.

On the motion of Mr Brumby, the Bill transmitted by the foregoing message was read a first time, ordered to be printed and, by leave, read a second time forthwith.

- 21 **SHOP TRADING REFORM (ESSENTIAL GOODS AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Brumby*) — and, after debate —

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

Ordered — That a message be sent to the Legislative Council acquainting them that the Legislative Assembly has agreed to the Bill without amendment.

- 22 **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 47 26 February 2003*); debate resumed.

Question — put, and Address agreed to.

Ordered — That the said Address be presented to the Governor by the Speaker and the members of the House.

- 23 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Parliamentary Committees and Parliamentary Salaries and Superannuation Acts (Amendment) Bill with an amendment.

Ordered — That the said amendment be printed and taken into consideration forthwith.

- 24 **PARLIAMENTARY COMMITTEES AND PARLIAMENTARY SALARIES AND SUPERANNUATION ACTS (AMENDMENT) BILL** — Order read for the consideration of the amendment made by the Legislative Council.

The said amendment was read a second time and, after debate, agreed to by the House.

Ordered — That a message be sent to the Legislative Council acquainting them that the Legislative Assembly has agreed to the said amendment.

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

- 26 **ADJOURNMENT** — Resolved, after debate — That the House do now adjourn.

And the House, at 8.07 pm adjourned until Tuesday 29 April 2003.

R W PURDEY
Clerk of the Legislative Assembly

JUDY MADDIGAN
Speaker

LEGISLATIVE ASSEMBLY OF VICTORIA

VOTES AND PROCEEDINGS Nos 13, 14 and 15

No 13 — Tuesday 29 April 2003

- 1 The House met pursuant to adjournment — The Speaker took the Chair and read the Prayer.
- 2 **DEATH OF LEONARD STANLEY REID, DFC** — The Speaker announced the death of Leonard Stanley Reid, DFC, Member of the Legislative Assembly for the Electoral District of Dandenong from 1958 to 1969, and Deputy Speaker and Chairman of Committees from 1967 to 1969; and, honourable members rose in their places as a mark of respect to the memory of the deceased.
- 3 **QUESTIONS** — (Pursuant to Standing Order No 124).
- 4 **ROAD SAFETY (HEAVY VEHICLE SAFETY) BILL** — Mr Batchelor obtained leave, with Mr Hulls, to bring in a Bill '*to amend the **Road Safety Act 1986** and the **Transport Act 1983** and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 5 **VICTORIAN URBAN DEVELOPMENT AUTHORITY BILL** — Mr Batchelor obtained leave, with Mr Hulls, to bring in a Bill '*to establish the Victorian Urban Development Authority to carry out urban development, develop the docklands area and undertake declared projects, to provide for special powers in relation to declared projects, to repeal the **Urban and Regional Land Corporation Act 1997**, to amend the **Docklands Authority Act 1991** and other Acts and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 6 **CORRECTIONS (AMENDMENT) BILL** — Mr Haermeyer obtained leave, with Mr Batchelor, to bring in a Bill '*to amend the **Corrections Act 1986** and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 7 **ALBURY-WODONGA AGREEMENT (REPEAL) BILL** — Mr Brumby obtained leave, with Mr Batchelor, to bring in a Bill '*to repeal the **Albury-Wodonga Agreement Act 1973** and the **Wodonga Area Land Acquisition Act 1973**, to dissolve the Albury-Wodonga (Victoria) Corporation, to provide for the transfer of assets, contractual rights and obligations, and liabilities of that Corporation to the Albury-Wodonga Development Corporation and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 8 **AUDIT (AMENDMENT) BILL** — Mr Brumby obtained leave, with Mr Batchelor, to bring in a Bill '*to amend the **Audit Act 1994** with respect to the powers of the Auditor-General and indemnities for the Auditor-General and audit staff, to amend the **Financial Management Act***

1994 with respect to the tabling of financial reports and for other purposes'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.

- 9 **ENERGY LEGISLATION (CONSUMER PROTECTION AND OTHER AMENDMENTS) BILL** — Mr Brumby obtained leave, with Mr Batchelor, to bring in a Bill '*to amend the Gas Industry Act 2001, the Electricity Industry Act 2000, the Essential Services Commission Act 2001, the National Electricity (Victoria) Act 1997, the Electricity Safety Act 1998 and the Co-operative Schemes (Administrative Actions) Act 2001 and for other purposes'*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 10 **ROYAL AGRICULTURAL SHOWGROUNDS BILL** — Ms Delahunty (*Northcote*) obtained leave, with Mr Batchelor, to bring in a Bill '*to make provision relating to the use of land for the purposes of the Royal Melbourne Show and for other recreation, entertainment and amusement purposes, to amend the Royal Agricultural Show-grounds Act 1931 and the Racing Act 1958 and for other purposes'*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 11 **PLANNING AND ENVIRONMENT (METROPOLITAN GREEN WEDGE PROTECTION) BILL** — Ms Delahunty (*Northcote*) obtained leave, with Mr Batchelor, to bring in a Bill '*to amend the Planning and Environment Act 1987 to provide increased planning protection for green wedge land in certain metropolitan fringe areas and for other purposes'*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 12 **VICTIMS OF CRIME ASSISTANCE (MISCELLANEOUS AMENDMENTS) BILL** — Mr Hulls obtained leave, with Ms Delahunty (*Northcote*), to bring in a Bill '*to make miscellaneous amendments to the Victims of Crime Assistance Act 1996 and for other purposes'*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 13 **COURTS LEGISLATION (AMENDMENT) BILL** — Mr Hulls obtained leave, with Ms Delahunty (*Northcote*), to bring in a Bill '*to amend the Constitution Act 1975 and the County Court Act 1958 with respect to the recognition for pension purposes of certain prior service of persons appointed as judges, to amend the Magistrates' Court Act 1989 and for other purposes'*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 14 **CONFISCATION (AMENDMENT) BILL** — Mr Hulls obtained leave, with Ms Delahunty (*Northcote*), to bring in a Bill '*to make various amendments to the Confiscation Act 1997, to consequentially amend the Crimes Act 1958, the Drugs, Poisons and Controlled Substances Act 1981 and the Sentencing Act 1991 and for other purposes'*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 15 **ESTATE AGENTS AND SALE OF LAND ACTS (AMENDMENT) BILL** — Mr Hulls obtained leave, with Ms Delahunty (*Northcote*), to bring in a Bill '*to amend the Estate Agents Act 1980 and the Sale of Land Act 1962 and for other purposes'*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 16 **LIVESTOCK DISEASE CONTROL (AMENDMENT) BILL** — Mr Cameron obtained leave, with Mr Batchelor, to bring in a Bill '*to amend the Livestock Disease Control Act 1994 and the*

Plant Health and Plant Products Act 1995 and for other purposes'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.

17 **PAPERS** —

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — Ms D'Ambrosio, Chair, brought up a report from the Scrutiny of Acts and Regulations Committee being the Alert Digest No 2 of 2003 on the:

Catchment and Land Protection (Amendment) Bill
 Child Employment Bill
 Constitution (Parliamentary Reform) Act 2003
 Constitution (Water Authorities) Bill
 Dandenong Development Board Bill
 Melbourne (Flinders Street Land) Bill
 Port Services (Port of Melbourne Reform) Bill
 Regional Infrastructure Development Fund (Amendment) Bill
 Safe Drinking Water Bill
 Shop Trading Reform (Essential Goods Amendment) Act 2003
 Summary Offences (Offensive Behaviour) Bill
 Transport (Miscellaneous Amendments) Bill
 University Acts (Amendment) Bill
 Water Legislation (Essential Services Commission and Other Amendments) Bill
 Water (Victorian Water Trust Advisory Council) Bill

together with appendices.

Ordered to lie on the Table and to be printed.

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

Audit Act 1994 — Report of the Auditor-General on Parliamentary control and management of appropriations — Ordered to be printed

Commonwealth Games Arrangements Act 2001 — Orders pursuant to s 18 (two orders)

Interpretation of Legislation Act 1984 — Notice under s 32(4)(a)(iii) in relation to Amendment No 12 of the Building Code of Australia 1996

Municipal Association of Victoria and Civic Mutual Plus — Report for the year 2001–02 (two papers)

Ombudsman Act 1973 — Report of the Ombudsman on the investigation of complaints against State Trustees Ltd — Ordered to be printed

Parliamentary Committees Act 1968:

Response of the Minister for Agriculture on action taken with respect to the recommendations made by the Environment and Natural Resources Committee's Report into the Management of the Fishing Charter Industry in Victoria

Response of the Premier on action taken with respect to the recommendations made by the Public Accounts and Estimates Committee's Report on the Review of the Victorian Public Service

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

Bass Coast Planning Scheme — No C9
 Casey Planning Scheme — Nos C32, C51, C61
 Greater Dandenong Planning Scheme — Nos C30, C44
 Greater Geelong Planning Scheme — No C74
 Macedon Ranges Planning Scheme — No C22
 Moonee Valley Planning Scheme — Nos C40, C42
 Mount Alexander Planning Scheme — No C18
 Murrindindi Planning Scheme — No C7
 South Gippsland Planning Scheme — No C13
 Warrnambool Planning Scheme — No C20
 Whittlesea Planning Scheme — No C42

Rural Finance Act 1988 — Directions by the Treasurer to the Rural Finance Corporation to administer Financial Assistance Schemes to the:

Eastern Mallee Region
 Goulburn Irrigation Area

Statutory Rule under the *Goods Act 1958* — SR No 28

Subordinate Legislation Act 1994 — Minister's exemption certificates in relation to Statutory Rule Nos 26, 28.

The following proclamations fixing operative dates were laid upon the Table by the Clerk pursuant to an Order of the House dated 26 February 2003:

Constitution (Parliamentary Reform) Act 2003 — Divisions 1, 3 and 4 of Part 2, Division 1 of Part 3 and Division 1 of Part 4 on 8 April 2003 (*Gazette S57, 8 April 2003*)

Wrongs and Other Acts (Public Liability Insurance Reform) Act 2002 — Part 5 on 1 May 2003 (*Gazette G16, 17 April 2003*).

- 18 **MESSAGE FROM THE GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that he had, on 15 April 2003, given the royal assent to the following bills, presented to him by the Clerk of the Parliaments:

Parliamentary Committees and Parliamentary Salaries and Superannuation Acts (Amendment) Bill
 Retail Leases Bill
 Shop Trading Reform (Essential Goods Amendment) Bill
 Small Business Commissioner Bill
 Terrorism (Community Protection) Bill.

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

Child Employment Bill
 Dandenong Development Board Bill
 Port Services (Port of Melbourne Reform) Bill
 Regional Infrastructure Development Fund (Amendment) Bill
 Safe Drinking Water Bill
 Summary Offences (Offensive Behaviour) Bill
 Transport (Miscellaneous Amendments) Bill
 Water Legislation (Essential Services Commission and Other Amendments) Bill
 Water (Victorian Water Trust Advisory Council) Bill.

- 20 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, pursuant to Sessional Order 6(2), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 1 May 2003:

Control of Weapons and Firearms Acts (Search Powers) Bill
 Country Fire Authority (Volunteer Protection and Community Safety) Bill
 Crimes (Property Damage and Computer Offences) Bill
 Melbourne (Flinders Street Land) Bill
 Murray-Darling Basin (Amendment) Bill
 Port Services (Port of Melbourne Reform) Bill
 Terrorism (Commonwealth Powers) Bill
 Transport (Miscellaneous Amendments) Bill
 Water Legislation (Essential Services Commission and Other Amendments) Bill.

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

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

- 22 **MELBOURNE AIRPORT ENVIRONS STRATEGY PLAN 2003** — Motion made and question — That, pursuant to s 46U of the *Planning and Environment Act 1987*, the Melbourne Airport Environs Strategy Plan 2003 be approved (*Ms Delahunty, Northcote*) — put, after debate, and agreed to.

- 23 **LEGAL PRACTICE (VALIDATIONS) 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 McIntosh*) — put and agreed to.

Ordered — That the debate be adjourned until tomorrow.

- 24 **TERRORISM (COMMONWEALTH POWERS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

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

- 25 **CRIMES (PROPERTY DAMAGE AND COMPUTER OFFENCES) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Pursuant to sessional orders, Mr McIntosh announced that it was proposed to move amendments in Committee and requested that they be circulated. Amendments circulated.

Pursuant to sessional orders, Mr Ryan announced that it was proposed to move amendments in Committee 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 Kotsiras*) — put and agreed to.

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

- 26 **CONTROL OF WEAPONS AND FIREARMS ACTS (SEARCH POWERS) BILL** — 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.

- 27 **PORT SERVICES (PORT OF MELBOURNE REFORM) BILL** — 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 Asher*) — put and agreed to.

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

- 28 **COUNTRY FIRE AUTHORITY (VOLUNTEER PROTECTION AND COMMUNITY SAFETY) 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 pursuant to sessional orders.

- 29 **ADJOURNMENT** — The Acting Speaker, announced that the time for the adjournment of the House had arrived and, after debate, the Deputy Speaker left the Chair at 10.42 pm.

No 14 — Wednesday 30 April 2003

- 1 The Speaker took the Chair and read the Prayer.
- 2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

Church Nursing Home, Blyth Street, Brunswick — Seeking that the House urgently investigates the closure of Church Nursing Home in Blyth Street, Brunswick by Baptist Community Care Inc due to the lack of adequate funding of 30 bed nursing homes and makes representation to the Commonwealth either to have funds provided or takes other urgent action to preserve this facility and maintain the high care beds in the Moreland area, bearing 64 signatures (*by Mr Carli*)

Home Loan Schemes — Seeking that the Government sponsored Home Loan Schemes under the flawed new lending instrument called Capital Indexed Loans sold since 1984/85 under the sub-headings — CAPIL, Deferred Interest Scheme (DIS), Indexed Repayment Loan (IRL), Home Opportunity Loan Scheme (HOLS) and Shared Home Opportunity Scheme (SHOS) — (a) be recalculated; (b) have payment and interest set at affordable levels; and (c) be amended in order to assist the low income bracket Victorians the loans were meant to assist, bearing 32 and 10 signatures (*by Ms Eckstein and Mr Langdon, respectively*)

Emergency Helicopter Service in Warrnambool — Seeking that a multi-function emergency helicopter rescue service be established in Warrnambool to provide emergency coverage throughout all of Western Victoria, bearing 974 signatures (*by Dr Naphthine*)

Protecting the Environment — Seeking that Parliament — (a) leaves open the issue of future uses for our reserves; (b) has a moratorium on the creation of any more large parks; and (c) concentrates immediately on improving the means to resolve conflict equitably so that just and sound decisions for long term resource protection and genuine sustainability are more evident to all Victorians, bearing 14 signatures (*by Dr Naphthine*).

Severally ordered to lie on the Table.

- 3 **PETITION — CHURCH NURSING HOME, BLYTH STREET, BRUNSWICK** — Motion made and question — That the petition presented by the Member for Brunswick relating to the closure of Church Nursing Home in Blyth Street, Brunswick be taken into consideration tomorrow (*Mr Carli*) — put and agreed to.
- 4 **PAPER PURSUANT TO STATUTE** — The following Paper, pursuant to the direction of an Act of Parliament, was laid upon the Table by the Clerk:
Audit Act 1994 — Report of the Auditor-General on Performance management and reporting: Progress report and a case study — Ordered to be printed.
- 5 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Federal Awards (Uniform System) Bill with an amendment.

Ordered — That the said amendment be printed and taken into consideration tomorrow.

- 6 **VOCATIONAL EDUCATION AND TRAINING (TAFE QUALIFICATIONS) BILL** — The Speaker announced the receipt of a message from the Legislative Council transmitting a Bill '*to amend the Vocational Education and Training Act 1990 and the Victorian Qualifications Authority Act 2000 and for other purposes*' and desiring the concurrence of the Legislative Assembly therein.

On the motion of Ms Kosky, the Bill transmitted by the foregoing message was read a first time, ordered to be printed and read a second time tomorrow.

- 7 **STATEMENTS BY MEMBERS** — Statements by members were made.
- 8 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE — MEDICARE CHANGES** — The House was informed that Ms Pike 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 the recently announced changes to Medicare which will dramatically increase pressure on Victorian public hospitals at a time that the State Government has yet to receive an adequate funding offer from the Commonwealth for the existing costs faced by public hospitals.'

Ms Pike addressed the House — Discussion ensued.

- 9 **ESTATE AGENTS AND SALE OF LAND ACTS (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 Plowman*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 14 May 2003.

- 10 **COUNTRY FIRE AUTHORITY (VOLUNTEER PROTECTION AND COMMUNITY SAFETY) BILL** — 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 Plowman*) — put and agreed to.

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

- 11 **MURRAY-DARLING BASIN (AMENDMENT) BILL** — 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 pursuant to sessional orders.

- 12 **QUESTIONS** — (Pursuant to Standing Order No 124).

- 13 **MURRAY-DARLING BASIN (AMENDMENT) BILL** — 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.

- 14 **TRANSPORT (MISCELLANEOUS AMENDMENTS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Pursuant to sessional orders, Mr Mulder announced that it was proposed to move amendments in Committee 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 Baillieu*) — put and agreed to.

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

- 15 **MELBOURNE (FLINDERS STREET LAND) BILL** — 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 Marshall*) — put and agreed to.

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

- 16 **WATER LEGISLATION (ESSENTIAL SERVICES COMMISSION AND OTHER AMENDMENTS) BILL** — 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 Asher*) — put and agreed to.

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

- 17 **UNIVERSITY ACTS (AMENDMENT) BILL** — The Acting Speaker announced the receipt of a message from the Legislative Council transmitting a Bill '*to amend the Acts establishing public universities in Victoria and the Victorian College of the Arts and for other purposes*' and desiring the concurrence of the Legislative Assembly therein.

On the motion of Ms Kosky, the Bill transmitted by the foregoing message was read a first time, ordered to be printed and read a second time tomorrow.

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

Pay-roll Tax (Maternity and Adoption Leave Exemption) Bill
Business Licensing Legislation (Amendment) Bill.

- 19 **PORT SERVICES (PORT OF MELBOURNE REFORM) BILL** — 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 **WATER LEGISLATION (ESSENTIAL SERVICES COMMISSION AND OTHER AMENDMENTS) 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 pursuant to sessional orders.

- 21 **ADJOURNMENT** — The Acting Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate at 10.33 pm.

R W PURDEY
Clerk of the Legislative Assembly

JUDY MADDIGAN
Speaker

No 15 — Thursday 1 May 2003

- 1 The Speaker took the Chair and read the Prayer.
- 2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

Public Dental Clinic/Service for Cardinia Shire/Pakenham area — Seeking that the House considers the provision of a Public Dental Clinic/Service for the Cardinia Shire/Pakenham area, bearing 494 signatures (*by Ms Lobato*)

Museum Victoria Campuses — Seeking that Parliament recognises the value of the Museum Victoria campuses — Melbourne Museum, Scienceworks and Immigration Museum, by reviewing the current funding model and removing attendance figure targets from the funding criteria, bearing 772 signatures (*by Mr Nardella*)

Emergency Helicopter Service in Warrnambool — Seeking that a multi-function emergency helicopter rescue service be established in Warrnambool to provide emergency coverage throughout all of Western Victoria, bearing 194 signatures (*by Dr Naphine*).

Severally ordered to lie on the Table.

- 3 **PETITION — EMERGENCY HELICOPTER SERVICE IN WARRNAMBOOL** — Motion made and question — That the petition presented by the Member for South-West Coast relating to a multi-function emergency helicopter rescue service being established in Warrnambool be taken into consideration tomorrow (*Dr Naphine*) — put and agreed to.
- 4 **PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:

Adult Multicultural Education Services — Report for the year 2002

Ballarat University — Report for the year 2002

Bendigo Regional Institute of TAFE — Report for the year 2002

Box Hill Institute of TAFE — Report for the year 2002

Central Gippsland Institute of TAFE — Report for the year 2002

Centre for Adult Education — Report for the year 2002

Chisholm Institute of TAFE — Report for the year 2002

Deakin University — Report for the year 2002

Driver Education Centre of Australia Limited — Report for the year 2002

East Gippsland Institute of TAFE — Report for the year 2002

Gordon Institute of TAFE — Report for the year 2002

Goulburn Ovens Institute of TAFE — Report for the year 2002

Holmesglen Institute of TAFE — Report for the year 2002

Kangan Batman Institute of TAFE — Report for the year 2002

La Trobe University — Report for the year 2002

Melbourne University — Report for the year 2002

Monash University — Report for the year 2002

Northern Melbourne Institute of TAFE — Report for the year 2002

Parliamentary Committees Act 1968 — Response of the Minister for Small Business on action taken with respect to the recommendations made by the Scrutiny of Acts and Regulations Committee's Review of ANZAC Day Laws

RMIT University — Report for the year 2002

South West Institute of TAFE — Report for the year 2002

Statutory Rules under the following Acts:

Retail Leases Act 2003 — SR No 30

Transport Accident Act 1986 — SR No 31

Zoological Parks and Gardens Act 1995 — SR No 29

Sunraysia Institute of TAFE — Report for the year 2002

Swinburne University of Technology — Report of the year 2002

Victoria University of Technology — Report for the year 2002

Whistleblowers Protection Act 2001 — Summary of the Report of the Ombudsman on the investigation into allegations of a conspiracy between members of the then Department of Natural Resources and Environment and the Department of Justice to defraud the Estate Agents Guarantee Fund — Ordered to be printed

William Angliss Institute of TAFE — Report for the year 2002

Wodonga Institute of TAFE — Report for the year 2002.

- 5 **OMBUDSMAN'S REPORT** — Motion made, by leave, and question — That the Summary of the Report of the Ombudsman on the investigation into allegations of a conspiracy between members of the then Department of Natural Resources and Environment and the Department of Justice to defraud the Estate Agents Guarantee Fund be taken into consideration tomorrow (*Mr Perton*) — put and agreed to.

- 6 **CATCHMENT AND LAND PROTECTION (AMENDMENT) BILL** — The Speaker announced the receipt of a message from the Legislative Council transmitting a Bill '*to amend the Catchment and Land Protection Act 1994 in relation to noxious weeds and pest animals and for other purposes*' and desiring the concurrence of the Legislative Assembly therein.

On the motion of Mr Thwaites, the Bill transmitted by the foregoing message was read a first time, ordered to be printed and read a second time tomorrow.

- 7 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That the Government Business Program agreed to by this House on 29 April 2003 be amended by omitting the Transport (Miscellaneous Amendments) Bill (*Mr Batchelor*) — put and agreed to.

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

- 9 **PLANNING AND ENVIRONMENT (METROPOLITAN GREEN WEDGE PROTECTION) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Ms Delahunty, Northcote*).

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

Ordered — That the debate be adjourned until Thursday 15 May 2003.

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

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

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

- 11 **COUNTRY FIRE AUTHORITY (VOLUNTEER PROTECTION AND COMMUNITY SAFETY) BILL** — 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 pursuant to sessional orders.

12 **QUESTIONS** — (Pursuant to Standing Order No 124).

13 **COUNTRY FIRE AUTHORITY (VOLUNTEER PROTECTION AND COMMUNITY SAFETY) BILL** — 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.

14 **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.

15 **WATER LEGISLATION (ESSENTIAL SERVICES COMMISSION AND OTHER AMENDMENTS) BILL** — 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.

16 **MELBOURNE (FLINDERS STREET LAND) BILL** — 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 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 7 and 8, be postponed until later this day.

18 **CRIMES (PROPERTY DAMAGE AND COMPUTER OFFENCES) BILL** — 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 pursuant to resolution of the House on Tuesday 29 April 2003 and as amended on Thursday 1 May 2003 had expired.

Question — That this Bill be now read a second and third time and a message be sent to the Legislative Council acquainting them that the Legislative Assembly has agreed to the Bill without amendment — put and agreed to.

19 **TERRORISM (COMMONWEALTH POWERS) BILL** — 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 and third time and a message be sent to the Legislative Council acquainting them that the Legislative Assembly has agreed to the Bill without amendment — put and agreed to.

- 20 **MURRAY-DARLING BASIN (AMENDMENT) BILL** — 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 and third time and the Bill be transmitted to the Legislative Council and their concurrence desired therein — put and agreed to.

- 21 **COUNTRY FIRE AUTHORITY (VOLUNTEER PROTECTION AND COMMUNITY SAFETY) BILL** — 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 and third time and the Bill be transmitted to the Legislative Council and their concurrence desired therein — put and agreed to.

- 22 **WATER LEGISLATION (ESSENTIAL SERVICES COMMISSION AND OTHER AMENDMENTS) BILL** — 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 and third time and the Bill be transmitted to the Legislative Council and their concurrence desired therein — put.

The House divided.

*AYES 58

Ms Allan, Mr Andrews; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield, Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Loney; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Perera; Ms Pike; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne. Tellers: Ms Green; Mr Langdon; Mr Lockwood.

NOES 26

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Doyle; Mr Honeywood; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Mulder; Dr Napthine; Mrs Powell; Mr Perton; Mr Plowman; Mr Ryan; Mrs Shardey; Mr Smith; Mr Sykes; Mr Thompson; Mr Walsh; Mr Wells. Tellers: Mr Dixon; Mr Maughan; Mr Savage.

And so it was resolved in the affirmative.

- 23 **MELBOURNE (FLINDERS STREET LAND) BILL** — 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 and third time and the Bill be transmitted to the Legislative Council and their concurrence desired therein — put and agreed to.

- 24 **PORT SERVICES (PORT OF MELBOURNE REFORM) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

* Division corrected direction of the Acting Speaker. See Votes and Proceedings, Thursday 1 May 2003 p 110.

Question — That this Bill be now read a second and third time and the Bill be transmitted to the Legislative Council and their concurrence desired therein — put and agreed to.

- 25 **CONTROL OF WEAPONS AND FIREARMS ACTS (SEARCH POWERS) BILL** — 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 and third time and a message be sent to the Legislative Council acquainting them that the Legislative Assembly has agreed to the Bill without amendment — put and agreed to.

- 26 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 11 to 21 inclusive, be postponed until later this day.

- 27 **FEDERAL AWARDS (UNIFORM SYSTEM) BILL** — Order read for the consideration of the amendment made by the Legislative Council.

The said amendment was read a second time and, after debate, agreed to by the House.

Ordered — That a message be sent to the Legislative Council acquainting them that the Legislative Assembly has agreed to the said amendment.

- 28 **ROAD SAFETY (HEAVY VEHICLE SAFETY) BILL** — 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 Thursday 15 May 2003.

- 29 **VICTORIAN URBAN DEVELOPMENT AUTHORITY BILL** — 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 Honeywood*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 15 May 2003.

- 30 **ROYAL AGRICULTURAL SHOWGROUNDS BILL** — Motion made and question proposed — That this Bill be now read a second time (*Ms Delahunty, Northcote*).

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

Ordered — That the debate be adjourned until Thursday 15 May 2003.

- 31 **CORRECTIONS (AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Haermeyer*).

Mr Haermeyer 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 Wells*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 15 May 2003.

- 32 **ALBURY-WODONGA AGREEMENT (REPEAL) 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 (*Dr Naphine*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 15 May 2003.

- 33 **AUDIT (AMENDMENT) 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 Clark*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 15 May 2003.

- 34 **ENERGY LEGISLATION (CONSUMER PROTECTION AND OTHER AMENDMENTS) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Brumby*).

Mr Brumby made the statement of intention required by s 85(5)(c) of the Constitution Act 1975.

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

Ordered — That the debate be adjourned until Thursday 15 May 2003.

- 35 **ERROR IN DIVISION LIST** — The Acting Speaker informed the House that, in the division which took place in the House today, on the Water Legislation (Essential Services Commission and other Amendments) Bill the Member for Yan Yean, Ms Danielle Green, was present as a teller, but not recorded by the tellers for the 'Ayes'. The total of the 'Ayes' is therefore 58, instead of 57.

The Acting Speaker then directed the Clerk to correct the division list accordingly.

- 36 **VICTIMS OF CRIME ASSISTANCE (MISCELLANEOUS AMENDMENTS) 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 (*Dr Naphine*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 15 May 2003.

- 37 **COURTS LEGISLATION (AMENDMENT) BILL** — 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 (*Dr Naphine*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 15 May 2003.

- 38 **CONFISCATION (AMENDMENT) BILL** — 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 (*Dr Naphine*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 15 May 2003.

- 39 **LIVESTOCK DISEASE CONTROL (AMENDMENT) BILL** — 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 (*Dr Naphine*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 15 May 2003.

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

Health Legislation (Research Involving Human Embryos and Prohibition of Human Cloning) Bill
Sentencing (Amendment) Bill.

- 41 **VOCATIONAL EDUCATION AND TRAINING (TAFE QUALIFICATIONS) BILL** — 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 Dixon*) — put and agreed to.

Ordered — That the debate be adjourned until tomorrow.

- 42 **UNIVERSITY ACTS (AMENDMENT) BILL** — 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 Dixon*) — put and agreed to.

Ordered — That the debate be adjourned until tomorrow.

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

44 **ADJOURNMENT** — Resolved, after debate — That the House do now adjourn.

And the House, at 7.10 pm, adjourned until Tuesday 6 May 2003.

R W PURDEY
Clerk of the Legislative Assembly

JUDY MADDIGAN
Speaker

LEGISLATIVE ASSEMBLY OF VICTORIA

VOTES AND PROCEEDINGS Nos 16, 17 and 18

No 16 — Tuesday 6 May 2003

- 1 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 5 May 2003, 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 Honourable 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.

JOHN LANDY
Governor of Victoria

Melbourne 5 May 2003

- 3 **QUESTIONS** — (Pursuant to Standing Order No 124).
- 4 **FISHERIES (AMENDMENT) BILL** — Mr Cameron obtained leave, with Mr Thwaites, to bring in a Bill '*to amend the Fisheries Act 1995, the Conservation, Forests and Lands Act 1987, the Surveillance Devices Act 1999 and various other Acts and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 5 **ATTORNEY-GENERAL AND SOLICITOR-GENERAL (AMENDMENT) BILL** — Mr Hulls obtained leave, with Mr Bracks, to bring in a Bill '*to amend the Attorney-General and Solicitor-General Act 1972 with respect to the qualifications for appointment to the office of Solicitor-General*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.

- 6 **DRUGS, POISONS AND CONTROLLED SUBSTANCES (VOLATILE SUBSTANCES) BILL** — Mr Hulls obtained leave, with Mr Bracks, to bring in a Bill '*to amend the **Drugs, Poisons and Controlled Substances Act 1981** to provide for search, seizure, apprehension and detention powers in relation to volatile substances and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 7 **FAIR TRADING (AMENDMENT) BILL** — Mr Hulls obtained leave, with Mr Bracks, to bring in a Bill '*to amend the **Fair Trading Act 1999**, to repeal the **Small Claims Act 1973**, to repeal Part IV of the **Goods Act 1958**, to amend the **Business Licensing Authority Act 1998** and other Acts and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 8 **STATE TAXATION ACTS (MISCELLANEOUS AMENDMENTS) BILL** — Mr Brumby obtained leave, with Mr Bracks, to bring in a Bill '*to make miscellaneous amendments to the **Duties Act 2000** and the **Pay-roll Tax Act 1971** and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 9 **CORRECTIONS AND SENTENCING ACTS (HOME DETENTION) BILL** — Mr Haermeyer obtained leave, with Mr Bracks, to bring in a Bill '*to amend the **Sentencing Act 1991** to empower a court to make a home detention order where it has imposed a sentence of imprisonment and to amend the **Corrections Act 1986** to empower the Adult Parole Board to make a home detention order where a prisoner nears the end of a term of imprisonment and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 10 **AUSTRALIAN CRIME COMMISSION (STATE PROVISIONS) BILL** — Mr Haermeyer obtained leave, with Mr Bracks, to bring in a Bill '*to make provision for the operation of the Australian Crime Commission in Victoria, to repeal the **National Crime Authority (State Provisions) Act 1984**, to make consequential amendments to various Acts and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 11 **PETITION** — The Clerk announced that the following petition had been lodged for presentation:

Genetically Modified Canola Moratorium — Seeking that the Government places a moratorium on the introduction of genetically modified canola into the State of Victoria until such time as there are results from sufficient and independent research which proves to the satisfaction of the Government there are no negative impacts on surrounding crops, or such impacts can reasonably be overcome without detriment to surrounding crops or the Victorian community, bearing 63 signatures (*by Mr Langdon*).

Ordered to lie on the Table.

- 12 **PAPERS** —

NEW COMBINED GUIDELINES FOR THE CLASSIFICATION OF FILMS AND COMPUTER GAMES — Motion made, by leave, and question — That there be presented to this House new combined Guidelines for the Classification of Films and Computer Games (*Mr Hulls*) — put and agreed to.

The said guidelines were presented by Mr Hulls and ordered to lie on the Table.

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

Financial Management Act 1994 — Budget Paper No 2 — 2003/2004 Budget Statement

Members of Parliament (Register of Interests) Act 1978 — Summary of Primary Returns — April 2003 and Summary of Variations Notified between 1 October 2002 and 30 April 2003 — Ordered to be printed

Retail Leases Act 2003 — Ministerial Determination pursuant to s 5(1)(c)

Statutory Rule under the *Tobacco Act 1987* — SR No 32.

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

Seafood Safety Bill
 Commissioner for Environmental Sustainability Bill
 Outworkers (Improved Protection) Bill.

- 14 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Firearms (Trafficking and Handgun Control) Bill with amendments.

Ordered — That the said amendments be printed and taken into consideration tomorrow.

- 15 **MESSAGE FROM THE GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that he had, that day, given the royal assent to the following bills, presented to him by the Clerk of the Parliaments:

Business Licensing Legislation (Amendment) Bill
 Control of Weapons and Firearms Acts (Search Powers) Bill
 Crimes (Property Damage and Computer Offences) Bill
 Health Legislation (Research Involving Human Embryos and Prohibition of Human Cloning) Bill
 Pay-roll Tax (Maternity and Adoption Leave Exemption) Bill
 Sentencing (Amendment) Bill
 Terrorism (Commonwealth Powers) Bill.

- 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 (2003/2004) Bill, and accompanying Estimates of Expenditure requiring annual appropriation in the financial year 2003/2004.

Estimates ordered to lie on the Table.

- 17 **APPROPRIATION (2003/2004) BILL** — Mr Brumby, pursuant to Standing Order 169(a), obtained leave, with Mr Bracks, to bring in a Bill '*for the appropriation of certain sums out of the Consolidated Fund for the ordinary annual services of the Government for the financial year 2003/2004 and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time forthwith.

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

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

Ordered — That the debate be adjourned until Thursday 8 May 2003.

- 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 2003/2004) Bill, and accompanying Estimates of Expenditure for Parliament requiring annual appropriation in the financial year 2003/2004.

Estimates ordered to lie on the Table.

- 19 **APPROPRIATION (PARLIAMENT 2003/2004) BILL** — Mr Bracks, pursuant to Standing Order 169(a), obtained leave, with Mr Batchelor, to bring in a Bill '*for the appropriation of certain sums out of the Consolidated Fund for the Parliament in respect of the financial year 2003/2004 and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time forthwith.

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 Clark*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 8 May 2003.

- 20 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, pursuant to Sessional Order 6(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 2003:

Constitution (Water Authorities) Bill
 Dandenong Development Board Bill
 Regional Infrastructure Development Fund (Amendment) Bill
 Safe Drinking Water Bill
 Summary Offences (Offensive Behaviour) Bill
 Transport (Miscellaneous Amendments) Bill
 University Acts (Amendment) Bill
 Vocational Education and Training (TAFE Qualifications) Bill
 Water (Victorian Water Trust Advisory Council) Bill.

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

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

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- 22 **CATCHMENT AND LAND PROTECTION (AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Ms Garbutt*).
- Motion made and question — That the debate be now adjourned (*Mr Baillieu*) — put and agreed to.
- Ordered — That the debate be adjourned until Tuesday 20 May 2003.
- 23 **DANDENONG DEVELOPMENT BOARD BILL** — 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.
- 24 **SUMMARY OFFENCES (OFFENSIVE BEHAVIOUR) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.
- Pursuant to sessional orders, Mr McIntosh announced that it was proposed to move amendments in Committee 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 Mulder*) — put and agreed to.
- Ordered — That the debate be adjourned until later this day.
- 25 **TRANSPORT (MISCELLANEOUS AMENDMENTS) 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 committed; considered in Committee and reported with amendments; as amended, considered, and amendments agreed to; read a third time.
- Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.
- 26 **CONSTITUTION (WATER AUTHORITIES) BILL** — 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.
- 27 **WATER (VICTORIAN WATER TRUST ADVISORY COUNCIL) BILL** — 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 Naphine*) — put and agreed to.
- Ordered — That the debate be adjourned until later this day.

- 28 **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.
- 29 **REGIONAL INFRASTRUCTURE DEVELOPMENT FUND (AMENDMENT) 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 pursuant to sessional orders.*
- 30 **ADJOURNMENT** — The Acting Speaker announced that the time for the adjournment of the House had arrived and, after debate, the Deputy Speaker left the Chair, at 10.52 pm.

R W PURDEY
Clerk of the Legislative Assembly

JUDY MADDIGAN
Speaker

No 17 — Wednesday 7 May 2003

- 1 The Speaker took the Chair and read the Prayer.
- 2 **ACTING OMBUDSMAN** — The Speaker advised that, on Tuesday 6 May 2003, she administered to Robert George Seamer, the Acting Ombudsman, the oath required by s 10 of the *Ombudsman Act 1973*.
- 3 **PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:

Audit Act 1994 — Report of the Auditor-General on Public Sector Agencies — Results of special reviews — Ordered to be printed

Financial Management Act 1994 — Budget Paper No 3 — 2003/2004 Budget Estimates

First Mildura Irrigation Trust — Report for the year 2001–02

Planning and Environment Act 1987:

Notices of approval of the following new Planning Schemes:

Benalla Planning Scheme
 Mansfield Planning Scheme

Notices of approval of amendments to the following Planning Schemes:

East Gippsland Planning Scheme — No C11
 Glen Eira Planning Scheme — No C19 Part 1
 Glenelg Planning Scheme — No C9

Knox Planning Scheme — No C20
 Moyne Planning Scheme — No C9
 Port Phillip Planning Scheme — Nos C24 Part 1, C24 Part 2.

- 4 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Commonwealth Games Arrangements (Amendment) Bill without amendment.

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

- 6 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE — GOVERNMENT FINANCIAL PRACTICES** — The House was informed that Mr Honeywood 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 failure to follow proper financial practices and to exercise probity in its dealing with public monies, for example — the attempt by Ministers of the then Department of Natural Resources and Environment and of the Department of Justice to misuse the Estate Agents Guarantee Fund; the unacceptable delays in announced projects such as rail standardisation and fast rail; a \$1 billion blowout in the transport portfolio; the contractual breaches in respect of the Seal Rock development and the tender arrangements for the Docklands Studio City proposed development.'

Mr Honeywood addressed the House — Discussion ensued.

- 7 **UNIVERSITY ACTS (AMENDMENT) BILL** — 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 Honeywood*) — put and agreed to.

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

Business having been interrupted at 2.00 pm pursuant to sessional orders.

- 8 **QUESTIONS** — (Pursuant to Standing Order No 124).

- 9 **VOCATIONAL EDUCATION AND TRAINING (TAFE QUALIFICATIONS) BILL** — 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.

- 10 **SAFE DRINKING WATER BILL** — 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 Plowman*) — put and agreed to.

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

- 11 **REGIONAL INFRASTRUCTURE DEVELOPMENT FUND (AMENDMENT) BILL** — 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 McTaggart*) — put and agreed to.
- Ordered — That the debate be adjourned until later this day.
- 12 **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.
- 13 **SUMMARY OFFENCES (OFFENSIVE BEHAVIOUR) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.
- Motion made and question — That the debate be now adjourned (*Mr Langdon*) — put and agreed to.
- Ordered — That the debate be adjourned until later this day.
- 14 **REGIONAL INFRASTRUCTURE DEVELOPMENT FUND (AMENDMENT) BILL** — 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*) — put and agreed to.
- Ordered — That the debate be adjourned until later this day.
- 15 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Agreeing to the following bills without amendment:
- Melbourne Cricket Ground (Amendment) Bill
Major Events (Crowd Management) Bill.
- 16 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 7 to 9 inclusive, be postponed until later this day.
- 17 **CORRECTIONS AND SENTENCING ACTS (HOME DETENTION) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Haermeyer*).
- Motion made and question — That the debate be now adjourned (*Mr McIntosh*) — put and agreed to.
- Ordered, after debate — That the debate be adjourned until Wednesday 21 May 2003.
- 18 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 11 to 14 inclusive, be postponed until later this day.
- 19 **AUSTRALIAN CRIME COMMISSION (STATE PROVISIONS) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Haermeyer*).

Mr Haermeyer 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 Wells*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 21 May 2003.

- 20 **DRUGS, POISONS AND CONTROLLED SUBSTANCES (VOLATILE SUBSTANCES) 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 (*Mrs Shardey*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 21 May 2003.

- 21 **ATTORNEY-GENERAL AND SOLICITOR-GENERAL (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 McIntosh*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 21 May 2003.

- 22 **FISHERIES (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 (*Dr Naphthine*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 21 May 2003.

- 23 **FAIR TRADING (AMENDMENT) BILL** — 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 McIntosh*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 21 May 2003.

- 24 **STATE TAXATION ACTS (MISCELLANEOUS AMENDMENTS) 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 McIntosh*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 21 May 2003.

- 25 **SUMMARY OFFENCES (OFFENSIVE BEHAVIOUR) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Bill read a second time and committed; considered in Committee.

Committee reported progress; to sit again later this day.

Business having been interrupted at 10.05 pm pursuant to sessional orders.

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

Further considered in Committee and reported without amendment; read a third time.

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

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

- 27 **ADJOURNMENT** — Resolved, after debate — That the House do now adjourn.

And the House, at 10.54 pm, adjourned until tomorrow.

R W PURDEY
Clerk of the Legislative Assembly

JUDY MADDIGAN
Speaker

No 18 — Thursday 8 May 2003

- 1 The Speaker took the Chair and read the Prayer.
- 2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

Deer Park Bypass and Western Ring Road link at Fitzgerald Road, Sunshine — Seeking that — (1) the link between the Deer Park Bypass and Western Ring Road at Fitzgerald Road, Sunshine be redesigned to provide access to local residents who wish to travel to and from the city, the Western Highway and the airport, and (2) the design of the link maintains the living standards of local residents with regard to noise levels and aesthetics, bearing 350 signatures (*by Mr Languiller*)

Kew Cottages — Seeking that the intention to close all Kew Cottages be rejected and the residents be allowed to live in peace in cluster housing accommodation on the Kew Cottages land with their friends, peers and dedicated staff if that is their wish or need, bearing 3,352 signatures (*by Mr McIntosh*).

Severally ordered to lie on the Table.

- 3 **PETITION — DEER PARK BYPASS AND WESTERN RING ROAD LINK AT FITZGERALD ROAD, SUNSHINE** — Motion made and question — That the petition presented by the Member for Derrimut relating to the link between the Deer Park Bypass and Western Ring Road at Fitzgerald Road, Sunshine be taken into consideration tomorrow (*Mr Languiller*) — put and agreed to.
- 4 **PAPER PURSUANT TO STATUTE** — The following Paper, pursuant to the direction of an Act of Parliament, was laid upon the Table by the Clerk:
- Auditor-General — Performance Audit Report — Fire prevention and preparedness — Ordered to be printed.
- 5 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Southern and Eastern Integrated Transport Authority Bill without amendment.
- 6 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourn until Tuesday 20 May 2003 (*Mr Batchelor*) — put and agreed to.
- 7 **STATEMENTS BY MEMBERS** — Statements by members were made.
- 8 **APPROPRIATION (2003/2004) BILL** — 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 pursuant to sessional orders.*
- 9 **QUESTIONS** — (Pursuant to Standing Order No 124).
- 10 **APPROPRIATION (2003/2004) BILL** — Debate continued on question — That this Bill be now read a second time.
- Motion made and question — That the debate be now adjourned (*Mr Honeywood*) — put and agreed to.
- Ordered — That the debate be adjourned until later this day.
- 11 **CONSTITUTION (WATER AUTHORITIES) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.
- Pursuant to sessional orders, Mr Savage announced that it was proposed to move amendments in Committee 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 Gillett*) — put and agreed to.
- Ordered — That the debate be adjourned until later this day.
- 12 **SAFE DRINKING WATER 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 committed; considered in Committee.

Allocation of time — The Chair of Committees advised that the time allocated for consideration of bills pursuant to resolution of the House on Tuesday 6 May 2003 had expired.

Bill reported without amendment.

Question — That this Bill be now read a third time and the Bill be transmitted to the Legislative Council and their concurrence desired therein — put and agreed to.

- 13 **WATER (VICTORIAN WATER TRUST ADVISORY COUNCIL) BILL** — 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 and third time and the Bill be transmitted to the Legislative Council and their concurrence desired therein — put and agreed to.

- 14 **VOCATIONAL EDUCATION AND TRAINING (TAFE QUALIFICATIONS) BILL** — 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 and third time and a message be sent to the Legislative Council acquainting them that the Legislative Assembly has agreed to the Bill without amendment — put and agreed to.

- 15 **UNIVERSITY ACTS (AMENDMENT) BILL** — 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 and third time and a message be sent to the Legislative Council acquainting them that the Legislative Assembly has agreed to the Bill without amendment — put and agreed to.

- 16 **DANDENONG DEVELOPMENT BOARD BILL** — 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 and third time and the Bill be transmitted to the Legislative Council and their concurrence desired therein — put and agreed to.

- 17 **REGIONAL INFRASTRUCTURE DEVELOPMENT FUND (AMENDMENT) BILL** — 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 and third time and the Bill be transmitted to the Legislative Council and their concurrence desired therein — put and agreed to.

- 18 **CONSTITUTION (WATER AUTHORITIES) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — put.

Mr Savage having informed the Speaker that he wished his dissent to be recorded and, there not being two tellers for the 'Noes', the Speaker declared that the question was resolved in the affirmative.

Bill read a second time.

Bill read a third time with the concurrence of a special majority of the whole number of the members of the Legislative Assembly.

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

19 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Murray-Darling Basin (Amendment) Bill without amendment.

20 **FIREARMS (TRAFFICKING AND HANDGUN CONTROL) BILL** — Order read for the consideration of the amendments made by the Legislative Council.

The said amendments were read a second time and, after debate, agreed to by the House.

Ordered — That a message be sent to the Legislative Council acquainting them that the Legislative Assembly has agreed to the said amendments.

21 **APPROPRIATION (2003/2004) 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 pursuant to sessional 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 10.30 pm.

R W PURDEY
Clerk of the Legislative Assembly

JUDY MADDIGAN
Speaker

LEGISLATIVE ASSEMBLY OF VICTORIA

VOTES AND PROCEEDINGS Nos 19, 20 and 21

No 19 — Tuesday 20 May 2003

- 1 The House met pursuant to adjournment — The Speaker took the Chair and read the Prayer.
- 2 **QUESTIONS** — (Pursuant to Standing Order No 124).
- 3 **WRONGS AND LIMITATION OF ACTIONS ACTS (INSURANCE REFORM) BILL** — Mr Bracks obtained leave, with Mr Batchelor, to bring in a Bill '*to amend the **Wrongs Act 1958** to provide for thresholds in relation to the recovery of damages for non-economic loss, to limit the recovery of damages for gratuitous attendant care services and to provide for proportionate liability in certain proceedings, to amend the **Limitation of Actions Act 1958** in relation to actions that relate to death or personal injury and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 4 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

Home Loan Schemes — Seeking that the Government sponsored Home Loan Schemes under the flawed new lending instrument called Capital Indexed Loans sold since 1984/85 under the sub-headings — CAPIL, Deferred Interest Scheme (DIS), Indexed Repayment Loan (IRL), Home Opportunity Loan Scheme (HOLS) and Shared Home Opportunity Scheme (SHOS) — (a) be recalculated; (b) have payment and interest set at affordable levels; and (c) be amended in order to assist the low income bracket Victorians the loans were meant to assist, bearing 10 and 4 signatures (*by Ms Buchanan and Mr Baillieu, respectively*)

The Plains Community Centre, Bannockburn and District — Seeking that the Government funds 'The Plains Community Centre', incorporating a kindergarten and maternal health centre, for Bannockburn and district, bearing 668 signatures (*by Mr Mulder*)

National Park, Otway Ranges — Seeking that the Government not support the creation of a large single national park in the Otway Ranges, bearing 1,419 signatures (*by Mr Mulder*).

Severally ordered to lie on the Table.

- 5 **PETITION — THE PLAINS COMMUNITY CENTRE, BANNOCKBURN AND DISTRICT** — Motion made and question — That the petition presented by the Member for Polwarth relating to the 'The Plains Community Centre', incorporating a kindergarten and maternal health centre, for Bannockburn and district be taken into consideration tomorrow (*Mr Mulder*) — put and agreed to.

6 **PETITION — NATIONAL PARKS, OTWAY RANGES** — Motion made and question — That the petition presented by the Member for Polwarth relating to the Government not supporting the creation of a large single national park in the Otway Ranges be taken into consideration tomorrow (*Mr Mulder*) — put and agreed to.

7 **PAPERS** —

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — Ms D'Ambrosio, Chair, brought up a report from the Scrutiny of Acts and Regulations Committee being the Alert Digest No 3 of 2003 on the:

Albury-Wodonga Agreement (Repeal) Bill
 Appropriation (2003/2004) Bill
 Appropriation (Parliament 2003/2004) Bill
 Attorney-General and Solicitor-General (Amendment) Bill
 Audit (Amendment) Bill
 Australian Crime Commission (State Provisions) Bill
 Confiscation (Amendment) Bill
 Constitution (Parliamentary Reform) Act 2003
 Corrections (Amendment) Bill
 Corrections and Sentencing Acts (Home Detention) Bill
 Courts Legislation (Amendment) Bill
 Drugs, Poisons and Controlled Substances (Volatile Substances) Bill
 Energy Legislation (Consumer Protection and Other Amendments) Bill
 Estate Agents and Sale of Land Acts (Amendment) Bill
 Fair Trading (Amendment) Bill
 Fisheries (Amendment) Bill
 Health Legislation (Amendment) Bill
 Livestock Disease Control (Amendment) Bill
 Major Events (Crowd Management) Bill
 Outworkers (Improved Protection) Bill
 Planning and Environment (Metropolitan Green Wedge Protection) Bill
 Retail Leases Bill
 Road Safety (Heavy Vehicle Safety) Bill
 Royal Agricultural Showgrounds Bill
 State Taxation Acts (Miscellaneous Amendments) Bill
 Travel Agents (Amendment) Bill
 Victims of Crime Assistance (Miscellaneous Amendments) Bill
 Victorian Urban Development Authority Bill

together with appendices, an extract from the proceedings and a minority report.

Ordered to lie on the Table and to be printed.

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

Crown Land (Reserves) Act 1978 — Section 17DA Order granting under s 17D a lease by the Hindmarsh Shire Council

Drugs, Poisons and Controlled Substances Act 1981 — Documents pursuant to s 12H — Poisons Code:

Amendment No 3 to the Standard for the Uniform Scheduling of Drugs and Poisons No 17
Notice regarding the amendment, commencement and availability of the Poisons Code

Financial Management Act 1994 — Budget Sector — Quarterly Financial Report for the period ended 31 March 2003

Lake Mountain Alpine Resort Management Board — Report for the year ended 31 October 2002

Parliamentary Committees Act 1968:

Response of the Attorney-General on action taken with respect to the recommendations made by the Law Reform Committee's Inquiry into Oaths and Affirmations with reference to the Multicultural Community

Response of the Premier on action taken with respect to the recommendations made by the Scrutiny of Acts and Regulations Committee's Report on Improving Victoria's Parliamentary Committee System

Response of the Treasurer on action taken with respect to the recommendations made by the Public Accounts and Estimates Committee's Report on the Valuation and Reporting of Cultural, Heritage and Infrastructure Assets

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

Frankston Planning Scheme — No C17

Greater Bendigo Planning Scheme — Nos C11, C42

Kingston Planning Scheme — No C35

La Trobe Planning Scheme — No C19

Macedon Ranges Planning Scheme — No C19

Melbourne Planning Scheme — No C57

Monash Planning Scheme — No C19

Moonee Valley Planning Scheme — No C41

Mornington Peninsula Planning Scheme — No C59

Mount Alexander Planning Scheme — No C11 Part 1

Nillumbik Planning Scheme — No C21

Whittlesea Planning Scheme — No C22

Prevention of Cruelty to Animals Act 1986 — Code of Practice for the Welfare of Animals — Private Keeping of Reptiles

Road Safety Act 1986 — Alcohol Interlocks Guidelines pursuant to s 50AAG

Rural Finance Act 1988 — Direction by the Treasurer to the Rural Finance Corporation to administer a scheme of compensation for persons affected by the cancellation of Fishery Access Licences

Statutory Rules under the following Acts:

Agricultural and Veterinary Chemicals (Control of Use) Act 1992 — SR Nos 33, 34

Liquor Control Reform Act 1998 — SR No 35

Road Safety Act 1986 — SR No 36

Subordinate Legislation Act 1994 — Ministers' exemption certificates in relation to Statutory Rule Nos 32, 35, 36

Water Act 1989 — Water Supply Protection Area Declaration Order 2003 for Tarra River.

The following proclamation fixing an operative date was laid upon the Table by the Clerk pursuant to an Order of the House dated 26 February 2003:

Gaming Legislation (Amendment) Act 2002 — Sections 6, 7(2), 32(2), 36(4), 36(6), and 37 on 15 May 2003 (*Gazette G20, 15 May 2003*).

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

Country Fire Authority (Volunteer Protection and Community Safety) Bill
Port Services (Port of Melbourne Reform) Bill.

- 9 **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 2003

Commissioner for Environmental Sustainability Bill
Commonwealth Games Arrangements (Amendment) Bill
Country Fire Authority (Volunteer Protection and Community Safety) Bill
Federal Awards (Uniform System) Bill
Major Events (Crowd Management) Bill
Melbourne Cricket Ground (Amendment) Bill
Murray-Darling Basin (Amendment) Bill
Outworkers (Improved Protection) Bill
Port Services (Port of Melbourne Reform) Bill
Seafood Safety Bill
Southern and Eastern Integrated Transport Authority Bill
University Acts (Amendment) Bill
Vocational Education and Training (TAFE Qualifications) Bill

On 20 May 2003

Firearms (Trafficking and Handgun Control) Bill.

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

Albury-Wodonga Agreement (Repeal) Bill
Audit (Amendment) Bill
Australian Crime Commission (State Provisions) Bill
Confiscation (Amendment) Bill
Corrections (Amendment) Bill

Corrections and Sentencing Acts (Home Detention) Bill
 Courts Legislation (Amendment) Bill
 Energy Legislation (Consumer Protection and Other Amendments) Bill
 Estate Agents and Sale of Land Acts (Amendment) Bill
 Fair Trading (Amendment) Bill
 Royal Agricultural Showgrounds Bill
 State Taxation Acts (Miscellaneous Amendments) Bill
 Victims of Crime Assistance (Miscellaneous Amendments) Bill
 Victorian Urban Development Authority Bill.

- 11 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, pursuant to Sessional Order 6(2), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 22 May 2003:

Audit (Amendment) Bill
 Corrections (Amendment) Bill
 Courts Legislation (Amendment) Bill
 Estate Agents and Sale of Land Acts (Amendment) Bill
 Fair Trading (Amendment) Bill
 Planning and Environment (Metropolitan Green Wedge Protection) Bill
 Road Safety (Heavy Vehicle Safety) Bill
 Royal Agricultural Showgrounds Bill
 Victims of Crime Assistance (Miscellaneous Amendments) Bill
 Victorian Urban Development Authority Bill.

(Mr Batchelor) — after debate, put.

The House divided.

AYES 61

Ms Allan, Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield, Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Loney; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne. Tellers: Ms D'Ambrosio; Mr Langdon; Mr Maxfield.

NOES 26

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Doyle; Mr Honeywood; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Mulder; Dr Napthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith; Mr Sykes; Mr Thompson; Mr Walsh; Mr Wells. Tellers: Mr Dixon; Mr Maughan; Mr Savage.

And so it was resolved in the affirmative.

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

- 13 **ESTATE AGENTS AND SALE OF LAND ACTS (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

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

- 14 **PLANNING AND ENVIRONMENT (METROPOLITAN GREEN WEDGE PROTECTION) BILL** — 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 Merlino*) — put and agreed to.

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

- 15 **ROAD SAFETY (HEAVY VEHICLE SAFETY) BILL** — 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 Honeywood*) — put and agreed to.

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

- 16 **VICTORIAN URBAN DEVELOPMENT AUTHORITY BILL** — 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 Baillieu*) — put and agreed to.

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

- 17 **ROYAL AGRICULTURAL SHOWGROUNDS BILL** — 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.

- 18 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 6 to 10 inclusive, be postponed until later this day.

- 19 **APPROPRIATION (2003/2004) 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 pursuant to sessional 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 Maughan*) — put and agreed to.

Ordered — That the debate be adjourned until tomorrow.

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

21 **ADJOURNMENT** — Resolved, after debate — That the House do now adjourn.

And the House, at 11.32 pm, adjourned until tomorrow.

R W PURDEY
Clerk of the Legislative Assembly

JUDY MADDIGAN
Speaker

No 20 — Wednesday 21 May 2003

1 The Speaker took the Chair and read the Prayer.

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

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

4 **ROYAL AGRICULTURAL SHOWGROUNDS BILL** — 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.

5 **FAIR TRADING (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Pursuant to sessional orders, Mr Kotsiras announced that it was proposed to move amendments in Committee 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 pursuant to sessional orders.

6 **QUESTIONS** — (Pursuant to Standing Order No 124).

- 7 **FAIR TRADING (AMENDMENT) BILL** — Debate continued on question — That this Bill be now read a second time.

Mr Kotsiras, by leave, announced the amendments previously circulated, pursuant to sessional orders, would not proceed.

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

Bill read a second time and, by leave, read a third time forthwith with the concurrence of an absolute majority of the whole number of the members of the Legislative Assembly.

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

- 8 **CORRECTIONS (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Pursuant to sessional orders, Mr Wells announced that it was proposed to move amendments in Committee and requested that they be circulated. Amendments circulated.

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

Bill read a second time and committed; considered in committee and reported without amendment.

Bill read a third time with the concurrence of an absolute majority of the whole number of the members of the Legislative Assembly.

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

- 9 **AUDIT (AMENDMENT) BILL** — 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 5.05 pm, resumed it at 5.17 pm]

Debate resumed 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.

- 10 **VICTIMS OF CRIME ASSISTANCE (MISCELLANEOUS AMENDMENTS) BILL** — 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 Perton*) — put and agreed to.

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

11 **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.

12 **COURTS LEGISLATION (AMENDMENT) BILL**— Order read for resuming debate on question — That this Bill be now read a second time.

Pursuant to sessional orders, Mr McIntosh announced that it was proposed to move amendments in Committee 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 Mildenhall*) — put and agreed to.

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

13 **WRONGS AND LIMITATION OF ACTIONS ACTS (INSURANCE REFORM) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Bracks*).

Mr Bracks made the statement of intention required by s 85(5)(c) of the Constitution Act 1975.

And, after debate —

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

Motion made and question proposed — That the debate be adjourned for two weeks (*Mr Cameron*).

Amendment proposed — That the words 'for two weeks' be omitted with the view of inserting in place thereof the expression 'until Tuesday 27 May 2003' (*Mr Perton*) — and, after debate —

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

Ordered — That the debate be adjourned until Wednesday 4 June 2003.

14 **APPROPRIATION (2003/2004) 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 pursuant to sessional 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 (*Mrs Shardey*) — put and agreed to.

Ordered — That the debate be adjourned until tomorrow.

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

Dandenong Development Board Bill
 Transport (Miscellaneous Amendments) Bill
 Regional Infrastructure Development Fund (Amendment) Bill.

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

- 17 **ADJOURNMENT** — Resolved, after debate — That the House do now adjourn.

And the House, at 11.46 pm, adjourned until tomorrow.

R W PURDEY
Clerk of the Legislative Assembly

JUDY MADDIGAN
Speaker

No 21 — Thursday 22 May 2003

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

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

Home Loan Schemes — Seeking that the Government sponsored Home Loan Schemes under the flawed new lending instrument called Capital Indexed Loans sold since 1984/85 under the sub-headings — CAPIL, Deferred Interest Scheme (DIS), Indexed Repayment Loan (IRL), Home Opportunity Loan Scheme (HOLS) and Shared Home Opportunity Scheme (SHOS) — (a) be recalculated; (b) have payment and interest set at affordable levels; and (c) be amended in order to assist the low income bracket Victorians the loans were meant to assist, bearing 10 signatures (*by Ms Campbell*).

Ordered to lie on the Table.

- 3 **PAPER** —

STATEMENT ON MINISTERIAL INTERVENTION IN PLANNING MATTERS — Motion made, by leave, and question — That there be presented to this House a Statement on Ministerial Intervention in Planning Matters for the period May 2002 to April 2003, pursuant to the *Planning and Environment Act 1987*, the *Victorian Civil and Administrative Tribunal Act 1998* and the *Heritage Act 1995* (*Ms Delahunty, Northcote*) — put and agreed to.

The said statement was presented by Ms Delahunty (*Northcote*) and ordered to lie on the Table.

- 4 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourn until Tuesday 3 June 2003 (*Mr Batchelor*).

Amendment proposed — That the expression '3 June' be omitted with the view to inserting in place thereof the expression '27 May' (*Mr Perton*) — and, after debate —

Question — That the expression proposed to be omitted stand part of the question — put.
The House divided.

AYES 57

Ms Allan, Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Mr Carli; Mr Crutchfield, Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Ms Kosky; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Loney; Mr Lupton; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Munt; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne. Tellers: Mr Jenkins; Mr Langdon; Ms Morand.

NOES 25

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Doyle; Mr Honeywood; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Mulder; Dr Napthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Mr Sykes; Mr Thompson; Mr Walsh. Tellers: Mr Dixon; Mr Maughan; Mr Smith.

And so it was resolved in the affirmative.

Original motion — put and agreed to.

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

6 **COURTS 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 committed; considered in Committee and reported without amendment.

Bill read a third time with the concurrence of an absolute majority of the whole number of the members of the Legislative Assembly.

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

7 **PLANNING AND ENVIRONMENT (METROPOLITAN GREEN WEDGE PROTECTION) 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, read a third time forthwith.

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

- 8 **ESTATE AGENTS AND SALE OF LAND ACTS (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

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

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

- 9 **VICTIMS OF CRIME ASSISTANCE (MISCELLANEOUS AMENDMENTS) 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, read a third time forthwith.

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

- 10 **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.

- 11 **AUDIT (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, read a third time forthwith.

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

- 12 **ROAD SAFETY (HEAVY VEHICLE SAFETY) 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, read a third time forthwith.

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

- 13 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Water (Victorian Water Trust Advisory Council) Bill without amendment.

Business having been interrupted at 2.00 pm pursuant to sessional orders.

- 14 **QUESTIONS** — (Pursuant to Standing Order No 124).

- 15 **ROYAL AGRICULTURAL SHOWGROUNDS 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, read a third time forthwith.

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

- 16 **VICTORIAN URBAN DEVELOPMENT AUTHORITY BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Question — put.

The House divided.

*AYES 66

Ms Allan, Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Ms D'Ambrosio; Mr Delahunty (*Lowan*); Ms Delahunty (*Northcote*); Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hulls; Mr Ingram; Mr Jasper; Mr Jenkins; Ms Kosky; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maughan; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mrs Powell; Mr Robinson; Mr Ryan; Mr Savage; Mr Seitz; Mr Stensholt; Mr Sykes; Mr Thwaites; Mr Trezise; Mr Walsh; Mr Wynne. Tellers: Mr Hudson; Mr Langdon; Mr Wilson.

NOES 17

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Doyle; Mr Honeywood; Mr McIntosh; Mr Mulder; Dr Naphine; Mr Perton; Mr Plowman; Mrs Shardey; Mr Smith; Mr Wells. Tellers: Mr Dixon; Mr Kotsiras; Mr Thompson.

And so it was resolved in the affirmative.

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

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

- 17 **APPROPRIATION (2003/2004) BILL** — 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 Naphine*) — put and agreed to.

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

- 18 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Fair Trading (Amendment) Bill with amendments.

Ordered — That the said amendments be printed and taken into consideration forthwith.

- 19 **FAIR TRADING (AMENDMENT) BILL** — Order read for the consideration of the amendments made by the Legislative Council.

The said amendments were read a second time and, after debate, agreed to by the House with the concurrence of an absolute majority of the whole number of the members of the Legislative Assembly.

* Division corrected by direction of the Speaker. See Votes and Proceedings, Thursday 22 May 2003 p 140.

Ordered — That a message be sent to the Legislative Council acquainting them that the Legislative Assembly has agreed to the said amendments.

20 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Melbourne (Flinders Street Land) Bill without amendment.

21 **ERROR IN DIVISION LIST** — The Speaker informed the House that, in the division which took place in the House today, on the Victorian Urban Development Authority Bill, the Member for Bayswater, Mr Peter Lockwood, was recorded by both groups of tellers for the 'Ayes'. The total for the 'Ayes' is therefore 66, instead of 67.

The Speaker then directed the Clerk to correct the division list accordingly.

22 **APPROPRIATION (2003/2004) 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, read a third time forthwith.

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

23 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Summary Offences (Offensive Behaviour) Bill without amendment.

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

25 **ADJOURNMENT** — Resolved, after debate — That the House do now adjourn.

And the House, at 10.14 pm, adjourned until Tuesday 3 June 2003.

R W PURDEY
Clerk of the Legislative Assembly

JUDY MADDIGAN
Speaker

LEGISLATIVE ASSEMBLY OF VICTORIA

VOTES AND PROCEEDINGS Nos 22, 23, 24 and 25

No 22 — Tuesday 3 June 2003

- 1 The House met pursuant to adjournment — The Speaker took the Chair and read the Prayer.
- 2 **DEATH OF THE HONOURABLE RICHARD ELGIN MCGARVIE, AC** — Motion made and question — That this House expresses its sincere sorrow at the death of the Honourable Richard Elgin McGarvie, AC, and places on record its acknowledgement of the valuable services rendered by him to the Parliament and the people of Victoria as Governor of Victoria from 1992 to 1997 (*Mr Bracks*) — put, after the Speaker and other 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 Richard Elgin McGarvie, AC, the House do now adjourn until 8.00 pm this day (*Mr Bracks*) — put and agreed to.

And the House, at 4.56 pm adjourned until 8.00 pm this day.

R W PURDEY
Clerk of the Legislative Assembly

JUDY MADDIGAN
Speaker

No 23 — Tuesday 3 June 2003 (8.00 PM)

- 1 The House met pursuant to adjournment — The Speaker took the Chair.
- 2 **QUESTIONS** — (Pursuant to Standing Order No 124).
- 3 **CRIMES (FAMILY VIOLENCE) (AMENDMENT) BILL** — Pursuant to s 85 of the *Constitution Act 1975*, Mr Hulls gave notice of intention to make a statement of the reasons for altering or varying that section by new section 25AB of the *Crimes (Family Violence) Act 1987*, being inserted by clause 4 of the Crimes (Family Violence) (Amendment) Bill, as proposed by a motion to divide the Crimes (Stalking and Family Violence) Bill into two bills, which he intends to move in Committee.

- 4 **COMMONWEALTH GAMES ARRANGEMENTS (GOVERNANCE) BILL** — Mr Thwaites, after debate, obtained leave with Mr Hulls, to bring in a Bill '*to further amend the Commonwealth Games Arrangements Act 2001 to establish the Melbourne 2006 Commonwealth Games Corporation and provide for its functions and powers, to provide for various matters relating to commercial arrangements and the use of logos and other insignia and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 5 **NATIONAL ENVIRONMENT PROTECTION COUNCIL (VICTORIA) (AMENDMENT) BILL** — Mr Thwaites obtained leave, with Mr Hulls, to bring in a Bill '*to amend the National Environment Protection Council (Victoria) Act 1995 and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 6 **SUPREME COURT (VEXATIOUS LITIGANTS) BILL** — Mr Hulls obtained leave, with Mr Batchelor, to bring in a Bill '*to amend section 21 of the Supreme Court Act 1986 to clarify the power of the Supreme Court to declare a person to be a vexatious litigant*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 7 **VICTORIAN INDUSTRY PARTICIPATION POLICY BILL** — Mr Brumby obtained leave, with Mr Batchelor, to bring in a Bill '*to provide for the development and implementation of a Victorian Industry Participation Policy and require reports to Parliament on the policy's implementation and government agencies' compliance with it and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 8 **PETITION** — The Clerk announced that the following petition had been lodged for presentation:

Torquay Primary School Site — Seeking that the House ensures that the strategically located Torquay Primary School site in Bristol Road, Torquay is used for purposes where open space and community use is provided and long term restrictions on the use of the land to a select few is minimised, bearing 526 signatures (*by Mr Cooper*).

Ordered to lie on the Table.

- 9 **PETITION — TORQUAY PRIMARY SCHOOL SITE** — Motion made and question — That the petition presented by the Member for Mornington relating to the Torquay Primary School site in Bristol Road, Torquay be taken into consideration tomorrow (*Mr Cooper*) — put and agreed to.
- 10 **PAPERS** —

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — Ms D'Ambrosio, Chair, brought up a report from the Scrutiny of Acts and Regulations Committee being the Alert Digest No 4 of 2003 on the:

Child Employment Bill
 Firearms (Trafficking and Handgun Control) Bill
 Terrorism (Community Protection) Bill
 Wrongs and Limitation of Actions Acts (Insurance Reform) Bill

together with appendices.

Ordered to lie on the Table and to be printed.

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

Auditor-General — Performance Audit Report on electronic procurement in the Victorian government — Ordered to be printed

Essential Services Commission Act 2001 — Inquiry into Port Channel Access in Victoria

Forensic Leave Panel — Report for the year 2002

Gaming Machine Control Act 1991 — Victorian Casino and Gaming Authority Rules — Casino pursuant to s 78

Goulburn Valley Region Water Authority — Report for the year 2001–02

Mt Stirling Alpine Resort Management Board — Report for the year ended 31 October 2002

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

Glen Eira Planning Scheme — No C20

Greater Shepparton Planning Scheme — No C26

Hobsons Bay Planning Scheme — No C26

Indigo Planning Scheme — No C16

Moreland Planning Scheme — No C44

Murrindindi Planning Scheme — No C9

Stonnington Planning Scheme — No C3

Whittlesea Planning Scheme — Nos C40, C44

Wodonga Planning Scheme — No C16

Police Regulation Act 1958 — Interim Report of the Ombudsman — Investigation of Allegations of Drug Related Corruption — Ordered to be printed

Rural Northwest Health — Report for the year 2001–02, together with an explanation for the delay in tabling (two papers)

Statutory Rules under the following Acts:

Domestic (Feral and Nuisance) Animals Act 1994 — SR No 39

Fisheries Act 1995 — SR No 38

Livestock Disease Control Act 1994 — SR No 37

Subordinate Legislation Act 1994 — SR No 40

Surveyors Act 1978 — SR No 41

Subordinate Legislation Act 1994:

Minister's exception certificate in relation to Statutory Rule No 40

Ministers' exemption certificates in relation to Statutory Rule Nos 38, 41

Transport Act 1983 — Report by the Essential Services Commission on the Review of 2003–04 accident towing and storage charges.

The following proclamation fixing an operative date was laid upon the Table by the Clerk pursuant to an Order of the House dated 26 February 2003:

Livestock Disease Control (Amendment) Act 2001 — Section 15 on 23 May 2003 (*Gazette G21, 22 May 2003*).

- 11 **MESSAGE FROM THE GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that he had, on 27 May 2003, given the royal assent to the following bills, presented to him by the Clerk of the Parliaments:

Dandenong Development Board Bill
 Fair Trading (Amendment) Bill
 Melbourne (Flinders Street Land) Bill
 Regional Infrastructure Development Fund (Amendment) Bill
 Summary Offences (Offensive Behaviour) Bill
 Transport (Miscellaneous Amendments) Bill
 Water (Victorian Water Trust Advisory Council) Bill.

- 12 **MESSAGE FROM THE GOVERNOR** — The Speaker announced the presentation of a message from the Governor recommending an appropriation for the purposes of the Wrongs and Limitation of Actions Acts (Insurance Reform) Bill.

- 13 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Audit (Amendment) Bill without amendment.

- 14 **SUSPENSION OF STANDING AND SESSIONAL ORDERS** — Motion made, by leave, and question — That so much of standing and sessional orders be suspended on Wednesday 4 June 2003 to allow the matter of public importance due to be proposed by the Government to be omitted from the order of business for the day, so that statements on parliamentary committee reports will be called on after statements by members and business will then continue in accordance with Sessional Order 2(2) (*Mr Batchelor*) — put, after debate, and agreed to.

- 15 **PARLIAMENTARY COMMITTEE REFERENCES** — Motion made, by leave, and question — That under the powers found in s 4F of the *Parliamentary Committees Act 1968* the following matters be referred to the joint investigatory committees specified:

- (1) To the **Drugs and Crime Prevention Committee** — for inquiry, consideration and report by 31 March 2004 on:
- (a) the incidence, prevalence, severity, cost and impact of violence associated with motor vehicle use;
 - (b) a review of Victorian, national and international research into violence associated with motor vehicle use;
 - (c) the effectiveness of strategies and initiatives relating to violence associated with motor vehicle use; and

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- (d) the need for policy and legislative reform to reduce violence associated with the motor vehicle use at the State level.
- (2) To the **Economic Development Committee** — for inquiry, consideration and report by 30 September 2004 on the actual and potential contribution to the economy of Victoria's culturally diverse population including new arrivals, with particular emphasis on the importance of Victoria's cultural diversity in improving productivity, increasing exports, attracting foreign investment and creating competitive advantage in the Australian and international markets; and in respect of the above:
- (a) identify industry sectors/businesses that are actual or potential beneficiaries of cultural diversity, particularly in terms of investment and productivity improvement;
 - (b) whether there are particular issues for industry and business in rural and regional areas and how these regions may benefit from cultural diversity in Victoria including by addressing labour market shortages through new or recent arrivals from overseas;
 - (c) identify ways to take advantage of cultural diversity in the economy to increase Victoria's productivity and export markets;
 - (d) the appropriate role of Government in facilitating maximum use of Victoria's cultural diversity to promote productivity and export markets; and
 - (e) identify ways of measuring the benefits of cultural diversity including new arrivals to the Victorian economy.
- (3) To the **Economic Development Committee** — for inquiry, consideration and report by 31 December 2004 on:
- (a) the extent and breadth of labour hire employment in Victoria, including the:
 - (i) employment status of workers engaged by labour hire companies;
 - (ii) use of labour hire in particular industries and/or regions; and
 - (iii) application of industrial relations, occupational health and safety, and workers' compensation legislation.
 - (b) the consequences of the use of labour hire employment. Consideration should be given, but is not limited, to:
 - (i) the rights and obligations of labour hire employees, labour hire agencies and/or host employers under industrial relations, occupational health and safety, and workers' compensation legislation. Any ambiguity about the nature of rights and obligations between the three parties should also be considered;
 - (ii) the impact on industry skills levels;
 - (iii) contribution to the casualisation of the workforce; and
 - (iv) the extent of any such consequences.

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- (c) recommendations based on an assessment of the above matters and including consideration of:
- (i) the jurisdictional limitations of Victoria's industrial relations powers;
 - (ii) the recommendations of the New South Wales Labour Hire Task Force and the responsibilities of the New South Wales Labour Hire Industry Council (if established);
 - (iii) regulation in other Australian jurisdictions;
 - (iv) impact on business; and
 - (v) WorkSafe Victoria campaigns and activities.
- (4) To the **Education and Training Committee** — for inquiry, consideration and report by 30 September 2004 on the suitability of current pre-service teacher training courses, including:
- (a) future requirements of such courses to train teachers appropriate for future schooling; and
 - (b) the particular training needs and arrangements for mature-age entrants from other professions —
- and, in conducting the Inquiry, the Committee is to:
- (i) determine the range and nature of pre-service teacher training courses within Victoria and the variation among these courses in areas of contact and practicum time, and in course focus on content and pedagogy;
 - (ii) examine a range of pre-service teacher training courses across Australia and internationally, focussing on how these courses differ and how they meet the needs of teachers and education systems for the 21st century;
 - (iii) determine the skills and knowledge required of teachers, and therefore of pre-service teacher training courses, in response to reflect the changing nature of education in the 21st century;
 - (iv) examine issues related to attracting people from other professions to become qualified teachers in Victoria; and
 - (v) make recommendations on specific requirements for pre-service teacher training courses, based on the skills and knowledge required of teachers in the 21st century and to support increased entry of mature-age entrants from other professions.
- (5) To the **Education and Training Committee** — for inquiry, consideration and report by 30 June 2004 on the impact of the high levels of unmet demand for places in higher education institutions on Victoria, and in particular to consider:

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- (a) the relationship between unmet demand and high-level skill shortages in the Victorian economy;
 - (b) whether unmet demand has a negative effect on Victorian industry;
 - (c) how the demand for teaching and nursing places is affected by insufficient numbers of Higher Education Contribution Scheme places (ie, in courses not available as full-fee paying courses);
 - (d) how unmet demand impacts on the demand for Tertiary and Further Education places;
 - (e) the degree to which Commonwealth higher education funding policies directly contribute to unmet demand; and
 - (f) the need at a national level to improve cooperative arrangements between the vocational education and training and higher education sectors.
- (6) To the **Outer Suburban/Interface Services and Development Committee** — for inquiry, consideration and report by 31 March 2004 on sustainable urban design for new communities in outer suburban areas and, in conducting the Inquiry, the Committee is to:
- (a) identify the current practice of urban design for new communities and articulate the potential contribution of urban design to sustainability objectives;
 - (b) examine best practice urban design in urban development projects by State agencies;
 - (c) examine and report on the relationship and opportunities in the achievement of urban design objectives between the public and private domains;
 - (d) investigate the potential effectiveness of the Pride of Place Program in the achievement of sustainable urban design for new communities; and
 - (e) investigate the contribution of key elements of urban design to the achievement of Greenhouse Strategy and Melbourne 2030 objectives, including:
 - (i) water sensitive design;
 - (ii) provision of public open space;
 - (iii) road safety;
 - (iv) public safety;
 - (v) reduced car dependency; and
 - (vi) physical and social well-being.
- (7) To the **Road Safety Committee** — for inquiry, consideration and report by 31 March 2004 on:

- (a) the incidence, causes and appropriate means of addressing road crashes involving vehicles leaving the road and colliding with roadside objects;
- (b) the liability and accountability issues relating to roadside utility poles, trees and other fixed objects;
- (c) appropriate risk management guidelines and practices for roadside hazard management in various speed zones; and
- (d) the need for change to legislation or statutory requirements to implement any recommendations made as a result of this inquiry —

and, in conducting the Inquiry, the Committee is to seek information from Government and non-Government Agencies, motoring and environmental organisations, local government, utility companies, the community and any other body responsible for the placement or removal of roadside objects. In particular, the Committee is requested to examine practices in other jurisdictions.

- (8) To the **Road Safety Committee** — for inquiry, consideration and report by 31 March 2004 on factors that contribute to the unacceptably high road toll in country Victoria and in particular to report on:
- (a) the incidence and causative role of speed, drugs, alcohol and fatigue in rural road crashes;
 - (b) the role of the road and roadside environment in the causation and severity of crashes;
 - (c) the role and potential contribution to crash causation of vehicle features such as cruise control and in car navigation systems;
 - (d) the extent and effectiveness of enforcement activities in country Victoria;
 - (e) measures which could be introduced to reduce the incidence and severity of crashes; and
 - (f) the need for change to legislation or statutory requirements to implement any recommendations made as a result of this Inquiry —

and, in conducting the Inquiry, the Committee is to seek information from Government and non-Government Agencies, local government, motoring organisations and the community. In particular, the Committee is requested to examine measures being developed and implemented in other jurisdictions and countries with significant and comparable rural road networks.

- (9) To the **Rural and Regional Services and Development Committee** — for inquiry, consideration and report by 31 March 2004 on the impact on life in rural and regional Victoria of Australian Rules Football and, in conducting the Inquiry, the Committee is to:
- (a) assess the current strength and long-term viability of Australian Football competitions and clubs in regional and rural Victoria;

- (b) assess the role Australian Football plays in building community identity, social interaction and pride in rural towns. (This should be considered in conjunction with complementary long-term existing relationships with netball and cricket competitions);
- (c) investigate how demographic shifts, changes in sport and entertainment preferences and other social changes are impacting on participation in country based football;
- (d) identify the effects that the decline in the number of rural Australian Football clubs is having on country towns including whether other sport and recreation clubs/activities are meeting community social needs in towns where the Australian Football clubs have ceased to function;
- (e) identify the impact that specific costs are having on rural Australian Football associations and clubs. The costs to be investigated (but not necessarily restricted to) include insurance, local government charges and pricing policies, player payments and water availability and cost;
- (f) recommend actions that peak football organisations (administrators, leagues and clubs) might consider undertaking to support the future success of country football and participation in sport in regional and rural Victoria (*Mr Batchelor*) — and, after debate —

Amendment proposed — That in relation to the committee reference to the Rural and Regional Services and Development Committee the words 'and netball' be added after the word 'football' wherever occurring (*Dr Napthine*).

Question — That the words proposed to be inserted be so inserted — put and negatived.

Original motion — put and agreed to.

- 16 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, pursuant to Sessional Order 6(2), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 6.00 pm on Thursday 5 June 2003:

Appropriation (Parliament 2003/2004) Bill
 Attorney-General and Solicitor-General (Amendment) Bill
 Australian Crime Commission (State Provisions) Bill
 Corrections and Sentencing Acts (Home Detention) Bill
 Drugs, Poisons and Controlled Substances (Volatile Substances) Bill
 Energy Legislation (Consumer Protection and Other Amendments) Bill
 Fisheries (Amendment) Bill
 Legal Practice (Validations) Bill
 Livestock Disease Control (Amendment) Bill
 State Taxation Acts (Miscellaneous Amendments) Bill
 Wrongs and Limitation of Actions Acts (Insurance Reform) Bill.

(*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 to 5 inclusive, be postponed until later this day.

19 **ENERGY LEGISLATION (CONSUMER PROTECTION AND OTHER AMENDMENTS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Pursuant to Sessional Orders, Mr Ingram announced that it was proposed to move amendments in Committee 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 pursuant to sessional 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.

Bill read a second time and committed; considered in Committee and reported without amendment; read a third time with the concurrence of an absolute majority of the whole number of the members of the Legislative Assembly.

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein

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

Estate Agents and Sale of Land Acts (Amendment) Bill
Royal Agricultural Showgrounds Bill.

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

22 **ADJOURNMENT** — Resolved, after debate — That the House do now adjourn.

And the House, at 11.54 pm, adjourned until tomorrow.

R W PURDEY
Clerk of the Legislative Assembly

JUDY MADDIGAN
Speaker

No 24 — Wednesday 4 June 2003

- 1 The Speaker took the Chair and read the Prayer.
- 2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

Crossing Supervision at King Street, East Doncaster/Templestowe — Seeking that the House and the Government supports the safety of children by urging VicRoads to provide crossing supervision at King Street, near the intersection of Greenridge Avenue, East Doncaster/Templestowe, bearing 24 signatures (*by Mr Perton*)

Robinson Court, Donvale — Seeking that the House arranges for the Minister for Transport to meet urgently with petitioners to discuss — (a) a review of the sound wall heights and the provision of transparent panels adjacent to Robinson Court, Donvale, given the increased depth of the Eastern Freeway extension cutting; and (b) the relocation of the proposed bicycle path access point to a location approximately 100 metres east through proposed non-residential park land, bearing 3 signatures (*by Mr Perton*)

Community Based Employment Program — Seeking that the House reinstates the Community Based Employment Program for agencies that are engaged in ethnospecific and multicultural job placement service delivery, bearing 63 signatures (*by Mr Thompson*)

Emergency Helicopter Service in Warrnambool — Seeking that a multi-function emergency helicopter rescue service be established in Warrnambool to provide emergency coverage throughout all of Western Victoria, bearing 2,206 signatures (*by Dr Naphine*).

Severally ordered to lie on the Table.

- 3 **PETITION — CROSSING SUPERVISION AT KING STREET, EAST DONCASTER/TEMPLESTOWE** — Motion made and question — That the petition presented by the Member for Doncaster relating to providing crossing supervision at King Street, near the intersection of Greenridge Avenue, East Doncaster/Templestowe be taken into consideration tomorrow (*Mr Perton*) — put and agreed to.
- 4 **PETITION — ROBINSON COURT, DONVALE** — Motion made and question — That the petition presented by the Member for Doncaster relating to the sound wall heights adjacent to Robinson Court, Donvale be taken into consideration tomorrow (*Mr Perton*) — put and agreed to.
- 5 **PAPERS** —
SURF COAST SHIRE COUNCIL — Motion made, by leave, and question — That there be presented to this House the Report of the Commission of Inquiry into the Surf Coast Shire Council (*Mr Thwaites*) — put and agreed to.

The said report was presented by Mr Thwaites and ordered to lie on the Table and to be printed.

ENVIRONMENT AND NATURAL RESOURCES COMMITTEE — Ms Lindell, Chair, brought up a report from the Environment and Natural Resources Committee upon the Inquiry into Veterinary Pathology Services, together with appendices, minutes of evidence, submissions and research investigation reports.

Ordered to lie on the Table and the report and appendices to be printed.

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

Audit Act 1994 — Auditor-General — Report on RMIT's finances, June 2003 — Ordered to be printed

Statutory Rules under the following Acts:

Building Act 1993 — SR No 43

Chattel Securities Act 1987 — SR No 46

Forests Act 1958 — SR No 42

Road Safety Act 1986 — SR Nos 44, 45

Treasury Corporation of Victoria Act 1992 — SR No 47

Water Act 1989 — SR No 48

Subordinate Legislation Act 1994:

Minister's exception certificates in relation to Statutory Rule Nos 44, 45, 46

Ministers' exemption certificates in relation to Statutory Rule Nos 43, 44, 46

Victorian Law Reform Commission Act 2000 — Interim Report on Sexual Offences — Ordered to be printed.

- 6 **AUDITOR-GENERAL'S REPORT** — Motion made, by leave, and question — That the Auditor-General's Report on RMIT's finances, June 2003 be taken into consideration tomorrow (*Mr Dixon*) — put and agreed to.
- 7 **STATEMENTS BY MEMBERS** — Statements by members were made.
- 8 **STATEMENT ON A PARLIAMENTARY COMMITTEE REPORT** — A statement was made on the Environment and Natural Resources Committee's Inquiry into Veterinary Pathology Services.
- 9 **POSTPONEMENT OF ORDER OF THE DAY** — Ordered — That the consideration of Government Business, Order of the Day, No 1, be postponed until later this day.
- 10 **CORRECTIONS AND SENTENCING ACTS (HOME DETENTION) BILL** — 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 Mulder*) — put and agreed to.

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

- 11 **MINISTERIAL STATEMENT — PUTTING VICTORIA'S CHILDREN FIRST** — Ms Garbutt made a ministerial statement relating to 'Putting Victoria's Children First', to which members responded.
- 12 **AUSTRALIAN CRIME COMMISSION (STATE PROVISIONS) BILL** — 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 pursuant to sessional orders.*
- 13 **QUESTIONS** — (Pursuant to Standing Order No 124).
- 14 **AUSTRALIAN CRIME COMMISSION (STATE PROVISIONS) BILL** — 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 later this day.
- 15 **STATE TAXATION ACTS (MISCELLANEOUS AMENDMENTS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.
- Pursuant to sessional orders, Mr Haermeyer announced that it was proposed to move amendments in Committee and requested that they be circulated. Amendments circulated.
- Pursuant to sessional orders, Mr Clark announced that it was proposed to move amendments in Committee 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 Shardey*) — put and agreed to.
- Ordered — That the debate be adjourned until later this day.
- 16 **DRUGS, POISONS AND CONTROLLED SUBSTANCES (VOLATILE SUBSTANCES) BILL** — 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 Clark*) — put and agreed to.
- Ordered — That the debate be adjourned until later this day.
- 17 **MESSAGE FROM THE LIEUTENANT-GOVERNOR** — The Acting Speaker announced the presentation of a message from the Lieutenant-Governor recommending a further appropriation for the purposes of the State Taxation Acts (Miscellaneous Amendments) Bill.
- 18 **APPROPRIATION (PARLIAMENT 2003/2004) BILL** — 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 Naphine*) — put and agreed to.

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

- 19 **LIVESTOCK DISEASE CONTROL (AMENDMENT) BILL** — 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.

- 20 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Constitution (Water Authorities) Bill without amendment.

- 21 **ATTORNEY-GENERAL AND SOLICITOR-GENERAL (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, read a third time forthwith.

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

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

Corrections (Amendment) Bill
Safe Drinking Water Bill.

- 23 **FISHERIES (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, read a third time forthwith.

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

- 24 **LEGAL PRACTICE (VALIDATIONS) 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, read a third time forthwith.

Ordered — That a message be sent to the Legislative Council acquainting them that the Legislative Assembly has agreed to the Bill without amendment.

- 25 **CRIMES (STALKING AND FAMILY VIOLENCE) 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 pursuant to sessional orders.

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

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

Amendment proposed — That all the words after 'That' be omitted with the view of inserting in place thereof the words 'this House refuses to read this Bill a second time until interested stakeholders have been consulted on:

- (1) The impact of the proposed offence of cyberstalking on freedom of speech; and
- (2) The merit of creating a defence of public interest to the proposed offence'

(*Mr McIntosh*) — and, after debate —

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

Bill read a second time with the concurrence of an absolute majority of the whole number of the members of the Legislative Assembly.

Ordered — That the Bill be committed later this day.

Motion made and question — That it be an instruction to the Committee that they have power to divide the Crimes (Stalking and Family Violence) Bill into two bills as follows:

- (a) A Crimes (Stalking) Bill being the Crimes (Stalking and Family Violence) Bill with the following changes:
 - (i) Long title as follows:

"A Bill to amend the **Crimes Act 1958** with respect to the offence of stalking and for other purposes.";
 - (ii) Short title as follows:

"Crimes (Stalking) Act 2003";
 - (iii) Heading to Part 1 of the Bill;
 - (iv) Clause 1 as follows:

"1. Purpose

The purpose of this Act is to amend the **Crimes Act 1958** with respect to the offence of stalking to ensure that the offence—

 - (a) covers cyberstalking; and
 - (b) no longer requires proof as to the actual effect on the victim of the course of conduct engaged in by the offender; and
 - (c) has extra-territorial operation.";
 - (v) Clause 2;
 - (vi) Heading to Part 2 of the Bill;
 - (vii) Clauses 3, 4 and 5;
 - (viii) Clause 6, omitting "**Crimes (Stalking and Family Violence) Act 2003**" (where four times occurring) and inserting "**Crimes (Stalking) Act 2003**";
 - (ix) Part 3 of the Bill omitted;

- (b) A Crimes (Family Violence) (Amendment) Bill being the Crimes (Stalking and Family Violence) Bill with the following changes:
- (i) Long title as follows:

"A Bill to amend the **Crimes (Family Violence) Act 1987** with respect to consent orders and for other purposes.";
 - (ii) Short title as follows:

"Crimes (Family Violence) (Amendment) Act 2003";
 - (iii) Heading to Part 1 of the Bill;
 - (iv) Clause 1 as follows:

"1. Purpose

The purpose of this Act is to amend the **Crimes (Family Violence) Act 1987**—

 - (a) to ensure that intervention orders can be made by consent; and
 - (b) to validate certain orders made by consent before the commencement of this Act.";
 - (v) Clause 2;
 - (vi) Part 2 of the Bill omitted;
 - (vii) Heading to Part 3 of the Bill renumbered 2;
 - (viii) Clause 7 renumbered 3;
 - (ix) Clause 8, renumbered 4, omitting "**Crimes (Stalking and Family Violence) Act 2003**" (where twice occurring) and inserting "**Crimes (Family Violence) (Amendment) Act 2003**";
 - (x) Clause 9 renumbered 5;
- (c) That each Bill may be ordered to be printed and reported separately to the House (*Mr Hulls*) — put and agreed to.

Bill committed; considered in Committee.

The Chair of Committees reported that, pursuant to the instruction given to the Committee by the House, the Committee had divided the Crimes (Stalking and Family Violence) Bill into two bills, namely:

- (1) The Crimes (Stalking) Bill entitled '*A Bill to amend the **Crimes Act 1958** with respect to the offence of stalking and for other purposes*'; and
- (2) The Crimes (Family Violence) (Amendment) Bill entitled '*A Bill to amend the **Crimes (Family Violence) Act 1987** with respect to consent orders and for other purposes*'; and that:
- (3) In relation to the Crimes (Stalking) Bill, the Committee seeks leave to sit again; and
- (4) The Committee has gone through the Crimes (Family Violence) (Amendment) Bill and has agreed to the same without amendment.

- 26 **CRIMES (STALKING) BILL** — Ordered — That this Bill be further considered in Committee tomorrow.
- 27 **CRIMES (FAMILY VIOLENCE) (AMENDMENT) BILL** — Ordered — That this Bill be read a third time later this day.
- 28 **CRIMES (FAMILY VIOLENCE) (AMENDMENT) BILL** — Mr Hulls made a statement under s 85 of the *Constitution Act 1975*, of the reasons for altering or varying that section by new section 25AB of the *Crimes (Family Violence) Act 1987*, being inserted by clause 4 of the Crimes (Family Violence) (Amendment) Bill.
- 29 **CRIMES (FAMILY VIOLENCE) (AMENDMENT) BILL** — 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.
- Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.
- 30 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Water Legislation (Essential Services Commission and Other Amendments) Bill without amendment.
- 31 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Batchelor*) — put and agreed to.
- 32 **ADJOURNMENT** — Resolved, after debate — That the House do now adjourn.

And the House, at 11.34 pm, adjourned until tomorrow.

R W PURDEY
Clerk of the Legislative Assembly

JUDY MADDIGAN
Speaker

No 25 — Thursday 5 June 2003

- 1 The Speaker took the Chair and read the Prayer.
- 2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

Bolton Street, Eltham — Seeking that the Government makes Bolton Street, Eltham a road under VicRoads jurisdiction and proceeds with an upgrade of the road, bearing 491 signatures (*by Mr Herbert*)

Community Based Employment Program — Seeking that the House reinstates the Community Based Employment Program for agencies that are engaged in ethnospecific and multicultural job placement service delivery, bearing 106 signatures (*by Mr Thompson*).

Severally ordered to lie on the Table.

- 3 **PETITION — COMMUNITY BASED EMPLOYMENT PROGRAM** — Motion made and question — That the petition presented by the Member for Sandringham relating to reinstating the Community Based Employment Program for agencies that are engaged in ethnospecific and multicultural job placement service delivery be taken into consideration tomorrow (*Mr Thompson*) — put and agreed to.

4 **PAPERS —**

INQUIRIES INTO CHILD DEATHS: CHILD PROTECTION — Motion made, by leave, and question — That there be presented to this House the Annual Report of the Inquiries into Child Deaths: Child Protection 2003 (*Ms Garbutt*) — put and agreed to.

The said report was presented by Ms Garbutt and ordered to lie on the Table.

PAPER BY COMMAND OF THE GOVERNOR —

Mr Hulls presented by Command of the Governor:

Supreme Court Judges — Report for the year 2001

Ordered to lie on the Table.

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

Audit Act 1994 — Auditor-General — Report on Public Sector Agencies — Results of special reviews and financial statement audits for agencies with balance dates other than 30 June 2002 — Ordered to be printed

Electoral Act 2002 — Report of the Commissioner on the 2002 Victorian State Election

Financial Management Act 1994 — Report from the Minister for Health that she had received the 2002 annual report of the Psychologists Registration Board

Medical Practitioners Board — Report for the year ended 30 September 2002

Members of Parliament (Register of Interests) Act 1978 — Summary of Variations Notified between 1 May 2003 and 5 June 2003 — Ordered to be printed

Parliamentary Committees Act 1968 — Interim Response of the Minister for Water on the Environment and Natural Resources Committee's Inquiry into the Allocation of Water Resources.

5 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourn 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.

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

7 **WRONGS AND LIMITATION OF ACTIONS ACTS (INSURANCE REFORM) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Pursuant to sessional orders, Mr Ryan announced that it was proposed to move amendments in Committee and requested that they be circulated. Amendments circulated.

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

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

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

8 **WRONGS AND LIMITATION OF ACTIONS ACTS (INSURANCE REFORM) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

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

Business having been interrupted at 2.00 pm pursuant to sessional orders.

9 **QUESTIONS** — (Pursuant to Standing Order No 124).

10 **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.

11 **STATE TAXATION ACTS (MISCELLANEOUS AMENDMENTS) 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 committed; considered in Committee and reported with amendments; as amended, considered, and amendments agreed to; read a third time.

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

12 **CORRECTIONS AND SENTENCING ACTS (HOME DETENTION) BILL** — 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 pursuant to resolution of the House on Tuesday 3 June 2003 had expired.

Question — put.

The House divided.

AYES 52

Ms Allan, Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield, Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Hudson; Mr Hulls; Mr Ingram; Mr Jenkins; Mr Languiller; Mr Leighton; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne. Tellers: Ms D'Ambrosio; Mr Langdon; Mr Perera.

NOES 20

Ms Asher; Mr Baillieu; Mr Cooper; Mr Delahunty (*Lowan*); Mr Doyle; Mr Honeywood; Mr Jasper; Mr McIntosh; Mr Mulder; Dr Napthine; Mrs Powell; Mr Plowman; Mr Ryan; Mrs Shardey; Mr Sykes; Mr Walsh; Mr Wells. Tellers: Mr Dixon; Mr Kotsiras; Mr Maughan.

And so it was resolved in the affirmative.

Question — That this Bill be now read a third time and the Bill be transmitted to the Legislative Council and their concurrence desired therein — put and agreed to.

- 13 **LIVESTOCK DISEASE CONTROL (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time. Bill read a second time.

Bill read a third time with the concurrence of an absolute majority of the whole number of the members of the Legislative Assembly.

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

- 14 **APPROPRIATION (PARLIAMENT 2003/2004) BILL** — 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 and third time and the Bill be transmitted to the Legislative Council and their concurrence desired therein — put and agreed to.

- 15 **DRUGS, POISONS AND CONTROLLED SUBSTANCES (VOLATILE SUBSTANCES) BILL** — 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 and third time and the Bill be transmitted to the Legislative Council and their concurrence desired therein — put and agreed to.

- 16 **AUSTRALIAN CRIME COMMISSION (STATE PROVISIONS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time. Bill read a second time.

Bill read a third time with the concurrence of an absolute majority of the whole number of the members of the Legislative Assembly.

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

- 17 **WRONGS AND LIMITATION OF ACTIONS ACTS (INSURANCE REFORM) BILL** — Order read for resuming debate on question — That this Bill be now read a second time. Bill read a second time.

Bill read a third time with the concurrence of an absolute majority of the whole number of the members of the Legislative Assembly.

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

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

Courts Legislation (Amendment) Bill
 Energy Legislation (Consumer Protection and Other Amendments) Bill
 Planning and Environment (Metropolitan Green Wedge Protection) Bill
 Victims of Crime Assistance (Miscellaneous Amendments) Bill
 Road Safety (Heavy Vehicle Safety) Bill.

- 19 **COMMONWEALTH GAMES ARRANGEMENTS (GOVERNANCE) BILL** — 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 Honeywood*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 19 June 2003.

- 20 **NATIONAL ENVIRONMENT PROTECTION COUNCIL (VICTORIA) (AMENDMENT) BILL** — 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 Plowman*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 19 June 2003.

- 21 **SUPREME COURT (VEXATIOUS LITIGANTS) 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 McIntosh*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 19 June 2003.

- 22 **VICTORIAN INDUSTRY PARTICIPATION POLICY 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 Honeywood*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 19 June 2003.

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

24 **ADJOURNMENT** — Resolved, after debate — That the House do now adjourn.

And the House, at 7.28 pm, adjourned 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.

R W PURDEY
Clerk of the Legislative Assembly

JUDY MADDIGAN
Speaker

LEGISLATIVE ASSEMBLY OF VICTORIA

VOTES AND PROCEEDINGS Nos 26, 27, 28 and 29

No 26 — Tuesday 26 August 2003

- 1 The House met pursuant to the terms of the resolution of 5 June 2003, 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 **APPOINTMENT OF OFFICER OF PARLIAMENT** — The Speaker informed the House that pursuant to the provisions of the *Parliamentary Officers Act 1975* she had appointed Mrs Elizabeth Clare Choat, Manager, Procedure Office, to be Assistant Clerk and Clerk of Committees following the retirement of Mr Geoffrey Herbert Westcott.
- 3 **DEATH OF THE HONOURABLE MICHAEL JOHN** — Motion made and question — That this House expresses its sincere sorrow at the death of the Honourable Michael John, 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 Bendigo East from 1985 to 1999 and Minister for Community Services and Minister Responsible for Aboriginal Affairs from 1992 to 1996 (*Mr Bracks*) — put, after the Speaker and other 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.
- 4 **ADJOURNMENT** — Motion made and question — That, as a further mark of respect to the memory of the late Honourable Michael John the House do now adjourn until 8.00 pm this day (*Mr Bracks*) — put and agreed to.

And the House, at 3.36 pm adjourned until 8.00 pm this day.

R W PURDEY
Clerk of the Legislative Assembly

JUDY MADDIGAN
Speaker

No 27 — Tuesday 26 August 2003 (8.00 PM)

- 1 The House met pursuant to adjournment — The Speaker took the Chair.
- 2 **QUESTIONS** — (Pursuant to Standing Order No 124).

- 3 **GRAIN HANDLING AND STORAGE (AMENDMENT) BILL** — Mr Cameron obtained leave, with Mr Thwaites, to bring in a Bill '*to amend the **Grain Handling and Storage Act 1995** to ensure that disputes relating to access to grain handling and storage services at the ports of Geelong and Portland are primarily resolved by an arbitrated access regime and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 4 **HUMAN SERVICES (COMPLEX NEEDS) BILL** — Ms Pike obtained leave, with Mr Thwaites, to bring in a Bill '*to facilitate the delivery of welfare services, health services, mental health services, disability services, drug and alcohol treatment services and housing and support services to certain persons with multiple and complex needs, to establish the Multiple and Complex Needs Panel and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 5 **NON-EMERGENCY PATIENT TRANSPORT BILL** — Ms Pike obtained leave, with Mr Batchelor, to bring in a Bill '*to regulate the operation of the non-emergency transport of persons to or from medical services and the operation of particular stand-by services at public events, to amend the **Ambulance Services Act 1986** and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 6 **CEMETERIES AND CREMATORIA BILL** — Ms Pike obtained leave, with Mr Batchelor, to bring in a Bill '*to provide for the management and operation of cemeteries and crematoria, to repeal the **Cemeteries Act 1958**, to amend the **Crimes Act 1958** and to consequentially amend other Acts and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 7 **INSTRUMENTS (ENDURING POWERS OF ATTORNEY) BILL** — Mr Hulls obtained leave, with Mr Batchelor, to bring in a Bill '*to amend the **Instruments Act 1958** to revise the laws relating to enduring powers of attorney and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 8 **HERITAGE (AMENDMENT) BILL** — Ms Delahunty (*Northcote*), after debate, obtained leave with Mr Batchelor, to bring in a Bill '*to amend the **Heritage Act 1995** and the **Magistrates' Court Act 1989** and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 9 **AERODROME LANDING FEES BILL** — Mr Brumby obtained leave, with Mr Batchelor, to bring in a Bill '*to provide for the fixing of a fee by an aerodrome operator for certain matters and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 10 **SUPERANNUATION ACTS (FAMILY LAW) BILL** — Mr Brumby obtained leave, with Mr Batchelor, to bring in a Bill '*to amend the **Emergency Services Superannuation Act 1986**, the **Government Superannuation Act 1999**, the **Parliamentary Salaries and Superannuation Act 1968**, the **State Employees Retirement Benefits Act 1979**, the **State Superannuation Act 1988**, the **Superannuation (Portability) Act 1989**, the **Transport Superannuation Act 1988** and the **Unclaimed Moneys Act 1962** and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.

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

Medical Indemnity Crisis — Seeking that the Government takes urgent action to resolve the current medical indemnity crisis which will otherwise dramatically affect obstetric and other medical services in Ballarat and surrounding areas, bearing 785 signatures (*by Mr Howard*)

Council and Water Rates Concession — Seeking that the Government takes action to increase the concession on Council and Water Rates to the original 50 percent, to be tied to the consumer price index, bearing 445 signatures (*by Mr Smith*)

Public Transport Services in Barwon Heads, Ocean Grove and the rest of the Bellarine Peninsula — Seeking that a review of public transport services in Barwon Heads, Ocean Grove and the rest of the Bellarine Peninsula be undertaken in order to provide — (a) more frequent buses; (b) buses that consistently connect to trains at Geelong; and (c) new and improved bus routes which give all residents reasonable access to transport, provide links across the Peninsula and allow for faster and more direct trips to Geelong, bearing 94 signatures (*by Ms Neville*)

Salaries and Conditions of Victoria's Non-Government Disability Workers — Seeking that the Government gives urgent attention to assisting disability employers to pay decent wages and provide penalties equivalent to those granted to Department of Human Services employees, bearing 36 signatures (*by Ms Lobato*)

Performing Arts Centre in Emerald — Seeking that the House supports and expedites the building of a flexible Performing Arts Centre in Emerald to a maximum capacity of 150 so that work in all areas of performance for all age groups can be expanded and consolidated, bearing 630 signatures (*by Ms Lobato*)

Recreational Angling — Seeking that immediate attention be given to re-opening the beaches adjacent to Point Addis, including Red Rock Beach, for a limited season extending from 1 May until 31 August each year for recreational angling, bearing 479 signatures (*by Mr Loney*)

Home Loan Schemes — Seeking that the Government sponsored Home Loan Schemes under the flawed new lending instrument called Capital Indexed Loans sold since 1984/85 under the sub-headings — CAPIL, Deferred Interest Scheme (DIS), Indexed Repayment Loan (IRL), Home Opportunity Loan Scheme (HOLS) and Shared Home Opportunity Scheme (SHOS) — (a) be recalculated; (b) have payment and interest set at affordable levels; and (c) be amended in order to assist the low income bracket Victorians the loans were meant to assist, bearing 10 and 1 signatures (*by Mr Leighton and Mr Maughan, respectively*)

Board of Enquiry into Home Loan Schemes — Seeking that — (a) the House initiates an independent board of enquiry with the scope to fully investigate the Government sponsored Home Loan Schemes; (b) the Minister for Housing ceases and desists from sending letters containing incorrect information to elected members; and (c) the legal representatives acting on behalf of the defendant in relation to claims brought by recipients of the Schemes be instructed to act as model litigants, bearing 1 signature (*by Mr Maughan*)

Wilderness Parks and Forestry Management — Seeking that the House rejects the creation of more large wilderness parks, keeps a balanced view and leaves open the issue of future issues for our reserve areas, bearing 50 signatures (*by Ms Green*).

Severally ordered to lie on the Table.

- 12 **PETITION — PUBLIC TRANSPORT SERVICES IN BARWON HEADS, OCEAN GROVE AND THE REST OF THE BELLARINE PENINSULA** — Motion made and question — That the petition presented by the Member for Bellarine relating to a review of public transport services in Barwon Heads, Ocean Grove and the rest of the Bellarine Peninsula be taken into consideration tomorrow (*Mr Perton*) — put and agreed to.

- 13 **PAPERS** —

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — Ms D'Ambrosio, Chair, brought up a report from the Scrutiny of Acts and Regulations Committee being the Alert Digest No 5 of 2003 on the:

Commonwealth Games Arrangements (Governance) Bill
 Constitution (Parliamentary Reform) Act
 Courts Legislation (Amendment) Bill
 Crimes (Family Violence) (Amendment) Bill
 Crimes (Stalking) Bill
 Fair Trading (Amendment) Bill
 National Environment Protection Council (Victoria) (Amendment) Bill
 Seafood Safety Bill
 Supreme Court (Vexatious Litigants) Bill
 Victorian Industry Participation Policy Bill
 Wrongs and Limitation of Actions Acts (Insurance Reform) Bill

together with appendices.

Ordered to lie on the Table and to be printed.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — Ms D'Ambrosio, Chair, brought up the Annual Review 2002 from the Scrutiny of Acts and Regulations Committee, together with appendices.

Ordered to lie on the Table and to be printed.

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — Ms Campbell, Chair, brought up a report from the Public Accounts and Estimates Committee on the 2000–2001 Budget Outcomes, together with appendices.

Ordered to lie on the Table and to be printed.

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — Ms Campbell, Chair, brought up a report from the Public Accounts and Estimates Committee on the 2002–2003 Budget Estimates, together with appendices and minutes of evidence.

Ordered to lie on the Table and the report and appendices to be printed.

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — Ms Campbell, Chair, brought up the Annual Report for 2001–2002 from the Public Accounts and Estimates Committee, together with appendices.

Ordered to lie on the Table and to be printed.

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

Auditor-General — Annual Plan 2003–04

Commonwealth Games Arrangements Act 2001 — Notice of approval of amendment to the Melbourne Planning Scheme — No C82

Financial Management Act 1994 — Report from the Minister for Education and Training that she had received the 2002 annual report of the International Fibre Centre

Interpretation of Legislation Act 1984:

Notice under s 32(3)(a)(iii) in relation to Alcohol Interlock Guidelines

Notice under s 32(3)(a)(iii) in relation to Statutory Rule No 72

Notice under s 32(4)(a)(iii) in relation to Amendment 13 of the Building Code of Australia 1996

Mount Baw Baw Alpine Resort Management Board — Report for the year ended 31 October 2002

Mount Buller Alpine Resort Management Board — Report for the year ended 31 October 2002 (two papers)

Parliamentary Committees Act 1968:

Response of the Attorney-General on action taken with respect to the recommendations made by the Law Reform Committee's Report on the Powers of Entry, Search, Seizure and Questioning by Authorised Persons

Response of the Minister for Police and Emergency Services on action taken with respect to the recommendations made by the Drugs and Crime Prevention Committee's Final Report on Motor Vehicle Theft

Parliamentary Officers Act 1975:

Statements of Appointments and Alterations of Classifications during the year 2002–2003 in the:

Department of the Legislative Council
Department of the Legislative Assembly
Department of the Parliamentary Library
Department of Parliamentary Debates
Joint Services Department

Statements of Persons Temporarily employed during the year 2002–2003 in the:

Department of the Legislative Council
 Department of the Legislative Assembly
 Department of the Parliamentary Library
 Department of Parliamentary Debates
 Joint Services Department

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

Alpine Planning Scheme — Nos C10, C12
 Ararat Planning Scheme — No C4
 Banyule Planning Scheme — Nos C23 Part 1, C23 Part 2
 Baw Baw Planning Scheme — No C23
 Bayside Planning Scheme — Nos C2 Part 1, C33
 Brimbank Planning Scheme — Nos C43, C45, C48, C50
 Campaspe Planning Scheme — No C24
 Corangamite Planning Scheme — No C6
 Darebin Planning Scheme — Nos C31, C36
 Frankston Planning Scheme — Nos C9, C19, C26
 Gannawarra Planning Scheme — No C6
 Glen Eira Planning Scheme — No C36
 Golden Plains Planning Scheme — No C15
 Greater Bendigo Planning Scheme — Nos C48, C50
 Greater Dandenong Planning Scheme — Nos C15, C41, C42
 Greater Geelong Planning Scheme — Nos C11, C29, C32, C42, C48, C55, C63, C68, C75
 Greater Shepparton Planning Scheme — Nos C17 Part 1, C30
 Hepburn Planning Scheme — No C2 Part 2
 Hindmarsh Planning Scheme — No C1
 Hobsons Bay Planning Scheme — No C17 Part 2
 Hume Planning Scheme — Nos C39, C41
 Kingston Planning Scheme — Nos C26, C27
 Manningham Planning Scheme — Nos C13, C14, C31
 Maribyrnong Planning Scheme — No C42
 Maroondah Planning Scheme — No C32
 Melbourne Planning Scheme — Nos C56, C74, C82, C83
 Melton Planning Scheme — No C24
 Mildura Planning Scheme — No C11
 Mitchell Planning Scheme — No C29
 Moira Planning Scheme — Nos C11, C12
 Monash Planning Scheme — Nos C40, C42, C46
 Moonee Valley Planning Scheme — Nos C37, C39, C46
 Moreland Planning Scheme — No C25
 Mornington Peninsula Planning Scheme — Nos C40 Part 1, C44, C56
 Moyne Planning Scheme — No C4
 Port Phillip Planning Scheme — No C39
 Strathbogie Planning Scheme — No C15
 Swan Hill Planning Scheme — No C13
 Victoria Planning Provisions — Nos VC18, VC19
 Wangaratta Planning Scheme — No C11 Part 1

Wellington Planning Scheme — Nos C8, C9, C10, C13, C16
Whitehorse Planning Scheme — Nos C30, C43 Part 1
Whittlesea Planning Scheme — No C54
Wodonga Planning Scheme — No C18
Wyndham Planning Scheme — Nos C6, C38
Yarra Planning Scheme — Nos C28, C49, C58

Prevention of Cruelty to Animals Act 1986 — Code of Accepted Farming Practice for the Welfare of Poultry (Revision 2)

Rural Finance Act 1988 — Direction by the Treasurer to the Rural Finance Corporation to administer a Financial Assistance Scheme to the Central and Northeast Regions

Statutory Rules under the following Acts:

Administration and Probate Act 1958 — SR No 58
Archaeological and Aboriginal Relics Preservation Act 1972 — SR No 49
Associations Incorporation Act 1981 — SR No 93
Bail Act 1977 — SR No 55
Building Act 1993 — SR No 79
Building and Construction Industry Security of Payment Act 2002 — SR No 50
Business Names Act 1962 — SR No 92
Cancer Act 1958 — SR No 83
Co-operatives Act 1996 — SR No 90
County Court Act 1958 — SR Nos 53, 70
Drugs, Poisons and Controlled Substances Act 1981 — SR No 67
Electricity Industry Act 2000 — SR No 73
Electricity Safety Act 1998 — SR Nos 72, 98
Emergency Management Act 1986 — SR No 85
Environment Protection Act 1970 — SR No 75
Fair Trading Act 1999 — SR No 89
Firearms Act 1996 — SR No 84
Gaming Machine Control Act 1991 — SR No 76
Health Act 1958 — SR Nos 64, 65, 66, 82
Health Services Act 1988 — SR Nos 68, 94
Juries Act 2000 — SR No 57
Land Tax Act 1958 — SR No 80
Liquor Control Reform Act 1998 — SR Nos 60, 63
Magistrates' Court Act 1989 — SR Nos 54, 61, 71
Major Events (Crowd Management) Act 2003 — SR No 86
National Parks Act 1975 — SR No 74
Partnership Act 1958 — SR No 91
Pathology Services Accreditation Act 1984 — SR Nos 77, 78
Pharmacists Act 1974 — SR No 97
Residential Tenancies Act 1997 — SR No 59
Road Safety Act 1986 — SR Nos 51, 87
Subordinate Legislation Act 1994 — SR No 62
Supreme Court Act 1986 — SR Nos 52, 69, 95, 96
Surveyors Act 1978 — SR No 99
Tobacco Act 1987 — SR No 88
Victorian Civil and Administrative Tribunal Act 1998 — SR Nos 56, 81

Subordinate Legislation Act 1994:

Ministers' exception certificates in relation to Statutory Rule Nos 60, 61, 62, 64, 65, 66, 67, 68, 69, 70, 71, 81, 86, 95, 96

Ministers' exemption certificates in relation to Statutory Rule Nos 49, 50, 51, 55, 59, 77, 78, 79, 82, 83, 84, 87, 88, 89, 94, 97

The following proclamations fixing operative dates were laid upon the Table by the Clerk pursuant to an Order of the House dated 26 February 2003:

Business Licensing Legislation (Amendment) Act 2003 — Part 1 and sections 14 and 20 on 11 August 2003 (*Gazette G30, 24 July 2003*)

Estate Agents and Sale of Land Acts (Amendment) Act 2003 — Section 45 on 30 June 2003 (*Gazette G26, 26 June 2003*)

Firearms (Trafficking and Handgun Control) Act 2003 — Whole Act except sections 3(1)(f) and (g) and (2), 10, 14, 18, 23 to 28, 30 to 37, 46(2), 50, 53, 55, 64, 65, 66, 74 and 75 on 1 July 2003 (*Gazette S130, 1 July 2003*)

Health Practitioner Acts (Further Amendments) Act 2002 — Remaining provisions (except sections 37, 40, 42 and 44) on 1 July 2003 (*Gazette G26, 26 June 2003*)

Melbourne Cricket Ground (Amendment) Act 2003 — Whole Act on 12 June 2003 (*Gazette G24, 12 June 2003*)

Murray-Darling Basin (Amendment) Act 2003 — Whole Act on 1 July 2003 (*Gazette G26, 26 June 2003*)

Outworkers (Improved Protection) Act 2003 — Whole Act on 1 November 2003 (*Gazette G29, 17 July 2003*)

Residential Tenancies (Amendment) Act 2002 — Whole Act on 1 July 2003 (*Gazette G23, 5 June 2003*)

Seafood Safety Act 2003 — Remaining provisions (except Part 3 and sections 23, 27 to 58, 60, 64(5) and 92) on 1 July 2003 (*Gazette G26, 26 June 2003*)

Transport (Further Amendment) Act 2001 — Sections 15 and 17 on 20 June 2003 (*Gazette G25, 19 June 2003*)

Transport (Miscellaneous Amendments) Act 2003 — Division 1 of Part 3 on 15 July 2003 (*Gazette S138, 15 July 2003*)

University Acts (Amendment) Act 2003 — Whole Act on 1 July 2003 (*Gazette G26, 26 June 2003*)

Victorian Urban Development Authority Act 2003 — Whole Act on 1 August 2003 (*Gazette G31, 31 July 2003*).

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

Appropriation (2003/2004) Bill

Appropriation (Parliament 2003/2004) Bill

Attorney-General and Solicitor-General (Amendment) Bill

Australian Crime Commission (State Provisions) Bill

Corrections and Sentencing Acts (Home Detention) Bill

Crimes (Family Violence) (Amendment) Bill

Drugs, Poisons and Controlled Substances (Volatile Substances) Bill

Fisheries (Amendment) Bill

Livestock Disease Control (Amendment) Bill

State Taxation Acts (Miscellaneous Amendments) Bill

Victorian Urban Development Authority Bill
 Wrongs and Limitation of Actions Acts (Insurance Reform) Bill.

- 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 11 June 2003:

Audit (Amendment) Bill
 Constitution (Water Authorities) Bill
 Corrections (Amendment) Bill
 Courts Legislation (Amendment) Bill
 Energy Legislation (Consumer Protection and Other Amendments) Bill
 Estate Agents and Sale of Land Acts (Amendment) Bill
 Legal Practice (Validations) Bill
 Planning and Environment (Metropolitan Green Wedge Protection) Bill
 Road Safety (Heavy Vehicle Safety) Bill
 Royal Agricultural Showgrounds Bill
 Safe Drinking Water Bill
 Victims of Crime Assistance (Miscellaneous Amendments) Bill
 Water Legislation (Essential Services Commission and Other Amendments) Bill

On 16 June 2003:

Attorney-General and Solicitor-General (Amendment) Bill
 Australian Crime Commission (State Provisions) Bill
 Corrections and Sentencing Acts (Home Detention) Bill
 Crimes (Family Violence) (Amendment) Bill
 Drugs, Poisons and Controlled Substances (Volatile Substances) Bill
 Fisheries (Amendment) Bill
 Livestock Disease Control (Amendment) Bill
 State Taxation Acts (Miscellaneous Amendments) Bill
 Victorian Urban Development Authority Bill
 Wrongs and Limitation of Actions Acts (Insurance Reform) Bill.

- 16 **APPROPRIATION (2003/2004) BILL — APPROPRIATION (PARLIAMENT 2003/2004) BILL** — The Speaker announced that she had, on 16 June 2003, presented to the Governor the Appropriation (2003/2004) Bill and the Appropriation (Parliament 2003/2004) Bill to which the Governor had been pleased to give the royal assent.

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

Commonwealth Games Arrangements (Governance) Bill
 National Environment Protection Council (Victoria) (Amendment) Bill.

- 18 **SELECT COMMITTEES** — Motion made, by leave, and question — That the House and Library Committees have leave to sit within the Parliament buildings during the sittings of either House of the Parliament, but not while either House is actually sitting (*Mr Batchelor*) — put and agreed to.

19 **STANDING ORDERS COMMITTEE** — Motion made, by leave, and question — That the Standing Orders Committee has leave to sit within the Parliament buildings during the sittings of the House, but not while the House is actually sitting (*Mr Batchelor*) — put and agreed to.

20 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, pursuant to Sessional Order 6(2), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 28 August 2003:

Albury-Wodonga Agreement (Repeal) Bill
 Catchment and Land Protection (Amendment) Bill
 Child Employment Bill
 Commonwealth Games Arrangements (Governance) Bill
 Confiscation (Amendment) Bill
 National Environment Protection Council (Victoria) (Amendment) Bill

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

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

22 **CONFISCATION (AMENDMENT) 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 pursuant to sessional 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.

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

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

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

24 **ADJOURNMENT** — Resolved, after debate — That the House do now adjourn.

And the House, at 11.13 pm, adjourned until tomorrow.

R W PURDEY
Clerk of the Legislative Assembly

JUDY MADDIGAN
Speaker

No 28 — Wednesday 27 August 2003

1 The Speaker took the Chair and read the Prayer.

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

Library and Community Centre in Emerald — Seeking that the House ensures that resources are provided for a library and community centre in Emerald, bearing 3,130 signatures (*by Ms Lobato*)

Noise Barriers — Eastern Freeway and Kew Gardens Estate — Seeking that noise barriers be erected along the borders between the Eastern Freeway and Kew Gardens Estate and that the noise level for the Kew Gardens area be no greater than 63 decibels to bring it into line with modern freeway standards, bearing 497 signatures (*by Mr McIntosh*)

Irrigation in the Murrayville Groundwater Area — Seeking that the House — (a) orders a thorough investigation into the use of groundwater for irrigation purposes in the Murrayville Groundwater area; and (b) places a halt on the extension of water licences to enable the use of irrigation and on the development of new bores, bearing 206 signatures (*by Mr Savage*)

Traffic Lights — Intersection of Bentons Road and Nepean Highway, Mt Martha — Seeking that the Minister for Transport funds the installation of traffic lights at the intersection of Bentons Road and Nepean Highway, Mt Martha, as a matter of urgency, bearing 541 signatures (*by Mr Cooper*)

Safety — Intersection of Bentons Road and Moorooduc Road, Moorooduc — Seeking that a permanent solution be provided to improve the safety of the intersection at Bentons Road and Moorooduc Road, Moorooduc, rather than the cost saving, unsafe and inefficient measures currently in place, bearing 220 signatures (*by Mr Cooper*)

Cuts for Disability and Community Services — Seeking that the Government abandons the cuts proposed for Disability and Community Services 2003–2006 through productivity savings, and works co-operatively with the sector to improve services, bearing 11 signatures (*by Mr Thompson*)

Public Housing Rental Payments — Seeking that the Government reverses its decision to impose an increase in the percentage threshold for public housing rental payments, bearing 4 signatures (*by Mr Thompson*).

Severally ordered to lie on the Table.

- 3 **PETITION — NOISE BARRIERS — EASTERN FREEWAY AND KEW GARDENS ESTATE** — Motion made and question — That the petition presented by the Member for Kew requesting noise barriers be erected along the borders between the Eastern Freeway and Kew Gardens Estate be taken into consideration tomorrow (*Mr McIntosh*) — put and agreed to.
- 4 **PETITION — CUTS FOR DISABILITY AND COMMUNITY SERVICES** — Motion made and question — That the petition presented by the Member for Sandringham relating to the cuts proposed for Disability and Community Services 2003–2006 through productivity savings be taken into consideration tomorrow (*Mr Thompson*) — put and agreed to.

- 5 **PETITION — PUBLIC HOUSING RENTAL PAYMENTS** — Motion made and question — That the petition presented by the Member for Sandringham requesting the Government to reverse its decision on the increase in the percentage threshold for public housing rental payments be taken into consideration tomorrow (*Mr Thompson*) — put and agreed to.
- 6 **PETITION — TRAFFIC LIGHTS — INTERSECTION OF BENTONS ROAD AND NEPEAN HIGHWAY, MT MARTHA** — Motion made and question — That the petition presented by the Member for Mornington relating to funding the installation of traffic lights at the intersection of Bentons Road and Nepean Highway, Mt Martha be taken into consideration tomorrow (*Mr Cooper*) — put and agreed to.
- 7 **PETITION — SAFETY — INTERSECTION OF BENTONS ROAD AND MOOROODUC ROAD, MOOROODUC** — Motion made and question — That the petition presented by the Member for Mornington relating to improving the safety of the intersection at Bentons Road and Moorooduc Road, Moorooduc be taken into consideration tomorrow (*Mr Cooper*) — put and agreed to.
- 8 **PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:

Mount Hotham Alpine Resort Management Board — Report for the year ended 31 October 2002

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

Alpine Planning Scheme — No C09
 Casey Planning Scheme — No C54
 Greater Geelong Planning Scheme — No C48
 Hume Planning Scheme — No C44
 Maroondah Planning Scheme — No C31
 Whitehorse Planning Scheme — No C47

Statutory Rule under the *Gaming No. 2 Act 1997* — SR No 100.

- 9 **STATEMENTS BY MEMBERS** — Statements by members were made.
- 10 **GRIEVANCES** — Question — That grievances be noted — put, after debate, and agreed to.
- 11 **HUMAN SERVICES (COMPLEX NEEDS) BILL** — 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 10 September 2003.
- 12 **HERITAGE (AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Ms Delahunty, Northcote*).
- Motion made and question — That the debate be now adjourned (*Mr Baillieu*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 10 September 2003.

- 13 **COMMONWEALTH GAMES ARRANGEMENTS (GOVERNANCE) BILL** — 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 pursuant to sessional orders.

- 14 **QUESTIONS** — (Pursuant to Standing Order No 124).

- 15 **COMMONWEALTH GAMES ARRANGEMENTS (GOVERNANCE) BILL** — Debate resumed on question — That this Bill be now read a second time.

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

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

- 16 **NATIONAL ENVIRONMENT PROTECTION COUNCIL (VICTORIA) (AMENDMENT) BILL** — 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.

- 17 **CATCHMENT AND LAND PROTECTION (AMENDMENT) BILL** — 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 Clark*) — put and agreed to.

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

- 18 **ALBURY-WODONGA AGREEMENT (REPEAL) BILL** — 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 **CHILD EMPLOYMENT BILL** — 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 place thereof the words 'this House refuses to read this Bill a second time until key stakeholders are consulted on options to address the needs of the community, and ways to properly protect children' (*Mr McIntosh*).

Pursuant to sessional orders, Mr Haermeyer announced that it was proposed to move an amendment in Committee and requested that it be circulated. Amendment circulated.

Pursuant to sessional orders, Mr McIntosh announced that it was proposed to move amendments in Committee and requested that they be circulated. Amendments circulated.

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 Mulder*) — put and agreed to.

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

- 20 **CONFISCATION (AMENDMENT) BILL** — 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 Naphine*) — put and agreed to.

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

- 21 **CATCHMENT AND LAND PROTECTION (AMENDMENT) BILL** — 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.

- 22 **NATIONAL ENVIRONMENT PROTECTION COUNCIL (VICTORIA) (AMENDMENT) 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 pursuant to sessional 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 10.54 pm.

R W PURDEY
Clerk of the Legislative Assembly

JUDY MADDIGAN
Speaker

No 29 — Thursday 28 August 2003

- 1 The Speaker took the Chair and read the Prayer.
- 2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

Mitcham-Frankston (Eastern and Scoresby) Freeway — Seeking that the House ensures that the Government honours its pre-election commitment and policy as pledged to the citizens of Victoria not to introduce tolls on the Mitcham-Frankston (Eastern and Scoresby) Freeway and immediately reverses its decision to impose these tolls, bearing 19,504 signatures (*by Mr Doyle*)

Devilbend Reservoir, Mornington Peninsula — Seeking that the House retains the entire land and water of Devilbend Reservoir in public ownership in perpetuity as a community nature reserve and recreation park, and initiates listing the reserve as a National or State park, bearing 1,544 signatures (*by Ms Buchanan*)

Cuts for Disability and Community Services — Seeking that the Government abandons the cuts proposed for Disability and Community Services 2003–2006 through productivity savings, and works co-operatively with the sector to improve services, bearing 55 signatures (*by Mr Thompson*).

Severally ordered to lie on the Table.

- 3 **PETITION — MITCHAM-FRANKSTON (EASTERN AND SCORESBY) FREEWAY** — Motion made and question — That the petition presented by the Leader of the Opposition relating to the Government honouring its pre-election commitment and policy not to introduce tolls on the Mitcham-Frankston (Eastern and Scoresby) Freeway be taken into consideration tomorrow (*Mr Doyle*) — put and agreed to.
- 4 **PETITION — DEVILBEND RESERVOIR, MORNINGTON PENINSULA** — Motion made and question — That the petition presented by the Member for Hastings relating to retaining Devilbend Reservoir in public ownership be taken into consideration tomorrow (*Mr Dixon*) — put and agreed to.
- 5 **PETITION — CUTS FOR DISABILITY AND COMMUNITY SERVICES** — Motion made and question — That the petition presented by the Member for Sandringham relating to the cuts proposed for Disability and Community Services 2003–2006 through productivity savings be taken into consideration tomorrow (*Mr Thompson*) — put and agreed to.
- 6 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourn until Tuesday 16 September 2003 (*Mr Batchelor*) — put and agreed to.
- 7 **STATEMENTS BY MEMBERS** — Statements by members were made.
- 8 **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.
- 9 **CHILD EMPLOYMENT BILL** — 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 place thereof the words 'this House refuses to read this Bill a second time until key stakeholders are consulted on options to address the needs of the community, and ways to properly protect children'; debate resumed.

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

The House divided.

AYES 58

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Ms Kosky; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Mr Lockwood; Mr Loney; Mr Lupton; Ms McTaggart; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Savage; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne. Tellers: Ms D'Ambrosio; Mr Jenkins; Mr Langdon.

NOES 22

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Doyle; Mr Honeywood; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Dr Napthine; Mr Perton; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Thompson; Mr Walsh; Mr Wells. Tellers: Mr Dixon; Mr Plowman; Mr Maughan.

And so it was resolved in the affirmative.

Bill read a second time.

Ordered — That the bill be committed later this day.

- 10 **MINISTERIAL STATEMENT — HOSPITAL FUNDING** — Mr Bracks made a ministerial statement relating to hospital funding, to which members responded.

Business having been interrupted at 2.00 pm pursuant to sessional orders.

- 11 **QUESTIONS** — (Pursuant to Standing Order No 124).

- 12 **MINISTERIAL STATEMENT — HOSPITAL FUNDING** — Responses continued on the ministerial statement relating to hospital funding made by Mr Bracks.

- 13 **CHILD EMPLOYMENT BILL** — Bill committed; considered in Committee.

Allocation of time — The Chair of Committees advised that the time allocated for consideration of bills pursuant to resolution of the House on Tuesday 26 August 2003 had expired.

Bill reported with an amendment.

Question — That the House agrees to the amendment made by the Committee and the Bill be read a third time and the Bill be transmitted to the Legislative Council and their concurrence desired therein — put and agreed to.

- 14 **COMMONWEALTH GAMES ARRANGEMENTS (GOVERNANCE) BILL** — 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 and third time and the Bill be transmitted to the Legislative Council and their concurrence desired therein — put.

The House divided.

AYES 77

Ms Allan; Mr Andrews; Ms Asher; Mr Baillieu; Ms Barker; Mr Batchelor; Ms Beattie; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Clark; Mr Cooper; Mr Crutchfield; Ms D'Ambrosio; Mr Delahunty (*Lowan*); Ms Delahunty (*Northcote*); Mr Donnellan; Mr Doyle; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Honeywood; Mr Howard; Mr Hudson; Mr Hulls; Mr Jasper; Mr Jenkins; Ms Kosky; Mr Kotsiras; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Mr Lockwood; Mr Loney; Mr Lupton; Mr McIntosh; Ms McTaggart; Mr Merlino; Mr Mildenhall; Ms Morand; Mr Mulder; Ms Munt; Dr Napthine; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Mr Perton; Ms Pike; Mr Plowman; Mrs Powell; Mr Ryan; Mr Seitz; Mrs Shardey; Mr Stensholt; Mr Sykes; Mr Thompson; Mr Thwaites; Mr Trezise; Mr Walsh; Mr Wells; Mr Wilson; Mr Wynne. Tellers: Mr Dixon; Mr Langdon.

NOES 2

Tellers: Mr Ingram; Mr Savage.

And so it was resolved in the affirmative.

- 15 **NATIONAL ENVIRONMENT PROTECTION COUNCIL (VICTORIA) (AMENDMENT) BILL** — 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 and third time and the Bill be transmitted to the Legislative Council and their concurrence desired therein — put and agreed to.

- 16 **CATCHMENT AND LAND PROTECTION (AMENDMENT) BILL** — 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 and third time and a message be sent to the Legislative Council acquainting them that the Legislative Assembly has agreed to the Bill without amendment — put and agreed to.

- 17 **CONFISCATION (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time. Bill read a second time.

Bill read a third time with the concurrence of an absolute majority of the whole number of the members of the Legislative Assembly.

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

- 18 **ALBURY-WODONGA AGREEMENT (REPEAL) BILL** — 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 and third time and the Bill be transmitted to the Legislative Council and their concurrence desired therein — put and agreed to.

- 19 **SUPERANNUATION ACTS (FAMILY LAW) 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 Clark*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 11 September 2003.

- 20 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 8 to 11 inclusive, be postponed until later this day.

- 21 **AERODROME LANDING FEES 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 Clark*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 11 September 2003.

- 22 **INSTRUMENTS (ENDURING POWERS OF ATTORNEY) 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 McIntosh*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 11 September 2003.

- 23 **GRAIN HANDLING AND STORAGE (AMENDMENT) BILL** — 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 11 September 2003.

- 24 **CEMETERIES AND CREMATORIA BILL** — 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 (*Dr Napthine*) — put and agreed to.

Ordered, after debate — That the debate be adjourned until Thursday 11 September 2003.

- 25 **NON-EMERGENCY PATIENT TRANSPORT BILL** — 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 Thursday 11 September 2003.

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

27 **ADJOURNMENT** — Resolved, after debate — That the House do now adjourn.

And the House, at 6.08 pm, adjourned until Tuesday 16 September 2003.

R W PURDEY
Clerk of the Legislative Assembly

JUDY MADDIGAN
Speaker

LEGISLATIVE ASSEMBLY OF VICTORIA

VOTES AND PROCEEDINGS Nos 30, 31, 32 and 33

No 30 — Tuesday 16 September 2003

- 1 The House met pursuant to adjournment — The Speaker took the Chair and read the Prayer.
- 2 **DEATH OF JOHN WILLIAM GAMALIEL ROSS** — Motion made and question — That this House expresses its sincere sorrow at the death of John William Gamaliel Ross, and places on record its acknowledgement of the valuable services rendered by him to the Parliament and the people of Victoria as Member of the Legislative Council for the Electoral Province of Higinbotham from 1996 to 2002 (*Mr Bracks*) — put, after the Speaker and other 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 John William Gamaliel Ross, the House do now adjourn until 4.00 pm this day (*Mr Bracks*) — put and agreed to.

And the House, at 3.04 pm adjourned until 4.00 pm this day.

R W PURDEY
Clerk of the Legislative Assembly

JUDY MADDIGAN
Speaker

No 31 — Tuesday 16 September 2003 (4.00 PM)

- 1 The House met pursuant to adjournment — The Speaker took the Chair.
- 2 **QUESTIONS** — (Pursuant to Standing Order No 124).
- 3 **CEMETERIES AND CREMATORIA BILL** — The Minister for Health advised the House that on 28 August 2003 an incomplete version of the second reading speech for the Cemeteries and Crematoria Bill was read and circulated in the House — leave was granted to correct the record and incorporate the complete second reading speech in Hansard.

- 4 **WATER LEGISLATION (AMENDMENT) BILL** — Mr Thwaites, after debate, obtained leave with Mr Batchelor, to bring in a Bill '*to amend the **Water Act 1989** and the **Water Industry Act 1994** and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 5 **ROYAL BOTANIC GARDENS (AMENDMENT) BILL** — Mr Thwaites obtained leave, with Ms Kosky, to bring in a Bill '*to amend the **Royal Botanic Gardens Act 1991** and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 6 **EDUCATION LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL** — Ms Kosky, after debate, obtained leave with Ms Pike, to bring in a Bill '*to amend the **Children and Young Persons Act 1989**, the **Education Act 1958**, the **Teaching Service Act 1981** and the **Victorian Institute of Teaching Act 2001** and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 7 **EDUCATION (WORKPLACE LEARNING) BILL** — Ms Kosky, after debate, obtained leave with Ms Pike, to bring in a Bill '*to amend the **Education Act 1958** to make further provision for learning in the workplace and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 8 **VICTORIAN QUALIFICATIONS AUTHORITY (AMENDMENT) BILL** — Ms Kosky obtained leave, with Ms Pike, to bring in a Bill '*to amend the **Victorian Qualifications Authority Act 2000** and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 9 **MENTAL HEALTH (AMENDMENT) BILL** — Ms Pike obtained leave, with Ms Delahunty (*Northcote*), to bring in a Bill '*to amend the **Mental Health Act 1986** with respect to involuntary patients, confidentiality and other matters, to amend the **Coroners Act 1985** with respect to reportable deaths and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time on Thursday 18 September 2003.
- 10 **SCOTS' CHURCH PROPERTIES (AMENDMENT) BILL** — Mr Hulls obtained leave, with Ms Delahunty (*Northcote*), to bring in a Bill '*to amend the **Scots' Church Properties Act 1891** to alter the operation of The Scots' Church Trust Deed in relation to certain lands and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 11 **PLANNING AND ENVIRONMENT (PORT OF MELBOURNE) BILL** — Ms Delahunty (*Northcote*) obtained leave, with Mr Batchelor, to bring in a Bill '*to amend the **Planning and Environment Act 1987** and the **Planning and Environment (Planning Schemes) Act 1996** in relation to planning for the Port of Melbourne*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 12 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

Police Numbers in Kennington — Seeking that the House considers allocating more police members to the suburb of Kennington to combat the escalating incidence of crime in the area, bearing 178 signatures (*by Ms Allan*)

Funding for Students on Disability and Impairments Program — Seeking that the House maintains the current level of funding to each student on the Disability and Impairments Program, bearing 674, 128, 125 and 269 signatures (*by Mr Harkness, Mr McIntosh, Mr Maughan and Mr Thompson, respectively*)

Intersection of Point Nepean and Truemans Roads, Tootgarook — Seeking that the Minister for Transport funds the installation of either a set of traffic lights or roundabout at the intersection of Point Nepean and Truemans Roads, Tootgarook as a matter of urgency as an additional 25,000 vehicle movements are expected during the four-day Australian Open Golf Tournament at Moonah Links golf course in November 2003, bearing 803 signatures (*by Mr Dixon*)

Intersection of Bay and Bluff Roads, Sandringham — Seeking that the Government investigates and makes whatever road engineering, traffic light sequencing and directional arrow improvements necessary to improve the safety of motorists, pedestrians, cyclists and other road users and also to protect adjacent properties at the intersection of Bay and Bluff Roads, Sandringham, bearing 89 signatures (*by Mr Thompson*)

Mitcham-Frankston (Eastern and Scoresby) Freeway — Seeking that the House ensures that the Government honours its pre-election commitment and policy as pledged to the citizens of Victoria not to introduce tolls on the Mitcham-Frankston (Eastern and Scoresby) Freeway and immediately reverses its decision to impose these tolls, bearing 98 signatures (*by Mr Wells*)

Emergency Helicopter Rescue Service in Warrnambool — Seeking that a multi-function emergency helicopter rescue service be established in Warrnambool to provide emergency coverage throughout all of Western Victoria, bearing 3,009 signatures (*by Dr Naphine*).

Severally ordered to lie on the Table.

- 13 **PETITION — POLICE NUMBERS IN KENNINGTON** — Motion made and question — That the petition presented by the Member for Bendigo East relating to allocating more police members in the suburb of Kennington be taken into consideration tomorrow (*Mr Wells*) — put and agreed to.
- 14 **PETITION — MITCHAM-FRANKSTON (EASTERN AND SCORESBY) FREEWAY** — Motion made and question — That the petition presented by the Member for Scoresby relating to the Government honouring its pre-election commitment and policy not to introduce tolls on the Mitcham-Frankston Freeway be taken into consideration tomorrow (*Mr Wells*) — put and agreed to.
- 15 **PETITION — EMERGENCY HELICOPTER RESCUE SERVICE IN WARRNAMBOOL** — Motion made and question — That the petition presented by the Member for South-West Coast relating to a multifunction emergency helicopter rescue service being established in Warrnambool be taken into consideration tomorrow (*Dr Naphine*) — put and agreed to.
- 16 **PETITION — FUNDING FOR STUDENTS ON DISABILITY AND IMPAIRMENTS PROGRAM** — Motion made and question — That the petition presented by the Member for Kew relating to maintaining the current level of funding to each student on the Disability and Impairments Program be taken into consideration tomorrow (*Mr McIntosh*) — put and agreed to.

17 **PETITION — FUNDING FOR STUDENTS ON DISABILITY AND IMPAIRMENTS PROGRAM** — Motion made and question — That the petition presented by the Member for Sandringham relating to maintaining the current level of funding to each student on the Disability and Impairments Program be taken into consideration tomorrow (*Mr Thompson*) — put and agreed to.

18 **PETITION — INTERSECTION OF BAY AND BLUFF ROADS, SANDRINGHAM** — Motion made and question — That the petition presented by the Member for Sandringham relating to taking measures to improve safety of all road users and to protect adjacent properties at the intersection of Bay and Bluff Roads, Sandringham be taken into consideration tomorrow (*Mr Thompson*) — put and agreed to.

19 **PAPERS** —

NATIONAL CRIME AUTHORITY — Motion made, by leave, and question — That there be presented to this House the Report of the National Crime Authority for the year 2001–2002 (*Mr Haermeyer*) — put and agreed to.

The said report was presented by Mr Haermeyer and ordered to lie on the Table.

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — Ms Campbell, Chair, brought up a report from the Public Accounts and Estimates Committee on the 2003–2004 Budget Estimates, together with appendices and minutes of evidence.

Ordered to lie on the Table and the report and appendices to be printed.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — Ms D'Ambrosio, Chair, brought up a report from the Scrutiny of Acts and Regulations Committee being the Alert Digest No 6 of 2003 on the:

Aerodrome Landing Fees Bill
 Cemeteries and Crematoria Bill
 Grain Handling and Storage (Amendment) Bill
 Heritage (Amendment) Bill
 Human Services (Complex Needs) Bill
 Instruments (Enduring Powers of Attorney) Bill
 Non-Emergency Patient Transport Bill
 Superannuation Acts (Family Law) Bill

together with appendices.

Ordered to lie on the Table and to be printed.

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

Audit Act 1994 — Auditor-General — Parliament's information technology upgrade — Ordered to be printed

Auditor-General — Report of the Office for the year 2002–03

Commonwealth Games Arrangements Act 2001:

Order pursuant to s 18
 Amendment to Order pursuant to s 19

Crown Land (Reserves) Act 1978 — Section 17DA Orders granting under:

Section 17D leases:

Albert Park Reserve (two orders)
 Watery Gully Creek Reserve

Section 17B licence — Watery Gully Creek Reserve

Drugs, Poisons and Controlled Substances Act 1981 — Documents pursuant to s 12H:

Standard for the Uniform Scheduling of Drugs and Poisons No 18
 Amendment No 1 to the Standard for the Uniform Scheduling of Drugs and Poisons No 18
 Notice regarding the amendment, commencement and availability of the Poisons Code

Interpretation of Legislation Act 1984:

Notices under s 32(3)(a)(iii) in relation to Statutory Rule Nos 89/2003, 98/2003
 Notice under s 32(4)(a)(iii) in relation to Statutory Rule No 49/1999

Judicial Remuneration Tribunal Act 1995 — Report of Determinations No 1 of 2003

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

Banyule Planning Scheme — Nos C37, C39
 Indigo Planning Scheme — No C17
 Moonee Valley Planning Scheme — No C44
 Moorabool Planning Scheme — No C17
 Moreland Planning Scheme — No C24
 Wangaratta Planning Scheme — No C15
 Whittlesea Planning Scheme — No C47
 Wodonga Planning Scheme — Nos C19, C20, C21
 Wyndham Planning Scheme — No C47
 Yarra Ranges Planning Scheme — No C30

Project Development and Construction Management Act 1994 — Orders in Council under ss 6 and 8 respectively and a Statement under s 9 of reasons for making a Nomination Order (three papers)

Statutory Rules under the following Acts:

Casino Control Act 1991 — SR No 105
Fisheries Act 1995 — SR No 101
Gaming Machine Control Act 1991 — SR No 104
Gaming No. 2 Act 1997 — SR No 103

Supreme Court Act 1986 — SR No 102

Subordinate Legislation Act 1994:

Minister's exception certificate in relation to Statutory Rule No 102

Minister's exemption certificate in relation to Statutory Rule No 101.

- 20 **AUDITOR-GENERAL'S REPORT** — Motion made, by leave, and question — That the report by the Auditor-General on Parliament's information technology upgrade be taken into consideration tomorrow (*Mr Perton*) — put and agreed to.
- 21 **MESSAGE FROM THE GOVERNOR — ASSENT TO BILL** — Informing the Legislative Assembly that he had, on 2 September 2003, given the royal assent to the Catchment and Land Protection (Amendment) Bill, presented to him by the Clerk of the Parliaments.
- 22 **MESSAGES FROM THE GOVERNOR** — The Speaker announced the presentation of messages from the Governor recommending appropriations for the purposes of the following bills:

Cemeteries and Crematoria Bill

Human Services (Complex Needs) Bill

Non-Emergency Patient Transport Bill.

- 23 **AMENDMENTS TO SESSIONAL ORDERS** — Motion made, by leave, and question —

(1) That the Sessional Order 6(16) be amended —

(a) By omitting paragraph (a) and inserting —

'(a) where the third reading of a bill must be passed with an absolute or special majority of the whole number of the members of the Legislative Assembly, the question for the third reading must be put separately;'

(b) In paragraph (b), after 'absolute' insert 'or special'.

(2) That the sessional orders be amended for a period of two weeks commencing on 6 October 2003 and ending on 17 October 2003 by omitting Sessional Order 19 and inserting:

'19 Divisions

So much of Standing Order Nos 174 to 182 and Standing Order No 184 are suspended so as to allow the following procedures:

Resolving a question

(1) A question that is put by the Chair in the House must be resolved on the majority of voices 'aye' or 'no'. The Chair must state whether the ayes or the noes have it, and if a member challenges the Chair's opinion, the question must be decided by a division.

Party vote unless a conscience issue

- (2) Where a division is requested, a party vote is held unless the subject of the vote is to be treated as a conscience issue.
- (3) Where the Speaker has received prior advice from a party whip of a conscience vote, the Speaker will permit a personal vote to be held instead of a party vote.

Procedure for a division

- (4) When a division is requested, the Clerk will ring the bells for three minutes as indicated by the timer.
- (5) When the bells have stopped ringing, the Chair calls for the doors to be locked. After that a member must not leave the Chamber until after the division has been completed.
- (6) When successive divisions are taken without any intervening debate, the Chair may direct that the bells be rung for one minute.

Procedure for a party vote

- (7) After the doors are locked the Chair restates the question.
- (8) Members must sit in their allocated places in the Chamber.
- (9) The Clerk asks the whip of each party, or their representative, to cast the party's votes; parties are asked to vote in the order of the size of their parliamentary membership.
- (10) The number is cast for the ayes or for the noes. Votes may only be cast for members present in the Chamber and every member present must vote.
- (11) After the votes have been cast by the parties, any independent member and any member who is voting contrary to his or her party's vote may cast a vote.
- (12) Where it becomes obvious that one member only is voting for either the ayes or the noes, the Chair must immediately declare the resolution of the House. The member who called for the division may ask for his or her dissent to be recorded in the Votes and Proceedings. The Chair then directs the Clerk to record that dissent.
- (13) The whip of each party, or their representative, may before the result of the vote is announced by the Chair, challenge the votes cast by another party. Where a party's vote is challenged the Chair may direct that the matter be resolved by a personal vote.
- (14) The Chair announces the result to the House.

- (15) The whip of each party, or their representative, will immediately advise the Clerk of the names of those members of their party that were not present for the vote.
- (16) The Clerk will record the result of the vote and the names of those members voting aye and no and publish those details in the Votes and Proceedings.

Procedure for a personal vote

- (17) After the doors are locked the Chair restates the question and directs the ayes to the right side of the Chamber and the noes to the left side of the Chamber. The Chair appoints two or more tellers for each side.
- (18) Votes may only be cast by members present in the Chamber and every member present must vote.
- (19) If two tellers cannot be found for one side of the question, the Chair must immediately declare the resolution of the House. The member who called for the division may ask for his or her dissent to be recorded in the Votes and Proceedings. The Chair then directs the Clerk to record that dissent.
- (20) The tellers count the votes and record the members' names. On receiving a report from the tellers, the Chair announces the result to the House.
- (21) The names of the members who have voted are recorded in the Votes and Proceedings.' (*Mr Batchelor*) — put, after debate, and agreed to.

- 24 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, pursuant to Sessional Order 6(2), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 18 September 2003:

Aerodrome Landing Fees Bill
 Heritage (Amendment) Bill
 Human Services (Complex Needs) Bill
 Non-Emergency Patient Transport Bill
 Superannuation Acts (Family Law) Bill
 Supreme Court (Vexatious Litigants) Bill
 Victorian Industry Participation Policy Bill

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

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

- 26 **VICTORIAN INDUSTRY PARTICIPATION POLICY BILL** — 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.

27 **SUPREME COURT (VEXATIOUS LITIGANTS) BILL** — 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*) — put and agreed to.

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

28 **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.

29 **HERITAGE (AMENDMENT) 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 pursuant to sessional orders.

30 **ADJOURNMENT** — The Acting Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.51 pm.

R W PURDEY
Clerk of the Legislative Assembly

JUDY MADDIGAN
Speaker

No 32 — Wednesday 17 September 2003

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 Students on Disability and Impairments Program — Seeking that the House maintains the current level of funding to each student on the Disability and Impairments Program, bearing 359 and 107 signatures (*by Mr Perera and Mr Stensholt, respectively*)

Public Housing Tenants — Rental Payments — Seeking that the House — (a) reverses the decision to increase rental payments for many public housing tenants, from 23 percent to 25 percent of income; and (b) sets all public housing rents at 23 percent of income or lower, bearing 26 signatures (*by Mr Delahunty, Lowan*)

Seniors Card Holders — Seeking that the Government brings concessions available to Seniors Card holders in line with concessions available in other States, bearing 1 signature (*by Mr Thompson*)

Monash Birth Centre — Seeking that the House ensures the Monash Birth Centre remains at the Moorabbin Campus by — (a) introducing caseload midwifery under experienced caseload midwives; (b) maintaining woman-centred care in an area that provides a home-like

environment, incorporating double beds for partners and water birth facilities; and (c) improving marketing of services to raise awareness of the birth centre within the local and broader community, bearing 383 signatures (*by Mr Thompson*)

Sunraysia Institute of TAFE — Seeking that the House persuades the Sunraysia Institute of TAFE to rescind the decision of TAFE management and the TAFE Council to close the Clothing and Fashion Department at the end of 2003, and to secure the future of the department indefinitely, bearing 606 signatures (*by Mr Walsh*).

Severally ordered to lie on the Table.

3 **PETITION — SENIORS CARD HOLDERS** — Motion made and question — That the petition presented by the Member for Sandringham relating to bringing concessions available to Seniors Card holders in line with concessions available in other States be taken into consideration tomorrow (*Mr Thompson*) — put and agreed to.

4 **PETITION — MONASH BIRTH CENTRE** — Motion made and question — That the petition presented by the Member for Sandringham relating to ensuring that Monash Birth Centre remains at the Moorabbin Campus be taken into consideration tomorrow (*Mr Thompson*) — put and agreed to.

5 **PETITION — PUBLIC HOUSING TENANTS — RENTAL PAYMENTS** — Motion made and question — That the petition presented by the Member for Lowan relating to reversing the decision to increase rental payments for many public housing tenants be taken into consideration tomorrow (*Mr Maughan*) — put and agreed to.

6 **PAPERS** —

ECONOMIC DEVELOPMENT COMMITTEE — Mr Robinson, Chair, brought up a report from the Economic Development Committee upon the Inquiry into Export Opportunities for Victorian Rural Industries, together with appendices and minutes of evidence.

Ordered to lie on the Table and the report and appendices to be printed.

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

Anti-Cancer Council — Report for the year 2002 (two papers)

Subordinate Legislation Act 1994 — Minister's exemption certificates in relation to Statutory Rule Nos 103, 104, 105.

7 **TRAVEL AGENTS (AMENDMENT) BILL** — The Speaker announced the receipt of a message from the Legislative Council transmitting a Bill '*to amend the Travel Agents Act 1986 to make further provision for the Travel Compensation Fund and for other purposes*' and desiring the concurrence of the Legislative Assembly therein.

On the motion of Mr Hulls, the Bill transmitted by the foregoing message was read a first time, ordered to be printed and read a second time tomorrow.

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

- 9 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE — MISMANAGEMENT OF EDUCATION PORTFOLIOS** — The House was informed that Mr Perton had proposed that a definite matter of public importance be submitted to the House for discussion, namely —

'That this House condemns the Minister for Education and Training and the Minister for Education Services for the mismanagement of their portfolios leading to:

- strike action by teachers, principals, student services officers and teachers aides;
- sacking of 300 education department public servants employed by the Bracks Government and admitted by the Minister for Education and Training to have added no value to education outcomes;
- shortages of teachers in vital subjects including mathematics, science, art, libraries and languages other than English;
- the decision to slash maintenance funding to schools affecting educational outcomes and endangering the occupational health and safety of employees and children;
- the failure to meet their election promises to replace \$50 million worth of relocatable classrooms despite an Auditor-General's finding that this should happen immediately; and
- the failure of the government to provide schools with the means to adequately exploit new technology and higher bandwidth to improve student learning.'

Mr Perton addressed the House — Discussion ensued.

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

Economic Development Committee's Report on Export Opportunities for Victorian Rural Industries

Public Accounts and Estimates Committee's Report on the 2000–2001 Budget Outcomes

Public Accounts and Estimates Committee's Report on the 2003–2004 Budget Estimates.

- 11 **EDUCATION LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL** — 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 Perton*) — put and agreed to.

Ordered, after debate — That the debate be adjourned until Wednesday 1 October 2003.

Business having been interrupted at 2.00 pm pursuant to sessional orders.

- 12 **QUESTIONS** — (Pursuant to Standing Order No 124).

- 13 **EDUCATION (WORKPLACE LEARNING) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Ms Kosky*).

Ms Kosky 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 Perton*) — put and agreed to.

Ordered, after debate — That the debate be adjourned until Wednesday 1 October 2003.

- 14 **VICTORIAN QUALIFICATIONS AUTHORITY (AMENDMENT) BILL** — 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 Dixon*) — put and agreed to.
- Ordered — That the debate be adjourned until Wednesday 1 October 2003.
- 15 **AERODROME LANDING FEES BILL** — 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.
- 16 **AERODROME LANDING FEES 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, read a third time forthwith.
- Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.
- 17 **SUPERANNUATION ACTS (FAMILY LAW) BILL** — 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.
- 18 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 6 to 11 inclusive, be postponed until later this day.
- 19 **WATER LEGISLATION (AMENDMENT) BILL** — 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 Plowman*) — put and agreed to.
- Ordered — That the debate be adjourned until Wednesday 1 October 2003.
- 20 **ROYAL BOTANIC GARDENS (AMENDMENT) BILL** — 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 Plowman*) — put and agreed to.
- Ordered — That the debate be adjourned until Wednesday 1 October 2003.

- 21 **SUPERANNUATION ACTS (FAMILY LAW) 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, read a third time forthwith.

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

- 22 **HERITAGE (AMENDMENT) 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 pursuant to sessional 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 10.57 pm.

R W PURDEY
Clerk of the Legislative Assembly

JUDY MADDIGAN
Speaker

No 33 — Thursday 18 September 2003

- 1 The Speaker took the Chair and read the Prayer.
- 2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

Home Loan Schemes — Seeking that the Government sponsored Home Loan Schemes under the flawed new lending instrument called Capital Indexed Loans sold since 1984/85 under the sub-headings — CAPIL, Deferred Interest Scheme (DIS), Indexed Repayment Loan (IRL), Home Opportunity Loan Scheme (HOLS) and Shared Home Opportunity Scheme (SHOS) — (a) be recalculated; (b) have payment and interest set at affordable levels; and (c) be amended in order to assist the low income bracket Victorians the loans were meant to assist, bearing 10 signatures (*by Mr Howard*)

North Road, Clayton and Oakleigh East — Seeking that a service lane be constructed on the North and South sides of North Road, Clayton and Oakleigh East, bearing 109 signatures (*by Mr Lim*)

Children's Contact and Counselling Service, Cranbourne — Seeking that the House withdraws the authority of Gordoncare to operate a Children's Contact and Counselling Service at 25 Rimfire Crescent, Cranbourne, bearing 127 signatures (*by Mr Perera*)

Intersection of Mitchells Lane and Horne Street, Sunbury — Seeking that a roundabout be constructed by VicRoads as an urgent priority, at the intersection of Mitchells Lane and Horne Street, Sunbury in order to increase traffic safety and reduce delays and accidents, bearing 1,310 signatures (*by Ms Duncan*)

Asbestos Related Disease in the Gippsland Area — Seeking that the House addresses the issue of the high incidence of asbestos related disease in the Gippsland area by providing the proper medical equipment and facilities, bearing 3,607 and 3,617 signatures (*by Mr Jenkins and Mr Maxfield, respectively*)

Monash Birth Centre — Seeking that the House ensures the Monash Birth Centre remains at the Moorabbin Campus by — (a) introducing caseload midwifery under experienced caseload midwives; (b) maintaining woman-centred care in an area that provides a home-like environment, incorporating double beds for partners and water birth facilities; and (c) improving marketing of services to raise awareness of the birth centre within the local and broader community, bearing 376 signatures (*by Mr Thompson*)

Cuts for Disability and Community Services — Seeking that the Government abandons the cuts proposed for Disability and Community Services 2003–2006 through productivity savings, and works co-operatively with the sector to improve services, bearing 15 signatures (*by Mr Thompson*)

Metropolitan Ambulance Service — Seeking that the Government investigates delays and provides sufficient funds to enable the Metropolitan Ambulance Service to appropriately respond to emergency calls in the Bayside area, bearing 1 signature (*by Mr Thompson*)

Peter Ross-Edwards Causeway between Shepparton and Mooroopna — Seeking that the House takes urgent action to execute works to enhance road safety and improve traffic flow on the Peter Ross-Edwards Causeway between Shepparton and Mooroopna, bearing 4,371 signatures (*by Mrs Powell*)

Melbourne 2030 Urban Growth Boundary — Inclusion of Properties — Seeking that the House defers the finalisation of the Melbourne 2030 Urban Growth Boundary until the properties of 175–199 Ironbark Road, 201–219 Ironbark Road, 40–60 Pioneer Road and 217–233 Pioneer Road, Shire of Nillumbik are included within its border, bearing 6 signatures (*by Mrs Powell*)

Public Transport Services in Greenvale and surrounding suburbs — Seeking that improved public transport services be provided in Greenvale and surrounding suburbs, bearing 484 signatures (*by Ms Beattie*).

Severally ordered to lie on the Table.

- 3 **PETITION — PETER ROSS-EDWARDS CAUSEWAY BETWEEN SHEPPARTON AND MOOROOPNA** — Motion made and question — That the petition presented by the Member for Shepparton relating to enhancing road safety and improving traffic flow on the Peter Ross-Edwards Causeway between Shepparton and Mooroopna be taken into consideration tomorrow (*Mrs Powell*) — put and agreed to.

- 4 **PETITION — MELBOURNE 2030 URBAN GROWTH BOUNDARY — INCLUSION OF PROPERTIES** — Motion made and question — That the petition presented by the Member for Shepparton relating to deferring the finalisation of the Melbourne 2030 Urban Growth Boundary until certain properties in the Shire of Nillumbik are included within its border be taken into consideration tomorrow (*Mrs Powell*) — put and agreed to.
- 5 **PETITION — PUBLIC TRANSPORT SERVICES IN GREENVALE AND SUBURBS** — Motion made and question — That the petition presented by the Member for Yuroke relating to improved public transport services in Greenvale and surrounding suburbs be taken into consideration tomorrow (*Ms Beattie*) — put and agreed to.
- 6 **PETITION — MONASH BIRTH CENTRE** — Motion made and question — That the petition presented by the Member for Sandringham relating to ensuring that the Monash Birth Centre remains at the Moorabbin Campus be taken into consideration tomorrow (*Mr Thompson*) — put and agreed to.
- 7 **PETITION — CUTS FOR DISABILITY AND COMMUNITY SERVICES** — Motion made and question — That the petition presented by the Member for Sandringham relating to the cuts proposed for Disability and Community Services 2003–2006 through productivity savings be taken into consideration tomorrow (*Mr Thompson*) — put and agreed to.
- 8 **PETITION — METROPOLITAN AMBULANCE SERVICE** — Motion made and question — That the petition presented by the Member for Sandringham relating to the Metropolitan Ambulance Service in the Bayside area be taken into consideration tomorrow (*Mr Thompson*) — put and agreed to.
- 9 **PETITION — ASBESTOS RELATED DISEASE IN THE GIPPSLAND AREA** — Motion made and question — That the petition presented by the Member for Morwell relating to the high incidence of asbestos related disease in the Gippsland area be taken into consideration tomorrow (*Mr Jenkins*) — put and agreed to.
- 10 **PETITION — INTERSECTION OF MITCHELLS LANE AND HORNE STREET, SUNBURY** — Motion made and question — That the petition presented by the Member for Macedon requesting that a roundabout be constructed by VicRoads as an urgent priority at the the intersection of Mitchells Lane and Horne Street, Sunbury be taken into consideration tomorrow (*Ms Duncan*) — put and agreed to.
- 11 **HEALTH LEGISLATION (AMENDMENT) BILL** — The Speaker announced the receipt of a message from the Legislative Council transmitting a Bill '*to make miscellaneous amendments to the Drugs, Poisons and Controlled Substances Act 1981, the Health Services Act 1988, the Human Tissue Act 1982, the Lord Mayor's Charitable Fund Act 1996, the Mental Health Act 1986 and the Nurses Act 1993 and for other purposes*' and desiring the concurrence of the Legislative Assembly therein.

On the motion of Ms Pike, the Bill transmitted by the foregoing message was read a first time, ordered to be printed and read a second time tomorrow.
- 12 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Albury-Wodonga Agreement (Repeal) Bill without amendment.

- 13 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourn until Tuesday 7 October 2003 (*Ms Allan*) — put and agreed to.
- 14 **STATEMENTS BY MEMBERS** — Statements by members were made.
- 15 **PLANNING AND ENVIRONMENT (PORT OF MELBOURNE) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Ms Delahunty, Northcote*).
- Ms Delahunty, (Northcote) 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 Baillieu*) — put and agreed to.
- Ordered, after debate — That the debate be adjourned until Thursday 2 October 2003.
- 16 **SCOTS' CHURCH PROPERTIES (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 (*Dr Naphine*) — put and agreed to.
- Ordered, after debate — That the debate be adjourned until Thursday 2 October 2003.
- 17 **MENTAL HEALTH (AMENDMENT) BILL** — 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 Thursday 2 October 2003.
- 18 **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.
- 19 **HUMAN SERVICES (COMPLEX NEEDS) BILL** — 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 pursuant to sessional orders.*
- 20 **QUESTIONS** — (Pursuant to Standing Order No 124).
- 21 **HUMAN SERVICES (COMPLEX NEEDS) BILL** — Bill read a second time and, by leave, read a third time forthwith.
- Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.
- 22 **TRAVEL AGENTS (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 Kotsiras*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 2 October 2003.

- 23 **NON-EMERGENCY PATIENT TRANSPORT BILL** — 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 pursuant to resolution of the House on Tuesday 16 September 2003 had expired.

Question — That this Bill be now read a second and third time and the Bill be transmitted to the Legislative Council and their concurrence desired therein — put and agreed to.

- 24 **VICTORIAN INDUSTRY PARTICIPATION POLICY BILL** — 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 and third time and the Bill be transmitted to the Legislative Council and their concurrence desired therein — put and agreed to.

- 25 **SUPREME COURT (VEXATIOUS LITIGANTS) BILL** — 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 and third time and the Bill be transmitted to the Legislative Council and their concurrence desired therein — put and agreed to.

- 26 **HERITAGE (AMENDMENT) BILL** — 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 and third time and the Bill be transmitted to the Legislative Council and their concurrence desired therein — put and agreed to.

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

- 28 **ADJOURNMENT** — Resolved, after debate — That the House do now adjourn.

And the House, at 4.30 pm, adjourned until Tuesday 7 October 2003.

R W PURDEY
Clerk of the Legislative Assembly

JUDY MADDIGAN
Speaker

LEGISLATIVE ASSEMBLY OF VICTORIA

VOTES AND PROCEEDINGS Nos 34, 35, 36 and 37

No 34 — Tuesday 7 October 2003

- 1 The House met pursuant to adjournment — The Speaker took the Chair and read the Prayer.
- 2 **QUESTIONS** — (Pursuant to Standing Order No 124).
- 3 **TRANSPORT (RIGHTS AND RESPONSIBILITIES) BILL** — Mr Batchelor obtained leave, with Mr Thwaites, to bring in a Bill '*to amend the **Transport Act 1983** and the **Road Safety Act 1986** and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 4 **ROAD SAFETY (AMENDMENT) BILL** — Mr Batchelor obtained leave, with Mr Thwaites, to bring in a Bill '*to amend the **Road Safety Act 1986**, the **Transport Act 1983**, the **Marine Act 1988**, the **Melbourne City Link Act 1995** and the **Road Safety (Responsible Driving) Act 2002**, to make consequential amendments to the **Magistrates' Court Act 1989** and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 5 **PORT SERVICES (PORT MANAGEMENT REFORM) BILL** — Mr Batchelor, after debate, obtained leave with Mr Thwaites, to bring in a Bill '*to amend the **Port Services Act 1995** and the **Marine Act 1988** to make further provision for the establishment, management and operation of ports in Victoria, to make consequential amendments to other Acts and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 6 **EXTRACTIVE INDUSTRIES DEVELOPMENT (AMENDMENT) BILL** — Mr Cameron, after debate, obtained leave with Mr Batchelor, to bring in a Bill '*to amend the **Extractive Industries Development Act 1995** to make further provisions for extractive industries*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 7 **RESIDENTIAL TENANCIES (AMENDMENT) BILL** — Ms Pike obtained leave, with Ms Delahunty (*Northcote*), to bring in a Bill '*to amend the **Residential Tenancies Act 1997** to make provision for the Director of Housing to pay amounts of bonds on behalf of tenants by means of vouchers, to enable the refund of amounts of certain bonds to the Director of Housing, to provide that it is a function of the Residential Tenancies Bond Authority to collect certain information and to disclose that information to the Director of Housing and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 8 **ELECTORAL (AMENDMENT) BILL** — Mr Hulls, after debate, obtained leave with Ms Delahunty (*Northcote*), to bring in a Bill '*to amend the **Electoral Act 2002** and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.

- 9 **CONSTITUTION (SUPREME COURT) BILL** — Mr Hulls, after debate, obtained leave with Ms Delahunty (*Northcote*), to bring in a Bill 'to amend the *Constitution Act 1975* to broaden the eligibility criteria for appointment as a Judge of the Supreme Court and to permit the appointment of an Acting Chief Justice and Acting President of the Court of Appeal when there is, or is about to be, a vacancy in the relevant office'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 10 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

Home Loan Schemes — Seeking that the Government sponsored Home Loan Schemes under the flawed new lending instrument called Capital Indexed Loans sold since 1984/85 under the sub-headings — CAPIL, Deferred Interest Scheme (DIS), Indexed Repayment Loan (IRL), Home Opportunity Loan Scheme (HOLS) and Shared Home Opportunity Scheme (SHOS) — (a) be recalculated; (b) have payment and interest set at affordable levels; and (c) be amended in order to assist the low income bracket Victorians the loans were meant to assist, bearing 171 and 39 signatures (*by Mr Lockwood and Ms Neville, respectively*)

Board of Enquiry into Home Loan Schemes — Seeking that — (a) the House initiates an independent board of enquiry with the scope to fully investigate the Government sponsored Home Loan Schemes; (b) the Minister for Housing ceases and desists from sending letters containing incorrect information to elected members; and (c) the legal representatives acting on behalf of the defendant in relation to claims brought by recipients of the Schemes be instructed to act as model litigants, bearing 70 signatures (*by Ms Neville*)

North Road, Clayton and Oakleigh East — Seeking that a service lane be constructed on the north and south sides of North Road, Clayton and Oakleigh East, bearing 131 signatures (*by Mr Lim*)

Dutson Downs, Gippsland — Seeking that the Government rejects any proposal for the establishment of a soil recycling facility and/or a toxic waste dump at Dutson Downs in Gippsland, bearing 568 signatures (*by Mr Ingram*)

Child Employment on Victorian Farms — Seeking that the Government acts to exempt farm families, including the extended family, from any requirement to obtain a child employment permit to employ family children on Victorian farms, bearing 3,742 signatures (*by Mr McIntosh*).

Severally ordered to lie on the Table.

- 11 **PETITION — DUTSON DOWNS, GIPPSLAND** — Motion made and question — That the petition presented by the Member for Gippsland East relating to rejecting any proposal for the establishment of a soil recycling facility and/or a toxic waste dump at Dutson Downs in Gippsland be taken into consideration tomorrow (*Mr Ingram*) — put and agreed to.
- 12 **PETITION — CHILD EMPLOYMENT ON VICTORIAN FARMS** — Motion made and question — That the petition presented by the Member for Kew requesting the Government to exempt farm families, including the extended family, from any requirement to obtain a child employment permit to employ family children on Victorian farms be taken into consideration tomorrow (*Mr McIntosh*) — put and agreed to.

- 13 **PETITION — NORTH ROAD, CLAYTON AND OAKLEIGH EAST** — Motion made and question — That the petition presented by the Member for Clayton requesting that a service lane be constructed on the north and south sides of North Road, Clayton and Oakleigh East be taken into consideration tomorrow (*Mr Lim*) — put and agreed to.

14 **PAPERS** —

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — Ms D'Ambrosio, Chair, brought up a report from the Scrutiny of Acts and Regulations Committee being the Alert Digest No 7 of 2003 on the:

Education Legislation (Miscellaneous Amendments) Bill
 Education (Workplace Learning) Bill
 Mental Health (Amendment) Bill
 Planning and Environment (Port of Melbourne) Bill
 Royal Botanic Gardens (Amendment) Bill
 Scots' Church Properties (Amendment) Bill
 Victorian Qualifications Authority (Amendment) Bill
 Water Legislation (Amendment) Bill

together with appendices.

Ordered to lie on the Table and to be printed.

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

Interpretation of Legislation Act 1984 — Notice under s 32(3)(a)(iii) in relation to Statutory Rule No 76

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

Bass Coast Planning Scheme — No C8
 Darebin Planning Scheme — No C42
 Greater Bendigo Planning Scheme — No C4
 Greater Dandenong Planning Scheme — No C51
 Hepburn Planning Scheme — No C14
 Hume Planning Scheme — No C47
 Loddon Planning Scheme — No C10
 Melbourne Planning Scheme — No C75
 Mornington Peninsula Planning Scheme — No C7
 Murrindindi Planning Scheme — No C11
 Stonnington Planning Scheme — No C25
 Yarra Planning Scheme — No C69
 Yarra Ranges Planning Scheme — No C14

Rural Finance Act 1988 — Direction by the Treasurer to the Rural Finance Corporation to administer the Land Aggregation Program

Statutory Rules under the following Acts:

Corporations (Ancillary Provisions) Act 2001 — SR No 107

County Court Act 1958 — SR No 109

Interpretation of Legislation Act 1984 — SR No 108

Supreme Court Act 1986 — SR Nos 107, 108

Tobacco Act 1987 — SR No 106

Victorian Civil and Administrative Tribunal Act 1998 — SR No 110

Subordinate Legislation Act 1994:

Minister's exception certificates in relation to Statutory Rule Nos 107, 108, 109, 110

Minister's exemption certificate in relation to Statutory Rule No 106

Water Act 1989 — Groundwater management plans for the:

Campaspe Deep Lead water supply protection area

Katunga water supply protection area

Water Act 1989 — Water Supply Protection Area Declaration Order 2003 for Mid Loddon.

The following proclamations fixing operative dates were laid on the Table by the Clerk pursuant to an Order of the House dated 26 February 2003:

Albury-Wodonga Agreement (Repeal) Act 2003 — Whole Act except for sections 4, 5, 6, 11, 12, 16 and 17 on 2 October 2003 (*Gazette G40, 3 October 2003*)

Control of Weapons and Firearms Acts (Search Powers) Act 2003 — Remaining provisions on 5 October 2003 (*Gazette G40, 3 October 2003*)

Dandenong Development Board Act 2003 — Whole Act on 20 October 2003 (*Gazette G40, 3 October 2003*).

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

Commonwealth Games Arrangements (Governance) Bill

Confiscation (Amendment) Bill

National Environment Protection Council (Victoria) (Amendment) Bill.

- 16 **MESSAGE FROM THE GOVERNOR — ASSENT TO BILL** — Informing the Legislative Assembly that he had, on 23 September 2003, given the royal assent to the Albury-Wodonga Agreement (Repeal) Bill, presented to him by the Clerk of the Parliaments.

- 17 **MESSAGE FROM THE GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that he had, on 30 September 2003, given the royal assent to the following bills, presented to him by the Deputy Clerk of the Legislative Council for and in the absence of the Clerk of the Parliaments:

Confiscation (Amendment) Bill

Commonwealth Games Arrangements (Governance) Bill

National Environment Protection Council (Victoria) (Amendment) Bill.

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

Mental Health (Amendment) Bill
 Scots' Church Properties (Amendment) Bill
 Victorian Qualifications Authority (Amendment) Bill.

- 19 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, pursuant to Sessional Order 6(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 2003:

Cemeteries and Crematoria Bill
 Grain Handling and Storage (Amendment) Bill
 Health Legislation (Amendment) Bill
 Instruments (Enduring Powers of Attorney) Bill
 Mental Health (Amendment) Bill
 Planning and Environment (Port of Melbourne) Bill

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

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

- 21 **INSTRUMENTS (ENDURING POWERS OF ATTORNEY) BILL** — 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.

- 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 **HEALTH LEGISLATION (AMENDMENT) BILL** — 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, after debate — That the debate be adjourned until tomorrow.

- 24 **GRAIN HANDLING AND STORAGE (AMENDMENT) BILL** — 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 Plowman*) — put and agreed to.

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

- 25 **CEMETERIES AND CREMATORIA BILL** — 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 place thereof the words 'this House refuses to read this bill a second time until consultation has taken place with key stakeholders concerning heritage issues, industry structure and freedom of choice in the selection of headstones and grave monuments' (*Mrs Shardey*) — and, after debate —

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

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

- 26 **PLANNING AND ENVIRONMENT (PORT OF MELBOURNE) 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, read a third time forthwith with the concurrence of an absolute majority of the whole number of the members of the Legislative Assembly.

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

- 27 **MENTAL HEALTH (AMENDMENT) 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 pursuant to sessional orders.

- 28 **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

JUDY MADDIGAN
Speaker

No 35 — Wednesday 8 October 2003

- 1 The Speaker took the Chair and read the Prayer.
- 2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

Box Hill Institute of TAFE Site, Doncaster East — Seeking that the House and the Minister for Planning oppose the proposed redevelopment of the former Box Hill Institute of TAFE site in Deep Creek Road, Doncaster East, into an \$80 million country club style retirement village, bearing 129 signatures (*by Mr Kotsiras*)

North Road, Clayton and Oakleigh East — Seeking that the median strip be narrowed to allow for the construction of a service lane on the north and south sides of North Road, Clayton and Oakleigh East, bearing 95 signatures (*by Mr Lim*)

Burdett Quarry Site, Langwarrin — Seeking that the House supports a park and residential subdivision on the Burdett quarry site situated on the corner of Potts Road and Frankston-Cranbourne Road, Langwarrin, bearing 572 signatures (*by Mr Perera*)

Funding for Students on Disability and Impairments Program — Seeking that the House maintains the current level of funding to each student on the Disability and Impairments Program, bearing 209 signatures (*by Mr Thompson*).

Severally ordered to lie on the Table.

- 3 **PETITION — BOX HILL INSTITUTE OF TAFE SITE, DONCASTER EAST** — Motion made and question — That the petition presented by the Member for Bulleen opposing the proposed redevelopment of the former Box Hill Institute of TAFE site in Deep Creek Road, Doncaster East be taken into consideration tomorrow (*Mr Kotsiras*) — put and agreed to.
- 4 **PETITION — NORTH ROAD, CLAYTON AND OAKLEIGH EAST** — Motion made and question — That the petition presented by the Member for Clayton requesting that the median strip be narrowed to allow for the construction of a service lane on the north and south sides of North Road, Clayton and Oakleigh East be taken into consideration tomorrow (*Mr Lim*) — put and agreed to.
- 5 **PETITION — FUNDING FOR STUDENTS ON DISABILITY AND IMPAIRMENTS PROGRAM** — Motion made and question — That the petition presented by the Member for Sandringham relating to maintaining the current level of funding to each student on the Disability and Impairments Program be taken into consideration tomorrow (*Mr Thompson*) — put and agreed to.
- 6 **PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the direction of an Act of Parliament, were laid on the Table by the Clerk:

Statutory Rules under the following Acts:

Control of Weapons Act 1990 — SR No 117

Firearms Act 1996 — SR No 118

Mental Health Act 1986 — SR No 111

Subordinate Legislation Act 1994 — SR Nos 112, 113, 114, 115, 116

Subordinate Legislation Act 1994:

Minister's exception certificates in relation to Statutory Rule Nos 112, 113, 114, 115, 116.

- 7 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Superannuation Acts (Family Law) Bill without amendment.
- 8 **STATEMENTS BY MEMBERS** — Statements by members were made.

- 9 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE — FEDERAL GOVERNMENT FUNDING FOR VICTORIA** — The House was informed that Mr Brumby had proposed that a definite matter of public importance be submitted to the House for discussion, namely —

'That this House commends the State Government for its efforts to get a fair deal for Victoria from the Federal Government noting in particular that Victoria is entitled to:

- proper funding from the national disaster fund for droughts and bushfires;
- a fair share of the national road funding pool;
- additional aged care places to meet the national benchmarks;
- a fair contribution to water projects such as the Wimmera-Mallee pipeline;
- the same principles applying to the transfer of former Defence Department land at Point Nepean as applied to similar land around Sydney Harbour in New South Wales;
- restoration of the \$350 million cut from the public hospital funding in the most recent Australian Health Care Agreement (AHCA); and

calls on the Victorian Government to pursue its case for a fair share of funding for the State, which is home to a quarter of all Australians.'

Mr Brumby addressed the House — Discussion ensued.

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

Public Accounts and Estimates Committee's Report on the 2002–2003 Budget Estimates
 Economic Development Committee's Report on Export Opportunities for Victorian Rural Industries
 Public Accounts and Estimates Committee's Report on the 2003–2004 Budget Estimates.

- 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 **MENTAL HEALTH (AMENDMENT) BILL** — 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 pursuant to sessional orders.

- 13 **QUESTIONS** — (Pursuant to Standing Order No 124).

- 14 **MENTAL HEALTH (AMENDMENT) BILL** — Debate resumed on question — That this Bill be now read a second time.

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

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

- 15 **EXTRACTIVE INDUSTRIES DEVELOPMENT (AMENDMENT) BILL** — 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 Naphthine*) — put and agreed to.

Ordered, after debate — That the debate be adjourned until Wednesday 22 October 2003.

16 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 5 to 9 inclusive, be postponed until later this day.

17 **PORT SERVICES (PORT MANAGEMENT REFORM) BILL** — 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 Wednesday 22 October 2003.

18 **TRANSPORT (RIGHTS AND RESPONSIBILITIES) BILL** — 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 22 October 2003.

19 **HEALTH LEGISLATION (AMENDMENT) BILL** — 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 Leighton*) — put and agreed to.

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

20 **CONSTITUTION (SUPREME COURT) 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 McIntosh*) — after debate, put.

The House divided.

AYES 24

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Jasper; Mr Kotsiras; Mr Maughan; Mr McIntosh; Mr Mulder; Dr Naphthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith; Mr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

NOES 61

Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Loney; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Savage; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

And so it passed in the negative.

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

Business having been interrupted at 10.00 pm pursuant to sessional orders.

Motion made and question — That the sitting be continued (*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, read a third time forthwith with the concurrence of an absolute majority of the whole number of the members of the Legislative Assembly.

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

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

Human Services (Complex Needs) Bill
Supreme Court (Vexatious Litigants) Bill
Non-Emergency Patient Transport Bill.

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

- 23 **ADJOURNMENT** — Resolved, after debate — That the House do now adjourn.

And the House, at 11.20 pm, adjourned until tomorrow.

R W PURDEY
Clerk of the Legislative Assembly

JUDY MADDIGAN
Speaker

No 36 — Thursday 9 October 2003

- 1 The Speaker took the Chair and read the Prayer.
- 2 **PETITION** — The Clerk announced that the following petition had been lodged for presentation:

Proposed Change to Weapons Legislation — Seeking that the proposed change to legislation concerning swords, crossbows and de-activated explosive devices is not made, bearing 207 signatures (*by Ms Duncan*).

Ordered to lie on the Table.

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

Albury-Wodonga Agreement (Repeal) Act 2003 — Determination under s 13(1)

Subordinate Legislation Act 1994 — Minister's exception certificate in relation to Statutory Rule No 111.

- 4 **STATEMENTS BY MEMBERS** — Statements by members were made.
- 5 **MOTION OF REMEMBRANCE — ANNIVERSARY OF BALI BOMBINGS** — Motion made and question — That as the first anniversary of the Bali bombings approaches the Legislative Assembly of Victoria —

- (a) Pauses and reflects on the loss of 202 innocent lives, including 88 Australians and the suffering of survivors, families and friends as a consequence of the bombings;
- (b) Applauds the efforts of thousands of people in Australia and Bali who gave selfless assistance in the aftermath of the bombings to heal the wounded, comfort the bereaved and bring the perpetrators to justice;
- (c) Extends its thoughts and prayers at this sad time to the peace-loving Balinese, who suffered greatly as a result of this outrage; and
- (d) Remembers the lives lost, re-affirms its commitment to political and religious freedom, tolerance and compassion, confirms its resolution to oppose terrorism, prejudice and extremism and renews its hope for a more peaceful world.

(*Mr Bracks*) — put, after honourable members had addressed the House in support of the motion and, the Speaker and honourable members standing in their places in silence for 88 seconds to signify their assent, agreed to unanimously.

- 6 **ADJOURNMENT** — Motion made and question — That, as a further mark of respect to the victims of the Bali bombings, the House do now adjourn until 2.00 pm this day (*Mr Bracks*) — put and agreed to.

And the House, at 11.21 am adjourned until 2.00 pm this day.

R W PURDEY
Clerk of the Legislative Assembly

JUDY MADDIGAN
Speaker

No 37 — Thursday 9 October 2003

(2.00 PM)

- 1 The House met pursuant to adjournment — The Speaker took the Chair.
- 2 **QUESTIONS** — (Pursuant to Standing Order No 124).
- 3 **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.
- 4 **CEMETERIES AND CREMATORIA BILL** — 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 place thereof the words 'this House refuses to read this bill a second time until consultation has taken place with key stakeholders concerning heritage issues, industry structure and freedom of choice in the selection of headstones and grave monuments'; debate resumed.

Allocation of time — The Acting Speaker advised that the time allocated for consideration of bills pursuant to resolution of the House on Tuesday 7 October 2003 had expired.

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

The House divided.

AYES 58

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 26

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr Maughan; Mr McIntosh; Mr Mulder; Dr Naphthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Mr Smith; Mr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

And so it was resolved in the affirmative.

Question — That this Bill be now read a second and third time and the Bill be transmitted to the Legislative Council and their concurrence desired therein — put and agreed to.

- 5 **INSTRUMENTS (ENDURING POWERS OF ATTORNEY) BILL** — 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 and third time and the Bill be transmitted to the Legislative Council and their concurrence desired therein — put and agreed to.

- 6 **HEALTH LEGISLATION (AMENDMENT) BILL** — 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 and third time and a message be sent to the Legislative Council acquainting them that the Legislative Assembly has agreed to the Bill without amendment — put and agreed to.

- 7 **MENTAL HEALTH (AMENDMENT) BILL** — 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 and third time and the Bill be transmitted to the Legislative Council and their concurrence desired therein — put and agreed to.

- 8 **GRAIN HANDLING AND STORAGE (AMENDMENT) BILL** — 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 and third time and the Bill be transmitted to the Legislative Council and their concurrence desired therein — put and agreed to.

- 9 **ROAD SAFETY (AMENDMENT) BILL** — 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 Thursday 23 October 2003.

- 10 **ELECTORAL (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 McIntosh*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 23 October 2003.

- 11 **RESIDENTIAL TENANCIES (AMENDMENT) BILL** — 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 Thursday 23 October 2003.

- 12 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Victorian Industry Participation Policy Bill without amendment.

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

- 14 **ADJOURNMENT** — Resolved, after debate — That the House do now adjourn.

And the House, at 5.26 pm, adjourned until Tuesday 14 October 2003.

R W PURDEY
Clerk of the Legislative Assembly

JUDY MADDIGAN
Speaker

LEGISLATIVE ASSEMBLY OF VICTORIA

VOTES AND PROCEEDINGS Nos 38, 39 and 40

No 38 — Tuesday 14 October 2003

- 1 The Speaker took the Chair and read the Prayer.
- 2 **QUESTIONS** — (Pursuant to Standing Order No 124).
- 3 **LOCAL GOVERNMENT (DEMOCRATIC REFORM) BILL** — Mr Thwaites, after debate, obtained leave with Mr Batchelor, to bring in a Bill '*to amend the **Local Government Act 1989**, the **City of Melbourne Act 2001** and the **Docklands Act 1991** and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 4 **UNCLAIMED MONEYS (AMENDMENT) BILL** — Mr Brumby obtained leave, with Ms Delahunty (*Northcote*), to bring in a Bill '*to amend the **Unclaimed Moneys Act 1962** and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 5 **STATE TAXATION ACTS (FURTHER MISCELLANEOUS AMENDMENTS) BILL** — Mr Brumby obtained leave, with Ms Delahunty (*Northcote*), to bring in a Bill '*to make further miscellaneous amendments to the **Duties Act 2000**, the **Taxation Administration Act 1997**, the **Land Tax Act 1958** and the **First Home Owner Grant Act 2000** and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 6 **PROFESSIONAL STANDARDS BILL** — Mr Brumby obtained leave, with Ms Delahunty (*Northcote*), to bring in a Bill '*to provide for the limitation of liability of members of occupational associations in certain circumstances and to facilitate improvement in the standards of services provided by those members and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 7 **FAIR TRADING (FURTHER AMENDMENT) BILL** — Mr Hulls obtained leave, with Ms Delahunty (*Northcote*), to bring in a Bill '*to amend the **Fair Trading Act 1999** to further regulate telephone marketing agreements and to improve the operation of that Act, to amend the **Fair Trading (Amendment) Act 2003** in relation to implied conditions and warranties and to amend the **Co-operatives Act 1996**, the **Electricity Industry Act 2000**, the **Gas Industry Act 2001** and other Acts and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 8 **ACCIDENT COMPENSATION AND TRANSPORT ACCIDENT ACTS (AMENDMENT) BILL** — Mr Hulls, after debate, obtained leave with Ms Delahunty (*Northcote*), to bring in a Bill '*to amend the **Accident Compensation Act 1985**, the **Accident Compensation (WorkCover***

Insurance) Act 1993 and the Transport Accident Act 1986 and for other purposes'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.

- 9 **ANIMALS LEGISLATION (ANIMAL WELFARE) BILL** — Mr Cameron, after debate, obtained leave with Mr Batchelor, to bring in a Bill '*to amend the Domestic (Feral and Nuisance) Animals Act 1994, the Meat Industry Act 1993, the Ombudsman Act 1973, the Prevention of Cruelty to Animals Act 1986 and the Veterinary Practice Act 1997 and for other purposes'*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 10 **VICTORIAN CURRICULUM AND ASSESSMENT AUTHORITY (AMENDMENT) BILL** — Ms Kosky, after debate, obtained leave with Mr Batchelor, to bring in a Bill '*to amend the Victorian Curriculum and Assessment Authority Act 2000 and for other purposes'*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 11 **EMERALD TOURIST RAILWAY (AMENDMENT) BILL** — Mr Pandazopoulos obtained leave, with Mr Batchelor, to bring in a Bill '*to amend the Emerald Tourist Railway Act 1977 to provide for the Emerald Tourist Railway Board to lease vested Crown land for up to 50 years with the approval of the Minister and for other purposes'*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 12 **PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Fisheries Act 1995 — Report of the Review of Fisheries Levy Administration pursuant to s 151

Gascor Pty Ltd — Report for the year 2002–03

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

Brimbank Planning Scheme — No C36

Campaspe Planning Scheme — No C27

Casey Planning Scheme — No C59

Horsham Planning Scheme — No C16

Victoria Planning Provisions — No VC21

Recreational Fishing Licence Trust Account — Report on Revenue and Disbursements for the year 2002–03

Treasury Corporation of Victoria — Report for the year 2002–03.

The following proclamations fixing operative dates were laid on the Table by the Clerk pursuant to an Order of the House dated 26 February 2003:

Commonwealth Games Arrangements (Governance) Act 2003 — Whole Act except section 8 on 7 October 2003 and section 8 on 5 November 2003 (*Gazette S182, 7 October 2003*)

Fair Trading (Amendment) Act 2003 — Remaining provisions except sections 11, 75 and 76 on 9 October 2003 (*Gazette G41, 9 October 2003*).

- 13 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Constitution (Supreme Court) Bill without amendment.

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

Constitution (Supreme Court) Bill
 Health Legislation (Amendment) Bill
 Human Services (Complex Needs) Bill
 Non-Emergency Patient Transport Bill
 Superannuation Acts (Family Law) Bill
 Supreme Court (Vexatious Litigants) Bill
 Victorian Industry Participation Policy Bill.

- 15 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, pursuant to Sessional Order 6(2), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 16 October 2003:

Education (Workplace Learning) Bill
 Education Legislation (Miscellaneous Amendments) Bill
 Royal Botanic Gardens (Amendment) Bill
 Scots' Church Properties (Amendment) Bill
 Travel Agents (Amendment) Bill
 Victorian Qualifications Authority (Amendment) Bill
 Water Legislation (Amendment) Bill

(Mr Batchelor) — after debate, put.

The House divided.

AYES 60

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Loney; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 25

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr Maughan; Mr McIntosh; Dr Napthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Mr Smith; Mr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

And so it was resolved in the affirmative.

- 16 **STATEMENTS BY MEMBERS** — Statements by members were made.
- 17 **EDUCATION LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Pursuant to sessional orders, Ms Kosky announced that it was proposed to move amendments in Committee and requested that they be circulated. Amendments circulated.

Pursuant to sessional orders, Mr Perton announced that it was proposed to move amendments in Committee and requested that they be circulated. Amendments circulated.

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

Motion made and question proposed — That the debate be adjourned until later this day (*Ms Kosky*) — after debate, put.

The House divided.

AYES 62

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Savage; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 23

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Jasper; Mr Kotsiras; Mr Maughan; Mr McIntosh; Dr Napthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith; Mr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

And so it was resolved in the affirmative.

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

- 18 **EDUCATION (WORKPLACE LEARNING) BILL** — 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 place thereof the words 'this House refuses to read this Bill a second time until consultation has taken place with key stakeholders including parents, students, principals, teachers and employer groups concerning the educational, social and economic costs and benefits of clauses 8 and 10' (*Mr Perton*) — and, after debate —

Motion made and question — That the debate be now adjourned (*Mr Herbert*) — after debate, put.

The House divided.

AYES 58

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 23

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Honeywood; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr Maughan; Mr McIntosh; Dr Napthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Mr Smith; Mr Sykes; Mr Thompson; Mr Walsh.

And so it was resolved in the affirmative.

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

- 19 **VICTORIAN QUALIFICATONS AUTHORITY (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, read a third time forthwith.

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

- 20 **WATER LEGISLATION (AMENDMENT) 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 pursuant to sessional 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 10.46 pm.

R W PURDEY
Clerk of the Legislative Assembly

JUDY MADDIGAN
Speaker

No 39 — Wednesday 15 October 2003

- 1 The Speaker took the Chair and read the Prayer.
- 2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

Aquatic Centre for Frankston — Seeking that the Government, in consultation with Frankston City Council and local community groups, facilitates the building of an aquatic centre in Frankston, bearing 1,660 signatures (*by Mr Harkness*)

Dutson Downs, Gippsland — Seeking that the Government rejects any proposal for the establishment of a soil recycling facility and/or a toxic waste dump at Dutson Downs in Gippsland, bearing 13,565 signatures (*by Mr Ryan*)

Funding for Accommodation of Disabled Persons — Seeking that funding be provided for the accommodation of disabled persons who are unable to live independently, allowing them the right to choose the place they would like to live which best meets their needs and therefore minimising risk of harm to these residents and maintaining optimal health outcomes, bearing 507 signatures (*by Mr Crutchfield*).

Severally ordered to lie on the Table.

3 **PETITION — DUTSON DOWNS, GIPPSLAND** — Motion made and question — That the petition presented by the Member for Gippsland South relating to rejecting any proposal for the establishment of a soil recycling facility and/or a toxic waste dump at Dutson Downs in Gippsland be taken into consideration tomorrow (*Mr Ryan*) — put and agreed to.

4 **PETITION — AQUATIC CENTRE FOR FRANKSTON** — Motion made and question — That the petition presented by the Member for Frankston requesting the building of an aquatic centre in Frankston be taken into consideration tomorrow (*Mr Harkness*) — put and agreed to.

5 **PAPERS** —

ROAD SAFETY COMMITTEE — Mr Trezise, Chair, brought up a report from the Road Safety Committee upon the Inquiry into Road Safety for Older Road Users, together with appendices, minutes of evidence and discussion notes.

Ordered to lie on the Table and the report and appendices to be printed.

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

Auditor-General — Performance Audit Report on Improving literacy standards in government schools — Ordered to be printed

Project Development and Construction Management Act 1994 — Orders in Council under ss 6 and 8 respectively and a Statement under s 9 of reasons for making a Nomination Order (three papers)

Statutory Rule under the *Fair Trading Act 1999* — SR No 119

Subordinate Legislation Act 1994 — Minister's exemption certificate in relation to Statutory Rule No 119.

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

Heritage (Amendment) Bill
 Planning and Environment (Port of Melbourne) Bill.

- 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:

Road Safety Committee's Inquiry into Road Safety for Older Road Users
 Public Accounts and Estimates Committee's Report on the 2003–2004 Budget Estimates.

- 10 **ANIMALS LEGISLATION (ANIMAL WELFARE) BILL** — 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 Naphine*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 29 October 2003.

Business having been interrupted at 2.00 pm pursuant to sessional orders.

- 11 **QUESTIONS** — (Pursuant to Standing Order No 124).

- 12 **LOCAL GOVERNMENT (DEMOCRATIC REFORM) BILL** — 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 Baillieu*) — put and agreed to.

Ordered, after debate — That the debate be adjourned until Wednesday 29 October 2003.

- 13 **VICTORIAN CURRICULUM AND ASSESSMENT AUTHORITY (AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Pandazopoulos*).

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

Ordered, after debate — That the debate be adjourned until Wednesday 29 October 2003.

- 14 **WATER LEGISLATION (AMENDMENT) BILL** — 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.

- 15 **ROYAL BOTANIC GARDENS (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Pursuant to sessional orders, Mr Plowman announced that it was proposed to move amendments in Committee 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 Wilson*) — put and agreed to.

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

- 16 **SCOTS' CHURCH PROPERTIES (AMENDMENT) BILL** — 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 Holding*) — 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 (*Mr Kotsiras*) — put and agreed to.

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

- 17 **TRAVEL AGENTS (AMENDMENT) BILL** — 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.

- 18 **WATER LEGISLATION (AMENDMENT) BILL** — 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 Buchanan*) — put and agreed to.

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

- 19 **ROYAL BOTANIC GARDENS (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Mr Plowman, by leave, announced the amendments previously circulated, pursuant to sessional orders, would not proceed.

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.

20 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Instruments (Enduring Powers of Attorney) Bill without amendment.

21 **SCOTS' CHURCH PROPERTIES (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, read a third time forthwith.

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

22 **TRAVEL AGENTS (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, read a third time forthwith.

Ordered — That a message be sent to the Legislative Council acquainting them that the Legislative Assembly has agreed to the Bill without amendment

23 **WATER LEGISLATION (AMENDMENT) 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 pursuant to sessional orders.

24 **ADJOURNMENT** — The Speaker, announced that the time for the adjournment of the House had arrived, and, after debate, the Acting Speaker left the Chair, at 10.53 pm.

R W PURDEY
Clerk of the Legislative Assembly

JUDY MADDIGAN
Speaker

No 40 — Thursday 16 October 2003

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 Students on Disability and Impairments Program — Seeking that the House maintains the current level of funding to each student on the Disability and Impairments Program, bearing 396 signatures (*by Ms Marshall*)

Proposed North West Merger — Department of Human Services — Seeking that the proposed merger of the northern and western regions of the Department of Human Services and the plans to impose budget cuts and efficiencies to the Department and non-government organisations in the community service and welfare sector be abandoned, bearing 717 signatures (*by Mr Nardella*)

Housing Rental Rebate Policy — Seeking that the House amends the rental rebate policy so that all public housing tenants will pay the rebated rent at the rate of 23 per cent of total household income, bearing 54 signatures (*by Mr Savage*)

Cuts to Community Services — Seeking that the House exempts community services such as family support, children's services, services to people with disabilities, alcohol and drug counselling services and housing support, from planned cuts, bearing 11,062 signatures (*by Mr Savage*)

Grants for Catholic Schools — Seeking that the Government — (a) links grant increases for Catholic schools to increases in government schools; (b) closes the gap between State Government grants in Victoria and grants paid by other State/Territory Governments; (c) increases State Government grants so that grants to Catholic schools is 25 per cent of the cost of educating a student in a government school; (d) ensures that students with disabilities receive the same level of funding irrespective of the school they attend; and (e) takes into account the funding levels of Catholic schools in relation to the welfare needs of the children, bearing 321 signatures (*by Mr Dixon*)

Peter Ross-Edwards Causeway between Shepparton and Mooroopna — Seeking that the House takes urgent action to execute works to enhance road safety and improve traffic flow on the Peter Ross-Edwards Causeway between Shepparton and Mooroopna, bearing 1,954 signatures (*by Mrs Powell*).

Severally ordered to lie on the Table.

- 3 **PETITION — HOUSING RENTAL REBATE POLICY** — Motion made and question — That the petition presented by the Member for Mildura relating to amending the rental rebate policy so that all public housing tenants will pay the rebated rent of 23 per cent of total household income be taken into consideration tomorrow (*Mr Savage*) — put and agreed to.
- 4 **PETITION — CUTS TO COMMUNITY SERVICES** — Motion made and question — That the petition presented by the Member for Mildura relating to exempting community services such as family support, children's services, services to people with disabilities, alcohol and drug counselling services and housing support, from planned cuts be taken into consideration tomorrow (*Mr Savage*) — put and agreed to.
- 5 **PETITION — PETER ROSS-EDWARDS CAUSEWAY BETWEEN SHEPPARTON AND MOOROOPNA** — Motion made and question — That the petition presented by the Member for Shepparton relating to enhancing road safety and improving traffic flow on the Peter-Ross Edwards Causeway between Shepparton and Mooroopna be taken into consideration tomorrow (*Mrs Powell*) — put and agreed to.

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- 6 **PETITION — FUNDING FOR STUDENTS ON DISABILITY AND IMPAIRMENTS PROGRAM** — Motion made and question — That the petition presented by the Member for Forest Hill relating to maintaining the current level of funding to each student on the Disability and Impairments Program be taken into consideration tomorrow (*Mr Perton*) — put and agreed to.
- 7 **PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:
- Legal Practice Act 1996* — Report of the Legal Ombudsman in the matter of Victorian Lawyers RPA Ltd — Ordered to be printed
- National Parks Advisory Council — Report for the year 2002–03.
- 8 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Agreeing to the following bills without amendment:
- Grain Handling and Storage (Amendment) Bill
Mental Health (Amendment) Bill.
- 9 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourn until Tuesday 28 October 2003 (*Mr Batchelor*) — put and agreed to.
- 10 **STATEMENTS BY MEMBERS** — Statements by members were made.
- 11 **EMERALD TOURIST RAILWAY (AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Pandazopoulos*).
- Motion made and question — That the debate be now adjourned (*Mr Baillieu*) — put and agreed to.
- Ordered — That the debate be adjourned until Thursday 30 October 2003.
- 12 **FAIR TRADING (FURTHER 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 McIntosh*) — put and agreed to.
- Ordered — That the debate be adjourned until Thursday 30 October 2003.
- 13 **UNCLAIMED MONEYS (AMENDMENT) 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 Clark*) — put and agreed to.
- Ordered — That the debate be adjourned until Thursday 30 October 2003.
- 14 **STATE TAXATION ACTS (FURTHER MISCELLANEOUS AMENDMENTS) 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 Clark*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 30 October 2003.

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

Mr Brumby 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 30 October 2003.

- 16 **EDUCATION LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL** — 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 pursuant to sessional orders.

- 17 **QUESTIONS** — (Pursuant to Standing Order No 124).

- 18 **EDUCATION LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL** — 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 pursuant to resolution of the House on Tuesday 14 October 2003 had expired.

Question — That this Bill be now read a second time, Government amendment Nos 1 to 16 inclusive be agreed to, the Bill be read a third time and the Bill be transmitted to the Legislative Council and their concurrence desired therein — put and agreed to.

- 19 **EDUCATION (WORKPLACE LEARNING) BILL** — 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 place thereof the words 'this House refuses to read this Bill a second time until consultation has taken place with key stakeholders including parents, students, principals, teachers and employer groups concerning the educational, social and economic costs and benefits of clauses 8 and 10'.

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

The House divided.

AYES 60

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Savage; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 24

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Jasper; Mr Kotsiras; Mr Maughan; Mr McIntosh; Mr Mulder; Dr Napthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith; Mr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

And so it was resolved in the affirmative.

Bill read a second time.

Bill read a third time with the concurrence of an absolute majority of the whole of the members of the Legislative Assembly.

Ordered — The Bill be transmitted to the Legislative Council and their concurrence desired therein.

- 20 **WATER LEGISLATION (AMENDMENT) BILL** — 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 and third time and the Bill be transmitted to the Legislative Council and their concurrence desired therein — put and agreed to.

- 21 **ROYAL BOTANIC GARDENS (AMENDMENT) BILL** — 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 and third time and the Bill be transmitted to the Legislative Council and their concurrence desired therein — put and agreed to.

- 22 **ACCIDENT COMPENSATION AND TRANSPORT ACCIDENT ACTS (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 McIntosh*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 30 October 2003.

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

- 24 **ADJOURNMENT** — Resolved, after debate — That the House do now adjourn.

And the House, at 5.10 pm, adjourned until Tuesday 28 October 2003.

R W PURDEY
Clerk of the Legislative Assembly

JUDY MADDIGAN
Speaker

LEGISLATIVE ASSEMBLY OF VICTORIA

VOTES AND PROCEEDINGS Nos 41, 42 and 43

No 41 — Tuesday 28 October 2003

- 1 The House met pursuant to adjournment — The Speaker took the Chair and read the Prayer.
- 2 **QUESTIONS** — (Pursuant to Standing Order No 124).
- 3 **ROAD SAFETY (DRUG DRIVING) BILL** — Mr Batchelor obtained leave, with Mr Bracks, to bring in a Bill '*to amend the **Road Safety Act 1986** to provide for random drug testing for drivers and create new offences for failing a drug test and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 4 **FORESTS AND NATIONAL PARKS ACTS (AMENDMENT) BILL** — Mr Thwaites obtained leave, with Mr Batchelor, to bring in a Bill '*to amend the **Forests Act 1958** to provide for supply of hardwood sawlog levels not to exceed total sustainable yield rates and to make amendments to that Act relating to the administration of the Act and regulation-making powers, to amend the **Conservation, Forests and Lands Act 1987** to provide for the delegation of certain powers to VicForests, to amend the **National Parks Act 1975** to make further provision in relation to the boundaries of certain parks and to make other minor amendments to that Act and the **Fisheries Act 1995** and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 5 **FISHERIES (FURTHER AMENDMENT) BILL** — Mr Cameron, after debate, obtained leave with Mr Batchelor, to bring in a Bill '*to amend the **Fisheries Act 1995**, the **Confiscation Act 1997** and the **Magistrates' Court Act 1989** and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 6 **HEALTH LEGISLATION (FURTHER AMENDMENT) BILL** — Ms Pike, after debate, obtained leave with Mr Brumby, to bring in a Bill '*to amend various Acts relating to the registration of health practitioners and the **Health Records Act 2001** and the **Health Services Act 1988** and to repeal the **Pathology Services Accreditation Act 1984** and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 7 **WRONGS (REMARRIAGE DISCOUNT) BILL** — Mr Hulls, after debate, obtained leave with Ms Delahunty (*Northcote*), to bring in a Bill '*to amend the **Wrongs Act 1958** with respect to wrongful deaths and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 8 **WRONGS AND OTHER ACTS (LAW OF NEGLIGENCE) BILL** — Mr Brumby, after debate, obtained leave with Mr Batchelor, to bring in a Bill '*to amend the **Wrongs Act 1958**, the **Wrongs and Limitation of Actions Acts (Insurance Reform) Act 2003**, the **Victorian Managed***

Insurance Authority Act 1996 and the Building Act 1993 and for other purposes'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.

- 9 **PARTNERSHIP (VENTURE CAPITAL FUNDS) BILL** — Mr Holding obtained leave, with Mr Brumby, to bring in a Bill '*to amend the Partnership Act 1958 to provide for the formation of incorporated limited partnerships and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 10 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

Pines Forest Primary School, Stringybark Crescent, Frankston North — Seeking that the former Pines Forest Primary School buildings area, situated in Stringybark Crescent, Frankston North, be retained for the use of the community, bearing 410 signatures (*by Mr Perera*)

Victorian School of Languages at Fountain Gate — Seeking that the Victorian School of Languages at Fountain Gate not be relocated to Lyndale Secondary College, North Dandenong, bearing 43 signatures (*by Mr Perera*)

Aquatic Centre in Frankston — Seeking that the Government, in consultation with Frankston City Council and local community groups, facilitates the building of an aquatic centre in Frankston, bearing 107 signatures (*by Mr Harkness*).

Severally ordered to lie on the Table.

- 11 **PETITION — VICTORIAN SCHOOL OF LANGUAGES AT FOUNTAIN GATE** — Motion made and question — That the petition presented by the Member for Cranbourne relating to the Victorian School of Languages at Fountain Gate be taken into consideration tomorrow (*Mr Perton*) — put and agreed to.

- 12 **PAPERS** —

PRIVILEGES COMMITTEE — Mr Nardella, Chair, brought up a report from the Privileges Committee on the right of reply for Mr Kumar Rajaratnam and Mrs Karen Rajaratnam, persons referred to in the Legislative Assembly, together with an appendix.

Ordered to lie on the Table and to be printed.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — Ms D'Ambrosio, Chair, brought up a report from the Scrutiny of Acts and Regulations Committee being the Alert Digest No 8 of 2003 on the:

Accident Compensation and Transport Accident Acts (Amendment) Bill
 Animals Legislation (Animal Welfare) Bill
 Constitution (Supreme Court) Bill
 Education (Workplace Learning) Bill
 Education Legislation (Miscellaneous Amendments) Bill
 Electoral (Amendment) Bill
 Emerald Tourist Railway (Amendment) Bill
 Extractive Industries Development (Amendment) Bill
 Fair Trading (Further Amendment) Bill

Local Government (Democratic Reform) Bill
Non-Emergency Patient Transport Bill
Port Services (Port Management Reform) Bill
Professional Standards Bill
Residential Tenancies (Amendment) Bill
Road Safety (Amendment) Bill
State Taxation Acts (Further Miscellaneous Amendments) Bill
Superannuation Acts (Family Law) Bill
Transport (Rights and Responsibilities) Bill
Unclaimed Moneys (Amendment) Bill
Victorian Curriculum and Assessment Authority (Amendment) Bill
Victorian Qualifications Authority (Amendment) Bill

together with appendices.

Ordered to lie on the Table and to be printed.

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

Agriculture Victoria Services Pty Ltd — Report for the year 2002–03

Auditor-General — Performance Audit Report — Managing logging in State forests — Ordered to be printed

City West Water Limited — Report for the year 2002–03 (two papers)

Commonwealth Games Arrangements Act 2001 — Notices of approval of amendment to the Melbourne Planning Scheme — Nos C85, C87

Duties Act 2000 — Report of exemptions and partial exemptions approved and refunds made pursuant to s 250 for the year 2002–03

Equal Opportunity Commission — Report for the year 2002–03 — Ordered to be printed

Financial Management Act 1994 — Financial Report for the State of Victoria, incorporating the Quarterly Financial Report No 4 for the year 2002–03 — Ordered to be printed

Financial Management Act 1994 — Report from the Minister for Finance that he had received the annual report of VicFleet Pty Ltd for the year 2002–03

Greyhound Racing Victoria — Report for the year 2002–03

Harness Racing Victoria — Report for the year 2002–03

Interpretation of Legislation Act 1984 — Notice under s 32(4)(a)(iii) in relation to an Order varying State Environment Protection Policy (Waters of Victoria) (*Gazette S107, 4 June 2003*)

Legal Ombudsman — Report of the Office for the year 2002–03 — Ordered to be printed

National Parks Act 1975 — Advice pursuant to s 11(3)

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

Colac Otway Planning Scheme — No C16
 Darebin Planning Scheme — No C37
 East Gippsland Planning Scheme — No C14
 Frankston Planning Scheme — No C15
 Greater Bendigo Planning Scheme — No C52
 Greater Geelong Planning Scheme — No C40
 Manningham Planning Scheme — No C15
 Moreland Planning Scheme — No C39
 Towong Planning Scheme — No C11
 Wellington Planning Scheme — No C19
 Whittlesea Planning Scheme — No C48
 Yarra Planning Scheme — No C45

Public Advocate — Report of the Office for the year 2002–03

Public Prosecutions — Report of the Director, Committee and Office for the year 2002–03

Public Record Office Victoria — Report for the year 2002–03

South East Water Limited — Report for the year 2002–03

Statutory Rules under the following Acts:

Occupational Health and Safety Act 1985 — SR No 121
Pharmacists Act 1974 — SR No 120

Subordinate Legislation Act 1994 — Minister's exception certificate in relation to Statutory Rule No 120

Victorian Environmental Assessment Council — Report for the year 2002–03

Victorian Government Purchasing Board — Report for the year 2002–03

Yarra Valley Water Limited — Report for the year 2002–03 (two papers).

The following proclamations fixing operative dates were laid on the Table by the Clerk pursuant to an Order of the House dated 26 February 2003:

Australian Crime Commission (State Provisions) Act 2003 — Items 11 and 14 of Schedule 1 on 16 October 2003 (*Gazette G42, 16 October 2003*)
Health Legislation (Research Involving Human Embryos and Prohibition of Human Cloning) Act 2003 — Whole Act on 16 October 2003 (*Gazette G42, 16 October 2003*)
Terrorism (Community Protection) Act 2003 — Part 2 on 16 October 2003 (*Gazette G42, 16 October 2003*).

- 13 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Cemeteries and Crematoria Bill with amendments.

Ordered — That the said amendments be printed and taken into consideration tomorrow.

- 14 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Child Employment Bill with amendments.

Ordered — That the said amendments be printed and taken into consideration tomorrow.

- 15 **MESSAGE FROM THE GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that he had, on 21 October 2003, given the royal assent to the following bills, presented to him by the Clerk of the Parliaments:

Grain Handling and Storage (Amendment) Bill
Heritage (Amendment) Bill
Instruments (Enduring Powers of Attorney) Bill
Mental Health (Amendment) Bill
Planning and Environment (Port of Melbourne) Bill
Travel Agents (Amendment) Bill.

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

Animals Legislation (Animal Welfare) Bill
Emerald Tourist Railway (Amendment) Bill
Fair Trading (Further Amendment) Bill
Local Government (Democratic Reform) Bill
Port Services (Port Management Reform) Bill
Professional Standards Bill
Residential Tenancies (Amendment) Bill
State Taxation Acts (Further Miscellaneous Amendments) Bill
Transport (Rights and Responsibilities) Bill
Unclaimed Moneys (Amendment) Bill
Victorian Curriculum and Assessment Authority (Amendment) Bill.

- 17 **AMENDMENT TO SESSIONAL ORDERS** — Motion made, by leave, and question — That the amendment to Sessional Order 19 relating to the operation of divisions, agreed to by the House on 16 September 2003, be adopted for the remainder of 2003 (*Mr Batchelor*) — put and agreed to.

- 18 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, pursuant to Sessional Order 6(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 2003:

Animals Legislation (Animal Welfare) Bill
Electoral (Amendment) Bill
Extractive Industries Development (Amendment) Bill
Local Government (Democratic Reform) Bill
Port Services (Port Management Reform) Bill
Residential Tenancies (Amendment) Bill
Victorian Curriculum and Assessment Authority (Amendment) Bill.

(*Mr Batchelor*) — after debate, put.

The House divided.

AYES 59

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (Northcote); Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Green; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hulls; Mr Ingram; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Loney; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Savage; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 23

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (Lowan); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Jasper; Mr Kotsiras; Mr Maughan; Mr McIntosh; Mr Mulder; Dr Naphthine; Mr Perton; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith; Mr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

And so it was resolved in the affirmative.

- 19 **STATEMENTS BY MEMBERS** — Statements by members were made.
- 20 **PORT SERVICES (PORT MANAGEMENT REFORM) 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, read a third time forthwith.

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

- 21 **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.
- 22 **EXTRACTIVE INDUSTRIES DEVELOPMENT (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, read a third time forthwith.

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

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

Scots' Church Properties (Amendment) Bill
Victorian Qualifications Authority (Amendment) Bill

- 24 **ELECTORAL (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Pursuant to sessional orders, Mr Ingram announced that it was proposed to move amendments in Committee 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 pursuant to sessional 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 10.47 pm.

R W PURDEY
Clerk of the Legislative Assembly

JUDY MADDIGAN
Speaker

No 42 — Wednesday 29 October 2003

- 1 The Speaker took the Chair and read the Prayer.
- 2 **ANZAC DAY (AMENDMENT) BILL** — Mr Cameron obtained leave, with Ms Garbutt, to bring in a Bill '*to amend the Anzac Day Act 1958 to recognise and commemorate service by Australians for their country in all conflicts, including peace-keeping activities, to make other amendments to that Act, to make various consequential amendments to other Acts and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 3 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

Mitcham-Frankston (Eastern and Scoresby) Freeway — Seeking that the House ensure that the Government honours its pre-election commitment and policy as pledged to the citizens of Victoria not to introduce tolls on the Mitcham-Frankston (Eastern and Scoresby) Freeway and immediately reverses its decision to impose these tolls, bearing 1,279 signatures (*by Mr Doyle*)

The Gap Camping Ground at Waratah Bay — Seeking that the Government retains The Gap as a camping ground in a form which meets appropriate environmental and community needs and which ensures the ongoing availability of this unique community asset which has served the needs of campers at Waratah Bay for the past 60 years, bearing 3,571 signatures (*by Mr Ryan*)

Head Lice — Seeking that the House revokes the Health (Infectious Diseases) Regulations 2001 that came into effect in May 2001 and reinstates the power, previously conferred on local government nurses, environmental health officers and medical officers, to inspect students for head lice without parental permission, bearing 459 signatures (*by Mr Savage*).

Severally ordered to lie on the Table.

- 4 **PETITION — MITCHAM-FRANKSTON (EASTERN AND SCORESBY) FREEWAY** — Motion made and question — That the petition presented by the Leader of the Opposition relating to the Government honouring its pre-election commitment and policy not to introduce tolls on the Mitcham-Frankston Freeway be taken into consideration tomorrow (*Mr Doyle*) — put and agreed to.

5 **PETITION — THE GAP CAMPING GROUND AT WARATAH BAY** — Motion made and question — That the petition presented by the Member for Gippsland South relating to retaining The Gap camping ground at Waratah Bay be taken into consideration tomorrow (*Mr Ryan*) — put and agreed to.

6 **PAPERS** —

PARLIAMENTARY DEPARTMENTS REPORTS — Motion made, by leave, and question — That there be presented to this House the Reports of the Department of the Legislative Assembly, Department of the Parliamentary Library, Department of Parliamentary Debates and Joint Services Department for the year 2002–03 (*Mr Loney*) — put and agreed to.

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

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

Crown Land (Reserves) Act 1978 — Section 17DA Order granting under s 17D a lease to Vertical Telecoms Pty Ltd

Essential Services Commission — Review of provisions of the *Gas Industry Act 2001* relating to Significant Producers

Legal Practice Act 1996 — Practitioner Remuneration Order pursuant to s 113

Legal Practitioners Liability Committee — Report for the year 2002–03

Police Appeals Board — Report for the year 2002–03

Transport Accident Commission — Report of the year 2002–03

Statutory Rules under the following Acts:

Conservation, Forests and Lands Act 1987 — SR No 122

Outworkers (Improved Protection) Act 2003 — SR No 123

Subordinate Legislation Act 1994 — Ministers' exemption certificates in relation to Statutory Rule Nos 122, 123

Victorian Meat Authority — Report for the year 2002–03

Victorian WorkCover Authority — Report of the year 2002–03.

7 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Royal Botanic Gardens (Amendment) Bill without amendment.

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

9 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE — RAIL PROJECTS** — The House was informed that Mr Ryan had proposed that a definite matter of public importance be submitted to the House for discussion, namely —

'That this House condemns the Government for its failure to honour its promises to rural and regional Victorians regarding rail projects.'

Mr Ryan addressed the House — Discussion ensued.

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

Public Accounts and Estimates Committee's Report on the 2003–2004 Budget Estimates
Road Safety Committee's Report into Road Safety for Older Road Users.

- 11 **FISHERIES (FURTHER AMENDMENT) BILL** — 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 (*Dr Naphthine*) — put and agreed to.

Ordered, after debate — That the debate be adjourned until Wednesday 12 November 2003.

Business having been interrupted at 2.00 pm pursuant to sessional orders.

- 12 **QUESTIONS** — (Pursuant to Standing Order No 124).

- 13 **WRONGS (REMARRIAGE DISCOUNT) 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 McIntosh*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 12 November 2003.

- 14 **HEALTH LEGISLATION (FURTHER AMENDMENT) BILL** — 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 12 November 2003.

- 15 **RESIDENTIAL TENANCIES (AMENDMENT) BILL** — 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 Leighton*) — put and agreed to.

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

- 16 **VICTORIAN CURRICULUM AND ASSESSMENT AUTHORITY (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, read a third time forthwith.

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

- 17 **ANIMALS LEGISLATION (ANIMAL WELFARE) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Pursuant to sessional orders, Mr Cameron announced that it was proposed to move amendments in Committee and requested that they be circulated. Amendments circulated.

Pursuant to sessional orders, Dr Naphthine announced that it was proposed to move amendments in Committee and requested that they be circulated. Amendments circulated.

Pursuant to sessional orders, Mr Walsh announced that it was proposed to move an amendment in Committee and requested that it be circulated. Amendment 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 place thereof the words 'this House refuses to read this Bill a second time until key stakeholders have been consulted concerning the importance of provisions prohibiting and regulating activities and procedures dealing with animal welfare to be dealt with by statute rather than by regulation' (*Dr Naphthine*) — and, after debate —

Motion made and question — That the debate be now adjourned (*Ms Beard*) — 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:

Education Legislation (Miscellaneous Amendment) Bill
Water Legislation (Amendment) Bill.

- 19 **LOCAL GOVERNMENT (DEMOCRATIC REFORM) BILL** — 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 place thereof the words 'this House refuses to read this Bill a second time until there has been an independent and objective review of the costs and benefits arising from the introduction of proportional representation to multi-member ward municipalities and un-subdivided municipalities' (*Mr Smith*) — and, after debate —

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

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

- 20 **ANIMALS LEGISLATION (ANIMAL WELFARE) BILL** — 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 place thereof the words 'this House refuses to read this Bill a second time until key stakeholders have been consulted concerning the importance of provisions prohibiting and regulating activities and procedures dealing with animal welfare to be dealt with by statute rather than by regulation'; debate resumed.

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

The House divided.

AYES 56

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (Northcote); Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Loney; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson.

NOES 22

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (Lowan); Mr Dixon; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr Maughan; Mr McIntosh; Mr Mulder; Dr Napthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith; Mr Sykes; Mr Walsh; Mr Wells.

And so it was resolved in the affirmative.

Bill read a second time and committed; considered in Committee.

Committee reported progress; to sit again later this day.

Business having been interrupted at 10.00 pm pursuant to sessional orders.

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

Further considered in Committee.

Committee reported progress; to sit again tomorrow.

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

Education (Workplace Learning) Bill
Aerodrome Landing Fees Bill.

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

23 **ADJOURNMENT** — Resolved, after debate — That the House do now adjourn.

And the House, at 11.19 pm, adjourned until tomorrow.

R W PURDEY
Clerk of the Legislative Assembly

JUDY MADDIGAN
Speaker

No 43 — Thursday 30 October 2003

1 The Speaker took the Chair and read the Prayer.

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

Knox City Council — Seeking that the House sacks the Knox City Council and institutes fresh elections as soon as possible with the objective of implementing a fairer system of rates distribution, bearing 10, 7, 5, 9, 6, 4, 6, 10 and 9 signatures (*by Mr Lockwood, Mr Stensholt, Ms McTaggart, Ms Eckstein, Mr Harkness, Mr Seitz, Ms Beard, Mr Merlino and Ms Green, respectively*)

Victorian TAFE Child Care Centres — Seeking that the House supports the Victorian TAFE child care centres by continuing to subsidise them and lobbying the Federal Government for higher funding, if necessary, bearing 654 signatures (*by Ms Lobato*).

Severally ordered to lie on the Table.

3 **PETITION — KNOX CITY COUNCIL** — Motion made and question — That the petition presented by the Member for Bayswater requesting that the House sacks the Knox City Council and institutes fresh elections as soon as possible be taken into consideration tomorrow (*Mr Lockwood*) — put and agreed to.

4 **PETITION — KNOX CITY COUNCIL** — Motion made and question — That the petition presented by the Member for Burwood requesting that the House sacks the Knox City Council and institutes fresh elections as soon as possible be taken into consideration tomorrow (*Mr Stensholt*) — put and agreed to.

5 **PETITION — KNOX CITY COUNCIL** — Motion made and question — That the petition presented by the Member for Evelyn requesting that the House sacks the Knox City Council and institutes fresh elections as soon as possible be taken into consideration tomorrow (*Ms McTaggart*) — put and agreed to.

6 **PETITION — KNOX CITY COUNCIL** — Motion made and question — That the petition presented by the Member for Ferntree Gully requesting that the House sacks the Knox City Council and institutes fresh elections as soon as possible be taken into consideration tomorrow (*Ms Eckstein*) — put and agreed to.

- 7 **PETITION — KNOX CITY COUNCIL** — Motion made and question — That the petition presented by the Member for Yan Yean requesting that the House sacks the Knox City Council and institutes fresh elections as soon as possible be taken into consideration tomorrow (*Ms Green*) — put and agreed to.
- 8 **PETITION — KNOX CITY COUNCIL** — Motion made and question — That the petition presented by the Member for Kilsyth requesting that the House sacks the Knox City Council and institutes fresh elections as soon as possible be taken into consideration tomorrow (*Ms Beard*) — put and agreed to.
- 9 **PETITION — KNOX CITY COUNCIL** — Motion made and question — That the petition presented by the Member for Monbulk requesting that the House sacks the Knox City Council and institutes fresh elections as soon as possible be taken into consideration tomorrow (*Mr Merlino*) — put and agreed to.
- 10 **PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Chief Electrical Inspector — Report of the Office for the year 2002–03

Country Fire Authority — Report for the year 2002–03

Emergency Communications Victoria — Report for the year 2002–03

Emergency Services Superannuation Scheme — Report for the year 2002–03

Essential Services Commission — Report for the year 2002–03

Financial Management Act 1994:

Reports from the Minister for Agriculture that he had received the 2002-03 annual reports of the:
Murray Valley Wine Grape Industry Development Committee
Victorian Strawberry Industry Development Committee

Gambling Research Panel — Report for the year 2002–03

Gas Safety Office — Report for the year 2002–03

Geelong Performing Arts Centre Trust — Report for the year 2002–03

Government Superannuation Office — Report for the year 2002–03

Hastings Port (Holding) Corporation — Report for the year 2002–03

Human Services, Department of — Report for the year 2002–03

Infrastructure, Department of — Report for the year 2002–03

Intellectually Disabled Persons' Services Act 1986 — Report of the Community Visitors for the year 2002–03

Latrobe Regional Hospital Pty Ltd — Report for the period 1 July 2002 to 5 May 2003

Legal Practice Board — Report for the year 2002–03

Members of Parliament (Register of Interests) Act 1978 — Summary of Returns — June 2003 and Summary of Variations Notified between 6 June and 30 September 2003 — Ordered to be printed

Melbourne Cricket Ground Trust — Report for the year ended 31 March 2003

Melbourne and Olympic Parks Trust — Report for the year 2002–03

Melbourne Port Corporation — Report for the year 2002–03

Metropolitan Fire and Emergency Services Board — Report for the year 2002–03

National Parks Act 1975 — Reports pursuant to s 30L

Parliamentary Contributory Superannuation Fund — Report for the year 2002–03

Public Transport Corporation — Report for the year 2002–03

Queen Victoria Women's Centre Trust — Report for the year 2003–03

Roads Corporation — Report for the year 2002–03

Rural Finance Corporation — Report for the year 2002–03

South Eastern Medical Complex Limited — Report for the year 2002–03

Spencer Street Station Authority — Report for the year 2002–03 (two papers)

State Electricity Commission of Victoria — Report for the year 2002–03

State Sport Centres Trust — Report for the year 2002–03

Sustainability and Environment, Department of — Report for the year 2002–03

Treasury and Finance, Department of — Report for the year 2002–03

Tricontinental Holdings Limited — Report for the year 2002

Victoria Police — Report of the Office of the Chief Commissioner for the year 2002-03 (two papers)

Victorian Arts Centre Trust — Report for the year 2002–03

Victorian Casino and Gaming Authority — Report for the year 2002–03

Victorian Channels Authority — Report for the year 2002–03 (two papers)

Victorian Electoral Commission — Report for the year 2002–03

Victorian Energy Networks Corporation — Report for the year 2002–03

Victorian Funds Management Corporation — Report for the year 2002–03

Victorian Institute of Forensic Medicine — Report for the year 2002–03 (six papers)

Victorian Institute of Sport Trust — Report for the year 2002–03 (two papers)

Victorian Law Reform Commission — Report for the year 2002–03 — Ordered to be printed

Victorian Managed Insurance Authority — Report for the year 2002–03

Victorian Rail Track — Report for the year 2002–03 (two papers)

Young Farmers' Finance Council — Report for the year 2002–03

11 **SITTING OF THE HOUSE** — Motion made and question— That the House, at its rising, adjourn until Wednesday 5 November 2003 (*Mr Batchelor*) — put, after debate, and agreed to.

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

13 **CEMETERIES AND CREMATORIA BILL** — Order read for the consideration of the amendments made by the Legislative Council.

The said amendments were read a second time.

Motion made and question proposed — That the amendments be agreed to (*Ms Pike*) — and, after debate —

Motion made and question — That the debate be now adjourned (*Mr Perton*) — after debate, put.

The House divided.

AYES 24

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (Lowan); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Jasper; Mr Kotsiras; Mr Maughan; Mr McIntosh; Mr Mulder; Dr Napthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith; Mr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

NOES 56

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Ms D'Ambrosio; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hulls; Mr Ingram; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Savage; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson.

And so it passed in the negative.

Amendments agreed to by the House.

Ordered — That a message be sent to the Legislative Council acquainting them that the Legislative Assembly has agreed to the said amendments.

- 14 **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.
- 15 **ELECTORAL (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 committed; considered in Committee and reported without amendment; read a third time.

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

- 16 **LOCAL GOVERNMENT (DEMOCRATIC REFORM) BILL** — 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 place thereof the words 'this House refuses to read this Bill a second time until there has been an independent and objective review of the costs and benefits arising from the introduction of proportional representation to multi-member ward municipalities and un-subdivided municipalities'; debate resumed.

Business having been interrupted at 2.00 pm pursuant to sessional orders.

- 17 **QUESTIONS** — (Pursuant to Standing Order No 124).
- 18 **LOCAL GOVERNMENT (DEMOCRATIC REFORM) BILL** — Debate continued on question — That this Bill be now read a second time — *and on the amendment* — That all the words after 'That' be omitted with the view of inserting in place thereof the words 'this House refuses to read this Bill a second time until there has been an independent and objective review of the costs and benefits arising from the introduction of proportional representation to multi-member ward municipalities and un-subdivided municipalities'.

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

The House divided.

AYES 65

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Delahunty (Lowan); Ms Delahunty (Northcote); Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hulls; Mr Ingram; Mr Jasper; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Loney; Mr Lupton; Mr Maughan; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Perera; Ms Pike; Mrs Powell; Mr Robinson; Mr Ryan; Mr Savage; Mr Seitz; Mr Stensholt; Mr Sykes; Mr Thwaites; Mr Trezise; Mr Walsh; Mr Wilson.

NOES 17

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Dixon; Mr Doyle; Mr Honeywood; Mr Kotsiras; Mr McIntosh; Mr Mulder; Dr Napthine; Mr Perton; Mr Plowman; Mrs Shardey; Mr Smith; Mr Thompson; Mr Wells.
And so it was resolved in the affirmative.

Bill read a second time and committed; considered in Committee.

Allocation of time — The Chair of Committees advised that the time allocated for consideration of bills pursuant to resolution of the House on Tuesday 28 October 2003 had expired.

Bill reported without amendment.

Question — That this Bill be read a third time and the Bill be transmitted to the Legislative Council and their concurrence desired therein — put and agreed to.

- 19 **RESIDENTIAL TENANCIES (AMENDMENT) BILL** — 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 and third time and the Bill be transmitted to the Legislative Council and their concurrence desired therein — put and agreed to.

- 20 **ANIMALS LEGISLATION (ANIMAL WELFARE) BILL** — Order read for the further consideration of the Bill in Committee.

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

The House divided.

AYES 56

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (Northcote); Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Loney; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Perera; Ms Pike; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson.

NOES 26

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (Lowan); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr Maughan; Mr McIntosh; Mr Mulder; Dr Napthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Mr Smith; Mr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

And so it was resolved in the affirmative.

Question — That Government amendment No 3 be agreed to, Clause 44 as amended stand part of the Bill, Clauses 45 to 67 and the Schedule be agreed to, the Bill be read a third time and the Bill be transmitted to the Legislative Council and their concurrence desired therein — put and agreed to.

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

Barwon Region Water Authority — Report for the year 2002–03

Central Gippsland Region Water Authority — Report for the year 2002–03

Central Highlands Region Water Authority — Report for the year 2002–03

Coliban Region Water Authority — Report for the year 2002–03 (two papers)

Dairy Food Safety Victoria — Report for the year 2002–03 (three papers)

East Gippsland Region Water Authority — Report for the year 2002–03 (two papers)

EcoRecycle Victoria — Report for the year 2002–03

Environment Protection Authority — Report for the year 2002–03 (two papers)

Financial Management Act 1994:

Reports from the Minister for Agriculture that he had received the 2002–03 annual reports of:

Phytogene Pty Ltd

Veterinary Practitioners Registration Board of Victoria

Report from the Minister for Environment that he had received the 2002–03 annual report of Trust for Nature

Report from the Minister for Water that he had received the 2002–03 annual report of Casey's Weir and Major Creek Rural Water Authority

Gippsland and Southern Rural Water Authority — Report for the year 2002–03 (two papers)

Glenelg Region Water Authority — Report for the year 2002–03

Goulburn Valley Region Water Authority — Report for the year 2002–03

Goulburn-Murray Rural Water Authority — Report for the year 2002–03

Grampians Region Water Authority — Report for the year 2002–03 (two papers)

Lower Murray Region Water Authority — Report for the year 2002–03

North East Water — Report for the year 2002–03

Parks Victoria — Report for the year 2002–03 (two papers)

Portland Coast Region Water Authority — Report for the year 2002–03

Royal Botanic Gardens Board — Report for the year 2002–03

South Gippsland Region Water Authority — Report for the year 2002–03

South West Water Authority — Report for the year 2002–03

Sunraysia Rural Water Authority — Report of the year 2002–03

Victorian Catchment Management Council — Report for the year 2002–03

Victorian Coastal Council — Report for the year 2002–03

Western Region Water Authority — Report for the year 2002–03

Westernport Region Water Authority — Report for the year 2002–03 (two papers)

Wimmera-Mallee Rural Water Authority — Report for the year 2002–03

Zoological Parks and Gardens Board — Report for the year 2002–03.

- 22 **FORESTS AND NATIONAL PARKS ACTS (AMENDMENT) BILL** — 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 Plowman*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 13 November 2003.

- 23 **CHILD EMPLOYMENT BILL** — Order read for the consideration of the amendments made by the Legislative Council.

The said amendments were read a second time and, after debate, agreed to by the House.

Ordered — That a message be sent to the Legislative Council acquainting them that the Legislative Assembly has agreed to the said amendments.

- 24 **ROAD SAFETY (DRUG DRIVING) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Batchelor*).

Mr Batchelor 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 Perton*) — put and agreed to.

Ordered, after debate — That the debate be adjourned until Thursday 13 November 2003.

- 25 **WRONGS AND OTHER ACTS (LAW OF NEGLIGENCE) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Brumby*).

Mr Brumby 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 13 November 2003.

26 **ANZAC DAY (AMENDMENT) 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 Perton*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 13 November 2003.

27 **PARNERSHIP (VENTURE CAPITAL FUNDS) BILL** — 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 13 November 2003.

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** — Resolved, after debate — That the House do now adjourn.

And the House, at 6.28 pm, adjourned until Wednesday 5 November 2003.

R W PURDEY
Clerk of the Legislative Assembly

JUDY MADDIGAN
Speaker

LEGISLATIVE ASSEMBLY OF VICTORIA

VOTES AND PROCEEDINGS Nos 44 and 45

No 44 — Wednesday 5 November 2003

- 1 The House met pursuant to adjournment — The Speaker took the Chair and read the Prayer.
- 2 **PARLIAMENTARY COMMITTEES BILL** — Mr Cameron, after debate, obtained leave with Mr Thwaites, to bring in a Bill '*to establish certain parliamentary committees, to set out the functions, powers and procedures of certain parliamentary committees and to repeal the **Parliamentary Committees Act 1968** and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 3 **GAMBLING REGULATION BILL** — Mr Pandazopoulos obtained leave, with Mr Thwaites, to bring in a Bill '*to re-enact and consolidate the law relating to various forms of gambling, to establish a Victorian Commission for Gambling Regulation, to amend the **Casino Control Act 1991** and other Acts, to repeal 8 Acts relating to gambling and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 4 **SHOP TRADING REFORM (SIMPLIFICATION) BILL** — Mr Brumby, after debate, obtained leave with Mr Thwaites, to bring in a Bill '*to amend the **Shop Trading Reform Act 1996** to simplify the management and enforcement of shop trading in Victoria and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 5 **FIREARMS (AMENDMENT) BILL** — Mr Haermeyer, after debate, obtained leave with Mr Thwaites, to bring in a Bill '*to amend the **Firearms Act 1996** and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 6 **CRIMES (MONEY LAUNDERING) BILL** — Mr Hulls, after debate, obtained leave with Mr Thwaites, to bring in a Bill '*to amend the **Crimes Act 1958**, the **Confiscation Act 1997** and the **Surveillance Devices Act 1999** and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 7 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

Kyneton-Bendigo and Watergardens-Bendigo Rail Tracks — Seeking that the Government retains the double rail track between Kyneton and Bendigo and ensures that any sleepers ordered for the upgrading of the Watergardens to Bendigo rail line are capable of being gauge converted, bearing 730 signatures (*by Mr Langdon*)

Funding for Students on Disability and Impairments Program — Seeking that the House maintains the current level of funding to each student on the Disability and Impairments Program, bearing 639 signatures (*by Ms Duncan*).

Severally ordered to lie on the Table.

8 **PETITION — KYNETON-BENDIGO AND WATERGARDENS-BENDIGO RAIL TRACKS** — Motion made and question — That the petition presented by the Member for Ivanhoe relating to retaining the double rail track between Kyneton and Bendigo and ensuring that any sleepers ordered for the upgrading of the Watergardens to Bendigo rail line be capable of being gauge converted be taken into consideration tomorrow (*Mr Mulder*) — put and agreed to.

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

Accident Compensation Conciliation Service — Report for the year 2002–03

Adult, Community and Further Education Board — Report for the year 2002–03

Albury-Wodonga Development Corporation — Report for the year 2002–03

Alpine Health — Report for the year 2002–03 (three papers)

Architects Registration Board — Report for the year 2002–03

Austin Health — Report for the year 2002–03 (two papers)

Australian Centre for the Moving Image — Report for the year 2002–03

Australian Food Industry Science Centre — Report for the year 2002–03

Australian Grand Prix Corporation — Report for the year 2002–03

Bairnsdale Regional Health Service — Report for the year 2002–03 (two papers)

Ballarat Health Services — Report for the year 2002–03

Barwon Health — Report for the year 2002–03

Bass Coast Regional Health — Report for the year 2002–03 (two papers)

Bayside Health — Report for the year 2002–03

Benalla and District Memorial Hospital — Report for the year 2002–03 (two papers)

Bendigo Health Care Group — Report for the year 2002–03

Bethlehem Health Care Melbourne Incorporated — Report for the period ended 26 June 2003 (two papers)

Border Groundwaters Agreement Review Committee — Report for the year 2002–03

Building Commission — Report for the year 2002–03

Casterton Memorial Hospital — Report for the year 2002–03

Central Gippsland Health Service — Report for the year 2002–03

Cobram District Hospital — Report for the year 2002–03 (two papers)

Cohuna District Hospital — Report for the year 2002–03

Colac Area Health — Report for the year 2002–03

Corangamite Catchment Management Authority — Report for the year 2002–03

Djerriwarrh Health Services — Report for the year 2002–03 (two papers)

East Gippsland Catchment Management Authority — Report for the year 2002–03

Eastern Health — Report for the year 2002–03

Echuca Regional Health — Report for the year 2002–03

Education and Training, Department of — Report for the year 2002–03

Emerald Tourist Railway Board — Report for the year 2002–03

Film Victoria — Report for the year 2002–03

Financial Management Act 1994:

Reports from the Minister for Health that she had received the 2002–03 annual reports of the:

Alexandra District Hospital

Boort District Hospital

Coleraine District Health Services

Food Safety Council

Health Purchasing Victoria

Hesse Rural Health Service

Inglewood and District Health Service

Lorne Community Hospital

Maldon Hospital

Manangatang and District Hospital

McIvor Health and Community Services

Mental Health Review Board

Nathalia District Hospital

Omeo District Hospital

Osteopaths Registration Board

Otway Health and Community Services

Pharmacy Board

Physiotherapists Registration Board

Podiatrists Registration Board
Psychosurgery Review Board
South West Healthcare
Timboon and District Healthcare Service
Tweddle Child and Family Health Service
Yea and District Memorial Hospital
Reports from the Minister for Planning that she had received the 2002–03 annual reports of the:
Shrine of Remembrance Trustees
Yarra Bend Park Trust

Fisheries Co-Management Council — Report for the year 2002–03

Gippsland Southern Health Service — Report for the year 2002–03 (two papers)

Glenelg Hopkins Catchment Management Authority — Report for the year 2002–03 (three papers)

Goulburn Broken Catchment Management Authority — Report for the year 2002–03

Goulburn Valley Health — Report for the year 2002–03

Hepburn Health Service — Report for the year 2002–03

Heritage Council — Report for the year 2002–03 (two papers)

Heywood Rural Health — Report for the year 2002–03

Infertility Treatment Authority — Report for the year 2002–03 (two papers)

Innovation, Industry and Regional Development, Department of — Report for the year 2002–03

Intellectual Disability Review Panel — Report for the year 2002–03

Justice, Department of — Report for the year 2002–03

Kilmore and District Hospital — Report for the year 2002–03 (two papers)

Kooweerup Regional Health Service — Report for the year 2002–03 (two papers)

Kyabram and District Health Services — Report for the year 2002–03

Kyneton District Health Service — Report for the year 2002–03

Library Board — Report for the year 2002–03

Mallee Catchment Management Authority — Report for the year 2002–03

Mallee Track Health and Community Service — Report for the year 2002–03

Maryborough District Health Service — Report for the year 2002–03

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- Melbourne 2006 Commonwealth Games Pty Ltd — Report for the year 2002–03
- Melbourne Convention and Exhibition Trust — Report for the year 2002–03
- Melbourne Market Authority — Report for the year 2002–03
- Mental Health Act 1986* — Report of the Community Visitors for the year 2002–03
- Mercy Public Hospitals Incorporated — Report for the year 2002–03 (two papers)
- Mount Alexander Hospital — Report for the year 2002–03
- Moyne Health Services — Report for the year 2002–03
- North Central Catchment Management Authority — Report for the year 2002–03
- North East Catchment Management Authority — Report for the year 2002–03 (two papers)
- Northeast Health Wangaratta — Report for the year 2002–03
- Northern Health — Report for the year 2002–03
- Numurkah District Health Service — Report for the year 2002–03 (two papers)
- Nurses Board — Report for the year 2002–03
- Orbost Regional Health — Report for the year 2002–03 (two papers)
- Peninsula Health — Report for the year 2002–03
- Peter MacCallum Cancer Institute — Report for the year 2002–03
- Phillip Island Nature Park Board of Management — Report for the year 2002–03 (two papers)
- Planning and Environment Act 1987* — Notices of approval of amendments to the following Planning Schemes:
- Benalla Planning Scheme — No C1
 - Corangamite Planning Scheme — No C9
 - Greater Shepparton Planning Scheme — No C36
 - Indigo Planning Scheme — No C18
 - Manningham Planning Scheme — No C34
 - Maribyrnong Planning Scheme — No C14 Part 2
 - Melton Planning Scheme — No C40
 - Moorabool Planning Scheme — No C25
- Plumbing Industry Commission — Report for the year 2002–03
- Port Phillip and Westernport Catchment Management Authority — Report for the year 2002–03
- Portland and District Hospital — Report for the year 2002–03

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- Premier and Cabinet, Department of — Report for the year 2002–03
- Primary Industries, Department of — Report for the year 2002–03
- Prince Henry's Institute of Medical Research — Report for the period ended 30 June 2003 (two papers)
- Queen Elizabeth Centre — Report for the year 2002–03
- Regional Development Victoria — Report for the year 2002–03
- Residential Tenancies Bond Authority — Report for the year 2002–03
- Rochester and Elmore District Health Service — Report for the year 2002–03
- Royal Victorian Eye and Ear Hospital — Report for the year 2002–03
- Seymour and District Memorial Hospital — Report for the year 2002–03
- Southern Health — Report for the year 2002–03
- St Vincent's Health — Report for the year 2002–03 (four papers)
- Surveyor General — Report for the year 2002–03
- Sustainable Energy Authority Victoria — Report for the year 2002–03 (two papers)
- Swan Hill District Hospital — Report for the year 2002–03 (two papers)
- Terang and Mortlake Health Service — Report for the year 2002–03
- Tourism Victoria — Report for the year 2002–03
- Upper Murray Health and Community Services — Report for the year 2002–03 (two papers)
- Victoria Legal Aid — Report for the year 2002–03
- Victorian Communities, Department of — Report for the year 2002–03
- Victorian Curriculum and Assessment Authority — Report for the year 2002–03
- Victorian Health Promotion Foundation — Report for the year 2002–03
- Victorian Institute of Forensic Mental Health — Report for the year 2002–03
- Victorian Institute of Teaching — Report for the period 20 June 2002 to 30 June 2003
- Victorian Learning and Employment Skills Commission — Report for the year 2002–03
- Victorian Multicultural Commission — Report for the year 2002–03

Victorian Privacy Commissioner — Report of the Office for the year 2002–03 — Ordered to be printed

Victorian Qualifications Authority — Report for the year 2002–03

West Gippsland Catchment Management Authority — Report for the year 2002–03 (two papers)

Western Health — Report for the year 2002–03

Wimmera Catchment Management Authority — Report for the year 2002–03 (two papers)

Wodonga Regional Health Service — Report for the year 2002–03 (five papers)

Women's and Children's Health Service — Report for the year 2002–03

Yarram and District Health Service — Report for the year 2002–03 (two papers)

Yarrawonga District Health Service — Report for the year 2002–03 (two papers).

- 10 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, pursuant to Sessional Order 6(2), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 6 November 2003:

Accident Compensation and Transport Accident Acts (Amendment) Bill

Emerald Tourist Railway (Amendment) Bill

Fair Trading (Further Amendment) Bill

Professional Standards Bill

Road Safety (Amendment) Bill

State Taxation Acts (Further Miscellaneous Amendments) Bill.

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

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

- 12 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE — POINT NEPEAN DEFENCE LAND** — The House was informed that Mr Thwaites had proposed that a definite matter of public importance be submitted to the House for discussion, namely —

'That this House commends the Government for its efforts to get the surplus Department of Defence land at Point Nepean included in the existing National Park for the enjoyment and access of all Victorians and calls on the Victorian Government to ensure that if the Commonwealth decides to lease the land for private development that the developer is required to comply with all planning, historic conservation and environmental controls that would apply to a National Park.'

Mr Thwaites addressed the House — Discussion ensued.

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

Public Accounts and Estimates Committee's Report on the 2003–2004 Budget Estimates

Road Safety Committee's Inquiry into Road Safety for Older Road Users

Economic Development Committee's Report on Export Opportunities for Victorian Rural Industries

- 14 **EMERALD TOURIST RAILWAY (AMENDMENT) BILL** — 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 pursuant to sessional orders.

- 15 **QUESTIONS** — (Pursuant to Standing Order No 124).

- 16 **EMERALD TOURIST RAILWAY (AMENDMENT) BILL** — Debate continued on question — That this Bill be now read a second time.

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

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

- 17 **FAIR TRADING (FURTHER AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Pursuant to sessional orders, Mr Kotsiras announced that it was proposed to move amendments in Committee 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 place thereof the words 'this House refuses to read this bill a second time until there has been an independent cost-benefit analysis of the bill's impact on employment and investment in regional Victoria and until further consultation on employment and investment loss is undertaken with workers and businesses in this sector of the economy' (*Mr Kotsiras*). — and, after debate —

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.

- 18 **STATE TAXATION ACTS (FURTHER MISCELLANEOUS AMENDMENTS) BILL** — 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 Holding*) — put and agreed to.

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

- 19 **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.

- 20 **PROFESSIONAL STANDARDS BILL** — 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 Loney*) — put and agreed to.

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

21 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Port Services (Port Management Reform) Bill without amendment.

22 **ROAD SAFETY (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Pursuant to sessional orders, Mr Batchelor announced that it was proposed to move amendments in Committee and requested that they be circulated. Amendments circulated.

Pursuant to sessional orders, Mr Savage announced that it was proposed to move an amendment in Committee 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 McIntosh*) — put and agreed to.

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

23 **ACCIDENT COMPENSATION AND TRANSPORT ACCIDENT ACTS (AMENDMENT) 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 pursuant to sessional 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 10.59 pm.

R W PURDEY
Clerk of the Legislative Assembly

JUDY MADDIGAN
Speaker

No 45 — Thursday 6 November 2003

1 The Speaker took the Chair and read the Prayer.

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

Knox City Council — Seeking that the House sacks the Knox City Council and institutes fresh elections as soon as possible with the objective of implementing a fairer system of rates distribution, bearing 20 signatures (*by Ms Eckstein*)

Childcare Centres — Chisholm Institute — Seeking that the Chisholm Institute of TAFE's five childcare centres remain open, bearing 950 signatures (*by Ms Lobato*)

Intersection of Point Nepean and Truemans Roads, Tootgarook — Seeking that the Minister for Transport funds the installation of either a set of traffic lights or roundabout at the intersection of Point Nepean and Truemans Roads, Tootgarook as a matter of urgency as an additional 25,000 vehicle movements are expected during the four-day Australian Open Golf Tournament at Moonah Links golf course in November 2003, bearing 79 signatures (*by Mr Dixon*).

Severally ordered to lie on the Table.

- 3 **PETITION — KNOX CITY COUNCIL** — Motion made and question — That the petition presented by the Member for Ferntree Gully requesting that the House sacks the Knox City Council and institutes fresh elections as soon as possible be taken into consideration tomorrow (*Ms Eckstein*) — put and agreed to.

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

Adult Parole Board — Report for the year 2002–03

Ambulance Service Victoria — Metropolitan Region — Report for the year 2002–03

Central Highlands Region Water Authority — Report for the year 2001–02

Crown Land (Reserves) Act 1978 — Section 17DA Order granting under s 17D a lease by the City of Greater Geelong

Dental Health Services Victoria — Report for the year 2002–03

Federation Square Management Pty Ltd — Report for the year 2002–03

Financial Management Act 1994:

Report from the Minister for Agriculture that he had received the 2002–03 annual report of the Victorian Broiler Industry Negotiation Committee

Report from the Minister for Agriculture that he had not received the 2002–03 annual report of the Northern Victorian Tomato Industry Development Corporation Board

Reports from the Minister for Environment that he had received the 2002–03 annual reports of the:

Barwon Regional Waste Management Group
 Calder Regional Waste Management Group
 Central Murray Regional Waste Management Group
 Desert Fringe Regional Waste Management Group
 Eastern Regional Waste Management Group
 Gippsland Regional Waste Management Group
 Goulburn 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 Victorian Regional Waste Management Group
Northern Regional Waste Management Group
South Eastern Regional Waste Management Group
South Western Regional Waste Management Group
Western Regional Waste Management Group
Report from the Minister for Health that she had received the 2002–03 annual report of the Radiation Advisory Committee

Melbourne Water Corporation — Report for the year 2002–03

Members of Parliament (Register of Interests) Act 1978 — Cumulative Summary of Returns 30 September 2003 — Ordered to be printed

Murray Valley Citrus Marketing Board — Report for the year 2002–03

National Gallery of Victoria — Report for the year 2002–03

National Parks Act 1975 — Report on the working of the Act for the year 2002–03

Ombudsman — Report of the Office for the year 2002–03 — Ordered to be printed

Overseas Projects Corporation of Victoria Ltd — Report for the year 2002–03

Rural Ambulance Victoria — Report for the year 2002–03

Rural Finance Act 1988 — Direction by the Treasurer to the Rural Finance Corporation to administer a Financial Assistance Scheme to the Northern Region

Statutory Rules under the following Acts:

Associations Incorporation Act 1981 — SR No 128

Business Names Act 1962 — SR No 127

Country Fire Authority Act 1958 — SR No 130

Estate Agents Act 1980 — SR No 126

Metropolitan Fire Brigades Act 1958 — SR No 129

Motor Car Traders Act 1986 — SR No 125

Travel Agents Act 1986 — SR No 124

Subordinate Legislation Act 1994 — Minister's exemption certificates in relation to Statutory Rule Nos 124, 125, 126, 127, 128.

The following proclamations fixing operative dates were laid on the Table by the Clerk pursuant to an Order of the House dated 26 February 2003:

Business Licensing Legislation (Amendment) Act 2003 — Remaining provisions on 1 November 2003 (*Gazette G44, 30 October 2003*)

Port Services (Port of Melbourne Reform) Act 2003 — Remaining provisions of Part 3 and Part 4 on 3 November 2003 (*Gazette G44, 30 October 2003*)

Travel Agents (Amendment) Act 2003 — Sections 5 and 7 on 1 November 2003 (*Gazette G44, 30 October 2003*).

5 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourn until Tuesday 18 November 2003 (*Mr Hulls*) — put and agreed to.

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

7 **ACCIDENT COMPENSATION AND TRANSPORT ACCIDENT ACTS (AMENDMENT) BILL** — 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 Pike*) — put and agreed to.

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

8 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 2 to 6 inclusive, be postponed until later this day.

9 **GAMBLING REGULATION BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Pandazopoulos*).

Mr Pandazopoulos 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 Smith*) — put and agreed to.

Motion made and question proposed — That the debate be adjourned for two weeks (*Mr Pandazopoulos*).

Amendment proposed — That the word 'two' be omitted with the view of inserting in place thereof the word 'four' (*Mr Smith*) — and, after debate —

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

The House divided.

AYES 58

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Savage; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 24

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Jasper; Mr Kotsiras; Mr Maughan; Mr McIntosh; Mr Mulder; Dr Napthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith; Mr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

And so it was resolved in the affirmative.

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

The House divided.

AYES 58

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Savage; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 24

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Jasper; Mr Kotsiras; Mr Maughan; Mr McIntosh; Mr Mulder; Dr Napthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith; Mr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

And so it was resolved in the affirmative.

Ordered — That the debate be adjourned until Thursday 20 November 2003.

- 10 **PARLIAMENTARY COMMITTEES BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Batchelor*).

Mr Batchelor 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 Honeywood*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 20 November 2003.

- 11 **SHOP TRADING REFORM (SIMPLIFICATION) 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 (*Ms Asher*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 20 November 2003.

- 12 **FIREARMS (AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Haermeyer*).

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

Ordered — That the debate be adjourned until Thursday 20 November 2003.

- 13 **CRIMES (MONEY LAUNDERING) 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 McIntosh*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 20 November 2003.

- 14 **FAIR TRADING (FURTHER AMENDMENT) BILL** — 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 place thereof the words 'this House refuses to read this bill a second time until there has been an independent cost-benefit analysis of the bill's impact on employment and investment in regional Victoria and until further consultation on employment and investment loss is undertaken with workers and businesses in this sector of the economy'.

Pursuant to sessional orders, Mr Hulls announced that it was proposed to move an amendment in Committee and requested that it be circulated. Amendment circulated.

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

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

- 15 **PROFESSIONAL STANDARDS BILL** — 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 pursuant to sessional orders.

- 16 **QUESTIONS** — (Pursuant to Standing Order No 124).

- 17 **PROFESSIONAL STANDARDS BILL** — Debate resumed on question — That this Bill be now read a second time.

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

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

- 18 **FAIR TRADING (FURTHER AMENDMENT) BILL** — 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 place thereof the words 'this House refuses to read this bill a second time until there has been an independent cost-benefit analysis of the bill's impact on employment and investment in regional Victoria and until further consultation on employment and investment loss is undertaken with workers and businesses in this sector of the economy'; debate resumed.

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

The House divided.

AYES 58

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Mr Lockwood; Mr Loney; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Savage; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 24

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Jasper; Mr Kotsiras; Mr Maughan; Mr McIntosh; Mr Mulder; Dr Napthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith; Mr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

And so it was resolved in the affirmative.

Bill read a second time and committed; considered in Committee.

Allocation of time — The Chair of Committees advised that the time allocated for consideration of bills pursuant to resolution of the House on Wednesday 5 November 2003 had expired.

Bill reported with an amendment.

Question — That the House agrees to the amendment made by the Committee, the Bill be read a third time and the Bill be transmitted to the Legislative Council and their concurrence desired therein — put and agreed to.

- 19 **PROFESSIONAL STANDARDS BILL** — Order read for resuming debate on question — That this Bill be now read a second time. Bill read a second time.

Bill read a third time with the concurrence of an absolute majority of the whole number of the members of the Legislative Assembly.

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

- 20 **STATE TAXATION ACTS (FURTHER MISCELLANEOUS AMENDMENTS) BILL** — 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 and third time and the Bill be transmitted to the Legislative Council and their concurrence desired therein — put and agreed to.

- 21 **ROAD SAFETY (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time, Government amendment Nos 1 to 4 inclusive be agreed to, the Bill be read a third time and the Bill be transmitted to the Legislative Council and their concurrence desired therein — put.

The House divided.

AYES 81

Ms Allan; Mr Andrews; Ms Asher; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Clark; Mr Cooper; Mr Crutchfield; Ms D'Ambrosio; Mr Delahunty (*Lowan*); Ms Delahunty (*Northcote*); Mr Dixon; Mr Doyle; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Honeywood; Mr Howard; Mr Hudson; Mr Hulls; Mr Jasper; Mr Jenkins; Ms Kosky; Mr Kotsiras; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Loney; Mr Lupton; Mr McIntosh; Ms Marshall; Mr Maughan; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Mr Mulder; Ms Munt; Dr Napthine; Mr Nardella; Ms Neville; Mr Pandazopoulos; Mr Perera; Mr Perton; Ms Pike; Mr Plowman; Mrs Powell; Mr Robinson; Mr Ryan; Mr Seitz; Mrs Shardey; Mr Smith; Mr Stensholt; Mr Sykes; Mr Thompson; Mr Thwaites; Mr Trezise; Mr Walsh; Mr Wells; Mr Wilson; Mr Wynne.

NOES 2

Mr Ingram; Mr Savage.

And so it was resolved in the affirmative.

- 22 **ACCIDENT COMPENSATION AND TRANSPORT ACCIDENT ACTS (AMENDMENT) BILL** — 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 and third time and the Bill be transmitted to the Legislative Council and their concurrence desired therein — put and agreed to.

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

Victorian Curriculum and Assessment Authority (Amendment) Bill
Extractive Industries Development (Amendment) Bill.

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

- 25 **ADJOURNMENT** — Resolved, after debate — That the House do now adjourn.

And the House, at 5.05 pm, adjourned until Tuesday 18 November 2003.

R W PURDEY
Clerk of the Legislative Assembly

JUDY MADDIGAN
Speaker

LEGISLATIVE ASSEMBLY OF VICTORIA

VOTES AND PROCEEDINGS Nos 46, 47 and 48

No 46 — Tuesday 18 November 2003

- 1 The House met pursuant to adjournment — The Speaker took the Chair and read the Prayer.
- 2 **DEATH OF CECIL WILLIAM JOHN BURGIN** — The Speaker announced the death of Cecil William John Burgin, Member of the Legislative Assembly for the Electoral District of Polwarth from 1970 to 1985; and, honourable members rose in their places as a mark of respect to the memory of the deceased.
- 3 **QUESTIONS** — (Pursuant to Standing Order No 124).
- 4 **GAS INDUSTRY (RESIDUAL PROVISIONS) (AMENDMENT) BILL** — Mr Brumby obtained leave, with Mr Batchelor, to bring in a Bill '*to amend the Gas Industry (Residual Provisions) Act 1994 and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 5 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

Home Loan Schemes — Seeking that the Government sponsored Home Loan Schemes under the flawed new lending instrument called Capital Indexed Loans sold since 1984/85 under the sub-headings — CAPIL, Deferred Interest Scheme (DIS), Indexed Repayment Loan (IRL), Home Opportunity Loan Scheme (HOLS) and Shared Home Opportunity Scheme (SHOS) — (a) be recalculated; (b) have payment and interest set at affordable levels; and (c) be amended in order to assist the low income bracket Victorians the loans were meant to assist, bearing 38 signatures (*by Mr Lockwood*)

Board of Inquiry into Home Loan Schemes — Seeking that — (a) the House initiates an independent board of inquiry with the scope to fully investigate the Government sponsored Home Loan Schemes; (b) the Minister for Housing ceases and desists from sending letters containing incorrect information to elected members; and (c) the legal representatives acting on behalf of the defendant in relation to claims brought by recipients of the Schemes be instructed to act as model litigants, bearing 34 signatures (*by Mr Lockwood*)

Housing Rental Rebate Policy — Seeking that the House amends the rental rebate policy so that all public housing tenants will pay the rebated rent at the rate of 23 per cent of total household income, bearing 1,118 signatures (*by Ms Allan*)

Multi Purpose Tax Program — Seeking that the House does not introduce a financial cap to the Multi Purpose Tax Program and that any proposed legislation be delayed until such time as

full and proper consultation has been held with stakeholders, including the taxi industry, to consider other options for the efficient operation of the program, and so that the special circumstances and needs of the elderly and disabled in rural Victoria are fully considered, bearing 140 signatures (*by Mr Maughan*)

Knox City Council — Seeking that the House sacks the Knox City Council and institutes fresh elections as soon as possible with the objective of implementing a fairer system of rates distribution, bearing 32 signatures (*by Mr Wells*).

Severally ordered to lie on the Table.

- 6 **PETITION — KNOX CITY COUNCIL** — Motion made and question — That the petition presented by the Member for Scoresby requesting that the House sacks the Knox City Council and institutes fresh elections as soon as possible be taken into consideration tomorrow (*Mr Wells*) — put and agreed to.

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

Crown Land (Reserves) Act 1978 — Section 17DA Order granting under s 17B a licence by the Watery Gully Creek Reserve Committee of Management Incorporated

Domestic Building (HIH) Indemnity Fund — Report for the year 2002–03

Health Services Act 1988 — Report of the Community Visitors for the year 2002–03 — Ordered to be printed

Financial Management Act 1994:

Reports from the Minister for Agriculture that he had received the 2002–03 annual reports of the:

Dairy Food Safety Victoria

Greater Victoria Wine Grape Industry Development Committee

Report from the Minister for Environment that he had received the 2002–03 annual report of the Alpine Resorts Co-ordinating Council

Report from the Minister for Health that she had received the 2002–03 annual report of the Optometrists Registration Board

Financial Management Act 1994 — Budget Sector — Quarterly Financial Report No 1 for the period ended 30 September 2003

Museums Board — Report for the year 2002–03

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

Ararat Planning Scheme — No C5

Bayside Planning Scheme — No C34

Boroondara Planning Scheme — No C53

Brimbank Planning Scheme — No C57

Frankston Planning Scheme — No C27

Greater Dandenong Planning Scheme — No C24

Greater Shepparton Planning Scheme — No C25
La Trobe Planning Scheme — No C15
Maroondah Planning Scheme — Nos C16, C35
Melbourne Planning Scheme — No C84
Monash Planning Scheme — No C31
Moorabool Planning Scheme — No C27
Moreland Planning Scheme — No C36
Mornington Peninsula Planning Scheme — No C45
Wangaratta Planning Scheme — No C11 Part 2
Wodonga Planning Scheme — No C23
Yarra Planning Scheme — No C20

Planning and Environment Act 1987 — Urban Growth Boundary — Amendments modifying the following Planning Schemes:

Cardinia Planning Scheme — No C55
Casey Planning Scheme — No C70
Frankston Planning Scheme — No C29
Greater Dandenong Planning Scheme — No C53
Hume Planning Scheme — No C48
Kingston Planning Scheme — No C38
Knox Planning Scheme — No C41
Melton Planning Scheme — No C41
Mornington Peninsula Planning Scheme — No C57
Nillumbik Planning Scheme — No C27
Whittlesea Planning Scheme — No C63
Wyndham Planning Scheme — No C62
Yarra Ranges Planning Scheme — No C36

Public Employment Office — Report for the year 2002–03

State Trustees Limited — Report for the year 2002–03 (together with Financial Statements of the Common Funds) (two papers)

Statutory Rules under the following Acts:

Evidence Act 1958 — SR No 131
Magistrates' Court Act 1989 — SR No 132

Subordinate Legislation Act 1994 — Minister's exemption certificates in relation to Statutory Rule Nos 131, 132

Victorian Relief Committee — Report for the year 2002–03.

The following proclamation fixing an operative date was laid on the Table by the Clerk pursuant to an Order of the House dated 26 February 2003:

Seafood Safety Act 2003 — Part 3 (except sections 9, 17 and 18) and section 60 on 13 November 2003. Sections 9, 17, 18, 23, 27 to 58, 64(5) and 92 on 1 January 2004 (*Gazette G46, 13 November 2003*).

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — Ms D'Ambrosio, Chair, brought up a report from the Scrutiny of Acts and Regulations Committee being the Alert Digest No 9 of 2003 on the:

ANZAC Day (Amendment) Bill
 Cemeteries and Crematoria Bill
 Crimes (Money Laundering) Bill
 Firearms (Amendment) Bill
 Fisheries (Further Amendment) Bill
 Forests and National Parks Acts (Amendment) Bill
 Gambling Regulation Bill
 Health Legislation (Further Amendment) Bill
 Parliamentary Committees Bill
 Partnership (Venture Capital Funds) Bill
 Residential Tenancies (Amendment) Bill
 Road Safety (Drug Driving) Bill
 Shop Trading Reform (Simplification) Bill
 Victorian Curriculum and Assessment Authority (Amendment) Bill
 Wrongs (Remarriage Discount) Bill
 Wrongs and Other Acts (Law of Negligence) Bill

together with appendices.

Ordered to lie on the Table and to be printed.

- 8 **MESSAGE FROM THE GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that he had, on 11 November 2003, given the royal assent to the following bills, presented to him by the Clerk of the Parliaments:

Aerodrome Landing Fees Bill
 Cemeteries and Crematoria Bill
 Child Employment Bill
 Education (Workplace Learning) Bill
 Education Legislation (Miscellaneous Amendments) Bill
 Extractive Industries Development (Amendment) Bill
 Port Services (Port Management Reform) Bill
 Royal Botanic Gardens (Amendment) Bill
 Scots' Church Properties (Amendment) Bill
 Victorian Curriculum and Assessment Authority (Amendment) Bill
 Victorian Qualifications Authority (Amendment) Bill
 Water Legislation (Amendment) Bill.

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

Fisheries (Further Amendment) Bill
 Gambling Regulation Bill
 Health Legislation (Further Amendment) Bill
 Parliamentary Committees Bill
 Road Safety (Drug Driving) Bill
 Wrongs and Other Acts (Law of Negligence) Bill.

- 10 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, pursuant to Sessional Order 6(2), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 20 November 2003:

ANZAC Day (Amendment) Bill
 Crimes (Stalking) Bill
 Fisheries (Further Amendment) Bill
 Forests and National Parks Acts (Amendment) Bill
 Health Legislation (Further Amendment) Bill
 Partnership (Venture Capital Funds) Bill
 Transport (Rights and Responsibilities) Bill
 Wrongs and Other Acts (Law of Negligence) Bill

(*Mr Batchelor*) — after debate, put.

The House divided.

AYES 61

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Haermeyer; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Loney; Mr Lupton; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Savage; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 24

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Jasper; Mr Kotsiras; Mr Maughan; Mr McIntosh; Mr Mulder; Dr Napthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Sykes; Mr Smith; Mr Thompson; Mr Walsh; Mr Wells.

And so it was resolved in the affirmative.

- 11 **STATEMENTS BY MEMBERS** — Statements by members were made.
- 12 **CRIMES (STALKING) BILL** — Further considered in Committee and reported with amendments; as amended, considered, and amendments agreed to.

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

The House divided.

AYES 55

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beattie; Mr Bracks; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Savage; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 24

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Jasper; Mr Kotsiras; Mr Maughan; Mr McIntosh; Mr Mulder; Dr Napthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Sykes; Mr Smith; Mr Thompson; Mr Walsh; Mr Wells.

And so it was resolved in the affirmative.

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

13 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Emerald Tourist Railway (Amendment) Bill without amendment.

14 **TRANSPORT (RIGHTS AND RESPONSIBILITIES) 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, read a third time forthwith.

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

15 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Residential Tenancies (Amendment) Bill without amendment.

16 **HEALTH LEGISLATION (FURTHER AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Pursuant to sessional orders, Mrs Shardey announced that it was proposed to move amendments in Committee 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 pursuant to sessional 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 10.40 pm.

R W PURDEY
Clerk of the Legislative Assembly

JUDY MADDIGAN
Speaker

No 47 — Wednesday 19 November 2003

1 The Speaker took the Chair and read the Prayer.

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

Victorian Recreational Divers — Seeking that the Government abolishes the \$1.10 per diver per day charge to recreational divers wanting to dive in a designated Marine Park area using a commercial dive tour operator, bearing 26 signatures (*by Mr Thompson*)

Proposed Grovedale Railway Station Site, Marshall — Seeking that the proposed Grovedale Railway Station site in Marshalltown Road, Marshall is not adopted and another site is chosen with less homes, closer to the growth areas, bearing 106 signatures (*by Mr Crutchfield*).

Severally ordered to lie on the Table.

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

Auditor-General — Performance Audit Report — Addressing the needs of Victorian prisoners — Ordered to be printed

Statutory Rule under the *Fisheries Act 1995* — SR No 133.

- 4 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Electoral (Amendment) Bill without amendment.

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

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

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

Road Safety Committee's Inquiry into Road Safety for Older Road Users
Public Accounts and Estimates Committee's Report on the 2003–2004 Budget Estimates
Economic Development Committee's Report on Export Opportunities for Victorian Rural Industries.

- 8 **POSTPONEMENT OF NOTICE OF MOTION** — Ordered — That the consideration of Government Business, Notice of Motion, No 1, be postponed until tomorrow.

- 9 **HEALTH LEGISLATION (FURTHER AMENDMENT) BILL** — 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 Wells*) — put and agreed to.

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

Business having been interrupted at 2.00 pm pursuant to sessional orders.

- 10 **QUESTIONS** — (Pursuant to Standing Order No 124).

- 11 **FISHERIES (FURTHER AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Pursuant to sessional orders, Mr Cameron announced that it was proposed to move amendments in Committee and requested that they be circulated. Amendments circulated.

Pursuant to sessional orders, Mr Walsh announced that it was proposed to move amendments in Committee 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.

- 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 **PARTNERSHIP (VENTURE CAPITAL FUNDS) 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, read a third time forthwith.

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

- 14 **ANZAC DAY (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, read a third time forthwith.

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

- 15 **WRONGS AND OTHER ACTS (LAW OF NEGLIGENCE) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Pursuant to sessional orders, Mr Clark announced that it was proposed to move amendments in Committee 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 Maughan*) — put and agreed to.

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

- 16 **ANZAC DAY (AMENDMENT) BILL — CLERK'S CORRECTION** — The Acting Speaker announced that the Speaker had received a report from the Clerk that he had made the following correction in this Bill:

In Clause 9, line 20, he has inserted 'A' after '5' so that paragraph 9(4) now reads 'In the penalty at the foot of section 5A(5) of the Principal Act, for "5 penalty units" substitute "100 penalty units".'.

- 17 **FISHERIES (FURTHER AMENDMENT) 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 pursuant to sessional 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 10.42 pm.

R W PURDEY
Clerk of the Legislative Assembly

JUDY MADDIGAN
Speaker

No 48 — Thursday 20 November 2003

- 1 The Speaker took the Chair and read the Prayer.
- 2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

Knox City Council — Seeking that the House sacks the Knox City Council and institutes fresh elections as soon as possible with the objective of implementing a fairer system of rates distribution, bearing 3,913 and 190 signatures (*by Mr Lockwood and Ms Eckstein, respectively*)

Mitcham-Frankston (Eastern and Scoresby) Freeway — Seeking that the House ensures that the Government honours its pre-election commitment and policy as pledged to the citizens of Victoria not to introduce tolls on the Mitcham-Frankston (Eastern and Scoresby) Freeway and immediately reverses its decision to impose these tolls, bearing 129 signatures (*by Mr Cooper*)

Melbourne 2030 Urban Growth Boundary — Inclusion of Properties — Seeking that the House does not ratify Amendment No C27 to the Nillumbik Planning Scheme, which seeks to modify the Urban Growth Boundary (UGB), until the impact on the stakeholders of 175–99 and 201–19 Ironbark Road, Diamond Creek, and 217–33 Pioneer Road, Yarrambat is fully investigated and so they can be equitably included within the new UGB borders, bearing 3 signatures (*by Mrs Powell*).

Severally ordered to lie on the Table.

- 3 **PETITION — KNOX CITY COUNCIL** — Motion made and question — That the petition presented by the Member for Ferntree Gully requesting that the House sacks the Knox City Council and institutes fresh elections as soon as possible be taken into consideration tomorrow (*Ms Eckstein*) — put and agreed to.

- 4 **PETITION — MELBOURNE 2030 URBAN GROWTH BOUNDARY — INCLUSION OF PROPERTIES** — Motion made and question — That the petition presented by the Member for Shepparton requesting that the House does not ratify Amendment No C27 to the Nillumbik Planning Scheme which seeks to modify the Urban Growth Boundary be taken into consideration tomorrow (*Mrs Powell*) — put and agreed to.
- 5 **PETITION — KNOX CITY COUNCIL** — Motion made and question — That the petition presented by the Member for Bayswater requesting that the House sacks the Knox City Council and institutes fresh elections as soon as possible be taken into consideration tomorrow (*Mr Lockwood*) — put and agreed to.
- 6 **PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Audit Act 1994 — Report of the Auditor-General on the Finances of the State of Victoria, 2002–03 — Ordered to be printed

Victorian Law Reform Commission Act 2000 — Report on People with Intellectual Disabilities at Risk: A Legal Framework for Compulsory Care — Ordered to be printed

Victorian Civil and Administrative Tribunal — Report for the year 2002–03

Water Act 1989 — Diamond Creek Stream Flow Management Plan 2003.

- 7 **STATEMENTS BY MEMBERS** — Statements by members were made.
- 8 **POSTPONEMENT OF NOTICE OF MOTION** — Motion made and question — That the consideration of Government Business, Notice of Motion, No 1, be postponed until after the completion of the government business program (*Ms Delahunty, Northcote*).

Amendment proposed — That all the words after 'postponed' be omitted with the view of inserting in place thereof the words 'for two weeks' (*Mr Perton*) — and, after debate —

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

The House divided.

AYES 57

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Loney; Mr Lupton; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 25

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr Maughan; Mr McIntosh; Mr Mulder; Dr Napthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith; Mr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

And so it was resolved in the affirmative.

Original question — put and agreed to.

- 9 **GAS INDUSTRY (RESIDUAL PROVISIONS) (AMENDMENT) 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 (*Dr Naphine*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 4 December 2003.

- 10 **FORESTS AND NATIONAL PARKS ACTS (AMENDMENT) BILL** — 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 pursuant to sessional orders.

- 11 **QUESTIONS** — (Pursuant to Standing Order No 124).

- 12 **FORESTS AND NATIONAL PARKS ACTS (AMENDMENT) BILL** — 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.

- 13 **WRONGS AND OTHER ACTS (LAW OF NEGLIGENCE) BILL** — 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 Naphine*) — put and agreed to.

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

- 14 **HEALTH LEGISLATION (FURTHER 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 committed; considered in Committee.

Allocation of time — The Chair of Committees advised that the time allocated for consideration of bills pursuant to resolution of the House on Tuesday 18 November 2003 had expired.

Bill reported without amendment.

Question — That this Bill be now read a third time and the Bill be transmitted to the Legislative Council and their concurrence desired therein — put and agreed to.

- 15 **FISHERIES (FURTHER AMENDMENT) BILL** — 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 Government amendment Nos 1 to 3 inclusive be agreed to — put.

The House divided.

AYES 56

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Gillett; Ms Green; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Jenkins; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Loney; Mr Lupton; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Savage; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 24

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Jasper; Mr Kotsiras; Mr Maughan; Mr McIntosh; Mr Mulder; Dr Napthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith; Mr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

And so it was resolved in the affirmative.

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

The House divided.

AYES 56

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Gillett; Ms Green; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Jenkins; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Loney; Mr Lupton; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Savage; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 24

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Jasper; Mr Kotsiras; Mr Maughan; Mr McIntosh; Mr Mulder; Dr Napthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith; Mr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

And so it was resolved in the affirmative.

Bill read a third time with the concurrence of an absolute majority of the whole number of the members of the Legislative Assembly.

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

16 **FORESTS AND NATIONAL PARKS ACTS (AMENDMENT) BILL** — 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 and third time and the Bill be transmitted to the Legislative Council and their concurrence desired therein — put and agreed to.

- 17 **WRONGS AND OTHER ACTS (LAW OF NEGLIGENCE) BILL** — Order read for resuming debate on question — That this Bill be now read a second time. Bill read a second time.

Bill read a third time with the concurrence of an absolute majority of the whole number of the members of the Legislative Assembly.

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

- 18 **URBAN GROWTH BOUNDARY — PLANNING SCHEME AMENDMENTS** — Motion made and question proposed — That pursuant to section 46AH of the *Planning and Environment Act 1987*, the following 13 amendments to modify the Urban Growth Boundary be ratified:

Nillumbik Planning Scheme — No C27
 Frankston Planning Scheme — No C29
 Yarra Ranges Planning Scheme — No C36
 Kingston Planning Scheme — No C38
 Knox Planning Scheme — No C41
 Melton Planning Scheme — No C41
 Hume Planning Scheme — No C48
 Greater Dandenong Planning Scheme — No C53
 Cardinia Planning Scheme — No C55
 Mornington Peninsula Planning Scheme — No C57
 Wyndham Planning Scheme — No C62
 Whittlesea Planning Scheme — No C63
 Casey Planning Scheme — No C70

(*Ms Delahunty, Northcote*) — and, after debate —

Amendment proposed — That all the words after 'That' be omitted with the view of inserting in place thereof the words 'this House refuses to consider the ratification of the 13 amendments to modify the Urban Growth Boundary tabled in the House on 18 November 2003 until all such amendments have been placed on public exhibition for a minimum period of four weeks and all affected communities have been notified of the proposed changes and provided with an opportunity to comment' (*Mr Baillieu*) — and, after debate —

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

The House divided.

AYES 51

Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Gillett; Ms Green; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Jenkins; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Loney; Mr Lupton; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 20

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Dixon; Mr Jasper; Mr Kotsiras; Mr Maughan; Mr McIntosh; Mr Mulder; Dr Naphine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

And so it was resolved in the affirmative.

Original motion — put.

The House divided.

AYES 51

Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Gillett; Ms Green; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Jenkins; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Loney; Mr Lupton; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 20

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Dixon; Mr Jasper; Mr Kotsiras; Mr Maughan; Mr McIntosh; Mr Mulder; Dr Naphine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

And so it was resolved in the affirmative.

- 19 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Accident Compensation and Transport Accident Acts (Amendment) Bill with amendments.

Ordered — That the said amendments be printed and taken into consideration tomorrow.

- 20 **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 the word 'remaining' be omitted with the view of inserting thereof the expression 'Government Business Orders of the Day, and General Business Notices of Motion Nos 1 to 133 inclusive, be postponed until after General Business Notice of Motion No 134' (*Mr Thompson*) — and, after debate —

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

The House divided.

AYES 48

Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Gillett; Ms Green; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Jenkins; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Loney; Mr Lupton; Mr Maxfield; Mr Merlino; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Mr Robinson; Mr Stensholt; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 18

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Dixon; Mr Kotsiras; Mr Maughan; Mr McIntosh; Mr Mulder; Dr Naphthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

And so it was resolved in the affirmative.

Original question — put and agreed to.

21 **ADJOURNMENT** — Resolved, after debate — That the House do now adjourn.

And the House, at 8.15 pm, adjourned until Tuesday 25 November 2003.

R W PURDEY
Clerk of the Legislative Assembly

JUDY MADDIGAN
Speaker

LEGISLATIVE ASSEMBLY OF VICTORIA

VOTES AND PROCEEDINGS Nos 49, 50 and 51

No 49 — Tuesday 25 November 2003

- 1 The Speaker took the Chair and read the Prayer.
- 2 **QUESTIONS** — (Pursuant to Standing Order No 124).
- 3 **NURSES (AMENDMENT) BILL** — Ms Pike, after debate, obtained leave with Mr Batchelor, to bring in a Bill '*to amend the Nurses Act 1993 to provide for the endorsement of registration of nurses registered in division 2 of the register of nurses kept under that Act and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 4 **PUBLIC PROSECUTIONS (AMENDMENT) BILL** — Mr Hulls, after debate, obtained leave with Mr Batchelor, to bring in a Bill '*to amend the Public Prosecutions Act 1994 to confer an immunity from personal liability in certain circumstances on certain persons performing duties under that Act and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 5 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

Multi Purpose Taxi Program — Seeking that the House does not introduce a financial cap to the Multi Purpose Taxi Program and that any proposed legislation be delayed until such time as full and proper consultation has been held with stakeholders, including the taxi industry, to consider other options for the efficient operation of the program, and so that the special circumstances and needs of the elderly and disabled in rural Victoria are fully considered, bearing 250 and 21 signatures (*by Mr Sykes and Mr Maughan, respectively*)

Funding for Legal Assistance — Seeking that funding for legal assistance be increased to a level that provides equality amongst all citizens, bearing 42 signatures (*by Mr Clark*).

Severally ordered to lie on the Table.

- 6 **PAPERS** —

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — Ms D'Ambrosio, Chair, brought up a report from the Scrutiny of Acts and Regulations Committee being the Annual Review 2002, Regulations 2002, together with appendices.

Ordered to lie on the Table and to be printed.

STANDING ORDERS COMMITTEE — Mr Loney brought up a report from the Standing Orders Committee upon the Modernisation of Standing Orders, together with appendices.

Ordered to lie on the Table and to be printed.

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

Beaufort and Skipton Health Service — Report for the year 2002–03, together with an explanation for the delay in tabling

Crown Land (Reserves) Act 1978 — Section 17DA Order granting under s 17D a lease by the Moonee Valley City Council

East Grampians Health Service — Report for the year 2002–03, together with an explanation for the delay in tabling

Edenhope and District Memorial Hospital — Report for the year 2002–03, together with an explanation for the delay in tabling

Falls Creek Alpine Resort Management Board — Report for the year ended 31 October 2002

Financial Management Act 1994:

Reports from the Minister for Health that she had received the 2002–03 annual reports together with an explanation for the delay in tabling of the:

Dunmunkle Health Services

South Gippsland Hospital

Report from the Minister for Health that she had received the 2000–01 and 2001–02 annual reports of the Pathology Services Accreditation Board

Report from the Minister for Water that he had not received the 2002–03 annual report of the First Mildura Irrigation Trust

Footy Consortium Pty Ltd — Report for the year 2002–03

Kerang District Health — Report for the year 2002–03, together with an explanation for the delay in tabling (two papers)

Latrobe Regional Hospital — Report for the year 2002–03, together with an explanation for the delay in tabling

Planning and Environment Act 1987 — Amendment No 116 to the Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan

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

Ballarat Planning Scheme — No C48

Baw Baw Planning Scheme — No C22

Darebin Planning Scheme — No C48

Greater Geelong Planning Scheme — No C85

Hobsons Bay Planning Scheme — No C40

Melton Planning Scheme — No C48

South Gippsland Planning Scheme — No C16
 Wyndham Planning Scheme — No C53

Stawell Regional Health — Report for the year 2002–03, together with an explanation for the delay in tabling (two papers)

Tallangatta Health Service — Report for the year 2002–03, together with an explanation for the delay in tabling (two papers)

Tattersall's — Report for the year 2002–03

West Gippsland Healthcare Group — Report for the year 2002–03, together with an explanation for the delay in tabling

Western District Health Service — Report of the year 2002–03, together with an explanation for the delay in tabling

Wimmera Health Care Group — Report for the year 2002–03, together with an explanation for the delay in tabling.

7 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Road Safety (Amendment) Bill without amendment.

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

Electoral (Amendment) Bill
 Emerald Tourist Railway (Amendment) Bill
 Residential Tenancies (Amendment) Bill
 Road Safety (Amendment) Bill.

9 **MESSAGE FROM THE GOVERNOR** — The Speaker announced the presentation of a message from the Governor recommending an appropriation for the purposes of the Gas Industry (Residual Provisions) (Amendment) Bill.

10 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, pursuant to Sessional Order 6(2), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 27 November 2003:

Crimes (Money Laundering) Bill
 Firearms (Amendment) Bill
 Gambling Regulation Bill
 Parliamentary Committees Bill
 Road Safety (Drug Driving) Bill
 Shop Trading Reform (Simplification) Bill

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

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

- 12 **ROAD SAFETY (DRUG DRIVING) 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, read a third time forthwith with the concurrence of an absolute majority of the whole number of the members of the Legislative Assembly.

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

- 13 **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.

- 14 **SHOP TRADING REFORM (SIMPLIFICATION) 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, read a third time forthwith.

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

- 15 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Professional Standards Bill without amendment.

- 16 **FIREARMS (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, read a third time forthwith.

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

- 17 **CRIMES (MONEY LAUNDERING) 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 pursuant to sessional 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 10.36 pm.

R W PURDEY
Clerk of the Legislative Assembly

JUDY MADDIGAN
Speaker

No 50 — Wednesday 26 November 2003

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

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

Shop Trading Hours — Seeking that the House opposes any extension of retail shop trading hours on Christmas Day, Good Friday, Easter Sunday and ANZAC Day as these shop free days give valued time for self-reflection, opportunities for attendance at religious services and for families to gather, bearing 350 signatures (*by Mr Clark*)

WorkCover Funding — Government School Budgets 2004 — Seeking that the House intercedes with the Minister for Education Services and the Minister for WorkCover to withdraw the unfair and arbitrary arrangements for the funding of WorkCover that have been put in place in government school budgets for 2004, bearing 17 signatures (*by Mr Langdon*)

Concessions on Municipal Rates — Seeking that the House takes appropriate action to review the current concession rate on municipal rates with a view towards increasing the concession rate for eligible recipients, bearing 1,221 signatures (*by Ms D'Ambrosio*)

Cuts for Disability and Community Services — Seeking that the Government abandons the cuts proposed for Disability and Community Services 2003–06 through productivity savings, and works co-operatively with the sector to improve services, bearing 30 signatures (*by Mr Thompson*)

Eradication of Foxes, Bayside and Melbourne Metropolitan Area — Seeking that the Government instigates immediate action to control and, if necessary, eradicate foxes from the Bayside area and across the Melbourne metropolitan area, bearing 2 signatures (*by Mr Thompson*)

Funding Cuts to School Sporting Bodies — Seeking that the Government abandons the changes under the proposed funding cuts to school sporting bodies and injects much needed funds into school sport in order to keep Victorian school children healthy and active through involvement in sport, bearing 34 signatures (*by Mr Thompson*)

Beach Renourishment Works, Sandringham — Seeking that the Government, in addition to providing funds for cliff stabilisation works proximate to the former Red Bluff Hotel in Sandringham, also provides funds for beach renourishment works to preserve and protect one of the great beach and scenic areas of Melbourne, bearing 307 signatures (*by Mr Thompson*)

Possums, City of Bayside — Seeking that the Government instigates immediate action to address the concerns of residents in relation to the large possum population in the City of Bayside in order to minimise property damage and disturbance to neighbourhood amenity, bearing 372 signatures (*by Mr Thompson*)

VTV4 News — SBS — Seeking that the Government takes immediate steps to redress the concerns of the Victorian Vietnamese community regarding the inaccurate and unbalanced reporting and news coverage on SBS in its broadcast of VTV4 news, bearing 1 signature (*by Mr Thompson*)

Knox City Council — Seeking that the House sacks the Knox City Council and institutes fresh elections as soon as possible with the objective of implementing a fairer system of rates distribution, bearing 13 signatures (*by Mr Wells*)

Peter Ross-Edwards Causeway between Shepparton and Mooroopna — Seeking that the House takes urgent action to execute works to enhance road safety and improve traffic flow on the Peter Ross-Edwards Causeway between Shepparton and Mooroopna, bearing 88 signatures (*by Mrs Powell*)

Multi Purpose Taxi Program — Seeking that the House does not introduce a financial cap to the Multi Purpose Taxi Program and that any proposed legislation be delayed until such time as full and proper consultation has been held with stakeholders, including the taxi industry, to consider other options for the efficient operation of the program, and so that the special circumstances and needs of the elderly and disabled in rural Victoria are fully considered, bearing 595 signatures (*by Mr Walsh*).

Severally ordered to lie on the Table.

- 3 **PETITION — KNOX CITY COUNCIL** — Motion made and question — That the petition presented by the Member for Scoresby requesting that the House sacks the Knox City Council and institutes fresh elections as soon as possible be taken into consideration tomorrow (*Mr Wells*) — put and agreed to.
- 4 **PETITION — WORKCOVER FUNDING — GOVERNMENT SCHOOL BUDGETS 2004** — Motion made and question — That the petition presented by the Member for Ivanhoe requesting that the House intercedes with the Minister for Education Services and the Minister for WorkCover to withdraw the unfair and arbitrary arrangements for the funding of WorkCover that have been put in place in government school budgets for 2004 be taken into consideration tomorrow (*Mr Perton*) — put and agreed to.
- 5 **PETITION — PETER ROSS-EDWARDS CAUSEWAY BETWEEN SHEPPARTON AND MOOROOPNA** — Motion made and question — That the petition presented by the Member for Shepparton relating to taking urgent action to execute works to enhance road safety and improve traffic flow on the Peter Ross-Edwards Causeway between Shepparton and Mooroopna be taken into consideration tomorrow (*Mrs Powell*) — put and agreed to.
- 6 **PETITION — CUTS FOR DISABILITY AND COMMUNITY SERVICES** — Motion made and question — That the petition presented by the Member for Sandringham relating to the cuts proposed for Disability and Community Services 2003–06 through productivity savings be taken into consideration tomorrow (*Mr Thompson*) — put and agreed to.
- 7 **PETITION — ERADICATION OF FOXES, BAYSIDE AND MELBOURNE METROPOLITAN AREA** — Motion made and question — That the petition presented by the Member for Sandringham requesting that the government instigates immediate action to control and, if necessary, eradicate foxes from the Bayside area and across the Melbourne metropolitan area be taken into consideration tomorrow (*Mr Thompson*) — put and agreed to.
- 8 **PETITION — FUNDING CUTS TO SCHOOL SPORTING BODIES** — Motion made and question — That the petition presented by the Member for Sandringham requesting that the Government abandons the changes under the proposed funding cuts to school sporting bodies and injects much needed funds into school sport in order to keep Victorian school children health and active through involvement in sport be taken into consideration tomorrow (*Mr Thompson*) — put and agreed to.

- 9 **PETITION — BEACH RENOURISHMENT WORKS, SANDRINGHAM** — Motion made and question — That the petition presented by the Member for Sandringham requesting that the Government provides funds for beach renourishment works to preserve and protect one of the great beach and scenic areas of Melbourne be taken into consideration tomorrow (*Mr Thompson*) — put and agreed to.
- 10 **PETITION — POSSUMS, CITY OF BAYSIDE** — Motion made and question — That the petition presented by the Member for Sandringham requesting that the Government instigates immediate action to address the concerns of residents in relation to the large possum population in the City of Bayside be taken into consideration tomorrow (*Mr Thompson*) — put and agreed to.
- 11 **PETITION — VTV4 NEWS — SBS** — Motion made and question — That the petition presented by the Member for Sandringham requesting that the Government takes immediate steps to redress the concerns of the Victorian Vietnamese community regarding the inaccurate and unbalanced reporting and news coverage on SBS in its broadcast of VTV4 news be taken into consideration tomorrow (*Mr Thompson*) — put and agreed to.
- 12 **PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:
- Audit Act 1994* — Auditor-General — Report on Public Sector Agencies — Results of special reviews and 30 June 2003 financial statement audits — Ordered to be printed
- Consumer Affairs Victoria — Report for the year 2002–03 — Ordered to be printed
- Statutory Rules under the following Acts:
- Cemeteries Act 1958* — SR No 134
Road Safety Act 1986 — SR Nos 135, 136
Subordinate Legislation Act 1994 — SR No 137.
- 13 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Agreeing to the following bills without amendment:
- Partnership (Venture Capital Funds) Bill
 Transport (Rights and Responsibilities) Bill.
- 14 **TELEVISIONING AND BROADCASTING OF PROCEEDINGS** — Motion made, by leave, and question — That the operation of the resolution authorising the televising and broadcasting of proceedings in the Legislative Assembly agreed to by the House on 18 February 1998 and amended on 1 June 2000 be extended for the remainder of the session (*Mr Batchelor*) — put, after debate, and agreed to.
- 15 **STATEMENTS BY MEMBERS** — Statements by members were made.
- 16 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE — STATE OF VICTORIA'S FINANCES** — The House was informed that Mr Clark had proposed that a definite matter of public importance be submitted to the House for discussion, namely —

'That this House expresses its grave concern about the Bracks Government's mismanagement of Victoria's finances, as highlighted most recently in last week's Report of the Auditor-General on

the Finances of the State of Victoria 2002–03, and the consequent increases in taxes, fees and fines and damage to important services such as —

- (a) the unprincipled cuts through forced savings to non-government organisations providing disability services, child protection services, juvenile justice services, housing services, drug and alcohol services and palliative care services;
- (b) the extraordinary and heartless decision to cut access to transport for the disabled and elderly through the Multi Purpose Taxi Program;
- (c) the introduction of an Output Based Funding model to autism early intervention services which will lead to a reduction in the quality of service available and result in an adverse impact on the future lives of Victoria's autistic children;
- (d) transferring the burden of the Education Department's WorkCover premium rises to local school communities leading to a reduction in expenditure on teaching programs;
- (e) cuts and threatened cuts to valuable educational programs and support services including school sports, the "joining the chorus" program, the remote library cataloguing services and multicultural support project officers at the State resources centre;
- (f) the significant Victoria Police budget shortfall which is having a serious negative impact on crime fighting across the State;
- (g) the blow out of \$61 million in the fast rail project and the callous increase in fares for users of the Victorian Public Transport System.'

Mr Clark addressed the House — Discussion ensued.

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

Public Accounts and Estimates Committee's Report on the 2003–2004 Budget Estimates
 Public Accounts and Estimates Committee's Report on the 2000–2001 Budget Outcomes
 Standing Orders Committee's Report upon the Modernisation of Standing Orders
 Road Safety Committee's Inquiry into Road Safety for Older Road Users
 Economic Development Committee's Report on Export Opportunities for Victorian Rural Industries.

Business having been interrupted at 2.00 pm pursuant to sessional orders.

18 **QUESTIONS** — (Pursuant to Standing Order No 124).

19 **OMBUDSMAN ADDRESS** — Motion made and question — That the following Address to His Excellency the Governor be agreed to by this House —

We, the Legislative Assembly of Victoria, in Parliament assembled, with the concurrence of the Legislative Council of Victoria, pray that the Governor in Council will be pleased to exercise the authority vested in the Governor in Council by section 3(5)(b) of the *Ombudsman Act 1973*, by

removing Barry William Perry from his office as Ombudsman as a result of his invalidity (*Mr Bracks*) — put, after debate, and agreed to.

Ordered — That a message be sent to the Legislative Council acquainting them of the Address and seeking their concurrence.

20 **POSTPONEMENT OF NOTICE OF MOTION** — Ordered — That the consideration of Government Business, Notice of Motion, No 2, be postponed until tomorrow.

21 **CRIMES (MONEY LAUNDERING) 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, read a third time forthwith.

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

22 **ACCIDENT COMPENSATION AND TRANSPORT ACCIDENT ACTS (AMENDMENT) BILL** — Order read for the consideration of the amendments made by the Legislative Council.

The said amendments were read a second time and, after debate, agreed to by the House.

Ordered — That a message be sent to the Legislative Council acquainting them that the Legislative Assembly has agreed to the said amendments.

23 **GAMBLING REGULATION BILL** — 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 place thereof the words 'this House refuses to read this Bill a second time until interested stakeholders including pubs and clubs, anti-gaming activists and the general public have been genuinely consulted on — the appropriate regulation of signage after an independent cost-benefit analysis of the Government's proposals on signage; the Government's inappropriate use of the Community Support Fund under the current legislation; and the inability of the Government to control or diminish serious individual problems of gambling addiction' (*Mr Smith*) — and, after debate —

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

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

24 **PARLIAMENTARY COMMITTEES BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Pursuant to sessional orders, Mr Holding announced that it was proposed to move amendments in Committee 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.

- 25 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the ANZAC Day (Amendment) Bill without amendment.
- 26 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Resolution adopted by the Legislative Assembly on 26 November 2003, that an Address be presented to the Governor in Council praying for the removal of Barry William Perry from his office as Ombudsman as a result of his invalidity.
- 27 **GAMBLING REGULATION BILL** — 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 place thereof the words 'this House refuses to read this Bill a second time until interested stakeholders including pubs and clubs, anti-gaming activists and the general public have been genuinely consulted on — the appropriate regulation of signage after an independent cost-benefit analysis of the Government's proposals on signage; the Government's inappropriate use of the Community Support Fund under the current legislation; and the inability of the Government to control or diminish serious individual problems of gambling addiction'; debate resumed.

Business having been interrupted at 10.00 pm pursuant to sessional orders.

- 28 **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

JUDY MADDIGAN
Speaker

No 51 — Thursday 27 November 2003

- 1 The Speaker took the Chair and read the Prayer.
- 2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

Knox City Council — Seeking that the House sacks the Knox City Council and institutes fresh elections as soon as possible with the objective of implementing a fairer system of rates distribution, bearing 555 signatures (*by Mr Lockwood*)

Multi Purpose Taxi Program — Seeking that the House does not introduce a financial cap to the Multi Purpose Taxi Program and that any proposed legislation be delayed until such time as full and proper consultation has been held with stakeholders, including the taxi industry, to consider other options for the efficient operation of the program, and so that the special circumstances and needs of the elderly and disabled in rural Victoria are fully considered,

bearing 7, 381, 62 and 720 signatures (*by Mr Sykes, Mr Delahunty (Lowan), Mr Maughan and Mrs Powell, respectively*)

Funding for Students on Disability and Impairments Program — Seeking that the House maintains the current level of funding to each student on the Disability and Impairments Program, bearing 287 signatures (*by Mr Thompson*)

Shop Trading Hours — Seeking that the House rejects any legislation to extend trading on Christmas Day, Good Friday, Easter Sunday and ANZAC Day, bearing 13 signatures (*by Mr Thompson*)

VTV4 News — SBS — Seeking that the Government takes immediate steps to redress the concerns of the Victorian Vietnamese community regarding the inaccurate and unbalanced reporting and news coverage on SBS in its broadcast of VTV4 news, bearing 7 signatures (*by Mr Thompson*).

Severally ordered to lie on the Table.

- 3 **PETITION — FUNDING FOR STUDENTS ON DISABILITY AND IMPAIRMENTS PROGRAM** — Motion made and question — That the petition presented by the Member for Sandringham relating to maintaining the current level of funding to each student on the Disability and Impairments Program be taken into consideration tomorrow (*Mr Thompson*) — put and agreed to.
- 4 **PETITION — SHOP TRADING HOURS** — Motion made and question — That the petition presented by the Member for Sandringham relating to rejecting any legislation to extend trading on Christmas Day, Good Friday, Easter Sunday and ANZAC Day be taken into consideration tomorrow (*Mr Thompson*) — put and agreed to.
- 5 **PETITION — VTV4 NEWS — SBS** — Motion made and question — That the petition presented by the Member for Sandringham requesting that the government takes immediate steps to redress the concerns of the Victorian Vietnamese community regarding the inaccurate and unbalanced reporting and news coverage on SBS in its broadcast of VTV4 news be taken into consideration tomorrow (*Mr Thompson*) — put and agreed to.
- 6 **PETITION — MULTI PURPOSE TAXI PROGRAM** — Motion made and question — That the petition presented by the Member for Shepparton requesting that the House does not introduce a financial cap to the multi purpose taxi program and that any proposed legislation be delayed until such time as full and proper consultation has been held with stakeholders be taken into consideration tomorrow (*Mrs Powell*) — put and agreed to.
- 7 **PETITION — KNOX CITY COUNCIL** — Motion made and question — That the petition presented by the Member for Bayswater requesting that the House sacks the Knox City Council and institutes fresh elections as soon as possible be taken into consideration tomorrow (*Mr Lockwood*) — put and agreed to.
- 8 **PETITION — MULTI PURPOSE TAXI PROGRAM** — Motion made and question — That the petition presented by the Member for Lowan requesting that the House does not introduce a financial cap to the multi purpose taxi program and that any proposed legislation be delayed until such time as full and proper consultation has been held with stakeholders be taken into consideration tomorrow (*Mr Delahunty, Lowan*) — put and agreed to.

9 PAPERS —

HEALTH SERVICES COMMISSIONER — Motion made, by leave, and question — That there be presented to this House the Report of the Health Services Commissioner for the year 2002–03 (*Ms Pike*) — put and agreed to.

The said report was presented by Ms Pike and ordered to lie on the Table.

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

Alexandra District Hospital — Report for the year 2002–03

Boort District Hospital — Report for the year 2002–03

Coleraine District Health Services — Report for the year 2002–03 (three papers)

East Wimmera Health Service — Report for the year 2002–03, together with an explanation for the delay in tabling

Financial Management Act 1994 — Report from the Premier that he had received the 2002–03 annual report of VITS LanguageLink

Freedom of Information Act 1982 — Report of the Attorney-General on the operation of the Act for the year 2002–03

Hesse Rural Health Services — Report for the year 2002–03

Inglewood and District Health Service — Report for the year 2002–03

Lorne Community Hospital — Report for the year 2002–03

Maldon Hospital — Report for the year 2002–03

Manangatang and District Hospital — Report for the year 2002–03

McIvor Health and Community Services — Report for the year 2002–03

Melbourne Health — Report for the year 2002–03

Members of Parliament (Register of Interests) Act 1978 — Summary of Variations Notified between 1 October 2003 and 26 November 2003 — Ordered to be printed

Nathalia District Hospital — Report for the year 2002–03

Omeo District Hospital — Report for the year 2002–03 (three papers)

Osteopaths Registration Board — Report for the year 2002–03

Otway Health and Community Services — Report for the year 2002–03

Parliamentary Committees Act 1968 — Response of the Minister for Agriculture on the action taken with respect to the recommendations made by the Environment and Natural Resources Committee's Inquiry into Veterinary Pathology Services

Physiotherapists Registration Board — Report for the year 2002–03

Podiatrists Registration Board — Report for the year 2002–03

Robinvale District Health Services — Report for the year 2002–03, together with an explanation for the delay in tabling

South West Healthcare — Report for the year 2002–03

Subordinate Legislation Act 1994 — Minister's exemption certificates in relation to Statutory Rule Nos 136, 137

Timboon and District Healthcare Service — Report for the year 2002–03

Tweddle Child and Family Health Service — Report for the year 2002–03 (two papers)

Victoria Grants Commission — Report for the year ended 31 August 2003

Yea and District Memorial Hospital — Report for the year 2002–03.

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

Forests and National Parks Acts (Amendment) Bill
Wrongs and Other Acts (Law of Negligence) Bill.

- 11 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourn until a day and hour to be fixed by the Speaker, which time of meeting shall be notified in writing to each member of the House (*Mr Cameron*) — put, after debate, and agreed to.

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

- 13 **UPPER YARRA VALLEY AND DANDENONG RANGES REGIONAL STRATEGY PLAN** — Motion made and question — That pursuant to section 46D(1)(c) of the *Planning and Environment Act 1987*, Amendment No 116 to the Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan be approved (*Ms Delahunty, Northcote*) — and, after debate —

Amendment proposed — That all the words after 'That' be omitted with the view of inserting in place thereof the words 'this House refuses to approve Amendment No 116 to the Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan tabled in this House on 25 November 2003 until the Amendment has been placed on public exhibition for a minimum period of four weeks and all affected communities have been notified of the proposed changes and provided with an opportunity to comment' (*Mrs Powell*) — and, after debate —

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

The House divided.

AYES 56

Mr Andrews; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Haermeyer; Mr Hardman; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Savage; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 24

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Naphthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith; Mr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

And so it was resolved in the affirmative.

Original motion — put.

The House divided.

AYES 74

Mr Andrews; Ms Asher; Mr Baillieu; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Clark; Mr Cooper; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Dixon; Mr Donnellan; Mr Doyle; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Haermeyer; Mr Hardman; Mr Helper; Mr Herbert; Mr Holding; Mr Honeywood; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Mr Jenkins; Ms Kosky; Mr Kotsiras; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Mr McIntosh; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Mr Mulder; Ms Munt; Dr Naphthine; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Mr Perton; Ms Pike; Mr Plowman; Mr Robinson; Mr Savage; Mr Seitz; Mrs Shardey; Mr Smith; Mr Stensholt; Mr Thompson; Mr Thwaites; Mr Trezise; Mr Wells; Mr Wilson; Mr Wynne.

NOES 7

Mr Delahunty (*Lowan*); Mr Jasper; Mr Maughan; Mrs Powell; Mr Ryan; Mr Sykes; Mr Walsh.

And so it was resolved in the affirmative.

- 14 **NURSES (AMENDMENT) BILL** — 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 Thursday 11 December 2003.

- 15 **PUBLIC PROSECUTIONS (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 McIntosh*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 11 December 2003.

Business having been interrupted at 2.00 pm pursuant to sessional orders.

16 **QUESTIONS** — (Pursuant to Standing Order No 124).

17 **GAMBLING REGULATION BILL** — 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 place thereof the words 'this House refuses to read this Bill a second time until interested stakeholders including pubs and clubs, anti-gaming activists and the general public have been genuinely consulted on — the appropriate regulation of signage after an independent cost-benefit analysis of the Government's proposals on signage; the Government's inappropriate use of the Community Support Fund under the current legislation; and the inability of the Government to control or diminish serious individual problems of gambling addiction'; debate resumed.

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

The House divided.

AYES 59

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Loney; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Savage; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 24

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Napthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith; Mr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

And so it was resolved in the affirmative.

Bill read a second time, and, by leave, read a third time forthwith with the concurrence of an absolute majority of the whole number of the members of the Legislative Assembly.

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

18 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Health Legislation (Further Amendment) Bill without amendment.

19 **PARLIAMENTARY COMMITTEES 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 committed; considered in Committee and reported with amendments; as amended, considered, and amendments 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.

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

20 **PAPER BY COMMAND OF THE GOVERNOR** —

Mr Hulls presented by Command of the Governor:

Supreme Court Judges — Report for the year 2002

Ordered to lie on the Table.

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

Financial Management Act 1994 — Report from the Minister for Planning that she had received the 2002–03 annual report of the Surveyors Board

Food Safety Council — Report for the year 2002–03

Health Purchasing Victoria — Report for the year 2002–03

Mental Health Review Board — Report for the year 2002–03

Pharmacy Board — Report for the year 2002–03

Psychosurgery Review Board — Report for the year 2002–03

Subordinate Legislation Act 1994 — Minister's exemption certificate in relation to Statutory Rule No 134.

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** — Resolved, after debate — That the House do now adjourn.

And the House, at 5.41 pm, adjourned 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.

R W PURDEY
Clerk of the Legislative Assembly

JUDY MADDIGAN
Speaker

LEGISLATIVE ASSEMBLY OF VICTORIA

VOTES AND PROCEEDINGS Nos 52, 53 and 54

No 52 — Tuesday 2 March 2004

- 1 The House met pursuant to the terms of the resolution of 27 November 2003, 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 **QUESTIONS** — (Pursuant to Standing Order No 124).
- 3 **MARINE (AMENDMENT) BILL** — Mr Batchelor obtained leave, with Mr Bracks, to bring in a Bill '*to amend the **Marine Act 1988** and the **Port Services Act 1995** and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 4 **ROAD MANAGEMENT BILL** — Mr Batchelor obtained leave, with Mr Thwaites, to bring in a Bill '*to reform the law relating to road management in Victoria, to amend the **Transport Act 1983**, the **Road Safety Act 1986** and the **Local Government Act 1989** and to make related amendments to certain other Acts and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 5 **COMMONWEALTH GAMES ARRANGEMENTS (FURTHER AMENDMENT) BILL** — Mr Thwaites obtained leave, with Mr Batchelor, to bring in a Bill '*to amend the **Commonwealth Games Arrangements Act 2001** to provide for authorisations for broadcasting, making recordings and advertising in relation to the Commonwealth Games and related offences and enforcement, to provide for offences for the obstruction or hindering of Commonwealth Games events, to make other miscellaneous amendments to that Act and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 6 **PETROLEUM (SUBMERGED LANDS) (AMENDMENT) BILL** — Mr Cameron, after debate, obtained leave with Mr Batchelor, to bring in a Bill '*to amend the **Petroleum (Submerged Lands) Act 1982** with respect to the occupational health and safety of persons in offshore petroleum facilities, data management and protection of confidentiality and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 7 **ESTATE AGENTS AND TRAVEL AGENTS ACTS (AMENDMENT) BILL** — Mr Hulls, after debate, obtained leave with Mr Batchelor, to bring in a Bill '*to amend the **Estate Agents Act 1980** to rename and expand the purposes of the Estate Agents' Guarantee Fund and to amend the **Travel Agents Act 1986** and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.

- 8 **LIMITATION OF ACTIONS (AMENDMENT) BILL** — Mr Hulls, after debate, obtained leave with Mr Batchelor, to bring in a Bill '*to amend the **Limitation of Actions Act 1958** and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 9 **MONETARY UNITS BILL** — Mr Brumby obtained leave, with Mr Batchelor, to bring in a Bill '*to provide for fees and penalties to be fixed by reference to fee or penalty units that can be indexed annually by an amount to be fixed by the Treasurer, to amend the **Sentencing Act 1991** and the **Subordinate Legislation Act 1994** and to amend fees and penalties that are specified in certain Acts by monetary amounts and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 10 **CORRECTIONS (FURTHER AMENDMENT) BILL** — Mr Haermeyer obtained leave, with Mr Batchelor, to bring in a Bill '*to amend the **Corrections Act 1986** to provide for certain information to be given to persons included on a victims register and to provide for how such information is dealt with, to provide for victim submissions to the Adult Parole Board, to include regulation-making powers for a victims register and for other purposes*'; and the said Bill was read a first time, ordered to be printed and read a second time tomorrow.
- 11 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

WorkCover Funding for Government Schools — Seeking that the House intercedes with the Minister for Education Services and the Minister for WorkCover to withdraw the unfair and arbitrary arrangements for the funding of WorkCover that have been put in place in government school budgets for 2004, bearing 16 signatures (*by Mr Sykes*)

Aquatic Centre in Frankston — Seeking that the Government, in consultation with Frankston City Council and local community groups, facilitates the building of an aquatic centre in Frankston, bearing 324 signatures (*by Mr Harkness*)

Home Loan Schemes — Seeking that the Government sponsored Home Loan Schemes under the flawed new lending instrument called Capital Indexed Loans sold since 1984/85 under the sub-headings — CAPIL, Deferred Interest Scheme (DIS), Indexed Repayment Loan (IRL), Home Opportunity Loan Scheme (HOLS) and Shared Home Opportunity Scheme (SHOS) — (a) be recalculated; (b) have payment and interest set at affordable levels; and (c) be amended in order to assist the low income bracket Victorians the loans were meant to assist, bearing 13 signatures (*by Mr Langdon*)

Multi Purpose Taxi Program — Seeking that the House does not introduce a financial cap to the Multi Purpose Taxi Program and that any proposed legislation be delayed until such time as full and proper consultation has been held with stakeholders, including the taxi industry, to consider other options for the efficient operation of the program, and so that the special circumstances and needs of the elderly and disabled in rural Victoria are fully considered, bearing 93 and 26 signatures (*by Mr Delahunty, (Lowan) and Mrs Powell, respectively*)

Electronic Gaming Machines — Seeking that the Government introduces a comprehensive package of measures to minimise the harm caused by electronic gaming machines including — (a) reduction in the number of electronic gaming machines in Victoria to 15,000; (b) a restriction being placed on all remaining machines so the maximum anyone can lose is \$50 per hour; (c) removal of ATMs from gaming venues; (d) requirement that all winnings over \$250 in

gaming venues be entirely by cheque; and (e) introduction of a truly independent gambling regulation body, bearing 1,775 signatures (*by Mr Donnellan*)

Censorship of music with a sexually explicit content played in public areas — Seeking that the House formulates a clear policy and a way to enforce the censorship of music with a sexually explicit content and of a degrading nature being played in public areas such as supermarkets and shopping malls, where families frequent with young children during the course of general day to day living activities, bearing 20 signatures (*by Mr Leighton*)

Possums, City of Bayside — Seeking that the Government instigates immediate action to address the concerns of residents in relation to the large possum population in the City of Bayside in order to minimise property damage and disturbance to neighbourhood amenity, bearing 31 signatures (*by Mr Thompson*).

Severally ordered to lie on the Table.

12 **PETITION — MULTI PURPOSE TAXI PROGRAM** — Motion made and question — That the petition presented by the Member for Lowan requesting that the House does not introduce a financial cap to the multi purpose taxi program and that any proposed legislation be delayed until such time as full and proper consultation has been held with stakeholders be taken into consideration tomorrow (*Mr Delahunty, Lowan*) — put and agreed to.

13 **PETITION — MULTI PURPOSE TAXI PROGRAM** — Motion made and question — That the petition presented by the Member for Shepparton requesting that the House does not introduce a financial cap to the multi purpose taxi program and that any proposed legislation be delayed until such time as full and proper consultation has been held with stakeholders be taken into consideration tomorrow (*Mrs Powell*) — put and agreed to.

14 **PAPERS** —

RESPONSE BY THE MINISTER FOR FINANCE TO THE AUDITOR-GENERAL'S REPORTS — Motion made, by leave, and question — That there be presented to this House the Minister for Finance's Response to the Auditor-General's Reports issued during the year 2002–03 (*Mr Brumby*) — put and agreed to.

The said report was presented by Mr Brumby and ordered to lie on the Table.

GARDINER FOUNDATION REPORT — Motion made, by leave, and question — That there be presented to this House the Gardiner Foundation Report for the year 2002–03 (*Mr Cameron*) — put and agreed to.

The said report was presented by Mr Cameron and ordered to lie on the Table.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — Ms D'Ambrosio, Chair, brought up a report from the Scrutiny of Acts and Regulations Committee being the Alert Digest No 1 of 2004 on the:

Crimes (Money Laundering) Bill
 Extractive Industries Development (Amendment) Bill
 Fisheries (Further Amendment) Bill
 Gambling Regulation Bill

Gas Industry (Residual Provisions) (Amendment) Bill
 Nurses (Amendment) Bill
 Parliamentary Committees Bill
 Public Prosecutions (Amendment) Bill
 Road Safety (Amendment) Bill
 Shop Trading Reform (Simplification) Bill
 Transport (Rights and Responsibilities) Bill
 Unclaimed Moneys (Amendment) Bill

together with an appendix.

Ordered to lie on the Table and to be printed.

PAPERS PURSUANT TO STATUTE —

The Clerk presented under the *Parliamentary Committees Act 2003*:

Drugs and Crime Prevention Committee — Inquiry into Fraud and Electronic Commerce, together with appendices and minutes of evidence.

Ordered to lie on the Table and the report and appendices to be printed.

The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Beechworth Health Service — Report for the year 2002–03, together with an explanation for the delay in tabling

Crown Land (Reserves) Act 1978 — Section 17DA Orders granting under:

Section 17B licences:

Kingston City Council (three orders)
 Melbourne City Council

Section 17D leases:

City of Port Phillip (two orders)
 Port Phillip City Council
 Riddells Creek Recreation Reserve Committee of Management
 Southern Grampians Shire Council
 Torquay Public Reserves Committee of Management

Docklands Authority — Report for the period ended 31 July 2003

Drugs, Poisons and Controlled Substances Act 1981:

Documents pursuant to s 12H — Poisons Code:
 Amendment No 2 to the Standard for the Uniform Scheduling of Drugs and Poisons No 18
 Notice regarding the amendment, commencement and availability of the Poisons Code

Document pursuant to s 12E — Notice regarding amendment of Part 2 of Chapter 1

Estate Agents Act 1980 — Notice of registered education and training organisations pursuant to s 10A

Financial Management Act 1994 — Budget Sector — Mid-Year Financial Report for the year 2003–04 incorporating the Quarterly Financial Report for the period ended 31 December 2003

Financial Management Act 1994 — Report from the Minister for Sport and Recreation advising of the extension to the period of financial reporting for the Melbourne 2002 World Masters Games Limited

Interpretation of Legislation Act 1984 — Notice under s 32(3)(a)(iii) in relation to Statutory Rule No 121

Mansfield District Hospital — Report for the year 2002–03, together with an explanation for the delay in tabling (two papers)

Melbourne City Link Act 1995:

City Link and Extension Projects Integration and Facilitation Agreement Eleventh Amending Deed

Exhibition Street Extension Seventh Amending Deed

Melbourne City Link Nineteenth Amending Deed

Statement of Variation 1/2003: Detailed Tolling Strategy

O'Connell Family Centre (Grey Sisters) Inc — Report for the year 2002–03, together with an explanation for the delay in tabling (two papers)

Parliamentary Committees Act 2003 — Letter relating to the response of the Treasurer on the Public Accounts and Estimates Committee's Reports on the 2000–01 Budget Outcomes and the 2002–03 Budget Estimates

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

Ballarat Planning Scheme — Nos C68, C70

Banyule Planning Scheme — Nos C33 Part 1, C34 Part 1, C41

Bass Coast Planning Scheme — Nos C22, C31

Baw Baw Planning Scheme — Nos C19, C25

Bayside Planning Scheme — Nos C29 Part 1, C32

Brimbank Planning Scheme — No C55

Buloke Planning Scheme — No C4

Cardinia Planning Scheme — Nos C32 Part 2, C54

Casey Planning Scheme — Nos C38, C47, C49, C71

Central Goldfields Planning Scheme — No C5

Corangamite Planning Scheme — Nos C2, C10

Darebin Planning Scheme — No C56

East Gippsland Planning Scheme — Nos C16, C21

Frankston Planning Scheme — No C23

Glen Eira Planning Scheme — Nos C19 Part 2, C32, C33

Golden Plains Planning Scheme — No C16
 Greater Bendigo Planning Scheme — Nos C27, C56
 Greater Dandenong Planning Scheme — No C38
 Greater Geelong Planning Scheme — Nos C64, C66
 Greater Shepparton Planning Scheme — No C11
 Hepburn Planning Scheme — Nos C13, C20, C21
 Hobsons Bay Planning Scheme — Nos C24, C32
 Horsham Planning Scheme — No C17
 Hume Planning Scheme — No C19 Part 1
 Indigo Planning Scheme — No C23
 Knox Planning Scheme — Nos C22, C23
 La Trobe Planning Scheme — No C22
 Macedon Ranges Planning Scheme — No C27
 Manningham Planning Scheme — Nos C24, C33 Part 1, C38
 Maroondah Planning Scheme — No C33
 Melbourne Planning Scheme — Nos C39, C81, C86, C89
 Melton Planning Scheme — No C26
 Mildura Planning Scheme — Nos C12, C17, C19, C22
 Mitchell Planning Scheme — No C31
 Moira Planning Scheme — No C15
 Monash Planning Scheme — No C32
 Moonee Valley Planning Scheme — No C47
 Mornington Peninsula Planning Scheme — Nos C40 Part 2, C47 Part 1, C60, C61, C62, C63
 Mount Alexander Planning Scheme — Nos C17, C21
 Moyne Planning Scheme — Nos C10, C11
 Nillumbik Planning Scheme — Nos C9, C19, C22 Part 1, C29
 Port Phillip Planning Scheme — No C35
 Pyrenees Planning Scheme — Nos C2, C8
 Queenscliffe Planning Scheme — No C13
 South Gippsland Planning Scheme — Nos C12, C27
 Surf Coast Planning Scheme — No C17
 Swan Hill Planning Scheme — No C6 Part 1
 Victoria Planning Provisions — Nos VC20, VC22
 Warrnambool Planning Scheme — Nos C19, C30, C33, C34, C35
 Wellington Planning Scheme — Nos C11, C21, C22
 Whitehorse Planning Scheme — No C49
 Whittlesea Planning Scheme — No C49
 Wyndham Planning Scheme — Nos C54, C57, C60
 Yarra Ranges Planning Scheme — Nos C25, C31, C39
 Yarriambiack Planning Scheme — No C2

Prevention of Cruelty to Animals Act 1986 — Code of Practice for the Tethering of Animals (Revision Number 1)

Project Development and Construction Management Act 1994 — Orders in Council under ss 6 and 8 respectively and Statement under s 9 of reasons for making a Nomination Order

Rural Finance Act 1988 — Direction by the Treasurer to the Rural Finance Corporation to administer a Financial Assistance Scheme to the Whittlesea Shire

Statutory Rules under the following Acts:

Building Act 1993 — SR Nos 140, 2/2004
Conservation, Forests and Lands Act 1987 — SR No 11/2004
Country Fire Authority Act 1958 — SR No 9/2004
County Court Act 1958 — SR No 138
Dangerous Goods Act 1985 — SR No 157
Electricity Safety Act 1998 — SR Nos 146, 149
Estate Agents Act 1980 — SR Nos 148, 3, 4/2004
Firearms Act 1996 — SR No 154
Fisheries Act 1995 — SR No 145
Forests Act 1958 — SR Nos 6, 7/2004
Health Act 1958 — SR No 8/2004
Land Act 1958 — SR No 152
Livestock Disease Control Act 1994 — SR No 1/2004
Magistrates' Court Act 1989 — SR No 144
Marine Act 1988 — SR No 143
National Parks Act 1975 — SR No 150
Occupational Health and Safety Act 1985 — SR Nos 157, 10/2004
Petroleum (Submerged Lands) Act 1982 — SR No 13/2004
Police Regulation Act 1958 — SR Nos 139, 155, 12/2004
Public Records Act 1973 — SR No 141
Sale of Land Act 1962 — SR No 5/2004
Subordinate Legislation Act 1994 — SR No 151
Supreme Court Act 1986 — SR No 142
Transport Accident Act 1986 — SR No 156
Valuation of Land Act 1960 — SR No 153
Victims of Crime Assistance Act 1996 — SR No 147

Subordinate Legislation Act 1994:

Ministers' exception certificates in relation to Statutory Rule Nos 138, 139, 140, 142, 144, 147, 150, 151, 152
 Ministers' exemption certificates in relation to Statutory Rule Nos 145, 148, 153, 155, 157, 4, 6, 7, 11/2004

Urban and Regional Land Corporation — Report for the period ended 31 July 2003

West Wimmera Health Service — Report for the year 2002–03, together with an explanation for the delay in tabling.

The following proclamations fixing operative dates were laid on the Table by the Clerk pursuant to an Order of the House dated 26 February 2003:

Accident Compensation and Transport Accident Acts (Amendment) Act 2003 — Section 5 on 1 February 2004 (*Gazette G5, 29 January 2004*). Sections 10, 11 and 12 on 1 March 2004 (*Gazette G9, 26 February 2004*)
Albury-Wodonga Agreement (Repeal) Act 2003 — Sections 4, 5, 6, 11, 12, 16 and 17 on 1 March 2004 (*Gazette G9, 26 February 2004*)
Animals Legislation (Animal Welfare) Act 2003 — Section 32 on 22 January 2004 (*Gazette G4, 22 January 2004*)

Estate Agents and Sale of Land Acts (Amendment) Act 2003 — Remaining provisions except s 21 on 1 February 2004 (*Gazette G5, 29 January 2004*)

Federal Awards (Uniform System) Act 2003 — Sections 1 (except paragraph (b)) and 2 and Part 5 on 17 December 2003 (*Gazette S238, 17 December 2003*)

Instruments (Enduring Powers of Attorney) Act 2003 — Whole Act on 1 April 2004 (*Gazette G8, 19 February 2004*)

Local Government (Democratic Reform) Act 2003 — Part 2, sections 15 to 18, 21, 22, 24, 25, 26, 32, 33, 35(1), 36, 37, 40, 41, 42, 46, 47 to 51, 52(1), 52(2), 52(4), 52(5), 54, 55, 56, 61, 64 to 69, 78, 79, 84 to 88, 92, 93, 95(1), 95(2), 96, 99, 102, 103 and 104 on 10 December 2003. Sections 34 and 35(2) on 7 January 2004. Sections 80, 82 and 83 on 13 February 2004 (*Gazette S230 10 December 2003*)

Port Services (Port Management Reform) Act 2003 — Sections 5(2), 5(3), 9, 23, 26(1), and 29 on 1 January 2004 (*Gazette G51, 18 December 2003*)

Terrorism (Community Protection) Act 2003 — Provisions of Part 6 on 25 February 2004 (*Gazette S42, 25 February 2004*)

Water Legislation (Essential Services Commission and Other Amendments) Act 2003 — Remaining provisions (except for sections 5, 6 and 9) on 1 January 2004 (*Gazette G50, 11 December 2003*)

Wrongs and Limitation of Actions Acts (Insurance Reform) Act 2003 — Sections 3, 17 and 18 on 1 January 2004 (*Gazette G51, 18 December 2003*)

Wrongs and Other Acts (Law of Negligence) Act 2003 — Part 5 on 1 January 2004 (*Gazette G51, 18 December 2003*).

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

Animals Legislation (Animal Welfare) Bill
 Crimes (Money Laundering) Bill
 Crimes (Stalking) Bill
 Fair Trading (Further Amendment) Bill
 Firearms (Amendment) Bill
 Fisheries (Further Amendment) Bill
 Gambling Regulation Bill
 Local Government (Democratic Reform) Bill
 Parliamentary Committees Bill
 Road Safety (Drug Driving) Bill
 Shop Trading Reform (Simplification) Bill
 State Taxation Acts (Further Miscellaneous Amendments) Bill.

- 16 **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 December 2003:
 Accident Compensation and Transport Accident Acts (Amendment) Bill
 ANZAC Day (Amendment) Bill
 Forests and National Parks Acts (Amendment) Bill
 Health Legislation (Further Amendment) Bill
 Partnership (Venture Capital Funds) Bill
 Professional Standards Bill
 Transport (Rights and Responsibilities) Bill

Wrongs and Other Acts (Law of Negligence) Bill

On 9 December 2003:

Animals Legislation (Animal Welfare) Bill

Crimes (Money Laundering) Bill

Crimes (Stalking) Bill

Fair Trading (Further Amendment) Bill

Firearms (Amendment) Bill

Fisheries (Further Amendment) Bill

Local Government (Democratic Reform) Bill

Parliamentary Committees Bill

Road Safety (Drug Driving) Bill

Shop Trading Reform (Simplification) Bill

State Taxation (Further Miscellaneous Amendments) Bill

On 16 December 2003:

Gambling Regulation Bill.

- 17 **MESSAGE FROM THE GOVERNOR** — The Speaker announced the presentation of a message from the Governor recommending an appropriation for the purposes of the Public Prosecutions (Amendment) Bill.
- 18 **CORRECTION OF BILL TITLES** — Motion made, by leave, and question — That where a bill has passed through both Houses and the citation of the bill includes a reference to a calendar year earlier than that in which the passage of the bill was completed, the Clerk of the Parliaments be empowered to alter the calendar year reference in the citation of the bill and any corresponding reference within the bill itself to the year in which the passage of the bill was so completed (*Mr Batchelor*) — put and agreed to.
- 19 **DRUGS AND CRIME PREVENTION COMMITTEE — EXTENSION TO REPORTING DATE** — Motion made, by leave, and question — That the resolution of the House of 3 June 2003 providing that the Drugs and Crime Prevention Committee be required to present its report, upon violence associated with Motor Vehicle Use, to the Parliament no later 31 March 2004, be amended so far as to require the report be presented to the Parliament no later than 30 September 2004 (*Mr Batchelor*) — put and agreed to.
- 20 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, pursuant to Sessional Order 6(2), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 4 March 2004:
- Gas Industry (Residual Provisions) (Amendment) Bill
Nurses (Amendment) Bill
Public Prosecutions (Amendment) Bill
Unclaimed Moneys (Amendment) Bill
Wrongs (Remarriage Discount) Bill
- (*Mr Batchelor*) — put, after debate, and agreed to.
- 21 **STATEMENTS BY MEMBERS** — Statements by members were made.

- 22 **WRONGS (REMARRIAGE DISCOUNT) 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, read a third time forthwith with the concurrence of an absolute majority of the whole number of the Members of the Legislative Assembly.

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

- 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 **PUBLIC PROSECUTIONS (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, read a third time forthwith.

Ordered — That the Bill be transmitted to the Legislative Council and their concurrence desired therein.

- 25 **NURSES (AMENDMENT) BILL** — 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 Asher*) — put and agreed to.

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

- 26 **UNCLAIMED MONEYS (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Pursuant to sessional orders, Mr Cameron announced that it was proposed to move amendments in Committee 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 Hudson*) — put and agreed to.

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

- 27 **GAS INDUSTRY (RESIDUAL PROVISIONS) (AMENDMENT) 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 pursuant to sessional orders.

- 28 **ADJOURNMENT** — The Acting 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

JUDY MADDIGAN
Speaker

No 53 — Wednesday 3 March 2004

- 1 The Speaker took the Chair and read the Prayer.
- 2 **TEMPORARY CHAIRS OF COMMITTEES** — The following warrant, nominating the Temporary Chairs of Committees, was laid upon the Table by the Speaker:

VICTORIA LEGISLATIVE ASSEMBLY

Pursuant to the provisions of Standing Order No 12 of the Legislative Assembly, I do hereby nominate — Ann Patricia Barker, Christine Mary Campbell, Robert Fitzgerald Cooper, Hugh Francis Delahunty, Craig Ingram, Kenneth Stephen Jasper, Nicholas Kotsiras, Telmo Ramon Languiller, Jennifer Margaret Lindell, Donato Antonio Nardella, Russell Irwin Savage, George Seitz, Kenneth Maurice Smith and Murray Hamilton Ross Thompson to act as Temporary Chairs whenever requested so to do by the Chair of Committees.

This warrant replaces the previous warrant tabled under my name on the Twenty-sixth day of February, Two Thousand and Three.

Given under my hand this Third day of March, Two Thousand and Four.

Judy Maddigan
Speaker

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

Sunbury Sports Grounds — Recycled Watering Systems — Seeking that the House takes urgent action to install recycled watering systems at sports grounds in Sunbury, contributed to in part by the sports clubs who use the grounds, bearing 115 signatures (*by Ms Duncan*)

Multi Purpose Taxi Program — Seeking that the House reconsiders raising the cap to the Multi Purpose Taxi Program, to reflect the needs of rural and regional card holders, bearing 49 signatures (*by Mr Savage*).

Severally ordered to lie on the Table.

- 4 **PETITION — SUNBURY SPORTS GROUNDS — RECYCLED WATERING SYSTEMS** — Motion made and question — That the petition presented by the Member for Macedon requesting that recycled watering systems at sports grounds in Sunbury be installed be taken into consideration tomorrow (*Ms Duncan*) — put and agreed to.

5 **PAPERS —**

LAW REFORM COMMITTEE — Mr Hudson, Chair, brought up a report from the Law Reform Committee upon the Forensic Sampling and DNA Databases in Criminal Investigations, together with appendices and minutes of evidence.

Ordered to lie on the Table and the report and appendices to be printed.

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

Financial Management Act 1994 — Report from the Minister for Agriculture that he had received the 2002–03 annual report of the Northern Victorian Fresh Tomato Industry Development Committee

Water Act 1989 — Hoddles Creek Stream Flow Management Plan 2003.

- 6 **OUTER SUBURBAN/INTERFACE SERVICES AND DEVELOPMENT COMMITTEE — EXTENSION TO REPORTING DATE** — Motion made, by leave, and question — That the resolution of the House of 3 June 2003 providing that the Outer Suburban/Interface Services and Development Committee be required to present its report, upon Sustainable Urban Design for New Communities, to the Parliament no later than 31 March 2004, be amended so far as to require the report be presented to the Parliament no later than 31 July 2004 (*Ms Delahunty, Northcote*) — put and agreed to.

- 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:

Drugs and Crime Prevention Committee's Report on the Inquiry into Fraud and Electronic Commerce

Law Reform Committee's Report upon the Forensic Sampling and DNA Databases in Criminal Investigations.

- 10 **AMENDMENT TO SESSIONAL ORDER 19** — Motion made and question — That the amendment to Sessional Order 19 relating to the operation of divisions, agreed to by the House on 16 September 2003 be adopted (*Mr Batchelor*) — and, after debate —

Business having been interrupted at 2.00 pm pursuant to sessional orders.

- 11 **QUESTIONS** — (Pursuant to Standing Order No 124).

- 12 **AMENDMENT TO SESSIONAL ORDER 19** — Debate continued on question — That the amendment to Sessional Order 19 relating to the operation of divisions, agreed to by the House on 16 September 2003 be adopted.

Question — put.

The House divided.

AYES 61

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Hudson; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Loney; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Savage; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne. Tellers: Ms D'Ambrosio; Mr Ingram; Mr Langdon.

NOES 22

Ms Asher; Mr Baillieu; Mr Clark; Mr Doyle; Mr Honeywood; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Mulder; Dr Napthine; Mr Perton; Mr Plowman; Mrs Powell; Mrs Shardey; Mr Smith; Mr Sykes; Mr Thompson; Mr Walsh; Mr Wells. Tellers: Mr Cooper; Mr Dixon; Mr Maughan.

And so it was resolved in the affirmative.

- 13 **REPORT OF THE STANDING ORDERS COMMITTEE ON THE MODERNISATION OF STANDING ORDERS** — Motion made and question proposed — That the Report of the Standing Orders Committee on the Modernisation of Standing Orders be referred to the Committee of the Whole for consideration forthwith and that each member be entitled to speak twice on each question, with a maximum of five minutes on each occasion (*Mr Batchelor*).

Amendment proposed — That:

- (1) After the words 'Modernisation of Standing Orders', the expression 'be taken into consideration by the House forthwith and, following consideration,' be inserted.
- (2) After the words 'and that each member be entitled', the expression ', in the Committee of the Whole,' be inserted (*Mr Plowman*) — put, after debate, and agreed to.

Question — That the Report of the Standing Orders Committee on the Modernisation of Standing Orders be taken into consideration by the House forthwith and, following consideration, be referred to the Committee of the Whole for consideration forthwith and that each member be entitled, in the Committee of the Whole, to speak twice on each question, with a maximum of five minutes on each occasion — put and agreed to.

- 14 **REPORT OF THE STANDING ORDERS COMMITTEE ON THE MODERNISATION OF STANDING ORDERS** — Motion made and question — That this House takes note of the Report of the Standing Orders Committee on the Modernisation of Standing Orders tabled in the House on 25 November 2003 (*Mr Batchelor*) — and, after debate —

Mr Batchelor, by leave, announced that it was proposed to move amendments in the Committee of the Whole and requested that they be circulated. Amendments circulated.

Debate continued on question — That this House takes note of the Report of the Standing Orders Committee on the Modernisation of Standing Orders tabled in the House on 25 November 2003.

Business having been interrupted at 10.00 pm pursuant to sessional orders.

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

Debate continued on question — That this House takes note of the Report of the Standing Orders Committee on the Modernisation of Standing Orders tabled in the House on 25 November 2003 — put and agreed to.

Report committed; considered in Committee.

Committee reported progress; to sit again tomorrow.

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

16 **ADJOURNMENT** — Resolved, after debate — That the House do now adjourn.

And the House, at 11.14 pm, adjourned until tomorrow.

R W PURDEY
Clerk of the Legislative Assembly

JUDY MADDIGAN
Speaker

No 54 — Thursday 4 March 2004

1 The Speaker took the Chair and read the Prayer.

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

Warley Hospital, Phillip Island — Seeking that the Government meets its health funding obligations for Warley Hospital on Phillip Island and promptly assists in the proper funding of its Accident and Emergency Department to prevent its threatened closure, bearing 70 signatures (*by Mr Smith*)

Waste Management Facility at Baddaginnie — Seeking that the Government rejects any proposal for the establishment of a waste management facility at Baddaginnie, bearing 13,884 signatures (*by Mr Sykes*)

Knox City Council — Seeking that the House sacks the Knox City Council and institutes fresh elections as soon as possible with the objective of implementing a fairer system of rates distribution, bearing 297 signatures (*by Ms Eckstein*)

Multi Purpose Taxi Program — Seeking that the House does not introduce a financial cap to the Multi Purpose Taxi Program and that any proposed legislation be delayed until such time as full and proper consultation has been held with stakeholders, including the taxi industry, to consider other options for the efficient operation of the program, and so that the special circumstances and needs of the elderly and disabled in rural Victoria are fully considered, bearing 80 signatures (*by Mr Trezise*)

Toxic Waste Facility — Ouyen Area — Seeking that the Government abandons its proposal to place a toxic waste facility in the Ouyen area, bearing 6,953 signatures (*by Mr Savage*).

Severally ordered to lie on the Table.

- 3 **PETITION — WASTE MANAGEMENT FACILITY AT BADDAGINNIE** — Motion made and question — That the petition presented by the Member for Benalla requesting that the Government rejects any proposal for the establishment of a waste management facility at Baddaginnie be taken into consideration tomorrow (*Mr Sykes*) — put and agreed to.
- 4 **PETITION — KNOX CITY COUNCIL** — Motion made and question — That the petition presented by the Member for Ferntree Gully requesting that the House sacks the Knox City Council and institutes fresh elections as soon as possible be taken into consideration tomorrow (*Ms Eckstein*) — put and agreed to.
- 5 **PETITION — WARLEY HOSPITAL, PHILLIP ISLAND** — Motion made and question — That the petition presented by the Member for Bass requesting that the Government meets its health funding obligations for Warley Hospital on Phillip Island and promptly assists in the proper funding of its Accident and Emergency Department to prevent its threatened closure be taken into consideration tomorrow (*Mr Smith*) — put and agreed to.
- 6 **PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid on the Table by the Clerk:

Statutory Rules under the following Acts:

Australian Crime Commission (State Provisions) Act 2003 — SR No 15

Children's Services Act 1996 — SR No 14

Marine Act 1988 — SR No 16

Subordinate Legislation Act 1994 — Ministers' exemption certificates in relation to Statutory Rule Nos 14, 15.

- 7 **MESSAGE FROM THE GOVERNOR** — The Speaker announced the presentation of a message from the Governor recommending a further appropriation for the purposes of the Unclaimed Moneys (Amendment) Bill.
- 8 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourn until Tuesday 30 March 2004 (*Mr Cameron*) — put and agreed to.

- 9 **STATEMENTS BY MEMBERS** — Statements by members were made.
- 10 **REPORT OF THE STANDING ORDERS COMMITTEE ON THE MODERNISATION OF STANDING ORDERS** — Further considered in Committee.
Business having been interrupted at 2.00 pm pursuant to sessional orders.
- 11 **QUESTIONS** — (Pursuant to Standing Order No 124).
- 12 **REPORT OF THE STANDING ORDERS COMMITTEE ON THE MODERNISATION OF STANDING ORDERS** — Further considered in Committee.
Allocation of time — The Chair of Committees advised that the time allocated for consideration of bills pursuant to resolution of the House on Tuesday 2 March 2004 had expired.
Committee reported progress; sit again later this day.
- 13 **NURSES (AMENDMENT) BILL** — 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 and third time and the Bill be transmitted to the Legislative Council and their concurrence desired therein — put and agreed to.
- 14 **UNCLAIMED MONEYS (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.
Question — That this Bill be now read a second time, Government amendment Nos 1 to 5 inclusive be agreed to, the Bill be read a third time and the Bill be transmitted to the Legislative Council and their concurrence desired therein — put and agreed to.
- 15 **GAS INDUSTRY (RESIDUAL PROVISIONS) (AMENDMENT) BILL** — 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 and third time and the Bill be transmitted to the Legislative Council and their concurrence desired therein — put and agreed to.
- 16 **REPORT OF THE STANDING ORDERS COMMITTEE ON THE MODERNISATION OF STANDING ORDERS** — Further considered in Committee.
Business having been interrupted at 10.00 pm pursuant to sessional orders.
Committee reported progress; to sit again later this day.
Motion made and question — That the sitting be continued (*Mr Batchelor*) — put and agreed to.
Further considered in Committee.
And the House having continued to sit after 12 midnight —

FRIDAY 5 MARCH 2004

The Chair of Committees reported that —

- (1) The Committee has adopted recommendation 3 of the Report, relating to the interpretation of an appropriation; and
- (2) The Committee has considered the proposed new Standing Orders and has agreed to the same with amendments.

Question — That the House agrees to the adoption of recommendation 3 of the Report, relating to the interpretation of an appropriation (*Mr Batchelor*) — put and agreed to.

Question — That effective from 29 March 2004 —

- (1) The amended Standing Orders as recommended by the Committee of the Whole be adopted and that they be printed;
- (2) All existing Standing Orders (except Joint Standing Orders) be repealed;
- (3) All existing Rules of Practice be rescinded;
- (4) Sessional Orders 2 to 19 inclusive be rescinded;
- (5) Ongoing resolutions agreed to on 17 August 1983, 18 April 1984, 17 November 1989 and 18 February 1998, as amended on 1 June 2000 and 26 November 2003 be rescinded

(*Mr Batchelor*) — put and agreed to.

- 17 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 2 to 7 inclusive, be postponed until later this day.
- 18 **MARINE (AMENDMENT) BILL** — 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 Honeywood*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 18 March 2004.

- 19 **ROAD MANAGEMENT BILL** — 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 Mulder*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 18 March 2004.

- 20 **ESTATE AGENTS AND TRAVEL AGENTS ACTS (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 Kotsiras*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 18 March 2004.

- 21 **LIMITATION OF ACTIONS AMENDMENT) BILL** — 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 McIntosh*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 18 March 2004.

- 22 **MONETARY UNITS 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 Clark*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 18 March 2004.

- 23 **CORRECTIONS (FURTHER AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Haermeyer*).

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 March 2004.

- 24 **COMMONWEALTH GAMES ARRANGEMENTS (FURTHER AMENDMENT) BILL** — 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 (*Dr Naphine*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 18 March 2004.

- 25 **PETROLEUM (SUBMERGED LANDS) (AMENDMENT) BILL** — 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 (*Dr Naphine*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 18 March 2004.

- 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** — Resolved, after debate — That the House do now adjourn.

And the House, at 2.16 am, adjourned until Tuesday 30 March 2004.

R W PURDEY
Clerk of the Legislative Assembly

JUDY MADDIGAN
Speaker

LEGISLATIVE ASSEMBLY OF VICTORIA

VOTES AND PROCEEDINGS Nos 55, 56 and 57

No 55 — Tuesday 30 March 2004

- 1 The House met pursuant to adjournment — The Speaker took the Chair and read the Prayer.
- 2 **DEATH OF THE HONOURABLE VERNON FRANCIS WILCOX, CBE, QC, AND THE HONOURABLE SIR RUPERT JAMES HAMER, AC, KCMG** — Motion made and question —
 - (1) That this House expresses its sincere sorrow at the death of the Honourable Vernon Francis Wilcox CBE, QC, 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 Camberwell from 1956 to 1976 and Minister of Immigration from 1964 to 1965, Minister of Labour and Industry from 1965 to 1967, Minister of Transport from 1967 to 1973, and Attorney-General from 1973 to 1976.
 - (2) That this House expresses its sincere sorrow at the death of the Honourable Sir Rupert James Hamer, AC, KCMG, and places on record its acknowledgement of the valuable services rendered by him to the Parliament and the people of Victoria as Member of the Legislative Council for the Electoral Province of East Yarra from 1958 to 1971 and Member of the Legislative Assembly for the Electoral District of Kew from 1971 to 1981, Minister of Immigration, Assistant Chief Secretary, Assistant Attorney-General from 1962 to 1964, Minister for Local Government from 1964 to 1971, Chief Secretary and Deputy Premier from 1971 to 1972, Premier from 1972 to 1981, Treasurer from 1972 to 1979, Minister for the Arts from 1972 to 1979, Minister of State Development, Decentralisation and Tourism from 1979 to 1981, and Minister of Economic Development 1981.

(Mr Bracks) — put, after the Speaker and other 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 Vernon Francis Wilcox, CBE, QC, and the late Honourable Sir Rupert James Hamer, AC, KCMG, the House now adjourns until 2.00 pm tomorrow and that Sessional Order 1 be suspended accordingly *(Mr Bracks)* — put and agreed to.

And the House, at 6.24 pm adjourned until tomorrow at 2.00 pm.

R W PURDEY
Clerk of the Legislative Assembly

JUDY MADDIGAN
Speaker

No 56 — Wednesday 31 March 2004

1 The House met pursuant to adjournment — The Speaker took the Chair and read the Prayer.

2 **QUESTIONS** — (Under SO 55).

3 **ACTING PUBLIC ADVOCATE** — The Speaker announced that she had, on 6 February 2004, administered to David Raymond Sykes, the Acting Public Advocate, the oath required by Schedule 3 of the *Guardianship and Administration Act 1986*.

4 **ERROR IN DIVISION LIST** — The Speaker informed the House that, in the division which took place in the House on Wednesday 3 March 2004 on the amendment to Sessional Order 19, the Member for Ivanhoe, Mr Craig Langdon, was present as a teller, but not recorded by the tellers for the 'Ayes'. The total of the 'Ayes' is therefore 61, instead of 60.

The Speaker directed the Clerk to correct the division list accordingly.

5 **OMBUDSMAN** — The Speaker announced that she had, on 26 March 2004, administered to George Eugene Pascal Brouwer, the Ombudsman, the oath required by s 10 of the *Ombudsman Act 1973*.

6 **CONTROL OF GENETICALLY MODIFIED CROPS BILL** — Mr Cameron obtained leave to bring in a Bill '*to provide for the designation of areas of the State for the purpose of preserving for marketing purposes the identity of crops as genetically modified or non-genetically modified and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.

7 **HEALTH SERVICES (SUPPORTED RESIDENTIAL SERVICES) BILL** — Ms Pike obtained leave to bring in a Bill '*to amend the **Health Services Act 1988** and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.

8 **CRIMES (ASSUMED IDENTITIES) BILL** — Mr Hulls obtained leave to bring in a Bill '*to provide for the lawful acquisition and use of assumed identities for law enforcement purposes and the recognition of things done in relation to assumed identities in other jurisdictions and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.

9 **CRIMES (CONTROLLED OPERATIONS) BILL** — Mr Hulls obtained leave to bring in a Bill '*to provide for the lawful conduct of controlled operations for law enforcement purposes, including operations conducted in Victoria and interstate, to provide for mutual recognition of controlled operations authorised in other jurisdictions, to amend the **Fisheries Act 1995**, the*

Wildlife Act 1975 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.

- 10 **SURVEILLANCE DEVICES (AMENDMENT) BILL** — Mr Hulls obtained leave to bring in a Bill '*to amend the **Surveillance Devices Act 1999** with respect to warrants and emergency authorisations for the use of surveillance devices, to recognise warrants and emergency authorisations issued in other jurisdictions and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 11 **HERITAGE (FURTHER AMENDMENT) BILL** — Ms Delahunty (*Northcote*) obtained leave to bring in a Bill '*to further 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.
- 12 **LAND (MISCELLANEOUS) BILL** — Ms Delahunty (*Northcote*) obtained leave to bring in a Bill '*to revoke the reservations and Crown grants relating to certain land, to amend the **Melbourne Cricket Ground Act 1933** to provide for the reservation of a stratum of land, to consequentially amend the **Melbourne Cricket Ground Trust 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.
- 13 **TRANSFER OF LAND (ELECTRONIC TRANSACTIONS) BILL** — Ms Delahunty (*Northcote*) obtained leave to bring in a Bill '*to amend the **Transfer of Land Act 1958** to provide for the lodgement and registration of electronic instruments and to amend the **Instruments Act 1958** and the **Property Law Act 1958** and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 14 **LAND TAX (AMENDMENT) BILL** — Mr Brumby obtained leave to bring in a Bill '*to amend the **Land Tax Act 1958** and the **Valuation of Land Act 1960** and for other purposes*'; and, after debate, the Bill was read a first time and, after debate, ordered to be read a second time tomorrow.
- 15 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

Commercial Netting — Requesting that the House takes action to phase out commercial netting activities in Victorian bays, inlets and the Gippsland Lakes, bearing 31 signatures (*by Mr Harkness*)

Thomson and Macalister River Systems — Requesting that the Government ensures any increased environmental flow for the Thomson and Macalister river systems is sourced from proven water savings, generated from government-funded investments to improve efficiency of water delivery systems or other water sources, with no adverse impact on irrigators' existing entitlements which include water rights, sales water and licensed volumes, bearing 1,822 signatures (*by Mr Ryan*)

Rural Planning Zones — Requesting that the House urges the Government to withdraw and redraft the new rural planning zones and introduce a planning system that — (a) strikes a fairer balance between the need to preserve prime agricultural land and acknowledgement of the rights of landowners; (b) does not impinge on a landowner's rights to retire with dignity; (c) encourages young people to take up farming; and (d) gives local government flexibility in the determination of subdivisions and use of rural land, bearing 108 signatures (*by Mr Ryan*)

Intersection of Baxter–Tooradin, Fultons and Hawkins Roads, Baxter — Requesting that urgent action is taken to make the black spot intersection of Baxter–Tooradin, Fultons and Hawkins Roads in Baxter safer before lives are lost or serious injury occurs at the location, bearing 85 signatures (*by Ms Buchanan*)

Lawn Bowls Clubs and Associations — Requesting that the legislation pertaining to the *Equal Opportunity Act 1995* be amended so as to enable lawn bowls clubs and associations to conduct events designated as single gender events and/or mixed gender events, whenever desired and appropriate, and that when appropriate all these events continue in the same form to the State Championship level, bearing 1,308 signatures (*by Mr Dixon*)

Toxic Waste Disposal Facility, Pittong — Requesting that the House — (a) takes urgent steps to ensure that the proposed toxic waste disposal facility at Pittong does not proceed; and (b) considers other locations, bearing 9,104 and 106 signatures (*by Mr Helper and Mr Honeywood, respectively*)

Central Health Interpreter Service — Requesting that the House urges the Minister for Health and the Government to — (a) reverse the decision to close the Central Health Interpreter Service; and (b) maintain the existing Service which has been in operation for over 20 years, bearing 48 signatures (*by Mr Thompson*)

Irrigated Agriculture — Requesting that the House takes urgent action to ensure that the future prosperity of the State's irrigated agriculture and major export sector is not under threat, bearing 253 signatures (*by Mrs Powell*)

Planning Amendment to Urban Growth Boundary C27 — Requesting that the House, as an urgent priority, takes action to correct the new Urban Growth Boundary (UGB) to include the land of the materially impacted stakeholders of Ironbark Road, Diamond Creek and Pioneer Road, Yarrambat in the Shire of Nillumbik, within its borders, bearing 6 signatures (*by Mrs Powell*)

Intersection at Old Geelong Road and Graham Court, Hoppers Crossing — Requesting that traffic lights be installed at the intersection of Old Geelong Road and Graham Court, Hoppers Crossing and the unsealed service road be sealed, bearing 212 signatures (*by Ms Gillett*)

Multi Purpose Taxi Program — Proposed Changes — Requesting that the House rescinds the proposed changes to the Multi Purpose Taxi Program and maintains the current level of subsidy, bearing 1,404 signatures (*by Mr Honeywood*).

Petitions ordered to be tabled.

- 16 **PETITION — THOMSON AND MACALISTER RIVER SYSTEMS** — Motion made and question — That the petition presented by the Member for Gippsland South requesting that the Government ensures any increased environmental flow for the Thomson and Macalister river systems is sourced from proven water savings, generated from government-funded investments to improve efficiency of water delivery systems or other water sources, with no adverse impact on irrigators' existing entitlements which include water rights, sales water and licensed volumes be taken into consideration tomorrow (*Mr Ryan*) — put and agreed to.

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- 17 **PETITION — RURAL PLANNING ZONES** — Motion made and question — That the petition presented by the Member for Gippsland South requesting that the House urges the Government withdraw and redraft the new rural planning zones and introduce a planning system that — (a) strikes a fairer balance between the need to preserve prime agricultural land and acknowledgement of the rights of landowners; (b) does not impinge on a landowner's rights to retire with dignity; (c) encourages young people to take up farming; and (d) gives local government flexibility in the determination of subdivisions and use of rural land be taken into consideration tomorrow (*Mr Ryan*) — put and agreed to.
- 18 **PETITION — TOXIC WASTE DISPOSAL FACILITY, PITTONG** — Motion made and question — That the petition presented by the Member for Warrandyte requesting that the House — (a) takes urgent steps to ensure that the proposed toxic waste disposal facility at Pittong does not proceed; and (b) considers other locations be taken into consideration tomorrow (*Mr Honeywood*) — put and agreed to.
- 19 **PETITION — MULTI PURPOSE TAXI PROGRAM — PROPOSED CHANGES** — Motion made and question — That the petition presented by the Member for Warrandyte requesting that the House rescinds the proposed changes to the Multi Purpose Taxi Program and maintains the current level of subsidy be taken into consideration tomorrow (*Mr Honeywood*) — put and agreed to.
- 20 **PETITION — TOXIC WASTE DISPOSAL FACILITY, PITTONG** — Motion made and question — That the petition presented by the Member for Ripon requesting that the House — (a) takes urgent steps to ensure that the proposed toxic waste disposal facility at Pittong does not proceed; and (b) considers other locations be taken into consideration tomorrow (*Mr Helper*) — put and agreed to.
- 21 **PETITION — IRRIGATED AGRICULTURE** — Motion made and question — That the petition presented by the Member for Shepparton requesting the House takes urgent action to ensure that the future prosperity of the State's irrigated agriculture and major export sector is not under threat be taken into consideration tomorrow (*Mrs Powell*) — put and agreed to.
- 22 **PETITION — PLANNING AMENDMENT TO URBAN GROWTH BOUNDARY C27** — Motion made and question — That the petition presented by the Member for Shepparton requesting that the House, as an urgent priority, takes action to correct the new Urban Growth Boundary (UGB) to include the land of the materially impacted stakeholders of Ironbark Road, Diamond Creek and Pioneer Road, Yarrambat in the Shire of Nillumbik, within its borders be taken into consideration tomorrow (*Mrs Powell*) — put and agreed to.
- 23 **PETITION — INTERSECTION OF BAXTER–TOORADIN, FULTONS AND HAWKINS ROADS, BAXTER** — Motion made and question — That the petition presented by the Member for Hastings requesting that urgent action is taken to make the black spot intersection of Baxter–Tooradin, Fultons and Hawkins Roads in Baxter safer before lives are lost or serious injury occurs at the location be taken into consideration tomorrow (*Ms Buchanan*) — put and agreed to.

24 **DOCUMENTS —**

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — Ms D'Ambrosio, Chair, presented a report from the Scrutiny of Acts and Regulations Committee being the Alert Digest No 2 of 2004 on the:

Commonwealth Games Arrangements (Further Amendment) Bill
 Corrections (Further Amendment) Bill
 Estate Agents and Travel Agents Acts (Amendment) Bill
 Limitation of Actions (Amendment) Bill
 Marine (Amendment) Bill
 Monetary Units Bill
 Petroleum (Submerged Lands) (Amendment) Bill
 Road Management Bill
 Professional Standards Bill

together with appendices.

Ordered to be tabled and printed.

DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT —

The Clerk tabled under ss 35(2) and 36(2) of the *Parliamentary Committees Act 2003*:

Environment and Natural Resources Committee — Inquiry on the Impact and Trends in Soil Acidity, together with appendices and minutes of evidence.

Report and appendices ordered to be printed.

Public Accounts and Estimates Committee — Responses of the Treasurer on the action taken with respect to the recommendations made by the Public Accounts and Estimates Committee's Reports on the 2000–01 Budget Outcomes, 2002–03 Budget Estimates and 2003–04 Budget Estimates

The Clerk tabled the following documents in accordance with Acts of Parliament:

Altona Memorial Park — Report for the year 2002, together with an explanation for the delay in tabling

Anderson's Creek Cemetery Trust — Report for the year 2002, together with an explanation for the delay in tabling

Ballaarat General Cemeteries Trust — Report for the year 2002, together with an explanation for the delay in tabling

Bendigo Cemeteries Trust — Report for the year 2002, together with an explanation for the delay in tabling

Cheltenham and Regional Cemeteries Trust — Report for the year 2002, together with an explanation for the delay in tabling

Fawkner Crematorium and Memorial Park — Report for the year 2002, together with an explanation for the delay in tabling

Financial Management Act 1994 — Report from the Minister for Environment that he had not received the reports for the year ended 31 October 2003 together with an explanation for the delay in tabling of the:

Falls Creek Alpine Resort Management Board
Mt Baw Baw Alpine Resort Management Board
Mt Buller Alpine Resort Management Board
Mt Stirling Alpine Resort Management Board

Geelong Cemeteries Trust — Report for the year 2002, together with an explanation for the delay in tabling

Keilor Cemetery Trust — Report for the year 2002, together with an explanation for the delay in tabling

Lake Mountain Alpine Resort Management Board — Report for the year ended 31 October 2003

Lilydale Memorial Park and Cemetery — Report for the year 2002, together with an explanation for the delay in tabling

Mildura Cemetery Trust — Report for the year 2002, together with an explanation for the delay in tabling

Mount Hotham Alpine Resort Management Board — Report for the year ended 31 October 2003

Murray-Darling Basin Commission — Report for the year 2001–02

National Environment Protection Council — Report for the year 2002–03

Necropolis Springvale — Report for the year 2002, together with an explanation for the delay in tabling

Parliamentary Committees Act 2003 — Response of the Minister for State and Regional Development on the action taken with respect to the recommendations made by the Economic Development Committee's Inquiry into Export Opportunities for Victorian Rural Industries

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

Ararat Planning Scheme — No C6
Ballarat Planning Scheme — No C67 Part 1
Bass Coast Planning Scheme — No C33
Bayside Planning Scheme — No C2 Part 2
Brimbank Planning Scheme — Nos C52, C56
Cardinia Planning Scheme — Nos C13 Part 2, C20, C34 Part 2, C53
Glen Eira Planning Scheme — Nos C28, C29
Greater Geelong Planning Scheme — Nos C35, C90
Greater Shepparton Planning Scheme — Nos C43, C45
Hobsons Bay Planning Scheme — No C21
Hume Planning Scheme — Nos C31, C49

Macedon Ranges Planning Scheme — No C29
 Manningham Planning Scheme — No C39
 Maribyrnong Planning Scheme — Nos C17 Part 1, C30
 Mildura Planning Scheme — No C24 Part 1
 Mitchell Planning Scheme — Nos C15 Part 2, C33
 Moira Planning Scheme — No C13
 Monash Planning Scheme — No C50
 Warrnambool Planning Scheme — No C27
 West Wimmera Planning Scheme — No C5
 Whitehorse Planning Scheme — No C44
 Wyndham Planning Scheme — No C30
 Yarra Planning Scheme — Nos C40, C44

Preston Cemetery Trust — Report for the year 2002, together with an explanation for the delay in tabling

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 papers)

Rural Finance Act 1988 — Direction by the Treasurer to the Rural Finance Corporation to administer a Financial Assistance Scheme to the Shires of Latrobe, Wellington and East Gippsland excluding Macalister Irrigation District

Snowy Hydro Limited — Report for the year ended 28 June 2003

Statutory Rules under the following Acts:

Fisheries Act 1995 — SR No 22
Health Services Act 1988 — SR No 19
Prevention of Cruelty to Animals Act 1986 — SR No 23
Subordinate Legislation Act 1994 — SR Nos 17, 18
Survey Co-ordination Act 1958 — SR No 21
Wildlife Act 1975 — SR No 20

Subordinate Legislation Act 1994:

Minister's exception certificates in relation to Statutory Rule Nos 17, 18
 Minister's exemption certificate in relation to Statutory Rule No 20

Templestowe Cemetery Trust — Report for the year 2002, together with an explanation for the delay in tabling

Wyndham Cemetery Trust — Report for the year 2002, together with an explanation for the delay in tabling.

The following proclamations fixing operative dates were tabled by the Clerk in accordance with an Order of the House dated 26 February 2003:

Child Employment Act 2003 — Whole Act on 12 June 2004 (*Gazette S61, 15 March 2004*)
Federal Courts (Consequential Amendments) Act 2000 — Sections 22 and 23 on 8 March 2004 (*Gazette G10, 4 March 2004*)

Non-Emergency Patient Transport Act 2003 — Sections 1, 2, 65, 66 and 67 on 25 March 2004 (*Gazette G13, 25 March 2004*).

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

Commonwealth Games Arrangements (Further Amendment) Bill
 Corrections (Further Amendment) Bill
 Estate Agents and Travel Agents Acts (Amendment) Bill
 Marine (Amendment) Bill
 Road Management Bill.

- 26 **MESSAGE FROM THE GOVERNOR — VACANCY IN THE SENATE** — The Speaker announced the presentation of a message from the Governor, 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 Richard Kenneth Robert Alston on 10 February 2004.

Ordered to be taken into consideration immediately.

- 27 **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 Richard Kenneth Robert Alston, and proposes that the time and place of such meeting be the Legislative Assembly Chamber on Wednesday 31 March 2004 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.

- 28 **SUSPENSION OF STANDING ORDERS** — Motion made, by leave, and question — That so much of standing orders be suspended today so as to allow —

- (1) Statements by members, a matter of public importance and statements on parliamentary committee reports to be omitted from the order of business today.
- (2) For the purposes of the cycle of grievance debates and discussions on a matter of public importance under SOs 37, 38 and 39, the ability to propose a matter of public importance for consideration today will not be considered as having arisen, so that the cycle starting from the next sitting week and lasting for the remainder of the sitting period will be:

Government proposed matter of public importance
 Non-government proposed matter of public importance
 Grievance debate

(*Mr Batchelor*) — put and agreed to.

- 29 **ROAD SAFETY COMMITTEE — EXTENSION TO REPORTING DATE** — Motion made, by leave, and question — That the resolution of the House of 3 June 2003 providing that the

Road Safety Committee be required to present its reports, upon Crashes Involving Roadside Objects and the Country Road Toll, to the Parliament no later than 31 March 2004, be amended so far as to require the reports be presented to the Parliament no later than 31 March 2005 (*Mr Batchelor*) — put and agreed to.

30 **RURAL AND REGIONAL SERVICES AND DEVELOPMENT COMMITTEE — EXTENSION TO REPORTING DATE** — Motion made, by leave, and question — That the resolution of the House of 3 June 2003 providing that the Rural and Regional Services and Development Committee be required to present its report, on the Impact on Life in Rural and Regional Victoria of Australian Rules Football, to the Parliament no later than 31 March 2004, be amended so far as to require the report be presented to the Parliament no later than 30 September 2004 (*Mr Batchelor*) — put and agreed to.

31 **COMMITTEE MEMBERSHIP** — Motion made, by leave, and question — That Mr Perton be discharged from attendance on the Standing Orders Committee and that Mr Plowman be appointed in his place (*Mr Batchelor*) — put and agreed to.

32 **SPANISH BOMBING** — Motion made, by leave, and question — That the following resolution be agreed to by this House —

We, the Legislative Assembly of Victoria, offer our deepest and sincere condolences to the families of the victims of the Spanish Terrorist bombings, and the survivors of this brutal atrocity, and join the people of Victoria in expressing shock and outrage at this senseless waste of life.

(*Mr Bracks*) — put, after Mr Doyle, Mr Ryan and Mr Languiller had addressed the House in support of the motion, honourable members rising in their places to signify their assent, agreed to unanimously in silence.

33 **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 1 April 2004:

Limitation of Actions (Amendment) Bill
 Marine (Amendment) Bill
 Monetary Units Bill
 Petroleum (Submerged Lands) (Amendment) Bill
 Road Management Bill

(*Mr Batchelor*) — put and agreed to.

34 **MONETARY UNITS BILL** — 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.

35 **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

choose a person to hold the place in the Senate rendered vacant by the resignation of Senator the Honourable Richard Kenneth Robert Alston as proposed by the Assembly.

- 36 **LIMITATION OF ACTIONS (AMENDMENT) BILL** — 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 Mulder*) — put and agreed to.

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

- 37 **ROAD MANAGEMENT BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

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

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

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

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

- 38 **MARINE (AMENDMENT) BILL** — 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 Napthine*) — put and agreed to.

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

- 39 **VACANCY IN THE SENATE** — The Acting 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 Richard Kenneth Robert Alston and that Mitchell Peter Fifield has been duly chosen to hold the vacant place in the Senate.

- 40 **PETROLEUM (SUBMERGED LANDS) (AMENDMENT) BILL** — 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 Plowman*) — put and agreed to.

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

- 41 **ROAD MANAGEMENT BILL** — 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 place thereof the words ‘this House refuses to read this Bill a second time until there is further consultation with regional, rural and outer metropolitan councils concerning:

- (1) The impact of the abolition of the concept of non-feasance;
- (2) Whether the \$1,000 threshold claim level sufficiently takes into account the high cost to councils of repairing vehicles; and
- (3) The cost implications for councils in implementing the provisions of the Bill and in particular the cost of establishing and maintaining the proposed road management structure'

(Mr Ingram) — and, after debate —

Business having been interrupted at 10.00 pm under standing orders.

- 42 **ADJOURNMENT** — The Acting Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.56 pm.

R W PURDEY
Clerk of the Legislative Assembly

JUDY MADDIGAN
Speaker

No 57 — Thursday 1 April 2004

- 1 The Speaker took the Chair and read the Prayer.
- 2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

Warley Hospital, Phillip Island — Requesting that the Government meets its health funding obligations for Warley Hospital on Phillip Island and promptly assists in the proper funding of its Accident and Emergency Department to prevent its threatened closure, bearing 2,985 signatures *(by Mr Smith)*

67 Barkly Street, Mornington — Requesting that urgent action is taken to stop the historic building known as 67 Barkly Street, Mornington being demolished for car parking or inappropriate development, as planned by the Mornington Peninsula Shire Council, bearing 2,093 signatures *(by Ms Buchanan)*

Camberwell Railway Station — Requesting that the House abandons its intention to sell, lease or in any way make available the land and air space surrounding Camberwell Railway Station for development, and thus retains the heritage station and the public open space for the enjoyment of all, now and in the future, bearing 3,238 signatures *(by Mr Baillieu)*

Toxic Waste Facility — Ouyen Area — Requesting that the Government abandons its proposal to place a toxic waste facility in the Ouyen area, bearing 133 signatures *(by Mr Savage)*

Rural Planning Zones — Requesting that Parliament withdraws the current proposals and redrafts new rural planning zones with a view to — (a) striking a better balance between the need to preserve prime agricultural land and the rights of existing landowners; (b) granting local government greater flexibility in decision making with regard to subdivisions and the use of rural land; (c) ensuring that all changes to existing planning zones are exhibited and subject to appeal thus giving landowners the right to object; and (d) ensuring that these far reaching changes are not rushed through without proper public scrutiny, bearing 25 signatures (*by Mr Maughan*)

Daily Late Train Service to Seymour — Requesting that a daily late train service to Seymour, leaving Spencer Street at around 8.00 pm, be introduced immediately and, if necessary, as part of any proposed study, bearing 111 signatures (*by Mr Hardman*).

Petitions ordered to be tabled.

3 **PETITION — CAMBERWELL RAILWAY STATION** — Motion made and question — That the petition presented by the Member for Hawthorn requesting that the House abandons its intention to sell, lease or in any way make available the land and air space surrounding Camberwell Railway Station for development be taken into consideration tomorrow (*Mr Baillieu*) — put and agreed to.

4 **PETITION — TOXIC WASTE FACILITY — OUYEN AREA** — Motion made and question — That the petition presented by the Member for Mildura requesting that the Government abandons its proposal to place a toxic waste facility in the Ouyen area be taken into consideration tomorrow (*Mr Savage*) — put and agreed to.

5 **PETITION — WARLEY HOSPITAL, PHILLIP ISLAND** — Motion made and question — That the petition presented by the Member for Bass requesting that the Government meets its health funding obligations for Warley Hospital on Phillip Island and promptly assists in the proper funding of its Accident and Emergency Department to prevent its threatened closure be taken into consideration tomorrow (*Mr Smith*) — put and agreed to.

6 **PETITION — 67 BARKLY STREET, MORNINGTON** — Motion made and question — That the petition presented by the Member for Hastings requesting that urgent action is taken to stop the historic building known as 67 Barkly Street Mornington being demolished for car parking or inappropriate development, as planned by the Mornington Peninsula Shire Council be taken into consideration tomorrow (*Ms Buchanan*) — put and agreed to.

7 **DOCUMENTS** —

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — Ms Campbell, Chair, presented a report from the Public Accounts and Estimates Committee on the Review of the Auditor-General's performance audit report no 65 — Reducing landfill: waste management by municipal councils, 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:

State Superannuation Fund — Report on the Actuarial Investigation as at 30 June 2003

Youth Parole Board and Youth Residential Board — Report for the year 2002–03.

- 8 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Nurses (Amendment) Bill without amendment.
- 9 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourn until Tuesday 20 April 2004 (*Mr Cameron*) — put and agreed to.
- 10 **STATEMENTS BY MEMBERS** — Statements by members were made.

A petition was presented by the Member for Mill Park requesting that the Government honours its 1999 election promise to extend the Epping rail line to South Morang, bearing 3,620 signatures.

- 11 **PETROLEUM (SUBMERGED LANDS) (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 with the concurrence of an absolute majority of the whole number of the members of the Legislative Assembly.

Bill sent to the Legislative Council and their agreement requested.

- 12 **LIMITATION OF ACTIONS (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 with the concurrence of an absolute majority of the whole number of the members of the Legislative Assembly.

Bill sent to the Legislative Council and their agreement requested.

- 13 **MARINE (AMENDMENT) BILL** — 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 **ABC SPORTS BULLETINS** — Motion made, by leave, and question — That this House —

(1) Expresses its strong objections to the decision by ABC management to downgrade its Victorian content by introducing a Sydney-based sports bulletin to its Melbourne news service and urges the Board to reverse its decision and ensure its sports bulletin reflects the sporting interests of Victorian viewers and Melbourne's position as the sports capital of Australia; and

(2) Requires that the Speaker communicate the resolution of this House to the ABC Board.

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

- 15 **MARINE (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.

- 16 **MONETARY UNITS BILL** — 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 **MONETARY UNITS BILL** — 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*) — after debate, put.

The House divided.

AYES 60

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Loney; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Savage; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 24

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Napthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith; Mr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

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

- 19 **ROAD MANAGEMENT BILL** — 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 place thereof the words 'this House refuses to read this bill a second time until there is further consultation with regional, rural and outer metropolitan councils concerning:

- (1) The impact of the abolition of the concept of non-feasance;
- (2) Whether the \$1,000 threshold claim level sufficiently takes into account the high cost to councils of repairing vehicles; and
- (3) The cost implications for councils in implementing the provisions of the bill and in particular the cost of establishing and maintaining the proposed road management structure'; 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 31 March 2004 had expired.

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

The House divided.

AYES 56

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Hudson; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 26

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Naphine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Mr Smith; Mr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

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

The House divided.

AYES 56

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Hudson; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 26

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Naphine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Mr Smith; Mr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

Bill read a third time with the concurrence of an absolute majority of the whole number of the members of the Legislative Assembly.

Bill sent to the Legislative Council and their agreement requested.

- 20 **MONETARY UNITS BILL** — 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.

AYES 56

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Hudson; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 26

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Naphthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Mr Smith; Mr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 21 **CONTROL OF GENETICALLY MODIFIED CROPS BILL** — 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 Naphthine*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 15 April 2004.

- 22 **HEALTH SERVICES (SUPPORTED RESIDENTIAL SERVICES) BILL** — 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 Thursday 15 April 2004.

- 23 **CRIMES (ASSUMED IDENTITIES) 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 McIntosh*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 15 April 2004.

- 24 **CRIMES (CONTROLLED OPERATIONS) 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 McIntosh*) — put and agreed to.
- Ordered — That the debate be adjourned until Thursday 15 April 2004.
- 25 **SURVEILLANCE DEVICES (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 McIntosh*) — put and agreed to.
- Ordered — That the debate be adjourned until Thursday 15 April 2004.
- 26 **HERITAGE (FURTHER AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Ms Delahunty, Northcote*).
- Motion made and question — That the debate be now adjourned (*Mr Baillieu*) — put and agreed to.
- Ordered — That the debate be adjourned until Thursday 15 April 2004.
- 27 **LAND (MISCELLANEOUS) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Ms Delahunty, Northcote*).
- Motion made and question — That the debate be now adjourned (*Mr Baillieu*) — put and agreed to.
- Ordered — That the debate be adjourned until Thursday 15 April 2004.
- 28 **TRANSFER OF LAND (ELECTRONIC TRANSACTIONS) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Ms Delahunty, Northcote*).
- Motion made and question — That the debate be now adjourned (*Mr Baillieu*) — put and agreed to.
- Ordered — That the debate be adjourned until Thursday 15 April 2004.
- 29 **LAND TAX (AMENDMENT) 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 Clark*) — put and agreed to.
- Ordered — That the debate be adjourned until Thursday 15 April 2004.
- 30 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Holding*) — put and agreed to.

31 **ADJOURNMENT** — The Deputy Speaker left the Chair, after debate, at 8.28 pm.

R W PURDEY
Clerk of the Legislative Assembly

JUDY MADDIGAN
Speaker

LEGISLATIVE ASSEMBLY OF VICTORIA

VOTES AND PROCEEDINGS Nos 58, 59 and 60

No 58 — Tuesday 20 April 2004

- 1 The House met pursuant to adjournment — The Speaker took the Chair and read the Prayer.
- 2 **QUESTIONS** — (Under SO 55).
- 3 **PRIVATE SECURITY BILL** — Mr Batchelor obtained leave to bring in a Bill '*to provide for the licensing or registration of certain participants in the private security industry, to otherwise regulate that industry, to amend the **Private Agents Act 1966** and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 4 **ALPINE RESORTS (MANAGEMENT) (AMENDMENT) BILL** — Mr Thwaites obtained leave to bring in a Bill '*to amend the **Alpine Resorts (Management) Act 1997** and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 5 **BIRTHS, DEATHS AND MARRIAGES REGISTRATION (AMENDMENT) BILL** — Mr Hulls obtained leave to bring in a Bill '*to amend the **Births, Deaths and Marriages Registration Act 1996** to provide for the recognition of the sex of persons who have undergone sex affirmation surgery and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 6 **JUSTICE LEGISLATION (SEXUAL OFFENCES AND BAIL) BILL** — Mr Hulls obtained leave to bring in a Bill '*to amend the **Crimes Act 1958**, the **Evidence Act 1958** and the **Sentencing Act 1991** with respect to sexual offences, child pornography and sexual performances involving a minor and to amend the **Bail Act 1977** and the **County Court Act 1958** with respect to failure to answer bail and extension of bail and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 7 **COURTS LEGISLATION (JUDICIAL APPOINTMENTS) BILL** — Mr Hulls obtained leave to bring in a Bill '*to amend the **Magistrates' Court Act 1989** and the **Judicial Remuneration Tribunal Act 1995** to enable magistrates to work on a part-time basis, to amend the **County Court Act 1958** and the **Supreme Court Act 1986** to widen the eligibility criteria for certain judicial appointments and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 8 **COURTS LEGISLATION (FUNDS IN COURT) BILL** — Mr Hulls obtained leave to bring in a Bill '*to amend the **Supreme Court Act 1986**, the **County Court Act 1958**, the **Magistrates' Court Act 1989**, the **Victims of Crime Assistance Act 1996** and the **Trustee Act 1958** with respect to the investment and use of money held in court or by the Victims of Crime Assistance*

Tribunal on behalf of persons under disability and for other purposes'; and the Bill was read a first time and ordered to be read a second time tomorrow.

- 9 **PRIMARY INDUSTRIES LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL** — Mr Cameron obtained leave to bring in a Bill '*to amend the Agricultural and Veterinary Chemicals (Control of Use) Act 1992, the Dairy Act 2000, the Fisheries Act 1995, the Fisheries (Further Amendment) Act 2003, the Plant Health and Plant Products Act 1995 and the Stock (Seller Liability and Declarations) Act 1993 and to repeal the Australian Food Industry Science Centre 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.
- 10 **ENERGY LEGISLATION (REGULATORY REFORM) BILL** — Mr Cameron obtained leave to bring in a Bill '*to further amend the Electricity Industry Act 2000, the Gas Industry Act 2001, the Electricity Industry (Residual Provisions) Act 1993, the Electricity Safety Act 1998 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.
- 11 **VICTORIAN QUALIFICATIONS AUTHORITY (NATIONAL REGISTRATION) BILL** — Ms Kosky obtained leave to bring in a Bill '*to amend the Victorian Qualifications Authority Act 2000 to provide for a national scheme of registration of training organisations and vocational education and training and further education courses and qualifications and to make consequential amendments 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:

Rural Planning Zones — Requesting that the House urges the Government to withdraw and redraft the new rural planning zones and introduce a planning system that — (a) strikes a fairer balance between the need to preserve prime agricultural land and acknowledgement of the rights of landowners; (b) does not impinge on a landowner's rights to retire with dignity; (c) encourages young people to take up farming; and (d) gives local government flexibility in the determination of subdivisions and use of rural land, bearing 329 signatures (*by Mr Ryan*)

Central Health Interpreter Service — Requesting that the House urges the Minister for Health and the Government to — (a) reverse the decision to close the Central Health Interpreter Service; and (b) maintain the existing Service which has been in operation for over 20 years, bearing 61 signatures (*by Mr Thompson*).

Petitions ordered to be tabled.

- 13 **DOCUMENTS** —

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — Ms D'Ambrosio, Chair, presented a report from the Scrutiny of Acts and Regulations Committee being the Alert Digest No 3 of 2004 on the:

Control of Genetically Modified Crops Bill
 Crimes (Assumed Identities) Bill
 Crimes (Controlled Operations) Bill
 Health Services (Supported Residential Services) Bill

Heritage (Further Amendment) Bill
Land (Miscellaneous) Bill
Land Tax (Amendment) Bill
Monetary Units Bill
Surveillance Devices (Amendment) Bill
Transfer of Land (Electronic Transactions) Bill

together with appendices.

Ordered to be tabled and printed.

DOCUMENT TABLED BY COMMAND OF THE GOVERNOR —

Mr Hulls presented by Command of the Governor:

County Court — Report for the year 2001–2002

Ordered to be tabled.

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

Ballarat University — Report for the year 2003 (two documents)

Commonwealth Games Arrangements Act 2001 — Orders under s 18 (five documents)

Deakin University — Report for the year 2003

Essential Services Commission — Report of the Special Investigation — Proposed Retail Tariff Amendments

Financial Management Act 1994 — Budget Update for the year 2003–04

La Trobe University — Report for the year 2003

Melbourne University — Report for the year 2003

Melbourne University Private Limited — Report for the year 2003

Monash University — Report for the year 2003

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

Ballarat Planning Scheme — No C66

Bass Coast Planning Scheme — No C30 Part 2

Brimbank Planning Scheme — Nos C62, C74

Casey Planning Scheme — No C56, C66

Colac Otway Planning Scheme — No C24

Greater Bendigo Planning Scheme — Nos C29, C53

Greater Dandenong Planning Scheme — No C31 Part 1

Hume Planning Scheme — Nos C19 Part 2, C21

Kingston Planning Scheme — No C37
 Knox Planning Scheme — No C21
 Manningham Planning Scheme — No C32
 Mansfield Planning Scheme — Nos C2, C3
 Maribyrnong Planning Scheme — No C40
 Melton Planning Scheme — No C35
 Mildura Planning Scheme — No C21
 Mitchell Planning Scheme — No C28
 Moorabool Planning Scheme — No C3 Part 1
 Moyne Planning Scheme — No C12
 Towong Planning Scheme — No C5 Part 1
 Warrnambool Planning Scheme — No C18
 Whittlesea Planning Scheme — No C55

RMIT University — Report for the year 2003 (two documents)

Statutory Rules under the following Acts:

Electricity Safety Act 1998 — SR No 24
Fisheries Act 1995 — SR Nos 26, 27
Tobacco Act 1987 — SR No 25
Transport Act 1983 — SR No 28

Subordinate Legislation Act 1994 — Ministers' exemption certificates in relation to Statutory Rule Nos 19, 26

Swinburne University of Technology — Report for the year 2003

Victoria University of Technology — Report for the year 2003.

The following proclamations fixing operative dates were tabled by the Clerk in accordance with an Order of the House dated 26 February 2003:

Fisheries (Further Amendment) Act 2003 — Section 5 on 8 April 2004 (*Gazette G15, 8 April 2004*)
Port Services (Port Management Reform) Act 2003 — Sections 10, 24, 26(2), 30, 31, 32, 33, 34(2) and 35 on 1 April 2004 (*Gazette G14, 1 April 2004*).

- 14 **MESSAGE FROM THE GOVERNOR — ASSENT TO BILL** — Informing the Legislative Assembly that he had, on 6 April 2004, given the royal assent to the Nurses (Amendment) Bill, presented to him by the Clerk of the Parliaments.
- 15 **MESSAGES FROM THE GOVERNOR** — The Speaker announced the presentation of messages from the Governor recommending appropriations for the purposes of the following bills:

Control of Genetically Modified Crops Bill
 Crimes (Assumed Identities) Bill
 Crimes (Controlled Operations) Bill
 Health Services (Supported Residential Services) Bill
 Heritage (Further Amendment) Bill
 Transfer of Land (Electronic Transactions) Bill.

- 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 April 2004:

Control of Genetically Modified Crops Bill
 Corrections (Further Amendment) Bill
 Estate Agents and Travel Agents Acts (Amendment) Bill
 Health Services (Supported Residential Services) Bill
 Heritage (Further Amendment) Bill
 Land (Miscellaneous) Bill
 Land Tax (Amendment) Bill
 Transfer of Land (Electronic Transactions) Bill.

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

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

- 18 **LAND TAX (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

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

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

Amendment proposed — That all the words after 'That' be omitted with the view of inserting in place thereof the words 'this Bill be withdrawn and redrafted to put in place measures to ensure that the legislation does not operate as a hidden new tax passed on to electricity consumers' *(Mr Clark)* — and, after debate —

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

The House divided.

AYES 57

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Perera; Mr Robinson; Mr Savage; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 23

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Jasper; Mr Maughan; Mr McIntosh; Mr Mulder; Dr Napthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

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

The House divided.

AYES 57

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Perera; Mr Robinson; Mr Savage; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 23

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Jasper; Mr Maughan; Mr McIntosh; Mr Mulder; Dr Naphthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

Bill considered in detail, amended, and read a third time.

Bill sent to the Legislative Council and their agreement requested.

19 **POSTPONEMENT OF ORDER OF THE DAY** — Ordered — That the consideration of Government Business, Order of the Day, No 2, be postponed until later this day.

20 **ESTATE AGENTS AND TRAVEL AGENTS ACTS (AMENDMENT) BILL** — 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 Wells*) — put and agreed to.

Ordered — That the debate be adjourned until tomorrow.

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

Public Prosecutions (Amendment) Bill
Gas Industry (Residual Provisions) Bill.

22 **CORRECTIONS (FURTHER AMENDMENT) BILL** — 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 Naphthine*) — put and agreed to.

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

23 **CONTROL OF GENETICALLY MODIFIED CROPS 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.

- 24 **ADJOURNMENT** — The Acting Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.50 pm.

R W PURDEY
Clerk of the Legislative Assembly

JUDY MADDIGAN
Speaker

No 59 — Wednesday 21 April 2004

- 1 The Speaker took the Chair and read the Prayer.
- 2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

Rural Planning Zones — Requesting that the House urges the Government to withdraw and redraft the new rural planning zones and introduce a planning system that — (a) strikes a fairer balance between the need to preserve prime agricultural land and acknowledgement of the rights of landowners; (b) does not impinge on a landowner's rights to retire with dignity; (c) encourages young people to take up farming; and (d) gives local government flexibility in the determination of subdivisions and use of rural land, bearing 136, 135 and 89 signatures (*by Dr Sykes, Mr Ryan and Mr Delahunty, Lowan respectively*)

Prohibited Weapons — Requesting that the House urges the Government to withdraw or redraft the new prohibited weapons legislation to — (a) allow private citizens to own swords free from onerous regulations that restrict ownership, display and storage; and (b) enforce harsh penalties for any criminal use of swords, bearing 1,255 signatures (*by Dr Sykes*)

Bairnsdale Regional Health Service — Requesting that the House calls on the Government to provide adequate WIES (weighted inlier equivalent separations) funding to Bairnsdale Regional Health Service to ensure that these surgical services are reinstated and remain at Bairnsdale Hospital, bearing 8,460 signatures (*by Mr Ingram*)

Toxic Waste Facility — Ouyen Area — Requesting that the Government abandons its proposal to place a toxic waste facility in the Ouyen area, bearing 58 signatures (*by Mr Delahunty, Lowan*)

Multi Purpose Taxi Program — Requesting that the House does not introduce a financial cap to the Multi Purpose Taxi Program and that any proposed legislation be delayed until such time as full and proper consultation has been held with stakeholders, including the taxi industry, to consider other options for the efficient operation of the program, and so that the special circumstances and needs of the elderly and disabled in rural Victoria are fully considered, bearing 39 signatures (*by Mr Delahunty, Lowan*)

Traffic Lights — Intersection of Bentons Road and Nepean Highway, Mt Martha — Requesting that the Minister for Transport funds the installation of traffic lights at the

intersection of Bentons Road and Nepean Highway, Mt Martha as a matter of urgency, bearing 59 signatures (*by Mr Cooper*)

Mitcham-Frankston (Scoresby) Freeway — Requesting that the House ensures that the Government honours its pre-election commitment and policy as pledged to the citizens of Victoria not to introduce tolls on the Mitcham-Frankston (Scoresby) Freeway and immediately reverses its decision to impose these tolls, bearing 1,061 signatures (*by Mr Cooper*)

Sports Stadium — Corangamite Shire — Requesting that the Government gives favourable consideration to the Corangamite Shire's application for funding of the sports stadium project currently before the Department of Sport and Recreation, bearing 1,305 signatures (*by Mr Mulder*)

Rural Planning Zones — Requesting that Parliament withdraws the current proposals to introduce new rural planning zones and redrafts them with a view to — (a) striking a better balance between the need to preserve prime agricultural land and the rights of existing landowners; (b) granting local government greater flexibility in decision making with regard to subdivisions and the use of rural land; (c) ensuring that all changes to existing planning zones are exhibited and subject to appeal thus giving landowners the right to object; and (d) ensuring that these far reaching changes are not rushed through without proper public scrutiny, bearing 25 signatures (*by Mr Maughan*).

Petitions ordered to be tabled.

- 3 **PETITION — BAIRNSDALE REGIONAL HEALTH SERVICE** — Motion made and question — That the petition presented by the Member for Gippsland East requesting that the House calls on the Government to provide adequate WIES (weighted inlier equivalent separations) funding to Bairnsdale Regional Health Service to ensure that these surgical services are reinstated and remain at Bairnsdale Hospital be taken into consideration tomorrow (*Mr Ingram*) — put and agreed to.
- 4 **PETITION — PROHIBITED WEAPONS** — Motion made and question — That the petition presented by the Member for Benalla requesting that the House urges the Government to withdraw or redraft the new prohibited weapons legislation to — (a) allow private citizens to own swords free from onerous regulations that restrict ownership, display and storage; and (b) enforce harsh penalties for any criminal use of swords be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.
- 5 **PETITION — TRAFFIC LIGHTS — INTERSECTION OF BENTONS ROAD AND NEPEAN HIGHWAY, MT MARTHA** — Motion made and question — That the petition presented by the Member for Mornington requesting funding for the installation of traffic lights at the intersection of Bentons Road and Nepean Highway, Mt Martha be taken into consideration tomorrow (*Mr Cooper*) — put and agreed to.
- 6 **PETITION — MITCHAM-FRANKSTON (SCORESBY) FREEWAY** — Motion made and question — That the petition presented by the Member for Mornington requesting that the Government honours its pre-election commitment and policy as pledged to the citizens of Victoria not to introduce tolls on the Mitcham-Frankston (Scoresby) Freeway and immediately reverses its decision to impose these tolls be taken into consideration tomorrow (*Mr Cooper*) — put and agreed to.

- 7 **PETITION — RURAL PLANNING ZONES** — Motion made and question — That the petition presented by the Member for Lowan requesting that the House urges the Government to withdraw and redraft the new rural planning zones and introduce a planning system that — (a) strikes a fairer balance between the need to preserve prime agricultural land and acknowledgement of the rights of landowners; (b) does not impinge on a landowner's rights to retire with dignity; (c) encourages young people to take up farming; and (d) gives local government flexibility in the determination of subdivisions and use of rural land be taken into consideration tomorrow (*Mr Delahunty, Lowan*) — put and agreed to.
- 8 **PETITION — TOXIC WASTE FACILITY — OUYEN AREA** — Motion made and question — That the petition presented by the Member for Lowan requesting that the Government abandons its proposal to place a toxic waste facility in the Ouyen area be taken into consideration tomorrow (*Mr Delahunty, Lowan*) — put and agreed to.
- 9 **PETITION — MULTI PURPOSE TAXI PROGRAM** — Motion made and question — That the petition presented by the Member for Lowan requesting that the House does not introduce a financial cap to the Multi Purpose Taxi Program and that any proposed legislation be delayed until such time as full and proper consultation has been held with stakeholders, including the taxi industry, to consider other options for the efficient operation of the program, and so that the special circumstances and needs of the elderly and disabled in rural Victoria are fully considered be taken into consideration tomorrow (*Mr Delahunty, Lowan*) — put and agreed to.
- 10 **PETITION — SPORTS STADIUM — CORANGAMITE SHIRE** — Motion made and question — That the petition presented by the Member for Polwarth requesting that the Government gives favourable consideration to the Corangamite Shire's application for funding of the sports stadium project currently before the Department of Sport and Recreation be taken into consideration tomorrow (*Mr Mulder*) — put and agreed to.
- 11 **DOCUMENTS TABLED UNDER AN ACT OF PARLIAMENT** — The Clerk tabled the following documents in accordance with an Act of Parliament:
- Subordinate Legislation Act 1994* — Ministers' exemption certificates in relation to Statutory Rule Nos 25, 27.
- 12 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Agreeing to the following bills without amendment:
- Unclaimed Moneys (Amendment) Bill
Wrongs (Remarriage Discount) Bill.
- 13 **STATEMENTS BY MEMBERS** — Statements by members were made.
- 14 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE — ECONOMIC STATEMENT — VICTORIA LEADING THE WAY** — The House was informed that Mr Brumby had proposed that a definite matter of public importance be submitted to the House for discussion, namely —

'That this House commends the Bracks Government for the announcement of its far-reaching and comprehensive economic blue print for Victoria; *Victoria Leading the Way* and notes that it will lower costs for Victorian businesses by over \$1.9 billion over five years, drive close to

\$10 billion of new investment in Victoria and stimulate thousands of new jobs across the State and the House further notes that the highlights of the plan include:

- Land tax cuts worth over \$1 billion over the next five years;
- A 10 per cent cut in average WorkCover premium rates worth \$180 million a year;
- Funding commitments to a new vision for the Port of Melbourne;
- The construction of a 5,000 seat plenary hall as the centrepiece of a new Melbourne Convention Centre;
- New emergency powers legislation to deal with damaging industrial disputes;
- Reforms to streamline planning processes through better decisions faster;
- The establishment of the Victorian Competition and Efficiency Commission to cut red tape and unnecessary business regulation;
- Further funding for the highly successful 'Make it Happen in Provincial Victoria' campaign;
- Measures to stimulate population and economic growth in provincial Victoria;
- The redevelopment of the Melbourne Wholesale Market; and
- The Next Generation Food Strategy'

Mr Brumby addressed the House — Discussion ensued.

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

Drugs and Crime Prevention Committee's Report on the Inquiry into Fraud and Electronic Commerce

Economic Development Committee's Report on Export Opportunities for Victorian Rural Industries and the Government's response to the recommendations of that report

Public Accounts and Estimates Committee's Report on the Review of the Auditor-General's Performance Audit Report No 65 — Reducing Landfill: Waste Management by Municipal Councils

Public Accounts and Estimates Committee's Report on the 2003–2004 Budget Estimates

Law Reform Committee's Report on the Forensic Sampling and DNA Databases in Criminal Investigations

Environment and Natural Resources Committee's Report on the Impact and Trends in Soil Acidity

- 16 **HEALTH SERVICES (SUPPORTED RESIDENTIAL SERVICES) BILL** — 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 **HEALTH SERVICES (SUPPORTED RESIDENTIAL SERVICES) BILL** — Debate continued on question — That this Bill be now read a second time.

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

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

- 19 **HERITAGE (FURTHER AMENDMENT) BILL** — 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 Walsh*) — put and agreed to.

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

- 20 **LAND (MISCELLANEOUS) BILL** — 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.

- 21 **TRANSFER OF LAND (ELECTRONIC TRANSACTIONS) BILL** — 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 Asher*) — put and agreed to.

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

- 22 **CONTROL OF GENETICALLY MODIFIED CROPS BILL** — 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 McTaggart*) — put and agreed to.

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

- 23 **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.

- 24 **ALPINE RESORTS (MANAGEMENT) (AMENDMENT) BILL** — 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 Honeywood*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 5 May 2004.

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

- 26 **JUSTICE LEGISLATION (SEXUAL OFFENCES AND BAIL) 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 McIntosh*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 5 May 2004.

27 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 12 and 13, be postponed until later this day.

28 **PRIMARY INDUSTRIES LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL** — 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 (*Dr Naphine*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 5 May 2004.

29 **POSTPONEMENT OF ORDER OF THE DAY** — Ordered — That the consideration of Government Business, Order of the Day, No 15 be postponed until later this day.

30 **ENERGY LEGISLATION (REGULATORY REFORM) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Cameron*).

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 Clark*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 5 May 2004.

31 **VICTORIAN QUALIFICATIONS AUTHORITY (NATIONAL REGISTRATION) BILL** — 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 Perton*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 5 May 2004.

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

33 **ADJOURNMENT** — The Acting Speaker left the Chair, after debate, at 11.05 pm.

No 60 — Thursday 22 April 2004

- 1 The Speaker took the Chair and read the Prayer.
- 2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

Montmorency South Primary School — Requesting that the House — (a) acts to provide Montmorency South Primary School immediate funding for the provision of two new modular 5 classrooms and associated works so that existing unsafe modular 2 classrooms can be removed from the school site; and (b) following provision of the modular 5 classrooms, that the school's master plan be implemented to provide four permanent classrooms, an art room and a multi purpose room, bearing 1,377 signatures (*by Mr Herbert*)

Specialist Early Intervention Therapy for Autistic Preschool Children — Requesting that the Government takes immediate steps to reinstate funding to provide autistic preschool children with a minimum of 15 hours per week of specialist early intervention therapy in accordance with the advice from paediatricians and early intervention specialists who hold grave concerns for the welfare of Victoria's autistic children, bearing 18 signatures (*by Ms Eckstein*)

Rural Planning Zones — Requesting that the House urges the Government to withdraw and redraft the new rural planning zones and introduce a planning system that — (a) strikes a fairer balance between the need to preserve prime agricultural land and acknowledgement of the rights of landowners; (b) does not impinge on a landowner's rights to retire with dignity; (c) encourages young people to take up farming; and (d) gives local government flexibility in the determination of subdivisions and use of rural land, bearing 150 signatures (*by Mr Ryan*)

Urban Growth Boundary — Rights of Stakeholders of Ironbark Road, Diamond Creek and Pioneer Road, Yarrambat — Requesting that the House urges the Minister for Planning and all other relevant Ministers to take immediate investigative and planning actions to — (a) ensure the continued protection of the distinctive urban infrastructure, with associated infrastructure and development rights of the Ironbark and Pioneer Road landowners, of land in the previously gazetted Urban District and Waterworks Trust of Yarrambat and Plenty; and (b) alternatively meet with the impacted stakeholders and mediate remuneration for their losses and damages if it is now too late to achieve the outcome in (a) above, bearing 6 signatures (*by Mrs Powell*)

Urban Growth Boundary — Rights of Stakeholders of Ironbark Road, Diamond Creek and Pioneer Road, Yarrambat — Requesting that the House urges the Attorney-General and the Premier to — (a) investigate and report the landowners' urban infrastructure costs for urban services, put in place ahead of development and associated rights, and investigate all the other required long-term payments for urban growth of their lands; (b) investigate the pivotal original statutory planning controls, planning texts and planning maps that have not yet been located or released to the materially impacted stakeholders of metropolitan Ironbark Road, Diamond Creek and Pioneer Road, Yarrambat; and (c) notify the stakeholders, the relevant ministers and relevant government departments so that equitable solutions can be negotiated, bearing 6 signatures (*by Mrs Powell*).

Petitions ordered to be tabled.

- 3 **PETITION — MONTMORENCY SOUTH PRIMARY SCHOOL** — Motion made and question — That the petition presented by the Member for Eltham requesting that the House —

(a) acts to provide Montmorency South Primary School immediate funding for the provision of two new modular 5 classrooms and associated works so that existing unsafe modular 2 classrooms can be removed from the school site; and (b) following provision of the modular 5 classrooms, that the School's master plan be implemented to provide four permanent classrooms, an art room and a multi purpose room be taken into consideration tomorrow (*Mr Perton*) — put and agreed to.

- 4 **PETITION — SPECIALIST EARLY INTERVENTION THERAPY FOR AUTISTIC PRESCHOOL CHILDREN** — Motion made and question — That the petition presented by the Member for Ferntree Gully requesting that the Government takes immediate steps to reinstate funding to provide autistic preschool children with a minimum of 15 hours per week of specialist early intervention therapy in accordance with the advice from Paediatricians and Early Intervention Specialists who hold grave concerns for the welfare of Victoria's autistic children be taken into consideration tomorrow (*Mr Perton*) — put and agreed to.

5 **DOCUMENTS —**

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — Ms Campbell, Chair, presented a report from the Public Accounts and Estimates Committee on the 2002–03 Budget Outcomes, 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 — Performance Audit Report — Beating the bugs: Protecting Victoria's economically significant crops from pests and diseases — Ordered to be printed

Financial Management Act 1994 — Report from the Minister for Health that she had received the 2003 annual report of the Psychologists Registration Board of Victoria

Interpretation of Legislation Act 1984:

Notice under s 32(4)(a)(iii) in relation to Statutory Rule Nos 48, 49/1999

Notice under s 32(3)(a)(iii) in relation to Statutory Rule No 24

Parliamentary Committees Act 2003 — Response of the Minister for Transport on the action taken with respect to the recommendations made by the Road Safety Committee's Inquiry into Road Safety for Older Road Users.

- 6 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourn until Tuesday 4 May 2004 (*Ms Delahunty, Northcote*) — put and agreed to.
- 7 **STATEMENTS BY MEMBERS** — Statements by members were made.
- 8 **CASEY PLANNING SCHEME** — Motion made and question proposed — That pursuant to s 46AH of the *Planning and Environment Act 1987*, Amendment No C66 to the Casey Planning Scheme be ratified (*Ms Delahunty, Northcote*) — and, after debate —

Motion made and question — That the debate be now adjourned (*Mr Perton*) — after debate, put.

The House divided.

AYES 24

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Ingram; Mr Jasper; Mr Maughan; Mr McIntosh; Mr Mulder; Dr Napthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

NOES 58

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Howard; Mr Hudson; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Loney; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Perera; Ms Pike; Mr Robinson; Mr Savage; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

Following a challenge to the party vote the Speaker directed that the matter be resolved by a personal vote.

The House divided.

AYES 24

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Doyle; Mr Honeywood; Mr Ingram; Mr Jasper; Mr McIntosh; Mr Mulder; Dr Napthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Wells. Tellers: Mr Dixon; Mr Maughan; Mr Walsh.

*NOES 58

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Howard; Mr Hudson; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Loney; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Perera; Ms Pike; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne. Tellers: Mr Crutchfield; Mr Langdon; Mr Savage.

Question defeated.

Debate resumed on question — That pursuant to s 46AH of the *Planning and Environment Act 1987*, Amendment No C66 to the Casey Planning Scheme be ratified — put and agreed to.

- 9 **CONTROL OF GENETICALLY MODIFIED CROPS BILL** — 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.

* Originally reported as 56. The record was corrected by direction of the Speaker who announced that the total for the noes was actually 58 and had initially been incorrectly calculated.

10 **QUESTIONS** — (Under SO 55).

11 **CONTROL OF GENETICALLY MODIFIED CROPS BILL** — Debate continued on question — That this Bill be now read a second time.

Question — put.

The House divided.

AYES 60

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Loney; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Perera; Ms Pike; Mr Robinson; Mr Savage; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 23

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Jasper; Mr Maughan; Mr McIntosh; Mr Mulder; Dr Napthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

By leave, Bill immediately read a third time.

Bill sent to the Legislative Council and their agreement requested.

12 **ESTATE AGENTS AND TRAVEL AGENTS ACTS (AMENDMENT) BILL** — 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 Plowman*) — put and agreed to.

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

13 **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.

14 **HERITAGE (FURTHER AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Allocation of time — *The Acting Speaker advised that the time allocated for consideration of bills under the resolution of the House on Tuesday 20 April 2004 had expired.*

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

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

Bill sent to the Legislative Council and their agreement requested.

- 15 **LAND (MISCELLANEOUS) BILL** — 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 **TRANSFER OF LAND (ELECTRONIC TRANSACTIONS) BILL** — 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 **CORRECTIONS (FURTHER AMENDMENT) BILL** — 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 **ESTATE AGENTS AND TRAVEL AGENTS ACTS (AMENDMENT) BILL** — 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.

AYES 58

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Perera; Mr Robinson; Mr Savage; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 23

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Jasper; Mr Maughan; Mr McIntosh; Mr Mulder; Dr Naphthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 19 **HEALTH SERVICES (SUPPORTED RESIDENTIAL SERVICES) BILL** — 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 **PRIVATE SECURITY BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Haermeyer*).

Mr Haermeyer 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 Wells*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 6 May 2004.

- 21 **BIRTHS, DEATHS AND MARRIAGES REGISTRATION (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 McIntosh*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 6 May 2004.

- 22 **COURTS LEGISLATION (JUDICIAL APPOINTMENTS) 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 McIntosh*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 6 May 2004.

- 23 **COURTS LEGISLATION (FUNDS IN COURT) 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 McIntosh*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 6 May 2004.

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

- 25 **ADJOURNMENT** — The Deputy Speaker left the Chair, after debate, at 5.27 pm.

R W PURDEY
Clerk of the Legislative Assembly

JUDY MADDIGAN
Speaker

LEGISLATIVE ASSEMBLY OF VICTORIA

CONSIDERATION IN DETAIL
Supplement to Votes Nos 58, 59 and 60

No 58 — Tuesday 20 April 2004

LAND TAX (AMENDMENT) BILL

Clauses 1 to 5 agreed to.

Clause 6, Mr Brumby moved amendment Nos 1 and 2 (*see Schedule*).

Amendments put and agreed to.

Clauses 7 to 20 agreed to.

New clause AA agreed to.

Bill as amended agreed to.

SCHEDULE OF AMENDMENTS MOVED

LAND TAX (AMENDMENT) BILL

Amendments moved by Mr Brumby

1. Clause 6, page 14, line 3, omit "Act.'" and insert "Act."
2. Clause 6, page 14, after line 3 insert—

"13U. Agreements relating to the payment of tax

- (1) The Commissioner may enter into an agreement with a transmission easement holder in relation to the payment of tax to be assessed, charged, levied and collected under this Part.
- (2) An agreement under sub-section (1)—
 - (a) may, despite anything to the contrary in this Act, permit the payment of the tax to be by instalments within such time as is set out in the agreement; and
 - (b) must not be for a period exceeding 5 years.
- (3) Nothing in this section limits the operation of section 91.'."

NEW CLAUSE

3. Insert the following New Clause to follow clause 10—

'AA. Dates for payment of tax to be stated in notice of assessment

In section 57 of the Principal Act, for "Land" substitute "Subject to this Act, land".'

LEGISLATIVE ASSEMBLY OF VICTORIA

VOTES AND PROCEEDINGS Nos 61, 62 and 63

No 61 — Tuesday 4 May 2004

- 1 The House met pursuant to adjournment — The Speaker took the Chair and read the Prayer.
- 2 **QUESTIONS** — (Under SO 55).
- 3 **TRANSPORT LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL** — Mr Batchelor obtained leave to bring in a Bill '*to amend the Marine Act 1988, the Melbourne City Link Act 1995, the Public Transport Competition Act 1995, the Rail Corporations Act 1996, the Road Safety Act 1986, the Road Safety (Drug Driving) Act 2003, the Road Transport (Dangerous Goods) Act 1995, the Sentencing Act 1991 and the Transport Act 1983 and make consequential amendments to the Magistrates' Court Act 1989 and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 4 **TREASURY AND FINANCE LEGISLATION (AMENDMENT) BILL** — Mr Hulls obtained leave to bring in a Bill '*to amend the Accident Compensation Act 1985, the Accident Compensation (WorkCover Insurance) Act 1993, the Emergency Services Superannuation Act 1986, the Government Superannuation Act 1999, the Professional Standards Act 2003, the State Employees Retirement Benefits Act 1979, the State Superannuation Act 1988, the Superannuation (Portability) Act 1989, the Transport Superannuation Act 1988 and the Victorian Managed Insurance Authority Act 1996 and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 5 **FINANCIAL MANAGEMENT (AMENDMENT) BILL** — Mr Brumby obtained leave to bring in a Bill '*to amend the Financial Management Act 1994 with respect to government financial reporting and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 6 **SURVEYING BILL** — Ms Delahunty (*Northcote*), obtained leave to bring in a Bill '*to provide for the management of cadastral surveying, to repeal the Surveyors Act 1978 and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 7 **ARCHITECTS (AMENDMENT) BILL** — Ms Delahunty (*Northcote*), obtained leave to bring in a Bill '*to amend the Architects Act 1991, the Building Act 1993 and the Domestic Building Contracts Act 1995 and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 8 **APPEAL COSTS AND PENALTY INTEREST RATES ACTS (AMENDMENT) BILL** — Mr Hulls obtained leave to bring in a Bill '*to amend the Appeal Costs Act 1998 and the Penalty*

Interest Rates Act 1983 and for other purposes'; and the Bill was read a first time and ordered to be read a second time tomorrow.

- 9 **DEATH NOTIFICATION LEGISLATION (AMENDMENT) BILL** — Mr Hulls obtained leave to bring in a Bill '*to amend the Coroners Act 1985 to create a category of reviewable death to allow investigation of multiple child deaths, to amend the Births, Deaths and Marriages Registration Act 1996, the Health Act 1958, the Children and Young Persons Act 1989 and the Human Services (Complex Needs) Act 2003 and for other purposes'*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 10 **RACING AND GAMING ACTS (AMENDMENT) BILL** — Mr Pandazopoulos obtained leave to bring in a Bill '*to amend the Racing Act 1958, the Lotteries Gaming and Betting Act 1966, the Gambling Regulation Act 2003, the Confiscation Act 1997, the ANZAC Day Act 1958 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:

Road and Public Transport Funding — Requesting that the House ensures that — (a) funding be allocated as a matter of urgency in the 2004/2005 State Budget to — (i) immediately install full signalisation at the junction of Point Cook Road and Central Avenue; (ii) immediately install traffic signals at the Forsyth Road/Princes Freeway Melbourne bound ramp; (iii) upgrade Point Cook Road so that it is safe for use by local traffic; and (iv) commence the Palmers Road extension and interchange; and (b) the recommendations of the VicRoads Laverton/Point Cook: Road and Public Transport Network Study be immediately released, bearing 8,001 signatures (*by Ms Kosky*)

Warley Hospital, Phillip Island — Requesting that the Government meets its health funding obligations for Warley Hospital on Phillip Island and promptly assists in the proper funding of its Accident and Emergency Department to prevent its threatened closure, bearing 120 signatures (*by Mr Smith*)

Rural Planning Zones — Requesting that the House urges the Government to withdraw and redraft the new rural planning zones and introduce a planning system that — (a) strikes a fairer balance between the need to preserve prime agricultural land and acknowledgement of the rights of landowners; (b) does not impinge on a landowner's rights to retire with dignity; (c) encourages young people to take up farming; and (d) gives local government flexibility in the determination of subdivisions and use of rural land, bearing 60 signatures (*by Dr Sykes*)

Prohibited Weapons — Requesting that the House urges the Government to withdraw or redraft the new prohibited weapons legislation to — (a) allow private citizens to own swords free from onerous regulations that restrict ownership, display and storage; and (b) enforce harsh penalties for any criminal use of swords, bearing 688 signatures (*by Dr Sykes*)

Electronic Gaming Machines — Requesting that the Government introduces a comprehensive package of measures to minimise the harm caused by electronic gaming machines including — (a) reduction in the number of electronic gaming machines in Victoria to 15,000; (b) a restriction being placed on all remaining machines so the maximum anyone can lose is \$50 per hour; (c) removal of ATMs from gaming venues; (d) requirement that all winnings over \$250 in gaming

venues be paid entirely by cheque; and (e) introduction of a truly independent gambling regulation body, bearing 531 signatures (*by Mr Hudson*)

Bairnsdale Regional Health Service — Requesting that the House calls on the Government to provide adequate WIES (weighted inlier equivalent separations) funding to Bairnsdale Regional Health Service to ensure that these surgical services are reinstated and remain at Bairnsdale Hospital, bearing 419 signatures (*by Mr Ingram*)

Central Health Interpreter Service — Requesting that the House urges the Minister for Health and the Government to — (a) reverse the decision to close the Central Health Interpreter Service; and (b) maintain the existing Service which has been in operation for over 20 years, bearing 73 signatures (*by Mr Thompson*)

Emergency Helicopter Service in Warrnambool — Requesting that a multi-function emergency helicopter rescue service be established in Warrnambool to provide emergency coverage throughout all of Western Victoria, bearing 109 signatures (*by Dr Naphine*)

Foxhounds and CrossBreeds — Requesting that the House urges the Government to withdraw the current regulation relating to foxhounds and their crossbreeds and introduce a grandfather or sunset clause to allow citizens to use their foxhounds and crossbreeds that are currently registered with approved organisations until the year 2015, bearing 1 signature (*by Mr Honeywood*)

Rural Conservation Zone, Metropolitan Planning Scheme — Requesting that the House does not approve the Rural Conservation Zone (RCZ) to replace the existing Environmental Rural Zone (ERZ) in the Metropolitan Planning Scheme, bearing 267 signatures (*by Mr Honeywood*).

Petitions ordered to be tabled.

- 12 **PETITION — BAIRNSDALE REGIONAL HEALTH SERVICE** — Motion made and question — That the petition presented by the Member for Gippsland East requesting that the House calls on the Government to provide adequate WIES (weighted inlier equivalent separations) funding to Bairnsdale Regional Health Service to ensure that these surgical services are reinstated and remain at Bairnsdale Hospital be taken into consideration tomorrow (*Mr Ingram*) — put and agreed to.
- 13 **PETITION — FOXHOUNDS AND CROSSBREEDS** — Motion made and question — That the petition presented by the Member for Warrandyte requesting that the House urges the Government to withdraw the current regulation relating to foxhounds and their crossbreeds and introduce a grandfather or sunset clause to allow citizens to use their foxhounds and crossbreeds that are currently registered with approved organisations until the year 2015 be taken into consideration tomorrow (*Mr Honeywood*) — put and agreed to.
- 14 **PETITION — RURAL CONSERVATION ZONE, METROPOLITAN PLANNING SCHEME** — Motion made and question — That the petition presented by the Member for Warrandyte requesting that the House does not approve the Rural Conservation Zone (RCZ) to replace the existing Environmental Rural Zone (ERZ) in the Metropolitan Planning Scheme be taken into consideration tomorrow (*Mr Honeywood*) — put and agreed to.

- 15 **PETITION — ROAD AND PUBLIC TRANSPORT FUNDING** — Motion made and question — That the petition presented by the Member for Altona requesting that the House ensures that — (a) funding be allocated as a matter of urgency in the 2004/2005 State Budget to — (i) immediately install full signalisation at the junction of Point Cook Road and Central Avenue; (ii) immediately install traffic signals at the Forsyth Road/Princes Freeway Melbourne bound ramp; (iii) upgrade Point Cook Road so that it is safe for use by local traffic; and (iv) commence the Palmers Road extension and interchange; and (b) the recommendations of the Vic Roads Laverton/Point Cook: Road and Public Transport Network Study be immediately released be taken into consideration tomorrow (*Ms Kosky*) — put and agreed to.
- 16 **PETITION — RURAL PLANNING ZONES** — Motion made and question — That the petition presented by the Member for Benalla requesting that the House urges the Government to withdraw and redraft the new rural planning zones and introduce a planning system that — (a) strikes a fairer balance between the need to preserve prime agricultural land and acknowledgement of the rights of landowners; (b) does not impinge on a landowner's rights to retire with dignity; (c) encourages young people to take up farming; and (d) gives local government flexibility in the determination of subdivisions and use of rural land be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.
- 17 **PETITION — PROHIBITED WEAPONS** — Motion made and question — That the petition presented by the Member for Benalla requesting that the House urges the Government to withdraw or redraft the new prohibited weapons legislation to — (a) allow private citizens to own swords free from onerous regulations that restrict ownership, display and storage; and (b) enforce harsh penalties for any criminal use of swords be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.
- 18 **PETITION — EMERGENCY HELICOPTER SERVICE IN WARRNAMBOOL** — Motion made and question — That the petition presented by the Member for South West Coast requesting that a multi-function emergency helicopter rescue service be established in Warrnambool to provide emergency coverage throughout all of Western Victoria be taken into consideration tomorrow (*Dr Naphine*) — put and agreed to.
- 19 **DOCUMENTS** —

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — Ms D'Ambrosio, Chair, presented a report from the Scrutiny of Acts and Regulations Committee being the Alert Digest No 4 of 2004 on the:

Alpine Resorts (Management) (Amendment) Bill
 Births, Deaths and Marriages Registration (Amendment) Bill
 Courts Legislation (Funds in Court) Bill
 Courts Legislation (Judicial Appointments) Bill
 Energy Legislation (Regulatory Reform) Bill
 Justice Legislation (Sexual Offences and Bail) Bill
 Primary Industries Legislation (Miscellaneous Amendments) Bill
 Private Security Bill
 Road Management Bill
 Victorian Qualifications Authority (National Registration) 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:

Adult Multicultural Education Services — Report for the year 2003

Bendigo Regional Institute of TAFE — Report for the year 2003

Box Hill Institute of TAFE — Report for the year 2003

Central Gippsland Institute of TAFE — Report for the year 2003

Centre for Adult Education — Report for the year 2003

Chisholm Institute of TAFE — Report for the year 2003

Civic Mutual Plus and Municipal Officers Fidelity Guarantee Fund — Report for the year 2002–03

Driver Education Centre of Australia Limited — Report for the year 2003

East Gippsland Institute of TAFE — Report for the year 2003

Financial Management Act 1994:

Budget Paper No 2 — 2004–05 Strategy and Outlook

Budget Paper No 3 — 2004–05 Service Delivery

Budget Paper No 4 — 2004–05 Statement of Finances incorporating the Quarterly Financial Report No 3

Financial Management Act 1994 — Reports from the Minister for Health that she had received the 2003 annual reports of the:

Lilydale Memorial Park and Cemetery

Preston Cemetery Trust

Wyndham Cemeteries Trust

Geelong Cemeteries Trust — Report for the year 2003

Gordon Institute of TAFE — Report for the year 2003

Goulburn Ovens Institute of TAFE — Report for the year 2003

Holmesglen Institute of TAFE — Report for the year 2003

Kangan Batman Institute of TAFE — Report for the year 2003

Northern Melbourne Institute of TAFE — Report for the year 2003

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

Ballarat Planning Scheme — No C69

Banyule Planning Scheme — No C43
 Baw Baw Planning Scheme — No C27
 Campaspe Planning Scheme — No C28
 Casey Planning Scheme — No C69
 Darebin Planning Scheme — No C60
 Greater Bendigo Planning Scheme — No C55
 Macedon Ranges Planning Scheme — Nos C14, C32
 Port Phillip Planning Scheme — No C44
 Swan Hill Planning Scheme — No C16
 Warrnambool Planning Scheme — No C29
 Wodonga Planning Scheme — No C26
 Yarra Planning Scheme — No C70
 Yarra Ranges Planning Scheme — No C37

South West Institute of TAFE — Report for the year 2003

Statutory Rules under the following Acts:

Local Government Act 1989 — SR No 30
Subordinate Legislation Act 1994 — SR No 31
Victorian Civil and Administrative Tribunal Act 1998 — SR No 29

Subordinate Legislation Act 1994:

Minister's exception certificate in relation to Statutory Rule No 29
 Minister's exemption certificate in relation to Statutory Rule No 30

Sunraysia Institute of TAFE — Report for the year 2003

Victoria Law Foundation — Report for the year 2002–03

William Angliss Institute of TAFE — Report for the year 2003

Wodonga Institute of TAFE — Report for the year 2003 (two documents).

20 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Land Tax (Amendment) Bill without amendment.

21 **MESSAGE FROM THE GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that he had, on 27 April 2004, given the royal assent to the following bills, presented to him by the Clerk of the Parliaments:

Gas Industry (Residual Provisions) (Amendment) Bill
 Land Tax (Amendment) Bill
 Public Prosecutions (Amendment) Bill
 Unclaimed Moneys (Amendment) Bill
 Wrongs (Remarriage Discount) Bill.

- 22 **MESSAGE FROM THE GOVERNOR** — The Speaker announced the presentation of a message from the Governor recommending an appropriation for the purposes of the Appropriation (2004/2005) Bill, and accompanying Estimates of Expenditure requiring annual appropriation in the financial year 2004/2005.

Estimates ordered to be tabled.

- 23 **APPROPRIATION (2004/2005) BILL** — Mr Brumby obtained leave to bring in a Bill '*for the appropriation of certain sums out of the Consolidated Fund in respect of the financial year 2004/2005 and for other purposes*'; and the Bill was read a first time and under SO 87 ordered to be read a second time immediately.

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

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

Ordered — That the debate be adjourned until Thursday 6 May 2004.

- 24 **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 2004/2005) Bill, and accompanying Estimates of Expenditure for Parliament requiring annual appropriation in the financial year 2004/2005.

Estimates ordered to be tabled.

- 25 **APPROPRIATION (PARLIAMENT 2004/2005) BILL** — Mr Bracks obtained leave to bring in a Bill '*for the appropriation of certain sums out of the Consolidated Fund for the Parliament in respect of the financial year 2004/2005 and for other purposes*'; and the Bill was read a first time and under SO 87 ordered to be read a second time immediately.

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 Honeywood*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 6 May 2004.

- 26 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, under SO 94(2), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 6 May 2004:

Alpine Resorts (Management) (Amendment) Bill
 Commonwealth Games Arrangements (Further Amendment) Bill
 Crimes (Assumed Identities) Bill
 Crimes (Controlled Operations) Bill
 Energy Legislation (Regulatory Reform) Bill
 Justice Legislation (Sexual Offences and Bail) Bill
 Primary Industries Legislation (Miscellaneous Amendments) Bill
 Surveillance Devices (Amendment) Bill
 Victorian Qualifications Authority (National Registration) Bill

(*Mr Batchelor*) — after debate, put.

The House divided.

AYES 58

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 24

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Ingram; Mr Jasper; Mr McIntosh; Mr Mulder; Dr Napthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

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

28 **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.

29 **COMMONWEALTH GAMES ARRANGEMENTS (FURTHER AMENDMENT) BILL** — 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 Holding*) — put and agreed to.

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

30 **CRIMES (ASSUMED IDENTITIES) BILL** — 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 Plowman*) — put and agreed to.

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

31 **CRIMES (CONTROLLED OPERATIONS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Under standing orders, Mr Pandazopoulos 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 Plowman*) — put and agreed to.

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

- 32 **SURVEILLANCE DEVICES (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

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

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

Business having been interrupted at 10.00 pm under standing orders.

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 (*Dr Naphine*) — put and agreed to.

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

- 33 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Holding*) — put and agreed to.
- 34 **ADJOURNMENT** — The Acting Speaker left the Chair, after debate, at 10.42 pm.

R W PURDEY
Clerk of the Legislative Assembly

JUDY MADDIGAN
Speaker

No 62 — Wednesday 5 May 2004

- 1 The Speaker took the Chair and read the Prayer.
- 2 **PETITION** — The Clerk announced that the following petition had been lodged for presentation:

Intersection of Capel Avenue and Point Nepean Road, Rosebud West — Requesting that the Minister for Transport funds the installation of a set of traffic lights that incorporates a pedestrian crossing at the intersection of Capel Avenue and Point Nepean Road, Rosebud West, as a matter of urgency, bearing 1,007 signatures (*by Mr Dixon*).

Petition ordered to be tabled.

3 DOCUMENTS —

DRUGS AND CRIME PREVENTION COMMITTEE — Mr Cooper presented a report from the Drugs and Crime Prevention Committee upon the Inquiry into Amphetamine and 'Party Drug' Use in Victoria, together with appendices, minority reports and minutes of evidence.

Ordered to be tabled and the report, appendices and minority reports printed.

DOCUMENTS TABLED UNDER AN ACT OF PARLIAMENT — The Clerk tabled the following documents in accordance with an Act of Parliament:

Commonwealth Games Arrangements Act 2001 — Orders under s 18 (three documents).

4 MESSAGES FROM THE ADMINISTRATOR AS DEPUTY FOR THE GOVERNOR —

The Speaker announced the presentation of messages from the Administrator as Deputy for the Governor recommending appropriations for the purposes of the following bills:

Alpine Resorts (Management) (Amendment) Bill
 Primary Industries Legislation (Miscellaneous Amendments) Bill
 Private Security Bill.

5 STATEMENTS BY MEMBERS —

Statements by members were made.

6 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE — CAR REGISTRATION FEES AND MOBILITY POLICIES —

The House was informed that Mr Mulder had proposed that a definite matter of public importance be submitted to the House for discussion, namely —

'That this House condemns the Government for its callous attack on almost 800,000 pensioners by charging them an additional \$78.50 registration fee to keep their cars on the road and for other government decisions that threaten the mobility of the more disadvantaged members of our community which include the indexing annually of all state government fees and charges.'

Mr Mulder addressed the House — Discussion ensued.

[The Acting Speaker having left the Chair at 11.45 am, resumed it at 11.56 am]

Discussion resumed on the Matter of Public Importance — Car Registration Fees and Mobility Policies.

7 STATEMENTS ON PARLIAMENTARY COMMITTEE REPORTS —

Statements were made on the following Committee Reports:

Drugs and Crime Prevention Committee's Report on the Inquiry into Amphetamine and 'Party Drug' Use in Victoria
 Environment and Natural Resources Committee's Report on the Impact and Trends in Soil Acidity

Business having been interrupted at 2.00 pm under standing orders.

8 QUESTIONS —

(Under SO 55).

Motion made, by leave, and question — That the rule of anticipation be waived for the purposes of the budget discussion in question time (*Mr Doyle*) — put and agreed to.

- 9 **ALPINE RESORTS (MANAGEMENT) (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Under standing orders, Mr Honeywood 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 place thereof the words 'this House refuses to read this Bill a second time until consultation has taken place with key stakeholders concerning the introduction of alternative legislation making Craig's Hut and the access track to Craig's Hut subject to management by the new Mount Buller and Mount Stirling Alpine Resort Management Board proposed by the Bill' (*Mr Honeywood*) — and, after debate —

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

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

- 10 **JUSTICE LEGISLATION (SEXUAL OFFENCES AND BAIL) 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.

- 11 **PRIMARY INDUSTRIES LEGISLATION (MISCELLANEOUS AMENDMENTS) 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 with the concurrence of an absolute majority of the whole number of the members of the Legislative Assembly.

Bill sent to the Legislative Council and their agreement requested.

- 12 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Limitation of Actions (Amendment) Bill without amendment.

- 13 **ENERGY LEGISLATION (REGULATORY REFORM) BILL** — 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.

Under standing orders, Mr Jasper 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 Merlino*) — put and agreed to.

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

14 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Petroleum (Submerged Lands) (Amendment) Bill without amendment.

15 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 5 to 8 inclusive, be postponed until later this day.

16 **COMMONWEALTH GAMES ARRANGEMENTS (FURTHER AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

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

Bill sent to the Legislative Council and their agreement requested.

17 **VICTORIAN QUALIFICATIONS AUTHORITY (NATIONAL REGISTRATION) 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 Cameron*) — 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.

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

Monetary Units Bill

Road Management Bill.

19 **ALPINE RESORTS (MANAGEMENT) (AMENDMENT) BILL** — 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 place thereof the words 'this House refuses to read this Bill a second time until consultation has taken place with key stakeholders concerning the introduction of alternative legislation making Craig's Hut and the access track to Craig's Hut subject to management by the new Mount Buller and Mount Stirling Alpine Resort Management Board proposed by the Bill'; 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.

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

21 **ADJOURNMENT** — The Acting Speaker left the Chair, after debate, at 11.41 pm.

R W PURDEY
Clerk of the Legislative Assembly

JUDY MADDIGAN
Speaker

No 63 — Thursday 6 May 2004

1 The Speaker took the Chair and read the Prayer.

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

Rural Planning Zones — Requesting that the House does not proceed with the introduction of the proposed new zonings in rural areas, bearing 1,304 signatures (*by Mr Baillieu*).

Petition ordered to be tabled.

3 **PETITION — RURAL PLANNING ZONES** — Motion made and question — That the petition presented by the Member for Hawthorn requesting that the House does not proceed with the introduction of the proposed new zonings in rural areas be taken into consideration tomorrow (*Mr Baillieu*) — put and agreed to.

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

Surveillance Devices Act 1999 — Reports under s 37 from the Australian Crime Commission, Chief Commissioner of Police, Department of Sustainability and Environment and Department of Primary Industries.

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

6 **APPROPRIATION (2004/2005) BILL** — 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 **APPROPRIATION (2004/2005) BILL** — Debate continued on question — That this Bill be now read a second time.

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

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

- 9 **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.
- 10 **CRIMES (ASSUMED IDENTITIES) BILL** — 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.
- 11 **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.
- 12 **SURVEILLANCE DEVICES (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.
- Motion made and question — That the debate be now adjourned (*Mr Langdon*) — put and agreed to.
- Ordered — That the debate be adjourned until later this day.
- 13 **POSTPONEMENT OF ORDER OF THE DAY** — Ordered — That the consideration of Government Business, Order of the Day, No 6, be postponed until later this day.
- 14 **ALPINE RESORTS (MANAGEMENT) (AMENDMENT) BILL** — 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 place thereof the words 'this House refuses to read this Bill a second time until consultation has taken place with key stakeholders concerning the introduction of alternative legislation making Craig's Hut and the access track to Craig's Hut subject to management by the new Mount Buller and Mount Stirling Alpine Resort Management Board proposed by the Bill'; debate resumed.
- Motion made and question — That the debate be now adjourned (*Mr Langdon*) — put and agreed to.
- Ordered — That the debate be adjourned until later this day.
- 15 **APPROPRIATION (2004/2005) BILL** — 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 Asher*) — put and agreed to.
- Ordered — That the debate be adjourned until later this day.
- Allocation of time — The Acting Speaker advised that the time allocated for consideration of bills under the resolution of the House on Tuesday 4 May 2004 had expired.*
- 16 **CRIMES (ASSUMED IDENTITIES) BILL** — 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 **CRIMES (CONTROLLED OPERATIONS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time, Government amendment Nos 1 and 2 be agreed to and the Bill be read a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 18 **SURVEILLANCE DEVICES (AMENDMENT) BILL** — 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 17 inclusive be agreed to and the Bill be read a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 19 **ENERGY LEGISLATION (REGULATORY REFORM) BILL** — 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 **ALPINE RESORTS (MANAGEMENT) (AMENDMENT) BILL** — 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 place thereof the words 'this House refuses to read this Bill a second time until consultation has taken place with key stakeholders concerning the introduction of alternative legislation making Craig's Hut and the access track to Craig's Hut subject to management by the new Mount Buller and Mount Stirling Alpine Resort Management Board proposed by the Bill'.

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

The House divided.

AYES 57

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 24

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Ingram; Mr Jasper; Mr McIntosh; Mr Mulder; Dr Napthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

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

Bill sent to the Legislative Council and their agreement requested.

21 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Marine (Amendment) Bill without amendment.

22 **TRANSPORT LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL** — 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 Thursday 20 May 2004.

23 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 9 to 12 inclusive, be postponed until later this day.

24 **SURVEYING BILL** — Motion made and question proposed — That this Bill be now read a second time (*Ms Delahunty, Northcote*).

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

Ordered — That the debate be adjourned until Thursday 20 May 2004.

25 **ARCHITECTS (AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Ms Delahunty, Northcote*).

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

Ordered — That the debate be adjourned until Thursday 20 May 2004.

26 **TREASURY AND FINANCE LEGISLATION (AMENDMENT) BILL** — 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 Plowman*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 20 May 2004.

- 27 **APPEAL COSTS AND PENALTY INTEREST RATES ACTS (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 McIntosh*) — put and agreed to.
- Ordered — That the debate be adjourned until Thursday 20 May 2004.
- 28 **DEATH NOTIFICATION 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 McIntosh*) — put and agreed to.
- Ordered — That the debate be adjourned until Thursday 20 May 2004.
- 29 **RACING AND GAMING ACTS (AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Pandazopoulos*).
- Motion made and question — That the debate be now adjourned (*Mr Smith*) — put and agreed to.
- Ordered — That the debate be adjourned until Thursday 20 May 2004.
- 30 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Pandazopoulos*) — put and agreed to.
- 31 **ADJOURNMENT** — The Deputy Speaker left the Chair, after debate, at 6.00 pm.

R W PURDEY
Clerk of the Legislative Assembly

JUDY MADDIGAN
Speaker

LEGISLATIVE ASSEMBLY OF VICTORIA

VOTES AND PROCEEDINGS Nos 64, 65 and 66

No 64 — Tuesday 11 May 2004

- 1 The Speaker took the Chair and read the Prayer.
- 2 **QUESTIONS** — (Under SO 55).
- 3 **MITCHAM-FRANKSTON PROJECT BILL** — Mr Batchelor obtained leave to bring in a Bill '*to make provision in relation to the construction and management of the Mitcham-Frankston Freeway, to amend section 85 of the **Constitution Act 1975** and the **Road Management Act 2004** 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.
- 4 **OMBUDSMAN LEGISLATION (POLICE OMBUDSMAN) BILL** — Mr Bracks obtained leave to bring in a Bill '*to amend the **Ombudsman Act 1973**, the **Police Regulation Act 1958** and the **Whistleblowers Protection Act 2001** to create the office of Police Ombudsman, abolish the office of Deputy Ombudsman (Police Complaints) and broaden the powers of investigation into police matters and conduct and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 5 **STATE TAXATION ACTS (TAX REFORM) BILL** — Mr Brumby obtained leave to bring in a Bill '*to amend the **Duties Act 2000**, the **First Home Owner Grant Act 2000**, the **Land Tax Act 1958**, the **Pay-roll Tax Act 1971** 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.
- 6 **JUDICIAL SALARIES BILL** — Mr Hulls obtained leave to bring in a Bill '*to remove the function of the Judicial Remuneration Tribunal to make determinations in relation to the salaries and allowances of judicial officers and the remuneration of acting magistrates and make fresh provision with respect to such salaries, allowances and remuneration, to amend the **Judicial Remuneration Tribunal Act 1995** and make consequential amendments to the **Constitution Act 1975**, the **County Court Act 1958** 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.
- 7 **CRIMES (AMENDMENT) BILL** — Mr Hulls obtained leave to bring in a Bill '*to amend the **Crimes Act 1958** with respect to fingerprinting and forensic procedures, to amend the **Metropolitan Fire Brigades Act 1958** to provide for a Deputy President 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 (CONSUMER CONTRACTS) BILL** — Mr Hulls obtained leave to bring in a Bill '*to amend the **Fair Trading Act 1999** in relation to the application of the unfair terms*

provisions and the telephone marketing provisions of that Act and for other purposes'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.

- 9 **DOMESTIC BUILDING CONTRACTS (AMENDMENT) BILL** — Mr Hulls obtained leave to bring in a Bill '*to amend the **Domestic Building Contracts Act 1995** in relation to Off the Plan contracts of sale'*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 10 **HEALTH SERVICES (GOVERNANCE AND ACCOUNTABILITY) BILL** — Ms Pike obtained leave to bring in a Bill '*to amend the **Health Services Act 1988** to strengthen the governance and accountability of certain bodies established under that Act or by Order under that Act and for other purposes'*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 11 **PHARMACY PRACTICE BILL** — Ms Pike obtained leave to bring in a Bill '*to regulate the practice of pharmacists, to establish the Pharmacy Board of Victoria and the Pharmacy Board Fund, to repeal the **Pharmacists Act 1974** 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.
- 12 **MENTAL HEALTH LEGISLATION (COMMONWEALTH DETAINEES) BILL** — Ms Pike obtained leave to bring in a Bill '*to amend the **Mental Health Act 1986** and the **Crimes (Mental Impairment and Unfitness to be Tried) Act 1997** with respect to certain persons detained in approved mental health services under Commonwealth legislation and for other purposes'*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 13 **AMBULANCE SERVICES (AMENDMENT) BILL** — Ms Pike obtained leave to bring in a Bill '*to amend the **Ambulance Services Act 1986** 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.
- 14 **SUSTAINABLE FORESTS (TIMBER) BILL** — Mr Cameron obtained leave to bring in a Bill '*to provide a framework for sustainable forest management and sustainable timber harvesting in State forests, to amend the **Forests Act 1958** and the **Conservation, Forests and Lands Act 1987**, to consequentially amend other Acts and for other purposes'*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 15 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

Police Station in Somerville — Requesting that the Government urgently funds the establishment of a fully manned, 24 hour a day, police station in Somerville to service the local and surrounding communities as a matter of vital importance, bearing 358 signatures (*by Mr Wells*)

Mitcham-Frankston (Scoresby) Freeway — Requesting that the House ensures that the Government honours its pre-election commitment and policy as pledged to the citizens of Victoria not to introduce tolls on the Mitcham-Frankston (Scoresby) Freeway and immediately reverses its decision to impose these tolls, bearing 206 signatures (*by Mr Cooper*).

Petitions ordered to be tabled.

- 16 **PETITION — POLICE STATION IN SOMERVILLE** — Motion made and question — That the petition presented by the Member for Scoresby requesting that the Government urgently funds the establishment of a fully manned, 24 hour a day, police station in Somerville to service the local and surrounding communities as a matter of vital importance be taken into consideration tomorrow (*Mr Wells*) — put and agreed to.
- 17 **PETITION — MITCHAM-FRANKSTON (SCORESBY) FREEWAY** — Motion made and question — That the petition presented by the Member for Mornington requesting that the House ensures that the Government honours its pre-election commitment and policy as pledged to the citizens of Victoria not to introduce tolls on the Mitcham-Frankston (Scoresby) Freeway and immediately reverses its decision to impose these tolls be taken into consideration tomorrow (*Mr Cooper*) — put and agreed to.
- 18 **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 for the year ended 31 October 2003

Judicial Remuneration Tribunal Act 1995 — Report of Determination No 2 of 2003

Mount Baw Baw Alpine Resort Management Board — Report for the year ended 31 October 2003

Mount Buller Alpine Resort Management Board — Report for the year ended 31 October 2003 (two documents)

Mount Stirling Alpine Resort Management Board — Report for the year ended 31 October 2003 (two documents)

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

Nillumbik Planning Scheme — Nos C6, C12

Surf Coast Planning Scheme — No C12

Wangaratta Planning Scheme — No C16

Statutory Rules under the following Acts:

Administration and Probate Act 1958 — SR No 32

Crimes Act 1958 — SR No 33

Supreme Court Act 1986 — SR Nos 32, 33

Subordinate Legislation Act 1994 — Minister's exception certificates in relation to Statutory Rule Nos 32, 33.

The following proclamation fixing an operative date was tabled by the Clerk in accordance with an Order of the House dated 26 February 2003:

Fair Trading (Amendment) Act 2003 — Sections 11, 75, 76 on 1 June 2004 (*Gazette G19, 6 May 2004*).

- 19 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Control of Genetically Modified Crops Bill without amendment.

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

Control of Genetically Modified Crops Bill
 Limitation of Actions (Amendment) Bill
 Marine (Amendment) Bill
 Monetary Units Bill
 Petroleum (Submerged Lands) (Amendment) Bill
 Road Management Bill.

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

Death Notification Legislation (Amendment) Bill
 Surveying Bill
 Transport Legislation (Miscellaneous Amendments) Bill
 Treasury and Finance Legislation (Amendment) Bill.

- 22 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, under SO 94(2), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 13 May 2004:

Births, Deaths and Marriages Registration (Amendment) Bill
 Courts Legislation (Funds in Court) Bill
 Courts Legislation (Judicial Appointments) Bill
 Private Security Bill.

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

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

- 24 **PRIVATE SECURITY BILL** — 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 place thereof the words 'this Houses refuses to read this Bill a second time until there is further consultation with key stakeholders in the security industry concerning the ability of the Bill to adequately provide for sustainable and effective regulation of the security industry and to meet its stated policy objective to "regulate the private security industry for the purposes of ensuring public safety and peace"' *(Mr Wells)* — and, after debate —

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

The House divided.

AYES 60

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Gillett; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Savage; Mr Seitz; Mr Stensholt; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 22

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Jasper; Mr Kotsiras; Mr McIntosh; Dr Naphine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

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.

- 25 **BIRTHS, DEATHS AND MARRIAGES REGISTRATION (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, considered in detail and agreed to without amendment, read a third time. (*see p 387*)

Bill sent to the Legislative Council and their agreement requested.

- 26 **COURTS LEGISLATION (JUDICIAL APPOINTMENTS) 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.

- 27 **COURTS LEGISLATION (FUNDS IN COURT) 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.

- 28 **APPROPRIATION (2004/2005) 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 under standing orders.

Motion made and question — That the sitting be continued (*Ms Delahunty, Northcote*) — 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 Robinson*) — put and agreed to.

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

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

Commonwealth Games Arrangements (Further Amendment) Bill
Justice Legislation (Sexual Offences and Bail) Bill
Primary Industries Legislation (Miscellaneous Amendments) Bill.

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

31 **ADJOURNMENT** — The Acting Speaker left the Chair, after debate, at 11.37 pm.

R W PURDEY
Clerk of the Legislative Assembly

JUDY MADDIGAN
Speaker

No 65 — Wednesday 12 May 2004

1 The Speaker took the Chair and read the Prayer.

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

Mitcham-Frankston (Scoresby) Freeway — Requesting that the House ensures that the Government honours its pre-election commitment and policy as pledged to the citizens of Victoria not to introduce tolls on the Mitcham-Frankston (Scoresby) Freeway and immediately reverses its decision to impose these tolls, bearing 195 signatures (*by Mr Cooper*)

Sandringham Police Station — Requesting that the Government fulfils an earlier election promise and builds a new Sandringham Police Station during the current parliament, bearing 41 signatures (*by Mr Thompson*).

Petitions ordered to be tabled.

3 **PETITION — MITCHAM-FRANKSTON (SCORESBY) FREEWAY** — Motion made and question — That the petition presented by the Member for Mornington requesting that the House

ensures that the Government honours its pre-election commitment and policy as pledged to the citizens of Victoria not to introduce tolls on the Mitcham-Frankston (Scoresby) Freeway and immediately reverses its decision to impose these tolls be taken into consideration tomorrow (*Mr Cooper*) — put and agreed to.

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

Audit Act 1994 — Report of the Auditor-General on Public Sector Agencies — Results of special reviews — Ordered to be printed

Crown Land (Reserves) Act 1978 — Section 17DA Orders granting under s 17D leases by the Rosebud Public Park and Recreation Reserve (two orders)

Environment Protection Act 1970 — Order declaring the Waste Management Policy (Ship's Ballast Water) (*Gazette S100, 27 April 2004*)

Statutory Rules under the following Acts:

Fair Trading Act 1999 — SR No 34

Goods Act 1958 — SR No 35

Subordinate Legislation Act 1994 — Ministers' exemption certificates in relation to Statutory Rule Nos 28, 34, 35.

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

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

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

Public Accounts and Estimates Committee's Report on the 2002–2003 Budget Outcomes

Drugs and Crime Prevention Committee's Report on the Inquiry into Amphetamine and 'Party Drug' Use in Victoria

Public Accounts and Estimates Committee's Report on the 2003–2004 Budget Estimates.

- 8 **APPROPRIATION (2004/2005) BILL** — 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 **APPROPRIATION (2004/2005) BILL** — Debate resumed on question — That this Bill be now read a second time.

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

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

- 11 **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.
- 12 **FINANCIAL MANAGEMENT (AMENDMENT) 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 Clark*) — put and agreed to.
- Ordered — That the debate be adjourned until Wednesday 26 May 2004.
- 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 **MITCHAM-FRANKSTON PROJECT BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Batchelor*).
- Mr Batchelor 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 Wednesday 26 May 2004.
- 15 **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 McIntosh*) — put and agreed to.
- Ordered — That the debate be adjourned until Wednesday 26 May 2004.
- 16 **JUDICIAL SALARIES 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 McIntosh*) — put and agreed to.
- Ordered — That the debate be adjourned until Wednesday 26 May 2004.
- 17 **FAIR TRADING (CONSUMER CONTRACTS) 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 Honeywood*) — put and agreed to.
- Ordered — That the debate be adjourned until Wednesday 26 May 2004.
- 18 **DOMESTIC BUILDING CONTRACTS (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 Baillieu*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 26 May 2004.

- 19 **APPROPRIATION (2004/2005) 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 (*Ms Allan*) — put and agreed to.

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

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

Ordered — That the debate be adjourned until tomorrow.

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

Land (Miscellaneous) Bill
 Corrections (Further Amendment) Bill
 Health Services (Supported Residential Services) Bill
 Crimes (Assumed Identities) Bill
 Crimes (Controlled Operations) Bill.

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

- 22 **ADJOURNMENT** — The Acting Speaker left the Chair, after debate, at 11.54 pm.

R W PURDEY
Clerk of the Legislative Assembly

JUDY MADDIGAN
Speaker

No 66 — Thursday 13 May 2004

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

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

Mitcham-Frankston (Scoresby) Freeway — Requesting that the House ensures that the Government honours its pre-election commitment and policy as pledged to the citizens of

Victoria not to introduce tolls on the Mitcham-Frankston (Scoresby) Freeway and immediately reverses its decision to impose these tolls, bearing 278 signatures (*by Mr Cooper*)

Rural Planning Zones — Requesting that the House urges the Government to withdraw and redraft the new rural planning zones and introduce a planning system that — (a) strikes a fairer balance between the need to preserve prime agricultural land and acknowledgement of the rights of landowners; (b) does not impinge on a landowner's rights to retire with dignity; (c) encourages young people to take up farming; and (d) gives local government flexibility in the determination of subdivisions and use of rural land, bearing 29 signatures (*by Mr Jasper*).

Petitions ordered to be tabled.

3 **PETITION — MITCHAM-FRANKSTON (SCORESBY) FREEWAY** — Motion made and question — That the petition presented by the Member for Mornington requesting that the House ensures that the Government honours its pre-election commitment and policy as pledged to the citizens of Victoria not to introduce tolls on the Mitcham-Frankston (Scoresby) Freeway and immediately reverses its decision to impose these tolls be taken into consideration tomorrow (*Mr Cooper*) — put and agreed to.

4 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourn until Tuesday 25 May 2004 (*Mr Cameron*) — put and agreed to.

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

6 **APPROPRIATION (PARLIAMENT 2004/2005) 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.

7 **APPROPRIATION (2004/2005) BILL** — 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.

8 **QUESTIONS** — (Under SO 55).

9 **APPROPRIATION (2004/2005) BILL** — 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.

10 **STATE TAXATION ACTS (TAX REFORM) 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 Baillieu*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 27 May 2004.

- 11 **OMBUDSMAN LEGISLATION (POLICE OMBUDSMAN) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Bracks*).

Mr Bracks 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 Doyle*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 27 May 2004.

- 12 **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.

- 13 **HEALTH SERVICES (GOVERNANCE AND ACCOUNTABILITY) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Ms Pike*).

Ms Pike 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 — That the debate be adjourned until Thursday 27 May 2004.

- 14 **AMBULANCE SERVICES (AMENDMENT) BILL** — 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 Thursday 27 May 2004.

- 15 **MENTAL HEALTH LEGISLATION (COMMONWEALTH DETAINEES) BILL** — 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 Thursday 27 May 2004.

- 16 **PHARMACY PRACTICE BILL** — 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 Thursday 27 May 2004.

- 17 **SUSTAINABLE FORESTS (TIMBER) BILL** — 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 Honeywood*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 27 May 2004.

- 18 **CRIMES (AMENDMENT) BILL** — 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 McIntosh*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 27 May 2004.

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

- 20 **ADJOURNMENT** — The Deputy Speaker left the Chair, after debate, at 5.32 pm.

R W PURDEY
Clerk of the Legislative Assembly

JUDY MADDIGAN
Speaker

LEGISLATIVE ASSEMBLY OF VICTORIA

CONSIDERATION IN DETAIL
Supplement to Votes Nos 64, 65 and 66

No 64 — Tuesday 11 May 2004

BIRTHS, DEATHS AND MARRIAGES REGISTRATION (AMENDMENT) BILL

Clauses 1 to 7 agreed to (*no amendments were moved*).

Bill agreed to without amendment.

LEGISLATIVE ASSEMBLY OF VICTORIA

VOTES AND PROCEEDINGS Nos 67, 68 and 69

No 67 — Tuesday 25 May 2004

- 1 The House met pursuant to adjournment — The Speaker took the Chair and read the Prayer.
- 2 **QUESTIONS** — (Under SO 55).
- 3 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

Maribyrnong Defence Land — Requesting that the Government retains the greater part of the Maribyrnong defence land as permanent public open space, dedicated as a premier metropolitan park, as deemed necessary in Melbourne 2030, bearing 1,477 signatures (*by Mr Mildenhall*)

Aquatic Centre in Frankston — Requesting that the Government, in consultation with Frankston City Council and local community groups, facilitates the building of an aquatic centre in Frankston, bearing 91 signatures (*by Mr Harkness*)

Mitcham-Frankston (Scoresby) Freeway — Requesting that the House ensures that the Government honours its pre-election commitment and policy as pledged to the citizens of Victoria not to introduce tolls on the Mitcham-Frankston (Scoresby) Freeway and immediately reverses its decision to impose these tolls, bearing 342 signatures (*by Mr Cooper*).

Petitions ordered to be tabled.

- 4 **PETITION — MITCHAM-FRANKSTON (SCORESBY) FREEWAY** — Motion made and question — That the petition presented by the Member for Mornington requesting that the House ensures that the Government honours its pre-election commitment and policy as pledged to the citizens of Victoria not to introduce tolls on the Mitcham-Frankston (Scoresby) Freeway and immediately reverses its decision to impose these tolls be taken into consideration tomorrow (*Mr Cooper*) — put and agreed to.
- 5 **PETITION — AQUATIC CENTRE IN FRANKSTON** — Motion made and question — That the petition presented by the Member for Frankston requesting that the Government, in consultation with Frankston City Council and local community groups, facilitates the building of an aquatic centre in Frankston be taken into consideration tomorrow (*Mr Harkness*) — put and agreed to.

6 DOCUMENTS —

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — Ms D'Ambrosio, Chair, presented a report from the Scrutiny of Acts and Regulations Committee being the Alert Digest No 5 of 2004 on the:

Ambulance Services (Amendment) Bill
 Appeal Costs and Penalty Interest Rates Acts (Amendment) Bill
 Appropriation (2004/2005) Bill
 Appropriation (Parliament 2004/2005) Bill
 Architects (Amendment) Bill
 Crimes (Amendment) Bill
 Crimes (Assumed Identities) Bill
 Crimes (Controlled Operations) Bill
 Death Notification Legislation (Amendment) Bill
 Domestic Building Contracts (Amendment) Bill
 Fair Trading (Consumer Contracts) Bill
 Financial Management (Amendment) Bill
 Health Services (Governance and Accountability) Bill
 Interpretation of Legislation (Amendment) Bill
 Judicial Salaries Bill
 Mental Health Legislation (Commonwealth Detainees) Bill
 Mitcham-Frankston Project Bill
 Monetary Units Bill
 Ombudsman Legislation (Police Ombudsman) Bill
 Pharmacy Practice Bill
 Racing and Gaming Acts (Amendment) Bill
 State Taxation Acts (Tax Reform) Bill
 Surveillance Devices (Amendment) Bill
 Surveying Bill
 Sustainable Forests (Timber) Bill
 Transfer of Land (Electronic Transactions) Bill
 Transport Legislation (Miscellaneous Amendments) Bill
 Treasury and Finance Legislation (Amendment) Bill

together with appendices.

Ordered to be tabled and printed.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — Ms D'Ambrosio, Chair, presented a report from the Scrutiny of Acts and Regulations Committee being the Annual Review 2003, together with appendices.

Ordered to be tabled and printed.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — Ms D'Ambrosio, Chair, presented a report from the Scrutiny of Acts and Regulations Committee being the Annual Review 2003, Regulations 2003, 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 — Performance Audit Report — Delivery of Home and Community Care Services by Local Government — Ordered to be printed

Commonwealth Games Arrangements Act 2001 — Order under s 18

Crown Land (Reserves) Act 1978 — Section 17DA Orders granting under s 17D leases by:

Mt Wombat Preservation of Native Species Reserve
Tasma Terrace Reserve
Watsons Hill Historic Reserve

Financial Management Act 1994 — Report from the Minister for Education and Training that she had received the 2003 annual report of International Fibre Centre Ltd (IFC)

Melbourne 2002 World Masters Games Ltd — Report for the period 1 July 2001 to 15 November 2002

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

Bayside Planning Scheme — No C29 Part 2
Boroondara Planning Scheme — No C16
Glen Eira Planning Scheme — No C35
Glenelg Planning Scheme — No C11
Knox Planning Scheme — No C39
Monash Planning Scheme — No C36
South Gippsland Planning Scheme — No C18
Victoria Planning Provisions — No VC23
Wangaratta Planning Scheme — No C13

Statutory Rules under the following Acts:

Fair Trading Act 1999 — SR No 36
Road Safety Act 1986 — SR No 38
Transfer of Land Act 1958 — SR No 37

Subordinate Legislation Act 1994 — Ministers' exemption certificates in relation to Statutory Rule Nos 37, 38.

The following proclamations fixing operative dates were tabled by the Clerk in accordance with an Order of the House dated 26 February 2003:

Australian Crime Commission (State Provisions) Act 2003 — Paragraphs (d) and (e) of the definition of 'Commonwealth body or person' in section 3(1), section 15, Division 3 of Part 2, and section 44(1)(b) on 13 May 2004 (*Gazette G20, 13 May 2004*)

Fair Trading (Further Amendment) Act 2003 — Remaining provisions on 30 August 2004 (*Gazette G20, 13 May 2004*).

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

Alpine Resorts (Management) (Amendment) Bill
 Energy Legislation (Regulatory Reform) Bill
 Estate Agents and Travel Agents Acts (Amendment) Bill
 Heritage (Further Amendment) Bill
 Surveillance Devices (Amendment) Bill
 Transfer of Land (Electronic Transactions) Bill
 Victorian Qualifications Authority (National Registration) Bill.

- 8 **MESSAGES FROM THE GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that he had given the royal assent to the following bills, presented to him by the Clerk of the Parliaments:

On 18 May 2004:

Commonwealth Games Arrangements (Further Amendment) Bill
 Corrections (Further Amendment) Bill
 Crimes (Assumed Identities) Bill
 Crimes (Controlled Operations) Bill
 Estate Agents and Travel Agents Acts (Amendment) Bill
 Health Services (Supported Residential Services) Bill
 Heritage (Further Amendment) Bill
 Justice Legislation (Sexual Offences and Bail) Bill
 Land (Miscellaneous) Bill
 Primary Industries Legislation (Miscellaneous Amendments) Bill
 Transfer of Land (Electronic Transactions) Bill

On 25 May 2004:

Alpine Resorts (Management) (Amendment) Bill
 Energy Legislation (Regulatory Reform) Bill
 Surveillance Devices (Amendment) Bill
 Victorian Qualifications Authority (National Registration) Bill.

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

Ambulance Services (Amendment) Bill
 Health Services (Governance and Accountability) Bill
 Judicial Salaries Bill
 Mitcham-Frankston Project Bill
 Ombudsman Legislation (Police Ombudsman) Bill
 Pharmacy Practice Bill
 State Taxation Acts (Tax Reform) Bill
 Sustainable Forests (Timber) Bill.

- 10 **SUSPENSION OF STANDING ORDERS** — Motion made, by leave, and question — That in lieu of the Matter of Public Importance due to be proposed by the Government under SO 38, so much of standing orders be suspended on Wednesday 26 May 2004 so as to allow the matter of public importance to be omitted from the order of business on that day (*Mr Batchelor*) — put and agreed to.

11 **ORDER OF THE HOUSE RESCINDED** — Motion made, by leave, and question — That the Order of the House making the resumption of debate on the second reading of the Ombudsman Legislation (Police Ombudsman) Bill an Order of the Day for Thursday 27 May 2004 be read and rescinded and that it be made an Order of the Day for today, Tuesday 25 May 2004 (*Mr Batchelor*) — put and agreed to.

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 27 May 2004:

Appeal Costs and Penalty Interest Rates Acts (Amendment) Bill

Architects (Amendment) Bill

Death Notification Legislation (Amendment) Bill

Judicial Salaries Bill

Mitcham-Frankston Project Bill

Ombudsman Legislation (Police Ombudsman) Bill

Surveying Bill

Transport Legislation (Miscellaneous Amendments) Bill

Treasury and Finance Legislation (Amendment) Bill

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

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

14 **OMBUDSMAN LEGISLATION (POLICE OMBUDSMAN) 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 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 **TRANSPORT LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

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

16 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Private Security Bill without amendment.

17 **SURVEYING BILL** — 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 Surveyor-General and members of the Surveyors Registration Board to be appointed by the Governor in Council' (*Mrs Powell*) — and, after debate —

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

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

- 18 **ARCHITECTS (AMENDMENT) 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 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 Brumby*) — put and agreed to.

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

- 19 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Ombudsman Legislation (Police Ombudsman) Bill without amendment.

- 20 **TREASURY AND FINANCE LEGISLATION (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Under standing orders, Mr Brumby 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 Dixon*) — put and agreed to.

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

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

- 22 **ADJOURNMENT** — The Acting Speaker left the Chair, after debate, at 11.49 pm.

R W PURDEY
Clerk of the Legislative Assembly

JUDY MADDIGAN
Speaker

No 68 — Wednesday 26 May 2004

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

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

High Care Residents in Victorian Residential Aged Care Facilities — Requesting that the House makes certain that amendments made to the Drugs, Poisons and Controlled Substances regulations ensure that high care residents in Victorian residential aged care facilities, who are incapable of administering their own medication, have their prescription medication and dangerous drugs administered only by a registered nurse or medical practitioner, bearing 967 signatures (*by Mr Delahunty, Lowan*)

Mitcham-Frankston (Scoresby) Freeway — Requesting that the House ensures that the Government honours its pre-election commitment and policy as pledged to the citizens of Victoria not to introduce tolls on the Mitcham-Frankston (Scoresby) Freeway and immediately reverses its decision to impose these tolls, bearing 317 signatures (*by Mr Cooper*)

Land Taxes on Caravan Parks — Requesting that the Government abolishes land tax from caravan parks as a matter of extreme urgency, bearing 757 signatures (*by Mr Dixon*)

Pensioner Concession on Car Registration Fees — Requesting that the Government reverses its decision to halve the pensioner concession on car registration fees, bearing 83 signatures (*by Mr Dixon*)

Council House Valuation Freeze for Pensioners — Requesting that the House makes the necessary legislative changes so that the value of a house freezes at the time a person becomes a pensioner, in order that the rates levied by the Council to provide services and facilities for the municipality can be distributed between a pensioner and a new owner and not between areas within the municipality, ensuring that a pensioner will not become asset rich and income poor through no fault of his own, bearing 557 signatures (*by Mr Dixon*)

Duty Supervisor at Mentone Station — Requesting that the Government takes immediate steps to provide a supervisor on duty at the Mentone Station and control crowded platforms between the hours of 7.30 am to 9.00 am and 2.00 pm to 4.00 pm five days each week, bearing 40 signatures (*by Mr Thompson*)

Sandringham Police Station — Requesting that the Government fulfils an earlier election promise and builds a new Sandringham Police Station during the current parliament, bearing 128 signatures (*by Mr Thompson*)

Consumer and Tenancy Advisory Services — Requesting that the House reinstates forthwith the consumer and tenancy advisory services in Portland, Hamilton and Warrnambool, bearing 680 signatures (*by Dr Naphine*).

Petitions ordered to be tabled.

- 3 **PETITION — CONSUMER AND TENANCY ADVISORY SERVICES** — Motion made and question — That the petition presented by the Member for South-West Coast requesting that the House reinstates forthwith the consumer and tenancy advisory services in Portland, Hamilton and Warrnambool be taken into consideration tomorrow (*Dr Naphine*) — put and agreed to.
- 4 **PETITION — MITCHAM-FRANKSTON (SCORESBY) FREEWAY** — Motion made and question — That the petition presented by the Member for Mornington requesting that the House

ensures that the Government honours its pre-election commitment and policy as pledged to the citizens of Victoria not to introduce tolls on the Mitcham-Frankston (Scoresby) Freeway and immediately reverses its decision to impose these tolls be taken into consideration tomorrow (*Mr Cooper*) — put and agreed to.

- 5 **PETITION — LAND TAXES ON CARAVAN PARKS** — Motion made and question — That the petition presented by the Member for Nepean requesting that the Government abolishes land tax from caravan parks as a matter of extreme urgency be taken into consideration tomorrow (*Mr Dixon*) — put and agreed to.
- 6 **PETITION — PENSIONER CONCESSION ON CAR REGISTRATION FEES** — Motion made and question — That the petition presented by the Member for Nepean requesting that the Government reverses its decision to halve the pensioner concession on car registration fees be taken into consideration tomorrow (*Mr Dixon*) — put and agreed to.
- 7 **PETITION — COUNCIL HOUSE VALUATION FREEZE FOR PENSIONERS** — Motion made and question — That the petition presented by the Member for Nepean requesting that the House makes the necessary legislative changes so that the value of a house freezes at the time a person becomes a pensioner, in order that the rates levied by the Council to provide services and facilities for the municipality can be distributed between a pensioner and a new owner and not between areas within the municipality, ensuring that a pensioner will not become asset rich and income poor through no fault of his own be taken into consideration tomorrow (*Mr Dixon*) — put and agreed to.
- 8 **PETITION — DUTY SUPERVISOR AT MENTONE STATION** — Motion made and question — That the petition presented by the Member for Sandringham requesting that the Government takes immediate steps to provide a supervisor on duty at the Mentone Station and control crowded platforms between the hours of 7.30 am to 9.00 am and 2.00 pm to 4.00 pm five days each week be taken into consideration tomorrow (*Mr Thompson*) — put and agreed to.
- 9 **PETITION — SANDRINGHAM POLICE STATION** — Motion made and question — That the petition presented by the Member for Sandringham requesting that the Government fulfils an earlier election promise and builds a new Sandringham Police Station during the current parliament be taken into consideration tomorrow (*Mr Thompson*) — put and agreed to.
- 10 **PETITION — HIGH CARE RESIDENTS IN VICTORIAN RESIDENTIAL AGED CARE FACILITIES** — Motion made and question — That the petition presented by the Member for Lowan requesting that the House makes certain that amendments made to the Drugs, Poisons and Controlled Substances Regulations ensure that high care residents in Victorian residential aged care facilities, who are incapable of administering their own medication, have their prescription medication and dangerous drugs administered only by a registered nurse or medical practitioner be taken into consideration tomorrow (*Mr Delahunty, Lowan*) — put and agreed to.
- 11 **DOCUMENTS** —

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — Ms Campbell, Chair, presented a report from the Public Accounts and Estimates Committee on the Appointment of Persons to conduct Financial and Performance Audits of the Victorian Auditor-General's Office 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:

Audit Act 1994 — Report of the Auditor-General on Public Sector Agencies — Results of Special Reviews and Financial Statement Audits for Agencies with 2003 balance dates other than 30 June — Ordered to be printed

Auditor-General — Performance Audit Reports:

Budget Development and Management within Departments — Ordered to be printed
Managing Emergency Demand in Public Hospitals — Ordered to be printed.

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

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

Public Accounts and Estimates Committee's Report on the 2002–2003 Budget Outcomes
Drugs and Crime Prevention Committee's Report on the Inquiry into Amphetamine and 'Party Drug' Use in Victoria
Road Safety Committee's Report on the Inquiry into Road Safety for Older Road Users and the Government's response to the recommendations of that report.

14 **POSTPONEMENT OF NOTICE OF MOTION** — Ordered — That the consideration of Government Business, Notice of Motion No 1, be postponed until after Government Business, Notice of Motion No 2.

15 **CONCURRENT DEBATE** — Motion made and question — That —

- (1) This House authorises and requires the Speaker to permit Notice of Motion No 1, to disallow Determination No 2 of 2003 made by the Judicial Remuneration Tribunal, and the second reading stage of the Judicial Salaries Bill to be considered and debated concurrently; and
- (2) The concurrent debate will last for a maximum of two hours; and
- (3) At the expiration of the two hour period permitted by paragraph (2) —
 - (a) unless a division is taking place, the Chair will interrupt the business before the House;
 - (b) if a division is taking place, it will be completed without interruption, and the result announced, and the Chair will then interrupt business; and
- (4) After interrupting business under paragraph (3), the Chair will immediately put the question or questions required to dispose of —
 - (a) the motion to disallow Determination No 2 of 2003 made by the Judicial Remuneration Tribunal; and
 - (b) the second reading of the Judicial Salaries Bill.

(*Mr Hulls*) — put and agreed to.

- 16 **JUDICIAL REMUNERATION TRIBUNAL DETERMINATION No 2 OF 2003** — Motion made and question — That under s 14A(1) of the *Judicial Remuneration Tribunal Act 1995*, Determination No 2 of 2003 made by the Judicial Remuneration Tribunal be disallowed (*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 later this day.

- 17 **JUDICIAL REMUNERATION TRIBUNAL DETERMINATION No 2 OF 2003 AND JUDICIAL SALARIES BILL** — Order read for resuming debate on question — That the Determination be disallowed and that the Bill be now read a second time; debate resumed.

Business having been interrupted at 2.00 pm under standing orders.

- 18 **QUESTIONS** — (Under SO 55).

- 19 **JUDICIAL REMUNERATION TRIBUNAL DETERMINATION No 2 OF 2003 AND JUDICIAL SALARIES BILL** — Debate resumed on question — That the Determination be disallowed and that the Bill be now read a second time.

Judicial Remuneration Tribunal Determination No 2 of 2003 — Question — That under s 14A(1) of the *Judicial Remuneration Tribunal Act 1995*, Determination No 2 of 2003 made by the Judicial Remuneration Tribunal be disallowed — put.

The House divided.

AYES 59

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Mr Jenkins; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Loney; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Savage; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 22

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Honeywood; Mr Jasper; Mr Kotsiras; Mr Maughan; Mr McIntosh; Mr Mulder; Dr Napthine; Mr Plowman; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

Judicial Salaries 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.

- 20 **MITCHAM-FRANKSTON PROJECT BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Question — put.

The House divided.

AYES 58

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Hardman; Mr Harkness; Mr Helper; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Savage; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Wilson; Mr Wynne.

NOES 24

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Jasper; Mr Kotsiras; Mr Maughan; Mr McIntosh; Mr Mulder; Dr Napthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

Bill read a third time with the concurrence of an absolute majority of the whole number of the members of the Legislative Assembly.

Bill sent to the Legislative Council and their agreement requested.

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

Births, Deaths and Marriages Registration (Amendment) Bill
 Courts Legislation (Judicial Appointments) Bill
 Courts Legislation (Funds in Court) Bill.

- 22 **APPEAL COSTS AND PENALTY INTEREST RATES ACTS (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.

- 23 **DEATH NOTIFICATION LEGISLATION (AMENDMENT) BILL** — Order read for resuming debate 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 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.

- 24 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Hulls*) — put and agreed to.
- 25 **ADJOURNMENT** — The Acting Speaker left the Chair, after debate, at 11.13 pm.

R W PURDEY
Clerk of the Legislative Assembly

JUDY MADDIGAN
Speaker

No 69 — Thursday 27 May 2004

- 1 The Speaker took the Chair and read the Prayer.
- 2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

Mitcham-Frankston (Scoresby) Freeway — Requesting that the House ensures that the Government honours its pre-election commitment and policy as pledged to the citizens of Victoria not to introduce tolls on the Mitcham-Frankston (Scoresby) Freeway and immediately reverses its decision to impose these tolls, bearing 327 signatures (*by Mr Cooper*)

Water Rights — Requesting that the House requires the Government to — (a) take a cautious approach to redirecting water from irrigators to the environment; (b) specify how additional water for environmental flows will be used and accounted for and clearly explain the expected benefits to river health; (c) ensure there are no adverse implications for farmers or Victorian communities as a result of the Government's proposals to claw back water for river health; and (d) fully and fairly compensate water users for any reduction in access to water resources they have historically enjoyed, bearing 1,257 signatures (*by Mr Walsh*).

Petitions ordered to be tabled.

- 3 **PETITION — MITCHAM-FRANKSTON (SCORESBY) FREEWAY** — Motion made and question — That the petition presented by the Member for Mornington requesting that the House ensures that the Government honours its pre-election commitment and policy as pledged to the citizens of Victoria not to introduce tolls on the Mitcham-Frankston (Scoresby) Freeway and immediately reverses its decision to impose these tolls be taken into consideration tomorrow (*Mr Cooper*) — put and agreed to.
- 4 **PETITION — WATER RIGHTS** — Motion made and question — That the petition presented by the Member for Swan Hill requesting that the House requires the Government to — (a) take a

cautious approach to redirecting water from irrigators to the environment; (b) specify how additional water for environmental flows will be used and accounted for and clearly explain the expected benefits to river health; (c) ensure there are no adverse implications for farmers or Victorian communities as a result of the Government's proposals to claw back water for river health; and (d) fully and fairly compensate water users for any reduction in access to water resources they have historically enjoyed be taken into consideration tomorrow (*Mr Walsh*) — put and agreed to.

5 DOCUMENTS —

INQUIRIES INTO CHILD DEATHS: CHILD PROTECTION — Motion made, by leave, and question — That there be presented to this House the annual report of Inquiries into Child Deaths: Child Protection 2004 (*Ms Garbutt*) — put and agreed to.

The report was presented by Ms Garbutt and tabled.

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:

Associations Incorporation Act 1981 — SR No 39

Building Act 1993 — SR No 46

Drugs, Poisons and Controlled Substances Act 1981 — SR Nos 43, 44

Fair Trading Act 1999 — SR No 41

Financial Management Act 1994 — SR No 42

Nurses Act 1993 — SR No 45

Residential Tenancies Act 1997 — SR No 40

Road Safety Act 1986 — SR Nos 48, 49, 50

Subordinate Legislation Act 1994 — SR No 47

Subordinate Legislation Act 1994:

Ministers' exemption certificates in relation to Statutory Rule Nos 47, 49, 50

Minister's exemption certificates in relation to Statutory Rule Nos 48, 49.

6 STATEMENTS BY MEMBERS — Statements by members were made.

7 ARCHITECTS (AMENDMENT) BILL — 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 Gillett*) — put and agreed to.

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

8 SURVEYING BILL — 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 Surveyor-General and members of the Surveyors Registration Board to be appointed by the Governor in Council'; debate resumed.

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

The House divided.

AYES 54

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Jenkins; Mr Langdon; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 25

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Honeywood; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr Maughan; Mr McIntosh; Mr Mulder; Dr Napthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

Bill read a second time, considered in detail (*see p 404*).

Prior notice having been given under SO 43, business was interrupted at 11.45 am.

- 9 **MINISTERIAL STATEMENT — ATTORNEY-GENERAL'S JUSTICE STATEMENT** — Mr Hulls made a Ministerial Statement on Justice, to which members responded.

- 10 **SURVEYING BILL** — Further considered in detail.

Business having been interrupted at 2.00 pm under standing orders

- 11 **QUESTIONS** — (Under SO 55).

- 12 **SURVEYING BILL** — Further considered in detail and agreed to without amendment, read a third time.

Bill sent to the Legislative Council and their agreement requested.

- 13 **TRANSPORT LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Allocation of time — The Acting Speaker advised that the time allocated for consideration of bills under the resolution of the House on Tuesday 25 May 2004 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.

- 14 **TREASURY AND FINANCE LEGISLATION (AMENDMENT) BILL** — 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 Government amendment Nos 1 to 14 inclusive be agreed to — 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.

- 15 **ARCHITECTS (AMENDMENT) BILL** — 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 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Appropriation (Parliament 2004/2005) Bill without amendment.

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

- 18 **ADJOURNMENT** — The Deputy Speaker left the Chair, after debate, at 4.40 pm.

R W PURDEY
Clerk of the Legislative Assembly

JUDY MADDIGAN
Speaker

LEGISLATIVE ASSEMBLY OF VICTORIA

CONSIDERATION IN DETAIL
Supplement to Votes Nos 67, 68 and 69

No 69 — Thursday 27 May 2004

SURVEYING BILL

Clauses 1 to 73 and the Schedule agreed to (*no amendments were moved*).

Bill agreed to without amendment.

LEGISLATIVE ASSEMBLY OF VICTORIA

VOTES AND PROCEEDINGS Nos 70, 71 and 72

No 70 — Tuesday 1 June 2004

- 1 The Speaker took the Chair and read the Prayer.
- 2 **QUESTIONS** — (Under SO 55).
- 3 **NATIONAL PARKS (ADDITIONS AND OTHER AMENDMENTS) BILL** — Mr Thwaites obtained leave to bring in a Bill '*to amend the **National Parks Act 1975** and the **Crown Land (Reserves) Act 1978** and to make minor amendments to the **Mineral Resources Development Act 1990**, the **Forests Act 1958** and the **National Parks (Amendment) Act 1989** and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 4 **CRIMES (DANGEROUS DRIVING) BILL** — Mr Hulls obtained leave to bring in a Bill '*to amend the **Crimes Act 1958** to create an offence of dangerous driving causing death or serious injury, to provide that driving while fatigued may constitute culpable driving causing death and to make a change to the elements of the offence of handling stolen goods and deal with the procedure on the trial of alternative counts of theft and handling stolen goods, to amend the **Sentencing Act 1991** and the **Magistrates' Court Act 1989** and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 5 **SENTENCING (SUPERANNUATION ORDERS) BILL** — Mr Hulls obtained leave to bring in a Bill '*to amend the **Sentencing Act 1991** to provide for the making of a superannuation order as a new sentencing option and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 6 **BUILDING (AMENDMENT) BILL** — Ms Delahunty (*Northcote*), obtained leave to bring in a Bill '*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.
- 7 **SEX OFFENDERS REGISTRATION BILL** — Mr Haermeyer obtained leave to bring in a Bill '*to require certain offenders who commit sexual offences to keep police informed of their whereabouts and other personal details for a period of time and thereby reduce the likelihood that they will re-offend and facilitate the investigation and prosecution of any future offences that they may commit, to prevent registered sex offenders working in child-related employment, to amend the **Ombudsman Act 1973** 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:

Mitcham-Frankston (Scoresby) Freeway — Requesting that the House ensures that the Government honours its pre-election commitment and policy as pledged to the citizens of Victoria not to introduce tolls on the Mitcham-Frankston (Scoresby) Freeway and immediately reverses its decision to impose these tolls, bearing 367 signatures (*by Mr Cooper*)

Police Station in Somerville — Requesting that the Government urgently funds the establishment of a fully manned, 24 hour a day, police station in Somerville to service the local and surrounding communities as a matter of vital importance, bearing 10 signatures (*by Mr Cooper*)

Motor Vehicle Registration Fees — Requesting that the House abandons immediately the introduction of motor vehicle registration fees on low and fixed income people, bearing 296 signatures (*by Mr Cooper*).

Petitions ordered to be tabled.

- 9 **PETITION — MITCHAM-FRANKSTON (SCORESBY) FREEWAY** — Motion made and question — That the petition presented by the Member for Mornington requesting that the House ensures that the Government honours its pre-election commitment and policy as pledged to the citizens of Victoria not to introduce tolls on the Mitcham-Frankston (Scoresby) Freeway and immediately reverses its decision to impose these tolls be taken into consideration tomorrow (*Mr Cooper*) — put and agreed to.
- 10 **PETITION — POLICE STATION IN SOMERVILLE** — Motion made and question — That the petition presented by the Member for Mornington requesting that the Government urgently funds the establishment of a fully manned, 24 hour a day, police station in Somerville to service the local and surrounding communities as a matter of vital importance be taken into consideration tomorrow (*Mr Cooper*) — put and agreed to.
- 11 **PETITION — MOTOR VEHICLE REGISTRATION FEES** — Motion made and question — That the petition presented by the Member for Mornington requesting that the House abandons immediately the introduction of motor vehicle registration fees on low and fixed income people be taken into consideration tomorrow (*Mr Cooper*) — put and agreed to.
- 12 **DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:

Australian Crime Commission — Report for the year 2002–03

Drugs, Poisons and Controlled Substances Act 1981 — Documents under s 12H:

Amendment No 3 to the Standard for the Uniform Scheduling of Drugs and Poisons No 18
Notice regarding the amendment, commencement and availability of the Poisons Code

National Parks Act 1975 — Notice of consent from the Minister for Environment to explore for petroleum within Lower Glenelg National Park under permit No 151

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

Banyule Planning Scheme — Nos C38 Part 1, C40
 Glen Eira Planning Scheme — Nos C11, C14
 Hobsons Bay Planning Scheme — No C39
 Hume Planning Scheme — No C43
 Kingston Planning Scheme — No C31
 Maroondah Planning Scheme — No C27
 Melbourne Planning Scheme — No C90

Statutory Rules under the following Acts:

Architects Act 1991 — SR No 51
Evidence Act 1958 — SR No 52
Extractive Industries Development Act 1995 — SR No 53

Subordinate Legislation Act 1994 — Ministers' exemption certificates in relation to Statutory Rule Nos 36, 39, 40, 41, 43.

The following proclamations fixing operative dates were tabled by the Clerk in accordance with an Order of the House dated 26 February 2003:

Extractive Industries Development (Amendment) Act 2003 — Whole Act (except section 15) on 27 May 2004 (*Gazette G22, 27 May 2004*)
Human Services (Complex Needs) Act 2003 — Whole Act except for paragraph (e) of section 31(3) on 31 May 2004 (*Gazette G22, 27 May 2004*).

13 **APPROPRIATION (PARLIAMENT 2004/2005) BILL** — The Speaker announced that she had, that day, presented to the Governor, the Appropriation (Parliament 2004/2005) Bill to which the Governor had been pleased to give the royal assent.

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

Births, Deaths and Marriages Registration (Amendment) Bill
 Courts Legislation (Funds in Court) Bill
 Courts Legislation (Judicial Appointments) Bill
 Ombudsman Legislation (Police Ombudsman) Bill
 Private Security Bill.

15 **TRANSPORT LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL — CLERK'S CORRECTION** — The Speaker announced that she had received a report from the Clerk that he had made the following corrections in this Bill:

In the heading to Clause 26, after '5AC' I have inserted a comma, deleted 'and' and after '5AD' inserted 'and 5AE'.

The heading to Clause 26 now reads 'New sections 5AC, 5AD and 5AE inserted'.

- 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 10.00 pm on Thursday 3 June 2004:

Ambulance Services (Amendment) Bill
 Crimes (Amendment) Bill
 Domestic Building Contracts (Amendment) Bill
 Fair Trading (Consumer Contracts) Bill
 Financial Management (Amendment) Bill
 Health Services (Governance and Accountability) Bill
 Mental Health Legislation (Commonwealth Detainees) Bill
 Pharmacy Practice Bill
 Racing and Gaming Acts (Amendment) Bill
 State Taxation Acts (Tax Reform) Bill
 Sustainable Forests (Timber) Bill

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

- 17 **STATEMENTS BY MEMBERS** — Statements by members were made.
- 18 **RACING AND GAMING ACTS (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

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

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

Bill read a second time, considered in detail and agreed to with amendments, read a third time (*see pp 425, 427*).

Bill sent to the Legislative Council and their agreement requested.

- 19 **POSTPONEMENT OF ORDER OF THE DAY** — Ordered — That the consideration of Government Business, Order of the Day, No 2, be postponed until later this day.
- 20 **DOMESTIC BUILDING CONTRACTS (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Question — put.

The House divided.

AYES 75

Ms Allan; Mr Andrews; Ms Asher; Mr Baillieu; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Clark; Mr Cooper; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Dixon; Mr Donnellan; Mr Doyle; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Honeywood; Mr Howard; Mr Hudson; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Kotsiras; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lupton; Mr McIntosh; Ms McTaggart; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Mr Mulder; Ms Munt; Dr Napthine; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Mr Pertont; Ms Pike; Mr Plowman; Mr Robinson; Mr Seitz; Mrs Shardey; Mr Smith; Mr Stensholt; Mr Thompson; Mr Thwaites; Mr Trezise; Mr Wells; Mr Wilson; Mr Wynne.

NOES 9

Mr Delahunty (*Lowan*); Mr Ingram; Mr Jasper; Mr Maughan; Mrs Powell; Mr Ryan; Mr Savage; Dr Sykes; Mr Walsh.

Question agreed to.

By leave, Bill immediately read a third time.

Bill sent to the Legislative Council and their agreement requested.

- 21 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Judicial Salaries Bill without amendment.
- 22 **FINANCIAL MANAGEMENT (AMENDMENT) BILL** — 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.

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.

Bill read a second time, considered in detail and agreed to without amendment (*see pp 425–6, 427*).

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

The House divided.

AYES 59

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lupton; Ms McTaggart; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Savage; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 24

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Jasper; Mr Kotsiras; Mr Maughan; Mr McIntosh; Mr Mulder; Dr Napthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 23 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Mitcham-Frankston Project Bill without amendment.
- 24 **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 12 midnight —

WEDNESDAY 2 JUNE 2004

- 25 **ADJOURNMENT** — The Acting Speaker left the Chair, after debate, at 12.16 am.

R W PURDEY
Clerk of the Legislative Assembly

JUDY MADDIGAN
Speaker

No 71 — Wednesday 2 June 2004

- 1 The Speaker took the Chair and read the Prayer.
- 2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

Motor Vehicle Registration Fees — Low and Fixed Income People — Requesting that the House abandons immediately the introduction of motor vehicle registration fees on low and fixed income people, bearing 75 signatures (*by Mr Perton*)

Car Registration Fees — New Increase — Requesting that the Government abandons the proposal of the new increase of \$78.50 for car registration for Victorian pensioners which will detrimentally impact upon those who are financially unable to pay, bearing 49 signatures (*by Mr Perton*)

Mitcham-Frankston (Scoresby) Freeway — Requesting that the House ensures that the Government honours its pre-election commitment and policy as pledged to the citizens of Victoria not to introduce tolls on the Mitcham-Frankston (Scoresby) Freeway and immediately reverses its decision to impose these tolls, bearing 370 signatures (*by Mr Cooper*)

Land Taxes on Caravan Parks — Requesting that the Government abolishes land tax from caravan parks as a matter of extreme urgency, bearing 32 signatures (*by Mr Dixon*)

Car Registration Fees — Pensioner Concession — Requesting that the Government reverses its decision to halve the pensioner concession on car registration fees, bearing 407 signatures (*by Mr Dixon*)

Bendigo-Kyneton Rail Tracks — Requesting that the two rail tracks between Bendigo and Kyneton be retained so that a reliable, dependable, frequent and efficient rail service exists, providing a high level of safety for both passenger and freight services, bearing 3,529 signatures (*by Mr Mulder*).

Petitions ordered to be tabled.

- 3 **PETITION — MITCHAM-FRANKSTON (SCORESBY) FREEWAY** — Motion made and question — That the petition presented by the Member for Mornington requesting that the House ensures that the Government honours its pre-election commitment and policy as pledged to the citizens of Victoria not to introduce tolls on the Mitcham-Frankston (Scoresby) Freeway and immediately reverses its decision to impose these tolls be taken into consideration tomorrow (*Mr Cooper*) — put and agreed to.
- 4 **PETITION — MOTOR VEHICLE REGISTRATION FEES — LOW AND FIXED INCOME PEOPLE** — Motion made and question — That the petition presented by the Member for Doncaster requesting that the House abandons immediately the introduction of motor vehicle registration fees on low and fixed income people be taken into consideration tomorrow (*Mr Perton*) — put and agreed to.
- 5 **PETITION — CAR REGISTRATION FEES — NEW INCREASE** — Motion made and question — That the petition presented by the Member for Doncaster requesting that the Government abandons the proposal of the new increase of \$78.50 for car registration for Victorian pensioners which will detrimentally impact upon those who are financially unable to pay be taken into consideration tomorrow (*Mr Perton*) — put and agreed to.
- 6 **PETITION — BENDIGO-KYNETON RAIL TRACKS** — Motion made and question — That the petition presented by the Member for Polwarth requesting that the two rail tracks between Bendigo and Kyneton be retained so that a reliable, dependable, frequent and efficient rail

service exists, providing a high level of safety for both passenger and freight services be taken into consideration tomorrow (*Mr Mulder*) — put and agreed to.

7 DOCUMENTS —

EDUCATION AND TRAINING COMMITTEE — Mr Herbert, Chair, presented a report from the Education and Training Committee upon the Inquiry into the Impact of the High Levels of Unmet Demand for Places in Higher Education Institutions on Victoria, together with appendices, extracts from proceedings, minority report and minutes of evidence.

Ordered to be tabled and report, appendices, extracts from proceedings and minority report printed.

LAW REFORM COMMITTEE — Mr Hudson, Chair, presented a report from the Law Reform Committee upon the Inquiry into the Administration of Justice Offences, together with appendices and minutes of evidence.

Ordered to be tabled and report and appendices printed.

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

Cheltenham and Regional Cemeteries Trust — Report for year 2003, together with an explanation for the delay in tabling

Fawkner Crematorium and Memorial Park — Report for year 2003, together with an explanation for the delay in tabling

Financial Management Act 1994 — Reports from the Minister for Health that she had received the 2003 Annual Reports together with an explanation for the delay in tabling of the:

Altona Memorial Park
Anderson's Creek Cemetery Trust
Bendigo Cemeteries Trust
Keilor Cemetery Trust
Mildura Cemetery Trust
Templestowe Cemetery Trust

First Mildura Irrigation Trust — Report for the year 2002–03

Medical Practitioners Board — Report for the year ended 30 September 2003, together with an explanation for the delay in tabling

Necropolis Springvale — Report for year 2003, together with an explanation for the delay in tabling.

8 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 2003–2004 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 Independent Auditors to Conduct Financial and Performance Audits of the Victorian Auditor-General's Office (Parliamentary Paper No 72, Session 2003–2004);

- (2) The level of remuneration for the financial audit be \$26,400 inclusive 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.

Resolution sent to the Legislative Council and their agreement requested.

9 **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 in accordance with the conditions of appointment and remuneration contained in the Report of the Public Accounts and Estimates Committee on the Appointment of Independent Auditors to Conduct Financial and Performance Audits of the Victorian Auditor-General's Office (Parliamentary Paper No 72, Session 2003–2004); and
- (2) The level of remuneration for the performance audit be \$204,675 inclusive of GST, and out of pocket expenses up to a maximum of \$7,500.

(*Mr Batchelor*) — put and agreed to.

Resolution sent to the Legislative Council and their agreement requested.

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

11 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE — CRIME AND ANTI-CORRUPTION COMMISSION** — The House was informed that Mr Doyle had proposed that a definite matter of public importance be submitted to the House for discussion, namely —

'That this House notes growing allegations of corruption within Victoria Police with links to 27 gangland killings and calls upon the Government to establish immediately a permanent and independent Crime and Anti-Corruption Commission to investigate the crisis of organised crime in Victoria.'

Mr Doyle addressed the House — Discussion ensued.

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

Education and Training Committee's Report on the Inquiry into the Impact of the High Levels of Unmet Demand for Places in Higher Education Institutions on Victoria

Drugs and Crime Prevention Committee's Report on the Inquiry into Amphetamine and 'Party Drug' Use in Victoria
 Law Reform Committee's Report on the Inquiry into the Administration of Justice Offences
 Road Safety Committee's Report on the Inquiry into Road Safety for Older Road Users.

13 **POSTPONEMENT OF NOTICE OF MOTION** — Ordered — That the consideration of Government Business, Notice of Motion No 1, be postponed until after Government Business, Notice of Motion No 2.

14 **SUSPENSION OF STANDING ORDERS** — Motion made and question — That so much of standing orders be suspended for Wednesday 2 June 2004 so as to allow —

- (1) In relation to Notice of Motion No 1 concerning anti-Semitism, the number of speakers and length of speeches will be limited to three government members, two Liberal Party members, and one Nationals member who may each speak for a maximum of ten minutes; and
- (2) At the conclusion of all speeches permitted by paragraph (1), the Chair will immediately put the question or questions required to dispose of the motion.

(Mr Batchelor) — put and agreed to.

Business having been interrupted at 2.00 pm under standing orders.

15 **QUESTIONS** — (Under SO 55).

16 **ANTI-SEMITISM** — Motion made and question — That this House —

- (1) Takes note of and endorses the resolutions on anti-Semitism presented in the Federal House of Representatives on 16 February 2004 and in the Senate on 22 March 2004, particularly noting the long history of anti-Semitism and its lethal capacity to influence many people to express hatred and carry out violence against Jewish people; and
- (2) In recognition of this, and given this State's unwavering commitment to multicultural and multi-faith harmony among all its citizens:
 - (a) reaffirms its opposition to all forms of racial and ethnic hatred, persecution and discrimination on ethnic or religious grounds, whenever and wherever it occurs;
 - (b) expresses its unequivocal condemnation of violence directed against individuals, religious and cultural institutions;
 - (c) resolves to condemn all manifestations of racism and religious vilification in Victoria as a threat to the freedoms that all citizens in this State should enjoy equally in a democratic society and commits the Parliament to take all possible concrete actions to combat this threat to our peaceful and diverse society;
 - (d) further resolves to encourage leaders of Victorian community groups to use their influence to oppose and counter racism and religious vilification and to promote all possible efforts at fostering tolerance, respect and community harmony; and

- (e) recognises the social, cultural and economic benefits provided to all Victorians by the State's multicultural and multi-faith society.

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

- 17 **STATE TAXATION ACTS (TAX REFORM) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

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

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

Under standing orders, Mr Jasper 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 Walsh*) — put and agreed to.

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

- 18 **SUSTAINABLE FORESTS (TIMBER) BILL** — 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.

Question — put.

The House divided.

AYES 51

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hulls; Mr Jenkins; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Perera; Ms Pike; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 21

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Honeywood; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Mulder; Dr Napthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Savage; Mrs Shardey; Mr Smith; Dr Sykes; Mr Walsh.

Question agreed to.

Bill considered in detail (*see pp 426, 427*).

Business having been interrupted at 10.00 pm under standing orders.

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

Further considered in detail, and agreed to without amendment, 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 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Acquainting the Legislative Assembly that they have concurred with the Assembly in the appointment of Mr John Phillips of Acumen Alliance to conduct the performance audit of the Victorian Auditor-General's Office.

Acquainting the Legislative Assembly that they have concurred with the Assembly in the appointment of Mr Terry Benfold of Pitcher Partners to conduct the financial audit for 2003–2004 of the Victorian Auditor-General's Office.

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

Appeal Costs and Penalty Interest Rates Acts (Amendment) Bill

Treasury and Finance Legislation (Amendment) Bill

Death Notification Legislation (Amendment) Bill

Architects (Amendment) Bill.

- 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 Acting Speaker left the Chair, after debate, at 11.17 pm.

R W PURDEY
Clerk of the Legislative Assembly

JUDY MADDIGAN
Speaker

No 72 — Thursday 3 June 2004

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

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

Wild Dogs — Requesting that the positions of Dogmen George Thompson and Jeff Toland be made permanent at the completion of their contract at the end of June 2004, as the safety, health and wellbeing of the environment of both the public and private lands depends on wild dog numbers being controlled, bearing 186 signatures (*by Mr Plowman*)

Corruption within Victoria Police — Requesting that the House commences proceedings for the establishment of an independent inquiry or Royal Commission to identify and eliminate corruption within the Victoria Police and ensures that guilty officers are charged with any offences arising from the inquiry or Royal Commission, bearing 17 signatures (*by Mr Kotsiras*)

Traffic lights — Intersection of Bulleen Road and Golden Way, Bulleen — Requesting that the House ensures the installation of traffic lights at the intersection of Bulleen Road and Golden Way, Bulleen, as a matter of urgency and public safety, bearing 215 signatures (*by Mr Kotsiras*)

Wind Farm Development — Requesting that the House urges the Government to prohibit any further wind farm developments pending the adoption and completion of measures to — (a) properly assess landscape values and develop appropriate overlays to planning schemes; (b) amend guidelines to provide communities with greater knowledge of local wind farm proposals, greater protection from intrusive developments and greater opportunity to participate in the planning process; and (c) evaluate the benefits of wind energy against other forms of renewable and fossil fuel energies to assess the economic, social and environmental benefits of wind generated power, bearing 1,916 signatures (*by Mr Ryan*)

Mitcham-Frankston (Scoresby) Freeway — Requesting that the House ensures that the Government honours its pre-election commitment and policy as pledged to the citizens of Victoria not to introduce tolls on the Mitcham-Frankston (Scoresby) Freeway and immediately reverses its decision to impose these tolls, bearing 336 signatures (*by Mr Cooper*)

Car Registration Fees — Pensioner Concession — Requesting that the Government reverses its decision to halve the pensioner concession on car registration fees, bearing 150 signatures (*by Mr Dixon*)

Car Registration Fees — New Increase — Requesting that the Government abandons the proposal of the new increase of \$78.50 for car registration for Victorian pensioners which will detrimentally impact upon those who are financially unable to pay, bearing 91 signatures (*by Mr Thompson*)

Highbett Estate Building Works — Requesting that the Government immediately ceases all building works being undertaken on the Highbett Estate and arranges for the Minister of Housing to go on site to speak to the stakeholders, bearing 19 signatures (*by Mr Thompson*)

Motor Vehicle Registration Fees — Low and Fixed Income People — Requesting that the House abandons immediately the introduction of motor vehicle registration fees on low and fixed income people, bearing 24 signatures (*by Dr Naphine*).

Petitions ordered to be tabled.

- 3 **PETITION — MITCHAM-FRANKSTON (SCORESBY) FREEWAY** — Motion made and question — That the petition presented by the Member for Mornington requesting that the House ensures that the Government honours its pre-election commitment and policy as pledged to the citizens of Victoria not to introduce tolls on the Mitcham-Frankston (Scoresby) Freeway and immediately reverses its decision to impose these tolls be taken into consideration tomorrow (*Mr Cooper*) — put and agreed to.
- 4 **PETITION — CORRUPTION WITHIN VICTORIA POLICE** — Motion made and question — That the petition presented by the Member for Bulleen requesting that the House commences

proceedings for the establishment of an independent inquiry or Royal Commission to identify and eliminate corruption within the Victoria Police and ensures that guilty officers are charged with any offences arising from the inquiry or Royal Commission be taken into consideration tomorrow (*Mr Kotsiras*) — put and agreed to.

5 **PETITION — TRAFFIC LIGHTS — INTERSECTION OF BULLEEN ROAD AND GOLDEN WAY, BULLEEN** — Motion made and question — That the petition presented by the Member for Bulleen requesting that the House ensures the installation of traffic lights at the intersection of Bulleen Road and Golden Way, Bulleen, as a matter of urgency and public safety be taken into consideration tomorrow (*Mr Kotsiras*) — put and agreed to.

6 **PETITION — MOTOR VEHICLE REGISTRATION FEES — LOW AND FIXED INCOME PEOPLE** — Motion made and question — That the petition presented by the Member for South-West Coast requesting that the House abandons immediately the introduction of motor vehicle registration fees on low and fixed income people be taken into consideration tomorrow (*Dr Napthine*) — put and agreed to.

7 **PETITION — CAR REGISTRATION FEES — PENSIONER CONCESSION** — Motion made and question — That the petition presented by the Member for Nepean requesting that the Government reverses its decision to halve the pensioner concession on car registration fees be taken into consideration tomorrow (*Mr Dixon*) — put and agreed to.

8 **PETITION — WILD DOGS** — Motion made and question — That the petition presented by the Member for Benambra requesting that the positions of Dogmen George Thompson and Jeff Toland be made permanent at the completion of their contract at the end of June 2004, as the safety, health and wellbeing of the environment of both the public and private lands depends on wild dog numbers being controlled be taken into consideration tomorrow (*Mr Plowman*) — put and agreed to.

9 **DOCUMENTS —**

STATEMENT ON MINISTERIAL INTERVENTION IN PLANNING MATTERS — Motion made, by leave, and question — That there be presented to this House a Statement on Ministerial Intervention in Planning Matters for the period May 2003 to April 2004 under the *Planning and Environment Act 1987*, the *Victorian Civil and Administrative Tribunal Act 1998* and the *Heritage Act 1995* (*Ms Delahunty, Northcote*) — put and agreed to.

The statement was presented by Ms Delahunty (*Northcote*) and tabled.

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

Anti-Cancer Council — Report for the year 2003, together with an explanation for the delay in tabling

Auditor-General — Performance Audit Report — Maintaining Public Housing Stock — Ordered to be printed

Forensic Leave Panel — Report for the year 2003

Members of Parliament (Register of Interests) Act 1978 — Summary of variations notified between 27 November 2003 and 2 June 2004 — Ordered to be printed

National Parks Act 1975 — Advice under s 11(3)

Police Regulation Act 1958 — Second Interim Report of the Ombudsman on Ceja Task Force investigation into allegations of Drug Related Corruption — Ordered to printed

Victims of Crime Assistance Tribunal — Report for the year 2002–03

Water Act 1989 — Statement of reasons under s 98.

10 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That the government business program agreed to by this House on 1 June 2004 be amended by omitting the Order of the Day, Government Business, relating to the Pharmacy Practice Bill (*Mr Batchelor*) — put, after debate, and agreed to.

11 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourn 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.

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

13 **CRIMES (DANGEROUS DRIVING) 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 McIntosh*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 17 June 2004.

14 **SENTENCING (SUPERANNUATION ORDERS) 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 McIntosh*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 17 June 2004.

15 **HEALTH SERVICES (GOVERNANCE AND ACCOUNTABILITY) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

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

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

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

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

- 16 **AMBULANCE SERVICES (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

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

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

Amendment proposed — That all the words after 'That' be omitted with the view of inserting in their place the words 'this House refuses to read this Bill a second time until consultation has taken place with the community served by the Alexandra & District Ambulance Service and further consultation occurs with the elected Committee of Management of the Alexandra & District Ambulance Service and other expert groups on the impact of the proposed changes to the Alexandra & District Ambulance Service and in particular the removal of local control and input from the community-run ambulance service' (*Mrs Shardey*) — and, after debate —

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

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

- 17 **MENTAL HEALTH LEGISLATION (COMMONWEALTH DETAINEES) BILL** — 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.

- 18 **QUESTIONS** — (Under SO 55).

- 19 **MENTAL HEALTH LEGISLATION (COMMONWEALTH DETAINEES) BILL** — Debate continued on question — That this Bill be now read a second time.

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

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

- 20 **CRIMES (AMENDMENT) BILL** — 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 Wells*) — put and agreed to.

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

- 21 **FAIR TRADING (CONSUMER CONTRACTS) 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.

22 **AMBULANCE SERVICES (AMENDMENT) BILL** — 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 consultation has taken place with the community served by the Alexandra & District Ambulance Service and further consultation occurs with the elected Committee of Management of the Alexandra & District Ambulance Service and other expert groups on the impact of the proposed changes to the Alexandra & District Ambulance Service and in particular the removal of local control and input from the community-run ambulance service'.

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.

23 **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.

24 **NATIONAL PARKS (ADDITIONS AND OTHER AMENDMENTS) BILL** — 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 Honeywood*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 17 June 2004.

25 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Transport Legislation (Miscellaneous Amendments) Bill without amendment.

26 **BUILDING (AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Ms Delahunty, Northcote*).

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

Ordered — That the debate be adjourned until Thursday 17 June 2004.

27 **SEX OFFENDERS REGISTRATION BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Haermeyer*).

Mr Haermeyer 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 Wells*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 17 June 2004.

28 **AMBULANCE SERVICES (AMENDMENT) BILL** — 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 consultation has taken place with the community

served by the Alexandra & District Ambulance Service and further consultation occurs with the elected Committee of Management of the Alexandra & District Ambulance Service and other expert groups on the impact of the proposed changes to the Alexandra & District Ambulance Service and in particular the removal of local control and input from the community-run ambulance service'; debate resumed.

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

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

- 29 **MENTAL HEALTH LEGISLATION (COMMONWEALTH DETAINEES) 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.

- 30 **HEALTH SERVICES (GOVERNANCE AND ACCOUNTABILITY) BILL** — 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 Buchanan*) — put and agreed to.

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

- 31 **STATE TAXATION ACTS (TAX REFORM) BILL** — 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 Plowman*) — put and agreed to.

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

- 32 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Surveying Bill without amendment.

- 33 **CRIMES (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Allocation of time — The Acting Speaker advised that the time allocated for consideration of bills under the resolution of the House on Tuesday 1 June 2004 and as amended on Thursday 3 June 2004 had expired.

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.

- 34 **HEALTH SERVICES (GOVERNANCE AND ACCOUNTABILITY) BILL** — 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 Government amendment Nos 1 and 2 be agreed to — put.

The House divided.

AYES 52

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Mr Jenkins; Mr Langdon; Mr Leighton; Mr Lim; Ms Lindell; Mr Lockwood; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Perera; Ms Pike; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 23

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Jasper; Mr Kotsiras; Mr Maughan; Mr McIntosh; Mr Mulder; Dr Napthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Wells.

Question agreed to.

Bill read a third time with the concurrence of an absolute majority of the whole number of the members of the Legislative Assembly.

Bill sent to the Legislative Council and their agreement requested.

- 35 **AMBULANCE SERVICES (AMENDMENT) BILL** — 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 consultation has taken place with the community served by the Alexandra & District Ambulance Service and further consultation occurs with the elected Committee of Management of the Alexandra & District Ambulance Service and other expert groups on the impact of the proposed changes to the Alexandra & District Ambulance Service and in particular the removal of local control and input from the community-run ambulance service'.

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

The House divided.

AYES 52

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Mr Jenkins; Mr Langdon; Mr Leighton; Mr Lim; Ms Lindell; Mr Lockwood; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Perera; Ms Pike; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 23

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Jasper; Mr Kotsiras; Mr Maughan; Mr McIntosh; Mr Mulder; Dr Napthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Wells.

Question agreed to.

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

Bill sent to the Legislative Council and their agreement requested.

- 36 **STATE TAXATION ACTS (TAX REFORM) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time, Government amendment Nos 1 and 2 be agreed to and the Bill be read a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

Business having been interrupted at 10.17 pm under standing orders.

- 37 **ADJOURNMENT** — The Deputy Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.45 pm.

R W PURDEY
Clerk of the Legislative Assembly

JUDY MADDIGAN
Speaker

LEGISLATIVE ASSEMBLY OF VICTORIA

CONSIDERATION IN DETAIL Supplement to Votes Nos 70, 71 and 72

No 70 — Tuesday 1 June 2004

RACING AND GAMING ACTS (AMENDMENT) BILL

Clauses 1 to 38 agreed to.

Clause 39, Mr Pandazopoulos moved amendment No 1 (*see Schedule 1*).

Amendment put and agreed to.

Clauses 40 to 42 agreed to.

New clause AA agreed to.

Bill agreed to as amended.

FINANCIAL MANAGEMENT (AMENDMENT) BILL

Clauses 1 to 3 agreed to.

Clause 4, Mr Clark moved amendment No 1 (*see Schedule 2*).

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

The House divided.

AYES 57

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lupton; Ms McTaggart; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 26

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Napthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

Clause 4 agreed to.

Clauses 5 to 15 agreed to.

Bill agreed to without amendment.

No 71 — Wednesday 2 June 2004

SUSTAINABLE FORESTS (TIMBER) BILL

Clause 1 agreed to.

Clause 2, Mr Ingram moved amendment No 1 (*see Schedule 3*).

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

The House divided.

AYES 57

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Jenkins; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Perera; Ms Pike; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 25

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Naphthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Savage; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

Clause 2 agreed to.

Clauses 3 to 141 agreed to.

Schedules 1 and 2 agreed to.

Bill agreed to without amendment.

SCHEDULES OF AMENDMENTS MOVED

SCHEDULE 1

RACING AND GAMING ACTS (AMENDMENT) BILL

Amendments moved by Mr Pandazopoulos

1. Clause 39, omit this clause.

NEW CLAUSE

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

'AA. Subject matter for Regulations

- (1) Item 3.27 of Schedule 1 to the **Gambling Regulation Act 2003** is repealed.
- (2) After Part 3 of Schedule 1 to the **Gambling Regulation Act 2003** insert—

"PART 3A—WAGERING, GAMING AND BETTING

3.27 Any matter in relation to which betting rules may be made.

3.28 Requirements relating to betting rules.

3.29 Major and minor changes for the purposes of section 4.3.30.

3.30 Functions and powers of a licensee appointed under section 4.3.33."

- (3) After item 5.1 of Schedule 1 to the **Gambling Regulation Act 2003** insert—
"5.2 Forms."

SCHEDULE 2

FINANCIAL MANAGEMENT (AMENDMENT) BILL

Amendment moved by Mr Clark

1. Clause 4, line 4, omit "**Definition**" and insert "**Definitions**".

SCHEDULE 3

SUSTAINABLE FORESTS (TIMBER) BILL

Amendment moved by Mr Ingram

1. Clause 2, lines 5 to 8, omit "97, 98, 100(1), 103, 104, 105, 107, 108, 110, 112, 116, 122, 123(1), 124 and 125, Part 12 (except section 130) and Part 13 (except section 138)" and insert "108, 109, 111(1), 114, 115, 116, 118, 119, 121, 123, 127, 133, 134(1), 135 and 136, Part 12 (except section 141) and Part 13 (except section 149)".

LEGISLATIVE ASSEMBLY OF VICTORIA

VOTES AND PROCEEDINGS Nos 73, 74 and 75

No 73 — Tuesday 24 August 2004

- 1 The House met according to the terms of the resolution of 3 June 2004, 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 **DEATH OF HENRY ALFRED JENKINS, AM** — The Speaker announced the death of Henry Alfred Jenkins, AM, Member of the Legislative Assembly for the Electoral District of Reservoir from 1961 to 1969; and, honourable members rose in their places as a mark of respect to the memory of the deceased.
- 3 **QUESTIONS** — (Under SO 55).
- 4 **CONSTITUTION (RECOGNITION OF ABORIGINAL PEOPLE) BILL** — Mr Bracks obtained leave to bring in a Bill '*to amend the **Constitution Act 1975** to give recognition within that Act to Victoria's Aboriginal people and their contribution to the State of Victoria*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 5 **ABORIGINAL LANDS (AMENDMENT) BILL** — Mr Bracks obtained leave to bring in a Bill '*to amend the **Aboriginal Lands Act 1970** and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 6 **PARLIAMENTARY SALARIES AND SUPERANNUATION (AMENDMENT) BILL** — Mr Bracks obtained leave to bring in a Bill '*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.
- 7 **WATER INDUSTRY (ENVIRONMENTAL CONTRIBUTIONS) BILL** — Mr Thwaites obtained leave to bring in a Bill '*to amend the **Water Industry Act 1994** to make provision for environmental contributions payable by water supply authorities*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 8 **MAJOR CRIME LEGISLATION (OFFICE OF POLICE INTEGRITY) BILL** — Mr Haermeyer obtained leave to bring in a Bill '*to amend the **Police Regulation Act 1958**, the **Ombudsman Act 1973**, the **Public Sector Management and Employment Act 1998**, the **Surveillance Devices Act 1999**, the **Surveillance Devices (Amendment) Act 2004**, the **Crimes (Assumed Identities) Act 2004**, the **Crimes (Controlled Operations) Act 2004**, the **Telecommunications (Interception) (State Provisions) Act 1988** and other Acts to establish an Office of Police Integrity and a Director, Police Integrity to replace the Police Ombudsman, allow the Office and Director to exercise investigative powers and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.

- 9 **MAJOR CRIME (SPECIAL INVESTIGATIONS MONITOR) BILL** — Mr Hulls obtained leave to bring in a Bill '*to provide for the appointment of a Special Investigations Monitor, to amend the **Public Sector Management and Employment Act 1998**, the **Whistleblowers Protection Act 2001** and the **Juries Act 2000** and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 10 **EVIDENCE (WITNESS IDENTITY PROTECTION) BILL** — Mr Hulls obtained leave to bring in a Bill '*to amend the **Evidence Act 1958** to allow witness identity protection certificates to be issued to Victorian operatives who are to give evidence in interstate proceedings and provide for interstate witness identity protection certificates to be used for interstate operatives in Victorian proceedings and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 11 **MAGISTRATES' COURT (FAMILY VIOLENCE) BILL** — Mr Hulls obtained leave to bring in a Bill '*to amend the **Magistrates' Court Act 1989** to establish the Family Violence Court Division of the Magistrates' Court, to amend 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.
- 12 **MAGISTRATES' COURT (INCREASED CIVIL JURISDICTION) BILL** — Mr Hulls obtained leave to bring in a Bill '*to amend the **Magistrates' Court Act 1989** so as to increase the civil jurisdiction of the Magistrates' Court and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 13 **GAMBLING REGULATION (AMENDMENT) BILL** — Mr Holding obtained leave to bring in a Bill '*to enable the transfer to Tattersall's Limited ACN 108 686 040 of the gaming operator's licence and the public lottery licence held by the trustees of the will and estate of the late George Adams, to provide for that company to be authorised to conduct and promote club keno games in lieu of those trustees, to regulate shareholding interests in that company and make provision as to its financial recording and reporting requirements 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:

Prohibited Weapons — Requesting that the House urges the Government to withdraw or redraft the new prohibited weapons legislation to — (a) allow private citizens to own swords free from onerous regulations that restrict ownership, display and storage; and (b) enforce harsh penalties for any criminal use of swords, bearing 65, 149 and 19 signatures respectively (*by Mr Howard, Dr Sykes and Mr Loney*)

Aquatic Centre in Frankston — Requesting that the Government, in consultation with Frankston City Council and local community groups, facilitates the building of an aquatic centre in Frankston, bearing 44 signatures (*by Mr Harkness*)

Preschool Education — Resources and Teachers' Conditions — Requesting that the House — (a) recognises the value of preschool education and teachers; (b) ensures that preschools are resourced adequately; (c) offers preschool teachers pay parity, reasonable workload and appropriate group sizes; and (d) moves responsibility for preschools to the Department of Education and Training, bearing 623, 490, 36, 546, 320, 72 and 35 signatures respectively (*by Mr Lockwood, Mr Harkness, Ms Lobato, Mr Ryan, Mr Delahunty (Lowan), Mr Holding and Mr Maughan*)

High Quality Preschool Education — Requesting that the House urges the Government to restructure the current funding arrangements for preschools in Victoria by — (a) recognising the specialised qualifications of early childhood teachers by giving pay parity with teachers in the primary school sector; (b) providing a high quality preschool education system that is affordable to all families; (c) taking the considerable and onerous pressure off parents in the administration of kindergartens; and (d) transferring preschools to the Department of Education and Training, bearing 336 signatures (*by Mr Ryan*)

Preschool Education — Requesting that the House — (a) recognises the value of preschool education and teachers; (b) ensures that preschools are resourced adequately; and (c) moves responsibility for preschools to the Department of Education and Training, bearing 87 and 35 signatures respectively (*by Mr Ryan and Mr Delahunty, Lowan*)

Preschool Education — Resourcing and Retention of Teachers — Requesting that the House urges the Government to — (a) recognise and respect the qualifications of preschool teachers, their work and the value of preschool education; (b) aim to retain and attract more preschool teachers to tackle teacher shortages (especially in rural areas); and (c) provide appropriate resources to provide salary parity and to fund preschools adequately, bearing 446 signatures (*by Mr Delahunty, Lowan*)

Lawn Bowls Clubs and Associations — Requesting that the legislation pertaining to the *Equal Opportunity Act 1995* be amended so as to enable lawn bowls clubs and associations to conduct events designated as single gender events and/or mixed gender events, whenever desired and appropriate, and that when appropriate all these events continue in the same form to the State Championship level, bearing 80 signatures (*by Mr Delahunty, Lowan*)

Motor Car Registration Fee — Requesting that the House cancels the proposed charge of \$78 Motor Car Registration fee for various pensioners and card holders and reverts to no fee, bearing 120 signatures (*by Ms McTaggart*)

Wind Farm Development — Requesting that the House urges the Government to prohibit any further wind farm developments pending the adoption and completion of measures to — (a) properly assess landscape values and develop appropriate overlays to planning schemes; (b) amend guidelines to provide communities with greater knowledge of local wind farm proposals, greater protection from intrusive developments and greater opportunity to participate in the planning process; and (c) evaluate the benefits of wind energy against other forms of renewable and fossil fuel energies to assess the economic, social and environmental benefits of wind-generated power, bearing 278 signatures (*by Mr Ryan*)

Port Phillip Bay Shipping Channel — Requesting that the House ensures that the proposal does not proceed to deepen the shipping channel at Port Phillip Heads and in Port Phillip Bay, bearing 14 signatures (*by Mr Harkness*)

Thompsons Road, Cranbourne/Berwick and Pedestrian Access to Merinda Park Railway Station — Requesting that the House approves the following improvements as a matter of urgency — (a) duplication of Thompsons Road between Missens Road and Narre Warren-Cranbourne Road, including traffic lights at Evans Road; (b) an overhead pedestrian crossing between the South Gippsland Highway and Merinda Park Railway Station for both local children and train travellers; (c) a red light/speed camera installed at Thompsons Road on South Gippsland Highway; and (d) funds for the total duplication of Thompsons Road between Mornington Freeway and Berwick, Cranbourne Road including traffic lights or other traffic control measures at Berwick-Cranbourne Road and at Worsley Road, bearing 752 signatures *(by Mr Mulder)*

Motor Vehicle Registration Fees — Requesting that the House urges the Government to abandon immediately the introduction of motor vehicle registration fees on low and fixed income people, bearing 375 and 108 signatures respectively *(by Dr Sykes and Mr Cooper)*

Rural Planning Zones — Requesting that the House urges the Government to withdraw and redraft the new rural planning zones and introduce a planning system that — (a) strikes a fairer balance between the need to preserve prime agricultural land and acknowledgement of the rights of landowners; (b) does not impinge on a landowner's rights to retire with dignity; (c) encourages young people to take up farming; and (d) gives local government flexibility in the determination of subdivisions and use of rural land, bearing 26 signatures *(by Dr Sykes)*

Traffic Lights — Intersection of Bentons Road and Nepean Highway, Mt Martha — Requesting that the Minister for Transport funds the installation of traffic lights at the intersection of Bentons Road and Nepean Highway, Mt Martha as a matter of urgency, bearing 5 signatures *(by Mr Cooper)*

Mitcham-Frankston (Scoresby) Freeway — Requesting that the House ensures that the Government honours its pre-election commitment and policy as pledged to the citizens of Victoria not to introduce tolls on the Mitcham-Frankston (Scoresby) Freeway and immediately reverses its decision to impose these tolls, bearing 20 signatures *(by Mr Cooper)*.

Petitions ordered to be tabled.

- 15 **PETITION — MOTOR VEHICLE REGISTRATION FEES** — Motion made and question — That the petition presented by the Member for Mornington requesting that the House urges the Government to abandon immediately the introduction of motor vehicle registration fees on low and fixed income people be taken into consideration tomorrow *(Mr Cooper)* — put and agreed to.
- 16 **PETITION — TRAFFIC LIGHTS — INTERSECTION OF BENTONS ROAD AND NEPEAN HIGHWAY, MT MARTHA** — Motion made and question — That the petition presented by the Member for Mornington requesting that the Minister for Transport funds the installation of traffic lights at the intersection of Bentons Road and Nepean Highway, Mt Martha as a matter of urgency be taken into consideration tomorrow *(Mr Cooper)* — put and agreed to.
- 17 **PETITION — MITCHAM-FRANKSTON (SCORESBY) FREEWAY** — Motion made and question — That the petition presented by the Member for Mornington requesting that the House ensures that the Government honours its pre-election commitment and policy as pledged to the citizens of Victoria not to introduce tolls on the Mitcham-Frankston (Scoresby) Freeway and

immediately reverses its decision to impose these tolls be taken into consideration tomorrow (*Mr Cooper*) — put and agreed to.

- 18 **PETITION — PRESCHOOL EDUCATION — RESOURCES AND TEACHERS' CONDITIONS** — Motion made and question — That the petition presented by the Member for Lowan requesting that the House — (a) recognises the value of preschool education and teachers; (b) ensures that preschools are resourced adequately; (c) offers preschool teachers pay parity, reasonable workload and appropriate group sizes; and (d) moves responsibility for preschools to the Department of Education and Training be taken into consideration tomorrow (*Mr Delahunty, Lowan*) — put and agreed to.
- 19 **PETITION — PRESCHOOL EDUCATION** — Motion made and question — That the petition presented by the Member for Lowan requesting that the House — (a) recognises the value of preschool education and teachers; (b) ensures that preschools are resourced adequately; and (c) moves responsibility for preschools to the Department of Education and Training be taken into consideration tomorrow (*Mr Delahunty, Lowan*) — put and agreed to.
- 20 **PETITION — PRESCHOOL EDUCATION — RESOURCING AND RETENTION OF TEACHERS** — Motion made and question — That the petition presented by the Member for Lowan requesting that the House urges the Government to — (a) recognise and respect the qualifications of preschool teachers, their work and the value of preschool education; (b) aim to retain and attract more preschool teachers to tackle teacher shortages (especially in rural areas); and (c) provide appropriate resources to provide salary parity and to fund preschools adequately be taken into consideration tomorrow (*Mr Delahunty, Lowan*) — put and agreed to.
- 21 **PETITION — LAWN BOWLS CLUBS AND ASSOCIATIONS** — Motion made and question — That the petition presented by the Member for Lowan requesting that the legislation pertaining to the *Equal Opportunity Act 1995* be amended so as to enable lawn bowls clubs and associations to conduct events designated as single gender events and/or mixed gender events, whenever desired and appropriate, and that when appropriate all these events continue in the same form to the State Championship level be taken into consideration tomorrow (*Mr Delahunty, Lowan*) — put and agreed to.
- 22 **PETITION — PROHIBITED WEAPONS** — Motion made and question — That the petition presented by the Member for Benalla requesting that the House urges the Government to withdraw or redraft the new prohibited weapons legislation to — (a) allow private citizens to own swords free from onerous regulations that restrict ownership, display and storage; and (b) enforce harsh penalties for any criminal use of swords be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.
- 23 **PETITION — MOTOR VEHICLE REGISTRATION FEES** — Motion made and question — That the petition presented by the Member for Benalla requesting that the House urges the Government to abandon immediately the introduction of motor vehicle registration fees on low and fixed income people be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.
- 24 **PETITION — RURAL PLANNING ZONES** — Motion made and question — That the petition presented by the Member for Benalla requesting that the House urges the Government to withdraw and redraft the new rural planning zones and introduce a planning system that — (a) strikes a fairer balance between the need to preserve prime agricultural land and acknowledgement of the rights of landowners; (b) does not impinge on a landowner's rights to retire with dignity; (c) encourages young people to take up farming; and (d) gives local

government flexibility in the determination of subdivisions and use of rural land be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.

25 DOCUMENTS —

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — Ms D'Ambrosio, Chair, presented a report from the Scrutiny of Acts and Regulations Committee being the Alert Digest No 6 of 2004 on the:

Appeal Costs and Penalty Interest Rates Acts (Amendment) Bill
 Building (Amendment) Bill
 Crimes (Dangerous Driving) Bill
 Domestic Building Contracts (Amendment) Bill
 Mitcham-Frankston Freeway Bill
 National Parks (Additions and Other Amendments) Bill
 Sentencing (Superannuation Orders) Bill
 Sex Offenders Registration Bill
 Sustainable Forests (Timber) Bill
 Victorian Civil and Administrative Tribunal (Amendment) Bill

together with appendices.

Ordered to be tabled and printed.

FAMILY AND COMMUNITY DEVELOPMENT COMMITTEE — Mrs Powell presented a report from the Family and Community Development Committee upon the Inquiry on the Roles of Community Advisory Committees of Metropolitan Health Services together with extracts from proceedings, a minority report and minutes of evidence.

Ordered to be tabled and report, extracts from proceedings and minority report printed.

DOCUMENTS BY COMMAND OF THE GOVERNOR

Mr Hulls presented by Command of the Governor:

Children's Court of Victoria — Report for the year 2002–03

Ordered to be tabled.

Council of Magistrates — Report for the year 2002–03

Ordered to be tabled.

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

Audit Act 1994 — Report of the Auditor-General on Public Sector Agencies — Results of special reviews and other studies — Ordered to be printed

Auditor-General — Annual Plan 2004–05

Crown Land (Reserves) Act 1978 — Section 17DA Orders granting under:

Section 17D leases:

Albert Park Reserve

Mt Warrenheip Preservation of Species of Native Plants Reserve

Section 17B licence — Seaford Foreshore Reserve

Crimes Act 1958 — Instrument of Authorisation under s 464Z(1)

Financial Management Act 1994:

Report from the Minister for Health that she had received the 2002–03 annual report of the Alexandra and District Ambulance Service, together with an explanation for the delay in tabling

Report from the Minister for Health that she had received the 2003 annual report of the Ballarat General Cemeteries Trust, together with an explanation for the delay in tabling

Interpretation of Legislation Act 1984:

Notice under s 32(3)(a)(iii) in relation to Statutory Rule No 64

Notice under s 32(4)(a)(iii) in relation to the Building Code of Australia 2004

National Parks Act 1975 — Notices of consent from the Minister for Environment to explore for gold within Chiltern Mt Pilot National Park under licence Nos 3281 and 3376

Parliamentary Officers Act 1975:

Statements of Appointments and Alterations of Classifications during the year 2003–2004 in the:

Department of the Legislative Council

Department of the Legislative Assembly

Department of the Parliamentary Library

Department of Parliamentary Debates

Department of Parliamentary Services

Statements of Persons Temporarily employed during the year 2003–2004 in the:

Department of the Legislative Council

Department of the Legislative Assembly

Department of the Parliamentary Library

Department of Parliamentary Debates

Department of Parliamentary Services

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

Alpine Resorts Planning Scheme — No C9

Ballarat Planning Scheme — Nos C67 Part 2, C72

Banyule Planning Scheme — No C42

Baw Baw Planning Scheme — Nos C26, C28, C29

Bayside Planning Scheme — Nos C31, C36

Boroondara Planning Scheme — No C41
 Brimbank Planning Scheme — Nos C49, C58
 Campaspe Planning Scheme — No C30
 Cardinia Planning Scheme — Nos C28, C31, C56
 Casey Planning Scheme — No C48 Part 1
 Corangamite Planning Scheme — Nos C7, C8
 Darebin Planning Scheme — Nos C50, C51
 East Gippsland Planning Scheme — Nos C27, C29, C34
 Glenelg Planning Scheme — Nos C13, C15
 Greater Bendigo Planning Scheme — No C41
 Greater Dandenong Planning Scheme — Nos C49, C52
 Greater Geelong Planning Scheme — Nos C58, C84, C95
 Greater Shepparton Planning Scheme — Nos C23 Part 1, C38, C39, C40, C51
 Hepburn Planning Scheme — Nos C12, C23, C24
 Hobsons Bay Planning Scheme — No C29 Part 1
 Hume Planning Scheme — Nos C52, C57
 Kingston Planning Scheme — Nos C8, C39, C42
 Latrobe Planning Scheme — Nos C10, C31, C33
 Macedon Ranges Planning Scheme — Nos C20, C23
 Manningham Planning Scheme — Nos C42, C44
 Maribyrnong Planning Scheme — Nos C17 Part 2, C21, C37, C39, C45, C46
 Maroondah Planning Scheme — No C34
 Melbourne Planning Scheme — Nos C71, C91
 Melton Planning Scheme — Nos C27, C34, C44, C45
 Monash Planning Scheme — No C37
 Moonee Valley Planning Scheme — Nos C36, C52, C58
 Moreland Planning Scheme — Nos C53, C54
 Mornington Peninsula Planning Scheme — Nos C52, C70
 Murrindindi Planning Scheme — Nos C8, C15
 Nillumbik Planning Scheme — No C32
 Northern Grampians Planning Scheme — Nos C5, C8
 Port Phillip Planning Scheme — No C36
 Pyrenees Planning Scheme — No C7
 Stonnington Planning Scheme — No C5 Part 1
 Surf Coast Planning Scheme — Nos C6, C10
 Swan Hill Planning Scheme — Nos C14, C15
 Victoria Planning Provisions — Nos VC24, VC25
 Whitehorse Planning Scheme — No C43 Part 2
 Whittlesea Planning Scheme — Nos C27, C35, C43 Part 2, C57, C65 Part 1
 Yarra Planning Scheme — Nos C53, C54
 Yarra Ranges Planning Scheme — Nos C16 Part 1, C23

Port Services Act 1995 — Certificate under s 184(1)

Statutory Rules under the following Acts:

Administration and Probate Act 1958 — SR No 54

Building Act 1993 — SR No 79

Chattel Securities Act 1987 — SR No 87

Child Employment Act 2003 — SR No 60

Confiscation Act 1997 — SR No 57

Control of Weapons Act 1990 — SR No 62
County Court Act 1958 — SR No 72
Court Security Act 1980 — SR No 95
Crimes Act 1958 — SR Nos 56, 66
Drugs, Poisons and Controlled Substances Act 1981 — SR Nos 59, 68
Electricity Safety Act 1998 — SR No 58
Evidence Act 1958 — SR No 65
Forests Act 1958 — SR No 77
Freedom of Information Act 1982 — SR No 74
Gambling Regulation Act 2003 — SR No 78
Magistrates' Court Act 1989 — SR No 94
Marine Act 1988 — SR No 80
Medical Practice Act 1994 — SR No 104
Monetary Units Act 2004 — SR No 88
Nurses Act 1993 — SR No 101
Occupational Health and Safety Act 1985 — SR No 105
Parole Orders (Transfer) Act 1983 — SR No 75
Pharmacists Act 1974 — SR No 102
Planning and Environment Act 1987 — SR No 97
Port Services Act 1995 — SR No 81
Prevention of Cruelty to Animals Act 1986 — SR Nos 63, 64
Prisoners (Interstate Transfer) Act 1983 — SR No 76
Road Management Act 2004 — SR No 84
Road Safety Act 1986 — SR Nos 55, 82, 83, 85, 86
Rural Finance Act 1988 — SR No 103
Subdivision Act 1988 — SR No 98
Subordinate Legislation Act 1994 — SR Nos 61, 69, 70, 71, 91, 93, 99
Supreme Court Act 1986 — SR Nos 54, 100
Tertiary Education Act 1993 — SR No 67
Transport Act 1983 — SR No 90
Treasury Corporation of Victoria Act 1992 — SR No 92
Victorian Civil and Administrative Tribunal Act 1998 — SR No 73
Wildlife Act 1975 — SR No 96
Zoological Parks and Gardens Act 1995 — SR No 89

Subordinate Legislation Act 1994:

Ministers' exception certificates in relation to Statutory Rule Nos 54, 61, 69, 70, 71, 72, 85, 86, 87, 89, 93, 95, 99, 100

Ministers' exemption certificates in relation to Statutory Rule Nos 45, 55, 59, 60, 68, 73, 78, 82, 83, 84, 86, 90, 91, 94, 97, 98, 101, 102, 104, 105

Water Act 1989 — Water Supply Protection Area Declaration Order 2004 for Glenelg

The following proclamations fixing operative dates were tabled by the Clerk in accordance with an Order of the House dated 26 February 2003:

Ambulance Services (Amendment) Act 2004 — Whole Act on 3 August 2004 (*Gazette G32, 29 July 2004*)

Animals Legislation (Animal Welfare) Act 2003 — Remaining provisions of Part 4 on 24 June 2004 (*Gazette G26, 24 June 2004*)

Gambling Regulation Act 2003 — Remaining provisions (other than sections 12.1.5 and 3.5.35) on 1 July 2004 (*Gazette G27, 1 July 2004*)

Local Government (Democratic Reform) Act 2003 — Sections 53, 57 to 60, 62, 63 and 70 on 31 July 2004. Section 81 on 20 August 2004 (*Gazette G31, 29 July 2004*)

Marine (Amendment) Act 2004 — Remaining provisions on 1 July 2004 (*Gazette G27, 1 July 2004*)

Mitcham-Frankston Project Act 2004 — Sections 3, 4, 5, 6, 7, 9, 13 and 14; Part 3; Part 4 (except Division 2); Division 1 of Part 5; Division 1 of Part 6; Divisions 1 and 8 of Part 10; and sections 255, 256, 257 and 261 on 1 July 2004 (*Gazette S148, 25 June 2004*)

Primary Industries Legislation (Miscellaneous Amendments) Act 2004 — Remaining provisions on 1 July 2004 (*Gazette G26, 24 June 2004*)

Professional Standards Act 2003 — Whole Act on 8 June 2004 (*Gazette S128, 8 June 2004*)

Racing and Gaming Acts (Amendment) Act 2004 — Part 2 on 1 August 2004 (*Gazette G30, 22 July 2004*)

Sustainable Forests (Timber) Act 2004 — Division 1 of Part 4, section 95(1) and Schedule 1; Part 3, Divisions 3 and 4 of Part 4, Part 5, Division 1 of Part 6, Part 8, Part 9, section 96, the remaining provisions of Part 11 (except for sections 100(2) and 109) and section 130 on 1 August 2004 (*Gazette G31, 29 July 2004*)

Victorian Qualifications Authority (National Registration) Act 2004 — Remaining provisions on 1 July 2004 (*Gazette G27, 1 July 2004*)

- 26 **VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL (AMENDMENT) BILL** — The Speaker announced the receipt of a message from the Legislative Council presenting, for the agreement of the Legislative Assembly, a Bill 'to amend the *Victorian Civil and Administrative Tribunal Act 1998* in relation to the powers of the Minister for Planning to call in certain proceedings from the Victorian Civil and Administrative Tribunal and for other purposes'.

On the motion of Ms Delahunty (*Northcote*), the Bill was read a first time and ordered to be read a second time tomorrow.

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

Ambulance Services (Amendment) Bill
 Appropriation (2004/2005) Bill
 Crimes (Amendment) Bill
 Domestic Building Contracts (Amendment) Bill
 Fair Trading (Consumer Contracts) Bill
 Financial Management (Amendment) Bill
 Health Services (Governance and Accountability) Bill
 Mental Health Legislation (Commonwealth Detainees) Bill
 Racing and Gaming Acts (Amendment) Bill
 State Taxation Acts (Tax Reform) Bill
 Sustainable Forests (Timber) Bill.

- 28 **APPROPRIATION (2004/2005) BILL** — The Speaker announced that on 22 June 2004 she had presented to the Governor, the Appropriation (2004/2005) Bill to which the Governor had been pleased to give the royal assent.

- 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 8 June 2004

Appeal Costs and Penalty Interest Rates Acts (Amendment) Bill
 Architects (Amendment) Bill
 Death Notification Legislation (Amendment) Bill
 Domestic Building Contracts (Amendment) Bill
 Judicial Salaries Bill
 Mitcham-Frankston Project Bill
 Treasury and Finance Legislation (Amendment) Bill

On 16 June 2004

Crimes (Amendment) Bill
 Fair Trading (Consumer Contracts) Bill
 Financial Management (Amendment) Bill
 Mental Health Legislation (Commonwealth Detainees) Bill
 Racing and Gaming Acts (Amendment) Bill
 State Taxation Acts (Tax Reform) Bill
 Surveying Bill
 Sustainable Forests (Timber) Bill
 Transport Legislation (Miscellaneous Amendments) Bill

On 22 June 2004

Ambulance Services (Amendment) Bill
 Health Services (Governance and Accountability) Bill.

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

Building (Amendment) Bill
 Sex Offenders Registration Bill.

- 31 **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 August 2004:

Building (Amendment) Bill
 Crimes (Dangerous Driving) Bill
 Interpretation of Legislation (Amendment) Bill
 National Parks (Additions and Other Amendments) Bill
 Sentencing (Superannuation Orders) Bill
 Sex Offenders Registration Bill
 Victorian Civil and Administrative Tribunal (Amendment) Bill

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

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

- 33 **NATIONAL PARKS (ADDITIONS AND OTHER AMENDMENTS) BILL** — 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 Plowman*) — put and agreed to.

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

- 34 **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.

- 35 **CRIMES (DANGEROUS DRIVING) BILL** — 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 Clark*) — put and agreed to.

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

- 36 **SENTENCING (SUPERANNUATION ORDERS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Under standing orders, Ms Allan 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 Wells*) — put and agreed to.

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

- 37 **SEX OFFENDERS REGISTRATION BILL** — 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 Mulder*) — put and agreed to.

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

- 38 **NATIONAL PARKS (ADDITIONS AND OTHER AMENDMENTS) 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.

- 39 **ADJOURNMENT** — The Acting Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.40 pm.

R W PURDEY
Clerk of the Legislative Assembly

JUDY MADDIGAN
Speaker

No 74 — Wednesday 25 August 2004

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

[The Speaker having left the Chair at 9.42 am, resumed it at 9.47 am]

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

Lawn Bowls Clubs and Associations — Requesting that the legislation pertaining to the *Equal Opportunity Act 1995* be amended so as to enable lawn bowls clubs and associations to conduct events designated as single gender events and/or mixed gender events, whenever desired and appropriate, and that when appropriate all these events continue in the same form to the State Championship level, bearing 661 signatures (*by Mr Dixon*)

Somerville Secondary College — Requesting that the Government keeps its promise to the community and urgently commences work on the Somerville Secondary College as a matter of vital importance, bearing 16 signatures (*by Mr Cooper*)

Police Station in Somerville — Funded from Additional Resources — Requesting that the Government urgently funds the establishment of a fully manned, 24 hour a day, police station in Somerville to service the local and surrounding communities as a matter of vital importance, with the funding being in addition to, not in place of existing funding for police resources on the Peninsula and Western Port, bearing 263 signatures (*by Mr Cooper*)

Improved Train Services for Sandringham Line — Requesting that the House urges the Government to improve train services on the Sandringham line, bearing 19 signatures (*by Ms Asher*)

Motor Vehicle Registration Fees — Requesting that the House urges the Government to abandon immediately the introduction of motor vehicle registration fees on low and fixed income people, bearing 30 and 449 signatures respectively (*by Mr Smith and Dr Naphine*)

Preschool Education — Requesting that the House — (a) recognises the value of preschool education and teachers; (b) ensures that preschools are resourced adequately; and (c) moves responsibility for preschools to the Department of Education and Training, bearing 20 signatures (*by Mr Smith*)

North Aspendale Beach — Requesting that the Government in conjunction with the City of Kingston provide expertise and funding to restore and protect the sand dunes and to renourish and secure the beach at North Aspendale as a matter of urgency, for the benefit of the public and foreshore residents, bearing 891 signatures (*by Ms Lindell*)

Preschool Education — Resources and Teachers' Conditions — Requesting that the House — (a) recognises the value of preschool education and teachers; (b) ensures that preschools are resourced adequately; (c) offers preschool teachers pay parity, reasonable workload and appropriate group sizes; and (d) moves responsibility for preschools to the Department of Education and Training, bearing 30 signatures (*by Mr Walsh*)

Rural Planning Zones — Requesting that the House does not proceed with the introduction of the proposed new zonings in rural areas, bearing 24 signatures (*by Mr Baillieu*).

Petitions ordered to be tabled.

- 3 **PETITION — IMPROVED TRAIN SERVICES FOR SANDRINGHAM LINE** — Motion made and question — That the petition presented by the Member for Brighton requesting that the House urges the Government to improve train services on the Sandringham line be taken into consideration tomorrow (*Ms Asher*) — put and agreed to.
- 4 **PETITION — SOMERVILLE SECONDARY COLLEGE** — Motion made and question — That the petition presented by the Member for Mornington requesting that the Government keeps its promise to the community and urgently commences work on the Somerville Secondary College as a matter of vital importance be taken into consideration tomorrow (*Mr Cooper*) — put and agreed to.
- 5 **PETITION — POLICE STATION IN SOMERVILLE — FUNDED FROM ADDITIONAL RESOURCES** — Motion made and question — That the petition presented by the Member for Mornington requesting that the Government urgently funds the establishment of a fully manned, 24 hour a day, police station in Somerville to service the local and surrounding communities as a matter of vital importance, with the funding being in addition to, not in place of existing funding for police resources on the Peninsula and Western Port be taken into consideration tomorrow (*Mr Cooper*) — put and agreed to.
- 6 **PETITION — MOTOR VEHICLE REGISTRATION FEES** — Motion made and question — That the petition presented by the Member for Bass requesting that the House urges the Government to abandon immediately the introduction of motor vehicle registration fees on low and fixed income people be taken into consideration tomorrow (*Mr Smith*) — put and agreed to.
- 7 **PETITION — PRESCHOOL EDUCATION** — Motion made and question — That the petition presented by the Member for Bass requesting that the House — (a) recognises the value of preschool education and teachers; (b) ensures that preschools are resourced adequately; and (c) moves responsibility for preschools to the Department of Education and Training be taken into consideration tomorrow (*Mr Smith*) — put and agreed to.
- 8 **PETITION — PRESCHOOL EDUCATION — RESOURCES AND TEACHERS' CONDITIONS** — Motion made and question — That the petition presented by the Member for Swan Hill requesting that the House — (a) recognises the value of preschool education and teachers; (b) ensures that preschools are resourced adequately; (c) offers preschool teachers pay parity, reasonable workload and appropriate group sizes; and (d) moves responsibility for

preschools to the Department of Education and Training be taken into consideration tomorrow (*Mr Walsh*) — put and agreed to.

- 9 **PETITION — LAWN BOWLS CLUBS AND ASSOCIATIONS** — Motion made and question — That the petition presented by the Member for Nepean requesting that the legislation pertaining to the *Equal Opportunity Act 1995* be amended so as to enable lawn bowls clubs and associations to conduct events designated as single gender events and/or mixed gender events, whenever desired and appropriate, and that when appropriate all these events continue in the same form to the State Championship level be taken into consideration tomorrow (*Mr Dixon*) — put and agreed to.
- 10 **PETITION — NORTH ASPENDALE BEACH** — Motion made and question — That the petition presented by the Member for Carrum requesting that the Government in conjunction with the City of Kingston provide expertise and funding to restore and protect the sand dunes and to renourish and secure the beach at North Aspendale as a matter of urgency, for the benefit of the public and foreshore residents be taken into consideration tomorrow (*Ms Lindell*) — put and agreed to.
- 11 **DOCUMENT TABLED UNDER AN ACT OF PARLIAMENT** — The Clerk tabled the following document in accordance with an Act of Parliament:
- Victorian Law Reform Commission Act 2000* — Final Report on Sexual Offences: Law and Procedure — Ordered to be printed.
- 12 **STATEMENTS BY MEMBERS** — Statements by members were made.
- 13 **GRIEVANCES** — Question — That grievances be noted — put, after debate, and agreed to.
- 14 **STATEMENTS ON PARLIAMENTARY COMMITTEE REPORTS** — Statements were made on the following Committee Reports:
- Public Accounts and Estimates Committee's Report on the 2002–03 Budget Outcomes
 Family and Community Development Committee's Report on the Inquiry on the Roles of Community Advisory Committees of Metropolitan Health Services
 Education and Training Committee's Report on the Inquiry into the Impact of the High Levels of Unmet Demand for Places in Higher Education Institutions on Victoria
 Road Safety Committee's Report on the Inquiry into Road Safety for Older Road Users.
- 15 **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.
- 16 **MAJOR CRIME (SPECIAL INVESTIGATIONS MONITOR) 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 McIntosh*) — put and agreed to.
- Ordered — That the debate be adjourned until Wednesday 8 September 2004.
- 17 **MAJOR CRIME LEGISLATION (OFFICE OF POLICE INTEGRITY) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Haermeyer*).

Mr Haermeyer 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 Wells*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 8 September 2004.

Business having been interrupted at 2.00 pm under standing orders.

18 **QUESTIONS** — (Under SO 55).

19 **VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL (AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Ms Delahunty, Northcote*).

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

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

20 **BUILDING (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.

21 **SEX OFFENDERS REGISTRATION 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 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.

22 **SENTENCING (SUPERANNUATION ORDERS) BILL** — 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.

Bill sent to the Legislative Council and their agreement requested.

23 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 7 to 9 inclusive, be postponed until later this day.

24 **PARLIAMENTARY SALARIES AND SUPERANNUATION (AMENDMENT) BILL** — 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 Wednesday 8 September 2004.

- 25 **VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL (AMENDMENT) BILL** — 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.

- 26 **NATIONAL PARKS (ADDITIONS AND OTHER AMENDMENTS) BILL** — 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 Wells*) — put and agreed to.

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

Business having been interrupted at 10.00 pm under standing orders.

- 27 **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

JUDY MADDIGAN
Speaker

No 75 — Thursday 26 August 2004

- 1 The Speaker took the Chair and read the Prayer.
- 2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

Preschool Education — Resources and Teachers' Conditions — Requesting that the House — (a) recognises the value of preschool education and teachers; (b) ensures that preschools are resourced adequately; (c) offers preschool teachers pay parity, reasonable workload and appropriate group sizes; and (d) moves responsibility for preschools to the Department of Education and Training, bearing 36, 96, 1,712 and 391 signatures respectively (*by Mr Clark, Ms Buchanan, Ms Beard and Mrs Powell*)

North Aspendale Beach — Requesting that the Government, in conjunction with the City of Kingston, provides expertise and funding to restore and protect the sand dunes and to renourish and secure the beach at North Aspendale as a matter of urgency, for the benefit of the public and foreshore residents, bearing 6 signatures (*by Mr Thompson*)

Multi Purpose Taxi Program — Annual Cap — Requesting that the House abandons the changes to the multi purpose taxi program and in particular the annual cap of \$550, which are going to detrimentally impact upon the elderly and infirm members of our community on a continuing basis, bearing 3 signatures (*by Mr Thompson*)

Sandringham Police Station — Requesting that the Government fulfils an earlier election promise and builds a new Sandringham Police Station during the current Parliament, bearing 61 signatures (*by Mr Thompson*)

Motor Vehicle Registration Fees Increase — Requesting that the Government abandons the proposal of the new increase of \$78.50 for car registration for Victorian pensioners which will detrimentally impact upon those who are financially unable to pay, bearing 8 and 8 signatures respectively (*by Mr Perton and Mr Thompson*)

Motor Vehicle Registration Fees — Requesting that the House abandons immediately the introduction of motor vehicle registration fees on low and fixed income people, bearing 65 and 1,244 signatures respectively (*by Mr Perton and Dr Naphthine*)

Improved Train Services for Sandringham Line — Requesting that the House urges the Government to improve train services on the Sandringham line, bearing 17 signatures (*by Ms Asher*)

Land Tax on Caravan Parks — Requesting that the Government abolishes land tax from caravan parks as a matter of extreme urgency, bearing 526 signatures (*by Mr Dixon*)

Fine for Felling Trees — Requesting that the House raises the current fine of \$2,000 for felling a tree without proper permits or authority to \$50,000, bearing 53 signatures (*by Ms Beard*).

Petitions ordered to be tabled.

- 3 **PETITION — MOTOR VEHICLE REGISTRATION FEES** — Motion made and question — That the petition presented by the Member for South-West Coast requesting that the House abandons immediately the introduction of motor vehicle registration fees on low and fixed income people be taken into consideration tomorrow (*Dr Naphthine*) — put and agreed to.
- 4 **PETITION — PRESCHOOL EDUCATION — RESOURCES AND TEACHERS' CONDITIONS** — Motion made and question — That the petition presented by the Member for Shepparton requesting that the House — (a) recognises the value of preschool education and teachers; (b) ensures that preschools are resourced adequately; (c) offers preschool teachers pay parity, reasonable workload and appropriate group sizes; and (d) moves responsibility for preschools to the Department of Education and Training be taken into consideration tomorrow (*Mrs Powell*) — put and agreed to.
- 5 **PETITION — IMPROVED TRAIN SERVICES FOR SANDRINGHAM LINE** — Motion made and question — That the petition presented by the Member for Brighton requesting that the House urges the Government to improve train services on the Sandringham line be taken into consideration tomorrow (*Ms Asher*) — put and agreed to.
- 6 **PETITION — PRESCHOOL EDUCATION — RESOURCES AND TEACHERS' CONDITIONS** — Motion made and question — That the petition presented by the Member for Hastings requesting that the House — (a) recognises the value of preschool education and

teachers; (b) ensures that preschools are resourced adequately; (c) offers preschool teachers pay parity, reasonable workload and appropriate group sizes; and (d) moves responsibility for preschools to the Department of Education and Training be taken into consideration tomorrow (*Ms Buchanan*) — put and agreed to.

7 **PETITION — LAND TAX ON CARAVAN PARKS** — Motion made and question — That the petition presented by the Member for Nepean requesting that the Government abolishes land tax from caravan parks as a matter of extreme urgency be taken into consideration tomorrow (*Mr Dixon*) — put and agreed to.

8 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourn until Tuesday 14 September 2004 (*Mr Batchelor*) — put and agreed to.

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

10 **GAMBLING REGULATION (AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Holding*).

Mr Holding made the statement of intention required by s 85(5)(c) of the Constitution Act 1975.

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

Ordered — That the debate be adjourned until Thursday 9 September 2004.

11 **CONSTITUTION (RECOGNITION OF ABORIGINAL PEOPLE) BILL** — 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 Honeywood*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 9 September 2004.

12 **MAGISTRATES' COURT (INCREASED CIVIL JURISDICTION) 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 McIntosh*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 9 September 2004.

13 **MAGISTRATES' COURT (FAMILY VIOLENCE) 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 McIntosh*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 9 September 2004.

14 **EVIDENCE (WITNESS IDENTITY PROTECTION) BILL** — 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 McIntosh*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 9 September 2004.

- 15 **WATER INDUSTRY (ENVIRONMENTAL CONTRIBUTIONS) BILL** — 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 Plowman*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 9 September 2004.

- 16 **ABORIGINAL LANDS (AMENDMENT) BILL** — 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 Plowman*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 9 September 2004.

- 17 **VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Prior notice having been given under SO 43, business was interrupted at 11.30 am

- 18 **MINISTERIAL STATEMENT — ABORIGINAL RECONCILIATION** — Mr Bracks made a ministerial statement on matters associated with Aboriginal Reconciliation, to which members responded.

- 19 **VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL (AMENDMENT) BILL** — Debate continued on question — That this Bill be now read a second time.

Question — put.

The House divided.

AYES 61

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Delahunty (*Lowan*); Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Jasper; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maughan; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Perera; Ms Pike; Mrs Powell; Mr Ryan; Mr Seitz; Mr Stensholt; Dr Sykes; Mr Thwaites; Mr Trezise; Mr Walsh; Mr Wilson; Mr Wynne.

NOES 15

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Dixon; Mr Honeywood; Mr Ingram; Mr Kotsiras; Mr Mulder; Dr Napthine; Mr Plowman; Mr Savage; Mrs Shardey; Mr Smith; Mr Wells.

Question agreed to.

By leave, Bill immediately read a third time.

Message sent to the Legislative Council informing them that the Bill has been agreed to without amendment.

- 20 **NATIONAL PARKS (ADDITIONS AND OTHER AMENDMENTS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

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

Business having been interrupted at 2.00 pm under standing orders.

- 21 **QUESTIONS** — (Under SO 55).

- 22 **NATIONAL PARKS (ADDITIONS AND OTHER AMENDMENTS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Allocation of time — The Acting Speaker advised that the time allocated for consideration of bills under the resolution of the House on Tuesday 24 August 2004 had expired.

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

The House divided.

AYES 70

Ms Allan; Mr Andrews; Ms Asher; Mr Baillieu; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Mr Carli; Mr Clark; Mr Cooper; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Dixon; Mr Doyle; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Honeywood; Mr Howard; Mr Ingram; Mr Jenkins; Ms Kosky; Mr Kotsiras; Mr Langdon; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Mr McIntosh; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Mr Mulder; Ms Munt; Dr Napthine; Mr Nardella; Ms Neville; Ms Overington; Mr Perera; Ms Pike; Mr Plowman; Mr Robinson; Mr Seitz; Mr Smith; Mr Stensholt; Mr Thompson; Mr Thwaites; Mr Trezise; Mr Wells; Mr Wilson; Mr Wynne.

NOES 7

Mr Delahunty (*Lowan*); Mr Jasper; Mr Maughan; Mrs Powell; Mr Ryan; Dr Sykes; Mr Walsh.

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.

- 23 **CRIMES (DANGEROUS DRIVING) BILL** — 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 and a third time— put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

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

- 25 **ADJOURNMENT** — The Deputy Speaker left the Chair, after debate, at 4.42 pm.

R W PURDEY
Clerk of the Legislative Assembly

JUDY MADDIGAN
Speaker

LEGISLATIVE ASSEMBLY OF VICTORIA

CONSIDERATION IN DETAIL
Supplement to Votes Nos 73, 74 and 75

No 74 — Wednesday 25 August 2004

SENTENCING (SUPERANNUATION ORDERS) BILL

Clauses 1 and 2 agreed to.

Clause 3, Mr Cameron moved amendment Nos 1 to 3 (*see Schedule*).

Amendments put and agreed to.

Clause 4 agreed to.

Bill agreed to as amended.

SCHEDULE OF AMENDMENTS MOVED

SENTENCING (SUPERANNUATION ORDERS) BILL

Amendments moved by Mr Cameron

1. Clause 3, page 4, line 11, after "liable" insert "under the Superannuation Guarantee (Administration) Act 1992 of the Commonwealth, under an industrial award or agreement or under the provisions of the governing instrument of the relevant superannuation scheme".
2. Clause 3, page 4, lines 15 to 27, omit all words and expressions on these lines and insert "amount of the superannuation benefit or superannuation benefits financed by member contributions (including member contributions by way of salary sacrifice, child contributions, spouse contributions or Government co-contributions)".
3. Clause 3, page 9, line 9, after this line insert—
 - "(iv) the amount (if any) of the superannuation benefit financed by an employer and attributable to service by the member otherwise than as a public sector employee; and".

LEGISLATIVE ASSEMBLY OF VICTORIA

VOTES AND PROCEEDINGS Nos 76, 77 and 78

No 76 — Tuesday 14 September 2004

- 1 The House met according to the adjournment — The Speaker took the Chair and read the Prayer.
- 2 **APPOINTMENT OF AN OFFICER OF PARLIAMENT** — The Speaker informed the House that under the provisions of the *Parliamentary Officers Act 1975* she had appointed Mrs Elizabeth Clare Choat, the Assistant Clerk and Clerk of Committees, to be Deputy Clerk following the retirement of Mr Marcus Leonard Bromley.
- 3 **QUESTIONS** — (Under SO 55).
- 4 **STATE SPORT CENTRES (AMENDMENT) BILL** — Mr Thwaites obtained leave to bring in a Bill '*to amend the State Sport Centres Act 1994 to include additional land in the land at the Melbourne Sports and Aquatic Centre and to provide for management powers in respect of the Melbourne Sports and Aquatic Centre land, to amend the Australian Grands Prix Act 1994 and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 5 **LIMITATION OF ACTIONS (ADVERSE POSSESSION) BILL** — Mr Thwaites obtained leave to bring in a Bill '*to amend the Limitation of Actions Act 1958 to exempt council land from adverse possession*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 6 **TEACHING SERVICE (CONDUCT AND PERFORMANCE) BILL** — Ms Kosky obtained leave to bring in a Bill '*to amend the Teaching Service Act 1981 and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 7 **PRIMARY INDUSTRIES LEGISLATION (FURTHER MISCELLANEOUS AMENDMENTS) BILL** — Mr Cameron obtained leave to bring in a Bill '*to amend various Acts relating to primary industries, to amend various Acts relating to animals and to amend the Confiscation Act 1997 and the Crimes (Controlled Operations) Act 2004 and to repeal the Barley Marketing Act 1993 and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 8 **DRUGS, POISONS AND CONTROLLED SUBSTANCES AND THERAPEUTIC GOODS (VICTORIA) ACTS (AMENDMENT) BILL** — Ms Pike obtained leave to bring in a Bill '*to amend the Drugs, Poisons and Controlled Substances Act 1981 in relation to the scheduling of poisons and certain licence, permit and warrant provisions, to repeal the licensing requirements in relation to Schedule 5 poisons and Schedule 6 poisons, to amend*

the Therapeutic Goods (Victoria) Act 1994 and 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.

- 9 **CHILDREN AND YOUNG PERSONS (AGE JURISDICTION) BILL** — Mr Hulls obtained leave to bring in a Bill '*to amend the Children and Young Persons Act 1989 to increase the age jurisdiction of the Criminal Division of the Children's Court by one year from 17 years to 18 years, 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.
- 10 **DANGEROUS GOODS LEGISLATION (AMENDMENT) BILL** — Mr Hulls obtained leave to bring in a Bill '*to amend the Dangerous Goods Act 1985 and the Road Transport (Dangerous Goods) Act 1995 to regulate access to high consequence dangerous goods and make further provision for explosives, to amend the Terrorism (Community Protection) Act 2003 to provide for notifications about certain high consequence dangerous goods and for other purposes'*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 11 **PLANNING AND ENVIRONMENT (GENERAL AMENDMENT) BILL** — Ms Delahunty (*Northcote*) obtained leave to bring in a Bill '*to amend the Planning and Environment Act 1987 to improve the planning system in Victoria and for other purposes'*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 12 **STATE TAXATION ACTS (AMENDMENT) BILL** — Mr Brumby obtained leave to bring in a Bill '*to amend the Accident Compensation Act 1985, the Duties Act 2000, the First Home Owner Grant Act 2000, the Land Tax Act 1958, the Pay-roll Tax Act 1971 and the Valuation of Land Act 1960 and for other purposes'*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 13 **PARLIAMENTARY SUPERANNUATION LEGISLATION (REFORM) BILL** — Mr Brumby obtained leave to bring in a Bill '*to amend the Parliamentary Salaries and Superannuation Act 1968 to reform parliamentary superannuation, to make miscellaneous amendments to other specified superannuation legislation and for other purposes'*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 14 **ESSENTIAL SERVICES COMMISSION (AMENDMENT) BILL** — Mr Brumby obtained leave to bring in a Bill '*to amend the Essential Services Commission Act 2001, the Electricity Industry Act 2000, the Energy Legislation (Regulatory Reform) Act 2004, the Gas Industry Act 2001, the Grain Handling and Storage Act 1995, the Port Services Act 1995 and the Water Industry Act 1994 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:

Melbourne Wholesale Fruit and Vegetable Market — Requesting that the House calls upon the Minister for Agriculture and the Government to — (a) abandon their plans to move the Melbourne Wholesale Fruit and Vegetable Market from its current location; and (b) cease any further expensive consultants' reports into the proposed relocation, bearing 54 signatures (*Mr Smith*)

Preschool Education — Resources and Teachers' Conditions — Requesting that the House — (a) recognises the value of preschool education and teachers; (b) ensures that preschools are resourced adequately; (c) offers preschool teachers pay parity, reasonable workload and appropriate group sizes; and (d) moves responsibility for preschools to the Department of Education and Training, bearing 47, 30, 2,121, 85 and 214 signatures (*Mr Smith, Ms Neville, Ms D'Ambrosio, Mr Dixon and Mr Helper respectively*)

Netting in Port Phillip Bay — Requesting that the House takes preventative and immediate action to ban netting in Port Phillip Bay and therefore ceasing any further environmental damage, bearing 514 signatures (*Ms Neville*)

Draft Development Plan PP-145, Parish of Beechworth — Requesting that the House — (a) calls for a moratorium on any decisions regarding draft development plan PP-145 covering 33 Lot Subdivision of Lot PS329721D and Crown Allotment 9A, Section 1, Parish of Beechworth, Fighting Gully Road, Beechworth until an environmental impact, social and economic study has been completed for this area within the Indigo Shire; and (b) introduces the need for environmental impact studies to be conducted in any new developments within rural Victoria prior to planning approval, bearing 42 signatures (*Mr Plowman*)

Mullock Dumping by Bendigo Mining NL — Requesting that the House takes immediate steps to ensure that — (a) permission is not granted to Bendigo Mining NL for mullock to be dumped in pristine paddocks in O'Halloran Drive, Mandurang South (Option 3); and (b) no area of the newly created Bendigo Regional Park (Option 1 and Option 2) be used for the dumping of mullock, bearing 739 signatures (*Ms Allan*)

Improved Train Services for Sandringham Line — Requesting that the House urges the Government to improve train services on the Sandringham line, bearing 22 signatures (*Ms Asher*)

Tunnel Link between Eastern and Tullamarine Freeways — Requesting that the House ensures the Government — (a) proceeds with planning and construction of a tunnel to link the Eastern and Tullamarine Freeways; and (b) considers other road proposals including tunnelled lanes under Hoddle Street and Punt Road, bearing 8 and 53 signatures (*Mr Kotsiras and Mr Perton respectively*)

Eastern Carpark at Burwood Station — Requesting that the House supports the sealing of the Eastern carpark at Burwood Station as a matter of urgency, bearing 62 signatures (*Mr Stensholt*)

Motor Vehicle Registration Fee Abolishment — Requesting that the House gives consideration to abolishing the imposed motor vehicle registration fee for pensioners, health card and Veterans' Affairs gold card holders, bearing 1,944 signatures (*Mr Ingram*)

Lawn Bowls Clubs and Associations — Requesting that the legislation pertaining to the *Equal Opportunity Act 1995* be amended so as to enable lawn bowls clubs and associations to conduct events designated as single gender events and/or mixed gender events, whenever desired and appropriate, and that when appropriate all these events continue in the same form to the State Championship level, bearing 20 signatures (*Mr Delahunty, Lowan*)

Extension of Trading Hours on Christmas Day, Good Friday, Easter Sunday and ANZAC Day — Requesting that the House rejects any legislation to extend retail shop trading

hours on Christmas Day, Good Friday, Easter Sunday and ANZAC Day, bearing 179 signatures (*Mr Thompson*)

Vegemite Rights — Requesting that the House advocates both for and on behalf of the Victorian Jewish Community for vegemite rights for all Australians, bearing 7 signatures (*Mr Thompson*).

Petitions ordered to be tabled.

- 16 **PETITION — TUNNEL LINK BETWEEN EASTERN AND TULLAMARINE FREEWAYS** — Motion made and question — That the petition presented by the Member for Bulleen requesting that the House ensures the Government — (a) proceeds with planning and construction of a tunnel to link the Eastern and Tullamarine Freeways; and (b) considers other road proposals including tunnelled lanes under Hoddle Street and Punt Road be taken into consideration tomorrow (*Mr Kotsiras*) — put and agreed to.
- 17 **PETITION — PRESCHOOL EDUCATION — RESOURCES AND TEACHERS' CONDITIONS** — Motion made and question — That the petition presented by the Member for Bellarine requesting that the House — (a) recognises the value of preschool education and teachers; (b) ensures that preschools are resourced adequately; (c) offers preschool teachers pay parity, reasonable workload and appropriate group sizes; and (d) moves responsibility for preschools to the Department of Education and Training be taken into consideration tomorrow (*Ms Neville*) — put and agreed to.
- 18 **PETITION — NETTING IN PORT PHILLIP BAY** — Motion made and question — That the petition presented by the Member for Bellarine requesting that the House takes preventative and immediate action to ban netting in Port Phillip Bay and therefore ceasing any further environmental damage be taken into consideration tomorrow (*Ms Neville*) — put and agreed to.
- 19 **PETITION — MELBOURNE WHOLESALE FRUIT AND VEGETABLE MARKET** — Motion made and question — That the petition presented by the Member for Bass requesting that the House calls upon the Minister for Agriculture and the Government to — (a) abandon their plans to move the Melbourne Wholesale Fruit and Vegetable Market from its current location; and (b) cease any further expensive consultants reports into the proposed relocation be taken into consideration tomorrow (*Mr Smith*) — put and agreed to.
- 20 **PETITION — PRESCHOOL EDUCATION — RESOURCES AND TEACHERS' CONDITIONS** — Motion made and question — That the petition presented by the Member for Bass requesting that the House — (a) recognises the value of preschool education and teachers; (b) ensures that preschools are resourced adequately; (c) offers preschool teachers pay parity, reasonable workload and appropriate group sizes; and (d) moves responsibility for preschools to the Department of Education and Training be taken into consideration tomorrow (*Mr Smith*) — put and agreed to.
- 21 **PETITION — IMPROVED TRAIN SERVICES FOR SANDRINGHAM LINE** — Motion made and question — That the petition presented by the Member for Brighton requesting that the House urges the Government to improve train services on the Sandringham line be taken into consideration tomorrow (*Ms Asher*) — put and agreed to.

22 **PETITION — DRAFT DEVELOPMENT PLAN PP-145, PARISH OF BEECHWORTH** — Motion made and question — That the petition presented by the Member for Benambra requesting that the House — (a) calls for a moratorium on any decisions regarding draft development plan PP-145 covering 33 Lot Subdivision of Lot PS329721D and Crown Allotment 9A, Section 1, Parish of Beechworth, Fighting Gully Road, Beechworth until an environmental impact, social and economic study has been completed for this area within the Indigo Shire; and (b) introduces the need for environmental impact studies to be conducted in any new developments within rural Victoria prior to planning approval be taken into consideration tomorrow (*Mr Plowman*) — put and agreed to.

23 **PETITION — LAWN BOWLS CLUBS AND ASSOCIATIONS** — Motion made and question — That the petition presented by the Member for Lowan requesting that the legislation pertaining to the *Equal Opportunity Act 1995* be amended so as to enable lawn bowls clubs and associations to conduct events designated as single gender events and/or mixed gender events, whenever desired and appropriate, and that when appropriate all these events continue in the same form to the State Championship level be taken into consideration tomorrow (*Mr Delahunty, Lowan*) — put and agreed to.

24 **PETITION — TUNNEL LINK BETWEEN EASTERN AND TULLAMARINE FREEWAYS** — Motion made and question — That the petition presented by the Member for Doncaster requesting that the House ensures the Government — (a) proceeds with planning and construction of a tunnel to link the Eastern and Tullamarine Freeways; and (b) considers other road proposals including tunnelled lanes under Hoddle Street and Punt Road be taken into consideration tomorrow (*Mr Perton*) — put and agreed to.

25 **DOCUMENTS** —

FAMILY AND COMMUNITY DEVELOPMENT COMMITTEE — Ms Neville presented a report from the Family and Community Development Committee upon the Inquiry on the Impact on the Victorian Community and Public Hospitals of the Diminishing Access to After Hours and Bulk Billing General Practitioners, together with extracts from proceedings, a minority report and minutes of evidence.

Ordered to be tabled and the report, extracts from proceedings and minority report printed.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — Ms D'Ambrosio, Chair, presented a report from the Scrutiny of Acts and Regulations Committee being the Alert Digest No 7 of 2004 on the:

- Aboriginal Lands (Amendment) Bill
- Constitution (Recognition of Aboriginal People) Bill
- Evidence (Witness Identity Protection) Bill
- Gambling Regulation (Amendment) Bill
- Magistrates' Court (Family Violence) Bill
- Magistrates' Court (Increased Civil Jurisdiction) Bill
- Major Crime Legislation (Office of Police Integrity) Bill
- Major Crime (Special Investigations Monitor) Bill
- Parliamentary Salaries and Superannuation (Amendment) Bill
- Water Industry (Environmental Contributions) 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:

Commonwealth Games Arrangements Act 2001 — Orders under s 18 (four orders)

Drugs, Poisons and Controlled Substances Act 1981 — Documents under s 12H:

Amendment No 1 to the Standard for the Uniform Scheduling of Drugs and Poisons No 19
Notice regarding the amendment, commencement and availability of the Poisons Code

Environment Protection Act 1970 — Order declaring the Waste Management Policy (Solid Fuel Heating) (*Gazette S174, 27 July 2004*)

Parliamentary Committees Act 2003 — Response of the Attorney-General on the action taken with respect to the recommendations made by the Law Reform Committee's Report on Forensic Sampling and DNA Databases in Criminal Investigations

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

Ballarat Planning Scheme — No C53 Part 2

Banyule Planning Scheme — No C38 Part 2

Bass Coast Planning Scheme — No C26

Brimbank Planning Scheme — No C65

Macedon Ranges Planning Scheme — No C38

Melbourne Planning Scheme — Nos C77, C78

Moonee Valley Planning Scheme — Nos C45, C56

South Gippsland Planning Scheme — No C29

Stonnington Planning Scheme — No C6 Part 2A

Victoria Planning Provisions — Nos V5, VC26, VC27

Yarra Ranges Planning Scheme — No C35 Part 1

Prevention of Cruelty to Animals Act 1986 — Revocation of the Code of Practice for the care and use of animals for scientific procedures

Retail Leases Act 2003 — Ministerial Determinations under s 5

Statutory Rules under the following Acts:

Corrections Act 1986 — SR No 108

Crimes Act 1958 — SR No 109

Fair Trading Act 1999 — SR No 110

Fisheries Act 1995 — SR No 106

Intellectually Disabled Persons' Services Act 1986 — SR No 107

Subordinate Legislation Act 1994 — Ministers' exemption certificates in relation to Statutory Rule Nos 92, 103, 107, 108, 109, 110.

The following proclamations fixing operative dates were tabled by the Clerk in accordance with an Order of the House dated 26 February 2003:

Accident Compensation and Transport Accident Acts (Amendment) Act 2003 — Sections 6 and 13 and Parts 3 and 5 on 1 September 2004 (*Gazette G35, 26 August 2004*)

Health Services (Supported Residential Services) Act 2004 — Sections 5, 10, 11 and 20 on 1 September 2004 (*Gazette S189, 1 September 2004*). Sections 1, 2 and 3 on 7 September 2004 (*Gazette S196, 7 September 2004*).

- 26 **MESSAGE FROM THE GOVERNOR — ASSENT TO BILL** — Informing the Legislative Assembly that he had, on 31 August 2004, given the royal assent to the Victorian Civil and Administrative Tribunal (Amendment) Bill, presented to him by the Clerk of the Parliaments.

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

Aboriginal Lands (Amendment) Bill
 Gambling Regulation (Amendment) Bill
 Magistrates' Court (Family Violence) Bill
 Major Crime (Special Investigations Monitor) Bill
 Major Crime Legislation (Office of Police Integrity) Bill.

- 28 **OUTER SUBURBAN/INTERFACE SERVICES AND DEVELOPMENT COMMITTEE — EXTENSION TO REPORTING DATE** — Motion made, by leave, and question — That the resolution of the House of 3 March 2004 providing that the Outer Suburban/Interface Services and Development Committee be required to present its report, upon Sustainable Urban Design for New Communities, to the Parliament no later than 31 July 2004, be amended so far as to require the report to be presented to the Parliament no later than 30 September 2004 (*Mr Batchelor*) — put and agreed to.

- 29 **DRUGS AND CRIME PREVENTION COMMITTEE — EXTENSION TO REPORTING DATE** — Motion made, by leave, and question — That the resolution of the House of 2 March 2004 providing that the Drugs and Crime Prevention Committee be required to present its report, upon Violence Associated with Motor Vehicle Use, to the Parliament no later than 30 September 2004, be amended so far as to require the report to be presented to the Parliament no later than 7 December 2004 (*Mr Batchelor*) — put and agreed to.

- 30 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, under SO 94(2), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 16 September 2004:

Aboriginal Lands (Amendment) Bill
 Constitution (Recognition of Aboriginal People) Bill
 Evidence (Witness Identity Protection) Bill
 Gambling Regulation (Amendment) Bill
 Major Crime Legislation (Office of Police Integrity) Bill
 Major Crime (Special Investigations Monitor) Bill
 Parliamentary Salaries and Superannuation (Amendment) Bill

Water Industry (Environmental Contributions) Bill

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

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

32 **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.

33 **GAMBLING REGULATION (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 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.

34 **PARLIAMENTARY SALARIES AND SUPERANNUATION (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.

35 **PARLIAMENTARY SALARIES AND SUPERANNUATION (AMENDMENT) BILL — CLERK'S CORRECTION** — The Acting Speaker announced that the Speaker had received a report from the Clerk that he had made the following correction in the Bill:

In clause 3, line 6, I have inserted 'Act' after 'Superannuation' so that clause 3 now reads 'In section 3 of the *Parliamentary Salaries and Superannuation Act 1968*, in the definition of "basic salary" for "\$500" substitute "\$1442".'.

In clause 4, line 10, I have inserted 'Act' after 'Superannuation' so that clause 4 now reads 'Section 3A of the *Parliamentary Salaries and Superannuation Act 1968* is repealed'.

36 **WATER INDUSTRY (ENVIRONMENTAL CONTRIBUTIONS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

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

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

Business having been interrupted at 10.00 pm under standing orders.

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

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

Question — put.

The House divided.

AYES 74

Ms Allan; Mr Andrews; Ms Asher; Mr Baillieu; Ms Barker; Mr Batchelor; Ms Beard; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Clark; Mr Cooper; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Dixon; Mr Donnellan; Mr Doyle; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Hardman; Mr Helper; Mr Herbert; Mr Holding; Mr Honeywood; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Mr Jenkins; Ms Kosky; Mr Kotsiras; Mr Langdon; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Mr McIntosh; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Mr Mulder; Ms Munt; Dr Naphine; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Mr Perton; Ms Pike; Mr Plowman; Mr Robinson; Mr Seitz; Mrs Shardey; Mr Smith; Mr Stensholt; Mr Thompson; Mr Thwaites; Mr Trezise; Mr Wells; Mr Wilson; Mr Wynne.

NOES 8

Mr Delahunty (*Lowan*); Mr Jasper; Mr Maughan; Mrs Powell; Mr Ryan; Mr Savage; Dr Sykes; Mr Walsh.

Question agreed to.

Bill considered in detail (*see pp 472–3, 475*).

And the House having continued to sit after 12 midnight —

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

Bill sent to the Legislative Council and their agreement requested.

- 37 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Cameron*) — put and agreed to.
- 38 **ADJOURNMENT** — The Acting Speaker left the Chair, after debate, at 12.59 am.

R W PURDEY
Clerk of the Legislative Assembly

JUDY MADDIGAN
Speaker

No 77 — Wednesday 15 September 2004

- 1 The Speaker took the Chair and read the Prayer.
- 2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

Improved Train Services for Sandringham Line — Requesting that the House urges the Government to improve train services on the Sandringham line, bearing 37 signatures (*Ms Asher*)

Underground Railway Crossings at Furlong, Main and Taylors Roads, St Albans — Requesting that the Government immediately allocates funds to underground railway crossings at Furlong, Main and Taylors Roads, St Albans, bearing 480 signatures (*Mr Languiller*)

Preschool Education — Teachers' Conditions, Funding and Volunteers — Requesting that the House — (a) recognises that preschool is an educational experience and moves responsibility to the Department of Education and Training; (b) offers preschool teachers pay parity, reasonable workload and appropriate group sizes; (c) fully funds preschool positions to make preschool education a right and not an expensive choice; and (d) alleviates unacceptable workloads for volunteer parents and teachers, bearing 66 signatures (*Ms Buchanan*)

Camberwell Railway Station — Requesting that the House abandons its intention to sell, lease or in any way make available, the land and air space surrounding Camberwell Railway Station for development and thus retain the heritage station and the public open space for the enjoyment of all, now and in the future, bearing 1,611 signatures (*Mr Baillieu*)

Lawn Bowls Clubs and Associations — Requesting that the legislation pertaining to the *Equal Opportunity Act 1995* be amended so as to enable lawn bowls clubs and associations to conduct events designated as single gender events and/or mixed gender events, whenever desired and appropriate, and that when appropriate all these events continue in the same form to the State Championship level, bearing 366 signatures (*Mr Langdon*)

Goonawarra Golf Course, Sunbury — Requesting that the Government ensures that the Goonawarra Golf Course in Sunbury stays at its present site and that no housing development will be built on the site, bearing 1,058 signatures (*Ms Duncan*)

Preschool Education — Resources and Teachers' Conditions — Requesting that the House — (a) recognises the value of preschool education and teachers; (b) ensures that preschools are resourced adequately; (c) offers preschool teachers pay parity, reasonable workload and appropriate group sizes; and (d) moves responsibility for preschools to the Department of Education and Training, bearing 1,115 and 152 signatures (*Mr Maxfield and Dr Naphine respectively*)

Motor Vehicle Registration Fees — Pensioner Concession — Requesting that the Government reverses its decision to halve the pensioner concession on car registration fees, bearing 663 signatures (*Mr Dixon*)

Sandringham Line Rail Commuters — Requesting that the Government instigates immediate action so that Sandringham line commuters are not left stranded on station platforms, bearing 10 signatures (*Mr Thompson*)

Multi Purpose Taxi Program — Annual Cap — Requesting that the Government abandons the changes to the multi purpose taxi program and in particular the annual cap of \$550 for a wide range of service users, which are going to detrimentally impact upon the elderly and

infirm members of our community on a continuing basis, bearing 9 signatures (*Mr Thompson*)

Preschool Education — Requesting that the House — (a) recognises the value of preschool education and teachers; (b) ensures that preschools are resourced adequately; and (c) moves responsibility for preschools to the Department of Education and Training, bearing 155 signatures (*Dr Naphine*).

Petitions ordered to be tabled.

- 3 **PETITION — PRESCHOOL EDUCATION — RESOURCES AND TEACHERS' CONDITIONS** — Motion made and question — That the petition presented by the Member for South-West Coast requesting that the House — (a) recognises the value of preschool education and teachers; (b) ensures that preschools are resourced adequately; (c) offers preschool teachers pay parity, reasonable workload and appropriate group sizes; and (d) moves responsibility for preschools to the Department of Education and Training be taken into consideration tomorrow (*Dr Naphine*) — put and agreed to.
- 4 **PETITION — PRESCHOOL EDUCATION** — Motion made and question — That the petition presented by the Member for South-West Coast requesting that the House — (a) recognises the value of preschool education and teachers; (b) ensures that preschools are resourced adequately; and (c) moves responsibility for preschools to the Department of Education and Training be taken into consideration tomorrow (*Dr Naphine*) — put and agreed to.
- 5 **PETITION — CAMBERWELL RAILWAY STATION** — Motion made and question — That the petition presented by the Member for Hawthorn requesting that the House abandons its intention to sell, lease or in any way make available, the land and air space surrounding Camberwell Railway Station for development and thus retain the heritage station and the public open space for the enjoyment of all, now and in the future be taken into consideration tomorrow (*Mr Baillieu*) — put and agreed to.
- 6 **PETITION — MOTOR VEHICLE REGISTRATION FEES — PENSIONER CONCESSION** — Motion made and question — That the petition presented by the Member for Nepean requesting that the Government reverses its decision to halve the pensioner concession on car registration fees be taken into consideration tomorrow (*Mr Dixon*) — put and agreed to.
- 7 **PETITION — PRESCHOOL EDUCATION — RESOURCES AND TEACHERS' CONDITIONS** — Motion made and question — That the petition presented by the Member for Narracan requesting that the House — (a) recognises the value of preschool education and teachers; (b) ensures that preschools are resourced adequately; (c) offers preschool teachers pay parity, reasonable workload and appropriate group sizes; and (d) moves responsibility for preschools to the Department of Education and Training be taken into consideration tomorrow (*Mr Maxfield*) — put and agreed to.
- 8 **PETITION — SANDRINGHAM LINE RAIL COMMUTERS** — Motion made and question — That the petition presented by the Member for Sandringham requesting that the Government instigates immediate action so that Sandringham line commuters are not left stranded on station platforms be taken into consideration tomorrow (*Mr Thompson*) — put and agreed to.

- 9 **PETITION — MULTI PURPOSE TAXI PROGRAM — ANNUAL CAP** — Motion made and question — That the petition presented by the Member for Sandringham requesting that the Government abandons the changes to the multi purpose taxi program and in particular the annual cap of \$550 for a wide range of service users, which are going to detrimentally impact upon the elderly and infirm members of our community on a continuing basis be taken into consideration tomorrow (*Mr Thompson*) — put and agreed to.
- 10 **PETITION — PRESCHOOL EDUCATION — TEACHERS' CONDITIONS, FUNDING AND VOLUNTEERS** — Motion made and question — That the petition presented by the Member for Hastings requesting that the House — (a) recognises that preschool is an educational experience and moves responsibility to the Department of Education and Training; (b) offers preschool teachers pay parity, reasonable workload and appropriate group sizes; (c) fully funds preschool positions to make preschool education a right and not an expensive choice; and (d) alleviates unacceptable workloads for volunteer parents and teachers be taken into consideration tomorrow (*Ms Buchanan*) — put and agreed to.
- 11 **PETITION — IMPROVED TRAIN SERVICES FOR SANDRINGHAM LINE** — Motion made and question — That the petition presented by the Member for Brighton requesting that the House urges the Government to improve train services on the Sandringham line be taken into consideration tomorrow (*Ms Asher*) — put and agreed to.
- 12 **PETITION — GOONAWARRA GOLF COURSE, SUNBURY** — Motion made and question — That the petition presented by the Member for Macedon requesting that the Government ensures that the Goonawarra Golf Course in Sunbury stays at its present site and that no housing development will be built on the site be taken into consideration tomorrow (*Ms Duncan*) — put and agreed to.
- 13 **DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:
- Parliamentary Committees Act 2003:*
- Interim Response of the Minister for Police and Emergency Services on the action taken with respect to the recommendations made by the Drugs and Crime Prevention Committee's Report on the Inquiry into Fraud and Electronic Commerce
- Response of the Minister for Agriculture on the action taken with respect to the recommendations made by the Environment and Natural Resources Committee's Report on the Inquiry on the Impact and Trends in Soil Acidity
- Statutory Rule under the *Fair Trading Act 1999* — SR No 111.
- 14 **STATEMENTS BY MEMBERS** — Statements by members were made.
- 15 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE — FEDERAL GOVERNMENT FUNDING** — The House was informed that Mr Brumby had proposed that a definite matter of public importance be submitted to the House for discussion, namely —

'That this House condemns the Federal Howard Government for —

- (a) its decision to renege on the National Competition Policy Agreement by diverting \$1.6 billion ear-marked as state and local government's share of the revenue benefits of competition reform; and
- (b) taking approximately \$400 million from Victorian hospitals, schools and local communities over the two financial years from 2006–07 committed for local infrastructure and services which further exacerbates the unfair deal Victoria already gets under Commonwealth-State relations.'

Mr Brumby addressed the House — Discussion followed.

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

Family and Community Development Committee's Report on the Inquiry on the Impact on the Victorian Community and Public Hospitals of the Diminishing Access to After Hours and Bulk Billing General Practitioners

Public Accounts and Estimates Committee's Report on the 2003–04 Budget Outcomes

Education and Training Committee's Report on the Inquiry into the Impact of the High Levels of Unmet Demand for Places in Higher Education Institutions on Victoria.

17 **MAJOR CRIME LEGISLATION (OFFICE OF POLICE INTEGRITY) BILL** — 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.

18 **QUESTIONS** — (Under SO 55).

19 **MAJOR CRIME LEGISLATION (OFFICE OF POLICE INTEGRITY) BILL** — Debate continued on question — That this Bill be now read a second time.

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

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

20 **MAJOR CRIME (SPECIAL INVESTIGATIONS MONITOR) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

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

21 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Parliamentary Salaries and Superannuation (Amendment) Bill without amendment.

- 22 **MAJOR CRIME LEGISLATION (OFFICE OF POLICE INTEGRITY) 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 with the concurrence of an absolute majority of the whole number of the members of the Legislative Assembly.
- Bill sent to the Legislative Council and their agreement requested.
- 23 **EVIDENCE (WITNESS IDENTITY PROTECTION) 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 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.
- 24 **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.
- 25 **ABORIGINAL LANDS (AMENDMENT) 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.*
- 26 **ADJOURNMENT** — The Speaker announced that the time for the adjournment of the House had arrived, and, after debate, the Acting Speaker left the Chair, at 10.40 pm.

R W PURDEY
Clerk of the Legislative Assembly

JUDY MADDIGAN
Speaker

No 78 — Thursday 16 September 2004

- 1 The Speaker took the Chair and read the Prayer.
- 2 **MAJOR CRIME (INVESTIGATIVE POWERS) BILL** — Mr Haermeyer obtained leave to bring in a Bill *'to provide for coercive powers in relation to the investigation of organised crime and to amend certain Acts to make further provision for the Director, Police Integrity and for other purposes'*; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 3 **MAJOR CRIME LEGISLATION (SEIZURE OF ASSETS) BILL** — Mr Hulls obtained leave to bring in a Bill *'to amend the Confiscation Act 1997, the Sentencing Act 1991 and the Drugs, Poisons and Controlled Substances Act 1981 and for other purposes'*; and, after debate, 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:

Preschool Education — Resources and Teachers' Conditions — Requesting that the House — (a) recognises the value of preschool education and teachers; (b) ensures that preschools are resourced adequately; (c) offers preschool teachers pay parity, reasonable workload and appropriate group sizes; and (d) moves responsibility for preschools to the Department of Education and Training, bearing 449 and 1,313 signatures (*Ms Overington and Mr Trezise respectively*)

Improved Train Services for Sandringham Line — Requesting that the House urges the Government to improve train services on the Sandringham line, bearing 54 signatures (*Ms Asher*)

Public Dental System — Requesting that the Government urgently increases funding to the public dental system so that it properly and adequately meets the needs of Victorian residents, bearing 64 signatures (*Mr Dixon*)

Multi Purpose Taxi Program — Annual Cap — Requesting that the Government abandons the changes to the multi purpose taxi program and in particular the annual cap of \$550 for a wide range of service users, which are going to detrimentally impact upon the elderly and infirm members of our community on a continuing basis, bearing 44 signatures (*Mr Thompson*).

Petitions ordered to be tabled.

- 5 **PETITION — IMPROVED TRAIN SERVICES FOR SANDRINGHAM LINE** — Motion made and question — That the petition presented by the Member for Brighton requesting that the House urges the Government to improve train services on the Sandringham line be taken into consideration tomorrow (*Ms Asher*) — put and agreed to.

- 6 **DOCUMENTS** —

REPORT OF INSPECTOR OF MUNICIPAL ADMINISTRATION — MELBOURNE CITY COUNCIL — Motion made, by leave, and question — That there be presented to this House the Report of Inspector of Municipal Administration into an investigation concerning the disclosure of confidential information relating to the appointment of the Chief Executive Officer at Melbourne City Council (*Mr Thwaites*) — put and agreed to.

The report was presented by Mr Thwaites, tabled and ordered to be printed.

DRUGS AND CRIME PREVENTION COMMITTEE — Motion made, by leave, and question — That there be presented to this House the Report of the Drugs and Crime Prevention Committee upon its Overseas Evidence Seeking Trip July 2004, together with appendices (*Mr Cooper*) — put and agreed to.

The report was presented by Mr Cooper, tabled and ordered to be printed.

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

Sex Offenders Registration Bill
Gambling Regulation (Amendment) Bill.

8 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourns until Tuesday 5 October 2004 (*Mr Batchelor*) — put and agreed to.

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

10 **ABORIGINAL LANDS (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.

11 **MAJOR CRIME (SPECIAL INVESTIGATIONS MONITOR) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Question — put.

The House divided.

AYES 64

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Delahunty (*Lowan*); Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Hardman; Mr Harkness; Mr Helper; Mr Holding; Mr Howard; Mr Hulls; Mr Ingram; Mr Jasper; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maughan; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mrs Powell; Mr Ryan; Mr Savage; Mr Seitz; Mr Stensholt; Dr Sykes; Mr Thwaites; Mr Trezise; Mr Walsh; Mr Wilson; Mr Wynne.

NOES 16

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Dixon; Mr Doyle; Mr Honeywood; Mr Kotsiras; Mr McIntosh; Mr Mulder; Dr Napthine; Mr Perton; Mr Plowman; Mr Smith; Mr Thompson; Mr Wells.

Question agreed to.

Bill considered in detail and agreed to without amendment, read a third time (*see p 474*).

Bill sent to the Legislative Council and their agreement requested.

12 **CONSTITUTION (RECOGNITION OF ABORIGINAL PEOPLE) BILL** — 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 consultation takes place with the people of Victoria concerning the principles of the Bill and the impact it will have on the community' (*Mr Savage*) — and, after debate —

Business having been interrupted at 2.00 pm under standing orders.

13 **QUESTIONS** — (Under SO 55).

14 **CONSTITUTION (RECOGNITION OF ABORIGINAL PEOPLE) BILL** — Debate continued on question — That this Bill be now read a second time — *and on the amendment* — That all the words after 'That' be omitted with the view of inserting in their place the words 'this House refuses to read this Bill a second time until consultation takes place with the people of Victoria concerning the principles of the Bill and the impact it will have on the community'.

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.

15 **GOVERNMENT BUSINESS PROGRAM** — Motion made, by leave, and question — That so much of standing orders be suspended so as to allow, with immediate effect, the government business program agreed to by this House on 14 September 2004 to be amended by omitting the Order of the Day, Government Business, relating to the Constitution (Recognition of Aboriginal People) Bill (*Mr Batchelor*) — put and agreed to.

16 **CONSTITUTION (RECOGNITION OF ABORIGINAL PEOPLE) BILL** — 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 consultation takes place with the people of Victoria concerning the principles of the Bill and the impact it will have on the community'; 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.

17 **STATE SPORT CENTRES (AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Thwaites*).

Mr Thwaites 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 Honeywood*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 30 September 2004.

18 **LIMITATION OF ACTIONS (ADVERSE POSSESSION) BILL** — 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 Honeywood*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 30 September 2004.

- 19 **TEACHING SERVICE (CONDUCT AND PERFORMANCE) BILL** — 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 Perton*) — put and agreed to.

Ordered, after debate — That the debate be adjourned until Thursday 30 September 2004.

- 20 **PRIMARY INDUSTRIES LEGISLATION (FURTHER MISCELLANEOUS AMENDMENTS) BILL** — 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 30 September 2004.

- 21 **DRUGS, POISONS AND CONTROLLED SUBSTANCES AND THERAPEUTIC GOODS (VICTORIA) ACTS (AMENDMENT) BILL** — 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 Thursday 30 September 2004.

- 22 **DANGEROUS GOODS 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 McIntosh*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 30 September 2004.

- 23 **CHILDREN AND YOUNG PERSONS (AGE JURISDICTION) 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 McIntosh*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 30 September 2004.

- 24 **PLANNING AND ENVIRONMENT (GENERAL AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Ms Delahunty, Northcote*).

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

Ordered — That the debate be adjourned until Thursday 30 September 2004.

25 **STATE TAXATION ACTS (AMENDMENT) 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 Clark*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 30 September 2004.

26 **PARLIAMENTARY SUPERANNUATION LEGISLATION (REFORM) 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 Clark*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 30 September 2004.

27 **ESSENTIAL SERVICES COMMISSION (AMENDMENT) 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 Clark*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 30 September 2004.

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

29 **ADJOURNMENT** — The Acting Speaker left the Chair, after debate, at 6.22 pm.

R W PURDEY
Clerk of the Legislative Assembly

JUDY MADDIGAN
Speaker

LEGISLATIVE ASSEMBLY OF VICTORIA

CONSIDERATION IN DETAIL Supplement to Votes Nos 76, 77 and 78

No 76 — Tuesday 14 September 2004

WATER INDUSTRY (ENVIRONMENTAL CONTRIBUTIONS) BILL

Clauses 1 and 2 agreed to.

Clause 3, Mr Plowman moved amendment No 1 (*see Schedule*).

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

The House divided.

AYES 56

Ms Allan; Mr Andrews; Mr Batchelor; Ms Beard; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 26

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Napthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

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

And the House having continued to sit after 12 midnight —

WEDNESDAY 15 SEPTEMBER 2004

Question — That the amendment be agreed to — put.

The House divided.

AYES 19

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Dixon; Mr Doyle; Mr Honeywood; Mr Ingram; Mr Kotsiras; Mr McIntosh; Mr Mulder; Dr Napthine; Mr Perton; Mr Plowman; Mr Savage; Mrs Shardey; Mr Smith; Mr Thompson; Mr Wells.

NOES 63

Ms Allan; Mr Andrews; Mr Batchelor; Ms Beard; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Delahunty (*Lowan*); Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Jasper; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maughan; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mrs Powell; Mr Robinson; Mr Ryan; Mr Seitz; Mr Stensholt; Mr Sykes; Mr Thwaites; Mr Trezise; Mr Walsh; Mr Wilson; Mr Wynne.

Question defeated.

Mr Plowman moved amendment No 3 (*see Schedule*).

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

The House divided.

AYES 56

Ms Allan; Mr Andrews; Mr Batchelor; Ms Beard; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 26

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Napthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

Clause agreed to.

Clause 4 agreed to.

Bill agreed to without amendment.

No 78 — Thursday 16 September 2004

MAJOR CRIME (SPECIAL INVESTIGATIONS MONITOR) BILL

Clauses 1 to 18 agreed to (*no amendments were moved*).

Bill agreed to without amendment.

SCHEDULE OF AMENDMENTS MOVED

WATER INDUSTRY (ENVIRONMENTAL CONTRIBUTIONS) BILL

Amendments moved by Mr Plowman

1. Clause 3, page 6, lines 23 and 24, omit all words and expressions on these lines and insert—
 - "(a) provide for the construction of works or the making of improvements to waterway management that are intended to lead to enhanced and sustainable management of water; or".

2. Clause 3, page 6, after line 26 insert—

"194A. Committee

The Minister must establish a committee comprised of persons with appropriate skills and experience to—

 - (a) advise him or her on how money paid as environmental contributions should be expended; and
 - (b) oversee the expenditure of such money.

194B. Amount of contribution to be included in billing account

A water supply authority that is required to pay an environmental contribution under this Part in respect of a financial year must list the amount of that contribution in any billing account issued to a customer in respect of that year."

3. Clause 3, page 6, lines 32 to 35, omit all words and expressions on these lines and insert "prepare a report setting out—
 - (a) for each initiative funded during the financial year to which the report relates—
 - (i) the purpose of the initiative; and
 - (ii) the expected environmental outcome, including the annual amount of water expected to be delivered for environmental purposes; and
 - (iii) the amount expended on promotion of the initiative during that year; and
 - (iv) the total amount expended on the initiative during that year;
 - (b) for initiatives funded over more than one financial year—
 - (i) the total amount committed to each of the initiatives; and
 - (ii) the amount expended on each of the initiatives in any previous financial year; and
 - (iii) the amount committed for each of the initiatives in any future financial year;
 - (c) the total amount of any payments made into the Consolidated Fund under this Part during the financial year to which the report relates that were not committed for an initiative or expended during that year."

LEGISLATIVE ASSEMBLY OF VICTORIA

VOTES AND PROCEEDINGS Nos 79, 80 and 81

No 79 — Tuesday 5 October 2004

1 The House met according to the adjournment — The Speaker took the Chair and read the Prayer.

2 **QUESTIONS** — (Under SO 55).

3 **CONSTRUCTION INDUSTRY LONG SERVICE LEAVE (AMENDMENT) BILL** — Mr Hulls obtained leave to bring in a Bill '*to amend the Construction Industry Long Service Leave Act 1997 with respect to the administration of the Construction Industry Long Service Leave 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:

Preschool Education — Resources and Teachers' Conditions — Requesting that the House — (a) recognises the value of preschool education and teachers; (b) ensures that preschools are resourced adequately; (c) offers preschool teachers pay parity, reasonable workload and appropriate group sizes; and (d) moves responsibility for preschools to the Department of Education and Training, bearing 68 and 35 signatures (*Dr Sykes and Mr Perton respectively*)

Improved Train Services for Sandringham Line — Requesting that the House urges the Government to improve train services on the Sandringham line, bearing 12 signatures (*Ms Asher*)

Tunnel Link between Eastern and Tullamarine Freeways — Requesting that the House ensures the Government — (a) proceeds with planning and construction of a tunnel to link the Eastern and Tullamarine Freeways; and (b) considers other road proposals including tunnelled lanes under Hoddle Street and Punt Road, bearing 64 signatures (*Mr Perton*)

Aquatic Centre in Frankston — Requesting that the Government, in consultation with Frankston City Council and local community groups, facilitates the building of an aquatic centre in Frankston, bearing 19 signatures (*Mr Harkness*)

Multi Purpose Taxi Program — Requesting that the Government abandons the changes to the multi purpose taxi program which are going to detrimentally impact upon the elderly and infirm members of our community on a continuing basis, bearing 1 signature (*Mr Thompson*)

Kingston City Council Planning Permit No 360/91 — Requesting that the Government intervenes to ensure that the terms and conditions of Kingston City Council Planning Permit No 360/91 are enforced in the interest of public safety, bearing 7 signatures (*Mr Thompson*).

Petitions ordered to be tabled.

5 **PETITION — MULTI PURPOSE TAXI PROGRAM** — Motion made and question — That the petition presented by the Member for Sandringham requesting that the Government abandons the changes to the multi purpose taxi program which are going to detrimentally impact upon the elderly and infirm members of our community on a continuing basis be taken into consideration tomorrow (*Mr Thompson*) — put and agreed to.

6 **PETITION — KINGSTON CITY COUNCIL PLANNING PERMIT NO 360/91** — Motion made and question — That the petition presented by the Member for Sandringham requesting that the Government intervenes to ensure that the terms and conditions of Kingston City Council Planning Permit No 360/91 are enforced in the interest of public safety be taken into consideration tomorrow (*Mr Thompson*) — put and agreed to.

7 **PETITION — IMPROVED TRAIN SERVICES FOR SANDRINGHAM LINE** — Motion made and question — That the petition presented by the Member for Brighton requesting that the House urges the Government to improve train services on the Sandringham line be taken into consideration tomorrow (*Ms Asher*) — put and agreed to.

8 **PETITION — PRESCHOOL EDUCATION — RESOURCES AND TEACHERS' CONDITIONS** — Motion made and question — That the petition presented by the Member for Doncaster requesting that the House — (a) recognises the value of preschool education and teachers; (b) ensures that preschools are resourced adequately; (c) offers preschool teachers pay parity, reasonable workload and appropriate group sizes; and (d) moves responsibility for preschools to the Department of Education and Training be taken into consideration tomorrow (*Mr Perton*) — put and agreed to.

9 **PETITION — TUNNEL LINK BETWEEN EASTERN AND TULLAMARINE FREEWAYS** — Motion made and question — That the petition presented by the Member for Doncaster requesting that the House ensures the Government — (a) proceeds with planning and construction of a tunnel to link the Eastern and Tullamarine Freeways; and (b) considers other road proposals including tunnelled lanes under Hoddle Street and Punt Road be taken into consideration tomorrow (*Mr Perton*) — put and agreed to.

10 **DOCUMENTS** —

OUTER SUBURBAN/INTERFACE SERVICES AND DEVELOPMENT COMMITTEE — Mr Nardella, Chair, presented a report from the Outer Suburban/Interface Services and Development Committee upon the Inquiry into Sustainable Urban Design for New Communities in Outer Suburban Areas, together with appendices and minutes of evidence.

Ordered to be tabled and report and appendices printed.

ECONOMIC DEVELOPMENT COMMITTEE — Mr Robinson, Chair, presented a report from the Economic Development Committee upon the Inquiry into the Economic Contribution of Victoria's Culturally Diverse Population, together with appendices and minutes of evidence.

Ordered to be tabled and report and appendices printed.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — Ms D'Ambrosio, Chair, presented a report from the Scrutiny of Acts and Regulations Committee being the Alert Digest No 8 of 2004 on the:

Children and Young Persons (Age Jurisdiction) Bill
 Dangerous Goods Legislation (Amendment) Bill
 Drugs, Poisons and Controlled Substances and Therapeutic Goods (Victoria) Acts (Amendment) Bill
 Essential Services Commission (Amendment) Bill
 Limitation of Actions (Adverse Possession) Bill
 Parliamentary Superannuation Legislation (Reform) Bill
 Planning and Environment (General Amendment) Bill
 Primary Industries Legislation (Further Miscellaneous Amendments) Bill
 Sex Offenders Registration Bill
 State Sport Centres (Amendment) Bill
 State Taxation Acts (Amendment) Bill
 Teaching Service (Conduct and Performance) Bill

together with appendices.

Ordered to be tabled and printed.

DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT — The Clerk presented under the *Parliamentary Committees Act 2003*:

Response of the Minister for Environment on the action taken with respect to the recommendations made by the Public Accounts and Estimates Committee's Report on the Review of the Auditor-General's Performance Audit Report No 65 — Reducing Landfill: Waste Management by Municipal Councils.

The Clerk tabled the following documents in accordance with Acts of Parliament:

Commonwealth Games Arrangements Act 2001 — Orders under s 18 (four orders)

Environment Protection Act 1970 — Sustainability Fund Guidelines under s 70C(2)

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

Banyule Planning Scheme — No C45
 Bayside Planning Scheme — No C35
 Brimbank Planning Scheme — No C61
 Buloke Planning Scheme — No C5
 Frankston Planning Scheme — Nos C28, C30
 Greater Geelong Planning Scheme — No C82
 Greater Shepparton Planning Scheme — Nos C17 Part 2, C23 Part 2
 Kingston Planning Scheme — No C34
 Latrobe Planning Scheme — No C7
 Manningham Planning Scheme — No C35

Melbourne Planning Scheme — No C79
 Melton Planning Scheme — No C29
 Monash Planning Scheme — No C54
 Moorabool Planning Scheme — No C26
 Mornington Peninsula Planning Scheme — Nos C46, C48
 South Gippsland Planning Scheme — Nos C10, C28
 Whitehorse Planning Scheme — Nos C46 Part 2, C53
 Whittlesea Planning Scheme — Nos C60, C65 Part 2
 Wodonga Planning Scheme — No C24
 Yarra Planning Scheme — Nos C50, C55 Part 1

Road Management Act 2004:

Code of Practice for Clearways on Declared Arterial Roads
 Code of Practice for Road Management Plans

Statutory Rules under the following Acts:

Ambulance Services Act 1986 — SR No 112
Building Act 1993 — SR No 113
Electricity Safety Act 1998 — SR No 114
Instruments Act 1958 — SR No 117
Property Law Act 1958 — SR No 115
Subdivision Act 1988 — SR No 116
Transfer of Land Act 1958 — SR No 118

Subordinate Legislation Act 1994 — Ministers' exemption certificates in relation to Statutory Rule Nos 111, 112.

The following proclamations fixing operative dates were tabled by the Clerk in accordance with an Order of the House dated 26 February 2003:

Animals Legislation (Animal Welfare) Act 2003 — Remaining provisions of Part 5 on 7 October 2004 (*Gazette G40, 30 September 2004*)
Mitcham-Frankston Project Act 2004 — Remaining provisions (except sections 60 and 229(3) and Division 2 of Part 8) on 24 September 2004 (*Gazette S206, 22 September 2004*).

- 11 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Water Industry (Environmental Contributions) Bill without amendment.
- 12 **MESSAGE FROM THE GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that he had, on 21 September 2004, given the royal assent to the following bills, presented to him by the Clerk of the Parliaments:

Gambling Regulation (Amendment) Bill
 Parliamentary Salaries and Superannuation (Amendment) Bill
 Sex Offenders Registration Bill
 Water Industry (Environmental Contributions) Bill.

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

Children and Young Persons (Age Jurisdiction) Bill
 Dangerous Goods Legislation (Amendment) Bill
 Drugs, Poisons and Controlled Substances and Therapeutic Goods (Victoria) Acts (Amendment) Bill
 Parliamentary Superannuation Legislation (Reform) Bill
 Primary Industries Legislation (Further Miscellaneous Amendments) Bill
 State Taxation Acts (Amendment) Bill
 Teaching Service (Conduct and Performance) Bill.

- 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 7 October 2004:

Constitution (Recognition of Aboriginal People) Bill
 Dangerous Goods Legislation (Amendment) Bill
 Drugs, Poisons and Controlled Substances and Therapeutic Goods (Victoria) Acts (Amendment) Bill
 Magistrates' Court (Family Violence) Bill
 Magistrates' Court (Increased Civil Jurisdiction) Bill
 Primary Industries Legislation (Further Miscellaneous Amendments) Bill
 State Sport Centres (Amendment) Bill
 State Taxation Acts (Amendment) Bill.

(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 to 14 inclusive, be postponed until later this day.

- 17 **MAJOR CRIME (INVESTIGATIVE POWERS) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Ms Garbutt*).

Ms Garbutt 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 Wells*) — put and agreed to.

Ordered — That the debate be adjourned until Tuesday 19 October 2004.

- 18 **MAJOR CRIME LEGISLATION (SEIZURE OF ASSETS) 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 McIntosh*) — put and agreed to.

Ordered — That the debate be adjourned until Tuesday 19 October 2004.

- 19 **STATE SPORT CENTRES (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 with the concurrence of an absolute majority of the whole number of the members of the Legislative Assembly.

Bill sent to the Legislative Council and their agreement requested.

- 20 **PRIMARY INDUSTRIES LEGISLATION (FURTHER MISCELLANEOUS AMENDMENTS) 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.

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

Interpretation of Legislation (Amendment) Bill
Sentencing (Superannuation Orders) Bill.

- 22 **CONSTITUTION (RECOGNITION OF ABORIGINAL PEOPLE) BILL** — 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 consultation takes place with the people of Victoria concerning the principles of the Bill and the impact it will have on the community'; debate resumed.

Business having been interrupted at 10.00 pm under standing orders.

- 23 **ADJOURNMENT** — The Acting Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.42 pm.

R W PURDEY
Clerk of the Legislative Assembly

JUDY MADDIGAN
Speaker

No 80 — Wednesday 6 October 2004

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

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

Improved Train Services for Sandringham Line — Requesting that the House urges the Government to improve train services on the Sandringham line, bearing 8 signatures (*Ms Asher*)

Electronic Gaming Machines — Requesting that the Government introduces a comprehensive package of measures to minimise the harm caused by electronic gaming machines including — (a) reduction in the number of electronic gaming machines in Victoria to 15,000; (b) a restriction being placed on all remaining machines so the maximum anyone can lose is \$50 per hour; (c) removal of ATMs from gaming venues; (d) requirement that all winnings over \$250 in gaming venues be paid entirely by cheque; and (e) introduction of a truly independent gambling regulation body, bearing 365 signatures (*Mr Carli*).

Petitions ordered to be tabled.

- 3 **PETITION — ELECTRONIC GAMING MACHINES** — Motion made and question — That the petition presented by the Member for Brunswick requesting that the Government introduces a comprehensive package of measures to minimise the harm caused by electronic gaming machines including — (a) reduction in the number of electronic gaming machines in Victoria to 15,000; (b) a restriction being placed on all remaining machines so the maximum anyone can lose is \$50 per hour; (c) removal of ATMs from gaming venues; (d) requirement that all winnings over \$250 in gaming venues be paid entirely by cheque; and (e) introduction of a truly independent gambling regulation body be taken into consideration tomorrow (*Mr Carli*) — put and agreed to.

- 4 **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:

Pharmacists Act 1974 — SR No 120

Sex Offenders Registration Act 2004 — SR No 121

Subordinate Legislation Act 1994 — SR No 119

Subordinate Legislation Act 1994:

Minister's exception certificates in relation to Statutory Rule Nos 119, 120

Minister's exemption certificate in relation to Statutory Rule No 121.

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

Major Crime Legislation (Office of Police Integrity) Bill

Evidence (Witness Identity Protection) Bill.

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

- 7 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE — SCORESBY FREEWAY** — The House was informed that Mr Mulder had proposed that a definite matter of public importance be submitted to the House for discussion, namely —

'That this House —

- (a) demands that the Bracks Labor Government reverses its decision to break the written agreement with the Federal Government, signed by Peter Batchelor, which guaranteed that Victorian motorists would never pay a toll on the Scoresby Freeway; and
- (b) condemns the Federal Labor Party for not standing up for Victorian motorists.'

Mr Mulder 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 2002–03 Budget Outcomes

Economic Development Committee's report on the Inquiry into the Economic Contribution of Victoria's Culturally Diverse Population

Family and Community Development Committee's report on the Inquiry on the Impact on the Victorian Community and Public Hospitals of the Diminishing Access to After Hours and Bulk Billing General Practitioners

Outer Suburban/Interface Services and Development Committee's report on the Inquiry into Sustainable Urban Design for New Communities in Outer Suburban Areas.

9 **MAGISTRATES' COURT (INCREASED CIVIL JURISDICTION) BILL** — 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 **MAGISTRATES' COURT (INCREASED CIVIL JURISDICTION) BILL** — 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 **MAGISTRATES' COURT (FAMILY VIOLENCE) BILL** — 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.

13 **DANGEROUS GOODS 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.

- 14 **DRUGS, POISONS AND CONTROLLED SUBSTANCES AND THERAPEUTIC GOODS (VICTORIA) ACTS (AMENDMENT) BILL** — 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 Merlino*) — put and agreed to.

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

- 15 **CONSTITUTION (RECOGNITION OF ABORIGINAL PEOPLE) BILL** — 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 consultation takes place with the people of Victoria concerning the principles of the Bill and the impact it will have on the community'; debate resumed.

Business having been interrupted at 10.00 pm under standing orders.

- 16 **ADJOURNMENT** — The Acting Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.52 pm.

R W PURDEY
Clerk of the Legislative Assembly

JUDY MADDIGAN
Speaker

No 81 — Thursday 7 October 2004

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

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

Improved Train Services for Sandringham Line — Requesting that the House urges the Government to improve train services on the Sandringham line, bearing 12 signatures (*Ms Asher*)

Tunnel Link between Eastern and Tullamarine Freeways — Requesting that the House ensures the Government — (a) proceeds with planning and construction of a tunnel to link the Eastern and Tullamarine Freeways; and (b) considers other road proposals including tunnelled lanes under Hoddle Street and Punt Road, bearing 7 signatures (*Mr Kotsiras*)

Preschool Education — Resources and Teachers' Conditions — Requesting that the House — (a) recognises the value of preschool education and teachers; (b) ensures that preschools are resourced adequately; (c) offers preschool teachers pay parity, reasonable

workload and appropriate group sizes; and (d) moves responsibility for preschools to the Department of Education and Training, bearing 402 signatures (*Ms Munt*)

Mitcham-Frankston (Scoresby) Freeway — Requesting that the House ensures that the Government honours its pre-election commitment and policy as pledged to the citizens of Victoria not to introduce tolls on the Mitcham-Frankston (Scoresby) Freeway and immediately reverses its decision to impose these tolls, bearing 10 signatures (*Mr Cooper*)

Car Registration Fees — Pensioner Concession — Requesting that the Government reverses its decision to halve the pensioner concession on car registration fees, bearing 40 signatures (*Mr Dixon*)

Arthur's Seat Scenic Chairlift Company — Requesting that an obvious and effective solution of the problem facing Arthur's Seat Scenic Chairlift Company be found by immediately forcing a high level review of the recent and current actions by WorkSafe and VicRoads with a call for urgent, reasonable and positive rulings to allow the survival of the Mornington Peninsula tourism icon, bearing 674 signatures (*Mr Dixon*).

Petitions ordered to be tabled.

- 3 **PETITION — PRESCHOOL EDUCATION — RESOURCES AND TEACHERS' CONDITIONS** — Motion made and question — That the petition presented by the Member for Mordialloc requesting that the House — (a) recognises the value of preschool education and teachers; (b) ensures that preschools are resourced adequately; (c) offers preschool teachers pay parity, reasonable workload and appropriate group sizes; and (d) moves responsibility for preschools to the Department of Education and Training be taken into consideration tomorrow (*Ms Munt*) — put and agreed to.
- 4 **PETITION — IMPROVED TRAIN SERVICES FOR SANDRINGHAM LINE** — Motion made and question — That the petition presented by the Member for Brighton requesting that the House urges the Government to improve train services on the Sandringham line be taken into consideration tomorrow (*Ms Asher*) — put and agreed to.
- 5 **PETITION — TUNNEL LINK BETWEEN EASTERN AND TULLAMARINE FREEWAYS** — Motion made and question — That the petition presented by the Member for Bulleen requesting that the House ensures the Government — (a) proceeds with planning and construction of a tunnel to link the Eastern and Tullamarine Freeways; and (b) considers other road proposals including tunnelled lanes under Hoddle Street and Punt Road be taken into consideration tomorrow (*Mr Kotsiras*) — put and agreed to.
- 6 **PETITION — MITCHAM-FRANKSTON (SCORESBY) FREEWAY** — Motion made and question — That the petition presented by the Member for Mornington requesting that the House ensures that the Government honours its pre-election commitment and policy as pledged to the citizens of Victoria not to introduce tolls on the Mitcham-Frankston (Scoresby) Freeway and immediately reverses its decision to impose these tolls be taken into consideration tomorrow (*Mr Cooper*) — put and agreed to.
- 7 **PETITION — CAR REGISTRATION FEES — PENSIONER CONCESSION** — Motion made and question — That the petition presented by the Member for Nepean requesting that the Government reverses its decision to halve the pensioner concession on car registration fees be taken into consideration tomorrow (*Mr Dixon*) — put and agreed to.

8 **PETITION — ARTHUR'S SEAT SCENIC CHAIRLIFT COMPANY** — Motion made and question — That the petition presented by the Member for Nepean requesting that an obvious and effective solution of the problem facing Arthur's Seat Scenic Chairlift Company be found by immediately forcing a high level review of the recent and current actions by WorkSafe and VicRoads with a call for urgent, reasonable and positive rulings to allow the survival of the Mornington Peninsula tourism icon be taken into consideration tomorrow (*Mr Dixon*) — 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 — Performance Audit Report — Measuring the Success of the *Our Forests, Our Future Policy* — Ordered to be printed

Gascor Pty Ltd — Financial Statements for the period 1 July 2003 to 15 September 2003.

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

Crimes (Dangerous Driving) Bill
 Aboriginal Lands (Amendment) Bill
 Major Crime (Special Investigations Monitor) Bill.

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

12 **CONSTRUCTION INDUSTRY LONG SERVICE LEAVE (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 McIntosh*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 21 October 2004.

13 **STATE TAXATION ACTS (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.

14 **STATE TAXATION ACTS (AMENDMENT) BILL — CLERK'S CORRECTION** — The Acting Speaker announced that the Speaker had received a report from the Clerk that he had made the following correction in this Bill:

In Clause 21, page 16, line 26, I have replaced 'sub-sub-paragraph (D)' with 'sub-sub-paragraph (B)' so that sub-sub-paragraph (D) of substituted section 239(2)(b) of the *Duties Act 2000* now reads '(D) in respect of which no duty was paid (or if paid, the duty is refundable) under this Act in relation to an application for registration or transfer of registration or change of use of motor vehicle after the registration referred to in sub-sub-paragraph (B)'.

- 15 **MAGISTRATES' COURT (FAMILY VIOLENCE) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Business having been interrupted at 2.00 pm under standing orders.

- 16 **QUESTIONS** — (Under SO 55).

- 17 **MAGISTRATES' COURT (FAMILY VIOLENCE) BILL** — 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.

- 18 **MAGISTRATES' COURT (FAMILY VIOLENCE) BILL — CLERK'S CORRECTIONS** — The Acting Speaker announced that the Speaker had received a report from the Clerk that he had made the following corrections in this Bill:

In Clause 14, page 19, line 5, I have inserted 'Court' after 'Violence' so that the first paragraph of new clause 8B now reads 'This Part only applies to a defendant in respect of whom the Family Violence Court Division makes an intervention order'.

In Clause 14, page 19, line 14, I have inserted 'Court' after 'Violence' so that paragraph (b) of new Clause 8B now reads 'the defendant's place of residence when the family violence the subject of the intervention order was committed is within a postcode area specified, in relation to the venue of the Family Violence Court Division at which the intervention order is made, by the Minister by notice published in the Government Gazette for the purposes of this Part; and'.

- 19 **DRUGS, POISONS AND CONTROLLED SUBSTANCES AND THERAPEUTIC GOODS (VICTORIA) ACTS (AMENDMENT) BILL** — 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.

- 20 **CONSTITUTION (RECOGNITION OF ABORIGINAL PEOPLE) BILL** — 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 consultation takes place with the people of Victoria concerning the principles of the Bill and the impact it will have on the community'; debate resumed.

Allocation of time — *The Acting Speaker advised that the time allocated for consideration of bills under the resolution of the House on Tuesday 5 October 2004 had expired.*

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

The House divided.

AYES 57

Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 25

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Mulder; Dr Napthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

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

Bill read a third time with the concurrence of a special majority of the whole number of the members of the Legislative Assembly.

Bill sent to the Legislative Council and their agreement requested.

- 21 **DRUGS, POISONS AND CONTROLLED SUBSTANCES AND THERAPEUTIC GOODS (VICTORIA) ACTS (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

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

Bill sent to the Legislative Council and their agreement requested.

- 22 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the National Parks (Additions and Other Amendments) Bill without amendment.

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

- 24 **ADJOURNMENT** — The Acting Speaker left the Chair, after debate, at 5.03 pm.

R W PURDEY
Clerk of the Legislative Assembly

JUDY MADDIGAN
Speaker

LEGISLATIVE ASSEMBLY OF VICTORIA

VOTES AND PROCEEDINGS Nos 82, 83 and 84

No 82 — Tuesday 12 October 2004

1 The Speaker took the Chair and read the Prayer.

2 **QUESTIONS** — (Under SO 55).

3 **ELECTRICITY INDUSTRY (WIND ENERGY DEVELOPMENT) BILL** — Mr Brumby obtained leave to bring in a Bill '*to amend the Electricity Industry Act 2000, the Essential Services Commission Act 2001, the Energy Legislation (Regulatory Reform) Act 2004 and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.

4 **TRANSPORT ACCIDENT (AMENDMENT) BILL** — Mr Hulls obtained leave to bring in a Bill '*to amend the Transport Accident Act 1986 and 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.

5 **COMMONWEALTH POWERS (DE FACTO RELATIONSHIPS) BILL** — Mr Hulls obtained leave to bring in a Bill '*to refer certain financial matters arising out of the breakdown of de facto relationships to the Parliament of the Commonwealth for the purposes of section 51(xxxvii) of the Constitution of the Commonwealth and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.

6 **ELECTORAL LEGISLATION (AMENDMENT) BILL** — Mr Hulls obtained leave to bring in a Bill '*to amend the Electoral Act 2002, the Electoral Boundaries Commission Act 1982 and the Constitution (Parliamentary Reform) Act 2003 and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.

7 **PETROLEUM PRODUCTS (TERMINAL GATE PRICING) (AMENDMENT) BILL** — Mr Hulls obtained leave to bring in a Bill '*to amend the Petroleum Products (Terminal Gate Pricing) Act 2000 and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.

8 **LIQUOR CONTROL REFORM (UNDERAGE DRINKING AND ENHANCED ENFORCEMENT) BILL** — Mr Hulls obtained leave to bring in a Bill '*to amend the Liquor Control Reform Act 1998 and the Business Licensing Authority 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.

- 9 **STATE CONCESSIONS BILL** — Ms Garbutt obtained leave to bring in a Bill '*to remake with amendments the law relating to certain concessions, to repeal the **State Concessions Act 1986**, to make various 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.
- 10 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:
- Preschool Education — Resources and Teachers' Conditions** — Requesting that the House — (a) recognises the value of preschool education and teachers; (b) ensures that preschools are resourced adequately; (c) offers preschool teachers pay parity, reasonable workload and appropriate group sizes; and (d) moves responsibility for preschools to the Department of Education and Training, bearing 26 and 64 signatures (*Mr Plowman and Mr Langdon respectively*)
- Improved Train Services for Sandringham Line** — Requesting that the House urges the Government to improve train services on the Sandringham line, bearing 14 signatures (*Ms Asher*)
- Calder and Tullamarine Freeways Intersection, Essendon** — Requesting that the Government undertakes, as a matter of urgency, a redesign of the intersection of the Calder and Tullamarine Freeways in Essendon, with works to commence as soon as possible, bearing 13 signatures (*Mr Languiller*)
- Tunnel Link between Eastern and Tullamarine Freeways** — Requesting that the House ensures the Government — (a) proceeds with planning and construction of a tunnel to link the Eastern and Tullamarine Freeways; and (b) considers other road proposals including tunnelled lanes under Hoddle Street and Punt Road, bearing 14 signatures (*Mr Perton*).
- Petitions ordered to be tabled.
- 11 **PETITION — IMPROVED TRAIN SERVICES FOR SANDRINGHAM LINE** — Motion made and question — That the petition presented by the Member for Brighton requesting that the House urges the Government to improve train services on the Sandringham line be taken into consideration tomorrow (*Ms Asher*) — put and agreed to.
- 12 **PETITION — PRESCHOOL EDUCATION — RESOURCES AND TEACHERS' CONDITIONS** — Motion made and question — That the petition presented by the Member for Benambra requesting that the House — (a) recognises the value of preschool education and teachers; (b) ensures that preschools are resourced adequately; (c) offers preschool teachers pay parity, reasonable workload and appropriate group sizes; and (d) moves responsibility for preschools to the Department of Education and Training be taken into consideration tomorrow (*Mr Plowman*) — put and agreed to.
- 13 **PETITION — TUNNEL LINK BETWEEN EASTERN AND TULLAMARINE FREEWAYS** — Motion made and question — That the petition presented by the Member for Doncaster requesting that the House ensures the Government — (a) proceeds with planning and construction of a tunnel to link the Eastern and Tullamarine Freeways; and (b) considers other road proposals including tunnelled lanes under Hoddle Street and Punt Road be taken into consideration tomorrow (*Mr Perton*) — put and agreed to.

14 **PETITION — CALDER AND TULLAMARINE FREEWAYS INTERSECTION, ESSENDON** — Motion made and question — That the petition presented by the Member for Derrimut requesting that the Government undertakes, as a matter of urgency, a redesign of the intersection of the Calder and Tullamarine Freeways in Essendon, with works to commence as soon as possible (*Mr Languiller*) — put and agreed to.

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

Auditor-General — Report of the Office for the year 2003–04

Crown Land (Reserves) Act 1978 — Section 17DA Order granting under s 17D a lease over Mt Rouse Public Park Reserve

Duties Act 2000 — Report of exemptions and refunds made under s 250 for the year 2003–04

Financial Management Act 1994 — Report from the Minister for Agriculture that he had received the 2003–04 annual report of the Victorian Broiler Industry Negotiation Committee

Recreational Fishing Licence Trust Account — Report on revenue and disbursements for the year 2003–04

Tattersall's — Report for the year 2003–04 (including financial statements for Tattersall's Gaming Pty Ltd, Tattersall's Sweeps Pty Ltd, Tattersall's Club Keno Pty Ltd, Footy Consortium Pty Ltd) (two documents)

Transport Act 1983 — Report by the Essential Services Commission on the Review of Hire Car Licence Fees.

The following proclamations fixing operative dates were tabled by the Clerk in accordance with an Order of the House dated 26 February 2003:

Alpine Resorts (Management) (Amendment) Act 2004 — Part 3 on 1 November 2004 (*Gazette G41, 7 October 2004*)

Animals Legislation (Animal Welfare) Act 2003 — Section 26 on 19 October 2004 (*Gazette G41, 7 October 2004*).

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

Aboriginal Lands (Amendment) Bill

Crimes (Dangerous Driving) Bill

Evidence (Witness Identity Protection) Bill

Interpretation of Legislation (Amendment) Bill

Major Crime (Special Investigations Monitor) Bill

Major Crime Legislation (Office of Police Integrity) Bill

National Parks (Additions and Other Amendments) Bill

Sentencing (Superannuation Orders) Bill.

- 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 14 October 2004:

Children and Young Persons (Age Jurisdiction) Bill
 Essential Services Commission (Amendment) Bill
 Limitation of Actions (Adverse Possession) Bill
 Parliamentary Superannuation Legislation (Reform) Bill
 Planning and Environment (General Amendment) Bill
 Teaching Service (Conduct and Performance) Bill

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

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

- 19 **LIMITATION OF ACTIONS (ADVERSE POSSESSION) 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 **TEACHING SERVICE (CONDUCT AND PERFORMANCE) 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.

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

R W PURDEY
Clerk of the Legislative Assembly

JUDY MADDIGAN
Speaker

No 83 — Wednesday 13 October 2004

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

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

Improved Train Services for Sandringham Line — Requesting that the House urges the Government to improve train services on the Sandringham line, bearing 10 signatures
(Ms Asher)

Tunnel Link between Eastern and Tullamarine Freeways — Requesting that the House ensures the Government — (a) proceeds with planning and construction of a tunnel to link the

Eastern and Tullamarine Freeways; and (b) considers other road proposals including tunnelled lanes under Hoddle Street and Punt Road, bearing 17 signatures (*Mr Perton*)

Toxic Waste Facility — Mildura Region — Requesting that the House abandons the proposal to place a toxic waste facility in the Mildura region, bearing 22,794 signatures (*Mr Savage*)

Arthur's Seat Scenic Chairlift Company — Requesting that an obvious and effective solution of the problem facing Arthur's Seat Scenic Chairlift Company be found by immediately forcing a high level review of the recent and current actions by WorkSafe and VicRoads with a call for urgent, reasonable and positive rulings to allow the survival of the Mornington Peninsula tourism icon, bearing 1,411 signatures (*Mr Dixon*)

Possums — City of Bayside — Requesting that the Government instigates immediate action to address the concerns of residents in relation to the large possum population in the City of Bayside in order to minimise property damage and disturbance to neighbourhood amenity, bearing 111 signatures (*Mr Thompson*)

Preschool Education — Resources and Teachers' Conditions — Requesting that the House — (a) recognises the value of preschool education and teachers; (b) ensures that preschools are resourced adequately; (c) offers preschool teachers pay parity, reasonable workload and appropriate group sizes; and (d) moves responsibility for preschools to the Department of Education and Training, bearing 81 signatures (*Dr Naphine*)

Preschool Education — Requesting that the House — (a) recognises the value of preschool education and teachers; (b) ensures that preschools are resourced adequately; and (c) moves responsibility for preschools to the Department of Education and Training, bearing 183 signatures (*Dr Naphine*)

Motor Vehicle Registration Fees — Requesting that the House abandons immediately the introduction of motor vehicle registration fees on low and fixed income people, bearing 65 signatures (*Dr Naphine*)

School Principal, Warranwood Primary School — Requesting that the House requires the Department of Education to publicly explain the reasons for the removal of Mr Geoff Taylor, the long-serving school principal of Warranwood Primary School so as to enable both the school and Mr Taylor's reputation to be restored and the community to move forward, bearing 206 signatures (*Mr Honeywood*).

Petitions ordered to be tabled.

- 3 **PETITION — TOXIC WASTE FACILITY — MILDURA REGION** — Motion made and question — That the petition presented by the Member for Mildura requesting that the House abandons the proposal to place a toxic waste facility in the Mildura region be taken into consideration tomorrow (*Mr Savage*) — put and agreed to.
- 4 **PETITION — IMPROVED TRAIN SERVICES FOR SANDRINGHAM LINE** — Motion made and question — That the petition presented by the Member for Brighton requesting that the House urges the Government to improve train services on the Sandringham line be taken into consideration tomorrow (*Ms Asher*) — put and agreed to.

- 5 **PETITION — PRESCHOOL EDUCATION — RESOURCES AND TEACHERS' CONDITIONS** — Motion made and question — That the petition presented by the Member for South-West Coast requesting that the House — (a) recognises the value of preschool education and teachers; (b) ensures that preschools are resourced adequately; (c) offers preschool teachers pay parity, reasonable workload and appropriate group sizes; and (d) moves responsibility for preschools to the Department of Education and Training be taken into consideration tomorrow (*Dr Naphine*) — put and agreed to.
- 6 **PETITION — PRESCHOOL EDUCATION** — Motion made and question — That the petition presented by the Member for South-West Coast requesting that the House — (a) recognises the value of preschool education and teachers; (b) ensures that preschools are resourced adequately; and (c) moves responsibility for preschools to the Department of Education and Training be taken into consideration tomorrow (*Dr Naphine*) — put and agreed to.
- 7 **PETITION — MOTOR VEHICLE REGISTRATION FEES** — Motion made and question — That the petition presented by the Member for South-West Coast requesting that the House abandons immediately the introduction of motor vehicle registration fees on low and fixed income people be taken into consideration tomorrow (*Dr Naphine*) — put and agreed to.
- 8 **PETITION — SCHOOL PRINCIPAL, WARRANWOOD PRIMARY SCHOOL** — Motion made and question — That the petition presented by the Member for Warrandyte requesting that the House requires the Department of Education to publicly explain the reasons for the removal of Mr Geoff Taylor, the long-serving school principal of Warranwood Primary School so as to enable both the school and Mr Taylor's reputation to be restored and the community to move forward be taken into consideration tomorrow (*Mr Honeywood*) — put and agreed to.
- 9 **PETITION — POSSUMS — CITY OF BAYSIDE** — Motion made and question — That the petition presented by the Member for Sandringham requesting that the Government instigates immediate action to address the concerns of residents in relation to the large possum population in the City of Bayside in order to minimise property damage and disturbance to neighbourhood amenity be taken into consideration tomorrow (*Mr Thompson*) — put and agreed to.
- 10 **PETITION — TUNNEL LINK BETWEEN EASTERN AND TULLAMARINE FREEWAYS** — Motion made and question — That the petition presented by the Member for Doncaster requesting that the House ensures the Government — (a) proceeds with planning and construction of a tunnel to link the Eastern and Tullamarine Freeways; and (b) considers other road proposals including tunnelled lanes under Hoddle Street and Punt Road be taken into consideration tomorrow (*Mr Perton*) — put and agreed to.
- 11 **PETITION — ARTHUR'S SEAT SCENIC CHAIRLIFT COMPANY** — Motion made and question — That the petition presented by the Member for Nepean requesting that an obvious and effective solution of the problem facing Arthur's Seat Scenic Chairlift Company be found by immediately forcing a high level review of the recent and current actions by WorkSafe and VicRoads with a call for urgent, reasonable and positive rulings to allow the survival of the Mornington Peninsula tourism icon be taken into consideration tomorrow (*Mr Dixon*) — put and agreed to.

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

City West Water Limited — Report for the year 2003–04

Financial Management Act 1994 — Financial Report for the State of Victoria, incorporating the Quarterly Financial Report No 4, for the year 2003–04 — Ordered to be printed

Prevention of Cruelty to Animals Act 1986 — Code of Practice for the Housing and Care of Laboratory Mice, Rats, Guinea Pigs and Rabbits

South East Water Limited — Report for the year 2003–04

Statutory Rules under the following Acts:

Cemeteries Act 1958 — SR No 123

Tobacco Act 1987 — SR No 122

Subordinate Legislation Act 1994 — Ministers' exemption certificates in relation to Statutory Rule Nos 122, 123

Yarra Valley Water Limited — Report for the year 2003–04 (two documents).

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

Building (Amendment) Bill

Dangerous Goods Legislation (Amendment) Bill.

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

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

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

Public Accounts and Estimates Committee's Report on the Review of the Auditor-General's Performance Audit Report No 65 — Reducing Landfill: Waste Management by Municipal Councils

Outer Suburban/Interface Services and Development Committee's Report on the Inquiry into Sustainable Urban Design for New Communities in Outer Suburban Areas

Economic Development Committee's Report on the Inquiry into the Economic Contribution of Victoria's Culturally Diverse Population

Environment and Natural Resources Committee's Report on the Inquiry on the Impact and Trends in Soil Acidity.

- 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 **CHILDREN AND YOUNG PERSONS (AGE JURISDICTION) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Business having been interrupted at 2.00 pm under standing orders.

- 19 **QUESTIONS** — (Under SO 55).

- 20 **CHILDREN AND YOUNG PERSONS (AGE JURISDICTION) BILL** — Debate continued on question — That this Bill be now read a second time.

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.

- 21 **PLANNING AND ENVIRONMENT (GENERAL AMENDMENT) BILL** — 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.

- 22 **CHILDREN AND YOUNG PERSONS (AGE JURISDICTION) BILL** — 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 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Agreeing to the following bills without amendment:

Magistrates' Court (Increased Civil Jurisdiction) Bill
Primary Industries Legislation (Further Miscellaneous Amendments) Bill.

- 24 **ELECTRICITY INDUSTRY (WIND ENERGY DEVELOPMENT) 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 Clark*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 27 October 2004.

- 25 **CHILDREN AND YOUNG PERSONS (AGE JURISDICTION) 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.

- 26 **PLANNING AND ENVIRONMENT (GENERAL AMENDMENT) BILL** — 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 Morand*) — put and agreed to.

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

- 27 **PARLIAMENTARY SUPERANNUATION LEGISLATION (REFORM) 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.

- 28 **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.

- 29 **TEACHING SERVICE (CONDUCT AND PERFORMANCE) 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.

- 30 **ADJOURNMENT** — The Acting Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.48 pm.

R W PURDEY
Clerk of the Legislative Assembly

JUDY MADDIGAN
Speaker

No 84 — Thursday 14 October 2004

- 1 The Speaker took the Chair and read the Prayer.
- 2 **WORLD SWIMMING CHAMPIONSHIPS BILL** — Mr Cameron obtained leave to bring in a Bill '*to provide for the staging, conduct and management of the 2007 World Swimming Championships, to establish the 2007 World Swimming Championships Corporation and provide for its powers and functions, to provide for various matters in relation to commercial arrangements, including the use of logos, images and certain references and the authorisation of broadcasting, filming and certain advertising in respect of the 2007 World Swimming Championships, to amend the **Borrowing and Investment Powers Act 1987** and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 3 **WATER EFFICIENCY LABELLING AND STANDARDS BILL** — Mr Cameron obtained leave to bring in a Bill '*to provide for water efficiency labelling and the making of*

water efficiency standards and for other purposes'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.

- 4 **MULTICULTURAL VICTORIA BILL** — Mr Cameron obtained leave to bring in a Bill '*to establish principles of multiculturalism, to provide for the re-establishment of the Victorian Multicultural Commission, to establish reporting requirements for government departments in relation to multiculturalism, to repeal the **Victorian Multicultural Commission Act 1993** and for other purposes'*; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 5 **COURTS LEGISLATION (JUDICIAL APPOINTMENTS AND OTHER AMENDMENTS) BILL** — Mr Hulls obtained leave to bring in a Bill '*to amend the **Constitution Act 1975**, the **County Court Act 1958**, the **Magistrates' Court Act 1989**, the **Court Security Act 1980**, the **Judicial Remuneration Tribunal Act 1995** and the **Judicial Salaries Act 2004** to provide for acting judicial appointments and for other purposes'*; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 6 **CHILDREN AND YOUNG PERSONS (KOORI COURT) BILL** — Mr Hulls obtained leave to bring in a Bill '*to amend the **Children and Young Persons Act 1989** to establish a **Koori Court (Criminal Division)** of the **Children's 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.
- 7 **PLANNING AND ENVIRONMENT (DEVELOPMENT CONTRIBUTIONS) BILL** — Ms Delahunty (*Northcote*), obtained leave to bring in a Bill '*to amend the **Planning and Environment Act 1987** in relation to development contributions, to amend the **Building Act 1993** and for other purposes'*; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 8 **BUILDING (COOLING TOWERS AND PLUMBING) (AMENDMENT) BILL** — Ms Delahunty (*Northcote*), obtained leave to bring in a Bill '*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.
- 9 **MILDURA COLLEGE LANDS (AMENDMENT) BILL** — Ms Kosky obtained leave to bring in a Bill '*to amend the **Mildura College Lands Act 1916** to make further provisions for the distribution of trust funds to schools in the Mildura region and for other purposes'*; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 10 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

Land Tax on Caravan Parks — Requesting that the Government abolishes land tax from caravan parks as a matter of extreme urgency, bearing 55 signatures (*Mr Dixon*)

Preschool Education — Resources and Teachers' Conditions — Requesting that the House — (a) recognises the value of preschool education and teachers; (b) ensures that preschools are resourced adequately; (c) offers preschool teachers pay parity, reasonable workload and appropriate group sizes; and (d) moves responsibility for preschools to the Department of Education and Training, bearing 388 signatures (*Mr Mulder*)

Preschool Education — Requesting that the House — (a) recognises the value of preschool education and teachers; (b) ensures that preschools are resourced adequately; and (c) moves responsibility for preschools to the Department of Education and Training, bearing 949 signatures (*Mr Mulder*)

Sandringham Line Rail Commuters — Requesting that the Government instigates immediate action so that Sandringham line commuters are not left stranded on station platforms, bearing 175 signatures (*Mr Thompson*)

Vegemite Rights — Requesting that the House advocates both for and on behalf of the Victorian Jewish Community for Vegemite rights for all Australians, bearing 2 signatures (*Mr Thompson*).

Petitions ordered to be tabled.

11 **DOCUMENTS** —

PARLIAMENTARY DEPARTMENTS REPORTS — Motion made, by leave, and question — That there be presented to this House the Reports of the Department of the Legislative Assembly and the Department of Parliamentary Services for the year 2003–04 (*Mr Loney*) — put and agreed to.

The reports were presented by Mr Loney and tabled.

PRIVILEGES COMMITTEE — Mr Cooper, Deputy Chair, presented a report from the Privileges Committee on the Right of Reply for Mr Andrew Higgs, a person referred to in the Legislative Assembly, together with appendices.

Ordered to be tabled and printed.

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

Emergency Services Superannuation Scheme — Report for the year 2003–04

Financial Management Act 1994 — Report from the Minister for Agriculture that he had received the 2003–04 annual report of the Veterinary Practitioners Registration Board

Parliamentary Committees Act 2003 — Response of the Minister for Finance on the action taken with respect to the recommendations made by the Public Accounts and Estimates Committee's Report on the 2002–03 Budget Outcomes

Parliamentary Contributory Superannuation Fund — Report for the year 2003–04

State Superannuation Fund — Report for the year 2003–04.

12 **MESSAGE FROM THE LIEUTENANT-GOVERNOR** — The Speaker announced the presentation of a message from the Lieutenant-Governor recommending an appropriation for the purposes of the Major Crime (Investigative Powers) Bill.

13 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourns until Wednesday 3 November 2004 (*Mr Cameron*) — put, after debate, and agreed to.

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

15 **STATE CONCESSIONS BILL** — Motion made and question proposed — That this Bill be now read a second time (*Ms Garbutt*).

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

Ordered — That the debate be adjourned until Thursday 28 October 2004.

16 **COMMONWEALTH POWERS (DE FACTO RELATIONSHIPS) 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 McIntosh*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 28 October 2004.

17 **ELECTORAL 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 McIntosh*) — put and agreed to.

Ordered — That the debate be adjourned Thursday 28 October 2004.

18 **LIQUOR CONTROL REFORM (UNDERAGE DRINKING AND ENHANCED ENFORCEMENT) 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 Kotsiras*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 28 October 2004.

19 **PETROLEUM PRODUCTS (TERMINAL GATE PRICING) (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 Kotsiras*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 28 October 2004.

20 **TRANSPORT ACCIDENT (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 McIntosh*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 28 October 2004.

- 21 **ESSENTIAL SERVICES COMMISSION (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.

- 22 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the State Sport Centres (Amendment) Bill without amendment.

- 23 **TEACHING SERVICE (CONDUCT AND PERFORMANCE) BILL** — 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.

- 24 **QUESTIONS** — (Under SO 55).

- 25 **TEACHING SERVICE (CONDUCT AND PERFORMANCE) BILL** — 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 **PLANNING AND ENVIRONMENT (GENERAL AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Allocation of time — The Acting Speaker advised that the time allocated for consideration of bills under the resolution of the House on Tuesday 12 October 2004 had expired.

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

The House divided.

AYES 54

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Garbutt; Ms Gillett; Ms Green; Mr Hardman; Mr Harkness; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Savage; Mr Seitz; Mr Stensholt; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 22

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Honeywood; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Napthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh.

Question agreed to.

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

Bill sent to the Legislative Council and their agreement requested.

- 27 **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 Deputy Speaker left the Chair, after debate, at 4.54 pm.

R W PURDEY
Clerk of the Legislative Assembly

JUDY MADDIGAN
Speaker

LEGISLATIVE ASSEMBLY OF VICTORIA

VOTES AND PROCEEDINGS Nos 85 and 86

No 85 — Wednesday 3 November 2004

- 1 The House met according to the adjournment — The Speaker took the Chair and read the Prayer.
- 2 **ENERGY LEGISLATION (AMENDMENT) BILL** — Mr Brumby obtained leave to bring in a Bill '*to amend the Electricity Industry Act 2000, the Gas Industry Act 2001 and the Essential Services Commission Act 2001 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:

Preschool Education — Requesting that the House — (a) recognises the value of preschool education and teachers; (b) ensures that preschools are resourced adequately; and (c) moves responsibility for preschools to the Department of Education and Training, bearing 20 and 191 signatures (*Ms Allan and Mr Delahunty, Lowan, respectively*)

Improved Train Services for Sandringham Line — Requesting that the House urges the Government to improve train services on the Sandringham line, bearing 29 signatures (*Mrs Shardey*)

Multi Purpose Taxi Program — Annual Cap — Requesting that the Government abandons the changes to the multi purpose taxi program and in particular the annual cap of \$550 for a wide range of service users, which are going to detrimentally impact upon the elderly and infirm members of our community on a continuing basis, bearing 1 signature (*Mr Thompson*)

Old Geelong and Dunlop Roads — Requesting that the Government allocates funds to — (a) commence the upgrade of the service road on Old Geelong Road from Dunlop Road to Industrial Avenue; and (b) erect traffic lights at the intersection of Dunlop Road and Old Geelong Road, bearing 804 signatures (*Ms Gillett*).

Petitions ordered to be tabled.

- 4 **PETITION — IMPROVED TRAIN SERVICES FOR SANDRINGHAM LINE** — Motion made and question — That the petition presented by the Member for Caulfield requesting that the House urges the Government to improve train services on the Sandringham line be taken into consideration tomorrow (*Mrs Shardey*) — put and agreed to.

- 5 **PETITION — PRESCHOOL EDUCATION** — Motion made and question — That the petition presented by the Member for Lowan requesting that the House — (a) recognises the value of preschool education and teachers; (b) ensures that preschools are resourced adequately; and (c) moves responsibility for preschools to the Department of Education and Training be taken into consideration tomorrow (*Mr Delahunty, Lowan*) — put and agreed to.
- 6 **PETITION — PRESCHOOL EDUCATION** — Motion made and question — That the petition presented by the Member for Bendigo East requesting that the House — (a) recognises the value of preschool education and teachers; (b) ensures that preschools are resourced adequately; and (c) moves responsibility for preschools to the Department of Education and Training be taken into consideration tomorrow (*Mrs Shardey*) — put and agreed to.
- 7 **PETITION — MULTI PURPOSE TAXI PROGRAM — ANNUAL CAP** — Motion made and question — That the petition presented by the Member for Sandringham requesting that the Government abandons the changes to the multi purpose taxi program and in particular the annual cap of \$550 for a wide range of service users, which are going to detrimentally impact upon the elderly and infirm members of our community on a continuing basis be taken into consideration tomorrow (*Mr Thompson*) — put and agreed to.

8 **DOCUMENTS** —

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — Ms D'Ambrosio, Chair, presented a report from the Scrutiny of Acts and Regulations Committee being the Alert Digest No 9 of 2004 on the:

Commonwealth Powers (De Facto Relationships) Bill
 Construction Industry Long Service Leave (Amendment) Bill
 Drugs, Poisons and Controlled Substances and Therapeutic Goods (Victoria) Acts (Amendment) Bill
 Electoral Legislation (Amendment) Bill
 Electricity Industry (Wind Energy Development) Bill
 Liquor Control Reform (Underage Drinking and Enhanced Enforcement) Bill
 Major Crime (Investigative Powers) Bill
 Major Crime Legislation (Office of Police Integrity) Bill
 Major Crime Legislation (Seizure of Assets) Bill
 Petroleum Products (Terminal Gate Pricing) (Amendment) Bill
 State Concessions Bill
 Transport Accident (Amendment) Bill

together with an extract from the proceedings and appendices.

Ordered to be tabled and printed.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — Ms D'Ambrosio, Chair, presented a report from the Scrutiny of Acts and Regulations Committee on the Review into Redundant and Unclear Legislation, 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:

Accident Compensation Conciliation Service — Report for the year 2003–04

Adult, Community and Further Education Board — Report for the year 2003–04

Agriculture Victoria Services Pty Ltd — Report for the year 2003–04

Albury-Wodonga Development Corporation — Report for the year 2003–04

Australian Centre for the Moving Image — Report for the year 2003–04

Australian Food Industry Science Centre — Report for the year 2003–04

Australian Grand Prix Corporation — Report for the year 2003–04

Building Commission — Report for the year 2003–04

Chief Electrical Inspector — Report of the Office for the year 2003–04

Country Fire Authority — Report for the year 2003–04

Education and Training, Department of — Report for the year 2003–04

Emerald Tourist Railway Board — Report for the year 2003–04

Emergency Communications Victoria — Report for the year 2003–04

Environment Protection Act 1970 — Order amending the State Environment Protection Policy (Waters of Victoria) (*Gazette S210, 5 October 2004*)

Equal Opportunity Commission — Report for the year 2003–04 — Ordered to be printed

Essential Services Commission — Report for the year 2003–04

Federation Square Management Pty Ltd — Report for the year 2003–04

Film Victoria — Report for the year 2003–04

Financial Management Act 1994:

Reports from the Minister for Agriculture that he had received the 2003–04 annual reports of the:

Dairy Food Safety Victoria

Murray Valley Wine Grape Industry Development Committee

Phytogene Pty Ltd

PrimeSafe

Victorian Strawberry Industry Development Committee

Reports from the Minister for Agriculture that he had not received the 2003–04 annual reports together with an explanation for the delay in tabling of the:

Greater Victoria Wine Grape Industry Development Committee
Northern Victorian Fresh Tomato Industry Development Committee
Report from the Minister for Environment that he had received the 2003–04 annual report of the Commissioner for Environmental Sustainability
Report from the Acting Minister for Multicultural Affairs that he had received the 2002–03 annual report of VITS Languagelink
Reports from the Minister for Planning that she had received the 2003–04 annual reports of the:

- Architects Registration Board
- Dandenong Development Board
- Shrine of Remembrance Trustees
- Surveyors Board
- Yarra Bend Park Trust

Report from the Minister for Transport that he had received the 2002–03 annual report of the Victorian Rail Services Pty Ltd
Report from the Treasurer that he had received the 2003–04 financial statements of the South Eastern Medical Complex Limited
Report from the Minister for Water that he had received the 2003–04 annual report of the Casey's Weir and Major Creek Rural Water Authority

Fisheries Co-Management Council — Report for the year 2003–04

Gambling Research Panel — Report for the year 2003–04

Gas Safety Office — Report for the year 2003–04

Geelong Performing Arts Centre Trust — Report for the year 2003–04

Gippsland and Southern Rural Water Authority — Report for the year 2003–04 (two documents)

Goulburn-Murray Rural Water Authority — Report for the year 2003–04

Greyhound Racing Victoria — Report for the year 2003–04

Harness Racing Victoria — Report for the year 2003–04

Hastings Port (Holding) Corporation — Report for the period ended 1 January 2004

Heritage Council — Report for the year 2003–04

Infrastructure, Department of — Report for the year 2003–04

Innovation, Industry and Regional Development, Department of — Report for the year 2003–04

Intellectual Disability Review Panel — Report for the year 2003–04

Judicial College of Victoria — Report for the year 2003–04

Justice, Department of — Report for the year 2003–04

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- Legal Ombudsman — Report of the Office for the year 2003–04 — Ordered to be printed
- Legal Practice Board — Report for the year 2003–04
- Legal Practitioners Liability Committee — Report for the year 2003–04
- Library Board — Report for the year 2003–04
- Melbourne 2006 Commonwealth Games Corporation — Report for the year 2003–04
- Melbourne 2006 Commonwealth Games Pty Ltd — Report for the year 2003–04
- Melbourne and Olympic Parks Trust — Report for the year 2003–04
- Melbourne Convention and Exhibition Trust — Report for the year 2003–04
- Melbourne Cricket Ground Trust — Report for the year ended 31 March 2004
- Melbourne Market Authority — Report for the year 2003–04
- Melbourne Water Corporation — Report for the year 2003–04
- Metropolitan Fire and Emergency Services Board — Report for the year 2003–04
- Mitcham-Frankston Project Act 2004* — Agreement for the Project (12 documents)
- Murray Valley Citrus Marketing Board — Report for the year 2003–04
- Museums Board — Report for the year 2003–04
- National Gallery, Council of Trustees — Report for the year 2003–04
- National Parks Act 1975* — Report on the working of the Act for the year 2003–04
- National Parks Advisory Council — Report for the year 2003–04
- Overseas Projects Corporation of Victoria Ltd — Report for the year 2003–04
- Planning and Environment Act 1987* — Notices of approval of amendments to the following Planning Schemes:
- Casey Planning Scheme — No C48 Part 2
- Colac Otway Planning Scheme — No C23
- Darebin Planning Scheme — Nos C10 Part 1, C62
- Glen Eira Planning Scheme — No C25
- Horsham Planning Scheme — No C18 Part 1
- Knox Planning Scheme — Nos C5, C35
- Latrobe Planning Scheme — No C4
- Maribyrnong Planning Scheme — No C48
- Mildura Planning Scheme — No C40
- Mitchell Planning Scheme — No C34

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- Mornington Peninsula Planning Scheme — No C67
Port Phillip Planning Scheme — No C45
South Gippsland Planning Scheme — No C31
Surf Coast Planning Scheme — Nos C13, C20
Victoria Planning Provisions — No VC28
Warrnambool Planning Scheme — Nos C32, C36
Whittlesea Planning Scheme — Nos C19, C24, C26, C30 Part 2, C45
- Plumbing Industry Commission — Report for the year 2003–04
- Police Appeals Board — Report for the year 2003–04
- Port of Hastings Corporation — Report for the period ended 30 June 2004
- Port of Melbourne Corporation — Report for the year 2003–04
- Premier and Cabinet, Department of — Report for the year 2003–04
- Prevention of Cruelty to Animals Act 1986* — Code of Practice for the Welfare of Animals in Hunting (Revision Number 1)
- Primary Industries, Department of — Report for the year 2003–04
- Prince Henry's Institute of Medical Research — Report for the year 2003–04
- Public Advocate — Report of the Office for the year 2003–04
- Public Prosecutions — Report of the Director, Committee and Office for the year 2003–04
- Public Record Office Victoria — Report for the year 2003–04
- Public Transport Ticketing Body — Report for the period ended 30 June 2004
- Queen Victoria Women's Centre Trust — Report for the year 2003–04
- Regional Development Victoria — Report for the year 2003–04
- Residential Tenancies Bond Authority — Report for the year 2003–04
- Roads Corporation — Report for the year 2003–04
- Rolling Stock Holdings (Victoria) Pty Ltd — Report for the period ended 30 June 2003
- Rolling Stock Holdings (Victoria) Pty Ltd — Report for the year 2003–04
- Rolling Stock (Victoria–VL) Pty Ltd — Report for the period ended 30 June 2003
- Rolling Stock (Victoria–VL) Pty Ltd — Report for the year 2003–04
- Rolling Stock (VL–1) Pty Ltd — Report for the period ended 30 June 2003

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- Rolling Stock (VL-1) Pty Ltd — Report for the year 2003–04
- Rolling Stock (VL-2) Pty Ltd — Report for the period ended 30 June 2003
- Rolling Stock (VL-2) Pty Ltd — Report for the year 2003–04
- Rolling Stock (VL-3) Pty Ltd — Report for the period ended 30 June 2003
- Rolling Stock (VL-3) Pty Ltd — Report for the year 2003–04
- Royal Botanic Gardens Board — Report for the year 2003–04
- Rural Finance Corporation — Report for the year 2003–04
- Small Business Commissioner — Report of the Office for the period ended 30 June 2004
- Southern and Eastern Integrated Transport Authority — Report for the year 2003–04
- Spencer Street Station Authority — Report for the year 2003–04 (two documents)
- State Electricity Commission — Report for the year 2003–04
- State Sport Centres Trust — Report for the year 2003–04
- Statutory Rules under the following Acts:
- Subordinate Legislation Act 1994* — SR Nos 124, 125
Transport Act 1983 — SR Nos 126, 127
- Subordinate Legislation Act 1994:*
- Minister's exception certificates in relation to Statutory Rule Nos 124, 125
Minister's exemption certificates in relation to Statutory Rule Nos 126, 127
- Sunraysia Rural Water Authority — Report of the year 2003–04
- Sustainability and Environment, Department of — Report for the year 2003–04
- Tourism Victoria — Report for the year 2003–04
- Transport Accident Commission — Report of the year 2003–04
- Treasury and Finance, Department of — Report for the year 2003–04
- Treasury Corporation — Report for the year 2003–04
- Tricontinental Holdings Limited — Report for the year 2003
- V/Line Passenger Corporation — Report for the period ended 30 June 2004
- V/Line Passenger Pty Ltd — Report for the year 2003

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- V/Line Passenger Pty Ltd — Report for the period ended 30 June 2004
- Victoria Legal Aid — Report for the year 2003–04
- Victoria Police — Report of the Office of the Chief Commissioner for the year 2003–04 (two documents)
- Victorian Arts Centre Trust — Report for the year 2003–04 (two documents)
- Victorian Casino and Gaming Authority — Report for the year 2003–04
- Victorian Catchment Management Council — Report for the year 2003–04
- Victorian Channels Authority — Report for the period ended 31 March 2004
- Victorian Coastal Council — Report for the year 2003–04 (three documents)
- Victorian Communities, Department of — Report for the year 2003–04
- Victorian Curriculum and Assessment Authority — Report for the year 2003–04
- Victorian Electoral Commission — Report for the year 2003–04
- Victorian Energy Networks Corporation — Report for the year 2003–04
- Victorian Funds Management Corporation — Report for the year 2003–04
- Victorian Government Purchasing Board — Report for the year 2003–04
- Victorian Institute of Forensic Medicine — Report for the year 2003–04
- Victorian Institute of Teaching — Report for the year 2003–04
- Victorian Law Reform Commission — Report for the year 2003–04 — Ordered to be printed
- Victorian Learning and Employment Skills Commission — Report for the year 2003–04
- Victorian Managed Insurance Authority — Report for the year 2003–04
- Victorian Multicultural Commission — Report for the year 2003–04
- Victorian Privacy Commissioner — Report of the Office for the year 2003–04 — Ordered to be printed
- Victorian Qualifications Authority — Report for the year 2003–04
- Victorian Rail Track — Report for the year 2003–04
- Victorian Regional Channels Authority — Report for the period ended 30 June 2004
- Victorian Relief Committee — Report for the year 2003–04

Victorian Urban Development Authority — Report for the year 2003–04

Victorian WorkCover Authority — Report for the year 2003–04

Wimmera-Mallee Rural Water Authority — Report for the year 2003–04

Young Farmers' Finance Council — Report for the year 2003–04.

The following proclamation fixing an operative date was tabled by the Clerk in accordance with an Order of the House dated 26 February 2003:

Local Government (Democratic Reform) Act 2003 — Section 89 on 29 October 2004 (*Gazette G44, 28 October 2004*).

- 9 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the State Taxation Acts (Amendment) Bill without amendment.

- 10 **MESSAGE FROM THE GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that he had, on 19 October 2004, given the royal assent to the following bills, presented to him by the Clerk of the Parliaments:

Building (Amendment) Bill
 Dangerous Goods Legislation (Amendment) Bill
 Magistrates' Court (Increased Civil Jurisdiction) Bill
 Primary Industries Legislation (Further Miscellaneous Amendments) Bill
 State Sport Centres (Amendment) Bill
 State Taxation Acts (Amendment) Bill.

- 11 **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 (Underage Drinking and Enhanced Enforcement) Bill
 State Concessions Bill.

- 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 4 November 2004:

Major Crime (Investigative Powers) Bill
 Major Crime Legislation (Seizure of Assets) Bill
 Pharmacy Practice Bill
 State Concessions Bill

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

- 13 **EDUCATION AND TRAINING COMMITTEE — EXTENSION TO REPORTING DATE** — Motion made, by leave, and question — That the resolution of the House of 3 June 2003 providing that the Education and Training Committee be required to present its report, on the Suitability of Current Pre-service Teacher Training Courses, to the Parliament no later

than 30 September 2004, be amended so far as to require the report be presented to the Parliament no later than 31 March 2005 (*Mr Batchelor*) — put and agreed to.

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

15 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE — STATE INFRASTRUCTURE** — The House was informed that Mr Brumby had proposed that a definite matter of public importance be submitted to the House for discussion, namely —

'That this House congratulates the Bracks Government's financially responsible approach to the provision of state infrastructure and calls on the Government to reject alternative policy proposals which would damage the state's budget and investment climate and which can only be financed by significantly increasing state debt and slashing state services such as teachers, nurses, police and services to regional Victoria.'

Mr Brumby addressed the House — Discussion followed.

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

Outer Suburban/Interface Services and Development Committee's Report on the Inquiry into Sustainable Urban Design for New Communities in Outer Suburban Areas

Public Accounts and Estimates Committee's Report on the 2002–03 Budget Outcomes

Economic Development Committee's Report on the Inquiry into the Economic Contribution of Victoria's Culturally Diverse Population.

17 **WORLD SWIMMING CHAMPIONSHIPS BILL** — 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 Baillieu*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 17 November 2004.

18 **WATER EFFICIENCY LABELLING AND STANDARDS BILL** — 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 Plowman*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 17 November 2004.

Business having been interrupted at 2.00 pm under standing orders.

19 **QUESTIONS** — (Under SO 55).

20 **DOCUMENT** —

WESTERN RING ROAD SPEED CAMERAS — Motion made, by leave, and question — That the Report of the Inquiry into the Western Ring Road Fixed Digital Speed Camera System Contract and its Management be tabled (*Mr Bracks*) — put and agreed to.

21 **MULTICULTURAL VICTORIA BILL** — 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 Thompson*) — put and agreed to.

Ordered, after debate — That the debate be adjourned until Wednesday 24 November 2004.

22 **COURTS LEGISLATION (JUDICIAL APPOINTMENTS AND OTHER AMENDMENTS) BILL** — 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 17 November 2004.

23 **CHILDREN AND YOUNG PERSONS (KOORI COURT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Ms Garbutt*).

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

Ordered — That the debate be adjourned until Wednesday 17 November 2004.

24 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 6 to 9 inclusive, be postponed until later this day.25 **MAJOR CRIME LEGISLATION (SEIZURE OF ASSETS) BILL** — 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 establishes a Royal Commission, or other independent body, to review Victoria's capacity to deal with organised crime and police corruption through asset forfeiture proceedings' (*Mr McIntosh*) — and, after debate —

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

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

26 **MILDURA COLLEGE LANDS (AMENDMENT) BILL** — 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 Perton*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 17 November 2004.

- 27 **PHARMACY PRACTICE BILL** — 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 Neville*) — put and agreed to.

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

- 28 **STATE CONCESSIONS BILL** — 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 Wells*) — put and agreed to.

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

- 29 **MAJOR CRIME (INVESTIGATIVE POWERS) BILL** — 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 establishes a Royal Commission to — (a) investigate police corruption and links to organised crime; and (b) review the provision and operation of coercive investigative powers, including the creation of an independent crime commission' (*Mr Wells*) — and, after debate —

Business having been interrupted at 10.00 pm under standing orders.

- 30 **ADJOURNMENT** — The Acting Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.52 pm.

R W PURDEY
Clerk of the Legislative Assembly

JUDY MADDIGAN
Speaker

No 86 — Thursday 4 November 2004

- 1 The Speaker took the Chair and read the Prayer.
- 2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

Preschool Education — Resources and Teachers' Conditions — Requesting that the House — (a) recognises the value of preschool education and teachers; (b) ensures that preschools are resourced adequately; (c) offers preschool teachers pay parity, reasonable workload and appropriate group sizes; and (d) moves responsibility for preschools to the Department of Education and Training, bearing 26 signatures (*Dr Sykes*)

Eastern Carpark at Burwood Station — Requesting that the House supports the sealing of the eastern carpark at Burwood Station as a matter of urgency, bearing 39 signatures (*Mr Stensholt*)

Public Dental System — Requesting that the Government urgently increases funding to the public dental system so that it properly and adequately meets the needs of Victorian residents, bearing 27 signatures (*Mr Dixon*)

Surf Coast Planning Scheme — Requesting that the House agrees to defer a decision on Amendment No C16 to the Surf Coast Planning Scheme, recently adopted by the Surf Coast Shire Council and submitted to the Minister for Planning for final approval, until after the election of a new council for the Surf Coast Shire is held in November 2004 and until broader community review of Amendment No C16 has been achieved, bearing 84 signatures (*Mr Crutchfield*).

Petitions ordered to be tabled.

- 3 **PETITION — EASTERN CARPARK AT BURWOOD STATION** — Motion made and question — That the petition presented by the Member for Burwood requesting that the House supports the sealing of the eastern carpark at Burwood Station as a matter of urgency be taken into consideration tomorrow (*Mr Stensholt*) — put and agreed to.
- 4 **PETITION — PRESCHOOL EDUCATION — RESOURCES AND TEACHERS' CONDITIONS** — Motion made and question — That the petition presented by the Member for Benalla requesting that the House — (a) recognises the value of preschool education and teachers; (b) ensures that preschools are resourced adequately; (c) offers preschool teachers pay parity, reasonable workload and appropriate group sizes; and (d) moves responsibility for preschools to the Department of Education and Training be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.
- 5 **DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT**— The Clerk tabled the following documents in accordance with Acts of Parliament:

Barwon Region Water Authority — Report for the year 2003–04

Central Gippsland Region Water Authority — Report for the year 2003–04

Central Highlands Region Water Authority — Report for the year 2003–04

Coliban Region Water Authority — Report for the year 2003–04

Consumer Utilities Advocacy Centre Ltd — Report for the year 2003–04

Corangamite Catchment Management Authority — Report for the year 2003–04

East Gippsland Catchment Management Authority — Report for the year 2003–04

East Gippsland Region Water Authority — Report for the year 2003–04 (two documents)

Eastern Regional Waste Management Group — Report for the year 2003–04

EcoRecycle Victoria — Report for the year 2003–04

Environment Protection Authority — Report for the year 2003–04 (two documents)

Financial Management Act 1994:

Reports from the Minister for Environment that he had received the 2003–04 annual reports of the:

Alpine Resorts Coordinating Council
 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 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 Victorian Regional Waste Management Group
 Northern Regional Waste Management Group
 South Eastern Regional Waste Management Group
 South Western Regional Waste Management Group
 Trust for Nature

First Mildura Irrigation Trust — Report for the year 2003–04

Glenelg Hopkins Catchment Management Authority — Report for the year 2003–04 (three documents)

Glenelg Region Water Authority — Report for the year 2003–04

Goulburn Broken Catchment Management Authority — Report for the year 2003–04

Goulburn Valley Region Water Authority — Report for the year 2003–04

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- Grampians Region Water Authority — Report for the year 2003–04
- Lower Murray Region Water Authority — Report for the year 2003–04
- Mallee Catchment Management Authority — Report for the year 2003–04
- North Central Catchment Management Authority — Report for the year 2003–04
- North East Catchment Management Authority — Report for the year 2003–04
- North East Water — Report for the year 2003–04
- Phillip Island Nature Park Board of Management — Report for the year 2003–04 (three documents)
- Port Phillip and Westernport Catchment Management Authority — Report for the year 2003–04
- Portland Coast Region Water Authority — Report for the year 2003–04
- South Gippsland Region Water Authority — Report for the year 2003–04
- South West Water Authority — Report for the year 2003–04
- Statutory Rules under the following Acts:
- Local Government Act 1989* — SR No 130
- Prostitution Control Act 1994* — SR Nos 128, 129
- Road Safety Act 1986* — SR No 132
- Subordinate Legislation Act 1994* — SR No 131
- Subordinate Legislation Act 1994:*
- Minister's exception certificate in relation to Statutory Rule No 131
- Minister's exemption certificate in relation to Statutory Rule No 132
- Sustainable Energy Authority Victoria — Report for the year 2003–04
- Victorian Environmental Assessment Council — Report for the year 2003–04
- Victorian Institute of Sport Trust — Report for the year 2003–04 (two documents)
- West Gippsland Catchment Management Authority — Report for the year 2003–04 (two documents)
- Western Region Water Authority — Report for the year 2003–04
- Western Regional Waste Management Group — Report for the year 2003–04
- Westernport Region Water Authority — Report for the year 2003–04

Wimmera Catchment Management Authority — Report for the year 2003–04

Zoological Parks and Gardens — Report for the year 2003–04.

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

Limitation of Actions (Adverse Possession) Bill
 Parliamentary Superannuation Legislation (Reform) Bill
 Essential Services Commission (Amendment) Bill
 Magistrates' Court (Family Violence) Bill
 Children and Young Persons (Age Jurisdiction) Bill.

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

- 8 **MAJOR CRIME LEGISLATION (SEIZURE OF ASSETS) BILL** — 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 establishes a Royal Commission, or other independent body, to review Victoria's capacity to deal with organised crime and police corruption through asset forfeiture proceedings'; debate resumed.

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

The House divided.

AYES 55

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Ingram; Ms Kosky; Mr Langdon; Mr Leighton; Mr Lim; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Savage; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 24

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Naphine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

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

The House divided.

AYES 62

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Delahunty (*Lowan*); Ms Delahunty (*Northcote*); Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Ingram; Mr Jasper; Ms Kosky; Mr Langdon; Mr Leighton; Mr Lim; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Mr Maughan; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mrs Powell; Mr Robinson; Mr Ryan; Mr Savage; Mr Seitz; Mr Stensholt; Dr Sykes; Mr Thwaites; Mr Trezise; Mr Walsh; Mr Wilson; Mr Wynne.

NOES 17

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Dixon; Mr Doyle; Mr Honeywood; Mr Kotsiras; Mr McIntosh; Mr Mulder; Dr Naphthine; Mr Perton; Mr Plowman; Mrs Shardey; Mr Smith; Mr Thompson; Mr Wells.

Question agreed to.

By leave, Bill immediately read a third time.

Bill sent to the Legislative Council and their agreement requested.

- 9 **PHARMACY PRACTICE BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

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

- 10 **STATE CONCESSIONS BILL** — 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 **STATE CONCESSIONS BILL** — 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.

- 13 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Drugs, Poisons and Controlled Substances and Therapeutic Goods (Victoria) Acts (Amendment) Bill without amendment.

- 14 **MAJOR CRIME (INVESTIGATIVE POWERS) BILL** — 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 establishes a Royal Commission to — (a) investigate police corruption and links to organised crime; and (b) review the provision and operation of coercive investigative powers, including the creation of an independent crime commission'; debate resumed.

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.

- 15 **PHARMACY PRACTICE BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Bill read a second and considered in detail (*see p 525*).

Allocation of time — *The Acting Speaker advised that the time allocated for consideration of bills under the resolution of the House on Wednesday 3 November 2004 had expired.*

Question — That clause 1 be agreed to — put and agreed to.

Question — That clauses 2 to 149 inclusive, Schedules 1 and 2 and Government amendment Nos 1 to 5 inclusive be agreed to and the Bill be agreed to with amendments — 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 **STATE CONCESSIONS BILL** — 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 **MAJOR CRIME (INVESTIGATIVE POWERS) BILL** — 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 establishes a Royal Commission to — (a) investigate police corruption and links to organised crime; and (b) review the provision and operation of coercive investigative powers, including the creation of an independent crime commission'.

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

The House divided.

AYES 58

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Ingram; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Perera; Ms Pike; Mr Robinson; Mr Savage; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 24

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Naphthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

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

The House divided.

AYES 59

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Ingram; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Perera; Ms Pike; Mr Robinson; Mr Savage; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 24

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Naphthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

Bill read a third time with the concurrence of an absolute majority of the whole number of the members of the Legislative Assembly.

Bill sent to the Legislative Council and their agreement requested.

18 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Teaching Service (Conduct and Performance) Bill with amendments.

Ordered — That the amendments be taken into consideration tomorrow.

- 19 **ENERGY LEGISLATION (AMENDMENT) 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 Clark*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 18 November 2004.

- 20 **PLANNING AND ENVIRONMENT (DEVELOPMENT CONTRIBUTIONS) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Ms Delahunty, Northcote*).

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

Ordered — That the debate be adjourned until Thursday 18 November 2004.

- 21 **BUILDING (COOLING TOWERS AND PLUMBING) (AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Ms Delahunty, Northcote*).

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

Ordered — That the debate be adjourned until Thursday 18 November 2004.

- 22 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Ms Delahunty, Northcote*) — put and agreed to.

- 23 **ADJOURNMENT** — The Deputy Speaker left the Chair, after debate, at 5.31 pm.

R W PURDEY
Clerk of the Legislative Assembly

JUDY MADDIGAN
Speaker

LEGISLATIVE ASSEMBLY OF VICTORIA

CONSIDERATION IN DETAIL
Supplement to Votes Nos 85 and 86

No 86 — Thursday, 4 November 2004

PHARMACY PRACTICE BILL

Clause 1 — debated commenced.

Allocation of time — The Acting Speaker advised that the time allocated for consideration of bills under the resolution of the House on Wednesday 3 November had expired (for remaining stages see p 522).

LEGISLATIVE ASSEMBLY OF VICTORIA

VOTES AND PROCEEDINGS Nos 87, 88 and 89

No 87 — Tuesday 9 November 2004

- 1 The Speaker took the Chair and read the Prayer.
- 2 **DEATH OF THE HONOURABLE MARIE THERESE TEHAN** — Motion made and question — That this House expresses its sincere sorrow at the death of the Honourable Marie Therese Tehan and places on record its acknowledgement of the valuable services rendered by her to the Parliament and the people of Victoria as Member of the Legislative Council for the Electoral Province of Central Highlands from 1987 to 1992 and Member of the Legislative Assembly for the Electoral District of Seymour from 1992 to 1999, Minister for Community Services, Minister responsible for Aboriginal Services and Minister for Health Services from October to November 1992, Minister for Health from 1992 to 1996 and Minister for Conservation and Land Management from 1996 to 1999 (*Mr Bracks*) — put, after the Speaker and other 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 Marie Therese Tehan, the House now adjourns until tomorrow (*Mr Bracks*) — 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

JUDY MADDIGAN
Speaker

No 88 — Wednesday 10 November 2004

- 1 The Speaker took the Chair and read the Prayer.
- 2 **FAIR TRADING (ENHANCED COMPLIANCE) BILL** — Mr Hulls obtained leave to bring in a Bill 'to amend the *Fair Trading Act 1999* to enhance compliance with that Act, to amend the *Co-operatives Act 1996*, the *Credit (Administration) Act 1984*, the *Estate Agents Act 1980*, the *Fundraising Appeals Act 1998*, the *Funerals (Pre-Paid Money) Act 1993*, the

Introduction Agents Act 1997, the Motor Car Traders Act 1986, the Prostitution Control Act 1994, the Residential Tenancies Act 1997, the Sale of Land Act 1962, the Second-Hand Dealers and Pawnbrokers Act 1989, the Travel Agents Act 1986, the Trustee Companies 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.

3 **EMERGENCY SERVICES TELECOMMUNICATIONS AUTHORITY BILL** — Mr Haermeyer obtained leave to bring in a Bill '*to make provision for certain emergency services telecommunications services and other communications services by the establishment of an authority and other related matters and for other purposes'*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.

4 **CORRECTIONS AND MAJOR CRIME (INVESTIGATIVE POWERS) ACTS (AMENDMENT) BILL** — Mr Haermeyer obtained leave to bring in a Bill '*to amend the Corrections Act 1986 to require a prisoner to obtain the approval of the Secretary to the Department of Justice before making an application for a change of name, to amend the Major Crime (Investigative Powers) Act 2004 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:

Lake Weerona, Bendigo — Requesting that the House takes immediate steps to ensure that funding to the City of Greater Bendigo to build a tram track around Lake Weerona, Bendigo be cancelled and the project disbanded, bearing 14,580 signatures (*Mr Cameron*)

Improved Train Services for Sandringham Line — Requesting that the House urges the Government to improve train services on the Sandringham line, bearing 40 signatures (*Mrs Shardey*)

Longerenong Campus, University of Melbourne — Requesting that the Government and the Minister for Education and Training ensure that the University of Melbourne — (a) supports the retention of Longerenong Campus and full-time student courses at the Campus; (b) provides adequate infrastructure and recurrent funding for such infrastructure renewal; (c) allows the Campus to further develop and provide an extension of its educational opportunities; (d) ensures a 'long term' commitment to the Campus; and (e) ensures that the Longerenong Advisory Board be given representation on the Board of Management of the Institute of Land and Food Resources at the University of Melbourne, bearing 321 signatures (*Mr Delahunty, Lowan*)

Sandringham Line Rail Commuters — Requesting that the Government instigates immediate action so that Sandringham line commuters are not left stranded on station platforms, bearing 10 signatures (*Mr Thompson*).

Petitions ordered to be tabled.

6 **PETITION — IMPROVED TRAIN SERVICES FOR SANDRINGHAM LINE** — Motion made and question — That the petition presented by the Member for Caulfield requesting that the House urges the Government to improve train services on the Sandringham line be taken into consideration tomorrow (*Mrs Shardey*) — put and agreed to.

7 **PETITION — LONGERENONG CAMPUS, UNIVERSITY OF MELBOURNE** — Motion made and question — That the petition presented by the Member for Lowan requesting that the Government and the Minister for Education and Training ensure that the University of Melbourne — (a) supports the retention of Longerenong Campus and full-time student courses at the Campus; (b) provides adequate infrastructure and recurrent funding for such infrastructure renewal; (c) allows the Campus to further develop and provide an extension of its educational opportunities; (d) ensures a 'long term' commitment to the Campus; and (e) ensures that the Longerenong Advisory Board be given representation on the Board of Management of the Institute of Land and Food Resources at the University of Melbourne be taken into consideration tomorrow (*Mr Delahunty, Lowan*) — put and agreed to.

8 **PETITION — SANDRINGHAM LINE RAIL COMMUTERS** — Motion made and question — That the petition presented by the Member for Sandringham requesting that the Government instigates immediate action so that Sandringham line commuters are not left stranded on station platforms be taken into consideration tomorrow (*Mr Thompson*) — put and agreed to.

9 **DOCUMENTS** —

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — Ms Campbell, Chair, presented a report from the Public Accounts and Estimates Committee on the Review of the Auditor-General's Special Report No 51 — Victorian Rural Ambulance Services: Fulfilling a vital community need, 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:

Alpine Health — Report for the year 2003–04 (three documents)

Ambulance Service Victoria — Metropolitan Region — Report for the year 2003–04

Bairnsdale Regional Health Service — Report for the year 2003–04 (two documents)

Barwon Health — Report for the year 2003–04

Bass Coast Regional Health — Report for the year 2003–04 (two documents)

Beechworth Health Service — Report for the year 2003–04

Benalla and District Memorial Hospital — Report for the year 2003–04 (two documents)

Casterton Memorial Hospital — Report for the year 2003–04

Cobram District Hospital — Report for the year 2003–04 (two documents)

Cohuna District Hospital — Report for the year 2003–04

Colac Area Health — Report for the year 2003–04

Commonwealth Games Arrangements Act 2001 — Orders under s 18 (two orders)

Djerriwarrh Health Services — Report for the year 2003–04 (two documents)

Financial Management Act 1994 — Reports from the Minister for Health that she had received the 2003–04 annual reports of the:

Alexandra and District Ambulance Service
Dental Practice Board
Food Safety Council
Health Purchasing Victoria
Infertility Treatment Authority
Lorne Community Hospital
Maldon Hospital
Managatang and District Hospital
Nathalia District Hospital
O'Connell Family Centre (Grey Sisters) Incorporated
Omeo District Hospital
Optometrists Registration Board
Osteopaths Registration Board
Pharmacy Board
Physiotherapists Registration Board
Podiatrists Registration Board
Timboon and District Healthcare Service
Tweddle Child and Family Health Service
Yea and District Memorial Hospital

Hepburn Health Service — Report for the year 2003–04

Human Services, Department of — Report for the year 2003–04 (two documents)

Kerang District Health — Report for the year 2003–04

Kilmore and District Hospital — Report for the year 2003–04

Kooweerup Regional Health Service — Report for the year 2003–04 (two documents)

Kyabram and District Health Service — Report for the year 2003–04

Kyneton District Health Service — Report for the year 2003–04

Mallee Track Health and Community Service — Report for the year 2003–04 (two documents)

Mansfield District Hospital — Report for the year 2003–04 (three documents)

Members of Parliament (Register of Interests) Act 1978 — Summary of Returns — June 2004 and Summary of Variations notified between 3 June and 30 September 2004 — Ordered to be printed

McIvor Health and Community Services — Report for the year 2003–04

Moyne Health Services — Report for the year 2003–04

Mt Alexander Hospital — Report for the year 2003–04

Northeast Health Wangaratta — Report for the year 2003–04

Numurkah District Health Service — Report for the year 2003–04 (two documents)

Parks Victoria — Report for the year 2003–04

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

Banyule Planning Scheme — No C44 Part 1

Cardinia Planning Scheme — No C44

Casey Planning Scheme — No C60

Darebin Planning Scheme — No C58 Part 1

East Gippsland Planning Scheme — No C35

Kingston Planning Scheme — No C43

Maribyrnong Planning Scheme — No C51

Victoria Planning Provisions — No VC29

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)

Queen Elizabeth Centre — Report for the year 2003–04

Radiation Advisory Committee — Report for the year ended 30 September 2004

Rural Ambulance Victoria — Report for the year 2003–04

Rural Northwest Health — Report for the year 2002–03

Seymour District Memorial Hospital — Report for the year 2003–04

Snowy Hydro Limited — Report for the year ended 26 June 2004

South West Healthcare — Report for the year 2003–04

State Trustees Limited — Report for the year 2003–04

Statutory Rule under the *Supreme Court Act 1986* — SR No 133

Subordinate Legislation Act 1994 — Minister's exception certificate in relation to Statutory Rule No 133

Swan Hill District Hospital — Report for the year 2003–04 (two documents)

Tallangatta Health Service — Report for the year 2003–04 (two documents)

Terang and Mortlake Health Service — Report for the year 2003–04

Upper Murray Health and Community Services — Report for the year 2003–04 (four documents)

Western District Health Service — Report for the year 2003–04

Wodonga Regional Health Service — Report for the year 2003–04 (three documents)

Yarram and District Health Service — Report for the year 2003–04 (two documents)

Yarrawonga District Health Service — Report for the year 2003–04 (two documents).

The following proclamations fixing operative dates were tabled by the Clerk in accordance with an Order of the House dated 26 February 2003:

Aboriginal Lands (Amendment) Act 2004 — Whole Act on 4 November 2004 (*Gazette G45, 4 November 2004*)

Mitcham-Frankston Project Act 2004 — Sections 60 and 229(3) and Division 2 of Part 8 on 18 November 2004 (*Gazette G45, 4 November 2004*).

10 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Constitution (Recognition of Aboriginal People) Bill without amendment.

11 **MESSAGE FROM THE GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that he had, on 9 November 2004, given the royal assent to the following bills, presented to him by the Clerk of the Parliaments:

Children and Young Persons (Age Jurisdiction) Bill

Constitution (Recognition of Aboriginal People) Bill

Drugs, Poisons and Controlled Substances and Therapeutic Goods (Victoria) Acts (Amendment) Bill

Essential Services Commission (Amendment) Bill

Limitation of Actions (Adverse Possession) Bill

Magistrates' Court (Family Violence) Bill

Parliamentary Superannuation Legislation (Reform) Bill.

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

Children and Young Persons (Koori Court) Bill

Courts Legislation (Judicial Appointments and Other Amendments) Bill

Multicultural Victoria Bill

Planning and Environment (Development Contributions) Bill

Water Efficiency Labelling and Standards Bill

World Swimming Championships Bill.

13 **SUSPENSION OF STANDING ORDERS — PRESENTATION OF BALLARAT REFORM LEAGUE CHARTER** — Motion made, by leave, and question — That so much of standing orders be suspended so as to allow, on Thursday 11 November 2004:

- (1) The House to invite Mayor David Vendy, Mayor of the City of Ballarat, to attend on the floor of the House at 2.00 pm, and to remain on the floor of the House, save in the event of a division, until the conclusion of all responses.
- (2) Mayor Vendy to address the House, and present the Speaker with a copy of the Ballarat Reform League Charter.
- (3) The Premier, the Leader of the Opposition, and the Leader of the Nationals to speak, for no more than five minutes each, in response.
- (4) Question time to be deferred and to take place immediately after the responses, followed by business set out in standing orders.

(Mr Cameron) — 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 11 November 2004:

Commonwealth Powers (De Facto Relationships) Bill
 Electoral Legislation (Amendment) Bill
 Electricity Industry (Wind Energy Development) Bill
 Liquor Control Reform (Underage Drinking and Enhanced Enforcement) Bill
 Petroleum Products (Terminal Gate Pricing) (Amendment) Bill
 Teaching Service (Conduct and Performance) Bill — Amendments of the Legislative Council

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

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

- 16 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE — PROPOSED TOXIC WASTE DUMP AT HATTAH/NOWINGI** — 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 nomination of Hattah/Nowingi as the site for the proposed toxic waste dump and for its deceitful and misleading conduct in reaching that decision.'

Mr Ryan addressed the House — Discussion followed.

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

Scrutiny of Acts and Regulations Committee's Report on the Review into Redundant and Unclear Legislation

Public Accounts and Estimates Committee's Report on the 2002–03 Budget Outcomes

Public Accounts and Estimates Committee's Report on the Review of the Auditor-General's Special Report No 51 — Victorian Rural Ambulance Services: Fulfilling a vital community need.

Business having been interrupted at 2.00 pm under standing orders.

18 **QUESTIONS** — (Under SO 55).

Prior notice having been given under SO 43, business was interrupted at 2.33 pm.

19 **MINISTERIAL STATEMENT — HONOURING AND SUPPORTING VICTORIAN VETERANS** — The Premier made a ministerial statement relating to honouring and supporting Victorian veterans, to which members responded.

20 **TEACHING SERVICE (CONDUCT AND PERFORMANCE) BILL** — 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.

21 **COMMONWEALTH POWERS (DE FACTO RELATIONSHIPS) 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.

22 **ELECTORAL LEGISLATION (AMENDMENT) BILL** — 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 confers with all political parties, independent members of Parliament, and other persons interested in the electoral process with a view to developing an acceptable model by which the Electoral Boundaries Commission conducts redistributions, without entrenching mechanical provisions into the *Constitution Act 1975* in a way that makes it difficult to adapt to future changes of circumstance, or to correct errors or unforeseen consequences' (*Mr McIntosh*) — and, after debate —

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

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

23 **LIQUOR CONTROL REFORM (UNDERAGE DRINKING AND ENHANCED ENFORCEMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

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

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

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

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

- 24 **PETROLEUM PRODUCTS (TERMINAL GATE PRICING) (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.

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

Planning and Environment (General Amendment) Bill
State Concessions Bill.

- 26 **ELECTRICITY INDUSTRY (WIND ENERGY DEVELOPMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Under standing orders, Ms Kosky 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 continued on question — That this Bill be now read a second time.

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

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

- 27 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Pharmacy Practice Bill without amendment.

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

29 **ADJOURNMENT** — The Acting Speaker left the Chair, after debate, at 11.39 pm.

R W PURDEY
Clerk of the Legislative Assembly

JUDY MADDIGAN
Speaker

No 89 — Thursday 11 November 2004

- 1 The Speaker took the Chair and read the Prayer.
- 2 **PUBLIC ADMINISTRATION BILL** — Mr Bracks obtained leave to bring in a Bill '*to provide a framework for good governance in the Victorian public sector and in public administration generally in Victoria, to establish a State Services Authority, to repeal the **Public Sector Management and Employment Act 1998** and the **Public Sector Reform (Miscellaneous Amendments) Act 1998**, to amend the **Constitution Act 1975** and the **Parliamentary Officers Act 1975**, 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.
- 3 **LEGAL PROFESSION BILL** — Mr Hulls obtained leave to bring in a Bill '*to improve the regulation of the legal profession, principally by implementing national model provisions for the regulation of the profession and establishing new bodies responsible for regulating it, to facilitate the regulation of legal practice on a national basis across State and Territory borders, to repeal the **Legal Practice Act 1996**, to make consequential amendments to Acts 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:
 - Rural Diversionary Program for Indigenous Male Offenders** — Requesting that the House urges the Government to withdraw its proposal to establish a rural diversionary program for indigenous male offenders in the Locksley area, bearing 92 signatures (*Dr Sykes*)
 - 1–19 Colombo Street, Mitcham** — Requesting that the House supports the City of Whitehorse and encourages the Government to become a party to and share the cost of legal proceedings in relation to the high rise tower development at 1–19 Colombo Street, Mitcham, bearing 2,298 signatures (*Mr Robinson*)
 - Motor Vehicle Registration Fees — Pensioner Concession** — Requesting that the Government reverses its decision to halve the pensioner concession on car registration fees, bearing 99 signatures (*Mr Dixon*)
 - Motor Vehicle Registration Fees** — Requesting that the House abandons immediately the introduction of motor vehicle registration fees on low and fixed income people, bearing 33 signatures (*Dr Naphine*).

Petitions ordered to be tabled.

5 **DOCUMENTS** —

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — Ms Campbell, Chair, presented a report from the Public Accounts and Estimates Committee on the 2004–05 Budget Estimates, together with appendices and minutes of evidence.

Ordered to be tabled and 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 Health that she had received the 2003–04 annual reports of the:

Mental Health Review Board
Psychosurgery Review Board

Nurses Board — Report for the year 2003–04

Rural Northwest Health — Report for the year 2003–04

South Eastern Medical Complex Limited — Reports for the year 2003–04

Statutory Rules under the following Acts:

Sex Offenders Registration Act 2004 — SR No 135
Tobacco Act 1987 — SR No 134

Subordinate Legislation Act 1994 — Minister's exception certificate in relation to Statutory Rule No 135

Victorian Health Promotion Foundation — Report for the year 2003–04

Victorian Institute of Forensic Mental Health — Report for the year 2003–04 (two documents).

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

[The Acting Speaker having left the Chair at 10.18 am, resumed it at 12.03 pm.]

7 **ELECTRICITY INDUSTRY (WIND ENERGY DEVELOPMENT) BILL** — 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.

Business having been interrupted at 2.00 pm in accordance with the resolution of the House on Wednesday 10 November 2004.

- 8 **ADDRESS BY THE MAYOR OF THE CITY OF BALLARAT** — In accordance with the resolution of the House on 10 November 2004, the Speaker welcomed David Vendy, Mayor of the City of Ballarat.

Mayor Vendy was admitted to the Chamber by the Serjeant-at-Arms and escorted to his seat.

Mayor Vendy addressed the House, and presented the Ballarat Reform League Charter to the Speaker; Mr Bracks, Mr Doyle and Mr Ryan responded.

The Speaker thanked Mayor Vendy and he was escorted from the Chamber by the Serjeant-at-Arms.

- 9 **QUESTIONS** — (Under SO 55).

- 10 **LIQUOR CONTROL REFORM (UNDERAGE DRINKING AND ENHANCED ENFORCEMENT) BILL** — 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 10 November 2004 had expired.

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

The House divided.

AYES 58

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 25

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Napthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh.

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.

- 11 **ELECTORAL LEGISLATION (AMENDMENT) BILL** — 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 confers with all political parties, independent members of Parliament, and other persons interested in the electoral process with a view to developing an acceptable model by which the Electoral Boundaries Commission conducts redistributions, without entrenching mechanical provisions into the *Constitution Act 1975* in a way that makes it difficult to adapt to future changes of circumstance, or to correct errors or unforeseen consequences'.

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

The House divided.

AYES 60

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Savage; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 23

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Naphine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh.

Question agreed to.

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

The House divided.

AYES 60

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Savage; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 23

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Naphine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh.

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.

- 12 **ELECTRICITY INDUSTRY (WIND ENERGY DEVELOPMENT) BILL** — 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 7 inclusive be agreed to and the Bill be read a third time — put.

The House divided.

AYES 59

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 24

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Naphine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh.

Question agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 13 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Major Crime (Investigative Powers) Bill without amendment.

- 14 **FAIR TRADING (ENHANCED COMPLIANCE) 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 Kotsiras*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 25 November 2004.

- 15 **EMERGENCY SERVICES TELECOMMUNICATIONS AUTHORITY 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 Perton*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 25 November 2004.

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- 16 **CORRECTIONS AND MAJOR CRIME (INVESTIGATIVE POWERS) ACTS (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 McIntosh*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 25 November 2004.

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

- 18 **ADJOURNMENT** — The Deputy Speaker left the Chair, after debate, at 5.09 pm.

R W PURDEY
Clerk of the Legislative Assembly

JUDY MADDIGAN
Speaker

LEGISLATIVE ASSEMBLY OF VICTORIA

VOTES AND PROCEEDINGS Nos 90, 91 and 92

No 90 — Tuesday 16 November 2004

- 1 The Speaker took the Chair and read the Prayer.
- 2 **DIRECTOR, POLICE INTEGRITY** — The Speaker advised that she had today administered to George Eugene Pascal Brouwer, the Director, Police Integrity, the affirmation required by s 3 of the *Major Crime Legislation (Office of Police Integrity) Act 2004*.
- 3 **QUESTIONS** — (Under SO 55).
- 4 **TRANSPORT LEGISLATION (AMENDMENT) BILL** — Mr Batchelor obtained leave to bring in a Bill '*to amend various Acts relating to transport and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 5 **SAFETY ON PUBLIC LAND BILL** — Mr Thwaites obtained leave to bring in a Bill '*to facilitate the management of public safety in State forests by providing for the establishment and enforcement of public safety zones in State forests, to amend the **Forests Act 1958** and consequentially amend the **Conservation, Forests and Lands Act 1987** and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 6 **GAMBLING REGULATION (FURTHER AMENDMENT) BILL** — Mr Pandazopoulos obtained leave to bring in a Bill '*to amend the **Gambling Regulation Act 2003** and the **Casino Control Act 1991** and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 7 **HOUSING (HOUSING AGENCIES) BILL** — Ms Pike obtained leave to bring in a Bill '*to amend the **Housing Act 1983** to provide a regulatory framework for non-profit rental housing agencies serving the needs of low-income tenants, to amend the **Borrowing and Investment Powers Act 1987** and the **Transfer of Land Act 1958** and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 8 **ACCIDENT COMPENSATION LEGISLATION (AMENDMENT) BILL** — Mr Hulls obtained leave to bring in a Bill '*to amend the **Accident Compensation Act 1985**, the **Accident Compensation (WorkCover Insurance) Act 1993** and the **Workers Compensation 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.
- 9 **HERITAGE (WORLD HERITAGE) BILL** — Ms Delahunty (*Northcote*) obtained leave to bring in a Bill '*to amend the **Heritage Act 1995** to provide for the protection of places in*

Victoria that are included in the World Heritage List and for other purposes'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.

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

Beach Renourishment Works, Sandringham — Requesting that the Government, in addition to providing funds for cliff stabilisation works proximate to the former Red Bluff Hotel in Sandringham, also provides funds for beach renourishment works to preserve and protect one of the great beach and scenic areas of Melbourne, bearing 20 signatures (*Mr Thompson*)

The Peak, Corner Jells and Ferntree Gully Roads, Wheelers Hill — Requesting that the House asks the Minister for Planning to — (a) intervene and call the case in, relating to the granting of a permit for the building of a nine storey housing development known as The Peak on the corner of Jells and Ferntree Gully Roads, Wheelers Hill; and (b) endorse the Monash City Council's decision to refuse the granting of such a permit, bearing 749 signatures (*Mr Wells*).

Petitions ordered to be tabled.

- 11 **PETITION — THE PEAK, CORNER JELLS AND FERNTREE GULLY ROADS, WHEELERS HILL** — Motion made and question — That the petition presented by the Member for Scoresby requesting that the House asks the Minister for Planning to — (a) intervene and call the case in, relating to the granting of a permit for the building of a nine storey housing development known as The Peak on the corner of Jells and Ferntree Gully Roads, Wheelers Hill; and (b) endorse the Monash City Council's decision to refuse the granting of such a permit be taken into consideration tomorrow (*Mr Wells*) — put and agreed to.

- 12 **DOCUMENTS** —

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — Ms D'Ambrosio, Chair, presented a report from the Scrutiny of Acts and Regulations Committee being the Alert Digest No 10 of 2004 on the:

Building (Cooling Towers and Plumbing) (Amendment) Bill
 Children and Young Persons (Koori Court) Bill
 Courts Legislation (Judicial Appointments and Other Amendments) Bill
 Energy Legislation (Amendment) Bill
 Major Crime (Investigative Powers) Bill
 Major Crime (Special Investigations Monitor) Bill
 Mildura College Lands (Amendment) Bill
 Multicultural Victoria Bill
 Planning and Environment (Development Contributions) Bill
 Water Efficiency Labelling and Standards Bill
 World Swimming Championships 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:

Financial Management Act 1994 — Report from the Minister for Finance that he had received the 2003–04 annual report of VicFleet Pty Ltd

Financial Management Act 1994 — Victorian General Government Sector — Quarterly Financial Report No 1 for the period ended 30 September 2004

Members of Parliament (Register of Interests) Act 1978 — Cumulative Summary of Returns 30 September 2004 — Ordered to be printed

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

Greater Bendigo Planning Scheme — No C38
 Kingston Planning Scheme — No C2
 Moonee Valley Planning Scheme — No C55

Public Employment Office — Report for the year 2003–04.

13 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Major Crime Legislation (Seizure of Assets) Bill without amendment.

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

Major Crime (Investigative Powers) Bill
 Pharmacy Practice Bill
 Planning and Environment (General Amendment) Bill
 State Concessions Bill
 Teaching Service (Conduct and Performance) Bill.

15 **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 Telecommunications Authority Bill
 Fair Trading (Enhanced Compliance) Bill.

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 18 November 2004:

Children and Young Persons (Koori Court) Bill
 Construction Industry Long Service Leave (Amendment) Bill
 Energy Legislation (Amendment) Bill
 Mildura College Lands (Amendment) Bill
 Transport Accident (Amendment) Bill
 World Swimming Championships Bill

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

Ordered — That the debate be adjourned until Tuesday 30 November 2004.

20 **PUBLIC ADMINISTRATION BILL** — 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 Clark)* — put and agreed to.

Ordered — That the debate be adjourned until Tuesday 30 November 2004.

21 **TRANSPORT ACCIDENT (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Prior notice having been given under SO 43, business was interrupted at 5.30 pm.

22 **MINISTERIAL STATEMENT — PLANNING VICTORIA'S FUTURE** — The Minister for Planning made a ministerial statement relating to planning Victoria's future, to which members responded.

23 **TRANSPORT ACCIDENT (AMENDMENT) BILL** — 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.

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

Commonwealth Powers (De Facto Relationships) Bill
Petroleum Products (Terminal Gate Pricing) (Amendment) Bill.

25 **CONSTRUCTION INDUSTRY LONG SERVICE LEAVE (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Under standing orders, Mr McIntosh 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.

- 26 **ADJOURNMENT** — The Acting Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.55 pm.

R W PURDEY
Clerk of the Legislative Assembly

JUDY MADDIGAN
Speaker

No 91 — Wednesday 17 November 2004

- 1 The Speaker took the Chair and read the Prayer.
- 2 **OCCUPATIONAL HEALTH AND SAFETY BILL** — Mr Hulls obtained leave to bring in a Bill '*to promote and improve standards for occupational health, safety and welfare, to repeal the **Occupational Health and Safety 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.
- 3 **DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:
 - Crown Land (Reserves) Act 1978* — Section 17DA Orders granting under s 17B licences over areas of the Toolangi Natural Interest Reserve (two orders)
 - Domestic Building (HIH) Indemnity Fund — Report for the year 2003–04
 - Victims of Crime Assistance Tribunal — Report for the year 2003–04
 - Victorian Civil and Administrative Tribunal — Report for the year 2003–04.
- 4 **STATEMENTS BY MEMBERS** — Statements by members were made.
- 5 **GRIEVANCES** — Question — That grievances be noted — put, after debate, and agreed to.
- 6 **STATEMENTS ON PARLIAMENTARY COMMITTEE REPORTS** — Statements were made on the following Committee Reports:
 - Public Accounts and Estimates Committee's Report on the 2004–05 Budget Estimates
 - Public Accounts and Estimates Committee's Report on the review of the Auditor-General's Special Report No 51 — Victorian Rural Ambulance Services: Fulfilling a vital community need
 - Economic Development Committee's Report on the Inquiry into the Economic Contribution of Victoria's Culturally Diverse Population.

- 7 **WORLD SWIMMING CHAMPIONSHIPS BILL** — 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.

- 8 **QUESTIONS** — (Under SO 55).

- 9 **WORLD SWIMMING CHAMPIONSHIPS BILL** — 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.

- 10 **CHILDREN AND YOUNG PERSONS (KOORI COURT) BILL** — 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 Perton*) — put and agreed to.

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

- 11 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 3 to 8 inclusive, be postponed until later this day.

- 12 **SAFETY ON PUBLIC LAND BILL** — 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 Perton*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 1 December 2004.

- 13 **GAMBLING REGULATION (FURTHER AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Pandazopoulos*).

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

Ordered — That the debate be adjourned until Wednesday 1 December 2004.

- 14 **MILDURA COLLEGE LANDS (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.

- 15 **CHILDREN AND YOUNG PERSONS (KOORI COURT) 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.

- 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

JUDY MADDIGAN
Speaker

No 92 — Thursday 18 November 2004

- 1 The Speaker took the Chair and read the Prayer.
- 2 **PETITION** — The Clerk announced that the following petition had been lodged for presentation:

Medical Practitioners Board — Requesting that the Government releases the Medical Practitioners Board of Victoria of its overlapping responsibility of investigating, hearing and judging public complaints against its colleagues and establishes, without delay, a truly independent 'body' to investigate, hear and judge such complaints against doctors and surgeons, bearing 1 signature (*Ms Barker*).

Ordered to be tabled.

- 3 **DOCUMENTS** —

HEALTH SERVICES COMMISSIONER — Motion made, by leave, and question — That the report of the Health Services Commissioner for the year 2003–04 be tabled (*Ms Pike*) — put and agreed to.

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

Audit Act 1994 — Report of the Auditor-General on the Finances of the State of Victoria, 2003–04 — Ordered to be printed

Austin Health — Report for the year 2003–04 (three documents)

Bayside Health — Report for the year 2003–04

Calvary Health Care Bethlehem — Report for the year 2003–04

Dental Health Services Victoria — Report for the year 2003–04

Eastern Health — Report for the year 2003–04

Health Services Act 1988 — Report of the Community Visitors for the year 2003–04 — Ordered to be printed

Intellectually Disabled Persons' Services Act 1986 — Report of the Community Visitors for the year 2003–04

Melbourne Health — Report for the year 2003–04

Mercy Public Hospitals Incorporated — Report for the year 2003–04 (three documents)

Northern Health — Report for the year 2003–04 (two documents)

Peninsula Health — Report for the year 2003–04 (two documents)

Peter MacCallum Cancer Centre — Report for the year 2003–04

Royal Victorian Eye and Ear Hospital — Report for the year 2003–04

Southern Health — Report for the year 2003–04

St Vincent's Health — Report for the year 2003–04 (four documents)

Statutory Rules under the following Acts:

Fair Trading Act 1999 — SR No 138

Fisheries Act 1995 — SR No 136

Land Conservation (Vehicle Control) Act 1972 — SR No 140

Magistrates' Court Act 1989 — SR No 137

Wildlife Act 1975 — SR No 139

Subordinate Legislation Act 1994 — Ministers' exemption certificates in relation to Statutory Rule Nos 136, 137, 138, 139, 140

Victorian Law Reform Commission — Final Report on Defences to Homicide — Ordered to be printed

Western Health — Report for the year 2003–04

Women's and Children's Health — Report for the year 2003–04.

- 4 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourns until Tuesday 30 November 2004 (*Mr Holding*) — put and agreed to.
- 5 **STATEMENTS BY MEMBERS** — Statements by members were made.
- 6 **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.
- 7 **ENERGY LEGISLATION (AMENDMENT) BILL** — 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 Savage*) — put and agreed to.

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

- 8 **HERITAGE (WORLD HERITAGE) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Ms Delahunty, Northcote*).

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

Ordered — That the debate be adjourned until Thursday 2 December 2004.

- 9 **ACCIDENT COMPENSATION 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 McIntosh*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 2 December 2004.

- 10 **HOUSING (HOUSING AGENCIES) BILL** — 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 Thursday 2 December 2004.

- 11 **TRANSPORT LEGISLATION (AMENDMENT) BILL** — 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 Thursday 2 December 2004.

- 12 **ENERGY LEGISLATION (AMENDMENT) BILL** — 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 **ENERGY LEGISLATION (AMENDMENT) BILL** — 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 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Electricity Industry (Wind Energy Development) Bill without amendment.

16 **CHILDREN AND YOUNG PERSONS (KOORI COURT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Allocation of time — The Acting Speaker advised that the time allocated for consideration of bills under the resolution of the House on Tuesday 16 November 2004 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 **CONSTRUCTION INDUSTRY LONG SERVICE LEAVE (AMENDMENT) BILL** — 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.

AYES 56

Ms Allan; Mr Andrews; Ms Barker; Ms Beard; Ms Beattie; Mr Bracks; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Hudson; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 25

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Mulder; Dr Naphine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

Bill sent to the Legislative Council and their agreement requested.

18 **OCCUPATIONAL HEALTH AND SAFETY 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 Doyle*) — put and agreed to.

Motion made and question proposed — That the debate be adjourned for two weeks (*Mr Hulls*).

Amendment proposed — That the words 'two weeks' be omitted with the view of inserting in their place the words 'three months' (*Mr Doyle*) — and, after debate —

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

The House divided.

AYES 54

Ms Allan; Mr Andrews; Ms Barker; Ms Beard; Ms Beattie; Mr Bracks; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Hudson; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lupton; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 25

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Mulder; Dr Naphine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

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

The House divided.

AYES 54

Ms Allan; Mr Andrews; Ms Barker; Ms Beard; Ms Beattie; Mr Bracks; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Hudson; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lupton; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 25

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Mulder; Dr Naphine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

Ordered — That the debate be adjourned until Thursday 2 December 2004.

19 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Electoral Legislation (Amendment) Bill without amendment.

- 20 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Cameron*) — put and agreed to.
- 21 **ADJOURNMENT** — The Deputy Speaker left the Chair, after debate, at 5.50 pm.

R W PURDEY
Clerk of the Legislative Assembly

JUDY MADDIGAN
Speaker

LEGISLATIVE ASSEMBLY OF VICTORIA

VOTES AND PROCEEDINGS Nos 93, 94 and 95

No 93 — Tuesday 30 November 2004

1 The House met according to the adjournment — The Speaker took the Chair and read the Prayer.

2 **QUESTIONS** — (Under SO 55).

3 **GEOHERMAL ENERGY RESOURCES BILL** — Mr Cameron obtained leave to bring in a Bill '*to facilitate and regulate geothermal energy exploration and extraction in Victoria, to amend the **Petroleum (Submerged Lands) Act 1982** and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.

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

Shipping Channel — Port Phillip Heads and Port Phillip Bay — Requesting that the House ensures the proposal to deepen the shipping channel at Port Phillip Heads and in Port Phillip Bay does not proceed because of the impact of that proposal on — (a) marine life in the bay; (b) health of bay users from exposure to high poisonous pollutants released from the disturbed seabeds and spread by tides and currents; and (c) the impact on the recently established Marine National Park, bearing 32 signatures (*Mr Jenkins*).

Petition ordered to be tabled.

5 **PETITION — SHIPPING CHANNEL — PORT PHILLIP HEADS AND PORT PHILLIP BAY** — Motion made and question — That the petition presented by the Member for Morwell requesting that the House ensures the proposal to deepen the shipping channel at Port Phillip Heads and in Port Phillip Bay does not proceed because of the impact of that proposal on — (a) marine life in the bay; (b) health of bay users from exposure to high poisonous pollutants released from the disturbed seabeds and spread by tides and currents; and (c) the impact on the recently established Marine National Park be taken into consideration tomorrow (*Mr Jenkins*) — put and agreed to.

6 **DOCUMENTS** —

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — Motion made, by leave, and question — That the Report of the Scrutiny of Acts and Regulations Committee on its Inquiry into Electronic Democracy — Report on the evidence obtained in North America, August 2004 be tabled (*Mr Leighton*) — put and agreed to.

Ordered to be printed.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — Ms D'Ambrosio, Chair, presented a report from the Scrutiny of Acts and Regulations Committee being the Alert Digest No 11 of 2004 on the:

Accident Compensation Legislation (Amendment) Bill
 Corrections and Major Crime (Investigative Powers) Acts (Amendment) Bill
 Emergency Services Telecommunications Authority Bill
 Fair Trading (Enhanced Compliance) Bill
 Gambling Regulation (Further Amendment) Bill
 Heritage (World Heritage) Bill
 Housing (Housing Agencies) Bill
 Legal Profession Bill
 Occupational Health and Safety Bill
 Parliamentary Superannuation Legislation (Reform) Bill
 Public Administration Bill
 Safety on Public Land Bill
 Transport Legislation (Amendment) Bill

together with appendices and minority reports.

Ordered to be tabled and printed.

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

Alexandra District Hospital — Report for the year 2003–04

Ballarat Health Services — Report for the year 2003–04, together with an explanation for the delay in tabling

Beaufort and Skipton Health Service — Report for the year 2003–04, together with an explanation for the delay in tabling (two documents)

Bendigo Health Care Group — Report for the year 2003–04

Boort District Hospital — Report for the year 2003–04

Border Groundwaters Agreement Review Committee — Report for the year 2003–04

Central Gippsland Health Service — Report for the year 2003–04

Coleraine District Health Services — Report for the year 2003–04, together with an explanation for the delay in tabling

East Wimmera Health Service — Report for the year 2003–04, together with an explanation for the delay in tabling (two documents)

Echuca Regional Health — Report for the year 2003–04

Edenhope and District Memorial Hospital — Report for the year 2003–04, together with an explanation for the delay in tabling

Financial Management Act 1994:

Report from the Minister for Health that she had received the 2003–04 annual report of the Dunmunkle Health Service, together with an explanation for the delay in tabling

Report from the Minister for Health that she had received the 2003–04 annual report of the South Gippsland Hospital

Gippsland Southern Health Service — Report for the year 2003–04 (two documents)

Goulburn Valley Health — Report for the year 2003–04 (two documents)

Inglewood and District Health Service — Report for the year 2003–04, together with an explanation for the delay in tabling

Latrobe Regional Hospital — Report for the year 2003–04

Maryborough District Health Service — Report for the year 2003–04 (two documents)

Mitcham-Frankston Project Act 2004 — Mitcham-Frankston Project Statement of Variation No 1

Orbost Regional Health — Report for the year 2003–04

Otway Health and Community Services — Report for the year 2003–04, together with an explanation for the delay in tabling

Parliamentary Committees Act 2003 — Response of the Minister for Corrections on the action taken with respect to the recommendations made by the Drugs and Crime Prevention Committee's Inquiry into Amphetamine and Party Drug Use in Victoria

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

Brimbank Planning Scheme — Nos C73, C77

Greater Geelong Planning Scheme — Nos C71, C99

Moonee Valley Planning Scheme — No C43

Moorabool Planning Scheme — No C9

Victoria Planning Provisions — No VC31

Rochester and Elmore District Health Service — Report for the year 2003–04

Statutory Rule under the *Crimes Act 1958* — SR No 141

Stawell Regional Health — Report for the year 2003–04, together with an explanation for the delay in tabling (two documents)

Subordinate Legislation Act 1994 — Minister's exemption certificate in relation to Statutory Rule No 130

Victorian Industry Participation Policy — Report for the year 2003–04

West Gippsland Healthcare Group — Report for the year 2003–04

West Wimmera Health Service — Report for the year 2003–04, together with an explanation for the delay in tabling

Wimmera Health Care Group — Report for the year 2003–04, together with an explanation for the delay in tabling (two documents).

The following proclamations fixing operative dates were tabled by the Clerk in accordance with an Order of the House dated 26 February 2003:

Major Crime (Investigative Powers) Act 2004 — Parts 1, 7, 8 (other than sections 75 and 97), 9, 10 (other than section 105) and 11 (other than section 130) on 16 November 2004 (*Gazette S237, 16 November 2004*)

Major Crime Legislation (Office of Police Integrity) Act 2004 — Parts 1, 2, 3, 4, 5 (other than section 12) and 10 on 16 November 2004 (*Gazette S237, 16 November 2004*)

Major Crime (Special Investigations Monitor) Act 2004 — Whole Act on 16 November 2004 (*Gazette S237, 16 November 2004*)

Primary Industries Legislation (Further Miscellaneous Amendments) Act 2004 — Sections 37, 38, 39, 40, 41, 42 and 43 on 1 December 2004 (*Gazette G47, 18 November 2004*).

- 7 **MESSAGE FROM THE GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that he had, on 23 November 2004, given the royal assent to the following bills, presented to him by the Clerk of the Parliaments:

Commonwealth Powers (De Facto Relationships) Bill
 Electoral Legislation (Amendment) Bill
 Electricity Industry (Wind Energy Development) Bill
 Major Crime Legislation (Seizure of Assets) Bill
 Petroleum Products (Terminal Gate Pricing) (Amendment) Bill.

- 8 **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 (Further Amendment) Bill
 Housing (Housing Agencies) Bill
 Occupational Health and Safety Bill
 Public Administration Bill
 Safety on Public Land Bill
 Transport Legislation (Amendment) Bill.

- 9 **DRUGS AND CRIME PREVENTION COMMITTEE — EXTENSION TO REPORTING DATE** — Motion made, by leave, and question — That the resolution of the House of 14 September 2004 providing that the Drugs and Crime Prevention Committee be required to present its report, upon Violence Associated with Motor Vehicle Use, to the Parliament no later than 7 December 2004, be amended so far as to require the report to be presented to the Parliament no later than 31 March 2005 (*Mr Batchelor*) — put and agreed to.

10 **RURAL AND REGIONAL SERVICES AND DEVELOPMENT COMMITTEE — EXTENSION TO REPORTING DATE** — Motion made, by leave, and question — That the resolution of the House of 31 March 2004 providing that the Rural and Regional Services and Development Committee be required to present its report, on the Impact on Life in Rural and Regional Victoria of Australian Rules Football, to the Parliament no later than 30 September 2004 be amended so far as to require the report to be presented to the Parliament no later than 31 December 2004 (*Mr Batchelor*) — put and agreed to.

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 2 December 2004:

Building (Cooling Towers and Plumbing) (Amendment) Bill
 Corrections and Major Crime (Investigative Powers) Acts (Amendment) Bill
 Emergency Services Telecommunications Authority Bill
 Fair Trading (Enhanced Compliance) Bill
 Legal Profession Bill
 Multicultural Victoria Bill
 Planning and Environment (Development Contributions) Bill
 Public Administration Bill.

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

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

13 **PLANNING AND ENVIRONMENT (DEVELOPMENT CONTRIBUTIONS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Under standing orders, Mr Baillieu 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.

Bill read a second time, considered in detail and agreed to without amendment, read a third time (*see pp 571, 574*).

Bill sent to the Legislative Council and their agreement requested.

14 **BUILDING (COOLING TOWERS AND PLUMBING) (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Under standing orders, Mr Baillieu announced an amendment to be proposed when the House considers the Bill in detail and requested that it be circulated. Amendment circulated.

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 572, 574*).

Bill sent to the Legislative Council and their agreement requested.

- 15 **MULTICULTURAL VICTORIA BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Under standing orders, Mr Thompson 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 Honeywood*) — put and agreed to.

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

- 16 **FAIR TRADING (ENHANCED COMPLIANCE) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Amendment proposed — That all the words after 'That' be omitted with the view of inserting in their place the words 'this House refuses to read this Bill a second time until there is an adequate period of consultation with the broader community and industry groups in particular, in relation to the effect of the compliance provisions proposed by the Bill' (*Mr Kotsiras*) — and, after debate —

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 10.47 pm.

R W PURDEY
Clerk of the Legislative Assembly

JUDY MADDIGAN
Speaker

No 94 — Wednesday 1 December 2004

- 1 The Speaker took the Chair and read the Prayer.
- 2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

Lawn Bowls Clubs and Associations — Requesting that the legislation pertaining to the *Equal Opportunity Act 1995* be amended so as to enable lawn bowls clubs and associations to conduct events designated as single gender events and/or mixed gender events, whenever desired and appropriate, and that when appropriate all these events continue in the same form to the State Championship level, bearing 222 signatures (*Mr Ingram*)

Motor Vehicle Registration Fees — Pensioner Concession — Requesting that the Government reverses its decision to halve the pensioner concession on car registration fees, bearing 151 signatures (*Mr Dixon*).

Petitions ordered to be tabled.

3 **DOCUMENTS** —

RURAL AND REGIONAL SERVICES AND DEVELOPMENT COMMITTEE — Mr Hardman, Chair, presented a report from the Rural and Regional Services and Development Committee on the Inquiry into Country Football, together with appendices, an extract from the proceedings, minority reports and minutes of evidence.

Ordered to be tabled and the report, appendices, extract from the proceedings and minority reports printed.

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

Audit Act 1994 — Auditor-General — Report on Results of 30 June 2004 financial statement and other audits — Ordered to be printed

Crown Land (Reserves) Act 1978 — Section 17DA Order granting under s 17D a lease over the area of the Williamstown Botanic Gardens Reserve.

4 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Liquor Control Reform (Underage Drinking and Enhanced Enforcement) Bill without amendment.

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

6 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE — TOURISM INDUSTRY** — The House was informed that Mr Helper had proposed that a definite matter of public importance be submitted to the House for discussion, namely —

'That this House commends the Bracks Government for its commitment to the tourism industry in Victoria, a commitment that has led to increased tourism numbers to Victoria, increased the economic value of the tourism industry, increased jobs in regional and rural Victoria as well as metropolitan areas, and the continued development of significant events throughout the state which has insured that:

- (1) Victoria is the place to be with record growth in tourism, out performing both New South Wales and Queensland in the growth of both visitor numbers and visitor nights for the year ending June 2004.
- (2) Victorian tourism has increased its economic contribution to the Victorian economy which is being shared by all regions of Victoria thus significantly promoting rural and regional growth and sustainable development.
- (3) Victoria is building on its reputation as a world class major events state.

- (4) Victoria can position itself to be the place to be for conferences especially given the Government's \$370 million investment in the new convention centre.
- (5) Victorian tourism business can invest in confidence knowing that they will be supported as a significant business sector.'

Mr Helper 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 on the 2004–05 Budget Estimates

Scrutiny of Acts and Regulations Committee's Inquiry into Electronic Democracy — Report on the Evidence obtained in North America, August 2004

Family and Community Development Committee's Report on the Inquiry on the Roles of Community Advisory Committees of Metropolitan Health Services

Rural and Regional Services and Development Committee's Report on the Inquiry into Country Football.

Business having been interrupted at 2.00 pm under standing orders.

8 **QUESTIONS** — (Under SO 55).

Prior notice having been given under SO 43, business was interrupted at 2.44 pm.

9 **MINISTERIAL STATEMENT — 150TH ANNIVERSARY OF EUREKA** — The Minister for the Arts made a ministerial statement relating to the 150th anniversary of Eureka, to which members responded.

10 **FAIR TRADING (ENHANCED COMPLIANCE) BILL** — Order read for resuming debate on question — That this Bill be now read a second time — *and on the amendment* — That all the words after 'That' be omitted with the view of inserting in their place the words 'this House refuses to read this Bill a second time until there is an adequate period of consultation with the broader community and industry groups in particular, in relation to the effect of the compliance provisions proposed by the Bill'; debate resumed.

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

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

11 **EMERGENCY SERVICES TELECOMMUNICATIONS AUTHORITY BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

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

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

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

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

- 12 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 3 to 6 inclusive, be postponed until later this day.

- 13 **GEOHERMAL ENERGY RESOURCES BILL** — 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 Wednesday 15 December 2004.

- 14 **CORRECTIONS AND MAJOR CRIME (INVESTIGATIVE POWERS) ACTS (AMENDMENT) BILL** — 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 — (a) retain the laudable amendments to the *Corrections Act 1986* in relation to prisoners' name changes; and (b) take into account the outcome of further consultation with the wider community about the effects of the proposed amendments to the *Major Crime (Investigative Powers) Act 2004*' (*Mr Wells*) — and, after debate —

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 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the World Swimming Championships Bill without amendment.

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

Under standing orders, Mr Savage 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 Clark*) — put and agreed to.

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

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

Mildura College Lands (Amendment) Bill
 Transport Accident (Amendment) Bill.

- 18 **PUBLIC ADMINISTRATION BILL** — 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 Mildenhall*) — put and agreed to.

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

- 19 **LEGAL PROFESSION BILL** — 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, and, after debate, read a third time (*see pp 572–4*).

Bill sent to the Legislative Council and their agreement requested.

- 20 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Construction Industry Long Service Leave (Amendment) Bill without amendment.

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 10.56 pm.

R W PURDEY
Clerk of the Legislative Assembly

JUDY MADDIGAN
Speaker

No 95 — Thursday 2 December 2004

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

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

Improved Train Services for Sandringham Line — Requesting that the House urges the Government to improve train services on the Sandringham line, bearing 172 signatures (*Mrs Shardey*)

Tunnel Link between Eastern and Tullamarine Freeways — Requesting that the House ensures the Government — (a) proceeds with planning and construction of a tunnel to link the Eastern and Tullamarine Freeways; and (b) considers other road proposals including tunnelled lanes under Hoddle Street and Punt Road, bearing 45 signatures (*Mr Perton*)

Physical Education in Schools — Requesting that the House takes action to ensure that the Government restores physical education to a discipline and positions it in the discipline core area in the Victorian Curriculum Reform being undertaken for the Minister for Education, bearing 203 signatures (*Mr Perton*)

Glenferrie Road, Hawthorn — Requesting that the House takes action to ensure that the Minister for Planning removes Glenferrie Road, Hawthorn from the list of Major Activity Centres, as published by the Department of Sustainability and Environment December 2003, and thus retains the amenity of Glenferrie Road, Hawthorn and surrounding precinct, bearing 198 signatures (*Mr Baillieu*).

Petitions ordered to be tabled.

3 **PETITION — IMPROVED TRAIN SERVICES FOR SANDRINGHAM LINE** — Motion made and question — That the petition presented by the Member for Caulfield requesting that the House urges the Government to improve train services on the Sandringham line be taken into consideration tomorrow (*Mrs Shardey*) — put and agreed to.

4 **PETITION — GLENFERRIE ROAD, HAWTHORN** — Motion made and question — That the petition presented by the Member for Hawthorn requesting that the House takes action to ensure that the Minister for Planning removes Glenferrie Road, Hawthorn from the list of Major Activity Centres, as published by the Department of Sustainability and Environment December 2003, and thus retains the amenity of Glenferrie Road, Hawthorn and surrounding precinct be taken into consideration tomorrow (*Mr Baillieu*) — put and agreed to.

5 **PETITION — TUNNEL LINK BETWEEN EASTERN AND TULLAMARINE FREEWAYS** — Motion made and question — That the petition presented by the Member for Doncaster requesting that the House ensures the Government — (a) proceeds with planning and construction of a tunnel to link the Eastern and Tullamarine Freeways; and (b) considers other road proposals including tunnelled lanes under Hoddle Street and Punt Road, be taken into consideration tomorrow (*Mr Perton*) — put and agreed to.

6 **PETITION — PHYSICAL EDUCATION IN SCHOOLS** — Motion made and question — That the petition presented by the Member for Doncaster requesting that the House takes action to ensure that the Government restores physical education to a discipline and positions it in the discipline core area in the Victorian Curriculum Reform being undertaken for the Minister for Education be taken into consideration tomorrow (*Mr Perton*) — 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 — Performance Audit Report — Meeting our future Victorian Public Service workforce needs — Ordered to be printed

Parliamentary Committees Act 2003 — Response of the Attorney-General on the action taken with respect to the recommendations made by the Law Reform Committee's Report on Administration of Justice Offences.

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

- 9 **PUBLIC ADMINISTRATION BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Question — put.

The House divided.

AYES 52

Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Hulls; Mr Jenkins; Mr Langdon; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 26

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Napthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

By leave, Bill immediately read a third time.

Bill sent to the Legislative Council and their agreement requested.

- 10 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Children and Young Persons (Koori Court) Bill without amendment.
- 11 **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.
- 12 **MULTICULTURAL VICTORIA BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Under standing orders, Mr Pandazopoulos 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 Perera*) — put and agreed to.

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

- 13 **CORRECTIONS AND MAJOR CRIME (INVESTIGATIVE POWERS) ACTS (AMENDMENT) BILL** — 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 — (a) retain the laudable amendments to the *Corrections Act 1986* in relation to prisoners' name changes; and (b) take into account the outcome of further consultation with the wider community about the effects of the proposed amendments to the *Major Crime (Investigative Powers) Act 2004*'; debate resumed.

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

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

- 14 **MULTICULTURAL VICTORIA BILL** — 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 **MULTICULTURAL VICTORIA BILL** — Debate continued on question — That this Bill be now read a second time.

Motion made and question — That the debate be now adjourned (*Dr Naphthine*) — put, after debate, and defeated.

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 30 November 2004 had expired.

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

The House divided.

AYES 75

Ms Allan; Mr Andrews; Ms Asher; Mr Baillieu; Ms Barker; Ms Beard; Ms Beattie; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Clark; Mr Cooper; Mr Crutchfield; Ms D'Ambrosio; Mr Delahunty (*Lowan*); Mr Dixon; Mr Donnellan; Mr Doyle; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Honeywood; Mr Hudson; Mr Hulls; Mr Jasper; Mr Jenkins; Ms Kosky; Mr Kotsiras; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lobato; Mr Lockwood; Mr Lupton; Mr McIntosh; Ms McTaggart; Ms Marshall; Mr Maughan; Mr Maxfield; Mr Merlino; Ms Morand; Mr Mulder; Ms Munt; Dr Naphthine; Mr Nardella; Ms Neville; Mr Pandazopoulos; Mr Perera; Mr Perton; Mr Plowman; Mrs Powell; Mr Robinson; Mr Ryan; Mr Seitz; Mrs Shardey; Mr Smith; Mr Stensholt; Dr Sykes; Mr Thompson; Mr Thwaites; Mr Trezise; Mr Walsh; Mr Wells; Mr Wynne.

NOES 2

Mr Ingram; Mr Savage.

Question agreed to.

Question — That Government amendment Nos 1 to 3 inclusive be agreed to and the Bill be read a third time— put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 17 **FAIR TRADING (ENHANCED COMPLIANCE) BILL** — Order read for resuming debate on question — That this Bill be now read a second time — *and on the amendment* — That all the words after 'That' be omitted with the view of inserting in their place the words 'this House refuses to read this Bill a second time until there is an adequate period of consultation with the broader community and industry groups in particular, in relation to the effect of the compliance provisions proposed by the Bill'.

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

The House divided.

AYES 53

Ms Allan; Mr Andrews; Ms Barker; Ms Beard; Ms Beattie; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Hudson; Mr Hulls; Mr Ingram; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Pandazopoulos; Mr Perera; Mr Robinson; Mr Savage; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wynne.

NOES 24

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Naphine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

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

The House divided.

AYES 53

Ms Allan; Mr Andrews; Ms Barker; Ms Beard; Ms Beattie; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Hudson; Mr Hulls; Mr Ingram; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Pandazopoulos; Mr Perera; Mr Robinson; Mr Savage; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wynne.

NOES 24

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Naphine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

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

Bill sent to the Legislative Council and their agreement requested.

- 18 **EMERGENCY SERVICES TELECOMMUNICATIONS AUTHORITY BILL** — 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 **CORRECTIONS AND MAJOR CRIME (INVESTIGATIVE POWERS) ACTS (AMENDMENT) BILL** — 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 — (a) retain the laudable amendments to the *Corrections Act 1986* in relation to prisoners' name changes; and (b) take into account the outcome of further consultation with the wider community about the effects of the proposed amendments to the *Major Crime (Investigative Powers) Act 2004*'.

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

The House divided.

AYES 53

Ms Allan; Mr Andrews; Ms Barker; Ms Beard; Ms Beattie; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Hudson; Mr Hulls; Mr Ingram; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Pandazopoulos; Mr Perera; Mr Robinson; Mr Savage; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wynne.

NOES 24

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Naphine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

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

Bill sent to the Legislative Council and their agreement requested.

- 20 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Thwaites*) — put and agreed to.
- 21 **ADJOURNMENT** — The Deputy Speaker left the Chair, after debate, at 5.01 pm.

R W PURDEY
Clerk of the Legislative Assembly

JUDY MADDIGAN
Speaker

LEGISLATIVE ASSEMBLY OF VICTORIA

CONSIDERATION IN DETAIL Supplement to Votes Nos 93, 94 and 95

No 93 — Tuesday 30 November 2004

PLANNING AND ENVIRONMENT (DEVELOPMENT CONTRIBUTIONS) BILL

Clauses 1 to 7 agreed to.

Clause 8, Mr Baillieu moved amendment No 1 (*see Schedule 1*).

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

Clause agreed to.

Clause 9, Mr Baillieu moved amendment No 2 (*see Schedule 1*).

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

The House divided.

AYES 57

Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Perera; Ms Pike; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 26

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Napthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

Clause agreed to.

Clauses 10 and 11 agreed to.

Bill agreed to without amendment.

BUILDING (COOLING TOWERS AND PLUMBING) (AMENDMENT) BILL

Clauses 1 to 19 agreed to.

Clause 20 — Question — That Clause 20 stand part of the Bill — put.

The House divided.

AYES 56

Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Perera; Ms Pike; Mr Robinson; Mr Savage; Mr Seitz; Mr Stensholt; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 24

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Naphine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

Clauses 21 and 22 agreed to.

Bill agreed to without amendment.

No 94 — Wednesday 1 December 2004

LEGAL PROFESSION BILL

Clauses 1.1.1 to 3.5.1 agreed to.

Clause 3.5.2, Mr Savage 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 Acting Speaker advised that, as amendment No 1 had been defeated, amendment Nos 2 to 4 inclusive could not be moved as they were consequential on amendment No 1.

Clause agreed to.

Clauses 3.5.3 to 7.2.17 agreed to.

Clause 8.1.1, Mr Savage moved amendment No 5 (*see schedule 2*).

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

The Acting Speaker advised that, as amendment No 5 had been defeated, amendment No 6 could not be moved as it was consequential on amendment No 5.

Clause agreed to.

Clauses 8.1.2 to 8.2.1 agreed to.

Schedules 1 and 2 agreed to.

Bill agreed to without amendment.

SCHEDULE OF AMENDMENTS MOVED

SCHEDULE 1

PLANNING AND ENVIRONMENT (DEVELOPMENT CONTRIBUTIONS) BILL

Amendments moved by Mr Baillieu

1. Clause 8, page 5, lines 11 to 13, omit sub-clause (2) and insert—
 - () In section 46Q(3) of the **Planning and Environment Act 1987**—
 - (a) for "may" **substitute** "must";
 - (b) after "paid to it" **insert** "as a development agency".
2. Clause 9, page 7, line 1, omit "may" and insert "must".

SCHEDULE 2

LEGAL PROFESSION BILL

Amendments moved by Mr Savage

1. Clause 3.5.2, lines 23 to 25, omit sub-clause (5).
5. Clause 8.1.1, lines 9 to 18, omit all words and expressions on these lines.

LEGISLATIVE ASSEMBLY OF VICTORIA

VOTES AND PROCEEDINGS Nos 96, 97 and 98

No 96 — Tuesday 7 December 2004

1 The Speaker took the Chair and read the Prayer.

2 **QUESTIONS** — (Under SO 55).

3 **CHANNEL DEEPENING (FACILITATION) BILL** — Mr Batchelor obtained leave to bring in a Bill '*to make provision for the carrying out of the deepening of channels providing shipping access to the port of Melbourne, to amend the **Port Services Act 1995** and for related purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.

4 **CORRECTIONS (TRANSITION CENTRES AND CUSTODIAL COMMUNITY PERMITS) BILL** — Mr Haermeyer obtained leave to bring in a Bill '*to amend the **Corrections 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.

5 **RETIREMENT VILLAGES (AMENDMENT) BILL** — Mr Hulls obtained leave to bring in a Bill '*to amend the **Retirement Villages Act 1986** 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:

Wonthaggi State Coal Mine Tourist Attraction — Requesting that the House takes action to provide Parks Victoria, Bass Coast Shire Council and Friends of the State Coal Mine with the means to carry out major upgrades to bring all underground operations and haulage and electrical equipment up to the same standard as a working mine in order to have the Wonthaggi State Coal Mine Tourist Attraction in working order so that underground tours can resume, bearing 297 signatures (*Mr Smith*)

Home Loan Schemes — Requesting that the Government sponsored Home Loan Schemes under the flawed new lending instrument called Capital Indexed Loans sold since 1984/85 under the sub-headings — CAPIL, Deferred Interest Scheme (DIS), Indexed Repayment Loan (IRL), Home Opportunity Loan Scheme (HOLS) and Shared Home Opportunity Scheme (SHOS) — (a) be recalculated; (b) have payment and interest set at affordable levels; and (c) be amended in order to assist the low income bracket Victorians the loans were meant to assist, bearing 9 signatures (*Mr Lockwood*)

Board of Inquiry Investigation into Home Loan Schemes — Requesting that — (a) the House initiates an independent board of inquiry with the scope to fully investigate the Government sponsored Home Loan Schemes; (b) the Minister for Housing ceases and desists from sending letters containing incorrect information to elected members; and (c) the legal representatives acting on behalf of the defendant in relation to claims brought by recipients of the Schemes be instructed to act as model litigants, bearing 9 signatures (*Mr Lockwood*)

Beach Renourishment Works, Sandringham — Requesting that the Government, in addition to providing funds for cliff stabilisation works proximate to the former Red Bluff Hotel in Sandringham, also provides funds for beach renourishment works to preserve and protect one of the great beach and scenic areas of Melbourne, bearing 4 signatures (*Mr Thompson*).

Petitions ordered to be tabled.

- 7 **PETITION — HOME LOAN SCHEMES** — Motion made and question — That the petition presented by the Member for Bayswater requesting that the Government sponsored Home Loan Schemes under the flawed new lending instrument called Capital Indexed Loans sold since 1984/85 under the sub-headings — CAPIL, Deferred Interest Scheme (DIS), Indexed Repayment Loan (IRL), Home Opportunity Loan Scheme (HOLS) and Shared Home Opportunity Scheme (SHOS) — (a) be recalculated; (b) have payment and interest set at affordable levels; and (c) be amended in order to assist the low income bracket Victorians the loans were meant to assist be taken into consideration tomorrow (*Mr Cooper*) — put and agreed to.
- 8 **PETITION — BOARD OF INQUIRY INVESTIGATION INTO HOME LOAN SCHEMES** — Motion made and question — That the petition presented by the Member for Bayswater requesting that — (a) the House initiates an independent board of inquiry with the scope to fully investigate the Government sponsored Home Loan Schemes; (b) the Minister for Housing ceases and desists from sending letters containing incorrect information to elected members; and (c) the legal representatives acting on behalf of the defendant in relation to claims brought by recipients of the Schemes be instructed to act as model litigants be taken into consideration tomorrow (*Mr Cooper*) — put and agreed to.
- 9 **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, December 2004

Ombudsman — Report of the Office for the year 2003–04 — Ordered to be printed

Parliamentary Committees Act 2003 — Response of the Minister for Education and Training on the action taken with respect to the recommendations made by the Education and Training Committee's Report of the Inquiry on the Impact of the High Levels of Unmet Demand for places in Higher Education Institutions on Victoria

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

Colac Otway Planning Scheme — No C35

Greater Dandenong Planning Scheme — No C31 Part 2
 Greater Shepparton Planning Scheme — No C47
 Hume Planning Scheme — No C51
 Kingston Planning Scheme — No C50
 Knox Planning Scheme — No C7
 Latrobe Planning Scheme — No C27 Part 1
 Moreland Planning Scheme — No C45
 Queenscliffe Planning Scheme — No C14
 Stonnington Planning Scheme — Nos C5 Part 2, C36

Statutory Rules under the following Acts:

Births, Deaths and Marriages Registration Act 1996 — SR No 143
National Parks Act 1975 — SR No 142

Subordinate Legislation Act 1994:

Minister's exception certificate in relation to Statutory Rule No 142
 Minister's exemption certificate in relation to Statutory Rule No 143

Victoria Grants Commission — Report for the year ended 31 August 2004.

The following proclamations fixing operative dates were tabled by the Clerk in accordance with an Order of the House dated 26 February 2003:

Death Notification Legislation (Amendment) Act 2004 — Remaining provisions on 26 November 2004 (*Gazette S246, 26 November 2004*)
Limitation of Actions (Adverse Possession) Act 2004 — Whole Act on 26 November 2004 (*Gazette S245, 26 November 2004*)
Mental Health (Amendment) Act 2003 — Part 2 on 6 December 2004 (*Gazette G49, 2 December 2004*).

10 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Energy Legislation (Amendment) Bill without amendment.

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

Children and Young Persons (Koori Court) Bill
 Construction Industry Long Service Leave (Amendment) Bill
 Energy Legislation (Amendment) Bill
 Liquor Control Reform (Underage Drinking and Enhanced Enforcement) Bill
 Mildura College Lands (Amendment) Bill
 Transport Accident (Amendment) Bill
 World Swimming Championships Bill.

12 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question proposed — 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 December 2004:

Accident Compensation Legislation (Amendment) Bill
 Gambling Regulation (Further Amendment) Bill
 Heritage (World Heritage) Bill
 Housing (Housing Agencies) Bill
 Occupational Health and Safety Bill
 Safety on Public Land Bill
 Transport Legislation (Amendment) Bill

(Mr Batchelor) — and, after debate —

Amendment proposed — That the words 'Occupational Health and Safety Bill' be omitted from the question *(Mr Ingram)*.

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

The House divided.

AYES 59

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty *(Northcote)*; Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Howard; Mr Hudson; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Loney; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 26

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty *(Lowan)*; Mr Dixon; Mr Doyle; Mr Honeywood; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Napthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

Original question — put.

The House divided.

AYES 59

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty *(Northcote)*; Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Howard; Mr Hudson; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Loney; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 26

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Napthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

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

14 **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.

15 **HERITAGE (WORLD HERITAGE) 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.

16 **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.

17 **GAMBLING REGULATION (FURTHER AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Under standing orders, Mr Smith 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 without amendment, read a third time (*see p 592–3*).

Bill sent to the Legislative Council and their agreement requested.

18 **ACCIDENT COMPENSATION 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.

19 **ACCIDENT COMPENSATION LEGISLATION (AMENDMENT) BILL** — The Acting Speaker announced that the Speaker had received a report from the Clerk that he had made the following correction in the Bill:

In Clause 5, page 7, line 25 I have inserted 'of' after 'purposes' so that the new section 104B(4) inserted by the clause reads: '(4) The worker must at the request of the Authority or

self-insurer attend an independent examination to be conducted by a medical practitioner referred to in section 91(1)(b) for the purposes of this section.'

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

Building (Cooling Towers and Plumbing) (Amendment) Bill
 Planning and Environment (Development Contributions) Bill.

- 21 **HOUSING (HOUSING AGENCIES) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Under standing orders, Mr Cameron 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 Kotsiras*) — put and agreed to.

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

- 22 **SAFETY ON PUBLIC LAND BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Under standing orders, Mr Honeywood 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.

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 10.44 pm.

R W PURDEY
Clerk of the Legislative Assembly

JUDY MADDIGAN
Speaker

No 97 — Wednesday 8 December 2004

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

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

Wonthaggi State Coal Mine Tourist Attraction — Requesting that the House takes action to provide Parks Victoria, Bass Coast Shire Council and Friends of the State Coal Mine with the means to carry out major upgrades to bring all underground operations and haulage and electrical equipment up to the same standard as a working mine in order to have the Wonthaggi State Coal Mine Tourist Attraction in working order so that underground tours can resume, bearing 299 signatures (*Mr Smith*)

School Site — Corner of Glencairn Drive and Barrymore Road, Greenvale — Requesting that the Government stops the sale or re-zoning of the school site on the corner of Glencairn Drive and Barrymore Road, Greenvale and commences plans for a high quality State secondary college servicing Greenvale and surrounding suburbs, bearing 2,531 signatures (*Mr Perton*)

Seat Belts for School Charter Buses — Requesting that the House enacts legislation making it mandatory that seat belts of approved Australian Standards are fitted to all buses available for charter to schools for the transporting of school students and supervising personnel, bearing 1,016 signatures (*Ms Marshall*)

Chicquita Park, Mentone — Requesting that the House asks the Government to ensure that the planning scheme process for the preservation of Chicquita Park, Mentone as a public open space is honoured, by working with the City of Kingston to restore this land as public parkland for the conservation of remnant native vegetation and for the open space needs of the community, bearing 1,537 signatures (*Ms Munt*)

Royal Avenue Beach, Sandringham — Requesting that the House ensures that Royal Avenue Beach, Sandringham is renourished with sand from an inland quarry, as was done with the Edward Street Beach, and which would cost considerably less than the Department of Sustainability and Environment's sea wall and revetment scheme, bearing 601 signatures (*Mr Thompson*).

Petitions ordered to be tabled.

- 3 **PETITION — WONTHAGGI STATE COAL MINE TOURIST ATTRACTION** — Motion made and question — That the petition presented by the Member for Bass requesting that the House takes action to provide Parks Victoria, Bass Coast Shire Council and Friends of the State Coal Mine with the means to carry out major upgrades to bring all underground operations and haulage and electrical equipment up to the same standard as a working mine in order to have the Wonthaggi State Coal Mine Tourist Attraction in working order so that underground tours can resume be taken into consideration tomorrow (*Mr Smith*) — put and agreed to.
- 4 **PETITION — SEAT BELTS FOR SCHOOL CHARTER BUSES** — Motion made and question — That the petition presented by the Member for Forest Hill requesting that the House enacts legislation making it mandatory that seat belts of approved Australian Standards are fitted to all buses available for charter to schools for the transporting of school students and supervising personnel be taken into consideration tomorrow (*Ms Marshall*) — put and agreed to.
- 5 **PETITION — ROYAL AVENUE BEACH, SANDRINGHAM** — Motion made and question — That the petition presented by the Member for Sandringham requesting that the House ensures that Royal Avenue Beach, Sandringham is renourished with sand from an

inland quarry, as was done with the Edward Street Beach, and which would cost considerably less than the Department of Sustainability and Environment's sea wall and revetment scheme be taken into consideration tomorrow (*Mr Thompson*) — 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 — Performance Audit Report — Managing school attendance — Ordered to be printed

Mental Health Act 1986 — Report of the Community Visitors for the year 2003–04

Mitcham-Frankston Project Act 2004 — Orders varying the Project Area and the Extended Project Area (two orders)

Murray-Darling Basin Commission — Report for the year 2002–03

Statutory Rules under the following Acts:

Domestic Building Contracts Act 1995 — SR No 146

Drugs, Poisons and Controlled Substances Act 1981 — SR No 150

Marine Act 1988 — SR No 152

Mental Health Act 1986 — SR No 149

Royal Botanic Gardens Act 1991 — SR No 148

Supreme Court Act 1986 — SR Nos 144, 145

Transport Act 1983 — SR No 151

Wildlife Act 1975 — SR No 147

Subordinate Legislation Act 1994:

Minister's exception certificates in relation to Statutory Rule Nos 144, 145, 153

Ministers' exemption certificates in relation to Statutory Rule Nos 146, 149, 151.

7 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Legal Profession Bill without amendment.

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

9 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE — ENVIRONMENT EFFECTS STATEMENT PROCESS** — The House was informed that Mr Honeywood had proposed that a definite matter of public importance be submitted to the House for discussion, namely —

'That this House —

- (1) Condemns the Bracks Labor Government for its lack of commitment to a comprehensive, transparent, accountable and up-to-date Environment Effects Statement (EES) process in that it has failed to release the final report and recommendations of the Environment Assessment Review Committee for over two years; and

- (2) Notes that, as a result, proposed major State Government infrastructure projects and environment programs such as channel deepening, toxic waste containment facility, waste water recycling, wind farm developments and bushfire remediation are subject to flawed assumptions, analysis and approval; and
- (3) Demands that the Bracks Government immediately publicly releases its EES review report and either implements or publicly rejects the Environment Assessment Review Committee's findings.'

Mr Honeywood 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 2002–03 Budget Outcomes

Road Safety Committee's Report on the Inquiry into Road Safety for Older Road Users

Drugs and Crime Prevention Committee's Report on the Inquiry into Amphetamine and 'Party Drug' Use in Victoria

Public Accounts and Estimates Committee's Report on the 2004–05 Budget Estimates

Rural and Regional Services and Development Committee's Report on the Inquiry into Country Football.

11 **SAFETY ON PUBLIC LAND BILL** — 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 **SAFETY ON PUBLIC LAND BILL** — Resumption of debate on question — That this Bill be now read a second time.

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

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

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

15 **CORRECTIONS (TRANSITION CENTRES AND CUSTODIAL COMMUNITY PERMITS) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Haermeyer*).

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

Ordered — That the debate be adjourned until Wednesday 22 December 2004.

- 16 **SAFETY ON PUBLIC LAND BILL** — 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.

- 17 **TRANSPORT LEGISLATION (AMENDMENT) BILL** — 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.

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.

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 Langdon*) — put and agreed to.

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

- 18 **OCCUPATIONAL HEALTH AND SAFETY BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

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

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

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 10.51 pm.

R W PURDEY
Clerk of the Legislative Assembly

JUDY MADDIGAN
Speaker

No 98 — Thursday 9 December 2004

- 1 The Speaker took the Chair and read the Prayer.
- 2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

Wonthaggi State Coal Mine Tourist Attraction — Requesting that the House takes action to provide Parks Victoria, Bass Coast Shire Council and Friends of the State Coal Mine with the means to carry out major upgrades to bring all underground operations and haulage and electrical equipment up to the same standard as a working mine in order to have the Wonthaggi State Coal Mine Tourist Attraction in working order so that underground tours can resume, bearing 379 signatures (*Mr Smith*)

Physical Education in Schools — Requesting that the House takes action to ensure that the Government restores physical education to a discipline and positions it in the discipline core area in the Victorian Curriculum Reform being undertaken for the Minister for Education, bearing 94 signatures (*Mr Perton*)

Frankston Central Activity District — Requesting that the House works with Frankston Traders and Frankston City Council to ensure — (a) time-limited free parking in the Frankston Central Activity District; and (b) better street lighting to allow for an attractive and competitive shopping precinct, bearing 1,889 signatures (*Mr Harkness*).

Petitions ordered to be tabled.

- 3 **PETITION — WONTHAGGI STATE COAL MINE TOURIST ATTRACTION** — Motion made and question — That the petition presented by the Member for Bass requesting that the House takes action to provide Parks Victoria, Bass Coast Shire Council and Friends of the State Coal Mine with the means to carry out major upgrades to bring all underground operations and haulage and electrical equipment up to the same standard as a working mine in order to have the Wonthaggi State Coal Mine Tourist Attraction in working order so that underground tours can resume be taken into consideration tomorrow (*Mr Smith*) — put and agreed to.

- 4 **DOCUMENTS** —

DRUG PREVENTION COUNCIL — Motion made, by leave, and question — That the report from the Premier's Drug Prevention Council for the year 2003–04 be tabled (*Mr Batchelor*) — put and agreed to.

AUSTRALIAN CATHOLIC UNIVERSITY — Motion made, by leave, and question — That the report from the Australian Catholic University for the year 2003 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:

Adult Parole Board — Report for the year 2003–04

Consumer Affairs Victoria — Report for the year 2003–04 — Ordered to be printed

East Grampians Health Service — Report for the year 2003–04 together with an explanation for the delay in tabling

Financial Management Act 1994 — Reports from the Minister for Health that she had received the 2003–04 annual reports together with an explanation for the delay in tabling of the:

Chinese Medicine Registration Board
Chiropractors Registration Board

Freedom of Information Act 1982 — Report of the Attorney-General on the operation of the Act for the year 2003–04

Portland District Health — Report for the year 2003–04 together with an explanation for the delay in tabling

Statutory Rule under the *Magistrates' Court Act 1989* — SR No 153

Subordinate Legislation Act 1994:

Minister's exemption certificate in relation to Statutory Rule No 134
Subordinate Legislation Guidelines under s 26

Victoria Law Foundation — Report for the year 2003–04

Victorian Environmental Assessment Council — Final report for the Angahook-Otway Investigation.

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

Multicultural Victoria Bill
Emergency Services Telecommunications Authority Bill
Corrections and Major Crime (Investigative Powers) Acts (Amendment) Bill.

- 6 **ECONOMIC DEVELOPMENT COMMITTEE — EXTENSION TO REPORTING DATE** — Motion made, by leave, and question — That the resolution of the House of 3 June 2003 providing that the Economic Development Committee be required to present its report, upon the Inquiry into Labour Hire Employment in Victoria, to the Parliament no later than 31 December 2004, be amended so far as to require the report to be presented to the Parliament no later than 31 May 2005 (*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 **CHANNEL DEEPENING (FACILITATION) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Batchelor*).

Mr Batchelor 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 Honeywood*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 23 December 2004.

- 10 **RETIREMENT VILLAGES (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 Kotsiras*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 23 December 2004.

- 11 **HOUSING (HOUSING AGENCIES) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

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

The House divided.

AYES 25

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Napthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

NOES 53

Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms Marshall; Mr Maxfield; Mr Mildenhall; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Savage; Mr Seitz; Mr Stensholt; Mr Trezise; Mr Wynne.

Question defeated.

Debate resumed 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 defeated.

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

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

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

- 12 **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.

- 13 **TRANSPORT LEGISLATION (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Under standing orders, Mr Batchelor announced further amendments to be proposed when the House considers the Bill in detail and requested that they be circulated. Further 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 Dixon*) — put and agreed to.

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

- 14 **OCCUPATIONAL HEALTH AND SAFETY BILL** — 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 **OCCUPATIONAL HEALTH AND SAFETY BILL** — Debate resumed on question — That this Bill be now read a second time.

Question — put.

The House divided.

AYES 56

Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Wilson; Mr Wynne.

NOES 26

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Naphthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

Bill considered in detail (*see p 592*).

Allocation of time — The Deputy Speaker advised that the time allocated for consideration of bills under the resolution of the House on Tuesday 7 December 2004 had expired.

Question — That Clause 1 be agreed to — put.

The House divided.

AYES 58

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Wilson; Mr Wynne.

NOES 26

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Napthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

Question — That Clauses 2 to 186 inclusive and Government amendment Nos 1 to 45 inclusive be agreed to and the Bill be agreed to with amendments — put.

The House divided.

AYES 58

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Wilson; Mr Wynne.

NOES 26

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Napthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

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

The House divided.

AYES 58

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Wilson; Mr Wynne.

NOES 26

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Napthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 17 **HOUSING (HOUSING AGENCIES) BILL** — 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 read a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 18 **SAFETY ON PUBLIC LAND BILL** — 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 LEGISLATION (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time, Government amendment Nos 1 to 5 inclusive and Government further amendment Nos 1 to 4 inclusive be agreed to and the Bill be read a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

20 **DOCUMENT** —

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — Ms D'Ambrosio, Chair, presented a report from the Scrutiny of Acts and Regulations Committee being Discrimination in the Law, Inquiry under s 207 of the *Equal Opportunity Act 1995*, Progress Report: Summary of Submissions, Statutory Compliance Defences and Human Rights Protections, together with appendices, minority report and an extract from the proceedings.

Ordered to be tabled and printed.

21 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Public Administration Bill without amendment.22 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Holding*) — put and agreed to.23 **ADJOURNMENT** — The Deputy Speaker left the Chair, after debate, at 6.03 pm.

R W PURDEY
Clerk of the Legislative Assembly

JUDY MADDIGAN
Speaker

LEGISLATIVE ASSEMBLY OF VICTORIA

CONSIDERATION IN DETAIL Supplement to Votes Nos 96, 97 and 98

No 96 — Tuesday 7 December 2004

GAMBLING REGULATION (FURTHER AMENDMENT) BILL

Clauses 1 to 34 agreed to.

Clause 35, Mr Smith moved the amendment (*see Schedule*).

Question — That the amendment be agreed to — put.

The House divided.

AYES 24

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Naphine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

NOES 51

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Ms Garbutt; Ms Gillett; Ms Green; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Leighton; Mr Lim; Ms Lobato; Mr Lockwood; Mr Lupton; Ms Marshall; Mr Maxfield; Mr Mildenhall; Ms Morand; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Savage; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Wilson; Mr Wynne.

Question defeated.

Clause agreed to.

Clauses 36 to 49 agreed to.

Bill agreed to without amendment.

No 98 — Thursday 9 December 2004

OCCUPATIONAL HEALTH AND SAFETY BILL

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 7 December had expired (for remaining stages see pp 589–90).

SCHEDULE OF AMENDMENT MOVED

GAMBLING REGULATION (FURTHER AMENDMENT) BILL

Amendment moved by Mr Smith

Clause 35, line 17, after "is" insert "to table in each House of the Parliament all results from its research and its reports to Government within 2 months of the results or reports, as the case may be, being presented to Government and".

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LEGISLATIVE ASSEMBLY OF VICTORIA

VOTES AND PROCEEDINGS Nos 99, 100 and 101

No 99 — Tuesday 22 February 2005

- 1 The House met in accordance with the terms of the resolution of 9 December 2004, 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 **QUESTIONS** — (Under SO 55).
- 3 **SUSPENSION OF STANDING ORDERS** — Motion made, by leave, and question — That so much of standing orders be suspended today so far as may be necessary to permit:
 - (1) The immediate introduction and second reading of the Serious Sex Offenders Monitoring Bill; and
 - (2) Discussion on a motion of condolence concerning the Boxing Day tsunami victims and:
 - (a) The Premier, in moving the motion, to speak for no more than 10 minutes, the Leader of the Opposition, and the Leader of The Nationals to speak for no more than 10 minutes each in response, and any other members to speak for no more than five minutes each in response.
 - (b) At the conclusion of all speeches permitted by paragraph (a), the Chair will immediately put the question or questions required to dispose of the motion.
 - (c) Formal business to be deferred and to take place immediately after the responses, followed by other business set out in standing orders.
- 4 **SERIOUS SEX OFFENDERS MONITORING BILL** — Mr Holding obtained leave to bring in a Bill '*to enhance the protection of the community by requiring offenders who have served custodial sentences for certain sexual offences and who are a serious danger to the community to be subject to ongoing supervision while in the community, to amend the Corrections Act 1986 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 immediately.
- 5 **SERIOUS SEX OFFENDERS MONITORING BILL** — 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.

6 **BOXING DAY TSUNAMI CONDOLENCE** — Motion made and question — That this House:

- (1) Expresses its deepest condolences at the tragic loss of life and devastation suffered by countries around the Indian Ocean due to the Boxing Day tsunami disaster;
- (2) Extends to all people from the affected countries and the many tourists and their families who lost loved ones its deepest sympathy and wishes a speedy recovery to the injured;
- (3) Mourns those Victorians who lost their lives following the tsunami and shares in the grief of the families of these Victorian victims;
- (4) Expresses its gratitude to all Victorians for the unprecedented outpouring of support by volunteering to provide care for the survivors and the generous contributions of millions of dollars towards the rebuilding effort;
- (5) Commits itself to work closely with the countries affected by the disaster to assist with their long-term reconstruction.

(*Mr Bracks*) — put, after honourable members had addressed the House in support of the motion and, the Speaker and honourable members standing in their places in silence to signify their assent, agreed to unanimously.

7 **ELECTORAL COMMISSIONER** — The Speaker advised that, on 24 January 2005, she administered to Steven Hunter Tully, the Electoral Commissioner, the Oath required by s 16(4) of the *Electoral Act 2002*.

8 **MITCHAM-FRANKSTON PROJECT (AMENDMENT) BILL** — Mr Batchelor obtained leave to bring in a Bill '*to amend the Mitcham-Frankston Project Act 2004, the Road Management Act 2004 and the Southern and Eastern Integrated Transport Authority Act 2003 and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.

9 **HEALTH (COMPULSORY TESTING) BILL** — Mr Batchelor obtained leave to bring in a Bill '*to amend the Health Act 1958 to make further provision for the compulsory testing of patients for specified infectious diseases*'; and the Bill was read a first time and ordered to be read a second time tomorrow.

10 **CHARITIES (AMENDMENT) BILL** — Mr Hulls obtained leave to bring in a Bill '*to make miscellaneous amendments to the Charities Act 1978 and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.

11 **CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES) (ENFORCEMENT) (AMENDMENT) BILL** — Mr Hulls obtained leave to bring in a Bill '*to amend the Classification (Publications, Films and Computer Games) (Enforcement) Act*

1995, the Crimes Act 1958 and the Confiscation Act 1997 and for other purposes'; and the Bill was read a first time and ordered to be read a second time tomorrow.

- 12 **COURTS LEGISLATION (JUDICIAL CONDUCT) BILL** — Mr Hulls obtained leave to bring in a Bill '*to amend the Constitution Act 1975 to make fresh provision with respect to the grounds for the removal from office of judicial office holders, provide for the appointment of an investigating committee and give an entitlement to re-appointment to a judicial office to the holder of an abolished judicial office, to amend the Supreme Court Act 1986, the County Court Act 1958, the Magistrates' Court Act 1989 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.
- 13 **LEGAL PROFESSION (CONSEQUENTIAL AMENDMENTS) BILL** — Mr Hulls obtained leave to bring in a Bill '*to amend the Legal Profession Act 2004 and to amend other Acts as a consequence of the passage of the Legal Profession 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.
- 14 **OUTWORKERS (IMPROVED PROTECTION) (AMENDMENT) BILL** — Mr Hulls obtained leave to bring in a Bill '*to amend the Outworkers (Improved Protection) Act 2003 to ensure that outworkers receive the minimum entitlements contained in any relevant federal awards and for other purposes'*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 15 **NATIONAL ELECTRICITY (VICTORIA) BILL** — Mr Brumby obtained leave to bring in a Bill '*to make provision for the operation of the national electricity market, to repeal the National Electricity (Victoria) Act 1997, to amend the Electricity Industry Act 2000, the Electricity Industry (Residual Provisions) Act 1993 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.
- 16 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

Frankston Central Activity District — Requesting that the House works with Frankston Traders and Frankston City Council to ensure — (a) time-limited free parking in the Frankston Central Activity District; and (b) better street lighting to allow for an attractive and competitive shopping precinct, bearing 3,440 signatures (*Mr Harkness*)

Aquatic Centre in Frankston — Requesting that the Government, in consultation with Frankston City Council and local community groups, facilitates the building of an aquatic centre in Frankston, bearing 19 signatures (*Mr Harkness*)

Venus Bay and Maher's Landing, Anderson Inlet, Gippsland — Requesting that the proposed residential canal and lake developments at Venus Bay and Maher's Landing on Anderson Inlet in Gippsland be rejected and that all future large scale residential developments of a similar nature be prohibited, bearing 3,520 signatures (*Mr Ryan*)

Channel Deepening in Port Phillip Bay, The Rip and the Yarra River — 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; (b) alternative solutions making better use of a mix

of interstate rail from existing deep water ports and sea transport are engaged; and (c) the Minister for Planning makes public the findings of the Environment Effects Statement (EES) Independent Panel, due for release in February 2005, as soon as the Panel provides its report to the Government, bearing 16,043 signatures (*Mr Lupton*).

Petitions ordered to be tabled.

17 **PETITION — FRANKSTON CENTRAL ACTIVITY DISTRICT** — Motion made and question — That the petition presented by the Member for Frankston be taken into consideration tomorrow (*Mr Harkness*) — put and agreed to.

18 **PETITION — AQUATIC CENTRE IN FRANKSTON** — Motion made and question — That the petition presented by the Member for Frankston be taken into consideration tomorrow (*Mr Harkness*) — put and agreed to.

19 **PETITION — CHANNEL DEEPENING IN PORT PHILLIP BAY, THE RIP AND THE YARRA RIVER** — Motion made and question — That the petition presented by the Member for Prahran be taken into consideration tomorrow (*Mr Cooper*) — put and agreed to.

20 **DOCUMENTS** —

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — Ms D'Ambrosio, Chair, presented a report from the Scrutiny of Acts and Regulations Committee being the Alert Digest No 1 of 2005 on the:

Channel Deepening (Facilitation) Bill
 Corrections (Transition Centres and Custodial Community Permits) Bill
 Geothermal Energy Resources Bill
 Housing (Housing Agencies) Bill
 Major Crime (Investigative Powers) Bill
 Occupational Health and Safety Bill
 Public Administration Bill
 Retirement Villages (Amendment) Bill
 Safety on Public Land Bill
 Statute Law Revision Bill
 Victorian Civil and Administrative Tribunal (Amendment) Bill

together with appendices.

Ordered to be tabled and printed.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — Ms D'Ambrosio, Chair, presented a report from the Scrutiny of Acts and Regulations Committee on the Statute Law Revision 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:

Commissioner for Environmental Sustainability — Strategic Audit of Victorian Government Agencies' Environmental Management Systems

Dandenong Development Board — Report for the year 2003–04

Environment Protection Act 1970 — Order declaring Waste Management Policy (Siting, Design and Management of Landfills) (*Gazette S264, 14 December 2004*)

Ethical Clothing Trades Council of Victoria — Report for the year ended 1 November 2004

Financial Management Act 1994:

Budget Update for the year 2004–05

Response by the Minister for Finance to the Auditor-General's Reports issued during 2003–04

Geoffrey Gardiner Dairy Foundation Limited — Report for the year 2003–04 (two documents)

Heywood Rural Health — Report for the year 2003–04, together with an explanation for the delay in tabling

Interpretation of Legislation Act 1984 — Notice under s 32(3)(a)(iii) in relation to Statutory Rule No 175

Legal Practice Act 1996 — Practitioner Remuneration Order under s 113

Ombudsman Act 1973:

Report on the Essendon Rental Housing Co-operative — Ordered to be printed

Report on a Complaint about the Medical Practitioners Board of Victoria — Ordered to be printed

Parliamentary Committees Act 2003:

Economic and Development Committee — Interim Report, as amended, on the Inquiry into Labour Hire Employment in Victoria, together with appendices and minutes of evidence

Report and appendices ordered to be printed

Public Accounts and Estimates Committee:

Report for the year 2003–04 — Ordered to be printed

Report on the Review of the Auditor-General's performance audit report — Services for people with an intellectual disability — Ordered to be printed

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

Alpine Resorts Planning Scheme — No C5
Ararat Planning Scheme — No C10
Ballarat Planning Scheme — Nos C71, C73 Part 1
Baw Baw Planning Scheme — No C30
Bayside Planning Scheme — No C40
Boroondara Planning Scheme — Nos C45, C60
Brimbank Planning Scheme — No C32
Cardinia Planning Scheme — Nos C47, C61
Casey Planning Scheme — Nos C62, C63
East Gippsland Planning Scheme — No C32
Frankston Planning Scheme — No C21
Gannawarra Planning Scheme — Nos C7, C10
Glenelg Planning Scheme — No C12
Greater Bendigo Planning Scheme — No C37
Greater Geelong Planning Scheme — Nos C49, C52, C104
Greater Shepparton Planning Scheme — Nos C46, C49, C52
Hobsons Bay Planning Scheme — No C31 Part 1
Hume Planning Scheme — No C46
Kingston Planning Scheme — No C10
Knox Planning Scheme — No C31 Part 1
Latrobe Planning Scheme — No C29
Loddon Planning Scheme — No C9
Manningham Planning Scheme — No C29
Melbourne Planning Scheme — Nos C99, C100, C101
Mildura Planning Scheme — Nos C26, C29 Part 1
Monash Planning Scheme — No C44
Moonee Valley Planning Scheme — Nos C35, C53 Part 1, C54, C70
Moorabool Planning Scheme — No C28
Moreland Planning Scheme — Nos C28, C41, C51, C52
Mornington Peninsula Planning Scheme — No C71
Mount Alexander Planning Scheme — No C27
Murrindindi Planning Scheme — No C10
Nillumbik Planning Scheme — Nos C20, C26
Northern Grampians Planning Scheme — No C4
Port Phillip Planning Scheme — No C51
South Gippsland Planning Scheme — Nos C17, C24, C25
Strathbogrie Planning Scheme — Nos C17, C18, C40
Surf Coast Planning Scheme — No C21
Towong Planning Scheme — Nos C5 Part 2, C12
Victoria Planning Provisions — No VC32
Wangaratta Planning Scheme — No C25
Wellington Planning Scheme — No C20
West Wimmera Planning Scheme — No C6
Whitehorse Planning Scheme — Nos C40, C52 Part 1
Whittlesea Planning Scheme — No C62
Wodonga Planning Scheme — Nos C29, C36
Wyndham Planning Scheme — No C63
Yarra Planning Scheme — No C90

Yarra Ranges Planning Scheme — No C35 Part 2

Prevention of Cruelty to Animals Act 1986 — Code of Practice for the Welfare of Animals on Private Game Reserves licensed to hunt game birds

Road Management Act 2004 — Codes of Practice for:

Management of Road and Utility Infrastructure in Road Reserves
Operational Responsibility for Public Roads
Worksite Safety — Traffic Management

Road Safety Act 1986 — Order declaring certain electric scooters not to be motor vehicles

Robinvale District Health Services — Report for the year 2003–04, together with an explanation for the delay in tabling

Statutory Rules under the following Acts:

Agricultural and Veterinary Chemicals (Control of Use) Act 1992 — SR No 155

Births, Deaths and Marriages Registration Act 1996 — SR No 179

Building Act 1993 — SR No 174

Confiscation Act 1997 — SR No 164

Conservation, Forests and Lands Act 1987 — SR No 172

Co-operative Housing Societies Act 1958 — SR No 3/2005

County Court Act 1958 — SR Nos 180, 181

Credit Act 1984 — SR No 165

Credit (Administration) Act 1984 — SR No 167

Domestic (Feral and Nuisance) Animals Act 1994 — SR No 162

Electricity Safety Act 1998 — SR Nos 182, 183

Evidence Act 1958 — SR No 156

Fair Trading Act 1999 — SR No 168

Health Act 1958 — SR No 4/2005

Health Services Act 1988 — SR No 173

Land Tax Act 1958 — SR Nos 160, 161

Magistrates' Court Act 1989 — SR No 163

Mental Health Act 1986 — SR No 157

Motor Car Traders Act 1986 — SR No 169

Petroleum (Submerged Lands) Act 1982 — SR No 175

Road Management Act 2004 — SR Nos 176, 177

Road Safety Act 1986 — SR Nos 158, 159, 178, 184

Second-Hand Dealers and Pawnbrokers Act 1989 — SR No 170

Subordinate Legislation Act 1994 — SR Nos 1, 2/2005

Travel Agents Act 1986 — SR Nos 166, 171

Victorian Civil and Administrative Tribunal Act 1998 — SR No 154

Subordinate Legislation Act 1994:

Ministers' exception certificates in relation to Statutory Rule Nos 154, 163, 174, 180, 181, 1, 2/2005

Ministers' exemption certificates in relation to Statutory Rule Nos 128, 155, 156, 157, 158, 159, 162, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 175, 176, 177, 179, 4/2005

Wrongs Act 1958 — Notice of scale of fees and costs for referrals of medical questions to medical panels (*Gazette G2, 13 January 2005*).

The following proclamations fixing operative dates were tabled by the Clerk in accordance with an Order of the House dated 26 February 2003:

Animals Legislation (Animal Welfare) Act 2003 — Section 20(1) on 16 December 2004 (*Gazette G51, 16 December 2004*)

Public Administration Act 2004 — Sections 1 and 2 and Part 9 on 21 December 2004 (*Gazette S275, 21 December 2004*)

Royal Agricultural Showgrounds Act 2003 — Whole Act other than Part 6 on 30 December 2004 (*Gazette G52, 23 December 2004*)

Transport Accident (Amendment) Act 2004 — Sections 11, 12 and 13 on 16 December 2004; sections 5, 6, 8, 9, 14, 15 and 17 on 1 January 2005; and sections 10, 23 and 24 on 1 March 2005 (*Gazette G51, 16 December 2004*)

Transport Legislation (Amendment) Act 2004 — Part 12 on 1 February 2005 (*Gazette G3, 20 January 2005*)

World Swimming Championships Act 2004 — Whole Act on 16 February 2005 (*Gazette G6, 10 February 2005*).

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

Accident Compensation Legislation (Amendment) Bill
 Fair Trading (Enhanced Compliance) Bill
 Gambling Regulation (Further Amendment) Bill
 Heritage (World Heritage) Bill
 Housing (Housing Agencies) Bill
 Occupational Health and Safety Bill
 Safety on Public Land Bill
 Transport Legislation (Amendment) Bill.

- 22 **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 December 2004

Building (Cooling Towers and Plumbing) (Amendment) Bill
 Corrections and Major Crime (Investigative Powers) Acts (Amendment) Bill
 Emergency Services Telecommunications Authority Bill
 Legal Profession Bill
 Multicultural Victoria Bill
 Planning and Environment (Development Contributions) Bill

On 21 December 2004

Accident Compensation Legislation (Amendment) Bill
 Fair Trading (Enhanced Compliance) Bill
 Gambling Regulation (Further Amendment) Bill
 Heritage (World Heritage) Bill
 Housing (Housing Agencies) Bill
 Occupational Health and Safety Bill

Public Administration Bill
 Safety on Public Land Bill
 Transport Legislation (Amendment) Bill.

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

Channel Deepening (Facilitation) Bill
 Corrections (Transition Centres and Custodial Community Permits) Bill
 Geothermal Energy Resources Bill
 Retirement Villages (Amendment) Bill.

- 24 **CORRECTION OF BILL TITLES** — Motion made, by leave, and question — That where a bill has passed through both Houses and the citation of the bill includes a reference to a calendar year earlier than that in which the passage of the bill was completed, the Clerk of the Parliaments be empowered to alter the calendar year reference in the citation of the bill and any corresponding reference within the bill itself to the year in which the passage of the bill was so completed (*Mr Batchelor*) — put 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 4.00 pm on Thursday 24 February 2005:

Corrections (Transition Centres and Custodial Community Permits) Bill
 Courts Legislation (Judicial Appointments and Other Amendments) Bill
 Retirement Villages (Amendment) Bill
 Water Efficiency Labelling and Standards Bill

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

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

- 27 **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.

- 28 **WATER EFFICIENCY LABELLING AND STANDARDS BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Under standing orders, Mr Pandazopoulos 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 Plowman 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.

- 29 **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

JUDY MADDIGAN
Speaker

No 100 — Wednesday 23 February 2005

- 1 The Speaker took the Chair and read the Prayer.
- 2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

Wonthaggi State Coal Mine Tourist Attraction — Requesting that the House takes action to provide Parks Victoria, Bass Coast Shire Council and Friends of the State Coal Mine with the means to carry out major upgrades to bring all underground operations and haulage and electrical equipment up to the same standard as a working mine in order to have the Wonthaggi State Coal Mine Tourist Attraction in working order so that underground tours can resume, bearing 979 signatures (*Mr Smith*)

Tunnel Link between Eastern and Tullamarine Freeways — Requesting that the House ensures the Government — (a) proceeds with planning and construction of a tunnel to link the Eastern and Tullamarine Freeways; and (b) considers other road proposals including tunnelled lanes under Hoddle Street and Punt Road, bearing 32 signatures (*Mr Kotsiras*)

City Link and Toll Road Concessions for Pensioners and Self Funded Superannuants — Requesting that the House calls on the Government to initiate immediate action to extend concessions to enable all pensioners and self funded superannuants to access City Link and other toll roads in Victoria at an affordable cost, bearing 816 signatures (*Mr Cooper*)

Motor Vehicle Registration Fees — Pensioner Concession — Requesting that the Government reverses its decision to halve the pensioner concession on car registration fees, bearing 20 signatures (*Mr Dixon*)

Aquatic Centre in the Rosebud Area — Requesting that the Government urgently supports and contributes to the establishment of an aquatic centre with a hydrotherapy pool on the Southern Mornington Peninsula in the Rosebud area, bearing 70 signatures (*Mr Dixon*)

Channel Deepening in Port Phillip Bay — Requesting that the House rules that the proposed channel deepening in Port Phillip Bay should not proceed, bearing 217 signatures (*Mr Lupton*)

Minimbah Hostel — Requesting that the House urges the Government to reverse its decision to close Minimbah Hostel and continues to support its operation in the interests of the rural and regional students of Victoria, bearing 274 signatures (*Mr Walsh*).

Petitions ordered to be tabled.

3 **PETITION — TUNNEL LINK BETWEEN EASTERN AND TULLAMARINE FREEWAYS** — Motion made and question — That the petition presented by the Member for Bulleen be taken into consideration tomorrow (*Mr Kotsiras*) — put and agreed to.

4 **PETITION — WONTHAGGI STATE COAL MINE TOURIST ATTRACTION** — Motion made and question — That the petition presented by the Member for Bass be taken into consideration tomorrow (*Mr Smith*) — put and agreed to.

5 **PETITION — CITY LINK AND TOLL ROAD CONCESSIONS FOR PENSIONERS AND SELF FUNDED SUPERANNUANTS** — Motion made and question — That the petition presented by the Member for Mornington be taken into consideration tomorrow (*Mr Cooper*) — put and agreed to.

6 **PETITION — MOTOR VEHICLE REGISTRATION FEES — PENSIONER CONCESSION** — 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 — AQUATIC CENTRE IN THE ROSEBUD 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.

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

Statutory Rule under the *Magistrates' Court Act 1989* — SR No 5

Subordinate Legislation Act 1994 — Minister's exception certificate in relation to Statutory Rule No 5.

9 **MESSAGE FROM THE GOVERNOR** — The Speaker announced the presentation of a message from the Governor recommending an appropriation for the purposes of the Serious Sex Offenders Monitoring Bill.

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

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

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

Rural and Regional Services and Development Committee's Report on the Inquiry into Country Football

Public Accounts and Estimates Committee's Report on the 2004–05 Budget Estimates

Outer Suburban/Interface Services and Development Committee's Report on the Inquiry into Sustainable Urban Design for New Communities in Outer Suburban Areas

Public Accounts and Estimates Committee's Report on the 2002–03 Budget Outcomes

Economic Development Committee's Interim Report on the Inquiry into Labour Hire Employment in Victoria.

- 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 **RETIREMENT VILLAGES (AMENDMENT) BILL** — 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 **RETIREMENT VILLAGES (AMENDMENT) BILL** — Debate continued on question — That this Bill be now read a second time.

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

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

- 17 **SERIOUS SEX OFFENDERS MONITORING BILL** — 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.

Bill read a second time, considered in detail and agreed to without amendment, read a third time (*see pp 614, 618*).

Bill sent to the Legislative Council and their agreement requested.

- 18 **RETIREMENT VILLAGES (AMENDMENT) BILL** — 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.

- 19 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 3 and 4, be postponed until later this day.

- 20 **COURTS LEGISLATION (JUDICIAL APPOINTMENTS AND OTHER AMENDMENTS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

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

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

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

- 21 **WATER EFFICIENCY LABELLING AND STANDARDS BILL** — 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 Wells*) — put and agreed to.

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

- 22 **CORRECTIONS (TRANSITION CENTRES AND CUSTODIAL COMMUNITY PERMITS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

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

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 10.47 pm.

R W PURDEY
Clerk of the Legislative Assembly

JUDY MADDIGAN
Speaker

No 101 — Thursday 24 February 2005

- 1 The Speaker took the Chair and read the Prayer.
- 2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

Wonthaggi State Coal Mine Tourist Attraction — Requesting that the House takes action to provide Parks Victoria, Bass Coast Shire Council and Friends of the State Coal Mine with the means to carry out major upgrades to bring all underground operations and haulage and electrical equipment up to the same standard as a working mine in order to have the Wonthaggi State Coal Mine Tourist Attraction in working order so that underground tours can resume, bearing 1,045 signatures (*Mr Smith*)

Lawn Bowls Clubs and Associations — Requesting that the legislation pertaining to the *Equal Opportunity Act 1995* be amended so as to enable lawn bowls clubs and associations to conduct events designated as single gender events and/or mixed gender events, whenever desired and appropriate, and that when appropriate all these events continue in the same form to the State Championship level, bearing 58 signatures (*Mr Langdon*)

Rosebud Hospital Upgrade — Requesting that the House solves the problems of people having to wait inordinate times for surgery at Peninsula Health, Frankston Hospital and the overworked Emergency Ward at Frankston by upgrading the Rosebud Hospital to treat a wider range of medical conditions, bearing 1,074 signatures (*Mr Dixon*)

Mountain Highway/Colchester Road/Albert Avenue Intersection — Requesting that the Government takes action to eliminate the dangers of crossing at the intersection of Mountain Highway and Colchester Road/Albert Avenue by installing traffic signals without delay, bearing 155 signatures (*Mr Merlino*)

Croydon/Montrose Bus Service — Requesting that the Minister for Transport urges the Ventura Bus Company to — (a) extend and increase the frequency of the bus service from Croydon to Montrose (Route 689), especially on weekends; and (b) run a regular bus service (the MOUNTDANDYBUS) on Sundays, bearing 31 signatures (*Mr Merlino*)

Beach Renourishment Works, Sandringham — Requesting that the Government, in addition to providing funds for cliff stabilisation works proximate to the former Red Bluff Hotel in Sandringham, also provides funds for beach renourishment works to preserve and protect one of the great beach and scenic areas of Melbourne, bearing 6 signatures (*Mr Thompson*)

Motor Vehicle Registration Fees Increase — Requesting that the Government abandons the proposal of the increase of \$80 for car registration for Victorian pensioners which will detrimentally impact upon those who are financially unable to pay, bearing 31 signatures (*Mr Thompson*).

Petitions ordered to be tabled.

- 3 **PETITION — WONTHAGGI STATE COAL MINE TOURIST ATTRACTION** — Motion made and question — That the petition presented by the Member for Bass be taken into consideration tomorrow (*Mr Smith*) — put and agreed to.
- 4 **PETITION — BEACH RENOURISHMENT WORKS, SANDRINGHAM** — Motion made and question — That the petition presented by the Member for Sandringham be taken into consideration tomorrow (*Mr Thompson*) — put and agreed to.
- 5 **PETITION — MOTOR VEHICLE REGISTRATION FEES INCREASE** — Motion made and question — That the petition presented by the Member for Sandringham be taken into consideration tomorrow (*Mr Thompson*) — put and agreed to.
- 6 **PETITION — ROSEBUD HOSPITAL UPGRADE** — 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 — MOUNTAIN HIGHWAY/COLCHESTER ROAD/ALBERT AVENUE INTERSECTION** — Motion made and question — That the petition presented by the Member for Monbulk be taken into consideration tomorrow (*Mr Merlino*) — put and agreed to.

8 **PETITION — CROYDON/MONTROSE BUS SERVICE** — Motion made and question — That the petition presented by the Member for Monbulk be taken into consideration tomorrow (*Mr Merlino*) — put and agreed to.

9 **DOCUMENTS —**

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — Ms D'Ambrosio, Chair, presented a report from the Scrutiny of Acts and Regulations Committee being the Alert Digest No 2 of 2005 on the Serious Sex Offenders Monitoring 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:

Auditor-General — Performance Audit Report — Regulating operational rail safety — Ordered to be printed

Hesse Rural Health Services — Report for the year 2003–04, together with an explanation for the delay in tabling

Parliamentary Committees Act 2003 — Response of the Minister for Health on the action taken with respect to the recommendations made by the Family and Community Development Committee's Inquiry on the roles of Community Advisory Committees of Metropolitan Health Services

Police Regulation Act 1958 — Report of the Director, Police Integrity on the Leak of a Sensitive Victoria Police Information Report — Ordered to be printed

Statutory Rule under the *Petroleum Act 1998* — SR No 6

Subordinate Legislation Act 1994 — Minister's exemption certificate in relation to Statutory Rule No 6.

10 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourns until Tuesday 22 March 2005 (*Mr Cameron*) — put and agreed to.

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

12 **CORRECTIONS (TRANSITION CENTRES AND CUSTODIAL COMMUNITY PERMITS) BILL** — 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 Plowman*) — put and agreed to.

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

- 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 **WATER EFFICIENCY LABELLING AND STANDARDS BILL** — 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 615–17, 618–19*).

Bill sent to the Legislative Council and their agreement requested.

- 15 **COURTS LEGISLATION (JUDICIAL APPOINTMENTS AND OTHER AMENDMENTS) BILL** — 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.

- 16 **DEATH OF MR RAFIC EL-HARIRI** — The Speaker announced the death of Mr Rafic El-Hariri, the former Prime Minister of Lebanon, who was killed on 14 February 2005 by a car bomb; and, honourable members rose in their places as a mark of respect to the memory of the deceased.

Business having been interrupted at 2.00 pm under standing orders.

- 17 **QUESTIONS** — (Under SO 55).

- 18 **RETIREMENT VILLAGES (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.

Allocation of time — The Speaker advised that the time allocated for consideration of bills under the resolution of the House on Tuesday 22 February 2005 had expired.

- 19 **CORRECTIONS (TRANSITION CENTRES AND CUSTODIAL COMMUNITY PERMITS) BILL** — 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.

AYES 59

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Loney; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Savage; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 22

Ms Asher; Mr Baillieu; Mr Clark; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Napthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

Bill sent to the Legislative Council and their agreement requested.

20 **COURTS LEGISLATION (JUDICIAL APPOINTMENTS AND OTHER AMENDMENTS) BILL** — 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 Government amendment Nos 1 to 6 inclusive be agreed to — put.

The House divided.

AYES 57

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Howard; Mr Hudson; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Loney; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 24

Ms Asher; Mr Baillieu; Mr Clark; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Ingram; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Napthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

Bill read a third time with the concurrence of an absolute majority of the whole number of the members of the Legislative Assembly.

Bill sent to the Legislative Council and their agreement requested.

- 21 **MITCHAM-FRANKSTON PROJECT (AMENDMENT) BILL** — 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 Thursday 10 March 2005.

- 22 **HEALTH (COMPULSORY TESTING) BILL** — 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 Thursday 10 March 2005.

- 23 **NATIONAL ELECTRICITY (VICTORIA) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Brumby*).

Mr Brumby 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 March 2005.

- 24 **OUTWORKERS (IMPROVED PROTECTION) (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 Thursday 10 March 2005.

- 25 **LEGAL PROFESSION (CONSEQUENTIAL AMENDMENTS) 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 Mulder*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 10 March 2005.

- 26 **CHARITIES (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 McIntosh*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 10 March 2005.

- 27 **CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES) (ENFORCEMENT) (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 McIntosh*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 10 March 2005.

- 28 **COURTS LEGISLATION (JUDICIAL CONDUCT) 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 McIntosh*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 10 March 2005.

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

- 30 **ADJOURNMENT** — The Deputy Speaker left the Chair, after debate, at 5.24 pm.

R W PURDEY
Clerk of the Legislative Assembly

JUDY MADDIGAN
Speaker

LEGISLATIVE ASSEMBLY OF VICTORIA

CONSIDERATION IN DETAIL Supplement to Votes Nos 99, 100 and 101

No 100 — Wednesday 23 February 2005

SERIOUS SEX OFFENDERS MONITORING BILL —

Clauses 1 to 48 agreed to.

The Acting Speaker advised that if amendment No 1 is not agreed to, amendment No 2 cannot be moved as it is consequential.

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

Question — That the amendment be agreed to — put.

The House divided.

AYES 22

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Ingram; Mr Kotsiras; Mr McIntosh; Mr Mulder; Dr Napthine; Mr Perton; Mr Plowman; Mrs Powell; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

NOES 54¹

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Ms Buchanan; Mr Cameron; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Hardman; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Savage; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

Question defeated.

Schedule agreed to.

Bill agreed to without amendment.

¹ Division corrected after the Speaker informed the House that the Clerk had identified a discrepancy between the written details of members present recorded by the Government Whip and the total number of votes the Whip actually cast. Upon investigation it was found that the votes cast for the 'Noes' should have been 53 rather than 54.

No 101 — Thursday 24 February 2005

WATER EFFICIENCY LABELLING AND STANDARDS BILL —

Clauses 1 to 6 agreed to.

Clause 7, Mr Plowman moved amendment No 1 (*see Schedule 2*).

Amendment put and agreed to.

Clause agreed to as amended.

Clauses 8 to 26 agreed to.

Clause 27, Mr Thwaites moved amendment Nos 1 to 4 (*see Schedule 2*).

Amendments put and agreed to.

Clause agreed to as amended.

Clause 28 agreed to.

Clause 29, Mr Thwaites moved amendment No 5 (*see Schedule 2*).

Amendment put and agreed to.

Clause agreed to as amended.

Clause 30, Mr Thwaites moved amendment No 6 (*see Schedule 2*).

Amendment put and agreed to.

Clause agreed to as amended.

Clauses 31 and 32 agreed to.

Clause 33, Mr Plowman moved amendment No 2 (*see Schedule 2*).

Amendment put and agreed to.

Clause agreed to as amended.

Clause 34, Mr Plowman moved amendment No 3 (*see Schedule 2*).

Amendment put and agreed to.

Clause agreed to as amended.

Clause 35, Mr Plowman moved amendment No 4 (*see Schedule 2*).

Amendment put and agreed to.

Clause agreed to as amended.

Clause 36, Mr Plowman moved amendment No 5 (*see Schedule 2*).

Amendment put and agreed to.

Clause agreed to as amended.

Clause 37, Mr Plowman moved amendment No 6 (*see Schedule 2*).

Amendment put and agreed to.

Clause agreed to as amended.

Clause 38, Mr Plowman moved amendment No 7 (*see Schedule 2*).

Amendment put and agreed to.

Clause agreed to as amended.

Clauses 39 and 39A agreed to.

Clause 39B, Mr Plowman moved amendment No 8 (*see Schedule 2*).

Amendment put and agreed to.

Clause agreed to as amended.

Clauses 40 to 45 agreed to.

Clause 46, Mr Plowman moved amendment No 9 (*see Schedule 2*).

Amendment put and agreed to.

Clause agreed to as amended.

Clause 46A, Mr Plowman moved amendment Nos 10 and 11 (*see Schedule 2*).

Amendments put and agreed to.

Clause agreed to as amended.

Clauses 47 to 50 agreed to.

Clause 51, Mr Plowman moved amendment No 12 (*see Schedule 2*).

Amendment put and agreed to.

Clause agreed to as amended.

Clauses 52 and 53 agreed to.

Clause 54, Mr Plowman moved amendment No 13 (*see Schedule 2*).

Amendment put and agreed to.

Clause agreed to as amended.

Clauses 55 to 60 agreed to.

Clause 61, Mr Plowman moved amendment No 14 (*see Schedule 2*).

Amendment put and agreed to.

Clause agreed to as amended.

Clause 62, Mr Plowman moved amendment Nos 15 and 16 (*see Schedule 2*).

Amendments put and agreed to.

Clause agreed to as amended.

Clause 62A, Mr Plowman moved amendment Nos 17 and 18 (*see Schedule 2*).

Amendments put and agreed to.

Clause agreed to as amended.

Clauses 63 and 64 agreed to.

Clause 65, Mr Thwaites moved amendment No 7 (*see Schedule 2*).

Amendment put and agreed to.

Clause agreed to as amended.

Clauses 66 to 76 agreed to.

Clause 77, Mr Plowman moved amendment No 19 (*see Schedule 2*).

Amendment put and agreed to.

Clause agreed to as amended.

Bill agreed to as amended.

SCHEDULES OF AMENDMENTS MOVED

SCHEDULE 1

SERIOUS SEX OFFENDERS MONITORING BILL

Amendment moved by Mr McIntosh

1. Schedule, after line 5 insert—
 - "2. An offence against section 38 of the **Crimes Act 1958** (rape)."

SCHEDULE 2

WATER EFFICIENCY LABELLING AND STANDARDS BILL

Amendments moved by Mr Thwaites

1. Clause 27, lines 4 and 5, omit "specified in an instrument made" and insert "determined in writing".
2. Clause 27, line 10, omit "instrument" and insert "determination".
3. Clause 27, line 13, omit "instrument" and insert "determination".
4. Clause 27, line 14, omit "An instrument" and insert "A determination".
5. Clause 29, line 15, omit "instrument" and insert "determination".
6. Clause 30, page 18, line 13, omit "instrument" and insert "writing".
7. Clause 65, lines 7 to 14, omit sub-clause (1) and insert—
 - "(1) Amounts equal to money received by the State—
 - (a) in respect of fines, infringement penalties or undertakings given under section 42; or
 - (b) under Division 2 of this Part—
 must be paid to the Commonwealth for crediting to the WELS Account."

Amendments moved by Mr Plowman

1. Clause 7, page 5, after line 19 insert—
 - i. "**penalty unit**" has the same meaning as in the Commonwealth Act;
 1. Note: "Penalty unit" is defined for the purposes of laws of the Commonwealth in section 4AA of the Crimes Act 1914 of the Commonwealth.'
2. Clause 33, line 21, omit "\$6600" and insert "60 penalty units".
3. Clause 34, page 21, line 5, omit "\$6600" and insert "60 penalty units".
4. Clause 35, line 21, omit "\$6600" and insert "60 penalty units".

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5. Clause 36, page 22, line 6, omit "\$6600" and insert "60 penalty units".
 6. Clause 37, line 16, omit "\$6600" and insert "60 penalty units".
 7. Clause 38, line 26, omit "\$6600" and insert "60 penalty units".
 8. Clause 39B, page 25, line 10, omit "\$6600" and insert "60 penalty units".
 9. Clause 46, page 35, line 8, omit "\$110" and insert "1 penalty unit".
 10. Clause 46A, line 26, omit "\$6600" and insert "60 penalty units".
 11. Clause 46A, line 30, omit "\$6600" and insert "60 penalty units".
 12. Clause 51, line 24, omit "\$6600" and insert "60 penalty units".
 13. Clause 54, page 40, line 5, omit "\$3300" and insert "30 penalty units".
 14. Clause 61, page 46, line 7, omit "\$6600" and insert "60 penalty units".
 15. Clause 62, line 30, omit "\$6600" and insert "60 penalty units".
 16. Clause 62, page 47, line 11, omit "\$6600" and insert "60 penalty units".
 17. Clause 62A, line 25, omit "\$6600" and insert "60 penalty units".
 18. Clause 62A, page 48, line 4, omit "\$6600" and insert "60 penalty units".
 19. Clause 77, line 12, omit "\$2200" and insert "20 penalty units".

LEGISLATIVE ASSEMBLY OF VICTORIA

VOTES AND PROCEEDINGS Nos 102, 103 and 104

No 102 — Tuesday 22 March 2005

1 The House met according to the adjournment — The Speaker took the Chair and read the Prayer.

2 **QUESTIONS** — (Under SO 55).

3 **PARLIAMENTARY ADMINISTRATION BILL** — Mr Bracks obtained leave to bring in a Bill '*to provide a framework for good governance in the administration of the Parliament of Victoria, to repeal the **Parliamentary Officers Act 1975**, to amend the **Constitution Act 1975**, the **Long Service Leave Act 1992**, the **Parliamentary Committees Act 2003**, the **Public Administration Act 2004**, the **Terrorism (Community Protection) Act 2003** and certain other Acts and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.

4 **SENTENCING (FURTHER AMENDMENT) BILL** — Mr Cameron obtained leave to bring in a Bill '*to promote the recognition of victims in court processes, to amend the **Sentencing Act 1991**, the **Children and Young Persons Act 1989**, the **Evidence Act 1958** and the **Magistrates' Court Act 1989** and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.

5 **JUSTICE LEGISLATION (AMENDMENT) BILL** — Mr Cameron obtained leave to bring in a Bill '*to amend the **Legal Aid Act 1978** to facilitate the provision of alternative dispute resolution programs by VLA, to amend the **Summer Time Act 1972** and the **Supreme Court Act 1986** to change standard time in Victoria from Greenwich Mean Time to Co-ordinated Universal Time, to amend the **Victorian Law Reform Commission 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.

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

Wonthaggi State Coal Mine Tourist Attraction — Requesting that the House takes action to provide Parks Victoria, Bass Coast Shire Council and Friends of the State Coal Mine with the means to carry out major upgrades to bring all underground operations and haulage and electrical equipment up to the same standard as a working mine in order to have the Wonthaggi State Coal Mine Tourist Attraction in working order so that underground tours can resume, bearing 988 signatures (*Mr Smith*)

Physical Education in Schools — Requesting that the House takes action to ensure that the Government restores physical education to a discipline and positions it in the discipline core area in the Victorian Curriculum Reform being undertaken for the Minister for Education and Training, bearing 134 signatures (*Mr Perton*)

Principal, Seymour Technical High School — Requesting that the House ensures the Government reinstates Bill Brearley as Principal of Seymour Technical High School, bearing 364 signatures (*Mr Perton*)

Venus Bay and Maher's Landing, Anderson Inlet, Gippsland — Requesting that the proposed residential canal and lake developments at Venus Bay and Maher's Landing on Anderson Inlet in Gippsland be rejected and that all future large scale residential developments of a similar nature be prohibited, bearing 37 signatures (*Mr Ryan*)

Intersection of Baxter-Tooradin, Fultons and Hawkins Road, Baxter — Requesting that urgent action be taken to make the black spot intersection of Baxter-Tooradin Road and Fultons Road with Hawkins Road in Baxter safer, before any lives are lost or serious injury occurs at this location, bearing 58 signatures (*Ms Buchanan*)

Peninsula Aero Club — Requesting that permission will not be granted by the Mornington Peninsula Shire Council to the Peninsula Aero Club for expansion of the certified landing area at Tyabb, bearing 328 signatures (*Ms Buchanan*)

Desexing of Cats — Requesting that the House enacts legislation to require that — (a) all cats over the age of 12 weeks are desexed unless registered to a licensed breeder; and (b) all cats and kittens offered for sale or acquired are desexed, bearing 11 signatures (*Mr Langdon*)

Tabcorp Account Sales — Requesting that the House do all within its powers to ensure that the 500 jobs at Tabcorp Account Sales, in jeopardy from Tabcorp's decision to rationalise their call centres and possible relocation to New South Wales as a result of the recent acquisition of NSW TAB, remain in Victoria, bearing 352 signatures (*Mr Langdon*)

City Link and Toll Road Concessions to Pensioners and Self Funded Superannuants — Requesting that the House calls on the Government to initiate immediate action to extend concessions to enable all pensioners and self funded superannuants to access City Link and other toll roads in Victoria at an affordable cost, bearing 229 signatures (*Mr Cooper*)

Medical Practice Act 1994 — Requesting that the Government acts immediately to repeal s 25(1)(a) of the *Medical Practice Act 1994*, 'that the investigation into the matter should not proceed further' and establishes a truly independent body, free of any conflict of interest to investigate, hear and judge complaints against doctors and surgeons, bearing 1 signature (*Ms Barker*)

Channel Deepening in Port Phillip Bay, The Rip and the Yarra River — 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; (b) alternative solutions making better use of a mix of interstate rail from existing deep water ports and sea transport are engaged; and (c) the Minister for Planning makes public the findings of the Environment Effects Statement (EES) Independent Panel, due for release in February 2005, as soon as the Panel provides its report to the Government, bearing 45 signatures (*Mr Lupton*)

Land Tax System — Requesting that the Government immediately instigates a full review of the land tax system which is currently unjust and imposing massive hardship on Victorian taxpayers, bearing 2 signatures (*Mr Thompson*)

Urban Growth Boundary — Rights of Stakeholders of Ironbark Road, Diamond Creek and Pioneer Road, Yarrambat — Requesting that the House urges the Minister for Planning to — (a) meet and consult with stakeholders of 175–199 and 201–219 Iron Bark Road, Diamond Creek and 40–60 and 217–233 Pioneer Road, Yarrambat to enable a thorough investigation of the planning and infrastructure irregularities; and (b) immediately intervene and correct the inappropriate urban zoning and reinstate these lands in the new Urban Growth Boundary, bearing 5 signatures (*Mrs Powell*)

Urban Reticulated Infrastructure — Rights of Stakeholders of Ironbark Road, Diamond Creek and Pioneer Road, Yarrambat — Requesting that the House urges the Minister for Environment to meet and consult with stakeholders of 175–199 and 201–219 Iron Bark Road, Diamond Creek and 40–60 and 217–233 Pioneer Road, Yarrambat to investigate and immediately intervene to protect the urban reticulated infrastructure, bearing 5 signatures (*Mrs Powell*)

Retirement Village/Aged Care Applications — Stakeholders of Ironbark Road, Diamond Creek and Pioneer Road, Yarrambat — Requesting that the House urges the Minister for Planning to meet with stakeholders of 175–199 and 201–219 Iron Bark Road, Diamond Creek and 40–60 Pioneer Road, Yarrambat and immediately call in the three retirement village/aged care applications from the Victorian Administrative Civil Tribunal so that a fair decision can be made on these applications, bearing 3 signatures (*Mrs Powell*).

Petitions ordered to be tabled.

- 7 **PETITION — PHYSICAL EDUCATION IN SCHOOLS** — Motion made and question — That the petition presented by the Member for Doncaster be taken into consideration tomorrow (*Mr Perton*) — put and agreed to.
- 8 **PETITION — PRINCIPAL, SEYMOUR TECHNICAL HIGH SCHOOL** — Motion made and question — That the petition presented by the Member for Doncaster be taken into consideration tomorrow (*Mr Perton*) — put and agreed to.
- 9 **PETITION — LAND TAX SYSTEM** — Motion made and question — That the petition presented by the Member for Sandringham be taken into consideration tomorrow (*Mr Thompson*) — put and agreed to.
- 10 **PETITION — INTERSECTION OF BAXTER-TOORADIN, FULTONS AND HAWKINS ROAD, BAXTER** — Motion made and question — That the petition presented by the Member for Hastings be taken into consideration tomorrow (*Ms Buchanan*) — put and agreed to.
- 11 **PETITION — PENINSULA AERO CLUB** — Motion made and question — That the petition presented by the Member for Hastings be taken into consideration tomorrow (*Ms Buchanan*) — put and agreed to.
- 12 **PETITION — CITY LINK AND TOLL ROAD CONCESSIONS TO PENSIONERS AND SELF FUNDED SUPERANNUANTS** — Motion made and question — That the

petition presented by the Member for Mornington be taken into consideration tomorrow (*Mr Cooper*) — put and agreed to.

13 **PETITION — WONTHAGGI STATE COAL MINE TOURIST ATTRACTION** — Motion made and question — That the petition presented by the Member for Bass be taken into consideration tomorrow (*Mr Smith*) — put and agreed to.

14 **PETITION — CHANNEL DEEPENING IN PORT PHILLIP BAY, THE RIP AND THE YARRA RIVER** — Motion made and question — That the petition presented by the Member for Prahran be taken into consideration tomorrow (*Mr Cooper*) — put and agreed to.

15 **DOCUMENTS** —

ROAD SAFETY COMMITTEE — Mr Trezise, Chair, presented a report from the Road Safety Committee on the Inquiry into Crashes Involving Roadside Objects, together with appendices and minutes of evidence.

Ordered to be tabled and the report and appendices printed.

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — Ms Campbell, Chair, presented the minutes of evidence of the Public Accounts and Estimates Committee's Inquiry on the Review of the Auditor-General's performance audit report — Services for people with an intellectual disability.

Ordered to be tabled.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — Ms D'Ambrosio, Chair, presented a report from the Scrutiny of Acts and Regulations Committee being the Alert Digest No 3 of 2005 on the:

Charities (Amendment) Bill

Classification (Publications, Films and Computer Games) (Enforcement) (Amendment) Bill

Courts Legislation (Judicial Conduct) Bill

Health (Compulsory Testing) Bill

Legal Profession (Consequential Amendments) Bill

Mitcham-Frankston Project (Amendment) Bill

National Electricity (Victoria) Bill

Outworkers (Improved Protection) (Amendment) Bill

together with appendices, an extract from the proceedings and a minority report.

Ordered to be tabled and printed.

DOCUMENT TABLED BY COMMAND OF THE GOVERNOR —

Mr Hulls presented by Command of the Governor:

Council of Magistrates — Report for the year 2003–04

Ordered to be tabled.

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

Commonwealth Games Arrangements Act 2001 — Orders under s 18 (three orders)

Financial Management Act 1994:

Budget Sector — Mid-Year Financial Report for the year 2004–05 incorporating the Quarterly Financial Report for the period ended 31 December 2004
Report from the Minister for Agriculture that he had received the 2003–04 annual report of the Greater Victoria Wine Grape Industry Development Committee

Interpretation of Legislation Act 1984 — Notice under s 32(3)(a)(iii) in relation to Statutory Rule No 183

Murray-Darling Basin Commission — Report for the year 2003–04

Ombudsman Act 1973 — Report of the Ombudsman on the investigation into the Conduct of Council Officers in the Administration of the Shire of Melton — Ordered to be printed

Parliamentary Committees Act 2003 — Education and Training Committee — Report on the Inquiry into the Suitability of Pre-Service Teacher Training in Victoria together with appendices and minutes of evidence — Report and appendices ordered to be printed

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

Cardinia Planning Scheme — No C24
Gannawarra Planning Scheme — No C8
Golden Plains Planning Scheme — No C22
Greater Shepparton Planning Scheme — Nos C58, C62
Hobsons Bay Planning Scheme — No C65
Maroondah Planning Scheme — Nos C38, C40
Monash Planning Scheme — No C61
Port of Melbourne Planning Scheme — No L37
Stonnington Planning Scheme — No C6 Part 2B
Surf Coast Planning Scheme — No C14 Part 1
Whittlesea Planning Scheme — No C5
Wodonga Planning Scheme — Nos C33, C43
Yarra Ranges Planning Scheme — No C47

Statutory Rules under the following Acts:

Crimes Act 1958 — SR No 7
Supreme Court Act 1986 — SR No 7
Surveying Act 2004 — SR No 8

Subordinate Legislation Act 1994 — Minister's exception certificate in relation to Statutory Rule No 7

Wildlife Act 1975 — Wildlife (Control of Hunting) — Notice No 1/2005.

The following proclamation fixing an operative date was tabled by the Clerk in accordance with an Order of the House dated 26 February 2003:

Construction Industry Long Service Leave (Amendment) Act 2004 — Whole Act on 1 March 2005 (*Gazette G8, 24 February 2005*).

- 16 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Serious Sex Offenders Monitoring Bill without amendment.
- 17 **MESSAGE FROM THE GOVERNOR — ASSENT TO BILL** — Informing the Legislative Assembly that he had, on 1 March 2005, given the royal assent to the Serious Sex Offenders Monitoring Bill, presented to him by the Deputy Clerk of the Legislative Council for and in the absence of the Clerk of the Parliaments.
- 18 **MESSAGES FROM THE GOVERNOR** — The Speaker announced the presentation of messages from the Governor recommending appropriations for the purposes of the following bills:
- Courts Legislation (Judicial Conduct) Bill
Health (Compulsory Testing) Bill
Mitcham-Frankston Project (Amendment) Bill.
- 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 March 2005:
- Charities (Amendment) Bill
Classification (Publications, Films and Computer Games) (Enforcement) (Amendment) Bill
Geothermal Energy Resources Bill
Health (Compulsory Testing) Bill
Mitcham-Frankston Project (Amendment) Bill
National Electricity (Victoria) Bill
Outworkers (Improved Protection) (Amendment) Bill
- (Mr Batchelor)* — put, after debate, and agreed to.
- 20 **STATEMENTS BY MEMBERS** — Statements by members were made.
- 21 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 1 to 5 inclusive, be postponed until later this day.
- 22 **OUTWORKERS (IMPROVED PROTECTION) (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Question — put.

The House divided.

AYES 56

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Perera; Ms Pike; Mr Robinson; Mr Savage; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Wilson; Mr Wynne.

NOES 25

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Napthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

By leave, Bill immediately read a third time.

Bill sent to the Legislative Council and their agreement requested.

- 23 **STATUTE LAW REVISION BILL** — The Deputy Speaker announced the receipt of a message from the Legislative Council presenting, for the agreement of the Legislative Assembly, a Bill '*to revise the statute law of Victoria*'.

On the motion of Mr Hulls, the Bill was read a first time and ordered to be read a second time tomorrow.

- 24 **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.

- 25 **CHARITIES (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.

- 26 **GEOTHERMAL ENERGY RESOURCES 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.

Business having been interrupted at 10.00 pm under standing orders.

- 27 **ADJOURNMENT** — The Acting Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.47 pm.

R W PURDEY
Clerk of the Legislative Assembly

JUDY MADDIGAN
Speaker

No 103 — Wednesday 23 March 2005

- 1 The Speaker took the Chair and read the Prayer.
- 2 **LAND (REVOCAION OF RESERVATIONS) BILL** — Mr Hulls obtained leave to bring in a Bill '*to revoke the permanent reservation and the related Crown grant over part of land at Richmond, to revoke the permanent reservation over certain land at Sandhurst and to re-reserve that land temporarily 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:

Rosebud Hospital Upgrade — Requesting that the House solves the problems of people having to wait inordinate times for surgery at Peninsula Health, Frankston Hospital and the overworked emergency ward at Frankston by upgrading the Rosebud Hospital to treat a wider range of medical conditions, bearing 1,104 signatures (*Mr Dixon*)

Regional Blood Banks — Requesting that the House — (a) revisits the decision made by the Australian Red Cross Blood Service to close 21 regional blood banks without local consultation; and (b) gives favourable consideration to the matter after consultation with the affected volunteers in these regions, bearing 1,811 signatures (*Mr Helper*)

Traffic Lights at Roundabout of Civic Drive and Diamond Creek Road, Greensborough — Requesting that the House takes action to ensure the installation of full traffic lights at the roundabout of Civic Drive and Diamond Creek Road, Greensborough in order to fix the problem for both motorists and pedestrians, bearing 417 signatures (*Ms Green*).

Petitions ordered to be tabled.

- 4 **PETITION — ROSEBUD HOSPITAL UPGRADE** — 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 — REGIONAL BLOOD BANKS** — Motion made and question — That the petition presented by the Member for Ripon be taken into consideration tomorrow (*Mr Helper*) — put and agreed to.
- 6 **PETITION — TRAFFIC LIGHTS AT ROUNDABOUT OF CIVIC DRIVE AND DIAMOND CREEK ROAD, GREENSBOROUGH** — 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.

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

Auditor-General — Performance Audit Report — Managing patient safety in public hospitals — Ordered to be printed.

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

- 9 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE — GOVERNMENT'S SERVICE AND INFRASTRUCTURE DELIVERY** — 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 Bracks Government for its commitment to service and infrastructure delivery in a financially sound and responsible manner and calls on the Government to reject any alternative policies which short change Victorians, would damage business confidence, result in cuts to public and essential services, threaten the jobs of hard working Victorians or jeopardise the State's strong fiscal and economic position.'

Mr Stensholt addressed the House — Discussion followed.

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

Education and Training Committee's Report on the on the Inquiry into the Suitability of Pre-Service Teacher Training in Victoria

Outer Suburban/Interface Services and Development Committee's Report on the Inquiry into Sustainable Urban Design for New Communities in Outer Suburban Areas

Public Accounts and Estimates Committee's Report on the Review of the Auditor-General's performance audit report — Services for people with an intellectual disability

Road Safety Committee's Report on the Inquiry into Crashes Involving Roadside Objects.

- 11 **CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES) (ENFORCEMENT) (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

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

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

Business having been interrupted at 2.00 pm under standing orders.

- 12 **QUESTIONS** — (Under SO 55).

- 13 **CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES) (ENFORCEMENT) (AMENDMENT) BILL** — 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 636–9*).

Bill sent to the Legislative Council and their agreement requested.

- 14 **HEALTH (COMPULSORY TESTING) 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.

- 15 **NATIONAL ELECTRICITY (VICTORIA) BILL** — 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 State Government passes legislation to guarantee minimum service levels for rural electricity connections including a government rebate to all consumers any amount in excess of five per cent above the cheapest equivalent available tariff' (*Mr Ingram*) — and, after debate —

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

The House divided.

AYES 76

Ms Allan; Mr Andrews; Ms Asher; Ms Barker; Mr Batchelor; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Clark; Mr Cooper; Mr Crutchfield, Ms D'Ambrosio; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Honeywood; Mr Howard; Mr Hudson; Mr Hulls; Mr Jasper; Mr Jenkins; Ms Kosky; Mr Kotsiras; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Loney; Mr McIntosh; Ms McTaggart; Ms Marshall; Mr Maughan; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Mr Mulder; Dr Napthine; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Mr Perton; Ms Pike; Mr Plowman; Mrs Powell; Mr Robinson; Mr Ryan; Mr Seitz; Mr Smith; Mr Stensholt; Dr Sykes; Mr Thompson; Mr Thwaites; Mr Trezise; Mr Walsh; Mr Wells; Mr Wynne.

NOES 2

Mr Ingram; Mr Savage.

Question agreed to.

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

The House divided.

AYES 76

Ms Allan; Mr Andrews; Ms Asher; Ms Barker; Mr Batchelor; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Clark; Mr Cooper; Mr Crutchfield, Ms D'Ambrosio; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Honeywood; Mr Howard; Mr Hudson; Mr Hulls; Mr Jasper; Mr Jenkins; Ms Kosky; Mr Kotsiras; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Loney; Mr McIntosh; Ms McTaggart; Ms Marshall; Mr Maughan; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Mr Mulder; Dr Napthine; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Mr Perton; Ms Pike; Mr Plowman; Mrs Powell; Mr Robinson; Mr Ryan; Mr Seitz; Mr Smith; Mr Stensholt; Dr Sykes; Mr Thompson; Mr Thwaites; Mr Trezise; Mr Walsh; Mr Wells; Mr Wynne.

NOES 2

Mr Ingram; Mr Savage.

Question agreed to.

By leave, Bill immediately read a third time with the concurrence of an absolute majority of the whole number of the members of the Legislative Assembly.

Bill sent to the Legislative Council and their agreement requested.

16 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Water Efficiency Labelling and Standards Bill without amendment.

17 **MITCHAM-FRANKSTON PROJECT (AMENDMENT) 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.

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

R W PURDEY
Clerk of the Legislative Assembly

JUDY MADDIGAN
Speaker

No 104 — Thursday 24 March 2005

1 The Speaker took the Chair and read the Prayer.

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

National Park in the Otways — Requesting that the House ensures that — (a) one large National Park, containing all the areas recommended by the Victorian Environmental Assessment Council (VEAC), plus the catchments of the Holywater and Wait-a-while Creeks, and the headwaters of the Aire River, be established this year; and (b) all indigenously vegetated public land not included in the National Park be made into a number of Regional Parks, under the National Parks Act and subject to one management regime, bearing 275 signatures (*Mr Crutchfield*)

Harness Racing at Boort — Requesting that the Minister for Racing withdraws his support for the 'Vision Value Victoria' (V3) scheme and does his utmost to reinstate harness racing at Boort, bearing 165 signatures (*Mr Walsh*)

St Arnaud Harness Racing Club Track — Requesting that the Minister for Racing — (a) conducts an investigation into and rescinds Harness Racing Victoria's decision to terminate the St Arnaud Harness Racing Club track as a TAB race venue; (b) requires Harness Racing Victoria to comply with ss 44, 44B and 44C of the *Racing Act 1958*; and (c) recommends to the Governor in Council to terminate the appointment of the Board of Harness Racing Victoria and call for nominations of a replacement Board, bearing 20 signatures (*Mr Walsh*)

Extension of Epping Rail Line — Requesting that the Government funds the extension of the Epping rail line to South Morang in the 2005 State Budget, bearing 5,644 signatures (*Mr Batchelor*).

Petitions ordered to be tabled.

3 DOCUMENTS —

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — Ms D'Ambrosio, Chair, presented a report from the Scrutiny of Acts and Regulations Committee being the Annual Review 2004, 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:

Commonwealth Games Arrangement Act 2001 — Orders under s 18 (two orders)

Statutory Rules under the following Acts:

Fisheries Act 1995 — SR No 9

Magistrates' Court Act 1989 — SR No 10.

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

Retirement Villages (Amendment) Bill

Corrections (Transition Centres and Custodial Community Permits) Bill.

5 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourns until Tuesday 19 April 2005 (*Ms Allan*) — put and agreed to.

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

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

Mr Bracks 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 Honeywood*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 7 April 2005.

8 **STATUTE LAW REVISION BILL** — 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 7 April 2005.

9 **SENTENCING (FURTHER 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 McIntosh*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 7 April 2005.

10 **JUSTICE 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 McIntosh*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 7 April 2005.

11 **LAND (REVOCAION OF RESERVATIONS) 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 Baillieu*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 7 April 2005.

12 **MITCHAM-FRANKSTON PROJECT (AMENDMENT) BILL** — 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 **MITCHAM-FRANKSTON PROJECT (AMENDMENT) BILL** — Debate resumed on question — That this Bill be now read a second time.

Question — put.

The House divided.

AYES 69

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield, Ms D'Ambrosio; Mr Delahunty (*Lowan*); Ms Delahunty (*Northcote*); Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Mr Jasper; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Loney; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maughan; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mrs Powell; Mr Robinson; Mr Ryan; Mr Savage; Mr Seitz; Mr Stensholt; Dr Sykes; Mr Thwaites; Mr Trezise; Mr Walsh; Mr Wilson; Mr Wynne.

NOES 17

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Dixon; Mr Doyle; Mr Honeywood; Mr Kotsiras; Mr McIntosh; Mr Mulder; Dr Naphthine; Mr Perton; Mr Plowman; Mrs Shardey; Mr Smith; Mr Thompson; Mr Wells.

Question agreed to.

Third reading, by leave, considered immediately.

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

The House divided.

AYES 69

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield, Ms D'Ambrosio; Mr Delahunty (*Lowan*); Ms Delahunty (*Northcote*); Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Mr Jasper; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Loney; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maughan; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mrs Powell; Mr Robinson; Mr Ryan; Mr Savage; Mr Seitz; Mr Stensholt; Dr Sykes; Mr Thwaites; Mr Trezise; Mr Walsh; Mr Wilson; Mr Wynne.

NOES 17

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Dixon; Mr Doyle; Mr Honeywood; Mr Kotsiras; Mr McIntosh; Mr Mulder; Dr Naphthine; Mr Perton; Mr Plowman; Mrs Shardey; Mr Smith; Mr Thompson; Mr Wells.

Question agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 15 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Courts Legislation (Judicial Appointments and Other Amendments) Bill without amendment.
- 16 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Batchelor*) — put and agreed to.
- 17 **ADJOURNMENT** — The Speaker left the Chair, after debate, at 3.47 pm.

R W PURDEY
Clerk of the Legislative Assembly

JUDY MADDIGAN
Speaker

LEGISLATIVE ASSEMBLY OF VICTORIA

CONSIDERATION IN DETAIL
Supplement to Votes Nos 102, 103 and 104

No 103 — Wednesday 23 March 2005

CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES)
(ENFORCEMENT) (AMENDMENT) BILL

Clause 1, Mr Hulls moved amendment Nos 1 and 2 (*see Schedule*).

Amendments put and agreed to.

Clause agreed to as amended.

Clause 2, Mr Hulls moved amendment Nos 3 and 4 (*see Schedule*).

Amendments put and agreed to.

Clause agreed to as amended.

Clauses 3 to 7 agreed to.

Clause 8, Mr Hulls moved amendment No 5 (*see Schedule*).

Amendment put and agreed to.

Clause agreed to as amended.

Clause 9 agreed to.

Clause 10, Mr Hulls moved amendment No 6 (*see Schedule*).

Amendment put and agreed to.

Clause agreed to as amended.

Clause 11, Mr Hulls moved amendment Nos 7 to 10 (*see Schedule*).

Amendments put and agreed to.

Clause agreed to as amended.

Clause 12, Mr Hulls moved amendment Nos 11 and 12 (*see Schedule*).

Amendments put and agreed to.

Clause agreed to as amended.

New clause AA agreed to.

Bill agreed to as amended.

SCHEDULE OF AMENDMENTS MOVED

CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES) (ENFORCEMENT) (AMENDMENT) BILL

Amendments moved by Mr Hulls

1. Clause 1, page 2, line 13, after "publications" insert "and provide further for those matters".
2. Clause 1, page 2, line 14, after "consequential" insert "and other".
3. Clause 2, line 18, omit "12" and insert "13".
4. Clause 2, line 21, omit "12" and insert "13".
5. Clause 8, line 15, after "RC" insert "or X".
6. Clause 10, lines 3 to 10, omit all words and expressions on these lines and insert—
 - '(a) in the definition of "objectionable film", paragraph (b) is **repealed**;
 - (b) in the definition of "objectionable publication", paragraph (c) is **repealed**.
 (2) In section 56 of the Principal Act, in the definition of "objectionable material", paragraph (c)(ii) is **repealed**.'
7. Clause 11, page 11, line 4, omit "12" and insert "13".
8. Clause 11, page 11, line 15, omit "12" and insert "13".
9. Clause 11, page 12, line 24, omit "12" and insert "13".
10. Clause 11, page 12, line 29, omit "12" and insert "13".
11. Clause 12, after line 7 insert—
 - '(1) In section 68(1A) of the **Crimes Act 1958**, after "X" (where twice occurring) **insert "or X 18+"**.
 - (2) In section 69(2) of the **Crimes Act 1958**, after "X" **insert "or X 18+"**.'
12. Clause 12, line 9, after ' "X" ' insert "(where twice occurring)".

NEW CLAUSE

13. Insert the following Clause to follow Clause 11:
 - 'AA. Amendment of the **Crimes Act 1958**
 - (1) In section 67A of the **Crimes Act 1958**, in the definition of "child pornography", for "looks like" **substitute** "appears to be".
 - (2) After section 68(1) of the **Crimes Act 1958 insert—**
 - "(1A) It is a defence to a prosecution for an offence against sub-section (1) to prove, in the case of—
 - (a) a film; or
 - (b) a photograph contained in a publication; or

-
- (c) a computer game—
that at the time of the alleged offence the film, publication or computer game was classified other than RC or X or would, if classified, be classified other than RC or X."
- (3) At the end of section 69 of the **Crimes Act 1958 insert**—
- "(2) It is a defence to a prosecution for an offence against sub-section (1) to prove, in the case of—
- (a) a film; or
- (b) a photograph contained in a publication; or
- (c) a computer game—
that at the time of the alleged offence the film, publication or computer game would, if classified, be classified other than RC or X."
- (4) In section 70(2)(a) of the **Crimes Act 1958**, after "X" **insert** "or would, if classified, be classified other than RC or X".'. "

LEGISLATIVE ASSEMBLY OF VICTORIA

VOTES AND PROCEEDINGS Nos 105, 106 and 107

No 105 — Tuesday 19 April 2005

- 1 The House met according to the adjournment — The Speaker took the Chair and read the Prayer.
- 2 **DEATH OF NEIL MALCOLM McINNES** — The Speaker announced the death of Neil Malcolm McInnes, Member of the Legislative Assembly for the Electoral District of Gippsland South from 1973 to 1982; and, honourable members rose in their places as a mark of respect to the memory of the deceased.
- 3 **DEATH OF THE REVEREND DR JOHN DAVIS McCAUGHEY, AC** — Motion made and question — That this House expresses its sincere sorrow at the death of The Reverend Dr John Davis McCaughey, AC, and places on record its acknowledgement of the valuable services rendered by him to the Parliament and the people of Victoria as Governor of Victoria from 1986 to 1992 (*Mr Thwaites*) — put, after the Speaker and other 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.
- 4 **DEATH OF POPE JOHN PAUL II** — Motion made, by leave, and question — That this House expresses its sincere sorrow at the death of Pope John Paul II and extends its deep sympathy to all members of the Catholic community on the loss of their spiritual leader (*Mr Thwaites*) — put, after the Speaker and other 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.
- 5 **ADJOURNMENT** — Motion made and question — That, as a further mark of respect to the memory of the late The Reverend Dr John Davis McCaughey, AC, and Pope John Paul II, the House now adjourns until tomorrow (*Mr Thwaites*) — put and agreed to.

And the House, at 5.19 pm adjourned until tomorrow at 9.30 am.

R W PURDEY
Clerk of the Legislative Assembly

JUDY MADDIGAN
Speaker

No 106 — Wednesday 20 April 2005

- 1 The Speaker took the Chair and read the Prayer.
- 2 **NATIONAL PARKS (POINT NEPEAN) BILL** — Mr Thwaites obtained leave to bring in a Bill '*to amend the National Parks Act 1975 to make provision in relation to certain land at Point Nepean and on the Mornington Peninsula and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 3 **LOCAL GOVERNMENT (AMENDMENT) BILL** — Mr Thwaites obtained leave to bring in a Bill '*to amend the Local Government Act 1989 with respect to the appointment of Chief Executive Officers by Councils and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 4 **CITY OF MELBOURNE (AMENDMENT) BILL** — Mr Thwaites obtained leave to bring in a Bill '*to amend the City of Melbourne Act 2001 with respect to the application of differential rates by Melbourne City Council and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 5 **COMMONWEALTH GAMES ARRANGEMENTS (MISCELLANEOUS AMENDMENTS) BILL** — Mr Thwaites obtained leave to bring in a Bill '*to amend the Commonwealth Games Arrangements Act 2001 to provide for miscellaneous matters, including the management and regulation of areas being used for the Commonwealth Games and associated events, to exempt Commonwealth Games venues, facilities and other areas from various laws to facilitate the efficient delivery of the Games, to make various other amendments necessary for the effective conduct of the Commonwealth Games and associated events or the effective operation of that Act and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 6 **CHILDREN AND YOUNG PERSONS (MISCELLANEOUS AMENDMENTS) BILL** — Ms Garbutt obtained leave to bring in a Bill '*to amend the Children and Young Persons Act 1989, the Children and Young Persons (Age Jurisdiction) Act 2004, the Children and Young Persons (Koori Court) Act 2004, the Bail Act 1977, the Road Safety Act 1986, the Melbourne City Link Act 1995 and the Mitcham-Frankston Project 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 **ELECTORAL LEGISLATION (FURTHER AMENDMENT) BILL** — Mr Cameron obtained leave to bring in a Bill '*to amend the Electoral Act 2002, the Constitution Act 1975, the Constitution (Parliamentary Reform) Act 2003 and the Local Government Act 1989 and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 8 **COURTS LEGISLATION (JUDICIAL PENSIONS) BILL** — Mr Cameron obtained leave to bring in a Bill '*to amend the Attorney-General and Solicitor-General Act 1972, the Constitution Act 1975, the County Court Act 1958, the Magistrates' Court Act 1989, the Public Prosecutions Act 1994 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.

- 9 **MAGISTRATES' COURT (JUDICIAL REGISTRARS AND COURT RULES) BILL** — Mr Cameron obtained leave to bring in a Bill '*to amend the Magistrates' Court Act 1989 so as to provide for the appointment of, and the powers exercisable by, judicial registrars in the Magistrates' Court and for the making of rules of court in relation to criminal proceedings in the Magistrates' Court and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 10 **LONG SERVICE LEAVE (AMENDMENT) BILL** — Mr Cameron obtained leave to bring in a Bill '*to amend the Long Service Leave Act 1992 to make the law relating to long service leave more consistent with modern working practices and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 11 **OWNER DRIVERS AND FORESTRY CONTRACTORS BILL** — Mr Cameron obtained leave to bring in a Bill '*to regulate the relationship between persons who contract to transport goods in a vehicle, or harvest forest products using motorised equipment, supplied by them and persons who hire them, to amend 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.
- 12 **HIGHER EDUCATION ACTS (AMENDMENT) BILL** — Ms Kosky obtained leave to bring in a Bill '*to amend various Acts establishing Victorian universities to make further provision for their governance and operation and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 13 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

Wonthaggi State Coal Mine Tourist Attraction — Requesting that the House takes action to provide Parks Victoria, Bass Coast Shire Council and Friends of the State Coal Mine with the means to carry out major upgrades to bring all underground operations and haulage and electrical equipment up to the same standard as a working mine in order to have the Wonthaggi State Coal Mine Tourist Attraction in working order so that underground tours can resume, bearing 183 signatures (*Mr Smith*)

Bass Landing Boat Launching Ramp — Requesting that the Parliament and the Minister for Environment allow the Bass Landing Boat Launching Ramp and parking area to remain open to the boat users and fishermen and women who have used this area for many years, bearing 245 signatures (*Mr Smith*)

Desexing of Cats — Requesting that the House enacts legislation to require — (a) that all cats over the age of 12 weeks are desexed unless registered to a licensed breeder; and (b) that all cats and kittens offered for sale or acquired are desexed, bearing 27 signatures (*Mr Langdon*)

Physical Education in Schools — Requesting that the House takes action to ensure that the Government restores physical education to a discipline and positions it in the discipline core area in the Victorian Curriculum Reform being undertaken for the Minister for Education and Training bearing 15,135 signatures (*Mr Nardella*)

St Arnaud Harness Racing Club Track — Requesting that the Minister for Racing — (a) conducts an investigation into and rescinds Harness Racing Victoria's decision to

terminate the St Arnaud Harness Racing Club track as a TAB race venue; (b) requires Harness Racing Victoria to comply with sections 44, 44B and 44C of the *Racing Act 1958*; and (c) recommends to the Governor in Council to terminate the appointment of the Board of Harness Racing Victoria and call for nominations of a replacement Board, bearing 406 signatures (*Mr Walsh*).

Petitions ordered to be tabled.

- 14 **PETITION — ST ARNAUD HARNESS RACING CLUB TRACK** — 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 — WONTHAGGI STATE COAL MINE TOURIST ATTRACTION** — Motion made and question — That the petition presented by the Member for Bass be taken into consideration tomorrow (*Mr Smith*) — put and agreed to.
- 16 **PETITION — BASS LANDING BOAT LAUNCHING RAMP** — Motion made and question — That the petition presented by the Member for Bass be taken into consideration tomorrow (*Mr Smith*) — put and agreed to.
- 17 **DOCUMENTS** —

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — Ms D'Ambrosio, Chair, presented a report from the Scrutiny of Acts and Regulations Committee being the Alert Digest No 4 of 2005 on the:

Justice Legislation (Amendment) Bill
 Land (Revocation of Reservations) Bill
 Parliamentary Administration Bill
 Sentencing (Further Amendment) Bill

together with appendices.

Ordered to be tabled and printed.

DRUGS AND CRIME PREVENTION COMMITTEE — Mr Cooper, Deputy Chair, presented a report from the Drugs and Crime Prevention Committee on the Inquiry into Violence Associated with Motor Vehicle Use, together with appendices and minutes of evidence.

Ordered to be tabled and the report and appendices printed.

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — Ms Campbell, Chair, presented a report from the Public Accounts and Estimates Committee on the 2003–04 Budget Outcomes, 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 — Performance Audit Report — Management of occupational health and safety in local government — Ordered to be printed

Medical Practitioners Board — Report for the year ended 30 September 2004

Mitcham-Frankston Project Act 2004 — Orders varying the Project Area and the Extended Project Area (two orders)

National Environment Protection Council — Report for the year 2003–04

Parliamentary Committees Act 2003 — Response of the Minister Assisting the Premier on Multicultural Affairs and Minister for Employment and Youth Affairs on the action taken with respect to the recommendations made by the Economic Development Committee's Inquiry into the Economic Contribution of Victoria's Culturally Diverse Population

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

Ararat Planning Scheme — No C8
Ballarat Planning Scheme — No C65
Banyule Planning Scheme — No C6
Boroondara Planning Scheme — Nos C44, C47
Brimbank Planning Scheme — No C69
Campaspe Planning Scheme — No C32
Cardinia Planning Scheme — Nos C50, C57
Casey Planning Scheme — No C65
East Gippsland Planning Scheme — No C44
Glen Eira Planning Scheme — No C44
Greater Bendigo Planning Scheme — Nos C40, C59
Greater Geelong Planning Scheme — Nos C87, C88, C92
Hume Planning Scheme — No C54
Knox Planning Scheme — No C37
Latrobe Planning Scheme — No C37
Loddon Planning Scheme — No C11
Macedon Ranges Planning Scheme — Nos C31, C36
Manningham Planning Scheme — No C45
Mansfield Planning Scheme — No C4
Melbourne Planning Scheme — No C94
Port Phillip Planning Scheme — No C50
Surf Coast Planning Scheme — Nos C7 Part 1, C19, C22
Wyndham Planning Scheme — No C49

Statutory Rules under the following Acts:

Fisheries Act 1995 — SR No 12

Forests Act 1958 — SR No 13

Magistrates' Court Act 1989 — SR No 15

Mineral Resources Development Act 1990 — SR No 11

Public Administration Act 2004 — SR No 16
Subordinate Legislation Act 1994 — SR No 14

Subordinate Legislation Act 1994:

Ministers' exception certificates in relation to Statutory Rule Nos 14, 15
 Ministers' exemption certificates in relation to Statutory Rule Nos 11, 12, 16

Survey Co-ordination Act 1958 — Report of the Surveyor General for the year 2003–04

Victorian Environment Assessment Council Act 2001 — Response to submissions on the proposed terms of reference for investigation into Riverine Red Gum forests

Wildlife Act 1975 — Wildlife (Control of Hunting) Notice No 2/2005.

The following proclamations fixing operative dates were tabled by the Clerk in accordance with an Order of the House dated 26 February 2003:

Primary Industries Legislation (Further Miscellaneous Amendments) Act 2004 — Section 55 on 1 April 2005 (*Gazette G12, 24 March 2005*)

Public Administration Act 2004 — Remaining provisions of Part 1 and Division 1 of Part 4 on 4 April 2005; remaining provisions except Part 5 on 5 April 2005; and Part 5 on 1 July 2005 (*Gazette G13, 31 March 2005*).

18 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Classification (Publications, Films and Computer Games) (Enforcement) (Amendment) Bill without amendment.

19 **MESSAGE FROM THE GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that he had, on 5 April 2005, given the royal assent to the following bills, presented to him by the Deputy Clerk of the Legislative Council for and in the absence of the Clerk of the Parliaments:

Corrections (Transition Centres and Custodial Community Permits) Bill
 Courts Legislation (Judicial Appointments and Other Amendments) Bill
 Retirement Villages (Amendment) Bill
 Water Efficiency Labelling and Standards Bill.

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

Justice Legislation (Amendment) Bill
 Parliamentary Administration Bill.

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 21 April 2005:

Justice Legislation (Amendment) Bill
 Land (Revocation of Reservations) Bill
 Parliamentary Administration Bill

Sentencing (Further Amendment) Bill
Statute Law Revision Bill

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

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

23 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE — LAND TAX** — The House was informed that Mr Clark had proposed that a definite matter of public importance be submitted to the House for discussion, namely —

'That this House condemns the Bracks Government's deliberate policy of massively increasing the land tax burden on Victorians and the Treasurer's failure to realise the devastating consequences of this policy, particularly for small and medium-sized taxpayers, and calls on the Government to provide genuine land tax relief as a matter of urgency.'

Mr Clark addressed the House — Discussion followed.

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

Drugs and Crime Prevention Committee's Report on the Inquiry into Violence Associated with Motor Vehicle Use

Economic Development Committee's Interim Report on the Inquiry into Labour Hire Employment in Victoria

Public Accounts and Estimates Committee's Report on the 2003–04 Budget Outcomes.

Business having been interrupted at 2.00 pm under standing orders.

25 **QUESTIONS** — (Under SO 55).

Prior notice having been given under SO 43, business was interrupted at 2.48 pm.

26 **MINISTERIAL STATEMENT — ENVIRONMENTAL SUSTAINABILITY** — The Minister for Environment made a ministerial statement relating to environmental sustainability, to which members responded.

27 **STATUTE LAW REVISION 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.

Message sent to the Legislative Council informing them that the Bill has been agreed to without amendment.

28 **SENTENCING (FURTHER AMENDMENT) BILL** — 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 Holding*) — put and agreed to.

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

- 29 **JUSTICE LEGISLATION (AMENDMENT) BILL** — 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 Cooper*) — put and agreed to.

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

- 30 **PARLIAMENTARY ADMINISTRATION BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Under standing orders, Mr Cooper 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 Asher*) — put and agreed to.

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

- 31 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Outworkers (Improved Protection) (Amendment) Bill without amendment.

- 32 **LAND (REVOCAION OF RESERVATIONS) BILL** — 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 — (a) retain the provisions relating to the revocation of land at Sandhurst; and (b) take into account results of a comprehensive, independent and public investigation into alternative proposals which would avoid the alienation of public parkland in relation to the proposed road widening at Richmond' (*Mr Baillieu*) — and, after debate —

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

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

- 33 **PARLIAMENTARY ADMINISTRATION 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.

- 34 **ADJOURNMENT** — The Speaker, announced that the time for the adjournment of the House had arrived, and, after debate, the Acting Speaker left the Chair, at 10.44 pm.

R W PURDEY
Clerk of the Legislative Assembly

JUDY MADDIGAN
Speaker

No 107 — Thursday 21 April 2005

- 1 The Speaker took the Chair and read the Prayer.
- 2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

Bass Landing Boat Launching Ramp — Requesting that the Parliament and the Minister for Environment allow the Bass Landing Boat Launching Ramp and parking area to remain open to the boat users and fishermen and women who have used this area for many years, bearing 327 signatures (*Mr Smith*)

Rural Planning Zones — Requesting that the House does not proceed with the proposed introduction of the new zonings in rural areas, bearing 5 signatures (*Mr Baillieu*)

Camberwell Railway Station — Requesting that the House abandons its intention to sell, lease or in any way make available the land and air space surrounding Camberwell Railway Station for development and thus retains the heritage station and the public open space for the enjoyment of all now and in the future, bearing 103 signatures (*Mr Baillieu*)

Burnley Gardens — Requesting that the House stops alienation of parkland in Richmond for the benefit of the commercial development of Burnley Gardens and thus retains the public open space for the enjoyment of all now and in the future, bearing 30 signatures (*Mr Baillieu*)

Glenferrie Road, Hawthorn — Requesting that the House requires the Minister for Planning to remove Glenferrie Road, Hawthorn from the list of Major Activity Centres, as published by the Department of Sustainability and Environment, December 2003, and thus retains the amenity of the road and surrounding precinct, bearing 49 signatures (*Mr Baillieu*)

City Link and Toll Road Concessions for Pensioners and Self Funded Superannuants — Requesting that the House calls on the Government to initiate immediate action to extend concessions to enable all pensioners and self funded superannuants to access City Link and other toll roads in Victoria at an affordable cost, bearing 271 signatures (*Mr Cooper*)

Rosebud Hospital Upgrade — Requesting that the House solves the problems of people having to wait inordinate times for surgery at Peninsula Health, Frankston Hospital and the overworked Emergency Ward at Frankston by upgrading the Rosebud Hospital to treat a wider range of medical conditions, bearing 580 signatures (*Mr Dixon*)

Motor Vehicle Registration Fees — Pensioner Concession — Requesting that the Government reverses its decision to halve the pensioner concession on car registration fees, bearing 36 signatures (*Mr Dixon*).

Petitions ordered to be tabled.

- 3 **PETITION — CITY LINK AND TOLL ROAD CONCESSIONS FOR PENSIONERS AND SELF FUNDED SUPERANNUANTS** — Motion made and question — That the petition presented by the Member for Mornington be taken into consideration tomorrow (*Mr Cooper*) — put and agreed to.
- 4 **PETITION — RURAL PLANNING ZONES** — Motion made and question — That the petition presented by the Member for Hawthorn be taken into consideration tomorrow (*Mr Baillieu*) — put and agreed to.
- 5 **PETITION — CAMBERWELL RAILWAY STATION** — Motion made and question — That the petition presented by the Member for Hawthorn be taken into consideration tomorrow (*Mr Baillieu*) — put and agreed to.
- 6 **PETITION — BURNLEY GARDENS** — Motion made and question — That the petition presented by the Member for Hawthorn be taken into consideration tomorrow (*Mr Baillieu*) — put and agreed to.
- 7 **PETITION — GLENFERRIE ROAD, HAWTHORN** — Motion made and question — That the petition presented by the Member for Hawthorn be taken into consideration tomorrow (*Mr Baillieu*) — put and agreed to.
- 8 **PETITION — BASS LANDING BOAT LAUNCHING RAMP** — Motion made and question — That the petition presented by the Member for Bass be taken into consideration tomorrow (*Mr Smith*) — put and agreed to.
- 9 **DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:

Ballarat University — Report for the year 2004 (two documents)

Deakin University — Report for the year 2004

La Trobe University — Report for the year 2004

Melbourne University — Report for the year 2004

Melbourne University Private Limited — Report for the year 2004

Monash University — Report for the year 2004

RMIT University — Report for the year 2004

Statutory Rules under the following Acts:

Heritage Act 1995 — SR No 18

Victorian Civil and Administrative Tribunal Act 1998 — SR No 17

Swinburne University of Technology — Report for the year 2004

Victoria University of Technology — Report for the year 2004.

- 10 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the National Electricity (Victoria) Bill without amendment.

- 11 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourns until Tuesday 3 May 2005 (*Mr Cameron*) — put, after debate, and agreed to.

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

- 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 **HIGHER EDUCATION ACTS (AMENDMENT) BILL** — 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 Perton*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 5 May 2005.

- 15 **CHILDREN AND YOUNG PERSONS (MISCELLANEOUS AMENDMENTS) 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 McIntosh*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 4 May 2005.

- 16 **ELECTORAL LEGISLATION (FURTHER 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 McIntosh*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 5 May 2005.

- 17 **MAGISTRATES' COURT (JUDICIAL REGISTRARS AND COURT RULES) 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 McIntosh*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 4 May 2005.

- 18 **LONG SERVICE LEAVE (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 McIntosh*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 4 May 2005.

- 19 **OWNER DRIVERS AND FORESTRY CONTRACTORS 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 McIntosh*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 5 May 2005.

- 20 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 11 to 14 inclusive, be postponed until later this day.

- 21 **COURTS LEGISLATION (JUDICIAL PENSIONS) 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 McIntosh*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 5 May 2005.

- 22 **NATIONAL PARKS (POINT NEPEAN) BILL** — 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 5 May 2005.

- 23 **LOCAL GOVERNMENT (AMENDMENT) BILL** — 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 Smith*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 5 May 2005.

- 24 **CITY OF MELBOURNE (AMENDMENT) BILL** — 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 Smith*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 5 May 2005.

- 25 **COMMONWEALTH GAMES ARRANGEMENTS (MISCELLANEOUS AMENDMENTS) BILL** — 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 Dixon*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 5 May 2005.

- 26 **SENTENCING (FURTHER 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.

- 27 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Geothermal Energy Resources Bill without amendment.

- 28 **LAND (REVOCAION OF RESERVATIONS) BILL** — 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 — (a) retain the provisions relating to the revocation of land at Sandhurst; and (b) take into account results of a comprehensive, independent and public investigation into alternative proposals which would avoid the alienation of public parkland in relation to the proposed road widening at Richmond'; 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.

Business having been interrupted at 2.00 pm under standing orders.

- 29 **QUESTIONS** — (Under SO 55).

- 30 **JUSTICE LEGISLATION (AMENDMENT) BILL** — 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.

- 31 **PARLIAMENTARY ADMINISTRATION BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Allocation of time — The Speaker advised that the time allocated for consideration of bills under the resolution of the House on Wednesday 20 April 2005 had expired.

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.

- 32 **LAND (REVOCAION OF RESERVATIONS) BILL** — 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 — (a) retain the provisions relating to the revocation of land at Sandhurst; and (b) take into account results of a comprehensive, independent and public investigation into alternative proposals which would avoid the alienation of public parkland in relation to the proposed road widening at Richmond'.

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

The House divided.

AYES 56

Ms Allan; Mr Andrews; Ms Barker; Ms Beard; Ms Beattie; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 24

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Napthine; Mr Perton; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Mr Smith; Dr Sykes; Mr Walsh; Mr Wells.

Question agreed to.

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

The House divided.

AYES 63

Ms Allan; Mr Andrews; Ms Barker; Ms Beard; Ms Beattie; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Delahunty (*Lowan*); Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Jasper; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maughan; Mr Maxfield; Mr Merlino; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mrs Powell; Mr Robinson; Mr Ryan; Mr Seitz; Mr Stensholt; Mr Sykes; Mr Thwaites; Mr Trezise; Mr Walsh; Mr Wilson; Mr Wynne.

NOES 17

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Dixon; Mr Doyle; Mr Honeywood; Mr Ingram; Mr Kotsiras; Mr McIntosh; Mr Mulder; Dr Napthine; Mr Perton; Mr Savage; Mrs Shardey; Mr Smith; 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.

- 33 **JUSTICE LEGISLATION (AMENDMENT) BILL** — 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.

AYES 65

Ms Allan; Mr Andrews; Ms Barker; Ms Beard; Ms Beattie; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Delahunty (*Lowan*); Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Mr Jasper; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maughan; Mr Maxfield; Mr Merlino; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mrs Powell; Mr Robinson; Mr Ryan; Mr Savage; Mr Seitz; Mr Stensholt; Mr Sykes; Mr Thwaites; Mr Trezise; Mr Walsh; Mr Wilson; Mr Wynne.

NOES 15

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Dixon; Mr Doyle; Mr Honeywood; Mr Kotsiras; Mr McIntosh; Mr Mulder; Dr Napthine; Mr Perton; Mrs Shardey; Mr Smith; Mr Wells.

Question agreed to.

Bill sent to the Legislative Council and their agreement requested.

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

- 35 **ADJOURNMENT** — The Speaker left the Chair, after debate, at 4.48 pm.

R W PURDEY
Clerk of the Legislative Assembly

JUDY MADDIGAN
Speaker

LEGISLATIVE ASSEMBLY OF VICTORIA

VOTES AND PROCEEDINGS Nos 108, 109 and 110

No 108 — Tuesday 3 May 2005

1 The House met according to the adjournment — The Speaker took the Chair and read the Prayer.

2 **QUESTIONS** — (Under SO 55).

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

Harness Racing at Hamilton — Requesting that the Minister for Racing withdraws his support for the 'Vision Value Victoria' (V3) scheme and does his utmost to reinstate harness racing at Hamilton, bearing 537 signatures (*Dr Naphthine*).

Ordered to be tabled.

4 **PETITION — HARNESS RACING AT HAMILTON** — 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.

5 **DOCUMENTS** —

VICTORIAN GOVERNMENT INDIGENOUS AFFAIRS — Motion made, by leave, and question — That the Report on Victorian Government Indigenous Affairs for the period July 2002 to June 2004 be tabled (*Mr Thwaites*) — put and agreed to.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — Ms D'Ambrosio, Chair, presented a report from the Scrutiny of Acts and Regulations Committee being the Alert Digest No 5 of 2005 on the:

Children and Young Persons (Miscellaneous Amendments) Bill
City of Melbourne (Amendment) Bill
Commonwealth Games Arrangements (Miscellaneous Amendments) Bill
Courts Legislation (Judicial Pensions) Bill
Electoral Legislation (Further Amendment) Bill
Higher Education Acts (Amendment) Bill
Local Government (Amendment) Bill
Long Service Leave (Amendment) Bill
Magistrates' Court (Judicial Registrars and Court Rules) Bill
National Parks (Point Nepean) Bill

Owner Drivers and Forestry Contractors Bill

together with appendices.

Ordered to be tabled and printed.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — Mr Leighton presented the Final Report from the Scrutiny of Acts and Regulations Committee on Victorian Electronic Democracy, together with appendices and minutes of evidence.

Ordered to be tabled and the report and appendices printed.

DOCUMENT BY COMMAND OF THE GOVERNOR —

Mr Hulls presented by Command of the Governor:

Children's Court of Victoria — Report for the year 2003–04

Ordered to be tabled.

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

Bendigo Regional Institute of TAFE — Report for the year 2004

Box Hill Institute of TAFE — Report for the year 2004

Central Gippsland Institute of TAFE — Report for the year 2004

Centre for Adult Education — Report for the year 2004

Chisholm Institute of TAFE — Report for the year 2004

Driver Education Centre of Australia Ltd — Report for the year 2004

East Gippsland Institute of TAFE — Report for the year 2004

Financial Management Act 1994:

Budget Paper No 2 — 2005–06 Strategy and Outlook

Budget Paper No 3 — 2005–06 Service Delivery

Budget Paper No 4 — 2005–06 Statement of Finances incorporating the Quarterly Financial Report No 3

Gordon Institute of TAFE — Report for the year 2004

Goulburn Ovens Institute of TAFE — Report for the year 2004 (two documents)

Holmesglen Institute of TAFE — Report for the year 2004

Kangan Batman TAFE — Report for the year 2004 (two documents)

Northern Melbourne Institute of TAFE — Report for the year 2004

Parliamentary Committees Act 2003 — Response of the Attorney-General on the action taken with respect to the recommendations made by the Scrutiny of Acts and Regulations Committee's Report on Redundant and Unclear Legislation

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

Ballarat Planning Scheme — No C64
 Banyule Planning Scheme — No C48
 Bayside Planning Scheme — No C47
 Brimbank Planning Scheme — No C32
 Colac Otway Planning Scheme — No C33
 Corangamite Planning Scheme — No C11
 Glenelg Planning Scheme — No C19
 Horsham Planning Scheme — No C21
 Maribyrnong Planning Scheme — No C11
 Melbourne Planning Scheme — No C88
 Moonee Valley Planning Scheme — Nos C19, C53 Part 2

South West Institute of TAFE — Report for the year 2004

Subordinate Legislation Act 1994 — Minister's exemption certificate in relation to Statutory Rule No 17

Sunraysia Institute of TAFE — Report for the year 2004

Surveillance Devices Act 1999:

Reports under s 37 from the Australian Crime Commission, Chief Commissioner of Police, Department of Sustainability and Environment, and Department of Primary Industries
 Report under s 37 from the Director, Police Integrity

William Angliss Institute of TAFE — Report for the year 2004

Wodonga Institute of TAFE — Report for the year 2004 (two documents).

The following proclamation fixing an operative date was tabled by the Clerk in accordance with an Order of the House dated 26 February 2003:

Water Efficiency Labelling and Standards Act 2005 — Remaining provisions on 29 April 2005 (*Gazette G17, 28 April 2005*).

- 6 **MESSAGE FROM THE GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that he had, on 27 April 2005, given the royal assent to the following bills, presented to him by the Clerk of the Parliaments:

Classification (Publications, Films and Computer Games) (Enforcement) (Amendment) Bill
 Geothermal Energy Resources Bill
 National Electricity (Victoria) Bill
 Outworkers (Improved Protection) (Amendment) Bill

Statute Law Revision Bill.

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

Children and Young Persons (Miscellaneous Amendments) Bill
 Commonwealth Games Arrangements (Miscellaneous Amendments) Bill
 Courts Legislation (Judicial Pensions) Bill
 Electoral Legislation (Further Amendment) Bill
 Magistrates' Court (Judicial Registrars and Court Rules) Bill
 National Parks (Point Nepean) Bill
 Owner Drivers and Forestry Contractors Bill.

- 8 **MESSAGE FROM THE GOVERNOR** — The Speaker announced the presentation of a message from the Governor recommending an appropriation for the purposes of the Appropriation (2005/2006) Bill, and accompanying Estimates of Expenditure requiring annual appropriation in the financial year 2005/2006.

Estimates ordered to be tabled.

- 9 **APPROPRIATION (2005/2006) BILL** — Mr Brumby obtained leave to bring in a Bill *'for the appropriation of certain sums out of the Consolidated Fund for the ordinary annual services of the Government for the financial year 2005/2006 and for other purposes'*; and the Bill was read a first time and under SO 87 ordered to be read a second time immediately.

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

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

Ordered — That the debate be adjourned until Thursday 5 May 2005.

- 10 **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 2005/2006) Bill, and accompanying Estimates of Expenditure for Parliament requiring annual appropriation in the financial year 2005/2006.

Estimates ordered to be tabled.

- 11 **APPROPRIATION (PARLIAMENT 2005/2006) BILL** — Mr Bracks obtained leave to bring in a Bill *'for the appropriation of certain sums out of the Consolidated Fund for the Parliament in respect of the financial year 2005/2006 and for other purposes'*; and the Bill was read a first time and under SO 87 ordered to be read a second time immediately.

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 Honeywood*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 5 May 2005.

- 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 5 May 2005:

Children and Young Persons (Miscellaneous Amendments) Bill
 Courts Legislation (Judicial Conduct) Bill
 Legal Profession (Consequential Amendments) Bill
 Long Service Leave (Amendment) Bill
 Magistrates' Court (Judicial Registrars and Court Rules) Bill.

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

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

- 14 **COURTS LEGISLATION (JUDICIAL CONDUCT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

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

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

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

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

- 15 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Mitcham-Frankston Project (Amendment) Bill without amendment.

- 16 **LEGAL PROFESSION (CONSEQUENTIAL AMENDMENTS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Under standing orders, Ms Delahunty *(Northcote)* 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 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 10.50 pm.

R W PURDEY
Clerk of the Legislative Assembly

JUDY MADDIGAN
Speaker

No 109 — Wednesday 4 May 2005

- 1 The Speaker took the Chair and read the Prayer.
- 2 **ROAD SAFETY (FURTHER AMENDMENT) BILL** — Mr Batchelor obtained leave to bring in a Bill '*to amend the Road Safety Act 1986, the Road Management Act 2004, the Melbourne City Link Act 1995, the Road Safety (Drug Driving) Act 2003, the Police Regulation Act 1958 and 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.
- 3 **TRANSPORT LEGISLATION (FURTHER AMENDMENT) BILL** — Mr Batchelor obtained leave to bring in a Bill '*to amend the Rail Corporations Act 1996 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.
- 4 **SEX OFFENDERS REGISTRATION (AMENDMENT) BILL** — Mr Holding obtained leave to bring in a Bill '*to amend the Sex Offenders Registration Act 2004, the Sentencing Act 1991, and the Births, Deaths and Marriages Registration 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.
- 5 **HOUSE CONTRACTS GUARANTEE (AMENDMENT) BILL** — Mr Hulls obtained leave to bring in a Bill '*to amend the House Contracts Guarantee Act 1987 to establish the Housing Guarantee Claims Fund, to confer responsibility on the Victorian Managed Insurance Authority for the administration of that Fund and the Domestic Building (HIH) Indemnity Fund and claims on those Funds, to provide for the transfer of the property, rights and liabilities of Housing Guarantee Fund Limited to the State, to amend the Victorian Managed Insurance Authority Act 1996 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 **GAMBLING REGULATION (PUBLIC LOTTERY LICENCES) BILL** — Mr Hulls obtained leave to bring in a Bill '*to amend the Gambling Regulation Act 2003 and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 7 **TOBACCO (AMENDMENT) BILL** — Ms Pike obtained leave to bring in a Bill '*to amend the Tobacco Act 1987 to ban smoking in enclosed workplaces and other areas, to increase controls on tobacco advertising and the supply of tobacco to young people and generally to increase controls on tobacco, to amend the Transport Act 1983 to ban smoking in covered public transport property, 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 **PRIMARY INDUSTRIES ACTS (AMENDMENT) BILL** — Mr Cameron obtained leave to bring in a Bill '*to amend the Prevention of Cruelty to Animals Act 1986, the Domestic (Feral and Nuisance) Animals Act 1994 and 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 **FISHERIES (ABALONE) BILL** — Mr Cameron obtained leave to bring in a Bill '*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.
- 10 **ENERGY LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL** — Mr Batchelor, on behalf of Mr Brumby, obtained leave to bring in a Bill '*to amend the Electricity Safety Act 1998 in relation to the level of safety to be provided under electricity safety management schemes submitted by network operators, to amend the Electricity Industry Act 2000 in relation to the methodology for determining amounts payable by generation companies for land use, to amend the Gas Industry Act 2001 to provide that a review of VENCORP may be undertaken before 2007 and to amend the Fuel Emergency Act 1977 in relation to proclamations declaring a state of emergency due to a fuel shortage and for other purposes'*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 11 **EMERGENCY SERVICES SUPERANNUATION (AMENDMENT) BILL** — Mr Batchelor, on behalf of Mr Brumby, obtained leave to bring in a Bill '*to amend the Emergency Services Superannuation Act 1986 and for other purposes'*'; and 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:

Bass Landing Boat Launching Ramp — Requesting that the Parliament and the Minister for Environment allow the Bass Landing Boat Launching Ramp and parking area to remain open to the boat users and fishermen and women who have used this area for many years, bearing 160 signatures (*Mr Smith*)

Wonthaggi State Coal Mine Tourist Attraction — Requesting that the House takes action to provide Parks Victoria, Bass Coast Shire Council and Friends of the State Coal Mine with the means to carry out major upgrades to bring all underground operations and haulage and electrical equipment up to the same standard as a working mine in order to have the Wonthaggi State Coal Mine Tourist Attraction in working order so that underground tours can resume, bearing 2 signatures (*Mr Smith*)

Purchase of Used Cars — Requesting a change in legislation to protect Victorian consumers in respect of the buyer beware provisions applying to the purchase of used cars as many have been deceived by unscrupulous dealers and private vendors by the non disclosure of extensive cosmetic changes carried out on vehicles, bearing 1 signature (*Ms Eckstein*)

National Park in the Otways — Requesting that the House ensures that — (a) one large National Park, containing all the areas recommended by the Victorian Environmental Assessment Council (VEAC), plus the catchments of the Holywater and Wait-a-while

Creeks, and the headwaters of the Aire River, be established this year; and (b) all indigenously vegetated public land not included in the National Park be made into a number of Regional Parks, under the National Parks Act and subject to one management regime, bearing 246 signatures (*Mr Crutchfield*).

Petitions ordered to be tabled.

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

Audit Act 1994 — Report of the Auditor-General on results of special reviews and other investigations — Ordered to be printed

Prevention of Cruelty to Animals Act 1986 — Code of Practice for the Welfare of Rodeo and Rodeo School Livestock in Victoria (Revision Number 1).

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

Health (Compulsory Testing) Bill
Charities (Amendment) Bill.

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

[The Deputy Speaker having left the Chair at 10.23 am, resumed it at 10.33 am]

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

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

Public Accounts and Estimates Committee's Report on the 2003–04 Budget Outcomes

Drugs and Crime Prevention Committee's Report on the Inquiry into Violence Associated with Motor Vehicle Use

Economic Development Committee's Interim Report on the Inquiry into Labour Hire Employment in Victoria.

Business having been interrupted at 2.00 pm under standing orders.

- 18 **QUESTIONS** — (Under SO 55).

- 19 **COURTS LEGISLATION (JUDICIAL CONDUCT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Question — put.

The House divided.

AYES 67

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Delahunty (*Lowan*); Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Jasper; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Loney; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maughan; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Mrs Powell; Mr Ryan; Mr Savage; Mr Seitz; Mr Stensholt; Dr Sykes; Mr Thwaites; Mr Trezise; Mr Walsh; Mr Wilson; Mr Wynne.

NOES 18

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Dixon; Mr Doyle; Mr Honeywood; Mr Ingram; Mr Kotsiras; Mr McIntosh; Mr Mulder; Dr Naphthine; Mr Perton; Mr Plowman; Mrs Shardey; Mr Smith; Mr Thompson; Mr Wells.

Question agreed to.

Bill read a second time, considered in detail and agreed to with amendments, 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 (*pp 674, 675*).

Bill sent to the Legislative Council and their agreement requested.

- 20 **LEGAL PROFESSION (CONSEQUENTIAL AMENDMENTS) BILL** — 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 (*pp 674, 676*).

Bill sent to the Legislative Council and their agreement requested.

- 21 **CHILDREN AND YOUNG PERSONS (MISCELLANEOUS AMENDMENTS) BILL** — 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 consults with key stakeholders including the judiciary, Victoria Police, victims of crime groups and the Sentencing Advisory Council as to the impact of limiting judicial discretion in imposing compensation orders under Part 4 of the *Sentencing Act 1991*' (*Mr McIntosh*) — and, after debate —

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.

- 22 **MAGISTRATES' COURT (JUDICIAL REGISTRARS AND COURT RULES) BILL** — 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 consults with key stakeholders as to the need for judicial registrars; how the independence of judicial registrars could be best protected; and how to properly prescribe the powers of judicial registrars' (*Mr McIntosh*) — and, after debate —

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 **LONG SERVICE LEAVE (AMENDMENT) BILL** — 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.

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

Land (Revocation of Reservations) Bill
Sentencing (Further Amendment) Bill.

- 25 **CHILDREN AND YOUNG PERSONS (MISCELLANEOUS AMENDMENTS) BILL** — 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 consults with key stakeholders including the judiciary, Victoria Police, victims of crime groups and the Sentencing Advisory Council as to the impact of limiting judicial discretion in imposing compensation orders under Part 4 of the *Sentencing Act 1991*'; 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.

- 26 **LONG SERVICE LEAVE (AMENDMENT) 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.

- 27 **ADJOURNMENT** — The Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.34 pm.

R W PURDEY
Clerk of the Legislative Assembly

JUDY MADDIGAN
Speaker

No 110 — Thursday 5 May 2005

- 1 The Speaker took the Chair and read the Prayer.
- 2 **PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE** — The Speaker announced that she had received the resignation of Mr Donnellan from the Public Accounts and Estimates Committee, effective from 4 May 2005.
- 3 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

City Link and Toll Road Concessions for Pensioners and Self Funded Superannuants — Requesting that the House calls on the Government to initiate immediate action to extend concessions to enable all pensioners and self funded superannuants to access City Link and other toll roads in Victoria at an affordable cost, bearing 78 signatures (*Mr Cooper*)

Dog Control between Dalgetty Road, Beaumaris and Central Avenue, Black Rock — Requesting that the Government puts in place a reasonable arrangement for the control of dogs between Dalgetty Road, Beaumaris and Central Avenue, Black Rock, in accordance with regulation 37 of the *National Parks (Park) Regulations 2003*, bearing 1,447 signatures (*Mr Thompson*).

Petitions ordered to be tabled.

- 4 **PETITION — CITY LINK AND TOLL ROAD CONCESSIONS FOR PENSIONERS AND SELF FUNDED SUPERANNUANTS** — Motion made and question — That the petition presented by the Member for Mornington be taken into consideration tomorrow (*Mr Cooper*) — put and agreed to.
- 5 **PETITION — DOG CONTROL BETWEEN DALGETTY ROAD, BEAUMARIS AND CENTRAL AVENUE, BLACK ROCK** — Motion made and question — That the petition presented by the Member for Sandringham be taken into consideration tomorrow (*Mr Thompson*) — put and agreed to.
- 6 **DOCUMENTS TABLED UNDER AN ACT OF PARLIAMENT** — The Clerk tabled the following documents in accordance with an Act of Parliament:

Adult Multicultural Education Services — Report for the year 2004

Financial Management Act 1994 — Report from the Minister for Health that she had received the 2004 annual report of the Psychologists Registration Board.

- 7 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourns until Tuesday 17 May 2005 (*Mr Batchelor*) — put and agreed to.

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

- 9 **LAW REFORM COMMITTEE** — Motion made and question — That Ms Beattie be appointed a member of the Law Reform Committee (*Mr Batchelor*) — after debate, put.

The House divided.

AYES 56

Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Perera; Ms Pike; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 25

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Napthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Mr Smith; Dr Sykes; Mr Walsh; Mr Wells.

Question agreed to.

- 10 **APPROPRIATION (2005/2006) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Business having been interrupted at 2.00 pm under standing orders.

- 11 **QUESTIONS** — (Under SO 55).

- 12 **APPROPRIATION (2005/2006) BILL** — Debate continued on question — That this Bill be now read a second time.

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

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

- 13 **LONG SERVICE LEAVE (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Allocation of time — The Acting Speaker advised that the time allocated for consideration of bills under the resolution of the House on Tuesday 3 May 2005 had expired.

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

The House divided.

AYES 57

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Perera; Ms Pike; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 26

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Naphthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; 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.

- 14 **CHILDREN AND YOUNG PERSONS (MISCELLANEOUS AMENDMENTS) BILL** — 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 consults with key stakeholders including the judiciary, Victoria Police, victims of crime groups and the Sentencing Advisory Council as to the impact of limiting judicial discretion in imposing compensation orders under Part 4 of the *Sentencing Act 1991*'.

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

The House divided.

AYES 59

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Perera; Ms Pike; Mr Robinson; Mr Savage; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 24

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Naphthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

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 **MAGISTRATES' COURT (JUDICIAL REGISTRARS AND COURT RULES) BILL** — 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 consults with key stakeholders as to the need for judicial registrars; how the independence of judicial registrars could be best protected; and how to properly prescribe the powers of judicial registrars'.

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

The House divided.

AYES 59

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Perera; Ms Pike; Mr Robinson; Mr Savage; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 24

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Naphine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

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

The House divided.

AYES 66

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Delahunty (*Lowan*); Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Mr Jasper; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maughan; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Perera; Ms Pike; Mrs Powell; Mr Robinson; Mr Ryan; Mr Savage; Mr Seitz; Mr Stensholt; Dr Sykes; Mr Thwaites; Mr Trezise; Mr Walsh; Mr Wilson; Mr Wynne.

NOES 17

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Dixon; Mr Doyle; Mr Honeywood; Mr Kotsiras; Mr McIntosh; Mr Mulder; Dr Napthine; Mr Perton; Mr Plowman; Mrs Shardey; Mr Smith; Mr Thompson; 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.

16 **EDUCATION AND TRAINING COMMITTEE** — The Deputy Speaker announced that the Speaker had received the resignation of Mr Scheffer from the Education and Training Committee, effective from today.

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

18 **PRIMARY INDUSTRIES ACTS (AMENDMENT) BILL** — 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 19 May 2005.

19 **FISHERIES (ABALONE) BILL** — 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, after debate — That the debate be adjourned until Thursday 19 May 2005.

20 **ROAD SAFETY (FURTHER AMENDMENT) BILL** — 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 Thursday 19 May 2005.

21 **TRANSPORT LEGISLATION (FURTHER AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Batchelor*).

Mr Batchelor 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 19 May 2005.

- 22 **SEX OFFENDERS REGISTRATION (AMENDMENT) BILL** — 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 19 May 2005.

- 23 **HOUSE CONTRACTS GUARANTEE (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 Kotsiras*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 19 May 2005.

- 24 **GAMBLING REGULATION (PUBLIC LOTTERY LICENCES) 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 Smith*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 19 May 2005.

- 25 **TOBACCO (AMENDMENT) BILL** — 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 Baillieu*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 19 May 2005.

- 26 **ENERGY LEGISLATION (MISCELLANEOUS AMENDMENTS) 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 Clark*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 19 May 2005.

- 27 **EMERGENCY SERVICES SUPERANNUATION (AMENDMENT) 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 Clark*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 19 May 2005.

- 28 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Brumby*) — put and agreed to.
- 29 **ADJOURNMENT** — The Deputy Speaker left the Chair, after debate, at 6.28 pm.

R W PURDEY
Clerk of the Legislative Assembly

JUDY MADDIGAN
Speaker

LEGISLATIVE ASSEMBLY OF VICTORIA

CONSIDERATION IN DETAIL
Supplement to Votes Nos 108, 109 and 110

No 109 — Wednesday 4 May 2005

COURTS LEGISLATION (JUDICIAL CONDUCT) BILL

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

Amendment put and agreed to.

Clause agreed to as amended.

Clauses 2 and 3 agreed to.

Clause 4, Mr Hulls moved amendment Nos 3 to 7 (*see Schedule 1*).

Amendments put and agreed to.

Clause agreed to as amended.

Clauses 5 to 9 agreed to.

New clause AA agreed to.

Bill agreed to as amended.

LEGAL PROFESSION (CONSEQUENTIAL AMENDMENTS) BILL

Clauses 1 to 18 agreed to.

Clause 19, Mr Hulls moved amendment Nos 1 and 2 (*see Schedule 2*).

Amendments put and agreed to.

Clause agreed to as amended.

Schedule agreed to.

Bill agreed to as amended.

SCHEDULES OF AMENDMENTS MOVED

SCHEDULE 1

COURTS LEGISLATION (JUDICIAL CONDUCT) BILL

Amendments moved by Mr Hulls

1. Clause 1, lines 11 and 12, omit "from a panel of federal and interstate judges".
2. Clause 2, omit this clause.
3. Clause 4, after line 25 insert—
 - ' **"qualifying office"** means the office of judge of any of the following courts—
 - (a) Federal Court of Australia;
 - (b) Family Court of Australia;
 - (c) Family Court of Western Australia;
 - (d) Supreme Court of a State other than Victoria;
 - (e) Supreme Court of the Australian Capital Territory or the Northern Territory;'
4. Clause 4, page 4, line 29, omit "judicial officers" and insert "persons".
5. Clause 4, page 5, lines 1 to 10, omit all words and expressions on these lines and insert—
 - "() A person is only eligible for appointment as a panel member if he or she has held a qualifying office but no longer holds one.
 - () The office of a panel member becomes vacant if he or she is appointed to a qualifying office."
6. Clause 4, page 5, lines 15 to 17, omit all words and expressions on these lines.
7. Clause 4, page 6, lines 4 to 7, omit all words and expressions on these lines and insert "first appointment to a qualifying office".

NEW CLAUSE

8. Insert the following New Clause to follow clause 1—
 - "AA. Commencement**
 - (1) This Part comes into operation on the day after the day on which this Act receives the Royal Assent.
 - (2) Subject to sub-section (3), the remaining provisions of this Act come into operation on a day to be proclaimed.
 - (3) If the provisions referred to in sub-section (2) do not come into operation before 1 June 2006, they come into operation on that day."

SCHEDULE 2**LEGAL PROFESSION (CONSEQUENTIAL AMENDMENTS) BILL**

Amendments moved by Mr Hulls

1. Clause 19, page 9, line 4, omit ' "interstate" .' and insert ' "interstate" ;'.
2. Clause 19, page 9, after line 4 insert—
 - '() in clause 8.14(1) in Schedule 2, for "section 6.2.19(2)(c)" **substitute** "section 6.2.19(1)(d)".'

LEGISLATIVE ASSEMBLY OF VICTORIA

VOTES AND PROCEEDINGS Nos 111, 112 and 113

No 111 — Tuesday 17 May 2005

- 1 The House met according to the adjournment — The Speaker took the Chair and read the Prayer.
- 2 **QUESTIONS** — (Under SO 55).
- 3 **ENVIRONMENT AND WATER LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL** — Mr Thwaites obtained leave to bring in a Bill '*to make miscellaneous amendments to the **Sustainable Forests (Timber) Act 2004**, the **Safety on Public Land Act 2004**, the **Victorian Conservation Trust Act 1972**, the **Water Act 1989** and the **Melbourne and Metropolitan Board of Works 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 **ENERGY SAFE VICTORIA BILL** — Mr Brumby obtained leave to bring in a Bill '*to establish **Energy Safe Victoria**, to amend the **Gas Safety Act 1997** and the **Electricity Safety Act 1998** 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 **COURTS LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL** — Mr Hulls obtained leave to bring in a Bill '*to amend the **Magistrates' Court Act 1989**, the **Constitution Act 1975**, the **County Court Act 1958**, the **Judicial Remuneration Tribunal Act 1995**, the **Sentencing Act 1991** and certain other Acts and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 6 **LAND (MISCELLANEOUS MATTERS) BILL** — Mr Hulls obtained leave to bring in a Bill '*to provide for the revocation of a number of reservations in respect of various parcels of land, to provide for the revocation of Crown grants in relation to some of those parcels of land and the re-reservation of part of one of those parcels of land, to amend the **Ballarat (Sovereign Hill) Land Act 1970** to provide for additional land to be included in the reserved land to which that Act applies and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 7 **ACCIDENT COMPENSATION (AMENDMENT) BILL** — Mr Hulls obtained leave to bring in a Bill '*to amend the **Accident Compensation Act 1985**, the **Accident Compensation (WorkCover Insurance) Act 1993**, the **Occupational Health and Safety Act 2004** and the **Transport Accident Act 1986** and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.

- 8 **ACCIDENT COMPENSATION AND TRANSPORT ACCIDENT ACTS (OMBUDSMAN) BILL** — Mr Hulls obtained leave to bring in a Bill '*to amend the Accident Compensation Act 1985 and the Transport Accident Act 1986 and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 9 **DANGEROUS GOODS AND EQUIPMENT (PUBLIC SAFETY) ACTS (AMENDMENT) BILL** — Mr Hulls obtained leave to bring in a Bill '*to amend the Dangerous Goods Act 1985 and the Equipment (Public Safety) Act 1994 and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 10 **HEALTH LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL** — Ms Pike obtained leave to bring in a Bill '*to amend the Cemeteries and Crematoria Act 2003, the Health Services Act 1988, the Mental Health Act 1986, various health practitioner regulation Acts and the Veterinary Practice Act 1997 and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 11 **MELBOURNE COLLEGE OF DIVINITY (AMENDMENT) BILL** — Ms Kosky obtained leave to bring in a Bill '*to amend the Melbourne College of Divinity Act 1910 to make further provision for the governance and operation of the College and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 12 **RACING AND GAMING ACTS (POLICE POWERS) BILL** — Mr Pandazopoulos obtained leave to bring in a Bill '*to amend the Racing Act 1958 to enable the Chief Commissioner of Police to issue exclusion orders with respect to race-courses, to amend the Casino Control Act 1991 to expand the scope of exclusion orders issued by the Chief Commissioner of Police under that Act and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 13 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

Religious Instruction in Victorian Government Schools — Requesting that the House takes action to ensure that there is no change to legislation which would diminish the status of religious instruction in Victorian Government schools and, in addition, urges the Government to provide additional funding for chaplaincy services in these schools, bearing 51, 20 and 37 signatures (*Mr Cameron, Ms Asher and Mr Wells respectively*)

Public Transport Services in the Yarra Ranges — Requesting that the House requires the Government to review and increase funding to improve public transport services in outer eastern suburbs of Melbourne and in particular the Yarra Ranges, bearing 1,262 and 1,047 signatures (*Ms McTaggart and Mr Hardman respectively*)

Increased Police Numbers in Wyndham — Requesting that the Government gives to the Wyndham community — (a) a positive commitment and an ongoing assurance to increase police numbers in line with ongoing population growth; and (b) an improved justice precinct which will incorporate extra police numbers along with the services that meet the needs of the community, bearing 8,756 signatures (*Ms Gillett*).

Petitions ordered to be tabled.

- 14 **PETITION — RELIGIOUS INSTRUCTION IN VICTORIAN GOVERNMENT 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.
- 15 **PETITION — INCREASED POLICE NUMBERS IN WYNDHAM** — Motion made and question — That the petition presented by the Member for Tarneit be taken into consideration tomorrow (*Ms Gillett*) — put and agreed to.
- 16 **PETITION — PUBLIC TRANSPORT SERVICES IN THE YARRA RANGES** — Motion made and question — That the petition presented by the Member for Evelyn be taken into consideration tomorrow (*Ms McTaggart*) — put and agreed to.
- 17 **PETITION — PUBLIC TRANSPORT SERVICES IN THE YARRA RANGES** — Motion made and question — That the petition presented by the Member for Seymour be taken into consideration tomorrow (*Mr Hardman*) — put and agreed to.
- 18 **DOCUMENTS** —

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — Ms D'Ambrosio, Chair, presented a report from the Scrutiny of Acts and Regulations Committee being the Alert Digest No 6 of 2005 on the:

Appropriation (2005/2006) Bill
 Appropriation (Parliament 2005/2006) Bill
 Emergency Services Superannuation (Amendment) Bill
 Energy Legislation (Miscellaneous Amendments) Bill
 Fisheries (Abalone) Bill
 Gambling Regulation (Public Lottery Licences) Bill
 House Contracts Guarantee (Amendment) Bill
 Primary Industries Acts (Amendment) Bill
 Road Safety (Further Amendment) Bill
 Sex Offenders Registration (Amendment) Bill
 Tobacco (Amendment) Bill
 Transport Legislation (Further Amendment) Bill

together with appendices.

Ordered to be tabled and printed.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — Mr Lockwood presented a report from the Scrutiny of Acts and Regulations Committee being the Annual Review 2004, Regulations 2004, 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:

Commonwealth Games Arrangements Act 2001 — Orders under s 18 (two orders)

Financial Management Act 1994 — Report from the Minister for Agriculture that he had received the 2003–04 annual report of the Northern Victoria Fresh Tomato Industry Development Committee

Parliamentary Committees Act 2003:

Response of the Minister for Planning on the action taken with respect to the recommendations made by the Outer Suburban/Interface Services and Development Committee's Inquiry into Sustainable Urban Design for New Communities in Outer Suburban Areas

Response of the Treasurer on the action taken with respect to the recommendations made by the Public Accounts and Estimates Committee's Report on the 2004–05 Budget Estimates

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

Banyule Planning Scheme — No C35
 Bass Coast Planning Scheme — No C28
 Benalla Planning Scheme — No C12
 Casey Planning Scheme — No C58
 Greater Shepparton Planning Scheme — Nos C34, C60
 Hepburn Planning Scheme — No C19
 Hume Planning Scheme — No C58
 Kingston Planning Scheme — No C49
 Latrobe Planning Scheme — No C28
 Maroondah Planning Scheme — No C43
 Mount Alexander Planning Scheme — No C28
 Moyne Planning Scheme — No C8
 South Gippsland Planning Scheme — No C20
 Stonnington Planning Scheme — No C18
 Yarra Ranges Planning Scheme — Nos C38, C50

Statutory Rules under the following Acts:

Casino Control Act 1991 — SR No 21
Fair Trading Act 1999 — SR No 23
Interpretation of Legislation Act 1984 — SR No 24
Parliamentary Committees Act 2003 — SR No 25
Parliamentary Salaries and Superannuation Act 1968 — SR No 24
Racing Act 1958 — SR No 20
Subordinate Legislation Act 1994 — SR No 26
Supreme Court Act 1986 — SR No 22
Transport Act 1983 — SR No 19

Subordinate Legislation Act 1994:

Ministers' exception certificates in relation to Statutory Rule Nos 22, 26
 Ministers' exemption certificates in relation to Statutory Rule Nos 19, 20, 24, 25

Victorian Environmental Assessment Council Act 2001 — Terms of reference for the investigation into Riverine Red Gum forests.

The following proclamations fixing operative dates were tabled by the Clerk in accordance with an Order of the House dated 26 February 2003:

Architects (Amendment) Act 2004 — Whole Act on 14 June 2005 (*Gazette G18, 5 May 2005*)

Building (Amendment) Act 2004 — Remaining provisions on 14 June 2005 (*Gazette G18, 5 May 2005*)

Retirement Villages (Amendment) Act 2005 — Sections 1 to 5, 6(1), 9, 11, 13, 15 and 17 to 24 on 23 May 2005 (*Gazette G19, 12 May 2005*).

- 19 **MESSAGE FROM THE LIEUTENANT-GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that she had, on 10 May 2005, given the royal assent to the following bills, presented to her by the Clerk of the Parliaments:

Charities (Amendment) Bill
 Health (Compulsory Testing) Bill
 Land (Revocation of Reservations) Bill
 Mitcham-Frankston Project (Amendment) Bill
 Sentencing (Further Amendment) Bill.

- 20 **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 Superannuation (Amendment) Bill
 House Contracts Guarantee (Amendment) Bill
 Primary Industries Acts (Amendment) Bill
 Road Safety (Further Amendment) Bill
 Sex Offenders Registration (Amendment) Bill
 Tobacco (Amendment) Bill
 Transport Legislation (Further Amendment) Bill.

- 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 19 May 2005:

Commonwealth Games Arrangements (Miscellaneous Amendments) Bill
 Electoral Legislation (Further Amendment) Bill
 Higher Education Acts (Amendment) Bill
 Local Government (Amendment) Bill
 Transport Legislation (Further Amendment) Bill

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

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

- 23 **ELECTORAL LEGISLATION (FURTHER AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

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

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

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

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

- 24 **COMMONWEALTH GAMES ARRANGEMENTS (MISCELLANEOUS AMENDMENTS) BILL** — 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 Honeywood*) — put and agreed to.

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

- 25 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 3 and 4, be postponed until later this day.

- 26 **LOCAL GOVERNMENT (AMENDMENT) BILL** — 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 Asher*) — put and agreed to.

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

- 27 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Justice Legislation (Amendment) Bill without amendment.

- 28 **ELECTORAL LEGISLATION (FURTHER AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Question — put.

The House divided.

AYES 72

Ms Allan; Mr Andrews; Ms Asher; Mr Baillieu; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Clark; Mr Cooper; Mr Crutchfield; Ms D'Ambrosio; Mr Dixon; Mr Donnellan; Mr Doyle; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Honeywood; Mr Howard; Mr Hulls; Mr Ingram; Mr Jenkins; Mr Kotsiras; Mr Langdon; Mr Leighton; Mr Lim; Ms Lobato; Mr Lockwood; Mr Lupton; Mr McIntosh; Ms McTaggart; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Mr Mulder; Ms Munt; Dr Naphthine; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Mr Perton; Ms Pike; Mr Plowman; Mr Robinson; Mr Savage; Mr Seitz; Mrs Shardey; Mr Smith; Mr Stensholt; Mr Thompson; Mr Thwaites; Mr Trezise; Mr Wells; Mr Wilson; Mr Wynne.

NOES 7

Mr Delahunty (*Lowan*); Mr Jasper; Mr Maughan; Mrs Powell; Mr Ryan; Dr Sykes; Mr Walsh.

Question agreed to.

Bill considered in detail and agreed to with amendments, read a third time (*pp 692–3*).

Bill sent to the Legislative Council and their agreement requested.

- 29 **HIGHER EDUCATION ACTS (AMENDMENT) BILL** — 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 Honeywood*) — put and agreed to.

Ordered — That the debate be adjourned until tomorrow.

- 30 **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 tomorrow.

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.

- 31 **APPROPRIATION (2005/2006) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

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

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

- 33 **ADJOURNMENT** — The Acting Speaker left the Chair, after debate, at 11.36 pm.

R W PURDEY
Clerk of the Legislative Assembly

JUDY MADDIGAN
Speaker

No 112 — Wednesday 18 May 2005

- 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 Access — Mitcham Road, Donvale — Requesting that the House approves the necessary funds as quickly as possible from VicRoads for pedestrian access across the centre median near the Greenview Retirement Village to enable the elderly pedestrians to safely cross Mitcham Road, Donvale, bearing 26 signatures (*Mr Perton*)

Long Jetty, Port Welshpool — Requesting that every possible endeavour is made to reopen the Long Jetty at Port Welshpool, bearing 408 signatures (*Mr Ryan*)

Trafalgar Railway Station — Requesting that the Government — (a) undertakes the appropriate works to bring the railway station at Trafalgar in Gippsland to a standard so that it may be gainfully occupied by business or the community; and (b) actively seeks, as a priority, a suitable business or community organisation to accommodate the building, bearing 799 signatures (*Mr Maxfield*)

Fast Train, Gippsland — Requesting that the Government ensures that when the Fast Train becomes operational, all train services passing through Latrobe Valley stop at the Valley's major centres of Morwell, Traralgon and Moe, bearing 357 signatures (*Mr Maxfield*)

Religious Instruction in Victorian Government Schools — Requesting that the House takes action to ensure that there is no change to legislation which would diminish the status of religious instruction in Victorian Government schools and, in addition, urges the Government to provide additional funding for chaplaincy services in these schools, bearing 62 signatures (*Mr Dixon*).

Petitions ordered to be tabled.

3 **PETITION — LONG JETTY, PORT WELSHPOOL** — 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 **DOCUMENT TABLED UNDER AN ACT OF PARLIAMENT** — The Clerk tabled the following document in accordance with an Act of Parliament:

Ombudsman Act 1973 — Report of the Ombudsman on a Review of Complaint Handling in Victorian Universities — Ordered to be printed.

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

6 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE — A FAIRER VICTORIA INITIATIVE** — The House was informed that Mr Thwaites had proposed that a definite matter of public importance be submitted to the House for discussion, namely —

'That this House congratulates the Bracks Government on the announcement of "A Fairer Victoria — creating an opportunity and addressing disadvantage" as a key policy initiative which will improve opportunities and living standards for the neediest Victorians through a targeted \$788 million investment in new initiatives and reforms and so improve access to vital services, to ensure that people get the help they need at crucial times in their lives, reduce barriers to opportunity, strengthen assistance for disadvantaged groups and places and make it easier to work with Government; and further congratulates the Government's continued commitment to promoting strong families as the foundations of strong communities and making Victoria the best place, and the fairest state, to bring up a family.'

Mr Mildenhall addressed the House — Discussion followed.

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

Scrutiny of Acts and Regulations Committee's Final Report on Victorian Electronic Democracy

Education and Training Committee's Report on the Inquiry into the Suitability of Pre-Service Teacher Training in Victoria

Economic Development Committee's Interim Report on the Inquiry into Labour Hire Employment in Victoria

Public Accounts and Estimates Committee's Report on the 2003–04 Budget Outcomes

Scrutiny of Acts and Regulations Committee's Annual Review 2004, Regulations 2004

Rural and Regional Services and Development Committee's Report on the Inquiry into Country Football.

- 8 **HIGHER EDUCATION ACTS (AMENDMENT) BILL** — 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 **HIGHER EDUCATION ACTS (AMENDMENT) BILL** — 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.

- 11 **COMMONWEALTH GAMES ARRANGEMENTS (MISCELLANEOUS AMENDMENTS) 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.

- 12 **APPROPRIATION (2005/2006) 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 Haermeyer*) — 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 (*Mr Cooper*) — put and agreed to.

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

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

Parliamentary Administration Bill
 Legal Profession (Consequential Amendments) Bill
 Courts Legislation (Judicial Conduct) Bill.

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

- 15 **ADJOURNMENT** — The Acting Speaker left the Chair, after debate, at 11.44 pm.

R W PURDEY
Clerk of the Legislative Assembly

JUDY MADDIGAN
Speaker

No 113 — Thursday 19 May 2005

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

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

Religious Instruction in Victorian Government Schools — Requesting that the House takes action to ensure that there is no change to legislation and the *Victorian Government Schools Reference Guide* which would diminish the status of religious instruction in Victorian Government schools and, in addition, urges the Government to provide additional funding for chaplaincy services in these schools, bearing 126, 15, 60, 115 and 103 signatures (*Ms Neville, Ms McTaggart, Mr Robinson, Mr Maughan and Mr Walsh respectively*)

Improved Train Services — Frankston Line — Requesting that the House urges the Government to improve train services on the Frankston line, bearing 106 signatures (*Mrs Shardey*)

Public Transport Services in the Yarra Ranges — Requesting that the House requires the Government to review and increase funding to improve public transport services in outer eastern suburbs of Melbourne and in particular the Yarra Ranges, bearing 1,173 signatures (*Mr Merlino*)

St Arnaud Harness Racing Club — Requesting that the Minister for Racing — (a) conducts an investigation into and rescinds Harness Racing Victoria's decision to terminate the St Arnaud Harness Racing Club track as a TAB race venue; (b) requires Harness Racing Victoria to comply with sections 44, 44B and 44C of the *Racing Act 1958*; and (c) recommends to the Governor in Council to terminate the appointment of the Board of Harness Racing Victoria and call for nominations of a replacement Board, bearing 599 signatures (*Mr Walsh*).

Petitions ordered to be tabled.

3 **PETITION — RELIGIOUS INSTRUCTION IN VICTORIAN GOVERNMENT SCHOOLS** — Motion made and question — That the petition presented by the Member for Bellarine be taken into consideration tomorrow (*Mr Perton*) — put and agreed to.

4 **PETITION — RELIGIOUS INSTRUCTION IN VICTORIAN GOVERNMENT SCHOOLS** — 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 — ST ARNAUD HARNESS RACING CLUB** — 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 — PUBLIC TRANSPORT SERVICES IN THE YARRA RANGES** — Motion made and question — That the petition presented by the Member for Monbulk be taken into consideration tomorrow (*Mr Merlino*) — put and agreed to.

7 **DOCUMENTS** —

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — Ms Campbell, Chair, presented a report from the Public Accounts and Estimates Committee on Corporate Governance in the Victorian Public Sector, together with appendices, minority report, extract from the proceedings and minutes of evidence.

Ordered to be tabled and the report, appendices, minority report and extract from the proceedings printed.

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

Lake Mountain Alpine Resort Management Board — Report for the year ended 31 October 2004

Statutory Rules under the following Acts:

Retirement Villages Act 1986 — SR No 29

Sale of Land Act 1962 — SR No 28

Wrongs Act 1958 — SR No 27.

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 **APPROPRIATION (2005/2006) BILL** — 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 McTaggart*) — put and agreed to.

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

12 **TRANSPORT LEGISLATION (FURTHER AMENDMENT) BILL** — 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 consults with all major stakeholders and industry groups about the merits of the establishment of an independent panel to arbitrate on access regime disputes, as an alternative to adjudication by the Essential Services Commission, as proposed by the bill' (*Mr Walsh*).

Business having been interrupted at 2.00 pm under standing orders.

13 **QUESTIONS** — (Under SO 55).

14 **TRANSPORT LEGISLATION (FURTHER AMENDMENT) BILL** — Debate resumed 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 consults with all major stakeholders and industry groups about the merits of the establishment of an independent panel to arbitrate on access regime disputes, as an alternative to adjudication by the Essential Services Commission, as proposed by the bill'.

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

The House divided.

AYES 57

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Loney; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Mr Robinson; Mr Savage; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 24

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Naphine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

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 **APPROPRIATION (2005/2006) BILL** — 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.

Allocation of time — The Acting Speaker advised that the time allocated for consideration of bills under the resolution of the House on Tuesday 17 May 2005 had expired.

- 16 **LOCAL GOVERNMENT (AMENDMENT) BILL** — 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 **ENVIRONMENT AND WATER LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL** — 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 Plowman*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 2 June 2005.

- 18 **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.

- 19 **COURTS LEGISLATION (MISCELLANEOUS AMENDMENTS) 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 McIntosh*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 2 June 2005.

- 20 **LAND (MISCELLANEOUS MATTERS) 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 Baillieu*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 2 June 2005.

- 21 **ACCIDENT COMPENSATION (AMENDMENT) BILL** — 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 Perton*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 2 June 2005.

- 22 **ACCIDENT COMPENSATION AND TRANSPORT ACCIDENT ACTS (OMBUDSMAN) 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 McIntosh*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 2 June 2005.

- 23 **DANGEROUS GOODS AND EQUIPMENT (PUBLIC SAFETY) ACTS (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 McIntosh*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 2 June 2005.

- 24 **ENERGY SAFE VICTORIA 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 Perton*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 2 June 2005.

- 25 **HEALTH LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL** — 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 Thursday 2 June 2005.

- 26 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Magistrates' Court (Judicial Registrars and Court Rules) Bill without amendment.

- 27 **MELBOURNE COLLEGE OF DIVINITY (AMENDMENT) BILL** — 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 Perton*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 2 June 2005.

- 28 **RACING AND GAMING ACTS (POLICE POWERS) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Pandazopoulos*).

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

Ordered — That the debate be adjourned until Thursday 2 June 2005.

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

- 30 **ADJOURNMENT** — The Acting Speaker left the Chair, after debate, at 5.49 pm.

R W PURDEY
Clerk of the Legislative Assembly

JUDY MADDIGAN
Speaker

LEGISLATIVE ASSEMBLY OF VICTORIA

CONSIDERATION IN DETAIL
Supplement to Votes Nos 111, 112 and 113

No 111 — Tuesday 17 May 2005

ELECTORAL LEGISLATION (FURTHER AMENDMENT) BILL

Clauses 1 to 6 agreed to.

Clause 7, Mr Hulls moved amendment No 1 (*see Schedule*).

Question — That Clause 7 stand part of the Bill — put.

The House divided.

AYES 24

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Napthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

NOES 58

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hulls; Mr Ingram; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Savage; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

Question defeated.

Clauses 8 to 20 agreed to.

New clause AA agreed to.

New clause BB agreed to.

Bill agreed to as amended.

SCHEDULE OF AMENDMENTS MOVED

ELECTORAL LEGISLATION (FURTHER AMENDMENT) BILL

Amendments moved by Mr Hulls

1. Clause 7, omit this clause.

NEW CLAUSES

2. Insert the following New Clause to follow clause 10—

'AA. Amendment of section 99—Application to vote early

In section 99(1)(a) of the **Electoral Act 2002** for "2 p.m." substitute "4 p.m.".

3. Insert the following New Clause to follow clause 16—

"BB. Amendment of section 27

After section 27(2) of the **Constitution (Parliamentary Reform) Act 2003** insert—

'(2A) For section 69(3)(b) of the **Electoral Act 2002** substitute—

- "(b) in the case of a candidate for an Assembly election, is signed by the candidate and by 6 persons entitled to vote at the election for which the candidate is nominated; and
- (ba) in the case of a candidate for a Council election, is signed by the candidate and by 50 persons entitled to vote at the election for which the candidate is nominated; and".'. "

LEGISLATIVE ASSEMBLY OF VICTORIA

VOTES AND PROCEEDINGS Nos 114, 115 and 116

No 114 — Tuesday 24 May 2005

- 1 The Speaker took the Chair and read the Prayer.
- 2 **DEATH OF THOMAS WILLIAM TEMPLETON, OAM** — The Speaker announced the death of Thomas William Templeton, OAM, Member of the Legislative Assembly for the Electoral District of Mentone from 1967 to 1985; and, honourable members rose in their places as a mark of respect to the memory of the deceased.
- 3 **QUESTIONS** — (Under SO 55).
- 4 **NATIONAL PARKS (ALPINE NATIONAL PARK GRAZING) BILL** — Mr Thwaites obtained leave to bring in a Bill '*to amend the National Parks Act 1975 in relation to cattle grazing in the Alpine National Park and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 5 **RACING AND GAMBLING ACTS (AMENDMENT) BILL** — Mr Pandazopoulos obtained leave to bring in a Bill '*to amend the Racing Act 1958 with respect to the Racing Victoria Centre land and appeals to the Racing Appeals Tribunal, to amend the Gambling Regulation Act 2003 with respect to the publication of race fields and the health benefit levy, to amend the Casino Control Act 1991 with respect to the health benefit levy, to amend the Gambling Regulation (Further Amendment) Act 2004, to repeal spent 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 (GENERAL AMENDMENT) BILL** — Mr Brumby obtained leave to bring in a Bill '*to amend the Business Franchise (Petroleum Products) Act 1979, the Debits Tax Act 1990, the Duties Act 2000, the First Home Owner Grant Act 2000, the Land Tax Act 1958, the Pay-roll Tax Act 1971, the Taxation Administration Act 1997 and the Taxation (Interest on Overpayments) Act 1986 and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 7 **VICTORIA STATE EMERGENCY SERVICE BILL** — Mr Holding obtained leave to bring in a Bill '*to establish the Victoria State Emergency Service Authority, to re-enact with amendments the Victoria State Emergency Service Act 1987, to amend the Country Fire Authority Act 1958 and the Metropolitan Fire Brigades Act 1958, 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.

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

Peninsula Aero Club — Requesting that permission will not be granted by the Mornington Peninsula Shire Council to the Peninsula Aero Club for expansion of the certified landing area at Tyabb, bearing 135 signatures (*Ms Buchanan*)

Bass Coast Shire — Requesting that the House appoints an Independent Panel to comprehensively review the operation, performance and structure of the Bass Coast Shire, bearing 4,815 signatures (*Ms Buchanan*)

Religious Instruction in Victorian Government Schools — Requesting that the House takes action to ensure that there is no change to legislation and the *Victorian Government Schools Reference Guide* which would diminish the status of religious instruction in Victorian Government schools and, in addition, urges the Government to provide additional funding for chaplaincy services in these schools, bearing 43 signatures (*Mr Delahunty, Lowan*).

Petitions ordered to be tabled.

- 9 **PETITION — PENINSULA AERO CLUB** — Motion made and question — That the petition presented by the Member for Hastings be taken into consideration tomorrow (*Ms Buchanan*) — put and agreed to.
- 10 **PETITION — BASS COAST SHIRE** — Motion made and question — That the petition presented by the Member for Hastings be taken into consideration tomorrow (*Ms Buchanan*) — put and agreed to.
- 11 **PETITION — RELIGIOUS INSTRUCTION IN VICTORIAN GOVERNMENT SCHOOLS** — Motion made and question — That the petition presented by the Member for Lowan be taken into consideration tomorrow (*Mr Delahunty, Lowan*) — put and agreed to.
- 12 **DOCUMENTS** —

STATEMENT ON MINISTERIAL INTERVENTION IN PLANNING MATTERS — Motion made, by leave, and question — That the Statement on Ministerial Intervention in Planning Matters for the period May 2004 to April 2005 under the *Planning and Environment Act 1987*, the *Victorian Civil and Administrative Tribunal Act 1998* and the *Heritage Act 1995* be tabled (*Mr Hulls*) — put and agreed to.

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

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

- Baw Baw Planning Scheme — No C24
- Darebin Planning Scheme — No C63
- Kingston Planning Scheme — Nos C51, C53
- Latrobe Planning Scheme — No C36
- Loddon Planning Scheme — No C15
- Mitchell Planning Scheme — No C37

Moreland Planning Scheme — No C33
 Mornington Peninsula Planning Scheme — Nos C42 Part 2, C65 Part 2

Subordinate Legislation Act 1994 — Minister's exemption certificates in relation to Statutory Rule Nos 23, 28, 29.

The following proclamations fixing operative dates were tabled by the Clerk in accordance with an Order of the House dated 26 February 2003:

Gambling Regulation (Amendment) Act 2004 — Sections 4, 5, 8, 10, 11, 12(1), 12(2) and 12(4) on 20 May 2005 (*Gazette G20, 19 May 2005*)

Gambling Regulation (Further Amendment) Act 2004 — Sections 9, 10, 11, 12 and 41 on 20 May 2005 (*Gazette G20, 19 May 2005*)

Planning and Environment (General Amendment) Act 2004 — Whole Act on 23 May 2005 (*Gazette G20, 19 May 2005*).

- 13 **MESSAGE FROM THE GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that he had today given the royal assent to the following bills, presented to him by the Clerk of the Parliaments:

Courts Legislation (Judicial Conduct) Bill
 Justice Legislation (Amendment) Bill
 Legal Profession (Consequential Amendments) Bill
 Magistrates' Court (Judicial Registrars and Court Rules) Bill
 Parliamentary Administration Bill.

- 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 26 May 2005:

Appropriation (2005/2006) Bill
 Appropriation (Parliament 2005/2006) Bill
 City of Melbourne (Amendment) Bill
 Emergency Services Superannuation (Amendment) Bill
 Energy Legislation (Miscellaneous Amendments) Bill
 Gambling Regulation (Public Lottery Licences) Bill
 Road Safety (Further Amendment) Bill
 Sex Offenders Registration (Amendment) Bill

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

- 15 **STATEMENTS BY MEMBERS** — Statements by members were made.
- 16 **ROAD SAFETY (FURTHER AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

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 without amendment, read a third time (*see pp 708, 711*).

Bill sent to the Legislative Council and their agreement requested.

- 17 **GAMBLING REGULATION (PUBLIC LOTTERY LICENCES) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

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

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

Bill read a second time, considered in detail and agreed to without amendment, read a third time (*see pp 708–9, 711*).

Bill sent to the Legislative Council and their agreement requested.

- 18 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 3 and 4, be postponed until later this day.

- 19 **CITY OF MELBOURNE (AMENDMENT) 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 Cameron*) — 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.

- 20 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Long Service Leave (Amendment) Bill without amendment.

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

- 22 **ADJOURNMENT** — The Speaker left the Chair, after debate, at 10.58 pm.

No 115 — Wednesday 25 May 2005

- 1 The Speaker took the Chair and read the Prayer.
- 2 **PLANNING AND ENVIRONMENT (WILLIAMSTOWN SHIPYARD) BILL** — Mr Hulls obtained leave to bring in a Bill '*to amend the Planning and Environment Act 1987 in relation to the Williamstown Shipyard Site 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:

Religious Instruction in Victorian Government Schools — Requesting that the House takes action to ensure that there is no change to legislation and the *Victorian Government Schools Reference Guide* which would diminish the status of religious instruction in Victorian Government schools and, in addition, urges the Government to provide additional funding for chaplaincy services in these schools, bearing 58, 86 and 14 signatures (*Ms Lindell, Mr Stensholt and Mr Robinson respectively*).

Petitions ordered to be tabled.

- 4 **PETITION — RELIGIOUS INSTRUCTION IN VICTORIAN GOVERNMENT 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.

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

Audit Act 1994 — Auditor-General — Report on Results of financial statement audits for agencies with other than 30 June 2004 balance dates, and other audits — Ordered to be printed.

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

- 7 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE — IMPACT ON RURAL COMMUNITIES OF GOVERNMENT POLICIES** — The House was informed that Mr Ingram had proposed that a definite matter of public importance be submitted to the House for discussion, namely —

'That this House condemns the Bracks Government on its recent policy decisions which will impact most heavily on the social, economic and cultural viability of rural communities throughout Victoria.'

Mr Ingram addressed the House — Discussion followed.

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

Drugs and Crime Prevention Committee's Report on the Inquiry into Violence Associated with Motor Vehicle Use

Road Safety Committee's Report on the Inquiry into Crashes Involving Roadside Objects

Economic Development Committee's Interim Report on the Inquiry into Labour Hire Employment in Victoria

Education and Training Committee's Report on the Inquiry into the Suitability of Pre-Service Teacher Training in Victoria.

- 9 **SEX OFFENDERS REGISTRATION (AMENDMENT) BILL** — Motion made and question — That the scope of the Sex Offenders Registration (Amendment) Bill be extended to enable consideration of amendments, and a new clause, in relation to the *Serious Sex Offenders Monitoring Act 2005* to provide for amendments to the definitions of relevant offences, and to clarify arrangements for applications for extended supervision orders (*Mr Holding*) — put, after debate, and agreed to.

- 10 **SEX OFFENDERS REGISTRATION (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Under standing orders, Mr Holding 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.

- 11 **QUESTIONS** — (Under SO 55).

- 12 **SEX OFFENDERS REGISTRATION (AMENDMENT) BILL** — Debate continued on question — That this Bill be now read a second time.

Bill read a second time, considered in detail and agreed to with amendments, read a third time (*see pp 709–10, 711–13*).

Bill sent to the Legislative Council and their agreement requested.

- 13 **ENERGY LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Question — put.

The House divided.

AYES 73

Ms Allan; Mr Andrews; Ms Asher; Mr Baillieu; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Clark; Mr Cooper; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Dixon; Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Honeywood; Mr Howard; Mr Hudson; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Kotsiras; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Mr McIntosh; Ms McTaggart; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Mr Mulder; Ms Munt; Dr Naphthine; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Mr Perton; Ms Pike; Mr Plowman; Mr Robinson; Mr Seitz; Mrs Shardey; Mr Smith; Mr Stensholt; Mr Thompson; Mr Trezise; Mr Wells; Mr Wilson; Mr Wynne.

NOES 9

Mr Delahunty (*Lowan*); Mr Ingram; Mr Jasper; Mr Maughan; Mrs Powell; Mr Ryan; Mr Savage; Dr Sykes; Mr Walsh.

Question agreed to.

Bill considered in detail and agreed to without amendment, read a third time (*see p 710*).

Bill sent to the Legislative Council and their agreement requested.

- 14 **EMERGENCY SERVICES SUPERANNUATION (AMENDMENT) BILL** — 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.

- 15 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Children and Young Persons (Miscellaneous Amendments) Bill without amendment.

- 16 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Transport Legislation (Further Amendment) Bill with amendments.

Ordered — That the amendments be taken into consideration immediately.

- 17 **TRANSPORT LEGISLATION (FURTHER AMENDMENT) BILL** — 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.

- 18 **EMERGENCY SERVICES SUPERANNUATION (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.

- 19 **APPROPRIATION (PARLIAMENT 2005/2006) 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.

- 20 **ADJOURNMENT** — The Acting Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.54 pm.

R W PURDEY
Clerk of the Legislative Assembly

JUDY MADDIGAN
Speaker

No 116 — Thursday 26 May 2005

- 1 The Speaker took the Chair and read the Prayer.
- 2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

Religious Instruction in Victorian Government Schools — Requesting that the House takes action to ensure that there is no change to legislation and the *Victorian Government Schools Reference Guide* which would diminish the status of religious instruction in Victorian Government schools and, in addition, urges the Government to provide additional funding for chaplaincy services in these schools, bearing 35 signatures (*Mr Robinson*)

Holmby Road, Cheltenham — Requesting that the Office of Housing places the property they own in Holmby Road, Cheltenham for sale at the earliest possible time, bearing 14 signatures (*Mr Thompson*).

Petitions ordered to be tabled.

- 3 **PETITION — HOLMBY ROAD, CHELTENHAM** — Motion made and question — That the petition presented by the Member for Sandringham be taken into consideration tomorrow (*Mr Thompson*) — put and agreed to.

- 4 **DOCUMENTS** —

INQUIRIES INTO CHILD DEATHS: CHILD PROTECTION — Motion made, by leave, and question — That the annual report of Inquiries into Child Deaths: Child Protection 2005 be tabled (*Ms Garbutt*) — put and agreed to.

ROAD SAFETY COMMITTEE — Mr Trezise, Chair, presented a report from the Road Safety Committee on the Inquiry into the Country Road Toll, together with appendices, a minority report and minutes of evidence.

Ordered to be tabled and the report, appendices and minority report printed.

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

Crown Land (Reserves) Act 1978 — Section 17DA Order granting under s 17D a lease over the area of Yarra Bend Park

Financial Management Act 1994 — Report from the Minister for Environment that he had not received the 2004–05 annual reports together with an explanation for the delay in tabling of the:

Falls Creek Alpine Resort Management Board
 Mount Baw Baw Alpine Resort Management Board
 Mount Buller and Mount Stirling Alpine Resort Management Board
 Mount Hotham Alpine Resort Management Board

Mitcham-Frankston Project Act 2004 — Orders varying the project area and the extended project area (four orders)

Statutory Rules under the following Acts:

Administrative Appeals Tribunal Act 1984 — SR No 30
Alpine Resorts (Management) Act 1997 — SR No 31
Planning and Environment Act 1987 — SR Nos 30, 33
Subdivision Act 1988 — SR Nos 30, 32
Victorian Civil and Administrative Tribunal Act 1998 — SR No 34

Subordinate Legislation Act 1994 — Minister's exemption certificates in relation to Statutory Rule Nos 32, 33

Youth Parole Board and Youth Residential Board — Report for the year 2003–04.

- 5 **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 and Transport Accident Acts (Ombudsman) Bill
 Courts Legislation (Miscellaneous Amendments) Bill
 Energy Safe Victoria Bill
 Health Legislation (Miscellaneous Amendments) Bill.

- 6 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourns until Tuesday 14 June 2005 (*Ms Allan*) — put and agreed to.

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

- 8 **RACING AND GAMBLING ACTS (AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Pandazopoulos*).

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

Ordered — That the debate be adjourned until Thursday 9 June 2005.

- 9 **VICTORIA STATE EMERGENCY SERVICE BILL** — 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 Honeywood*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 9 June 2005.

- 10 **STATE TAXATION ACTS (GENERAL AMENDMENT) 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 Clark*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 9 June 2005.

- 11 **NATIONAL PARKS (ALPINE NATIONAL PARK GRAZING) BILL** — 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 Honeywood*) — put and agreed to.

Motion made and question proposed — That the debate be adjourned for two weeks (*Mr Thwaites*).

Amendment proposed — That the word 'two' be omitted with the view of inserting in its place the word 'four' (*Mr Ingram*) — and, after debate —

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

The House divided.

AYES 56

Ms Allan; Mr Andrews; Ms Barker; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Green; Mr Hardman; Mr Harkness; Mr Helper; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Savage; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 24

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Mulder; Dr Napthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

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

The House divided.

AYES 73

Ms Allan; Mr Andrews; Ms Asher; Mr Baillieu; Ms Barker; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Mr Carli; Mr Clark; Mr Cooper; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Dixon; Mr Donnellan; Mr Doyle; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Green; Mr Hardman; Mr Harkness; Mr Helper; Mr Holding; Mr Honeywood; Mr Howard; Mr Hudson; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Kotsiras; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Mr McIntosh; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Mr Mulder; Ms Munt; Dr Naphthine; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Mr Perton; Ms Pike; Mr Plowman; Mr Robinson; Mr Savage; Mr Seitz; Mrs Shardey; Mr Smith; Mr Stensholt; Mr Thompson; Mr Thwaites; Mr Trezise; Mr Wells; Mr Wilson; Mr Wynne.

NOES 7

Mr Delahunty (*Lowan*); Mr Ingram; Mr Jasper; Mrs Powell; Mr Ryan; Dr Sykes; Mr Walsh.

Question agreed to.

Ordered — That the debate be adjourned until Thursday 9 June 2005.

- 12 **PLANNING AND ENVIRONMENT (WILLIAMSTOWN SHIPYARD) 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 Baillieu*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 9 June 2005.

- 13 **APPROPRIATION (2005/2006) BILL** — 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 (2005/2006) BILL** — Debate resumed on question — That this Bill be now read a second time.

Bill read a second time and considered in detail (*see p 710*).

Allocation of time — The Acting Speaker advised that the time allocated for consideration of bills under the resolution of the House on Tuesday 24 May 2005 had expired.

Question — That the debate be now adjourned — put.

The House divided.

AYES 58

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Seitz; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 20

Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

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

- 16 **APPROPRIATION (PARLIAMENT 2005/2006) BILL** — 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 **APPROPRIATION (2005/2006) BILL** — Order read for the further consideration of the bill in detail.

Question — That Clause 1 be agreed to — put and agreed to.

Question — That Clauses 2 to 8 inclusive and Schedules 1 to 3 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.

- 18 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Road Safety (Further Amendment) Bill without amendment.

- 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 Deputy Speaker left the Chair, after debate, at 4.37 pm.

R W PURDEY
Clerk of the Legislative Assembly

JUDY MADDIGAN
Speaker

LEGISLATIVE ASSEMBLY OF VICTORIA

CONSIDERATION IN DETAIL Supplement to Votes Nos 114, 115 and 116

No 114 — Tuesday 24 May 2005

ROAD SAFETY (FURTHER AMENDMENT) BILL

Clauses 1 to 4 agreed to.

Clause 5, Mr Mulder moved an amendment (*see Schedule 1*).

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

The House divided.

AYES 55

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Green; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 26

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Napthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question defeated.

Clause agreed to.

Clauses 6 to 31 agreed to.

Bill agreed to without amendment.

GAMBLING REGULATION (PUBLIC LOTTERY LICENCES) BILL

Clauses 1 to 10 agreed to.

Clause 11, Mr Smith moved amendment No 1 (*see Schedule 2*).

Question — That the amendment be agreed to — put.

The House divided.

AYES 23

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Honeywood; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Napthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

NOES 57

Ms Allan; Mr Andrews; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Savage; Mr Seitz; Mr Stensholt; Mr Trezise; Mr Wilson; Mr Wynne.

Question defeated.

The Deputy Speaker advised that amendment No 2 could not be moved as it required an appropriation message.

Clause agreed to.

Clauses 12 to 15 agreed to.

Bill agreed to without amendment.

No 115 — Wednesday 25 May 2005

SEX OFFENDERS REGISTRATION (AMENDMENT) BILL

Clause 1, Mr Holding moved amendment No 1 (*see Schedule 3*).

Amendment put and agreed to.

Clause agreed to as amended.

Clause 2, Mr Holding moved amendments Nos 2 to 5 (*see Schedule 3*).

Amendments put and agreed to.

Clause agreed to as amended.

Clauses 3 to 27 agreed to.

New clause AA agreed to.

New clause BB agreed to.

Amendment of long title, Mr Holding moved amendment No 8 (*see Schedule 3*).

Amendment put and agreed to.

Long title agreed to as amended.

Bill agreed to as amended.

ENERGY LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL

Clauses 1 to 6 agreed to.

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

The House divided.

AYES 69

Ms Allan; Mr Andrews; Ms Asher; Mr Baillieu; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Brumby; Ms Buchanan; Mr Cameron; Mr Carli; Mr Clark; Mr Cooper; Mr Crutchfield; Ms D'Ambrosio; Mr Dixon; Mr Donnellan; Mr Doyle; Ms Eckstein; Ms Garbutt; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Honeywood; Mr Howard; Mr Hudson; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Kotsiras; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lobato; Mr Lockwood; Mr Lupton; Mr McIntosh; Ms McTaggart; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Mr Mulder; Ms Munt; Dr Napthine; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Mr Perton; Ms Pike; Mr Plowman; Mr Robinson; Mr Seitz; Mrs Shardey; Mr Smith; Mr Stensholt; Mr Thompson; Mr Trezise; Mr Wells; Mr Wilson; Mr Wynne.

NOES 9

Mr Delahunty (*Lowan*); Mr Ingram; Mr Jasper; Mr Maughan; Mrs Powell; Mr Ryan; Mr Savage; Dr Sykes; Mr Walsh.

Question agreed to.

No 116 — Thursday 26 May 2005

APPROPRIATION (2005/2006) BILL

Clause 1 — Motion made and question — That debate be now adjourned (*Mr Langdon*) — and, after debate —

Allocation of time — The Acting Speaker advised that the time allocated for consideration of bills under the resolution of the House on Tuesday 24 May 2005 had expired (for remaining stages see pp 705, 706).

SCHEDULES OF AMENDMENTS MOVED

SCHEDULE 1

ROAD SAFETY (FURTHER AMENDMENT) BILL

Amendment moved by Mr Mulder

Clause 5, lines 26 to 28, omit all words and expressions on these lines and insert 'and liable to level 3 imprisonment (20 years maximum) or a level 3 fine (2400 penalty units maximum).''.

SCHEDULE 2

GAMBLING REGULATION (PUBLIC LOTTERY LICENCES) BILL

Amendment moved by Mr Smith

1. Clause 11, page 8, after line 27 insert—

'(4) Before the Minister discloses any documents or information under sub-section (3), the Minister must cause a statement in writing containing details of those documents or that information to be laid before each House of the Parliament.'.

SCHEDULE 3

SEX OFFENDERS REGISTRATION (AMENDMENT) BILL

Amendments moved by Mr Holding

1. Clause 1, page 2, after line 15 insert—

"() to amend the **Serious Sex Offenders Monitoring Act 2005** consistently with amendments being made by this Act to the definitions of registrable offences and to clarify to which court an application may be made under that Act for an extended supervision order; and".

2. Clause 2, line 27, after "3" insert ", 24(3), 24(4), 26".

3. Clause 2, after line 29 insert—

"() Sections 24(1) and 24(2) are deemed to have come into operation on 1 October 2004.".

4. Clause 2, line 30, omit "(3)" and insert "(4)".

5. Clause 2, page 3, line 1, omit "(2)" and insert "(3)".

NEW CLAUSES

6. Insert the following New Clause to follow clause 23—

'AA. Other registrable offences

(1) In Schedule 1 to the Principal Act—

- (a) in item 1 for "of a child" **substitute** "where the person against whom the offence is committed is a child";
- (b) at the foot of item 1 **insert**—

"Note: Item 1 covers any offence against the **Crimes Act 1958** that involves sexual penetration where the victim is a child including rape (section 38), incest (section 44), sexual penetration of child under 16 (section 45(1)), sexual penetration of 16 or 17 year old (section 48(1)), sexual penetration of person with impaired mental functioning (section 51(1)) and sexual penetration of resident of residential facility (section 52(1)).";

- (c) items 4 and 5 are **repealed**;
- (d) in item 6, for "5" **substitute** "3";
- (e) after item 6 **insert**—

"6A. Without limiting item 6, an offence referred to in any of the following paragraphs of Schedule 1 to the **Sentencing Act 1991** where the person against whom the offence is committed is a child—

- (a) paragraph (ab);
- (b) paragraph (ac);
- (c) paragraph (b)(i) and (ii);
- (d) paragraph (c)(iii), (iv), (vi), (vii), (ix), (x), (xii), (xiii), (xvi), (xvii) and (xix);
- (e) paragraph (d)(i), (ii), (iii), (v), (vi), (viii), (ix), (xi), (xii) and (xiii);
- (f) paragraph (e)(i) and (ii)."

- (2) After item 26 of Schedule 2 to the Principal Act **insert**—

"26A. Without limiting item 26, an offence referred to in paragraph (ab), (ac), (b), (c), (d) or (e) of Schedule 1 to the **Sentencing Act 1991** where the person against whom the offence is committed is a child other than an offence that is a Class 1 offence for the purposes of this Act by force of item 6A of Schedule 1."

- (3) In Schedule 3 to the Principal Act—

- (a) at the foot of item 1 **insert**—

"Note: Item 1 covers any offence against the **Crimes Act 1958** that involves sexual penetration where the victim is an adult including rape (section 38), incest (section 44), sexual penetration of person with impaired mental functioning (section 51(1)) and sexual penetration of resident of residential facility (section 52(1)).";

- (b) after item 2 **insert**—

"2A. Without limiting item 2, an offence referred to in any of the following paragraphs of Schedule 1 to the **Sentencing Act 1991**—

- (a) paragraph (b)(i) and (ii);
- (b) paragraph (c)(iii), (iv), (vi), (vii), (xvi), (xvii) and (xix);
- (c) paragraph (d)(i), (ii), (iii), (xi), (xii) and (xiii);
- (d) paragraph (e)(i) and (ii)."

- (4) After item 10 of Schedule 4 to the Principal Act **insert**—

"10A. Without limiting item 10, an offence referred to in paragraph (ab), (ac), (b), (c), (d) or (e) of Schedule 1 to the **Sentencing Act 1991** other than an offence that is for the purposes of this Act—

- (a) a Class 1 offence by force of item 6A of Schedule 1; or
- (b) a Class 2 offence by force of item 26A of Schedule 2; or

(c) a Class 3 offence by force of item 2A of Schedule 3.".'.

7. Insert the following New Clause to follow clause 24—

"BB. Serious Sex Offenders Monitoring Act 2005

(1) After section 5(3) of the **Serious Sex Offenders Monitoring Act 2005** insert—

'(4) For the purpose of this section, a custodial sentence imposed on an offender on appeal in substitution for a sentence imposed by the court against the sentence of which the appeal was brought (the "**lower court**") must be taken to have been imposed by the lower court.'

(2) In the Schedule to the **Serious Sex Offenders Monitoring Act 2005**—

(a) in item 1 for "of a child" **substitute** "where the person against whom the offence is committed is a child";

(b) at the foot of item 1 **insert**—

"Note: Item 1 covers any offence against the **Crimes Act 1958** that involves sexual penetration where the victim is a child including rape (section 38), incest (section 44), sexual penetration of child under 16 (section 45(1)), sexual penetration of 16 or 17 year old (section 48(1)), sexual penetration of person with impaired mental functioning (section 51(1)) and sexual penetration of resident of residential facility (section 52(1)).";

(c) items 4 and 5 are **repealed**;

(d) after item 34 **insert**—

"34A. Without limiting item 34, an offence referred to in paragraph (ab), (ac), (b), (c), (d) or (e) of Schedule 1 to the **Sentencing Act 1991** where the person against whom the offence is committed is a child.".'.

AMENDMENT OF LONG TITLE

8. Long title, after "**2004**," insert "**the Serious Sex Offenders Monitoring Act 2005**,".

LEGISLATIVE ASSEMBLY OF VICTORIA

VOTES AND PROCEEDINGS Nos 117, 118 and 119

No 117 — Tuesday 14 June 2005

- 1 The House met according to the adjournment — The Speaker took the Chair and read the Prayer.
- 2 **QUESTIONS** — (Under SO 55).
- 3 **NATIONAL PARKS (OTWAYS AND OTHER AMENDMENTS) BILL** — Mr Thwaites obtained leave to bring in a Bill '*to amend the National Parks Act 1975 to provide for the creation of the Great Otway National Park and for other related matters, to amend the Crown Land (Reserves) Act 1978, the Fisheries Act 1995, the Forests Act 1958, the Heritage Rivers Act 1992 and the Sustainable Forest (Timber) Act 2004 for other purposes*'; and, after debate, 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:

Wonthaggi State Coal Mine Tourist Attraction — Requesting that the House takes action to provide Parks Victoria, Bass Coast Shire Council and Friends of the State Coal Mine with the means to carry out major upgrades to bring all underground operations and haulage and electrical equipment up to the same standard as a working mine in order to have the Wonthaggi State Coal Mine Tourist Attraction in working order so that underground tours can resume, bearing 554 signatures (*Mr Smith*)

Bass Landing Boat Launching Ramp — Requesting that the Parliament and the Minister for Environment allow the Bass Landing Boat Launching Ramp and parking area to remain open to the boat users and fishermen and women who have used this area for many years, bearing 39 signatures (*Mr Smith*)

Religious Instruction in Victorian Government Schools — Requesting that the House takes action to ensure that there is no change to legislation and the *Victorian Government Schools Reference Guide* which would diminish the status of religious instruction in Victorian Government schools and, in addition, urges the Government to provide additional funding for chaplaincy services in these schools, bearing 38, 32, 98, 301, 14, 43, 22 and 33 signatures (*Mr Stensholt, Mr Ryan, Mr Delahunty (Lowan), Mr Robinson, Mr Jenkins, Mr Maughan, Mr Wells and Mr Walsh respectively*)

Tunnel Link between Eastern and Tullamarine Freeways — Requesting that the House ensures the Government — (a) proceeds with planning and construction of a tunnel to link the

Eastern and Tullamarine Freeways; and (b) considers other road proposals including tunnelled lanes under Hoddle Street and Punt Road, bearing 63 signatures (*Mr Perton*)

Wantirna Heights School — Requesting that the House instructs the Minister for Education Services to immediately oversee her Department to ensure that the inadequate classroom situation that exists at Wantirna Heights School for primary school aged students with autism is rectified through the provision of a MOD 5 building, bearing 432 signatures (*Mr Perton*)

Channel Deepening in Port Phillip Bay — Requesting that the House rules that the proposed channel deepening in Port Phillip Bay should not proceed, bearing 345 signatures (*Mr Langdon*)

Channel Deepening in Port Phillip Bay, The Rip and the Yarra River — 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; (b) alternative solutions making better use of a mix of interstate rail from existing deep water ports and sea transport are engaged; and (c) the Minister for Planning makes public the findings of the Environment Effects Statement (EES) Independent Panel, due for release in February 2005, as soon as the Panel provides its report to the Government, bearing 51 signatures (*Mr Langdon*)

Surf Coast Shire — Requesting that, in order to recognise and protect the rights of enrolled voters, a poll be held of these voters of the Surf Coast Shire in the existing Winchelsea/Moriac wards to determine whether the rural area of the Shire should be transferred to an adjoining municipality, bearing 158 signatures (*Mr Mulder*)

Commercial Netting in Victorian Bays, Inlets and Gippsland Lakes — Requesting that the House takes action to phase out commercial netting activities in Victorian bays, inlets and the Gippsland Lakes, bearing 19,071 signatures (*Mr Crutchfield*)

Education Act 1958 — Requesting that the *Education Act 1958* which governs religious instruction in Government Schools be retained in its present form in any new legislation, bearing 29 signatures (*Mr Walsh*).

Petitions ordered to be tabled.

- 5 **PETITION — CHANNEL DEEPENING IN PORT PHILLIP BAY** — Motion made and question — That the petition presented by the Member for Ivanhoe be taken into consideration tomorrow (*Mr Cooper*) — put and agreed to.
- 6 **PETITION — CHANNEL DEEPENING IN PORT PHILLIP BAY, THE RIP AND THE YARRA RIVER** — Motion made and question — That the petition presented by the Member for Ivanhoe be taken into consideration tomorrow (*Mr Cooper*) — put and agreed to.
- 7 **PETITION — RELIGIOUS INSTRUCTION IN VICTORIAN GOVERNMENT 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.
- 8 **PETITION — WONTHAGGI STATE COAL MINE TOURIST ATTRACTION** — Motion made and question — That the petition presented by the Member for Bass be taken into consideration tomorrow (*Mr Smith*) — put and agreed to.

- 9 **PETITION — BASS LANDING BOAT LAUNCHING RAMP** — Motion made and question — That the petition presented by the Member for Bass be taken into consideration tomorrow (*Mr Smith*) — put and agreed to.
- 10 **PETITION — SURF COAST SHIRE** — 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 **PETITION — RELIGIOUS INSTRUCTION IN VICTORIAN GOVERNMENT SCHOOLS** — Motion made and question — That the petition presented by the Member for Lowan be taken into consideration tomorrow (*Mr Delahunty, Lowan*) — put and agreed to.
- 12 **PETITION — RELIGIOUS INSTRUCTION IN VICTORIAN GOVERNMENT 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.
- 13 **PETITION — COMMERCIAL NETTING IN VICTORIAN BAYS, INLETS AND GIPPSLAND LAKES** — Motion made and question — That the petition presented by the Member for South Barwon be taken into consideration tomorrow (*Mr Crutchfield*) — put and agreed to.
- 14 **PETITION — TUNNEL LINK BETWEEN EASTERN AND TULLAMARINE FREEWAYS** — Motion made and question — That the petition presented by the Member for Doncaster be taken into consideration tomorrow (*Mr Perton*) — put and agreed to.
- 15 **PETITION — WANTIRNA HEIGHTS SCHOOL** — Motion made and question — That the petition presented by the Member for Doncaster be taken into consideration tomorrow (*Mr Perton*) — put and agreed to.
- 16 **PETITION — RELIGIOUS INSTRUCTION IN VICTORIAN GOVERNMENT SCHOOLS** — Motion made and question — That the petition presented by the Member for Morwell be taken into consideration tomorrow (*Mr Jenkins*) — put and agreed to.
- 17 **PETITION — RELIGIOUS INSTRUCTION IN VICTORIAN GOVERNMENT SCHOOLS** — Motion made and question — That the petition presented by the Member for Mitcham be taken into consideration tomorrow (*Mr Perton*) — put and agreed to.
- 18 **DOCUMENTS** —

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — Ms D'Ambrosio, Chair, presented a report from the Scrutiny of Acts and Regulations Committee being the Alert Digest No 7 of 2005 on the:

Accident Compensation (Amendment) Bill
 Accident Compensation and Transport Accident Acts (Ombudsman) Bill
 Courts Legislation (Miscellaneous Amendments) Bill
 Dangerous Goods and Equipment (Public Safety) Acts (Amendment) Bill
 Energy Safe Victoria Bill
 Environment and Water Legislation (Miscellaneous Amendments) Bill
 Health Legislation (Miscellaneous Amendments) Bill
 Land (Miscellaneous Matters) Bill

Melbourne College of Divinity (Amendment) Bill
 National Parks (Alpine National Park Grazing) Bill
 Owner Drivers and Forestry Contractors Bill
 Parliamentary Administration Bill
 Planning and Environment (Williamstown Shipyard) Bill
 Racing and Gambling Acts (Amendment) Bill
 Racing and Gaming Acts (Police Powers) Bill
 State Taxation Acts (General Amendment) Bill
 Victorian State Emergency Service Bill

together with appendices.

Ordered to be tabled and printed.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — Ms D'Ambrosio, Chair, presented an Interim Report from the Scrutiny of Acts and Regulations Committee on Discrimination in the Law, Inquiry under section 207 of the *Equal Opportunity Act 1995*, together with appendices.

Ordered to be tabled and printed.

ENVIRONMENT AND NATURAL RESOURCES COMMITTEE — Ms Lindell, Chair, presented a report from the Environment and Natural Resources Committee on the Inquiry into Sustainable Communities, 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:

Crown Land (Reserves) Act 1978 — Section 17DA Orders granting under s 17D leases over:

Albert Park
 Calembreen Park Reserve
 Dimboola Caravan Park
 Geelong Telegraph Station Reserve
 Yarra Bend Park

Financial Management Act 1994 — Report from the Minister for Education and Training that she had received the 2004 annual report of International Fibre Centre Ltd

Forests (Dunstan Agreement) Act 1987 — Report of the Termination of the Dunstan Agreement under s 6 (two documents)

Interpretation of Legislation Act 1984:

Notice under s 32(3)(a)(iii) in relation to Statutory Rule No 24
 Notice under s 32(3)(a)(iii) in relation to Waste Management Policy (Ships' Ballast Water) (*Gazette G37, 9 September 2004*)
 Notice under s 32(3)(a)(iii) in relation to Waste Management Policy (Siting, Design and Management of Landfills) (*Gazette G16, 21 April 2005*)

Land Acquisition and Compensation Act 1986 — Certificate under s 7(1)(c)

Ombudsman Act 1973 — Report of the Ombudsman on own motion investigation into VicRoads registration practices — Ordered to be printed

Parliamentary Committees Act 2003:

Response from the Minister for Children and Minister for Community Services on the action taken with respect to the recommendations made by the Public Accounts and Estimates Committee's Report on the Review of the Auditor-General's Performance Audit Report on Services for People with an Intellectual Disability

Response from the Minister for Sport and Recreation on the action taken with respect to the recommendations made by the Rural and Regional Services and Development Committee's Inquiry into Country Football

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

Cardinia Planning Scheme — Nos C46 Part 1, C49

East Gippsland Planning Scheme — No C22

Greater Bendigo Planning Scheme — Nos C13, C54

Latrobe Planning Scheme — No C38

Maroondah Planning Scheme — No C45

Monash Planning Scheme — Nos C43, C55

Mornington Peninsula Planning Scheme — No C42 Part 1

Nillumbik Planning Scheme — Nos C10 Part 1, C22 Part 2, C34

Wyndham Planning Scheme — No C56

Statutory Rules under the following Acts:

Births, Deaths and Marriages Registration Act 1996 — SR No 35

Casino Control Act 1991 — SR No 38

Chattel Securities Act 1987 — SR No 44

Conservation, Forests and Lands Act 1987 — SR No 48

Corporations (Ancillary Provisions) Act 2001 — SR No 47

Country Fire Authority Act 1958 — SR No 43

Drugs, Poisons and Controlled Substances Act 1981 — SR No 39

Health Act 1958 — SR No 41

Metropolitan Fire Brigades Act 1958 — SR No 42

Road Safety Act 1986 — SR Nos 45, 46

Serious Sex Offenders Monitoring Act 2005 — SR No 37

Subordinate Legislation Act 1994 — SR Nos 36, 40

Supreme Court Act 1986 — SR No 47

Subordinate Legislation Act 1994:

Ministers' exception certificates in relation to Statutory Rule Nos 36, 40, 42, 43, 44, 45, 46, 47

Ministers' exemption certificates in relation to Statutory Rule Nos 30, 34, 37, 39, 41

Victorian Environmental Assessment Council Act 2001 — Response from the Minister for Environment on the action taken with respect to the recommendations made in the Victorian Environmental Assessment Council's Final Report on the Angahook-Otway Investigation.

The following proclamation fixing an operative date was tabled by the Clerk in accordance with an Order of the House dated 26 February 2003:

Serious Sex Offenders Monitoring Act 2005 — Whole Act on 26 May 2005 (*Gazette G 21, 26 May 2005*).

19 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Gambling Regulation (Public Lottery Licences) Bill without amendment.

20 **MESSAGE FROM THE LIEUTENANT-GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that she had, on 31 May 2005, given the royal assent to the following bills, presented to her by the Clerk of the Parliaments:

Children and Young Persons (Miscellaneous Amendments) Bill
 Gambling Regulation (Public Lottery Licences) Bill
 Long Service Leave (Amendment) Bill
 Road Safety (Further Amendment) Bill
 Transport Legislation (Further Amendment) Bill.

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

Dangerous Goods and Equipment (Public Safety) Acts (Amendment) Bill
 Planning and Environment (Williamstown Shipyard) Bill
 State Taxation Acts (General Amendment) Bill
 Victoria State Emergency Service Bill.

22 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question proposed — That, under SO 94(2), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 16 June 2005:

Accident Compensation (Amendment) Bill
 Courts Legislation (Miscellaneous Amendments) Bill
 Dangerous Goods and Equipment (Public Safety) Acts (Amendment) Bill
 Health Legislation (Miscellaneous Amendments) Bill
 National Parks (Alpine National Park Grazing) Bill
 State Taxation Acts (General Amendment) Bill

(Mr Batchelor) — and, after debate —

Amendment proposed — That the words 'National Parks (Alpine National Park Grazing) Bill' be omitted from the question *(Mr Ingram)* — and, after debate —

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

The House divided.

AYES 58

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Green; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Loney; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 26

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Naphthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

Original question — put.

The House divided.

AYES 76

Ms Allan; Mr Andrews; Ms Asher; Mr Baillieu; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Clark; Mr Cooper; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Dixon; Mr Donnellan; Mr Doyle; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Green; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Honeywood; Mr Howard; Mr Hudson; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Kotsiras; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Loney; Mr Lupton; Mr McIntosh; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Mr Mulder; Ms Munt; Dr Naphthine; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Mr Perton; Ms Pike; Mr Plowman; Mr Robinson; Mr Savage; Mr Seitz; Mrs Shardey; Mr Smith; Mr Stensholt; Mr Thompson; Mr Thwaites; Mr Trezise; Mr Wells; Mr Wilson; Mr Wynne.

NOES 8

Mr Delahunty (*Lowan*); Mr Ingram; Mr Jasper; Mr Maughan; Mrs Powell; Mr Ryan; Dr Sykes; Mr Walsh.

Question agreed to.

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

24 **ACCIDENT COMPENSATION (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Under standing orders, Ms Garbutt 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 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.

Bill read a second time, considered in detail and agreed to with amendments, read a third time with the concurrence of an absolute majority of the whole number of the members of the Legislative Assembly (*see pp 732–3, 737*).

Bill sent to the Legislative Council and their agreement requested.

- 25 **NATIONAL PARKS (ALPINE NATIONAL PARK GRAZING) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

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

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

Amendment proposed — That all the words after 'That' be omitted with the view of inserting in their place the words 'this House refuses to read this Bill a second time until the Australian Heritage Council completes its assessment of whether to permanently include the Alpine National Park on the National Heritage List' (*Mr Ryan*) — and, after debate —

Business having been interrupted at 10.00 pm under standing orders.

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

Debate continued on question — That this Bill be now read a second time — *and on the amendment* — That all the words after 'That' be omitted with the view of inserting in their place the words 'this House refuses to read this Bill a second time until the Australian Heritage Council completes its assessment of whether to permanently include the Alpine National Park on the National Heritage List'.

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.

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

City of Melbourne (Amendment) Bill
 Emergency Services Superannuation (Amendment) Bill
 Sex Offenders Registration (Amendment) Bill
 Energy Legislation (Miscellaneous Amendments) Bill.

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

And the House having continued to sit after 12 midnight —

WEDNESDAY 15 JUNE 2005

- 28 **ADJOURNMENT** — The Acting Speaker left the Chair, after debate, at 12.12 am.

R W PURDEY
Clerk of the Legislative Assembly

JUDY MADDIGAN
Speaker

No 118 — Wednesday 15 June 2005

- 1 The Speaker took the Chair and read the Prayer.
- 2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

Wonthaggi State Coal Mine Tourist Attraction — Requesting that the House takes action to provide Parks Victoria, Bass Coast Shire Council and Friends of the State Coal Mine with the means to carry out major upgrades to bring all underground operations and haulage and electrical equipment up to the same standard as a working mine in order to have the Wonthaggi State Coal Mine Tourist Attraction in working order so that underground tours can resume, bearing 302 signatures (*Mr Smith*)

Religious Instruction in Victorian Government Schools — Legislative Changes — Requesting that the House takes action to ensure that there is no change to legislation which would diminish the status of religious instruction in Victorian Government schools and, in addition, urges the Government to provide additional funding for chaplaincy services in these schools, bearing 20, 67, 20, 19 and 80 signatures (*Mr Stensholt, Mr Perton, Mr Robinson, Ms Munt and Mr Wells respectively*)

Religious Instruction in Victorian Government Schools — Requesting that the House takes action to ensure that there is no change to legislation and the *Victorian Government Schools Reference Guide* which would diminish the status of religious instruction in Victorian Government schools and, in addition, urges the Government to provide additional funding for chaplaincy services in these schools, bearing 29, 48, 19, 117, 38 and 10 signatures (*Mr Ingram, Mr Holding, Mr Robinson, Ms Munt, Mr Jenkins and Mr Maughan respectively*)

Government Subsidised Housing Residents — Requesting that the House ensures that any residents of Government subsidised premises are bound to exercise due respect for their neighbourhood or face early intervention and eviction with no further assistance forthcoming, bearing 79 signatures (*Mr Savage*)

City Link and Toll Road Concessions for Pensioners and Self Funded Superannuants — Requesting that the House calls on the Government to initiate immediate action to extend

concessions to enable all pensioners and self funded superannuants to access City Link and other toll roads in Victoria at an affordable cost, bearing 33 signatures (*Mr Cooper*)

Concession Card Holders — Requesting that the Government — (a) rescinds new legislation regarding vehicle registration and cancellation of certain concessions available to concession card holders so as to help and not penalise the under privileged; and (b) adds the cost of living increases to the concessions allowable, bearing 1,343 signatures (*Mr Mulder*).

Petitions ordered to be tabled.

- 3 **PETITION — CITY LINK AND TOLL ROAD CONCESSIONS FOR PENSIONERS AND SELF FUNDED SUPERANNUANTS** — Motion made and question — That the petition presented by the Member for Mornington be taken into consideration tomorrow (*Mr Cooper*) — put and agreed to.
- 4 **PETITION — GOVERNMENT SUBSIDISED HOUSING RESIDENTS** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Savage*) — put and agreed to.
- 5 **PETITION — RELIGIOUS INSTRUCTION IN VICTORIAN GOVERNMENT SCHOOLS — LEGISLATIVE CHANGES** — Motion made and question — That the petition presented by the Member for Mordialloc be taken into consideration tomorrow (*Ms Munt*) — put and agreed to.
- 6 **PETITION — RELIGIOUS INSTRUCTION IN VICTORIAN GOVERNMENT SCHOOLS** — 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 — WONTHAGGI STATE COAL MINE TOURIST ATTRACTION** — Motion made and question — That the petition presented by the Member for Bass be taken into consideration tomorrow (*Mr Smith*) — put and agreed to.
- 8 **PETITION — RELIGIOUS INSTRUCTION IN VICTORIAN GOVERNMENT SCHOOL — LEGISLATIVE CHANGES** — Motion made and question — That the petition presented by the Member for Burwood be taken into consideration tomorrow (*Mr Stensholt*) — put and agreed to.
- 9 **PETITION — RELIGIOUS INSTRUCTION IN VICTORIAN GOVERNMENT SCHOOLS** — Motion made and question — That the petition presented by the Member for Gippsland East be taken into consideration tomorrow (*Mr Ingram*) — put and agreed to.
- 10 **PETITION — CONCESSION CARD HOLDERS** — 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 **PETITION — RELIGIOUS INSTRUCTION IN VICTORIAN GOVERNMENT SCHOOLS — LEGISLATIVE CHANGES** — Motion made and question — That the petition presented by the Member for Doncaster be taken into consideration tomorrow (*Mr Perton*) — put and agreed to.

12 **PETITION — RELIGIOUS INSTRUCTION IN VICTORIAN GOVERNMENT SCHOOLS — LEGISLATIVE CHANGES** — Motion made and question — That the petition presented by the Member for Mitcham be taken into consideration tomorrow (*Mr Perton*) — put and agreed to.

13 **PETITION — RELIGIOUS INSTRUCTION IN VICTORIAN GOVERNMENT SCHOOLS** — Motion made and question — That the petition presented by the Member for Mitcham be taken into consideration tomorrow (*Mr Perton*) — put and agreed to.

14 **PETITION — RELIGIOUS INSTRUCTION IN VICTORIAN GOVERNMENT SCHOOLS** — Motion made and question — That the petition presented by the Member for Lyndhurst be taken into consideration tomorrow (*Mr Perton*) — put and agreed to.

15 **PETITION — RELIGIOUS INSTRUCTION IN VICTORIAN GOVERNMENT SCHOOLS** — Motion made and question — That the petition presented by the Member for Morwell be taken into consideration tomorrow (*Mr Perton*) — put and agreed to.

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

Auditor-General — Performance Audit Reports:

In good hands: Smart recruiting for a capable public sector — Ordered to be printed
 Our children are our future: Improving outcomes for children and young people in out of home care — Ordered to be printed

Parliamentary Committees Act 2003 — Response from the Minister for Health on the action taken with respect to the recommendations made by the Family and Community Development Committee's Report on the Impact on the Victorian Community and Public Hospitals of the Diminishing Access to After Hours and Bulk Billing General Practitioners

Subordinate Legislation Act 1994 — Minister's exemption certificate in relation to Statutory Rule No 38.

The following proclamation fixing an operative date was tabled by the Clerk in accordance with an Order of the House dated 26 February 2003:

Emergency Services Telecommunications Authority Act 2004 — Whole Act except section 45 on 1 July 2005 (*Gazette G23, 9 June 2005*).

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

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

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

Public Accounts and Estimates Committee's Report on the 2003–04 Budget Outcomes

Education and Training Committee's Report on the Inquiry into the Suitability of Pre-Service Teacher Training in Victoria

Public Accounts and Estimates Committee's Report on the 2004–05 Budget Estimates

Environment and Natural Resources Committee's Report on the Inquiry into Sustainable Communities

Rural and Regional Services and Development Committee's Report on the Inquiry into Country Football

Public Accounts and Estimates Committee's Report on the Review of the Auditor-General's performance audit report — Services for people with an intellectual disability.

- 20 **NATIONAL PARKS (ALPINE NATIONAL PARK GRAZING) BILL** — 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 Australian Heritage Council completes its assessment of whether to permanently include the Alpine National Park on the National Heritage List'; debate resumed.

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

The House divided.

AYES 57

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Green; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Loney; Mr Lupton; Ms McTaggart; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Ms Pike; Mr Robinson; Mr Savage; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 24

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Napthine; Mr Plowman; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

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

The House divided.

AYES 57

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Green; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Loney; Mr Lupton; Ms McTaggart; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Ms Pike; Mr Robinson; Mr Savage; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 24

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Napthine; Mr Plowman; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

Business having been interrupted at 2.00 pm under standing orders.

21 **QUESTIONS** — (Under SO 55).

22 **NATIONAL PARKS (ALPINE NATIONAL PARK GRAZING) BILL** — Bill considered in detail and agreed to with amendments (*see pp 733–4, 737–8*).

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

The House divided.

AYES 60

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Green; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Loney; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Savage; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 25

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Napthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 23 **COURTS LEGISLATION (MISCELLANEOUS AMENDMENTS) 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 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.

- 24 **DANGEROUS GOODS AND EQUIPMENT (PUBLIC SAFETY) ACTS (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Question — put.

The House divided.

AYES 66

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Delahunty (*Lowan*); Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Green; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Mr Jasper; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maughan; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Perera; Ms Pike; Mrs Powell; Mr Robinson; Mr Ryan; Mr Savage; Mr Seitz; Mr Stensholt; Dr Sykes; Mr Thwaites; Mr Trezise; Mr Walsh; Mr Wilson; Mr Wynne.

NOES 17

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Dixon; Mr Doyle; Mr Honeywood; Mr Kotsiras; Mr McIntosh; Mr Mulder; Dr Napthine; Mr Perton; Mr Plowman; Mrs Shardey; Mr Smith; Mr Thompson; Mr Wells.

Question agreed to.

By leave, Bill immediately read a third time.

Bill sent to the Legislative Council and their agreement requested.

- 25 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Appropriation (Parliament 2005/2006) Bill without amendment.

- 26 **STATE TAXATION ACTS (GENERAL AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Under standing orders, Mr Jasper 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 10.00 pm under standing orders.

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

Bill further considered in detail and agreed to without amendment, read a third time (*see pp 734–5, 738*).

Bill sent to the Legislative Council and their agreement requested.

- 27 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Accident Compensation (Amendment) Bill without amendment.
- 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 Acting Speaker left the Chair, after debate, at 11.12 pm.

R W PURDEY
Clerk of the Legislative Assembly

JUDY MADDIGAN
Speaker

No 119 — Thursday 16 June 2005

- 1 The Speaker took the Chair and read the Prayer.
- 2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

Wonthaggi State Coal Mine Tourist Attraction — Requesting that the House takes action to provide Parks Victoria, Bass Coast Shire Council and Friends of the State Coal Mine with the means to carry out major upgrades to bring all underground operations and haulage and electrical equipment up to the same standard as a working mine in order to have the Wonthaggi State Coal Mine Tourist Attraction in working order so that underground tours can resume, bearing 225 signatures (*Mr Smith*)

Religious Instruction in Victorian Government School — Legislative Changes — Requesting that the House takes action to ensure that there is no change to legislation which would diminish the status of religious instruction in Victorian Government schools and, in addition, urges the Government to provide additional funding for chaplaincy services in these schools, bearing 33, 34 and 643 signatures (*Mr Clark, Mr Thompson and Mr Wells respectively*)

Religious Instruction in Victorian Government Schools — Requesting that the House takes action to ensure that there is no change to legislation and the *Victorian Government Schools Reference Guide* which would diminish the status of religious instruction in Victorian Government schools and, in addition, urges the Government to provide additional funding for

chaplaincy services in these schools, bearing 40, 22, 15 and 58 signatures (*Mr Mildenhall, Mr Langdon, Mr Andrews and Dr Naphine respectively*)

Education Act 1958 — Requesting that the *Education Act 1958* which governs religious instruction in Government Schools remains unchanged, bearing 51 signatures (*Mr Robinson*)

Phase III Clinical Trials — Human Papilloma Virus — Requesting that the House makes all the necessary enquiries to ensure that young women who volunteer to take part in the Phase III clinical trials of the Human Papilloma Virus vaccine receive the best standard of care in relation to sexually transmitted infections, bearing 1 signature (*Mr Robinson*).

Petitions ordered to be tabled.

3 **PETITION — RELIGIOUS INSTRUCTION IN VICTORIAN GOVERNMENT SCHOOL — LEGISLATIVE CHANGES** — Motion made and question — That the petition presented by the Member for Sandringham be taken into consideration tomorrow (*Mr Thompson*) — put and agreed to.

4 **PETITION — RELIGIOUS INSTRUCTION IN VICTORIAN GOVERNMENT 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.

5 **PETITION — RELIGIOUS INSTRUCTION IN VICTORIAN GOVERNMENT 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.

6 **PETITION — RELIGIOUS INSTRUCTION IN VICTORIAN GOVERNMENT SCHOOLS** — Motion made and question — That the petition presented by the Member for Mulgrave be taken into consideration tomorrow (*Mr Dixon*) — put and agreed to.

7 **PETITION — EDUCATION ACT 1958** — Motion made and question — That the petition presented by the Member for Mitcham be taken into consideration tomorrow (*Mr Cooper*) — put and agreed to.

8 **DOCUMENTS** —

NATIONAL CLASSIFICATION CODE — Motion made, by leave, and question — That the revised National Classification Code contained in the Classification (Publications, Films and Computer Games) Act 1995 of the Commonwealth be tabled (*Mr Hulls*) — put and agreed to.

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 1 October 2004 and 15 June 2005 — Ordered to be printed

Subordinate Legislation Act 1994 — Minister's exemption certificate in relation to Statutory Rule No 48.

9 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourns until Tuesday 19 July 2005 (*Mr Holding*) — put and agreed to.

- 10 **STATEMENTS BY MEMBERS** — Statements by members were made.
- 11 **NATIONAL PARKS (OTWAYS AND OTHER AMENDMENTS) BILL** — 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 Honeywood*) — put and agreed to.
- Ordered — That the debate be adjourned until Thursday 30 June 2005.
- 12 **HEALTH LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL** — 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.
- 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 2.00 pm under standing orders.*
- 13 **QUESTIONS** — (Under SO 55).
- 14 **HEALTH LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL** — Bill further considered in detail and agreed to without amendment, read a third time (*see pp 735–6*).
- 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 (*Ms Pike*) — put and agreed to.
- 16 **ADJOURNMENT** — The Deputy Speaker left the Chair, after debate, at 3.59 pm.

R W PURDEY
Clerk of the Legislative Assembly

JUDY MADDIGAN
Speaker

LEGISLATIVE ASSEMBLY OF VICTORIA

CONSIDERATION IN DETAIL Supplement to Votes Nos 117, 118 and 119

No 117 — Tuesday 14 June 2005

ACCIDENT COMPENSATION (AMENDMENT) BILL

Clause 1 agreed to.

Clause 2, Mr McIntosh moved amendment No 1 (*see Schedule 1*).

The Acting Speaker advised that if amendment 1 is not agreed to, amendment 2 cannot be moved as it is consequential.

Question — That the amendment be agreed to — put.

The House divided.

AYES 26

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Napthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

NOES 56

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Green; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Jenkins; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

Question defeated.

Mr Hulls moved amendment Nos 1 and 2 (*see Schedule 1*).

Amendments put and agreed to.

Clause agreed to as amended.

Clauses 3 to 32 agreed to.

Bill agreed to as amended.

No 118 — Wednesday 15 June 2005

NATIONAL PARKS (ALPINE NATIONAL PARK GRAZING) BILL

Clauses 1 to 5 agreed to.

Clause 6, Mr Thwaites moved amendment Nos 1 and 2 (*see Schedule 2*).

Amendments put and agreed to.

Mr Thwaites moved amendment No 3 (*see Schedule 2*).

Amendment put and agreed to.

Mr Thwaites moved amendment No 4 (*see Schedule 2*).

Amendment put and agreed to.

Mr Thwaites moved amendment No 5 (*see Schedule 2*).

Amendment put and agreed to.

Mr Honeywood moved amendment Nos 4 and 5 (*see Schedule 2*).

Question — That the amendments be agreed to — put.

The House divided.

AYES 26

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Napthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

NOES 58

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Green; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

Question defeated.

Clause agreed to as amended.

Clauses 7 to 12 agreed to.

Amendment of long title, Mr Thwaites moved amendment No 6 (*see Schedule 2*).

Amendment put and agreed to.

Long title agreed to as amended.

Question — That the House agrees to the Bill with amendments — put.

The House divided.

AYES 59

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Green; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Savage; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 25

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Napthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

STATE TAXATION ACTS (GENERAL AMENDMENT) BILL

Clauses 1 and 2 agreed to.

Clause 3, Mr Jasper moved an amendment (*see Schedule 3*).

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

The House divided.

AYES 57

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Green; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Savage; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 23

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Honeywood; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Naphine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question defeated.

Clause agreed to.

Clauses 4 to 10 agreed to.

Clause 11 — Question — That Clause 11 stands part of the Bill — put.

The House divided.

AYES 56

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Green; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 25

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Honeywood; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Naphine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

Clause agreed to.

Clauses 12 to 39 agreed to.

Bill agreed to without amendment.

No 119 — Thursday 16 June 2005

HEALTH LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL

Clauses 1 to 7 agreed to.

Clause 8 — Question — That Clause 8 stands part of the Bill — put.

The House divided.

AYES 53

Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Green; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 26

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Napthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

Clause agreed to.

Clause 9 agreed to.

Clause 10 — Question — That Clause 10 stands part of the Bill — put.

The House divided.

AYES 60

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Green; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Savage; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 24

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Napthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

Clause agreed to.

Clause 11 and 12 agreed to.

The Deputy Speaker advised that amendment Nos 4 to 9 inclusive could not be moved as they were consequential on clauses 8, 10 and 12 being omitted.

Clauses 13 to 54 agreed to.

Bill agreed to without amendment.

SCHEDULES OF AMENDMENTS MOVED

SCHEDULE 1

ACCIDENT COMPENSATION (AMENDMENT) BILL

Amendment moved by Mr McIntosh

1. Clause 2, line 30, after "4," insert "5,".

Amendments moved by Mr Hulls

1. Clause 2, page 3, after line 4 insert—
" () Division 1 of Part 2 is deemed to have come into operation on 19 May 2005."
2. Clause 2, page 3, line 5, omit "Divisions 1 and" and insert "Division".

SCHEDULE 2

NATIONAL PARKS (ALPINE NATIONAL PARK GRAZING) BILL

Amendments moved by Mr Thwaites

1. Clause 6, line 29, after "cattle" insert "to or from the land in which the person holds the interest directly".
2. Clause 6, line 33, after "route" insert "outside the park".
3. Clause 6, line 34, after this line insert—
"(2) If a person holds a licence to graze cattle on Crown land, the Minister may, in writing, grant to that person a reasonable right to move cattle to or from the land over which the person holds the licence directly through the park described in Part 37 of Schedule Two, along the route specified by the Minister (not being a route through a wilderness zone or reference area) if the Minister is satisfied that there is no practical alternative route outside the park for moving the cattle."
4. Clause 6, page 3, line 1, omit "(2)" and insert "(3)".
5. Clause 6, page 3, line 2, omit "the right" and insert "a right under this section".

AMENDMENT OF LONG TITLE

6. Long title, after "**Parks**" insert "**Act**".

Amendments moved by Mr Honeywood

4. Clause 6, page 3, line 6, omit "'park.'" and insert "park."
5. Clause 6, page 3, line 6, after this line insert—
'(4) A person who is grazing cattle on Crown land that abuts the park described in Part 37 of Schedule Two under a licence to do so is deemed not to have committed an offence under this Act or any regulations made under this Act if the cattle stray into the park

from that land, if the person has taken all reasonable steps to ensure that the cattle do not so stray."!

SCHEDULE 3

STATE TAXATION ACTS (GENERAL AMENDMENT) BILL

Amendment moved by Mr Jasper

Clause 3, lines 6 and 7, omit ", road safety initiatives and traffic and transport integration programs," and insert "and road safety initiatives".

LEGISLATIVE ASSEMBLY OF VICTORIA

VOTES AND PROCEEDINGS Nos 120, 121 and 122

No 120 — Tuesday 19 July 2005

- 1 The House met according to the adjournment — The Speaker took the Chair and read the Prayer.
- 2 **SUSPENSION OF STANDING ORDERS** — Motion made, by leave, and question — That so much of standing orders be suspended today so as to allow —
 - (1) Precedence to be given to a motion of condolence to the families of the victims of the London bombings.
 - (2) At the conclusion of the consideration of the motion, the House will proceed with question time, followed by formal business and other business as set out in the notice paper (Mr Bracks) — put and agreed to.
- 3 **LONDON BOMBING CONDOLENCE** — Motion made, by leave, and question — That this House —
 - (1) Offers its deepest condolences to the families of the victims of the series of terrorist bombs on London's public transport on 7 July;
 - (2) Mourns Sam Ly, a young Victorian working in London who died from his injuries on Friday;
 - (3) Joins the people of Victoria in expressing shock and outrage at this senseless waste of life;
 - (4) Commends the people of London for the strength and unity they have shown in the face of such a cowardly attack;
 - (5) Commits itself to not allow acts of terror such as this to undermine Victoria's tolerant, multicultural way of life.

(*Mr Bracks*) — put, and after Mr Doyle, Mr Ryan and Mr Savage had addressed the House in support of the motion, honourable members rising in their places to signify their assent, agreed to unanimously and in silence.
- 4 **QUESTIONS** — (Under SO 55).

- 5 **VAGRANCY (REPEAL) AND SUMMARY OFFENCES (AMENDMENT) BILL** — Mr Hulls obtained leave to bring in a Bill '*to repeal the Vagrancy Act 1966 and re-enact certain provisions of it in the Summary Offences Act 1966 and 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 **RESIDENTIAL TENANCIES (FURTHER AMENDMENT) BILL** — Ms Pike obtained leave to bring in a Bill '*to amend the Residential Tenancies Act 1997 to clarify the residency rights of occupiers of shared rooms in rooming houses and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 7 **CASINO CONTROL (AMENDMENT) BILL** — Mr Pandazopoulos obtained leave to bring in a Bill '*to amend the Casino Control Act 1991 and the Casino (Management Agreement) Act 1993 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:

Cattle Grazing — Alpine National Park — Requesting that the House — (a) resists all entreaties to change the decision to end cattle grazing in the Alpine National Park, while retaining grazing rights in alpine areas outside the park; and (b) seeks to further encourage all Victorians to support their national park and enjoy the cultural heritage of the high country, bearing 8 signatures (*Mr Lockwood*)

Religious Instruction in Victorian Government Schools — Requesting that the House takes action to ensure that there is no change to legislation and the *Victorian Government Schools Reference Guide* which would diminish the status of religious instruction in Victorian Government schools and, in addition, urges the Government to provide additional funding for chaplaincy services in these schools, bearing 80, 80, 23, 406, 32, 136, 24, 66, 241, 97, 24, 206, 45, 367, 62 and 94 signatures (*Ms Neville, Dr Sykes, Ms Asher, Mr Perton, Mr Harkness, Mr Ryan, Mr Seitz, Ms Beard, Mr Delahunty (Lowan), Mr Doyle, Mr Nardella, Mr Cooper, Mr Jenkins, Mr Wilson, Mr Wells and Dr Naphine respectively*)

Boating Law — Requesting that the House urges the Government to abandon immediately the introduction of the boating law which insists that life jackets be worn at all times whilst boating, bearing 46 signatures (*Dr Sykes*)

Improved Train Services for Sandringham Line — Requesting that the House urges the Government to improve train services on the Sandringham line, bearing 135 signatures (*Ms Asher*)

Religious Instruction in Victorian Government Schools — Legislative Changes — Requesting that the House takes action to ensure that there is no change to legislation which would diminish the status of religious instruction in Victorian Government schools and, in addition, urges the Government to provide additional funding for chaplaincy services in these schools, bearing 26, 68, 394, 75 and 19 signatures (*Dr Sykes, Ms Asher, Mr Perton, Mr Robinson and Mr Wells respectively*)

Railway Crossing, Settlement Road, Kilmany — Requesting that the House calls on the Government to erect appropriate warning signs and install warning lights and signals at the

railway crossing at Settlement Road, Kilmany to afford the best possible opportunity to all drivers on Settlement Road of impending train movements at the crossing, bearing 408 signatures (*Mr Ryan*)

City Link and Toll Road Concessions for Pensioners and Self Funded Superannuants — Requesting that the House calls on the Government to initiate immediate action to extend concessions to enable all pensioners and self funded superannuants to access City Link and other toll roads in Victoria at an affordable cost, bearing 17 signatures (*Mr Cooper*)

Cobboboonee State Forest — Requesting that the House does not declare Cobboboonee a National Park but retains the status quo as a State forest, bearing 327 signatures (*Dr Naphthine*).

Petitions ordered to be tabled.

- 9 **PETITION — RELIGIOUS INSTRUCTION IN VICTORIAN GOVERNMENT SCHOOLS** — Motion made and question — That the petition presented by the Member for Mornington be taken into consideration tomorrow (*Mr Cooper*) — put and agreed to.
- 10 **PETITION — CITY LINK AND TOLL ROAD CONCESSIONS FOR PENSIONERS AND SELF FUNDED SUPERANNUANTS** — Motion made and question — That the petition presented by the Member for Mornington be taken into consideration tomorrow (*Mr Cooper*) — put and agreed to.
- 11 **PETITION — RELIGIOUS INSTRUCTION IN VICTORIAN GOVERNMENT SCHOOLS** — 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 — IMPROVED TRAIN 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.
- 13 **PETITION — CATTLE GRAZING — ALPINE NATIONAL PARK** — Motion made and question — That the petition presented by the Member for Bayswater be taken into consideration tomorrow (*Mr Lockwood*) — put and agreed to.
- 14 **PETITION — RELIGIOUS INSTRUCTION IN VICTORIAN GOVERNMENT 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.
- 15 **PETITION — RELIGIOUS INSTRUCTION IN VICTORIAN GOVERNMENT SCHOOLS — LEGISLATIVE CHANGES** — 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 — RELIGIOUS INSTRUCTION IN VICTORIAN GOVERNMENT 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.

- 17 **PETITION — BOATING LAW** — 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 — RELIGIOUS INSTRUCTION IN VICTORIAN GOVERNMENT SCHOOLS — LEGISLATIVE CHANGES** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.
- 19 **PETITION — RELIGIOUS INSTRUCTION IN VICTORIAN GOVERNMENT SCHOOLS** — Motion made and question — That the petition presented by the Member for Doncaster be taken into consideration tomorrow (*Mr Perton*) — put and agreed to.
- 20 **PETITION — RELIGIOUS INSTRUCTION IN VICTORIAN GOVERNMENT SCHOOLS — LEGISLATIVE CHANGES** — Motion made and question — That the petition presented by the Member for Doncaster be taken into consideration tomorrow (*Mr Perton*) — put and agreed to.
- 21 **PETITION — RELIGIOUS INSTRUCTION IN VICTORIAN GOVERNMENT SCHOOLS** — Motion made and question — That the petition presented by the Member for South-West Coast be taken into consideration tomorrow (*Dr Naphine*) — put and agreed to.
- 22 **PETITION — COBBOBOONEE STATE FOREST** — 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.
- 23 **PETITION — RELIGIOUS INSTRUCTION IN VICTORIAN GOVERNMENT SCHOOLS** — Motion made and question — That the petition presented by the Member for Bellarine be taken into consideration tomorrow (*Ms Neville*) — put and agreed to.
- 24 **PETITION — RELIGIOUS INSTRUCTION IN VICTORIAN GOVERNMENT SCHOOLS** — Motion made and question — That the petition presented by the Member for Lowan be taken into consideration tomorrow (*Mr Delahunty, Lowan*) — put and agreed to.
- 25 **DOCUMENTS**

NATIONAL CLASSIFICATION CODE — Motion made, by leave, and question — That the revised National Classification Code (Uniform classification categories for films and computer games) be tabled (*Mr Hulls*) — put and agreed to.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — Ms D'Ambrosio, Chair, presented a report from the Scrutiny of Acts and Regulations Committee being the Alert Digest No 8 of 2005 on the National Parks (Otways and Other Amendments) Bill, together with appendices.

Ordered to be tabled and printed.

ECONOMIC DEVELOPMENT COMMITTEE — Mr Robinson, Chair, presented the Final Report from the Economic Development Committee on the Inquiry into Labour Hire Employment 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:

Auditor-General:

Annual Plan 2005–06

Performance Audit Report — Managing stormwater flooding risks in Melbourne — Ordered to be printed

Confiscation Act 1997 — Asset Confiscation Operations Report for the year 2003–04

Interpretation of Legislation Act 1984 — Notices under s 32(3)(a)(iii) in relation to Statutory Rule Nos 49, 79

National Parks Act 1975 — Advice under s 11(3)

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

Ballarat Planning Scheme — No C83

Baw Baw Planning Scheme — No C10 Part 2(i)

Bayside Planning Scheme — No C41

Central Goldfields Planning Scheme — No C7

Colac Otway Planning Scheme — No C44

East Gippsland Planning Scheme — Nos C31, C43

Glen Eira Planning Scheme — Nos C38, C41, C43

Glenelg Planning Scheme — Nos C21, C22

Greater Geelong Planning Scheme — No C112

Hepburn Planning Scheme — Nos C29, C32

Horsham Planning Scheme — No C23

Indigo Planning Scheme — No C26

Kingston Planning Scheme — No C48

Maroondah Planning Scheme — No C30

Moorabool Planning Scheme — No C32

Mornington Peninsula Planning Scheme — Nos C64, C73 Part 1

Moyne Planning Scheme — No C19

Northern Grampians Planning Scheme — No C12

Stonnington Planning Scheme — No C39

Surf Coast Planning Scheme — Nos C16, C23, C24

Swan Hill Planning Scheme — Nos C12, C18

Warrnambool Planning Scheme — No C41

Whittlesea Planning Scheme — No C50, C66

Yarra Planning Scheme — No C66

Yarra Ranges Planning Scheme — No C44

Yarriambiack Planning Scheme — No C5

Police Regulation Act 1958 — Director, Police Integrity — Review of the Victoria Police Witness Protection Program — Ordered to be printed

Statutory Rules under the following Acts:

Architects Act 1991 — SR No 53
Audit Act 1994 — SR No 65
Building Act 1993 — SR Nos 51, 57
Cemeteries Act 1958 — SR No 75
Cemeteries and Crematoria Act 2003 — SR No 76
Commonwealth Games Arrangements Act 2001 — SR No 84
Crimes (Family Violence) Act 1987 — SR No 54
Electricity Safety Act 1998 — SR No 74
Gambling Regulation Act 2003 — SR Nos 60, 61
Liquor Control Reform Act 1998 — SR No 55
Magistrates' Court Act 1989 — SR No 59
Major Crime (Investigative Powers) Act 2004 — SR No 73
Marine Act 1988 — SR No 82
Meat Industry Act 1993 — SR No 49
Occupational Health and Safety Act 2004 — SR No 64
Petroleum (Submerged Lands) Act 1982 — SR No 80
Pharmacy Practice Act 2004 — SR No 50
Police Regulation Act 1958 — SR No 72
Prevention of Cruelty to Animals Act 1986 — SR No 70
Private Agents Act 1966 — SR No 78
Private Security Act 2004 — SR No 77
Public Administration Act 2004 — SR No 52
Road Management Act 2004 — SR Nos 62, 63
Road Safety Act 1986 — SR No 68
State Owned Enterprises Act 1992 — SR No 85
Subordinate Legislation Act 1994 — SR No 58
Surveillance Devices Act 1999 — SR No 83
Surveying Act 2004 — SR No 56
Terrorism (Community Protection) Act 2003 — SR No 79
Transport Act 1983 — SR Nos 66, 67, 68, 69, 81
Whistleblowers Protection Act 2001 — SR No 71

Subordinate Legislation Act 1994:

Ministers' exception certificates in relation to Statutory Rule Nos 57, 58, 59, 82
 Ministers' exemption certificates in relation to Statutory Rule Nos 50, 51, 52, 53, 54, 55, 64, 70, 71, 72, 73, 75, 78, 79, 80, 81, 82, 83.

The following proclamations fixing operative dates were tabled by the Clerk in accordance with an Order of the House dated 26 February 2003:

Children and Young Persons (Miscellaneous Amendments) Act 2005 — Section 45 on 30 June 2005 (*Gazette S120, 28 June 2005*)
Gambling Regulation (Further Amendment) Act 2004 — Sections 4(3), 4(4), 16, 17, 18, 19, 20, 25, 32, 37(2), 37(4), 37(6), 39(1), 39(2), 39(3), 39(4), 39(5), 39(6) and the remaining provisions of Part 3 on 25 June 2005 (*Gazette G25, 23 June 2005*)
Melbourne (Flinders Street Land) Act 2003 — Whole Act on 29 June 2005 (*Gazette S120, 28 June 2005*)

National Electricity (Victoria) Act 2005 — Whole Act on 1 July 2005 (*Gazette S120, 28 June 2005*)

Sustainable Forests (Timber) Act 2004 — Section 100(2) on 31 August 2005 (*Gazette G28, 14 July 2005*).

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

Appropriation (2005/2006) Bill
 Courts Legislation (Miscellaneous Amendments) Bill
 Dangerous Goods and Equipment (Public Safety) Acts (Amendment) Bill
 National Parks (Alpine National Park Grazing) Bill
 State Taxation Acts (General Amendment) Bill.

- 27 **APPROPRIATION (2005/2006) BILL — APPROPRIATION (PARLIAMENT 2005/2006) BILL** — The Speaker announced that on 21 June 2005, the Deputy Speaker had presented to the Governor, the Appropriation (2005/2006) Bill and the Appropriation (Parliament 2005/2006) Bill to which the Governor had been pleased to give the royal assent.

- 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 21 June 2005

Accident Compensation (Amendment) Bill
 City of Melbourne (Amendment) Bill
 Courts Legislation (Miscellaneous Amendments) Bill
 Dangerous Goods and Equipment (Public Safety) Acts (Amendment) Bill
 Emergency Services Superannuation (Amendment) Bill
 Energy Legislation (Miscellaneous Amendments) Bill
 Sex Offenders Registration (Amendment) Bill

On 28 June 2005

National Parks (Alpine National Park Grazing) Bill
 State Taxation Acts (General Amendment) Bill.

- 29 **MESSAGE FROM THE GOVERNOR** — The Speaker announced the presentation of a message from the Governor recommending an appropriation for the purposes of the National Parks (Otways and Other Amendments) Bill.

- 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 21 July 2005:

Energy Safe Victoria Bill
 National Parks (Point Nepean) Bill
 Owner Drivers and Forestry Contractors Bill
 Planning and Environment (Williamstown Shipyard) Bill
 Tobacco (Amendment) Bill

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

- 31 **STATEMENTS BY MEMBERS** — Statements by members were made.
- 32 **ENERGY SAFE VICTORIA 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.
- 33 **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.
- 34 **OWNER DRIVERS AND FORESTRY CONTRACTORS 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.*
- 35 **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

JUDY MADDIGAN
Speaker

No 121 — Wednesday 20 July 2005

- 1 The Speaker took the Chair and read the Prayer.
- 2 **WORKING WITH CHILDREN BILL** — Mr Hulls obtained leave to bring in a Bill '*to assist in protecting children from sexual or physical harm by ensuring that people who work with, or care for, them have their suitability to do so checked by a government body, to amend the Sentencing Act 1991, the Sex Offenders Registration Act 2004, the Victorian Civil and Administrative Tribunal Act 1998 and the Victorian Institute of Teaching Act 2001 and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 3 **RACIAL AND RELIGIOUS TOLERANCE ACT (REPEAL) BILL** — Mr Savage obtained leave to bring in a Bill '*to repeal the Racial and Religious Tolerance Act 2001*'; and, after debate, 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:
- Religious Instruction in Victorian Government Schools** — Requesting that the House takes action to ensure that there is no change to legislation and the *Victorian Government Schools Reference Guide* which would diminish the status of religious instruction in Victorian

Government schools and, in addition, urges the Government to provide additional funding for chaplaincy services in these schools, bearing 422, 48, 45, 34, 513, 93, 31 and 101 signatures (*Mr Howard, Mr Clark, Mr Stensholt, Mr Ingram, Mr Savage, Ms Munt, Mr Helper and Mr Crutchfield respectively*)

Government Subsidised Premises — Requesting that the House ensures that residents of Government subsidised premises are bound to exercise due respect for their neighbourhood or face early intervention and eviction with no further assistance forthcoming, bearing 124 signatures (*Mr Savage*).

Petitions ordered to be tabled.

5 **PETITION — RELIGIOUS INSTRUCTION IN VICTORIAN GOVERNMENT 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.

6 **PETITION — RELIGIOUS INSTRUCTION IN VICTORIAN GOVERNMENT SCHOOLS** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Savage*) — put and agreed to.

7 **PETITION — GOVERNMENT SUBSIDISED PREMISES** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Savage*) — put and agreed to.

8 **PETITION — RELIGIOUS INSTRUCTION IN VICTORIAN GOVERNMENT SCHOOLS** — Motion made and question — That the petition presented by the Member for Gippsland East be taken into consideration tomorrow (*Mr Ingram*) — put and agreed to.

9 **DOCUMENT TABLED BY COMMAND OF THE GOVERNOR**

Mr Hulls presented by Command of the Governor:

Supreme Court — Report for the years 2002–04

Ordered to be tabled.

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

Audit Act 1994 — Report of the Auditor-General — East Gippsland Shire Council: Proposed sale of Lakes Entrance property — Ordered to be printed

Auditor-General — Performance Audit Report — Managing intellectual property in government agencies — Ordered to be printed

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

Banyule Planning Scheme — No C47

Cardinia Planning Scheme — Nos C62, C71

Darebin Planning Scheme — No C58 Part 2

Gannawarra Planning Scheme — No C11
 Glenelg Planning Scheme — No C20
 Greater Dandenong Planning Scheme — Nos C31 Part 3, C58
 Greater Geelong Planning Scheme — No C9
 Hepburn Planning Scheme — No C26
 Kingston Planning Scheme — No C32
 Mornington Peninsula Planning Scheme — No C66
 Pyrenees Planning Scheme — No C13
 Yarra Planning Scheme — No C91

Statutory Rule under the *Fisheries Act 1995* — SR No 86

Subordinate Legislation Act 1994 — Minister's exemption certificate in relation to Statutory Rule No 86.

10 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Electoral Legislation (Further Amendment) Bill without amendment.

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

12 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE — PROVINCIAL VICTORIA** — The House was informed that Mr Brumby had proposed that a definite matter of public importance be submitted to the House for discussion, namely —

'That this House congratulates the Bracks government for its work to make provincial Victoria a great place to raise a family and its commitment to strong regional economic growth and outstanding regional results, in particular:

- (1) Record levels of facilitated investment;
- (2) Strong employment growth;
- (3) Vibrant population growth;
- (4) Massive investment in infrastructure;
- (5) Booming industry sectors; and
- (6) Unprecedented building approval levels.'

Mr Brumby 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 2003–04 Budget Outcomes

Road Safety Committee's Report on the Inquiry into Crashes Involving Roadside Objects

Education and Training Committee's Report on the Inquiry into the Suitability of Pre-Service Teacher Training in Victoria.

Prior notice having been given under SO 43, business was interrupted at 12.20 pm.

- 14 **MINISTERIAL STATEMENT — PREPAREDNESS FOR TERRORIST ATTACKS** — The Premier made a ministerial statement relating to the preparedness for terrorist attacks, to which members responded.

Business having been interrupted at 2.00 pm under standing orders.

- 15 **QUESTIONS** — (Under SO 55).

- 16 **MINISTERIAL STATEMENT — PREPAREDNESS FOR TERRORIST ATTACKS** — Responses continued on the ministerial statement relating to the preparedness for terrorist attacks.

- 17 **NATIONAL PARKS (POINT NEPEAN) 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.

- 18 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Higher Education Acts (Amendment) Bill without amendment.

- 19 **TOBACCO (AMENDMENT) BILL** — 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.

Business having been interrupted at 10.00 pm under standing orders.

- 20 **ADJOURNMENT** — The Acting Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.33 pm.

R W PURDEY
Clerk of the Legislative Assembly

JUDY MADDIGAN
Speaker

No 122 — Thursday 21 July 2005

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

2 **CRIMES (CONTAMINATION OF GOODS OFFENCES) BILL** — Mr Ryan obtained leave to bring in a Bill '*to amend the Crimes 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.

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

Religious Instruction in Victorian Government Schools — Legislative Changes — Requesting that the House takes action to ensure that there is no change to legislation which would diminish the status of religious instruction in Victorian Government schools and, in addition, urges the Government to provide additional funding for chaplaincy services in these schools, bearing 11 and 38 signatures (*Mr Robinson and Mr Wells respectively*)

Religious Instruction in Victorian Government Schools — Requesting that the House takes action to ensure that there is no change to legislation and the *Victorian Government Schools Reference Guide* which would diminish the status of religious instruction in Victorian Government schools and, in addition, urges the Government to provide additional funding for chaplaincy services in these schools, bearing 15, 38, 113, 182, 68, 48, 92, 57, 81 and 41 signatures (*Mr Clark, Ms Lindell, Mr Herbert, Ms Eckstein, Mr Trezise, Mr Ryan, Ms Duncan, Mr Maughan, Mrs Powell and Mr Walsh respectively*).

Petitions ordered to be tabled.

4 **DOCUMENTS**

CLASSIFICATION OF FILMS AND COMPUTER GAMES — Motion made, by leave, and question — That the Guidelines for the Classification of Films and Computer Games and Guidelines for the Classification of Publications 2005 be tabled (*Mr Hulls*) — put and agreed to.

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

Commonwealth Games Arrangements (Miscellaneous Amendments) Bill
Local Government (Amendment) Bill.

6 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourns until Tuesday 9 August 2005 (*Mr Hulls*) — put and agreed to.

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

8 **WORKING WITH CHILDREN 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 McIntosh*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 4 August 2005.

9 **VAGRANCY (REPEAL) AND SUMMARY OFFENCES (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 McIntosh*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 4 August 2005.

- 10 **RESIDENTIAL TENANCIES (FURTHER AMENDMENT) BILL** — 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 Thursday 4 August 2005.

- 11 **CASINO CONTROL (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 Smith*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 4 August 2005.

- 12 **PLANNING AND ENVIRONMENT (WILLIAMSTOWN SHIPYARD) 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.

- 13 **TOBACCO (AMENDMENT) BILL** — 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 **TOBACCO (AMENDMENT) BILL** — Debate resumed on question — That this Bill be now read a second time.

Allocation of time — The Speaker advised that the time allocated for consideration of bills under the resolution of the House on Tuesday 19 July 2005 had expired.

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

Question — That Government amendment Nos 1 to 22 inclusive be agreed to and the Bill be now read a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 16 **OWNER DRIVERS AND FORESTRY CONTRACTORS BILL** — 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.

AYES 60

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Loney; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Savage; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 24

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Naphine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 17 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Energy Safe Victoria Bill 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 Speaker left the Chair, after debate, at 4.49 pm.

R W PURDEY
Clerk of the Legislative Assembly

JUDY MADDIGAN
Speaker

LEGISLATIVE ASSEMBLY OF VICTORIA

VOTES AND PROCEEDINGS Nos 123, 124 and 125

No 123 — Tuesday 9 August 2005

- 1 The House met according to the adjournment — The Speaker took the Chair and read the Prayer.
- 2 **QUESTIONS** — (Under SO 55).
- 3 **SUSTAINABILITY VICTORIA BILL** — Mr Thwaites obtained leave to bring in a Bill '*to establish Sustainability Victoria as the successor in law to the Sustainable Energy Authority Victoria and EcoRecycle Victoria, to amend the **Environment Protection Act 1970**, to repeal the **Sustainable Energy Authority Victoria Act 1990** and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 4 **GROUNDWATER (BORDER AGREEMENT) (AMENDMENT) BILL** — Mr Thwaites obtained leave to bring in a Bill '*to amend the **Groundwater (Border Agreement) Act 1985** to approve and give effect to the Border Groundwaters Agreement Amendment Agreement, to amend the **Water 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 **PIPELINES BILL** — Mr Cameron obtained leave to bring in a Bill '*to re-enact with amendments the laws relating to the construction and operation of pipelines in Victoria, to repeal the **Pipelines Act 1967** and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 6 **RADIATION BILL** — Ms Pike obtained leave to bring in a Bill '*to protect the health and safety of persons and the environment from the harmful effects of radiation, to make consequential amendments to the **Health Act 1958**, the **Dangerous Goods Act 1985**, the **Environment Protection Act 1970**, the **Magistrates' Court Act 1989**, the **Nuclear Activities (Prohibitions) Act 1983**, 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.
- 7 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

Wonthaggi State Coal Mine Tourist Attraction — Requesting that the House takes action to provide Parks Victoria, Bass Coast Shire Council and Friends of the State Coal Mine with the means to carry out major upgrades to bring all underground operations and haulage and electrical equipment up to the same standard as a working mine in order to have the

Wonthaggi State Coal Mine Tourist Attraction in working order so that underground tours can resume, bearing 121 signatures (*Mr Smith*)

Bass Landing Boat Launching Ramp — Requesting that the Parliament and the Minister for Environment allow the Bass Landing Boat Launching Ramp and parking area to remain open to the boat users and fishermen and women who have used this area for many years, bearing 12 signatures (*Mr Smith*)

Religious Instruction in Victorian Government Schools — Requesting that the House takes action to ensure that there is no change to legislation and the *Victorian Government Schools Reference Guide* which would diminish the status of religious instruction in Victorian Government schools and, in addition, urges the Government to provide additional funding for chaplaincy services in these schools, bearing 77, 57, 22, 62, 95, 24, 109, 68, 21, 38, 9, 39, 22 and 38 signatures (*Mr Smith, Mr Perton, Mr Harkness, Mr Ryan, Mr Langdon, Ms Beard, Mr Delahunty (Lowan), Mr Doyle, Ms Morand, Mr Wilson, Mr Leighton, Mr Walsh, Ms Gillett and Mr Honeywood respectively*)

Bus and Train Services in Bayswater — Requesting that the House takes action to co-ordinate bus and train services in Bayswater at the earliest opportunity, bearing 9 signatures (*Mr Lockwood*)

Bus Services in the Outer Eastern Suburbs — Requesting that the House takes action at the earliest opportunity to provide extra bus services in the outer eastern suburbs at least until 8.00 pm to allow commuters, workers and shoppers to travel safely home by public transport, bearing 9 signatures (*Mr Lockwood*)

Local Government Elections — Requesting that the House takes action to eliminate or minimise the practice of running dummy candidates in local government elections at its earliest opportunity, bearing 8 signatures (*Mr Lockwood*)

Police School Involvement Program — Requesting that the House supports the reinstatement of the Police School Involvement Program to build a secure environment for the children of Victoria, bearing 200 signatures (*Mr Perton*)

Religious Instruction in Victorian Government Schools — Legislative Changes — Requesting that the House takes action to ensure that there is no change to legislation which would diminish the status of religious instruction in Victorian Government schools and, in addition, urges the Government to provide additional funding for chaplaincy services in these schools, bearing 185, 118, 23, 363 and 234 signatures (*Mr Perton, Ms Marshall, Ms Morand, Mr Thompson and Mr Honeywood respectively*)

Rosedale and District Region — Requesting that the House — (a) acts to conduct a poll of the electors of the region of Rosedale and Districts, the former Rosedale Shire; and (b) proclaims the region as the Rosedale Shire, comprising of five single councillor wards representing the electors of the region, bearing 25 signatures (*Mr Ryan*)

Pedestrian Bridge, Narre Warren-Cranbourne Road, Narre Warren — Requesting that the Minister for Transport directs that a pedestrian bridge be constructed over Narre Warren-Cranbourne Road, Narre Warren, at the site of the new grade separation with the railway line, to allow for the safe crossing of this road, bearing 37 signatures (*Mr Wilson*)

Sandringham and District Memorial Hospital — Requesting that the Government provides sufficient funding for the efficient management of the Sandringham and District Memorial Hospital without the need for the impost of a range of car parking fees which will see hospital employees paying up to \$480 a year to subsidise projects which should be funded by the State Government, bearing 18 signatures (*Mr Thompson*)

Mitcham-Frankston (Scoresby) Freeway — Requesting that the House ensures that the Government honours its pre-election commitment and policy as pledged to the citizens of Victoria not to introduce tolls on the Mitcham-Frankston (Scoresby) Freeway and immediately reverses its decision to impose these tolls, bearing 10 signatures (*Mr Honeywood*).

Petitions ordered to be tabled.

- 8 **PETITION — WONTHAGGI STATE COAL MINE TOURIST ATTRACTION** — Motion made and question — That the petition presented by the Member for Bass be taken into consideration tomorrow (*Mr Smith*) — put and agreed to.
- 9 **PETITION — BASS LANDING BOAT LAUNCHING RAMP** — Motion made and question — That the petition presented by the Member for Bass be taken into consideration tomorrow (*Mr Smith*) — put and agreed to.
- 10 **PETITION — RELIGIOUS INSTRUCTION IN VICTORIAN GOVERNMENT SCHOOLS** — Motion made and question — That the petition presented by the Member for Bass be taken into consideration tomorrow (*Mr Smith*) — put and agreed to.
- 11 **PETITION — RELIGIOUS INSTRUCTION IN VICTORIAN GOVERNMENT SCHOOLS** — Motion made and question — That the petition presented by the Member for Doncaster be taken into consideration tomorrow (*Mr Perton*) — put and agreed to.
- 12 **PETITION — POLICE SCHOOL INVOLVEMENT PROGRAM** — Motion made and question — That the petition presented by the Member for Doncaster be taken into consideration tomorrow (*Mr Perton*) — put and agreed to.
- 13 **PETITION — RELIGIOUS INSTRUCTION IN VICTORIAN GOVERNMENT SCHOOLS — LEGISLATIVE CHANGES** — Motion made and question — That the petition presented by the Member for Doncaster be taken into consideration tomorrow (*Mr Perton*) — put and agreed to.
- 14 **PETITION — BUS AND TRAIN SERVICES IN BAYSWATER** — Motion made and question — That the petition presented by the Member for Bayswater be taken into consideration tomorrow (*Mr Lockwood*) — put and agreed to.
- 15 **PETITION — BUS SERVICES IN THE OUTER EASTERN SUBURBS** — Motion made and question — That the petition presented by the Member for Bayswater be taken into consideration tomorrow (*Mr Lockwood*) — put and agreed to.
- 16 **PETITION — LOCAL GOVERNMENT ELECTIONS** — Motion made and question — That the petition presented by the Member for Bayswater be taken into consideration tomorrow (*Mr Lockwood*) — put and agreed to.

17 **DOCUMENTS**

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — Ms D'Ambrosio, Chair, presented a report from the Scrutiny of Acts and Regulations Committee being the Alert Digest No 9 of 2005 on the:

Accident Compensation (Amendment) Bill
 Accident Compensation (Further Amendment) Bill
 Casino Control (Amendment) Bill
 Commonwealth Games Arrangements (Miscellaneous Amendments) Bill
 House Contracts Guarantee (Amendment) Bill
 Racing and Gaming (Police Powers) Bill
 Residential Tenancies (Further Amendment) Bill
 State Taxation Acts (General Amendment) Bill
 Statute Law Revision Bill
 Vagrancy (Repeal) and Summary Offences (Amendment) Bill
 Victoria State Emergency Services Bill
 Working with Children Bill

together with appendices.

Ordered to be tabled and printed.

FAMILY AND COMMUNITY DEVELOPMENT COMMITTEE — Ms McTaggart presented a report from the Family and Community Development Committee on the Inquiry into Issues relating to the Development of Body Image Among Young People and Associated Effects on their Health and Wellbeing, together with minutes of evidence.

Ordered to be tabled and the report printed.

RURAL AND REGIONAL SERVICES AND DEVELOPMENT COMMITTEE — Mr Hardman, Chair, presented a report from the Rural and Regional Services and Development Committee on the Inquiry into the Cause of Fatality and Injury on Victorian Farms, together with an extract from the proceedings, appendices, a minority report and minutes 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:

Anti-Cancer Council — Report for the year 2004, together with an explanation for the delay in tabling

Commonwealth Games Arrangements Act 2001 — Orders under s 19 (two documents)

Municipal Association of Victoria Insurance — Report for the year 2003–04

Murray Valley Citrus Marketing Board — Report for the year 2003–04 (*in lieu of report previously tabled on Wednesday 3 November 2004*)

Parliamentary Committees Act 2003 — Response of the Minister for Health on the action taken with respect to the recommendations made by the Public Accounts and Estimates Committee's Report on Victorian Rural Ambulance Services

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

Ballarat Planning Scheme — No C73 Part 2
 Boroondara Planning Scheme — No C46
 Frankston Planning Scheme — No C25
 Greater Bendigo Planning Scheme — Nos C21, C62, C74
 Greater Dandenong Planning Scheme — No C69
 Latrobe Planning Scheme — No C41
 Macedon Ranges Planning Scheme — No C50
 Maroondah Planning Scheme — No C39
 Mildura Planning Scheme — Nos C28, C34
 Mount Alexander Planning Scheme — Nos C26, C31
 Stonnington Planning Scheme — No C43
 Towong Planning Scheme — Nos C9 Part 1, C10
 Whittlesea Planning Scheme — No C59
 Wyndham Planning Scheme — Nos C52, C72, C73

Statutory Rules under the following Acts:

Electricity Safety Act 1998 — SR No 92
Fair Trading Act 1999 — SR No 90
Health Act 1958 — SR No 93
Petroleum Products (Terminal Gate Pricing) Act 2000 — SR No 91
Safe Drinking Water Act 2003 — SR No 88
Sex Offenders Registration Act 2004 — SR No 94
Subordinate Legislation Act 1994 — SR Nos 87, 89
Supreme Court Act 1986 — SR No 95

Subordinate Legislation Act 1994:

Ministers' exception certificates in relation to Statutory Rule Nos 87, 89
 Ministers' exemption certificates in relation to Statutory Rule Nos 90, 91, 94.

The following proclamations fixing operative dates were tabled by the Clerk in accordance with an Order of the House dated 26 February 2003:

Dangerous Goods Legislation (Amendment) Act 2004 — Section 7 on 1 October 2005
 (*Gazette G31, 4 August 2005*)
Gambling Regulation (Amendment) Act 2004 — Remaining provisions on 21 July 2005
 (*Gazette G29, 21 July 2005*)
Sex Offenders Registration (Amendment) Act 2005 — Remaining provisions (except s 17) on 1 August 2005 (*Gazette G30, 28 July 2005*).

18 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Health Legislation (Miscellaneous Amendments) Bill without amendment.

- 19 **MESSAGES FROM THE GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that he had given the royal assent to the following bills, presented to him by the Clerk of the Parliaments:

On 27 July 2005

Commonwealth Games Arrangements (Miscellaneous Amendments) Bill

Electoral Legislation (Further Amendment) Bill

Energy Safe Victoria Bill

Higher Education Acts (Amendment) Bill

Local Government (Amendment) Bill

On 2 August 2005

Health Legislation (Miscellaneous Amendments) Bill.

- 20 **MESSAGE FROM THE GOVERNOR** — The Speaker announced the presentation of a message from the Governor recommending an appropriation for the purposes of the Working with Children Bill.

- 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 11 August 2005:

Accident Compensation and Transport Accident Acts (Ombudsman) Bill

Casino Control (Amendment) Bill

Environment and Water Legislation (Miscellaneous Amendments) Bill

Primary Industries Acts (Amendment) Bill

Victoria State Emergency Service Bill

Working with Children Bill

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

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

- 23 **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.

- 24 **ENVIRONMENT AND WATER LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Under standing orders, Mr Pandazoplous 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 Plowman 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 Walsh announced an amendment to be proposed when the House considers the Bill in detail and requested that it be circulated. Amendment circulated.

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) retain the provisions relating to the *Sustainable Forests (Timber) Act 2004*, the *Safety on Public Land Act 2005* and the *Victorian Conservation Trust Act 1972*; and (b) take into account the outcome of public consultation with key stakeholders on the effects of the proposed amendments to the *Water Act 1989* and the *Melbourne and Metropolitan Board of Works Act 1958*' (*Mr Plowman*) — and, after debate —

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

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

- 25 **ACCIDENT COMPENSATION AND TRANSPORT ACCIDENT ACTS (OMBUDSMAN) 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.

- 26 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the National Parks (Point Nepean) Bill without amendment.

- 27 **VICTORIA STATE EMERGENCY SERVICE BILL** — 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 has fully investigated the West Australian property-based funding model for fire services, and those findings are subjected to public scrutiny' (*Mr Ryan*) — and, after debate —

Business having been interrupted at 10.00 pm under standing orders.

- 28 **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

JUDY MADDIGAN
Speaker

No 124 — Wednesday 10 August 2005

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

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

Racial and Religious Tolerance Act 2001 — Requesting that the House takes action to remove the references to religious vilification in the *Racial and Religious Tolerance Act 2001* to allow unencumbered discussion and freedom of speech regarding religion and theology, bearing 67 signatures (*Dr Sykes*)

Religious Instruction in Victorian Government Schools — Requesting that the House takes action to ensure that there is no change to legislation and the *Victorian Government Schools Reference Guide* which would diminish the status of religious instruction in Victorian Government schools and, in addition, urges the Government to provide additional funding for chaplaincy services in these schools, bearing 15, 22, 27, 76, 138, 24, 124 and 49 signatures (*Dr Sykes, Ms Asher, Mr Stensholt, Mr Robinson, Ms Munt, Mr Cooper, Mr Thompson and Mr Walsh respectively*)

Religious Instruction in Victorian Government Schools — Legislative Changes — Requesting that the House takes action to ensure that there is no change to legislation which would diminish the status of religious instruction in Victorian Government schools and, in addition, urges the Government to provide additional funding for chaplaincy services in these schools, bearing 51, 11 and 18 signatures (*Dr Sykes, Mr Thompson and Mr Wells respectively*).

Petitions ordered to be tabled.

- 3 **PETITION — RELIGIOUS INSTRUCTION IN VICTORIAN GOVERNMENT SCHOOLS — LEGISLATIVE CHANGES** — Motion made and question — That the petition presented by the Member for Scoresby be taken into consideration tomorrow (*Mr Wells*) — put and agreed to.
- 4 **PETITION — RELIGIOUS INSTRUCTION IN VICTORIAN GOVERNMENT SCHOOLS** — Motion made and question — That the petition presented by the Member for Mornington be taken into consideration tomorrow (*Mr Cooper*) — put and agreed to.
- 5 **PETITION — RELIGIOUS INSTRUCTION IN VICTORIAN GOVERNMENT 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.
- 6 **PETITION — RACIAL AND RELIGIOUS TOLERANCE ACT 2001** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.
- 7 **PETITION — RELIGIOUS INSTRUCTION IN VICTORIAN GOVERNMENT 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.
- 8 **PETITION — RELIGIOUS INSTRUCTION IN VICTORIAN GOVERNMENT SCHOOLS — LEGISLATIVE CHANGES** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.

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- 9 **PETITION — RELIGIOUS INSTRUCTION IN VICTORIAN GOVERNMENT SCHOOLS** — 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.
- 10 **DOCUMENTS TABLED UNDER AN ACT OF PARLIAMENT** — The Clerk tabled the following documents in accordance with an Act of Parliament:
- Statutory Rule under the *Dangerous Goods Act 1985* — SR No 96
- Subordinate Legislation Act 1994* — Minister's exemption certificate in relation to Statutory Rule No 96.
- 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:
- Road Safety Committee's Report on the Inquiry into the Country Road Toll
- Family and Community Development Committee's Report on the Inquiry into Issues relating to the Development of Body Image Among Young People and Associated Effects on their Health and Wellbeing
- Scrutiny of Acts and Regulations Committee's Final Report on Victorian Electronic Democracy
- Public Accounts and Estimates Committee's Report on the 2003–04 Budget Outcomes
- Economic Development Committee's Report on the Inquiry into Labour Hire Employment in Victoria.
- 14 **INDUSTRIAL RELATIONS SYSTEM** — Motion made and question — That this House opposes changes to the industrial relations system announced by the Prime Minister on 27 May 2005 including — (a) removing long service leave, jury leave, notice on termination and superannuation from awards; and (b) removing awards as the benchmark against which agreements including Australian Workplace Agreements are measured and replacing the award benchmark with legislated minima being annual leave (no leave loading), personal leave, parental leave and a maximum number of ordinary working hours and a minimum wage set by a 'Fair Pay Commission' and calls on the Commonwealth Government to guarantee that no Victorian worker will be worse off as a result of any changes to the industrial relations system (*Mr Hulls*) — and, after debate —
- Business having been interrupted at 2.00 pm under standing orders.*
- 15 **QUESTIONS** — (Under SO 55).
- 16 **INDUSTRIAL RELATIONS SYSTEM** — Debate resumed on question — That this House opposes changes to the industrial relations system announced by the Prime Minister on 27 May 2005 including — (a) removing long service leave, jury leave, notice on termination

and superannuation from awards; and (b) removing awards as the benchmark against which agreements including Australian Workplace Agreements are measured and replacing the award benchmark with legislated minima being annual leave (no leave loading), personal leave, parental leave and a maximum number of ordinary working hours and a minimum wage set by a 'Fair Pay Commission' and calls on the Commonwealth Government to guarantee that no Victorian worker will be worse off as a result of any changes to the industrial relations system.

Question — put.

The House divided.

AYES 56

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Gillett; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 26

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Napthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

- 17 **WORKING WITH CHILDREN BILL** — 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 an independent Child Commissioner is appointed, whose responsibilities include proper consultation with key stakeholders, and to oversee the implementation of a simple and effective method of police checks for all applicants wishing to undertake child-related work, and who can oversee the implementation of child safe policies' (*Mr McIntosh*) — and, after debate —

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

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

- 18 **CASINO CONTROL (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.

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

Planning and Environment (Williamstown Shipyard) Bill
Tobacco (Amendment) Bill.

- 20 **PRIMARY INDUSTRIES ACTS (AMENDMENT) 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.

- 21 **ADJOURNMENT** — The Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.50 pm.

R W PURDEY
Clerk of the Legislative Assembly

JUDY MADDIGAN
Speaker

No 125 — Thursday 11 August 2005

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

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

Religious Instruction in Victorian Government Schools — Requesting that the House takes action to ensure that there is no change to legislation and the *Victorian Government Schools Reference Guide* which would diminish the status of religious instruction in Victorian Government schools and, in addition, urges the Government to provide additional funding for chaplaincy services in these schools, bearing 32, 112, 24, 29, 58, 50 and 147 signatures (*Mr Perton, Ms Beard, Mr Nardella, Mr Savage, Mr Wilson, Ms Campbell and Mr Crutchfield respectively*)

Racial and Religious Tolerance Act 2001 — Requesting that the House takes action to remove the references to religious vilification in the *Racial and Religious Tolerance Act 2001* to allow unencumbered discussion and freedom of speech regarding religion and theology, bearing 186 signatures (*Mr Savage*)

Government Subsidised Housing Residents — Requesting that the House ensures that residents of Government subsidised premises are bound to exercise due respect for their neighbourhood or face early intervention and eviction with no further assistance forthcoming, bearing 5 signatures (*Mr Savage*)

Police School Involvement Program Continuation — Requesting that the House supports the continuation of the Police School Involvement Program, in its present form, for the year 2006 and beyond, bearing 422 signatures (*Mr Savage*)

Compulsory Metal Detector Tests for Pubs, Bars and Nightclubs — Requesting that the House makes it compulsory that all pubs, bars and nightclubs carry out metal detector tests on all patrons before they are permitted entry, bearing 8,025 signatures (*Mr Andrews*)

Religious Instruction in Victorian Government Schools — Legislative Changes — Requesting that the House takes action to ensure that there is no change to legislation which would diminish the status of religious instruction in Victorian Government schools and, in addition, urges the Government to provide additional funding for chaplaincy services in these schools, bearing 28 and 20 signatures (*Mr Mulder and Mr Wells respectively*)

Sandringham and District Memorial Hospital — Requesting that the Government provides sufficient funding for the efficient management of the Sandringham and District Memorial Hospital without the need for the impost of a range of car parking fees which will see hospital employees paying up to \$480 a year to subsidise projects which should be funded by the State Government, bearing 133 signatures (*Mr Thompson*).

Petitions ordered to be tabled.

- 3 **PETITION — SANDRINGHAM AND DISTRICT MEMORIAL HOSPITAL** — Motion made and question — That the petition presented by the Member for Sandringham be taken into consideration tomorrow (*Mr Thompson*) — put and agreed to.
- 4 **PETITION — RELIGIOUS INSTRUCTION IN VICTORIAN GOVERNMENT SCHOOLS** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Savage*) — put and agreed to.
- 5 **PETITION — RACIAL AND RELIGIOUS TOLERANCE ACT 2001** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Savage*) — put and agreed to.
- 6 **PETITION — GOVERNMENT SUBSIDISED HOUSING RESIDENTS** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Savage*) — put and agreed to.
- 7 **PETITION — POLICE SCHOOL INVOLVEMENT PROGRAM CONTINUATION** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Savage*) — put and agreed to.
- 8 **PETITION — RELIGIOUS INSTRUCTION IN VICTORIAN GOVERNMENT SCHOOLS — LEGISLATIVE CHANGES** — Motion made and question — That the petition presented by the Member for Polwarth be taken into consideration tomorrow (*Mr Mulder*) — put and agreed to.
- 9 **PETITION — RELIGIOUS INSTRUCTION IN VICTORIAN GOVERNMENT SCHOOLS** — Motion made and question — That the petition presented by the Member for Doncaster be taken into consideration tomorrow (*Mr Kotsiras*) — put and agreed to.

10 **DOCUMENTS**

REPORT OF INSPECTOR OF MUNICIPAL ADMINISTRATION — GLEN EIRA CITY COUNCIL — Motion made, by leave, and question — That the Report of the Inspector of Municipal Administration into an investigation into Glen Eira City Council be tabled (*Mr Thwaites*) — put and agreed to.

Ordered to be printed.

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 exception certificate in relation to Statutory Rule No 95.

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

12 **SUSTAINABILITY VICTORIA BILL** — 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 Honeywood*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 25 August 2005.

13 **GROUNDWATER (BORDER AGREEMENT) (AMENDMENT) BILL** — 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 Plowman*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 25 August 2005.

14 **RADIATION BILL** — 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 Thursday 25 August 2005.

15 **PIPELINES BILL** — 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 Plowman*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 25 August 2005.

16 **PRIMARY INDUSTRIES ACTS (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.

- 17 **WORKING WITH CHILDREN BILL** — 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 an independent Child Commissioner is appointed, whose responsibilities include proper consultation with key stakeholders, and to oversee the implementation of a simple and effective method of police checks for all applicants wishing to undertake child-related work, and who can oversee the implementation of child safe policies'; debate resumed.

Business having been interrupted at 2.00 pm under standing orders.

- 18 **QUESTIONS** — (Under SO 55).

- 19 **WORKING WITH CHILDREN BILL** — Debate resumed 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 an independent Child Commissioner is appointed, whose responsibilities include proper consultation with key stakeholders, and to oversee the implementation of a simple and effective method of police checks for all applicants wishing to undertake child-related work, and who can oversee the implementation of child safe policies'.

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

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

- 20 **VICTORIA STATE EMERGENCY SERVICE BILL** — 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 has fully investigated the West Australian property-based funding model for fire services, and those findings are subjected to public scrutiny'; 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 late this day.

- 21 **ENVIRONMENT AND WATER LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL** — 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 — (a) retain the provisions relating to the *Sustainable Forests (Timber) Act 2004*, the *Safety on Public Land Act 2005* and the *Victorian Conservation Trust Act 1972*; and (b) take into account the outcome of public consultation with key stakeholders on the effects of the proposed amendments to the *Water Act 1989* and the *Melbourne and Metropolitan Board of Works Act 1958*'.

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

The House divided.

AYES 59

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Green; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Savage; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 23

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Napthine; Mr Plowman; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

Bill read a second time and considered in detail (*see pp 773–4*).

Allocation of time — The Deputy Speaker advised that the time allocated for consideration of bills under the resolution of the House on Tuesday 9 August 2005 had expired.

Question — That Government amendment No 2, clause 14 as amended and clauses 15 and 16 be agreed to, the Bill be agreed to with amendments and the Bill be now read a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 22 **WORKING WITH CHILDREN BILL** — 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 an independent Child Commissioner is appointed, whose responsibilities include proper consultation with key stakeholders, and to oversee the implementation of a simple and effective method of police checks for all applicants wishing to undertake child-related work, and who can oversee the implementation of child safe policies'.

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

The House divided.

AYES 59

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 24

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Napthine; Mr Plowman; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh.

Question agreed to.

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

The House divided.

AYES 76

Ms Allan; Mr Andrews; Ms Asher; Mr Baillieu; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Clark; Mr Cooper; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Dixon; Mr Donnellan; Mr Doyle; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Honeywood; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Mr Jenkins; Ms Kosky; Mr Kotsiras; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Mr McIntosh; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Mr Mulder; Ms Munt; Dr Napthine; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Plowman; Mr Robinson; Mr Savage; Mr Seitz; Mrs Shardey; Mr Smith; Mr Stensholt; Mr Thompson; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 7

Mr Delahunty (*Lowan*); Mr Jasper; Mr Maughan; Mrs Powell; Mr Ryan; Dr Sykes; Mr Walsh.

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.

- 23 **VICTORIA STATE EMERGENCY SERVICE BILL** — 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 has fully investigated the West Australian property-based funding model for fire services, and those findings are subjected to public scrutiny'.

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

The House divided.

AYES 76

Ms Allan; Mr Andrews; Ms Asher; Mr Baillieu; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Clark; Mr Cooper; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Dixon; Mr Donnellan; Mr Doyle; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Honeywood; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Mr Jenkins; Ms Kosky; Mr Kotsiras; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Mr McIntosh; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Mr Mulder; Ms Munt; Dr Napthine; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Plowman; Mr Robinson; Mr Savage; Mr Seitz; Mrs Shardey; Mr Smith; Mr Stensholt; Mr Thompson; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 7

Mr Delahunty (*Lowan*); Mr Jasper; Mr Maughan; Mrs Powell; Mr Ryan; Dr Sykes; Mr Walsh.

Question agreed to.

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

The House divided.

AYES 76

Ms Allan; Mr Andrews; Ms Asher; Mr Baillieu; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Clark; Mr Cooper; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Dixon; Mr Donnellan; Mr Doyle; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Honeywood; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Mr Jenkins; Ms Kosky; Mr Kotsiras; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Mr McIntosh; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Mr Mulder; Ms Munt; Dr Napthine; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Plowman; Mr Robinson; Mr Savage; Mr Seitz; Mrs Shardey; Mr Smith; Mr Stensholt; Mr Thompson; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 7

Mr Delahunty (*Lowan*); Mr Jasper; Mr Maughan; Mrs Powell; Mr Ryan; Dr Sykes; Mr Walsh.

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

25 **ADJOURNMENT** — The Acting Speaker left the Chair, after debate, at 4.57 pm.

R W PURDEY
Clerk of the Legislative Assembly

JUDY MADDIGAN
Speaker

LEGISLATIVE ASSEMBLY OF VICTORIA

CONSIDERATION IN DETAIL Supplement to Votes Nos 123, 124 and 125

No 125 — Thursday 11 August 2005

ENVIRONMENT AND WATER LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL

Clauses 1 to 8 agreed to.

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

Amendment put and agreed to.

Clause agreed to as amended.

Clauses 10 to 13 agreed to.

Clause 14, Mr Plowman 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 9 August 2005 had expired.

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

The House divided.

AYES 59

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Green; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Savage; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 23

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Naphthine; Mr Plowman; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

(*For remaining stages see p 769.*)

SCHEDULE OF AMENDMENTS MOVED

ENVIRONMENT AND WATER LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL

Amendment moved by Mr Thwaites

1. Clause 9, line 12, omit "Principal Act" and insert "**Victorian Conservation Trust Act 1972**".

Amendment moved by Mr Plowman

1. Clause 14, lines 20 to 24, omit all words and expressions on these lines.

LEGISLATIVE ASSEMBLY OF VICTORIA

VOTES AND PROCEEDINGS Nos 126, 127 and 128

No 126 — Tuesday 16 August 2005

1 The Speaker took the Chair and read the Prayer.

2 **QUESTIONS** — (Under SO 55).

3 **LOCAL GOVERNMENT (FURTHER AMENDMENT) BILL** — Mr Thwaites obtained leave to bring in a Bill '*to dismiss the Glen Eira City Council and provide for a general election for that Council, to amend the **Local Government Act 1989** and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.

4 **SPORTS ANTI-DOPING BILL** — Mr Thwaites obtained leave to bring in a Bill '*to re-enact with amendments the law relating to anti-doping in sport, to confer functions on the Australian Sports Drug Agency, to repeal the **Sports Drug Testing Act 1995** and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.

5 **SENTENCING AND MENTAL HEALTH ACTS (AMENDMENT) BILL** — Ms Pike obtained leave to bring in a Bill '*to amend the **Sentencing Act 1991**, the **Mental Health Act 1986**, the **Corrections Act 1986** and the **Crimes (Mental Impairment and Unfitness to be Tried) Act 1997**, 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 **ROYAL VICTORIAN INSTITUTE FOR THE BLIND AND OTHER AGENCIES (MERGER) BILL** — Mr Hulls obtained leave to bring in a Bill '*to provide that certain bequests, gifts, dispositions and trusts have effect as if made or declared to or in favour of Vision Australia Limited and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.

7 **MELBOURNE LANDS (YARRA RIVER NORTH BANK) (AMENDMENT) BILL** — Mr Hulls obtained leave to bring in a Bill '*to amend the **Melbourne Lands (Yarra River North Bank) Act 1997** to provide for additional land to be included in the site used for the Melbourne Aquarium 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:

Racial and Religious Tolerance Act 2001 — Requesting that the House takes action to remove the references to religious vilification in the *Racial and Religious Tolerance Act 2001*

to allow unencumbered discussion and freedom of speech regarding religion and theology, bearing 97 signatures (*Dr Sykes*)

Police School Involvement Program — Requesting that the House supports the reinstatement of the Police School Involvement Program to build a secure environment for the children of Victoria, bearing 79 signatures (*Mr Perton*)

Physical Education and Music Centre, Keilor Primary School — Requesting that the House supports the construction of a physical education and music centre for Keilor Primary School, bearing 42 signatures (*Mr Perton*)

Religious Instruction in Victorian Government Schools — Requesting that the House takes action to ensure that there is no change to legislation and the *Victorian Government Schools Reference Guide* which would diminish the status of religious instruction in Victorian Government schools and, in addition, urges the Government to provide additional funding for chaplaincy services in these schools, bearing 55, 25, 1,050, 24, 46, 55, 23 and 306 signatures (*Mr Perton, Ms Eckstein, Ms Marshall, Mr Trezise, Mr Langdon, Mr Delahunty (Lowan), Mr Cooper and Mr Maxfield respectively*)

Religious Instruction in Victorian Government Schools — Legislative Changes — Requesting that the House takes action to ensure that there is no change to legislation which would diminish the status of religious instruction in Victorian Government schools and, in addition, urges the Government to provide additional funding for chaplaincy services in these schools, bearing 20 and 20 signatures (*Mr Perton and Mr Wells respectively*).

Petitions ordered to be tabled.

- 9 **PETITION — POLICE SCHOOL INVOLVEMENT PROGRAM** — Motion made and question — That the petition presented by the Member for Doncaster be taken into consideration tomorrow (*Mr Perton*) — put and agreed to.
- 10 **PETITION — PHYSICAL EDUCATION AND MUSIC CENTRE, KEILOR PRIMARY SCHOOL** — Motion made and question — That the petition presented by the Member for Doncaster be taken into consideration tomorrow (*Mr Perton*) — put and agreed to.
- 11 **PETITION — RELIGIOUS INSTRUCTION IN VICTORIAN GOVERNMENT SCHOOLS** — Motion made and question — That the petition presented by the Member for Doncaster be taken into consideration tomorrow (*Mr Perton*) — put and agreed to.
- 12 **PETITION — RELIGIOUS INSTRUCTION IN VICTORIAN GOVERNMENT SCHOOLS — LEGISLATIVE CHANGES** — Motion made and question — That the petition presented by the Member for Doncaster be taken into consideration tomorrow (*Mr Perton*) — put and agreed to.
- 13 **PETITION — RELIGIOUS INSTRUCTION IN VICTORIAN GOVERNMENT SCHOOLS — LEGISLATIVE CHANGES** — Motion made and question — That the petition presented by the Member for Scoresby be taken into consideration tomorrow (*Mr Wells*) — put and agreed to.

14 **PETITION — RACIAL AND RELIGIOUS TOLERANCE ACT 2001** — 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 — RELIGIOUS INSTRUCTION IN VICTORIAN GOVERNMENT SCHOOLS** — Motion made and question — That the petition presented by the Member for Mornington be taken into consideration tomorrow (*Mr Cooper*) — put and agreed to.

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

Local Government Act 1989 — Order in Council suspending Councillors at Glen Eira City Council and appointing an Administrator

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

- Ballarat Planning Scheme — No C80
- Casey Planning Scheme — No C8
- Greater Dandenong Planning Scheme — No C68
- Melbourne Planning Scheme — No C102
- Stonnington Planning Scheme — No C23
- Wodonga Planning Scheme — No C44

Statutory Rule under the *Teaching Service Act 1981* — SR No 97

Subordinate Legislation Act 1994 — Minister's exemption certificate in relation to Statutory Rule No 97.

The following proclamations fixing operative dates were tabled by the Clerk in accordance with an Order of the House dated 26 February 2003:

Energy Safe Victoria Act 2005 — Whole Act, except s 59, on 10 August 2005 (*Gazette S147, 9 August 2005*)

Higher Education Acts (Amendment) Act 2005 — Sections 1, 2, 111, 112, 113, 121, 128 and 129 on 9 August 2005 (*Gazette S148, 9 August 2005*).

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

- National Parks (Point Nepean) Bill
- Planning and Environment (Williamstown Shipyard) Bill
- Tobacco (Amendment) Bill.

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

- Pipelines Bill
- Radiation Bill

Sustainability Victoria Bill.

- 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 18 August 2005:

Fisheries (Abalone) Bill
 House Contracts Guarantee (Amendment) Bill
 Melbourne College of Divinity (Amendment) Bill
 Racing and Gaming Acts (Police Powers) Bill
 Residential Tenancies (Further Amendment) Bill
 Vagrancy (Repeal) and Summary Offences (Amendment) Bill

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

- 20 **STATEMENTS BY MEMBERS** — Statements by members were made.
- 21 **HOUSE CONTRACTS GUARANTEE (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.

- 22 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Owner Drivers and Forestry Contractors Bill without amendment.
- 23 **MELBOURNE COLLEGE OF DIVINITY (AMENDMENT) BILL** — 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 (*Ms Kosky*) — 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.

- 24 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Accident Compensation and Transport Accident Acts (Ombudsman) Bill without amendment.

- 25 **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.

- 26 **RESIDENTIAL TENANCIES (FURTHER AMENDMENT) BILL** — 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.

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

Business having been interrupted at 10.00 pm under standing orders.

- 27 **ADJOURNMENT** — The Acting Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.51 pm.

R W PURDEY
Clerk of the Legislative Assembly

JUDY MADDIGAN
Speaker

No 127 — Wednesday 17 August 2005

- 1 The Speaker took the Chair and read the Prayer.
- 2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

Religious Instruction in Victorian Government Schools — Requesting that the House takes action to ensure that there is no change to legislation and the *Victorian Government Schools Reference Guide* which would diminish the status of religious instruction in Victorian Government schools and, in addition, urges the Government to provide additional funding for chaplaincy services in these schools, bearing 38, 83, 24, 80, 38 and 14 signatures (*Mr Howard, Mr Perera, Mr Langdon, Ms Beard, Dr Naphine and Mr Walsh respectively*)

Vagrancy Act 1966 — Requesting that the House — (a) refers consideration of the Vagrancy (Repeal) and Summary Offences (Amendment) Bill to a select committee to determine whether or not the Bill will have an adverse impact on citizens of Victoria; and (b) in the event that s 13 of the *Vagrancy Act 1966* is repealed, tables a report or statement giving reasons why or why not the legislation of witchcraft will have an adverse effect on society, bearing 5 signatures (*Mr Ryan*)

Religious Instruction in Victorian Government Schools — Legislative Changes — Requesting that the House takes action to ensure that there is no change to legislation which would diminish the status of religious instruction in Victorian Government schools and, in addition, urges the Government to provide additional funding for chaplaincy services in these schools, bearing 19 signatures (*Mr Doyle*)

Pathology Services, Maryborough Hospital — Requesting that the House objects to the privatisation of pathology services at the Maryborough Hospital, bearing 1,962 signatures (*Ms Pike*)

Racial and Religious Tolerance Act 2001 — Requesting that the House takes action to remove the references to religious vilification in the *Racial and Religious Tolerance Act 2001*

to allow unencumbered discussion and freedom of speech regarding religion and theology, bearing 123 signatures (*Mr Walsh*).

Petitions ordered to be tabled.

3 **PETITION — RELIGIOUS INSTRUCTION IN VICTORIAN GOVERNMENT SCHOOLS** — 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 — RACIAL AND RELIGIOUS TOLERANCE ACT 2001** — 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 — RELIGIOUS INSTRUCTION IN VICTORIAN GOVERNMENT SCHOOLS** — Motion made and question — That the petition presented by the Member for Kilsyth be taken into consideration tomorrow (*Ms Beard*) — put and agreed to.

6 **PETITION — RELIGIOUS INSTRUCTION IN VICTORIAN GOVERNMENT SCHOOLS** — Motion made and question — That the petition presented by the Member for Cranbourne be taken into consideration tomorrow (*Mr Perera*) — put and agreed to.

7 **PETITION — RELIGIOUS INSTRUCTION IN VICTORIAN GOVERNMENT SCHOOLS** — 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.

8 **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 No 61

Melbourne City Link Act 1995:

City Link and Extension Projects Integration and Facilitation Agreement Twelfth Amending Deed

Exhibition Street Extension Eighth Amending Deed

Melbourne City Link Twentieth Amending Deed

Statutory Rule under the following Acts:

City of Melbourne Act 2001 — SR No 98

Local Government Act 1989 — SR No 98.

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

10 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE — OFFICE OF POLICE INTEGRITY** — The House was informed that Mr Doyle 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 failing to adequately tackle the continuing crisis of confidential information held by Victoria Police which is leaked or

inappropriately accessed and calls upon the Bracks Government to replace the Office of Police Integrity with a properly resourced independent commission to stamp out corruption and restore confidence in the integrity of information held by Victoria Police'.

Mr Doyle addressed the House — Discussion followed.

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

Family and Community Development Committee's Report on the Inquiry into Issues relating to the Development of Body Image Among Young People and Associated Effects on their Health and Wellbeing

Rural and Regional Services and Development Committee's Report on the Inquiry into the Cause of Fatality and Injury on Victorian Farms

Environment and Natural Resources Committee's Report on the Inquiry into Sustainable Communities.

- 12 **LOCAL GOVERNMENT (FURTHER AMENDMENT) BILL** — 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 (*Mrs Shardey*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 31 August 2005.

- 13 **SPORTS ANTI-DOPING BILL** — 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 Plowman*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 31 August 2005.

Business having been interrupted at 2.00 pm under standing orders.

- 14 **QUESTIONS** — (Under SO 55).

- 15 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 3 to 6 inclusive, be postponed until later this day.

- 16 **SENTENCING AND MENTAL HEALTH ACTS (AMENDMENT) BILL** — 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 31 August 2005.

- 17 **ROYAL VICTORIAN INSTITUTE FOR THE BLIND AND OTHER AGENCIES (MERGER) 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 Baillieu*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 31 August 2005.

- 18 **MELBOURNE LANDS (YARRA RIVER NORTH BANK) (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 Baillieu*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 31 August 2005.

- 19 **RACING AND GAMING ACTS (POLICE POWERS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

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

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

Bill read a second time, considered in detail and agreed to without amendment, read a third time (*see pp 786–7, 790*).

Bill sent to the Legislative Council and their agreement requested.

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

Casino Control (Amendment) Bill
Primary Industries Acts (Amendment) Bill.

- 21 **VAGRANCY (REPEAL) AND SUMMARY OFFENCES (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Under standing orders, Mr Ryan 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 Hudson*) — put and agreed to.

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

- 22 **FISHERIES (ABALONE) 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.

- 23 **ADJOURNMENT** — The Acting Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.36 pm.

R W PURDEY
Clerk of the Legislative Assembly

JUDY MADDIGAN
Speaker

No 128 — Thursday 18 August 2005

- 1 The Speaker took the Chair and read the Prayer.
- 2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

Racial and Religious Tolerance Act 2001 — Requesting that the House takes action to remove the references to religious vilification in the *Racial and Religious Tolerance Act 2001* to allow unencumbered discussion and freedom of speech regarding religion and theology, bearing 105 signatures (*Dr Sykes*)

Religious Instruction in Victorian Government Schools — Requesting that the House takes action to ensure that there is no change to legislation and the *Victorian Government Schools Reference Guide* which would diminish the status of religious instruction in Victorian Government schools and, in addition, urges the Government to provide additional funding for chaplaincy services in these schools, bearing 35 and 277 signatures (*Ms Lindell and Ms Gillett respectively*)

Speed Limits on Balcombe Road, Beaumaris — Requesting that the House introduces a speed limit of 50 km/h in Balcombe Road, Beaumaris, west of Dalgetty Road to the point prior to Reserve Road, where the speed reduces to 40 km/h during school day hours, which will have the practical benefit of reducing four speed sign designations to two speeds, bearing 7 signatures (*Mr Thompson*)

Sandringham and District Memorial Hospital — Requesting that the Government provides sufficient funding for the efficient management of the Sandringham and District Memorial Hospital without the need for the impost of a range of car parking fees which will see hospital employees paying up to \$480 a year to subsidise projects which should be funded by the State Government, bearing 18 signatures (*Mr Thompson*).

Petitions ordered to be tabled.

- 3 **PETITION — SPEED LIMITS ON BALCOMBE ROAD, BEAUMARIS** — Motion made and question — That the petition presented by the Member for Sandringham be taken into consideration tomorrow (*Mr Thompson*) — put and agreed to.

4 **PETITION — SANDRINGHAM AND DISTRICT MEMORIAL HOSPITAL** — Motion made and question — That the petition presented by the Member for Sandringham be taken into consideration tomorrow (*Mr Thompson*) — put and agreed to.

5 **PETITION — RACIAL AND RELIGIOUS TOLERANCE ACT 2001** — 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 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Environment and Water Legislation (Miscellaneous Amendments) Bill without amendment.

7 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourns until Tuesday 6 September 2005 (*Ms Pike*) — put and agreed to.

8 **STATEMENTS BY MEMBERS** — Statements by members were made.

9 **FISHERIES (ABALONE) 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.

10 **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.

11 **RESIDENTIAL TENANCIES (FURTHER 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, considered in detail and agreed to without amendment, read a third time (*see pp 788–9, 791*).

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).

[The Speaker having left the Chair at 2.25 pm, resumed it at 2.27 pm]

13 **VAGRANCY (REPEAL) AND SUMMARY OFFENCES (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, considered in detail and agreed to without amendment, read a third time (*pp 789, 791*).

Bill sent to the Legislative Council and their agreement requested.

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- 14 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Ms Delahunty, Northcote*) — put and agreed to.
- 15 **ADJOURNMENT** — The Acting Speaker left the Chair, after debate, at 4.03 pm.

R W PURDEY
Clerk of the Legislative Assembly

JUDY MADDIGAN
Speaker

LEGISLATIVE ASSEMBLY OF VICTORIA

CONSIDERATION IN DETAIL
Supplement to Votes Nos 126, 127 and 128

No 127 — Wednesday 17 August 2005

RACING AND GAMING ACTS (POLICE POWERS) BILL

Clauses 1 and 2 agreed to.

Clause 3, Mr Smith moved amendment No 1 (*see Schedule 1*).

Question — That the amendment be agreed to — put.

The House divided (the Deputy Speaker, Mr Loney, in the Chair) —

AYES 24

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Napthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh.

NOES 58

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Jenkins; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Savage; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

Question defeated.

The Deputy Speaker advised that, as amendment No 1 had been defeated, amendment Nos 3, 5, 8 and 10 could not be moved as they were consequential on amendment No 1.

Mr Smith moved amendment No 2 (*see Schedule 1*).

Question — That the amendment be agreed to — put.

The House divided (the Deputy Speaker, Mr Loney, in the Chair) —

AYES 24

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Napthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh.

NOES 57

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Jenkins; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Savage; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

Question defeated.

Clause agreed to.

Clause 4, Mr Smith moved amendment No 4 (*see Schedule 1*).

Amendment put and defeated.

Mr Smith moved amendment No 6 (*see Schedule 1*).

Amendment put and defeated.

The Deputy Speaker advised that, as amendment No 6 had been defeated, amendment Nos 7 and 9 could not be moved as they were consequential on amendment No 6.

Clause agreed to.

Clauses 5 to 9 agreed to.

Clause 10, Mr Smith moved amendment No 11 (*see Schedule 1*).

Amendment put and defeated.

The Deputy Speaker advised that, as amendment No 11 had been defeated, amendment No 12 could not be moved as it was consequential on amendment No 11.

Clause agreed to.

Clauses 11 to 15 agreed to.

Bill agreed to without amendment.

No 128 — Thursday 18 August 2005

RESIDENTIAL TENANCIES (FURTHER AMENDMENT) BILL

Clauses 1 to 3 agreed to.

Clause 4, Mrs Shardey moved amendment Nos 1 and 2 (*see Schedule 2*).

Question — That the amendments be agreed to — put.

The House divided (the Acting Speaker, Mr Smith, in the Chair) —

AYES 24

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr Maughan; Mr Mulder; Dr Naphthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

NOES 52

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Howard; Mr Hudson; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Mr Maxfield; Mr Merlino; Ms Morand; Ms Munt; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

Question defeated.

Clause agreed to.

The Acting Speaker advised that as amendment Nos 1 and 2 had been defeated, amendment Nos 3 to 9 inclusive could not be moved as they were consequential.

Clauses 5 to 31 agreed to.

Question — That the House agrees to the Bill without amendment — put.

The House divided (the Acting Speaker, Mr Smith, in the Chair) —

AYES 52

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Howard; Mr Hudson; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Mr Maxfield; Mr Merlino; Ms Morand; Ms Munt; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 24

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr Maughan; Mr Mulder; Dr Napthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

VAGRANCY (REPEAL) AND SUMMARY OFFENCES (AMENDMENT) BILL

Clauses 1 to 4 agreed to.

Clause 5, Mr Ryan moved amendment Nos 1 and 2 (*see Schedule 3*).

Amendments put and defeated.

Clause agreed to.

Clauses 6 and 7 agreed to.

Bill agreed to without amendment.

SCHEDULES OF AMENDMENTS MOVED

SCHEDULE 1

RACING AND GAMING ACTS (POLICE POWERS) BILL

Amendments moved by Mr Smith

1. Clause 3, after line 19, insert the following definition—
" **exclusion period**" means—
 - (a) the duration of any race-meeting; or
 - (b) any period of training, trials or track work carried out at a race-course for the purposes of a race-meeting;'
2. Clause 3, lines 28 to 31, omit paragraph (b) and insert—
"(b) any other race-course in respect of which a licence has been issued under section 24 for the purposes of—
 - (i) horse racing;
 - (ii) harness racing;
 - (iii) greyhound racing;".
4. Clause 4, page 6, after line 7 insert—
"(5)The Chief Commissioner of Police must ensure that an up-to-date copy of a list kept under sub-section (1) is provided to the casino operator within the meaning of **Casino Control Act 1991** as soon as practicable after the list is prepared under that sub-section or amended under sub-section (2), as the case requires."
6. Clause 4, page 6, after line 19 insert—
"35C. Person excluded from casino complex not to enter race-course
A person the subject of an exclusion order under section 74 of the **Casino Control Act 1991** must not enter, or remain at, a specified race-course at any time during an exclusion period for that race-course.
Penalty: 20 penalty units."
11. Clause 10, after line 14 insert—
"(3) A person the subject of an exclusion order under section 33 of the **Racing Act 1958** must not enter or remain in the casino complex.
Penalty: 20 penalty units."

SCHEDULE 2**RESIDENTIAL TENANCIES (FURTHER AMENDMENT) BILL**

Amendments moved by Mrs Shardey

1. Clause 4, page 3, line 7, omit '109A";' and insert '109A"!.
2. Clause 4, page 3, lines 8 to 10, omit all words and expressions on these lines.

SCHEDULE 3**VAGRANCY (REPEAL) AND SUMMARY OFFENCES (AMENDMENT) BILL**

Amendments moved by Mr Ryan

1. Clause 5, page 5, line 26, omit "influence.'" and insert "influence."
2. Clause 5, page 5, after line 26 insert—

"49G. Fortune telling and pretending to exercise witchcraft etc.

A person must not—

- (a) pretend or profess to tell fortunes or use any subtle craft, means or device by palmistry or otherwise to defraud or impose on any other person; or
- (b) pretend to exercise or use any kind of witchcraft, sorcery, enchantment or conjuration; or
- (c) pretend from his or her skill or knowledge in any occult or crafty science to discover where or in what manner any stolen or lost goods or chattels may be found.

Penalty: 5 penalty units.'".

LEGISLATIVE ASSEMBLY OF VICTORIA

VOTES AND PROCEEDINGS Nos 129, 130 and 131

No 129 — Tuesday 6 September 2005

- 1 The House met according to the adjournment — The Speaker took the Chair and read the Prayer.
- 2 **QUESTIONS** — (Under SO 55).
- 3 **TREASURY LEGISLATION (REPEAL) BILL** — Mr Brumby obtained leave to bring in a Bill '*to repeal various redundant Acts, to repeal redundant provisions from the **Gas Industry (Residual Provisions) Act 1994** and to make consequential amendments to that Act and other Acts and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 4 **LAND TAX BILL** — Mr Brumby obtained leave to bring in a Bill '*to re-enact and modernise the law relating to land tax, to repeal the **Land Tax Act 1958**, to amend the **Taxation Administration Act 1997** and other Acts and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 5 **DEFAMATION BILL** — Mr Hulls obtained leave to bring in a Bill '*to enact in Victoria provisions to promote uniform laws of defamation in Australia, to amend the **Wrongs Act 1958** and the **Limitation of Actions Act 1958**, to make consequential amendments to certain Acts and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 6 **CRIMES (CONTAMINATION OF GOODS) BILL** — Mr Hulls obtained leave to bring in a Bill '*to amend the **Crimes Act 1958** to specify recklessness as a fault element of contamination of goods offences and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 7 **PRIMARY INDUSTRIES ACTS (FURTHER AMENDMENT) BILL** — Mr Cameron obtained leave to bring in a Bill '*to amend the **Domestic (Feral and Nuisance) Animals Act 1994** and the **Prevention of Cruelty to Animals Act 1986** 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:

Religious Instruction in Victorian Government Schools — Requesting that the House takes action to ensure that there is no change to legislation and the *Victorian Government Schools Reference Guide* which would diminish the status of religious instruction in Victorian

Government schools and, in addition, urges the Government to provide additional funding for chaplaincy services in these schools, bearing 72, 40, 38, 108, 16, 24, 23, 24, 95, 41, 51, 24 and 15 signatures (*Mr Lockwood, Mr Cameron, Mr Languiller, Mr Ryan, Mr Delahunty (Lowan), Ms Duncan, Ms Pike, Mr Jenkins, Ms Morand, Mr Jasper, Mr Maughan, Mr Hardman and Ms Gillett respectively*)

Racial and Religious Tolerance Act 2001 — Requesting that the House takes action to remove the references to religious vilification in the *Racial and Religious Tolerance Act 2001* to allow unencumbered discussion and freedom of speech regarding religion and theology, bearing 99 and 447 signatures (*Dr Sykes and Mr Savage respectively*)

Aquatic Centre in Frankston — Requesting that the Government, in consultation with Frankston City Council and local community groups, facilitates the building of an aquatic centre in Frankston, bearing 26 signatures (*Mr Harkness*)

Land Use Disputes relating to the Environment — Requesting that the Government stops locking up resources and locking out its people from their own land by — (a) leaving open the issue of future uses for our reserves; (b) not creating any more large parks; and (c) immediately concentrating on improving the means to resolve conflict equitably so that just and sound decisions for long term resource protection and genuine sustainability are more evident, bearing 14 signatures (*Mr Delahunty, Lowan*)

Police School Involvement Program Continuation — Requesting that the House supports the continuation of the Police School Involvement Program, in its present form, for the year 2006 and beyond, bearing 245 signatures (*Mr Savage*)

Country Taxi Operator Costs — Requesting that the House immediately — (a) implements changes to reduce country taxi operator costs by allowing flexible hours of service; and (b) makes available to country taxi operators the same subsidies for the provision of wheel chair friendly taxi services as Melbourne taxis and public transport, bearing 56 signatures (*Mr Maughan*)

Religious Instruction in Victorian Government Schools — Legislative Changes — Requesting that the House takes action to ensure that there is no change to legislation which would diminish the status of religious instruction in Victorian Government schools and, in addition, urges the Government to provide additional funding for chaplaincy services in these schools, bearing 25 signatures (*Mr Wells*).

Petitions ordered to be tabled.

- 9 **PETITION — RELIGIOUS INSTRUCTION IN VICTORIAN GOVERNMENT SCHOOLS — LEGISLATIVE CHANGES** — Motion made and question — That the petition presented by the Member for Scoresby be taken into consideration tomorrow (*Mr Wells*) — put and agreed to.
- 10 **PETITION — RELIGIOUS INSTRUCTION IN VICTORIAN GOVERNMENT 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.

- 11 **PETITION — RACIAL AND RELIGIOUS TOLERANCE ACT 2001** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Savage*) — put and agreed to.
- 12 **PETITION — POLICE SCHOOL INVOLVEMENT PROGRAM CONTINUATION** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Savage*) — put and agreed to.
- 13 **PETITION — RELIGIOUS INSTRUCTION IN VICTORIAN GOVERNMENT SCHOOLS** — Motion made and question — That the petition presented by the Member for Lowan be taken into consideration tomorrow (*Mr Delahunty, Lowan*) — put and agreed to.
- 14 **PETITION — LAND USE DISPUTES RELATING TO THE ENVIRONMENT** — Motion made and question — That the petition presented by the Member for Lowan be taken into consideration tomorrow (*Mr Delahunty, Lowan*) — put and agreed to.
- 15 **PETITION — RACIAL AND RELIGIOUS TOLERANCE ACT 2001** — 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 — RELIGIOUS INSTRUCTION IN VICTORIAN GOVERNMENT SCHOOLS** — Motion made and question — That the petition presented by the Member for Derrimut be taken into consideration tomorrow (*Mr Languiller*) — put and agreed to.
- 17 **PETITION — AQUATIC CENTRE IN FRANKSTON** — Motion made and question — That the petition presented by the Member for Frankston be taken into consideration tomorrow (*Mr Harkness*) — put and agreed to.
- 18 **PETITION — RELIGIOUS INSTRUCTION IN VICTORIAN GOVERNMENT SCHOOLS** — Motion made and question — That the petition presented by the Member for Bayswater be taken into consideration tomorrow (*Mr Lockwood*) — put and agreed to.

19 **DOCUMENTS**

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — Ms D'Ambrosio, Chair, presented a report from the Scrutiny of Acts and Regulations Committee being the Alert Digest No 10 of 2005 on the:

Crimes (Contamination of Goods Offences) Bill
 Groundwater (Border Agreement) (Amendment) Bill
 Local Government (Further Amendment) Bill
 Magistrates' Court (Judicial Registrars and Court Rules) Bill
 Melbourne Lands (Yarra River North Bank) (Amendment) Bill
 Pipelines Bill
 Radiation Bill
 Royal Victorian Institute for the Blind and other Agencies (Merger) Bill
 Sentencing and Mental Health Acts (Amendment) Bill
 Sports Anti-doping Bill
 Sustainability Victoria Bill

together with appendices.

Ordered to be tabled and printed.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — Ms D'Ambrosio, Chair, presented the Final Report from the Scrutiny of Acts and Regulations Committee on Discrimination in the Law, Inquiry under section 207 of the *Equal Opportunity Act 1995*, together with appendices, an extract from the proceedings, a minority report and minutes of evidence.

Ordered to be tabled and the report, appendices, extract from the proceedings and minority report printed.

DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT — The Clerk tabled the following documents in accordance with Acts of Parliament:

Commissioner for Environmental Sustainability Act 2003 — Framework for State of Environment Reporting

National Parks Act 1975 — Notice of consent from the Minister for Environment for petroleum exploration operations in the Gippsland Lakes Coastal Park

Parliamentary Committees Act 2003 — Response of the Premier on the action taken with respect to the recommendations made by the Education and Training Committee's inquiry into the Suitability of Pre-Service Teacher Training in Victoria

Planning and Environment Act 1987 — Notices of approval of amendments to the following Planning Schemes:

Bass Coast Planning Scheme — Nos C36, C42
 Darebin Planning Scheme — No C59
 East Gippsland Planning Scheme — No C45
 Glenelg Planning Scheme — No C18
 Golden Plains Planning Scheme — No C26
 Greater Dandenong Planning Scheme — No C65
 Greater Shepparton Planning Scheme — Nos C48, C56, C59
 Hepburn Planning Scheme — No C25
 Indigo Planning Scheme — No C28
 Knox Planning Scheme — No C44
 Loddon Planning Scheme — No C14
 Manningham Planning Scheme — No C37
 Moonee Valley Planning Scheme — No C71
 Queenscliffe Planning Scheme — No C16
 South Gippsland Planning Scheme — No C33
 Stonnington Planning Scheme — Nos C11 Part 2B, C41
 Surf Coast Planning Scheme — No C25
 Victoria Planning Provisions — No VC33
 Wellington Planning Scheme — No C25

Rural Finance Act 1988:

Direction by the Treasurer to the Rural Finance Corporation for the administration of Farm Business Improvement Program (FarmBis)

Directions by the Treasurer to the Rural Finance Corporation to administer Financial Assistance Schemes to:

Moira East Statistical Local Area, Murray Valley and Mallee/Northern Wimmera
South East Mallee

Statutory Rules under the following Acts:

Children's Services Act 1996 — SR No 100

Corrections Act 1986 — SR No 101

Magistrates' Court Act 1989 — SR No 99

Subordinate Legislation Act 1994 — Minister's exception certificate in relation to Statutory Rule No 99

Terrorism (Community Protection) Act 2003 — Report by the Chief Commissioner for the year 2003–04.

- 20 **MESSAGE FROM THE GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that he had, on 24 August 2005, given the royal assent to the following bills, presented to him by the Clerk of the Parliaments:

Accident Compensation and Transport Accident Acts (Ombudsman) Bill

Casino Control (Amendment) Bill

Environment and Water Legislation (Miscellaneous Amendments) Bill

Owner Drivers and Forestry Contractors Bill

Primary Industries Acts (Amendment) Bill

Victoria State Emergency Service Bill.

- 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 8 September 2005:

Land (Miscellaneous Matters) Bill

Local Government (Further Amendment) Bill

National Parks (Otways and Other Amendments) Bill

Pipelines Bill

Radiation Bill

Sustainability Victoria Bill

(*Mr Batchelor*) — put, after debate, and agreed to.

- 22 **STATEMENTS BY MEMBERS** — Statements by members were made.

- 23 **LOCAL GOVERNMENT (FURTHER AMENDMENT) BILL** — 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 Jenkins*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 24 **LAND (MISCELLANEOUS MATTERS) BILL** — 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 Carli*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 25 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Working with Children Bill without amendment.

- 26 **LOCAL GOVERNMENT (FURTHER 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.

- 27 **LAND (MISCELLANEOUS MATTERS) 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.

Business having been interrupted at 10.00 pm under standing orders.

- 28 **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

JUDY MADDIGAN
Speaker

No 130 — Wednesday 7 September 2005

- 1 The Speaker took the Chair and read the Prayer.
- 2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

Religious Instruction in Victorian Government Schools — Requesting that the House takes action to ensure that there is no change to legislation and the *Victorian Government Schools Reference Guide* which would diminish the status of religious instruction in Victorian Government schools and, in addition, urges the Government to provide additional funding for chaplaincy services in these schools, bearing 220, 15, 72 and 142 signatures (*Mr Smith, Mr Carli, Mr Ingram and Mr Savage respectively*)

Racial and Religious Tolerance Act 2001 — Requesting that the House takes action to remove the references to religious vilification in the *Racial and Religious Tolerance Act 2001* to allow unencumbered discussion and freedom of speech regarding religion and theology, bearing 75 signatures (*Dr Sykes*)

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 441 and 16 signatures (*Mr Herbert and Mr Ingram respectively*)

Wellington Shire Council — Requesting that the House reviews — (a) the operation of the Wellington Shire Council with particular reference to the Planning Department and the communications policies of the Council; and (b) the present lack of wards for Council elections to ensure that local issues are adequately addressed and that the Council is responsible and accountable to the local community, bearing 120 signatures (*Mr Ingram*)

Sale Hospital — Requesting that the House ensures that — (a) the Sale community is given back control of the Sale Hospital by reinstating the former Board of Management and removing the Administrator; (b) the Minister for Health delivers on her promise not to downgrade services at the Hospital and returns any services removed since the Administrator's appointment; and (c) the Premier directly and immediately intervenes into the recent and proposed changes at the Hospital, bearing 6,067 signatures (*Mr Ingram*)

Religious Instruction in Victorian Government Schools — Legislative Changes — Requesting that the House takes action to ensure that there is no change to legislation which would diminish the status of religious instruction in Victorian Government schools and, in addition, urges the Government to provide additional funding for chaplaincy services in these schools, bearing 20 signatures (*Mr Wells*).

Petitions ordered to be tabled.

- 3 **PETITION — RELIGIOUS INSTRUCTION IN VICTORIAN GOVERNMENT SCHOOLS** — Motion made and question — That the petition presented by the Member for Gippsland East be taken into consideration tomorrow (*Mr Ingram*) — put and agreed to.
- 4 **PETITION — PRESCHOOL EDUCATION — RECOGNITION OF IMPORTANCE** — Motion made and question — That the petition presented by the Member for Gippsland East be taken into consideration tomorrow (*Mr Ingram*) — put and agreed to.
- 5 **PETITION — WELLINGTON SHIRE COUNCIL** — 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 — SALE HOSPITAL** — Motion made and question — That the petition presented by the Member for Gippsland East be taken into consideration tomorrow (*Mr Ingram*) — put and agreed to.
- 7 **PETITION — RACIAL AND RELIGIOUS TOLERANCE ACT 2001** — 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 — RELIGIOUS INSTRUCTION IN VICTORIAN GOVERNMENT SCHOOLS — LEGISLATIVE CHANGES** — Motion made and question — That the petition presented by the Member for Scoresby be taken into consideration tomorrow (*Mr Wells*) — put and agreed to.

9 **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:

Fisheries Act 1995 — SR No 103

Forests Act 1958 — SR No 102

Intellectually Disabled Persons' Services Act 1986 — SR No 105

Magistrates' Court Act 1989 — SR No 104

Subordinate Legislation Act 1994 — Minister's exemption certificate in relation to Statutory Rule No 102.

10 **STATEMENTS BY MEMBERS** — Statements by members were made.

11 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE — EDUCATION STANDARDS IN VICTORIA** — The House was informed that Ms Kosky had proposed that a definite matter of public importance be submitted to the House for discussion, namely —

'That this House congratulates the Bracks Government for its commitment to improving education standards in Victoria including the introduction of plain English school report cards which will allow parents to have a clearer understanding of the progress and performance of their child against state-wide standards.'

The proposer not being present, the matter did not proceed.

12 **STATEMENTS ON PARLIAMENTARY COMMITTEE REPORTS** — Statements were made on the following Committee Reports:

Family and Community Development Committee's Report on the Inquiry into Issues relating to the Development of Body Image Among Young People and Associated effects on their Health and Wellbeing

Road Safety Committee's Report on the Inquiry into the Country Road Toll

Education and Training Committee's Report on the Inquiry into the Suitability of Pre-Service Teacher Training in Victoria

Public Accounts and Estimates Committee's Report on the 2003–04 Budget Outcomes.

13 **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.

14 **RADIATION BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Under standing orders, Ms Pike announced amendments to be proposed when the House considers the Bill in detail and requested that they be circulated. Amendments circulated.

Debate resumed on question — That this Bill be now read a second time.

Motion made and question — That the debate be now adjourned (*Mr Honeywood*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 15 **SUSTAINABILITY VICTORIA BILL** — 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.

- 16 **RADIATION BILL** — 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 **DEFAMATION 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 McIntosh*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 21 September 2005.

Business having been interrupted at 2.00 pm under standing orders.

- 18 **QUESTIONS** — (Under SO 55).

- 19 **NATIONAL PARKS (OTWAYS AND OTHER AMENDMENTS) BILL** — 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 Gillett*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 20 **SUSTAINABILITY VICTORIA BILL** — 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 Merlino*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 21 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Agreeing to the following bills without amendment:

House Contracts Guarantee (Amendment) Bill
Racing and Gaming Acts (Police Powers) Bill.

- 22 **PIPELINES 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.

- 23 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Melbourne College of Divinity (Amendment) Bill without amendment.

- 24 **RADIATION BILL** — Order read for resuming debate 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 806–7*).

Bill sent to the Legislative Council and their agreement requested.

- 25 **SUSTAINABILITY VICTORIA 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.

- 26 **ADJOURNMENT** — The Speaker announced that the time for the adjournment of the House had arrived, and, after debate, the Acting Speaker left the Chair, at 10.44 pm.

R W PURDEY
Clerk of the Legislative Assembly

JUDY MADDIGAN
Speaker

No 131 — Thursday 8 September 2005

- 1 The Speaker took the Chair and read the Prayer.

- 2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

Racial and Religious Tolerance Act 2001 — Requesting that the House takes action to remove the references to religious vilification in the *Racial and Religious Tolerance Act 2001*

to allow unencumbered discussion and freedom of speech regarding religion and theology, bearing 139 signatures (*Dr Sykes*)

Speed Limits on Balcombe Road, Beaumaris — Requesting that the House introduces a speed limit of 50 km/h in Balcombe Road, Beaumaris, west of Dalgetty Road to the point prior to Reserve Road, where the speed reduces to 40 km/h during school day hours, which will have the practical benefit of reducing four speed sign designations to two speeds, bearing 10 signatures (*Mr Thompson*)

Religious Instruction in Victorian Government Schools — Legislative Changes — Requesting that the House takes action to ensure that there is no change to legislation which would diminish the status of religious instruction in Victorian Government schools and, in addition, urges the Government to provide additional funding for chaplaincy services in these schools, bearing 20 signatures (*Mr Wells*).

Petitions ordered to be tabled.

3 **PETITION — SPEED LIMITS ON BALCOMBE ROAD, BEAUMARIS** — Motion made and question — That the petition presented by the Member for Sandringham be taken into consideration tomorrow (*Mr Thompson*) — put and agreed to.

4 **PETITION — RACIAL AND RELIGIOUS TOLERANCE ACT 2001** — 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 **DOCUMENTS TABLED UNDER AN ACT OF PARLIAMENT** — The Clerk tabled the following documents in accordance with an Act of Parliament:

Statutory Rule under the *Victims of Crime Assistance Act 1996* — SR No 106

Subordinate Legislation Act 1994 — Minister's exception certificate in relation to Statutory Rule No 106.

6 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Agreeing to the following bills without amendment:

Vagrancy (Repeal) and Summary Offences (Amendment) Bill
Victoria State Emergency Service Bill.

7 **STATEMENTS BY MEMBERS** — Statements by members were made.

8 **CRIMES (CONTAMINATION OF GOODS) 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 McIntosh*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 22 September 2005.

9 **TREASURY LEGISLATION (REPEAL) 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 Clark*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 22 September 2005.

- 10 **LAND TAX BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Brumby*).

Mr Brumby 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 Saturday 8 October 2005.

- 11 **NATIONAL PARKS (OTWAYS AND OTHER AMENDMENTS) BILL** — 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, Mrs Maddigan, in the Chair) —

AYES 75

Mr Andrews; Ms Asher; Mr Baillieu; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Mr Cameron; Mr Carli; Mr Clark; Mr Cooper; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Dixon; Mr Donnellan; Mr Doyle; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Honeywood; Mr Howard; Mr Hudson; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Kotsiras; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Loney; Mr Lupton; Mr McIntosh; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Mr Mulder; Ms Munt; Dr Napthine; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Mr Perton; Ms Pike; Mr Plowman; Mr Robinson; Mr Seitz; Mrs Shardey; Mr Smith; Mr Stensholt; Mr Thompson; Mr Thwaites; Mr Trezise; Mr Wells; Mr Wilson; Mr Wynne.

NOES 9

Mr Delahunty (*Lowan*); Mr Ingram; Mr Jasper; Mr Maughan; Mrs Powell; Mr Ryan; Mr Savage; Dr Sykes; Mr Walsh.

Question agreed to.

By leave, Bill 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 **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.

- 14 **PRIMARY INDUSTRIES ACTS (FURTHER AMENDMENT) BILL** — 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 22 September 2005.

- 15 **SUSTAINABILITY VICTORIA BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Allocation of time — The Acting Speaker advised that the time allocated for consideration of bills under the resolution of the House on Tuesday 6 September 2005 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 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Ms Garbutt*) — put and agreed to.

- 17 **ADJOURNMENT** — The Acting Speaker left the Chair, after debate, at 4.43 pm.

R W PURDEY
Clerk of the Legislative Assembly

JUDY MADDIGAN
Speaker

LEGISLATIVE ASSEMBLY OF VICTORIA

CONSIDERATION IN DETAIL
Supplement to Votes Nos 129, 130 and 131

No 130 — Wednesday 7 September 2005

RADIATION BILL

Clauses 1 to 43 agreed to.

Clause 44, Mr Cameron moved amendment No 1 (*see Schedule*).

Amendment put and agreed to.

Clause agreed to as amended.

Clauses 45 to 59 agreed to.

Clause 60, Mr Cameron moved amendment No 2 (*see Schedule*).

Amendment put and agreed to.

Clause agreed to as amended.

Clauses 61 to 135 agreed to.

Clause 136, Mr Cameron moved amendment No 3 (*see Schedule*).

Amendment put and agreed to.

Clause agreed to as amended.

Clauses 137 to 147 agreed to.

Schedule agreed to.

Bill agreed to as amended.

SCHEDULE OF AMENDMENTS MOVED

RADIATION BILL

Amendments moved by Mr Cameron

1. Clause 44, page 34, after line 20 insert—
"() a registered dental care provider within the meaning of the **Dental Practice Act 1999**—the Dental Practice Board established under Part 6 of that Act;"
2. Clause 60, page 46, after line 16 insert—
"() a registered dental care provider within the meaning of the **Dental Practice Act 1999**—the Dental Practice Board established under Part 6 of that Act;"
3. Clause 136, page 98, after line 16 insert—
"() the Dental Practice Board established under Part 6 of the **Dental Practice Act 1999**;"

LEGISLATIVE ASSEMBLY OF VICTORIA

VOTES AND PROCEEDINGS Nos 132, 133 and 134

No 132 — Tuesday 13 September 2005

1 The Speaker took the Chair and read the Prayer.

2 **QUESTIONS** — (Under SO 55).

3 **PROPERTY (CO-OWNERSHIP) BILL** — Mr Hulls obtained leave to bring in a Bill '*to amend the Property Law Act 1958 to provide for the transfer of jurisdiction of disputes relating to the co-ownership of land and goods from the Supreme Court and the County Court to VCAT and provide for the remedies available for determining those disputes, to consequentially amend the Victorian Civil and Administrative Tribunal Act 1998 and the Transfer of Land 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 **TREASURY LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL** — Mr Brumby obtained leave to bring in a Bill '*to amend the Financial Management Act 1994 and the State Owned Enterprises Act 1992 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:

Wodonga Rail Bypass Project — Requesting that — (a) the House supports the relocation of the rail from the centre of Wodonga; and (b) the Government meets its obligations in relation to the Wodonga Rail Bypass project agreement and the promise made by the Treasurer in the 2001–02 budget to finalise the design and business plan and arrange for the tender for this project, bearing 8,218 signatures (*Mr Plowman*)

Religious Instruction in Victorian Government Schools — Requesting that the House takes action to ensure that there is no change to legislation and the *Victorian Government Schools Reference Guide* which would diminish the status of religious instruction in Victorian Government schools and, in addition, urges the Government to provide additional funding for chaplaincy services in these schools, bearing 35 and 16 signatures (*Mr Ryan and Mr Leighton respectively*)

Gippsland Lakes System — Requesting that the House fully resources Gippsland Ports to purchase new equipment and develop a permanent solution to maintain the Gippsland Lakes system in the interests of all Victorians, bearing 117 signatures (*Mr Ryan*)

Religious Instruction in Victorian Government Schools — Legislative Changes — Requesting that the House takes action to ensure that there is no change to legislation which would diminish the status of religious instruction in Victorian Government schools and, in addition, urges the Government to provide additional funding for chaplaincy services in these schools, bearing 15 signatures (*Mr Wells*).

Petitions ordered to be tabled.

- 6 **PETITION — WODONGA RAIL BYPASS PROJECT** — Motion made and question — That the petition presented by the Member for Benambra be taken into consideration tomorrow (*Mr Plowman*) — put and agreed to.
- 7 **PETITION — RELIGIOUS INSTRUCTION IN VICTORIAN GOVERNMENT SCHOOLS — LEGISLATIVE CHANGES** — Motion made and question — That the petition presented by the Member for Scoresby be taken into consideration tomorrow (*Mr Wells*) — put and agreed to.
- 8 **PETITION — RELIGIOUS INSTRUCTION IN VICTORIAN GOVERNMENT SCHOOLS** — 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 — GIPPSLAND LAKES SYSTEM** — 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.
- 10 **DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:

Commonwealth Games Arrangements Act 2001 — Orders under s 18 (four orders)

Planning and Environment Act 1987 — Notices of approval of amendments to the following Planning Schemes:

Cardinia Planning Scheme — No C33
 Colac Otway Planning Scheme — No C13
 East Gippsland Planning Scheme — No C33
 Golden Plains Planning Scheme — No C19
 Greater Geelong Planning Scheme — No C97
 Manningham Planning Scheme — No C30
 Maribyrnong Planning Scheme — Nos C38, C41
 Monash Planning Scheme — No C16
 Moonee Valley Planning Scheme — No C64
 Port Phillip Planning Scheme — No C48
 Whitehorse Planning Scheme — Nos C59, C61

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).

- 11 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Local Government (Further Amendment) Bill without amendment.

- 12 **MESSAGE FROM THE GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that he had today given the royal assent to the following bills, presented to him by the Clerk of the Parliaments:

House Contracts Guarantee (Amendment) Bill
 Local Government (Further Amendment) Bill
 Melbourne College of Divinity (Amendment) Bill
 Racing and Gaming Acts (Police Powers) Bill
 Vagrancy (Repeal) and Summary Offences (Amendment) Bill
 Working with Children Bill.

- 13 **MESSAGES FROM THE GOVERNOR** — The Speaker announced the presentation of messages from the Governor recommending appropriations for the purposes of the following bills:

Land Tax Bill
 Treasury Legislation (Repeal) Bill
 Primary Industries Acts (Further Amendment) Bill.

- 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 15 September 2005:

Groundwater (Border Agreement) (Amendment) Bill
 Melbourne Lands (Yarra River North Bank) (Amendment) Bill
 Racing and Gambling Acts (Amendment) Bill
 Royal Victorian Institute for the Blind and other Agencies (Merger) Bill
 Sentencing and Mental Health Acts (Amendment) Bill
 Sports Anti-doping Bill

(Mr Batchelor) — put, after debate, and agreed to.

- 15 **STATEMENTS BY MEMBERS** — Statements by members were made.

- 16 **GROUNDWATER (BORDER AGREEMENT) (AMENDMENT) BILL** — 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 interstate agreement is amended so that the designated area, and the management thereof, correlates with the boundaries of the aquifers affected, and not just a 40 kilometre wide zone which encapsulates only sections of the aquifers affected' *(Mr Walsh)* — and, after debate —

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.

- 17 **ROYAL VICTORIAN INSTITUTE FOR THE BLIND AND OTHER AGENCIES (MERGER) BILL** — 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 Allan*) — 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.

18 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Residential Tenancies (Further Amendment) Bill without amendment.

19 **RACING AND GAMBLING ACTS (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Under standing orders, Mr Holding 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.

20 **ADJOURNMENT** — The 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

JUDY MADDIGAN
Speaker

No 133 — Wednesday 14 September 2005

1 The Speaker took the Chair and read the Prayer.

2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

Racial and Religious Tolerance Act 2001 — Requesting that the House takes action to remove the references to religious vilification in the *Racial and Religious Tolerance Act 2001* to allow unencumbered discussion and freedom of speech regarding religion and theology, bearing 147 signatures (*Dr Sykes*)

Country Taxi Operator Costs — Requesting that the House immediately — (a) implements changes to reduce country taxi operator costs by allowing flexible hours of service; and (b) makes available to country taxi operators the same subsidies for the provision of

wheelchair friendly taxi services as Melbourne taxis and public transport, bearing 208 and 97 signatures (*Mr Ryan and Mr Delahunty, Lowan respectively*)

Twin Residential Towers — Northcote Plaza — Requesting that the House seeks to reject the ministerial approval of the development of eight and 10 storey twin residential towers on the Northcote Plaza, adjacent to the All Nations Park, the construction of which would be a complete denial that neighbourhood character would be respected, as set out in the Melbourne 2030 planning framework, bearing 1,315 signatures (*Mr Langdon*)

Religious Instruction in Victorian Government Schools — Requesting that the House takes action to ensure that there is no change to legislation and the *Victorian Government Schools Reference Guide* which would diminish the status of religious instruction in Victorian Government schools and, in addition, urges the Government to provide additional funding for chaplaincy services in these schools, bearing 16 and 92 signatures (*Mr Langdon and Mr Delahunty, Lowan respectively*)

Bus Service — Deer Park to Taylors Lakes — Requesting that funds be provided for a bus service to run from the Western Highway, Deer Park along Station Road and Kings Road to Keilor/Melton Highway, Taylors Lakes to provide access to Brimbank and Watergardens Shopping Centres, bearing 95 signatures (*Mr Seitz*)

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 280 signatures (*Ms Beard*)

Religious Instruction in Victorian Government Schools — Legislative Changes — Requesting that the House takes action to ensure that there is no change to legislation which would diminish the status of religious instruction in Victorian Government schools and, in addition, urges the Government to provide additional funding for chaplaincy services in these schools, bearing 26 signatures (*Mr Doyle*).

Petitions ordered to be tabled.

- 3 **PETITION — COUNTRY TAXI OPERATOR COSTS** — Motion made and question — That the petition presented by the Member for Lowan be taken into consideration tomorrow (*Mr Delahunty, Lowan*) — put and agreed to.
- 4 **PETITION — RELIGIOUS INSTRUCTION IN VICTORIAN GOVERNMENT SCHOOLS** — Motion made and question — That the petition presented by the Member for Lowan be taken into consideration tomorrow (*Mr Delahunty, Lowan*) — put and agreed to.
- 5 **PETITION — BUS SERVICE — DEER PARK TO TAYLORS LAKES** — Motion made and question — That the petition presented by the Member for Keilor be taken into consideration tomorrow (*Mr Seitz*) — put and agreed to.
- 6 **PETITION — PRESCHOOL EDUCATION — RECOGNITION OF IMPORTANCE** — Motion made and question — That the petition presented by the Member for Kilsyth be taken into consideration tomorrow (*Ms Beard*) — put and agreed to.

7 **PETITION — RACIAL AND RELIGIOUS TOLERANCE ACT 2001** — 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**

AUSTRALIAN CATHOLIC UNIVERSITY — Motion made, by leave, and question — That the Report of the Australian Catholic University for the year 2004 be tabled (*Ms Kosky*) — put and agreed to.

DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT — The Clerk tabled the following documents in accordance with Acts of Parliament:

Auditor-General — Performance Audit Report — Franchising Melbourne's train and tram system — Ordered to be printed

Commonwealth Games Arrangements Act 2001 — Orders under s 18 (two orders).

9 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Agreeing to the following bills without amendment:

Fisheries (Abalone) Bill
Land (Miscellaneous Matters) Bill.

10 **STATEMENTS BY MEMBERS** — Statements by members were made.

11 **GRIEVANCES** — Question — That grievances be noted — put, after debate, and agreed to.

12 **STATEMENTS ON PARLIAMENTARY COMMITTEE REPORTS** — Statements were made on the following Committee Reports:

Family and Community Development Committee's Report on the Inquiry into Issues relating to the Development of Body Image Among Young People and Associated Effects on their Health and Wellbeing

Rural and Regional Services and Development Committee's Report on the Inquiry into Country Football

Economic Development Committee's Final Report on the Inquiry into Labour Hire Employment in Victoria.

Outer Suburban/Interface Services and Development Committee's Report on the Inquiry into Sustainable Urban Design for New Communities in Outer Suburban Areas.

13 **PROPERTY (CO-OWNERSHIP) BILL** — 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 Baillieu*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 28 September 2005.

- 14 **TREASURY LEGISLATION (MISCELLANEOUS AMENDMENTS) 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 Clark*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 28 September 2005.

- 15 **MELBOURNE LANDS (YARRA RIVER NORTH BANK) (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Business having been interrupted at 2.00 pm under standing orders.

- 16 **QUESTIONS** — (Under SO 55).

- 17 **MELBOURNE LANDS (YARRA RIVER NORTH BANK) (AMENDMENT) BILL** — Debate continued on question — That this Bill be now read a second time.

Bill read a second time and, by leave, immediately read a third time.

Bill sent to the Legislative Council and their agreement requested.

- 18 **GROUNDWATER (BORDER AGREEMENT) (AMENDMENT) BILL** — 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 interstate agreement is amended so that the designated area, and the management thereof, correlates with the boundaries of the aquifers affected, and not just a 40 kilometre wide zone which encapsulates only sections of the aquifers affected'; debate resumed.

Question — That the words proposed to be omitted stand part of the question — put.

The House divided (the Deputy Speaker, Mr Loney, in the Chair) —

AYES 59

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 23

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Napthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

Question — That this Bill be now read a second time — put.

The House divided (the Deputy Speaker, Mr Loney, in the Chair) —

AYES 75

Ms Allan; Mr Andrews; Ms Asher; Mr Baillieu; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Clark; Mr Cooper; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Dixon; Mr Donnellan; Mr Doyle; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Honeywood; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Mr Jenkins; Ms Kosky; Mr Kotsiras; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Mr McIntosh; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Mr Mulder; Ms Munt; Dr Naphine; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Mr Perton; Ms Pike; Mr Plowman; Mr Seitz; Mr Smith; Mr Stensholt; Mr Thompson; Mr Thwaites; Mr Trezise; Mr Wells; Mr Wilson; Mr Wynne.

NOES 7

Mr Delahunty (*Lowan*); Mr Jasper; Mr Maughan; Mrs Powell; Mr Ryan; Dr Sykes; Mr Walsh.

Question agreed to.

Bill considered in detail (*see p 820*).

- 19 **RACING AND GAMBLING ACTS (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, considered in detail and agreed to with an amendment, read a third time (*see pp 820–1*).

Bill sent to the Legislative Council and their agreement requested.

- 20 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Agreeing to the following bills without amendment:

Radiation Bill
Pipelines Bill.

- 21 **SENTENCING AND MENTAL HEALTH ACTS (AMENDMENT) 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.

- 22 **ADJOURNMENT** — The Speaker announced that the time for the adjournment of the House had arrived, and, after debate, the Acting Speaker left the Chair, at 10.42 pm.

No 134 — Thursday 15 September 2005

- 1 The Speaker took the Chair and read the Prayer.
- 2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

Gordon Railway Station — Requesting that train services be scheduled to provide a service at Gordon Railway Station between Ballarat and Melbourne, bearing 558 signatures (*Mr Howard*)

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 22 and 780 signatures (*Mr Smith and Ms Green respectively*)

Racial and Religious Tolerance Act 2001 — Requesting that the House takes action to remove the references to religious vilification in the *Racial and Religious Tolerance Act 2001* to allow unencumbered discussion and freedom of speech regarding religion and theology, bearing 210 signatures (*Dr Sykes*)

Country Taxi Operator Costs — Requesting that the House immediately — (a) implements changes to reduce country taxi operator costs by allowing flexible hours of service; and (b) makes available to country taxi operators the same subsidies for the provision of wheelchair friendly taxi services as Melbourne taxis and public transport, bearing 14 signatures (*Mr Ryan*)

Natural Gas to Lakes Entrance — Requesting that the House supports the provision and reticulation of natural gas to Lakes Entrance, bearing 40 signatures (*Mr Ryan*)

City of Casey Council — Requesting that the House — (a) appoints an independent administrator to the City of Casey; and (b) ensures that an audit of Casey expenditure is tabled before Parliament, bearing 1,097 signatures (*Mr Donnellan*)

Religious Instruction in Victorian Government Schools — Requesting that the House takes action to ensure that there is no change to legislation and the *Victorian Government Schools Reference Guide* which would diminish the status of religious instruction in Victorian Government schools and, in addition, urges the Government to provide additional funding for chaplaincy services in these schools, bearing 24 signatures (*Mr Thompson*).

Petitions ordered to be tabled.

- 3 **PETITION — RACIAL AND RELIGIOUS TOLERANCE ACT 2001** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.
- 4 **PETITION — GORDON RAILWAY STATION** — 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.

5 **PETITION — PRESCHOOL EDUCATION — RECOGNITION OF IMPORTANCE** — 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.

6 **PETITION — RELIGIOUS INSTRUCTION IN VICTORIAN GOVERNMENT SCHOOLS** — Motion made and question — That the petition presented by the Member for Sandringham be taken into consideration tomorrow (*Mr Thompson*) — put and agreed to.

7 **DOCUMENTS**

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — Ms Campbell, Chair, presented a report from the Public Accounts and Estimates Committee on the review of the Auditor-General's report on Parliamentary control and management of appropriations, 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:

Commonwealth Games Arrangements Act 2001 — Orders under s 18 (two orders)

Police Regulation Act 1958 — Director, Police Integrity — Investigation into the publication of One Down, One Missing — Ordered to be printed

Victorian Law Reform Commission — Interim Report on Family Violence Police Holding Powers — Ordered to be printed.

8 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourns until Tuesday 4 October 2005 (*Mr Cameron*) — put and agreed to.

9 **STATEMENTS BY MEMBERS** — Statements by members were made.

10 **SPORTS ANTI-DOPING BILL** — 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 Lockwood*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

11 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That the government business program agreed to by this House on 13 September 2005 be amended by omitting the Order of the Day, Government Business, relating to the Groundwater (Border Agreement) (Amendment) Bill (*Mr Batchelor*) — put, after debate, and agreed to.

12 **SENTENCING AND MENTAL HEALTH ACTS (AMENDMENT) BILL** — 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 **SENTENCING AND MENTAL HEALTH ACTS (AMENDMENT) BILL** — Debate continued on question — That this Bill be now read a second time.
- Motion made and question — That the debate be now adjourned (*Ms Morand*) — put and agreed to.
- Ordered — That the debate be adjourned until later this day.
- Allocation of time — The Acting Speaker advised that the time allocated for consideration of bills under the resolution of the House on Tuesday 13 September 2005 and as amended on Thursday 15 September 2005 had expired.*
- 15 **SENTENCING AND MENTAL HEALTH ACTS (AMENDMENT) BILL** — 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 **SPORTS ANTI-DOPING BILL** — 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 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Batchelor*) — put and agreed to.
- 18 **ADJOURNMENT** — The Deputy Speaker left the Chair, after debate, at 5.03 pm.

R W PURDEY
Clerk of the Legislative Assembly

JUDY MADDIGAN
Speaker

LEGISLATIVE ASSEMBLY OF VICTORIA

CONSIDERATION IN DETAIL
Supplement to Votes Nos 132, 133 and 134

No 133 — Wednesday 14 September 2005

RACING AND GAMBLING ACTS (AMENDMENT) BILL

Clauses 1 to 5 agreed to.

Clause 6, Mr Pandazopoulos moved an amendment (*see Schedule*).

Amendment put and agreed to.

Clause agreed to as amended.

Clauses 7 to 11 agreed to.

Bill agreed to as amended.

GROUNDWATER (BORDER AGREEMENT) (AMENDMENT) BILL

Clauses 1 to 6 agreed to.

Clause 7 — debate 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.

SCHEDULE OF AMENDMENT MOVED

RACING AND GAMBLING ACTS (AMENDMENT) BILL

Amendment moved by Mr Pandazopoulos

Clause 6, lines 23 and 24, omit "for valuable consideration" and insert "in the course of business".

LEGISLATIVE ASSEMBLY OF VICTORIA

VOTES AND PROCEEDINGS Nos 135, 136 and 137

No 135 — Tuesday 4 October 2005

- 1 The House met according to the adjournment — The Speaker took the Chair and read the Prayer.
- 2 **QUESTIONS** — (Under SO 55).
- 3 **DEPUTY ELECTORAL COMMISSIONER** — The Speaker advised that, on 20 September 2005, she administered to Elizabeth Williams, the Deputy Electoral Commissioner, the oath required by s 16(4) of the *Electoral Act 2002*.
- 4 **RAIL SAFETY BILL** — Mr Batchelor obtained leave to bring in a Bill '*to provide for safe rail operations in Victoria, to amend the Transport Act 1983, the Public Transport Competition Act 1995, the Rail Corporations Act 1996, the Electricity Industry Act 2000, the Gas Industry Act 2001, the Magistrates' Court Act 1989, the Road Management Act 2004, the Water Act 1989, 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 **TRANSPORT LEGISLATION (SAFETY INVESTIGATIONS) BILL** — Mr Batchelor obtained leave to bring in a Bill '*to amend the Transport Act 1983 to provide for the independent investigation of matters relating to public transport and marine safety matters and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 6 **VETERANS BILL** — Mr Bracks obtained leave to bring in a Bill '*to establish the Victorian Veterans Council and the Victorian Veterans Fund, to re-enact with amendments the law relating to patriotic funds, to repeal the Patriotic Funds Act 1958, the Defence Reserves Re-Employment Act 1995 and the Discharged Servicemen's Preference Act 1943 and to amend certain Acts and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 7 **PRISONERS (INTERSTATE TRANSFER) (AMENDMENT) BILL** — Mr Holding obtained leave to bring in a Bill '*to amend the Prisoners (Interstate Transfer) Act 1983 and the Corrections Act 1986 and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 8 **FIREARMS (FURTHER AMENDMENT) BILL** — Mr Holding obtained leave to bring in a Bill '*to amend the Firearms Act 1996 to make further provision in relation to firearms collectors, handguns, paintball gaming and other matters, and to amend the Control of*

Weapons Act 1990 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.

- 9 **CONGESTION LEVY BILL** — Mr Brumby obtained leave to bring in a Bill '*to impose a levy on long stay parking spaces in the central business district and inner Melbourne to reduce traffic congestion, to amend 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.
- 10 **MOTOR CAR TRADERS AND FAIR TRADING ACTS (AMENDMENT) BILL** — Mr Hulls obtained leave to bring in a Bill '*to amend the Motor Car Traders Act 1986 and the Fair Trading 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.
- 11 **MINERAL RESOURCES DEVELOPMENT (BROWN COAL ROYALTIES) BILL** — Mr Cameron obtained leave to bring in a Bill '*to amend the Mineral Resources Development Act 1990 to make provision with respect to royalties for lignite and for other purposes'*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 12 **MINES (ALUMINIUM AGREEMENT) (BROWN COAL ROYALTIES) BILL** — Mr Cameron obtained leave to bring in a Bill '*to amend the Mines (Aluminium Agreement) Act 1961 to make provision with respect to royalties for lignite and for other purposes'*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 13 **RETAIL LEASES (AMENDMENT) BILL** — Mr Pandazopoulos, on behalf of Mr Haermeyer, obtained leave to bring in a Bill '*to amend the Retail Leases Act 2003, the Retail Tenancies Reform Act 1998, the Retail Tenancies Act 1986 and the Property Law Act 1958 and to repeal the Small Business Victoria (Repeal) 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.
- 14 **MAJOR EVENTS (CROWD MANAGEMENT) AND COMMONWEALTH GAMES ARRANGEMENTS ACTS (CROWD SAFETY AMENDMENT) BILL** — Mr Pandazopoulos obtained leave to bring in a Bill '*to amend the Major Events (Crowd Management) Act 2003 to provide for increased powers for authorised officers, police and venue managers in relation to crowd safety and crowd behaviour, to broaden the application of the Act to other venues and events and to provide for additional enforcement powers, to amend the powers relating to bag searches in the Commonwealth Games Arrangements Act 2001 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:

Religious Instruction in Victorian Government Schools — Requesting that the House takes action to ensure that there is no change to legislation and the *Victorian Government Schools Reference Guide* which would diminish the status of religious instruction in Victorian Government schools and, in addition, urges the Government to provide additional funding for chaplaincy services in these schools, bearing 48, 21, 229, 37, 420 and 18 signatures (*Mr Lockwood, Mr Cameron, Ms Lobato, Mr Ryan, Ms Duncan and Mr Walsh respectively*)

Country Taxi Operator Costs — Requesting that the House immediately — (a) implements changes to reduce country taxi operator costs by allowing flexible hours of service; and (b) makes available to country taxi operators the same subsidies for the provision of wheel chair friendly taxi services as Melbourne taxis and public transport, bearing 82 signatures (*Mr Ryan*)

Loddon River — Requesting that the House urges the Government to implement the recommendations of the Loddon River Environmental Flows Scientific Panel, bearing 395 signatures (*Mr Walsh*).

Petitions ordered to be tabled.

16 DOCUMENTS

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — Ms D'Ambrosio, Chair, presented a report from the Scrutiny of Acts and Regulations Committee being the Alert Digest No 10 of 2005 on the:

Crimes (Contamination of Goods Offences) Bill
 Groundwater (Border Agreement) (Amendment) Bill
 Local Government (Further Amendment) Bill
 Magistrates' Court (Judicial Registrars and Court Rules) Bill
 Melbourne Lands (Yarra River North Bank) (Amendment) Bill
 Pipelines Bill
 Radiation Bill
 Royal Victorian Institute for the Blind and other Agencies (Merger) Bill
 Sentencing and Mental Health Acts (Amendment) Bill
 Sports Anti-doping Bill
 Sustainability Victoria 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:

Forensic Leave Panel — Report for the year 2004

Freedom of Information Act 1982 — Statement of reasons for seeking leave to appeal under s 65AB

Parliamentary Committees Act 2003 — Response of the Treasurer on the action taken with respect to the recommendations made by the Public Accounts and Estimates Committee's Report on the 2003–04 Budget Outcomes

Parliamentary Contributory Superannuation Fund — Actuarial Investigation — Report for the year 2004–05

Planning and Environment Act 1987 — Notices of approval of amendments to the following Planning Schemes:

Ballarat Planning Scheme — No C76
 Glen Eira Planning Scheme — No C42
 Greater Dandenong Planning Scheme — No C64
 Greater Shepparton Planning Scheme — No C61
 Hume Planning Scheme — No C62
 Melbourne Planning Scheme — No C111
 Moreland Planning Scheme — No C29
 Nillumbik Planning Scheme — No C36
 Southern Grampians Planning Scheme — Nos C8, C9
 Stonnington Planning Scheme — No C12 Part 2
 Surf Coast Planning Scheme — No C7 Part 2
 Victoria Planning Provisions — No VC34
 Wyndham Planning Scheme — No C69

Retail Leases Act 2003 — Ministerial Determination under s 5

Rural Finance Act 1988 — Direction by the Treasurer to the Rural Finance Corporation to administer a Financial Assistance Scheme to the Central Victoria region including Whittlesea and the North East region

Statutory Rules under the following Acts:

County Court Act 1958 — SR No 107
Drugs, Poisons and Controlled Substances Act 1981 — SR No 117
Estate Agents Act 1980 — SR No 108
Health Act 1958 — SR Nos 114, 115, 116
Health Services Act 1988 — SR Nos 112, 113
Mental Health Act 1986 — SR No 111
Prevention to Cruelty to Animals Act 1986 — SR No 121
Residential Tenancies Act 1997 — SR No 109
Road Safety Act 1986 — SR Nos 119, 120
Tobacco Act 1987 — SR No 118
Victorian Institute of Teaching Act 2001 — SR No 110

Subordinate Legislation Act 1994:

Ministers' exception certificates in relation to Statutory Rule Nos 107, 111, 112, 113, 114, 115, 116, 117
 Ministers' exemption certificates in relation to Statutory Rule Nos 93, 108, 109, 110, 118, 120, 121

Survey Co-ordination Act 1958 — Report of the Surveyor-General for the year 2004–05.

The following proclamations fixing operative dates were tabled by the Clerk in accordance with an Order of the House dated 26 February 2003:

Primary Industries Legislation (Further Miscellaneous Amendments) Act 2004 — Section 49 on 29 September 2005 (*Gazette G39, 29 September 2005*)
Sustainability Victoria Act 2005 — Remaining provisions on 1 October 2005 (*Gazette G39, 29 September 2005*).

- 17 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Agreeing to the following bills without amendment:

National Parks (Otways and Other Amendments) Bill
 Royal Victorian Institute for the Blind and other Agencies (Merger) Bill
 Sustainability Victoria Bill.

- 18 **MESSAGE FROM THE LIEUTENANT-GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that she had, on 20 September 2005, given the royal assent to the following bills, presented to her by the Clerk of the Parliaments:

Fisheries (Abalone) Bill
 Land (Miscellaneous Matters) Bill
 National Parks (Otways and Other Amendments) Bill
 Pipelines Bill
 Radiation Bill
 Residential Tenancies (Further Amendment) Bill
 Royal Victorian Institute for the Blind and other Agencies (Merger) Bill
 Sustainability Victoria Bill.

- 19 **MESSAGE FROM THE GOVERNOR** — The Speaker announced the presentation of a message from the Governor recommending an appropriation for the purposes of the Property (Co-ownership) Bill.

- 20 **SUSPENSION OF STANDING ORDERS** — Motion made, by leave, and question — That so much of standing orders be suspended to allow the matter of public importance due to be proposed on Wednesday 19 October 2005 by the Government under SO 39, to be proposed by the Opposition and the matter of public importance due on Wednesday 16 November 2005 be omitted from the order of business on that day (*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 6 October 2005:

Crimes (Contamination of Goods) Bill
 Defamation Bill
 Primary Industries Acts (Further Amendment) Bill
 Property (Co-ownership) Bill
 Treasury Legislation (Miscellaneous Amendments) Bill
 Treasury Legislation (Repeal) Bill

(*Mr Batchelor*) — put, after debate, and agreed to.

- 22 **STATEMENTS BY MEMBERS** — Statements by members were made.

- 23 **DEFAMATION BILL** — 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.

- 24 **CRIMES (CONTAMINATION OF GOODS) 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.

- 25 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Agreeing to the following bills without amendment:

Racing and Gambling Acts (Amendment) Bill

Melbourne Lands (Yarra River North Bank) (Amendment) Bill.

- 26 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 3 and 4, be postponed until later this day.

- 27 **PROPERTY (CO-OWNERSHIP) 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 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.

Business having been interrupted at 10.00 pm under standing orders.

- 28 **ADJOURNMENT** — The Acting Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.31 pm.

R W PURDEY
Clerk of the Legislative Assembly

JUDY MADDIGAN
Speaker

No 136 — Wednesday 5 October 2005

- 1 The Speaker took the Chair and read the Prayer.

- 2 **WATER (RESOURCE MANAGEMENT) BILL** — Mr Thwaites obtained leave to bring in a Bill '*to amend the Water Act 1989, the Environment Protection Act 1970 and the Valuation of Land Act 1960 and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.

- 3 **CRIMES (HOMICIDE) BILL** — Mr Hulls obtained leave to bring in a Bill '*to amend the law in relation to homicide offences, to amend the Crimes Act 1958 and the Crimes (Mental Impairment and Unfitness to be Tried) Act 1997 and 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.

- 4 **ENVIRONMENT EFFECTS (AMENDMENT) BILL** — Mr Hulls obtained leave to bring in a Bill *'to amend the **Environment Effects Act 1978** to improve the operation of that Act and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 5 **CHILD WELLBEING AND SAFETY BILL** — Ms Garbutt obtained leave to bring in a Bill *'to establish principles for the wellbeing of children, to establish the Victorian Children's Council and the Children's Services Co-ordination Board, to provide for the Child Safety Commissioner and to confer functions and powers on the Child Safety Commissioner in relation to the safety of children, to provide for the notification of births to municipal councils, to repeal Part IX of the **Health Act 1958** and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 6 **CHILDREN, YOUTH AND FAMILIES BILL** — Ms Garbutt obtained leave to bring in a Bill *'to provide for community services to support children and their families, to provide for the protection of children, to make provision in relation to children who have been charged with, or who have been found guilty of, offences, to continue The Children's Court of Victoria as a specialist court dealing with matters relating to children, to repeal the **Children and Young Persons Act 1989**, to amend the **Community Services Act 1970** and other 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:

Police School Involvement Program — Requesting that the House supports the reinstatement of the Police School Involvement Program to build a secure environment for the children of Victoria, bearing 20 signatures (*Mr Kotsiras*)

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 20 signatures (*Mr Herbert*)

Religious Instruction in Victorian Government Schools — Requesting that the House takes action to ensure that there is no change to legislation and the *Victorian Government Schools Reference Guide* which would diminish the status of religious instruction in Victorian Government schools and, in addition, urges the Government to provide additional funding for chaplaincy services in these schools, bearing 94, 15, 36 and 31 signatures (*Mr Herbert, Mr Robinson, Mr Dixon and Mr Hardman respectively*)

Wellington Shire Council — Requesting that the House reviews — (a) the operation of the Wellington Shire Council with particular reference to the Planning Department and the communications policies of the Council; and (b) the present lack of wards for Council elections to ensure that local issues are adequately addressed and that the Council is responsible and accountable to the local community, bearing 120 signatures (*Mr Ingram*)

Gippsland Lakes System — Requesting that the House fully resources Gippsland Ports to purchase new equipment and develop a permanent solution to maintain the Gippsland Lakes

system in the interests of all Victorians, bearing 783 and 967 signatures (*Mr Ingram and Mr Ryan respectively*)

Alberton Shire — Requesting that the House — (a) acts to conduct a poll of the electors of Yarram and Districts within the boundaries of the old Alberton Shire; and (b) proclaims the region as the Alberton Shire comprising five wards, the North, South, East, West and Central Wards, with one elected councillor in each ward representing the electors in each ward, a total of five councillors in the new Alberton Shire, bearing 99 signatures (*Mr Ryan*)

Motor Vehicle Registration Fees — Pensioner Concession — Requesting that the Government reverses its decision to halve the pensioner concession on car registration fees, bearing 13 signatures (*Mr Dixon*).

Petitions ordered to be tabled.

8 **DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:

Audit Act 1994 — Report of the Auditor-General — Results of special reviews and other investigations — Ordered to be printed

Auditor-General — Performance Audit Reports:

Community planning services in Glenelg Shire Council: 1998–2005 — Ordered to be printed
Health procurement in Victoria — Ordered to be printed

Financial Management Act 1994 — Report from the Minister for Agriculture that he had received the 2004–05 annual report of PrimeSafe

Subordinate Legislation Act 1994 — Minister's exemption certificate in relation to Statutory Rule No 119.

9 **STATEMENTS BY MEMBERS** — Statements by members were made.

10 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE — COUNTRY VICTORIANS** — 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 condemns the Government for its failure to honour its undertaking to govern for all Victorians by ignoring the needs of country Victorians, particularly with regard to the application of laws pertaining to planning and natural resource management.'

Mrs Powell addressed the House — Discussion followed.

11 **STATEMENTS ON PARLIAMENTARY COMMITTEE REPORTS** — Statements were made on the following Committee Reports:

Environment and Natural Resources Committee's Report on the Inquiry into Sustainable Communities

Rural and Regional Services and Development Committee's Report on the Inquiry into Country Football

Family and Community Development Committee's Report on the Inquiry into Issues relating to the Development of Body Image Among Young People and Associated Effects on their Health and Wellbeing

Road Safety Committee's Report on the Inquiry into Crashes Involving Roadside Objects

Economic Development Committee's Final Report on the Inquiry into Labour Hire Employment in Victoria

Scrutiny of Acts and Regulations Committee's Final Report on Discrimination in the Law, Inquiry under section 207 of the *Equal Opportunity Act 1995*.

- 12 **EASTLINK PROJECT** — Motion made and question — That this House rejects the Leader of the Opposition's half toll plan for the Eastlink project as unworkable, and a policy that would result in Government services being cut across the State (*Mr Brumby*) — and, after debate —

Business having been interrupted at 2.00 pm under standing orders.

- 13 **QUESTIONS** — (Under SO 55).

- 14 **EASTLINK PROJECT** — Debate resumed on question — That this House rejects the Leader of the Opposition's half toll plan for the Eastlink project as unworkable, and a policy that would result in Government services being cut across the State.

Question — put.

The House divided (the Speaker, Mrs Maddigan, in the Chair) —

AYES 64

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Ms Buchanan; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Delahunty (*Lowan*); Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Mr Jasper; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mrs Powell; Mr Robinson; Mr Ryan; Mr Savage; Mr Seitz; Mr Stensholt; Dr Sykes; Mr Thwaites; Mr Trezise; Mr Walsh; Mr Wilson; Mr Wynne.

NOES 15¹

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Dixon; Mr Doyle; Mr Kotsiras; Mr McIntosh; Mr Mulder; Dr Naphine; Mr Perton; Mr Plowman; Mrs Shardey; Mr Thompson; Mr Wells.

Question agreed to.

¹ Division corrected after the Speaker informed the House that the Clerk had identified a discrepancy between the number of votes cast by the Opposition Whip and the number of Opposition members actually present. Upon investigation it was found that the votes cast for the 'Noes' should have been 15 rather than 16.

- 15 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Sentencing and Mental Health Acts (Amendment) Bill without amendment.
- 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 **VETERANS BILL** — 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 Doyle*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 19 October 2005.

- 18 **DEFAMATION BILL** — 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, Mrs Maddigan, in the Chair) —

AYES 56

Ms Allan; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Ms Buchanan; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Savage; Mr Seitz; Mr Stensholt; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 21

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Mulder; Dr Naphine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mrs Shardey; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

By leave, Bill immediately read a third time.

Bill sent to the Legislative Council and their agreement requested.

- 19 **PRISONERS (INTERSTATE TRANSFER) (AMENDMENT) BILL** — 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 19 October 2005.

- 20 **FIREARMS (FURTHER AMENDMENT) BILL** — 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 19 October 2005.
- 21 **CONGESTION LEVY BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Hulls*).
- Mr Hulls made the statement of intention required by s 85(5)(c) of the Constitution Act 1975.*
- Motion made and question — That the debate be now adjourned (*Mr Clark*) — put and agreed to.
- Ordered — That the debate be adjourned until Wednesday 19 October 2005.
- 22 **MOTOR CAR TRADERS AND FAIR TRADING ACTS (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 Kotsiras*) — put and agreed to.
- Ordered — That the debate be adjourned until Wednesday 19 October 2005.
- 23 **MINERAL RESOURCES DEVELOPMENT (BROWN COAL ROYALTIES) BILL** — 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 19 October 2005.
- 24 **MINES (ALUMINIUM AGREEMENT) (BROWN COAL ROYALTIES) BILL** — 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 19 October 2005.
- 25 **TREASURY LEGISLATION (REPEAL) BILL** — 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 Plowman*) — put and agreed to.
- Ordered — That the debate be adjourned until later this day.

26 **POSTPONEMENT OF ORDER OF THE DAY** — Ordered — That the consideration of Government Business, Order of the Day, No 10, be postponed until later this day.

27 **TREASURY LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Under standing orders, Mr Ryan 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 Holding*) — put and agreed to.

Debate continued on question — That this Bill be now read a second time.

Motion made and question — That the debate be now adjourned (*Mr Ryan*) — 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 Holding*) — put and agreed to.

29 **ADJOURNMENT** — The Acting Speaker left the Chair, after debate, at 11.06 pm.

R W PURDEY
Clerk of the Legislative Assembly

JUDY MADDIGAN
Speaker

No 137 — Thursday 6 October 2005

1 The Speaker took the Chair and read the Prayer.

2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

Country Taxi Operator Costs — Requesting that the House immediately — (a) implements changes to reduce country taxi operator costs by allowing flexible hours of service; and (b) makes available to country taxi operators the same subsidies for the provision of wheelchair friendly taxi services as Melbourne taxis and public transport, bearing 735, 432 and 94 signatures (*Dr Sykes, Mr Ryan and Mr Delahunty, Lowan respectively*)

Police School Involvement Program Continuation — Requesting that the House supports the continuation of the Police School Involvement Program, in its present form, for the year 2006 and beyond, bearing 127 signatures (*Mr Savage*)

Toxic Waste Reduction/Landfill Technology — Requesting that the Government implements its 2000 election promise to reduce the toxic waste stream and abandons landfill technology, bearing 38 signatures (*Mr Savage*)

Racial and Religious Tolerance Act 2001 — Requesting that the House takes action to remove the references to religious vilification in the *Racial and Religious Tolerance Act 2001* to allow unencumbered discussion and freedom of speech regarding religion and theology, bearing 235 signatures (*Mr Savage*)

Religious Instruction in Victorian Government Schools — Requesting that the House takes action to ensure that there is no change to legislation and the *Victorian Government Schools Reference Guide* which would diminish the status of religious instruction in Victorian Government schools and, in addition, urges the Government to provide additional funding for chaplaincy services in these schools, bearing 24, 52 and 18 signatures (*Mr Savage, Mrs Powell and Mr Crutchfield respectively*).

Petitions ordered to be tabled.

- 3 **PETITION — POLICE SCHOOL INVOLVEMENT PROGRAM CONTINUATION** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Savage*) — put and agreed to.
- 4 **PETITION — TOXIC WASTE REDUCTION/LANDFILL TECHNOLOGY** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Savage*) — put and agreed to.
- 5 **PETITION — RACIAL AND RELIGIOUS TOLERANCE ACT 2001** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Savage*) — put and agreed to.
- 6 **PETITION — RELIGIOUS INSTRUCTION IN VICTORIAN GOVERNMENT SCHOOLS** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Savage*) — put and agreed to.
- 7 **PETITION — COUNTRY TAXI OPERATOR COSTS** — Motion made and question — That the petition presented by the Member for Lowan be taken into consideration tomorrow (*Mr Delahunty, Lowan*) — put and agreed to.
- 8 **PETITION — RELIGIOUS INSTRUCTION IN VICTORIAN GOVERNMENT SCHOOLS** — 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 — WELLINGTON SHIRE COUNCIL** — Motion made and question — That the petition presented by the Member for Gippsland East on Wednesday 5 October 2005 be taken into consideration tomorrow (*Mr Ingram*) — put and agreed to.

10 **PETITION — COUNTRY TAXI OPERATOR COSTS** — 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.

11 **PETITION — COUNTRY TAXI OPERATOR COSTS** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.

12 **DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:

Crown Land (Reserves) Act 1978 — Section 17DA Order granting under s 17B licences for the Dromana Foreshore Reserve

Electoral Boundaries Commission Act 1982 — Report on the 2005 Redivision of Legislative Council Electoral Boundaries for Victoria

Financial Management Act 1994 — Financial Report for the State of Victoria, incorporating the Quarterly Financial Report No 4, for the year 2004–05 — Ordered to be printed

Victorian Law Reform Commission — Final Report on Workplace Privacy — Ordered to be printed.

13 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourns until Tuesday 18 October 2005 (*Mr Cameron*) — put and agreed to.

14 **STATEMENTS BY MEMBERS** — Statements by members were made.

15 **TREASURY LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Ms Duncan*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

16 **PRIMARY INDUSTRIES ACTS (FURTHER AMENDMENT) BILL** — 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 — (a) to retain the provisions relating to the *Prevention of Cruelty to Animals Act 1986*; and (b) following the Government undertaking consultation, to reflect the outcomes of such consultation with key stakeholders, including the Municipal Association of Victoria and individual local councils, regarding the financial impact of the legislation on local councils' (*Dr Naphine*) — and, after debate —

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 Stensholt*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 17 **TREASURY LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL** — 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.

- 18 **QUESTIONS** — (Under SO 55).

- 19 **TREASURY LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL** — 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.

- 20 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Sports Anti-doping Bill without amendment.

- 21 **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.

- 22 **MAJOR EVENTS (CROWD MANAGEMENT) AND COMMONWEALTH GAMES ARRANGEMENTS ACTS (CROWD SAFETY AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Pandazopoulos*).

Motion made and question — That the debate be now adjourned (*Mr Baillieu*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 20 October 2005.

- 23 **DOCUMENT**

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — Ms D'Ambrosio, Chair, presented, in lieu of Alert Digest No 10 tabled on 4 October 2005, a report from the Scrutiny of Acts and Regulations Committee being the Alert Digest No 11 of 2005 on the:

- Defamation Bill
- Fair Trading (Telephone Marketing) Bill
- Land Tax Bill
- Primary Industries Acts (Further Amendment) Bill
- Property (Co-ownership) Bill
- Serious Offenders Monitoring Bill
- Statute Law Revision Bill
- Treasury Legislation (Miscellaneous Amendments) Bill
- Treasury Legislation (Repeal) Bill

Working with Children Bill

together with appendices.

Ordered to be tabled and printed.

- 24 **WATER (RESOURCE MANAGEMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Pandazopoulos*).

Motion made and question — That the debate be now adjourned (*Mr Plowman*) — put and agreed to.

Motion made and question proposed — That the debate be adjourned for two weeks (*Mr Pandazopoulos*).

Amendment proposed — That the word 'two' be omitted with the view of inserting in its place the word 'four' (*Mr Ryan*) — and, after debate —

Question — That the word proposed to be omitted stand part of the question — put.

The House divided (the Speaker, Mrs Maddigan, in the Chair) —

AYES 57

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Hudson; Mr Hulls; Mr Ingram; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 24

Ms Asher; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Naphthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

Ordered — That the debate be adjourned until Thursday 20 October 2005.

- 25 **PRIMARY INDUSTRIES ACTS (FURTHER AMENDMENT) BILL** — 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 — (a) to retain the provisions relating to the *Prevention of Cruelty to Animals Act 1986*; and (b) following the Government undertaking consultation, to reflect the outcomes of such consultation with key stakeholders, including the Municipal Association of Victoria and individual local councils, regarding the financial impact of the legislation on local councils'; debate resumed.

Allocation of time — The Speaker advised that the time allocated for consideration of bills under the resolution of the House on Tuesday 4 October 2005 had expired.

Question — That the words proposed to be omitted stand part of the question — put.

The House divided (the Speaker, Mrs Maddigan, in the Chair) —

AYES 55

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Hudson; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 25

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Naphthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Mr Smith; Dr Sykes; Mr Walsh; Mr Wells.

Question agreed to.

Question — That this Bill be now read a second time — put.

The House divided (the Speaker, Mrs Maddigan, in the Chair) —

AYES 55

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Hudson; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 25

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Naphthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Mr Smith; Dr Sykes; Mr Walsh; 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.

26 **TREASURY LEGISLATION (REPEAL) BILL** — 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 **TREASURY LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time and a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 28 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Crimes (Contamination of Goods) Bill without amendment.

- 29 **CRIMES (HOMICIDE) 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 McIntosh*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 20 October 2005.

- 30 **ENVIRONMENT EFFECTS (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 Baillieu*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 20 October 2005.

- 31 **RAIL SAFETY BILL** — 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 Thursday 20 October 2005.

- 32 **TRANSPORT LEGISLATION (SAFETY INVESTIGATIONS) BILL** — 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 Thursday 20 October 2005.

- 33 **CHILD WELLBEING AND SAFETY BILL** — Motion made and question proposed — That this Bill be now read a second time (*Ms Garbutt*).

Motion made and question — That the debate be now adjourned (*Mrs Shardey*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 20 October 2005.

- 34 **CHILDREN, YOUTH AND FAMILIES BILL** — Motion made and question proposed — That this Bill be now read a second time (*Ms Garbutt*).

Ms Garbutt 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.

Motion made and question proposed — That the debate be adjourned for two weeks (*Ms Garbutt*).

Amendment proposed — That the word 'two' be omitted with the view of inserting in its place the word 'four' (*Mrs Shardey*) — and, after debate —

Question — That the word proposed to be omitted stand part of the question — put.

The House divided (the Speaker, Mrs Maddigan, in the Chair) —

AYES 46

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Brumby; Ms Buchanan; Mr Cameron; Mr Carli; Mr Crutchfield; Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Hudson; Mr Hulls; Mr Jenkins; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Mr Lockwood; Mr Lupton; Ms Marshall; Mr Maxfield; Mr Merlino; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Perera; Ms Pike; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 9

Mr Delahunty (*Lowan*); Mr Dixon; Mr Ingram; Mr Kotsiras; Mr McIntosh; Dr Napthine; Mr Plowman; Mrs Shardey; Mr Smith.

Question agreed to.

Ordered — That the debate be adjourned until Thursday 20 October 2005.

- 35 **RETAIL LEASES (AMENDMENT) BILL** — 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 20 October 2005.

- 36 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Cameron*) — put and agreed to.

37 **ADJOURNMENT** — The Speaker left the Chair, after debate, at 7.37 pm.

R W PURDEY
Clerk of the Legislative Assembly

JUDY MADDIGAN
Speaker

LEGISLATIVE ASSEMBLY OF VICTORIA

VOTES AND PROCEEDINGS Nos 138, 139, 140 and 141

No 138 — Tuesday 18 October 2005

- 1 The House met according to the adjournment — The Speaker took the Chair and read the Prayer.
- 2 **DEATH OF THE HONOURABLE ALAN RAYMOND WOOD** — Motion made and question — That this House expresses its sincere sorrow at the death of the Honourable Alan Raymond Wood, 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 Swan Hill from 1973 to 1983 and Minister of Immigration and Ethnic Affairs from 1979 to 1981, Assistant Minister for State Development, Decentralisation and Tourism in 1980, Minister of Public Works and Minister for Property and Services from 1980 to 1982 (*Mr Bracks*) — put, after the Speaker and other 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 **DEATH OF THE HONOURABLE BRUCE ANTHONY CHAMBERLAIN, AM** — Motion made and question — That this House expresses its sincere sorrow at the death of the Honourable Bruce Anthony Chamberlain, 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 Dundas from 1973 to 1976, Member of the Legislative Council for Western Province from 1976 to 2002, President of the Legislative Council from 1992 to 2003 and Leader of the Opposition in the Legislative Council from 1986 to 1988 (*Mr Bracks*) — put, after the Speaker and other 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.
- 4 **ADJOURNMENT** — Motion made and question — That, as a further mark of respect to the memory of the late Honourable Alan Raymond Wood and the late Honourable Bruce Anthony Chamberlain, AM, the House now adjourns until 8.00 pm this day (*Mr Bracks*) — put and agreed to.

And the House, at 4.38 pm adjourned until 8.00 pm today.

No 139 — Tuesday 18 October 2005 (8.00 PM)

1 The House met according to the adjournment — The Speaker took the Chair.

2 **QUESTIONS** — (Under SO 55).

3 **INVESTIGATIVE, ENFORCEMENT AND POLICE POWERS ACTS (AMENDMENT) BILL** — Mr Hulls obtained leave to bring in a Bill '*to amend the Crimes (Assumed Identities) Act 2004, the Crimes (Controlled Operations) Act 2004, the Fisheries Act 1995, the Major Crime Legislation (Office of Police Integrity) Act 2004, the Major Crime (Investigative Powers) Act 2004, the Police Regulation Act 1958, the Surveillance Devices (Amendment) Act 2004, the Telecommunications (Interception) (State Provisions) Act 1988 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.

4 **CRIMES (FAMILY VIOLENCE) (HOLDING POWERS) BILL** — Mr Hulls obtained leave to bring in a Bill '*to amend the Crimes (Family Violence) Act 1987 to provide police with holding powers in family violence situations 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 (FURTHER MISCELLANEOUS AMENDMENTS) BILL** — Mr Batchelor obtained leave to bring in a Bill '*to amend the Melbourne City Link Act 1995, the Mitcham-Frankston Project Act 2004, the Public Transport Competition Act 1995, the Rail Corporations Act 1996, the Road Management Act 2004, the Road Safety Act 1986, the Tobacco (Amendment) Act 2005 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.

6 **GAMBLING REGULATION (MISCELLANEOUS AMENDMENTS) BILL** — Mr Pandazopoulos obtained leave to bring in a Bill '*to amend the Gambling Regulation Act 2003, the Gambling Regulation (Further Amendment) Act 2004 and the Casino Control Act 1991 to enhance the regulatory role of the Victorian Commission for Gambling Regulation 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:

Racial and Religious Tolerance Act 2001 — Requesting that the House takes action to remove the references to religious vilification in the *Racial and Religious Tolerance Act 2001* to allow unencumbered discussion and freedom of speech regarding religion and theology, bearing 193 signatures (*Dr Sykes*)

Religious Instruction in Victorian Government Schools — Requesting that the House takes action to ensure that there is no change to legislation and the *Victorian Government Schools Reference Guide* which would diminish the status of religious instruction in Victorian Government schools and, in addition, urges the Government to provide additional funding for chaplaincy services in these schools, bearing 25, 208, 24 and 94 signatures (*Mr Stensholt, Mr Perton, Mr Ryan and Ms Green respectively*)

Religious Instruction in Victoria Government Schools — Legislative Changes —

Requesting that the House takes action to ensure that there is no change to legislation which would diminish the status of religious instruction in Victorian Government schools and, in addition, urges the Government to provide additional funding for chaplaincy services in these schools, bearing 19 signatures (*Mr Perton*)

Police School Involvement Program — Requesting that the House supports the reinstatement of the Police School Involvement Program to build a secure environment for the children of Victoria, bearing 890 signatures (*Mr Perton*)

Fluoride in Horsham Water Supply — Requesting that the House takes action to prohibit fluoride being added to the Horsham water supply, bearing 1,267 signatures (*Mr Delahunty, Lowan*).

Petitions ordered to be tabled.

8 **PETITION — FLUORIDE IN HORSHAM WATER SUPPLY —** Motion made and question — That the petition presented by the Member for Lowan be taken into consideration tomorrow (*Mr Delahunty, Lowan*) — put and agreed to.

9 **PETITION — RELIGIOUS INSTRUCTION IN VICTORIAN GOVERNMENT 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 — RELIGIOUS INSTRUCTION IN VICTORIAN GOVERNMENT SCHOOLS —** 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.

11 **PETITION — RELIGIOUS INSTRUCTION IN VICTORIAN GOVERNMENT SCHOOLS —** Motion made and question — That the petition presented by the Member for Doncaster be taken into consideration tomorrow (*Mr Perton*) — put and agreed to.

12 **PETITION — RELIGIOUS INSTRUCTION IN VICTORIAN GOVERNMENT SCHOOLS — LEGISLATIVE CHANGES —** Motion made and question — That the petition presented by the Member for Doncaster be taken into consideration tomorrow (*Mr Perton*) — put and agreed to.

13 **PETITION — POLICE SCHOOL INVOLVEMENT PROGRAM —** Motion made and question — That the petition presented by the Member for Doncaster be taken into consideration tomorrow (*Mr Perton*) — put and agreed to.

14 **DOCUMENTS**

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — Ms D'Ambrosio, Chair, presented a report from the Scrutiny of Acts and Regulations Committee being the Alert Digest No 12 of 2005 on the:

Child Wellbeing and Safety Bill
Children, Youth and Families Bill
Congestion Levy Bill
Crimes (Homicide) Bill

Environment Effects (Amendment) Bill
 Firearms (Further Amendment) Bill
 Major Events (Crowd Management) and Commonwealth Games Arrangements Acts (Crowd Safety Amendment) Bill
 Mineral Resources Development (Brown Coal Royalties) Bill
 Mines (Aluminium Agreement) (Brown Coal Royalties) Bill
 Motor Car Traders and Fair Trading Acts (Amendment) Bill
 Prisoners (Interstate Transfer) (Amendment) Bill
 Rail Safety Bill
 Retail Leases (Amendment) Bill
 Transport Legislation (Safety Investigations) Bill
 Veterans Bill
 Water (Resource Management) 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:

Falls Creek Alpine Resort Management Board — Report for the year ended 31 October 2004

Financial Management Act 1994:

Reports from the Minister for Agriculture that he had received the 2004–05 annual reports of the:

Dairy Food Safety Victoria
 Murray Valley Wine Grape Industry Development Committee
 Veterinary Practitioners Registration Board
 Victorian Broiler Industry Negotiation Committee
 Victorian Strawberry Industry Development Committee

Report from the Minister for Sport and Recreation that he had not received the 2004–05 annual report of the Melbourne Cricket Ground Trust together with an explanation for the delay in tabling

Fisheries Co-Management Council — Report for the year 2004–05

Interpretation of Legislation Act 1984 — Notice under s 32(3)(a)(iii) in relation to Statutory Rule No 92

Melbourne Market Authority — Report for the year 2004–05

Mount Baw Baw Alpine Resort Management Board — Report for the year ended 31 October 2004

Mount Buller Alpine Resort Management Board — Report for the year ended 31 October 2004 (two documents)

Mount Hotham Alpine Resort Management Board — Report for the year ended 31 October 2004

Mount Stirling Alpine Resort Management Board — Report for the year ended 31 October 2004 (two documents)

National Parks Advisory Council — Report for the year 2004–05

Planning and Environment Act 1987 — Notices of approval of amendments to the following Planning Schemes:

Ballarat Planning Scheme — No C75
 Bass Coast Planning Scheme — No C23
 Brimbank Planning Scheme — No C78
 Campaspe Planning Scheme — No C33
 Cardinia Planning Scheme — No C65
 Glen Eira Planning Scheme — No C46
 Mildura Planning Scheme — No C31
 Wellington Planning Scheme — No C27
 Whitehorse Planning Scheme — No C52 Part 2

Recreational Fishing Licence Trust Account — Report on Revenue and Disbursements for the year 2004–05

Statutory Rules under the following Acts:

Agricultural and Veterinary Chemicals (Control of Use) Act 1992 — SR No 122
Firearms Act 1996 — SR No 124
Fisheries Act 1995 — SR No 123
Supreme Court Act 1986 — SR No 125

Subordinate Legislation Act 1994:

Minister's exception certificate in relation to Statutory Rule No 125
 Ministers' exemption certificates in relation to Statutory Rule Nos 123, 124

Terrorism (Community Protection) Act 2003 — Report by the Chief Commissioner for the year 2004–05.

The following proclamation fixing an operative date was tabled by the Clerk in accordance with an Order of the House dated 26 February 2003:

Melbourne College of Divinity (Amendment) Act 2005 — Whole Act on 20 October 2005 (*Gazette G41, 13 October 2005*).

- 15 **MESSAGE FROM THE GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that he had, on 11 October 2005, given the royal assent to the following bills, presented to him by the Clerk of the Parliaments:

Crimes (Contamination of Goods) Bill
 Melbourne Lands (Yarra River North Bank) (Amendment) Bill

Sentencing and Mental Health Acts (Amendment) Bill
Sports Anti-doping Bill.

- 16 **ROYAL ASSENT — RACING AND GAMBLING ACTS (AMENDMENT) BILL** — The Speaker announced that on 11 October 2005 the Clerk of the Parliaments presented the Racing and Gambling Acts (Amendment) Bill for Royal Assent. The Governor, acting on the advice from the Government, declined to assent to that Bill. The Clerk of the Parliaments has been informed that Assent of this Bill will be delayed for a six-week period.

- 17 **MESSAGES FROM THE LIEUTENANT-GOVERNOR** — The Speaker announced the presentation of messages from the Lieutenant-Governor recommending appropriations for the purposes of the following bills:

Child Wellbeing and Safety Bill
Children, Youth and Families Bill
Congestion Levy Bill
Environment Effects (Amendment) Bill
Major Events (Crowd Management) and Commonwealth Games Arrangements Acts (Crowd Safety Amendment) Bill
Prisoners (Interstate Transfer) (Amendment) Bill
Rail Safety Bill
Retail Leases (Amendment) Bill
Transport Legislation (Safety Investigations) Bill
Veterans Bill
Water (Resource Management) Bill.

- 18 **CONCURRENT DEBATE — MINERAL RESOURCES DEVELOPMENT (BROWN COAL ROYALTIES) BILL AND MINES (ALUMINIUM AGREEMENT) (BROWN COAL ROYALTIES) BILL** — Motion made, by leave, and question — That, this House authorises and requires the Speaker to permit the second reading and subsequent stages of the Mineral Resources Development (Brown Coal Royalties) Bill and the Mines (Aluminium Agreement) (Brown Coal Royalties) Bill to be moved and debated concurrently (*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 10.00 pm on Thursday 20 October 2005:

Congestion Levy Bill
Firearms (Further Amendment) Bill
Land Tax Bill
Mineral Resources Development (Brown Coal Royalties) Bill
Mines (Aluminium Agreement) (Brown Coal Royalties) Bill
Motor Car Traders and Fair Trading Acts (Amendment) Bill
Prisoners (Interstate Transfer) (Amendment) Bill
Veterans Bill

(*Mr Batchelor*) — after debate, put.

The House divided (the Speaker, Mrs Maddigan, in the Chair) —

AYES 54

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Loney; Mr Lupton; Ms McTaggart; Mr Maxfield; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 25

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Honeywood; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Naphine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

20 **STATEMENTS BY MEMBERS** — Statements by members were made.

21 **POSTPONEMENT OF ORDERS OF THE DAY** — Motion made and question — That the consideration of Government Business, Orders of the Day, Nos 1 to 3 inclusive, be postponed until later this day (*Mr Pandazopoulos*) — put.

The House divided (the Speaker, Mrs Maddigan, in the Chair) —

AYES 74

Ms Allan; Mr Andrews; Ms Asher; Mr Baillieu; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Mr Clark; Mr Cooper; Mr Crutchfield; Ms D'Ambrosio; Mr Delahunty (*Lowan*); Mr Dixon; Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Holding; Mr Honeywood; Mr Howard; Mr Hudson; Mr Jasper; Mr Jenkins; Ms Kosky; Mr Kotsiras; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Loney; Mr Lupton; Mr McIntosh; Ms McTaggart; Mr Maughan; Mr Mildenhall; Ms Morand; Mr Mulder; Ms Munt; Dr Naphine; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Mr Perton; Ms Pike; Mr Plowman; Mrs Powell; Mr Ryan; Mr Seitz; Mrs Shardey; Mr Smith; Mr Stensholt; Dr Sykes; Mr Thompson; Mr Thwaites; Mr Trezise; Mr Walsh; Mr Wells; Mr Wilson; Mr Wynne.

NOES 2

Mr Ingram; Mr Savage.

Question agreed to.

22 **LAND TAX BILL** — Order read for resuming debate 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 Pandazopoulos*) — put.

The House divided (the Speaker, Mrs Maddigan, in the Chair) —

AYES 51

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Holding; Mr Howard; Mr Hudson; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Loney; Mr Lupton; Ms McTaggart; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 25

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Honeywood; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Naphine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

Debate resumed on question — That this Bill be now read a second time.

Amendment proposed — That all the words after 'That' be omitted with the view of inserting in their place the words 'this House refuses to read this Bill a second time until the Government makes clear its intentions in relation to the proposed new land tax regime for trusts announced as part of the 2005–06 Budget' (*Mr Clark*) — and, after debate —

And the House having continued to sit after 12 midnight —

WEDNESDAY 19 OCTOBER 2005

Question — That the words proposed to be omitted stand part of the question — put.

The House divided (the Speaker, Mrs Maddigan, in the Chair) —

AYES 50

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Holding; Mr Howard; Mr Hudson; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Loney; Mr Lupton; Ms McTaggart; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Perera; Ms Pike; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 25

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Naphine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

Question — That this Bill be now read a second time — put.

The House divided (the Speaker, Mrs Maddigan, in the Chair) —

AYES 50

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Holding; Mr Howard; Mr Hudson; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Loney; Mr Lupton; Ms McTaggart; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Perera; Ms Pike; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 25

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Naphthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

Bill considered in detail and agreed to without amendment, read a third time with the concurrence of an absolute majority of the whole number of the members of the Legislative Assembly (*see p 860*).

Bill sent to the Legislative Council and their agreement requested.

- 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 Acting Speaker left the Chair, after debate, at 1.10 am.

R W PURDEY
Clerk of the Legislative Assembly

JUDY MADDIGAN
Speaker

No 140 — Wednesday 19 October 2005

- 1 The Speaker took the Chair and read the Prayer.
- 2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

Racial and Religious Tolerance Act 2001 — Requesting that the House takes action to remove the references to religious vilification in the *Racial and Religious Tolerance Act 2001* to allow unencumbered discussion and freedom of speech regarding religion and theology, bearing 148 signatures (*Dr Sykes*)

Religious Instruction in Victorian Government Schools — Requesting that the House takes action to ensure that there is no change to legislation and the *Victorian Government Schools Reference Guide* which would diminish the status of religious instruction in Victorian Government schools and, in addition, urges the Government to provide additional funding for chaplaincy services in these schools, bearing 14 signatures (*Mr Ryan*)

Country Taxi Operator Costs — Requesting that the House immediately — (a) implements changes to reduce country taxi operator costs by allowing flexible hours of service; and (b) makes available to country taxi operators the same subsidies for the provision of wheel chair friendly taxi services as Melbourne taxis and public transport, bearing 29 signatures (*Mr Ryan*)

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 269, 390 and 622 signatures (*Ms McTaggart, Mr Cooper and Mr Dixon respectively*).

Petitions ordered to be tabled.

- 3 **PETITION — PRESCHOOL EDUCATION — RECOGNITION OF IMPORTANCE** — Motion made and question — That the petition presented by the Member for Mornington be taken into consideration tomorrow (*Mr Cooper*) — put and agreed to.
- 4 **PETITION — PRESCHOOL EDUCATION — RECOGNITION OF IMPORTANCE** — Motion made and question — That the petition presented by the Member for Evelyn be taken into consideration tomorrow (*Ms McTaggart*) — put and agreed to.
- 5 **PETITION — PRESCHOOL EDUCATION — RECOGNITION OF IMPORTANCE** — 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 TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:

Members of Parliament (Register of Interests) Act 1978 — Summary of Returns June 2005 and Summary of Variations notified between 16 June and 30 September 2005 — Ordered to be printed

Parliamentary Committees Act 2003:

Response of the Minister for Police and Emergency Services on the action taken with respect to the recommendations made by the Drugs and Crime Prevention Committee's Inquiry into Violence Associated with Motor Vehicle Use

Response of the Minister for Transport on the action taken with respect to the recommendations made by the Road Safety Committee's Inquiry into Crashes Involving Roadside Objects

Statutory Rules under the following Acts:

Mental Health Act 1986 — SR No 127

Public Transport Competition Act 1995 — SR No 128

Road Safety Act 1986 — SR Nos 126, 129

Subordinate Legislation Act 1994 — Minister's exemption certificate in relation to Statutory Rule No 129.

7 **STATEMENTS BY MEMBERS** — Statements by members were made.

8 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE — ENVIRONMENT EFFECTS STATEMENT PROCESS** — The House was informed that Mr Honeywood had proposed that a definite matter of public importance be submitted to the House for discussion, namely —

'That this House expresses its deep concern with the flawed environment effects statement (EES) process that has resulted in Nowingi being targeted as the site of Victoria's long-term toxic waste containment facility.'

Mr Honeywood addressed the House — Discussion followed.

9 **STATEMENTS ON PARLIAMENTARY COMMITTEE REPORTS** — Statements were made on the following Committee Reports:

Drugs and Crime Prevention Committee's Report on the Inquiry into Violence Associated with Motor Vehicle Use

Scrutiny of Acts and Regulations Committee's Final Report on Discrimination in the Law, Inquiry under section 207 of the *Equal Opportunity Act 1955*

Family and Community Development Committee's Report on the Inquiry into Issues relating to the Development of Body Image Among Young People and Associated Effects on their Health and Wellbeing

Road Safety Committee's Report on the Inquiry into the Country Road Toll

Environment and Natural Resources Committee's Report on the Inquiry into Sustainable Communities.

10 **VETERANS BILL** — 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 **VETERANS BILL** — 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 **PRISONERS (INTERSTATE TRANSFER) (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.

- 14 **FIREARMS (FURTHER AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Under standing orders, Dr Sykes 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 Savage 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 860–1, 862*).

Bill sent to the Legislative Council and their agreement requested.

- 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 **MOTOR CAR TRADERS AND FAIR TRADING ACTS (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.

- 17 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 6 and 7, be postponed until tomorrow.

- 18 **INVESTIGATIVE, ENFORCEMENT AND POLICE POWERS ACTS (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 McIntosh*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 2 November 2005.

- 19 **CRIMES (FAMILY VIOLENCE) (HOLDING POWERS) BILL** —

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.

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 2 November 2005.

- 20 **TRANSPORT LEGISLATION (FURTHER MISCELLANEOUS AMENDMENTS) BILL** — 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 Plowman*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 2 November 2005.

- 21 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Property (Co-ownership) Bill without amendment.

- 22 **GAMBLING REGULATION (MISCELLANEOUS AMENDMENTS) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Pandazopoulos*).

Motion made and question — That the debate be now adjourned (*Mr Smith*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 2 November 2005.

- 23 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Pandazopoulos*) — put and agreed to.

- 24 **ADJOURNMENT** — The Acting Speaker left the Chair, after debate, at 10.51 pm.

R W PURDEY
Clerk of the Legislative Assembly

JUDY MADDIGAN
Speaker

No 141 — Thursday 20 October 2005

- 1 The Speaker took the Chair and read the Prayer.

- 2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

Racial and Religious Tolerance Act 2001 — Requesting that the House takes action to remove the references to religious vilification in the *Racial and Religious Tolerance Act 2001* to allow unencumbered discussion and freedom of speech regarding religion and theology, bearing 169 and 205 signatures (*Dr Sykes and Mr Savage respectively*)

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 213 and 372 signatures (*Mr Harkness and Mr Savage respectively*)

Flemington Racecourse Flood Retention Wall — Requesting that the House suspends the building of the Flemington Racecourse flood retention wall until an independent and comprehensive hydraulic modelling of the Maribyrnong River is undertaken and the impact of the construction on all stakeholders established, bearing 3,317 signatures (*Mr Baillieu*)

Religious Instruction in Victorian Government Schools — Requesting that the House takes action to ensure that there is no change to legislation and the *Victorian Government Schools Reference Guide* which would diminish the status of religious instruction in Victorian Government schools and, in addition, urges the Government to provide additional funding for chaplaincy services in these schools, bearing 28 and 11 signatures (*Ms D'Ambrosio and Mr Crutchfield respectively*)

Police Presence — Geelong and Surf Coast Region — Requesting that the House devotes more resources to police in the Geelong and Surf Coast region as a matter of urgency, bearing 362 signatures (*Mr Wells*).

Petitions ordered to be tabled.

- 3 **PETITION — POLICE PRESENCE — GEELONG AND SURF COAST REGION** — Motion made and question — That the petition presented by the Member for Scoresby be taken into consideration tomorrow (*Mr Wells*) — put and agreed to.
- 4 **PETITION — PRESCHOOL EDUCATION — RECOGNITION OF IMPORTANCE** — Motion made and question — That the petition presented by the Member for Frankston be taken into consideration tomorrow (*Mr Harkness*) — put and agreed to.
- 5 **PETITION — FLEMINGTON RACECOURSE FLOOD RETENTION WALL** — Motion made and question — That the petition presented by the Member for Hawthorn be taken into consideration tomorrow (*Mr Baillieu*) — put and agreed to.
- 6 **PETITION — RACIAL AND RELIGIOUS TOLERANCE ACT 2001** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Savage*) — put and agreed to.
- 7 **PETITION — PRESCHOOL EDUCATION — RECOGNITION OF IMPORTANCE** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Savage*) — put and agreed to.

8 **PETITION — RACIAL AND RELIGIOUS TOLERANCE ACT 2001** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.

9 **DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:

Public Record Office Victoria — Report for the year 2004–05

Subordinate Legislation Act 1994 — Minister's exemption certificate in relation to Statutory Rule No 126.

10 **CONCURRENT DEBATE — RAIL SAFETY BILL AND TRANSPORT LEGISLATION (SAFETY INVESTIGATIONS) BILL** — Motion made, by leave, and question — That this House authorises and requires the Speaker to permit the second reading and subsequent stages of the Rail Safety Bill and the Transport Legislation (Safety Investigations) Bill to be moved and debated concurrently (*Mr Batchelor*) — put and agreed to.

11 **STATEMENTS BY MEMBERS** — Statements by members were made.

12 **MINERAL RESOURCES DEVELOPMENT (BROWN COAL ROYALTIES) BILL AND MINES (ALUMINIUM AGREEMENT) (BROWN COAL ROYALTIES) BILL** — Order read for resuming debate on question — That these Bills be now read a second time.

The Acting Speaker announced that the Speaker had ruled the Mines (Aluminium Agreement) (Brown Coal Royalties) Bill to be a private bill.

Motion made and question — That the Mines (Aluminium Agreement) (Brown Coal Royalties) Bill be treated as a public bill and that fees be dispensed with (*Mr Cameron*) — put and agreed to.

Debate resumed on question — That these Bills be now read a second time.

Question — That the Mineral Resources Development (Brown Coal Royalties) Bill be now read a second time — put.

The House divided (the Deputy Speaker, Mr Loney, in the Chair) —

AYES 56

Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Hardman; Mr Harkness; Mr Helper; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Savage; Mr Seitz; Mr Stensholt; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 24

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Naphine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

Question — That the Mines (Aluminium Agreement) (Brown Coal Royalties) Bill be now read a second time — put.

The House divided (the Deputy Speaker, Mr Loney, in the Chair) —

AYES 56

Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Hardman; Mr Harkness; Mr Helper; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Savage; Mr Seitz; Mr Stensholt; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 24

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Naphine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

By leave, Bills immediately read a third time.

Bills sent to the Legislative Council and their agreement requested.

- 13 **CONGESTION LEVY BILL** — 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 **CONGESTION LEVY BILL** — Debate continued on question — That this Bill be now read a second time.

Question — put.

The House divided (the Deputy Speaker, Mr Loney, in the Chair) —

AYES 57

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Hardman; Mr Harkness; Mr Helper; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Savage; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 23

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Dr Naphine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

Bill considered in detail and agreed to without amendment, read a third time with the concurrence of an absolute majority of the whole number of the members of the Legislative Assembly (*see p 861*).

Bill sent to the Legislative Council and their agreement requested.

- 16 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Defamation Bill with amendments.

Ordered — That the amendments be taken into consideration tomorrow.

- 17 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Agreeing to the following bills without amendment:

Treasury Legislation (Repeal) Bill

Treasury Legislation (Miscellaneous Amendments) Bill

- 18 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Cameron*) — put and agreed to.

- 19 **ADJOURNMENT** — The Acting Speaker left the Chair, after debate, at 6.14 pm.

R W PURDEY
Clerk of the Legislative Assembly

JUDY MADDIGAN
Speaker

LEGISLATIVE ASSEMBLY OF VICTORIA

CONSIDERATION IN DETAIL Supplement to Votes Nos 138, 139, 140 and 141

No 139 — Tuesday 18 October 2005

LAND TAX BILL

Clauses 1 to 118 agreed to.

Schedules 1 to 3 agreed to.

Question — That the House agrees to the Bill without amendment — put.

The House divided (the Deputy Speaker, Mr Loney, in the Chair) —

AYES 50

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Brumby; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Holding; Mr Howard; Mr Hudson; Mr Ingram; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Perera; Ms Pike; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 23

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Honeywood; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Naphine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

No 140 — Wednesday 19 October 2005

FIREARMS (FURTHER AMENDMENT) BILL

Clauses 1 to 7 agreed to.

Clause 8, Mr Savage moved an amendment (*see Schedule*).

Amendment put and agreed to.

Clause agreed to as amended.

Clauses 9 to 68 agreed to.

Bill agreed to as amended.

No 141 — Thursday 20 October 2005

CONGESTION LEVY BILL

Clauses 1 to 37 agreed to.

Schedules 1 and 2 agreed to.

Bill agreed to without amendment.

SCHEDULE OF AMENDMENT MOVED

FIREARMS (FURTHER AMENDMENT) BILL

Amendment moved by Mr Savage

Clause 8, after line 20 insert—

"() After section 10(2)(b)(i) of the **Firearms Act 1996** insert—

"(ia) the applicant must be a member of a shooting club or shooting organisation which is approved by the Chief Commissioner; or".

LEGISLATIVE ASSEMBLY OF VICTORIA

VOTES AND PROCEEDINGS Nos 142, 143 and 144

No 142 — Tuesday 25 October 2005

- 1 The Speaker took the Chair and read the Prayer.
- 2 **QUESTIONS** — (Under SO 55).
- 3 **PRAHRAN MECHANICS' INSTITUTE (AMENDMENT) BILL** — Mr Thwaites obtained leave to bring in a Bill '*to amend the Prahlan Mechanics' Institute Act 1899 and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 4 **DUTIES AND LAND TAX ACTS (AMENDMENT) BILL** — Mr Brumby obtained leave to bring in a Bill '*to amend the Duties Act 2000, the Land Tax Act 1958 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.
- 5 **WORKPLACE RIGHTS ADVOCATE BILL** — Mr Brumby, on behalf of Mr Hulls, obtained leave to bring in a Bill '*to establish the office of the Workplace Rights Advocate, to amend 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:

Racial and Religious Tolerance Act 2001 — Requesting that the House takes action to remove the references to religious vilification in the *Racial and Religious Tolerance Act 2001* to allow unencumbered discussion and freedom of speech regarding religion and theology, bearing 71 signatures (*Dr Sykes*)

Country Taxi Operator Costs — Requesting that the House immediately — (a) implements changes to reduce country taxi operator costs by allowing flexible hours of service; and (b) makes available to country taxi operators the same subsidies for the provision of wheelchair friendly taxi services as Melbourne taxis and public transport, bearing 28 and 19 signatures (*Dr Sykes and Mr Ryan respectively*)

Footpath Access — East Warburton — Requesting that the House supports the urgent appeal for safe footpath access where Woods Point Road crosses the Yarra River at East Warburton, for the benefit of local residents, visitors to the Upper Yarra and all those persons using the walking track from Warburton, bearing 222 signatures (*Ms Lobato*).

Petitions ordered to be tabled.

- 7 **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 Finance that he had received the 2004–05 annual report of VicFleet Pty Ltd

Intellectual Disability Review Panel — Report for the year 2004–05 (two documents)

National Parks Act 1975 — Report on the working of the Act for the year 2004–05

Planning and Environment Act 1987 — Notices of approval of amendments to the following Planning Schemes:

Casey Planning Scheme — No C79

Greater Bendigo Planning Scheme — No C58

Melbourne Planning Scheme — No C112

Port Phillip Planning Scheme — No C41

Small Business Commissioner — Report of the Office for the year 2004–05

Subordinate Legislation Act 1994 — Minister's exemption certificate in relation to Statutory Rule No 127

Tattersall's Gaming Pty Ltd, Tattersall's Sweeps Pty Ltd, Tattersall's Club Keno Pty Ltd, Footy Consortium Pty Ltd — Financial statements for the year 2004–05

Treasury and Finance, Department of — Report for the year 2004–05

Victorian Government Purchasing Board — Report for the year 2004–05

Victorian Multicultural Commission — Report for the year 2004–05.

The following proclamations fixing operative dates were tabled by the Clerk in accordance with an order of the House dated 26 February 2003:

Land (Miscellaneous Matters) Act 2005 — Part 2 on 21 October 2005 (*Gazette G42, 20 October 2005*)

Victoria State Emergency Service Act 2005 — Part 1 (other than ss 1 and 2) and Parts 2 to 5 on 1 November 2005 (*Gazette G42, 20 October 2005*).

- 8 **MESSAGE FROM THE GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that he had today given the royal assent to the following bills, presented to him by the Clerk of the Parliaments:

Property (Co-ownership) Bill

Treasury Legislation (Miscellaneous Amendments) Bill

Treasury Legislation (Repeal) Bill.

- 9 **VICTORIAN HEALTH PROMOTION FOUNDATION** — The Speaker announced that she had received the following letter:

30 August 2005

The Hon Judy Maddigan 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 positions of the current members will expire on 26 March 2006. The currently elected members are:

NAME	TERM EXPIRY DATE
Mr Hugh Delahunty MLA	26 March 2006
The Hon Bill Forwood MLC	26 March 2006
Ms Maxine Morand MLA	26 March 2006

I would be grateful if you could place this matter on the agenda for a Joint Sitting of both Houses in the Spring Sitting of Parliament 2005. 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 26 October 2005 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.

- 10 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, under SO 94(2), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 27 October 2005:

Child Wellbeing and Safety Bill
 Children, Youth and Families Bill
 Crimes (Homicide) Bill
 Defamation Bill — Amendments of the Legislative Council
 Environment Effects (Amendment) Bill
 Groundwater (Border Agreement) (Amendment) Bill
 Major Events (Crowd Management) and Commonwealth Games Arrangements Acts (Crowd Safety Amendment) Bill
 Retail Leases (Amendment) Bill
 Water (Resource Management) Bill

(Mr Batchelor) — put, after debate, and agreed to.

- 11 **STATEMENTS BY MEMBERS** — Statements by members were made.
- 12 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 1 to 5 inclusive, be postponed until later this day.
- 13 **GROUNDWATER (BORDER AGREEMENT) (AMENDMENT) BILL** — Order read for the further consideration of the Bill in detail.

Bill further considered in detail and agreed to with an amendment, read a third time (*see pp 883, 894–9*).

Bill sent to the Legislative Council and their agreement requested.

- 14 **CHILDREN, YOUTH AND FAMILIES BILL** — 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.

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 address the many serious concerns expressed by community service organisations, and specifically — (a) the shift in responsibility and liability from government to community service organisations; (b) the lack of adequate funding for community service organisations to discharge their additional responsibilities; (c) the lack of a strategic approach to planning and managing the reform of out of home care; (d) the ability of the Government to prescribe "purposes" for voluntary organisations; and (e) the capacity of Government to appoint administrators and dismiss a board of directors of non-government agencies' (*Mr Maughan*) — and, after debate —

Motion made and question — That the debate be now adjourned (*Ms Buchanan*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 15 **CHILD WELLBEING AND SAFETY BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Amendment proposed — That all the words after 'That' be omitted with the view of inserting in their place the words 'this House refuses to read this Bill a second time until consultation has been undertaken with the community in relation to the need to appoint an independent commissioner for children and youth, and the need for a report on the deaths of children in state care to be tabled in Parliament each year' (*Mrs Shardey*) — and, after debate —

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 10.32 pm.

R W PURDEY
Clerk of the Legislative Assembly

JUDY MADDIGAN
Speaker

No 143 — Wednesday 26 October 2005

- 1 The Speaker took the Chair and read the Prayer.
- 2 **HOUSE COMMITTEE** — The Speaker announced that she had received the resignation of Mr Savage from the House Committee, effective from 19 October 2005.
- 3 **SUPERANNUATION LEGISLATION (GOVERNANCE REFORM) BILL** — Mr Brumby obtained leave to bring in a Bill '*to amend the **Emergency Services Superannuation Act 1986**, the **Government Superannuation Act 1999**, the **Parliamentary Salaries and Superannuation Act 1968**, the **State Employees Retirement Benefits Act 1979**, the **State Superannuation Act 1988**, the **Superannuation (Portability) Act 1989** and the **Transport Superannuation Act 1988** to reform the governance of public sector superannuation schemes and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 4 **HEALTH PROFESSIONS REGISTRATION BILL** — Ms Garbutt, on behalf of Ms Pike, obtained leave to bring in a Bill '*to protect the public by providing for the registration of health practitioners and for a common system of investigations into the professional conduct, professional performance and ability to practise of registered health practitioners, to repeal various Acts relating to the registration of health practitioners and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 5 **COMMISSIONER FOR LAW ENFORCEMENT DATA SECURITY BILL** — Ms Allan, on behalf of Mr Holding, obtained leave to bring in a Bill '*to establish the office of the Commissioner for Law Enforcement Data Security, to amend the **Public Administration Act***

2004 and for other purposes'; and the Bill was read a first time and ordered to be read a second time tomorrow.

- 6 **ROAD SAFETY AND OTHER ACTS (VEHICLE IMPOUNDMENT AND OTHER AMENDMENTS) BILL** — Ms Allan, on behalf of Mr Holding, obtained leave to bring in a Bill *'to amend the Road Safety Act 1986 to enable the seizure, impoundment, immobilisation and forfeiture of motor vehicles in certain circumstances and to create a new offence relating to the improper use of a motor vehicle, to make miscellaneous amendments to the Children and Young Persons Act 1989, the Children, Youth and Families Act 2005, the Magistrates' Court Act 1989, the Crimes Act 1958, the Commonwealth Games Arrangements Act 2001, the Bail Act 1977, the Drugs, Poisons and Controlled Substances Act 1981, the Sentencing Act 1991 and the Working with Children Act 2005 and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.

- 7 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

Racial and Religious Tolerance Act 2001 — Requesting that the House takes action to remove the references to religious vilification in the *Racial and Religious Tolerance Act 2001* to allow unencumbered discussion and freedom of speech regarding religion and theology, bearing 159 signatures (*Dr Sykes*)

Religious Instruction in Victorian Government Schools — Requesting that the House takes action to ensure that there is no change to legislation and the *Victorian Government Schools Reference Guide* which would diminish the status of religious instruction in Victorian Government schools and, in addition, urges the Government to provide additional funding for chaplaincy services in these schools, bearing 28 signatures (*Ms Beard*)

Public Education System — Requesting that the House ensures that any new education and training legislation dealing with the public education system — (a) is separate and distinct from any dealing with private schools; (b) defines public education as free, secular and universal; (c) gives primacy to public education in any and all areas; and (d) provides separate legislation for registration of private schools, bearing 40 signatures (*Ms Pike*)

Traffic Lights at the Intersection of Princes Highway, Station Street and Tivendale Road, Officer — Requesting that the House urges the Government to immediately install traffic lights at the intersection of Princes Highway, Station Street and Tivendale Road in Officer, bearing 171 signatures (*Mr Mulder*)

Tatura Police Station — Requesting that the House directs the Minister for Police and Emergency Services to investigate and correct the lack of resources at the Tatura Police Station, bearing 659 signatures (*Mrs Powell*).

Petitions ordered to be tabled.

- 8 **PETITION — TATURA POLICE STATION** — Motion made and question — That the petition presented by the Member for Shepparton be taken into consideration tomorrow (*Mrs Powell*) — put and agreed to.

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- 9 **PETITION — RACIAL AND RELIGIOUS TOLERANCE ACT 2001** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.
- 10 **PETITION — RACIAL AND RELIGIOUS TOLERANCE ACT 2001** — Motion made and question — That the petition presented by the Member for Benalla on Tuesday 25 October 2005 be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.
- 11 **PETITION — COUNTRY TAXI OPERATOR COSTS** — Motion made and question — That the petition presented by the Member for Benalla on Tuesday 25 October 2005 be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.
- 12 **DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:
- Crown Land (Reserves) Act 1978* — Section 17DA Order granting under s 17D a lease over the Lorne Foreshore Reserve
- Rural Finance Corporation — Report for the year 2004–05
- Treasury Corporation — Report for the year 2004–05
- Victorian Commission for Gambling Regulation — Report for the year 2004–05
- Young Farmers' Finance Council — Report for the year 2004–05.
- 13 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Primary Industries Acts (Further Amendment) Bill without amendment.
- 14 **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.
- 15 **STATEMENTS BY MEMBERS** — Statements by members were made.
- 16 **GRIEVANCES** — Question — That grievances be noted — put, after debate, and agreed to.
- 17 **STATEMENTS ON PARLIAMENTARY COMMITTEE REPORTS** — Statements were made on the following Committee Reports:
- Road Safety Committee's Report on the Inquiry into Crashes Involving Roadside Objects
- Public Accounts and Estimates Committee's Report on the 2003–04 Budget Estimates
- Outer Suburban/Interface Services and Development Committee's Report on the Inquiry into Sustainable Urban Design for New Communities in Outer Suburban Areas
- Public Accounts and Estimates Committee's Report on the 2003–04 Budget Outcomes.

- 18 **RETAIL LEASES (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Business having been interrupted at 2.00 pm under standing orders.

- 19 **QUESTIONS** — (Under SO 55).

- 20 **RETAIL LEASES (AMENDMENT) BILL** — Debate continued on question — That this Bill be now read a second time.

Motion made and question — That the debate be now adjourned (*Mr Stensholt*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 21 **DEFAMATION BILL** — 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.

- 22 **RETAIL LEASES (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.

- 23 **MAJOR EVENTS (CROWD MANAGEMENT) AND COMMONWEALTH GAMES ARRANGEMENTS ACTS (CROWD SAFETY 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.

- 24 **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.

- 25 **CRIMES (HOMICIDE) 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.

- 26 **JOINT SITTING — VICTORIAN HEALTH PROMOTION FOUNDATION** — The Acting 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 Mr Hugh Francis Delahunty MP, the

Honourable William Forwood MLC and Ms Maxine Morand, MP were elected to the Victorian Health Promotion Foundation.

27 **WATER (RESOURCE MANAGEMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Under standing orders, Mr Thwaites 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 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.

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 Autumn 2006 sitting, to allow for the economic and social impacts of the legislation to be fully considered by the water industry, irrigators and local government' (*Mr Plowman*) — and, after debate —

Amendment proposed to Mr Plowman's amendment — That all the words after 'in their place the words' be omitted with the view of inserting in their place the words 'this Bill be withdrawn and redrafted to provide — (a) for a better balance between environmental objectives and social and economic costs; (b) for compensation to be provided to those adversely affected in cases where the Minister permanently qualifies water rights; (c) that water held within the environmental reserve carries the same obligations to contribute to the costs associated with its storage and delivery as other water; and (d) for clarification that the environmental manager is liable to damage, injury or economic loss arising from release of water from the environmental reserve' (*Mr Walsh*) — and, after debate —

Business having been interrupted at 10.00 pm under standing orders.

Motion made and question — That the sitting be continued (*Mr Thwaites*) — put and agreed to.

Debate resumed 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 Autumn 2006 sitting, to allow for the economic and social impacts of the legislation to be fully considered by the water industry, irrigators and local government' — *and on the amendment to the amendment* — That all the words after 'in their place the words' be omitted with the view of inserting in their place the words 'this Bill be withdrawn and redrafted to provide — (a) for a better balance between environmental objectives and social and economic costs; (b) for compensation to be provided to those adversely affected in cases where the Minister permanently qualifies water rights; (c) that water held within the environmental reserve carries the same obligations to contribute to the costs associated with its storage and delivery as other water; and (d) for clarification that the environmental manager is liable to damage, injury or economic loss arising from release of water from the environmental reserve'.

Question — That the words proposed to be omitted from the amendment stand part of the question — put.

The House divided (the Speaker, Mrs Maddigan, in the Chair) —

AYES 53

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Brumby; Ms Buchanan; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Mr Lockwood; Mr Loney; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Perera; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 23

Ms Asher; Mr Baillieu; Mr Clark; Mr Delahunty (*Lowan*); Mr Dixon; Mr Honeywood; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Napthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

Question — That the words proposed to be omitted stand part of the question — put.

The House divided (the Speaker, Mrs Maddigan, in the Chair) —

AYES 53

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Brumby; Ms Buchanan; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Mr Lockwood; Mr Loney; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Perera; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 23

Ms Asher; Mr Baillieu; Mr Clark; Mr Delahunty (*Lowan*); Mr Dixon; Mr Honeywood; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Napthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

Bill read a second time.

And the House having continued to sit after 12 midnight —

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Bill considered in detail (*see pp 883–5, 899–907*).

28 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Holding*) — put and agreed to.

29 **ADJOURNMENT** — The Acting Speaker left the Chair, after debate, at 1.08 am.

R W PURDEY
Clerk of the Legislative Assembly

JUDY MADDIGAN
Speaker

No 144 — Thursday 27 October 2005

1 The Speaker took the Chair and read the Prayer.

2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

Religious Instruction in Victorian Government Schools — Requesting that the House takes action to ensure that there is no change to legislation and the *Victorian Government Schools Reference Guide* which would diminish the status of religious instruction in Victorian Government schools and, in addition, urges the Government to provide additional funding for chaplaincy services in these schools, bearing 28 and 171 signatures (*Mr Lockwood and Mr Hudson respectively*)

Racial and Religious Tolerance Act 2001 — Requesting that the House takes action to remove the references to religious vilification in the *Racial and Religious Tolerance Act 2001* to allow unencumbered discussion and freedom of speech regarding religion and theology, bearing 143 signatures (*Dr Sykes*)

Natural Gas to Lakes Entrance — Requesting that the House supports the provision and reticulation of natural gas to Lakes Entrance, bearing 543 signatures (*Mr Ryan*)

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 10 signatures (*Mr Savage*)

Noise Attenuation Barriers — Mornington Peninsula Freeway — Requesting that the House instructs VicRoads to build noise attenuation barriers along the Mornington Peninsula Freeway, bearing 298 signatures (*Mr Dixon*)

Ironbark Road, Diamond Creek, and Ironbark and Pioneer Roads, Yarrambat — Requesting that the House urges the Government and the Minister for Planning to include in the amended new Melbourne 2030 Urban Growth Boundary of Nillumbik Shire section all of the Ironbark Road, Diamond Creek acreage properties and all of the Ironbark Road and Pioneer Road, Yarrambat acreage, bearing 5 signatures (*Mrs Powell*).

Petitions ordered to be tabled.

- 3 **PETITION — PRESCHOOL EDUCATION — RECOGNITION OF IMPORTANCE** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Savage*) — put and agreed to.
- 4 **PETITION — RELIGIOUS INSTRUCTION IN VICTORIAN GOVERNMENT SCHOOLS** — Motion made and question — That the petition presented by the Member for Bayswater be taken into consideration tomorrow (*Mr Lockwood*) — put and agreed to.
- 5 **PETITION — IRONBARK ROAD, DIAMOND CREEK, AND IRONBARK AND PIONEER ROADS, YARRAMBAT** — Motion made and question — That the petition presented by the Member for Shepparton be taken into consideration tomorrow (*Mrs Powell*) — put and agreed to.
- 6 **PETITION — NATURAL GAS TO LAKES ENTRANCE** — 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.
- 7 **PETITION — RELIGIOUS INSTRUCTION IN VICTORIAN GOVERNMENT SCHOOLS** — Motion made and question — That the petition presented by the Member for Bentleigh be taken into consideration tomorrow (*Mr Hudson*) — put and agreed to.
- 8 **PETITION — RACIAL AND RELIGIOUS TOLERANCE ACT 2001** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.

9 **DOCUMENTS**

VICTORIAN IMPLEMENTATION REVIEW OF THE RECOMMENDATIONS FROM THE ROYAL COMMISSION INTO ABORIGINAL DEATHS IN CUSTODY — Motion made, by leave, and question — That the Victorian Implementation Review of the Recommendations from the Royal Commission into Aboriginal Deaths in Custody (Review Report — Volume 1) and Statistical Information (Volume 2) be tabled (*Mr Hulls*) — put and agreed to.

Ordered to be printed.

PUBLIC SECTOR ASSET INVESTMENT PROGRAM — BUDGET INFORMATION PAPER NO 1 — Motion made, by leave, and question — That the Public Sector Asset Investment Program 2005–06 Budget Information Paper No 1 be tabled (*Mr Brumby*) — 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 for the year 2004–05 be tabled (*Mr Loney*) — put and agreed to.

DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT — The Clerk tabled the following documents in accordance with Acts of Parliament:

Adult Parole Board — Report for the year 2004–05

Audit Act 1994 — Auditor-General — Report on Follow-up of selected performance audits tabled in 2002 and 2003 — Ordered to be printed

Auditor-General — Report of the Office for the year 2004–05

Barwon Region Water Authority — Report for the year 2004–05

Building Commission — Report for the year 2004–05

Central Gippsland Region Water Authority — Report for the year 2004–05 (two documents)

Central Highlands Region Water Authority — Report for the year 2004–05

City West Water Limited — Report for the year 2004–05

Coliban Region Water Authority — Report for the year 2004–05 (two documents)

Duties Act 2000 — Reports of exemptions and refunds for the year 2004–05 (two documents)

East Gippsland Region Water Authority — Report for the year 2004–05

EcoRecycle Victoria — Report for the year 2004–05

Environment Protection Authority — Report for the year 2004–05

Financial Management Act 1994 — Reports from the Minister for Planning that he had received the 2004–05 annual reports of the:

Architects Registration Board

Surveyors Board

Surveyors Registration Board

First Mildura Irrigation Trust — Report for the year 2004–05

Gippsland and Southern Rural Water Authority — Report for the year 2004–05 (two documents)

Glenelg Region Water Authority — Report for the year 2004–05

Goulburn-Murray Rural Water Authority — Report for the year 2004–05

Goulburn Valley Region Water Authority — Report for the year 2004–05

Grampians Wimmera Mallee Water Authority — Report for the year 2004–05 (two documents)

Greyhound Racing Control Board — Report for the year 2004–05

Harness Racing Victoria — Report for the year 2004–05

Human Services, Department of — Report for the year 2004–05 (two documents)

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- Infrastructure, Department of — Report for the year 2004–05
- Justice, Department of — Report for the year 2004–05
- Lower Murray Urban and Rural Water Authority — Report for the year 2004–05
- Melbourne 2006 Commonwealth Games Corporation — Report for the year 2004–05
- Melbourne Water Corporation — Report for the year 2004–05
- North East Regional Water Authority — Report for the year 2004–05
- Ombudsman — Report of the Office for the year 2004–05 — Ordered to be printed
- Phillip Island Nature Park Board of Management — Report for the year 2004–05 (three documents)
- Plumbing Industry Commission — Report for the year 2004–05
- Port of Hastings Corporation — Report for the year 2004–05
- Port of Melbourne Corporation — Report for the year 2004–05
- Portland Coast Region Water Authority — Report for the year 2004–05
- Public Transport Ticketing Body — Report for the year 2004–05
- Roads Corporation — Report for the year 2004–05
- Rolling Stock Holdings (Victoria) Pty Limited — Report for the year 2004–05
- Rolling Stock Holdings (Victoria–VL) Pty Ltd — Report for the year 2004–05
- Rolling Stock (VL–1) Pty Ltd — Report for the year 2004–05
- Rolling Stock (VL–2) Pty Ltd — Report for the year 2004–05
- Rolling Stock (VL–3) Pty Ltd — Report for the year 2004–05
- Royal Botanic Gardens Board — Report for the year 2004–05
- South East Water Limited — Report for the year 2004–05
- South Gippsland Region Water Authority — Report for the year 2004–05
- South West Water Authority — Report for the year 2004–05
- Southern and Eastern Integrated Transport Authority — Report for the year 2004–05
- Spencer Street Station Authority — Report for the year 2004–05

Sustainable Energy Authority Victoria — Report for the year 2004–05 (two documents)

V/Line Passenger Corporation — Report for the year 2004–05

V/Line Passenger Pty Ltd — Report for the year 2004–05

Victorian Communities, Department for — Report for the year 2004–05

Victorian Environmental Assessment Council — Report for the year 2004–05

Victorian Rail Heritage Operations Pty Ltd — Report for the year 2004–05

Victorian Rail Services Pty Ltd — Report for the year 2003–04, together with an explanation for the delay in tabling

Victorian Rail Services Pty Ltd — Report for the year 2004–05

Victorian Rail Track — Report for the year 2004–05

Victorian Regional Channels Authority — Report for the year 2004–05 (two documents)

Western Region Water Authority — Report for the year 2004–05

Westernport Region Water Authority — Report for the year 2004–05

Yarra Bend Park Trust — Report for the year 2004–05

Yarra Valley Water Limited — Report for the year 2004–05 (two documents)

Zoological Parks and Gardens Board — Report for the year 2004–05 (two documents).

- 10 **MESSAGES FROM THE GOVERNOR** — The Speaker announced the presentation of messages from the Governor recommending appropriations for the purposes of the following bills:

Investigative, Enforcement and Police Powers Acts (Amendment) Bill
Transport Legislation (Further Miscellaneous Amendments) Bill.

- 11 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourns until Tuesday 15 November 2005 (*Ms Pike*) — put and agreed to.

- 12 **STATEMENTS BY MEMBERS** — Statements by members were made.

- 13 **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.

- 14 **WATER (RESOURCE MANAGEMENT) BILL** — Order read for the further consideration of the Bill in detail.

Bill further considered in detail (*see pp 885–7, 899–907*).

- 15 **ENVIRONMENT EFFECTS (AMENDMENT) BILL** — 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 Honeywood*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 16 **ENVIRONMENT EFFECTS (AMENDMENT) BILL** — 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.

- 17 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That the government business program agreed to by this House on Tuesday 25 October 2005 be amended by omitting the Order of the Day, Government Business, relating to the Water (Resource Management) Bill (*Ms Garbutt*) — put and agreed to.

- 18 **CHILDREN, YOUTH AND FAMILIES BILL** — 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 address the many serious concerns expressed by community service organisations, and specifically — (a) the shift in responsibility and liability from government to community service organisations; (b) the lack of adequate funding for community service organisations to discharge their additional responsibilities; (c) the lack of a strategic approach to planning and managing the reform of out of home care; (d) the ability of the Government to prescribe "purposes" for voluntary organisations; and (e) the capacity of Government to appoint administrators and dismiss a board of directors of non-government agencies'; debate resumed.

Question — That the words proposed to be omitted stand part of the question — put.

The House divided (the Speaker, Mrs Maddigan, in the Chair) —

AYES 71

Ms Allan; Mr Andrews; Ms Asher; Mr Baillieu; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Carli; Mr Clark; Mr Crutchfield; Ms D'Ambrosio; Mr Dixon; Mr Donnellan; Mr Doyle; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Honeywood; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Ms Kosky; Mr Kotsiras; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Loney; Mr Lupton; Mr McIntosh; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Mildenhall; Ms Morand; Mr Mulder; Ms Munt; Dr Naphine; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Mr Perton; Mr Plowman; Mr Robinson; Mr Savage; Mr Seitz; Mrs Shardey; Mr Smith; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wells; Mr Wilson; Mr Wynne.

NOES 7

Mr Delahunty (*Lowan*); Mr Jasper; Mr Maughan; Mrs Powell; Mr Ryan; Dr Sykes; Mr Walsh.

Question agreed to.

Bill read a second time and considered in detail (*see pp 887–8, 907*).

Business having been interrupted at 2.00 pm under standing orders.

19 **QUESTIONS** — (Under SO 55).

20 **CHILDREN, YOUTH AND FAMILIES BILL** — Bill further considered in detail and agreed to without amendment, read a third time with the concurrence of an absolute majority of the whole number of the members of the Legislative Assembly (*see pp 888, 907*).

Bill sent to the Legislative Council and their agreement requested.

21 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 3 and 4, be postponed until later this day.

22 **ROAD SAFETY AND OTHER ACTS (VEHICLE IMPOUNDMENT AND OTHER AMENDMENTS) BILL** — 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 Thursday 10 November 2005.

23 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 6 to 10 inclusive, be postponed until later this day.

24 **COMMISSIONER FOR LAW ENFORCEMENT DATA SECURITY BILL** — 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 10 November 2005.

25 **WORKPLACE RIGHTS ADVOCATE 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 McIntosh*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 10 November 2005.

26 **PRAHRAN MECHANICS' INSTITUTE (AMENDMENT) BILL** — 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 Baillieu*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 10 November 2005.

- 27 **CHILD WELLBEING AND SAFETY BILL** — 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 consultation has been undertaken with the community in relation to the need to appoint an independent commissioner for children and youth, and the need for a report on the deaths of children in state care to be tabled in Parliament each year'; debate resumed.

Allocation of time — The Speaker advised that the time allocated for consideration of bills under the resolution of the House on Tuesday 25 October 2005 and as amended on Thursday 27 October 2005 had expired.

Question — That the words proposed to be omitted stand part of the question — put.

The House divided (the Deputy Speaker, Mr Loney, in the Chair) —

AYES 54

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Green; Mr Haermeyer; Mr Hardman; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Mr Maxfield; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Savage; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 22

Ms Asher; Mr Baillieu; Mr Clark; Mr Delahunty (*Lowan*); Mr Doyle; Mr Honeywood; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Napthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

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.

- 28 **ENVIRONMENT EFFECTS (AMENDMENT) BILL** — 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, Mr Loney, in the Chair) —

AYES 52

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Green; Mr Haermeyer; Mr Hardman; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Mr Maxfield; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 24

Ms Asher; Mr Baillieu; Mr Clark; Mr Delahunty (*Lowan*); Mr Doyle; Mr Honeywood; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Naphthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 29 **DUTIES AND LAND TAX ACTS (AMENDMENT) 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 Clark*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 10 November 2005.

- 30 **SUPERANNUATION LEGISLATION (GOVERNANCE REFORM) 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 Clark*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 10 November 2005.

- 31 **HEALTH PROFESSIONS REGISTRATION BILL** — 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 Thursday 10 November 2005.

- 32 **WATER (RESOURCE MANAGEMENT) BILL** — Order read for the further consideration of the Bill in detail.

Bill further considered in detail and agreed to with amendments (*see pp 888–93, 899–907*).

Question — That this Bill be now read a third time — put.

The House divided (the Speaker, Mrs Maddigan, in the Chair) —

AYES 45¹

Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Mr Bracks; Mr Brumby; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Duncan; Ms Eckstein; Ms Garbutt; Mr Haermeyer; Mr Hardman; Mr Helper; Mr Holding; Mr Hudson; Mr Hulls; Mr Ingram; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Mr Lockwood; Mr Loney; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Mildenhall; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Perera; Ms Pike; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 20

Ms Asher; Mr Baillieu; Mr Clark; Mr Delahunty (*Lowan*); Mr Honeywood; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Naphine; Mr Plowman; Mrs Powell; Mr Ryan; Mr Savage; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 33 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Congestion Levy Bill without amendment.
- 34 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Batchelor*) — put and agreed to.
- 35 **ADJOURNMENT** — The Acting Speaker left the Chair, after debate, at 8.42 pm.

R W PURDEY
Clerk of the Legislative Assembly

JUDY MADDIGAN
Speaker

By Authority. Government Printer for the State of Victoria

¹ Division corrected after the Acting Speaker informed the House that the Clerk had identified a discrepancy between the number of votes cast by the Government Whip and the number of Government members actually present. Upon investigation it was found that the Government votes cast for the 'Ayes' should have been 44 rather than 45.

LEGISLATIVE ASSEMBLY OF VICTORIA

CONSIDERATION IN DETAIL Supplement to Votes Nos 142, 143 and 144

No 142 — Tuesday 25 October 2005

GROUNDWATER (BORDER AGREEMENT) (AMENDMENT) BILL

(Debate resumed from Wednesday 14 September 2005)

Clause 7, Mr Thwaites moved an amendment (*see Schedule 1*).

Amendment put and agreed to.

Clause agreed to as amended.

Bill agreed to as amended.

No 143 — Wednesday 26 October 2005

WATER (RESOURCE MANAGEMENT) BILL

Clauses 1 to 3 agreed to.

Clause 4, Mr Walsh moved amendment No 1 (*see Schedule 2*).

Question — That the words proposed to be omitted stand part of the Clause — put.

The House divided (the Deputy Speaker, Mr Loney, in the Chair) —

AYES 51

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Brumby; Ms Buchanan; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Mr Lockwood; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Perera; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 23

Ms Asher; Mr Baillieu; Mr Clark; Mr Delahunty (*Lowan*); Mr Dixon; Mr Honeywood; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Naphthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

Clause agreed to.

Clauses 5 to 10 agreed to.

Clause 11 — *The Deputy Speaker advised that if Mr Walsh's amendment No 2 is not agreed to, amendment No 3 cannot be moved as it is consequential.*

Mr Walsh moved amendment No 2 (*see Schedule 2*).

Question — That the word proposed to be omitted stand part of the Clause — put.

The House divided (the Deputy Speaker, Mr Loney, in the Chair) —

AYES 50

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Brumby; Ms Buchanan; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Mr Lockwood; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Overington; Mr Perera; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 23

Ms Asher; Mr Baillieu; Mr Clark; Mr Delahunty (*Lowan*); Mr Dixon; Mr Honeywood; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Napthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

And the House having continued to sit after 12 midnight —

THURSDAY 27 OCTOBER 2005

Mr Walsh moved amendment No 4 (*see Schedule 2*).

Amendment put and defeated.

Mr Thwaites moved amendment No 1 (*see Schedule 2*).

Amendment put and agreed to.

The Deputy Speaker advised that if Mr Walsh's amendment No 5 is not agreed to, amendment No 6 cannot be moved as it is consequential.

Mr Walsh moved amendment No 5 (*see Schedule 2*).

Question — That the word proposed be omitted stand part of the Clause — put.

The House divided (the Deputy Speaker, Mr Loney, in the Chair) —

AYES 50

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Brumby; Ms Buchanan; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Mr Lockwood; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Overington; Mr Perera; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 23

Ms Asher; Mr Baillieu; Mr Clark; Mr Delahunty (*Lowan*); Mr Dixon; Mr Honeywood; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Naphine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

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 144 — Thursday 27 October 2005

WATER (RESOURCE MANAGEMENT) BILL

Clause 11, Mr Thwaites moved amendment Nos 2 and 3 (*see Schedule 2*).

Amendments put and agreed to.

Mr Thwaites, moved amendment No 4 (*see Schedule 2*).

Amendment put and agreed to.

Mr Thwaites moved amendment No 5 (*see Schedule 2*).

Amendment put and agreed to.

Mr Thwaites moved amendment No 6 (*see Schedule 2*).

Amendment put and agreed to.

Mr Walsh, by leave, moved amendment No 8 in an amended form (*see Schedule 2*).

Amendment put and defeated.

The Deputy Speaker advised that if Mr Thwaites' amendment No 7 is agreed to, Mr Walsh will not be able to move amendment No 9.

Mr Thwaites moved amendment No 7 (*see Schedule 2*).

Amendment put and agreed to.

Mr Thwaites moved amendment No 8 (*see Schedule 2*).

Amendment put and agreed to.

Mr Thwaites moved amendment Nos 9 and 10 (*see Schedule 2*).

Amendments put and agreed to.

Mr Thwaites moved amendment Nos 11 and 12 (*see Schedule 2*).

Amendments put and agreed to.

The Deputy Speaker advised that if Mr Walsh's amendment No 10 is not agreed to, amendment No 13 cannot be moved as it is consequential.

Mr Walsh moved amendment No 10 (*see Schedule 2*).

Question — That the amendment be agreed to — put.

The House divided (the Deputy Speaker, Mr Loney, in the Chair) —

AYES 23

Ms Asher; Mr Baillieu; Mr Clark; Mr Delahunty (*Lowan*); Mr Dixon; Mr Honeywood; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Napthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

NOES 52²

Ms Allan; Mr Andrews; Ms Barker; Ms Beard; Ms Beattie; Mr Brumby; Ms Buchanan; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Mr Maxfield; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

Question defeated.

Motion made and question — That the debate be now adjourned (*Mr Langdon*) — put.

² Division corrected after the Deputy Speaker informed the House that the Clerk had identified a discrepancy between the number of votes cast by the Government Whip and the number of Government members actually present. Upon investigation it was found that the Government votes cast for the 'Noes' should have been 51 rather than 52.

The House divided (the Deputy Speaker, Mr Loney, in the Chair) —

AYES 51

Ms Allan; Mr Andrews; Ms Barker; Ms Beard; Ms Beattie; Mr Brumby; Ms Buchanan; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Mr Maxfield; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 24

Ms Asher; Mr Baillieu; Mr Clark; Mr Delahunty (*Lowan*); Mr Dixon; Mr Honeywood; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Napthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

Ordered — That the debate be adjourned until later this day.

CHILDREN, YOUTH AND FAMILIES BILL

Clauses 1 to 134 agreed to.

Clause 135, Mrs Shardey moved amendment No 1 (*see Schedule 3*).

Question — That the amendment be agreed to — put.

The House divided (the Deputy Speaker, Mr Loney, in the Chair) —

AYES 16

Ms Asher; Mr Baillieu; Mr Clark; Mr Dixon; Mr Doyle; Mr Honeywood; Mr Kotsiras; Mr McIntosh; Mr Mulder; Dr Napthine; Mr Perton; Mr Plowman; Mrs Shardey; Mr Smith; Mr Thompson; Mr Wells.

NOES 63

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Delahunty (*Lowan*); Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Mr Jasper; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maughan; Mr Maxfield; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mrs Powell; Mr Robinson; Mr Savage; Mr Seitz; Mr Stensholt; Dr Sykes; Mr Thwaites; Mr Trezise; Mr Walsh; Mr Wilson; Mr Wynne.

Question defeated.

Clause agreed to.

Mrs Shardey advised that she did not wish to proceed with amendment Nos 2 to 7 inclusive.

Clauses 136 to 157 agreed to.

Clause 158 — *The Deputy Speaker advised that if Mrs Shardey's amendment No 8 is not agreed to, amendment Nos 9 to 11 inclusive cannot be moved as they are consequential.*

Mrs Shardey moved amendment No 8 (*see Schedule 3*).

Question — That the words proposed to be omitted stand part of the Clause — put.

The House divided (the Deputy Speaker, Mr Loney, in the Chair) —

AYES 55

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 23

Ms Asher; Mr Baillieu; Mr Clark; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Ingram; Mr Jasper; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Napthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Savage; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question defeated.

Clause agreed to.

Mrs Shardey advised that she did not wish to proceed with amendment Nos 12 to 17 inclusive.

Clauses 159 to 606 agreed to.

Schedules 1 to 4 agreed to.

Bill agreed to without amendment.

WATER (RESOURCE MANAGEMENT) BILL

Clause 11, Mr Walsh moved amendment No 11 (*see Schedule 2*).

Amendment put and defeated.

Mr Walsh moved amendment No 12 (*see Schedule 2*).

Amendment put and defeated.

The Deputy Speaker advised that if Mr Walsh's amendment No 14 is not agreed to, amendment No 15 cannot be moved as it is consequential.

Mr Walsh moved amendment No 14 (*see Schedule 2*).

Amendment put and defeated.

Mr Thwaites moved amendment Nos 13 and 14 (*see Schedule 2*).

Amendments put and agreed to.

Mr Thwaites moved amendment No 15 (*see Schedule 2*).

Amendment put and agreed to.

Mr Thwaites moved amendment No 16 (*see Schedule 2*).

Amendment put and agreed to.

Mr Walsh, by leave, moved amendment No 16 in an amended form (*see Schedule 2*).

Amendment put and defeated.

The Deputy Speaker advised that as Mr Thwaites (amendment No 17) and Mr Walsh (amendment No 17) both seek to amend line 6, page 22, he will test Mr Walsh's amendment by proposing that the word 'Department' be omitted.

Mr Walsh moved amendment No 17 (*see Schedule 2*).

Question — That the word for 'Department' proposed to be omitted stand part of the Clause — put and defeated.

The Deputy Speaker advised that, as Mr Walsh's amendment No 17 had been defeated, amendment No 18 could not be moved as it was consequential on amendment No 17.

Mr Thwaites moved amendment No 17 (*see Schedule 2*).

Amendment put and agreed to.

Mr Thwaites moved amendment No 18 (*see Schedule 2*).

Amendment put and agreed to.

Clause agreed to as amended.

Clauses 12 and 13 agreed to.

Clause 14, Mr Thwaites moved amendment No 19 (*see Schedule 2*).

Amendment put and agreed to.

Mr Thwaites moved amendment Nos 20 and 21 (*see Schedule 2*).

Amendments put and agreed to.

Mr Walsh moved amendment No 21 (*see Schedule 2*).

Amendment put and defeated.

Mr Thwaites moved amendment No 22 (*see Schedule 2*).

Amendment put and agreed to.

Mr Thwaites moved amendment No 23 (*see Schedule 2*).

Amendment put and agreed to.

Mr Walsh moved amendment No 23 (*see Schedule 2*).

Amendment put and defeated.

Mr Thwaites moved amendment Nos 24 and 25 (*see Schedule 2*).

Amendments put and agreed to.

Clause agreed to as amended.

Clauses 15 to 17 agreed to.

Clause 18, Mr Thwaites moved amendment No 26 (*see Schedule 2*).

Amendment put and agreed to.

Clause agreed to as amended.

Clauses 19 to 23 agreed to.

Clause 24, Mr Thwaites moved amendment Nos 27 to 29 (*see Schedule 2*).

Amendments put and agreed to.

Mr Thwaites moved amendment No 30 (*see Schedule 2*).

Amendment put and agreed to.

Mr Thwaites moved amendment No 31 (*see Schedule 2*).

Amendment put and agreed to.

Mr Thwaites moved amendment Nos 32 and 33 (*see Schedule 2*).

Amendments put and agreed to.

The Deputy Speaker advised that if Mr Walsh's amendment No 27 is not agreed to, amendment No 28 cannot be moved as it is consequential.

Mr Walsh moved amendment No 27 (*see Schedule 2*).

Amendment put and defeated.

Clause agreed to as amended.

Clauses 25 to 37 agreed to.

Clause 38 — *The Deputy Speaker advised that if Mr Walsh's amendment No 29 is not agreed to, amendment Nos 34 to 37 inclusive cannot be moved as they are consequential.*

Mr Walsh moved amendment No 29 (*see Schedule 2*).

Amendment put and defeated.

Mr Thwaites moved amendment No 34 (*see Schedule 2*).

Amendment put and agreed to.

Mr Walsh moved amendment No 30 (*see Schedule 2*).

Amendment put and defeated.

Mr Walsh moved amendment No 31 (*see Schedule 2*).

Amendment put and defeated.

Clause agreed to as amended.

Clauses 39 and 40 agreed to.

Clause 41 — *The Acting Speaker advised that if Mr Walsh's amendment No 32 is not agreed to, amendment No 33 cannot be moved as it is consequential.*

Mr Walsh moved amendment No 32 (*see Schedule 2*).

Amendment put and defeated.

Mr Thwaites moved amendment No 35 (*see Schedule 2*).

Amendment put and agreed to.

Clause agreed to as amended.

Clauses 42 to 50 agreed to.

Clause 51, Mr Thwaites moved amendment Nos 36 and 37 (*see Schedule 2*).

Amendments put and agreed to.

Clause agreed to as amended.

Clauses 52 and 53 agreed to.

Clause 54, Mr Walsh moved amendment Nos 38 to 41 (*see Schedule 2*).

Amendments put and defeated.

The Acting Speaker advised that as Mr Thwaites (amendment No 38) seeks to make an amendment to proposed divisions 2 to 7 inclusive, and Mr Walsh (amendment No 42) seeks to omit those divisions, he will test the Mr Walsh's amendment by proposing the omission of all words up to the point in the text relevant to the Mr Thwaites' amendment.

Mr Walsh moved amendment No 42 (*see Schedule 2*).

Question — That all the words on lines 14 to 28 of page 113; all lines of pages 114 to 117; and lines 1 to 19 of page 118, proposed to be omitted, stand part of the Clause — put and defeated.

The Acting Speaker advised that, as Mr Walsh's amendment No 42 had been defeated, amendment Nos 43 to 60 inclusive could not be moved as they were consequential on amendment No 42.

Mr Thwaites move amendment Nos 38 and 39 (*see Schedule 2*).

Amendments put and agreed to.

Clause agreed to as amended.

Clauses 55 and 56 agreed to.

Clause 57, Mr Thwaites moved amendment Nos 40 and 41 (*see Schedule 2*).

Amendments put and agreed to.

Clause agreed to as amended.

Clauses 58 and 59 agreed to.

Clause 60, Mr Walsh moved amendment No 61 (*see Schedule 2*).

Amendment put and defeated.

Mr Thwaites moved amendment No 42 (*see Schedule 2*).

Amendment put and agreed to.

Clause agreed to as amended.

Clause 61 — *The Deputy Speaker advised that if Mr Walsh's amendment No 62 is not agreed to, amendment Nos 63 and 64 cannot be moved as they are consequential.*

Mr Walsh moved amendment No 62 (*see Schedule 2*).

Amendment put and defeated.

Clause agreed to.

Clause 62, Mr Thwaites moved amendment No 43 (*see Schedule 2*).

Amendment put and agreed to.

Clause agreed to as amended.

Clauses 63 to 70 agreed to.

Clause 71, Mr Thwaites moved amendment Nos 44 to 54 (*see Schedule 2*).

Amendments put and agreed to.

Clause agreed to as amended.

Clauses 72 and 73 agreed to.

Question — That the House agrees to the Bill with amendments — put.

The House divided (the Deputy Speaker, Mr Loney, in the Chair) —

AYES 44³

Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Mr Bracks; Mr Brumby; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Duncan; Ms Eckstein; Ms Garbutt; Mr Haermeyer; Mr Hardman; Mr Helper; Mr Holding; Mr Hudson; Mr Hulls; Mr Ingram; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Mr Lockwood; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Mildenhall; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Perera; Ms Pike; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 20

Ms Asher; Mr Baillieu; Mr Clark; Mr Delahunty (*Lowan*); Mr Honeywood; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Naphthine; Mr Plowman; Mrs Powell; Mr Ryan; Mr Savage; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

³ Division corrected after the Deputy Speaker informed the House that the Clerk had identified a discrepancy between the number of votes cast by the Government Whip and the number of Government members actually present. Upon investigation it was found that the Government votes cast for the 'Ayes' should have been 43 rather than 44.

SCHEDULES OF AMENDMENTS MOVED

SCHEDULE 1

GROUNDWATER (BORDER AGREEMENT) (AMENDMENT) BILL

Amendment moved by Mr Thwaites

Clause 7, page 3, lines 8 to 17 and pages 4 to 13, omit all words and expressions on lines 8 to 17 of page 3 and on pages 4 to 13 and insert—

"SCHEDULE 2

BORDER GROUNDWATERS AGREEMENT AMENDMENT AGREEMENT

AN AGREEMENT made this 18 day of 10, Two thousand and five between—

THE STATE OF SOUTH AUSTRALIA of the first part and

THE STATE OF VICTORIA of the second part.

WHEREAS the South Australian and Victorian Governments wish to amend the Agreement made between the parties on 15th October 1985 (which Agreement is herein called "the principal agreement"), in order to provide the necessary capacity and flexibility to effectively manage the shared groundwater resources of western Victoria and the Mallee and south-eastern South Australia.

NOW IT IS HEREBY AGREED as follows—

Interpretation.

1. Unless the contrary intention appears, expressions used in this Agreement have the same meanings as in the principal agreement except as amended by this Agreement.

Definitions.

2. (1) The following definitions shall be inserted in place of those in clause 1 of the principal agreement—

‘**“Bore”** with respect to South Australia, means any well as defined by section 3 of the *Natural Resources Management Act 2004* and with respect to Victoria, means any bore as defined by section 3 of the *Water Act 1989*, but in neither case includes any well or bore from which water is extracted or proposed to be extracted for one or more of the following purposes and for no other purposes—

- (a) household purposes;
- (b) watering animals kept for domestic and stock purposes; or
- (c) the irrigation of a garden not exceeding 0.4 hectares in extent used solely in connection with a dwelling and from which no produce is sold.

“Granting authority” means—

- (a) in the case of South Australia, the Minister administering the *Natural Resources Management Act 2004*; and
- (b) in the case of Victoria, the Minister administering the *Water Act 1989*.

“Groundwater” with respect to South Australia means any underground water as defined by section 3 of the *Natural Resources Management Act 2004* and with respect to Victoria means any groundwater as defined by section 3 of the *Water Act 1989*.

“Minister” with respect to South Australia means the Minister administering the *Natural Resources Management Act 2004* and with respect to Victoria means the Minister administering the *Water Act 1989*.

“Permissible annual volume” means the permissible annual volume of extraction specified for a particular zone or aquifer within a zone in the Second Schedule, or in relation to a particular zone or aquifer within a zone, such other volume as has been determined by the Committee under clause 28(2).

“**Permissible distance from the border between the State of South Australia and the State of Victoria**” means a distance of one kilometre from that border, or in relation to a particular zone, sub-zone, or aquifer within a zone or sub-zone, such other distance as has been determined by the Committee under clause 28(2).

“**Permit**” means—

- (a) any licence provided for in section 146 of the South Australian *Natural Resources Management Act 2004*;
- (b) any permit provided for in section 135 of the South Australian *Natural Resources Management Act 2004*;
- (c) any licence provided for in Part 5 of the Victorian *Water Act 1989*;
- (d) any licence provided for in section 51 of the Victorian *Water Act 1989*.

(2) The following definition shall replace the definition “Permissible level of salinity” in clause 1 of the principal agreement—

‘**“Permissible salinity”** means—

- (a) a maximum rate of increase; and/or
- (b) a designated maximum level—

of salinity, measured as electro-conductivity of so many microsiemens per centimetre at twenty-five degrees Celsius, that must not be exceeded as may be agreed upon by the Minister of each Contracting Government for a particular zone, sub-zone or aquifer within a zone or sub-zone, pursuant to clause 28(6), or in relation to a particular zone, sub-zone or aquifer within a zone or sub-zone, such other rate and/or level as has been agreed upon by the Minister of each Contracting Government under clause 28(4).’

(3) The following two definitions shall replace the definition of “Permissible rate of potentiometric surface lowering” in clause 1 of the principal agreement. The first definition shall be inserted immediately before the definition for “Permissible salinity” and the second definition shall be inserted immediately after the definition for “Permit”—

‘**“Permissible potentiometric surface lowering”** means—

- (a) a rate set out in the Third Schedule or such other rate as has been agreed upon by the Minister for each Contracting Government under clause 28(4), and/or
- (b) the potentiometric surface level as agreed upon by the Minister of each Contracting Government under clause 28(4).

“**Potentiometric surface lowering**” means—

- (a) a rate of potentiometric surface lowering that must not be exceeded, and/or
- (b) a potentiometric surface level that must not be exceeded—

for a particular zone, sub-zone or aquifer within a zone or sub-zone.’

(4) The following additional terms shall be defined in clause 1 of the Agreement—

The following definition shall be inserted immediately before the definition for “Aquifer”—

‘**“Allowable annual volume”** means the allowable annual volume of extraction specified for a particular sub-zone or aquifer within a sub-zone as has been determined by the Committee under clause 28(7).’

The following definition shall be inserted immediately after the definition for “Schedule” and immediately before the definition for “Zone”—

‘**“Sub-zone”** means a subdivision of a zone with boundaries determined by the Committee under clause 28(7).’

Approval.

3. (1) This Agreement, other than clause 3(2), is subject to approval by the Parliaments of the States of South Australia and Victoria; and shall come into effect when so approved.

(2) The Contracting Governments hereby agree to submit this Agreement for approval to the respective Parliaments of the said States as soon as practicable after the date of this Agreement.

Application of legislation.

4. The following clause shall replace clause 25 in the principal agreement—

“25. Subject to the provisions of this Agreement—

- (a) the provisions of the South Australian *Natural Resources Management Act 2004* and of regulations made thereunder shall apply to such portion of the State of South Australia as is within the Designated Area;
- (b) the provisions of the Victorian *Water Act 1989* and of regulations made thereunder shall continue to apply to such portion of the State of Victoria as is within the Designated Area—

and the provisions of those Acts and regulations shall respectively be applied to—

- (i) all bores existing within the Designated Area at the date of this Agreement;
- (ii) all applications to construct, deepen, enlarge or alter bores or to extract water therefrom as are made after the date of this Agreement; and
- (iii) any bores constructed, deepened, enlarged or altered or from which water is extracted, after the date of this Agreement.”.

Management Prescriptions.

5. The following clause shall replace clause 26 in the principal agreement—

“26. (1) Subject to clause 28 no application for a permit shall be granted and no permit renewed—

- (a) in relation to the construction, deepening, enlarging or altering of any bore which passes or will pass through two or more aquifers unless a condition is attached to such permit which requires that an impervious seal be made and maintained between such aquifers;
- (b) in relation to the construction, deepening, enlarging or altering of any bore, or the extraction of water from any bore, in a particular zone, or aquifer within a zone, where the effect of extracting water from that bore would be to exceed the permissible annual volume for that particular zone, or aquifer within a zone;
- (c) in relation to the construction, deepening, enlarging or altering of any bore, or the extraction of water from any bore, in a particular zone, sub-zone or aquifer within a zone or sub-zone if that bore is situated within, or proposed to be situated within, a distance less than the permissible distance from the border between the State of South Australia and the State of Victoria for that zone, sub-zone or aquifer within a zone or sub-zone unless the Committee has first considered the matter and determined that such application may be granted or such permit may be renewed;
- (d) in relation to the construction, deepening, enlarging or altering of any bore, or the extraction of water from any bore, where the bore is situated, or proposed to be situated, in a particular sub-zone or aquifer within a sub-zone, where the effect of extracting water from that bore would be to exceed the allowable annual volume for a particular sub-zone or aquifer within a sub-zone.”.

6. The following sub-clause shall be inserted immediately after clause 26(1) and immediately before clause 27 in the principal agreement—

“(2) Subject to clause 28—

- (a) no application for a permit shall be granted and no permit renewed; or
- (b) a period of restriction shall be declared subject to clause 29(3)—

where the potentiometric surface lowering has exceeded the permissible potentiometric surface lowering in a particular zone, sub-zone or aquifer within a zone or sub-zone over the preceding five years.”.

Preparation of reports.

7. The following paragraph shall replace clause 27(1)(d) in the principal agreement—

“(d) details of the potentiometric surface levels obtained from observation bores within each particular zone, sub-zone or aquifer within a zone or sub-zone in the preceding year ending on 30 June; and”.

8. The following paragraph shall replace clause 27(1)(e) in the principal agreement—

“(e) the rate of increase or level of salinity in such bores within a particular zone, sub-zone or aquifer within a zone or sub-zone as shall be specified by the Committee in the preceding year ending on 30 June.”.

9. The following sub-clause shall replace clause 27(3) in the principal agreement—

“(3) In this clause “Observation bore” with respect to South Australia, means any well as defined by section 3 of the *Natural Resources Management Act 2004* and with respect to Victoria, means any bore as defined by section 3 of the *Water Act 1989*.”.

Powers of Review Committee.

10. The following sub-clause shall replace clause 28(2) in the principal agreement—

“(2) At intervals of not more than five years, the Committee shall review—

- (a) the permissible distance from the border between the State of South Australia and the State of Victoria in relation to a particular zone, sub-zone or aquifer within a zone or sub-zone;
- (b) the permissible annual volume of extraction in relation to a particular zone or aquifer within a zone;
- (c) the allowable annual volume of extraction in relation to a particular sub-zone or aquifer within a sub-zone—

and shall have the power to alter any or all of the same in relation to a particular zone, sub-zone or aquifer within a zone or sub-zone.”.

11. The following sub-clause shall replace clause 28(3) in the principal agreement—

“(3) At intervals of not more than five years, the Committee shall review—

- (a) the permissible potentiometric surface lowering;
- (b) the permissible salinity (if any) established pursuant to sub-clause (6)—

in relation to each particular zone, sub-zone or aquifer within a zone or sub-zone and if the Committee is satisfied that alteration to any or all of the same is desirable in relation to a particular zone, sub-zone or aquifer within a zone or sub-zone, it may recommend any such alteration to the Minister of each Contracting Government.”.

12. The following sub-clause shall replace clause 28(4) in the principal agreement—

“(4) Where the Minister of each Contracting Government agrees with any such recommendation, the permissible potentiometric surface lowering and/or the permissible salinity, for a particular zone, sub-zone or aquifer within a zone or sub-zone shall be deemed to have been altered in accordance with any such recommendation.”.

13. The following sub-clause shall replace clause 28(5) in the principal agreement—

“(5) The Committee may at any time recommend to the Minister of each Contracting Government that a permissible salinity be declared for a particular zone, sub-zone or aquifer within a zone or sub-zone.”.

14. The following sub-clause shall replace clause 28(6) in the principal agreement—

“(6) Where the Minister of each Contracting Government agrees with any such recommendation, a permissible salinity shall be deemed to have been declared for that particular zone, sub-zone or aquifer within that zone or sub-zone in accordance with that recommendation.”.

15. The following sub-clause shall be inserted immediately after clause 28(6) and immediately before clause 29 of the principal agreement—

“(7) The Committee, having regard to the size and variability of a zone, may—

- (a) divide the zone or the aquifer within a zone into two or more sub-zones;
- (b) determine the boundaries of a particular sub-zone or aquifer within a sub-zone;
- (c) determine the allowable annual volume for the sub-zone or aquifer within a sub-zone that does not exceed that permissible annual volume of which the sub-zone forms part;
- (d) determine the permissible distance from the border between the State of South Australia and the State of Victoria for a particular sub-zone or aquifer within a zone or sub-zone—

and shall have the power to alter any or all the same in relation to a particular sub-zone or aquifer within a sub-zone.”.

Periods of Restriction.

16. The following sub-clause shall replace clause 29(3) in the principal agreement—

“(3) A period of restriction may be declared in relation to any zone, sub-zone or aquifer within a zone or sub-zone notwithstanding that the permissible annual volume or the allowable annual volume or the permissible salinity (if any) or the permissible potentiometric surface lowering for that zone or sub-zone, or any or all of them, has not been exceeded in any previous year.”.

Publication of declarations, etc.

17. The following clause shall replace clause 31 in the principal agreement—

“31. Any alteration made under clause 28(2) or 28(4) or 28(7) or any declaration made under clause 28(6) or 29(1) with respect to any zone or sub-zone shall be published in the Government Gazette of the Contracting Government within whose jurisdiction such zone is situate and in a newspaper circulating in that zone or sub-zone and shall take effect from the date of such publication in the Government Gazette.”.

18. The following Schedule shall replace the SECOND SCHEDULE of the principal agreement—

SECOND SCHEDULE

Zone	Permissible annual volume (Megalitres)	
	Tertiary Limestone Aquifer	Tertiary Confined Sand Aquifer
1A	30900	9200
1B	45720	14500
2A	25000	2900
2B	25000	5100
3A	24000	1900
3B	16500	1000
4A	20000	710
4B	14000	300
5A	18500	540
5B	11949	570
6A	8850	360
6B	9838	360
7A	7500	350
7B	6600	350
8A	7700	340
8B	6760	330
9A	11595	570
9B	5960	630
10A	9400	320
10B	6720	560
11A	6861	0
11B	1823	0

19. The following Schedule shall replace the THIRD SCHEDULE of the principal agreement—

THIRD SCHEDULE

Zone	Permissible potentiometric surface lowering Rate (metres per annum)	
	Tertiary Limestone Aquifer	Tertiary Confined Sand Aquifer
1A	0.25	0.25
1B	0.25	0.25
2A	0.25	0.25
2B	0.25	0.25
3A	0.25	0.25
3B	0.25	0.25
4A	0.25	0.25
4B	0.25	0.25
5A	0.25	0.25
5B	0.25	0.25
6A	0.05	0.05
6B	0.05	0.05
7A	0.05	0.05
7B	0.05	0.05
8A	0.05	0.05
8B	0.65	0.65
9A	0.65	0.65
9B	0.65	0.65

10A	0.65	0.65
10B	0.65	0.65
11A	0.65	0.65
11B	0.65	0.65

20. Clause 24(2) in the principal agreement shall be deleted.

IN WITNESS WHEREOF this Agreement has been executed by the parties hereto as at the day and year first above-written.

SIGNED on behalf of THE STATE OF VICTORIA by the Honourable STEVE BRACKS, Premier of Victoria, in the presence of—
Rosa Silvestro

} STEVE BRACKS

SIGNED on behalf of THE STATE OF SOUTH AUSTRALIA by the Honourable MIKE RANN, Premier of South Australia, in the presence of—
Nick Alexandrides

} MIKE RANN

!"

SCHEDULE 2

WATER (RESOURCE MANAGEMENT) BILL

Amendments moved by Mr Walsh

1. Clause 4, lines 25 to 32, omit all words and expressions on these lines and insert—
 - "(1) The environmental water reserve objective is the objective that, subject to meeting essential domestic and stock use, the environmental water reserve be maintained to protect the environmental values and health of water ecosystems for the benefit of all Victorians in a way which balances environmental, economic and social costs and benefits."
2. Clause 11, page 9, line 30, omit "strategy." and insert "strategy; and".
4. Clause 11, page 10, after line 11 insert—
 - "(3) A Sustainable Water Strategy must set out—
 - (a) targets for water quality and waterway health for the region to which it relates; and
 - (b) an estimate of the direct and indirect economic and social costs associated with implementing the Strategy and the implementation plan for the Strategy; and
 - (c) a program of measuring actual changes in water quality and waterway health compared to targets established in the Strategy and implementation plan for the Strategy."
5. Clause 11, page 13, line 28, omit "Strategy." and insert "Strategy; or".

8. Clause 11, page 14, after paragraph (2) inserted by Government amendment 6 insert—
 "(3) A report on a Sustainable Water Strategy under sub-section (1) must include measurements of water quality and waterway health as at the time of publication and a comparison of those measurements with the targets set out in the Strategy.". (*Shown in amended form, as moved*)
10. Clause 11, page 17, line 23, before "If" insert "(1)".
11. Clause 11, page 17, line 24, after "identified" insert "and documented".
12. Clause 11, page 17, lines 31 to 32, omit all words and expressions on these lines and insert—
 "(b) a quantifiable deterioration in waterway health—".
14. Clause 11, page 18, after line 32 insert—
 "(c) a majority of the members of the committee must represent the communities and industries directly affected by the review;".
16. Clause 11, page 20, after paragraph (8) inserted by Government amendment 16 insert—
 "(9) The membership of a panel under this section must include—
 (a) persons who are actively involved in irrigation and water use; and
 (b) persons who are members of communities directly affected by the review; and
 (c) persons who represent industries benefiting from water use.". (*Shown in amended form, as moved*)
17. Clause 11, page 22, line 6, omit 'Department.' and insert "Department."
21. Clause 14, page 24, line 34, before "the review" insert "the remedial plan as set out in"
23. Clause 14, page 25, line 26, after "qualification" insert "and must specify any consideration given by the Minister to using other means to improve the environmental values and health of the relevant water systems".
27. Clause 24, page 42, line 15, omit "report.'" and insert "report."
29. Clause 38, page 61, lines 27 to 31, and page 62, lines 1 to 9, omit all words and expressions on these lines and insert—
 "**non water user limit**" in relation to a class of water shares of a particular reliability and in relation to a water system means ten per cent of—
 (a) the sum of the maximum volumes of entitlement for water shares of that class in that water system, as determined by the Minister under section 33AR(1), from time to time; and
 (b) the sum of the maximum volumes (at the time of surrender) of water shares of that class in that water system that have been surrendered to the Crown under section 33AA;".
30. Clause 38, page 64, lines 11 to 13, omit all words and expressions on these lines.
31. Clause 38, page 64, lines 29 to 31, omit all words and expressions on these lines.
32. Clause 41, page 82, line 15, after this line insert—
 "(b) if the proposed transfer or assignment is to be to Melbourne Water or Barwon Region Water Authority, as constituted under Part 6; or".

38. Clause 54, page 111, lines 27 to 32, omit all words and expressions on these lines and insert—
 "Penalty: For a first offence, 30 penalty units;
 For a second or subsequent offence, 60 penalty units."
39. Clause 54, page 113, line 6, omit "; and" and insert ".".
40. Clause 54, page 113, line 7, omit all words and expressions on this line.
41. Clause 54, page 113, lines 8 to 13, omit all words and expressions on these lines.
42. Clause 54, page 113, lines 14 to 28 and pages 114 to 128, omit all words and expressions on these lines and pages and insert—

"Division 2—Water-Use Licences

64L. Power to grant water-use licences

- (1) The Minister, on receiving an application under this Division from an owner of land, may grant to that person a licence that authorises the use of water (authorised to be taken under Part 3A) on the land owned by the person that is specified in the licence.
- (2) The Minister must set out in the licence—
 - (a) the name and address of the licence holder; and
 - (b) a description of the land specified in the licence; and
 - (c) the conditions to which the licence is subject (including annual use limit); and
 - (d) the date on which the licence takes effect.

64M. Matters to which a Minister must have regard in granting water-use licences

The Minister, in granting a water-use licence must consider the following matters—

- (a) whether there are works or systems in place or likely to be installed in the near future for delivering water to the land; and
- (b) whether the use of water for the purpose set out in the application is prohibited by or under an Act; and
- (c) whether the maximum volume of water proposed in the application is reasonable for use for the purpose set out in the application; and
- (d) the impact the proposed use of water may have on other persons or the environment (in particular waterlogging, salinity and nutrient impacts); and
- (e) any other matters the Minister considers relevant.

64N. Conditions on water-use licences

The Minister may impose conditions on a water-use licence as to all or any of the following matters—

- (a) the maximum volumes of water per hectare that may be applied to land specified in the licence over any 12 month period; and

- (b) any requirements to minimize the impact of the use of water on other persons and the environment.

64O. Applications for water-use licences

- (1) An owner of land may apply for a water-use licence to authorise the use of water on that land.
- (2) An application for a water use licence must—
 - (a) be in the form and made in the manner approved by the Minister; and
 - (b) contain any prescribed particulars; and
 - (c) be accompanied by any documents or information required by the Minister.

64P Change of ownership of land specified in licence

- (1) In the case of a transfer of ownership of the whole of the land specified in a water-use licence, the person to whom ownership is transferred is deemed to be the holder of the licence.
- (2) In the case of a transfer of ownership of part only of the land specified in a water-use licence, the licence is to be taken to be cancelled on the day on which transfer of the ownership of the land takes place."

- 61. Clause 60, page 175, lines 5 to 7, omit all words and expression on these lines and insert—
 - "(c) has ensured that there are arrangements in place to continue to meet the ongoing domestic and stock use requirements for each property."
- 62. Clause 61, page 179, lines 5 to 18, omit all words and expressions on these lines and insert—
 - "(a) must provide the service of delivering to the owner or occupier (where the owner is not the occupier) of each serviced property in its irrigation district, water for domestic and stock use on a scale of volumes fixed by the Authority; and
 - (b) must provide the service of delivering water to the owner or occupier (where the occupier is not the owner) of each serviced property in its irrigation district for the purposes of irrigation for the periods that are determined by the Authority in accordance with this Part; and"

Amendments moved by Mr Thwaites

- 1. Clause 11, page 11, lines 27 to 29, omit all words and expressions on these lines and insert—
 - "(1) The Minister may, by instrument, appoint a panel of persons to consider comments made under section 22E(f) on a draft Strategy, and the persons appointed to the panel must be persons who have knowledge of or experience in the matters that the panel is to consider."
- 2. Clause 11, page 13, after line 30 insert—
 - "(3) A review under this section must determine whether or not the timelines and targets in the implementation plan of the Strategy being reviewed have been met."

3. Clause 11, page, 14, line 1, omit "(3)" and insert "(4)".
4. Clause 11, page 14, line 7, before "A report on" insert "(1)".
5. Clause 11, page 14, line 8, after "Strategies" insert "and on any current draft Strategies".
6. Clause 11, page 14, after line 9 insert—
 - "(2) A report under sub-section (1) must—
 - (a) specify the measures being taken to implement the Strategy; and
 - (b) identify the priorities that apply to actions required by the implementation plan."
7. Clause 11, page 14, lines 14 to 18, omit all words and expressions in these lines and insert—
 - "The Minister must cause a program of the preparation of long-term water resources assessments to be commenced—
 - (a) by the end of 12 years from the commencement of section 14 of the **Water (Resource Management) Act 2005**; and
 - (b) after that, by the end of the twelfth year in each consecutive 15 year period, where the first such period commences immediately after the fifteenth anniversary of the commencement of section 14 of the **Water (Resource Management) Act 2005**."
8. Clause 11, page 16, after line 27 insert—
 - "(4) The Environment Protection Authority must ensure that the report under sub-section (3)(a) is made within the period specified by the Minister, which must be not later than 4 months after the draft assessment is submitted to the Authority under sub-section (1)."
9. Clause 11, page 17, line 1, omit "**Publication**" and insert "**Consideration and publication**"
10. Clause 11, page 17, after line 2, insert—
 - "(1) The Minister, after considering the report of the Environment Protection Authority under section 22N, may—
 - (a) endorse a long-term water resources assessment; or
 - (b) endorse a long-term water resources assessment with any amendments the Minister considers appropriate; or
 - (c) refuse to endorse a long-term water resources assessment."
11. Clause 11, page 17, line 3, before "As soon as practicable" insert "(2)".
12. Clause 11, page 17, after line 20 insert—
 - "(3) If a long-term water resources assessment has not been completed within 12 months of the publication of a notice under section 22M(a) for that assessment, the Minister must, on publication of the assessment, publish reasons for the delay in the preparation of the assessment."
13. Clause 11, page 19, line 10, before "In conducting" insert "(1)".
14. Clause 11, page 20, after line 6 insert—
 - "(2) The Minister must ensure that any review under section 22P—

- (a) that is conducted as a result of a long-term water resources assessment commenced under section 22K(a) is conducted in such a manner as to be completed not more than 14 years and 6 months after the commencement of section 14 of the **Water (Resource Management) Act 2005**; and
- (b) that is conducted as a result of a long-term water resources assessment commenced under section 22K(b) is conducted in such a manner as to be completed 6 months before the end of the 15 year period in which it commenced.
- (3) Failure to comply with sub-section (2) does not affect the validity of the review or of any action the Minister takes under the review, including, but not limited to any action under section 33AAB."
15. Clause 11, page 20, lines 8 to 10, omit all words and expressions on these lines and insert—
- "(1) The Minister, by instrument, must appoint a panel of persons to consider comments made under section 22R(f) on a draft review, and the persons appointed to the panel must be persons who have knowledge of or experience in the matters that the panel is to consider."
16. Clause 11, page 20, after line 28 insert—
- "(8) A panel appointed under this section must ensure that its report under sub-section (3) is made within the period specified by the Minister which must be not later than 6 months after the panel is appointed under sub-section (1)."
17. Clause 11, page 22, line 6, omit "'."
18. Clause 11, page 22, after line 6 insert—
- '22V. Program of implementation of review**
- (1) Within 6 months of the publication of a notice under section 22T(2)(c) the Minister must determine a program of implementation of the review and publish a statement of the actions required to implement that program.
- (2) If, as part of a program of implementation of a review, the Minister determines to qualify rights under section 33AAB, the Minister must set out notice of that determination in the statement published under sub-section (1)."
19. Clause 14, page 23, line 18, omit "**insert**" and insert "**substitute**".
20. Clause 14, page 24, line 8, omit "**33AA**" and insert "**33AAA**".
21. Clause 14, page 24, line 28, omit "**33AB**" and insert "**33AAB**".
22. Clause 14, page 25, lines 5 to 10, omit all words and expressions on these lines and insert—
- "(2) A permanent qualification of rights to water under sub-section (1) must not take effect in relation to an area or water system—
- (a) within 15 years of the commencement of section 14 of the **Water (Resource Management) Act 2005**; or
- (b) if such a permanent qualification has taken effect in relation to that area or water system within the preceding 15 years."

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23. Clause 14, page 25, line 11, omit "**33AC**" and insert "**33AAC**".
24. Clause 14, page 25, line 28, omit "33AA" and insert "33AAA".
25. Clause 14, page 26, line 8, omit "33AA" and insert "33AAA".
26. Clause 18, page 27, line 23, after "43A" insert "of the **Water Act 1989**"
27. Clause 24, page 32, line 22, omit "(2)" and insert "(1)".
28. Clause 24, page 32, lines 24 to 27, omit all words and expressions on these lines and insert—
- "(1) The Minister may, by instrument,".
29. Clause 24, page 33, after line 11 insert—
- "(2) The Minister may allocate an environmental entitlement under sub-section (1) for the purpose of—
- (a) maintaining the environmental water reserve in accordance with the environmental water reserve objective; or
- (b) improving the environmental values and health of water ecosystems, including their biodiversity, ecological functioning and water quality, and the other uses that depend on environmental condition.".
30. Clause 24, page 33, line 14, omit "sub-section (1)" and insert "section 48B".
31. Clause 24, page 34, lines 2 to 4, omit all words and expressions on these lines and insert—
- "(1) The Minister may, by instrument, appoint a panel of persons to consider submissions made under section 48D(2) on the request, and the persons appointed to the panel must be persons who have knowledge of or experience in the matters that the panel is to consider.".
32. Clause 24, page 35, line 14, after this line insert—
- "(g) any relevant Sustainable Water Strategy that has been endorsed under section 22G(1);".
33. Clause 24, page 35, line 15, omit "(g)" and insert "(h)".
34. Clause 38, page 64, line 10, omit "64GA" and insert "64GB".
35. Clause 41, page 97, lines 5 to 15, omit all words and expressions on these lines and insert—
- "(4) Before giving notice, under sub-section (8)(b), of a determination that is proposed to be made, the Minister must—
- (a) appoint a consultative committee; and
- (b) consult with the consultative committee before preparing the determination.
- (5) The Minister must ensure that, as far as is reasonably possible, the membership of a committee under sub-section (4) is comprised of persons that the Minister reasonably believes represent the interests of persons that are likely to be affected by the making of the determination.
- (6) Before making a determination under sub-section (4), the Minister must appoint a panel of persons that have relevant knowledge or experience to report on the determination.

- (7) The provisions of section 22F(2) to (7) (with such modifications as are necessary) apply to a panel appointed under sub-section (6).
- (8) Before making a determination under sub-section (1), the Minister must—
- (a) give notice that the determination is proposed to be made to any Authority that has responsibilities in the area that will be affected by the determination; and
 - (b) publish a notice in a newspaper circulating generally throughout the State that the determination is proposed to be made and publish such a notice in a newspaper circulating generally in the area that will be affected by the determination, being a notice inviting public comment by a set date; and
 - (c) consider any comments made in response to notices under paragraph (a) or (b) by the set date; and
 - (d) consider any comments made by the panel appointed under sub-section (6); and
 - (e) make any appropriate changes to the determination that is proposed to be made."

36. Clause 51, page 107, line 13, omit "**64AA**" and insert "**64AAA**".

37. Clause 51, page 107, line 15, omit "**64AA**" and insert "**64AAA**".

38. Clause 54, page 118, lines 20 to 22, omit all words and expressions on these lines and insert—

- "(b) consult with those persons or bodies that the Authority considers represent the interests of persons who are likely to be affected by the recommendation and then prepare draft objectives and make the draft objectives available for inspection by the public for at least 2 months after their preparation;"

39. Clause 54, page 122, line 28, before "comply with" insert "consult with those persons or bodies that the Authority considers represent the interests of persons who are likely to be affected by the recommendation and".

40. Clause 57, page 149, line 15, omit "**33AC**" and insert "**33S**".

41. Clause 57, page 149, line 25, omit "**33AC**" and insert "**33S**".

42. Clause 60, page 175, lines 33 to 35, omit all words and expressions on these lines and insert—

- "(1) The Minister may, by instrument, appoint a panel of persons to give advice under section 161G(2) on an adopted reconfiguration plan, and the persons appointed to the panel must be persons who have knowledge of or experience in the matters that the panel is to give advice on."

43. Clause 62, page 190, line 15, omit "for".

44. Clause 71, page 219, line 4, after "Part 11" insert "of this Act".

45. Clause 71, page 236, line 6, omit "**33AT**" and insert "**33S**".

46. Clause 71, page 236, line 14, omit "**33AT**" and insert "**33S**".

47. Clause 71, page 239, line 19, after "Part 13" insert "of this Act".

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48. Clause 71, page 239, line 28, after "Part 13" insert "of this Act".
 49. Clause 71, page 242, line 21, after "**Part 4**" insert "**of this Act**".
 50. Clause 71, page 242, line 26, after "Part 4" insert "of this Act".
 51. Clause 71, page 242, line 31, after "**Part 4**" insert "**of this Act**".
 52. Clause 71, page 243, line 13, after "Part 4" insert "of this Act".
 53. Clause 71, page 243, line 16, after "**Part 4**" insert "**of this Act**".
 54. Clause 71, page 243, line 32, after "Part 4" insert "of this Act".

SCHEDULE 3

CHILDREN, YOUTH AND FAMILIES BILL

Amendments moved by Mrs Shardey

1. Clause 135, after line 20 insert—
 - () An agreement under sub-section (1) is of no effect unless—
 - (a) it contains a statement that the parent of the child and, if the child is mature enough to give instructions, the child have been provided with independent legal advice from a legal practitioner as to the legal effect of the agreement; and
 - (b) a certificate is attached to the agreement, signed by the person who provided the legal advice and stating that the advice was provided.
 - () The service provider must register a copy of an agreement under sub-section (1) (including a copy of the certificate of independent legal advice relating to the agreement) with the Family Division within 7 days after the agreement is entered into."
8. Clause 158, lines 18 and 19, omit "**Victorian Civil and Administrative Tribunal**" and insert "**Children's Court**".

LEGISLATIVE ASSEMBLY OF VICTORIA

VOTES AND PROCEEDINGS Nos 145, 146 and 147

No 145 — Tuesday 15 November 2005

- 1 The House met according to the adjournment — The Speaker took the Chair and read the Prayer.
- 2 **QUESTIONS** — (Under SO 55).
- 3 **TERRORISM (COMMUNITY PROTECTION) (AMENDMENT) BILL** — Mr Bracks obtained leave to bring in a Bill '*to amend the **Terrorism (Community Protection) Act 2003** to provide for the making of preventative detention orders, to give members of the police force special powers in connection with terrorist acts and to expand the circumstances in which covert search warrants may be issued, to amend the **Corrections Act 1986** to provide for the detention of persons subject to preventative detention orders and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 4 **JUSTICE LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL** — Mr Hulls obtained leave to bring in a Bill '*to amend the **Appeal Costs Act 1998**, the **Constitution Act 1975**, the **County Court Act 1958**, the **Courts Legislation (Judicial Conduct) Act 2005**, the **Crimes Act 1958**, the **Evidence Act 1958**, the **Public Notaries Act 2001**, the **Serious Sex Offenders Monitoring Act 2005**, the **Sex Offenders Registration Act 2004**, the **Victorian Civil and Administrative Tribunal Act 1998** and the **Working with Children 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 **CRIMES (DOCUMENT DESTRUCTION) BILL** — Mr Hulls obtained leave to bring in a Bill '*to amend the **Crimes Act 1958** with respect to the destruction of documents or other things that are, or are reasonably likely to be, required as evidence in legal proceedings 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 (SEXUAL OFFENCES) BILL** — Mr Hulls obtained leave to bring in a Bill '*to amend the **Crimes Act 1958**, the **Crimes (Criminal Trials) Act 1999**, the **Evidence Act 1958** and the **Magistrates' Court Act 1989** in relation to sexual offences and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 7 **INFRINGEMENTS BILL** — Mr Hulls obtained leave to bring in a Bill '*to provide for a new framework for the issuing and serving of infringement notices for offences and the enforcement of infringement notices, to amend the **Magistrates' Court Act 1989**, the **Road***

Safety Act 1986 and the Subordinate Legislation 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.

8 **GUARDIANSHIP AND ADMINISTRATION (FURTHER AMENDMENT) BILL** — Mr Hulls obtained leave to bring in a Bill '*to amend the Guardianship and Administration Act 1986 regarding consent to medical research procedures and for other purposes, to make consequential amendments to the Mental Health 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.

9 **LIQUOR CONTROL REFORM (AMENDMENT) BILL** — Mr Hulls obtained leave to bring in a Bill '*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.

10 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

Racial and Religious Tolerance Act 2001 — Requesting that the House takes action to remove the references to religious vilification in the *Racial and Religious Tolerance Act 2001* to allow unencumbered discussion and freedom of speech regarding religion and theology, bearing 417 signatures (*Dr Sykes*)

Religious Instruction in Victorian Government Schools — Requesting that the House takes action to ensure that there is no change to legislation and the *Victorian Government Schools Reference Guide* which would diminish the status of religious instruction in Victorian Government schools and, in addition, urges the Government to provide additional funding for chaplaincy services in these schools, bearing 144 signatures (*Ms Allan*)

Ethiopia — Mistreatment of People — Requesting that the House contacts the Ethiopian Government asking them to desist from mistreatment of the people of Ethiopia by President Meles Zenawi, bearing 61 signatures (*Mr Languiller*)

VCE English Standard — Requesting that the House urges the Government to reverse the proposal to lower the VCE English standard requiring students to read only one book in their final year of school, bearing 17 signatures (*Mr Perton*)

Police School Involvement Program — Requesting that the House supports the reinstatement of the Police School Involvement Program to build a secure environment for the children of Victoria, bearing 12 signatures (*Mr Perton*)

Country Taxi Operator Costs — Requesting that the House immediately — (a) implements changes to reduce country taxi operator costs by allowing flexible hours of service; and (b) makes available to country taxi operators the same subsidies for the provision of wheel chair friendly taxi services as Melbourne taxis and public transport, bearing 28 signatures (*Mr Ryan*)

Reproductive Health Choices for Women — Requesting that the House takes action to support women in their reproductive health choices, bearing 450 signatures (*Ms Pike*).

Petitions ordered to be tabled.

- 11 **PETITION — RACIAL AND RELIGIOUS TOLERANCE ACT 2001** — 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 — ETHIOPIA — MISTREATMENT OF PEOPLE** — Motion made and question — That the petition presented by the Member for Derrimut be taken into consideration tomorrow (*Mr Languiller*) — put and agreed to.
- 13 **PETITION — VCE ENGLISH STANDARD** — Motion made and question — That the petition presented by the Member for Doncaster be taken into consideration tomorrow (*Mr Perton*) — put and agreed to.
- 14 **PETITION — POLICE SCHOOL INVOLVEMENT PROGRAM** — Motion made and question — That the petition presented by the Member for Doncaster be taken into consideration tomorrow (*Mr Perton*) — 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 for the year 2004–05 be tabled (*Mr Hulls*) — put, after debate, and agreed to.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — Ms D'Ambrosio, Chair, presented a report from the Scrutiny of Acts and Regulations Committee being the Alert Digest No 13 of 2005 on the:

- Commissioner for Law Enforcement Data Security Bill
- Crimes (Family Violence) (Holding Powers) Bill
- Crimes (Homicide) Bill
- Duties and Land Tax Acts (Amendment) Bill
- Firearms (Further Amendment) Bill
- Gambling Regulation (Miscellaneous Amendments) Bill
- Health Professions Registration Bill
- Investigative, Enforcement and Police Powers Acts (Amendment) Bill
- Prahran Mechanics' Institute (Amendment) Bill
- Road Safety and Other Acts (Vehicle Impoundment and Other Amendments) Bill
- Superannuation Legislation (Governance Reform) Bill
- Transport Legislation (Further Miscellaneous Amendments) Bill
- Veterans Bill
- Workplace Rights Advocate Bill

together with an extract from the proceedings and appendices.

Question — That the report, extract from the proceedings and appendices be tabled — put.

The House divided (the Speaker, Mrs Maddigan, in the Chair) —

AYES 58

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Savage; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Wilson; Mr Wynne.

NOES 23

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Naphthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith; Dr Sykes; Mr Walsh; Mr Wells.

Question agreed to.

Ordered to be printed.

DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT — The Clerk tabled the following documents in accordance with Acts of Parliament:

2007 World Swimming Championships Corporation — Report for the year 2004–05

Accident Compensation Conciliation Service — Report for the year 2004–05

Adult, Community and Further Education Board — Report for the year 2004–05

Agriculture Victoria Services Pty Ltd — Report for the year 2004–05

Australian Centre for the Moving Image — Report for the year 2004–05

Australian Grand Prix Corporation — Report for the year 2004–05

Commissioner for Environmental Sustainability Act 2003 — Direction under s 10(3)

Commonwealth Games Arrangements Act 2001 — Orders under s 18 (two orders)

Corangamite Catchment Management Authority — Report for the year 2004–05

Country Fire Authority — Report for the year 2004–05

Crown Land (Reserves) Act 1978 — Section 17DA Order granting under s 17B licences over Mordialloc and Mentone Beach Park

East Gippsland Catchment Management Authority — Report for the year 2004–05

Eastern Regional Waste Management Group — Report for the year 2004–05

Education and Training, Department of — Report for the year 2004–05

Emerald Tourist Railway Board — Report for the year 2004–05

Emergency Communications Victoria — Report for the year 2004–05

Emergency Services Superannuation Scheme — Report for the year 2004–05

Equal Opportunity Commission — Report for the year 2004–05 — Ordered to be printed

Essential Services Commission — Report for the year 2004–05

Film Victoria — Report for the year 2004–05

Financial Management Act 1994 — Quarterly Financial Report for the Victorian General Government Sector — 30 September 2005

Financial Management Act 1994:

Reports from the Minister for Agriculture that he had received the 2004–05 annual reports of the:

Murray Valley Citrus Board

Phytogene Pty Ltd

Report from the Minister for Agriculture that he had not received the 2004–05 annual report of the Northern Victorian Fresh Tomato Industry Development Committee, together with an explanation for the delay in tabling

Report from the Minister for Environment that he had received the 2003–04 annual report of the Trust for Nature

Reports from the Minister for Environment that he had received the 2004–05 annual 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 Victorian Regional Waste Management Group

Northern Regional Waste Management Group

South Eastern Regional Waste Management Group

South Western Regional Waste Management Group

Reports from the Minister for Planning that he had received the 2004–05 annual reports of the:

Dandenong Development Board

Heritage Council

Freedom of Information Act 1982 — Statement of reasons for seeking leave to appeal under s 65AB

Gambling Research Panel — Report for the period 1 July 2004 to 22 December 2004

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- Geelong Performing Arts Centre Trust — Report for the year 2004–05
- Geoffrey Gardiner Dairy Foundation Limited — Report for the year 2004–05 (two documents)
- Glenelg Hopkins Catchment Management Authority — Report for the year 2004–05 (two documents)
- Goulburn Broken Catchment Management Authority — Report for the year 2004–05
- Government Superannuation Office — Report for the year 2004–05
- Judicial College — Report for the year 2004–05
- Legal Ombudsman — Report of the Office for the year 2004–05 — Ordered to be printed
- Legal Practice Board — Report for the year 2004–05
- Legal Practitioners Liability Committee — Report for the year 2004–05
- Library Board — Report for the year 2004–05
- Mallee Catchment Management Authority — Report for the year 2004–05
- Melbourne and Olympic Parks Trust — Report for the year 2004–05
- Melbourne Convention and Exhibition Trust — Report for the year 2004–05
- Melbourne Cricket Ground Trust — Report for the year ended 31 March 2005
- Members of Parliament (Register of Interests) Act 1978* — Cumulative Summary of Returns 30 September 2005 — Ordered to be printed
- Metropolitan Fire and Emergency Services Board — Report for the year 2004–05
- Mitcham-Frankston Project Act 2004* — Variation Statement under s 21(3)
- Museums Board — Report for the year 2004–05
- National Gallery, Council of Trustees — Report for the year 2004–05
- North Central Catchment Management Authority — Report for the year 2004–05
- North East Catchment Management Authority — Report for the year 2004–05 (three documents)
- Parliamentary Contributory Superannuation Fund — Report for the year 2004–05
- Parks Victoria — Report for the year 2004–05 (two documents)
- Planning and Environment Act 1987* — Notices of approval of amendments to the following Planning Schemes:
- Bass Coast Planning Scheme — No C32 Part 1

Cardinia Planning Scheme — No C74
Greater Geelong Planning Scheme — No C106
Greater Shepparton Planning Scheme — No C53
Hepburn Planning Scheme — No C27
Horsham Planning Scheme — No C20
Maroondah Planning Scheme — No C41
Melbourne Planning Scheme — No C103
Northern Grampians Planning Scheme — No C13
Whitehorse Planning Scheme — No C65
Yarra Planning Scheme — No C92
Yarra Ranges Planning Scheme — No C51

Police Integrity — Report of the Office for the year 2004–05 — Ordered to be printed

Port Phillip and Westernport Catchment Management Authority — Report for the year 2004–05

Premier and Cabinet, Department of — Report for the year 2004–05

Primary Industries, Department of — Report for the year 2004–05

Queen Victoria Women's Centre Trust — Report for the year 2004–05

Residential Tenancies Bond Authority — Report for the year 2004–05

Sentencing Advisory Council — Report for the year 2004–05

Shrine of Remembrance Trustees — Report for the year 2004–05

State Electricity Commission — Report for the year 2004–05

State Services Authority — Report for the period 4 April 2005 to 30 June 2005 (incorporating the Public Employment Office — Report for the period 1 July 2004 to 4 April 2005)

State Sport Centres Trust — Report for the year 2004–05

State Trustees Limited — Report for the year 2004–05 (together with Financial Statements of the Common Funds) (two documents)

Statutory Rules under the following Acts:

Adoption Act 1984 — SR Nos 130, 133

Electricity Safety Act 1998 — SR No 131

Metropolitan Fire Brigades Act 1958 — SR No 132

Supreme Court Act 1986 — SR No 133

Subordinate Legislation Act 1994 — Minister's exception certificate in relation to Statutory Rule No 133

Sustainability and Environment, Department of — Report for the year 2004–05

Tourism Victoria — Report for the year 2004–05

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- Transport Accident Commission — Report for the year 2004–05
- Tricontinental Holdings Limited — Report for the year 2004
- VicForests — Report for the year 2004–05
- Victoria Grants Commission — Report for the year ended 31 August 2005
- Victoria Legal Aid — Report for the year 2004–05
- Victoria Police — Report of the Office of the Chief Commissioner for the year 2004–05 (two documents)
- Victorian Arts Centre Trust — Report for the year 2004–05
- Victorian Catchment Management Council — Report for the year 2004–05
- Victorian Coastal Council — Report for the year 2004–05
- Victorian Curriculum and Assessment Authority — Report for the year 2004–05
- Victorian Electoral Commission — Report for the year 2004–05
- Victorian Energy Networks Corporation — Report for the year 2004–05
- Victorian Funds Management Corporation — Report for the year 2004–05
- Victorian Institute of Forensic Medicine — Report for the year 2004–05
- Victorian Institute of Sport — Report for the year 2004–05 (two documents)
- Victorian Institute of Teaching — Report for the year 2004–05
- Victorian Law Reform Commission — Report for the year 2004–05 — Ordered to be printed
- Victorian Learning and Employment Skills Commission — Report for the year 2004–05
- Victorian Managed Insurance Authority — Report for the year 2004–05
- Victorian Privacy Commissioner — Report of the Office for the year 2004–05 — Ordered to be printed
- Victorian Qualifications Authority — Report for the year 2004–05
- Victorian Relief Committee — Report for the year 2004–05
- Victorian Urban Development Authority — Report for the year 2004–05
- Victorian WorkCover Authority — Report for the year 2004–05
- West Gippsland Catchment Management Authority — Report for the year 2004–05 (two documents)
- Western Regional Waste Management Group — Report for the year 2004–05

Wimmera Catchment Management Authority — Report for the year 2004–05.

- 16 **MESSAGE FROM THE GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that he had, on 2 November 2005, given the royal assent to the following bills, presented to him by the Clerk of the Parliaments:

Congestion Levy Bill
 Defamation Bill
 Primary Industries Acts (Further Amendment) Bill.

- 17 **MESSAGES FROM THE GOVERNOR** — The Speaker announced the presentation of messages from the Governor recommending appropriations for the purposes of the following bills:

Commissioner for Law Enforcement Data Security Bill
 Duties and Land Tax Acts (Amendment) Bill
 Health Professions Registration Bill
 Road Safety and Other Acts (Vehicle Impoundment and Other Amendments) Bill
 Superannuation Legislation (Governance Reform) Bill
 Workplace Rights Advocate Bill.

- 18 **SITTING OF THE HOUSE IN GEELONG** — Motion made, by leave, and question — That so much of standing orders be suspended so as to allow, on Thursday 17 November 2005:

- (1) The House to invite Councillor Shane Dowling, Mayor of the City of Greater Geelong, to attend on the floor of the House at 10.30 am to address the House, and to remain on the floor of the House, save in the event of a division, until the conclusion of all responses.
- (2) The Premier, the Leader of the Opposition, and the Leader of The Nationals to speak, for no more than ten minutes each, in response.
- (3) At the conclusion of the addresses the House will proceed with business as set out in standing orders.

(Mr Batchelor) — put and agreed to.

- 19 **SITTING OF THE HOUSE** — Motion made, by leave, and question — That so much of standing and sessional orders be suspended so as to provide that the House, at its rising, on Wednesday 16 November 2005, adjourns until Thursday 17 November 2005 at Costa Hall, Geelong, the Speaker taking the Chair at 10.30 am *(Mr Batchelor)* — put and agreed to.

- 20 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, under SO 94(2), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 10.00 pm on Thursday 17 November 2005:

Commissioner for Law Enforcement Data Security Bill
 Crimes (Family Violence) (Holding Powers) Bill
 Duties and Land Tax Acts (Amendment) Bill
 Health Professions Registration Bill

Investigative, Enforcement and Police Powers Acts (Amendment) Bill
 Road Safety and Other Acts (Vehicle Impoundment and Other Amendments) Bill
 Superannuation Legislation (Governance Reform) Bill
 Transport Legislation (Further Miscellaneous Amendments) Bill
 Workplace Rights Advocate Bill

(*Mr Batchelor*) — after debate, put.

The House divided (the Speaker, Mrs Maddigan, in the Chair) —

AYES 63

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Ms D'Ambrosio; Mr Delahunty (*Lowan*); Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Jasper; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maughan; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mrs Powell; Mr Robinson; Mr Ryan; Mr Seitz; Mr Stensholt; Dr Sykes; Mr Thwaites; Mr Walsh; Mr Wilson; Mr Wynne.

NOES 18

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Dixon; Mr Honeywood; Mr Ingram; Mr Kotsiras; Mr McIntosh; Mr Mulder; Dr Naphine; Mr Perton; Mr Plowman; Mr Savage; Mrs Shardey; Mr Smith; Mr Thompson; Mr Wells.

Question agreed to.

- 21 **STATEMENTS BY MEMBERS** — Statements by members were made.
- 22 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 1 to 6 inclusive, be postponed until later this day.
- 23 **TRANSPORT LEGISLATION (FURTHER MISCELLANEOUS AMENDMENTS) BILL** — 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.

Bill read a second time, considered in detail and agreed to without amendment (*see pp 940–1, 943*).

Question — That this Bill be now read a third time — put.

The House divided (the Deputy Speaker, Mr Loney, in the Chair) —

AYES 48

Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Howard; Mr Hudson; Mr Ingram; Mr Jenkins; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Perera; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 25

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Naphine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 24 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Prisoners (Interstate Transfer) (Amendment) Bill without amendment.

- 25 **INVESTIGATIVE, ENFORCEMENT AND POLICE POWERS ACTS (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.

- 26 **COMMISSIONER FOR LAW ENFORCEMENT DATA SECURITY 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 Cameron*) — 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:

Firearms (Further Amendment) Bill
Crimes (Homicide) Bill.

28 **HEALTH PROFESSIONS REGISTRATION BILL** — 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.

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 proper consultation has taken place with the Victorian community, including registered health professionals and other key stakeholders, about the effect of the legislation, and the Government releases full departmental estimates and background documents including registration board estimates of the impact of the proposed changes on the registration fees of each of the health professional groups referred to in the bill' (*Mrs Shardey*) — and, after debate —

Under standing orders, Mr Delahunty (*Lowan*) 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 on the amendment*.

And the House having continued to sit after 12 midnight —

WEDNESDAY 16 NOVEMBER 2005

Question — That the words proposed to be omitted stand part of the question — put.

The House divided (the Speaker, Mrs Maddigan, in the Chair) —

AYES 48

Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Buchanan; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Jenkins; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Loney; Mr Lupton; Ms McTaggart; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Perera; Ms Pike; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 24

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Honeywood; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Naphine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

Question — That this Bill be now read a second time — put.

The House divided (the Speaker, Mrs Maddigan, in the Chair) —

AYES 48

Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Buchanan; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Jenkins; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Loney; Mr Lupton; Ms McTaggart; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Perera; Ms Pike; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 24

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Honeywood; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Naphine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

Bill considered in detail (*see pp 941, 943*).

- 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 Speaker left the Chair, after debate, at 3.02 am.

R W PURDEY
Clerk of the Legislative Assembly

JUDY MADDIGAN
Speaker

No 146 — Wednesday 16 November 2005

- 1 The Speaker took the Chair and read the Prayer.
- 2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

Racial and Religious Tolerance Act 2001 — Requesting that the House takes action to remove the references to religious vilification in the *Racial and Religious Tolerance Act 2001* to allow unencumbered discussion and freedom of speech regarding religion and theology, bearing 329 signatures (*Dr Sykes*)

Religious Instruction in Victorian Government Schools — Requesting that the House takes action to ensure that there is no change to legislation and the *Victorian Government Schools Reference Guide* which would diminish the status of religious instruction in Victorian Government schools and, in addition, urges the Government to provide additional funding for chaplaincy services in these schools, bearing 11 signatures (*Mr Clark*)

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 344, 24 and 249 signatures (*Mr Perera, Ms Beard and Ms Morand respectively*)

Deer Park Train Line — Requesting that the Deer Park train line be electrified as part of the metropolitan services, bearing 502 signatures (*Mr Haermeyer*)

Sandringham Line Rail Commuters — Requesting that the Government instigates immediate action so that Sandringham line commuters are not left stranded on station platforms, bearing 109 signatures (*Mr Thompson*)

Sandringham and District Memorial Hospital — Requesting that the Government provides sufficient funding for the efficient management of the Sandringham and District Memorial Hospital without the need for the impost of a range of car parking fees which will see hospital employees paying up to \$480 a year to subsidise projects which should be funded by the State Government, bearing 7 signatures (*Mr Thompson*)

Tatura Police Station — Requesting that the House directs the Minister for Police and Emergency Services to investigate and correct the lack of resources at the Tatura Police Station, bearing 51 signatures (*Mrs Powell*)

Ironbark Road and Pioneer Road, Diamond Creek, and Ironbark Road and Pioneer Road, Yarrambat — Requesting that the House urges the Government and the Minister for Planning to — (a) include the lands in Ironbark Road and Pioneer Road, Diamond Creek and in Ironbark Road and Pioneer Road, Yarrambat in the amended New Urban Growth Boundary; (b) ensure equity and justice now for any properties that may have been discriminately treated differently; (c) further investigate the matter with new information provided to ensure equitable and fair corrections to those affected; and (d) meet with residents/petitioners to discuss and clarify new evidence, bearing 5 signatures (*Mrs Powell*).

Petitions ordered to be tabled.

- 3 **PETITION — SANDRINGHAM LINE RAIL COMMUTERS** — Motion made and question — That the petition presented by the Member for Sandringham be taken into consideration tomorrow (*Mr Thompson*) — put and agreed to.
- 4 **PETITION — SANDRINGHAM AND DISTRICT MEMORIAL HOSPITAL** — Motion made and question — That the petition presented by the Member for Sandringham be taken into consideration tomorrow (*Mr Thompson*) — put and agreed to.
- 5 **PETITION — PRESCHOOL EDUCATION — RECOGNITION OF IMPORTANCE** — Motion made and question — That the petition presented by the Member for Kilsyth be taken into consideration tomorrow (*Mr Perton*) — put and agreed to.
- 6 **PETITION — PRESCHOOL EDUCATION — RECOGNITION OF IMPORTANCE** — Motion made and question — That the petition presented by the Member for Mount Waverley be taken into consideration tomorrow (*Mr Perton*) — put and agreed to.

7 **PETITION — PRESCHOOL EDUCATION — RECOGNITION OF IMPORTANCE** — Motion made and question — That the petition presented by the Member for Cranbourne be taken into consideration tomorrow (*Mr Perera*) — put and agreed to.

8 **DOCUMENTS**

DRUG PREVENTION COUNCIL — Motion made, by leave, and question — That the Report from the Premier's Drug Prevention Council for the year 2004–05 be tabled (*Mr Bracks*) — put and agreed to.

HEALTH SERVICES COMMISSIONER — Motion made, by leave, and question — That the Report of the Health Services Commissioner for the year 2004–05 be tabled (*Ms Pike*) — put and agreed to.

LAW REFORM COMMITTEE — Mr Hudson, Chair, presented a report from the Law Reform Committee on the Inquiry into Warrant Powers and Procedures, 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:

Alexandra District Hospital — Report for the year 2004–05

Alpine Health — Report for the year 2004–05 (three documents)

Ambulance Service Victoria — Metropolitan Region — Report for the year 2004–05

Audit Act 1994 — Auditor-General — Report on the Finances of the State of Victoria, 2004–05 — Ordered to be printed

Austin Health — Report for the year 2004–05 (two documents)

Bairnsdale Regional Health Service — Report for the year 2004–05 (two documents)

Ballarat Health Services — Report for the year 2004–05

Barwon Health — Report for the year 2004–05

Bayside Health — Report for the year 2004–05

Benalla and District Memorial Hospital — Report for the year 2004–05 (two documents)

Bendigo Health Care Group — Report for the year 2004–05

Calvary Health Care Bethlehem Limited — Report for the year 2004–05 (two documents)

Casterton Memorial Hospital — Report for the year 2004–05 (four documents)

Central Gippsland Health Service — Report for the year 2004–05 (two documents)

Cobram District Hospital — Report for the year 2004–05 (two documents)

Cohuna District Hospital — Report for the year 2004–05

Colac Area Health — Report for the year 2004–05

Coleraine District Health Services — Report for the year 2004–05

Djerriwarrh Health Services — Report for the year 2004–05 (two documents)

Eastern Health — Report for the year 2004–05

Echuca Regional Health — Report for the year 2004–05

Fed Square Pty Ltd — Report for the year 2004–05

Financial Management Act 1994:

Report from the Minister for Environment that he had received the 2004–05 annual report of the Alpine Resorts Co-ordinating Council

Reports from the Minister for Health that she had received reports for the period 1 January 2004 to 30 June 2005 of the:

Anderson's Creek Cemetery Trust

Ballaarat General Cemeteries Trust

Bendigo Cemeteries Trust

Cheltenham and Regional Cemeteries Trust

Geelong Cemeteries Trust

Lilydale Memorial Park and Cemeteries Trust

Preston Cemetery Trust

Templestowe Cemetery Trust

Wyndham Cemeteries Trust

Reports from the Minister for Health that she had received the 2004–05 annual reports of the:

Boort District Hospital

Dunmunkle Health Service

Maldon Hospital

Manangatang and District Hospital

Nathalia District Hospital

O'Connell Family Centre

Optometrists Registration Board

Osteopaths Registration Board

Physiotherapists Registration Board

Podiatrists Registration Board

Timboon and District Healthcare Service

Tweddle Child and Family Health Service

Yea and District Memorial Hospital

Goulburn Valley Health — Report for the year 2004–05 (two documents)

Hepburn Health Service — Report for the year 2004–05

Hesse Rural Health Service — Report for the year 2004–05

Heywood Rural Health — Report for the year 2004–05

Infertility Treatment Authority — Report for the year 2004–05

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- Inglewood and District Health Service — Report for the year 2004–05 (two documents)
- Innovation, Industry and Regional Development, Department of — Report for the year 2004–05
- Kerang District Health — Report for the year 2004–05
- Kooweerup Regional Health Service — Report for the year 2004–05 (two documents)
- Kyabram and District Health Services — Report for the year 2004–05 (two documents)
- Kyneton District Health Service — Report for the year 2004–05
- Lorne Community Hospital — Report for the year 2004–05 (three documents)
- McIvor Health and Community Services — Report for the year 2004–05
- Mallee Track Health and Community Service — Report for the year 2004–05
- Mansfield District Hospital — Report for the year 2004–05 (three documents)
- Maryborough District Health Service — Report for the year 2004–05 (two documents)
- Melbourne Health — Report for the year 2004–05
- Mercy Public Hospitals Incorporated — Report for the year 2004–05 (14 documents)
- Moyne Health Services — Report for the year 2004–05
- Mt Alexander Hospital — Report for the year 2004–05
- Necropolis Springvale, Trustees of the — Report for the year 2004–05
- Northeast Health Wangaratta — Report for the year 2004–05 (two documents)
- Numurkah District Health Service — Report for the year 2004–05 (two documents)
- Nurses Board — Report for the year 2004–05
- Otway Health and Community Services — Report for the year 2004–05
- Peninsula Health — Report for the year 2004–05 (two documents)
- Peter MacCallum Cancer Centre — Report for the year 2004–05
- Planning and Environment Act 1987* — Urban Growth Boundary — Amendments modifying the following Planning Schemes:
- Cardinia Planning Scheme — No C81
- Casey Planning Scheme — No C85
- Hume Planning Scheme — No C66
- Melton Planning Scheme — No C51
- Whittlesea Planning Scheme — No C83
- Wyndham Planning Scheme — No C80

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- Portland District Health — Report for the year 2004–05
- Prince Henry's Institute of Medical Research — Report for the year 2004–05
- Queen Elizabeth Centre — Report for the year 2004–05
- Radiation Advisory Committee — Report for the year ended 30 September 2005
- Regional Development Victoria — Report for the year 2004–05
- Robinvale District Health Services — Report for the year 2004–05
- Rochester and Elmore District Health Service — Report for the year 2004–05
- Royal Children's Hospital — Report for the year 2004–05
- Royal Victorian Eye and Ear Hospital — Report for the year 2004–05
- Royal Women's Hospital — Report for the year 2004–05
- Rural Ambulance Victoria — Report for the year 2004–05
- Seymour District Memorial Hospital — Report for the year 2004–05
- South West Healthcare — Report for the year 2004–05
- Southern Health — Report for the year 2004–05
- St Vincent's — Report for the year 2004–05 (four documents)
- Statutory Rules under the following Acts:
- Non-Emergency Patient Transport Act 2003* — SR No 135
- Subordinate Legislation Act 1994* — SR No 134
- Transport Act 1983* — SR Nos 136, 137, 138
- Stawell Regional Health — Report for the year 2004–05
- Subordinate Legislation Act 1994* — Minister's exception certificate in relation to Statutory Rule No 134
- Swan Hill District Hospital — Report for the year 2004–05
- Tallangatta Health Service — Report for the year 2004–05 (two documents)
- Terang and Mortlake Health Service — Report for the year 2004–05
- Upper Murray Health and Community Services — Report for the year 2004–05 (two documents)
- Victorian Health Promotion Foundation — Report for the year 2004–05
- Victorian Industry Participation Policy Act 2003* — Report on the implementation of the VIPP for the year 2004–05

Victorian Institute of Forensic Mental Health — Report for the year 2004–05

Western District Health Service — Report for the year 2004–05

Western Health — Report for the year 2004–05

Wodonga Regional Health Service — Report for the year 2004–05 (three documents)

Yarrawonga District Health Service — Report for the year 2004–05 (two documents).

- 9 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question proposed — That the government business program agreed to by this House on 15 November 2005 be amended by omitting the Order of the Day, Government Business, relating to the Crimes (Family Violence) (Holding Powers) Bill and adding the motion to ratify amendments to the Urban Growth Boundary (*Mr Batchelor*) — and, after debate —

Amendment proposed — That the words 'Crimes (Family Violence) (Holding Powers) Bill' be omitted with the view of inserting in their place the words 'Workplace Rights Advocate Bill' (*Mr Cooper*).

Question — That the words proposed to be omitted stand part of the question — put.

The House divided (the Deputy Speaker, Mr Loney, in the Chair) —

AYES 53

Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Ms Morand; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 25

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Napthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh.

Question agreed to.

Original question — put.

The House divided (the Deputy Speaker, Mr Loney, in the Chair) —

AYES 53

Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Ms Morand; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 25

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Naphine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh.

Question agreed to.

10 **STATEMENTS BY MEMBERS** — Statements by members were made.

11 **STATEMENTS ON PARLIAMENTARY COMMITTEE REPORTS** — Statements were made on the following Committee Reports:

Road Safety Committee's Report on the Inquiry into the Country Road Toll

Rural and Regional Services and Development Committee's Report on the Inquiry into Country Football

Road Safety Committee's Report on the Inquiry into Crashes Involving Roadside Objects

Environment and Natural Resources Committee's Report on the Inquiry into Sustainable Communities

Family and Community Development Committee's Report on the Inquiry into Issues relating to the Development of Body Image Among Young People and Associated Effects on their Health and Wellbeing.

12 **DUTIES AND LAND TAX ACTS (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Under standing orders, Ms Pike announced amendments to be proposed when the House considers the Bill in detail and requested that they be circulated. Amendments circulated.

Debate resumed on question — That this Bill be now read a second time.

Motion made and question — That the debate be now adjourned (*Mr Merlino*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

13 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Major Events (Crowd Management) and Commonwealth Games Arrangements Acts (Crowd Safety Amendment) Bill without amendment.

14 **SUPERANNUATION LEGISLATION (GOVERNANCE REFORM) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Under standing orders, Ms Kosky 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.

15 **QUESTIONS** — (Under SO 55).

16 **SUPERANNUATION LEGISLATION (GOVERNANCE REFORM) BILL** — Debate continued 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.

17 **TERRORISM (COMMUNITY PROTECTION) (AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Bracks*).

Mr Bracks 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 Doyle*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 30 November 2005.

18 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Agreeing to the following bills without amendment:

Groundwater (Border Agreement) (Amendment) Bill
Retail Leases (Amendment) Bill.

19 **JUSTICE LEGISLATION (MISCELLANEOUS AMENDMENTS) 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 (*Dr Napthine*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 30 November 2005.

20 **CRIMES (DOCUMENT DESTRUCTION) 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 (*Dr Napthine*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 30 November 2005.

- 21 **CRIMES (SEXUAL OFFENCES) 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 (*Dr Napthine*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 30 November 2005.

- 22 **INFRINGEMENTS 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 McIntosh*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 30 November 2005.

- 23 **GUARDIANSHIP AND ADMINISTRATION (FURTHER 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 McIntosh*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 30 November 2005.

- 24 **LIQUOR CONTROL REFORM (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 Kotsiras*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 30 November 2005.

- 25 **DUTIES AND LAND TAX ACTS (AMENDMENT) BILL** — 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.

- 26 **SUPERANNUATION LEGISLATION (GOVERNANCE REFORM) BILL** — 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.

27 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Cameron*) — put and agreed to.

28 **ADJOURNMENT** — The Acting Speaker left the Chair, after debate, at 5.49 pm.

R W PURDEY
Clerk of the Legislative Assembly

JUDY MADDIGAN
Speaker

No 147 — Thursday 17 November 2005

1 The House met in the City of Geelong in accordance with the Proclamation of the Governor and the terms of the resolution of the House on 15 November 2005 — 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 4 February 2003 by me, John Landy, Governor of Victoria, pursuant to section 8 of the *Constitution Act 1975*, fixed 25 February 2003 at 11.00 am as the time for the commencement and holding of the first session of the 55th 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, John Landy, 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 Council:
 - i. from 17 November 2005 to the Colac Otway Performing Arts and Cultural Centre at Rae Street, in the City of Colac; and
 - ii. thereafter, when the Legislative Council 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 Assembly:

- iii. from 17 November 2005 to the Deakin University Geelong Waterfront Campus at 1-11 Gheringhap Street in the City of Geelong; and
- iv. 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.

Given under my hand and the seal of Victoria at Melbourne, this 15th day of November 2005.

JOHN LANDY
Governor
By His Excellency's Command

STEVE BRACKS MP
Premier

2 **ADDRESS BY COUNCILLOR SHANE DOWLING, MAYOR OF THE CITY OF GREATER GEELONG** — In accordance with the resolution of the House of 15 November 2005 Councillor Shane Dowling addressed the House, to which members responded, and was then escorted from the Chamber by the Serjeant-at-Arms.

3 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

Racial and Religious Tolerance Act 2001 — Requesting that the House takes action to remove the references to religious vilification in the *Racial and Religious Tolerance Act 2001* to allow unencumbered discussion and freedom of speech regarding religion and theology, bearing 380 signatures (*Dr Sykes*)

Religious Instruction in Victorian Government Schools — Requesting that the House takes action to ensure that there is no change to legislation and the *Victorian Government Schools Reference Guide* which would diminish the status of religious instruction in Victorian Government schools and, in addition, urges the Government to provide additional funding for chaplaincy services in these schools, bearing 12, 54 and 256 signatures (*Mrs Shardey, Mr Perton and Mr Delahunty (Lowan) respectively*)

VCE English Standard — Requesting that the House urges the Government to reverse the proposal to lower the VCE English standard requiring students to read only one book in their final year of school, bearing 110 signatures (*Mr Perton*)

Police School Involvement Program — Requesting that the House supports the reinstatement of the Police School Involvement Program to build a secure environment for the children of Victoria, bearing 100 signatures (*Mr Perton*)

Religious Instruction in Victorian Government Schools — Legislative Changes — Requesting that the House takes action to ensure that there is no change to legislation which would diminish the status of religious instruction in Victorian Government schools and, in addition, urges the Government to provide additional funding for chaplaincy services in these schools, bearing 13 signatures (*Mr Perton*)

Greenvale High School — Requesting that the House urges the Government to reverse the proposed action to sell land on the corner of Barrymore Road and Glencairn Drive in Greenvale reserved for a secondary school and establish a Greenvale High School, bearing 391 signatures (*Mr Perton*)

Industrial Relations Changes — Requesting that the House takes all action possible to protect Victorian employees and their families from the impact of the Industrial Relations changes proposed by the Federal Government, bearing 360 signatures (*Ms Green*)

Petitions ordered to be tabled.

4 **PETITION — RELIGIOUS INSTRUCTION IN VICTORIAN GOVERNMENT SCHOOLS** — Motion made and question — That the petition presented by the Member for Caulfield be taken into consideration tomorrow (*Mrs Shardey*) — put and agreed to.

5 **PETITION — RACIAL AND RELIGIOUS TOLERANCE ACT 2001** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.

6 **PETITION — RELIGIOUS INSTRUCTION IN VICTORIAN GOVERNMENT SCHOOLS** — Motion made and question — That the petition presented by the Member for Doncaster be taken into consideration tomorrow (*Mr Perton*) — put and agreed to.

7 **PETITION — VCE ENGLISH STANDARD** — Motion made and question — That the petition presented by the Member for Doncaster be taken into consideration tomorrow (*Mr Perton*) — put and agreed to.

8 **PETITION — POLICE SCHOOL INVOLVEMENT PROGRAM** — Motion made and question — That the petition presented by the Member for Doncaster be taken into consideration tomorrow (*Mr Perton*) — put and agreed to.

9 **PETITION — RELIGIOUS INSTRUCTION IN VICTORIAN GOVERNMENT SCHOOLS — LEGISLATIVE CHANGES** — Motion made and question — That the petition presented by the Member for Doncaster be taken into consideration tomorrow (*Mr Perton*) — put and agreed to.

10 **PETITION — GREENVALE HIGH SCHOOL** — Motion made and question — That the petition presented by the Member for Doncaster be taken into consideration tomorrow (*Mr Perton*) — put and agreed to.

11 **PETITION — INDUSTRIAL RELATIONS CHANGES** — 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.

12 **DOCUMENTS**

RESPONSE TO AUDITOR-GENERAL'S REPORTS — Motion made, by leave, and question — That the Response of the Minister for Finance to the Auditor-General's Reports issued during 2004–05 be tabled (*Mr Batchelor*) — put and agreed to.

FAMILY AND COMMUNITY DEVELOPMENT COMMITTEE — Ms Neville presented a report from the Family and Community Development Committee on the Regulation of the Funeral Industry, together with extracts from the proceedings, a minority report and minutes of evidence.

Ordered to be tabled and the report, extracts from the proceedings and minority report printed.

DOCUMENTS TABLED BY COMMAND OF THE GOVERNOR

Mr Hulls presented by Command of the Governor:

County Court — Reports for the years 2002–03 and 2003–04

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 Treasurer that he had received the 2004–05 annual report of South Eastern Medical Complex Limited

Freedom of Information Act 1982 — Report of the Attorney-General on the operation of the Act for the year 2004–05

Gippsland Southern Health Service — Report for the year 2004–05 (two documents)

Health Services Act 1988 — Report of the Community Visitors for the year 2004–05 — Ordered to be printed

Housing Guarantee Fund Limited — Report for the year 2004–05 (including the Domestic Building (HIH) Indemnity Fund Financial Statement)

Intellectually Disabled Persons' Services Act 1986 — Report of the Community Visitors for the year 2004–05

Parliamentary Committees Act 2003:

Response of the Premier on the action taken with respect to the recommendations made by the Scrutiny of Acts and Regulations Committee's Report on Victorian Electronic Democracy
Response of the Minister for Transport on the action taken with respect to the recommendations made by the Road Safety Committee's Inquiry into the Country Road Toll

Police Appeals Board — Report for the year 2004–05

Public Prosecutions — Report of the Director, Committee and Office for the year 2004–05

Special Investigations Monitor — Report of the Office for the year 2004–05

Subordinate Legislation Act 1994 — Minister's exemption certificates in relation to Statutory Rule Nos 137, 138

Victoria Law Foundation — Report for the year 2004–05

Victorian Civil and Administrative Tribunal — Report for the year 2004–05

Wimmera Health Care Group — Report for the year 2004–05 (two documents).

- 13 **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.

- 14 **STATEMENTS BY MEMBERS** — Statements by members were made.

- 15 **URBAN GROWTH BOUNDARY — PLANNING SCHEME AMENDMENTS** — Motion made and question proposed — That under s 46AH of the *Planning and Environment Act 1987*, the following six amendments to modify the Urban Growth Boundary be ratified:

Cardinia Planning Scheme — No C81

Casey Planning Scheme — No C85

Hume Planning Scheme — No C66

Melton Planning Scheme — No C51

Whittlesea Planning Scheme — No C83

Wyndham Planning Scheme — No C80

(*Mr Hulls*) — and, after debate —

Amendment proposed — That all the words after 'That' be omitted with the view of inserting in their place the words 'this House refuses to consider the ratification of the planning scheme amendments to modify the urban growth boundary tabled in the House on 16 November 2005 until all such amendments have been placed on public exhibition for a minimum period of four weeks and all affected communities have been notified of the proposed changes and provided with an opportunity to comment' (*Mr Baillieu*) — and, after debate —

Business having been interrupted at 2.00 pm under standing orders.

- 16 **QUESTIONS** — (Under SO 55).

Prior notice having been given under SO 43 on Tuesday 15 November 2005, business was interrupted at 2.43 pm.

- 17 **MINISTERIAL STATEMENT — 150TH ANNIVERSARY OF DEMOCRACY** — Mr Bracks made a ministerial statement relating to the 150th anniversary of democracy in Victoria, to which members responded.

- 18 **URBAN GROWTH BOUNDARY — PLANNING SCHEME AMENDMENTS** — Debate resumed on question — That under s 46AH of the *Planning and Environment Act 1987*, the following six amendments to modify the Urban Growth Boundary be ratified:

Cardinia Planning Scheme — No C81

Casey Planning Scheme — No C85

Hume Planning Scheme — No C66

Melton Planning Scheme — No C51

Whittlesea Planning Scheme — No C83
Wyndham Planning Scheme — No C80

— *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 consider the ratification of the planning scheme amendments to modify the urban growth boundary tabled in the House on 16 November 2005 until all such amendments have been placed on public exhibition for a minimum period of four weeks and all affected communities have been notified of the proposed changes and provided with an opportunity to comment'.

Question — That the words proposed to be omitted stand part of the question — put.

The House divided (the Speaker, Mrs Maddigan, in the Chair) —

AYES 57

Ms Allan; Mr Andrews; Ms Barker; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Jenkins; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Loney; Mr Lupton; Ms McTaggart; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Mr Robinson; Mr Savage; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 25

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Napthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

Original question — put and agreed to.

- 19 **ROAD SAFETY AND OTHER ACTS (VEHICLE IMPOUNDMENT AND OTHER AMENDMENTS) BILL** — 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.

- 20 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That the government business program agreed to by this House on 15 November 2005 be further amended by omitting '10.00 pm' and inserting '9.00 pm' (*Mr Cameron*) — put and agreed to.

- 21 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Agreeing to the following bills without amendment:

Land Tax Bill

Motor Car Traders and Fair Trading Acts (Amendment) Bill

Transport Legislation (Further Miscellaneous Amendments) Bill.

- 22 **WORKPLACE RIGHTS ADVOCATE BILL** — 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, Mrs Maddigan, in the Chair) —

AYES 51

Ms Allan; Mr Andrews; Ms Barker; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Jenkins; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lobato; Mr Lockwood; Mr Loney; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Mr Nardella; Ms Neville; Ms Overington; Mr Perera; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 23

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Napthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

By leave, Bill immediately read a third time.

Bill sent to the Legislative Council and their agreement requested.

- 23 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 3 and 4, be postponed until later this day.
- 24 **HEALTH PROFESSIONS REGISTRATION BILL** — Order read for the further consideration of the Bill in detail (*see pp 942, 943*).

Allocation of time — The Deputy Speaker advised that the time allocated for consideration of bills under the resolution of the House on Tuesday 15 November 2005, and as amended on Wednesday 16 November 2005 and Thursday 17 November 2005, had expired.

Question — That the words proposed to be omitted stand part of the question — put.

The House divided (the Deputy Speaker, Mr Loney, in the Chair) —

AYES 56

Ms Allan; Mr Andrews; Ms Barker; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Mr Jenkins; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Perera; Mr Robinson; Mr Savage; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 23

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Naphthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

Question — That clause 80, clauses 81 to 182 inclusive and Schedules 1 to 4 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, Mr Loney, in the Chair) —

AYES 56

Ms Allan; Mr Andrews; Ms Barker; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Mr Jenkins; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Perera; Mr Robinson; Mr Savage; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 23

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Naphthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

25 **ROAD SAFETY AND OTHER ACTS (VEHICLE IMPOUNDMENT AND OTHER AMENDMENTS) BILL** — 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 **SUPERANNUATION LEGISLATION (GOVERNANCE REFORM) BILL** — 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 12 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.

- 27 **DUTIES AND LAND TAX ACTS (AMENDMENT) BILL** — 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 6 inclusive be agreed to and the Bill be now read a third time — put.

The House divided (the Deputy Speaker, Mr Loney, in the Chair) —

AYES 55

Ms Allan; Mr Andrews; Ms Barker; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Jenkins; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Perera; Mr Robinson; Mr Savage; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 24

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Ingram; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Napthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 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 9.54 pm.

R W PURDEY
Clerk of the Legislative Assembly

JUDY MADDIGAN
Speaker

LEGISLATIVE ASSEMBLY OF VICTORIA

CONSIDERATION IN DETAIL Supplement to Votes Nos 145, 146 and 147

No 145 — Tuesday 15 November 2005

TRANSPORT LEGISLATION (FURTHER MISCELLANEOUS AMENDMENTS) BILL

Clause 1, Mr Walsh 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, Mr Loney, in the Chair) —

AYES 47¹

Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Buchanan; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Howard; Mr Hudson; Mr Ingram; Mr Jenkins; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Perera; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 25

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Napthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

Clause agreed to.

Clause 2, Mr Walsh moved amendment Nos 2 to 6 (*see Schedule 1*).

Amendments put and defeated.

Clause agreed to.

Clauses 3 to 47 agreed to.

Question — That the House agrees to the Bill without amendment — put.

¹ Division corrected after the Acting Speaker informed the House that the Clerk had identified a discrepancy between the number of votes cast by the Government Whip and the number of Government members actually present. Upon investigation it was found that the Government votes cast for the 'Ayes' should have been 46 rather than 47.

The House divided (the Deputy Speaker, Mr Loney, in the Chair) —

AYES 47

Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Buchanan; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Howard; Mr Hudson; Mr Ingram; Mr Jenkins; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Perera; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 25

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Napthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

HEALTH PROFESSIONS REGISTRATION BILL

Clauses 1 to 4 agreed to.

Clause 5, Mrs Shardey moved amendment No 1 (*see Schedule 2*).

Motion made and question — That the debate be adjourned (*Mr Batchelor*) — put.

The House divided (the Deputy Speaker, Mr Loney, in the Chair) —

AYES 48

Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Buchanan; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Ingram; Mr Jenkins; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Perera; Ms Pike; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 22

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Honeywood; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Dr Napthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

Ordered — That the debate be adjourned until later this day.

No 147— Thursday 17 November 2005

HEALTH PROFESSIONS REGISTRATIONS BILL

Clause 5 — Question — That the words proposed to be omitted stand part of the Clause — put.

The House divided (the Deputy Speaker, Mr Loney, in the Chair) —

AYES 54²

Ms Allan; Mr Andrews; Ms Barker; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Jenkins; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Perera; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 25

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Ingram; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Naphine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

Clause agreed to.

Clauses 6 to 61 agreed to.

Clause 62, Mr Delahunty (*Lowan*) moved amendment No 2 (*see Schedule 2*).

Amendment put and defeated.

Clause agreed to.

Clauses 63 to 79 agreed to.

Clause 80, Mrs Shardey moved amendment No 2 (*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 November 2005, and as amended on Wednesday 16 November 2005 and Thursday 17 November 2005, had expired (for remaining stages see pp 937–8).

² Division corrected after the Deputy Speaker informed the House that the Clerk had identified a discrepancy between the number of votes cast by the Government Whip and the number of Government members actually present. Upon investigation it was found that the Government votes cast for the 'Ayes' should have been 54 rather than 55.

SCHEDULES OF AMENDMENTS MOVED

SCHEDULE 1

TRANSPORT LEGISLATION (FURTHER MISCELLANEOUS AMENDMENTS) BILL

Amendments moved by Mr Walsh

1. Clause 1, lines 12 to 14, omit all words and expressions on these lines.
2. Clause 2, line 7, omit "9, 11, 12, 34, 35 and 40 to 47" and insert "31, 32 and 37 to 44".
3. Clause 2, lines 10 and 11, omit "34, 35 and 40" and insert "31, 32 and 37".
4. Clause 2, lines 13 and 14, omit all words and expressions on these lines.
5. Clause 2, line 15, omit "41 to 47" and insert "38 to 44".
6. Clause 2, lines 17 and 18, omit ", (3) or (4)" and insert "or (3)".

SCHEDULE 2

HEALTH PROFESSIONS REGISTRATION BILL

Amendments moved by Mrs Shardey

1. Clause 5, page 14, lines 7 to 33, omit all words and expressions on these lines.
2. Clause 80, page 93, in the Table, omit "psychologist registered psychologist".

Amendment moved by Mr Delahunty (*Lowan*)

2. Clause 62, line 30, omit "no" and insert "a".

LEGISLATIVE ASSEMBLY OF VICTORIA

VOTES AND PROCEEDINGS Nos 148, 149 and 150

No 148 — Tuesday 7 February 2006

- 1 The House met in accordance with the terms of the resolution of 17 November 2005, 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 **CONDOLENCES — BUSHFIRE VICTIMS** — Motion made, by leave, and question — That this House:
 - (1) Expresses its sincere sorrow at the death of volunteer CFA firefighter Captain Trevor Day near Yea on 23 January 2006;
 - (2) Extends its condolences to the family, friends and colleagues of Captain Day;
 - (3) Expresses its sincere sorrow at the deaths of Malcolm Wilson and his 12 year old son Zeke in the Grampians on 22 January 2006;
 - (4) Extends its condolences to the family and friends of Mr Wilson and young Zeke; and
 - (5) Thanks the brave men and women who fought the bushfires that raged across Victoria last month;

(*Mr Bracks*) — put, and after Mr Doyle and Mr Ryan had addressed the House in support of the motion, honourable members rising in their places to signify their assent, agreed to unanimously and in silence.
- 3 **QUESTIONS** — (Under SO 55).
- 4 **INTERPRETATION OF LEGISLATION (FURTHER AMENDMENT) BILL** — Mr Hulls obtained leave to bring in a Bill '*to make miscellaneous amendments to 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.
- 5 **BUILDING AND CONSTRUCTION INDUSTRY SECURITY OF PAYMENT (AMENDMENT) BILL** — Mr Hulls obtained leave to bring in a Bill '*to amend the **Building and Construction Industry Security of Payment Act 2002** to make further provision with respect to payments for construction work and for the supply of related goods and services under construction contracts and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.

- 6 **LAND (ST KILDA TRIANGLE) BILL** — Mr Hulls obtained leave to bring in a Bill '*to provide for the revocation of reservations over certain land at St Kilda and to re-reserve that land and reserve other land at St Kilda for public purposes, to provide for the Port Phillip City Council to be the committee of management of that land and to provide leasing powers over part of that land and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 7 **PUBLIC SECTOR EMPLOYMENT (AWARD ENTITLEMENTS) BILL** — Mr Hulls obtained leave to bring in a Bill '*to protect employment entitlements of certain public sector employees, to amend the Workplace Rights Advocate Act 2005 and the Commonwealth Powers (Industrial Relations) Act 1996 and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 8 **DRUGS, POISONS AND CONTROLLED SUBSTANCES (VOLATILE SUBSTANCES) (EXTENSION OF PROVISIONS) BILL** — Ms Pike obtained leave to bring in a Bill '*to amend the Drugs, Poisons and Controlled Substances (Volatile Substances) Act 2003 to extend the operation of that Act and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 9 **EDUCATION AND TRAINING REFORM BILL** — Ms Kosky obtained leave to bring in a Bill '*to reform the law relating to education and training in Victoria to provide for a high standard of education and training for all Victorians and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 10 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

Child Molesters and Rapists — Harsh Penalties — Requesting that the House takes steps to ensure the protection of women and children by guaranteeing a harsh penalty to anyone found guilty of offences against them, bearing 102 signatures (*Mr Lockwood*)

Country Taxi Operator Costs — Requesting that the House immediately — (a) implements changes to reduce country taxi operator costs by allowing flexible hours of service; and (b) makes available to country taxi operators the same subsidies for the provision of wheel chair friendly taxi services as Melbourne taxis and public transport, bearing 56 signatures (*Dr Sykes*)

VCE English Standard — Requesting that the House urges the Government to reverse the proposal to lower the VCE English standard requiring students to read only one book in their final year of school, bearing 11 signatures (*Mr Perton*)

Police School Involvement Program — Requesting that the House supports the reinstatement of the Police School Involvement Program to build a secure environment for the children of Victoria, bearing 6 signatures (*Mr Perton*)

Greenvale High School — Requesting that the House urges the Government to reverse the proposed action to sell land on the corner of Barrymore Road and Glencairn Drive in Greenvale reserved for a secondary school and establish a Greenvale High School, bearing 53 signatures (*Mr Perton*)

Home Education — Requesting that the House urges the redrafting of the clauses of the Education and Training Reform Bill pertaining to home education to be in line with the existing Education Act's requirement that parents provide regular and efficient instruction without reference to a statutory authority, bearing 27, 16, 16 and 73 signatures (*Mr Lockwood, Mr Perton, Ms Morand and Mr Delahunty (Lowan) respectively*)

Natural Gas to Warburton — Requesting that the House supports the appeal for the supply of natural gas to Warburton and district communities so that residents may benefit from lower energy costs and a cleaner environment, bearing 101 signatures (*Ms Lobato*)

Road Works — Strzelecki Highway — Requesting that the House calls upon the Government to undertake urgent road works upon the Strzelecki Highway comprising the construction of multiple overtaking lanes at appropriate points along the 52 kilometre length of the Highway in order to minimise the risk of further accidents, bearing 855 signatures (*Mr Ryan*)

Police School Involvement Program Continuation — Requesting that the House supports the continuation of the Police School Involvement Program, in its present form, for the year 2006 and beyond, bearing 40 signatures (*Mr Savage*)

Channel Deepening in Port Phillip Bay, The Rip and the Yarra River — 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; (b) alternative solutions making better use of a mix of interstate rail from existing deep water ports and sea transport are engaged; and (c) the Minister for Planning makes public the findings of the Environment Effects Statement Independent Panel, due for release in February 2005, as soon as the Panel provides its report to the Government, bearing 1,539 signatures (*Mr Dixon*)

Court Complex, Nepean Highway, Highett — Requesting that the House calls on the Government to rename the court complex to be constructed on the former Gas and Fuel site, Nepean Highway, Highett, the Highett Court House and advise when a new court house will be built in Moorabbin as promised at the last election, bearing 15 signatures (*Mr Thompson*).

Petitions ordered to be tabled.

- 11 **PETITION — CHILD MOLESTERS AND RAPISTS — HARSH PENALTIES** — Motion made and question — That the petition presented by the Member for Bayswater be taken into consideration tomorrow (*Mr Lockwood*) — put and agreed to.
- 12 **PETITION — HOME EDUCATION** — Motion made and question — That the petition presented by the Member for Bayswater be taken into consideration tomorrow (*Mr Lockwood*) — put and agreed to.
- 13 **PETITION — VCE ENGLISH STANDARD** — Motion made and question — That the petition presented by the Member for Doncaster be taken into consideration tomorrow (*Mr Perton*) — put and agreed to.
- 14 **PETITION — POLICE SCHOOL INVOLVEMENT PROGRAM** — Motion made and question — That the petition presented by the Member for Doncaster be taken into consideration tomorrow (*Mr Perton*) — put and agreed to.

- 15 **PETITION — GREENVALE HIGH SCHOOL** — Motion made and question — That the petition presented by the Member for Doncaster be taken into consideration tomorrow (*Mr Perton*) — put and agreed to.
- 16 **PETITION — HOME EDUCATION** — Motion made and question — That the petition presented by the Member for Doncaster be taken into consideration tomorrow (*Mr Perton*) — put and agreed to.
- 17 **PETITION — CHANNEL DEEPENING IN PORT PHILLIP BAY, THE RIP AND THE YARRA RIVER** — Motion made and question — That the petition presented by the Member for Nepean be taken into consideration tomorrow (*Mr Dixon*) — put and agreed to.
- 18 **PETITION — COUNTRY TAXI OPERATOR COSTS** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.
- 19 **PETITION — HOME EDUCATION** — Motion made and question — That the petition presented by the Member for Lowan be taken into consideration tomorrow (*Mr Delahunty, Lowan*) — put and agreed to.
- 20 **PETITION — HOME EDUCATION** — Motion made and question — That the petition presented by the Member for Mount Waverley be taken into consideration tomorrow (*Mr Perton*) — put and agreed to.
- 21 **DOCUMENTS**

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — Ms D'Ambrosio, Chair, presented a report from the Scrutiny of Acts and Regulations Committee being the Alert Digest No 1 of 2006 on the:

Crimes (Document Destruction) Bill
 Crimes (Family Violence) (Holding Powers) Bill
 Crimes (Sexual Offences) Bill
 Guardianship and Administration (Further Amendment) Bill
 Infringements Bill
 Justice Legislation (Miscellaneous Amendments) Bill
 Liquor Control Reform (Amendment) Bill
 Terrorism (Community Protection) (Amendment) Bill
 Transport Legislation (Safety Investigations) 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:

Altona Memorial Park Trustees — Report for the period 1 January 2004 to 30 June 2005, together with an explanation for the delay in tabling

Audit Act 1994 — Auditor-General — Report of Results of 30 June 2005 financial statement and other audits — Ordered to be printed

Bass Coast Regional Health — Report for the year 2004–05 (two documents)

Beechworth Health Service — Report for the year 2004–05, together with an explanation for the delay in tabling

Border Groundwaters Agreement Review Committee — Report for the year 2004–05

Chief Electrical Inspector — Report of the Office for the period ended 9 August 2005

Commonwealth Games Arrangements Act 2001 — Orders under s 18 (20 orders)

Consumer Utilities Advocacy Centre Ltd — Report for the year 2004–05

Crown Land (Reserves) Act 1978 — Section 17DA Orders granting under s 17D leases over:

Mentone and Mordialloc Beach Park
Mount Warrenheip Flora Reserve

Dental Health Services Victoria — Report for the year 2004–05

East Grampians Health Service — Report for the year 2004–05 (two documents)

Eastlink Project Act 2004 — Variation Statement Nos 3, 4, 5

Edenhope and District Memorial Hospital — Report for the year 2004–05

Equal Opportunity Commission — Report for the year 2004–05 (*in lieu of report previously tabled on Tuesday 15 November 2005*) — Ordered to be printed

Fawkner Crematorium and Memorial Park Trustees — Report for the period 1 January 2004 to 30 June 2005, together with an explanation for the delay in tabling

Financial Management Act 1994 — Budget Update for the year 2005–06

Financial Management Act 1994:

Report from the Minister for Health that she had received the report for the period 1 January 2004 to 30 June 2005 of the Keilor Cemetery Trust, together with an explanation for the delay

Reports from the Minister for Health that she had received the 2004–05 annual reports of the:

Alexandra and District Ambulance Service

Chinese Medicine Registration Board

Chiropractors Registration Board, together with an explanation for the delay

Dental Practice Board

Health Purchasing Victoria

Mental Health Review Board

Omeo District Hospital

Pharmacy Board, together with an explanation for the delay

Psychosurgery Review Board

Report from the Premier that he had received the 2004–05 annual report of VITS LanguageLink

Food Safety Council — Report for the year 2004–05

Gas Safety — Report of the Office for the period ended 9 August 2005

Interpretation of Legislation Act 1984 — Notice under s 32(3)(a)(iii) in relation to Statutory Rule No 151/2005

Kilmore and District Hospital — Report for the year 2004–05

Melbourne City Link Act 1995:

Exhibition Street Extension Ninth Amending Deed

City Link and Extension Projects Integration and Facilitation Agreement Thirteenth Amending Deed

Melbourne City Link Twenty-first Amending Deed

Northern Health — Report for the year 2004–05 (two documents)

Ombudsman Act 1973 — Report of the Ombudsman on the Investigation into the Handling, Storage and Transfer of Prisoner Property in Victorian Prisons — Ordered to be printed

Orbost Regional Health — Report for the year 2004–05, together with an explanation for the delay in tabling

Parliamentary Committees Act 2003:

Letter relating to the response of the Minister for Environment on the Environment and Natural Resources Committee's Inquiry into Sustainable Communities

Public Accounts and Estimates Committee — Report on the 2005–06 Budget Estimates, together with appendices and minutes of evidence — Report and appendices ordered to be printed

Response of the Minister for Environment on the action taken with respect to the recommendations made by the Environment and Natural Resources Committee's Inquiry into Sustainable Communities

Response of the Premier on the action taken with respect to the recommendations made by the Public and Accounts and Estimates Committee's report on Corporate Governance in the Victorian Public Sector

Response of the Minister for WorkCover on the action taken with respect to the recommendations made by the Economic Development Committee's Inquiry into Labour Hire Employment in Victoria

Planning and Environment Act 1987 — Notices of approval of amendments to the following Planning Schemes:

Alpine Planning Scheme — Nos C14, C17

Bass Coast Planning Scheme — Nos C6, C38, C54

Bayside Planning Scheme — No C37 Part 1

Boroondara Planning Scheme — No C42

Brimbank Planning Scheme — Nos C60, C71

Cardinia Planning Scheme — No C73
Casey Planning Scheme — Nos C67, C78
Darebin Planning Scheme — Nos C10 Part 2, C45, C47, C53, C55, C66
East Gippsland Planning Scheme — No C48
French Island and Sandstone Island Planning Scheme — No C1
Gannawarra Planning Scheme — No C15
Glenelg Planning Scheme — Nos C17 Part 1, C28
Greater Bendigo Planning Scheme — Nos C61, C67, C69
Greater Dandenong Planning Scheme — No C50
Greater Shepparton Planning Scheme — Nos C54, C55, C57, C67
Hobsons Bay Planning Scheme — No C36, C38
Hume Planning Scheme — Nos C45 Part 1, C45 Part 2, C61, C67
Indigo Planning Scheme — Nos C20, C25, C29
Kingston Planning Scheme — Nos C25, C46 Part 1, C56
Latrobe Planning Scheme — No C43
Manningham Planning Scheme — Nos C26, C48
Maroondah Planning Scheme — No C44
Melbourne Planning Scheme — Nos C60 Part 1A, C104, C114
Mitchell Planning Scheme — No C27
Moirra Planning Scheme — No C10
Moonee Valley Planning Scheme — Nos C49, C63
Moreland Planning Scheme — Nos C38, C48
Mornington Peninsula Planning Scheme — Nos C55, C83
Mount Alexander Planning Scheme — No C30
Nillumbik Planning Scheme — Nos C11, C28
Northern Grampians Planning Scheme — No C3
Port Phillip Planning Scheme — Nos C29, C43
Queenscliffe Planning Scheme — No C17
Stonnington Planning Scheme — Nos C32, C38, C48, C50
Strathbogie Planning Scheme — No C22
Surf Coast Planning Scheme — No C15 Part 1
Swan Hill Planning Scheme — No C20
Towong Planning Scheme — No C9 Part 2
Victoria Planning Provisions — Nos VC35, VC36, VC37
Whitehorse Planning Scheme — Nos C56, C58, C68
Whittlesea Planning Scheme — Nos C53 Part 1, C64
Wodonga Planning Scheme — Nos C27, C35
Wyndham Planning Scheme — No C74
Yarra Planning Scheme — No C43 Part 1
Yarra Ranges Planning Scheme — Nos C8, C46, C49, C52

Police Regulation Act 1958 — Director, Police Integrity — Review of fatal shootings by Victoria Police — Ordered to be printed

Rail Corporations Act 1996 — Order under s 38C

Rural Northwest Health — Report for the year 2004–05, together with an explanation for the delay in tabling

South Gippsland Hospital — Report for the year 2004–05

Statutory Rules under the following Acts:

Adoption Act 1984 — SR No 130 (in lieu of statutory rule tabled on Tuesday 15 November 2005, together with an explanation from the Government Printer)

Agricultural and Veterinary Chemicals (Control of Use) Act 1992 — SR No 160

Charities Act 1978 — SR No 141

Children and Young Persons Act 1989 — SR No 139

Conservation, Forests and Lands Act 1987 — SR No 172

County Court Act 1958 — SR Nos 167, 168

Domestic (Feral and Nuisance) Animals Act 1994 — SR No 151

Electricity Safety Act 1998 — SR Nos 131 (in lieu of statutory rule tabled on Tuesday 15 November 2005, together with an explanation from the Government Printer), 158

Estate Agents Act 1980 — SR No 169

Firearms Act 1996 — SR No 173

Fisheries Act 1995 — SR No 150

Food Act 1984 — SR No 143

Interpretation of Legislation Act 1984 — SR No 147

Land Tax Act 2005 — SR No 178

Legal Profession Act 2004 — SR Nos 149, 152

Liquor Control Reform Act 1998 — SR Nos 170, 171

Livestock Disease Control Act 1994 — SR No 159

Magistrates' Court Act 1989 — SR Nos 165, 166

Marine Act 1988 — SR Nos 154, 155

Melbourne City Link Act 1995 — SR No 140

National Parks Act 1975 — SR No 142

Planning and Environment Act 1987 — SR No 2/2006

Police Regulation Act 1958 — SR No 156

Prevention of Cruelty to Animals Act 1986 — SR No 3/2006

Public Administration Act 2004 — SR No 174

Residential Tenancies Act 1997 — SR No 4/2006

Retirement Villages Act 1986 — SR No 162

Road Safety Act 1986 — SR Nos 145, 176, 177, 1/2006

Subordinate Legislation Act 1994 — SR Nos 146, 153, 157, 161

Supreme Court Act 1986 — SR Nos 147, 148

Transfer of Land Act 1958 — SR No 163

Transport Act 1983 — SR Nos 144, 164, 175

Water Act 1989 — SR No 5/2006

Subordinate Legislation Act 1994:

Ministers' exception certificates in relation to Statutory Rule Nos 142, 146, 147, 148, 153, 157, 161, 163, 165, 166, 167, 168, 2/2006

Ministers' exemption certificates in relation to Statutory Rule Nos 139, 140, 143, 144, 145, 149, 152, 155, 156, 159, 160, 162, 169, 170, 171, 172, 174, 175, 176, 177, 1/2006, 5/2006

Victorian Environmental Assessment Council Act 2001 — Terms of reference for the investigation into the Goolengook forest

West Gippsland Healthcare Group — Report for the year 2004–05, together with an explanation for the delay in tabling

West Wimmera Health Service — Report for the year 2004–05, together with an explanation for the delay in tabling

Yarram and District Health Service — Report for the year 2004–05, together with an explanation for the delay in tabling (two documents).

The following proclamations fixing operative dates were tabled by the Clerk in accordance with an order of the House dated 26 February 2003:

Firearms (Further Amendment) Act 2005 — Sections 3(1) (other than ss 3(1)(a), (1)(c) and (1)(d)), 6(4), (6) and (7), 12(2) (other than s 12(2)(a)), 12(3) (other than s 12(3)(a)), 19, 22, 23, 25, 26, 28, 30(2), 31, 32, 35, 36, 37, 38, 45, 46, 47, 49, 50, 51, 55, 57, 58, 61(1) and (2), 62(1) and (2), 66 and Part 4 on 1 January 2006 (*Gazette G51, 22 December 2005*)

Higher Education Acts (Amendment) Act 2005 — Sections 114(2) and (3), 122(2), 123 and 125 on 22 December 2005 (*Gazette G50, 15 December 2005*)

House Contracts Guarantee (Amendment) Act 2005 — Whole Act on 1 February 2006 (*Gazette G4, 25 January 2006*)

Legal Profession (Consequential Amendments) Act 2005 — Whole Act on 12 December 2005 (*Gazette G48, 1 December 2005*)

Legal Profession Act 2004 — Remaining provisions on 12 December 2005 (*Gazette G48, 1 December 2005*)

National Parks (Otways and Other Amendments) Act 2005 — Remaining provisions of Part 2, and Part 3 (except s 20) on 11 December 2005 (*Gazette G49, 8 December 2005*)

Owner Drivers and Forestry Contractors Act 2005 — Part 1, Division 5 of Part 2, Part 3 (except s 30), Part 7 and Part 8 (except s 65) and Schedule 1 on 1 February 2006 (*Gazette G3, 19 January 2006*)

Primary Industries Acts (Amendment) Act 2005 — Section 10 on 2 February 2006 (*Gazette G4, 25 January 2006*)

Primary Industries Acts (Further Amendment) Act 2005 — Sections 6, 8, 9(2), 21(6), 22, 24 and 29 on 1 December 2005 (*Gazette G46, 17 November 2005*)

Primary Industries Legislation (Further Miscellaneous Amendments) Act 2004 — Sections 30, 35 and 36 on 2 February 2006 (*Gazette G4, 25 January 2006*)

Property (Co-ownership) Act 2005 — Whole Act on 1 February 2006 (*Gazette G3, 19 January 2006*)

Retirement Villages (Amendment) Act 2005 — Sections 12, 14 and 16 on 30 January 2006 (*Gazette G50, 15 December 2005*)

Transport Legislation (Further Miscellaneous Amendments) Act 2005 — Sections 9, 11 and 12 on 13 December 2005 (*Gazette S254, 13 December 2005*)

Water (Resource Management) Act 2005 — Part 1 and ss 4, 11 and 34 on 15 December 2005 (*Gazette G50, 15 December 2005*).

22 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Agreeing to the following bills without amendment:

Child Wellbeing and Safety Bill

Children, Youth and Families Bill

Commissioner for Law Enforcement Data Security Bill

Duties and Land Tax Acts (Amendment) Bill

Environment Effects (Amendment) Bill

Health Professions Registration Bill

Investigative, Enforcement and Police Powers Acts (Amendment) Bill

Mineral Resources Development (Brown Coal Royalties) Bill
 Mines (Aluminium Agreement) (Brown Coal Royalties) Bill
 Road Safety and Other Acts (Vehicle Impoundment and Other Amendments) Bill
 Superannuation Legislation (Governance Reform) Bill
 Veterans Bill
 Water (Resource Management) Bill
 Workplace Rights Advocate Bill.

- 23 **MESSAGE FROM THE GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that he had, on 22 November 2005, given the royal assent to the following bills, presented to him by the Clerk of the Parliaments:

Crimes (Homicide) Bill
 Firearms (Further Amendment) Bill
 Groundwater (Border Agreement) (Amendment) Bill
 Major Events (Crowd Management) and Commonwealth Games Arrangements Acts (Crowd Safety Amendment) Bill
 Prisoners (Interstate Transfer) (Amendment) Bill
 Retail Leases (Amendment) Bill.

- 24 **MESSAGES FROM THE LIEUTENANT-GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that she had given the royal assent to the following bills, presented to her by the Clerk of the Parliaments:

On 29 November 2005
 Child Wellbeing and Safety Bill
 Commissioner for Law Enforcement Data Security Bill
 Duties and Land Tax Acts (Amendment) Bill
 Environment Effects (Amendment) Bill
 Investigative, Enforcement and Police Powers Acts (Amendment) Bill
 Land Tax Bill
 Mineral Resources Development (Brown Coal Royalties) Bill
 Mines (Aluminium Agreement) (Brown Coal Royalties) Bill
 Motor Car Traders and Fair Trading Acts (Amendment) Bill
 Racing and Gambling Acts (Amendment) Bill
 Road Safety and Other Acts (Vehicle Impoundment and Other Amendments) Bill
 Superannuation Legislation (Governance Reform) Bill
 Transport Legislation (Further Miscellaneous Amendments) Bill

On 7 December 2005
 Children, Youth and Families Bill
 Health Professions Registration Bill
 Veterans Bill
 Water (Resource Management) Bill
 Workplace Rights Advocate Bill.

- 25 **MESSAGES FROM THE GOVERNOR** — The Speaker announced the presentation of messages from the Governor recommending appropriations for the purposes of the following bills:

Crimes (Sexual Offences) Bill

Infringements Bill

Terrorism (Community Protection) (Amendment) Bill.

- 26 **CORRECTION OF BILL TITLES** — Motion made, by leave, and question — That where a bill has passed through both Houses and the citation of the bill includes a reference to a calendar year earlier than that in which the passage of the bill was completed, the Clerk of the Parliaments be empowered to alter the calendar year reference in the citation of the bill and any corresponding reference within the bill itself to the year in which the passage of the bill was so completed (*Mr Batchelor*) — put and agreed to.

- 27 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, under SO 94(2), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 9 February 2006:

Crimes (Family Violence) (Holding Powers) Bill

Crimes (Sexual Offences) Bill

Guardianship and Administration (Further Amendment) Bill

Liquor Control Reform (Amendment) Bill

Prahran Mechanics' Institute (Amendment) Bill

Terrorism (Community Protection) (Amendment) Bill

(*Mr Batchelor*) — put, after debate, and agreed to.

- 28 **STATEMENTS BY MEMBERS** — Statements by members were made.

- 29 **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.

- 30 **PRAHRAN MECHANICS' INSTITUTE (AMENDMENT) BILL** — 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 Cameron*) — put and agreed to.

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.

- 31 **CRIMES (SEXUAL OFFENCES) 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.

- 32 **GUARDIANSHIP AND ADMINISTRATION (FURTHER 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.

- 33 **CRIMES (FAMILY VIOLENCE) (HOLDING POWERS) 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.

- 34 **ADJOURNMENT** — The Acting Speaker, having announced that the time for the adjournment had arrived, left the Chair, after debate at 10.39 pm.

R W PURDEY
Clerk of the Legislative Assembly

JUDY MADDIGAN
Speaker

No 149 — Wednesday 8 February 2006

- 1 The Speaker took the Chair and read the Prayer.

2 **DOCUMENT**

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — Ms Campbell, Chair, presented a report from the Public Accounts and Estimates Committee on a legislative framework for independent officers of Parliament, together with an appendix and minutes of evidence.

Ordered to be tabled and the report and appendix printed.

- 3 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

Sewerage Connection to Tynong — Requesting that the House urges the Government and South East Water to act now to ensure that sufficient funding is provided at the earliest possible time to allow the township of Tynong to be connected to sewerage, bearing 540 signatures (*Mr Smith*)

Primary School, Heritage Springs Estate, Pakenham — Requesting that the House and the Minister for Education and Training confirm the future of education in the Pakenham region by funding a new primary school in the Heritage Springs Estate in Pakenham in the 2006–07 State Budget, bearing 726 signatures (*Mr Smith*)

Lake Mokoan and the Broken System — Requesting that the House urges the Government to — (a) reinstate the members of the Broken System Reliability Reference Committee in

decision making on the decommissioning of Lake Mokoan and the Broken System; (b) undertake an independent assessment of the current reliability of water supply provided by the Broken System including Lake Mokoan; (c) ensure commitments given by the former and current Ministers for Water that irrigators will not be adversely affected by the decommissioning of Lake Mokoan are honoured in full; and (d) investigate the possibility of a permanent wetland in the bed of the lake to enhance reliability of supply to water users, bearing 85 signatures (*Dr Sykes*)

Home Education — Requesting that the House urges the redrafting of the clauses of the Education and Training Reform Bill pertaining to home education to be in line with the existing Education Act's requirement that parents provide regular and efficient instruction without reference to a statutory authority, bearing 11, 44, 4, 150 and 20 signatures (*Mr Clark, Mr Ingram, Mr Robinson, Mr Leighton and Mr Walsh respectively*)

Peninsula Aero Club — Requesting that permission will not be granted by the Mornington Peninsula Shire Council to the Peninsula Aero Club for expansion of the certified landing area at Tyabb, bearing 15 signatures (*Ms Buchanan*)

Bass Coast Shire — Requesting that the House appoints an Independent Panel to comprehensively review the operation, performance and structure of the Bass Coast Shire, bearing 8 signatures (*Ms Buchanan*)

Religious Instruction in Victorian Government Schools — Requesting that the House takes action to ensure that there is no change to legislation and the *Victorian Government Schools Reference Guide* which would diminish the status of religious instruction in Victorian Government schools and, in addition, urges the Government to provide additional funding for chaplaincy services in these schools, bearing 19 signatures (*Ms Buchanan*)

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 674 and 64 signatures (*Ms Buchanan and Ms Barker respectively*)

Traffic Lights — Intersection of Bentons Road and Nepean Highway, Mt Martha — Requesting that the Minister for Transport funds the installation of traffic lights at the intersection of Bentons Road and Nepean Highway, Mt Martha, as a matter of utmost urgency, bearing 41 signatures (*Mr Cooper*)

Neighbourhood House Coordinators — Requesting that the Government commits to \$84 million over five years so that both the hours and the remuneration of Neighbourhood House Coordinators can be increased, bearing 44 and 255 signatures (*Mr Maughan and Mr Walsh respectively*).

Petitions ordered to be tabled.

- 4 **PETITION — SEWERAGE CONNECTION TO TYNONG** — Motion made and question — That the petition presented by the Member for Bass be taken into consideration tomorrow (*Mr Smith*) — put and agreed to.

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- 5 **PETITION — PRIMARY SCHOOL, HERITAGE SPRINGS ESTATE, PAKENHAM** — Motion made and question — That the petition presented by the Member for Bass be taken into consideration tomorrow (*Mr Smith*) — put and agreed to.
- 6 **PETITION — PENINSULA AERO CLUB** — Motion made and question — That the petition presented by the Member for Hastings be taken into consideration tomorrow (*Ms Buchanan*) — put and agreed to.
- 7 **PETITION — BASS COAST SHIRE** — Motion made and question — That the petition presented by the Member for Hastings be taken into consideration tomorrow (*Ms Buchanan*) — put and agreed to.
- 8 **PETITION — RELIGIOUS INSTRUCTION IN VICTORIAN GOVERNMENT SCHOOLS** — Motion made and question — That the petition presented by the Member for Hastings be taken into consideration tomorrow (*Ms Buchanan*) — put and agreed to.
- 9 **PETITION — PRESCHOOL EDUCATION — RECOGNITION OF IMPORTANCE** — Motion made and question — That the petition presented by the Member for Hastings be taken into consideration tomorrow (*Ms Buchanan*) — put and agreed to.
- 10 **PETITION — PRESCHOOL EDUCATION — RECOGNITION OF IMPORTANCE** — Motion made and question — That the petition presented by the Member for Oakleigh be taken into consideration tomorrow (*Ms Barker*) — put and agreed to.
- 11 **PETITION — HOME EDUCATION** — Motion made and question — That the petition presented by the Member for Swan Hill be taken into consideration tomorrow (*Mr Walsh*) — put and agreed to.
- 12 **PETITION — NEIGHBOURHOOD HOUSE COORDINATORS** — 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.
- 13 **PETITION — TRAFFIC LIGHTS — INTERSECTION OF BENTONS ROAD AND NEPEAN HIGHWAY, MT MARTHA** — Motion made and question — That the petition presented by the Member for Mornington be taken into consideration tomorrow (*Mr Cooper*) — put and agreed to.
- 14 **PETITION — COURT COMPLEX, NEPEAN HIGHWAY, HIGHETT** — Motion made and question — That the petition presented by the Member for Sandringham on Tuesday 7 February 2006 be taken into consideration tomorrow (*Mr Thompson*) — put and agreed to.
- 15 **PETITION — LAKE MOKOAN AND THE BROKEN SYSTEM** — 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 — HOME EDUCATION** — 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.

- 17 **DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:

Parliamentary Committees Act 2003 — Response of the Minister for Employment and Youth Affairs on the action taken with respect to the recommendations made by the Family and Community Development Committee's Inquiry into Issues relating to the Development of Body Image Among Young People and Associated Effects on their Health and Wellbeing

Statutory Rules under the following Acts:

Magistrates' Court Act 1989 — SR No 6

Human Tissue Act 1982 — SR No 7

Subordinate Legislation Act 1994 — Minister's exemption certificate in relation to Statutory Rule No 4

Victorian Law Reform Commission:

Uniform Evidence Law: Report — Ordered to be printed

Implementing the Uniform Evidence Act: Report — Ordered to be printed.

- 18 **STATEMENTS BY MEMBERS** — Statements by members were made.
- 19 **GRIEVANCES** — Question — That grievances be noted — put, after debate, and agreed to.
- 20 **STATEMENTS ON PARLIAMENTARY COMMITTEE REPORTS** — Statements were made on the following Committee Reports:
- Family and Community Development Committee's Report on the Regulation of the Funeral Industry
- Public Accounts and Estimates Committee's Report on the 2005/2006 Budget Estimates
- Road Safety Committee's Report on the Country Road Toll
- Economic Development Committee's Final Report on Labour Hire Employment in Victoria.
- 21 **INTERPRETATION OF LEGISLATION (FURTHER 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 22 February 2006.
- 22 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 2 to 8 inclusive, be postponed until later this day.
- 23 **PUBLIC SECTOR EMPLOYMENT (AWARD ENTITLEMENTS) 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 22 February 2006.

- 24 **DRUGS, POISONS AND CONTROLLED SUBSTANCES (VOLATILE SUBSTANCES) (EXTENSION OF PROVISIONS) BILL** — 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 22 February 2006.

Business having been interrupted at 2.00 pm under standing orders.

- 25 **QUESTIONS** — (Under SO 55).

- 26 **LAND (ST KILDA TRIANGLE) 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 Baillieu*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 22 February 2006.

- 27 **PRAHRAN MECHANICS' INSTITUTE (AMENDMENT) BILL** — 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.

- 28 **TERRORISM (COMMUNITY PROTECTION) (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Under standing orders, Mr Bracks 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.

- 29 **PRAHRAN MECHANICS' INSTITUTE (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.

- 30 **LIQUOR CONTROL REFORM (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.

- 31 **CRIMES (FAMILY VIOLENCE) (HOLDING POWERS) 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.

- 32 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Batchelor*) — put and agreed to.

- 33 **ADJOURNMENT** — The Acting Speaker left the Chair, after debate, at 9.37 pm.

R W PURDEY
Clerk of the Legislative Assembly

JUDY MADDIGAN
Speaker

No 150 — Thursday 9 February 2006

- 1 The Speaker took the Chair and read the Prayer.

- 2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

Religious Instruction in Victorian Government Schools — Requesting that the House takes action to ensure that there is no change to legislation and the *Victorian Government Schools Reference Guide* which would diminish the status of religious instruction in Victorian Government schools and, in addition, urges the Government to provide additional funding for chaplaincy services in these schools, bearing 49 signatures (*Mr Howard*)

Home Education — Requesting that the House urges the redrafting of the clauses of the Education and Training Reform Bill pertaining to home education to be in line with the existing Education Act's requirement that parents provide regular and efficient instruction without reference to a statutory authority, bearing 18, 4, 4 and 47 signatures (*Mr Howard, Ms Beard, Mr Delahunty (Lowan) and Ms Duncan respectively*)

Primary School, Heritage Springs Estate, Pakenham — Requesting that the House and the Minister for Education and Training confirm the future of education in the Pakenham

region by funding a new primary school in the Heritage Springs Estate in Pakenham in the 2006–07 State Budget, bearing 452 signatures (*Mr Smith*)

Compulsory Wearing of Life Jackets — Requesting that the House rejects the regulations for the compulsory wearing of life jackets or personal floatation devices as a matter of urgency, bearing 1,314 signatures (*Mr Ingram*)

Natural Gas for Lakes Entrance — Rural Infrastructure Development Fund — Requesting that the House calls on the Government to provide funding for natural gas for Lakes Entrance to be reticulated through the Rural Infrastructure Development Fund, bearing 1,376 signatures (*Mr Ingram*)

Melbourne Youth Music — Requesting that the House urges the Government to restore the Strategic Partnerships Program Grant to Melbourne Youth Music to ensure students continue to gain equitable access to the Program, bearing 3 signatures (*Ms Duncan*)

Public Education System — Requesting that the House ensures that any new education and training legislation dealing with the public education system — (a) is separate and distinct from any dealing with private schools; (b) defines public education as free, secular and universal; (c) gives primacy to public education in any and all areas; and (d) provides separate legislation for registration of private schools, bearing 294 signatures (*Ms Pike*)

Noise Attenuation Barriers — Mornington Peninsula Freeway — Requesting that the House instructs VicRoads to build noise attenuation barriers along the Mornington Peninsula Freeway, bearing 237 signatures (*Mr Dixon*)

High Rise Buildings — Sandringham — Requesting that the House ensures that — (a) planning within Sandringham village conforms to the wishes of residents; (b) a 10.5 metre maximum building height is enforced within the existing shopping centre, except for buildings that abut Beach Road for which a two storey limit should be maintained; and (c) no existing residential areas should be included within higher density zones and all residential areas should be limited to two storeys with a setback, bearing 1,070 signatures (*Mr Thompson*)

Ambulance Response — Code One — Requesting that the House immediately acts to ensure that ambulance response for Code One emergencies in the communities of Whittlesea and Kinglake be reduced to not more than 14 minutes in 90 per cent of cases, bearing 3,464 and 2,721 signatures (*Mr Hardman and Ms Green respectively*).

Petitions ordered to be tabled.

- 3 **PETITION — PRIMARY SCHOOL, HERITAGE SPRINGS ESTATE, PAKENHAM** — Motion made and question — That the petition presented by the Member for Bass be taken into consideration tomorrow (*Mr Smith*) — put and agreed to.
- 4 **PETITION — AMBULANCE RESPONSE — CODE ONE** — Motion made and question — That the petition presented by the Member for Seymour be taken into consideration tomorrow (*Mr Hardman*) — put and agreed to.

- 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 LAKES ENTRANCE — RURAL INFRASTRUCTURE DEVELOPMENT FUND** — Motion made and question — That the petition presented by the Member for Gippsland East be taken into consideration tomorrow (*Mr Ingram*) — put and agreed to.
- 7 **PETITION — AMBULANCE RESPONSE — CODE ONE** — 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.
- 8 **PETITION — HIGH RISE BUILDINGS — SANDRINGHAM** — Motion made and question — That the petition presented by the Member for Sandringham be taken into consideration tomorrow (*Mr Thompson*) — put and agreed to.
- 9 **PETITION — NOISE ATTENUATION BARRIERS — MORNINGTON PENINSULA FREEWAY** — 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 — HOME EDUCATION** — Motion made and question — That the petition presented by the Member for Macedon be taken into consideration tomorrow (*Ms Duncan*) — put and agreed to.
- 11 **PETITION — MELBOURNE YOUTH MUSIC** — Motion made and question — That the petition presented by the Member for Macedon be taken into consideration tomorrow (*Ms Duncan*) — put and agreed to.

12 **DOCUMENTS**

ECONOMIC DEVELOPMENT COMMITTEE — Mr Robinson, Chair, presented a report from the Economic Development Committee on the Viability of the Victorian Thoroughbred/Standardbred Breeding Industries, 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:

Beaufort and Skipton Health Service — Report for the year 2004–05, together with an explanation for the delay in tabling (two documents)

East Wimmera Health Service — Report for the year 2004–05, together with an explanation for the delay in tabling

Latrobe Regional Hospital — Report for the year 2004–05, together with an explanation for the delay in tabling

Medical Practitioners Board — Report for the year ended 30 September 2005

Rural Finance Act 1988 — Direction by the Treasurer to the Rural Finance Corporation to administer the Regional Victoria 2006 Bushfire Assistance Scheme

Subordinate Legislation Act 1994 — Minister's exemption certificate in relation to Statutory Rule No 7.

13 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourns until Tuesday 28 February 2006 (*Ms Pike*) — put and agreed to.

14 **STATEMENTS BY MEMBERS** — Statements by members were made.

15 **TERRORISM (COMMUNITY PROTECTION) (AMENDMENT) BILL** — Motion made and question — That the scope of the Terrorism (Community Protection) (Amendment) Bill be extended to enable consideration of amendments and new clauses in relation to the *Children and Young Persons Act 1989* and the *Children, Youth and Families Act 2005* to provide for the searching of visitors to juvenile justice facilities and to generally regulate visits to those facilities (*Mr Bracks*) — put, after debate, and agreed to.

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 **TERRORISM (COMMUNITY PROTECTION) (AMENDMENT) BILL** — 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.

18 **QUESTIONS** — (Under SO 55).

19 **TERRORISM (COMMUNITY PROTECTION) (AMENDMENT) BILL** — 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.

20 **BUILDING AND CONSTRUCTION INDUSTRY SECURITY OF PAYMENT (AMENDMENT) BILL** — 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 Baillieu*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 23 February 2006.

21 **EDUCATION AND TRAINING REFORM BILL** — Motion made and question proposed — That this Bill be now read a second time (*Ms Kosky*).

Ms Kosky 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 Perton*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 23 February 2006.

- 22 **TERRORISM (COMMUNITY PROTECTION) (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Allocation of time — The Acting Speaker advised that the time allocated for consideration of bills under the resolution of the House on Tuesday 7 February 2006 had expired.

Question — That this Bill be now read a second time and Government amendment Nos 1 to 206 inclusive be agreed to — 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.

- 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 Acting Speaker left the Chair, after debate, at 4.50 pm.

R W PURDEY
Clerk of the Legislative Assembly

JUDY MADDIGAN
Speaker

LEGISLATIVE ASSEMBLY OF VICTORIA

VOTES AND PROCEEDINGS Nos 151, 152 and 153

No 151 — Tuesday 28 February 2006

- 1 The House met according to the adjournment — The Speaker took the Chair and read the Prayer.
- 2 **QUESTIONS** — (Under SO 55). [*The Speaker having left the Chair at 2.31 pm, resumed it at 2.34 pm*]
- 3 **STATUTE LAW (FURTHER REVISION) BILL** — Mr Bracks obtained leave to bring in a Bill '*to revise further the Statute Law of Victoria*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 4 **SUSTAINABLE FORESTS (TIMBER) (AMENDMENT) BILL** — Mr Thwaites obtained leave to bring in a Bill '*to amend the Sustainable Forests (Timber) Act 2004 to provide that transfer of certain licences to management by VicForests does not occur, to consequentially amend the National Parks (Otways and Other Amendments) Act 2005 and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 5 **ROAD SAFETY (DRUGS) BILL** — Mr Batchelor obtained leave to bring in a Bill '*to amend the Road Safety Act 1986 to include "ecstasy" in the random drug testing program for drivers, to amend the Road Safety (Drug Driving) Act 2003 to remove the sunset on that program and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 6 **DISABILITY BILL** — Ms Garbutt obtained leave to bring in a Bill '*to enact a new legislative scheme for persons with a disability, to repeal the Intellectually Disabled Persons' Services Act 1986 and the Disability Services Act 1991, to amend certain other Acts and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 7 **MELBOURNE SAILORS' HOME (REPEAL) BILL** — Ms Garbutt obtained leave to bring in a Bill '*to repeal the Melbourne Sailors' Home Act 1986, to close the Sailors' Welfare Fund established under that Act, to provide for the transfer of all money standing to the credit of the Sailors' Welfare Fund to the Consolidated Fund and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 8 **DRUGS, POISONS AND CONTROLLED SUBSTANCES (AGED CARE SERVICES) BILL** — Ms Pike obtained leave to bring in a Bill '*to amend the Drugs, Poisons and Controlled Substances Act 1981 to provide for the administration of drugs of dependence, Schedule 9 poisons, Schedule 8 poisons and Schedule 4 poisons to certain residents in aged care services, to amend the Nurses Act 1993 to create an offence of*

directing or inciting unprofessional conduct and for other purposes'; and the Bill was read a first time and ordered to be read a second time tomorrow.

- 9 **DRUGS, POISONS AND CONTROLLED SUBSTANCES (PROHIBITION OF DISPLAY AND SALE OF COCAINE KITS) BILL** — Ms Pike obtained leave to bring in a Bill '*to amend the **Drugs, Poisons and Controlled Substances Act 1981** to provide for a prohibition on the display and sale of cocaine kits and to amend that Act to further provide for offences committed by bodies corporate and for other purposes'*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 10 **VALUATION OF LAND (AMENDMENT) BILL** — Mr Hulls obtained leave to bring in a Bill '*to amend the **Valuation of Land Act 1960**, the **Victorian Civil and Administrative Tribunal Act 1998** and the **County Court 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.
- 11 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

Home Education — Requesting that the House urges the redrafting of the clauses of the Education and Training Reform Bill pertaining to home education to be in line with the existing Education Act's requirement that parents provide regular and efficient instruction without reference to a statutory authority, bearing 25, 12, 15, 22, 6, 48, 6, 17, 11, 1, 6, 49, 2, 6 and 14 signatures (*Mr Lockwood, Ms Allan, Mr Stensholt, Ms McTaggart, Mr Harkness, Ms Lobato, Mr Langdon, Mr Merlino, Mr Jenkins, Ms Morand, Mr Andrews, Mr Dixon, Mr Lupton, Mr Maughan and Ms Gillett respectively*)

Albion North Primary School — Requesting that Albion North Primary School be replaced with new school buildings as soon as possible, bearing 265 signatures (*Mr Languiller*)

Retirement Villages Act 1986 — Requesting that the House ensures that the Government — (a) takes immediate action to proclaim all the amendments to the *Retirement Villages Act 1986*; (b) requires retirement village contracts to specify and protect residents' rights; (c) regulates for contracts to be in a form that can be understood by residents, prospective residents, and their legal or financial advisors; and (d) provides accessible and affordable avenues of redress for residents with current contracts that include unfair provisions, bearing 115 and 1 signatures (*Ms Eckstein and Ms Lobato respectively*)

Religious Instruction in Victorian Government Schools — Requesting that the House takes action to ensure that there is no change to legislation and the *Victorian Government Schools Reference Guide* which would diminish the status of religious instruction in Victorian Government schools and, in addition, urges the Government to provide additional funding for chaplaincy services in these schools, bearing 36 signatures (*Mr Merlino*)

Rosebud Hospital — Requesting that the House solves the problem of people having to wait inordinate times for surgery at Peninsula Health, Frankston Hospital and the overworked Emergency Ward at Frankston by upgrading the Rosebud Hospital to treat a wider range of medical conditions, bearing 81 signatures (*Mr Dixon*)

Neighbourhood House Coordinators — Requesting that the Government commits to \$84 million over five years so that both the hours and the remuneration of Neighbourhood House Coordinators can be increased, bearing 29 signatures (*Mr Maughan*)

Ambulance Response — Code One — Requesting that the House immediately acts to ensure that ambulance response for Code One emergencies in the communities of Whittlesea and Kinglake be reduced to not more than 14 minutes in 90 per cent of cases, bearing 128 signatures (*Ms Green*).

Petitions ordered to be tabled.

- 12 **PETITION — HOME EDUCATION** — Motion made and question — That the petition presented by the Member for Bayswater be taken into consideration tomorrow (*Mr Perton*) — put and agreed to.
- 13 **PETITION — HOME EDUCATION** — Motion made and question — That the petition presented by the Member for Bendigo East be taken into consideration tomorrow (*Mr Perton*) — put and agreed to.
- 14 **PETITION — HOME EDUCATION** — Motion made and question — That the petition presented by the Member for Evelyn be taken into consideration tomorrow (*Mr Perton*) — put and agreed to.
- 15 **PETITION — HOME EDUCATION** — Motion made and question — That the petition presented by the Member for Frankston be taken into consideration tomorrow (*Mr Perton*) — put and agreed to.
- 16 **PETITION — HOME EDUCATION** — Motion made and question — That the petition presented by the Member for Gembrook be taken into consideration tomorrow (*Mr Perton*) — put and agreed to.
- 17 **PETITION — RETIREMENT VILLAGES ACT 1986** — Motion made and question — That the petition presented by the Member for Gembrook be taken into consideration tomorrow (*Mr Perton*) — put and agreed to.
- 18 **PETITION — HOME EDUCATION** — Motion made and question — That the petition presented by the Member for Ivanhoe be taken into consideration tomorrow (*Mr Perton*) — put and agreed to.
- 19 **PETITION — HOME EDUCATION** — Motion made and question — That the petition presented by the Member for Monbulk be taken into consideration tomorrow (*Mr Perton*) — put and agreed to.
- 20 **PETITION — RELIGIOUS INSTRUCTION IN VICTORIAN GOVERNMENT SCHOOLS** — Motion made and question — That the petition presented by the Member for Monbulk be taken into consideration tomorrow (*Mr Perton*) — put and agreed to.
- 21 **PETITION — HOME EDUCATION** — Motion made and question — That the petition presented by the Member for Morwell be taken into consideration tomorrow (*Mr Perton*) — put and agreed to.
- 22 **PETITION — HOME EDUCATION** — Motion made and question — That the petition presented by the Member for Mount Waverley be taken into consideration tomorrow (*Mr Perton*) — put and agreed to.

- 23 **PETITION — HOME EDUCATION** — Motion made and question — That the petition presented by the Member for Mulgrave be taken into consideration tomorrow (*Mr Perton*) — put and agreed to.
- 24 **PETITION — HOME EDUCATION** — Motion made and question — That the petition presented by the Member for Prahran be taken into consideration tomorrow (*Mr Perton*) — put and agreed to.
- 25 **PETITION — HOME EDUCATION** — Motion made and question — That the petition presented by the Member for Rodney be taken into consideration tomorrow (*Mr Perton*) — put and agreed to.
- 26 **PETITION — HOME EDUCATION** — Motion made and question — That the petition presented by the Member for Tarneit be taken into consideration tomorrow (*Mr Perton*) — put and agreed to.
- 27 **PETITION — AMBULANCE RESPONSE — CODE ONE** — 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.
- 28 **PETITION — HOME EDUCATION** — Motion made and question — That the petition presented by the Member for Burwood be taken into consideration tomorrow (*Mr Stensholt*) — put and agreed to.
- 29 **PETITION — ALBION NORTH PRIMARY SCHOOL** — Motion made and question — That the petition presented by the Member for Derrimut be taken into consideration tomorrow (*Mr Languiller*) — put and agreed to.

30 **DOCUMENTS**

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — Ms D'Ambrosio, Chair, presented a report from the Scrutiny of Acts and Regulations Committee being the Alert Digest No 2 of 2006 on the:

Building and Construction Industry Security of Payment (Amendment) Bill
 Drugs, Poisons and Controlled Substances (Volatile Substances) (Extension of Provisions) Bill
 Education and Training Reform Bill
 Interpretation of Legislation (Further Amendment) Bill
 Land (St Kilda Triangle) Bill
 National Parks (Otways and Other Amendments) Bill
 Public Sector Employment (Award Entitlements) Bill
 Retail Leases (Amendment) Bill
 Terrorism (Community Protection) (Amendment) 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:

Commonwealth Games Arrangements Act 2001 — Orders under s 18 (25 orders)

Interpretation of Legislation Act 1984 — Notice under s 32(3)(a)(iii) in relation to Statutory Rule No 3

Land Acquisition and Compensation Act 1986 — Certificate under s 7

Legal Profession Act 2004 — Practitioner Remuneration Order under s 3.4.24

Planning and Environment Act 1987 — Notices of approval of amendments to the following Planning Schemes:

Brimbank Planning Scheme — No C85
Buloke Planning Scheme — No C11
Frankston Planning Scheme — No C36
Gannawarra Planning Scheme — No C13
Greater Shepparton Planning Scheme — No C63
Hume Planning Scheme — No C76
Latrobe Planning Scheme — No C34
Macedon Ranges Planning Scheme — No C48
Maroondah Planning Scheme — No C48
Moirra Planning Scheme — No C24 Part 1
Nillumbik Planning Scheme — No C43
Stonnington Planning Scheme — No C53
Strathbogie Planning Scheme — No C20
Surf Coast Planning Scheme — No C28
Whitehorse Planning Scheme — No C63

Statutory Rules under the following Acts:

Mineral Resources Development Act 1990 — SR No 8

Racing Act 1958 — SR No 11

Transport Act 1983 — SR Nos 9, 10

Subordinate Legislation Act 1994 — Ministers' exemption certificates in relation to Statutory Rule Nos 8, 10, 11

Transport Act 1983 — Final Report by the Essential Services Commission on the Review of Accident Towing and Storage Fees 2005

Victorian Privacy Commissioner — Jenny's Case: Report of an Investigation into the Office of Police Integrity pursuant to Part 6 of the *Information Privacy Act 2000* — Ordered to be printed.

The following proclamations fixing operative dates were tabled by the Clerk in accordance with an order of the House dated 26 February 2003:

Liquor Control Reform (Underage Drinking and Enhanced Enforcement) Act 2004 — Section 37 (except paragraph (b)) on 1 March 2006 (*Gazette G8, 23 February 2006*)

Prisoners (Interstate Transfer) (Amendment) Act 2005 — Section 7(1) on 23 February 2006 (*Gazette G8, 23 February 2006*)

Transport Legislation (Further Miscellaneous Amendments) Act 2005 — Part 4 and s 35 on 10 February 2006 (*Gazette G6, 9 February 2006*).

31 **MESSAGE FROM THE GOVERNOR** — The Speaker announced the presentation of a message from the Governor recommending an appropriation for the purposes of the Education and Training Reform Bill.

32 **COMPLAINT** — The Speaker informed the House that the Member for Preston had lodged with her written notification of a complaint, that a constituent who had provided information to the Member relating to an issue that he had previously raised in the House, later received a solicitor's letter threatening legal action if the Member repeated certain allegations in the House — and, the Speaker being of the opinion that the complaint should be given precedence —

Motion made and question — That the complaint made by the Member for Preston on Tuesday 28 February 2006 be referred to the Privileges Committee for examination and report (*Mr Leighton*) — put, after debate, and agreed to.

33 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, under SO 94(2), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 2 March 2006:

Crimes (Document Destruction) Bill
 Gambling Regulation (Miscellaneous Amendments) Bill
 Infringements Bill
 Justice Legislation (Miscellaneous Amendments) Bill
 Rail Safety Bill
 Transport Legislation (Safety Investigations) Bill

(*Mr Batchelor*) — put, after debate, and agreed to.

34 **STATEMENTS BY MEMBERS** — Statements by members were made.

35 **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.

36 **TRANSPORT LEGISLATION (SAFETY INVESTIGATIONS) BILL AND RAIL SAFETY BILL** — Order read for resuming debate on question — That these Bills be now read a second time.

Under standing orders, Mr Batchelor announced amendments to be proposed to the Rail Safety Bill when the House considers the Bill in detail and requested that they be circulated. Amendments circulated.

Motion made and question — That the debate be now adjourned (*Mr Mulder*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

37 **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.

- 38 **CRIMES (DOCUMENT DESTRUCTION) 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.

- 39 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Agreeing to the following bills without amendment:

Crimes (Sexual Offences) Bill

Prahran Mechanics' Institute (Amendment) Bill

Guardianship and Administration (Further Amendment) Bill.

- 40 **GAMBLING REGULATION (MISCELLANEOUS AMENDMENTS) 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.

Business having been interrupted at 10.00 pm under standing orders.

- 41 **ADJOURNMENT** — The Acting Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.49 pm.

R W PURDEY
Clerk of the Legislative Assembly

JUDY MADDIGAN
Speaker

No 152 — Wednesday 1 March 2006

- 1 The Speaker took the Chair and read the Prayer.

- 2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

Country Taxi Operator Costs — Requesting that the House immediately — (a) implements changes to reduce country taxi operator costs by allowing flexible hours of service; and (b) makes available to country taxi operators the same subsidies for the provision of wheel chair friendly taxi services as Melbourne taxis and public transport, bearing 203 signatures (*Dr Sykes*)

Lake Mokoan and the Broken System — Requesting that the House urges the Government to — (a) reinstate the members of the Broken System Reliability Reference Committee in decision making on the decommissioning of Lake Mokoan and the Broken System; (b)

undertake an independent assessment of the current reliability of water supply provided by the Broken System including Lake Mokoan; (c) ensure commitments given by the former and current Ministers for Water that irrigators will not be adversely affected by the decommissioning of Lake Mokoan are honoured in full; and (d) investigate the possibility of a permanent wetland in the bed of the lake to enhance reliability of supply to water users, bearing 995 signatures (*Dr Sykes*)

Home Education — Requesting that the House urges the redrafting of the clauses of the Education and Training Reform Bill pertaining to home education to be in line with the existing Education Act's requirement that parents provide regular and efficient instruction without reference to a statutory authority, bearing 5, 6, 6, 22, 25, 28, 30, 6, 47 and 4 signatures (*Mr Kotsiras, Ms Lindell, Ms Eckstein, Mr Langdon, Mr Delahunty (Lowan), Ms Munt, Mr Cooper, Mr Maxfield, Ms Barker and Mr Leighton respectively*)

Retirement Villages Act 1986 — Requesting that the House ensures that the Government — (a) takes immediate action to proclaim all the amendments to the *Retirement Villages Act 1986*; (b) requires retirement village contracts to specify and protect residents' rights; (c) regulates for contracts to be in a form that can be understood by residents, prospective residents, and their legal or financial advisors; and (d) provides accessible and affordable avenues of redress for residents with current contracts that include unfair provisions, bearing 64 signatures (*Ms Lindell*)

Car Parking Facilities — Cranbourne Railway Station — Requesting that consideration be given to increasing car parking facilities at the Cranbourne Railway Station in order to alleviate the necessity of commuters having to use surrounding streets for parking, bearing 201 signatures (*Mr Perera*)

Police Presence at Loch Sport — Requesting that the House calls upon the Government to make funding available to erect a permanent 24 hour police station at Loch Sport, bearing 444 signatures (*Mr Ryan*)

Public Education System — Requesting that the House ensures that any new education and training legislation dealing with the public education system — (a) is separate and distinct from any dealing with private schools; (b) defines public education as free, secular and universal; (c) gives primacy to public education in any and all areas; and (d) provides separate legislation for registration of private schools, bearing 443 signatures (*Mr Langdon*)

Toxic Waste Facility — Mildura Region — Requesting that the Government abandons its proposal to place a toxic waste facility in the Mildura area, bearing 103 signatures (*Mr Savage*)

Court Complex, Nepean Highway, Highett — Requesting that the House calls on the Government to rename the court complex to be constructed on the former Gas and Fuel site, Nepean Highway, Highett, the Highett Court House and advise when a new court house will be built in Moorabbin as promised at the last election, bearing 43 signatures (*Mr Thompson*)

Mooroopna and District Police Stations — Requesting that the House directs the Minister for Police and Emergency Services to investigate and correct the lack of resources at the Mooroopna and district police stations, bearing 2,048 signatures (*Mrs Powell*)

Resident Replacement Police Presence — Town of Murchison — Requesting that a resident replacement police presence be provided in the town of Murchison during periods when the existing officer is on leave, bearing 143 signatures (*Mrs Powell*)

Neighbourhood House Coordinators — Requesting that the Government commits to \$84 million over five years so that both the hours and the remuneration of Neighbourhood House Coordinators can be increased, bearing 26 signatures (*Mr Walsh*).

Petitions ordered to be tabled.

- 3 **PETITION — COUNTRY TAXI OPERATOR COSTS** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.
- 4 **PETITION — LAKE MOKOAN AND THE BROKEN SYSTEM** — 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 — TOXIC WASTE FACILITY — MILDURA REGION** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Savage*) — put and agreed to.
- 6 **PETITION — CAR PARKING FACILITIES — CRANBOURNE RAILWAY STATION** — Motion made and question — That the petition presented by the Member for Cranbourne be taken into consideration tomorrow (*Mr Perera*) — put and agreed to.
- 7 **PETITION — MOOROOPNA AND DISTRICT POLICE STATIONS** — Motion made and question — That the petition presented by the Member for Shepparton be taken into consideration tomorrow (*Mrs Powell*) — put and agreed to.
- 8 **PETITION — RESIDENT REPLACEMENT POLICE PRESENCE — TOWN OF MURCHISON** — 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 — HOME EDUCATION** — Motion made and question — That the petition presented by the Member for Lowan be taken into consideration tomorrow (*Mr Delahunty, Lowan*) — put and agreed to.
- 10 **PETITION — COURT COMPLEX, NEPEAN HIGHWAY, HIGHETT** — Motion made and question — That the petition presented by the Member for Sandringham be taken into consideration tomorrow (*Mr Thompson*) — put and agreed to.
- 11 **PETITION — HOME EDUCATION** — Motion made and question — That the petition presented by the Member for Bulleen be taken into consideration tomorrow (*Mr Kotsiras*) — put and agreed to.
- 12 **DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:

Parliamentary Committees Act 2003 — Response of the Attorney-General on the action taken with respect to the recommendations made by the Scrutiny of Acts and Regulations

Committee's Final Report on Discrimination in the Law, Inquiry under section 207 of the *Equal Opportunity Act 1995*

Victorian Law Reform Commission — Report on the Review of Family Violence Laws — Ordered to be printed.

13 **STATEMENTS BY MEMBERS** — Statements by members were made.

14 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE — GOVERNMENT WASTE AND MISMANAGEMENT** — The House was informed that Mr Honeywood had proposed that a definite matter of public importance be submitted to the House for discussion, namely —

'That this House condemns the waste and mismanagement of the Bracks Government and, in particular, its obsession with self promotion through an annual advertising expenditure of \$80 million while failing to deliver essential services or complete projects on time and on budget.'

Mr Honeywood addressed the House — Discussion followed.

15 **STATEMENTS ON PARLIAMENTARY COMMITTEE REPORTS** — Statements were made on the following Committee Reports:

Public Accounts and Estimates Committee's Report on Corporate Governance in the Victorian Public Sector

Family and Community Development Committee's Report on the Regulation of the Funeral Industry

Family and Community Development Committee's Report on the Inquiry into Issues relating to the Development of Body Image Among Young People and Associated Effects on their Health and Wellbeing

Road Safety Committee's Report on the Inquiry into Crashes Involving Roadside Objects

Road Safety Committee's Report on the Inquiry into the Country Road Toll

Public Accounts and Estimates Committee's Report on the 2005/06 Budget Estimates

Public Accounts and Estimates Committee's Report on a legislative framework for independent officers of Parliament.

16 **SUSTAINABLE FORESTS (TIMBER) (AMENDMENT) BILL** — 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 (*Dr Napthine*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 15 March 2006.

- 17 **ROAD SAFETY (DRUGS) BILL** — 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 15 March 2006.

- 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 **DRUGS, POISONS AND CONTROLLED SUBSTANCES (PROHIBITION OF DISPLAY AND SALE OF COCAINE KITS) BILL** — 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 15 March 2006.

- 20 **DRUGS, POISONS AND CONTROLLED SUBSTANCES (AGED CARE SERVICES) BILL** — 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 15 March 2006.

Business having been interrupted at 2.00 pm under standing orders.

- 21 **QUESTIONS** — (Under SO 55).

- 22 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 6 to 11 inclusive, be postponed until later this day.

- 23 **STATUTE LAW (FURTHER REVISION) BILL** — 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 Wednesday 15 March 2006.

- 24 **VALUATION OF LAND (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 Baillieu*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 15 March 2006.

- 25 **MELBOURNE SAILORS' HOME (REPEAL) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Ms Garbutt*).

Motion made and question — That the debate be now adjourned (*Mrs Shardey*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 15 March 2006.

- 26 **DISABILITY BILL** — Motion made and question proposed — That this Bill be now read a second time (*Ms Garbutt*).

Motion made and question — That the debate be now adjourned (*Mrs Shardey*) — put and agreed to.

Motion made and question proposed — That the debate be adjourned for two weeks (*Ms Garbutt*).

Amendment proposed — That the word 'weeks' be omitted with the view of inserting in its place the word 'months' (*Mrs Shardey*) — and, after debate —

Question — That the word proposed to be omitted stand part of the question — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 15 March 2006.

- 27 **JUSTICE LEGISLATION (MISCELLANEOUS AMENDMENTS) 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 with the concurrence of an absolute majority of the whole number of the members of the Legislative Assembly.

Bill sent to the Legislative Council and their agreement requested.

- 28 **TRANSPORT LEGISLATION (SAFETY INVESTIGATIONS) BILL AND RAIL SAFETY BILL** — Order read for resuming debate on question — That these Bills be now read a second time.

Amendment proposed to the **Transport Legislation (Safety Investigations) Bill** — That all the words after 'That' be omitted with the view of inserting in their place the words 'this House refuses to read this Bill a second time until a final resolution has been reached by all states in relation to the National Transport Commission's Draft Rail Safety Bill and that further discussion has been entered into via invitation from the Federal Government to simplify regulation for rail operators in all states' (*Mr Mulder*) —

Amendment proposed to the **Rail Safety Bill** — That all the words after 'That' be omitted with the view of inserting in their place the words 'this House refuses to read this Bill a second time until a final resolution has been reached by all states in relation to the National Transport Commission's Draft Rail Safety Bill and that further discussion has been entered

into via invitation from the Federal Government to simplify regulation for rail operators in all states' (*Mr Mulder*) — and, after debate —

Question — That, in relation to the **Transport Legislation (Safety Investigations) Bill**, the words proposed to be omitted stand part of the question — put.

The House divided (the Deputy Speaker, Mr Loney, in the Chair) —

AYES 51

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms Marshall; Mr Maxfield; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Perera; Ms Pike; Mr Robinson; Mr Savage; Mr Stensholt; Mr Trezise.

NOES 20

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Naphthine; Mr Perton; Mr Plowman; Mrs Powell; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Wells.

Question agreed to.

Transport Legislation (Safety Investigations) Bill read a second time and, by leave, immediately read a third time.

Bill sent to the Legislative Council and their agreement requested.

Question — That, in relation to the **Rail Safety Bill**, the words proposed to be omitted stand part of the question — put.

The House divided (the Deputy Speaker, Mr Loney, in the Chair) —

AYES 52

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms Marshall; Mr Maxfield; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Perera; Ms Pike; Mr Robinson; Mr Savage; Mr Stensholt; Mr Thwaites; Mr Trezise.

NOES 20

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Naphthine; Mr Perton; Mr Plowman; Mrs Powell; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Wells.

Question agreed to.

Question — That the **Rail Safety Bill** be now read a second time — put.

The House divided (the Deputy Speaker, Mr Loney, in the Chair) —

AYES 52

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms Marshall; Mr Maxfield; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Perera; Ms Pike; Mr Robinson; Mr Savage; Mr Stensholt; Mr Thwaites; Mr Trezise.

NOES 20

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Naphthine; Mr Perton; Mr Plowman; Mrs Powell; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Wells.

Question agreed to.

Rail Safety Bill considered in detail and agreed to with amendments, read a third time (*see pp 986–97*).

Bill sent to the Legislative Council and their agreement requested.

- 29 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Terrorism (Community Protection) (Amendment) Bill without amendment.
- 30 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Batchelor*) — put and agreed to.
- 31 **ADJOURNMENT** — The Acting Speaker left the Chair, after debate, at 10.26 pm.

R W PURDEY
Clerk of the Legislative Assembly

JUDY MADDIGAN
Speaker

No 153 — Thursday 2 March 2006

- 1 The Speaker took the Chair and read the Prayer.
- 2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:
- Home Education** — Requesting that the House urges the redrafting of the clauses of the Education and Training Reform Bill pertaining to home education to be in line with the existing Education Act's requirement that parents provide regular and efficient instruction

without reference to a statutory authority, bearing 24, 140, 36, 16, 4, 3, 3, 15 and 31 signatures (*Mr Howard, Mr Cameron, Mr Clark, Mr Perton, Ms Marshall, Mr Ingram, Mr Dixon, Ms Campbell and Ms Green respectively*)

13–25 Yarram Crescent, Clayton — Requesting that the House — (a) intervenes through the use of any or all of its powers to halt the sale of Council owned land by Monash City Council located at 13–25 Yarram Crescent, Clayton; and (b) instructs the Monash Council to develop the land into a public open space for the enjoyment and use of the residents, rate payers and visitors to Clayton, bearing 484 signatures (*Mr Lim*)

VCE English Standard — Requesting that the House urges the Government to reverse the proposal to lower the VCE English standard requiring students to read only one book in their final year of school, bearing 26 signatures (*Mr Perton*)

Police School Involvement Program — Requesting that the House supports the reinstatement of the Police School Involvement Program to build a secure environment for the children of Victoria, bearing 85 signatures (*Mr Perton*)

Greenvale High School — Requesting that the House urges the Government to reverse the proposed action to sell land on the corner of Barrymore Road and Glencairn Drive in Greenvale reserved for a secondary school and establish a Greenvale High School, bearing 484 signatures (*Mr Perton*)

Public Education System — Requesting that the House ensures that any new education and training legislation dealing with the public education system — (a) is separate and distinct from any dealing with private schools; (b) defines public education as free, secular and universal; (c) gives primacy to public education in any and all areas; and (d) provides separate legislation for registration of private schools, bearing 456 signatures (*Mr Perton*)

Retirement Villages Act 1986 — Requesting that the House ensures that the Government — (a) takes immediate action to proclaim all the amendments to the *Retirement Villages Act 1986*; (b) requires retirement village contracts to specify and protect residents' rights; (c) regulates for contracts to be in a form that can be understood by residents, prospective residents, and their legal or financial advisors; and (d) provides accessible and affordable avenues of redress for residents with current contracts that include unfair provisions, bearing 15 and 154 signatures (*Ms Marshall and Mr Wells respectively*)

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 665 signatures (*Mr Ingram*)

Rail Level Crossings — Requesting that the House enshrines in law that all level crossings on all active rail lines within the State be grade separated, bearing 3,761 signatures (*Mr Mulder*).

Petitions ordered to be tabled.

- 3 **PETITION — HOME EDUCATION** — 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.

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- 4 **PETITION — RETIREMENT VILLAGES ACT 1986** — Motion made and question — That the petition presented by the Member for Scoresby be taken into consideration tomorrow (*Mr Wells*) — put and agreed to.
- 5 **PETITION — 13–25 YARRAM CRESCENT, 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 **PETITION — HOME EDUCATION** — 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.
- 7 **PETITION — HOME EDUCATION** — Motion made and question — That the petition presented by the Member for Gippsland East be taken into consideration tomorrow (*Mr Ingram*) — put and agreed to.
- 8 **PETITION — 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.
- 9 **PETITION — HOME EDUCATION** — Motion made and question — That the petition presented by the Member for Doncaster be taken into consideration tomorrow (*Mr Perton*) — put and agreed to.
- 10 **PETITION — VCE ENGLISH STANDARD** — Motion made and question — That the petition presented by the Member for Doncaster be taken into consideration tomorrow (*Mr Perton*) — put and agreed to.
- 11 **PETITION — POLICE SCHOOL INVOLVEMENT PROGRAM** — Motion made and question — That the petition presented by the Member for Doncaster be taken into consideration tomorrow (*Mr Perton*) — put and agreed to.
- 12 **PETITION — GREENVALE HIGH SCHOOL** — Motion made and question — That the petition presented by the Member for Doncaster be taken into consideration tomorrow (*Mr Perton*) — put and agreed to.
- 13 **PETITION — PUBLIC EDUCATION SYSTEM** — Motion made and question — That the petition presented by the Member for Doncaster be taken into consideration tomorrow (*Mr Perton*) — put and agreed to.
- 14 **PETITION — HOME EDUCATION** — Motion made and question — That the petition presented by the Member for Bendigo West be taken into consideration tomorrow (*Mr Perton*) — put and agreed to.
- 15 **PETITION — HOME EDUCATION** — 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.

16 **DOCUMENTS**

VICTORIAN GOVERNMENT INDIGENOUS AFFAIRS — Motion made, by leave, and question — That the Victorian Government Indigenous Affairs Report for the year 2004–05 be tabled (*Mr Thwaites*) — put and agreed to.

EDUCATION AND TRAINING COMMITTEE — Mr Herbert, Chair, presented a report from the Education and Training Committee on the Inquiry into the promotion of mathematics and science education, together with appendices and minutes of evidence.

Ordered to be tabled and the report and appendices printed.

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — Ms Campbell, Chair, presented a report from the Public Accounts and Estimates Committee on the Review of the report on the performance audit of the Victorian Auditor-General's Office.

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 for the year ended 31 October 2005

Mental Health Act 1986 — Report of the Community Visitors for the year 2004–05

Mount Hotham Alpine Resort Management Board — Report for the year ended 31 October 2005

Parliamentary Committees Act 2003 — Response of the Treasurer on the action taken with respect to the recommendations made by the Public Accounts and Estimates Committee's report on the review of the Auditor-General's report on Parliamentary Control and Management of Appropriations

Statutory Rules under the following Acts:

Corrections Act 1986 — SR No 14

Drugs, Poisons and Controlled Substances Act 1981 — SR No 16

Fisheries Act 1995 — SR No 12

Liquor Control Reform Act 1998 — SR No 13

State Superannuation Act 1988 — SR No 15

Subordinate Legislation Act 1994 — Ministers' exemption certificates in relation to Statutory Rule Nos 12, 13.

17 **STATUTE LAW (FURTHER REVISION) BILL** — Motion made, by leave, and question — That the proposals contained in the Statute Law (Further Revision) Bill be referred to the Scrutiny of Acts and Regulations Committee for inquiry, consideration and report (*Mr Bracks*) — put and agreed to.

18 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourns until Tuesday 28 March 2006 (*Mr Cameron*) — put and agreed to.

- 19 **STATEMENTS BY MEMBERS** — Statements by members were made.
- 20 **PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE** — Motion made and question — That the House grants leave to permit the Public Accounts and Estimates Committee to meet and take evidence for the purposes of the 2006–07 Budget Estimates Inquiry when the House is actually sitting (*Mr Batchelor*) — after debate, put.

The House divided (the Deputy Speaker, Mr Loney, in the Chair) —

AYES 71

Ms Allan; Mr Andrews; Ms Asher; Mr Baillieu; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Clark; Mr Cooper; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Dixon; Mr Donnellan; Mr Doyle; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Hardman; Mr Harkness; Mr Helper; Mr Holding; Mr Honeywood; Mr Howard; Mr Hudson; Mr Jenkins; Ms Kosky; Mr Kotsiras; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Mr McIntosh; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Mildenhall; Ms Morand; Mr Mulder; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Perera; Mr Perton; Ms Pike; Mr Plowman; Mr Robinson; Mr Savage; Mr Seitz; Mrs Shardey; Mr Smith; Mr Stensholt; Mr Thompson; Mr Thwaites; Mr Trezise; Mr Wells; Mr Wynne.

NOES 8

Mr Delahunty (*Lowan*); Mr Ingram; Mr Jasper; Mr Maughan; Mrs Powell; Mr Ryan; Dr Sykes; Mr Walsh.

Question agreed to.

- 21 **INFRINGEMENTS BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Business having been interrupted at 2.00 pm under standing orders.

- 22 **QUESTIONS** — (Under SO 55).
- 23 **INFRINGEMENTS BILL** — 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.

- 24 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Ms Delahunty, Northcote*) — put and agreed to.

25 **ADJOURNMENT** — The Deputy Speaker left the Chair, after debate, at 3.41 pm.

R W PURDEY
Clerk of the Legislative Assembly

JUDY MADDIGAN
Speaker

LEGISLATIVE ASSEMBLY OF VICTORIA

CONSIDERATION IN DETAIL Supplement to Votes Nos 151, 152 and 153

No 152 — Wednesday 1 March 2006

RAIL SAFETY BILL

Clauses 1 and 2 agreed to.

Clause 3, Mr Batchelor moved amendment Nos 1 to 4 (*see Schedule*).

Amendments put and agreed to.

Clause agreed to as amended.

Clauses 4 to 10 agreed to.

Clause 11, Mr Batchelor moved amendment Nos 5 to 8 (*see Schedule*).

Amendments put and agreed to.

Clause agreed to as amended.

Clause 12, Mr Batchelor moved amendment Nos 9 and 10 (*see Schedule*).

Amendments put and agreed to.

Clause agreed to as amended.

Clause 13 agreed to.

Clause 14, Mr Batchelor moved amendment No 11 (*see Schedule*).

Amendment put and agreed to.

Clause agreed to as amended.

Clauses 15 to 19 agreed to.

Clause 20, Mr Batchelor moved amendment No 12 (*see Schedule*).

Amendment put and agreed to.

Clause agreed to as amended.

Clause 21, Mr Batchelor moved amendment No 13 (*see Schedule*).

Amendment put and agreed to.

Clause agreed to as amended.

Clause 22, Mr Batchelor moved amendment No 14 (*see Schedule*).

Amendment put and agreed to.

Clause agreed to as amended.

Clauses 23 to 32 agreed to.

Clause 33, Mr Batchelor moved amendment Nos 15 to 18 (*see Schedule*).

Amendments put and agreed to.

Clause agreed to as amended.

Clause 34 agreed to.

Clause 35, Mr Batchelor moved amendment No 19 (*see Schedule*).

Amendment put and agreed to.

Clause agreed to as amended.

Clauses 36 to 38 agreed to.

Clause 39 defeated.

Clause 40, Mr Batchelor moved amendment Nos 21 to 23 (*see Schedule*).

Amendments put and agreed to.

Clause agreed to as amended.

Clauses 41 to 48 agreed to.

Clauses 49 to 51 defeated.

Clause 52 agreed to.

Clause 53, Mr Batchelor moved amendment No 25 (*see Schedule*).

Amendment put and agreed to.

Clause agreed to as amended.

Clauses 54 to 64 agreed to.

Clause 65, Mr Batchelor moved amendment Nos 26 and 27 (*see Schedule*).

Amendments put and agreed to.

Clause agreed to as amended.

Clause 66, Mr Batchelor moved amendment No 28 (*see Schedule*).

Amendment put and agreed to.

Clause agreed to as amended.

Clauses 67 to 96 agreed to.

Clause 97 defeated.

Clauses 98 to 100 agreed to.

Heading Part 9, Division 3, Mr Batchelor moved amendment No 30 (*see Schedule*).

Amendment put and agreed to.

Clause 101, Mr Batchelor moved amendment Nos 31 and 32 (*see Schedule*).

Amendments put and agreed to.

Clause agreed to as amended.

Clauses 102 and 103 agreed to.

Clause 104, Mr Batchelor moved amendment No 33 (*see Schedule*).

Amendment put and agreed to.

Clause agreed to as amended.

Heading Part 9, Division 4, Mr Batchelor moved amendment No 34 (*see Schedule*).

Amendment put and agreed to.

Clause 105, Mr Batchelor moved amendment Nos 35 and 36 (*see Schedule*).

Amendments put and agreed to.

Clause agreed to as amended.

Clauses 106 to 116 agreed to.

Clause 117, Mr Batchelor moved amendment Nos 37 and 38 (*see Schedule*).

Amendments put and agreed to.

Clause agreed to as amended.

Clauses 118 to 124 agreed to.

Clause 125, Mr Batchelor moved amendment No 39 (*see Schedule*).

Amendment put and agreed to.

Clause agreed to as amended.

Clause 126 agreed to.

Clause 127, Mr Batchelor moved amendment Nos 40 to 42 (*see Schedule*).

Amendments put and agreed to.

Clause agreed to as amended.

Clauses 128 to 156 agreed to.

Clause 157, Mr Batchelor moved amendment No 43 (*see Schedule*).

Amendment put and agreed to.

Clause agreed to as amended.

Clause 158, Mr Batchelor moved amendment No 44 (*see Schedule*).

Amendment put and agreed to.

Clause agreed to as amended.

Clauses 159 to 170 agreed to.

New Clauses AA to DD, agreed to (*see Schedule*).

New Clause EE and Division Heading, agreed to (*see Schedule*).

Question — That the House agrees to the Bill with amendments — put.

The House divided (the Deputy Speaker, Mr Loney in the Chair) —

AYES 51

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Ingram; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms Marshall; Mr Maxfield; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Perera; Ms Pike; Mr Robinson; Mr Savage; Mr Stensholt; Mr Thwaites; Mr Trezise.

NOES 22

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Napthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

SCHEDULE OF AMENDMENTS MOVED

RAIL SAFETY BILL

Amendments moved by Mr Batchelor

1. Heading to clause 3, after "Definitions" insert "and interpretation".
2. Clause 3, line 15, before "In" insert "(1)".
3. Clause 3, page 3, line 30, omit "a person" and insert "the rail safety worker".
4. Clause 3, page 12, after line 22 insert—
 - () For the purposes of this Act, a rail infrastructure manager is deemed to carry out rail infrastructure operations supplied to the rail infrastructure manager by—
 - (a) a rail contractor engaged directly or indirectly by the rail infrastructure manager to supply those operations to the rail infrastructure manager; or
 - (b) a sub-contractor of the rail contractor referred to in paragraph (a).
 - () For the purposes of this Act, a rolling stock operator is deemed to carry out rolling stock operations supplied to the rolling stock operator by—
 - (a) a rail contractor engaged directly or indirectly by the rolling stock operator to supply those operations to the rolling stock operator; or
 - (b) a sub-contractor of the rail contractor referred to in paragraph (a).
 - () For the purposes of this Act—
 - (a) an accredited rail operator is deemed to carry out rail infrastructure operations or rolling stock operations supplied to the accredited rail operator by—
 - (i) a rail contractor engaged directly or indirectly by the accredited rail operator to supply those operations to the accredited rail operator; or
 - (ii) a sub-contractor of the rail contractor referred to in sub-paragraph (i); and
 - (b) rail infrastructure operations or rolling stock operations referred to in paragraph (a) are deemed to be accredited rail operations."
5. Heading to clause 11, after "Objects" insert "and principles of rail safety".
6. Clause 11, line 11, omit "safety—" and insert "safety."
7. Clause 11, lines 12 and 13, omit all words and expressions on these lines.
8. Clause 11, lines 14 to 16, omit sub-section (2) and insert—
 - () The Parliament does not intend by Part 2 to create in any person any legal right or give rise to any civil cause of action."
9. Clause 12, line 18, before "This" insert "(1)".
10. Clause 12, after line 21, insert—

"() To avoid doubt, the Crown is a body corporate for the purposes of this Act or the regulations."

11. Clause 14, lines 21 and 22, omit "That person is the rail operator carrying out those operations."
12. Clause 20, lines 6 to 8, omit "the rail infrastructure manager's rail infrastructure operations" and insert "rail infrastructure operations carried out by the rail infrastructure manager".
13. Clause 21, lines 9 and 10, omit "the rolling stock operator's rolling stock operations" and insert "rolling stock operations carried out by the rolling stock operator".
14. Clause 22, page 24, line 25, after "operations" (where secondly occurring) insert "to a rail operator".
15. Clause 33, line 13, omit "(2)" and insert "(3)".
16. Clause 33, lines 15 to 31, omit all words and expressions on these lines and insert—

"() If—

 - (a) a rail operator is carrying out, or proposes to carry out, rail operations on land on which there are works of a utility or within the immediate vicinity of the works of a utility; and
 - (b) the Safety Director reasonably believes the rail operations threaten, or are likely to threaten, the works or the safe provision by the utility of (as the case requires) gas, electricity or other like services—

the Safety Director may give the rail operator a written direction to stop, alter or not to start the rail operations.

() If the utility referred to in sub-section (1) or (2) is a utility that provides, or intends to provide, gas, electricity or other like services, the Safety Director must consult with Energy Safe Victoria before giving a direction under either of those sub-sections."
17. Clause 33, page 34, line 1, omit "refuse to comply with," and insert "refuse, to comply with".
18. Clause 33, page 34, lines 8 and 9, omit "refuse to comply with, a direction under sub-section (3)" and insert "refuse, to comply with a direction under sub-section (2)".
19. Clause 35, lines 8 and 9, omit "competency and capacity to manage the risks associated with major incidents" and insert "competence and capacity to manage the risks to safety associated with the rail operations for which accreditation was sought".
20. Clause 39, omit this clause.
21. Clause 40, page 40, line 1, omit "competency" and insert "competence".
22. Clause 40, page 40, line 5, omit "complied" insert "taken all reasonable steps to comply".
23. Clause 40, page 40, lines 8 and 9, omit ", so far as it relates to major incidents,".
24. Clauses 49 to 51, omit these clauses.

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25. Clause 53, line 17, after "accredited" insert "rail".
26. Heading to clause 65, omit "assessment" and insert "management".
27. Clause 65, line 16, omit "they comply with Division 3" insert "the accredited rail operator has taken all reasonable steps to comply with the requirements in sections 50 to 52".
28. Heading to clause 66, omit "assessment" and insert "management".
29. Clause 97, omit this clause.
30. Division heading preceding clause 101, omit "3" and insert "4".
31. Clause 101, line 30, after "under" insert "Division 2 or 3 of".
32. Clause 101, page 128, omit sub-section (2) and insert—
 "Note: See also section 51 of the **Interpretation of Legislation Act 1984**.
 () If a provision of this Act or the regulations made under this Act is inconsistent with a provision of the **Occupational Health and Safety Act 2004** or the regulations made under that Act, the **Occupational Health and Safety Act 2004** or the regulations made under it prevail to the extent of the inconsistency.
 () Compliance with this Act or the regulations made under this Act, or with any requirement imposed under this Act or the regulations, is not in itself a defence in any proceedings for an offence against the **Occupational Health and Safety Act 2004** or the regulations made under that Act.
 () Evidence of a relevant contravention of this Act or the regulations made under this Act is admissible in any proceedings for an offence against the **Occupational Health and Safety Act 2004** or the regulations made under that Act."
33. Clause 104, line 11, omit "Order" and insert "instrument".
34. Division heading preceding clause 105, omit "4" and insert "5".
35. Clause 105, after line 6 insert—
 "(b) annual accreditation fees and additional fees for the late payment of annual accreditation fees;"
36. Clause 105, line 7, omit "(b)" and insert "(c)".
37. Clause 117, page 152, line 15, omit "Act; and" and insert "Act".
38. Clause 117, page 152, lines 16 and 17, omit all words and expressions on these lines.
39. Clause 125, page 177, after line 19 insert—
"228SA. Crown to be bound
 (1) This Division binds the Crown, not only in right of Victoria but also, so far as the legislative power of the Parliament permits, the Crown in all its other capacities.
 (2) To avoid doubt, the Crown is a body corporate for the purposes of this Division."

40. Clause 127, page 233, lines 22 to 29, omit all words and expressions on these lines and insert—

"Note: See also section 51 of the **Interpretation of Legislation Act 1984**.

- (2) If a relevant rail safety duty law is inconsistent with a provision of the **Occupational Health and Safety Act 2004** or the regulations made under that Act, the **Occupational Health and Safety Act 2004** or the regulations made under it prevail to the extent of the inconsistency.
- (3) Compliance with a relevant rail safety duty law, or with any requirement imposed under a relevant rail safety duty law, is not in itself a defence in any proceedings for an offence against the **Occupational Health and Safety Act 2004** or the regulations made under that Act.
- (4) Evidence of a relevant contravention of a relevant rail safety duty law is admissible in any proceedings for an offence against the **Occupational Health and Safety Act 2004** or the regulations made under that Act."
41. Clause 127, page 234, line 3, omit "and 2" and insert "to 3".
42. Clause 127 page 234, line 11, omit "and 2" and insert "to 3".
43. Clause 157, page 244, line 18, after "works," insert "or the safe provision by the electricity corporation of electricity or other like services,".
44. Clause 158, page 247, line 8, after "works," insert "or the safe provision by a gas distribution company or gas transmission company of gas or other like services,".

NEW CLAUSES

45. Insert the following New Clause to follow clause 38—

"AA. Criteria on which accreditation applications by rail infrastructure managers are to be assessed

The Safety Director must accredit a rail infrastructure manager in respect of the rail infrastructure operations the rail infrastructure manager carries out if the Safety Director is satisfied that—

- (a) the rail infrastructure manager—
- (i) is accredited in another State or a Territory of the Commonwealth to carry out rail infrastructure operations of a similar kind in that State or Territory; or
- (ii) has the competence and capacity to carry out those operations safely; and
- (b) the rail infrastructure manager has—
- (i) taken all reasonable steps to comply with Division 3; and
- (ii) demonstrated to the Safety Director that—
- (A) the rail infrastructure manager's safety management system complies with Division 4 of Part 3; and
- (B) the rail infrastructure manager has complied with section 26; and

- (iii) the financial capacity, or has public risk insurance arrangements, to meet reasonable potential accident liabilities arising from the carrying out of rail infrastructure operations."

46. Insert the following New Clauses to follow the heading to Division 3 of Part 5—

'BB. Application of Division

- (1) This Division applies to every rail infrastructure manager and rolling stock operator who applies under Division 2 to be accredited under this Part in respect of (as the case requires) the rail infrastructure operations or rolling stock operations they carry out or intend to carry out.
- (2) The rail infrastructure manager or rolling stock operator must, as part of their application, include information, in writing, that evidences that they have taken all reasonable steps to comply with the requirements of this Division.

CC. Identification of incidents and hazards, and risk assessment

- (1) A rail infrastructure manager must—
 - (a) identify all incidents which could occur on or at rail infrastructure or while carrying out rail infrastructure operations; and
 - (b) identify all hazards that could cause, or contribute to causing, those incidents.
- (2) A rolling stock operator must—
 - (a) identify all incidents which could occur while carrying out rolling stock operations; and
 - (b) identify all hazards that could cause, or contribute to causing, those incidents.
- (3) A rail infrastructure manager or rolling stock operator must document all aspects of any identification required by (as the case requires) sub-section (1) or (2), including the methods and criteria used for identifying the incidents and hazards.
- (4) A rail operator must conduct a comprehensive and systematic assessment in relation to all possible incidents and all hazards identified in accordance with (as the case requires) sub-section (1) or (2).
- (5) An assessment must involve an examination and analysis of the hazards and incidents identified in accordance with (as the case requires) sub-section (1) or (2) that provide the rail operator with a detailed understanding of all aspects of risk to safety associated with the incidents, including—
 - (a) the nature of each hazard and incident; and
 - (b) the likelihood of each hazard causing an incident; and
 - (c) in the event of an incident occurring—
 - (i) its magnitude; and
 - (ii) the severity of its consequences of the incident; and
 - (d) the range of control measures considered.
- (6) In conducting an assessment, the rail operator must—
 - (a) consider hazards cumulatively as well as individually; and

- (b) use assessment methodologies (whether quantitative or qualitative, or both) that are appropriate to the hazards being considered.
- (7) The rail operator must document all aspects of the assessment, and the documentation must—
 - (a) describe the methodology used in the examination and analysis; and
 - (b) state all the matters specified in sub-section (5)(a) to (d); and
 - (c) contain judgments as to the matters specified in sub-section (5)(a) and (b), and reasons for those judgments; and
 - (d) contain, in relation to the range of control measures considered—
 - (i) statements as to their viability and effectiveness; and
 - (ii) reasons for selecting certain control measures and rejecting others.
- (8) In this section—

"incident" includes major incident.

DD. Measures to control likelihood, magnitude and severity of consequences of incidents

A rail operator must adopt measures that eliminate or, if it is not practicable to eliminate, that reduce, so far as is reasonably practicable—

- (a) the likelihood of an incident referred to in section 50 occurring; or
- (b) in the event of an incident referred to in section 50 occurring—
 - (i) the magnitude of the incident; and
 - (ii) the severity of the consequences of the incident.'

47. Insert the following Division heading and New Clause to follow clause 100—

'Division 3—Proceedings against the Crown

EE. Responsible agency for the Crown

- (1) If proceedings are brought against the Crown for an offence against this Act or the regulations the responsible agency in respect of the offence may be specified in any document initiating, or relating to, the proceedings.
- (2) In this section, the **"responsible agency"** in respect of an offence is the agency of the Crown—
 - (a) whose acts or omissions are alleged to constitute the offence; or
 - (b) if that agency has ceased to exist, that is the successor of that agency; or
 - (c) if that agency has ceased to exist and there is no clear successor, that the court declares to be the responsible agency.
- (3) The responsible agency in respect of an offence is entitled to act in proceedings against the Crown for the offence and, subject to any relevant rules of court, the procedural rights and obligations of the Crown as the accused in the proceedings are conferred or imposed on the responsible agency.
- (4) The person prosecuting the offence may change the responsible agency during the proceedings with the court's leave.

(5) In this section—

"agency" includes the Director within the meaning of the **Transport Act 1983**!

LEGISLATIVE ASSEMBLY OF VICTORIA

VOTES AND PROCEEDINGS

Nos 154, 155 and 156

No 154 — Tuesday 28 March 2006

1 The House met according to the adjournment — The Speaker took the Chair and read the Prayer.

2 **QUESTIONS** — (Under SO 55).

3 **FINANCIAL MANAGEMENT (MISCELLANEOUS AMENDMENTS) BILL** — Mr Brumby obtained leave to bring in a Bill '*to amend the **Financial Management Act 1994** in relation to budget management, powers over land and financial regulations and directions and for other purposes*'; and, after debate, 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:

Lake Mokoan and the Broken System — Requesting that the House urges the Government to — (a) reinstate the members of the Broken System Reliability Reference Committee in decision making on the decommissioning of Lake Mokoan and the Broken System; (b) undertake an independent assessment of the current reliability of water supply provided by the Broken System including Lake Mokoan; (c) ensure commitments given by the former and current Ministers for Water that irrigators will not be adversely affected by the decommissioning of Lake Mokoan are honoured in full; and (d) investigate the possibility of a permanent wetland in the bed of the lake to enhance reliability of supply to water users, bearing 13 signatures (*Dr Sykes*)

Home Education — Requesting that the House urges the redrafting of the clauses of the Education and Training Reform Bill pertaining to home education to be in line with the existing Education Act's requirement that parents provide regular and efficient instruction without reference to a statutory authority, bearing 15, 9, 6, 6, 6 and 15 signatures (*Dr Sykes, Ms Allan, Ms Asher, Mr Loney, Mr Dixon and Dr Naphine respectively*)

Retirement Villages Act 1986 — Requesting that the House ensures that the Government — (a) takes immediate action to proclaim all the amendments to the *Retirement Villages Act 1986*; (b) requires retirement village contracts to specify and protect residents' rights; (c) regulates for contracts to be in a form that can be understood by residents, prospective residents, and their legal or financial advisors; and (d) provides accessible and affordable avenues of redress for residents with current contracts that include unfair provisions, bearing 82 signatures (*Mr Stensholt*)

Melbourne Youth Music — Requesting that the House urges the Government to restore the Strategic Partnerships Program Grant to Melbourne Youth Music to ensure students continue to gain equitable access to the Program, bearing 1,937 and 7 signatures (*Mr Perton and Mr Harkness respectively*)

Religious Instruction in Victorian Government Schools — Requesting that the House takes action to ensure that there is no change to legislation and the *Victorian Government Schools Reference Guide* which would diminish the status of religious instruction in Victorian Government schools and, in addition, urges the Government to provide additional funding for chaplaincy services in these schools, bearing 329 signatures (*Mr Merlino*)

Rosebud Hospital — Requesting that the House solves the problem of people having to wait inordinate times for surgery at Peninsula Health, Frankston Hospital and the overworked Emergency Ward at Frankston by upgrading the Rosebud Hospital to treat a wider range of medical conditions, bearing 38 signatures (*Mr Dixon*)

Motor Vehicle Registration Fees — Pensioner Concession — Requesting that the Government reverses its decision to halve the pensioner concession on car registration fees, bearing 21 signatures (*Mr Dixon*)

Racial and Religious Tolerance Act 2001 — Repeal — Requesting that the *Racial and Religious Tolerance Act 2001* be repealed, bearing 61 signatures (*Mr Hardman*)

Toxic Waste Reduction — Landfill Technology — Requesting that the Government implements its 2000 election promise to reduce toxic waste stream and abandons landfill technology, bearing 627 signatures (*Dr Napthine*)

Toxic Waste Facility — Mildura Region — Requesting that the Government abandons its proposal to place a toxic waste facility in the Mildura region, bearing 103 signatures (*Dr Napthine*).

Petitions ordered to be tabled.

- 5 **PETITION — HOME EDUCATION** — Motion made and question — That the petition presented by the Member for South-West Coast be taken into consideration tomorrow (*Dr Napthine*) — put and agreed to.
- 6 **PETITION — TOXIC WASTE REDUCTION — LANDFILL TECHNOLOGY** — Motion made and question — That the petition presented by the Member for South-West Coast be taken into consideration tomorrow (*Dr Napthine*) — put and agreed to.
- 7 **PETITION — TOXIC WASTE FACILITY — MILDURA REGION** — Motion made and question — That the petition presented by the Member for South-West Coast be taken into consideration tomorrow (*Dr Napthine*) — put and agreed to.
- 8 **PETITION — RACIAL AND RELIGIOUS TOLERANCE ACT 2001 — REPEAL** — 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 **PETITION — HOME EDUCATION** — 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 — 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.
- 11 **PETITION — MOTOR VEHICLE REGISTRATION FEES — PENSIONER CONCESSION** — 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 **PETITION — MELBOURNE YOUTH MUSIC** — Motion made and question — That the petition presented by the Member for Frankston be taken into consideration tomorrow (*Mr Harkness*) — put and agreed to.
- 13 **PETITION — RETIREMENT VILLAGES ACT 1986** — Motion made and question — That the petition presented by the Member for Burwood be taken into consideration tomorrow (*Mr Stensholt*) — put and agreed to.
- 14 **PETITION — HOME EDUCATION** — Motion made and question — That the petition presented by the Member for Benalla be taken into consideration tomorrow (*Dr Sykes*) — put and agreed to.
- 15 **PETITION — LAKE MOKOAN AND THE BROKEN SYSTEM** — 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 **DOCUMENTS**

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — Ms D'Ambrosio, Chair, presented a report from the Scrutiny of Acts and Regulations Committee being the Alert Digest No 3 of 2006 on the:

Disability Bill

Drugs, Poisons and Controlled Substances (Aged Care Services) Bill

Drugs, Poisons and Controlled Substances (Prohibition of Display and Sale of Cocaine Kits) Bill

Melbourne Sailors' Home (Repeal) Bill

Road Safety (Drugs) Bill

Statute Law (Further Revision) Bill

Sustainable Forests (Timber) (Amendment) Bill

Valuation of Land (Amendment) Bill

together with appendices.

Ordered to be tabled and printed.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — Ms D'Ambrosio, Chair, presented a report from the Scrutiny of Acts and Regulations Committee being the Annual Review 2005, together with appendices.

Ordered to be tabled and printed.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — Ms D'Ambrosio, Chair, presented a report from the Scrutiny of Acts and Regulations Committee on the Statute Law (Further Revision) Bill, together with appendices.

Ordered to be tabled and printed.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — Ms D'Ambrosio, Chair, presented the minutes of evidence relating to Alert Digest No 1 of 2006 from the Scrutiny of Acts and Regulations Committee on the Terrorism (Community Protection) (Amendment) Bill.

Ordered to be tabled.

DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT — The Clerk tabled the following documents in accordance with Acts of Parliament:

Commonwealth Games Arrangements Act 2001 — Orders under s 18 (3 orders)

Conservation, Forests and Lands Act 1987 — Code of Practice for Fire Management on Public Land (Revision No 1)

Crown Land (Reserves) Act 1978 — Section 17DA Order granting under s 17D a lease over the Sorrento Public Park Reserve

Financial Management Act 1994 — Budget Sector — Mid-Year Financial Report for the year 2005–06 incorporating the Quarterly Financial Report for the period ended 31 December 2005

Financial Management Act 1994:

Report from the Minister for Agriculture that he had received the 2004–05 annual report of the Northern Victorian Fresh Tomato Industry Development Committee, together with an explanation for the delay

Report from the Minister for Health that she had received the report for the period 1 January 2004 to 30 June 2005 of the Mildura Cemetery Trust, together with an explanation for the delay

National Environment Protection Council — Report for the year 2004–05

Parliamentary Committees Act 2003:

Drugs and Crime Prevention Committee — Inquiry into Strategies to Reduce Harmful Alcohol Consumption, Volumes 1 and 2, together with appendices and minutes of evidence — Report and appendices ordered to be printed

Response of the Minister for WorkCover on the action taken with respect to the recommendations made by the Rural and Regional Services and Development Committee's Inquiry into the Cause of Fatality and Injury on Victorian Farms

Planning and Environment Act 1987 — Notices of approval of amendments to the following Planning Schemes:

Baw Baw Planning Scheme — No C35
 Boroondara Planning Scheme — Nos C36, C65
 Brimbank Planning Scheme — No C90
 Golden Plains Planning Scheme — No C17
 Greater Bendigo Planning Scheme — No C60
 Kingston Planning Scheme — No C47
 Latrobe Planning Scheme — No C32
 Mansfield Planning Scheme — No C1 Part 1
 Mildura Planning Scheme — No C29 Part 2
 Queenscliffe Planning Scheme — No C15
 Surf Coast Planning Scheme — No C31
 Victoria Planning Provisions — No VC38

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)

Rural Finance Act 1988 — Direction dated 15 March 2006 by the Treasurer to the Rural Finance Corporation to administer the Regional Victoria 2006 Bushfire Assistance Scheme

Statutory Rules under the following Acts:

Commonwealth Games Arrangements Act 2001 — SR Nos 20, 24
Fisheries Act 1995 — SR No 17
Legal Profession Act 2004 — SR Nos 19, 27
Magistrates' Court Act 1989 — SR Nos 18, 25, 26
Road Safety Act 1986 — SR Nos 22, 23
Tobacco Act 1987 — SR No 21

Subordinate Legislation Act 1994 — Ministers' exemption certificates in relation to Statutory Rule Nos 19, 20, 22, 23, 27.

17 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Crimes (Family Violence) (Holding Powers) Bill without amendment.

18 **MESSAGE FROM THE GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that he had, on 7 March 2006, given the royal assent to the following bills, presented to him by the Clerk of the Parliaments:

Crimes (Family Violence) (Holding Powers) Bill
 Crimes (Sexual Offences) Bill
 Guardianship and Administration (Further Amendment) Bill
 Prahran Mechanics' Institute (Amendment) Bill
 Terrorism (Community Protection) (Amendment) Bill.

19 **MESSAGES FROM THE GOVERNOR** — The Speaker announced the presentation of messages from the Governor recommending appropriations for the purposes of the following bills:

Disability Bill
Road Safety (Drugs) Bill.

- 20 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, under SO 94(2), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 30 March 2006:

Disability Bill
Drugs, Poisons and Controlled Substances (Volatile Substances) (Extension of Provisions) Bill
Education and Training Reform Bill
Interpretation of Legislation (Further Amendment) Bill
Public Sector Employment (Award Entitlements) Bill

(*Mr Batchelor*) — and, after debate —

Amendment proposed — That the words 'Disability Bill' be omitted from the question
(*Mr Savage*) — and, after debate —

Question — That the words proposed to be omitted stand part of the question — put.

The House divided (the Speaker, Mrs Maddigan in the Chair) —

AYES 57

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Loney; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Perera; Ms Pike; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Wilson; Mr Wynne.

NOES 26

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Napthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

Original question — put.

The House divided (the Speaker, Mrs Maddigan, in the Chair) —

AYES 57

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Loney; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Perera; Ms Pike; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Wilson; Mr Wynne.

NOES 26

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Naphthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

21 **STATEMENTS BY MEMBERS** — Statements by members were made.

22 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 1 to 4 inclusive, be postponed until later this day.

23 **DRUGS, POISONS AND CONTROLLED SUBSTANCES (VOLATILE SUBSTANCES) (EXTENSION OF PROVISIONS) BILL** — 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.

Debate resumed 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.

24 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Agreeing to the following bills without amendment:

Crimes (Document Destruction) Bill
Liquor Control Reform (Amendment) Bill.

25 **INTERPRETATION OF LEGISLATION (FURTHER 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.

26 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Gambling Regulation (Miscellaneous Amendments) Bill without amendment.

27 **EDUCATION AND TRAINING REFORM BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Under standing orders, Mr Dixon announced amendments to be proposed when the House considers the Bill in detail and requested that they be circulated. Amendments circulated.

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.

Under standing orders, Mr Maughan 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.

28 **ADJOURNMENT** — The Acting Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.29 pm.

R W PURDEY
Clerk of the Legislative Assembly

JUDY MADDIGAN
Speaker

No 155 — Wednesday 29 March 2006

1 The Speaker took the Chair and read the Prayer.

2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

Home Education — Requesting that the House urges the redrafting of the clauses of the Education and Training Reform Bill pertaining to home education to be in line with the existing Education Act's requirement that parents provide regular and efficient instruction without reference to a statutory authority, bearing 7, 142, 6, 4 and 5 signatures (*Ms Neville, Ms Buchanan, Ms D'Ambrosio, Mr Merlino and Mr Wells respectively*)

Car Parking Facilities — Cranbourne Railway Station — Requesting that consideration be given to increasing car parking facilities at the Cranbourne Railway Station in order to alleviate the necessity of commuters having to use surrounding streets for parking, bearing 15 signatures (*Mr Perera*)

Racial and Religious Tolerance Act 2001 — Repeal — Requesting that the *Racial and Religious Tolerance Act 2001* be repealed, bearing 18 and 19 signatures (*Mr Perera and Ms Buchanan respectively*)

Retirement Villages Act 1986 — Requesting that the House ensures that the Government — (a) takes immediate action to proclaim all the amendments to the *Retirement Villages Act 1986*; (b) requires retirement village contracts to specify and protect residents' rights; (c) regulates for contracts to be in a form that can be understood by residents, prospective residents, and their legal or financial advisors; and (d) provides accessible and affordable avenues of redress for residents with current contracts that include unfair provisions, bearing 66 signatures (*Ms Marshall*)

Religious Instruction in Victorian Government Schools — Requesting that the House takes action to ensure that there is no change to legislation and the *Victorian Government Schools Reference Guide* which would diminish the status of religious instruction in Victorian Government schools and, in addition, urges the Government to provide additional funding for chaplaincy services in these schools, bearing 24 signatures (*Mr Merlino*)

Fluoride — Domestic Water Supply — Requesting that the Government — (a) acknowledges the opposition to mass fluoridation of the domestic water supply, pending a referendum of the citizens of Wangaratta; and (b) be bound by the results of such referendum, bearing 701 signatures (*Mr Jasper*).

Petitions ordered to be tabled.

- 3 **PETITION — HOME EDUCATION** — 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 — FLUORIDE — DOMESTIC WATER SUPPLY** — Motion made and question — That the petition presented by the Member for Murray Valley be taken into consideration tomorrow (*Mr Jasper*) — put and agreed to.
- 5 **PETITION — HOME EDUCATION** — Motion made and question — That the petition presented by the Member for Hastings be taken into consideration tomorrow (*Ms Buchanan*) — put and agreed to.
- 6 **PETITION — RACIAL AND RELIGIOUS TOLERANCE ACT 2001 — REPEAL** — Motion made and question — That the petition presented by the Member for Hastings be taken into consideration tomorrow (*Ms Buchanan*) — put and agreed to.
- 7 **STATEMENTS BY MEMBERS** — Statements by members were made.
- 8 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE — MAINTAINING THE ADVANTAGE: SKILLED VICTORIANS PACKAGE** — The House was informed that Ms Barker had proposed that a definite matter of public importance be submitted to the House for discussion, namely —

'That this House congratulates the Bracks Government for ensuring that our training system will meet Victoria's future needs, through the introduction of the *Maintaining the Advantage: Skilled Victorians* package which builds on this Government's already substantial investment

in education and training and will deliver a highly skilled, adaptable and innovative workforce into the future.'

Ms Barker addressed the House — Discussion followed.

9 **STATEMENTS ON PARLIAMENTARY COMMITTEE REPORTS** — Statements were made on the following Committee Reports:

Education and Training Committee's Report on the Inquiry into the promotion of mathematics and science education

Family and Community Development Committee's Report on the Inquiry into Issues relating to the Development of Body Image Among Young People and Associated Effects on their Health and Wellbeing

Drugs and Crime Prevention Committee's Report on the Inquiry into Strategies to Reduce Harmful Alcohol Consumption.

10 **2006 MELBOURNE COMMONWEALTH GAMES** — Motion made and question — That this House congratulates all those involved in making the 2006 Melbourne Commonwealth Games the most successful Commonwealth Games ever held and a credit to all the people of Victoria, and specifically congratulates:

- (1) The Games Volunteers whose dedication ensured the smooth running of all events and who put a charming and helpful face on Victoria;
- (2) The hard working staff from organisations including the Organising Committee, M2006, the Office of Commonwealth Games Coordination within the Department for Victorian Communities, Victoria Police and transport operators who were the backbone of the Games;
- (3) The 4,500 athletes from across the Commonwealth, who brought so much entertainment and joy through their courageous and inspiring efforts;
- (4) All those involved in the Commonwealth Games Cultural Program, Festival Melbourne 2006, who provided another element to the Games, making it a truly unique festival; and
- (5) All the people of Victoria, who through their unparalleled support and enthusiasm once again showed to the world that Melbourne is simply the best;

(Mr Bracks) — and, after debate —

Business having been interrupted at 2.00 pm under standing orders.

11 **QUESTIONS** — (Under SO 55).

12 **2006 MELBOURNE COMMONWEALTH GAMES** — Debate resumed on question — That the motion be agreed to.

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.

- 13 **DISABILITY BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Amendment proposed — That all the words after 'That' be omitted with the view of inserting in their place the words 'this House refuses to read this Bill a second time until full and proper consultation has taken place with the disability sector over the impact of the Bill on the disabled' (*Mrs Shardey*) — and, after debate —

Amendment proposed to Mrs Shardey's amendment — That all the words after 'a second time' be omitted with the view of inserting in their place the words 'for a period of three months to give disability service providers, non-government agencies, carers and clients the opportunity to seriously consider the detail of the Bill and its implications and make their views known to the Government' (*Mr Maughan*) — and, after debate —

Business having been interrupted at 10.00 pm under standing orders.

- 14 **ADJOURNMENT** — The Acting Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.31 pm.

R W PURDEY
Clerk of the Legislative Assembly

JUDY MADDIGAN
Speaker

No 156 — Thursday 30 March 2006

- 1 The Speaker took the Chair and read the Prayer.
- 2 **ACTING SPEAKERS** — The following warrant appointing Acting Speakers was tabled by the Speaker:

VICTORIA LEGISLATIVE ASSEMBLY

Under the provisions of Standing Order 20 of the Legislative Assembly, I do hereby nominate — Ann Patricia Barker, Christine Mary Campbell, Robert Fitzgerald Cooper, Hugh Francis Delahunty, Craig Ingram, Kenneth Stephen Jasper, Nicholas Kotsiras, Telmo Ramon Languiller, Jennifer Margaret Lindell, Donato Antonio Nardella, Antony Fulton Plowman, Russell Irwin Savage, George Seitz, Kenneth Maurice Smith to preside as Acting Speakers whenever requested so to do by the Speaker or the Deputy Speaker.

This warrant replaces the previous warrant tabled under my name on the Third day of March, Two thousand and Four.

Given under my hand this Thirtieth day of March, Two Thousand and Six.

Judy Maddigan
SPEAKER

- 3 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

Home Loan Schemes — Requesting that the Government sponsored Home Loan Schemes under the flawed new lending instrument called Capital Indexed Loans sold since 1984/85 under the sub-headings — CAPIL, Deferred Interest Scheme (DIS), Indexed Repayment Loan (IRL), Home Opportunity Loan Scheme (HOLS) and Shared Home Opportunity Scheme (SHOS) — (a) be recalculated; (b) have payment and interest set at affordable levels; and (c) be amended in order to assist the low income bracket Victorians the loans were meant to assist, bearing 10 signatures (*Ms Marshall*)

Racial and Religious Tolerance Act 2001 — Repeal — Requesting that the *Racial and Religious Tolerance Act 2001* be repealed, bearing 16 and 18 signatures (*Mr Andrews and Mr Wilson respectively*)

Minimum Sentencing — Violent Criminals — Requesting that the Government — (a) takes action to ensure the community of Victoria is adequately protected from habitual violent criminals who commit violent sexual crimes and violent crimes against children or vulnerable elderly people; and (b) imposes minimum jail sentences for these habitual violent criminals, bearing 7,851 signatures (*Mrs Powell*).

Petitions ordered to be tabled.

- 4 **PETITION — MINIMUM SENTENCING — VIOLENT CRIMINALS** — 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 — MELBOURNE YOUTH MUSIC** — Motion made and question — That the petition presented by the Member for Doncaster on Tuesday 28 March 2006 be taken into consideration tomorrow (*Mr Perton*) — put and agreed to.
- 6 **DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:

Consumer Affairs Victoria — Report for the year 2004–05 — Ordered to be printed

Ombudsman Act 1973 — Report of the Ombudsman on Improving Responses to Allegations Involving Sexual Assault — Ordered to be printed

Subordinate Legislation Act 1994 — Minister's exemption certificate in relation to Statutory Rule No 24

Surveillance Devices Act 1999 — Reports under s 37 from the Chief Commissioner of Police and Department of Primary Industries (two documents).

- 7 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Agreeing to the following bills without amendment:

Rail Safety Bill
 Transport Legislation (Safety Investigations) Bill.

- 8 **STATEMENTS BY MEMBERS** — Statements by members were made.

- 9 **FINANCIAL MANAGEMENT (MISCELLANEOUS AMENDMENTS) 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 Clark*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 13 April 2006.

- 10 **PUBLIC SECTOR EMPLOYMENT (AWARD ENTITLEMENTS) BILL** — 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 Merlino*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 11 **EDUCATION AND TRAINING REFORM BILL** — 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 **EDUCATION AND TRAINING REFORM BILL** — Debate resumed on question — That this Bill be now read a second time.

Bill read a second time and considered in detail (*see pp 1016–7*).

- 14 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Infringements Bill without amendment.

- 15 **DISABILITY BILL** — Order read for resuming debate on question — That this Bill be now read a second time — *and on the amendment* — That all the words after 'That' be omitted with the view of inserting in their place the words 'this House refuses to read this Bill a second time until full and proper consultation has taken place with the disability sector over the impact of the Bill on the disabled' — *and on the amendment to the amendment* — That all the words after 'a second time' be omitted with the view of inserting in their place the words 'for a period of three months to give disability service providers, non-government agencies, carers and clients the opportunity to seriously consider the detail of the Bill and its implications and make their views known to the Government'; debate resumed.

Allocation of time — The Speaker advised that the time allocated for consideration of bills under the resolution of the House on Tuesday 28 March 2006 had expired.

Question — That the words proposed to be omitted from the amendment stand part of the question — put.

The House divided (the Speaker, Mrs Maddigan, in the Chair) —

AYES 58

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Herbert; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Loney; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Savage; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 24

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Naphthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

Question — That the words proposed to be omitted stand part of the question — put.

The House divided (the Speaker, Mrs Maddigan, in the Chair) —

AYES 56

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Herbert; Mr Howard; Mr Hudson; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Loney; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 26

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Naphthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

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.

- 16 **DRUGS, POISONS AND CONTROLLED SUBSTANCES (VOLATILE SUBSTANCES) (EXTENSION OF PROVISIONS) BILL** — 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 **PUBLIC SECTOR EMPLOYMENT (AWARD ENTITLEMENTS) BILL** — 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, Mrs Maddigan, in the Chair) —

AYES 65

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Delahunty (*Lowan*); Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Herbert; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Mr Jasper; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Loney; Ms McTaggart; Ms Marshall; Mr Maughan; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mrs Powell; Mr Robinson; Mr Ryan; Mr Savage; Mr Seitz; Mr Stensholt; Dr Sykes; Mr Thwaites; Mr Trezise; Mr Walsh; Mr Wilson; Mr Wynne.

NOES 17

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Dixon; Mr Doyle; Mr Honeywood; Mr Kotsiras; Mr McIntosh; Mr Mulder; Dr Napthine; Mr Perton; Mr Plowman; Mrs Shardey; Mr Smith; Mr Thompson; Mr Wells.

Question agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 18 **EDUCATION AND TRAINING REFORM BILL** — Order read for the further consideration of the Bill in detail.

Question — That the words proposed to be omitted stand part of the Clause — put.

The House divided (the Speaker, Mrs Maddigan, in the Chair) —

AYES 56

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Herbert; Mr Howard; Mr Hudson; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Loney; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 26

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Naphthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

Question — That Clauses 1.1.1 to 6.1.3 inclusive and Schedules 1 to 8 inclusive be agreed to and that the Bill be agreed to without amendment — put.

The House divided (the Speaker, Mrs Maddigan, in the Chair) —

AYES 58

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Herbert; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Loney; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Savage; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 24

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Naphthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

Question — That this Bill be now read a third time — put.

The House divided (the Speaker, Mrs Maddigan, in the Chair) —

AYES 58

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Herbert; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Loney; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Savage; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 24

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Naphthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

Bill read a third time with the concurrence of an absolute majority of the whole number of the members of the Legislative Assembly.

Bill sent to the Legislative Council and their agreement requested.

- 19 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Justice Legislation (Miscellaneous Amendments) Bill with amendments.

Ordered — That the amendments be taken into consideration tomorrow.

- 20 **2006 MELBOURNE COMMONWEALTH GAMES** — Order read for resuming debate on question — That this House congratulates all those involved in making the 2006 Melbourne Commonwealth Games the most successful Commonwealth Games ever held and a credit to all the people of Victoria, and specifically congratulates:

- (1) The Games Volunteers whose dedication ensured the smooth running of all events and who put a charming and helpful face on Victoria;
- (2) The hard working staff from organisations including the Organising Committee, M2006, the Office of Commonwealth Games Coordination within the Department for Victorian Communities, Victoria Police and transport operators who were the backbone of the Games;
- (3) The 4,500 athletes from across the Commonwealth, who brought so much entertainment and joy through their courageous and inspiring efforts;
- (4) All those involved in the Commonwealth Games Cultural Program, Festival Melbourne 2006, who provided another element to the Games, making it a truly unique festival; and
- (5) All the people of Victoria, who through their unparalleled support and enthusiasm once again showed to the world that Melbourne is simply the best — put, after debate, and agreed to.

- 21 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Ms Garbutt*) — put and agreed to.

- 22 **ADJOURNMENT** — The Deputy Speaker left the Chair, after debate, at 6.07 pm.

R W PURDEY
Clerk of the Legislative Assembly

JUDY MADDIGAN
Speaker

LEGISLATIVE ASSEMBLY OF VICTORIA

CONSIDERATION IN DETAIL
Supplement to Votes Nos 154, 155 and 156

No 156 — Thursday 30 March 2006

EDUCATION AND TRAINING REFORM BILL

Clause 1.1.1, Mr Dixon moved amendment No 1 (*see Schedule*).

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.

(For remaining stages see pp 1013–1015)

SCHEDULE OF AMENDMENT MOVED

EDUCATION AND TRAINING REFORM BILL

Amendment moved by Mr Dixon

1. Clause 1.1.1, page 2, lines 12 to 14, omit "and the regulation of non-Government schools and home schooling" and insert "and the registration of non-Government schools".

LEGISLATIVE ASSEMBLY OF VICTORIA

VOTES AND PROCEEDINGS Nos 157, 158 and 159

No 157 — Tuesday 4 April 2006

- 1 The Speaker took the Chair and read the Prayer.
- 2 **QUESTIONS** — (Under SO 55).
- 3 **ABORIGINAL HERITAGE BILL** — Mr Thwaites obtained leave to bring in a Bill '*to provide for the protection of Aboriginal cultural heritage in Victoria, to repeal the **Archaeological and Aboriginal Relics Preservation Act 1972** and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 4 **TERRORISM (COMMUNITY PROTECTION) (FURTHER AMENDMENT) BILL** — Mr Hulls obtained leave to bring in a Bill '*to make miscellaneous amendments to the **Terrorism (Community Protection) Act 2003**, to amend the **Public Records Act 1973** to provide for certain records to be withheld from public inspection, to amend the **Freedom of Information Act 1982** to provide for certain documents to be exempt documents under that Act 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:
 - Home Education** — Requesting that the House urges the redrafting of the clauses of the Education and Training Reform Bill pertaining to home education to be in line with the existing Education Act's requirement that parents provide regular and efficient instruction without reference to a statutory authority, bearing 33 signatures (*Mr Herbert*)
 - Footpath Policy — Mornington Peninsula Shire** — Requesting that the House calls on the Mornington Peninsula Shire to review its footpath policy, bearing 169 signatures (*Mr Cooper*).Petitions ordered to be tabled.
- 6 **PETITION — HOME EDUCATION** — Motion made and question — That the petition presented by the Member for Eltham be taken into consideration tomorrow (*Mr Perton*) — put and agreed to.
- 7 **DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:

Commissioner for Environmental Sustainability — Strategic Audit of Victorian Government Agencies' Environmental Management Systems

Crown Land (Reserves) Act 1978 — Section 17DA Order granting under s 17D a lease over the Queens Park Reserve

Government Superannuation Office — Wind up financial statements for the period ended 1 December 2005

Mount Baw Baw Alpine Resort Management Board — Report for the year ended 31 October 2005

Ombudsman Act 1973 — Report of the Ombudsman on the Investigation into parking infringement notices issued by Melbourne City Council — Ordered to be printed

Safe Drinking Water Act 2003 — Report on Drinking Water Quality in Victoria for the year 2004–05

State Superannuation Fund — Wind up financial statements for the period ended 1 December 2005.

The following proclamation fixing an operative date was tabled by the Clerk in accordance with an order of the House dated 26 February 2003:

Working with Children Act 2005 — Whole Act on 3 April 2006 (*Gazette G13, 30 March 2006*).

- 8 **MESSAGE FROM THE GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that he had today given the royal assent to the following bills, presented to him by the Clerk of the Parliaments:

Crimes (Document Destruction) Bill
 Gambling Regulation (Miscellaneous Amendments) Bill
 Liquor Control Reform (Amendment) Bill
 Rail Safety Bill
 Transport Legislation (Safety Investigations) Bill.

- 9 **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 April 2006:

Drugs, Poisons and Controlled Substances (Aged Care Services) Bill
 Drugs, Poisons and Controlled Substances (Prohibition of Display and Sale of Cocaine Kits) Bill
 Justice Legislation (Miscellaneous Amendments) Bill — Amendments of the Legislative Council
 Land (St Kilda Triangle) Bill
 Road Safety (Drugs) Bill
 Sustainable Forests (Timber) (Amendment) Bill
 Valuation of Land (Amendment) Bill

(*Mr Batchelor*) — put, after debate, and agreed to.

- 10 **STATEMENTS BY MEMBERS** — Statements by members were made.
- 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 **DRUGS, POISONS AND CONTROLLED SUBSTANCES (AGED CARE SERVICES) 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.
- 13 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Interpretation of Legislation (Further Amendment) Bill without amendment.
- 14 **JUSTICE LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL** — 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.
- 15 **DRUGS, POISONS AND CONTROLLED SUBSTANCES (PROHIBITION OF DISPLAY AND SALE OF COCAINE KITS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.
- Under standing orders, Mr Delahunty (*Lowan*) 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.*
- 16 **ADJOURNMENT** — The Speaker announced that the time for the adjournment of the House had arrived, and, after debate, the Acting Speaker left the Chair, at 10.28 pm.

R W PURDEY
Clerk of the Legislative Assembly

JUDY MADDIGAN
Speaker

No 158 — Wednesday 5 April 2006

- 1 The Speaker took the Chair and read the Prayer.

2 **EQUAL OPPORTUNITY AND TOLERANCE LEGISLATION (AMENDMENT) BILL** — Mr Bracks obtained leave to bring in a Bill '*to amend the Equal Opportunity Act 1995 and the Racial and Religious Tolerance 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.

3 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

Racial and Religious Tolerance Act 2001 — Repeal — Requesting that the *Racial and Religious Tolerance Act 2001* be repealed, bearing 12 and 48 signatures (*Mr Plowman and Mr Jasper respectively*)

Trescowthick Hostel, Natimuk — Requesting that air conditioning be fitted at the Trescowthick Hostel in Natimuk at the earliest convenience, bearing 19 signatures (*Mr Delahunty, Lowan*)

Princes Highway between Waurin Ponds and Colac — Upgrade — Requesting that the House makes funds available for an immediate upgrade of the Princes Highway between Waurin Ponds and Colac from a single carriageway to a divided, dual carriageway, in the interests of public safety, bearing 6,449 signatures (*Mr Mulder*)

Tax on Scooter and Motorbike Registrations — Requesting that the \$50 tax, levied through the Transport Accident Commission on scooter and motorbike registrations, be abolished, bearing 6,707 signatures (*Dr Naphine*).

Petitions ordered to be tabled.

4 **PETITION — TAX ON SCOOTER AND MOTORBIKE REGISTRATIONS** — 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.

5 **PETITION — PRINCES HIGHWAY BETWEEN WAURIN PONDS AND COLAC — UPGRADE** — Motion made and question — That the petition presented by the Member for Polwarth be taken into consideration tomorrow (*Mr Mulder*) — put and agreed to.

6 **PETITION — TRESCOWTHICK HOSTEL, NATIMUK** — Motion made and question — That the petition presented by the Member for Lowan be taken into consideration tomorrow (*Mr Delahunty, Lowan*) — put and agreed to.

7 **PETITION — FOOTPATH POLICY — MORNINGTON PENINSULA SHIRE** — Motion made and question — That the petition presented by the Member for Mornington on Tuesday 4 April 2006 be taken into consideration tomorrow (*Mr Cooper*) — put and agreed to.

8 **DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:

Lake Mountain Alpine Resort Management Board — Report for the year ended 31 October 2005

Planning and Environment Act 1987 — Notices of approval of amendments to the following Planning Schemes:

Bass Coast Planning Scheme — No C56
 Bayside Planning Scheme — No C48
 Colac Otway Planning Scheme — No C26
 Frankston Planning Scheme — No C33
 Greater Dandenong Planning Scheme — No C62
 Knox Planning Scheme — No C56
 Warrnambool Planning Scheme — Nos C22, C38
 Yarra Planning Scheme — No C78

Statutory Rules under the following Acts:

Credit (Administration) Act 1984 — SR No 32
Electricity Safety Act 1998 — SR No 34
Fisheries Act 1995 — SR No 28
Magistrates' Court Act 1989 — SR Nos 30, 31
Subordinate Legislation Act 1994 — SR Nos 33, 35
Trustee Companies Act 1984 — SR No 36
Working with Children Act 2005 — SR No 29

Subordinate Legislation Act 1994 — Ministers' exemption certificates in relation to Statutory Rule Nos 28, 36 (two certificates)

Victorian Law Reform Commission — Report on Residential Tenancy Databases — Ordered to be printed.

- 9 **MESSAGE FROM THE GOVERNOR** — The Speaker announced the presentation of a message from the Governor recommending an appropriation for the purposes of the Financial Management (Miscellaneous Amendments) Bill.
- 10 **STATEMENTS BY MEMBERS** — Statements by members were made.
- 11 **GRIEVANCES** — Question — That grievances be noted — put, after debate, and agreed to.
- 12 **STATEMENTS ON PARLIAMENTARY COMMITTEE REPORTS** — Statements were made on the following Committee Reports:
- Public Accounts and Estimates Committee's Report on the 2005/06 Budget Estimates
- Rural and Regional Services and Development Committee's Report on the Inquiry into the Cause of Fatality and Injury on Victorian Farms
- Drugs and Crime Prevention Committee's Report on the Inquiry into Strategies to Reduce Harmful Alcohol Consumption
- Economic Development Committee's Report on the Viability of the Victorian Thoroughbred/Standardbred Breeding Industries

Education and Training Committee's Report on the Inquiry into the promotion of mathematics and science education.

- 13 **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.

- 14 **DRUGS, POISONS AND CONTROLLED SUBSTANCES (PROHIBITION OF DISPLAY AND SALE OF COCAINE KITS) BILL** — 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 1030, 1033*).

Bill sent to the Legislative Council and their agreement requested.

Business having been interrupted at 2.00 pm under standing orders.

- 15 **QUESTIONS** — (Under SO 55).
- 16 **SUSTAINABLE FORESTS (TIMBER) (AMENDMENT) BILL** — 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, Mr Loney, in the Chair) —

AYES 58

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 25

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Napthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

By leave, Bill immediately read a third time.

Bill sent to the Legislative Council and their agreement requested.

- 17 **LAND (ST KILDA TRIANGLE) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Amendment proposed — That all the words after 'That' be omitted with the view of inserting in their place the words 'this House refuses to read this Bill a second time until all legal action concerning existing leases of the land in the St Kilda triangle is concluded and the property rights of existing lessees have been clarified' (*Mr Baillieu*) — and, after debate —

Question — That the words proposed to be omitted stand part of the question — put.

The House divided (the Deputy Speaker, Mr Loney, in the Chair) —

AYES 57

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 24

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Napthine; Mr Perton; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

Question — That this Bill be now read a second time — put.

The House divided (the Deputy Speaker, Mr Loney, in the Chair) —

AYES 57

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 24

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Napthine; Mr Perton; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

Third reading, by leave, considered immediately.

Question — That this Bill be now read a third time — put.

The House divided (the Deputy Speaker, Mr Loney, in the Chair) —

AYES 57

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 24

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Napthine; Mr Perton; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 18 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Agreeing to the following bills without amendment:

Public Sector Employment (Award Entitlements) Bill
Drugs, Poisons and Controlled Substances (Volatile Substances) (Extension of Provisions) Bill.

- 19 **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.

- 20 **VALUATION OF LAND (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Under standing orders, Mr Baillieu announced amendments to be proposed when the House considers the Bill in detail and requested that they be circulated. Amendments circulated.

Under standing orders, Mrs Powell 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 10.30 pm.

No 159 — Thursday 6 April 2006

- 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 Planning Provisions — Requesting that the House amends the Victorian Planning Provisions so that they recognise that the development of intensive animal industries, in particular the broiler industry — (a) is not suitable, and presents an unacceptable risk, in areas within rural/farming zones that are closely settled and/or are water catchment areas; and (b) has an unacceptable impact on community members' wellbeing, amenity, property and opportunity, bearing 565 signatures (*Mr Maxfield*).

Ordered to be tabled.

- 3 **PETITION — VICTORIAN PLANNING PROVISIONS** — Motion made and question — That the petition presented by the Member for Narracan be taken into consideration tomorrow (*Mr Maxfield*) — 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:

Subordinate Legislation Act 1994 — Minister's exception certificate in relation to Statutory Rule No 33.

- 5 **LEGISLATIVE COUNCIL'S LEGISLATION COMMITTEE** — Motion made, by leave, and question — That, during the trial period to 15 June 2006 of the Legislative Council's Legislation Committee, this House grants leave for any minister of the Legislative Assembly to attend meetings of the Committee, if the minister thinks fit (*Mr Batchelor*) — put, after debate, and agreed to.

- 6 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourns until Tuesday 2 May 2006 (*Mr Batchelor*) — put and agreed to.

- 7 **STATEMENTS BY MEMBERS** — Statements by members were made.

- 8 **ROAD SAFETY (DRUGS) BILL** — 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.

- 9 **VALUATION OF LAND (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, considered in detail and agreed to without amendment, read a third time (*see pp 1031–2, 1033*).

Bill sent to the Legislative Council and their agreement requested.

Business having been interrupted at 2.00 pm under standing orders.

10 **QUESTIONS** — (Under SO 55).

11 **EQUAL OPPORTUNITY AND TOLERANCE LEGISLATION (AMENDMENT) BILL** — 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 Doyle*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 20 April 2006.

12 **TERRORISM (COMMUNITY PROTECTION) (FURTHER 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 McIntosh*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 20 April 2006.

13 **ABORIGINAL HERITAGE BILL** — 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 Thompson*) — put and agreed to.

Motion made and question proposed — That the debate be adjourned for two weeks (*Mr Thwaites*).

Amendment proposed — That the word 'two' be omitted with the view of inserting in its place the word 'five' (*Mr Ingram*) — and, after debate —

Question — That the word proposed to be omitted stand part of the question — put.

The House divided (the Speaker, Mrs Maddigan, in the Chair) —

AYES 56

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Green; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Loney; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Perera; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 23

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Mr Plowman; Mrs Powell; Mr Savage; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

Ordered — That the debate be adjourned until Thursday 20 April 2006.

- 14 **ROAD SAFETY (DRUGS) 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.

- 15 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Batchelor*) — put and agreed to.

- 16 **ADJOURNMENT** — The Acting Speaker left the Chair, after debate, at 4.11 pm.

R W PURDEY
Clerk of the Legislative Assembly

JUDY MADDIGAN
Speaker

LEGISLATIVE ASSEMBLY OF VICTORIA

CONSIDERATION IN DETAIL
Supplement to Votes Nos 157, 158 and 159

No 158 — Wednesday 5 April 2006

DRUGS, POISONS AND CONTROLLED SUBSTANCES (PROHIBITION OF DISPLAY AND SALE OF COCAINE KITS) BILL

Clause 1 — *The Deputy Speaker advised that if Mr Delahunty's amendment No 1 is not agreed to, amendment Nos 2 to 12 inclusive cannot be moved as they are consequential.*

Mr Delahunty (*Lowan*) moved amendment No 1 (*see Schedule 1*).

Question — That the amendment be agreed to — put.

The House divided (the Deputy Speaker, Mr Loney, in the Chair) —

AYES 25

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Naphine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

NOES 56

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Ms Pike; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

Question defeated.

Clause agreed to.

Clauses 2 to 4 agreed to.

Bill agreed to without amendment.

No 159 — Thursday 6 April 2006

VALUATION OF LAND (AMENDMENT) BILL

Clause 1 — *The Acting Speaker advised that if Mr Baillieu's amendment No 1 is not agreed to, amendment No 2 cannot be moved as it is consequential.*

Mr Baillieu moved amendment No 1 (*see Schedule 2*).

Question — That the words proposed to be omitted stand part of the Clause — put.

The House divided (the Deputy Speaker, Mr Loney, in the Chair) —

AYES 52

Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Green; Mr Hardman; Mr Harkness; Mr Helper; Mr Holding; Mr Howard; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Perera; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 25

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

Clause agreed to.

Clauses 2 to 14 agreed to.

Clause 15, Mr Baillieu moved amendment Nos 4 and 5 (*see Schedule 2*).

Question — That the amendments be agreed to — put.

The House divided (the Deputy Speaker, Mr Loney, in the Chair) —

AYES 25

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

NOES 53

Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Holding; Mr Howard; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Perera; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

Question defeated.

Clause agreed to.

Clauses 16 to 20 agreed to.

Bill agreed to without amendment.

SCHEDULES OF AMENDMENTS MOVED

SCHEDULE 1

DRUGS, POISONS AND CONTROLLED SUBSTANCES (PROHIBITION OF DISPLAY AND SALE OF COCAINE KITS) BILL

Amendment moved by Mr Delahunty (*Lowan*)

1. Clause 1, line 6, after "kits" insert "and the possession for sale of cocaine kits".

SCHEDULE 2

VALUATION OF LAND (AMENDMENT) BILL

Amendments moved by Mr Baillieu

1. Clause 1, page 2, lines 3 and 4, omit all words and expressions on these lines.
4. Clause 15, after line 16 insert—
 - "(b) if a valuation that has appeared in a notice of valuation given under section 15(1)(a) appears in—
 - (i) a subsequent notice of valuation given by the rating authority that gave the notice under that section; or
 - (ii) a notice, or subsequent notice, of an assessment of the rate or tax payable in respect of land issued by the rating authority that gave the notice of valuation under that section, or by any other rating authority—
within 2 months of that subsequent notice of valuation or notice, or subsequent notice, of assessment of rate or tax (as the case requires); or".
5. Clause 15, line 17, omit "(b)" and insert "(c)".

LEGISLATIVE ASSEMBLY OF VICTORIA

VOTES AND PROCEEDINGS Nos 160, 161 and 162

No 160 — Tuesday 2 May 2006

- 1 The House met according to the adjournment — The Speaker took the Chair and read the Prayer.
- 2 **QUESTIONS** — (Under SO 55).
- 3 **CHARTER OF HUMAN RIGHTS AND RESPONSIBILITIES BILL** — Mr Hulls obtained leave to bring in a Bill '*to protect and promote human rights, to make consequential amendments to certain Acts and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 4 **INFRINGEMENTS (CONSEQUENTIAL AND OTHER AMENDMENTS) BILL** — Mr Hulls obtained leave to bring in a Bill '*to provide for transitional arrangements for the **Infringements Act 2006**, to make other amendments to that Act, to amend the **Children and Young Persons Act 1989**, the **Road Safety Act 1986**, the **Marine Act 1988**, the **Transport Act 1983**, the **EastLink Project Act 2004**, the **Melbourne City Link Act 1995**, the **Chattel Securities Act 1987**, the **Bail Act 1977**, the **Sentencing Act 1991**, the **Magistrates' Court Act 1989** and the **Corrections Act 1986**, to amend the **Liquor Control Reform Act 1998** to provide for certain offences to be enforced by infringement notice and to make consequential amendments to various Acts and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 5 **JUSTICE LEGISLATION (FURTHER MISCELLANEOUS AMENDMENTS) BILL** — Mr Hulls obtained leave to bring in a Bill '*to amend the **Crimes Act 1958**, the **Crimes (Sexual Offences) Act 2006**, the **Major Crime Legislation (Office of Police Integrity) Act 2004**, the **Surveillance Devices (Amendment) Act 2004** and the **Working with Children Act 2005** and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 6 **TRANSFER OF LAND (ALPINE RESORTS) BILL** — Mr Hulls obtained leave to bring in a Bill '*to amend the **Transfer of Land Act 1958** and the **Alpine Resorts (Management) Act 1997** to make further provision in relation to leases and licences and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 7 **PLANNING AND ENVIRONMENT (GROWTH AREAS AUTHORITY) BILL** — Mr Hulls obtained leave to bring in a Bill '*to amend the **Planning and Environment Act 1987** to establish the **Growth Areas Authority** and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.

- 8 **VICTORIAN URBAN DEVELOPMENT AUTHORITY (AMENDMENT) BILL** — Mr Brumby obtained leave to bring in a Bill '*to amend the Victorian Urban Development Authority Act 2003 in relation to the levying of charges on development in a project area, to amend the Subdivision Act 1988 and the Building Act 1993 and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 9 **ENERGY LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL** — Mr Brumby obtained leave to bring in a Bill '*to amend the Electricity Industry Act 2000, the Gas Industry Act 2001, the Gas Safety Act 1997 and the Local Government Act 1989 and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 10 **PRIMARY INDUSTRIES ACTS (MISCELLANEOUS AMENDMENTS) BILL** — Mr Cameron obtained leave to bring in a Bill '*to amend the Fisheries Act 1995 to make further provision for arrangements between the State and the Commonwealth for the management of offshore fisheries and to make further provision for regulation-making powers and to amend the Meat Industry Act 1993 to make further provision for the sale of pet food 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:

New Age Religious Themes Gaming Machine Crimes — Requesting that the House passes a motion requesting that the Attorney-General takes action, with the utmost expedition, to have the sentences of women currently imprisoned for crimes carried out in order to use a new variety of new age religious themed gaming machines reviewed, bearing 18 signatures (*Mr Ryan*)

Alberton Shire — Requesting that the House — (a) acts to conduct a poll of the electors of Yarram and Districts within the boundaries of the old Alberton Shire; and (b) proclaims the region as the Alberton Shire comprising five wards, the North, South, East, West and Central Wards, with one elected councillor representing the electors in each ward, a total of five councillors in the new Alberton Shire, bearing 26 signatures (*Mr Ryan*)

Home Education — Requesting that the House urges the redrafting of the clauses of the Education and Training Reform Bill pertaining to home education to be in line with the existing Education Act's requirement that parents provide regular and efficient instruction without reference to a statutory authority, bearing 42, 10 and 6 signatures (*Mr Loney, Mr Delahunty (Lowan) and Ms Gillett respectively*)

Weed Control — Requesting that the Government places a much greater emphasis on dealing with weeds such as Patterson's Curse, St John's Wort and blackberries by — (a) employing more rather than less pest, plant and animal officers; (b) prosecuting errant landowners who do not control weeds; and (c) cooperating with Landcare groups to control weeds in their catchments, bearing 172 signatures (*Mr Maughan*)

Restrictive Covenants — Requesting that the Government takes action to — (a) immediately review the implication of the judgement in *Tonks and Anor v Tonks and Ors* 2003 and in particular its authority for the proposition that in particular cases restrictive covenants are no longer applicable; (b) enforce the spirit of restrictive covenants as

necessary; and (c) meet with a deputation of residents of Deauville Estate, Beaumaris, local members and relevant interest groups, bearing 48 signatures (*Mr Thompson*).

Petitions ordered to be tabled.

- 12 **PETITION — RESTRICTIVE COVENANTS** — Motion made and question — That the petition presented by the Member for Sandringham be taken into consideration tomorrow (*Mr Thompson*) — put and agreed to.

13 **DOCUMENTS**

MELBOURNE COLLEGE OF DIVINITY — Motion made, by leave, and question — That the Report of the Melbourne College of Divinity for the year 2005 be tabled (*Ms Kosky*) — put and agreed to.

AUSTRALIAN CATHOLIC UNIVERSITY LIMITED — Motion made, by leave, and question — That the Report of the Australian Catholic University Limited for the year 2005 be tabled (*Ms Kosky*) — put and agreed to.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — Ms D'Ambrosio, Chair, presented a report from the Scrutiny of Acts and Regulations Committee being the Alert Digest No 4 of 2006 on the:

Aboriginal Heritage Bill
 Building and Construction Industry Security of Payment (Amendment) Bill
 Equal Opportunity and Tolerance Legislation (Amendment) Bill
 Financial Management (Miscellaneous Amendments) Bill
 Terrorism (Community Protection) (Further Amendment) Bill

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:

Australian Crime Commission — Report for the year 2004–05

Ballarat University — Report for the year 2005 (two documents)

Commonwealth Games Arrangements Act 2001 — Order under s 18

Crown Land (Reserves) Act 1978 — Section 17DA Order granting under s 17D a lease over Phillip Island Nature Park, Churchill Island Visitors Centre

Deakin University — Report for the year 2005

Environment Protection Act 1970 — Order declaring Waste Management Policy (Used Packaging Materials) (*Gazette S 94, 28 March 2006*)

La Trobe University — Report for the year 2005

Melbourne University — Report for the year 2005

Monash University — Report for the year 2005

Murray-Darling Basin Commission — Report for the year 2004–05

Parliamentary Committees Act 2003:

Drugs and Crime Prevention Committee — Inquiry into Strategies to Reduce Harmful Alcohol Consumption, Volumes 1 and 2, together with appendices, minority reports and minutes of evidence (*in lieu of report previously tabled on Tuesday 28 March 2006*) — Report, appendices and minority reports ordered to be printed

Public Accounts and Estimates Committee — Report on the 2004–05 Budget Outcomes, together with appendices — Ordered to be printed

Planning and Environment Act 1987 — Notices of approval of amendments to the following Planning Schemes:

Ararat Planning Scheme — No C12
 Ballarat Planning Scheme — No C79
 Banyule Planning Scheme — No C50
 Campaspe Planning Scheme — No C38
 Greater Dandenong Planning Scheme — No C66
 Hobsons Bay Planning Scheme — No C57
 Kingston Planning Scheme — No C45
 Manningham Planning Scheme — No C49
 Maribyrnong Planning Scheme — No C59
 Melton Planning Scheme — No C43
 Monash Planning Scheme — No C41
 Pyrenees Planning Scheme — No C9
 Southern Grampians Planning Scheme — No C5
 Stonnington Planning Scheme — Nos C40, C47, C55
 Whittlesea Planning Scheme — No C70
 Wodonga Planning Scheme — No C38
 Yarra Planning Scheme — No C64

Prevention of Cruelty to Animals Act 1986 — Code of Practice for the Welfare of Amphibians in Captivity

RMIT University — Report for the year 2005

Rural Finance Act 1988 — Direction by the Acting Treasurer to the Rural Finance Corporation to administer a Financial Assistance Scheme to Harvest and Haulage Contractors

Statutory Rules under the following Acts:

Gambling Regulation Act 2003 — SR No 38
Geothermal Energy Resources Act 2005 — SR No 37
Mental Health Act 1986 — SR No 39
Tobacco Act 1987 — SR No 40

Subordinate Legislation Act 1994:

Minister's exception certificate in relation to Statutory Rule No 35

Ministers' exemption certificates in relation to Statutory Rule Nos 16, 21, 39

Swinburne University of Technology — Report for the year 2005

UMEE Ltd (formerly Melbourne University Private Limited) — Report for the year 2005

Victoria University — Report for the year 2005 (two documents).

- 14 **MESSAGE FROM THE GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that he had, on 11 April 2006, given the royal assent to the following bills, presented to him by the Clerk of the Parliaments:

Drugs, Poisons and Controlled Substances (Volatile Substances) (Extension of Provisions) Bill

Infringements Bill

Interpretation of Legislation (Further Amendment) Bill

Justice Legislation (Miscellaneous Amendments) Bill

Public Sector Employment (Award Entitlements) Bill.

- 15 **MESSAGE FROM THE GOVERNOR** — The Speaker announced the presentation of a message from the Governor recommending an appropriation for the purposes of the Aboriginal Heritage Bill.

- 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 4 May 2006:

Aboriginal Heritage Bill

Equal Opportunity and Tolerance Legislation (Amendment) Bill

Financial Management (Miscellaneous Amendments) Bill

Melbourne Sailors' Home (Repeal) Bill

Statute Law (Further Revision) Bill

Terrorism (Community Protection) (Further Amendment) Bill

(Mr Batchelor) — after debate, put.

A division having been called, the Speaker advised that there was only one vote for the 'noes' and, accordingly, declared the question agreed to. Mr Savage asked that his dissent be recorded.

- 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 **ABORIGINAL HERITAGE BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Under standing orders, Mr Cameron announced amendments to be proposed when the House considers the Bill in detail and requested that they be circulated. Amendments circulated.

Debate resumed on question — That this Bill be now read a second time.

Amendment proposed — That all the words after 'That' be omitted with the view of inserting in their place the words 'this House refuses to read this Bill a second time until a working party, in consultation with local government, recommends how permits refused under section 21U of the Commonwealth Act prior to the commencement day should be dealt with; and has considered the operation of the proposed Cultural Heritage Management Plans and recommended practical and effective ways to specify relevant activities' (*Mr Delahunty, Lowan*) — and, after debate —

Question — That the words proposed to be omitted stand part of the question — put.

The House divided (the Deputy Speaker, Mr Loney, in the Chair) —

AYES 51

Ms Allan; Mr Andrews; Ms Barker; Ms Beard; Ms Beattie; Mr Bracks; Ms Buchanan; Mr Cameron; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Gillett; Ms Green; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Perera; Ms Pike; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 24

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

Question — That this Bill be now read a second time — put.

The House divided (the Deputy Speaker, Mr Loney, in the Chair) —

AYES 51

Ms Allan; Mr Andrews; Ms Barker; Ms Beard; Ms Beattie; Mr Bracks; Ms Buchanan; Mr Cameron; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Gillett; Ms Green; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Perera; Ms Pike; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 24

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

Bill considered in detail and agreed to with amendments (*see pp 1051–53*).

Question — That this Bill be now read a third time — put.

The House divided (the Deputy Speaker, Mr Loney, in the Chair) —

AYES 52

Ms Allan; Mr Andrews; Ms Barker; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Gillett; Ms Green; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Perera; Ms Pike; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 23

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Honeywood; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 20 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Agreeing to the following bills without amendment:

Land (St Kilda Triangle)
Sustainable Forests (Timber) (Amendment) Bill
Drugs, Poisons and Controlled Substances (Prohibition of Display and Sale of Cocaine Kits) Bill

- 21 **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.
- 22 **MELBOURNE SAILORS' HOME (REPEAL) 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 Cameron*) — 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.

- 23 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Cameron*) — put and agreed to.
- 24 **ADJOURNMENT** — The Acting Speaker left the Chair, after debate, at 10.52 pm.

R W PURDEY
Clerk of the Legislative Assembly

JUDY MADDIGAN
Speaker

No 161 — Wednesday 3 May 2006

- 1 The Speaker took the Chair and read the Prayer.
- 2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

Racial and Religious Tolerance Act 2001 — Repeal — Requesting that the *Racial and Religious Tolerance Act 2001* be repealed, bearing 39 signatures (*Mr Langdon*)

Fluoride — Domestic Water Supply — Requesting that the Government — (a) acknowledges the opposition to mass fluoridation of the domestic water supply and refrains from adding fluoride to the water supply pending a referendum of the citizens of Wodonga and Wangaratta; and (b) be bound by the results of such referendum, bearing 1,716 signatures (*Mr Jasper*)

Supermarket Site, Vincent's Road, Maldon — Rezoning — Requesting that the Government oversees the rezoning of the site for the proposed new supermarket in Vincent's Road, Maldon from industrial to commercial, bearing 334 signatures (*Mr Maughan*)

Minimum Sentencing — Violent Criminals — Requesting that the Government — (a) takes action to ensure the community of Victoria is adequately protected from habitual violent criminals who commit violent sexual crimes and violent crimes against children or vulnerable elderly people; and (b) imposes minimum jail sentences for these habitual violent criminals, bearing 32 signatures (*Mr Walsh*).

Petitions ordered to be tabled.

- 3 **PETITION — RACIAL AND RELIGIOUS TOLERANCE ACT 2001 — REPEAL** — Motion made and question — That the petition presented by the Member for Ivanhoe be taken into consideration tomorrow (*Mr Cooper*) — put and agreed to.
- 4 **PETITION — MINIMUM SENTENCING — VIOLENT CRIMINALS** — 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 **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 for the year 2004–05.

- 6 **STATEMENTS BY MEMBERS** — Statements by members were made.

- 7 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE — LABOR'S MISMANAGEMENT OF VICTORIA** — The House was informed that Mr Doyle had proposed that a definite matter of public importance be submitted to the House for discussion, namely —

'That this House condemns Labor's mismanagement of Victoria, particularly in the areas of transport, health, education, infrastructure and taxation.'

Mr Doyle addressed the House — Discussion followed.

- 8 **STATEMENTS ON PARLIAMENTARY COMMITTEE REPORTS** — Statements were made on the following Committee Reports:

Education and Training Committee's Report on the Inquiry into the promotion of mathematics and science education

Family and Community Development Committee's Report on the Regulation of the Funeral Industry

Public Accounts and Estimates Committee's Report on the 2004–05 Budget Outcomes

Drugs and Crime Prevention Committee's Report on the Inquiry into Strategies to Reduce Harmful Alcohol Consumption.

- 9 **FINANCIAL MANAGEMENT (MISCELLANEOUS AMENDMENTS) BILL** — 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.

Business having been interrupted at 2.00 pm under standing orders.

- 10 **QUESTIONS** — (Under SO 55).

- 11 **EQUAL OPPORTUNITY AND TOLERANCE LEGISLATION (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Under standing orders, Mr McIntosh announced an amendment to be proposed when the House considers the Bill in detail and requested that it be circulated. Amendment circulated.

Under standing orders, Mr Ryan announced 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 Thompson*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 12 **FINANCIAL MANAGEMENT (MISCELLANEOUS AMENDMENTS) 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.

- 13 **EQUAL OPPORTUNITY AND TOLERANCE LEGISLATION (AMENDMENT) BILL** — 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.

- 14 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Agreeing to the following bills without amendment:

Drugs, Poisons and Controlled Substances (Aged Care Services) Bill

Road Safety (Drugs) Bill

Valuation of Land (Amendment) Bill.

- 15 **EQUAL OPPORTUNITY AND TOLERANCE LEGISLATION (AMENDMENT) 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.

- 16 **ADJOURNMENT** — The Acting Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.31 pm.

R W PURDEY
Clerk of the Legislative Assembly

JUDY MADDIGAN
Speaker

No 162 — Thursday 4 May 2006

- 1 The Speaker took the Chair and read the Prayer.
- 2 **VICTORIA RACING CLUB BILL** — Ms Delahunty (*Northcote*) obtained leave to bring in a Bill 'to provide for the functions, powers and responsibilities of Victoria Racing Club Limited in respect of Flemington Racecourse, to provide for the transfer of assets, rights and liabilities held by or on behalf of the Victoria Racing Club to Victoria Racing Club Limited, to repeal *The Victoria Racing Club Act 1871* 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:

Traffic Lights — Corner of Christies and Portarlington Roads, Leopold — Requesting that the House takes action to erect traffic lights at the corner of Christies Road and Portarlington Road, Leopold, as soon as possible, bearing 721 signatures (*Ms Neville*)

Racial and Religious Tolerance Act 2001 — Repeal — Requesting that the *Racial and Religious Tolerance Act 2001* be repealed, bearing 55, 20 and 12 signatures (*Mr Plowman, Mr Nardella and Mr Hardman respectively*)

Minimum Sentencing — Violent Criminals — Requesting that the Government — (a) takes action to ensure the community of Victoria is adequately protected from habitual violent criminals who commit violent sexual crimes and violent crimes against children or vulnerable elderly people; and (b) imposes minimum jail sentences for these habitual violent criminals, bearing 4,227 signatures (*Mrs Powell*)

Melbourne Youth Music — Requesting that the House urges the Government to restore the Strategic Partnerships Program Grant to Melbourne Youth Music to ensure students continue to gain equitable access to the Program, bearing 22 signatures (*Mr Crutchfield*).

Petitions ordered to be tabled.

- 4 **PETITION — MINIMUM SENTENCING — VIOLENT CRIMINALS** — 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 — TRAFFIC LIGHTS — CORNER OF CHRISTIES AND PORTARLINGTON ROADS, LEOPOLD** — Motion made and question — That the petition presented by the Member for Bellarine be taken into consideration tomorrow (*Ms Neville*) — put and agreed to.
- 6 **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 Bracks*) — put and agreed to.

VICTORIAN CHILD DEATH REVIEW COMMITTEE — Motion made, by leave, and question — That the Victorian Child Death Review Committee's Report of Inquiries into the Deaths of Children known to Child Protection 2006 be tabled (*Ms Garbutt*) — put and agreed to.

DOCUMENTS TABLED BY COMMAND OF THE GOVERNOR

Mr Hulls presented by Command of the Governor:

Council of Magistrates — Report for the year 2004–05

Ordered to be tabled

County Court — Report for the year 2004–05

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 for the year 2005

Bendigo Regional Institute of TAFE — Report for the year 2005

Box Hill Institute of TAFE — Report for the year 2005

Central Gippsland Institute of TAFE — Report for the year 2005

Centre for Adult Education — Report for the year 2005

Chisholm Institute of TAFE — Report for the year 2005

Commonwealth Games Arrangements Act 2001 — Orders under s 18 (six orders)

Driver Education Centre of Australia Ltd — Report for the year 2005

East Gippsland Institute of TAFE — Report for the year 2005

Gordon Institute of TAFE — Report for the year 2005

Goulburn Ovens Institute of TAFE — Report for the year 2005 (two documents)

Holmesglen Institute of TAFE — Report for the year 2005

Kangan Batman Institute of TAFE — Report for the year 2005

Northern Melbourne Institute of TAFE — Report for the year 2005

South West Institute of TAFE — Report for the year 2005

Statutory Rules under the following Acts:

Building Act 1993 — SR No 41

Country Fire Authority Act 1958 — SR No 42

Subordinate Legislation Act 1994:

Minister's exception certificate in relation to Statutory Rule No 42

Minister's exemption certificate in relation to Statutory Rule No 41

Sunraysia Institute of TAFE — Report for the year 2005

William Angliss Institute of TAFE — Report for the year 2005

Wodonga Institute of TAFE — Report for the year 2005 (two documents)

Youth Parole Board and Youth Residential Board — Report for the year 2004–05, together with an explanation for the delay in tabling.

7 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourns until Tuesday 30 May 2006 (*Mr Cameron*) — put and agreed to.

8 **STATEMENTS BY MEMBERS** — Statements by members were made.

9 **CHARTER OF HUMAN RIGHTS AND RESPONSIBILITIES 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 McIntosh*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 18 May 2006.

10 **INFRINGEMENTS (CONSEQUENTIAL AND OTHER AMENDMENTS) 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 McIntosh*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 18 May 2006.

11 **JUSTICE LEGISLATION (FURTHER MISCELLANEOUS AMENDMENTS) 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 McIntosh*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 18 May 2006.

12 **TRANSFER OF LAND (ALPINE RESORTS) BILL** — 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 Baillieu*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 18 May 2006.

- 13 **PLANNING AND ENVIRONMENT (GROWTH AREAS AUTHORITY) 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 Baillieu*) — put and agreed to.
- Ordered — That the debate be adjourned until Thursday 18 May 2006.
- 14 **VICTORIAN URBAN DEVELOPMENT AUTHORITY (AMENDMENT) 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 Clark*) — put and agreed to.
- Ordered — That the debate be adjourned until Thursday 18 May 2006.
- 15 **ENERGY LEGISLATION (MISCELLANEOUS AMENDMENTS) 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 Clark*) — put and agreed to.
- Ordered — That the debate be adjourned until Thursday 18 May 2006.
- 16 **PRIMARY INDUSTRIES ACTS (MISCELLANEOUS AMENDMENTS) BILL** — 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 18 May 2006.
- 17 **STATUTE LAW (FURTHER REVISION) 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.
- 18 **TERRORISM (COMMUNITY PROTECTION) (FURTHER AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.
- Business having been interrupted at 2.00 pm under standing orders.*
- 19 **QUESTIONS** — (Under SO 55).
- 20 **TERRORISM (COMMUNITY PROTECTION) (FURTHER AMENDMENT) BILL** — Debate resumed on question — That this Bill be now read a second time.

Motion made and question — That the debate be now adjourned (*Mr Langdon*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 21 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Disability Bill with amendments.

Ordered — That the amendments be taken into consideration immediately.

- 22 **DISABILITY BILL** — 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.

Allocation of time — The Speaker advised that the time allocated for consideration of bills under the resolution of the House on Tuesday 2 May 2006 had expired.

- 23 **TERRORISM (COMMUNITY PROTECTION) (FURTHER AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time and a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 24 **EQUAL OPPORTUNITY AND TOLERANCE LEGISLATION (AMENDMENT) BILL** — 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, Mrs Maddigan, in the Chair) —

AYES 71

Ms Allan; Mr Andrews; Ms Asher; Mr Baillieu; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Clark; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Dixon; Mr Donnellan; Mr Doyle; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Honeywood; Mr Howard; Mr Hudson; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Kotsiras; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Loney; Mr Lupton; Mr McIntosh; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Mr Mulder; Ms Munt; Mr Nardella; Ms Neville; Mr Perera; Mr Perton; Ms Pike; Mr Robinson; Mr Seitz; Mrs Shardey; Mr Stensholt; Mr Thompson; Mr Thwaites; Mr Trezise; Mr Wells; Mr Wilson; Mr Wynne.

NOES 12

Mr Cooper; Mr Delahunty (*Lowan*); Mr Ingram; Mr Jasper; Mr Maughan; Mr Plowman; Mrs Powell; Mr Ryan; Mr Savage; Mr Smith; Dr Sykes; Mr Walsh.

Question agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 25 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Batchelor*) — put and agreed to.
- 26 **ADJOURNMENT** — The Acting Speaker left the Chair, after debate, at 4.38 pm.

R W PURDEY
Clerk of the Legislative Assembly

JUDY MADDIGAN
Speaker

LEGISLATIVE ASSEMBLY OF VICTORIA

CONSIDERATION IN DETAIL
Supplement to Votes Nos 160, 161 and 162

No 160 — Tuesday 2 May 2006

ABORIGINAL HERITAGE BILL

Clauses 1 to 91 agreed to.

Clause 92, Mr Thwaites moved amendment No 1 (*see Schedule*).

Amendment put and agreed to.

Clause agreed to as amended.

Clause 93 defeated.

Clauses 94 to 159 agreed to.

Clause 160, Mr Thwaites moved amendment Nos 3 and 4 (*see Schedule*).

Amendments put and agreed to.

Clause agreed to as amended.

Clause 161, Mr Thwaites moved amendment Nos 5 and 6 (*see Schedule*).

Amendments put and agreed to.

Clause agreed to as amended.

Clauses 162 to 198 agreed to.

New clause AA agreed to (*see Schedule*).

Schedules 1 and 2 agreed to.

Question — That the House agrees to the Bill with amendments — put.

The House divided (the Deputy Speaker, Mr Loney, in the Chair) —

AYES 51

Ms Allan; Mr Andrews; Ms Barker; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Gillett; Ms Green; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Perera; Ms Pike; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 23

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Honeywood; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

SCHEDULE OF AMENDMENTS MOVED

ABORIGINAL HERITAGE BILL

Amendments moved by Mr Thwaites

1. Clause 92, line 28, omit "or an inspector".
3. Clause 160, line 18, after "Minister" insert ", after consulting with the Council,".
4. Clause 160, lines 26 and 27, omit sub-clause (2).
5. Clause 161, line 13, after "Minister" insert ", after consulting with the Council,".
6. Clause 161, lines 15 and 16, omit paragraph (a).

NEW CLAUSE

7. Insert the following New Clause to follow clause 92—
 - "AA. Revocation of stop order**
 - (1) A stop order may be revoked—
 - (a) if issued by the Minister—by the Minister; or
 - (b) if issued by an inspector—by the Minister or the inspector.
 - (2) The Minister must revoke a stop order issued in relation to a cultural heritage audit after the report of the audit is approved under section 85."

LEGISLATIVE ASSEMBLY OF VICTORIA

VOTES AND PROCEEDINGS Nos 163, 164 and 165

No 163 — Tuesday 30 May 2006

- 1 The House met according to the adjournment — The Speaker took the Chair and read the Prayer.
- 2 **QUESTIONS** — (Under SO 55).
- 3 **APPOINTMENT OF AUDITOR-GENERAL** — The Speaker announced that she had received the following letter:

29 May 2006

Mrs Judy Maddigan, MP
Speaker of the Legislative Assembly
Parliament House
MELBOURNE VIC 3002

Dear Speaker

On 25 May 2006 the Governor in Council accepted the recommendation of the Public Accounts and Estimates Committee and appointed Mr Des Pearson as Victoria's 25th Auditor-General.

Mr Pearson will take up his appointment on 1 October 2006.

Yours sincerely

Hon. Christine Campbell, MP
Chair

- 4 **TRANSPORT LEGISLATION (FURTHER AMENDMENT) BILL** — Mr Batchelor obtained leave to bring in a Bill *'to amend the Transport Act 1983 to provide for the accrediting of drivers of certain types of vehicles, to confer certain powers on the Director, to make other amendments to the Transport Act 1983, to amend the Rail Corporations Act 1996 with respect to the powers of Rail Track and to make other minor amendments to that Act, to make miscellaneous and minor, and transitional related, amendments to the Rail Safety Act 2006, to make minor amendments to the Transport Legislation (Further Miscellaneous Amendments) Act 2005 and the Public Transport Competition Act 1995 and for other purposes'*; and the Bill was read a first time and ordered to be read a second time tomorrow.

- 5 **NATIONAL PARKS AND CROWN LAND (RESERVES) ACTS (AMENDMENT) BILL** — Mr Thwaites obtained leave to bring in a Bill '*to amend the National Parks Act 1975 to make further provision for parks under that Act, to amend the Crown Land (Reserves) Act 1978 to make further provision for reserves under that Act, to make other amendments to those Acts, to amend the Heritage Rivers Act 1992 and the Mineral Resources Development Act 1990 and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 6 **STATE TAXATION (REDUCTIONS AND CONCESSIONS) BILL** — Mr Brumby obtained leave to bring in a Bill '*to amend the Duties Act 2000, the First Home Owner Grant Act 2000, the Land Tax Act 2005 and the Pay-roll Tax Act 1971 to give effect to initiatives in the 2006–07 State budget and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 7 **DRUGS, POISONS AND CONTROLLED SUBSTANCES (AMENDMENT) BILL** — Mr Holding obtained leave to bring in a Bill '*to amend the Drugs, Poisons and Controlled Substances Act 1981 in relation to definitions and offences, including new offences, in Part V of that Act, the scheduling of drugs in Schedule Eleven to that Act, search warrants, the disposal or destruction of drugs of dependence and other things in certain circumstances and to provide for authorised police employees to perform specified functions under the Act and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 8 **EVIDENCE (DOCUMENT UNAVAILABILITY) BILL** — Mr Hulls obtained leave to bring in a Bill '*to amend the Evidence Act 1958 and the Victorian Civil and Administrative Tribunal Act 1998 in relation to documents that are unavailable in civil proceedings and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 9 **ELECTORAL AND PARLIAMENTARY COMMITTEES LEGISLATION (AMENDMENT) BILL** — Mr Hulls obtained leave to bring in a Bill '*to amend the Electoral Act 2002, the Constitution (Parliamentary Reform) Act 2003 and the Parliamentary Committees Act 2003, to consequentially amend the Constitution Act 1975 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.
- 10 **LAND (FURTHER MISCELLANEOUS) BILL** — Mr Hulls obtained leave to bring in a Bill '*to revoke certain land reservations and Crown grants and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 11 **LONG SERVICE LEAVE (PRESERVATION OF ENTITLEMENTS) BILL** — Mr Hulls obtained leave to bring in a Bill '*to amend the Long Service Leave Act 1992 and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 12 **ACCIDENT COMPENSATION AND OTHER LEGISLATION (AMENDMENT) BILL** — Mr Hulls obtained leave to bring in a Bill '*to amend the Accident Compensation Act 1985, the Accident Compensation (WorkCover Insurance) Act 1993, the Emergency Services Superannuation Act 1986, the Transport Accident Act 1986, the Workers Compensation Act 1958 and the Wrongs Act 1958 and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.

13 **HEALTH LEGISLATION (INFERTILITY TREATMENT AND MEDICAL TREATMENT) BILL** — Ms Pike obtained leave to bring in a Bill '*to amend the Infertility Treatment Act 1995 and the Medical Treatment 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.

14 **GAMBLING REGULATION (FURTHER MISCELLANEOUS AMENDMENTS) BILL** — Mr Pandazopoulos obtained leave to bring in a Bill '*to amend the Gambling Regulation Act 2003 in relation to public lotteries and confidentiality, to consequentially amend the Tobacco (Amendment) 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.

15 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

Road Safety — Corner of Boronia Road and Amesbury Avenue, Wantirna — Requesting that the House takes immediate action to make the corner of Boronia Road and Amesbury Avenue safer for children travelling to and from school by reducing the speed limit, installing traffic signals, or both, bearing 195 signatures (*Mr Lockwood*)

Racial and Religious Tolerance Act 2001 — Repeal — Requesting that the *Racial and Religious Tolerance Act 2001* be repealed, bearing 10, 14, 11 and 18 signatures (*Mr Cameron, Mr Stensholt, Mr Andrews and Mr Maughan respectively*)

Secondary School for Kingsville, Yarraville and Seddon — Requesting that the House undertakes a study into the need for a secondary school to service the areas of Kingsville, Yarraville and Seddon with a view to providing a State secondary school to meet the demonstrated local need, bearing 1,027 signatures (*Mr Mildenhall*).

Petitions ordered to be tabled.

16 **PETITION — ROAD SAFETY — CORNER OF BORONIA ROAD AND AMESBURY AVENUE, WANTIRNA** — Motion made and question — That the petition presented by the Member for Bayswater be taken into consideration tomorrow (*Mr Lockwood*) — put and agreed to.

17 **DOCUMENTS**

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — Ms D'Ambrosio, Chair, presented a report from the Scrutiny of Acts and Regulations Committee being the Alert Digest No 5 of 2006 on the:

Charter of Human Rights and Responsibilities Bill
 Energy Legislation (Miscellaneous Amendments) Bill
 Infringements (Consequential and Other Amendments) Bill
 Justice Legislation (Further Miscellaneous Amendments) Bill
 National Parks (Otways and Other Amendments) Bill
 Planning and Environment (Growth Areas Authority) Bill
 Primary Industries Acts (Miscellaneous Amendments) Bill
 Transfer of Land (Alpine Resorts) Bill
 Valuation of Land (Amendment) Bill
 Victorian Urban Development Authority (Amendment) 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:

Commonwealth Games Arrangements Act 2001 — Orders under s 18 (10 orders)

Crown Land (Reserves) Act 1978 — Section 17DA Orders granting under s 17D leases over:

Albert Park Reserve
Lorne Foreshore Reserves

Financial Management Act 1994:

Budget Paper No 2 — Strategy and Outlook 2006–07
Budget Paper No 3 — Service Delivery 2006–07
Budget Paper No 4 — Statement of Finances 2006–07 incorporating the Quarterly Financial Report No 3

Interpretation of Legislation Act 1984 — Notice under s 32(3)(a)(iii) in relation to Statutory Rule No 34

Parliamentary Committees Act 2003:

Response of the Attorney-General on the action taken with respect to the recommendations made by the Law Reform Committee's Inquiry into Warrant Powers and Procedures
Response of the Minister for Consumer Affairs on the action taken with respect to the recommendations made by the Family and Community Development Committee's Inquiry into the Regulation of the Funeral Industry
Response of the Treasurer on the action taken with respect to the recommendations made by the Public Accounts and Estimates Committee's Report on the 2005–06 Budget Estimates

Planning and Environment Act 1987 — Notices of approval of amendments to the following Planning Schemes:

Bayside Planning Scheme — No C38
Boroondara Planning Scheme — No C17
Brimbank Planning Scheme — No C80 Part 1
Campaspe Planning Scheme — No C29
Cardinia Planning Scheme — No C64
Casey Planning Scheme — No C35 Part 1
Darebin Planning Scheme — No C10 Part 3
Gannawarra Planning Scheme — No C12
Glenelg Planning Scheme — No C25
Greater Bendigo Planning Scheme — No C70
Greater Dandenong Planning Scheme — No C77
Greater Geelong Planning Scheme — Nos C65, C100, C111, C135
Hume Planning Scheme — Nos C11 Part 1, C50, C 55 Part 1, C55 Part 2
Manningham Planning Scheme — No C57
Mansfield Planning Scheme — No C6

Melbourne Planning Scheme — No C116
 Monash Planning Scheme — No C62
 Nillumbik Planning Scheme — Nos C25 Part 1, C38 Part 1, C39
 Northern Grampians Planning Scheme — No C19
 Port Phillip Planning Scheme — Nos C55, C56
 Pyrenees Planning Scheme — No C14
 Strathbogie Planning Scheme — Nos C14, C35
 Whitehorse Planning Scheme — No C51
 Wyndham Planning Scheme — No C79

Rural Finance Act 1988 — Direction by the Treasurer to the Rural Finance Corporation to administer Exceptional Circumstances Assistance under the Rural Adjustment Scheme

Snowy Hydro Limited — Report for the period 27 June 2004 to 2 July 2005

Statutory Rules under the following Acts:

Chattel Securities Act 1987 — SR No 51
Corporations (Ancillary Provisions) Act 2001 — SR No 44
Human Tissue Act 1982 — SR No 50
Magistrates' Court Act 1989 — SR Nos 46, 48, 55
National Parks Act 1975 — SR No 49
Road Safety Act 1986 — SR Nos 52, 53
Subordinate Legislation Act 1994 — SR No 45
Supreme Court Act 1986 — SR Nos 43, 44
Victorian Civil and Administrative Tribunal Act 1998 — SR No 54
Wrongs Act 1958 — SR No 47

Subordinate Legislation Act 1994:

Ministers' exception certificates in relation to Statutory Rule Nos 43, 44, 51, 52, 53, 54, 55
 Ministers' exemption certificates in relation to Statutory Rule Nos 32, 40, 48, 50.

The following proclamations fixing operative dates were tabled by the Clerk in accordance with an order of the House dated 26 February 2003:

Courts Legislation (Judicial Conduct) Act 2005 — Remaining provisions on 28 April 2006 (*Gazette S119, 28 April 2006*)
Sustainable Forests (Timber) Act 2004 — Part 2 and ss 109 and 138 on 18 May 2006 (*Gazette G20, 18 May 2006*).

18 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Agreeing to the following bills without amendment:

Aboriginal Heritage Bill
 Education and Training Reform Bill.

19 **MESSAGES FROM THE GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that he had given the royal assent to the following bills, presented to him by the Clerk of the Parliaments:

On 9 May 2006

Aboriginal Heritage Bill

Drugs, Poisons and Controlled Substances (Aged Care Services) Bill

Drugs, Poisons and Controlled Substances (Prohibition of Display and Sale of Cocaine Kits) Bill

Land (St Kilda Triangle) Bill

Road Safety (Drugs) Bill

Sustainable Forests (Timber) (Amendment) Bill

Valuation of Land (Amendment) Bill

On 16 May 2006

Disability Bill

Education and Training Reform Bill.

- 20 **MESSAGES FROM THE GOVERNOR** — The Speaker announced the presentation of messages from the Governor recommending appropriations for the purposes of the following bills:

Charter of Human Rights and Responsibilities Bill

Infringements (Consequential and Other Amendments) Bill

Planning and Environment (Growth Areas Authority) Bill

Victorian Urban Development Authority (Amendment) Bill.

- 21 **MESSAGE FROM THE GOVERNOR** — The Speaker announced the presentation of a message from the Governor recommending an appropriation for the purposes of the Appropriation (2006/2007) Bill, and accompanying Estimates of Expenditure requiring annual appropriation in the financial year 2006/2007.

Estimates ordered to be tabled.

- 22 **APPROPRIATION (2006/2007) BILL** — Mr Brumby obtained leave to bring in a Bill *'for the appropriation of certain sums out of the Consolidated Fund for the ordinary annual services of the Government for the financial year 2006/2007 and for other purposes'*; and the Bill was read a first time and under SO 87 ordered to be read a second time immediately.

Motion made and question proposed — That this Bill be now read a second time (*Mr Brumby*).

Motion made and question — That the debate be now adjourned (*Mr Clark*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 1 June 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 Appropriation (Parliament 2006/2007) Bill, and accompanying Estimates of Expenditure for Parliament requiring annual appropriation in the financial year 2006/2007.

Estimates ordered to be tabled.

- 24 **APPROPRIATION (PARLIAMENT 2006/2007) BILL** — Mr Bracks obtained leave to bring in a Bill *'for the appropriation of certain sums out of the Consolidated Fund for the Parliament in respect of the financial year 2006/2007 and for other purposes'*; and the Bill was read a first time and under SO 87 ordered to be read a second time immediately.

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 (*Ms Asher*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 1 June 2006.

- 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 4.00 pm on Thursday 1 June 2006:

Infringements (Consequential and Other Amendments) Bill
Justice Legislation (Further Miscellaneous Amendments) Bill
Planning and Environment (Growth Areas Authority) Bill
Primary Industries Acts (Miscellaneous Amendments) Bill
Victorian Urban Development Authority (Amendment) Bill

(*Mr Batchelor*) — put, after debate, and agreed to.

- 26 **STATEMENTS BY MEMBERS** — Statements by members were made.

- 27 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 1 to 8 inclusive, be postponed until later this day.

- 28 **VICTORIA RACING CLUB BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Pandazopoulos*).

Motion made and question — That the debate be now adjourned (*Mr Kotsiras*) — put and agreed to.

Ordered — That the debate be adjourned until Tuesday 13 June 2006.

- 29 **INFRINGEMENTS (CONSEQUENTIAL AND OTHER AMENDMENTS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Under standing orders, Ms Garbutt announced amendments to be proposed when the House considers the Bill in detail and requested that they be circulated. Amendments circulated.

Debate resumed on question — That this Bill be now read a second time.

Bill read a second time, considered in detail and agreed to with amendments, read a third time (*see pp 1070–71*).

Bill sent to the Legislative Council and their agreement requested.

- 30 **JUSTICE LEGISLATION (FURTHER MISCELLANEOUS AMENDMENTS) 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.

- 31 **JUSTICE LEGISLATION (FURTHER MISCELLANEOUS AMENDMENTS) BILL** — The Acting Speaker announced that the Speaker had received a report from the Clerk that he has made the following corrections in the Bill:

In Clause 17(23), line 1, after 464 he has inserted 'Z' so it now reads 464Z(3A)(b)

In Clause 17(24), line 4, after 464 he has inserted 'Z' so it now reads 464Z(3B)(a).

- 32 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Agreeing to the following bills without amendment:

Melbourne Sailors' Home (Repeal) Bill

Financial Management (Miscellaneous Amendments) Bill

Statute Law (Further Revision) Bill.

- 33 **VICTORIAN URBAN DEVELOPMENT AUTHORITY (AMENDMENT) BILL** — 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, Mrs Maddigan, in the Chair) —

AYES 56

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Savage; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 22

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Naphtine; Mr Perton; Mr Plowman; Mr Ryan; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Wells.

Question agreed to.

Business having been interrupted at 10.02 pm under standing orders.

Motion made and question — That the sitting be continued (*Mr Batchelor*) — put and agreed to.

By leave, Bill immediately read a third time.

Bill sent to the Legislative Council and their agreement requested.

- 34 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Batchelor*) — put and agreed to.
- 35 **ADJOURNMENT** — The Acting Speaker left the Chair, after debate, at 10.33 pm.

R W PURDEY
Clerk of the Legislative Assembly

JUDY MADDIGAN
Speaker

No 164 — Wednesday 31 May 2006

- 1 The Speaker took the Chair and read the Prayer.
- 2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

Tatong Road — Requesting that the corner-shoulders on the Tatong Road be sealed, particularly the corners at Mokoan, Whitegate (Smith's Road), Whitegate (Knight Road), Dodd's Bridge South and McCauley's Crossing, bearing 371 signatures (*Dr Sykes*)

Ferntree Gully Primary School Teacher Residence and Classrooms — Requesting that funding is made available by the Government to ensure that the original Ferntree Gully Primary School teacher residence and classroom both built in 1883, the classroom built in 1901 and a third classroom built in 1937 are retained and maintained for use by the local community and for the benefit of future generations, bearing 210 signatures (*Ms Eckstein*)

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 315 signatures (*Mr Ingram*)

Bent Street, Moonee Ponds — Requesting that the House transfers the title of the parcel of land at Bent Street, Moonee Ponds to the City of Moonee Valley to manage and administer the land on behalf of the community, and so recognise the loss of community land in the 1970s, preserve the remnant vegetation and protect local residents and school children from significant traffic impacts of housing development on the land, bearing 156 signatures (*Mr Langdon*).

Petitions ordered to be tabled.

- 3 **PETITION — FERNTREE GULLY PRIMARY SCHOOL TEACHER RESIDENCE AND CLASSROOMS** — Motion made and question — That the petition presented by the

Member for Ferntree Gully be taken into consideration tomorrow (*Ms Eckstein*) — put and agreed to.

- 4 **PETITION — TATONG ROAD** — 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 **DOCUMENT TABLED UNDER AN ACT OF PARLIAMENT** — The Clerk tabled the following document in accordance with an Act of Parliament:

Auditor-General — Performance Audit Report — Planning for a capable Victoria Police workforce — Ordered to be printed.

- 6 **STATEMENTS BY MEMBERS** — Statements by members were made.

- 7 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE — VICTORIA'S TRANSPORT SYSTEM** — The House was informed that Mr Carli had proposed that a definite matter of public importance be submitted to the House for discussion, namely —

'That this House congratulates the Bracks Government on its visionary \$10.5 billion blue print for the future of Victoria's transport system as set out in *Meeting our Transport Challenges — Connecting Victorian Communities*'.

Mr Carli 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 2005–06 Budget Estimates

Law Reform Committee's Report on the Inquiry into Warrant Powers and Procedures

Family and Community Development Committee's Report on the Regulation of the Funeral Industry

Education and Training Committee's Report on the Inquiry into the promotion of mathematics and science education

Drugs and Crime Prevention Committee's Report on the Inquiry into Strategies to Reduce Harmful Alcohol Consumption

Road Safety Committee's Report on the Inquiry into the Country Road Toll.

- 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 **GAMBLING REGULATION (FURTHER MISCELLANEOUS AMENDMENTS) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Pandazopoulos*).

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 June 2006.

- 11 **LAND (FURTHER MISCELLANEOUS) 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 Kotsiras*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 14 June 2006.

- 12 **LONG SERVICE LEAVE (PRESERVATION OF ENTITLEMENTS) 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 Kotsiras*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 14 June 2006.

- 13 **HEALTH LEGISLATION (INFERTILITY TREATMENT AND MEDICAL TREATMENT) BILL** — 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 Kotsiras*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 14 June 2006.

Business having been interrupted at 2.00 pm under standing orders.

- 14 **QUESTIONS** — (Under SO 55).

- 15 **STATE TAXATION (REDUCTIONS AND CONCESSIONS) 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 Clark*) — put and agreed to.

Ordered, after debate — That the debate be adjourned until Wednesday 7 June 2006.

- 16 **EVIDENCE (DOCUMENT UNAVAILABILITY) 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 Mulder*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 14 June 2006.

- 17 **ELECTORAL AND PARLIAMENTARY COMMITTEES 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 Mulder*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 14 June 2006.

- 18 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 9 to 11 inclusive, be postponed until later this day.

- 19 **PLANNING AND ENVIRONMENT (GROWTH AREAS AUTHORITY) BILL** — 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, Mrs Maddigan, in the Chair) —

AYES 59

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Mr Lockwood; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Savage; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 23

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Napthine; Mr Perton; Mr Plowman; Mrs Powell; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

By leave, Bill immediately read a third time.

Bill sent to the Legislative Council and their agreement requested.

- 20 **PRIMARY INDUSTRIES ACTS (MISCELLANEOUS AMENDMENTS) 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.

- 21 **ADJOURNMENT** — The Acting Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.37 pm.

R W PURDEY
Clerk of the Legislative Assembly

JUDY MADDIGAN
Speaker

No 165 — Thursday 1 June 2006

- 1 The Speaker took the Chair and read the Prayer.
- 2 **PETITION** — The Clerk announced that the following petition had been lodged for presentation:
- Fluoride — Domestic Water Supply** — Requesting that the Government — (a) acknowledges the opposition to mass fluoridation of the domestic water supply, pending a referendum of the citizens of Wodonga and Wangaratta; and (b) be bound by the results of such referendum, bearing 1,958 signatures (*Mr Jasper*).
- Ordered to be tabled.
- 3 **DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:
- Auditor-General — Performance Audit Report — Access to specialist medical outpatient care — Ordered to be printed
- Mt Buller and Mt Stirling Alpine Resort Management Board — Report for the year ended 31 October 2005 (two documents)
- Ombudsman Act 1973* — Report of the Ombudsman on a Review of the Freedom of Information Act — Ordered to be printed
- Planning and Environment Act 1987* — Notices of approval of amendments to the following Planning Schemes:
- Buloke Planning Scheme — No C6
Glenelg Planning Scheme — No C29
Golden Plains Planning Scheme — No C18
Hume Planning Scheme — No C68
Wellington Planning Scheme — Nos C24 Part 1, C31
Yarra Ranges Planning Scheme — No C42.
- 4 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Equal Opportunity and Tolerance Legislation (Amendment) Bill without amendment.
- 5 **STATEMENTS BY MEMBERS** — Statements by members were made.

- 6 **DOCUMENTS TABLED UNDER AN ACT OF PARLIAMENT** — The Clerk tabled the following documents in accordance with an Act of Parliament:

EastLink Project Act 2004:

Orders varying the project area and extended project area (two orders)
Variation Statement No 6 under s 21(3).

- 7 **ACCIDENT COMPENSATION AND OTHER 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 McIntosh*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 15 June 2006.

- 8 **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.

- 9 **DRUGS, POISONS AND CONTROLLED SUBSTANCES (AMENDMENT) BILL** — 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 15 June 2006.

- 10 **NATIONAL PARKS AND CROWN LAND (RESERVES) ACTS (AMENDMENT) BILL** — 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 (*Dr Napthine*) — put and agreed to.

Ordered, after debate — That the debate be adjourned until Thursday 15 June 2006.

- 11 **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.

- 12 **APPROPRIATION (2006/2007) BILL** — 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 Clark*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 13 **TRANSPORT LEGISLATION (FURTHER AMENDMENT) BILL** — 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 June 2006.

Business having been interrupted at 2.00 pm under standing orders.

14 **QUESTIONS** — (Under SO 55).

15 **PRIMARY INDUSTRIES ACTS (MISCELLANEOUS AMENDMENTS) 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.

16 **APPROPRIATION (2006/2007) 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.

17 **ADJOURNMENT** — The Acting Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.33 pm.

R W PURDEY
Clerk of the Legislative Assembly

JUDY MADDIGAN
Speaker

LEGISLATIVE ASSEMBLY OF VICTORIA

CONSIDERATION IN DETAIL
Supplement to Votes Nos 163, 164 and 165

No 163 — Tuesday 30 May 2006

INFRINGEMENTS (CONSEQUENTIAL AND OTHER AMENDMENTS) BILL

Clauses 1 to 15 agreed to.

Clause 16, Mr Holding moved amendment No 1 (*see Schedule*).

Amendment put and agreed to.

Clause agreed to as amended.

Clauses 17 to 94 agreed to.

Schedule, Mr Holding moved amendment Nos 2 to 14 (*see Schedule*).

Amendments put and agreed to.

Schedule agreed to as amended.

Bill agreed to as amended.

SCHEDULE OF AMENDMENTS MOVED

INFRINGEMENTS (CONSEQUENTIAL AND OTHER AMENDMENTS) BILL

Amendments moved by Mr Holding

1. Clause 16, lines 17 to 19, omit paragraph (b) and insert—
'(b) within 21 days of deciding the review, serve on the applicant a written notice advising of the outcome of the review.'.

AMENDMENT OF SCHEDULE

2. Schedule, page 92, line 32, after "**2006**" insert "and state the infringement penalty in respect of the offence".
3. Schedule, page 94, after line 11 insert—
"() Section 32(1)(dc)(i) is **repealed**".
4. Schedule, page 94, line 17, after "**2006**" insert "and the penalty for that offence is the prescribed infringement penalty in respect of that offence".
5. Schedule, page 98, line 14, after "**2006**" insert "and the penalty for that offence is the prescribed infringement penalty in respect of that offence".
6. Schedule, page 102, line 24, after "**2006**" insert "and the penalty for that offence is the prescribed penalty in respect of that offence".
7. Schedule, page 104, line 11, after "**2006**" insert "and the penalty for that offence is the prescribed infringement penalty in respect of that offence".
8. Schedule, page 104, line 28, after "**2006**" insert "and the penalty for that offence is the prescribed infringement penalty in respect of that offence".
9. Schedule, page 105, line 37, after "**2006**" insert "and the penalty for that offence is the prescribed infringement penalty in respect of that offence".
10. Schedule, page 106, line 23, omit "**omit**" and insert "for".
11. Schedule, page 106, line 24, omit 'notices'.' and insert 'notices' **substitute** "and infringement penalties for those offences".'.
12. Schedule, page 106, line 37, after "**2006**" insert "and the penalty for that offence is the prescribed infringement penalty in respect of that offence".
13. Schedule, page 108, line 6, after "**2006**" insert "and the penalty for that offence is the applicable penalty set out in the Schedule".
14. Schedule, page 109, line 19, after "**2006**" insert "and the penalty for that offence is the prescribed infringement penalty in respect of that offence".

LEGISLATIVE ASSEMBLY OF VICTORIA

VOTES AND PROCEEDINGS Nos 166, 167 and 168

No 166 — Tuesday 6 June 2006

1 The Speaker took the Chair and read the Prayer.

2 **QUESTIONS** — (Under SO 55).

3 **OUTER SUBURBAN/INTERFACE SERVICES AND DEVELOPMENT COMMITTEE**
— The Speaker announced that she had received the resignation of Mr Baillieu from the Outer Suburban/Interface Services and Development Committee, effective from today.

4 **OUTER SUBURBAN/INTERFACE SERVICES AND DEVELOPMENT COMMITTEE**
— Motion made, by leave, and question — That Mr Honeywood be appointed a member of the Outer Suburban/Interface Services and Development Committee (*Mr Batchelor*) — put and agreed to.

5 **COURTS LEGISLATION (NEIGHBOURHOOD JUSTICE CENTRE) BILL** — Mr Hulls obtained leave to bring in a Bill '*to amend the Magistrates' Court Act 1989, the Children and Young Persons Act 1989 and the Children, Youth and Families Act 2005 to establish Neighbourhood Justice Divisions in the Magistrates' Court and the Children's Court and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.

6 **COURTS LEGISLATION (JURISDICTION) BILL** — Mr Hulls obtained leave to bring in a Bill '*to make miscellaneous amendments to the County Court Act 1958, the Crimes Act 1958, the Crimes (Criminal Trials) Act 1999, the Magistrates' Court Act 1989, the Public Prosecutions Act 1994 and the Sentencing Act 1991, to repeal the Courts (Further Amendment) Act 1986 and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.

7 **CORRECTIONS AND OTHER JUSTICE LEGISLATION (AMENDMENT) BILL** — Mr Holding obtained leave to bring in a Bill '*to amend the Corrections Act 1986, the Serious Sex Offenders Monitoring Act 2005, the Firearms Act 1996 and the Firearms (Further Amendment) Act 2005 and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.

8 **HEALTH SERVICES (SUPPORTED RESIDENTIAL SERVICES) BILL** — Ms Pike obtained leave to bring in a Bill '*to amend the Health Services Act 1988 and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.

9 **CHILDREN, YOUTH AND FAMILIES (CONSEQUENTIAL AND OTHER AMENDMENTS) BILL** — Ms Garbutt obtained leave to bring in a Bill '*to amend the Children, Youth and Families Act 2005 and the Children and Young Persons Act 1989, to amend other Acts as a consequence of the enactment of the Children, Youth and Families Act 2005, to repeal the Adoption (Amendment) Act 1991 and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.

10 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

Boat Ramps — Port Phillip Bay — Requesting that the Government and the Bayside Council take action to — (a) commit appropriate resources to support viable boat ramps in Port Phillip Bay and in particular the Half Moon Bay boat ramp; and (b) develop protocols for the continuing maintenance of the ramp, bearing 1 signature (*Mr Thompson*)

42 Golf Links Avenue, Oakleigh — Requesting that the House considers 2 to 3 single storey period style dwellings as a more appropriate design for the development at 42 Golf Links Avenue, Oakleigh, bearing 129 signatures (*Mr Thompson*).

Petitions ordered to be tabled.

11 **PETITION — BOAT RAMPS — PORT PHILLIP BAY** — Motion made and question — That the petition presented by the Member for Sandringham be taken into consideration tomorrow (*Mr Thompson*) — put and agreed to.

12 **PETITION — 42 GOLF LINKS AVENUE, OAKLEIGH** — Motion made and question — That the petition presented by the Member for Sandringham be taken into consideration tomorrow (*Mr Thompson*) — put and agreed to.

13 **DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:

National Parks Act 1975 — Advice under s 11(3)

Statutory Rules under the following Acts:

Drugs, Poisons and Controlled Substances Act 1981 — SR No 57

Subordinate Legislation Act 1994 — SR No 56

Subordinate Legislation Act 1994 — Minister's exception certificate in relation to Statutory Rule No 56.

The following proclamation fixing an operative date was tabled by the Clerk in accordance with an order of the House dated 26 February 2003:

Child Wellbeing and Safety Act 2005 — Whole Act (other than Part 7 and s 48) on 1 June 2006 (*Gazette G22, 1 June 2006*).

14 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Agreeing to the following bills without amendment:

Terrorism (Community Protection) (Further Amendment) Bill
Justice Legislation (Further Miscellaneous Amendments) Bill.

- 15 **MESSAGE FROM THE GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that he had today given the royal assent to the following bills, presented to him by the Clerk of the Parliaments:

Equal Opportunity and Tolerance Legislation (Amendment) Bill
Financial Management (Miscellaneous Amendments) Bill
Justice Legislation (Further Miscellaneous Amendments) Bill
Melbourne Sailors' Home (Repeal) Bill
Statute Law (Further Revision) Bill
Terrorism (Community Protection) (Further Amendment) Bill.

- 16 **MESSAGES FROM THE GOVERNOR** — The Speaker announced the presentation of messages from the Governor recommending appropriations for the purposes of the following bills:

Electoral and Parliamentary Committees Legislation (Amendment) Bill
Long Service Leave (Preservation of Entitlements) Bill
National Parks and Crown Land (Reserves) Acts (Amendment) Bill
State Taxation (Reductions and Concessions) Bill
Transport Legislation (Further Amendment) Bill
Victoria Racing Club Bill.

- 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 June 2006:

Appropriation (2006/2007) Bill
Appropriation (Parliament 2006/2007) Bill
Energy Legislation (Miscellaneous Amendments) Bill
State Taxation (Reductions and Concessions) Bill
Transfer of Land (Alpine Resorts) Bill

(Mr Batchelor) — put, after debate, and agreed to.

- 18 **STATEMENTS BY MEMBERS** — Statements by members were made.

- 19 **TRANSFER OF LAND (ALPINE RESORTS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Under standing orders, Mr Thompson announced amendments to be proposed when the House considers the Bill in detail and requested that they be circulated. Amendments circulated.

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 provides a guarantee to the Victorian community and key stakeholders that no high level development will be undertaken on Mount Stirling and that Mount Stirling will

remain a pristine area administered consistent with the recommendations of the Mount Stirling Environment Effects Statement of May 1996' (*Mr Thompson*) — and, after debate —

Question — That the words proposed to be omitted stand part of the question — put.

The House divided (the Speaker, Mrs Maddigan, in the Chair) —

AYES 58

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Mr Lockwood; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 26

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Napthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

Bill read a second time.

Ordered — That the Bill be considered in detail later this day.

- 20 **ENERGY LEGISLATION (MISCELLANEOUS AMENDMENTS) 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.

- 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 **APPROPRIATION (PARLIAMENT 2006/2007) 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.

- 23 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Agreeing to the following bills without amendment:

Planning and Environment (Growth Areas Authority) Bill

Infringements (Consequential and Other Amendments) Bill.

- 24 **APPROPRIATION (2006/2007) 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.

- 25 **ADJOURNMENT** — The Acting Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.50 pm.

R W PURDEY
Clerk of the Legislative Assembly

JUDY MADDIGAN
Speaker

No 167 — Wednesday 7 June 2006

- 1 The Speaker took the Chair and read the Prayer.
- 2 **SNOWY HYDRO CORPORATISATION (AMENDMENT) BILL** — Mr Ingram obtained leave to bring in a Bill '*to amend the **Snowy Hydro Corporatisation Act 1997** to remove the power for the State of Victoria to dispose of or deal with its shares in the Snowy Hydro Company and to amend the **Constitution Act 1975** to include the Snowy Hydro Company in the definition of a public water authority and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.

- 3 **PETITION** — The Clerk announced that the following petition had been lodged for presentation:

Government Subsidised Housing Residents — Requesting that the House ensures that any residents of Government subsidised premises are bound to exercise due respect for their neighbourhood or face early intervention and eviction with no further assistance forthcoming, bearing 14 signatures (*Mr Savage*).

Ordered to be tabled.

- 4 **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:

Births, Deaths and Marriages Registration Act 1996 — SR No 61

Environment Protection Act 1970 — SR No 59

Planning and Environment Act 1987 — SR No 60

Prevention of Cruelty to Animals Act 1986 — SR No 58

Subordinate Legislation Act 1994 — Minister's exemption certificate in relation to Statutory Rule No 58.

5 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Victorian Urban Development Authority (Amendment) Bill without amendment.

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:

Road Safety Committee's Report on the Inquiry into the Country Road Toll

Public Accounts and Estimates Committee's Report on the 2005–06 Budget Estimates

Economic Development Committee's Report on the Inquiry into Labour Hire Employment in Victoria

Drugs and Crime Prevention Committee's Report on the Inquiry into Strategies to Reduce Harmful Alcohol Consumption

Family and Community Development Committee's Report on the Regulation of the Funeral Industry

Education and Training Committee's Report on the Inquiry into the promotion of mathematics and science education.

9 **COURTS LEGISLATION (NEIGHBOURHOOD JUSTICE CENTRE) 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 McIntosh*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 21 June 2006.

10 **COURTS LEGISLATION (JURISDICTION) 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 McIntosh*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 21 June 2006.

Business having been interrupted at 2.00 pm under standing orders.

11 **QUESTIONS** — (Under SO 55).

12 **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.

- 13 **STATE TAXATION (REDUCTIONS AND CONCESSIONS) 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.

- 14 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Primary Industries Acts (Miscellaneous Amendments) Bill without amendment.

- 15 **CORRECTIONS AND OTHER JUSTICE LEGISLATION (AMENDMENT) BILL** — 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 June 2006.

- 16 **HEALTH SERVICES (SUPPORTED RESIDENTIAL SERVICES) BILL** — 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 21 June 2006.

- 17 **APPROPRIATION (2006/2007) 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.

- 18 **ADJOURNMENT** — The Acting Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.35 pm.

R W PURDEY
Clerk of the Legislative Assembly

JUDY MADDIGAN
Speaker

No 168 — Thursday 8 June 2006

- 1 The Speaker took the Chair and read the Prayer.

- 2 **PETITION** — The Clerk announced that the following petition had been lodged for presentation:

Police Station in Wallan — Requesting that the House supports the construction of a new police station in Wallan, but not on public open space in Hadfield Park, bearing 625 signatures (*Mr Hardman*).

Ordered to be tabled.

- 3 **PETITION — POLICE STATION IN WALLAN** — Motion made and question — That the petition presented by the Member for Seymour be taken into consideration tomorrow (*Mr Hardman*) — put and agreed to.

4 **DOCUMENTS**

REPORT OF INSPECTOR OF MUNICIPAL ADMINISTRATION — GREATER GEELONG CITY COUNCIL — Motion made, by leave, and question — That the Report of the Inspector of Municipal Administration on an investigation into Greater Geelong City Council be tabled (*Mr Thwaites*) — put and agreed to.

Ordered to be printed.

DOCUMENT TABLED UNDER AN ACT OF PARLIAMENT — The Clerk tabled the following document in accordance with an Act of Parliament:

Surveillance Devices Act 1999 — Report under s 37 from the Department of Sustainability and Environment.

- 5 **STATEMENTS BY MEMBERS** — Statements by members were made.

- 6 **CHILDREN, YOUTH AND FAMILIES (CONSEQUENTIAL AND OTHER AMENDMENTS) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Ms Garbutt*).

Motion made and question — That the debate be now adjourned (*Mr Dixon*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 22 June 2006.

- 7 **APPROPRIATION (2006/2007) BILL** — 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.

- 8 **QUESTIONS** — (Under SO 55).

- 9 **APPROPRIATION (2006/2007) BILL** — Debate continued on question — That this Bill be now read a second time.

Allocation of time — The Acting Speaker advised that the time allocated for consideration of bills under the resolution of the House on Tuesday 6 June 2006 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.

- 10 **TRANSFER OF LAND (ALPINE RESORTS) BILL** — Order read for the consideration of the Bill in detail.

Question — That this Bill be now read a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 11 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Energy Legislation (Miscellaneous Amendments) Bill without amendment.

- 12 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Ms Garbutt*) — put and agreed to.

- 13 **ADJOURNMENT** — The Acting Speaker left the Chair, after debate, at 4.38 pm.

R W PURDEY
Clerk of the Legislative Assembly

JUDY MADDIGAN
Speaker

LEGISLATIVE ASSEMBLY OF VICTORIA

VOTES AND PROCEEDINGS Nos 169, 170 and 171

No 169 — Tuesday 13 June 2006

- 1 The Speaker took the Chair and read the Prayer.
- 2 **QUESTIONS** — (Under SO 55).
- 3 **MELBOURNE UNIVERSITY (VICTORIAN COLLEGE OF THE ARTS) BILL** — Ms Kosky obtained leave to bring in a Bill '*to provide for the integration of the Victorian College of the Arts with the University of Melbourne, to repeal the **Victorian College of the Arts Act 1981**, to amend the **Melbourne University Act 1958** and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 4 **VICTIMS' CHARTER BILL** — Mr Hulls obtained leave to bring in a Bill '*to recognise principles governing the response to victims of crime by the criminal justice system and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 5 **WORLD SWIMMING CHAMPIONSHIPS (AMENDMENT) BILL** — Mr Thwaites obtained leave to bring in a Bill '*to amend the **World Swimming Championships Act 2004** to provide for the management and regulation of venues and areas to be used for the World Swimming Championships, to facilitate the carrying out of works for events and the conduct of events, including crowd management, to provide for other related matters associated with the World Swimming Championships 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:
 - 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 51 signatures (*Mr Ryan*)
 - Fluoride — Domestic Water Supply** — Requesting that the Government — (a) acknowledges the opposition to mass fluoridation of the domestic water supply, pending a referendum of the citizens of Wodonga and Wangaratta; and (b) be bound by the results of such referendum, bearing 360 signatures (*Mr Jasper*).

Petitions ordered to be tabled.

7 DOCUMENTS

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — Ms D'Ambrosio, Chair, presented a report from the Scrutiny of Acts and Regulations Committee being the Alert Digest No 6 of 2006 on the:

Aboriginal Heritage Bill
 Accident Compensation and Other Legislation (Amendment) Bill
 Appropriation (2006/2007) Bill
 Appropriation (Parliament 2006/2007) Bill
 Drugs, Poisons and Controlled Substances (Amendment) Bill
 Electoral and Parliamentary Committees Legislation (Amendment) Bill
 Evidence (Document Unavailability) Bill
 Gambling Regulation (Further Miscellaneous Amendments) Bill
 Health Legislation (Infertility Treatment and Medical Treatment) Bill
 Land (Further Miscellaneous) Bill
 Long Service Leave (Preservation of Entitlements) Bill
 National Parks and Crown Land (Reserves) Acts (Amendment) Bill
 State Taxation (Reductions and Concessions) Bill
 Transport Legislation (Further Amendment) Bill
 Victoria Racing Club 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:

Interpretation of Legislation Act 1984 — Notice under s 32(3)(a)(iii) in relation to Statutory Rule No 131/2005

Planning and Environment Act 1987 — Notices of approval of amendments to the following Planning Schemes:

Bass Coast Planning Scheme — No C47
 Benalla Planning Scheme — No C14
 Golden Plains Planning Scheme — No C28
 Greater Dandenong Planning Scheme — No C59
 Hume Planning Scheme — No C64
 Moyne Planning Scheme — No C18
 South Gippsland Planning Scheme — No C37
 Whittlesea Planning Scheme — No C79

Project Development and Construction Management Act 1994 — Amendment order under s 9.

The following proclamation fixing an operative date was tabled by the Clerk in accordance with an order of the House dated 26 February 2003:

Environment Effects (Amendment) Act 2005 — Whole Act on 30 June 2006 (*Gazette G23, 8 June 2006*).

8 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Appropriation (Parliament 2006/2007) Bill without amendment.

9 **MESSAGE FROM THE GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that he had today given the royal assent to the following bills, presented to him by the Clerk of the Parliaments:

Energy Legislation (Miscellaneous Amendments) Bill
 Infringements (Consequential and Other Amendments) Bill
 Planning and Environment (Growth Areas Authority) Bill
 Primary Industries Acts (Miscellaneous Amendments) Bill
 Victorian Urban Development Authority (Amendment) Bill.

10 **MESSAGES FROM THE GOVERNOR** — The Speaker announced the presentation of messages from the Governor recommending appropriations for the purposes of the following bills:

Children, Youth and Families (Consequential and Other Amendments) Bill
 Courts Legislation (Neighbourhood Justice Centre) Bill.

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 6.30 pm on Thursday 15 June 2006:

Accident Compensation and Other Legislation (Amendment) Bill
 Building and Construction Industry Security of Payment (Amendment) Bill
 Charter of Human Rights and Responsibilities Bill
 Electoral and Parliamentary Committees Legislation (Amendment) Bill
 Gambling Regulation (Further Miscellaneous Amendments) Bill
 Health Legislation (Infertility Treatment and Medical Treatment) Bill
 Land (Further Miscellaneous) Bill
 Long Service Leave (Preservation of Entitlements) Bill
 Transport Legislation (Further Amendment) Bill
 Victoria Racing Club Bill

(*Mr Batchelor*) — after debate, put.

The House divided (the Speaker, Mrs Maddigan, in the Chair) —

AYES 59

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 26

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Napthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

12 **STATEMENTS BY MEMBERS** — Statements by members were made.

13 **VICTORIA RACING CLUB BILL** — 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 Garbutt*) — 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.

14 **BUILDING AND CONSTRUCTION INDUSTRY SECURITY OF PAYMENT (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Under standing orders, Mr Hulls announced amendments to be proposed when the House considers the Bill in detail and requested that they be circulated. Amendments circulated.

Debate resumed on question — That this Bill be now read a second time.

Bill read a second time, considered in detail and agreed to with amendments (*see pp 1100, 1101–2*).

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.

15 **CHARTER OF HUMAN RIGHTS AND RESPONSIBILITIES BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Under standing orders, Mr Hulls announced amendments to be proposed when the House considers the Bill in detail and requested that they be circulated. Amendments circulated.

Debate resumed on question — That this Bill be now read a second time.

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 views of all Victorians on the proposed charter are determined by referendum' (*Mr McIntosh*) — and, after debate —

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 10.47 pm.

R W PURDEY
Clerk of the Legislative Assembly

JUDY MADDIGAN
Speaker

No 170 — Wednesday 14 June 2006

- 1 The Speaker took the Chair and read the Prayer.
- 2 **SNOWY HYDRO CORPORATISATION (PARLIAMENTARY APPROVAL) BILL** — Mr Thwaites obtained leave to bring in a Bill '*to amend the Snowy Hydro Corporatisation Act 1997 to prevent the sale of shares in Snowy Hydro Limited held by the State of Victoria without the approval of both Houses of Parliament 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:

Racial and Religious Tolerance Act 2001 — Repeal — Requesting that the *Racial and Religious Tolerance Act 2001* be repealed, bearing 10 signatures (*Mr Helper*)

Inquiry into Health Services — Requesting that the House — (a) establishes an inquiry to consider the alleged misconduct by Ballarat Health Services, and any failings by the Health Services Commission, the Medical Practitioners Board and the Ombudsman in their response to complaints about the treatment of a patient in 2003, and that such inquiry make recommendations on which the Government can act; and (b) considers, as a matter of urgency, the formation of a corruption commission, bearing 1 signature (*Mr Helper*)

Home Loan Schemes — Requesting that the Government sponsored Home Loan Schemes under the flawed new lending instrument called Capital Indexed Loans sold since 1984/85 under the sub-headings — CAPIL, Deferred Interest Scheme (DIS), Indexed Repayment Loan (IRL), Home Opportunity Loan Scheme (HOLS) and Shared Home Opportunity Scheme (SHOS) — (a) be recalculated; (b) have payment and interest set at affordable levels; and (c) be amended in order to assist the low income bracket Victorians the loans were meant to assist, bearing 129 signatures (*Mr Hardman*)

Board of Inquiry Investigation into Home Loan Schemes — Requesting that — (a) the House initiates an independent board of inquiry with the scope to fully investigate the

Government sponsored Home Loan Schemes; (b) the Minister for Housing ceases and desists from sending letters containing incorrect information to elected members; and (c) the legal representatives acting on behalf of the defendant in relation to claims brought by recipients of the Schemes be instructed to act as model litigants, bearing 9 signatures (*Mr Hardman*)

Minimum Sentencing — Violent Criminals — Requesting that the Government — (a) takes action to ensure the community of Victoria is adequately protected from habitual violent criminals who commit violent sexual crimes and violent crimes against children or vulnerable elderly people; and (b) imposes minimum jail sentences for these habitual violent criminals, bearing 232 signatures (*Mrs Powell*).

Petitions ordered to be tabled.

4 **PETITION — MINIMUM SENTENCING — VIOLENT CRIMINALS** — 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 — HOME LOAN SCHEMES** — Motion made and question — That the petition presented by the Member for Seymour be taken into consideration tomorrow (*Mr Hardman*) — put and agreed to.

6 **PETITION — BOARD OF INQUIRY INVESTIGATION INTO HOME LOAN SCHEMES** — Motion made and question — That the petition presented by the Member for Seymour be taken into consideration tomorrow (*Mr Hardman*) — put and agreed to.

7 **DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:

Audit Act 1994 — Auditor-General — Report on Results of financial statement audits for agencies with other than 30 June 2005 balance dates, and other audits — Ordered to be printed

Forensic Leave Panel — Report for the year 2005.

8 **STANDING ORDERS COMMITTEE** — Motion made, by leave, and question — That Mr Plowman and Mr Dixon be discharged from attendance on the Standing Orders Committee and that Mr Cooper and Mr Kotsiras be appointed in their place (*Mr Cameron*) — put and agreed to.

9 **STATEMENTS BY MEMBERS** — Statements by members were made.

10 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE — MINIMUM SENTENCING** — 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 in the interests of promoting consistency and transparency in sentencing and to foster greater community understanding and confidence in the sentencing process, this House calls upon the Victorian Labor Government to introduce a system of standard minimum sentencing modelled upon that introduced by the New South Wales Labor Government in 2002 and now constituting Part 4 Division 1A of the Crimes (Sentencing Procedure) Act 1999 (NSW) (as amended).'

Mr Ryan addressed the House — Discussion followed.

- 11 **STATEMENTS ON PARLIAMENTARY COMMITTEE REPORTS** — Statements were made on the following Committee Reports:

Public Accounts and Estimates Committee's Report on the 2004–05 Budget Outcomes

Road Safety Committee's Report on the Inquiry into the Country Road Toll

Drugs and Crime Prevention Committee's Report on the Inquiry into Strategies to Reduce Harmful Alcohol Consumption

Economic Development Committee's Report on the Viability of the Victorian Thoroughbred/Standardbred Breeding Industries

Education and Training Committee's Report on the Inquiry into the promotion of mathematics and science education

Education and Training Committee's Report on the Inquiry into the Suitability of Pre-Service Teacher Training in Victoria.

- 12 **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.

- 13 **VICTIMS' CHARTER 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 McIntosh*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 28 June 2006.

- 14 **WORLD SWIMMING CHAMPIONSHIPS (AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Pandazopoulos*).

Motion made and question — That the debate be now adjourned (*Mr Wells*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 28 June 2006.

Business having been interrupted at 2.00 pm under standing orders.

- 15 **QUESTIONS** — (Under SO 55).

- 16 **ELECTORAL AND PARLIAMENTARY COMMITTEES LEGISLATION (AMENDMENT) BILL** — 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.

The House divided (the Deputy Speaker, Mr Loney, in the Chair) —

AYES 51

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Howard; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Mr Lupton; Ms McTaggart; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Wilson; Mr Wynne.

NOES 26

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Naphthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

Ordered — That the debate be adjourned until later this day.

- 17 **LAND (FURTHER MISCELLANEOUS) BILL** — 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 Carli*) — put.

The House divided (the Deputy Speaker, Mr Loney, in the Chair) —

AYES 50

Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Mr Lockwood; Mr Lupton; Ms McTaggart; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 26

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Naphthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

Motion made and question — That the debate be adjourned until later this day (*Mr Batchelor*) — put.

The House divided (the Deputy Speaker, Mr Loney, in the Chair) —

AYES 50

Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Mr Lockwood; Mr Lupton; Ms McTaggart; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 26

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Naphine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

18 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Transfer of Land (Alpine Resorts) Bill without amendment.

19 **MELBOURNE UNIVERSITY (VICTORIAN COLLEGE OF THE ARTS) BILL** — 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 Dixon*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 28 June 2006.

20 **LONG SERVICE LEAVE (PRESERVATION OF ENTITLEMENTS) BILL** — 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.

Motion made and question — That the debate be now adjourned (*Mr Helper*) — after debate, put.

The House divided (the Deputy Speaker, Mr Loney, in the Chair) —

AYES 52

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Mr Lockwood; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Ms Pike; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 26

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Napthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

Ordered — That the debate be adjourned until later this day.

- 21 **HEALTH LEGISLATION (INFERTILITY TREATMENT AND MEDICAL TREATMENT) 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 (*Ms Kosky*) — put and agreed to.

Debate continued on question — That this Bill be now read a second time.

Motion made and question — That the debate be now adjourned (*Ms Morand*) — after debate, put.

The House divided (the Deputy Speaker, Mr Loney, in the Chair) —

AYES 51

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Green; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Mr Lockwood; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Ms Pike; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 26

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Napthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

Ordered — That the debate be adjourned until later this day.

- 22 **GAMBLING REGULATION (FURTHER MISCELLANEOUS AMENDMENTS) BILL** — 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.

- 23 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Ms Allan*) — put and agreed to.

- 24 **ADJOURNMENT** —

And the House having continued to sit after 12 midnight —

THURSDAY 15 JUNE 2006

The Acting Speaker left the Chair, after debate, at 12.20 am.

R W PURDEY
Clerk of the Legislative Assembly

JUDY MADDIGAN
Speaker

No 171 — Thursday 15 June 2006

- 1 The Speaker took the Chair and read the Prayer.

- 2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

Dingley Bypass — Requesting that the House ensures a toll free Dingley bypass road is constructed as soon as possible, bearing 993 signatures (*Ms Asher*)

Natural Gas Reticulation — Requesting that the House calls on the Government to provide funding for Mossiface and Bruthen to be included in the natural gas reticulation for regional towns through the Rural Infrastructure Development Fund, bearing 222 signatures (*Mr Ingram*)

Proposed Resort Hotel Complex, Mornington Peninsula — Requesting that the House refuses approval of the proposed development for a resort hotel complex, in any form, on the property at the corner of Greens Road and Browns Road in Main Ridge in the Red Hill Ward of the Mornington Peninsula, bearing 4,091 signatures (*Ms Buchanan*).

Petitions ordered to be tabled.

- 3 **PETITION — PROPOSED RESORT HOTEL COMPLEX, MORNINGTON PENINSULA** — Motion made and question — That the petition presented by the Member for Hastings be taken into consideration tomorrow (*Ms Buchanan*) — put and agreed to.

4 DOCUMENTS

ENVIRONMENT AND NATURAL RESOURCES COMMITTEE — Ms Lindell, Chair, presented a report from the Environment and Natural Resources Committee on the Inquiry into the Energy Services Industry, 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:

Auditor-General — Performance Audit Report — Protecting our environment and community from failing septic tanks — Ordered to be printed

Commissioner for Environmental Sustainability — Report on Government procurement and environmental sustainability (four documents)

Members of Parliament (Register of Interests) Act 1978 — Summary of Variations notified between 1 October 2005 and 14 June 2006 — Ordered to be printed

Multicultural Victoria Act 2004 — Report on Victorian Government Achievements in Multicultural Affairs for the year 2004–05.

5 **SUSPENSION OF STANDING ORDERS** — Motion made, by leave, and question — That so much of standing orders be suspended today so as to allow:

- (1) Business to be interrupted immediately after question time for a motion of condolence in relation to Mr Ian Little, Secretary of the Department of Treasury and Finance; and
- (2) Three Government and three non-Government members to speak on the motion, for not more than five minutes each; and
- (3) Business under discussion and not completed at the time of the interruption to be resumed after the conclusion of the motion and any member speaking at the time of the interruption may then continue his or her speech.

(*Mr Batchelor*) — put and agreed to.

6 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourns until Tuesday 18 July 2006 (*Mr Batchelor*) — put and agreed to.

7 **STATEMENTS BY MEMBERS** — Statements by members were made.

8 **SNOWY HYDRO CORPORATISATION (PARLIAMENTARY APPROVAL) BILL** — 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 Mulder*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 29 June 2006.

- 9 **TRANSPORT LEGISLATION (FURTHER AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Under standing orders, Mr Batchelor 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 1100, 1102*).

Bill sent to the Legislative Council and their agreement requested.

- 10 **ACCIDENT COMPENSATION AND OTHER LEGISLATION (AMENDMENT) BILL** — 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 **DEATH OF MR IAN LITTLE** — Motion made and question — That this House expresses its sincere sorrow at the death, on 5 June 2006, of Ian Little and places on record its acknowledgement of the valuable services rendered by Mr Little to the Victorian Public Sector and the people of Victoria (*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.

- 13 **ACCIDENT COMPENSATION AND OTHER LEGISLATION (AMENDMENT) BILL** — 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 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Agreeing to the following bills without amendment:

Victoria Racing Club Bill
Appropriation (2006/2007) Bill.

- 15 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the State Taxation (Reductions and Concessions) Bill with an amendment.

Ordered — That the amendment be taken into consideration later this day.

- 16 **LAND (FURTHER MISCELLANEOUS) 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.

- 17 **LONG SERVICE LEAVE (PRESERVATION OF ENTITLEMENTS) BILL** — 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.

- 18 **GAMBLING REGULATION (FURTHER MISCELLANEOUS AMENDMENTS) BILL** — 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 Mildenhall*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 19 **STATE TAXATION (REDUCTIONS AND CONCESSIONS) BILL** — 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.

- 20 **HEALTH LEGISLATION (INFERTILITY TREATMENT AND MEDICAL TREATMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Mr Langdon*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 21 **CHARTER OF HUMAN RIGHTS AND RESPONSIBILITIES BILL** — 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 views of all Victorians on the proposed charter are determined by referendum'; debate resumed.

Allocation of time — The Deputy Speaker advised that the time allocated for consideration of bills under the resolution of the House on Tuesday 13 June 2006 had expired.

Question — That the words proposed to be omitted stand part of the question — put.

The House divided (the Deputy Speaker, Mr Loney, in the Chair) —

AYES 49

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Green; Mr Hardman; Mr Herbert; Mr Holding; Mr Howard; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Perera; Ms Pike; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 24

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Napthine; Mr Plowman; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

Question — That this Bill be now read a second time — put.

The House divided (the Deputy Speaker, Mr Loney, in the Chair) —

AYES 49

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Green; Mr Hardman; Mr Herbert; Mr Holding; Mr Howard; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Perera; Ms Pike; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 24

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Napthine; Mr Plowman; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

Question — That Government amendment Nos 1 to 6 inclusive be agreed to and the Bill be now read a third time — put.

The House divided (the Deputy Speaker, Mr Loney, in the Chair) —

AYES 49

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Green; Mr Hardman; Mr Herbert; Mr Holding; Mr Howard; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Perera; Ms Pike; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 24

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Napthine; Mr Plowman; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 22 **ELECTORAL AND PARLIAMENTARY COMMITTEES LEGISLATION (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Question — That this Bill be now read a second time and a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 23 **LONG SERVICE LEAVE (PRESERVATION OF ENTITLEMENTS) BILL** — 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, Mr Loney, in the Chair) —

AYES 68

Ms Allan; Mr Andrews; Ms Asher; Mr Baillieu; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Clark; Mr Cooper; Mr Crutchfield; Ms D'Ambrosio; Mr Dixon; Mr Donnellan; Mr Doyle; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Green; Mr Hardman; Mr Herbert; Mr Holding; Mr Honeywood; Mr Howard; Mr Hulls; Mr Ingram; Mr Jenkins; Ms Kosky; Mr Kotsiras; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Mr Lupton; Mr McIntosh; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Mr Mulder; Ms Munt; Dr Napthine; Mr Nardella; Ms Neville; Mr Perera; Mr Perton; Ms Pike; Mr Plowman; Mr Robinson; Mr Savage; Mr Seitz; Mrs Shardey; Mr Smith; Mr Stensholt; Mr Thompson; Mr Thwaites; Mr Trezise; Mr Wells; Mr Wilson; Mr Wynne.

NOES 7

Mr Delahunty (*Lowan*); Mr Jasper; Mr Maughan; Mrs Powell; Mr Ryan; Dr Sykes; Mr Walsh.

Question agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 24 **GAMBLING REGULATION (FURTHER MISCELLANEOUS AMENDMENTS) BILL** — 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, Mr Loney, in the Chair) —

AYES 49

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Green; Mr Hardman; Mr Herbert; Mr Holding; Mr Howard; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Mr Perera; Ms Pike; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 26

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Naphthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 25 **HEALTH LEGISLATION (INFERTILITY TREATMENT AND MEDICAL TREATMENT) BILL** — 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 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Batchelor*) — put and agreed to.

- 27 **ADJOURNMENT** — The Acting Speaker left the Chair, after debate, at 7.23 pm.

R W PURDEY
Clerk of the Legislative Assembly

JUDY MADDIGAN
Speaker

LEGISLATIVE ASSEMBLY OF VICTORIA

CONSIDERATION IN DETAIL
Supplement to Votes Nos 169, 170 and 171

No 169 — Tuesday 13 June 2006

BUILDING AND CONSTRUCTION INDUSTRY SECURITY OF PAYMENT (AMENDMENT) BILL

Clauses 1 to 10 agreed to.

Clause 11, Mr Hulls moved amendment No 1 (*see Schedule 1*).

Amendment put and agreed to.

Clause agreed to as amended.

Clauses 12 to 16 agreed to.

Clause 17, Mr Hulls moved amendment No 2 (*see Schedule 1*).

Amendment put and agreed to.

Clause agreed to as amended.

Clauses 18 to 43 agreed to.

Bill agreed to as amended.

No 171 — Thursday 15 June 2006

TRANSPORT LEGISLATION (FURTHER AMENDMENT) BILL

Clauses 1 to 13 agreed to.

Clause 14, Mr Batchelor moved an amendment (*see Schedule 2*).

Amendment put and agreed to.

Clause agreed to as amended.

Clauses 15 to 61 agreed to.

Schedules 1 and 2 agreed to.

Bill agreed to as amended.

SCHEDULES OF AMENDMENTS MOVED

SCHEDULE 1

BUILDING AND CONSTRUCTION INDUSTRY SECURITY OF PAYMENT (AMENDMENT) BILL

Amendments moved by Mr Hulls

1. Clause 11, page 10, lines 7 to 33, and page 11, lines 1 to 7, omit all words and expressions on these lines and insert—
 - (a) the work has been carried out or the goods and services have been supplied under the construction contract; and
 - (b) the person for whom the work has been carried out or the goods and services supplied or a person acting for that person under the construction contract requested or directed the carrying out of the work or the supply of the goods and services; and
 - (c) the parties to the construction contract do not agree as to one or more of the following—
 - (i) that the doing of the work or the supply of goods and services constitutes a variation to the contract;
 - (ii) that the person who has undertaken to carry out the work or to supply the goods and services under the construction contract is entitled to a progress payment that includes an amount in respect of the work or the goods and services;
 - (iii) the value of the amount payable in respect of the work or the goods and services;
 - (iv) the method of valuing the amount payable in respect of the work or the goods and services;
 - (v) the time for payment of the amount payable in respect of the work or the goods and services; and
 - (d) subject to sub-section (4), the consideration under the construction contract at the time the contract is entered into—
 - (i) is \$5 000 000 or less; or
 - (ii) exceeds \$5 000 000 but the contract does not provide a method of resolving disputes under the contract (including disputes referred to in paragraph (c)).
- (4) If at any time the total amount of claims under a construction contract for the second class of variations exceeds 10% of the consideration under the construction contract at the time the contract is entered into, sub-section (3)(d) applies in relation to that construction contract as if any reference to "\$5 000 000" were a reference to "\$150 000".

Example

A building contractor enters into a construction contract. The consideration (**contract sum**) under the contract at the time the contract is entered into is \$3 million. The contract contains a dispute resolution clause. The contractor undertakes work at the direction of the other party. The

contractor claims (the **new claim**) that the work is a variation to the contract. The other party does not agree that the work constitutes a variation to the contract (**disputed variation**). The contractor has already made a number of claims for disputed variations under the contract. The new claim brings the total amount of claims for disputed variations under the contract to \$350 000. This amount exceeds 10% of the contract sum. As the contract sum exceeds \$150 000 and the contract contains a dispute resolution clause, the disputed variation in the new claim and all subsequent disputed variations under the contract will not be claimable variations under this Act.'

2. Clause 17, line 9, omit all words and expressions on this line and insert—
- 'amount; and
 - (d) must be in the relevant prescribed form (if any); and
 - (e) must contain the prescribed information (if any).".'

SCHEDULE 2

TRANSPORT LEGISLATION (FURTHER AMENDMENT) BILL

Amendment moved by Mr Batchelor

Clause 14, page 13, lines 25 to 33, omit all words and expressions on these lines and insert—

- "(4) Despite anything to the contrary in this section, it is not necessary for a driver of a commercial passenger vehicle to hold a driver accreditation if—
- (a) he or she is driving a vehicle that is permitted by the laws of another State or Territory to operate as the equivalent of a commercial passenger vehicle; and
 - (b) he or she is driving the vehicle in Victoria in any of the circumstances set out in section 139(1B).".

LEGISLATIVE ASSEMBLY OF VICTORIA

VOTES AND PROCEEDINGS Nos 172, 173 and 174

No 172 — Tuesday 18 July 2006

- 1 The House met according to the adjournment — The Speaker took the Chair and read the Prayer.
- 2 **QUESTIONS** — (Under SO 55).
- 3 **TRANSPORT (TAXI-CAB ACCREDITATION AND OTHER AMENDMENTS) BILL** — Mr Batchelor obtained leave to bring in a Bill '*to amend the **Transport Act 1983** to provide for the accreditation of certain participants in the taxi-cab industry, to enable the penalties for transport infringements and ticket infringements to vary depending on how they are issued and to authorise certain public transport ticket conditions, to make minor amendments to the **Transport Legislation (Further Amendment) Act 2006** and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 4 **CATCHMENT AND LAND PROTECTION (FURTHER AMENDMENT) BILL** — Mr Thwaites obtained leave to bring in a Bill '*to amend the **Catchment and Land Protection 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 **HERITAGE RIVERS (FURTHER PROTECTION) BILL** — Mr Thwaites obtained leave to bring in a Bill '*to amend the **Heritage Rivers Act 1992** to prohibit the construction in heritage river areas of new impoundments, barriers and structures that impede the passage of water fauna, to amend the provisions relating to management plans for heritage river areas and natural catchment areas in that Act and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 6 **VICTORIAN RENEWABLE ENERGY BILL** — Mr Thwaites obtained leave to bring in a Bill '*to promote the development of renewable energy generation through the establishment of a scheme that provides for the creation and acquisition of renewable energy certificates and requires the surrender of renewable energy certificates and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 7 **ENERGY LEGISLATION (HARDSHIP, METERING AND OTHER MATTERS) BILL** — Mr Brumby obtained leave to bring in a Bill '*to amend the **Electricity Industry Act 2000**, the **Energy Safe Victoria Act 2005**, the **Gas Industry Act 2001** 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.

- 8 **COPTIC ORTHODOX CHURCH (VICTORIA) PROPERTY TRUST BILL** — Mr Hulls obtained leave to bring in a Bill '*to establish a corporate trustee for the Coptic Orthodox Church within the Diocese of Melbourne and Affiliated Regions to hold property for the benefit of the Coptic Orthodox Church in that Diocese, to provide for the vesting of certain property in the trustee, to cancel the incorporation of certain associations and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 9 **OWNERS CORPORATIONS BILL** — Mr Hulls obtained leave to bring in a Bill '*to provide for the management, powers and functions of owners corporations and for appropriate mechanisms for the resolution of disputes relating to owners corporations, to amend the **Subdivision Act 1988** in relation to the creation of owners corporations, to amend other Acts and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 10 **CORONERS AND HUMAN TISSUE ACTS (AMENDMENT) BILL** — Mr Hulls obtained leave to bring in a Bill '*to amend the **Coroners Act 1985** and the **Human Tissue Act 1982** and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 11 **MINERAL RESOURCES DEVELOPMENT (SUSTAINABLE DEVELOPMENT) BILL** — Mr Cameron obtained leave to bring in a Bill '*to amend the **Mineral Resources Development Act 1990** and the **Environment Protection Act 1970** 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.
- 12 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:
- Racial and Religious Tolerance Act 2001 — Repeal** — Requesting that the *Racial and Religious Tolerance Act 2001* be repealed, bearing 39 and 15 signatures (*Mr Lockwood and Dr Sykes respectively*)
- Tatong Road** — Requesting that the corner-shoulders on the Tatong Road be sealed, particularly the corners at Mokoan, Whitegate (Smith's Road), Whitegate (Knight Road), Dodd's Bridge South and McCauley's Crossing, bearing 8 signatures (*Dr Sykes*)
- Lake Mokoan and the Broken System** — Requesting that the House urges the Government to — (a) reinstate the members of the Broken System Reliability Reference Committee in decision making on the decommissioning of Lake Mokoan and the Broken System; (b) undertake an independent assessment of the current reliability of water supply provided by the Broken System including Lake Mokoan; (c) ensure commitments given by the former and current Ministers for Water that irrigators will not be adversely affected by the decommissioning of Lake Mokoan are honoured in full; and (d) investigate the possibility of a permanent wetland in the bed of the lake to enhance reliability of supply to water users, bearing 226 signatures (*Dr Sykes*)
- Charter of Human Rights and Responsibilities Bill 2006** — Requesting that the House defeats the Charter of Human Rights and Responsibilities Bill 2006, bearing 46, 14 and 16 signatures (*Dr Sykes, Mr Stensholt and Mr Hardman respectively*)

Mornington-Baxter Railway Line — Requesting that the House calls upon the Government to reopen the Mornington-Baxter railway line and reintroduce regular passenger services to Mornington, bearing 143 signatures (*Mr Harkness*)

Gembrook-Pakenham Bus Route — Requesting that the House establishes a bus route between Gembrook and Pakenham, bearing 159 signatures (*Ms Lobato*)

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 247 signatures (*Mr Ryan*)

Sound Barriers on Princes Freeway — Berwick and Beaconsfield — Requesting that the House calls on VicRoads and the Department of Infrastructure to urgently construct sound barriers along the stretch of the Princes Freeway between Clyde Road in Berwick and Brookvale Close in Beaconsfield, bearing 51 signatures (*Mr Mulder*)

Cranbourne East Railway Station — Requesting that the House takes action to ensure that the Department of Infrastructure enacts the 1999 and 2002 election promises of the Government to build Cranbourne East Station, bearing 150 signatures (*Mr Mulder*)

Casey — Car Parking and Transport Timetables — Requesting that the Minister for Transport conducts — (a) a total review of all train and bus timetables in the City of Casey; and (b) a total review of the need for additional car parking at railway stations in the municipality of the City of Casey, bearing 821 signatures (*Mr Mulder*).

Petitions ordered to be tabled.

13 DOCUMENTS

RURAL AMBULANCE VICTORIA — Motion made, by leave, and question — That the Interim Report of the State Services Authority Review of the Governance and Effectiveness of Rural Ambulance Victoria be tabled (*Ms Pike*) — put and agreed to.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — Mr Lockwood presented a report from the Scrutiny of Acts and Regulations Committee being the Annual review 2005, Regulations 2005, together with appendices.

Ordered to be tabled and printed.

PRIVILEGES COMMITTEE — Mr Nardella, Chair, presented a report from the Privileges Committee on the Complaint by the Member for Preston, together with appendices.

Ordered to be tabled and printed.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — Ms D'Ambrosio, Chair, presented a report from the Scrutiny of Acts and Regulations Committee being the Alert Digest No 7 of 2006 on the:

Charter of Human Rights and Responsibilities Bill
 Children, Youth and Families (Consequential and Other Amendments) Bill
 Corrections and Other Justice Legislation (Amendment) Bill

Courts Legislation (Jurisdiction) Bill
 Courts Legislation (Neighbourhood Justice Centre) Bill
 Health Services (Supported Residential Services) Bill
 Melbourne University (Victorian College of the Arts) Bill
 Snowy Hydro Corporatisation (Parliamentary Approval) Bill
 Victims' Charter Bill
 World Swimming Championships (Amendment) Bill

together with appendices.

Ordered to be tabled and printed.

RURAL AND REGIONAL SERVICES AND DEVELOPMENT COMMITTEE — Mr Hardman, Chair, presented a report from the Rural and Regional Services and Development Committee on the Inquiry into Regional Telecommunications Infrastructure for Business, together with appendices, minority reports, extracts from the proceedings and minutes of evidence.

Ordered to be tabled and the report, appendices, minority reports and extracts from the proceedings printed.

DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT — The Clerk tabled the following documents in accordance with Acts of Parliament:

Auditor-General — Annual Plan 2006–07

Crown Land (Reserves) Act 1978 — Section 17DA Orders granting under s 17D leases over:

Mentone and Mordialloc Beach Park Reserve
 Point Leo Foreshore Reserve
 Westerfolds Park Reserve

Financial Management Act 1994 — Report from the Minister for Sport and Recreation that he had not received the report for the year ended 31 March 2006 of the Melbourne Cricket Ground Trust, together with an explanation for the delay

Interpretation of Legislation Act 1984:

Notices under s 32(3)(a)(iii) in relation to Statutory Rule Nos 41, 59, 80
 Notice under s 32(3)(a)(iii) in relation to Waste Management Policy (Used Packaging Materials) (*Gazette G26, 29 June 2006*)
 Notice under s 32(4)(a)(iii) in relation to Waste Management Policy (Ships' Ballast Water) (*Gazette G26, 29 June 2006*)

Murray-Darling Basin Act 1993 — Schedule H to the Murray-Darling Basin Agreement under s 28(b)

National Parks Act 1975 — Notice of consent from the Minister for Environment for petroleum exploration within the Lower Glenelg National Park

Planning and Environment Act 1987 — Notices of approval of amendments to the following Planning Schemes:

Ballarat Planning Scheme — Nos C82, C91, C94
Bass Coast Planning Scheme — Nos C27 Part 1, C45, C58
Baw Baw Planning Scheme — No C34
Bayside Planning Scheme — No C51
Benalla Planning Scheme — No C15
Boroondara Planning Scheme — Nos C51, C56, C57
Brimbank Planning Scheme — No C79
Campaspe Planning Scheme — Nos C37, C39
Cardinia Planning Scheme — Nos C58, C78
Casey Planning Scheme — No C81
Central Goldfields Planning Scheme — No C6
Corangamite Planning Scheme — No C14
Darebin Planning Scheme — No C65
Glen Eira Planning Scheme — No C51
Glenelg Planning Scheme — No C23
Greater Bendigo Planning Scheme — Nos C34, C72, C76
Greater Dandenong Planning Scheme — No C72
Greater Geelong Planning Scheme — Nos C91, C101 Part 1
Greater Shepparton Planning Scheme — No C27
Hume Planning Scheme — Nos C60, C63, C70
Indigo Planning Scheme — No C33
Kingston Planning Scheme — No C46 Part 2
Knox Planning Scheme — Nos C47, C51
Macedon Ranges Planning Scheme — No C28
Manningham Planning Scheme — Nos C56 Part 1, C56 Part 2
Maroondah Planning Scheme — No C47
Melbourne Planning Scheme — Nos C61, C107
Moonee Valley Planning Scheme — No C60
Mornington Peninsula Planning Scheme — Nos C72, C74 Part 1, C76
Nillumbik Planning Scheme — Nos C30, C45
Port Phillip Planning Scheme — Nos C23, C32
South Gippsland Planning Scheme — Nos C23, C38
Wangaratta Planning Scheme — No C23
Warrnambool Planning Scheme — Nos C21, C39
Yarra Planning Scheme — No C62

State Concessions Act 2004 — Orders under s 7 (five orders)

Statutory Rules under the following Acts:

Building Act 1993 — SR Nos 68, 79
Crimes (Assumed Identities) Act 2004 — SR No 74
Crimes (Family Violence) Act 1987 — SR No 78
Drugs, Poisons and Controlled Substances Act 1981 — SR No 70
Environment Protection Act 1970 — SR No 65
Evidence Act 1958 — SR No 77
Firearms Act 1996 — SR No 81
Fisheries Act 1995 — SR No 63
Gambling Regulation Act 2003 — SR No 71
Infringements Act 2006 — SR Nos 75, 76
Magistrates' Court Act 1989 — SR Nos 69, 72, 83, 87

Planning and Environment Act 1987 — SR No 85
Plant Health and Plant Products Act 1995 — SR No 62
Prostitution Control Act 1994 — SR No 64
Road Safety Act 1986 — SR No 82
Surveillance Devices Act 1999 — SR No 73
Sustainable Forests (Timber) Act 2004 — SR No 84
Terrorism (Community Protection) Act 2003 — SR No 80
Transfer of Land Act 1958 — SR Nos 66, 67
Transport Act 1983 — SR No 86

Subordinate Legislation Act 1994:

Ministers' exception certificates in relation to Statutory Rule Nos 67, 69, 72, 83, 85, 87
 Ministers' exemption certificates in relation to Statutory Rule Nos 63, 65, 70, 71, 78, 79, 80, 81, 82
 Minister's infringements offence consultation certificate in relation to Statutory Rule No 86.

The following proclamations fixing operative dates were tabled by the Clerk in accordance with an order of the House dated 26 February 2003:

Crimes (Assumed Identities) Act 2004 — Whole Act on 1 July 2006 (*Gazette G26, 29 June 2006*)
Equal Opportunity and Tolerance Legislation (Amendment) Act 2006 — Remaining provisions on 30 June 2006 (*Gazette G26, 29 June 2006*)
Evidence (Witness Identity Protection) Act 2004 — Whole Act on 1 July 2006 (*Gazette G26, 29 June 2006*)
Firearms (Further Amendment) Act 2005 — Remaining provisions of Part 2 (other than ss 11, 15, 27, 33, 48, 54 and 59) and Part 5 on 1 July 2006 (*Gazette G26, 29 June 2006*)
Guardianship and Administration (Further Amendment) Act 2006 — Whole Act on 15 July 2006 (*Gazette G27, 6 July 2006*)
Infringements (Consequential and Other Amendments) Act 2006 — Remaining provisions on 1 July 2006 (*Gazette G26, 29 June 2006*)
Infringements Act 2006 — Whole Act on 1 July 2006 (*Gazette G26, 29 June 2006*)
Investigative, Enforcement and Police Powers Acts (Amendment) Act 2005 — Part 9 on 1 July 2006 (*Gazette G26, 29 June 2006*)
Major Crime Legislation (Office of Police Integrity) Act 2004 — Section 12 and Parts 6 and 7 on 1 July 2006 (*Gazette G26, 29 June 2006*)
Public Sector Employment (Award Entitlements) Act 2006 — Whole Act on 3 July 2006 (*Gazette G25, 22 June 2006*)
Surveillance Devices (Amendment) Act 2004 — Whole Act on 1 July 2006 (*Gazette G26, 29 June 2006*)
Transport Legislation (Further Miscellaneous Amendments) Act 2005 — Division 1 of Part 9 and s 34 on 31 July 2006 (*Gazette G27, 6 July 2006*).

- 14 **APPROPRIATION (2006/2007) BILL — APPROPRIATION (PARLIAMENT 2006/2007) BILL** — The Speaker announced that on 20 June 2006, she had presented to the Governor, the Appropriation (2006/2007) Bill and the Appropriation (Parliament 2006/2007) Bill to which the Governor had been pleased to give the royal assent.

- 15 **MESSAGE FROM THE GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that he had, on 20 June 2006, given the royal assent to the following bills, presented to him by the Clerk of the Parliaments:

State Taxation (Reductions and Concessions) Bill
 Transfer of Land (Alpine Resorts) Bill
 Victoria Racing Club Bill.

- 16 **MESSAGES FROM THE GOVERNOR** — The Speaker announced the presentation of messages from the Governor recommending appropriations for the purposes of the following bills:

Victims' Charter Bill
 World Swimming Championships (Amendment) Bill.

- 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 6.00 pm on Thursday 20 July 2006:

Children, Youth and Families (Consequential and Other Amendments) Bill
 Corrections and Other Justice Legislation (Amendment) Bill
 Courts Legislation (Jurisdiction) Bill
 Courts Legislation (Neighbourhood Justice Centre) Bill
 Drugs, Poisons and Controlled Substances (Amendment) Bill
 Evidence (Document Unavailability) Bill
 Health Services (Supported Residential Services) Bill
 National Parks and Crown Land (Reserves) Acts (Amendment) Bill
 Snowy Hydro Corporatisation (Parliamentary Approval) Bill

(*Mr Batchelor*) — after debate, put.

The House divided (the Speaker, Mrs Maddigan, in the Chair) —

AYES 56

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Loney; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Perera; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wynne.

NOES 24

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Napthine; Mr Plowman; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

- 18 **STATEMENTS BY MEMBERS** — Statements by members were made.

19 **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.

20 **EVIDENCE (DOCUMENT UNAVAILABILITY) 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.

21 **DRUGS, POISONS AND CONTROLLED SUBSTANCES (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.

22 **POSTPONEMENT OF ORDER OF THE DAY** — Ordered — That the consideration of Government Business, Order of the Day, No 4, be postponed until later this day.

23 **COURTS LEGISLATION (NEIGHBOURHOOD JUSTICE CENTRE) BILL** — 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, Mr Loney, in the Chair) —

AYES 59

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Delahunty (*Lowan*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Gillett; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Jasper; Mr Jenkins; Mr Langdon; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maughan; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mrs Powell; Mr Robinson; Mr Ryan; Mr Seitz; Mr Stensholt; Dr Sykes; Mr Thwaites; Mr Trezise; Mr Walsh; Mr Wynne.

NOES 17

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Dixon; Mr Honeywood; Mr Ingram; Mr Kotsiras; Mr McIntosh; Mr Mulder; Dr Naphthine; Mr Plowman; Mr Savage; Mrs Shardey; Mr Smith; Mr Thompson; Mr Wells.

Question agreed to.

By leave, Bill immediately read a third time.

Bill sent to the Legislative Council and their agreement requested.

- 24 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Agreeing to the following bills without amendment:

Building and Construction Industry Security of Payment (Amendment) Bill
Transport Legislation (Further Amendment) Bill.

- 25 **COURTS LEGISLATION (JURISDICTION) 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 Thwaites*) — 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 **CORRECTIONS AND OTHER JUSTICE LEGISLATION (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Under standing orders, Mr Wells announced amendments to be proposed when the House considers the Bill in detail and requested that they be circulated. Amendments circulated.

Debate resumed on question — That this Bill be now read a second time.

Motion made, by leave, and question — That the debate be now adjourned and that he have leave to continue his speech when the debate is resumed (*Mr Wells*) — 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 (*Ms Pike*) — put and agreed to.

- 28 **ADJOURNMENT** — The Acting Speaker left the Chair, after debate, at 11.38 pm.

R W PURDEY
Clerk of the Legislative Assembly

JUDY MADDIGAN
Speaker

No 173 — Wednesday 19 July 2006

- 1 The Speaker took the Chair and read the Prayer.

2 **ENVIRONMENT PROTECTION (AMENDMENT) BILL** — Mr Thwaites obtained leave to bring in a Bill '*to amend the Environment Protection Act 1970 to make further provision for the protection of the environment 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:

Train Services — Bendigo Line — Requesting that the House urges the Government to improve train services on the Bendigo line, bearing 302 signatures (*Mr Mulder*)

Minimum Sentencing — Violent Criminals — Requesting that the Government — (a) takes action to ensure the community of Victoria is adequately protected from habitual violent criminals who commit violent sexual crimes and violent crimes against children or vulnerable elderly people; and (b) imposes minimum jail sentences for these habitual violent criminals, bearing 107 signatures (*Mrs Powell*).

Petitions ordered to be tabled.

4 **PETITION — MINIMUM SENTENCING — VIOLENT CRIMINALS** — 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:

Audit Act 1994 — Report of the Auditor-General — Review of Major Public Cemeteries — Ordered to be printed

Auditor-General — Performance Audit Report — Vocational Education and Training: Meeting the Skill Needs of the Manufacturing Industry — Ordered to be printed

Interpretation of Legislation Act 1984 — Notice under s 32(3)(a)(iii) in relation to Statutory Rule No 154/2005

Ombudsman Act 1973 and *Police Regulation Act 1958* — Report of the Ombudsman and Director, Police Integrity — Conditions for Persons in Custody — Ordered to be printed

Statutory Rules under the following Acts:

Electoral Act 2002 — SR No 89

Subordinate Legislation Act 1994 — SR No 88

Subordinate Legislation Act 1994:

Minister's exception certificate in relation to Statutory Rule No 88

Minister's exemption certificate in relation to Statutory Rule No 89.

6 **STATEMENTS BY MEMBERS** — Statements by members were made.

- 7 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE — NATIONAL REFORM AGENDA** — 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 Bracks Government for promoting the National Reform Agenda which has given new priority to early childhood development, skills and community health as a means of boosting workforce participation and expresses its regret that the recent meeting of the Council of Australian Governments failed to make more concrete commitments to the achievement of these goals through the Commonwealth Government making specific commitments to share the benefits of reform with the States.'

Mr Stensholt addressed the House — Discussion followed.

- 8 **STATEMENTS ON PARLIAMENTARY COMMITTEE REPORTS** — Statements were made on the following Committee Reports:

Rural and Regional Services and Development Committee's Report on Regional Telecommunications Infrastructure for Business

Public Accounts and Estimates Committee's Report on the 2003–04 Budget Outcomes

Economic Development Committee's Interim and Final Reports on Labour Hire Employment in Victoria

Road Safety Committee's Report on the Country Road Toll.

- 9 **COPTIC ORTHODOX CHURCH (VICTORIA) PROPERTY TRUST 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 Kotsiras*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 2 August 2006.

- 10 **CHILDREN, YOUTH AND FAMILIES (CONSEQUENTIAL AND OTHER AMENDMENTS) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Under standing orders, Ms Kosky 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.

- 11 **QUESTIONS** — (Under SO 55).

- 12 **CHILDREN, YOUTH AND FAMILIES (CONSEQUENTIAL AND OTHER AMENDMENTS) BILL** — 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 1120, 1121*).

Bill sent to the Legislative Council and their agreement requested.

- 13 **ENERGY LEGISLATION (HARDSHIP, METERING AND OTHER MATTERS) 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 (*Dr Napthine*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 2 August 2006.

- 14 **NATIONAL PARKS AND CROWN LAND (RESERVES) ACTS (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Motion made and question — That the debate be now adjourned (*Mr Kotsiras*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 15 **CORRECTIONS AND OTHER JUSTICE 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, considered in detail and agreed to with amendments, read a third time (*see pp 1120, 1121*).

Bill sent to the Legislative Council and their agreement requested.

- 16 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Electoral and Parliamentary Committees Legislation (Amendment) Bill without amendment.

- 17 **NATIONAL PARKS AND CROWN LAND (RESERVES) ACTS (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.

- 18 **HEALTH SERVICES (SUPPORTED RESIDENTIAL SERVICES) 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 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.

- 19 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Agreeing to the following bills without amendment:

Accident Compensation and Other Legislation (Amendment) Bill
Health Legislation (Infertility Treatment and Medical Treatment) Bill
Land (Further Miscellaneous) Bill.

- 20 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Ms Garbutt*) — put and agreed to.

- 21 **ADJOURNMENT** — The Acting Speaker left the Chair, after debate, at 11.31 pm.

R W PURDEY
Clerk of the Legislative Assembly

JUDY MADDIGAN
Speaker

No 174 — Thursday 20 July 2006

- 1 The Speaker took the Chair and read the Prayer.

- 2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

Boat Ramps — Port Phillip Bay — Requesting that the Government and the Bayside Council takes action to — (a) commit appropriate resources to support viable boat ramps in Port Phillip Bay and in particular the Half Moon Bay boat ramp; and (b) develop protocols for the continuing maintenance of the ramp, bearing 60 signatures (*Mr Thompson*)

Sandringham Primary School — Requesting that the Government and Bayside Council take necessary steps to enable the land on the north-west corner of the Sandringham Primary School site to be utilised as part of the school playing area, bearing 517 signatures (*Mr Thompson*)

Congested Roads — Council Offices and Sandringham Hospital — Requesting that the City of Bayside, Bayside Health and the Government develop a strategic vision for the Royal Avenue, Bluff Road, Harold Street and Edward Street precinct in Sandringham to improve the congested road conditions surrounding the Council Offices and Sandringham Hospital, bearing 36 signatures (*Mr Thompson*)

Minimum Sentencing — Violent Criminals — Requesting that the Government — (a) takes action to ensure the community of Victoria is adequately protected from habitual violent criminals who commit violent sexual crimes and violent crimes against children or vulnerable elderly people; and (b) imposes minimum jail sentences for these habitual violent criminals, bearing 20 signatures (*Mr Walsh*).

Petitions ordered to be tabled.

3 **DOCUMENTS**

STANDING ORDERS COMMITTEE — Mr Loney presented a report from the Standing Orders Committee on the Review of the Joint Standing Orders of the Parliament of Victoria, together with appendices.

Ordered to be tabled and printed.

DOCUMENT TABLED BY COMMAND OF THE GOVERNOR

Mr Hulls presented by Command of the Governor:

Children's Court of Victoria — Report for the year 2004–05

Ordered to be tabled.

DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT — The Clerk tabled the following documents in accordance with Acts of Parliament:

Auditor-General — Performance Audit Report — Making Travel Safer: Victoria's Speed Enforcement Program — Ordered to be printed

Terrorism (Community Protection) Act 2003 — Report on the operation of Parts 2A and 3A for the year 2005–06.

4 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourns until Tuesday 8 August 2006 (*Mr Batchelor*) — put and agreed to.

5 **STATEMENTS BY MEMBERS** — Statements by members were made.

6 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 1 to 5 inclusive, be postponed until later this day.

7 **SNOWY HYDRO CORPORATISATION (PARLIAMENTARY APPROVAL) BILL** — 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.

Business having been interrupted at 2.00 pm under standing orders.

8 **QUESTIONS** — (Under SO 55).

9 **SNOWY HYDRO CORPORATISATION (PARLIAMENTARY APPROVAL) BILL** —
Debate resumed on question — That this Bill be now read a second time.

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.

10 **TRANSPORT (TAXI-CAB ACCREDITATION AND OTHER AMENDMENTS) BILL** —
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 Smith*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 3 August 2006.

11 **OWNERS CORPORATIONS 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 Kotsiras*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 3 August 2006.

12 **CORONERS AND HUMAN TISSUE ACTS (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 McIntosh*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 3 August 2006.

13 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Charter of Human
Rights and Responsibilities Bill without amendment.

14 **MINERAL RESOURCES DEVELOPMENT (SUSTAINABLE DEVELOPMENT) BILL** —
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 3 August 2006.

15 **VICTORIAN RENEWABLE ENERGY BILL** — 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 Clark*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 3 August 2006.

- 16 **HERITAGE RIVERS (FURTHER PROTECTION) BILL** — 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 Clark*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 3 August 2006.

- 17 **CATCHMENT AND LAND PROTECTION (FURTHER AMENDMENT) BILL** — 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 Clark*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 3 August 2006.

- 18 **ENVIRONMENT PROTECTION (AMENDMENT) BILL** — Motion made and question proposed — That this Bill be now read a second time (*Mr Thwaites*).

Allocation of time — The Acting Speaker advised that the time allocated for consideration of bills under the resolution of the House on Tuesday 18 July 2006 had expired.

- 19 **SNOWY HYDRO CORPORATISATION (PARLIAMENTARY APPROVAL) BILL** — 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 **ENVIRONMENT PROTECTION (AMENDMENT) BILL** — Debate continued on question — That this Bill be now read a second time.

Motion made and question — That the debate be now adjourned (*Mr McIntosh*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 3 August 2006.

- 21 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Thwaites*) — put and agreed to.

22 **ADJOURNMENT** — The Acting Speaker left the Chair, after debate, at 6.36 pm.

R W PURDEY
Clerk of the Legislative Assembly

JUDY MADDIGAN
Speaker

LEGISLATIVE ASSEMBLY OF VICTORIA

CONSIDERATION IN DETAIL
Supplement to Votes Nos 172, 173 and 174

No 173 — Wednesday 19 July 2006

CHILDREN, YOUTH AND FAMILIES (CONSEQUENTIAL AND OTHER AMENDMENTS) BILL

Clause 1 agreed to.

Clause 2, Mr Haermeyer moved amendment No 1 (*see Schedule 1*).

Amendment put and agreed to.

Clause agreed to as amended.

Clauses 3 to 41 agreed to.

New clause AA agreed to (*see Schedule 1*).

Schedule agreed to.

Bill agreed to as amended.

CORRECTIONS AND OTHER JUSTICE LEGISLATION (AMENDMENT) BILL

Clauses 1 to 6 agreed to.

Clause 7, Mr Wells moved amendment No 1 (*see Schedule 2*).

Amendment put and agreed to.

Clause agreed to as amended.

Clauses 8 to 19 agreed to.

Clause 20, Mr Wells moved amendment No 2 (*see Schedule 2*).

Amendment put and agreed to.

Clause agreed to as amended.

Clauses 21 to 23 agreed to.

Bill agreed to as amended.

SCHEDULES OF AMENDMENTS MOVED

SCHEDULE 1

CHILDREN, YOUTH AND FAMILIES (CONSEQUENTIAL AND OTHER AMENDMENTS) BILL

Amendments moved by Mr Haermeyer

1. Clause 2, line 15, omit "sections 36, 37, 38, 39 and 40" and insert "sections 37, 38, 39, 40 and 41".

NEW CLAUSE

2. Insert the following New Clause to follow clause 27—

'AA. Powers of Secretary in relation to medical services and operations

- (1) In section 597(1)(c) of the **Children, Youth and Families Act 2005**, after "service" **insert** ", declared hospital or declared parent and baby unit".
- (2) In section 597(4)(a) of the **Children, Youth and Families Act 2005**, after "service" **insert** ", declared hospital or declared parent and baby unit".

SCHEDULE 2

CORRECTIONS AND OTHER JUSTICE LEGISLATION (AMENDMENT) BILL

Amendments moved by Mr Wells

1. Clause 7, page 11, line 30, omit "may" and insert "must".
2. Clause 20, page 24, line 16, omit "may" and insert "must".

LEGISLATIVE ASSEMBLY OF VICTORIA

VOTES AND PROCEEDINGS Nos 175, 176 and 177

No 175 — Tuesday 8 August 2006

- 1 The House met according to the adjournment — The Speaker took the Chair and read the Prayer.
- 2 **DEATH OF JOHN PATRICK MUTTON** — The Speaker announced the death of John Patrick Mutton, Member of the Legislative Assembly for the Electoral District of Coburg from 1967 to 1979; and, honourable members rose in their places as a mark of respect to the memory of the deceased.
- 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 Bridget Jane Noonan to be Assistant Clerk Committees.
- 4 **QUESTIONS** — (Under SO 55).
- 5 **MURRAY-DARLING BASIN (FURTHER AMENDMENT) BILL** — Mr Thwaites obtained leave to bring in a Bill '*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, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 6 **WATER (GOVERNANCE) BILL** — Mr Thwaites obtained leave to bring in a Bill '*to amend the Water Act 1989 to make provision for water corporations and to make other amendments to that Act, to amend the Catchment and Land Protection Act 1994 to make further provision for Catchment Management Authorities and to make other amendments to that Act, to repeal the Melbourne and Metropolitan Board of Works Act 1958 and the Melbourne Water Corporation Act 1992 and to make further amendments to the Conservation, Forests and Lands Act 1987, the Limitation of Actions Act 1958, the Public Authorities (Dividends) Act 1983, the Road Management Act 2004, the Water Industry Act 1994, the Valuation of Land Act 1960, the Water (Resource Management) Act 2005 and the Werribee South Land Act 1991*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 7 **SURVEILLANCE DEVICES (WORKPLACE PRIVACY) BILL** — Mr Hulls obtained leave to bring in a Bill '*to amend the Surveillance Devices Act 1999 so as to enhance its operation in workplaces and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.

- 8 **CRIMES (SEXUAL OFFENCES) (FURTHER AMENDMENT) BILL** — Mr Hulls obtained leave to bring in a Bill '*to amend the **Crimes Act 1958** in relation to jury warnings, the **Evidence Act 1958** in relation to the giving of evidence in proceedings that relate to a charge for a sexual offence and the **Magistrates' Court Act 1989** to provide for a Sexual Offences List and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 9 **CHARITIES (AMENDMENT) BILL** — Mr Hulls obtained leave to bring in a Bill '*to amend the **Charities Act 1978** to make further provision for charitable trusts, to amend the **Religious Successory and Charitable Trusts Act 1958** and the **Property Law 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.
- 10 **CONVEYANCERS BILL** — Mr Hulls obtained leave to bring in a Bill '*to regulate the carrying out of conveyancing work, to repeal Part 7.1 of the **Legal Profession Act 2004**, 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.
- 11 **FUNERALS BILL** — Mr Hulls obtained leave to bring in a Bill '*to provide for the regulation of the funeral industry, to re-enact provisions relating to the regulation of pre-paid funeral contracts, to provide for Codes of Practice, to repeal the **Funerals (Pre-Paid Money) Act 1993**, to amend the **Fair Trading Act 1999** and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 12 **HUMAN SERVICES (COMPLEX NEEDS) (AMENDMENT) BILL** — Ms Pike obtained leave to bring in a Bill '*to amend the **Human Services (Complex Needs) Act 2003** and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 13 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

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 219 signatures (*Mr Ingram*)

Charter of Human Rights and Responsibilities Bill 2006 — Requesting that the House defeats the Charter of Human Rights and Responsibilities Bill 2006, bearing 35 signatures (*Mr Jasper*).

Petitions ordered to be tabled.

14 **DOCUMENTS**

OUTER SUBURBAN/INTERFACE SERVICES AND DEVELOPMENT COMMITTEE — Mr Nardella, Chair, presented a report from the Outer Suburban/Interface Services and Development Committee on the Inquiry into Building New Communities, together with appendices and minutes of evidence.

Ordered to be tabled and the report and appendices printed.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — Ms D'Ambrosio, Chair, presented a report from the Scrutiny of Acts and Regulations Committee being the Alert Digest No 8 of 2006 on the:

Catchment and Land Protection (Further Amendment) Bill
Coptic Orthodox Church (Victoria) Property Trust Bill
Coroners and Human Tissue Acts (Amendment) Bill
Energy Legislation (Hardship, Metering and Other Matters) Bill
Environment Protection (Amendment) Bill
Heritage Rivers (Further Protection) Bill
Mineral Resources Development (Sustainable Development) Bill
Owners Corporations Bill
Transport Legislation (Further Amendment) Bill
Transport (Taxi-Cab Accreditation and Other Amendments) Bill
Victorian Renewable Energy 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:

EastLink Project Act 2004:

Order varying the extended project area
Variation Statements Nos 7 and 8 under s 21(3)

Interpretation of Legislation Act 1984 — Notice under s 32(3)(a)(iii) in relation to Statutory Rule No 68

Planning and Environment Act 1987 — Notices of approval of amendments to the following Planning Schemes:

Ararat Planning Scheme — No C7
Bayside Planning Scheme — No C39 Part 1
Casey Planning Scheme — Nos C76, C87
Central Goldfields Planning Scheme — No C9
Greater Bendigo Planning Scheme — No C83
Greater Shepparton Planning Scheme — No C66
Kingston Planning Scheme — Nos C33, C57, C61
Knox Planning Scheme — No C53
Melbourne Planning Scheme — No C119
Mildura Planning Scheme — No C36
Moonee Valley Planning Scheme — No C72
Moyne Planning Scheme — No C3
Murrindindi Planning Scheme — Nos C14, C18
Stonnington Planning Scheme — No C49
Strathbogie Planning Scheme — No C34
Whittlesea Planning Scheme — Nos C37, C78
Wyndham Planning Scheme — Nos C65, C77

Yarra Ranges Planning Scheme — Nos C34, C54

Statutory Rules under the following Acts:

Administration and Probate Act 1958 — SR No 90

Consumer Credit (Victoria) Act 1995 — SR No 95

Rail Safety Act 2006 — SR No 96

Retirement Villages Act 1986 — SR No 93

Second-Hand Dealers and Pawnbrokers Act 1989 — SR No 94

Subordinate Legislation Act 1994 — SR No 92

Supreme Court Act 1986 — SR Nos 97, 98

Zoological Parks and Gardens Act 1995 — SR No 91

Subordinate Legislation Act 1994:

Ministers' exception certificates in relation to Statutory Rule Nos 91, 92, 97

Ministers' exemption certificates in relation to Statutory Rule Nos 75, 76, 93, 94, 95.

The following proclamations fixing operative dates were tabled by the Clerk in accordance with an order of the House dated 26 February 2003:

Rail Safety Act 2006 — Section 147 on 25 July 2006; and remaining provisions (except ss 122 and 123) on 1 August 2006 (*Gazette S181, 25 July 2006*)

Transport Legislation (Safety Investigations) Act 2006 — Whole Act on 1 August 2006 (*Gazette G30, 27 July 2006*)

Victoria Racing Club Act 2006 — Whole Act on 1 August 2006 (*Gazette G30, 27 July 2006*)

Water (Resource Management) Act 2005 — Remaining provisions (except for ss 58 and 69) on 3 August 2006 (*Gazette S191, 2 August 2006*).

- 15 **MESSAGE FROM THE GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that he had, on 25 July 2006, given the royal assent to the following bills, presented to him by the Clerk of the Parliaments:

Accident Compensation and Other Legislation (Amendment) Bill

Building and Construction Industry Security of Payment (Amendment) Bill

Charter of Human Rights and Responsibilities Bill

Electoral and Parliamentary Committees Legislation (Amendment) Bill

Health Legislation (Infertility Treatment and Medical Treatment) Bill

Land (Further Miscellaneous) Bill

Transport Legislation (Further Amendment) Bill.

- 16 **MESSAGES FROM THE GOVERNOR** — The Speaker announced the presentation of messages from the Governor recommending appropriations for the purposes of the following bills:

Environment Protection (Amendment) Bill

Mineral Resources Development (Sustainable Development) Bill

Owners Corporations Bill

Transport (Taxi-cab Accreditation and Other Amendments) Bill

Victorian Renewable Energy Bill.

17 **SUSPENSION OF STANDING ORDERS** — Motion made, by leave, and question — That so much of standing orders be suspended so as to allow:

- (1) Business to be interrupted at 3.00 pm on Wednesday 9 August 2006 to enable four members to make statements relating to care leavers; and
- (2) Business under discussion and not completed at the time of interruption to be resumed after the conclusion of the statements and any member speaking at the time of the interruption may then continue his or her speech.

(*Mr Batchelor*) — put and agreed to.

18 **GOVERNMENT BUSINESS PROGRAM** — Motion made and question — That, under SO 94(2), the Orders of the Day, Government Business, relating to the following bills be considered and completed by 4.00 pm on Thursday 10 August 2006:

Coroners and Human Tissue Acts (Amendment) Bill
 Energy Legislation (Hardship, Metering and Other Matters) Bill
 Environment Protection (Amendment) Bill
 Mineral Resources Development (Sustainable Development) Bill
 Victims' Charter Bill
 Victorian Renewable Energy Bill
 World Swimming Championships (Amendment) Bill

(*Mr Batchelor*) — put, after debate, and agreed to.

19 **STATEMENTS BY MEMBERS** — Statements by members were made.

20 **POSTPONEMENT OF ORDER OF THE DAY** — Ordered — That the consideration of Government Business, Order of the Day, No 1, be postponed until later this day.

21 **VICTIMS' CHARTER BILL** — 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 victims of crime groups, the Sentencing Advisory Council and the Adult Parole Board are consulted with a view to enabling victims of crime to be notified and have the opportunity of making a submission to the Adult Parole Board prior to releasing any prisoner on home detention'
 (*Mr McIntosh*) — and, after debate —

Motion made and question — That the debate be now adjourned (*Mr Holding*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

22 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Long Service Leave (Preservation of Entitlements) Bill without amendment.

23 **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.

- 24 **MINERAL RESOURCES DEVELOPMENT (SUSTAINABLE DEVELOPMENT) 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.

- 25 **ENERGY LEGISLATION (HARDSHIP, METERING AND OTHER MATTERS) 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.

- 26 **CORONERS AND HUMAN TISSUE ACTS (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.

- 27 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Gambling Regulation (Further Miscellaneous Amendments) Bill without amendment.

- 28 **WORLD SWIMMING CHAMPIONSHIPS (AMENDMENT) 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.

- 29 **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

JUDY MADDIGAN
Speaker

No 176 — Wednesday 9 August 2006

- 1 The Speaker took the Chair and read the Prayer.
- 2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

Improved Bus Services — Frankston North — Requesting that the House — (a) improves route 830/831 bus service between Frankston and Dandenong Railway Stations, in particular its frequency in the evenings, and extends the service until 8.15 pm; (b) considers extending the service later on Friday evenings; and (c) increases the frequency and extends the service later on Saturdays, bearing 269 signatures (*Mr Perera*)

Ferntree Gully Primary School Teacher Residence and Classrooms — Requesting that funding is made available by the Government to ensure that the original Ferntree Gully Primary School teacher residence and classroom both built in 1883, the classroom built in 1901 and a third classroom built in 1937 are retained and maintained for use by the local community and for the benefit of future generations, bearing 286 signatures (*Ms Eckstein*)

Bay Trail between Charman Road, Mentone and Nepean Highway, Mordialloc — Requesting that, in relation to foreshore vegetation areas between Charman Road, Mentone, and Nepean Highway, Mordialloc, the House — (a) requires the Department of Sustainability and Environment and Parks Victoria to prevent the construction of a bicycle/pedestrian path along or through the cliff top vegetation or foreshore vegetation; (b) requires VicRoads and the City of Kingston to construct a behind-the-kerb bicycle path along the beach side of Beach Road; and (c) requires the Department of Sustainability and Environment and the City of Kingston to retain cliff top and cliff vegetation and dirt tracks, and to improve vegetation and picnic areas, bearing 276 signatures (*Ms Munt*).

Petitions ordered to be tabled.

- 3 **PETITION — IMPROVED BUS SERVICES — FRANKSTON NORTH** — Motion made and question — That the petition presented by the Member for Cranbourne be taken into consideration tomorrow (*Mr Perera*) — put and agreed to.
- 4 **PETITION — COMPULSORY WEARING OF LIFE JACKETS** — Motion made and question — That the petition presented by the Member for Gippsland East on Tuesday 8 August 2006 be taken into consideration tomorrow (*Mr Ingram*) — put and agreed to.
- 5 **PETITION — BAY TRAIL BETWEEN CHARMAN ROAD, MENTONE AND NEPEAN HIGHWAY, MORDIALLOC** — Motion made and question — That the petition presented by the Member for Mordialloc be taken into consideration tomorrow (*Ms Lindell*) — put and agreed to.
- 6 **DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:

Confiscation Act 1997 — Asset Confiscation Operations Report for the year 2004–05

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(4)(a)(iii) in relation to the Building Code of Australia 2006 (*Gazette G31, 3 August 2006*)

Statutory Rules under the following Acts:

Estate Agents Act 1980 — SR No 100

Retirement Villages Act 1986 — SR No 99

Water Act 1989 — Katunga Groundwater Management Plan.

- 7 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Agreeing to the following bills without amendment:

Courts Legislation (Neighbourhood Justice Centre) Bill

Drugs, Poisons and Controlled Substances (Amendment) Bill.

- 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:

Outer Suburban/Interface Services and Development Committee's Report on the Inquiry into Building New Communities

Rural and Regional Services and Development Committee's Report on the Inquiry into Regional Telecommunications Infrastructure for Business

Standing Orders Committee's Report on the Review of the Joint Standing Orders of the Parliament of Victoria

Environment and Natural Resources Committee's Report on the Inquiry into the Energy Services Industry.

- 11 **JOINT STANDING ORDERS** — Motion made and question — That the Joint Standing Orders and Joint Rules of Practice as recommended by the Standing Orders Committee in its report on the Review of the Joint Standing Orders of the Parliament of Victoria, July 2006, be adopted to take effect from the start of the 56th Parliament, subject to the following amendments:

(1) Joint Standing Order 15, paragraph (3), after 'Chair of the Committee and' insert 'may elect'.

(2) Joint Standing Order 16, paragraph (3), omit 'Presiding Officer' and insert 'Presiding Officers'.

(*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.

- 12 **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.

- 13 **SURVEILLANCE DEVICES (WORKPLACE PRIVACY) 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 McIntosh*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 23 August 2006.

Business having been interrupted at 2.00 pm under standing orders.

- 14 **QUESTIONS** — (Under SO 55).

- 15 **MURRAY-DARLING BASIN (FURTHER AMENDMENT) BILL** — 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 (*Dr Napthine*) — put and agreed to.

Ordered — That the debate be adjourned until Wednesday 23 August 2006.

- 16 **WORLD SWIMMING CHAMPIONSHIPS (AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Business having been interrupted at 3.00 pm under the resolution of the House on Tuesday 8 August 2006.

- 17 **CARE LEAVERS** — In accordance with the resolution of the House on Tuesday 8 August 2006, members made statements relating to care leavers.

- 18 **WORLD SWIMMING CHAMPIONSHIPS (AMENDMENT) BILL** — 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.

- 19 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Evidence (Document Unavailability) Bill without amendment.

- 20 **ENVIRONMENT PROTECTION (AMENDMENT) BILL** — 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 decides on long term plans to accommodate the disposal of all forms of industrial waste' (*Mr Walsh*) — and, after debate —

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 **VICTORIAN RENEWABLE ENERGY BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Under standing orders, Ms Delahunty (*Northcote*) 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.

- 22 **ADJOURNMENT** — The Acting Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 10.32 pm.

R W PURDEY
Clerk of the Legislative Assembly

JUDY MADDIGAN
Speaker

No 177 — Thursday 10 August 2006

- 1 The Speaker took the Chair and read the Prayer.
- 2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

Tax on Scooter and Motorbike Registrations — Requesting that the \$50 tax, levied through the Transport Accident Commission on scooter and motorbike registrations, be abolished, bearing 15 signatures (*Dr Sykes*)

Racial and Religious Tolerance Act 2001 — Requesting that the House takes action to remove the references to religious vilification in the *Racial and Religious Tolerance Act 2001* to allow unencumbered discussion and freedom of speech regarding religion and theology, bearing 6,350, 6,274 and 4,632 signatures (*Mr McIntosh, Mr Ryan and Mr Savage respectively*)

Toxic Waste Facility — Mildura Region — Requesting that the Government abandons the proposal to place a toxic waste facility in the Mildura region, bearing 112 signatures (*Mr Savage*)

Wellington Road Upgrade — Requesting that the House resolves to ensure the Government duplicates or provides passing lanes along Wellington Road between Kellets Road and Belgrave-Gembrook Road, bearing 467 signatures (*Mr Mulder*)

Sewage Sludge Treatment Plant — 13th Beach and Breamlea — Environmental Effects Statement — Requesting that — (a) Barwon Water suspend the project to design, construct and operate a large sewage sludge treatment plant on the coastline between 13th Beach and Breamlea so that effective community consultation can be undertaken and a solution found

that is acceptable to both the community and the environment; and (b) the Minister for Planning requires an environmental effects statement for this project, bearing 53 signatures (*Mr Mulder*)

Sewage Sludge Treatment Plant — 13th Beach and Breamlea — Requesting that Barwon Water suspend the project to design, construct and operate a large sewage sludge treatment plant on the coastline between 13th Beach and Breamlea — (a) so that effective community consultation can be undertaken; and (b) to find a solution that is acceptable to both the community and the environment, bearing 831 signatures (*Mr Mulder*)

Portland and District Hospital — Requesting that the House urges the Government to take immediate action to ensure a fully funded qualified doctor is available at the Portland and District Hospital's Accident and Emergency Services Department, 24 hours a day, seven days per week in perpetuity, bearing 7,517 signatures (*Dr Naphine*).

Petitions ordered to be tabled.

3 **PETITION — PORTLAND AND DISTRICT HOSPITAL** — 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 — TAX ON SCOOTER AND MOTORBIKE REGISTRATIONS** — 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 — RACIAL AND RELIGIOUS TOLERANCE ACT 2001** — Motion made and question — That the petition presented by the Member for Kew be taken into consideration tomorrow (*Mr Ingram*) — put and agreed to.

6 **PETITION — RACIAL AND RELIGIOUS TOLERANCE ACT 2001** — Motion made and question — That the petition presented by the Member for Gippsland South be taken into consideration tomorrow (*Mr Ingram*) — put and agreed to.

7 **PETITION — RACIAL AND RELIGIOUS TOLERANCE ACT 2001** — Motion made and question — That the petition presented by the Member for Mildura be taken into consideration tomorrow (*Mr Ingram*) — 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 2005 to April 2006 under the *Planning and Environment Act 1987*, the *Victorian Civil and Administrative Tribunal Act 1998* and the *Heritage Act 1995* be tabled (*Mr Hulls*) — put and agreed to.

ECONOMIC DEVELOPMENT COMMITTEE — Mr Delahunty (*Lowan*) presented a report from the Economic Development Committee on the Standardbred Breeding Industry and Associated Industry Issues, 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:

Essential Services Commission — Report on the Grain Handling Access Regime

Murray-Darling Basin Act 1993 — Revised Schedule C and Revised Schedule E under s 28(b)

Parliamentary Committees Act 2003 — Response of the Premier on the action taken with respect to the recommendations made by the Public Accounts and Estimates Committee's Report on a Legislative Framework for Independent Officers of Parliament

Survey Co-ordination Act 1958 — Report of the Surveyor-General for the year 2005–06.

9 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Agreeing to the following bills without amendment:

Corrections and Other Justice Legislation (Amendment) Bill

Health Services (Supported Residential Services) Bill

Courts Legislation (Jurisdiction) Bill

Children, Youth and Families (Consequential and Other Amendments) Bill.

10 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourns until Tuesday 22 August 2006 (*Ms Pike*) — put and agreed to.

11 **STATEMENTS BY MEMBERS** — Statements by members were made.

12 **INDUSTRIAL RELATIONS** — Motion made and question — That this House — (a) opposes the use of Australian Workplace Agreements to remove or undercut Award safety net wages and conditions and opposes the Federal Government's WorkChoices legislation being used to strip workers of their entitlements to penalty rates, overtime, public holidays, rest breaks and annual leave; and (b) calls on the Commonwealth Government to work with the Victorian Government to develop a fair system of industrial relations, underpinned by the following principles: (i) the right to a comprehensive award safety net; (ii) the right to the Australian Industrial Relations Commission as an independent umpire; (iii) the right to collective bargaining and industrial action; (iv) the right to freedom of association; (v) the right to decent unfair dismissal laws; (vi) the right to equal pay for work of equal value; and (vii) the right to work and family balance (*Mr Hulls*) — and, after debate —

Business having been interrupted at 2.00 pm under standing orders.

13 **QUESTIONS** — (Under SO 55).

14 **INDUSTRIAL RELATIONS** — Debate continued on question — That the motion be agreed to.

Allocation of time — The Acting Speaker advised that the time allocated for consideration of bills under the resolution of the House on Tuesday 8 August 2006 had expired.

15 **VICTORIAN RENEWABLE ENERGY BILL** — 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 Deputy Speaker, Mr Loney, in the Chair) —

AYES 57

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Ms Pike; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 25

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Napthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 16 **VICTIMS' CHARTER BILL** — 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 victims of crime groups, the Sentencing Advisory Council and the Adult Parole Board are consulted with a view to enabling victims of crime to be notified and have the opportunity of making a submission to the Adult Parole Board prior to releasing any prisoner on home detention'.

Question — That the words proposed to be omitted stand part of the question — put.

The House divided (the Deputy Speaker, Mr Loney, in the Chair) —

AYES 56

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Ms Pike; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 26

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Napthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

Question — That this Bill be now read a second time — put and agreed to.

Question — That this Bill be now read a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 17 **ENVIRONMENT PROTECTION (AMENDMENT) BILL** — 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 decides on long term plans to accommodate the disposal of all forms of industrial waste'.

Question — That the words proposed to be omitted stand part of the question — put.

The House divided (the Deputy Speaker, Mr Loney, in the Chair) —

AYES 56

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Ms Pike; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 26

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Napthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

Question — That this Bill be now read a second time — put.

The House divided (the Deputy Speaker, Mr Loney, in the Chair) —

AYES 74

Ms Allan; Mr Andrews; Ms Asher; Mr Baillieu; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Clark; Mr Cooper; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Dixon; Mr Donnellan; Mr Doyle; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Honeywood; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Mr Jenkins; Ms Kosky; Mr Kotsiras; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Mr McIntosh; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Mr Mulder; Dr Napthine; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perton; Ms Pike; Mr Plowman; Mr Seitz; Mrs Shardey; Mr Smith; Mr Stensholt; Mr Thompson; Mr Thwaites; Mr Trezise; Mr Wells; Mr Wilson; Mr Wynne.

NOES 8

Mr Delahunty (*Lowan*); Mr Jasper; Mr Maughan; Mrs Powell; Mr Ryan; Mr Savage; Dr Sykes; Mr Walsh.

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.

- 18 **INDUSTRIAL RELATIONS** — Debate resumed on question — That this House — (a) opposes the use of Australian Workplace Agreements to remove or undercut Award safety net wages and conditions and opposes the Federal Government's WorkChoices legislation being used to strip workers of their entitlements to penalty rates, overtime, public holidays, rest breaks and annual leave; and (b) calls on the Commonwealth Government to work with the Victorian Government to develop a fair system of industrial relations, underpinned by the following principles: (i) the right to a comprehensive award safety net; (ii) the right to the Australian Industrial Relations Commission as an independent umpire; (iii) the right to collective bargaining and industrial action; (iv) the right to freedom of association; (v) the right to decent unfair dismissal laws; (vi) the right to equal pay for work of equal value; and (vii) the right to work and family balance.

Question — put.

The House divided (the Speaker, Mrs Maddigan, in the Chair) —

AYES 58

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Loney; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Ms Pike; Mr Savage; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 25

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Napthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

- 19 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the National Parks and Crown Land (Reserves) Acts (Amendment) Bill without amendment.
- 20 **CRIMES (SEXUAL OFFENCES) (FURTHER 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 McIntosh*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 24 August 2006.

- 21 **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.

- 22 **CONVEYANCERS 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 Kotsiras*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 24 August 2006.

- 23 **CHARITIES (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 Kotsiras*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 24 August 2006.

- 24 **FUNERALS 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 Kotsiras*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 24 August 2006.

- 25 **HUMAN SERVICES (COMPLEX NEEDS) (AMENDMENT) BILL** — 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 Kotsiras*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 24 August 2006.

- 26 **WATER (GOVERNANCE) BILL** — 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 (*Dr Napthine*) — put and agreed to.

Motion made and question proposed — That the debate be adjourned for two weeks (*Mr Thwaites*) — and, after debate —

Amendment proposed — That the word 'two' be omitted with the view of inserting in its place the word 'four' (*Mr Smith*).

Question — That the word proposed to be omitted stand part of the question — put.

The House divided (the Deputy Speaker, Mr Loney, in the Chair) —

AYES 44

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Howard; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Mr Lockwood; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Mildenhall; Mr Nardella; Ms Neville; Mr Pandazopoulos; Ms Pike; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise.

NOES 13

Mr Clark; Mr Honeywood; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Dr Naphthine; Mr Plowman; Mrs Powell; Mrs Shardey; Mr Smith; Mr Thompson; Mr Walsh.

Question agreed to.

Ordered — That the debate be adjourned until Thursday 24 August 2006.

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 Acting Speaker left the Chair, after debate, at 6.17 pm.

R W PURDEY
Clerk of the Legislative Assembly

JUDY MADDIGAN
Speaker

LEGISLATIVE ASSEMBLY OF VICTORIA

VOTES AND PROCEEDINGS Nos 178, 179 and 180

No 178 — Tuesday 22 August 2006

- 1 The House met according to the adjournment — The Speaker took the Chair and read the Prayer.
- 2 **QUESTIONS** — (Under SO 55).
- 3 **ROAD LEGISLATION (PROJECTS AND ROAD SAFETY) BILL** — Mr Batchelor obtained leave to bring in a Bill '*to make further miscellaneous amendments to the **Road Safety Act 1986**, to amend the **Land Acquisition and Compensation Act 1986**, the **Chattel Securities Act 1987**, the **Planning and Environment Act 1987**, the **Children and Young Persons Act 1989**, the **Sentencing Act 1991**, the **Melbourne City Link Act 1995**, the **Alpine Resorts (Management) Act 1997**, the **Road Management Act 2004**, the **Children and Young Persons (Miscellaneous Amendments) Act 2005**, the **Children, Youth and Families Act 2005** and the **Infringements 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.
- 4 **CITY OF MELBOURNE AND DOCKLANDS ACTS (GOVERNANCE) BILL** — Mr Thwaites obtained leave to bring in a Bill '*to amend the **City of Melbourne Act 2001** to return the docklands area to the municipal district of the City of Melbourne and to establish a Docklands Co-ordination Committee and to amend the **Docklands Act 1991** 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 **STATE TAXATION LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL** — Mr Brumby obtained leave to bring in a Bill '*to make miscellaneous amendments to the **Duties Act 2000**, the **Land Tax Act 2005**, the **Pay-roll Tax Act 1971**, the **Public Authorities (Dividends) Act 1983**, the **Taxation Administration Act 1997** and the **Valuation of Land Act 1960** and for other purposes*'; and, after debate, the Bill was read a first time and ordered to be read a second time tomorrow.
- 6 **SENTENCING (SUSPENDED SENTENCES) BILL** — Mr Hulls obtained leave to bring in a Bill '*to amend the **Sentencing Act 1991** with respect to suspended sentences of imprisonment and for other purposes*'; and the Bill was read a first time and ordered to be read a second time tomorrow.
- 7 **JUSTICE LEGISLATION (FURTHER AMENDMENT) BILL** — Mr Hulls obtained leave to bring in a Bill '*to amend the **Associations Incorporation Act 1981**, the **Attorney-General and Solicitor-General Act 1972**, the **Casino Control Act 1991**, the **City of Melbourne Act 2001**, the **Classification (Publications, Films and Computer Games) (Enforcement) Act***

1995, the Confiscation Act 1997, the Corrections and Sentencing Acts (Home Detention) Act 2003, the Council of Law Reporting in Victoria Act 1967, the Credit (Administration) Act 1984, the Drugs, Poisons and Controlled Substances (Amendment) Act 2006, the Equal Opportunity Act 1995, the Estate Agents Act 1980, the Fair Trading Act 1999, the Gambling Regulation Act 2003, the Infringements Act 2006, the Introduction Agents Act 1997, the Judicial College of Victoria Act 2001, the Juries Act 2000, the Legal Profession Act 2004, the Magistrates' Court Act 1989, the Motor Car Traders Act 1986, the Professional Standards Act 2003, the Second-Hand Dealers and Pawnbrokers Act 1989, the Sex Offenders Registration Act 2004, the Travel Agents Act 1986, the Victorian Civil and Administrative Tribunal Act 1998, the Victorian Law Reform Commission Act 2000 and the Working with Children 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 **PUBLIC SECTOR ACTS (FURTHER WORKPLACE PROTECTION AND OTHER MATTERS) BILL** — Mr Hulls obtained leave to bring in a Bill '*to amend the Public Administration Act 2004 and certain other Acts consequentially on that Act, to amend the Audit Act 1994, the Commonwealth Games Arrangements Act 2001, the Commonwealth Powers (Industrial Relations) Act 1996, the Ombudsman Act 1973, the Parliamentary Administration Act 2005 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.

9 **PETITION** — The Clerk announced that the following petition had been lodged for presentation:

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 57 signatures (*Mr Ryan*).

Ordered to be tabled.

10 DOCUMENTS

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — Mr Thompson, Deputy Chair, presented a report from the Scrutiny of Acts and Regulations Committee being the Alert Digest No 9 of 2006 on the:

Charities (Amendment) Bill
 Conveyancers Bill
 Coroners and Human Tissue Acts (Amendment) Bill
 Crimes (Sexual Offences) (Further Amendment) Bill
 Electoral and Parliamentary Committees Legislation (Amendment) Bill
 Funerals Bill
 Human Services (Complex Needs) (Amendment) Bill
 Murray-Darling Basin (Further Amendment) Bill
 Surveillance Devices (Workplace Privacy) Bill
 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:

Crown Land (Reserves) Act 1978 — Section 17DA Orders granting under s 17D leases over Geelong Botanical Gardens and Recreation Reserve (two orders)

Financial Management Act 1994 — Report from the Minister for Health that she had received the 2005 annual report of the Psychologists Registration Board together with an explanation for the delay

Planning and Environment Act 1987 — Notices of approval of amendments to the following Planning Schemes:

Ballarat Planning Scheme — No C100
Benalla Planning Scheme — No C17
Cardinia Planning Scheme — No C75
Golden Plains Planning Scheme — No C21
Greater Bendigo Planning Scheme — No C65
Greater Dandenong Planning Scheme — No C46
Melbourne Planning Scheme — No C113
Mildura Planning Scheme — No C33
Mornington Planning Scheme — No C68 Part 1
Mount Alexander Planning Scheme — No C35
Port of Melbourne Planning Scheme — No L38
Southern Grampians Planning Scheme — No C12
Stonnington Planning Scheme — No C60
Surf Coast Planning Scheme — No C30
Warrnambool Planning Scheme — No C49
Whitehorse Planning Scheme — No C50 Part 1
Whittlesea Planning Scheme — No C67
Wyndham Planning Scheme — No C75

Statutory Rules under the following Acts:

Domestic (Feral and Nuisance) Animals Act 1994 — SR No 101
Supreme Court Act 1986 — SR No 102

Subordinate Legislation Act 1994 — Minister's exemption certificate in relation to Statutory Rule No 101.

The following proclamations fixing operative dates were tabled by the Clerk in accordance with an order of the House dated 26 February 2003:

Transport Legislation (Further Amendment) Act 2006 — Section 16, s 17, s 20 (except sub-sections (2)(b) and (3)), s 21 (except sub-section (2)(b)), s 24(3) (except paragraphs (b) and (c)), s 25 (except sub-section (2)(b)), s 26 (except sub-sections (2) and (3)(b)), s 27, s 28 (except sub-sections (2) and (3)(b)), s 31(1), s 31(2), s 35(1) and s 35(3) and Schedule 1 on 8 August 2006 (*Gazette S199, 8 August 2006*)

Transport Legislation (Further Miscellaneous Amendments) Act 2005 — Section 41 and ss 43 to 47 on 8 August 2006 (*Gazette S199, 8 August 2006*)

Veterans Act 2005 — Remaining provisions on 21 August 2006 (*Gazette G33, 17 August 2006*).

- 11 **MESSAGE FROM THE GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that he had, on 15 August 2006, given the royal assent to the following bills, presented to him by the Deputy Clerk of the Legislative Council for and in the absence of the Clerk of the Parliaments:

Children, Youth and Families (Consequential and Other Amendments) Bill
 Corrections and Other Justice Legislation (Amendment) Bill
 Courts Legislation (Jurisdiction) Bill
 Courts Legislation (Neighbourhood Justice Centre) Bill
 Drugs, Poisons and Controlled Substances (Amendment) Bill
 Evidence (Document Unavailability) Bill
 Gambling Regulation (Further Miscellaneous Amendments) Bill
 Health Services (Supported Residential Services) Bill
 Long Service Leave (Preservation of Entitlements) Bill
 National Parks and Crown Land (Reserves) Acts (Amendment) Bill.

- 12 **MESSAGES FROM THE GOVERNOR** — The Speaker announced the presentation of messages from the Governor recommending appropriations for the purposes of the following bills:

Conveyancers Bill
 Funerals Bill
 Human Services (Complex Needs) (Amendment) Bill
 Murray-Darling Basin (Further Amendment) Bill
 Water (Governance) Bill.

- 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 24 August 2006:

Catchment and Land Protection (Further Amendment) Bill
 Coptic Orthodox Church (Victoria) Property Trust Bill
 Heritage Rivers (Further Protection) Bill
 Melbourne University (Victorian College of the Arts) Bill
 Murray-Darling Basin (Further Amendment) Bill
 Owners Corporations Bill
 Surveillance Devices (Workplace Privacy) Bill
 Transport (Taxi-Cab Accreditation and Other Amendments) Bill

(Mr Batchelor) — put, after debate, and agreed to.

- 14 **STATEMENTS BY MEMBERS** — Statements by members were made.

- 15 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Informing the Legislative Assembly that they concur with the Assembly and have agreed to adopt the Joint Standing Orders and Joint Rules of Practice as recommended by the Standing Orders Committee, with the amendments made by the Legislative Assembly, to take effect from the commencement of the 56th Parliament.

16 **POSTPONEMENT OF ORDERS OF THE DAY** — Ordered — That the consideration of Government Business, Orders of the Day, Nos 1 to 5 inclusive, be postponed until later this day.

17 **COPTIC ORTHODOX CHURCH (VICTORIA) PROPERTY TRUST BILL** — 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 Garbutt*) — 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.

18 **MELBOURNE UNIVERSITY (VICTORIAN COLLEGE OF THE ARTS) 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.

19 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Snowy Hydro Corporatisation (Parliamentary Approval) Bill without amendment.

20 **TRANSPORT (TAXI-CAB ACCREDITATION AND OTHER AMENDMENTS) BILL** — 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.

Debate continued 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 10.04 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.

Bill sent to the Legislative Council and their agreement requested.

21 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Agreeing to the following bills without amendment:

Energy Legislation (Hardship, Metering and Other Matters) Bill
 Coroners and Human Tissues Acts (Amendment) Bill
 World Swimming Championships (Amendment) Bill.

- 22 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Batchelor*) — put and agreed to.
- 23 **ADJOURNMENT** — The Acting Speaker left the Chair, after debate, at 10.39 pm.

R W PURDEY
Clerk of the Legislative Assembly

JUDY MADDIGAN
Speaker

No 179 — Wednesday 23 August 2006

- 1 The Speaker took the Chair and read the Prayer.
- 2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

Ferntree Gully Primary School Teacher Residence and Classrooms — Requesting that funding is made available by the Government to ensure that the original Ferntree Gully Primary School Teacher Residence and classroom both built in 1883, the classroom built in 1901 and a third classroom built in 1937 are retained and maintained for use by the local community and for the benefit of future generations, bearing 218 signatures (*Ms Eckstein*)

Natural Gas for Raymond Island — Requesting that the House calls on the Government to provide funding for Raymond Island to be reticulated through the Government's Rural Infrastructure Development Fund, bearing 139 signatures (*Mr Ingram*)

VCAT Hearing — Kinnoull Grove, Glen Waverley — Requesting that the House asks the Minister for Planning to call in the review by VCAT of the City of Monash's decision to refuse granting a planning permit for the proposed redevelopment at part of the former CSIRO site at Kinnoull Grove, Glen Waverley, as — (a) the community should be constructively engaged in the entire redevelopment of the site; and (b) the development of three-storey flats in a quiet residential street is not in accordance with the Melbourne 2030 plans, bearing 304 signatures (*Ms Morand*)

Wimmera and Glenelg Rivers — Requesting that the House urges the Minister for Water to hold over the environmental flow bulk entitlement to the Wimmera and Glenelg Rivers this year, to allow the water to be used to fill house dams and strategically placed dams for fire fighting, bearing 1,055 signatures (*Mr Walsh*).

Petitions ordered to be tabled.

3 **PETITION — FERNTREE GULLY PRIMARY SCHOOL TEACHER RESIDENCE AND CLASSROOMS** — Motion made and question — That the petition presented by the Member for Ferntree Gully be taken into consideration tomorrow (*Ms Eckstein*) — put and agreed to.

4 **PETITION — WIMMERA AND GLENELG RIVERS** — 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 — NATURAL GAS FOR RAYMOND ISLAND** — 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 **DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:

Audit Act 1994 — Report of the Auditor-General — Results of special audits and other investigations — Ordered to be printed

Melbourne City Link Act 1995 — Melbourne City Link Twenty-second Amending Deed

Victorian Privacy Commissioner — Mr C's Case: Report of an investigation pursuant to Part 6 of the *Information Privacy Act 2000* into Victoria Police and Department of Justice in relation to the security of personal information in the Law Enforcement Assistance Program (LEAP) and E*Justice databases — Ordered to be printed.

7 **STATEMENTS BY MEMBERS** — Statements by members were made.

8 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE — EDUCATION POLICY** — The House was informed that Mr Dixon had proposed that a definite matter of public importance be submitted to the House for discussion, namely —

'That this House condemns the Bracks Government on its failure to maintain Victoria's schools, provide adequate funding and support to kindergartens and provide a choice of educational settings in Government schools and notes positive alternative policies to reverse those failings.'

Mr Dixon addressed the House — Discussion followed.

9 **STATEMENTS ON PARLIAMENTARY COMMITTEE REPORTS** — Statements were made on the following Committee Reports:

Outer Suburban/Interface Services and Development Committee's Report on the Inquiry into Building New Communities

Public Accounts and Estimates Committee's Report on the 2004–05 Budget Outcomes

Public Accounts and Estimates Committee's Report on a legislative framework for independent officers of Parliament

Economic Development Committee's Report on the Standardbred Breeding Industry and Associated Industry Issues

Rural and Regional Services and Development Committee's Report on the Inquiry into Regional Telecommunications Infrastructure for Business.

10 **PRIVILEGES COMMITTEE REPORT** — Motion made and question — That:

- (a) The House endorses the Report of the Privileges Committee on the Complaint by the Member for Preston and its findings of a breach of privilege and contempt; and
- (b) The House notes that the Privileges Committee accepted that Mills Oakley Lawyers has a practice that all outgoing correspondence is to be checked by a Partner but that practice was not adhered to in this case; and
- (c) In recognition of the House's belief that the findings are a very serious matter, the Speaker is directed to:
 - (i) inform Mills Oakley Lawyers and the solicitor concerned of the decision of the Legislative Assembly; and
 - (ii) place a prominent notice in the Law Institute Journal to remind all members of the legal profession that the Legislative Assembly values the rights and obligations of Members of Parliament and will not allow parliamentary privilege to be undermined, and to advise that the Legislative Assembly will take any action necessary to protect the rights and privileges of the House and Members now and in the future; such notice shall be in the following terms:



PARLIAMENTARY PRIVILEGE

Following a recent finding of a contempt of Parliament involving the legal firm Mills Oakley, the Parliament wishes to advise that:

- (a) The Parliament regards Parliamentary Privilege as a vital part of the democratic process.
- (b) Parliamentary Privilege affords Members of Parliament the ability to debate matters in Parliament in a manner that allows them to fulfil their role as elected representatives and law makers without fear or favour.
- (c) The Parliament will not allow Parliamentary Privilege to be undermined.
- (d) The Parliament will take whatever action is necessary to protect Parliamentary Privilege in the future.

(e) The report of the Privileges Committee can be found at www.parliament.vic.gov.au/Privileges_Committee/.

Judy Maddigan
Speaker

(*Mr Batchelor*) — and, after debate —

Business having been interrupted at 2.00 pm under standing orders.

11 **QUESTIONS** — (Under SO 55).

12 **PRIVILEGES COMMITTEE REPORT** — Debate continued on question — That the motion be agreed to.

Amendment proposed — That in the notice to be placed in the Law Institute Journal, the words 'the legal firm Mills Oakley' be omitted with the view of inserting in their place the words 'a solicitor employed by a Melbourne law firm' (*Mr Cooper*) — and, after debate —

Amendment proposed to Mr Cooper's amendment — That the words 'employed by a Melbourne law firm' be omitted with the view of inserting in their place 'then employed by Mills Oakley Lawyers' (*Mr Nardella*) — and, after debate —

Question — That the words proposed to be omitted from the amendment stand part of the question — put and defeated.

Question — That the words proposed to be inserted in the amendment be inserted — put and agreed to.

Question — That the amendment as amended be agreed to — put and agreed to.

Question — That the motion as amended be agreed to — put and agreed to.

13 **HERITAGE RIVERS (FURTHER PROTECTION) BILL** — 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, Mr Loney, in the Chair) —

AYES 65

Ms Allan; Mr Andrews; Ms Asher; Mr Baillieu; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Clark; Mr Cooper; Mr Crutchfield; Ms D'Ambrosio; Mr Dixon; Mr Donnellan; Ms Duncan; Ms Garbutt; Ms Gillett; Ms Green; Mr Haermeyer; Mr Hardman; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Mr Jenkins; Ms Kosky; Mr Kotsiras; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Mr Lupton; Mr McIntosh; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Mildenhall; Ms Morand; Mr Mulder; Ms Munt; Dr Naphthine; Mr Nardella; Ms Neville; Ms Overington; Mr Perera; Mr Perton; Ms Pike; Mr Plowman; Mr Savage; Mr Seitz; Mrs Shardey; Mr Smith; Mr Stensholt; Mr Thompson; Mr Thwaites; Mr Wells; Mr Wilson; Mr Wynne.

NOES 7

Mr Delahunty (*Lowan*); Mr Jasper; Mr Maughan; Mrs Powell; Mr Ryan; Dr Sykes; Mr Walsh.

Question agreed to.

By leave, Bill immediately read a third time.

Bill sent to the Legislative Council and their agreement requested.

- 14 **CATCHMENT AND LAND PROTECTION (FURTHER AMENDMENT) BILL** — 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 include comprehensive provisions to control weeds and pests on public land as well as private land and to enforce the provisions in the Bill on public land as well as private land' (*Dr Napthine*) — and, after debate —

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.

Question — That the words proposed to be omitted stand part of the question — put.

The House divided (the Deputy Speaker, Mr Loney, in the Chair) —

AYES 46

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Ms Gillett; Ms Green; Mr Haermeyer; Mr Hardman; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Perera; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Wilson; Mr Wynne.

NOES 24

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Napthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

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.

- 15 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Mineral Resources Development (Sustainable Development) Bill without amendment.
- 16 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Batchelor*) — put and agreed to.
- 17 **ADJOURNMENT** — The Acting Speaker left the Chair, after debate, at 11.11 pm.

R W PURDEY
Clerk of the Legislative Assembly

JUDY MADDIGAN
Speaker

No 180 — Thursday 24 August 2006

- 1 The Speaker took the Chair and read the Prayer.
- 2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

VCAT Hearing — Kinnoull Grove, Glen Waverley — Requesting that the House asks the Minister for Planning to call in the review by VCAT of the City of Monash's decision to refuse granting a planning permit for the proposed redevelopment at part of the former CSIRO site at Kinnoull Grove, Glen Waverley, as — (a) the community should be constructively engaged in the entire redevelopment of the site; and (b) the development of three-storey flats in a quiet residential street is not in accordance with the Melbourne 2030 plans, bearing 48 signatures (*Ms Morand*)

Wimmera and Glenelg Rivers — Requesting that the House urges the Minister for Water to hold over the environmental flow bulk entitlement to the Wimmera and Glenelg Rivers this year, to allow the water to be used to fill house dams and strategically placed dams for fire fighting, bearing 78 signatures (*Mr Walsh*).

Petitions ordered to be tabled.

- 3 **PETITION — WIMMERA AND GLENELG RIVERS** — 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 **DOCUMENTS**

ROAD SAFETY COMMITTEE — Dr Harkness presented a report from the Road Safety Committee on the Inquiry into Driver Distraction, together with appendices and minutes of evidence.

Ordered to be tabled and the report and appendices printed.

DRUGS AND CRIME PREVENTION COMMITTEE — Mr Cooper, Deputy Chair, presented an interim 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.

DOCUMENT BY COMMAND OF THE GOVERNOR

Mr Hulls presented by Command of the Governor:

Supreme Court — Report for the year 2004–05

Ordered to be tabled.

DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT — The Clerk tabled the following documents in accordance with Acts of Parliament:

Auditor-General — Performance Audit Report — Condition of public sector residential aged care facilities — Ordered to be printed

Parliamentary Committees Act 2003 — Response of the Minister for Education and Training on the action taken with respect to the recommendations made by the Education and Training Committee's Inquiry into the promotion of mathematics and science education

Statutory Rules under the following Acts:

Bail Act 1977 — SR No 104

Estate Agents Act 1980 — SR Nos 105, 106

Infringements Act 2006 — SR No 103

Parliamentary Salaries and Superannuation Act 1968 — SR No 107

Veterans Act 2005 — SR No 108

Subordinate Legislation Act 1994 — Ministers' exemption certificates in relation to Statutory Rule Nos 107, 108, 109.

5 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourns until Tuesday 12 September 2006 (*Ms Garbutt*) — put and agreed to.

6 **STATEMENTS BY MEMBERS** — Statements by members were made.

7 **OWNERS CORPORATIONS BILL** — 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.

8 **MURRAY-DARLING BASIN (FURTHER AMENDMENT) BILL** — 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 Plowman*) — 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 22 August 2006 be amended by omitting the Order of the Day, Government Business, relating to the Murray-Darling Basin (Further Amendment) Bill (*Mr Cameron*) — put, after debate, and agreed to.

- 10 **SURVEILLANCE DEVICES (WORKPLACE PRIVACY) BILL** — 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 Asher*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 11 **OWNERS CORPORATIONS BILL** — 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 **OWNERS CORPORATIONS BILL** — 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 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Agreeing to the following bills without amendment:

Environment Protection (Amendment) Bill
Victims' Charter Bill.

- 15 **SURVEILLANCE DEVICES (WORKPLACE PRIVACY) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Allocation of time — The Acting Speaker advised that the time allocated for consideration of bills under the resolution of the House on Tuesday 22 August 2006 and as amended on Thursday 24 August 2006 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 **STATE TAXATION LEGISLATION (MISCELLANEOUS AMENDMENTS) 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 Clark*) — put and agreed to.
- Ordered — That the debate be adjourned until Thursday 7 September 2006.
- 17 **ROAD LEGISLATION (PROJECTS AND ROAD SAFETY) BILL** — 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 Mulder*) — put and agreed to.
- Ordered — That the debate be adjourned until Thursday 7 September 2006.
- 18 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Agreeing to the following bills without amendment:
- Melbourne University (Victorian College of the Arts) Bill
Coptic Orthodox Church (Victoria) Property Trust Bill.
- 19 **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.
- 20 **CITY OF MELBOURNE AND DOCKLANDS ACTS (GOVERNANCE) BILL** — 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 McIntosh*) — put and agreed to.
- Ordered — That the debate be adjourned until Thursday 7 September 2006.
- 21 **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.
- 22 **PUBLIC SECTOR ACTS (FURTHER WORKPLACE PROTECTION AND OTHER MATTERS) BILL** — 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 7 September 2006.
- 23 **JUSTICE LEGISLATION (FURTHER AMENDMENT) BILL** — 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 7 September 2006.

- 24 **SENTENCING (SUSPENDED SENTENCES) 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 McIntosh*) — put and agreed to.

Ordered — That the debate be adjourned until Thursday 7 September 2006.

- 25 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Ms Kosky*) — put and agreed to.

- 26 **ADJOURNMENT** — The Acting Speaker left the Chair, after debate, at 5.50 pm.

R W PURDEY
Clerk of the Legislative Assembly

JUDY MADDIGAN
Speaker

LEGISLATIVE ASSEMBLY OF VICTORIA

CONSIDERATION IN DETAIL
Supplement to Votes Nos 178, 179 and 180

No 178 — Tuesday 22 August 2006

TRANSPORT (TAXI-CAB ACCREDITATION AND OTHER AMENDMENTS) BILL
Clauses 1 to 24 agreed to.

New Clause A, Mr Mulder 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, Mr Loney, in the Chair) —

AYES 25

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Honeywood; Mr Jasper; Mr Ingram; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Naphthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

NOES 52

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Gillett; Ms Green; Mr Hardman; Dr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Jenkins; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Wilson; Mr Wynne.

Question defeated.

Business having been interrupted at 10.04 pm under standing orders.

Motion made and question — That the sitting be continued (*Mr Batchelor*) — put and agreed to.

Bill agreed to without amendment.

SCHEDULE OF AMENDMENT MOVED

SCHEDULE

TRANSPORT (TAXI-CAB ACCREDITATION AND OTHER AMENDMENTS) BILL

Amendment moved by Mr Mulder

Insert the following New Clause to follow clause 11—

'A. Offences relating to security cameras and privacy of passengers

After section 158B(6)(a) of the **Transport Act 1983** insert—

"(ab) without limiting paragraph (a), applies to prohibit anything done by a member of the police force in the course of investigating an offence involving violence or the threat of violence alleged to have been committed in a taxi-cab; or".'

LEGISLATIVE ASSEMBLY OF VICTORIA

VOTES AND PROCEEDINGS Nos 181, 182, 183 and 184

No 181 — Tuesday 12 September 2006

- 1 The House met according to the adjournment — The Speaker took the Chair and read the Prayer.
- 2 **DEATH OF THE HONOURABLE NEIL BENJAMIN TREZISE, AM** — Motion made and question — That this House expresses its sincere sorrow at the death of the Honourable Neil Benjamin Trezise, 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 Districts of Geelong West from 1964 to 1967 and Geelong North from 1967 to 1992, Minister for Youth, Sport and Recreation from 1982 to 1985 and Minister for Sport and Recreation from 1985 to 1992 (*Mr Bracks*) — put, after the Speaker and other 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 Neil Benjamin Trezise, AM, the House now adjourns until 8.00 pm today (*Mr Bracks*) — put and agreed to.

And the House, at 3.43 pm, adjourned until 8.00 pm today.

R W PURDEY
Clerk of the Legislative Assembly

JUDY MADDIGAN
Speaker

No 182 — Tuesday 12 September 2006 (8.00 PM)

- 1 The House met according to the adjournment — The Speaker took the Chair.
- 2 **QUESTIONS** — (Under SO 55).
- 3 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

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 9,279, 6,255 and 330 signatures (*Mr Baillieu, Mr Ryan and Mr Cooper respectively*)

Raywood Railway Station — Requesting that the House — (a) gives consideration to the installation of a platform at the Raywood Railway Station; and (b) ensures that the Melbourne to Swan Hill passenger train is scheduled to stop at the station each time it passes through, bearing 172 signatures (*Ms Allan*)

Donvale Retirement Village — Requesting that the House installs traffic lights near the entrance to the Donvale Retirement Village, bearing 119 signatures (*Mr Perton*)

Gembrook-Pakenham Bus Route — Requesting that the House establishes a bus route between Gembrook and Pakenham, bearing 74 signatures (*Ms Lobato*)

Mornington Activity Centre — Requesting that the House calls on the Mornington Peninsula Shire to withdraw the final draft structure plan for the Mornington Activity Centre until it can prove to the Government the community's acceptance, bearing 1,173 signatures (*Mr Cooper*)

Intensive Animal Industries — Requesting that the House amends the Victoria Planning Provisions to explicitly recognise that intensive animal industries such as the broiler industry — (a) are not uniformly suitable to the farming/rural zone; (b) are unsuitable in areas within rural/farming zones that are closely settled and/or are water catchment areas; (c) present unacceptable risks to the environment and water quality and/or unacceptable impacts on community members' wellbeing, amenity, property and opportunity, bearing 777 signatures (*Mr Maxfield*)

Racial and Religious Tolerance Act 2001 — Repeal — Requesting that the *Racial and Religious Tolerance Act 2001* be repealed, bearing 30 signatures (*Mr Maughan*)

Wimmera and Glenelg Rivers — Requesting that the House urges the Minister for Water to hold over the environmental flow bulk entitlement to the Wimmera and Glenelg Rivers this year, to allow the water to be used to fill house dams and strategically placed dams for fire fighting, bearing 168 signatures (*Mr Walsh*)

Rupanyup and Murtoa Bus Service Timetable — Requesting that the House looks at retaining the current V/Line timetable for bus services to and from Rupanyup and Murtoa, bearing 297 signatures (*Mr Walsh*)

Hillcrest Avenue, Ringwood — Eastlink effect — Requesting that the House — (a) compels the constructor of Eastlink to offer fair and reasonable compensation for the loss of value to properties on Hillcrest Avenue, Ringwood; (b) explores the circumstances leading to the large storage sheds being constructed on the Hillcrest Avenue boundary of the construction site; and (c) investigates ConnectEast's refusal to relocate the main Hillcrest Avenue entrance into the ELOC site, bearing 480 signatures (*Mr Honeywood*).

Petitions ordered to be tabled.

- 4 **PETITION — PRESCHOOL EDUCATION — RECOGNITION OF IMPORTANCE** — Motion made and question — That the petition presented by the Member for Hawthorn be taken into consideration tomorrow (*Mr Baillieu*) — put and agreed to.
- 5 **PETITION — DONVALE RETIREMENT VILLAGE** — Motion made and question — That the petition presented by the Member for Doncaster be taken into consideration tomorrow (*Mr Perton*) — put and agreed to.
- 6 **PETITION — PRESCHOOL EDUCATION — RECOGNITION OF IMPORTANCE** — Motion made and question — That the petition presented by the Member for Mornington be taken into consideration tomorrow (*Mr Cooper*) — put and agreed to.
- 7 **PETITION — MORNINGTON ACTIVITY CENTRE** — Motion made and question — That the petition presented by the Member for Mornington be taken into consideration tomorrow (*Mr Cooper*) — put and agreed to.
- 8 **DOCUMENTS**

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — Ms D'Ambrosio, Chair, presented a report from the Scrutiny of Acts and Regulations Committee being the Alert Digest No 10 of 2006 on the:

Catchment and Land Protection (Further Amendment) Bill
 City of Melbourne and Docklands Acts (Governance) Bill
 Justice Legislation (Further Amendment) Bill
 Public Sector Acts (Further Workplace Protection and Other Matters) Bill
 Road Legislation (Projects and Road Safety) Bill
 Sentencing (Suspended Sentences) Bill
 State Taxation Legislation (Miscellaneous Amendments) Bill
 Transport (Taxi-Cab Accreditation and Other Amendments) 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:

Crown Land (Reserves) Act 1978 — Section 17DA Order granting under s 17D a lease over Whitehorse Reserve

Financial Management Act 1994 — Report from the Minister for Education and Training that she had received the 2005 annual report of the International Fibre Centre Ltd

Planning and Environment Act 1987 — Notices of approval of amendments to the following Planning Schemes:

Alpine Resorts Planning Scheme — No C15
 East Gippsland Planning Scheme — No C46
 Frankston Planning Scheme — No C42
 Maribyrnong Planning Scheme — No C55

Melton Planning Scheme — No C55
 Nillumbik Planning Scheme — No C46
 Port Phillip Planning Scheme — No C46
 Swan Hill Planning Scheme — No C11
 Victoria Planning Provisions — Nos VC40, VC41
 Warrnambool Planning Scheme — No C37
 West Wimmera Planning Scheme — No C8
 Whitehorse Planning Scheme — No C54
 Yarra Ranges Planning Scheme — No C53

Urban Growth Boundary — Amendments modifying the following Planning Schemes:

Frankston Planning Scheme — No C35
 Whittlesea Planning Scheme — Nos C86, C91
 Wyndham Planning Scheme — No C71

Statutory Rules under the following Acts:

Agricultural and Veterinary Chemicals (Control of Use) Act 1992 — SR No 113
Co-operative Housing Societies Act 1958 — SR No 112
Extractive Industries Development Act 1995 — SR No 111
Fisheries Act 1995 — SR No 109
Intellectually Disabled Persons' Services Act 1986 — SR No 116
Land Act 1958 — SR No 118
Livestock Disease Control Act 1994 — SR No 114
Mineral Resources Development Act 1990 — SR No 110
Plant Health and Plant Products Act 1995 — SR No 115
Valuation of Land Act 1960 — SR No 117

Subordinate Legislation Act 1994:

Minister's exception certificate in relation to Statutory Rule No 102
 Ministers' exemption certificates in relation to Statutory Rule Nos 8, 103, 104, 105, 106, 109
 (*in lieu of certificate tabled on Thursday 24 August 2006*), 111, 113, 114, 115, 117.

The following proclamations fixing operative dates were tabled by the Clerk in accordance with an order of the House dated 26 February 2003:

Crimes (Sexual Offences) Act 2006 — Section 35 on 22 August 2006 (*Gazette S214, 22 August 2006*)
Planning and Environment (Growth Areas Authority) Act 2006 — Whole Act on 1 September 2006 (*Gazette G35, 31 August 2006*)
Werribee South Land Act 1991 — Whole Act on 8 September 2006 (*Gazette G36, 7 September 2006*).

- 9 **MESSAGE FROM THE GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that he had, on 29 August 2006, given the royal assent to the following bills, presented to him by the Clerk of the Parliaments:

Coptic Orthodox Church (Victoria) Property Trust Bill
 Coroners and Human Tissue Acts (Amendment) Bill
 Energy Legislation (Hardship, Metering and Other Matters) Bill

Environment Protection (Amendment) Bill
 Melbourne University (Victorian College of the Arts) Bill
 Mineral Resources Development (Sustainable Development) Bill
 Snowy Hydro Corporatisation (Parliamentary Approval) Bill
 Victims' Charter Bill
 World Swimming Championships (Amendment) Bill.

- 10 **MESSAGES FROM THE GOVERNOR** — The Speaker announced the presentation of messages from the Governor recommending appropriations for the purposes of the following bills:

Justice Legislation (Further Amendment) Bill
 Public Sector Acts (Further Workplace Protection and Other Matters) Bill
 Road Legislation (Projects and Road Safety) Bill
 State Taxation Legislation (Miscellaneous Amendments) Bill.

- 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 6.00 pm on Thursday 14 September 2006:

Charities (Amendment) Bill
 City of Melbourne and Docklands Acts (Governance) Bill
 Conveyancers Bill
 Crimes (Sexual Offences) (Further Amendment) Bill
 Funerals Bill
 Justice Legislation (Further Amendment) Bill
 Road Legislation (Projects and Road Safety) Bill
 Sentencing (Suspended Sentences) Bill

(Mr Batchelor) — and, after debate —

Amendment proposed — That after 'Crimes (Sexual Offences) (Further Amendment) Bill' the words 'Channel Deepening (Facilitation) Bill' and 'Courts Legislation (Judicial Pensions) Bill' be inserted *(Mr Cooper)* — and after debate —

Question — That the words proposed to be inserted be inserted — put.

The House divided (the Deputy Speaker, Mr Loney, in the Chair) —

AYES 23

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Dixon; Mr Honeywood; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Napthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh.

NOES 50

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Howard; Mr Hudson; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Seitz; Mr Stensholt; Mr Trezise; Mr Wynne.

Question defeated.

Original question — put and agreed to.

12 **STATEMENTS BY MEMBERS** — Statements by members were made.

13 **CONVEYANCERS 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 Pandazopoulos*) — 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.

14 **CHARITIES (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.

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 Acting Speaker left the Chair, after debate, at 11.33 pm.

R W PURDEY
Clerk of the Legislative Assembly

JUDY MADDIGAN
Speaker

No 183 — Wednesday 13 September 2006

- 1 The Speaker took the Chair and read the Prayer.
- 2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

Planning System — Requesting that the House immediately — (a) prepares a new metropolitan strategy and revokes Melbourne 2030 and prepares a regional/rural planning strategy, both subject to an honest transparent public consultation process; (b) legislates to grant priority to approved local planning policies including effective controls over height and residential density; (c) stops eroding the planning powers of local municipalities; (d) maintains the green wedges; (e) protects environmentally sensitive areas; (f) stops the Victorian Civil and Administrative Tribunal acting as a de facto planning authority; (g) abandons the Priority Development Panel; (h) reviews ResCode; (i) stops usurping public lands and community assets; (j) provides higher levels of accountability; and (k) starts protecting what residents love about the Garden State, bearing 3,215 signatures (*Mr Baillieu*)

Public Transport for Schools in Newport and Williamstown — Requesting that the House immediately funds additional special buses to cope with the 1,000 students travelling to secondary schools in Newport and Williamstown, bearing 279 signatures (*Ms Kosky*)

Leash-Free Dog Exercise Areas on Beaches — Requesting that the Government ceases preventing the establishment of 'leash-free' areas for dog owners to exercise and enjoy healthy outdoor life style activities with their dogs on some sections of beaches managed by the Department of Sustainability and Environment or by management committees established by the Department, or those Parks Victoria beaches where 'on-leash' dogs are already permitted, bearing 3,531 signatures (*Mr Cooper*).

Petitions ordered to be tabled.

- 3 **PETITION — PLANNING SYSTEM** — 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 — LEASH-FREE DOG EXERCISE AREAS ON BEACHES** — Motion made and question — That the petition presented by the Member for Mornington be taken into consideration tomorrow (*Mr Cooper*) — put and agreed to.
- 5 **PETITION — PRESCHOOL EDUCATION — RECOGNITION OF IMPORTANCE** — Motion made and question — That the petition presented by the Member for Gippsland South on Tuesday 12 September 2006 be taken into consideration tomorrow (*Mr Ingram*) — put and agreed to.
- 6 **DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** — The Clerk tabled the following documents in accordance with Acts of Parliament:

National Parks Act 1975 — Report on Point Nepean National Park under s 17(2A)

Parliamentary Committees Act 2003 — Response of the Minister for Environment on the action taken with respect to the recommendations made by the Environment and Natural Resources Committee's Inquiry into the Energy Services Industry

Statutory Rules under the following Acts:

Children and Young Persons Act 1989 — SR No 119
Tobacco Act 1987 — SR No 120

Subordinate Legislation Act 1994 — Minister's exemption certificate in relation to Statutory Rule No 120.

7 **STATEMENTS BY MEMBERS** — Statements by members were made.

8 **DISCUSSION OF MATTER OF PUBLIC IMPORTANCE — FINANCIAL AND ECONOMIC MANAGEMENT** — The House was informed that Mr Brumby had proposed that a definite matter of public importance be submitted to the House for discussion, namely —

'That this House congratulates the Bracks Government on its record of seven years of responsible financial and economic management which has ensured that Victoria has:

- (1) Record high building approvals;
- (2) Strong economic growth;
- (3) A 15 year low unemployment rate;
- (4) Population growth above the national average for the first time in 40 years;
- (5) Solid budget surpluses;
- (6) Lower net debt and financial liabilities; and
- (7) Significant tax reform including the abolition of seven taxes under the GST agreement including significant payroll and land tax cuts.'

Mr Brumby addressed the House — Discussion followed.

9 **STATEMENTS ON PARLIAMENTARY COMMITTEE REPORTS** — Statements were made on the following Committee Reports:

Public Accounts and Estimates Committee's Report on the 2004-05 Budget Outcomes

Environment and Natural Resources Committee's Report on the Inquiry into the Energy Services Industry

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 Committee's Report on the Inquiry into the Standardbred Breeding Industry and Associated Industry Issues

Outer Suburban/Interface Services and Development Committee's Report on the Inquiry into Building New Communities.

- 10 **CRIMES (SEXUAL OFFENCES) (FURTHER AMENDMENT) BILL** — Motion made and question — That the scope of the Crimes (Sexual Offences) (Further Amendment) Bill be extended to enable consideration of amendments and new clauses regarding transitional arrangements in relation to the *Crimes (Sexual Offences) Act 2006 (Mr Hulls)* — put, after debate, and agreed to.

- 11 **URBAN GROWTH BOUNDARY — PLANNING SCHEME AMENDMENTS** — Motion made and question — That pursuant to s 46AH of the *Planning and Environment Act 1987*, the following four amendments to modify the Urban Growth Boundary be ratified:

Frankston Planning Scheme — No C35

Wyndham Planning Scheme — No C71

Whittlesea Planning Scheme — Nos C86, C91

(Mr Hulls) — and, after debate —

Business having been interrupted at 2.00 pm under standing orders.

- 12 **QUESTIONS** — (Under SO 55).

- 13 **URBAN GROWTH BOUNDARY — PLANNING SCHEME AMENDMENTS** — Debate continued on question — That the motion be agreed to.

Amendment proposed — That all the words after 'That' be omitted with the view of inserting in their place the words 'this House refuses to consider the ratification of the planning scheme amendments to modify the urban growth boundary tabled in the House on 12 September 2006 until Tuesday 3 October 2006, to enable all such amendments to be placed on public exhibition and all affected communities to be notified of the proposed changes and provided with an opportunity to comment' *(Mr Thompson)* — and, after debate —

Question — That the words proposed to be omitted stand part of the question — put.

The House divided (the Speaker, Mrs Maddigan, in the Chair) —

AYES 55

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Green; Mr Haermeyer; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Hudson; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Loney; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Perera; Ms Pike; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wynne.

NOES 24

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Dixon; Mr Doyle; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Naphthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

Original question — put and agreed to.

- 14 **FUNERALS BILL** — 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 McTaggart*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 15 **CITY OF MELBOURNE AND DOCKLANDS ACTS (GOVERNANCE) 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.

- 16 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Victorian Renewable Energy Bill without amendment.

- 17 **ROAD LEGISLATION (PROJECTS AND ROAD SAFETY) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Under standing orders, Mr Perton 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 Haermeyer*) — put and agreed to.

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 1174, 1177*).

Bill sent to the Legislative Council and their agreement requested.

- 18 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Heritage Rivers (Further Protection) Bill without amendment.

- 19 **FUNERALS 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 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Ms Pike*) — put and agreed to.

- 21 **ADJOURNMENT** — The Acting Speaker left the Chair, after debate, at 11.54 pm.

R W PURDEY
Clerk of the Legislative Assembly

JUDY MADDIGAN
Speaker

No 184 — Thursday 14 September 2006

- 1 The Speaker took the Chair and read the Prayer.

- 2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

Ferntree Gully Primary School Teacher Residence and Classrooms — Requesting that funding is made available by the Government to ensure that the original Ferntree Gully Primary School teacher residence and classroom both built in 1883, the classroom built in 1901 and a third classroom built in 1937 are retained and maintained for use by the local community and for the benefit of future generations, bearing 58 signatures (*Ms Eckstein*)

Fluoride — Domestic Water Supply — Requesting that the Government — (a) acknowledges the opposition to mass fluoridation of the domestic water supply, pending a referendum of the citizens of Wodonga and Wangaratta; and (b) be bound by the results of such referendum, bearing 687 signatures (*Mr Jasper*).

Petitions ordered to be tabled.

- 3 **PETITION — FERNTREE GULLY PRIMARY SCHOOL TEACHER RESIDENCE AND CLASSROOMS** — Motion made and question — That the petition presented by the Member for Ferntree Gully be taken into consideration tomorrow (*Ms Eckstein*) — put and agreed to.

- 4 **DOCUMENTS**

LAW REFORM COMMITTEE — Mr Hudson, Chair, presented a report from the Law Reform Committee on the Inquiry into the *Coroners Act 1985*, together with appendices and minutes of evidence.

Ordered to be tabled and the report and appendices printed.

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — Ms Campbell, Chair, presented a report from the Public Accounts and Estimates Committee on the 2006–07 Budget Estimates, together with appendices, a minority report and minutes of evidence.

Ordered to be tabled and the report, appendices and minority report printed.

DOCUMENT BY COMMAND OF THE GOVERNOR

Mr Hulls presented by Command of the Governor:

Council of Magistrates — Report for the year 2005–06

Ordered to be tabled.

DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT — The Clerk tabled the following documents in accordance with Acts of Parliament:

Audit Act 1994 — Report of the Auditor-General — Government advertising — Ordered to be printed

Auditor-General — Report of the Office for the year 2005–06

Financial Management Act 1994 — Report from the Minister for Agriculture that he had received the 2005–06 annual report of the Victorian Strawberry Industry Development Committee

Members of Parliament (Register of Interests) Act 1978 — Summary of Returns — June 2006 and Summary of Variations Notified between 15 June 2006 and 13 September 2006 — Ordered to be printed

Parliamentary Committees Act 2003 — Response of the Minister for Health on the action taken with respect to the recommendations made by the Drugs and Crime Prevention Committee's Inquiry into Strategies to Reduce Harmful Alcohol Consumption

Police Appeals Board — Report for the year 2005–06

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)

Victorian Civil and Administrative Tribunal — Report for the year 2005–06.

5 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourns until Tuesday 3 October 2006 (*Ms Pike*) — put and agreed to.

6 **STATEMENTS BY MEMBERS** — Statements by members were made.

7 **SENTENCING (SUSPENDED SENTENCES) BILL** — 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.

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.

- 8 **JUSTICE LEGISLATION (FURTHER AMENDMENT) BILL** — 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 **CRIMES (SEXUAL OFFENCES) (FURTHER AMENDMENT) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Under standing orders, Ms Kosky 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 Kotsiras*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 10 **SENTENCING (SUSPENDED SENTENCES) BILL** — 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 **SENTENCING (SUSPENDED SENTENCES) BILL** — 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 1174–5, 1177*).

Bill sent to the Legislative Council and their agreement requested.

- 13 **VALEDICTORY STATEMENTS** — Motion made, by leave, and question — That so much of standing orders be suspended on Wednesday 4 October 2006 so as to allow:

- (1) Business to be interrupted immediately after completion of all items on the government business program or the conclusion of question time, whichever is the later, to enable

retiring members to make valedictory statements with a time limit of up to ten minutes each.

- (2) At the end of the statements, the Speaker to immediately propose the question 'That the House now adjourns' and the adjournment debate to proceed in accordance with SO 33.

(*Mr Batchelor*) — put, after debate, and agreed to.

- 14 **JUSTICE LEGISLATION (FURTHER AMENDMENT) BILL** — 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, Mr Loney, in the Chair) —

AYES 56

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Eckstein; Ms Garbutt; Ms Green; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Savage; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 22

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Dixon; Mr Doyle; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Napthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

By leave, Bill immediately read a third time.

Bill sent to the Legislative Council and their agreement requested.

- 15 **CRIMES (SEXUAL OFFENCES) (FURTHER 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, considered in detail and agreed to with amendments, read a third time (*see pp 1175–6, 1177–80*).

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 Hulls*) — put and agreed to.
- 17 **ADJOURNMENT** — The Acting Speaker left the Chair, after debate, at 4.39 pm.

R W PURDEY
Clerk of the Legislative Assembly

JUDY MADDIGAN
Speaker

LEGISLATIVE ASSEMBLY OF VICTORIA

CONSIDERATION IN DETAIL Supplement to Votes Nos 181, 182, 183 and 184

No 183 — Wednesday 13 September 2006

ROAD LEGISLATION (PROJECTS AND ROAD SAFETY) BILL

Clause 1 agreed to.

Clause 2, Mr Perton moved amendment Nos 1 and 2 (*see Schedule 1*).

Amendments put and defeated.

Clause agreed to.

Clauses 3 to 15 agreed to.

Clause 16, Mr Perton moved amendment Nos 3 to 5 (*see Schedule 1*).

Amendments put and defeated.

Clause agreed to.

Clauses 17 to 75 agreed to.

Bill agreed to without amendment.

No 184 — Thursday 14 September 2006

SENTENCING (SUSPENDED SENTENCES) BILL

Clause 1 — *The Acting Speaker advised that if Mr McIntosh's amendment No 1 is not agreed to amendment Nos 2 to 5 inclusive cannot be moved as they are consequential.*

Mr McIntosh moved amendment No 1 (*see Schedule 2*).

Question — That the amendment be agreed to — put.

The House divided (the Acting Speaker, Mr Plowman, in the Chair) —

AYES 22

Ms Asher; Mr Clark; Mr Cooper; Mr Dixon; Mr Doyle; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Naphthine; Mr Perton; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

NOES 53

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Mr Donnellan; Ms Eckstein; Ms Garbutt; Ms Green; Mr Hardman; Dr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Perera; Ms Pike; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

Question defeated

Clause agreed to.

Clauses 2 to 8 agreed to.

Bill agreed to without amendment.

CRIMES (SEXUAL OFFENCES) (FURTHER AMENDMENT) BILL

Clause 1, Mr Hulls moved amendment Nos 1 and 2 (*see Schedule 3*).

Amendments put and agreed to.

Clause agreed to as amended.

Clauses 2 and 3 agreed to.

Clause 4, Mr Hulls moved amendment No 3 (*see Schedule 3*).

Amendment put and agreed to.

Clause agreed to as amended.

Clauses 5 to 7 agreed to.

Clause 8, Mr Hulls moved amendment No 4 (*see Schedule 3*).

Amendment put and agreed to.

Clause agreed to as amended.

Clause 9, Mr Hulls moved amendment No 5 (*see Schedule 3*).

Amendment put and agreed to.

Clause agreed to as amended.

New clauses AA to FF agreed to (*see Schedule 3*).

Amendment of long title, Mr Hulls moved amendment Nos 7 and 8 (*see Schedule 3*).

Amendments put and agreed to.

Long title agreed to as amended.

Bill agreed to as amended.

SCHEDULES OF AMENDMENTS MOVED

SCHEDULE 1

ROAD LEGISLATION (PROJECTS AND ROAD SAFETY) BILL

Amendments moved by Mr Perton

1. Clause 2, line 12, before "section 27(1)" insert "section 16(2) and (3),".
2. Clause 2, line 19, omit "section 16" and insert "section 16(1)".
3. Clause 16, line 3, omit "**Compulsory carriage of licence—young drivers**" and insert "**Driver licences**".
4. Clause 16, line 4, before "After" insert "(1)".
5. Clause 16, after line 10 insert—
 - () At the end of section 19 of the **Road Safety Act 1986** insert—
 - "(9) If this Act or the regulations impose any restriction on the power or engine capacity of a motor cycle that a person who holds a driver licence or learner permit may drive, the Corporation, on application by the person, may exempt him or her from that restriction and impose another power or engine capacity restriction instead, if the Corporation is satisfied that it is impracticable for the person to comply with the restriction imposed by this Act or the regulations."
 - () In section 26 of the **Road Safety Act 1986**—
 - (a) after sub-section (1)(a) insert—
 - "(ab) refuse an application for an exemption under section 19(9), or impose a restriction under that section other than that sought by the applicant; or";
 - (b) in sub-sections (2)(a) and (3), after "refusal," insert "imposition,".

SCHEDULE 2

SENTENCING (SUSPENDED SENTENCES) BILL

Amendment moved by Mr McIntosh

1. Clause 1, line 7, omit "create a presumption against a wholly" and insert "prevent a".

SCHEDULE 3

CRIMES (SEXUAL OFFENCES) (FURTHER AMENDMENT) BILL

Amendments moved by Mr Hulls

1. Clause 1, page 2, line 8, omit "List." and insert "List; and".
2. Clause 1, page 2, after line 8 insert—

"() the **Crimes (Sexual Offences) Act 2006** to provide for transitional arrangements relating to that Act."

3. Clause 4, line 6, omit "606" and insert "606A".
4. Clause 8, line 18, omit "158" and insert "158A".
5. Clause 9, after line 20 insert—

"

PART 5—AMENDMENT OF CRIMES (SEXUAL OFFENCES) ACT 2006"

6. Insert the following New Clauses to follow clause 9 and the heading proposed by Amendment No. 5—

"AA. New sections 19A and 19B inserted

After section 19 of the **Crimes (Sexual Offences) Act 2006** insert—

'19A. New section 606A inserted

After section 606 of the **Crimes Act 1958** insert—

"606A. Transitional provision—Crimes (Sexual Offences) Act 2006

- (1) An amendment made to this Act by a provision of section 4 or 5 of the **Crimes (Sexual Offences) Act 2006** applies to any trial that commences on or after the commencement of that provision, irrespective of when the offence to which the trial relates is alleged to have been committed.
- (2) An amendment made to this Act by a provision of section 6, 8, 9, 10, 11, 12 or 17(4) or (5) of the **Crimes (Sexual Offences) Act 2006** applies only to offences alleged to have been committed on or after the commencement of that provision.
- (3) For the purposes of sub-section (1), a trial commences on arraignment of the accused in accordance with Subdivision (12) of Division 1 of Part III.
- (4) For the purposes of sub-section (2), if an offence is alleged to have been committed between two dates, one before and one after the commencement of a provision of the **Crimes (Sexual Offences) Act 2006**, the offence is alleged to have been committed before the commencement of that provision."

19B. Schedule 8 amended

After clause 12 of Schedule 8 to the **Crimes Act 1958** insert—

"12A. An offence that, at the time it was committed, was a forensic sample offence."'

BB. New section 23A inserted

After section 23 of the **Crimes (Sexual Offences) Act 2006** insert—

'23A. New section 33A inserted

After section 33 of the **Crimes (Criminal Trials) Act 1999** insert—

"33A. Transitional provision—Crimes (Sexual Offences) Act 2006

- (1) An amendment made to this Act by a provision of section 21 (other than sub-section (3)) of the **Crimes (Sexual Offences) Act 2006** applies only to offences alleged to have been committed on or after the commencement of that provision.
- (2) An amendment made to this Act by a provision of section 21(3) or 22 of the **Crimes (Sexual Offences) Act 2006** applies to any trial that commences on or after the commencement of that provision, irrespective of when the offence to which the trial relates is alleged to have been committed.
- (3) For the purposes of sub-section (1), if an offence is alleged to have been committed between two dates, one before and one after the commencement of a provision of the **Crimes (Sexual Offences) Act 2006**, the offence is alleged to have been committed before the commencement of that provision.
- (4) For the purposes of sub-section (2), a trial commences on arraignment of the accused in accordance with Subdivision (12) of Division 1 of Part III."

CC. New section 38A inserted

After section 38 of the **Crimes (Sexual Offences) Act 2006** insert—

'38A. New section 158A inserted

After section 158 of the **Evidence Act 1958** insert—

"158A. Transitional provision—Crimes (Sexual Offences) Act 2006

- (1) An amendment made to this Act by a provision of section 25, 29, 30, 33 or 37 of the **Crimes (Sexual Offences) Act 2006** applies to—
 - (a) any legal proceeding commenced before the commencement of that provision if at the commencement of that provision—
 - (i) the hearing of the proceeding had not commenced; or
 - (ii) no evidence had been given on the hearing of the proceeding; and
 - (b) any legal proceeding that commences on or after the commencement of that provision.
- (2) An amendment made to this Act by a provision of section 27, 34 or 38 of the **Crimes (Sexual Offences) Act 2006** applies to any legal proceeding that commences on or after the commencement of that provision."

DD. New section 41A inserted

After section 41 of the **Crimes (Sexual Offences) Act 2006** insert—

'41A. New clause 35A inserted in Schedule 8

After clause 35 of Schedule 8 to the **Magistrates' Court Act 1989** insert—

- "35A. An amendment made to this Act by a provision of section 40 or 41 of the **Crimes (Sexual Offences) Act 2006** applies only to a

criminal proceeding commenced on or after the commencement of that provision.".'. .

EE. Amendment of Sentencing Act 1991

(1) For section 43(1) of the **Crimes (Sexual Offences) Act 2006** substitute—

'(1) In section 3(1) of the **Sentencing Act 1991**, in the definition of "serious offence"—

(a) in paragraph (c)(viii), for "(sexual relationship with" **substitute** "(persistent sexual abuse of";

(b) after paragraph (d) **insert**—

"(da) an offence that, at the time it was committed, was a serious offence; or";

(c) in paragraph (f), for "paragraph (a), (b), (c), (d) or (e)" **substitute** "any of the preceding paragraphs".'. .

(2) In section 43(2) of the **Crimes (Sexual Offences) Act 2006**—

(a) in paragraph (e), for ' "a child".' **substitute** ' "a child";';

(b) after paragraph (e) **insert**—

'(f) after clause 1(df) **insert**—

"(dg) an offence that, at the time it was committed, was an offence to which this clause applied;";'. .

FF. Amendment of Serious Sex Offenders Monitoring Act 2005

In section 44 of the **Crimes (Sexual Offences) Act 2006**—

(a) in paragraph (h), for "**repealed.**" **substitute** "**repealed;**";

(b) after paragraph (h) **insert**—

'(i) after item 39 **insert**—

"39A. An offence that, at the time it was committed, was an offence listed in this Schedule.".'. .

AMENDMENT OF LONG TITLE

7. Long title, omit "and the" and insert ", the".
8. Long title, after "List" insert "and the **Crimes (Sexual Offences) Act 2006** in relation to transitional arrangements".

LEGISLATIVE ASSEMBLY OF VICTORIA

VOTES AND PROCEEDINGS Nos 185 and 186

No 185 — Tuesday 3 October 2006

1 The House met according to the adjournment — The Speaker took the Chair and read the Prayer.

2 **QUESTIONS** — (Under SO 55).

3 **SERIOUS SEX OFFENDERS MONITORING (AMENDMENT) BILL** — Mr Holding obtained leave to bring in a Bill '*to amend the Serious Sex Offenders Monitoring Act 2005 in relation to the instructions or directions that may be given by the Adult Parole Board under that Act and for other purposes*'; and the Bill was read a first time and, under SO 61(2), ordered to be read a second time immediately.

4 **SERIOUS SEX OFFENDERS MONITORING (AMENDMENT) BILL** — 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.

5 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

Gippsland Rail Line Timetable — Requesting that the Parliament and the Minister for Transport amend the new V/Line timetable to more closely reflect the community need for a train service which provides a more frequent service, stopping at the Pakenham, Nar Nar Goon, Tynong, Garfield, Bunyip and Longwarry train stations, bearing 325 signatures (*Mr Smith*)

Lake Mokoan — Decommissioning — Requesting that the House ensures, with reference to the decommissioning of Lake Mokoan — (a) that the decommissioning of Lake Mokoan does not proceed and investigates other ways to operate this valuable resource; (b) protection of security of supply of water to irrigators as promised by the Minister for Water; (c) that there is no increase in flood risk to residents of Benalla and downstream; (d) that any future wetlands be adequately funded and appropriately managed to protect endangered species such as Latham's Snipe and Murray Cod and to avoid it becoming a weed infested jungle; and (e) the protection of Aboriginal heritage sites, bearing 5,278 signatures (*Dr Sykes*)

Eastern Carpark, Burwood Railway Station — Requesting that the House supports the sealing of the rest of the Eastern carpark at Burwood Station as a matter of urgency, bearing 121 signatures (*Mr Stensholt*)

Donvale Retirement Village — Requesting that the House installs traffic lights near the entrance to the Donvale Retirement Village, bearing 13 signatures (*Mr Perton*)

Ferntree Gully Primary School Teacher Residence and Classrooms — Requesting that funding is made available by the Government to ensure that the original Ferntree Gully Primary School Teacher Residence and classroom both built in 1883, the classroom built in 1901 and a third classroom built in 1937 are retained and maintained for use by the local community and for the benefit of future generations, bearing 35 signatures (*Ms Eckstein*)

Mildura Specialist School's Transport Contract — Requesting that the House take steps to ensure the Department of Education gives special consideration to the allocation of the contract to provide transport to the students attending the Mildura Specialist School to the Christie Centre, bearing 193 signatures (*Mr Savage*)

Train Services — Bendigo Line — Requesting that the House urges the Government to improve train services on the Bendigo line, bearing 276 signatures (*Mr Mulder*)

Water (Governance) Bill — Requesting that the House urges the Minister for Environment, Water and Victorian Communities and the Government to defer the Water (Governance) Bill until 2007 to enable consultation with stakeholders/landowners of 175–199 and 201–219 Ironbark Road, Diamond Creek, 40–60 and 217–233 Pioneer Road, Yarrambat, and others affected likewise in this area in order to allow them to protect existing infrastructure, development rights and/or capabilities, including their right to compensation where applicable before changes to legislation take effect, bearing 5 signatures (*Mrs Powell*)

Minimum Sentencing — Violent Criminals — Requesting that the Government — (a) takes action to ensure the community of Victoria is adequately protected from habitual violent criminals who commit violent sexual crimes and violent crimes against children or vulnerable elderly people; and (b) imposes minimum jail sentences for these habitual violent criminals, bearing 32 signatures (*Mrs Powell*).

Petitions ordered to be tabled.

- 6 **PETITION — EASTERN CARPARK, BURWOOD RAILWAY STATION** — 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 — DONVALE RETIREMENT VILLAGE** — Motion made and question — That the petition presented by the Member for Doncaster be taken into consideration tomorrow (*Mr Perton*) — put and agreed to.
- 8 **PETITION — LAKE MOKOAN — DECOMMISSIONING** — 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 — FERNTREE GULLY PRIMARY SCHOOL TEACHER RESIDENCE AND CLASSROOMS** — Motion made and question — That the petition presented by the

Member for Ferntree Gully be taken into consideration tomorrow (*Ms Eckstein*) — put and agreed to.

10 **DOCUMENTS**

DRUG PREVENTION COUNCIL — Motion made, by leave, and question — That the Report from the Premier's Drug Prevention Council for the year 2005–06 be tabled (*Mr Bracks*) — put and agreed to.

RESPONSE TO AUDITOR-GENERAL'S REPORTS — Motion made, by leave, and question — That the Response of the Minister for Finance to the Auditor-General's Reports issued during 2005–06 be tabled (*Mr Brumby*) — put and agreed to.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — Ms D'Ambrosio, Chair, presented a report from the Scrutiny of Acts and Regulations Committee being the Alert Digest No 11 of 2006 on the:

Civil Unions Bill
 Environment Protection (Amendment) Bill
 Gambling Regulation (Limitation of Number of Gaming Machines) Bill
 Owners Corporations Bill

together with appendices.

Ordered to be tabled and printed.

RURAL AND REGIONAL SERVICES AND DEVELOPMENT COMMITTEE — Mr Hardman, Chair, presented a report from the Rural and Regional Services and Development Committee on the Inquiry into Retaining Young People in Rural Towns and Communities, 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:

2007 World Swimming Championships Corporation — Report for the year 2005–06

Adult Parole Board — Report for the year 2005–06

Agriculture Victoria Services Pty Ltd — Report for the year 2005–06

Building Commission — Report for the year 2005–06

City West Water Limited — Report for the year 2005–06

Consumer Utilities Advocacy Centre Ltd — Report for the year 2005–06

Corangamite Catchment Management Authority — Report for the year 2005–06

Crown Land (Reserves) Act 1978 — Section 17DA Orders granting under s 17D leases over:

Geelong Botanical Gardens and Recreation Reserve
Wombat Hill Botanic Gardens Reserves

Duties Act 2000 — Reports of exemptions and refunds for the year 2005–06 (two documents)

Eastern Regional Waste Management Group — Report for the year 2005–06

Emergency Services Superannuation Scheme — Report for the year 2005–06

Environment Protection Authority — Report for the year 2005–06

Essential Services Commission — Report for the year 2005–06

Financial Management Act 1994 — Financial Report for the State of Victoria, incorporating the Quarterly Financial Report No 4, for the year 2005–06 — Ordered to be printed

Financial Management Act 1994:

Reports from the Minister for Agriculture that he had received the 2005–06 annual reports of:
Dairy Food Safety Victoria

Murray Valley Wine Grape Industry Development Committee

Phytogene Pty Ltd

PrimeSafe

Veterinary Practitioners Registration Board

Victorian Broiler Industry Negotiation Committee

Reports from the Minister for Environment that he had received the 2005–06 annual reports of:

Alpine Resorts Co-ordinating Council

Barwon Regional Waste Management Group

Central Murray 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 Victorian Regional Waste Management Group

Northern Regional Waste Management Group

South Eastern Regional Waste Management Group

South Western Regional Waste Management Group

Trust for Nature

Report from the Minister for Planning that he had received the 2005–06 annual report of the Dandenong Development Board

Fisheries Co-Management Council — Report for the year 2005–06

Glenelg Hopkins Catchment Management Authority — Report for the year 2005–06 (three documents)

Goulburn Broken Catchment Management Authority — Report for the year 2005–06

Mallee Catchment Management Authority — Report for the year 2005–06

Melbourne and Olympic Parks Trust — Report for the year 2005–06

Melbourne Cricket Ground Trust — Report for the year ended 31 March 2006

Melbourne Market Authority — Report for the year 2005–06 (two documents)

National Parks Advisory Council — Report for the year 2005–06

North Central Catchment Management Authority — Report for the year 2005–06

North East Catchment Management Authority — Report for the year 2005–06 (two documents)

Parks Victoria — Report for the year 2005–06 (two documents)

Parliamentary Committees Act 2003 — Response of the Treasurer on the action taken with respect to the recommendations made by the Public Accounts and Estimates Committee's Report on the 2004–05 Budget Outcomes

Parliamentary Contributory Superannuation Fund — Report for the year 2005–06

Phillip Island Nature Park Board of Management — Report for the year 2005–06 (three documents)

Planning and Environment Act 1987 — Notices of approval of amendments to the following Planning Schemes:

Bass Coast Planning Scheme — No C63

Baw Baw Planning Scheme — Nos C32, C36

Boroondara Planning Scheme — No C52

Cardinia Planning Scheme — No C83

Colac Otway Planning Scheme — No C8

Corangamite Planning Scheme — No C13

Gannawarra Planning Scheme — No C9

Greater Geelong Planning Scheme — No C105

Greater Shepparton Planning Scheme — No C74

Hepburn Planning Scheme — Nos C15, C37

Hume Planning Scheme — Nos C38 Part 1, C38 Part 2

Loddon Planning Scheme — No C13

Maroondah Planning Scheme — No C50

Mildura Planning Scheme — No C37

Moreland Planning Scheme — No C55

Surf Coast Planning Scheme — No C26 Part 1

Wangaratta Planning Scheme — No C26 Part 1

West Wimmera Planning Scheme — No C10

Whitehorse Planning Scheme — No C70

Wodonga Planning Scheme — No C51

Yarra Ranges Planning Scheme — No C16 Part 2

Plumbing Industry Commission — Report for the year 2005–06

Premier and Cabinet, Department of — Report for the year 2005–06

Prevention of Cruelty to Animals Act 1986 — Code of Accepted Farming Practice for the Welfare of Sheep (Revision No 2)

Primary Industries, Department of — Report for the year 2005–06 (two documents)

Public Record Office Victoria — Report for the year 2005–06

Recreational Fishing Licence Trust Account — Report on Revenue and Disbursements for the year 2005–06

Residential Tenancies Bond Authority — Report for the year 2005–06

South East Water Limited — Report for the year 2005–06

State Electricity Commission — Report for the year 2005–06

State Sport Centres Trust — Report for the year 2005–06

State Trustees Limited — Report for the year 2005–06

Statutory Rules under the following Acts:

Country Fire Authority Act 1958 — SR No 123

Fisheries Act 1995 — SR No 122

National Parks Act 1975 — SR No 121

Transport Act 1983 — SR No 124

Subordinate Legislation Act 1994:

Ministers' exception certificates in relation to Statutory Rule Nos 116, 121

Ministers' exemption certificates in relation to Statutory Rule Nos 121, 122

Transport Accident Commission — Report for the year 2005–06

Treasury and Finance, Department of — Report for the year 2005–06

Treasury Corporation — Report for the year 2005–06

VicForests — Report for the year 2005–06

Victorian Catchment Management Council — Report for the year 2005–06

Victorian Coastal Council — Report for the year 2005–06

Victorian Commission for Gambling Regulation — Report for the year 2005–06

Victorian Environmental Assessment Council — Report for the year 2005–06

Victorian Funds Management Corporation — Report for the year 2005–06

Victorian Government Purchasing Board — Report for the year 2005–06

Victorian Institute of Sport Trust — Report for the year 2005–06 (two documents)

Victorian Managed Insurance Authority — Report for the year 2005–06

Victorian Multicultural Commission — Report for the year 2005–06

Victorian WorkCover Authority — Report for the year 2005–06

West Gippsland Catchment Management Authority — Report for the year 2005–06

Wildlife Act 1975 — Wildlife (Control of Hunting) Notice No 4/2006

Wimmera Catchment Management Authority — Report for the year 2005–06

Yarra Bend Park Trust — Report for the year 2005–06

Yarra Valley Water Limited — Report for the year 2005–06

Zoological Parks and Gardens Board — Report for the year 2005–06.

The following proclamations fixing operative dates were tabled by the Clerk in accordance with an order of the House dated 26 February 2003:

Environment Protection (Amendment) Act 2006 — Part 4 except for ss 42 and 44 on 13 September 2006 (*Gazette S243, 13 September 2006*). Sections 42 and 44 on 1 October 2006 (*Gazette G39, 28 September 2006*)

Transport Legislation (Further Amendment) Act 2006 — Section 32 on 30 October 2006 (*Gazette G39, 28 September 2006*).

- 11 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Agreeing to the following bills without amendment:

Catchment and Land Protection (Further Amendment) Bill

City of Melbourne and Docklands Acts (Governance) Bill

Owners Corporations Bill

Surveillance Devices (Workplace Privacy) Bill

Transport Legislation (Taxi-cab Accreditation and Other Amendments) Bill.

- 12 **MESSAGE FROM THE LIEUTENANT-GOVERNOR — ASSENT TO BILLS** — Informing the Legislative Assembly that she had, on 19 September 2006, given the royal assent to the following bills, presented to her by the Clerk of the Parliaments:

Catchment and Land Protection (Further Amendment) Bill

Heritage Rivers (Further Protection) Bill

Owners Corporations Bill

Surveillance Devices (Workplace Privacy) Bill

Transport (Taxi-cab Accreditation and Other Amendments) Bill

Victorian Renewable Energy Bill.

- 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 4.30 pm on Wednesday 4 October 2006:

Human Services (Complex Needs) (Amendment) Bill

Public Sector Acts (Further Workplace Protection and Other Matters) Bill
 Serious Sex Offenders Monitoring (Amendment) Bill
 State Taxation Legislation (Miscellaneous Amendments) Bill
 Water (Governance) Bill

(*Mr Batchelor*) — after debate, put.

The House divided (the Speaker, Mrs Maddigan, in the Chair) —

AYES 61

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Haermeyer; Mr Hardman; Dr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hudson; Mr Hulls; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Loney; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 26

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Ingram; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Naphthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

14 **STATEMENTS BY MEMBERS** — Statements by members were made.

15 **HUMAN SERVICES (COMPLEX NEEDS) (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.

16 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Agreeing to the following bills without amendment:

Conveyancers Bill
 Crimes (Sexual Offences) (Further Amendment) Bill.

17 **POSTPONEMENT OF ORDER OF THE DAY** — Ordered — That the consideration of Government Business, Order of the Day, No 2, be postponed until later this day.

18 **STATE TAXATION LEGISLATION (MISCELLANEOUS AMENDMENTS) 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.

- 19 **PUBLIC SECTOR ACTS (FURTHER WORKPLACE PROTECTION AND OTHER MATTERS) BILL** — 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 Mildenhall*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 20 **WATER (GOVERNANCE) BILL** — Order read for resuming debate on question — That this Bill be now read a second time.

Under standing orders, Mr Thwaites 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 Walsh*) — put and agreed to.

Ordered — That the debate be adjourned until later this day.

- 21 **PUBLIC SECTOR ACTS (FURTHER WORKPLACE PROTECTION AND OTHER MATTERS) BILL** — 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, Mrs Maddigan, in the Chair) —

AYES 61

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Haermeyer; Mr Hardman; Dr Harkness; Mr Helper; Mr Herbert; Mr Holding; Mr Howard; Mr Hulls; Mr Ingram; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Loney; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Savage; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wynne.

NOES 21

Ms Asher; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Honeywood; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

By leave, Bill immediately read a third time.

Bill sent to the Legislative Council and their agreement requested.

- 22 **MESSAGE FROM THE LEGISLATIVE COUNCIL** — Agreeing to the Road Legislation (Projects and Road Safety) Bill without amendment.
- 23 **WATER (GOVERNANCE) 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 (*Ms Pike*) — put and agreed to.

Debate continued on question — That this Bill be now read a second time.

Motion made and question — That the debate be now adjourned (*Mr Cameron*) — put and agreed to.

Ordered — That the debate be adjourned until tomorrow.

- 24 **MESSAGES FROM THE LEGISLATIVE COUNCIL** — Agreeing to the following bills without amendment:

Charities (Amendment) Bill
Funerals Bill.

- 25 **POSTPONEMENT OF REMAINING BUSINESS** — Motion made and question — That the consideration of remaining business be postponed (*Mr Cameron*) — put and agreed to.
- 26 **ADJOURNMENT** — The Acting Speaker left the Chair, after debate, at 11.43 pm.

R W PURDEY
Clerk of the Legislative Assembly

JUDY MADDIGAN
Speaker

No 186 — Wednesday 4 October 2006

- 1 The Speaker took the Chair and read the Prayer.
- 2 **PETITIONS** — The Clerk announced that the following petitions had been lodged for presentation:

Farm Dams Legislation — Requesting that the House reviews the farm dams legislation in order to overturn the inequities created whereby — (a) the inherent property right to the use of the water that falls on farm land was removed; and (b) no compensation was made available to land owners who lost that property right, bearing 497 signatures (*Mr Plowman*)

Ambulance Resource for Riddells Creek — Requesting that the House takes action to base an ambulance resource in the immediate township of Riddells Creek to improve the health outcomes of the community, bearing 1,002 signatures (*Mrs Shardey*)

Ferntree Gully Primary School Teacher Residence and Classrooms — Requesting that funding is made available by the Government to ensure that the original Ferntree Gully Primary School Teacher Residence and classroom both built in 1883, the classroom built in 1901 and a third classroom built in 1937 are retained and maintained for use by the local community and for the benefit of future generations, bearing 84 signatures (*Ms Eckstein*)

Public Transport Services — Geelong Region — Requesting that the House ensures that within 12 months of the forthcoming election, the government will provide in the Geelong region — (a) a 15 minute bus service frequency during the day, and a 30 minute frequency in the late evening, for Geelong urban buses; (b) urban bus services until midnight; (c) hourly bus services to Torquay and towns on the Bellarine Peninsula, with half-hourly services at peak times; (d) effective connections with other buses and with trains; (e) the return of bus stops to the centre of Geelong city; and (f) disabled access to platforms 2 and 3 at Geelong Station, bearing 1,028 signatures (*Mr Trezise*)

Mornington Activity Centre — Requesting that the House calls on the Mornington Peninsula Shire to withdraw the final draft structure plan for the Mornington Activity Centre until it can prove to the Government the community's acceptance, bearing 182 signatures (*Mr Cooper*)

Goulburn Irrigation System — Requesting that the House ensures — (a) that no water be purchased from distressed irrigators in the Goulburn system for urban use in Ballarat and Bendigo; and (b) that Coliban Water and Central Highlands Water exhaust all water saving options in their own systems first and, as a last resort, if water is needed from the Goulburn system, the urban authorities fund water infrastructure projects to generate equivalent water savings for their needs, bearing 3,077 signatures (*Mr Maughan*)

University Campus — Shepparton Region — Requesting that the House ensures the \$2 million committed by the Government to La Trobe University for it to establish a stand-alone campus in Shepparton, remain allocated to the Shepparton region, in order for a university campus to be established in the region should La Trobe University decide to abort the stand-alone campus, bearing 1,817 signatures (*Mrs Powell*).

Petitions ordered to be tabled.

- 3 **PETITION — FARM DAMS LEGISLATION** — Motion made and question — That the petition presented by the Member for Benambra be taken into consideration tomorrow (*Mr Plowman*) — put and agreed to.
- 4 **PETITION — UNIVERSITY CAMPUS — SHEPPARTON REGION** — 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 — FERNTREE GULLY PRIMARY SCHOOL TEACHER RESIDENCE AND CLASSROOMS** — Motion made and question — That the petition presented by the Member for Ferntree Gully be taken into consideration tomorrow (*Ms Eckstein*) — put and agreed to.

6 **PETITION — AMBULANCE RESOURCE FOR RIDDELLS CREEK** — Motion made and question — That the petition presented by the Member for Caulfield be taken into consideration tomorrow (*Mrs Shardey*) — put and agreed to.

7 **PETITION — MORNINGTON ACTIVITY CENTRE** — Motion made and question — That the petition presented by the Member for Mornington be taken into consideration tomorrow (*Mr Cooper*) — put and agreed to.

8 **DOCUMENTS**

OFFICE OF THE PUBLIC ADVOCATE — Motion made, by leave, and question — That the Report of the Office of the Public Advocate for the year 2005–06 be tabled (*Mr Cameron*) — put and agreed to.

MELBOURNE 2006 COMMONWEALTH GAMES — Motion made, by leave, and question — That the Melbourne 2006 Commonwealth Games Special Purpose Financial Report and the Melbourne 2006 Commonwealth Games Corporation Overall Summary Report for the period 15 July 1999 to 31 August 2006 be tabled (*Mr Cameron*) — put and agreed to.

HEALTH SERVICES COMMISSIONER — Motion made, by leave, and question — That the Report of the Health Services Commissioner for the year 2005–06 be tabled (*Ms Pike*) — 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 for the year 2005–06 and the Report of the 150th Anniversary Celebrations for the Parliament of Victoria be tabled (*Mr Loney*) — put and agreed to.

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — Ms Campbell, Chair, presented a report from the Public Accounts and Estimates Committee on Private investment in public infrastructure, together with appendices and minutes of evidence.

Ordered to be tabled and the report and appendices printed.

EDUCATION AND TRAINING COMMITTEE — Mr Herbert, Chair, presented a report from the Education and Training Committee on the Inquiry into the effects of television and multimedia on education in Victoria, together with extracts from the proceedings, appendices and minutes of evidence.

Ordered to be tabled and the report and appendices printed.

ROAD SAFETY COMMITTEE — Mr Trezise, Chair, presented a report from the Road Safety Committee on its review of the Inquiry into the Incidence and Prevention of Pedestrian Accidents, together with appendices and minutes of evidence.

Ordered to be tabled and the report and appendices printed.

DOCUMENT BY COMMAND OF THE GOVERNOR

Mr Hulls presented by Command of the Governor:

County Court — Report for the year 2005–06

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 for the year 2005–06

Adult, Community and Further Education Board — Report for the year 2005–06

Alexandra District Hospital — Report for the year 2005–06 (two documents)

Alpine Health — Report for the year 2005–06

Ambulance Service Victoria — Metropolitan Region — Report for the year 2005–06

Audit Act 1994 — Auditor-General — Report on the Annual Financial Report of the State of Victoria, 2005–06 — Ordered to be printed

Austin Health — Report for the year 2005–06 (two documents)

Australian Grand Prix Corporation — Report for the year 2005–06

Bairnsdale Regional Health Service — Report for the year 2005–06 (two documents)

Ballarat Health Services — Report for the year 2005–06

Barwon Health — Report for the year 2005–06

Barwon Region Water Authority — Report for the year 2005–06

Bass Coast Regional Health — Report for the year 2005–06 (two documents)

Bayside Health — Report for the year 2005–06

Beaufort and Skipton Health Service — Report for the year 2005–06 (two documents)

Beechworth Health Service — Report for the year 2005–06

Benalla and District Memorial Hospital — Report for the year 2005–06 (two documents)

Bendigo Health Care Group — Report for the year 2005–06

Boort District Hospital — Report for the year 2005–06

Casterton Memorial Hospital — Report for the year 2005–06 (two documents)

Central Gippsland Health Service — Report for the year 2005–06 (two documents)

Central Gippsland Region Water Authority — Report for the year 2005–06

Central Highlands Region Water Authority — Report for the year 2005–06

Child Safety Commissioner — Report for the year 2005–06

Cobram District Hospital — Report for the year 2005–06 (two documents)

Cohuna District Hospital — Report for the year 2005–06

Colac Area Health — Report for the year 2005–06

Coliban Region Water Authority — Report for the year 2005–06

Consumer Affairs Victoria — Report for the year 2005–06 — Ordered to be printed

Country Fire Authority — Report for the year 2005–06

Dental Health Services Victoria — Report for the year 2005–06

Djerriwarrh Health Services — Report for the year 2005–06 (two documents)

East Gippsland Catchment Management Authority — Report for the year 2005–06

East Gippsland Region Water Authority — Report for the year 2005–06

East Grampians Health Service — Report for the year 2005–06 (two documents)

Eastern Health — Report for the year 2005–06 (two documents)

Echuca Regional Health — Report for the year 2005–06 (two documents)

Edenhope and District Memorial Hospital — Report for the year 2005–06

Education and Training, Department of — Report for the year 2005–06

Emerald Tourist Railway Board — Report for the year 2005–06

Emergency Services Telecommunications Authority — Report for the year 2005–06

Energy Safe Victoria — Report for the period 10 August 2005 to 30 June 2006

Equal Opportunity Commission — Report for the year 2005–06 — Ordered to be printed

Film Victoria — Report for the year 2005–06

Financial Management Act 1994:

Report from the Minister for Agriculture that he had received the 2005–06 annual report of the Murray Valley Citrus Board

Report from the Minister for Environment that he had received the 2005–06 annual report of the Commissioner for Environmental Sustainability

Reports from the Minister for Health that she had received the 2005–06 annual reports of the: Ballarat General Cemeteries Trust

Cheltenham and Regional Cemeteries Trust
 Chinese Medicine Registration Board
 Chiropractors Registration Board
 Dental Practice Board
 Dunmunkle Health Service
 Geelong Cemeteries Trust
 Health Purchasing Victoria
 Lorne Community Hospital
 Manangatang and District Hospital
 Mental Health Review Board
 Nathalia District Hospital
 O'Connell Family Centre
 Omeo District Health
 Optometrists Registration Board
 Osteopaths Registration Board
 Pharmacy Board
 Physiotherapists Registration Board
 Podiatrists Registration Board
 Timboon and District Healthcare Service
 Tweddle Child and Family Health Service
 Wyndham Cemeteries Trust
 Reports from the Minister for Planning that he had received the 2005–06 annual reports of the:
 Architects Registration Board
 Heritage Council
 Surveyors Registration Board
 Reports from the Premier that he had received the 2005–06 annual reports of the:
 Shrine of Remembrance
 VITS Languagelink

First Mildura Irrigation Trust — Report for the year 2005–06
 Food Safety Council — Report for the year 2005–06
Freedom of Information Act 1982 — Report of the Attorney-General on the operation of the Act for the year 2005–06
 Geelong Performing Arts Centre Trust — Report for the year 2005–06
 Gippsland and Southern Rural Water Authority — Report for the year 2005–06 (two documents)
 Gippsland Southern Health Service — Report for the year 2005–06 (two documents)
 Goulburn-Murray Rural Water Authority — Report for the year 2005–06
 Goulburn Valley Health — Report for the year 2005–06
 Goulburn Valley Region Water Authority — Report for the year 2005–06
 Greyhound Racing Victoria — Report for the year 2005–06

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- Harness Racing Victoria — Report for the year 2005–06
- Health Services Act 1988* — Report of the Community Visitors for the year 2005–06 — Ordered to be printed
- Hepburn Health Service — Report for the year 2005–06
- Hesse Rural Health Service — Report for the year 2005–06
- Heywood Rural Health — Report for the year 2005–06
- Human Services, Department of — Report for the year 2005–06
- Infertility Treatment Authority — Report for the year 2005–06
- Infrastructure, Department of — Report for the year 2005–06
- Inglewood and Districts Health Service — Report for the year 2005–06
- Innovation, Industry and Regional Development, Department of — Report for the year 2005–06
- Intellectually Disabled Persons' Services Act 1986* — Report of the Community Visitors for the year 2005–06
- Judicial College of Victoria — Report for the year 2005–06
- Justice, Department of — Report for the year 2005–06
- Kerang District Health — Report for the year 2005–06
- Kilmore and District Hospital — Report for the year 2005–06
- Kooweerup Regional Health Service — Report for the year 2005–06 (two documents)
- Kyabram and District Health Services — Report for the year 2005–06
- Kyneton District Health Service — Report for the year 2005–06
- Latrobe Regional Hospital — Report for the year 2005–06
- Legal Practice Board — Report for the period 1 July 2005 to 11 December 2005
- Legal Practitioners Liability Committee — Report for the year 2005–06
- Library Board — Report for the year 2005–06
- Lower Murray Urban and Rural Water Authority — Report for the year 2005–06
- McIvor Health and Community Services — Report for the year 2005–06
- Maldon Hospital — Report for the year 2005–06
- Mansfield District Hospital — Report for the year 2005–06 (three documents)

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- Maryborough District Health Service — Report for the year 2005–06 (two documents)
- Melbourne 2006 Commonwealth Games Corporation — Report for the year 2005–06
- Melbourne Convention and Exhibition Trust — Report for the year 2005–06
- Melbourne Health — Report for the year 2005–06
- Melbourne Water Corporation — Report for the year 2005–06
- Members of Parliament (Register of Interests) Act 1978* — Cumulative Summary of Returns — 30 September 2006 — Ordered to be printed
- Mental Health Act 1986* — Report of the Community Visitors for the year 2005–06
- Mercy Public Hospitals Incorporated — Report for the year 2005–06 (three documents)
- Metropolitan Fire and Emergency Services Board — Report for the year 2005–06
- Moyne Health Services — Report for the year 2005–06
- Mt Alexander Hospital — Report for the year 2005–06
- Museums Board — Report for the year 2005–06
- National Gallery, Council of Trustees — Report for the year 2005–06
- National Parks Act 1975* — Report on the working of the Act for the year 2005–06
- North East Water — Report for the year 2005–06
- Northeast Health Wangaratta — Report for the year 2005–06
- Northern Health — Report for the year 2005–06 (two documents)
- Numurkah District Health Service — Report for the year 2005–06 (two documents)
- Nurses Board — Report for the year 2005–06
- Orbost Regional Health — Report for the year 2005–06
- Otway Health and Community Services — Report for the year 2005–06
- Peninsula Health — Report for the year 2005–06 (two documents)
- Peter MacCallum Cancer Centre — Report for the year 2005–06
- Port of Hastings Corporation — Report for the year 2005–06
- Port of Melbourne Corporation — Report for the year 2005–06
- Port Phillip and Westernport Catchment Management Authority — Report for the year 2005–06 (two documents)

Portland District Health — Report for the year 2005–06

Prince Henry's Institute of Medical Research — Report for the year 2005–06

Professional Standards Council Victoria — Report for the year 2005–06

Public Prosecutions — Report of the Director, Committee and Office for the year 2005–06

Public Transport Ticketing Body — Report for the year 2005–06

Queen Elizabeth Centre — Report for the year 2005–06 (two documents)

Queen Victoria Women's Centre Trust — Report for the year 2005–06

Regional Development Victoria — Report for the year 2005–06

Roads Corporation — Report for the year 2005–06

Robinvale District Health Services — Report for the year 2005–06

Rochester and Elmore District Health Service — Report for the year 2005–06

Rolling Stock Holdings (Victoria) Pty Limited — Report for the year 2005–06

Rolling Stock Holdings (Victoria-VL) Pty Limited — Report for the year 2005–06

Rolling Stock (VL-1) Pty Limited — Report for the year 2005–06

Rolling Stock (VL-2) Pty Limited — Report for the year 2005–06

Rolling Stock (VL-3) Pty Limited — Report for the year 2005–06

Royal Children's Hospital — Report for the year 2005–06

Royal Victorian Eye and Ear Hospital — Report for the year 2005–06

Royal Women's Hospital — Report for the year 2005–06

Rural Ambulance Victoria — Report for the year 2005–06

Rural Finance Corporation — Report for the year 2005–06

Rural Northwest Health — Report for the year 2005–06

Sentencing Advisory Council — Report for the year 2005–06

Small Business Commissioner — Report of the Office for the year 2005–06

South Gippsland Hospital — Report for the year 2005–06

South Gippsland Region Water Authority — Report for the year 2005–06

South West Healthcare — Report for the year 2005–06

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- Southern and Eastern Integrated Transport Authority — Report for the year 2005–06
- Southern Cross Station Authority — Report for the year 2005–06
- Southern Health — Report for the year 2005–06
- Special Investigations Monitor — Report of the Office for the year 2005–06
- State Services Authority — Report for the year 2005–06
- Stawell Regional Health — Report for the year 2005–06 (two documents)
- Sustainability and Environment, Department of — Report for the year 2005–06
- Sustainability Victoria — Report for the year 2005–06
- Swan Hill District Hospital — Report for the year 2005–06
- Tallangatta Health Service — Report for the year 2005–06 (two documents)
- Terang and Mortlake Health Service — Report for the year 2005–06
- Terrorism (Community Protection) Act 2003* — Report by the Chief Commissioner for the year 2005–06
- Tourism Victoria — Report for the year 2005–06
- Tricontinental Holdings Ltd — Financial statement for the year 2005
- Upper Murray Health and Community Services — Report for the year 2005–06 (two documents)
- Victoria Legal Aid — Report for the year 2005–06
- Victoria Police — Report of the Office of the Chief Commissioner for the year 2005–06 (two documents)
- Victoria State Emergency Service Authority — Report for the year 2005–06
- Victoria Trade and Investment Office Pty Ltd — Report for the year 2005–06
- Victorian Arts Centre Trust — Report for the year 2005–06
- Victorian Communities, Department for — Report for the year 2005–06
- Victorian Curriculum and Assessment Authority — Report for the year 2005–06
- Victorian Electoral Commission — Report for the year 2005–06
- Victorian Energy Networks Corporation — Report for the year 2005–06
- Victorian Health Promotion Foundation — Report for the year 2005–06 (two documents)
- Victorian Industry Participation Policy — Report for the year 2005–06

Victorian Institute of Forensic Medicine — Report for the year 2005–06

Victorian Institute of Forensic Mental Health — Report for the year 2005–06

Victorian Institute of Teaching — Report for the year 2005–06

Victorian Law Reform Commission — Report for the year 2005–06 — Ordered to be printed

Victorian Learning and Employment Skills Commission — Report for the year 2005–06

Victorian Privacy Commissioner — Report of the Office for the year 2005–06 — Ordered to be printed

Victorian Qualifications Authority — Report for the year 2005–06

Victorian Rail Heritage Operations Pty Ltd — Report for the year 2005–06

Victorian Rail Track — Report for the year 2005–06

Victorian Regional Channels Authority — Report for the year 2005–06

Victorian Urban Development Authority — Report for the year 2005–06

V/Line Passenger Corporation — Report for the year 2005–06

V/Line Passenger Pty Ltd — Report for the year 2005–06

Wannon Water — Report for the year 2005–06

West Gippsland Healthcare Group — Report for the year 2005–06

West Wimmera Health Service — Report for the year 2005–06

Western District Health Service — Report for the year 2005–06

Western Health — Report for the year 2005–06

Western Region Water Authority — Report for the year 2005–06

Westernport Region Water Authority — Report for the year 2005–06

Wimmera Health Care Group — Report for the year 2005–06

Wodonga Regional Health Service — Report for the year 2005–06 (two documents)

Yarram and District Health Service — Report for the year 2005–06 (two documents)

Yarrawonga District Health Service — Report for the year 2005–06 (two documents)

Yea and District Memorial Hospital — Report for the year 2005–06

Young Farmers' Finance Council — Report for the year 2005–06.

9 **SITTING OF THE HOUSE** — Motion made and question — That the House, at its rising, adjourns until a day and hour to be fixed by the Speaker, which time of meeting shall be notified in writing to each member of the House (*Mr Cameron*) — put, after debate, and agreed to.

10 **STATEMENTS BY MEMBERS** — Statements by members were made.

11 **GRIEVANCES** — Question — That grievances be noted — put, after debate, and agreed to.

12 **STATEMENTS ON PARLIAMENTARY COMMITTEE REPORTS** — Statements were made on the following Committee Reports:

Education and Training Committee's Report on the Inquiry into the effects of television and multimedia on education in Victoria

Public Accounts and Estimates Committee's Report on the 2006–07 Budget Estimates

Public Accounts and Estimates Committee's Report on Private investment in public infrastructure

Road Safety Committee's Report on the Review of the Inquiry into the Incidence and Prevention of Pedestrian Accidents

Rural and Regional Services and Development Committee's Report on the Inquiry into Retaining Young People in Rural Towns and Communities.

Business having been interrupted at 2.00 pm under standing orders.

13 **QUESTIONS** — (Under SO 55).

14 **DOCUMENTS**

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — Ms D'Ambrosio, Chair, presented a report from the Scrutiny of Acts and Regulations Committee being the Alert Digest No 12 of 2006 on the Serious Sex Offenders Monitoring (Amendment) 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:

Fed Square Pty Ltd — Report for the year 2005–06

Financial Management Act 1994 — Report from the Minister for Environment that he had received the 2005–06 annual reports of:

Calder Regional Waste Management Group
Desert Fringe Regional Waste Management Group

Housing Guarantee Fund Limited — Report for the year 2005–06

Interpretation of Legislation Act 1984 — Notice under s 32(4)(a)(iii) in relation to Waste Management Policy (Used Packaging Materials) (*Gazette G37, 14 September 2006*)

Project Development and Construction Management Act 1994:

Amendment order under s 9

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)

Royal Botanic Gardens Board — Report for the year 2005–06

Statutory Rules under the following Acts:

Racing Act 1958 — SR No 128

Sentencing Act 1991 — SR No 125

Sex Offenders Registration Act 2004 — SR No 127

Subordinate Legislation Act 1994 — SR Nos 126, 129

Subordinate Legislation Act 1994 — Minister's exemption certificates in relation to Statutory Rule Nos 119, 125

Western Regional Waste Management Group — Report for the year 2005–06.

- 15 **SERIOUS SEX OFFENDERS MONITORING (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.

- 16 **WATER (GOVERNANCE) BILL** — Order read for resuming debate on question — That this Bill be now read a second time; debate resumed.

Allocation of time — *The Acting Speaker advised that the time allocated for consideration of bills under the resolution of the House on Tuesday 3 October 2006 had expired.*

Question — put.

The House divided (the Speaker, Mrs Maddigan, in the Chair) —

AYES 60

Ms Allan; Mr Andrews; Ms Barker; Mr Batchelor; Ms Beard; Ms Beattie; Mr Bracks; Mr Brumby; Ms Buchanan; Mr Cameron; Ms Campbell; Mr Carli; Mr Crutchfield; Ms D'Ambrosio; Ms Delahunty (*Northcote*); Mr Donnellan; Ms Duncan; Ms Eckstein; Ms Garbutt; Ms Gillett; Ms Green; Mr Hardman; Mr Harkness; Mr Helper; Mr Herbert; Mr Howard; Mr Hudson; Mr Hulls; Mr Ingram; Mr Jenkins; Ms Kosky; Mr Langdon; Mr Languiller; Mr Leighton; Mr Lim; Ms Lindell; Ms Lobato; Mr Lockwood; Mr Loney; Mr Lupton; Ms McTaggart; Ms Marshall; Mr Maxfield; Mr Merlino; Mr Mildenhall; Ms Morand; Ms Munt; Mr Nardella; Ms Neville; Ms Overington; Mr Pandazopoulos; Mr Perera; Ms Pike; Mr Robinson; Mr Seitz; Mr Stensholt; Mr Thwaites; Mr Trezise; Mr Wilson; Mr Wynne.

NOES 25

Ms Asher; Mr Baillieu; Mr Clark; Mr Cooper; Mr Delahunty (*Lowan*); Mr Dixon; Mr Doyle; Mr Honeywood; Mr Jasper; Mr Kotsiras; Mr McIntosh; Mr Maughan; Mr Mulder; Dr Napthine; Mr Perton; Mr Plowman; Mrs Powell; Mr Ryan; Mr Savage; Mrs Shardey; Mr Smith; Dr Sykes; Mr Thompson; Mr Walsh; Mr Wells.

Question agreed to.

Question — That Government amendment Nos 1 to 13 inclusive be agreed to and the Bill be now read a third time — put and agreed to.

Bill sent to the Legislative Council and their agreement requested.

- 17 **VALEDICTORY STATEMENTS** — Retiring members made statements in accordance with the resolution of the House on Thursday 14 September 2006.
- 18 **ADJOURNMENT** — The Speaker, having announced that the time for the adjournment of the House had arrived, left the Chair, after debate, at 6.48 pm.

R W PURDEY
Clerk of the Legislative Assembly

JUDY MADDIGAN
Speaker

