

LEGISLATIVE COUNCIL OF VICTORIA

MINUTES OF THE PROCEEDINGS Nos. 1 and 2

No. 1 – Wednesday, 3 November 1999

- 1 The Council met pursuant to the Proclamation of His Excellency the Governor dated 7 October 1999, which Proclamation was read by the Clerk and is as follows:

PROCLAMATION

I, Sir James Gobbo, AC, Governor of the State of Victoria, acting under section 8 and 20 of the *Constitution Act 1975* and all other powers vested in me, fix 3 November 1999 at 11.00 a.m. as the time for the commencement and holding of the First session of the Fifty-fourth 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 7th day of October 1999

JAMES GOBBO
Governor

(L.S.)

By His Excellency's Command
J.G. KENNETT
Premier

- 2 **INTRODUCTION OF COMMISSIONERS** – The Honourables the Chief Justice, and the President of the Court of Appeal, the Commissioners from His Excellency the Governor appointed to open the Parliament, having been introduced to the Council Chamber by the Usher of the Black Rod, the Honourable the Chief Justice desired the Usher of the Black Rod to request the presence of the Members of the Legislative Assembly in the Legislative Council to hear the Commission read for the commencement and holding of this present Session of Parliament.

The Members of the Legislative Assembly having presented themselves, the Honourable the Chief Justice said –

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

His Excellency 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 THE HONOURABLE SIR JAMES GOBBO, A.C.,
GOVERNOR OF VICTORIA
TO THE HONOURABLE MR JUSTICE JOHN HARBER PHILLIPS, A.C.,
CHIEF JUSTICE OF VICTORIA
AND
TO THE HONOURABLE MR JUSTICE JOHN SPENCE WINNEKE, A.O.,
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-fourth Parliament at 11.00 am in the morning on Wednesday, the third day of November 1999 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 the 1st day of November 1999

JAMES GOBBO
Governor

(L.S.)

By His Excellency's Command
STEVE BRACKS
Premier

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 His Excellency to let you know that later this day His Excellency will declare to you in person in this place the causes of his calling this Parliament together; and, as it is necessary before you proceed to the despatch of business that a Speaker of the Legislative Assembly be chosen, His Excellency requests that the Legislative Assembly proceed to the choice of a proper person to be Speaker.

The Members of the Legislative Assembly then withdrew.

The Honourable Mr. Justice Winneke withdrew.

3 COMMISSION TO ADMINISTER OATH OR AFFIRMATION TO MEMBERS — The Honourable the Chief Justice handed His Commission to administer the Oath or Affirmation prescribed by section 23 of the *Constitution Act 1975* to the Clerk, who read the same as follows:

BY HIS EXCELLENCY THE HONOURABLE SIR JAMES GOBBO, A.C.,
GOVERNOR OF VICTORIA
TO THE HONOURABLE MR JUSTICE JOHN HARBER PHILLIPS, A.C.,
CHIEF JUSTICE OF VICTORIA
GREETING:

Acting under section 23 of the *Constitution Act 1975* I authorise you, in the Parliament Houses, Melbourne, on the third day of November 1999, to administer the prescribed Oath or Affirmation of allegiance to Members of the Legislative Council.

Given under my hand and the seal of Victoria,
on this 1st day of November 1999

JAMES GOBBO
Governor

By His Excellency's Command
STEVE BRACKS
Premier

- 4 **RETURNS TO WRITS** – The Clerk announced that a Writ issued under the hand of His Excellency the Governor on 24 August 1999 for the election of Members to serve in each of twenty-two Provinces had been received from His Excellency, and by the indorsements on that Writ it appeared that the following Members had been elected in pursuance thereof:

The Honourable Dianne Gladys Hadden-Tregear for the Ballarat Province.
The Honourable Eadley Graeme Stoney for the Central Highlands Province.
The Honourable Robert Fredrick Smith for the Chelsea Province.
The Honourable Justin Mark Madden for the Doutta Galla Province.
The Honourable Mark Alexander Birrell for the East Yarra Province.
The Honourable Gordon Kenneth Rich-Phillips for the Eumemmerring Province.
The Honourable Elaine Cafferty Carbines for the Geelong Province.
The Honourable Phillip Rivers Davis for the Gippsland Province.
The Honourable Christopher Arthur Strong for the Higinbotham Province.
The Honourable Jenny Mikakos for the Jika Jika Province.
The Honourable Bruce Norman Atkinson for the Koonung Province.
The Honourable Glenyys Dorothy Romanes for the Melbourne Province.
The Honourable Marsha Rose Thomson for the Melbourne North Province.
The Honourable Kaye Darveniza for the Melbourne West Province.
The Honourable Andrea Coote for the Monash Province.
The Honourable William Robert Baxter for the North Eastern Province.
The Honourable Barry Wilfred Bishop for the North Western Province.
The Honourable Andrew Phillip Olexander for the Silvan Province.
The Honourable Ronald Henry Bowden for the South Eastern Province.
The Honourable William Forwood for the Templestowe Province.
The Honourable Andrew Ronald Brideson for the Waverley Province.
The Honourable Roger Murray Hallam for the Western Province.

The Clerk also announced that on 24 August 1999 Mr. President received the following communication:

24 August 1999

The Honourable Bruce Chamberlain, M.L.C.
President of the Legislative Council
Parliament House
MELBOURNE VIC 3002

Dear Mr. President,

I enclose letters of resignation received by me this day from the Hon. R.I. Knowles, MLC, the Hon. C.J. Hogg, MLC, and the Hon. B.T. Pullen, MLC, resigning their seats of Ballarat, Melbourne North and Melbourne respectively in the Legislative Council.

Yours sincerely

James Gobbo
Governor

24 August 1999

His Excellency Hon. Sir James Gobbo, A.C.
Governor of Victoria
Government House
MELBOURNE 3004

Your Excellency,

I hereby tender my resignation as the member for Ballarat Province in the Legislative Council effectively forthwith.

I do so to contest the seat of Gisborne in the Legislative Assembly at the forthcoming election.

I have been greatly honoured to serve in the Legislative Council for the past 23 years and will remember with great fondness my association not just with the institution but particularly with the members and officers of the Council over the period.

Yours faithfully,

ROB KNOWLES

* * * * *

24 August 1999

The Governor of Victoria

Dear Sir James,

Having considered all the circumstances, I wish to tender my resignation as Member of the Legislative Council for Melbourne North Province.

I have acted promptly on the Premier's announcement to facilitate the holding of a by-election for my seat in conjunction with the general election.

It has been a great pleasure and honour to have represented Melbourne North Province from 1982 - 1999.

Yours faithfully,

CAROLINE HOGG

* * * * *

24 August 1999

Sir James Gobbo
Governor of Victoria
Government House
MELBOURNE 3004

Dear Sir James

Having considered all the circumstances, I wish to tender my resignation as MLC for the seat of Melbourne Province in the Legislative Council.

I consider I have been very fortunate in being able to represent the people of such a diverse and rich area of Melbourne and to have been able to serve in a Labor Government.

I have acted promptly on notice of the Premier's announcement to facilitate the holding of a by-election for my seat in conjunction with the general election.

Yours sincerely

BARRY PULLEN

The Clerk further announced that Writs issued under the hand of Mr. President on 24 August 1999 for the election of Members to serve for the Ballarat, Melbourne and Melbourne North Provinces had now been received, and by the indorsements therein it appeared that the following Members had been elected in pursuance thereof:

The Honourable John Martin McQuilten for the Ballarat Province.

The Honourable Gavin Wayne Jennings for the Melbourne Province.

The Honourable Candy Celeste Broad for the Melbourne North Province.

- 5 DECLARATION OF ALLEGIANCE** – The Honourables D.G. Hadden-Tregear, J.M. McQuilten, E.G. Stoney, R.F. Smith, J.M. Madden, M.A. Birrell, G.K. Rich-Phillips, E.C. Carbines, P.R. Davis, C.A. Strong, J. Mikakos, B.N. Atkinson, G.D. Romanes, G.W. Jennings, M.R. Thomson, C.C. Broad, K. Darveniza, A. Coote, W.R. Baxter, B.W. Bishop, A.P. Olexander, R.H. Bowden, W. Forwood, A.R. Brideson and R.M. Hallam approached the Table, and took and subscribed the oath or affirmation required by law.

The Honourable the Chief Justice attested the Roll, and then withdrew.

The President took the Chair and read the Prayer.

The President then announced that His Excellency the Governor would be pleased to receive him and Members of the Council in the Library of Parliament House at 2.00 p.m.

[Sitting suspended from 11:27 a.m. until 2.30 p.m.]

- 6 APPROACH OF HIS EXCELLENCY THE GOVERNOR** – The approach of His Excellency the Governor was announced by the Usher of the Black Rod.

A fanfare was sounded.

His Excellency came into the Council Chamber, and the Usher of the Black Rod was commanded to desire the immediate attendance of the Legislative Assembly, who having come with their Speaker, His Excellency was pleased to speak as follows:

MR PRESIDENT AND HONOURABLE MEMBERS OF THE LEGISLATIVE COUNCIL;

MR SPEAKER AND MEMBERS OF THE LEGISLATIVE ASSEMBLY

The general election on 18 September and supplementary election for Frankston East on 16 October resulted in a change of government in Victoria.

The Leader of the Australian Labor Party, Mr Bracks, was offered and given the commission to govern after advising me that he enjoyed the support of two Independent Members of the Legislative Assembly and one Independent Member-elect of the Legislative Assembly, and could form a minority government.

I have called you together today for the first session of the 54th Parliament to deliberate on the policy directions for the term of the new government.

The Australian Labor Party was pleased to enter into a formal memorandum of understanding with the Independent Members for Mildura and Gippsland West, and the

Independent Member-elect for Gippsland East, based on their Independents' Charter Victoria 1999.

In his written response to the Charter, Mr Bracks indicated that he supported the Charter in its entirety, and noted that it was his Party's policy to implement the reforms it proposed to revitalise Victoria's democratic institutions, increase community participation in decision making and strengthen the power of key independent watchdogs.

In particular, the five points listed in the Charter formed the basis of the Australian Labor Party's election campaign and policy development process. The majority of Victorians who supported the Australian Labor Party did so on the understanding that they were voting for a government that would:

- promote open and accountable government;
- improve the democratic operation of the Parliament;
- establish clear plans, strategies and targets to address the urgent needs of rural and regional Victoria;
- introduce an improved code of conduct between government and all other Members of the Parliament; and
- defer any further privatisation of public assets or long-term contracting of Government services, until an independent inquiry has assessed experience to date.

The Government's legislative program will sow the seeds of lasting and permanent democratic reform, focussing on the implementation of its program for good government and reform of the Parliament. The Government will also commence implementation of its key commitments in the areas of health, education, community safety and growing the whole of the State together with the community.

The Government's first item of legislation will restore the powers of the Auditor-General by repealing the 1997 Audit (Amendment) Act. The legislation will:

- restore the independence of the Auditor-General to conduct audits in his own right;
- enshrine the independence of the Office of the Auditor-General in the Victorian Constitution;
- increase the recurrent funding of the Office of the Auditor-General; and
- ensure that all future appointments to the office of Auditor-General are made on the recommendation of the joint Parliamentary Public Accounts and Estimates Committee.

The Government's first priority is to restore public confidence in our democratic institutions. The Government believes that Victorians demand and deserve a Government with a real commitment to democratic practice. To this end, the Government will:

- increase access to public documents by amending the Freedom of Information Act;
- restore the independence of the Director of Public Prosecutions and enshrine that office in the Victorian Constitution; and
- abolish compulsory competitive tendering in Local Government.

The process of renewal will extend to the Parliament, and the Government will introduce legislation to reform the Legislative Council.

Should the Legislative Council block the Government's legislation to reform that chamber, the legislation will be referred to the new Victorian Constitutional Commission for consideration of putting a question by way of plebiscite to the Victorian community.

The Government will establish the Victorian Constitutional Commission, made up of eminent persons representative of the community, so that it can begin its work of reviewing the State Constitution.

Further, the Government will act to extend Parliamentary sitting days to a minimum of 50 per year, reform Question Time by providing for a minimum of ten questions, and establish properly resourced Standing Committees to review legislation and the operation of the Executive Government.

These measures reflect the Government's belief that open public debate is vital for a healthy democracy. The Government acknowledges and supports the right of the Parliament and the community to scrutinise the actions of the Executive.

The Government will establish a Royal Commission into the Ambulance/Intergraph issue, including the handling of related Freedom of Information requests.

The new Government is committed to restoring public confidence through a new era of openness and accountability.

It will abolish Ministerial credit cards and introduce tough new guidelines to ensure public servants and statutory office holders do not misuse taxpayers' funds.

The Government will also initiate a review of key government consultancies, make public major government contracts, and commission an Audit Review to provide an assessment of major contracts entered into by the previous government.

The Government believes that Victorians are citizens rather than customers and deserve accountability and decent standards in service delivery.

At the same time, the Government will commence planning for an Essential Services Commission to protect the interests of Victorian consumers of privatised essential services.

The Government is committed to ensuring that each of our state's citizens is treated equally - with honesty, dignity and respect.

The Government is especially proud of Victoria's reputation as the nation's multicultural capital and of the bipartisan support multiculturalism has enjoyed throughout many decades.

The Government is confident that through this continuing bi-partisanship Victoria's status as a tolerant, mature, multicultural society will continue to grow and flourish.

The Government is committed to a substantial four year program of reform to reinvigorate the State and restore pride and public confidence in Victoria's school and hospital systems and the quality of services.

The Government will deliver better health, education and community services, and help to build a proud and inclusive community of citizens founded on decency, openness and fairness.

The Government recognises the desire of Victorians to live in a society where all citizens are valued, listened to and respected, and in which all members of the community build the State together and meet its challenges together.

Such a society is not divided into winners and losers. The Government is committed to building the whole State, and not just one part of it. This was the clear wish of the Victorian electorate, particularly those Victorians living in rural and regional communities. The Government believes in a state that grows together, not as a series of competing postcodes.

The Government will act immediately to rebuild our regional and rural communities.

It will introduce legislation to establish a \$170 million Regional Infrastructure Development Fund. The Fund will revive local economies by providing for infrastructure projects in regional and rural Victoria.

The appointment of a Minister for State and Regional Development, to be supported by a new Department of State and Regional Development will strengthen the focus on regional development programs and opportunities. The Office of Rural Affairs will also be upgraded.

The Cabinet will meet regularly in regional and rural Victoria as a "Community Cabinet." The first "Community Cabinet" will be convened during this session.

The Government will also abolish the Catchment Management Authority tariff which many country and regional Victorians see as an unfair impost.

A key priority will be to forge a new partnership with Local Government. The Government believes that participation in grass roots democracy is vital to a fully engaged citizenship, and that control over the future of their streets, suburbs and towns must be restored to local communities. The Government will:

- convene a meeting of Mayors and Shire Presidents from rural and regional Victoria to discuss priority actions to be taken to rejuvenate regional Victoria;
- announce interim height controls on the foreshore, to prevent inappropriate development;
- commence the preparation of guidelines that clearly define the scope and limits of Ministerial intervention in planning matters; and
- hold a major meeting with all Local Councils to establish a new partnership between State and Local Government in planning.

The Government has an innovative transport plan to link the State's regional cities and towns with Melbourne through the provision of affordable and safe transport routes. It will arrange for feasibility studies on a number of major improvements.

Working in partnership with the private sector, the Government will contribute \$20 million for a Rapid Transit Link from Melbourne to the Airport and \$20 million for a fast rail link to Geelong. These initiatives will cut travel times to 15 minutes from the Airport to Melbourne and 45 minutes from Melbourne to Geelong.

The Government will also contribute \$20 million for a fast rail upgrade to Bendigo, aiming for an 80 minute link to Melbourne.

The Government will also contribute \$15 million to upgrade the Traralgon line, and \$25 million for a fast rail link to Ballarat - cutting travel time to under 60 minutes.

For the first time in the State's history, its great provincial cities will be properly connected to Melbourne. These links will ensure that Victoria's provincial cities thrive, attracting new residents and new industries. These links will carry commuters, produce, manufactured goods and exports. By joining our regions and towns to the capital, the Government will help provide the setting for a new economic and social geography for Victoria. It will answer the powerful claim that regional Victoria has made for a fair share of job growth and prosperity.

The Government is committed to driving that new growth and new prosperity beyond Victoria's provincial cities and into all of country Victoria, by contributing \$40 million to the standardisation of the rural freight network from the Regional Infrastructure Development Fund. Standardisation will overcome a problem that has existed since Federation but which has never been adequately addressed.

The Government's measures will ensure that Victoria enters the new century free of the transport and development problems that have held it back for one hundred years. These services will be the new life lines of the State, reinvigorating regional Victoria and renewing Melbourne by taking population pressure off its outer suburbs.

To initiate this process, the Government will:

- announce a review of the performance of transport services that have replaced country passenger services closed since 1992;
- commence discussions with rail companies in relation to the upgrading of major provincial cities to Melbourne rail networks;
- finalise tenders to improve and widen the Geelong Freeway; and
- negotiate with Transurban to address the disadvantages faced by country motorists in relation to Citylink tolls, with the intention of achieving a better deal for them.

The Government will also make roads safer across the State. It will use a one-off dividend of \$240 million from the Transport Accident Commission to fix accident black-spots across the State. A full 50 per cent of that \$240 million will be spent in country Victoria.

Country roads now account for 21 per cent of all road injuries and 40 per cent of all road deaths. Targeting black-spots will both save lives and reduce costs.

The Government recognises that building the whole of the State will require the targeting of struggling suburbs and towns, to realise their full potential.

The Government will provide \$60 million over three years for community infrastructure projects in areas of high unemployment. The objective is to generate 2,600 jobs every year for three years.

The Government will also go into partnership with the private sector to recruit 4,700 new apprentices and trainees and get them into jobs. This represents a four year commitment of \$26.25 million.

In addition, over four years, the Government will subsidise 2,500 disadvantaged and long-term unemployed young people into new training places. The Government rejects the notion of a lost generation and will work instead to ensure that every Victorian is given ample opportunity to participate in the life of the state.

The Government will boost public and community housing by \$90 million over three years, to build 800 housing units and create 1,800 new jobs directly and more than 3,000 new jobs indirectly.

The Government believes in growing the whole of the State and will take immediate action to restore confidence in Victoria. Victoria must create wealth and provide sustained economic growth if it is to prosper. That prosperity must be based on high productivity, a highly skilled workforce, wages that ensure a high standard of living, and international competitiveness.

The key to the Government's approach will be inclusiveness. The Government believes that Victoria is more than an economy - it is a society, and that economic prosperity is not an abstract goal but a social objective. The Government will seek to share the benefits of prosperity among all Victorians.

The Government will develop and implement industry plans in traditional and emerging sectors based on a strategic audit of Victorian industry. It will also establish an Infrastructure Planning Council, a range of Industry Consultative Committees and a Council of Small Business representatives.

The Government's review of the Retail Tenancies Act will focus on its operation and adequacy in protecting small and medium sized retail businesses.

The Government will also consult widely with the dairy industry to develop a dairy industry plan and give all dairy farmers a vote in relation to industry arrangements.

Recognising the importance of information technology in the social and economic life of the State, the Government is committed to making information technology accessible to industry and the community, including regional and rural Victoria.

More generally, the Government will aggressively promote Victoria as an investment opportunity throughout Australia and internationally.

The Government is committed to providing all Victorians with access to a quality education and lifelong learning opportunities.

The Government believes that education is a public right, and favours an education system based on co-operation rather than competition.

The Government will take a new approach to education - giving every Victorian child the best possible start in a world class education system in which every parent, teacher and student can take pride.

The Government will discontinue the Schools of the Third Millennium program.

The Government believes that privatisation of our state school system is incompatible with the needs of Victorian children. It is implacably opposed to the introduction of notions of privilege into state education and strongly committed to a high standard of education for all.

It will cut class sizes to 21 or less for prep, year 1 and year 2, and will employ an extra 650 teachers in its first term.

The Government will commit \$57 million to needy non-government schools, and will put \$10 million a year into school maintenance over three years. It will also provide extra support for smaller rural schools, by introducing shared specialist teacher programs.

The Government will also establish a Post-Compulsory Education Taskforce, expand the VCE and offer students the chance to complete their education at a TAFE College. The Government is committed to linking schools, TAFE Institutes, employers and communities together in a planned approach to post-secondary education and training.

The Government believes that Victorians deserve decent health services based on need rather than capacity to pay. It recognises the size of the task ahead in restoring confidence and pride in a health system. The Government honours Victoria's health workers, who have maintained a high level of commitment through difficult times, and commits itself to reciprocating their dedication with decent resources and a markedly different approach to health service delivery. The Government reaffirms its commitment to rural and regional hospitals and health care services. It will demonstrate through its programs its fundamental belief that no Victorian who falls sick should be disadvantaged by postcode or income.

As part of its first steps to restoring confidence in the Victorian health system, the Government will:

- stop the privatisation process at the Austin and Repatriation Medical Centre, and other hospitals and nursing homes where privatisation contracts have not been entered into;

- review public hospital casemix funding, with particular reference to its impact on the quality of care, country hospital services and the care of patients after they leave hospital;
- re-open 290 hospital beds;
- redirect \$18 million from the Health Network bureaucracy to make hospitals cleaner and reduce emergency waiting times;
- increase funding for community health programs by \$37 million over four years; and
- repair the public dental program - including reducing costs to pensioners and shortening waiting lists.

The Government is also committed to putting more nurses into hospitals, providing substantial funding for mental health, and a Hospital to Home Program which guarantees that decent health care does not end at the hospital door.

The Government will help to ease the childcare burden with a subsidy to every four year old in a low income family, and will help community owned childcare centres with direct grants for maintenance and equipment.

In the first term, maternal and child health services will benefit from an extra \$10 million, and the Government will employ an additional 100 school nurses to care for children in their junior secondary years.

The Government recognises that the heart-beat of the state's economy is the people who work in it, and that a safe workplace is an essential right of every employee. The Government will take immediate steps to address the unacceptable levels of workplace death and injury.

The Government will introduce legislation to restore the right of seriously injured workers to sue at common law.

The Government will also introduce a new crime of industrial manslaughter.

It is fundamental to the Government's vision of a better Victoria to ensure that Victorians feel safe and secure in their own homes, streets and communities.

The key objective of the State's police and emergency services is to protect the personal safety and security of all Victorians. Accordingly, the Government will put 800 more police on the frontline, and will end the closure of police stations.

It will also abolish the Police Board and Police Review Commission, and establish a new, independent Police Appeals Board to deal with matters affecting police discipline, promotion and transfer.

As part of a comprehensive plan to address the tragic problem of illicit drug use, the Government will trial up to five medically supervised injecting facilities, in consultation with local councils and communities. An Expert Committee will be established to:

- commence discussion with local councils in relation to drug injecting facilities in the areas announced by the Government;
- examine the changing dimensions of the drug problem, and in particular the increasing number of deaths associated with increased heroin use; and
- provide advice on the implementation of the Government's drug policy.

The Government recognises that education, rehabilitation and stronger policing must also be part of an effective strategy for addressing the problem of illicit drug use.

The Government's environmental agenda will make Victoria a better place to live. It will build the principles of ecologically sustainable development into the process of decision-making across the whole of Government, and strengthen environmental monitoring and reporting requirements.

The Government will announce plans to negotiate with the New South Wales and Federal Governments to return 28 per cent of the original flow to the Snowy River.

The Government will also initiate a process to nominate Wilson's Promontory National Park for world heritage listing, and will terminate the feasibility study for damming the Mitchell River.

The Government recognises, and aims to enhance Victoria's reputation as a producer of "clean, green" food. It will assist Victoria in gaining a greater competitive edge in export

markets through a Naturally Victorian marketing campaign for food and some processed food products.

The Government is committed to a civilised and properly regulated Victorian Gaming Industry, in order to protect the Victorian community from irresponsible conduct. The Government will:

- act to ensure truth in advertising in the gambling industry;
- introduce an enforceable code of conduct for gaming operators and venue owners; and
- review current problem gambling advertisements to determine their effectiveness.

The Government will also act immediately to start negotiations with the Australian Football League to explore all feasible options to retain Waverley Park as an AFL venue.

Before moving to other legislation to be introduced by the Government this year, it is with deep regret that I advise the Parliament of the deaths of three members of the Legislative Assembly: William Laurence (known as Larry) Floyd, Member for Williamstown from 1955 to 1973; his successor, Gordon Francis Stirling, Member for Williamstown from 1973 to 1988; and Frederick (known as Peter) McLellan, Member for Frankston East from 1992 until September last.

In addition to the major legislative initiatives I have described, the Government will also introduce a number of other Bills which are necessary for the good government of Victoria:

- a Bill to ensure that there are appropriate emergency powers available for the effective management of any incidents caused by the millennium bug;
- a Bill to provide that certain decisions of the Federal Court and Family Court have effect as decisions of the Supreme Court, following the High Court's judgment earlier this year that vesting of State jurisdiction in Federal Courts is invalid;
- a Bill to overcome the possible negative effects of a decision currently reserved by the High Court on jury selection practices, which, if adverse to the State, has the potential to undermine existing criminal convictions;
- a Bill to authorise visiting health care professionals to provide health care services to visitors in Victoria, in connection with special events such as the Sydney Olympics, without being registered under Victorian law; and
- a Bill to give the Melbourne Sports and Aquatic Centre Trust the legal capacity to assume responsibility for the State Netball and Hockey Centre under construction at Royal Park, in order to ensure the effective management of the facility.

Mr President and Honourable Members of the Legislative Council;

Mr Speaker and Members of the Legislative Assembly:

The Government's plans have been costed by Access Economics. They are achievable, and lock in a four year Budget surplus.

The Government's financial management plan is the toughest in the nation. It will be overseen by an Expenditure Review Committee which is already in operation.

The Government believes that proper financial management is fundamental to giving Victorians the good government they expect and deserve. The Government is committed to tough financial principles that will be centred upon the restoration of the powers of the Office of Auditor-General. These new powers will be enshrined in the Constitution. In restoring the powers of the Auditor-General, the Government sends the strongest possible signal that it will govern with openness and accountability.

The Auditor-General will report independently to the Parliament on Budget Day on the state of the budget surplus. Every government program will be publicly scrutinised. Victoria will therefore have the strongest independent guardian of its financial security in its history.

The Government believes that the values by which strong families and strong communities live - the values of honour and openness and compassion - are the values which should be reflected in public policy.

These values will be the hallmarks of this Government's program of legislation, and the measures against which it will be proud to be judged.

I now formally open this Parliament and pray that the guidance of Almighty God may attend your deliberations.

3 November 1999

JAMES GOBBO,
Governor of Victoria

A copy of His Excellency the Governor's speech was then delivered to the President, and a copy to the Speaker, and His Excellency withdrew from the Council Chamber.

The Legislative Assembly withdrew.

[Sitting suspended from 3.29 p.m. until 5.02 p.m.]

The President resumed the Chair.

- 7 **THE LATE FREDERICK PETER McLELLAN** – The Honourable M.M. Gould moved, That this House expresses its sincere sorrow at the death, on 18 September 1999, of Frederick Peter McLellan, and places on record its acknowledgment of the valuable services rendered by him to the Parliament and the people of Victoria as a Member of the Legislative Assembly for the electoral district of Frankston East from 1992 to 1999.

And other Honourable Members having addressed the House –

The question was put and, Honourable Members signifying their assent by rising in their places, unanimously resolved in the affirmative.

- 8 **ADJOURNMENT** – The Honourable M.M. Gould moved, That as a further mark of respect to the memory of the late Frederick Peter McLellan, the House do now adjourn until tomorrow at 10.00 a.m.

Question – put and resolved in the affirmative.

And then the Council, at 5.56 p.m., adjourned until tomorrow at 10.00 a.m.

A.V. BRAY
Clerk of the Legislative Council

No. 2 – Thursday, 4 November 1999

- 1 The President took the Chair and read the Prayer.
- 2 **COMMISSION TO ADMINISTER OATH OR AFFIRMATION TO MEMBERS** – The President announced that he had received from His Excellency the Governor a Commission, which was read by the Clerk, and is as follows:

BY HIS EXCELLENCY THE HONOURABLE SIR JAMES GOBBO, A.C.
GOVERNOR OF VICTORIA
TO THE HONOURABLE BRUCE ANTHONY CHAMBERLAIN
PRESIDENT OF THE LEGISLATIVE COUNCIL 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 Council who has not already taken and subscribed the same since his or her election to the Legislative Council.

GIVEN under my hand and the seal of Victoria on this 1st day of November 1999

JAMES GOBBO
Governor

(L.S.)

By His Excellency's Command
 STEVE BRACKS
 Premier

3 PRIVILEGE BILL – LABOUR AND INDUSTRY (STATUTE LAW REVISION) BILL – On the motion of the Honourable M.M. Gould, leave was given to bring in a Bill *to make a minor amendment to the Labour and Industry Act 1958*, and the said Bill was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

4 CHAIRMAN OF COMMITTEES – The Honourable R.M. Hallam moved, That the Honourable Barry Wilfred Bishop be appointed Chairman of Committees of the Council, which motion was seconded by the Honourable M.A. Birrell.

Question – put and resolved in the affirmative.

5 TEMPORARY CHAIRMEN OF COMMITTEES – The President laid upon the Table the following Warrant nominating Temporary Chairmen of Committees:

LEGISLATIVE COUNCIL
 VICTORIA

Pursuant to the provisions of Standing Order Number 160 of the Legislative Council, I do hereby nominate –

The Honourable Gerald Barry Ashman,
 The Honourable Ronald Alexander Best,
 The Honourable Kaye Darveniza,
 The Honourable Dianne Hadden,
 The Honourable Peter Ronald Hall,
 The Honourable Jenny Mikakos,
 The Honourable Robert Fredrick Smith
 The Honourable Eadley Graeme Stoney, and
 The Honourable Christopher Arthur Strong -

to act as Temporary Chairmen of Committees whenever requested to do so by the Chairman of Committees or whenever the Chairman of Committees is absent.

Given under my hand this fourth day of November one thousand nine hundred and ninety-nine.

BRUCE CHAMBERLAIN
 President of the Legislative Council

6 QUESTIONS– Questions without notice were taken pursuant to Standing Order No. 71A.

7 PERIODIC DISCHARGE OF ORDERS OF THE DAY, GENERAL BUSINESS – The Honourable M.M. Gould moved, by leave, That during the present Session an Order of the Day, General Business, for the consideration of a Ministerial Statement or a paper tabled either –

- (a) by command of His Excellency the Governor;
- (b) pursuant to an Order of the House; or
- (c) pursuant to Statute –

shall be discharged from the Notice Paper without further proceeding after having been listed for five consecutive sitting days, unless a "take note" motion has intervened and is pending resolution.

Question – put and resolved in the affirmative.

- 8 PROCLAMATIONS FIXING OPERATIVE DATES** – The Honourable M.M. Gould moved, by leave, That this House authorizes and requires the Clerk, during the present Session, to lay on the Table copies of Proclamations of His Excellency the Governor in Council fixing dates for the coming into operation of Acts, as published in the *Government Gazette* from time to time.

Question – put and resolved in the affirmative.

- 9 TEMPORARY RELIEF IN THE CHAIR** – The Honourable M.M. Gould moved, by leave, That in the case of any absence of the Deputy President during the present Session, the President be authorized to call upon any of the Temporary Chairmen of Committees to temporarily relieve him in the Chair and that, during any absence of the President, the Deputy President be similarly authorized to call upon any of the Temporary Chairmen.

Question – put and resolved in the affirmative.

- 10 PRIVILEGE** – The Honourable M.M. Gould moved, by leave, That during the present Session, Standing Orders Nos. 85, 94 and 126 be suspended insofar as they relate to the raising of matters of privilege, and that the procedure to be followed in raising matters of privilege shall be as follows:

Upon any matter of privilege arising –

- (a) a Member shall, unless circumstances prevent, give written notice of the alleged breach of privilege or contempt to the President as soon as reasonably practicable after the matter has come to attention;
- (b) if the matter arises from a statement published in a newspaper, book or other publication, the Member shall provide the President with a copy of that newspaper, book or publication;
- (c) the President thereupon will determine as soon as practicable whether the matter merits precedence over other business;
- (d) if in the opinion of the President the matter merits precedence, he will inform the House of his decision, and the Member who raised the matter may forthwith move a motion without notice in relation to the matter;
- (e) if in the opinion of the President the matter does not merit precedence, he will inform the Member in writing accordingly, and may also inform the House of his decision; and
- (f) a decision by the President not to allow precedence shall not prevent a Member from proceeding with the matter by motion after notice.

Question – put and resolved in the affirmative.

- 11 BROADCASTING OF PROCEEDINGS** – The Honourable M.M. Gould moved, by leave, That this House authorizes, during the present Session, the broadcasting and re-broadcasting on radio and television stations of recorded excerpts of proceedings in the Legislative Council, subject to the following conditions:

- (a) Audio excerpts of proceedings may be taken for the above purposes only;
- (b) Television video or film of a particular proceeding may be taken provided the President, after consultation with the Party Leaders, has so approved;
- (c) Audio excerpts shall be recorded from the signal transmitted by the House monitoring system only by representatives of accredited media organizations. No alteration to the sound relay equipment is to be undertaken unless approved by the President.

- (d) Excerpts are not to be used for the purposes of satire or ridicule.
- (e) Excerpts shall not be used for the purpose of political party advertising or in election campaigns;
- (f) Fairness in reporting with reasonable balance between both sides of the House is to be achieved by avoiding undue concentration on any one Member;
- (g) Excerpts must be placed in context. Commentators should identify Members at least by name;
- (h) Media personnel are required to obey any instruction given either generally or in a particular case by the President or through him by the Clerk of the Legislative Council, the Usher of the Black Rod or the Housekeeper.
- (i) Any breach of these conditions may result in the immediate suspension of the privileges by the President.

Question – put and resolved in the affirmative.

12 RIGHT OF REPLY – The Honourable M.M. Gould moved, by leave, That, during the present Session –

- (a) a person who has been referred to in the Legislative Council by name, or in such a way as to be readily identified, may make a submission in writing to the President –
 - (i) claiming that he or she has been adversely affected in reputation or in respect of dealings or associations with others, or injured in occupation, trade, office or financial credit, or that his or her privacy has been unreasonably invaded by reason of that reference; and
 - (ii) requesting that he or she be permitted to incorporate an appropriate response in the parliamentary record.
- (b) If, upon considering a submission under this order, the President is satisfied that the subject of the submission is not so obviously trivial or the submission so frivolous, vexatious or offensive in character he may determine –
 - (i) that no further action be taken in relation to the submission; or
 - (ii) that a response by the person who made the submission be published by the Council and incorporated in *Hansard* – and shall inform the house of his decision.
- (c) In considering a submission under this order the President –
 - (i) may confer with the person who made the submission;
 - (ii) must give notice of the submission in writing to the member who referred in the Council to that person and then consult with the member prior to any response being presented to the Council; and
 - (iii) shall not consider or judge the truth of any statements made in the Council or the submission.
- (d) A response presented to the Council –
 - (i) shall be succinct and strictly relevant to the questions in issue and shall not contain anything offensive in character; and
 - (ii) shall not contain any matter the publication of which would have the effect of –
 - (1) unreasonably adversely affecting or injuring a person, or unreasonably invading a person's privacy, in the manner referred to in paragraph (a); or

- (2) unreasonably adding to or aggravating any such adverse effect, injury or invasion of privacy suffered by a person.

Question – put and resolved in the affirmative.

13 BUSINESS OF THE HOUSE – The Honourable M.M. Gould moved, by leave, That unless otherwise ordered by the House, in each week of the present Session –

- (a) the days and hours of meeting of the Council shall be Tuesday at 2.30 p.m., Wednesday at 10.00 a.m. and Thursday at 10.00 a.m.;
- (b) the transaction of Government Business shall take precedence of all other business, except business governed by Standing Orders Nos. 20A, 68A and 86, on Tuesday and Thursday, and at 2.00 p.m. on Wednesday;
- (c) the transaction of General Business shall take precedence of all other business on Wednesday until 2.00 p.m.;
- (d) no new business shall be taken after 10.00 p.m.;
- (e) the time appointed for the asking of questions without notice and the giving of answers to questions on notice shall be 2.30 p.m. each day;
- (f) the provisions of this resolution, so far as they are inconsistent with the Standing Orders and practice of the House, shall have effect notwithstanding anything contained in those Standing Orders.

The Honourable M.A. Birrell moved, as an amendment, That the expression “2.30 p.m.” in paragraph (a), be omitted with the view of inserting in place thereof “2.00 p.m.”

Debate ensued.

Question – That the expression proposed to be omitted stand part of the question – put.

The Council divided.

AYES, 14

The Hon. C. C. Broad
 E. C. Carbines
 K. Darveniza
 M.M. Gould
 D. G. Hadden
 G. W. Jennings
 J. M. McQuilten
 J. M. Madden
 J. Mikakos
 S.M. Nguyen (*Teller*)
 G. D. Romanes
 R. F. Smith
 T.C. Theophanous (*Teller*)
 M. R. Thomson

NOES, 29

The Hon. G.B. Ashman
 B.N. Atkinson
 W.R. Baxter
 R.A. Best
 M.A. Birrell
 B.W. Bishop
 B.C. Boardman
 R.H. Bowden
 A.R. Brideson
 A. Coote
 I.J. Cover
 G.R. Craige
 D.M. Davis
 P.R. Davis
 W. Forwood
 C.A. Furletti
 P.R. Hall
 R.M. Hallam
 P.A. Katsambanis (*Teller*)
 N.B. Lucas

M.T. Luckins
A. P. Olexander
E.J. Powell
G. K. Rich-Phillips
Dr. J.W.G. Ross
K.M. Smith
W.I. Smith (*Teller*)
Graeme Stoney
C.A. Strong

And so it passed in the negative.

Question – That the expression proposed to be inserted be so inserted – put and resolved in the affirmative.

The Honourable M.A. Birrell moved, as an amendment, That the expression “and Thursday, and at 2.00 p.m. on Wednesday” in paragraph (b) be omitted with the view of inserting in place thereof “, from 2.00 p.m. on Wednesday and from 10.30 a.m. on Thursday”.

Question – That the expression proposed to be omitted stand part of the question – put and negated.

Question – That the expression proposed to be inserted be so inserted – put and resolved in the affirmative.

The Honourable M.A. Birrell moved, as an amendment, That the following paragraph be inserted to follow paragraph (c) :

"() debate on motions to take note of reports which have been tabled in the House during the Session shall take precedence of all other business on Thursday until 10.30 a.m.;"

Debate ensued.

Question – That the paragraph proposed to be inserted be so inserted – put and resolved in the affirmative.

The Honourable M.A. Birrell moved, as an amendment, That the expression “10.00 p.m.” in paragraph (d) be omitted with the view of inserting in place thereof “8.00 p.m.”.

Debate ensued.

Question – That the expression proposed to be omitted stand part of the question – put and negated.

Question – That the expression proposed to be inserted be so inserted – put and resolved in the affirmative.

The Honourable M.A. Birrell moved, as an amendment, That the expression “2.30 p.m.” in paragraph (e) be omitted with the view of inserting in place thereof “2.00 p.m.”.

Question – That the expression proposed to be omitted stand part of the question – put and negated.

Question – That the expression proposed to be inserted be so inserted – put and resolved in the affirmative.

Question – That unless otherwise ordered by the House, in each week of the present Session –

- (a) the days and hours of meeting of the Council shall be Tuesday at 2.00 p.m., Wednesday at 10.00 a.m. and Thursday at 10.00 a.m.;
- (b) the transaction of Government Business shall take precedence of all other business, except business governed by Standing Orders Nos. 20A, 68A and

- 86, on Tuesday, from 2.00 p.m. on Wednesday and from 10.30 a.m. on Thursday;
- (c) the transaction of General Business shall take precedence of all other business on Wednesday until 2.00 p.m.;
 - (d) debate on motions to take note of reports which have been tabled in the House during the Session shall take precedence of all other business on Thursday until 10.30 a.m.;
 - (e) no new business shall be taken after 8.00 p.m.;
 - (f) the time appointed for the asking of questions without notice and the giving of answers to questions on notice shall be 2.00 p.m. each day;
 - (g) the provisions of this resolution, so far as they are inconsistent with the Standing Orders and practice of the House, shall have effect notwithstanding anything contained in those Standing Orders.
- put and resolved in the affirmative.

14 PAPERS –

BLF CUSTODIAN – The Honourable M.M Gould moved, by leave, That there be laid before this House a copy of Report No. 44 dated 31 August 1999, given to Mr. President, pursuant to section 7A of the *BLF (De-recognition) Act 1985* by the Custodian appointed under section 7(1) of that Act.

Question – put and resolved in the affirmative.

The said Report was thereupon presented by the Honourable M.M. Gould 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:

- A.C.N. 065 325 206 – Report, 1 July 1998 to 29 June 1999.
- Adult, Community and Further Education Board – Report, 1998-99.
- Aluminium Smelters of Victoria – Report, 1 July 1998 to 21 August 1998.
- Anti-Cancer Council – Report, 1998.
- Architects Registration Board – Report, 1998-99.
- Audit Victoria – Report, 1998-99.
- Australian Grand Prix Corporation – Report, 1998-99.
- Australian Power Exchange Pty Ltd – Report, 1 July 1998 to 31 March 1999.
- Board of Studies – Report, 1998-99.
- Building Control Commission – Report, 1998-99.
- Casino and Gaming Authority – Report, 1998-99.
- Central Murray Regional Waste Management Group – Minister for Conservation and Land Management's report of 18 June 1999 of receipt of the 1997-98 report.
- Chiropodists Registration Board – Minister for Health's report of 27 July 1999 of receipt of the report for the year ended 30 November 1998.
- Cinemia Corporation – Report, 1998-99.
- Country Fire Authority – Report, 1998-99.
- Dental Board – Minister for Health's report of 23 June 1999 of receipt of the report (incorporating the Report of the Specialist Practitioners Qualifications Committee) for the year ended 30 September 1998.
- Desert Fringe Regional Waste Management Group – Minister for Conservation and Land Management's report of 18 June 1999 of receipt of the 1997-98 audit report.
- Docklands Authority – Report, 1998-99.

- Driver Education Centre of Australia Ltd – Report, 1998.
- Drugs, Poisons and Controlled Substances Act 1981 – Poisons Code – Amendments Nos. 3 and 4, Standard for the Uniform Scheduling of Drugs and Poisons, No. 13 and Minister’s Notice regarding the amendment, commencement and availability of the Code (four papers).
- Eastern Regional Waste Management Group –
Minister for Conservation and Land Management’s report of 18 June 1999 of receipt of the 1997-98 audit report.
Minister for Conservation and Land Management’s report of 1 September 1999 of receipt of the 1997-98 report.
- Education Department – Report, 1998-99.
- Electoral Commissioner – Statement of functions conferred, 10 August 1999.
- Emergency Services Superannuation Scheme – Report, 1998-99.
- Environment Protection Act 1970 –
Order in Council of 22 June 1999 declaring a variation to the State Environment Protection Policy (Waters of Victoria) and revoking State Environment Protection Policy No W-29 (Waters of the Yarra River and Tributaries).
Order in Council of 17 August 1999 declaring the Industrial Waste Management Policy (Waste Acid Sulfate Soils).
- Financial Management Act 1994 – Minister for Finance's report of 1 November 1999 of failure of certain departments and public bodies to submit 1998-99 annual reports within the prescribed period and the reasons therefor.
- Fisheries Co-Management Council – Report, 1998-99.
- Gascor – Report, 1998-99.
- Gascor Holdings No. 1 Pty Ltd – Report, 1 July 1998 to 30 March 1999.
- Gascor Holdings No. 2 Pty Ltd – Report, 1 July 1998 to 24 February 1999.
- Gasmart (Vic) Pty Ltd – Report, 1 July 1998 to 31 March 1999.
- Gas Release Co Pty Ltd – Report, 1998-99.
- Gas Safety Office – Report, 1998-99.
- Gas Services Business Pty Ltd – Report, 1998-99.
- Gas Transmission Corporation – Report, 1998-99.
- Geelong Performing Arts Centre Trust – Report, 1998-99.
- Generation Victoria – Report, 1998-99.
- Goulburn Valley Regional Waste Management Group – Minister for Conservation and Land Management’s report of 18 June 1999 of receipt of the 1997-98 report.
- Grants Commission – Report, year ended 31 August 1999.
- Greyhound Racing Control Board – Report, 1998-99.
- Harness Racing Board – Report, 1998-99.
- Hastings Port (Holding) Corporation – Report, 1998-99.
- Heritage Council – Report, 1998-99.
- Highlands Regional Waste Management Group – Minister for Conservation and Land Management's report of 1 September 1999 of receipt of the 1997-98 audit report.
- Infrastructure Department – Report, 1998-99.
- Interpretation of Legislation Act 1984 –
Notice pursuant to section 32(3)(a)(iii) in relation to Statutory Rule No. 87/1999.
Notice pursuant to section 32(4) in relation to Amendment 4, Building Code of Australia 1996.

- Order pursuant to section 32(3) in relation to State Environment Protection Policy (Waters of Victoria).
- Legal Practitioners Liability Committee – Report, 1998-99.
- Library Board – Report, 1998-99.
- Liquor Licensing Commission – Report, 1 July 1998 to 17 February 1999.
- Longford Royal Commission Report, 28 June 1999.
- Loy Yang B Power Station Pty Ltd – Report, 1998-99.
- Marine Board – Report, 1998-99.
- Meat Authority – Report, 1998-99.
- Melbourne City Link Act 1995 –
- City Link and Extension Projects Integration and Facilitation Agreement Second Amending Deed, 20 July 1999, pursuant to section 15B(5).
 - Melbourne City Link Sixth Amending Deed, 20 July 1999, pursuant to section 15(2).
 - Melbourne City Link Seventh Amending Deed, 5 August 1999, pursuant to section 15(2).
 - Melbourne City Link Eighth Amending Deed, 12 August 1999, pursuant to section 15(2).
 - Statement of Variations Nos. 4, 5, 6, 7, and 8/1999 to the Melbourne City Link Project, 5 August 1999 (five papers), pursuant to section 15(2).
 - Orders in Council of 10 August 1999 varying the project area of land pursuant to section 8(4).
- Melbourne City Link Authority – Report, 1998-99.
- Melbourne Convention and Exhibition Trust – Report, 1998-99.
- Melbourne Market Authority – Report, 1998-99 (two papers).
- Melbourne Port Corporation – Report, 1998-99 (two papers).
- Melbourne Water Corporation – Report, 1998-99.
- Members of Parliament (Register of Interests) Act 1978 –
- Cumulative Summary of Returns, September 1999.
 - Summary of Returns, June 1999 and Summary of Variation notified between 27 May and 30 September 1999.
- Met Train 2 – Report, 1998-99.
- Metropolitan Fire and Emergency Services Board – Report, 1998-99.
- Mildura Regional Waste Management Group – Minister for Conservation and Land Management's report of 18 June 1999 of receipt of the 1997-98 audit report.
- Mornington Peninsula Regional Waste Management Group – Minister for Conservation and Land Management's report of 18 June 1999 of receipt of the 1997-98 audit report.
- Museums Board – Report, 1998-99.
- National Power Exchange Pty Ltd – Report, 1 July 1998 to 31 March 1999.
- Natural Resources and Environment Department – Report, 1998-99 (two papers).
- Overseas Projects Corporation Limited – Report, 1998-99.
- Parliamentary Committees Act 1968 –
- Minister's interim response to recommendations in Scrutiny of Acts and Regulations Committee's Report upon the Right to Silence.
 - Minister's interim response to recommendations in Law Reform Committee's Report upon Review of the *Fences Act 1968*.
- Parliamentary Officers Act 1975 – Statements of appointments, alterations of classifications and of persons temporarily employed in the Parliamentary departments for the year 1998-99 (ten papers).
- Parliamentary Contributory Superannuation Fund – Report, 1998-99.

Planning and Environment Act 1987 – Notices of Approval of the following amendments to planning schemes and new planning schemes:

Alpine Planning Scheme.

Alpine Resorts Planning Scheme – Amendment C3.

Ararat Planning Scheme – Amendment L5.

Avon Planning Scheme – Amendment L12.

Bacchus Marsh Planning Scheme – Amendment L59.

Bairnsdale (Shire) Planning Scheme – Amendment L63.

Ballan Planning Scheme – Amendments L19 and L20.

Ballarat Planning Scheme – Amendments C2, C3, C6 and C18.

Banyule Planning Scheme.

Banyule Planning Scheme – Amendments C2 and L28.

Bayside Planning Scheme – Amendment L22.

Belfast Planning Scheme – Amendment L17.

Bendigo – Greater Bendigo Planning Scheme – Amendments L81 and L87.

Berwick Planning Scheme – Amendments L134 and L144.

Boroondara Planning Scheme – Amendments L42, L47, L53, L54, L59, L61, L63 and L64.

Brimbank Planning Scheme.

Brimbank Planning Scheme – Amendments C2, L46, L68 and L70.

Campaspe Planning Scheme – Amendment C5.

Cardinia Planning Scheme.

Cardinia Planning Scheme – Amendment C1.

Casey Planning Scheme.

Colac Otway Planning Scheme.

Corangamite Planning Scheme.

Cranbourne Planning Scheme – Amendment L216.

Dandenong – Greater Dandenong Planning Scheme – Amendment C3.

Darebin Planning Scheme – Amendments L60, L62, L66, L70 and L72 to L75.

Delatite Planning Scheme.

Doncaster and Templestowe Planning Scheme – Amendments L141 and L142.

East Gippsland Planning Scheme.

Frankston Planning Scheme – Amendments L105, L109, L115 and L116.

Gannawarra Planning Scheme.

Geelong – Greater Geelong Planning Scheme – Amendments R236, R246, RL185 and RL237.

Glen Eira Planning Scheme.

Glen Eira Planning Scheme – Amendment L37.

Glenelg Planning Scheme – Amendment C1.

Hobsons Bay Planning Scheme – Amendment L15.

Hume Planning Scheme – Amendment L57.

Indigo Planning Scheme – Amendment C2.

Kingston Planning Scheme – Amendments L50, L51 and L53.

Knox Planning Scheme – Amendments L156, L183, L185 and L187.

Maribyrnong Planning Scheme – Amendment L38.

Maroondah Planning Scheme – Amendments L32 and L37.

Melbourne Planning Scheme – Amendments C3 to C7 and C9.

Melton Planning Scheme.

Mildura (Shire) Planning Scheme – Amendment L48.

Moe Planning Scheme – Amendments L48 and L49.

Planning and Environment Act 1987 – *continued*

- Moira Planning Scheme.
- Moira Planning Scheme – Amendments C1 and L30.
- Monash Planning Scheme – Amendment L54.
- Moonee Valley Planning Scheme – Amendments C2, C3 and C6.
- Moreland Planning Scheme – Amendments L64 and L65.
- Mornington Peninsula Planning Scheme – Amendments C1 and C2.
- Mount Alexander Planning Scheme.
- Mount Alexander Planning Scheme – Amendment C2.
- Murrindindi Planning Scheme – Amendment C2.
- Nillumbik Planning Scheme – Amendments L20, L24 and L25.
- Pakenham Planning Scheme – Amendment L172.
- Phillip Island Planning Scheme – Amendment L78.
- Port of Melbourne Planning Scheme – Amendment L31.
- Port Phillip Planning Scheme – Amendment C9.
- Rosedale Planning Scheme – Amendment L53.
- Shepparton – Greater Shepparton Planning Scheme.
- Shepparton (City) Planning Scheme – Amendment L63.
- Sherbrooke Planning Scheme – Amendment L139.
- Southern Grampians Planning Scheme.
- Stawell (City) Planning Scheme – Amendment L34.
- Stonnington Planning Scheme – Amendments L39, L47 Part A, L48 to L50, L52, L53, L55, L78, L81, L83, L84, L91 and L92.
- Strathbogie Planning Scheme.
- Surf Coast Planning Scheme – Amendments L57, R55 and R58.
- Swan Hill Planning Scheme.
- Swan Hill (Shire) Planning Scheme – Amendment L26.
- Towong Planning Scheme.
- Victoria Planning Provisions – Amendment VC7.
- Victoria – State Section Planning Schemes – Amendments S82 and S83.
- Warrnambool Planning Scheme – Amendment C1.
- Whitehorse Planning Scheme.
- Whitehorse Planning Scheme – Amendments C1 and C5.
- Whittlesea Planning Scheme.
- Wodonga Planning Scheme.
- Woorayl Planning Scheme – Amendment L60.
- Yarra Planning Scheme – Amendments C1, C5 and C7.
- Yarra Ranges Planning Scheme – Amendments L100, L105, L108 and L111.
- Plumbing Industry Board – Report, 1 July 1998 to 31 December 1998.
- Plumbing Industry Commission – Report, 1 January 1999 to 30 June 1999.
- Police Review Commission – Report, 1998-99.
- Prevention of Cruelty to Animals Act 1986 –
 - Australian Code of Practice for the Care and Use of Animals for Scientific Purposes, 6th Edition 1997.
 - Codes of Practice for the Land Transport of Horses (Victoria), the Land Transport of Poultry (Victoria) and the Land Transport of Pigs (Victoria) and a variation of the Code of Accepted Farming Practice for the Welfare of Livestock – Transport of Livestock, 1985 (four papers).
- Public Record Office – Report, 1998-99.
- Public Transport Corporation – Report, 1998-99.
- Quiet Life Limited – Report, 1998-99.
- Renewable Energy Authority – Report, 1998-99.

Roads Corporation – Report, 1998-99.
Royal Botanic Gardens Board – Report, 1998-99.
Rural Finance Corporation – Report, 1998-99.
South East Water Limited – Report, 1998-99.
Stamps Act 1958 – Treasurer's report of 29 October 1999 of approved exemptions and partial exemptions and refunds made on corporate reconstructions for 1998-99.
State Development Department – Report, 1998-99.
State Electricity Commission – Report, 1998-99.
State Training Board – Report, 1998-99.
Statutory Rules under the following Acts of Parliament:
Accident Compensation Act 1985 – No. 91.
Building Act 1993 – No. 74.
County Court Act 1958 – Nos. 78, 79 and 114.
Country Fire Authority Act 1958 – No. 92.
Credit (Administration) Act 1984 – No. 105.
Crimes Act 1958 – No. 70.
Docklands Authority Act 1991 – No. 73.
Drugs, Poisons and Controlled Substances Act 1981 – No. 107.
Fair Trading Act 1999 – No. 103.
Financial Institutions Duty Act 1982 – No. 89.
Firearms Act 1996 – No. 102.
Fisheries Act 1995 – Nos. 90 and 109.
Friendly Societies (Victoria) Act 1996 – No. 72.
Fundraising Appeals Act 1998 – No. 83.
Gas Industry Act 1994 – Nos. 76 and 77.
Gas Safety Act 1997 – Nos. 99 and 100.
Health Act 1958 – No. 108.
Health Services Act 1988 – No. 95.
Magistrates' Court Act 1989 – No. 97.
Metropolitan Fire Brigades Act 1958 – No. 68.
Motor Car Traders Act 1986 – No. 104.
Occupational Health and Safety Act 1985 – Nos. 84 and 94.
Police Regulation Act 1958 – No. 101.
Residential Tenancies Act 1997 – No. 88.
State Superannuation Act 1988 – No. 63.
Subordinate Legislation Act 1994 – Nos. 67, 71, 75, 82, 85, 86, 93, 98, 111, 116 and 119.
Supreme Court Act 1986 – Nos. 96, 117 and 118.
Supreme Court Act 1986 – Crimes Act 1958 – No. 113.
The Constitution Act Amendment Act 1958 – Liquor Control Reform Act 1998 – Local Government Act 1989 – Shop Trading Reform Act 1996 – No. 62.
Tobacco Act 1987 – Nos. 87 and 110.
Transport Accident Act 1986 – Nos. 64 to 66.
Transport Act 1983 – No. 112.
Travel Agents Act 1986 – No. 106.
Victims of Crime Assistance Act 1996 – No. 69.
Victorian Civil and Administrative Tribunal Act 1998 – Nos. 80 and 115.
Zoological Parks and Gardens Act 1995 – No. 81.

Subordinate Legislation Act 1994 –

Minister's exception certificates under section 8(4) in respect of Statutory Rules Nos. 67, 69 to 71, 78 to 81, 85, 86, 93, 96 to 98, 113 to 115 and 117 to 119/1999.

Minister's exemption certificates under section 9(6) in respect of Statutory Rules Nos. 62 to 66, 68, 72, 73, 75, 82, 87, 89, 92, 94, 101, 102, 108 and 110/1999.

Terec Limited – Report, 1998-99.

Treasury Corporation – Report, 1998-99.

Tricontinental Holdings Limited – Report, 1998.

Urban Land Corporation – Report, 1998-99.

Victims of Crime Assistance Tribunal – Report, 1998-99.

Victorian Channels Authority – Report, 1998-99.

Victorian Civil and Administrative Tribunal – Report, 1998-99.

Victorian Coastal Council – Report, 1998-99.

Victorian Electricity Metering Pty Ltd – Report, 1998-99.

Victorian Energy Networks Corporation – Report, 1998-99.

Victorian Funds Management Corporation – Report, 1998-99.

Victorian Managed Insurance Authority – Report, 1998-99.

Victorian Medical Consortium Pty Ltd – Report, 1998-99.

Victorian Power Exchange Pty Ltd – Report, 1998-99.

Victorian Rail Track – Report, 1998-99.

WorkCover Authority – Report, 1998-99.

Young Farmers' Finance Council – Report, 1998-99.

Zoological Parks and Gardens Board – Report, 1998-99.

* * * *

PROCLAMATIONS – Proclamations of His Excellency the Governor in Council fixing operative dates in respect of the following Acts were laid upon the Table by the Clerk pursuant to an Order of the Council this day:

Agricultural Acts (Further Amendment) Act 1987 – Section 26 – 12 August 1999 (*Gazette No. G30, 29 July 1999*).

Building (Plumbing) Act 1998 – Section 6 – 1 July 1999 (*Gazette No. G22, 3 June 1999*).

Electricity Industry Acts (Further Amendment) Act 1999 – Sections 16, 18 and 19 – 25 June 1999 (*Gazette No. G25, 24 June 1999*).

Electricity Industry (Amendment) Act 1996 – Section 6 – 25 June 1999 (*Gazette No. G25, 24 June 1999*).

Electricity Industry (Further Amendment) Act 1994 – Section 5 – 1 July 1999 (*Gazette No. G26, 1 July 1999*).

Electricity Industry (Miscellaneous Amendment) Act 1997 – Sections 12 and 15 – 25 June 1999 (*Gazette No. G25, 24 June 1999*).

Fair Trading Act 1999 – Remaining provisions – 1 September 1999 (*Gazette No. G33, 19 August 1999*).

Fair Trading (Inspectors Powers and Other Amendments) Act 1999 – Remaining provisions – 1 September 1999 (*Gazette No. G33, 19 August 1999*).

Gas Industry Acts (Amendment) Act 1998 – Section 13(2) – 3 June 1999 (*Gazette No. G22, 3 June 1999*); sections 31 and 32 – 24 June 1999 (*Gazette No. G25, 24 June 1999*); remaining provisions of Part 4 – 1 September 1999 (*Gazette No. G31, 5 August 1999*).

- Gas Industry Acts (Further Amendment) Act 1999 – Sections 34 and 35 – 24 June 1999 (*Gazette No. G25, 24 June 1999*).
- Gas Pipelines Access (Victoria) Act 1998 – Remaining provisions (except for Division 2 of Part 3) – 1 July 1999 (*Gazette No. G26, 1 July 1999*).
- Local Government (Governance and Melton) Act 1998 – Remaining provisions – 1 July 1999 (*Gazette No. G24, 17 June 1999*).
- Longford Royal Commission (Report) Act 1999 – 8 June 1999 (*Gazette No. S83, 8 June 1999*).
- Police Regulation and Firearms (Amendment) Act 1999 – Remaining provisions – 22 August 1999 (*Gazette No. G32, 12 August 1999*).
- Rail Corporations (Amendment) Act 1997 – Section 4 – 1 July 1999 (*Gazette No. G26, 1 July 1999*); section 37 – 24 August 1999 (*Gazette No. G33, 19 August 1999*).
- Rail Corporations and Transport Acts (Amendment) Act 1999 – Part 2 (except sections 6, 7, 12 and 15), Part 3, and section 49 – 24 August 1999 (*Gazette No. G33, 19 August 1999*).
- Rail Corporations (Further Amendment) Act 1998 – Section 16 – 1 July 1999 (*Gazette No. G26, 1 July 1999*); remaining provisions – 24 August 1999 (*Gazette No. G33, 19 August 1999*).

15 SPEECH OF HIS EXCELLENCY THE GOVERNOR – The President reported the Speech of His Excellency the Governor on the Opening of Parliament.

The Honourable C.C. Broad moved, That the Council agree to the following Address to His Excellency the Governor in reply to His Excellency's Opening Speech:

MAY IT PLEASE YOUR EXCELLENCY:

We, the Legislative Council of Victoria, in Parliament assembled, wish to express our loyalty to our Most Gracious Sovereign, and to thank Your Excellency for the Speech you have been pleased to address to Parliament.

— which motion was seconded by the Honourable M.R. Thomson.

Debate ensued.

The Honourable G.W. Jennings moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

16 ADJOURNMENT – The Honourable M.M. Gould moved, That the House do now adjourn.

Debate ensued.

Question – put and resolved in the affirmative.

And then the Council, at 3.58 p.m., adjourned until Tuesday next.

A.V. BRAY
Clerk of the Legislative Council

LEGISLATIVE COUNCIL OF VICTORIA

MINUTES OF THE PROCEEDINGS Nos. 3 and 4

No. 3 – Tuesday, 9 November 1999

- 1 The President took the Chair and read the Prayer.
- 2 **AUDITOR-GENERAL'S OFFICE FINANCIAL AUDIT** – The President announced the receipt of a Message from the Assembly acquainting the Council that they have agreed to the appointment of Mr. Douglas N. Bartley to conduct the financial audit of the Auditor-General's Office, and desiring the concurrence of the Council therein.

Ordered – That the Message be taken into consideration forthwith.

The Honourable M.M. Gould moved, by leave, That the Council concur with the Assembly and resolves That, pursuant to section 17 of the *Audit Act 1994*:

1. Mr Douglas N. Bartley of KPMG be appointed to conduct the financial audit of the Auditor-General's Office for the 1998-99 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. 7, Session 1998); and
2. The level of remuneration for this financial audit be \$10,750.

Question – put and resolved in the affirmative.

Ordered – That a Message be sent to the Assembly acquainting them accordingly.

- 3 **QUESTIONS** – Questions without notice were taken pursuant to Standing Order No. 71A.
- 4 **FEDERAL COURTS (STATE JURISDICTION) BILL** – On the motion (by leave without notice) of the Honourable M.R. Thomson, leave was given to bring in a Bill *relating to the ineffective conferral of jurisdiction on the Federal Court of Australia and the Family Court of Australia with respect to certain matters, to amend the Competition Policy Reform (Victoria) Act 1995 and the New Tax System Price Exploitation Code (Victoria) Act 1999 and for other purposes* and the said Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
- 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:
 - Agriculture Victoria Services Pty Ltd – Report, 1998-99.
 - Catchment Management Council – Report, 1998-99.
 - Chief Electrical Inspector's Office – Report, 1998-99.
 - Dairy Industry Authority – Report, 1998-99.
 - Emerald Tourist Railway Board – Report, 1998-99.

Environment Conservation Council – Report, 1998-99.
 Environment Protection Authority – Report, 1998-99.
 Justice Department – Report, 1998-99.
 Legal Practice Board – Report, 1998-99.
 Melbourne and Olympic Parks Trust – Report, 1998-99.
 Melbourne Sports and Aquatic Centre Trust – Report, 1998-99.
 Tourism Victoria – Report, 1998-99 (two papers).
 Victorian Institute of Sport – Report, 1998-99.

- 6 ADDRESS IN REPLY TO SPEECH OF HIS EXCELLENCY THE GOVERNOR** –
 The Order of the Day having been read for the resumption of the debate on the question, That the Council agree to the Address to His Excellency the Governor in reply to His Excellency's Opening Speech (*for address see page 25*) –

Debate resumed.

The Honourable K. Darveniza moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

- 7 ADJOURNMENT** – The Honourable M.M. Gould moved, That the House do now adjourn.

Debate ensued.

Question – put and resolved in the affirmative.

And then the Council, at 6.42 p.m., adjourned until tomorrow.

A.V. BRAY

Clerk of the Legislative Council

No. 4 – Wednesday, 10 November 1999

- 1** The President took the Chair and read the Prayer.

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

Broiler Industry Negotiation Committee – Minister for Agriculture's report of 9 November 1999 of receipt of the 1998-99 report.

Murray Valley Citrus Marketing Board – Report, 1998-99.

National Parks Advisory Council – Report, 1998-99.

- 3 WAVERLEY PARK** – The Honourable P.R. Hall moved, That this House calls on the Minister for Sport, Recreation and Youth Affairs to explain the Government's policy on Waverley Park and in this regard to provide a full account of the actions taken by the Government to meet their election commitments.

Debate ensued.

The Honourable T.C. Theophanous moved, as an amendment, That all the words after "House" be omitted with the view of inserting in place thereof "expresses its concern at the proposed closure of Waverley Park as a football venue and supports the efforts of the local community and football supporters across Victoria to keep the venue open."

Debate ensued.

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

The Council divided.

	AYES, 29		NOES, 14
The Hon.	G.B. Ashman	The Hon.	C. C. Broad
	B.N. Atkinson		E. C. Carbines
	W.R. Baxter		K. Darveniza (<i>Teller</i>)
	R.A. Best		M.M. Gould
	M.A. Birrell		D. G. Hadden
	B.W. Bishop		G. W. Jennings
	B.C. Boardman		J. M. McQuilten
	R.H. Bowden		J. M. Madden
	A.R. Brideson		J. Mikakos (<i>Teller</i>)
	A. Coote (<i>Teller</i>)		S.M. Nguyen
	I.J. Cover		G. D. Romanes
	G.R. Craige		R. F. Smith
	D.M. Davis		T.C. Theophanous
	P.R. Davis		M. R. Thomson
	W. Forwood		
	C.A. Furletti		
	P.R. Hall		
	R.M. Hallam		
	P.A. Katsambanis		
	N.B. Lucas		
	M.T. Luckins		
	A. P. Olexander		
	E.J. Powell (<i>Teller</i>)		
	G. K. Rich-Phillips		
	Dr. J.W.G. Ross		
	K.M. Smith		
	W.I. Smith		
	Graeme Stoney		
	C.A. Strong		

And so it was resolved in the affirmative – Amendment negatived.

Question – That this House calls on the Minister for Sport, Recreation and Youth Affairs to explain the Government's policy on Waverley Park and in this regard to provide a full account of the actions taken by the Government to meet their election commitments – put and resolved in the affirmative.

4 QUESTIONS – Questions without notice were taken pursuant to Standing Order No. 71A.

5 ADDRESS IN REPLY TO SPEECH OF HIS EXCELLENCY THE GOVERNOR – The Order of the Day having been read for the resumption of the debate on the question, That the Council agree to the Address to His Excellency the Governor in reply to His Excellency's Opening Speech (*for address see page 25*) –

Debate resumed.

The Honourable D.G. Hadden moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

- 6 LABOUR AND INDUSTRY (STATUTE LAW REVISION) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable M.M. Gould moved, That this Bill be now read a second time.

The Honourable W. Forwood (for the Honourable M.A. Birrell) moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

- 7 FEDERAL COURTS (STATE JURISDICTION) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable M.R. Thomson moved, That this Bill be now read a second time.

The Honourable M.R. Thomson made a statement pursuant to section 85(5) of the *Constitution Act 1975* on the reasons for altering or varying this section.

The Honourable W. Forwood moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

- 8 ADJOURNMENT** – The Honourable M.M. Gould moved, That the Council, at its rising, adjourn until Tuesday, 23 November 1999.

Question – put and resolved in the affirmative.

The Honourable M.M. Gould moved, That the House do now adjourn.

Debate ensued.

Question – put and resolved in the affirmative.

And then the Council, at 5.23 p.m., adjourned until Tuesday, 23 November 1999.

A.V. BRAY
Clerk of the Legislative Council

LEGISLATIVE COUNCIL OF VICTORIA

MINUTES OF THE PROCEEDINGS Nos. 5 and 6

No. 5 – Tuesday, 23 November 1999

- 1 The President took the Chair and read the Prayer.
- 2 **QUESTIONS** – Questions without notice were taken pursuant to Standing Order No. 71A.
- 3 **PETITIONS** –
FRANKSTON-FLINDERS ROAD AND STONY POINT ROAD INTERSECTION – The Honourable K.M. Smith presented a Petition bearing 2,820 signatures from certain citizens of Victoria requesting that serious consideration be given to suitable adjustments to the intersection of Frankston-Flinders Road and Stony Point Road, so as to streamline the flow of traffic and reduce hazardous conditions.

Ordered to lie on the Table.

* * * * *

PROPORTIONAL REPRESENTATION IN THE LEGISLATIVE COUNCIL –

The Honourable W. Forwood presented a Petition bearing 68 signatures from certain citizens of Victoria praying that the method of election of the Members of the Legislative Council be changed to proportional representation so that the proportion of the vote that each party or independent achieves is represented by their members in the total number of members in the Council.

Ordered to lie on the Table.

- 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:
 - Auditor-General's Office – Report, 1998-99.
 - Bethlehem Hospital Incorporated – Report, 1998-99 (two papers).
 - Caritas Christi Hospice Limited – Report, 1998-99.
 - City West Water Limited – Report, 1998-99.
 - Corangamite Catchment Management Authority – Report, 1998-99.
 - Director of Public Prosecutions Office – Report, 1998-99.
 - East Gippsland Catchment Management Authority – Report, 1998-99.
 - Electoral Commission – Report, 1998-99.
 - Equal Opportunity Commission – Report, 1998-99.
 - Financial Report for the State of Victoria –
 - Treasurer's report of failure to submit 1998-99 report within the prescribed period and the reasons therefor.
 - Report (incorporating the Annual Financial Statement), 1998-99.
 - First Mildura Irrigation Trust – Report, 1998-99.

- Gippsland and Southern Rural Water Authority – Report, 1998-99.
- Glenelg Hopkins Catchment Management Authority – Report, 1998-99.
- Goulburn Broken Catchment Management Authority – Report, 1998-99.
- Goulburn Murray Rural Water Authority – Report, 1998-99.
- Human Services Department – Report, 1998-99.
- Lake Mountain Alpine Resort Management Board – Minister for Environment and Conservation's report of 19 November 1999 of receipt of report for the period 30 April 1998 to 31 October 1998.
- Mallee Catchment Management Authority – Report, 1998-99.
- Mt Baw Baw Alpine Resort Management Board – Minister for Environment and Conservation's report of 19 November 1999 of receipt of report for the period 30 April 1998 to 31 October 1998.
- Mt Stirling Alpine Resort Management Board – Minister for Environment and Conservation's report of 19 November 1999 of receipt of report for the period 30 April 1998 to 31 October 1998.
- Multicultural Commission – Report, 1998-99.
- North Central Catchment Management Authority – Report, 1998-99.
- North East Catchment Management Authority – Report, 1998-99.
- North Western Health Care Network – Report, 1998-99 (two papers).
- Office of Public Employment – Report, 1998-99.
- Parliamentary Committees Act 1968 – Minister's interim response to recommendations in Federal-State Relations Committee's Report upon Federalism and the Role of the States: Comparisons and Recommendations.
- Peninsula Health Care Network – Report, 1998-99.
- Planning and Environment Act 1987 – Notices of Approval of the following amendments to planning schemes:
- Bayside Planning Scheme – Amendment L14.
 - Frankston Planning Scheme – Amendment L87.
 - Hobsons Bay Planning Scheme – Amendment L17.
 - Kingston Planning Scheme – Amendments L43 and L44.
 - Nillumbik Planning Scheme – Amendments L21 and L26.
 - Shepparton – Greater Shepparton Planning Scheme – Amendment C2.
 - Yarra Planning Scheme – Amendment C4.
- Port Phillip Catchment and Land Protection Board – Report, 1998-99.
- Queen Victoria Women's Centre Trust – Report, 1998-99.
- Southern Health Care Network – Report, 1998-99.
- St Vincent's Hospital (Melbourne) Limited – Report, 1998-99.
- State Trustees Limited – Report, 1998-99 (including financial statements of the Common Funds) (two papers).
- Statutory Rule under the Road Safety Act 1986 – No. 120.
- Strawberry Industry Development Committee – Minister for Agriculture's report of 10 November 1999 of receipt of the 1998-99 report.
- Sunraysia Rural Water Authority – Report, 1998-99.
- Victorian Government Purchasing Board – Report, 1998-99 (including the Annual Procurement Report) (two papers).
- West Gippsland Catchment Management Authority – Report, 1998-99.
- Wimmera Mallee Catchment Management Authority – Report, 1998-99.
- Wimmera Mallee Rural Water Authority – Report, 1998-99.
- Women's and Children's Health Care Network – Report, 1998-99.
- Yarra Valley Water Limited – Report, 1998-99.

- 5 MINISTERIAL STATEMENT – GOVERNMENT RESPONSES TO PARLIAMENTARY COMMITTEE REPORTS** – The Honourable M.M. Gould made a Ministerial Statement relating to Government responses to Parliamentary Committee reports.
- 6 ADDRESS IN REPLY TO SPEECH OF HIS EXCELLENCY THE GOVERNOR** – The Order of the Day having been read for the resumption of the debate on the question, That the Council agree to the Address to His Excellency the Governor in reply to His Excellency's Opening Speech (*for address see page 25*) –
Debate resumed.
The Honourable G.B. Ashman moved, That the debate be now adjourned.
Question – That the debate be now adjourned – put and resolved in the affirmative.
Ordered – That the debate be adjourned until the next day of meeting.
- 7 ADJOURNMENT** – The Honourable M.M. Gould moved, That the House do now adjourn.
Debate ensued.
Question – put and resolved in the affirmative.
And then the Council, at 6.18 p.m., adjourned until tomorrow.

A.V. BRAY
Clerk of the Legislative Council

No. 6 – Wednesday, 24 November 1999

- 1** The President took the Chair and read the Prayer.
- 2 APPOINTMENT OF OFFICERS** – The President announced to the Council that, as a consequence of the retirement of the Clerk of the Parliaments and Clerk of the Legislative Council with effect from 3 December 1999, His Excellency the Governor in Council had been pleased to make the following appointments with effect from 4 December 1999:
- Mr. Wayne Ronald Tunnecliffe as Clerk of the Legislative Council; and
 - Mr. Raymond William Purdey as Clerk of the Parliaments.
- 3 PAPERS** –
- PATRIOTIC FUNDS COUNCIL** – The Honourable M.R. Thomson moved, by leave, That there be laid before this House a copy of the Report of the Patriotic Funds Council for the year 1998.
Question – put and resolved in the affirmative.
The said Report was thereupon presented by the Honourable M.R. Thomson 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:
Housing Guarantee Fund Limited – Report, 1998-99.
Parliamentary Committees Act 1968 – Minister's interim response to recommendations in Law Reform Committee's Report upon Criminal Liability for Self-Induced Intoxication.

Planning and Environment Act 1987 – Notices of Approval of the following amendments to planning schemes and new planning schemes:

- Baw Baw Planning Scheme – Amendment C6.
- Brimbank Planning Scheme – Amendment C3.
- Buloke Planning Scheme.
- Casey Planning Scheme – Amendment C4.
- French Island and Sandstone Island Planning Scheme.
- Glen Eira Planning Scheme – Amendment C1.
- Knox Planning Scheme.
- Macedon Ranges Planning Scheme – Amendment L29.
- Mornington Peninsula Planning Scheme – Amendment C3.
- Nillumbik Planning Scheme – Amendment L22.
- Wyndham Planning Scheme – Amendment C10.
- Yarra Planning Scheme – Amendment C8.

- 4 SMALL BUSINESS CONFIDENCE** – The Honourable W. Forwood moved, That, given the reported slump in small business confidence, this House calls upon the Minister for Small Business to outline any plans she has to remedy this slump.

Debate ensued.

The Honourable T.C. Theophanous moved, as an amendment, That the following words and expressions be added to the motion:

"and, recognizing that the effects of the G.S.T. are largely responsible for the reported quarterly decline, supports her endeavours in seeking compensation for its impact".

Debate ensued.

Question – That the words and expressions proposed to be added be so added – put.

The Council divided.

AYES, 14

The Hon. C. C. Broad
 E. C. Carbines (*Teller*)
 K. Darveniza
 M.M. Gould
 D. G. Hadden
 G. W. Jennings
 J. M. McQuilten
 J. M. Madden
 J. Mikakos
 S.M. Nguyen (*Teller*)
 G. D. Romanes
 R. F. Smith
 T.C. Theophanous
 M. R. Thomson

NOES, 29

The Hon. G.B. Ashman
 B.N. Atkinson (*Teller*)
 W.R. Baxter
 R.A. Best
 M.A. Birrell
 B.W. Bishop
 B.C. Boardman
 R.H. Bowden
 A.R. Brideson
 A. Coote
 I.J. Cover
 G.R. Craige
 D.M. Davis (*Teller*)
 P.R. Davis
 W. Forwood
 C.A. Furletti
 P.R. Hall
 R.M. Hallam
 P.A. Katsambanis

N.B. Lucas
M.T. Luckins
A. P. Olexander
E.J. Powell
G. K. Rich-Phillips
Dr. J.W.G. Ross
K.M. Smith
W.I. Smith
Graeme Stoney
C.A. Strong

And so it passed in the negative.

Question – That, given the reported slump in small business confidence, this House calls upon the Minister for Small Business to outline any plans she has to remedy this slump – put and resolved in the affirmative.

5 QUESTIONS – Questions without notice were taken pursuant to Standing Order No. 71A.

6 BUSINESS POSTPONED — Ordered — That the consideration of the Order of the Day, Business to take Precedence, be postponed until later this day.

7 FEDERAL COURTS (STATE JURISDICTION) BILL – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and, by leave, read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

Ordered – That the Bill be transmitted to the Assembly with a Message desiring their concurrence therein.

8 ADDRESS IN REPLY TO SPEECH OF HIS EXCELLENCY THE GOVERNOR – The Order of the Day having been read for the resumption of the debate on the question, That the Council agree to the Address to His Excellency the Governor in reply to His Excellency's Opening Speech (*for address see page 25*) –

Debate resumed.

The Honourable D.M. Davis moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

9 ADJOURNMENT – The Honourable M.M. Gould moved, That the Council, at its rising, adjourn until Tuesday next.

Question – put and resolved in the affirmative.

The Honourable M.M. Gould moved, That the House do now adjourn.

Debate ensued.

Question – put and resolved in the affirmative.

And then the Council, at 6.00 p.m., adjourned until Tuesday next.

A.V. BRAY
Clerk of the Legislative Council

LEGISLATIVE COUNCIL OF VICTORIA

MINUTES OF THE PROCEEDINGS Nos. 7 and 8

No. 7 – Tuesday, 30 November 1999

- 1 The President took the Chair and read the Prayer.
- 2 **THE LATE HENRY ARTHUR HEWSON** – The Honourable M.M. Gould moved, That this House expresses its sincere sorrow at the death, on 20 November 1999, of Henry Arthur Hewson, and places on record its acknowledgment of the valuable services rendered by him to the Parliament and the people of Victoria as a Member of the Legislative Council for the Gippsland Province from 1964 to 1970.
And other Honourable Members having addressed the House –
The question was put and, Honourable Members signifying their assent by rising in their places, unanimously resolved in the affirmative.
- 3 **HEALTH PRACTITIONERS (SPECIAL EVENTS EXEMPTION) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to allow visiting health practitioners to provide health care services in the State in connection with special events without becoming registered under State law and for other purposes* and desiring the concurrence of the Council therein.
On the motion of the Honourable M.M. Gould, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 4 **LEGAL PRACTICE (AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Legal Practice Act 1996 with respect to the powers of the Legal Profession Tribunal and for other purposes* and desiring the concurrence of the Council therein.
On the motion of the Honourable M.R. Thomson, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 5 **ESSENTIAL SERVICES (YEAR 2000) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to provide a temporary system of emergency powers to deal with events arising from year 2000 computer problems, to amend the Emergency Management Act 1986 and for other purposes* and desiring the concurrence of the Council therein.
On the motion of the Honourable M.M. Gould, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 6 **QUESTIONS** – Questions without notice were taken pursuant to Standing Order No. 71A.

- 7 RAIL CORPORATIONS AND TRANSPORT ACTS (MISCELLANEOUS AMENDMENTS) BILL** – On the motion (by leave without notice) of the Honourable C.C. Broad, leave was given to bring in a Bill *to amend the Rail Corporations Act 1996 and the Transport Act 1983, to make consequential amendments to certain other Acts and for other purposes* and the said Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
- 8 GAS INDUSTRY (AMENDMENT) BILL** – On the motion (by leave without notice) of the Honourable C.C. Broad, leave was given to bring in a Bill *to amend the Gas Industry 1994 to make further provision relating to non-franchise customers and for other purposes*, and the said Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
- 9 CRIMES AT SEA BILL** – On the motion (by leave without notice) of the Honourable M.R. Thomson, leave was given to bring in a Bill *to give effect to a cooperative scheme for dealing with crimes at sea, to repeal the Crimes (Offences at Sea) Act 1978, to amend the Interpretation of Legislation Act 1984 and for other purposes*, and the said Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
- 10 PAPERS PURSUANT TO STATUTE** – The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:
- Barwon Region Water Authority – Report, 1998-99.
 - Central Gippsland Region Water Authority – Report, 1998-99.
 - Central Highlands Region Water Authority – Report, 1998-99.
 - Coliban Region Water Authority – Report, 1998-99.
 - East Gippsland Region Water Authority – Report, 1998-99.
 - Glenelg Region Water Authority – Report, 1998-99.
 - Goulburn Valley Region Water Authority – Report, 1998-99.
 - Grampians Region Water Authority – Report, 1998-99.
 - Legal Aid – Report, 1998-99.
 - Lower Murray Region Water Authority – Report, 1998-99.
 - National Parks Act 1975 – Report of the Secretary, Department of Natural Resources and Environment, 1998-99.
 - North East Region Water Authority – Report, 1998-99.
 - Parliamentary Committees Act 1968 – Minister's interim response to recommendations in Federal-State Relations Committee's Report upon Register of Specific Purpose Payments received by Victoria.
 - Planning and Environment Act 1987 – Notices of Approval of the following amendments to planning schemes and a new planning scheme:
 - Cranbourne Planning Scheme – Amendment L241.
 - Melbourne Planning Scheme – Amendment C17.
 - Melton Planning Scheme – Amendments C6 and C9.
 - Monash Planning Scheme – Amendment L53.
 - Port Phillip Planning Scheme – Amendment C13.
 - Stonnington Planning Scheme – Amendments L89 and L90.
 - Yarra Ranges Planning Scheme – Amendment L114.
 - Yarriambiack Planning Scheme.
 - Police – Chief Commissioner's Office – Report, 1998-99.
 - Portland Coast Region Water Authority – Report, 1998-99.
 - Premier and Cabinet Department – Report, 1998-99.
 - South Gippsland Region Water Authority – Report, 1998-99.
 - South West Water Authority – Report, 1998-99.

Statutory Rules under the following Acts of Parliament:

Forests Act 1958 – No. 122.

Magistrates' Court Act 1989 – No. 121.

Subordinate Legislation Act 1994 –

Minister's exception certificate under section 8(4) in respect of Statutory Rule No. 121/1999.

Minister's exemption certificate under section 9(6) in respect of Statutory Rule No. 122/1999.

Westernport Region Water Authority – Report, 1998-99.

Western Region Water Authority – Report, 1998-99.

* * * *

PROCLAMATION – A Proclamation of His Excellency the Governor in Council fixing an operative date in respect of the following Act was laid upon the Table by the Clerk pursuant to an Order of the Council on 4 November 1999:

Courts (General Amendment) Act 1995 – Section 4 – 1 December 1999
(*Gazette No. G47, 25 November 1999*).

11 BUSINESS POSTPONED – Ordered – That the consideration of the Order of the Day, Business to take Precedence, be postponed until later this day.

12 HEALTH PRACTITIONERS (SPECIAL EVENTS EXEMPTION) BILL – The Order of the Day having been read for the second reading of this Bill, the Honourable M.M. Gould moved, That this Bill be now read a second time.

The Honourable W.R. Baxter moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

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

13 ESSENTIAL SERVICES (YEAR 2000) BILL – The Order of the Day having been read for the second reading of this Bill, the Honourable M.M. Gould moved, That this Bill be now read a second time.

The Honourable M.M. Gould made a statement pursuant to section 85(5) of the *Constitution Act 1975* on the reasons for altering or varying this section.

The Honourable W. Forwood moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

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

14 LEGAL PRACTICE (AMENDMENT) BILL – This Bill was, according to Order and after debate, read a second time and, by leave, read a third time and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

15 HEALTH PRACTITIONERS (SPECIAL EVENTS EXEMPTION) BILL – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

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

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

16 ADJOURNMENT – The Honourable M.M. Gould moved, That the House do now adjourn.

Debate ensued.

Question – put and resolved in the affirmative.

And then the Council, at 5. 42 p.m., adjourned until tomorrow.

A.V. BRAY

Clerk of the Legislative Council

No. 8 – Wednesday, 1 December 1999

1 The President took the Chair and read the Prayer.

2 APPOINTMENT OF DEPUTY CLERK – The President announced to the Council that, as a consequence of the appointment of Mr. Wayne Ronald Tunnecliffe as Clerk of the Legislative Council, he had appointed Mr. Matthew Tricarico as Deputy Clerk and Clerk of Committees with effect from 4 December 1999.

3 AUDIT (AMENDMENT) BILL – The President announced the receipt of a Message from the Assembly transmitting a Bill *to provide for the appointment of the Auditor-General under Part V of the Constitution Act 1975, to amend the Audit Act 1994 with respect to the functions and powers of the Auditor-General, to repeal the Audit (Amendment) Act 1997, to make consequential amendments to other Acts and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable M.M. Gould, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

4 PAPERS –

BLF CUSTODIAN – The Honourable M.M. Gould moved, by leave, That there be laid before this House a copy of Report No. 45 dated 30 November 1999 given to Mr. President pursuant to section 7A of the *BLF (De-recognition) Act 1985* by the Custodian appointed under section 7(1) of that Act.

Question – put and resolved in the affirmative.

The said Report was thereupon presented by the Honourable M.M. Gould and ordered to lie on the Table.

* * * * *

PARLIAMENTARY DEPARTMENTS – The Honourable B.W. Bishop moved, by leave, That there be laid before this House a copy of the Report of –

- (a) the Clerk on the Operations of the Department of the Legislative Council for the year 1998-99;
- (b) the Librarian on the Operations of the Department of the Parliamentary Library for the year 1998-99;
- (c) the Chief Reporter on the operations of the Department of Victorian Parliamentary Debates for the year 1998-99; and
- (d) the Secretary on the operations of the Department of Parliamentary Services for the year 1998-99.

Question – put and resolved in the affirmative.

The said Reports were thereupon presented by the Honourable B.W. Bishop 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:

Alexandra and District Ambulance Service – Minister for Health's report of 30 November 1999 of receipt of the 1998-99 report.

Ambulance Officers' Training Centre – Minister for Health's report of 30 November 1999 of receipt of the 1998-99 report.

Ambulance Service Victoria – Metropolitan Region – Report, 1998-99.

Dental Health Services Victoria – Report, 1998-99.

Mental Health Review Board – Report, 1998-99.

Nurses Board – Minister for Health's report of 30 November 1999 of receipt of the 1998-99 report.

Osteopaths Registration Board – Minister for Health's report of 30 November 1999 of receipt of the 1998-99 report.

Parliamentary Committees Act 1968 – Minister's interim response to recommendations in Economic Development Committee's Report upon Effects of Government Funded National Broadcasting on Victoria.

Pharmacy Board – Report, 1998-99.

Physiotherapists Registration Board – Minister for Health's report of 30 November 1999 of receipt of the 1998-99 report.

Psychologists Registration Board – Report, 1998.

Prince Henry's Institute of Medical Research – Report, 1998.

Radiation Advisory Committee – Report, year ended 30 September 1999.

Rural Ambulance Victoria – Report, 1998-99.

Statutory Rules under the following Acts of Parliament:

Conservation, Forests and Lands Act 1987 – No. 125.

Subordinate Legislation Act 1994 – No. 124.

Transport Act 1983 – No. 123.

Subordinate Legislation Act 1994 – Ministers' exemption certificates under section 9(6) in respect of Statutory Rules Nos. 123 to 125/1999.

- 5 **TRADE UNIONS** – The Honourable M.A. Birrell moved, That this House is of the opinion that it is grossly improper to discriminate against Victorians on the basis that they are, or are not, members of a Trade Union.

Debate ensued.

Question – put and resolved in the affirmative.

- 6 **QUESTIONS** – Questions without notice were taken pursuant to Standing Order No. 71A.

- 7 **BUSINESS POSTPONED** – Ordered – That the consideration of the Order of the Day, Business to take Precedence, be postponed until later this day.

- 8 **RAIL CORPORATIONS AND TRANSPORT ACTS (MISCELLANEOUS AMENDMENTS) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable C.C. Broad moved, That this Bill be now read a second time.

The Honourable G.R. Craige moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

- 9 **GAS INDUSTRY (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable C.C. Broad moved, That this Bill be now read a second time.

The Honourable P.R. Davis moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

- 10 CRIMES AT SEA BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable M.R. Thomson moved, That this Bill be now read a second time.

The Honourable W. Forwood moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

- 11 ESSENTIAL SERVICES (YEAR 2000) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honourable B.W. Bishop having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 12 RETIREMENT OF ALLAN VICTOR BRAY** – The Honourable M.M. Gould moved, That on the eve of the retirement of Mr. Allan Victor Bray from the offices of Clerk of the Parliaments and Clerk of the Legislative Council, this House places on record its high appreciation of the long and valuable services rendered by him to the Parliament and the State of Victoria during his thirty-seven years of public service from 1962 to 1999, and acknowledges the ability and courtesy uniformly displayed by him in the discharge of his duties as Clerk of the Parliaments and Clerk of the Legislative Council and in the many other important offices held by him during his service as an officer of the Parliament of Victoria from 1964 to 1999.

And other Honourable Members and the President having addressed the House –

The question was put and, Honourable Members signifying their assent by rising in their places, unanimously resolved in the affirmative.

- 13 ADJOURNMENT** – The Honourable M.M. Gould moved, That the Council, at its rising, adjourn until Tuesday next.

Question – put and resolved in the affirmative.

And then the Council, at 5.49 p.m., adjourned until Tuesday next.

A.V. BRAY
Clerk of the Legislative Council

LEGISLATIVE COUNCIL OF VICTORIA

MINUTES OF THE PROCEEDINGS Nos. 9 and 10

No. 9 – Tuesday, 7 December 1999

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** – The Honourable M.M. Gould presented a Message from His Excellency the Governor informing the Council that he had, this day, given the Royal Assent to the undermentioned Acts presented to him by the Clerk of the Parliaments:
Essential Services (Year 2000) Act
Health Practitioners (Special Events Exemption) Act
Legal Practice (Amendment) Act.
- 3 **LOCAL GOVERNMENT (BEST VALUE PRINCIPLES) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Local Government Act 1989 and for other purposes* and desiring the concurrence of the Council therein.
On the motion of the Honourable C.C. Broad, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
- 4 **REGIONAL INFRASTRUCTURE DEVELOPMENT FUND BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to provide for a fund to be called the Regional Infrastructure Development Fund to be established in the Public Account as part of the Trust Fund and for other purposes* and desiring the concurrence of the Council therein.
On the motion of the Honourable C.C. Broad, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
- 5 **QUESTIONS** – Questions without notice were taken pursuant to Standing Order No. 71A.
- 6 **PETITION – MORNINGTON PENINSULA AND WESTERN PORT POLICE** – The Honourable K.M. Smith presented a Petition bearing 182 signatures from certain citizens of Victoria praying for police numbers to be increased in the Mornington Peninsula and Western Port area.
Ordered to lie on the Table.
- 7 **PAPERS PURSUANT TO STATUTE** – The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:
Bairnsdale Regional Health Service – Report, 1998-99.
Beaufort and Skipton Health Service – Minister for Health's report of receipt of the 1998-99 report.

- Colac Community Health Services – Report, 1998-99.
- Coleraine and District Hospital – Minister for Health's report of receipt of the 1998-99 report.
- Dunmunkle Health Services – Minister for Health's report of receipt of the 1998-99 report.
- East Grampians Health Service – Report, 1998-99.
- Far East Gippsland Health and Support Service – Minister for Health's report of receipt of the 1998-99 report.
- Forensic Medicine Institute – Report, 1998-99.
- Gippsland Southern Health Service – Report, 1998-99.
- Hesse Rural Health Service – Minister for Health's report of receipt of the 1998-99 report.
- Inner and Eastern Health Care Network – Report, 1998-99 (two papers).
- Lorne Community Hospital – Minister for Health's report of receipt of the 1998-99 report.
- Moyne Health Services – Minister for Health's report of receipt of the 1998-99 report.
- National Gallery Council – Report, 1998-99.
- Omeo District Hospital – Minister for Health's report of receipt of the 1998-99 report.
- Otway Health and Community Services – Minister for Health's report of receipt of the 1998-99 report.
- Parliamentary Committees Act 1968 – Minister's response to recommendations in Public Accounts and Estimates Committee's Interim Report upon Environmental Accounting and Reporting.
- Planning and Environment Act 1987 – Notices of Approval of the following amendments to planning schemes and a new planning scheme:
- Darebin Planning Scheme.
 - Geelong – Greater Geelong Planning Scheme – Amendment R247.
 - Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan – Amendment No. 109.
- Police Board – Report, 1998-99.
- South Gippsland Hospital – Minister for Health's report of receipt of the 1998-99 report.
- Stawell District Hospital – Report, 1998-99.
- Terang and Mortlake Health Service – Minister for Health's report of receipt of the 1998-99 report.
- Timboon and District Healthcare Service – Minister for Health's report of receipt of the 1998-99 report.
- Treasury and Finance Department – Report, 1998-99.
- VicFleet Pty Ltd – Report, 1998-99.
- Victorian Relief Committee – Report, 1998-99.
- Warrnambool and District Base Hospital – Report, 1998-99.
- Water Training Centre – Minister for Environment and Conservation's report of 16 November 1999 of receipt of the 1998-99 report.
- West Gippsland Healthcare Group – Report, 1998-99.

Wimmera Health Care Group – Report, 1998-99.

Yarram and District Health Service – Minister for Health's report of receipt of the 1998-99 report.

8 BUSINESS POSTPONED — Ordered — That the consideration of the Order of the Day, Business to take Precedence, be postponed until later this day.

9 AUDIT (AMENDMENT) BILL — The Order of the Day having been read for the second reading of this Bill, the Honourable M.M. Gould moved, That this Bill be now read a second time.

The Honourable W. Forwood moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

10 BUSINESS POSTPONED — Ordered — That the consideration of Orders of the Day, Government Business, Nos. 2 and 3, be postponed until later this day.

11 CRIMES AT SEA BILL — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

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

Ordered — That the Bill be transmitted to the Assembly with a Message desiring their concurrence therein.

12 BUSINESS OF THE HOUSE — The Honourable M.M. Gould moved, That so much of the Sessional Orders be suspended as would prevent new business being taken after 8.00 p.m. during the sitting of the Council this day.

Question — put and resolved in the affirmative.

13 RAIL CORPORATIONS AND TRANSPORT ACTS (MISCELLANEOUS AMENDMENTS) BILL — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

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

Ordered — That the Bill be transmitted to the Assembly with a Message desiring their concurrence therein.

14 ADDRESS IN REPLY TO SPEECH OF HIS EXCELLENCY THE GOVERNOR — The Order of the Day having been read for the resumption of the debate on the question, That the Council agree to the Address to His Excellency the Governor in reply to His Excellency's Opening Speech (*for address see page 25*) —

Debate resumed.

The Honourable E.J. Powell moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

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

15 GAS INDUSTRY (AMENDMENT) BILL — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honourable B.W. Bishop having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered — That the Bill be transmitted to the Assembly with a Message desiring their concurrence therein.

16 ADJOURNMENT — The Honourable M.M. Gould moved, That the House do now adjourn.

Debate ensued.

Question — put and resolved in the affirmative.

And then the Council, at 10.33 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 10 — Wednesday, 8 December 1999

1 The President took the Chair and read the Prayer.

2 FREEDOM OF INFORMATION (MISCELLANEOUS AMENDMENTS) BILL — The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Freedom of Information Act 1982 to provide for increased access to documents under that Act and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable M.R. Thomson, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

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:

Austin and Repatriation Medical Centre — Report, 1998-99 (two papers).

Parliamentary Committees Act 1968 — Minister's response to recommendations in Public Accounts and Estimates Committee's Report upon Annual Reporting in the Victorian Public Sector.

4 MINERALS AND PETROLEUM POLICIES — The Honourable P.R. Davis moved, That this House invites the Minister for Energy and Resources to outline the minority Labor Government's policies and plans for minerals and petroleum.

Debate ensued.

Question — put and resolved in the affirmative.

5 QUESTIONS — Questions without notice were taken pursuant to Standing Order No. 71A.

6 PARLIAMENTARY COMMITTEES (AMENDMENT) BILL — The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Parliamentary Committees Act 1968 and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable M.M. Gould, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time forthwith.

Accordingly, the Honourable M.M. Gould moved, That this Bill be now read a second time.

The Honourable M.M. Gould made a statement pursuant to section 85(5) of the *Constitution Act 1975* on the reasons for altering or varying this section.

The Honourable M.A. Birrell moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

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

7 BUSINESS POSTPONED — Ordered — That the consideration of the Order of the Day, Business to take Precedence, be postponed until later this day.

8 LOCAL GOVERNMENT (BEST VALUE PRINCIPLES) BILL – The Order of the Day having been read for the second reading of this Bill, the Honourable C.C. Broad moved, That this Bill be now read a second time.

The Honourable N.B. Lucas moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

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

9 REGIONAL INFRASTRUCTURE DEVELOPMENT FUND BILL – The Order of the Day having been read for the second reading of this Bill, the Honourable C.C. Broad moved, That this Bill be now read a second time.

The Honourable G.R. Craige moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

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

10 AUDIT (AMENDMENT) BILL – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and, by leave, read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

11 BUSINESS OF THE HOUSE – The Honourable M.M. Gould moved, That so much of the Sessional Orders be suspended as would prevent new business being taken after 8.00 p.m. during the sitting of the Council this day.

Question – put and resolved in the affirmative.

12 FEDERAL COURTS (STATE JURISDICTION) BILL – The President announced the receipt of a Message from the Assembly acquainting the Council that they have agreed to this Bill without amendment.

13 PARLIAMENTARY COMMITTEES (AMENDMENT) BILL – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and, by leave, read a third

time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

14 BUSINESS POSTPONED — Ordered — That the consideration of Order of the Day, Government Business, No. 1, be postponed until later this day.

15 REGIONAL INFRASTRUCTURE DEVELOPMENT FUND BILL — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honourable B. W. Bishop reported that the Committee had made progress in the Bill, and asked leave to sit again.

Resolved — That the Council will, later this day, again resolve itself into the said Committee.

16 FREEDOM OF INFORMATION (MISCELLANEOUS AMENDMENTS) BILL — The Order of the Day having been read for the second reading of this Bill, the Honourable M.R. Thomson moved, That this Bill be now read a second time.

The Honourable C.A. Furletti moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

17 REGIONAL INFRASTRUCTURE DEVELOPMENT FUND BILL — The Order of the Day having been read for the further consideration of this Bill in Committee of the whole, the President left the Chair.

House in Committee.

And having continued to sit until after 12 midnight —

THURSDAY, 9 DECEMBER 1999

The President resumed the Chair; and the Honourable B.W. Bishop having reported that the Committee had agreed to the Bill with amendments, the House ordered the Report to be taken into consideration this day, whereupon the House adopted the Report, and the Bill was read a third time and passed.

Ordered — That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same with amendments, and desiring their concurrence therein.

18 ADJOURNMENT — The Honourable M.M. Gould moved, That the Council, at its rising, adjourn until Tuesday next.

Question — put and resolved in the affirmative.

The Honourable M.M. Gould moved, That the House do now adjourn.

Debate ensued.

Question — put and resolved in the affirmative.

And then the Council, at 3.07 a.m., adjourned until Tuesday next.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

LEGISLATIVE COUNCIL OF VICTORIA

MINUTES OF THE PROCEEDINGS Nos. 11, 12 and 13

No. 11 – Tuesday, 14 December 1999

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** – The Honourable M.M. Gould presented a Message from His Excellency the Governor informing the Council that he had, this day, given the Royal Assent to the undermentioned Acts presented to him by the Clerk of the Parliaments:
Audit (Amendment) Act
Federal Courts (State Jurisdiction) Act
Parliamentary Committees (Amendment) Act.
- 3 **PUBLIC PROSECUTIONS (AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Constitution Act 1975 to provide for the appointment of the Director of Public Prosecutions under that Act, to amend the Public Prosecutions Act 1994 to remove restrictions on who may apply to a court for punishment of a person for contempt of court, to amend the Supreme Court Act 1986 to provide for the restoration of the common law relating to contempt of court and for other purposes* and desiring the concurrence of the Council therein.
On the motion of the Honourable M.R. Thomson, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 4 **MELBOURNE SPORTS AND AQUATIC CENTRE (AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Melbourne Sports and Aquatic Centre Act 1994 to alter the title of that Act, to alter the name of the Melbourne Sports and Aquatic Centre Trust and to enable the Trust to manage the State Netball and Hockey Centre and other sports, recreation and entertainment facilities and services and for other purposes* and desiring the concurrence of the Council therein.
On the motion of the Honourable J.M. Madden, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 5 **REGIONAL INFRASTRUCTURE DEVELOPMENT FUND BILL** – The President announced the receipt of a Message from the Assembly returning this Bill and acquainting the Council that they have disagreed with the amendments made by the Council in this Bill.
Ordered – That the Message be taken into consideration later this day.
- 6 **QUESTIONS** – Questions without notice were taken and an answer was given to a question on notice pursuant to Standing Order No. 71A.

7 PAPERS –

VICTORIAN GOVERNMENT'S FINANCES 1998-99 – The Honourable M.M. Gould moved, by leave, That there be laid before this House a copy of the Auditor-General's Report on the Victorian Government's Finances, 1998-99.

Question – put and resolved in the affirmative.

The said Report was thereupon presented by the Honourable M.M. Gould 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:

Accident Compensation Act 1985 – Report on requests for approval, pursuant to section 243(3) of the Act.

Auditor-General – Report on Road Construction in Victoria: *Major projects managed by VicRoads*, December 1999.

Falls Creek Alpine Resort Management Board – Minister's report of 13 December 1999 of receipt of the report for the period 30 April 1998 to 31 October 1998.

Financial Institutions Commission – Report, 1 July 1998 to 30 September 1999.

Health Services Act 1988 – Report of Community Visitors, 1998-99.

Ombudsman's Office – Report, 1998-99.

Parks Victoria – Report, 3 July 1998 to 30 June 1999.

Planning and Environment Act 1987 – Notices of Approval of the following amendments to planning schemes and a new planning scheme:

Ballarat Planning Scheme – Amendment C15.

Horsham Planning Scheme – Amendment C1.

Hume Planning Scheme – Amendment L65.

Maribyrnong Planning Scheme.

Public Advocate's Office – Report, 1998-99.

Regulator-General's Office – Report, 1998-99.

South Eastern Medical Complex Limited – Report, 1998-99.

Statutory Rules under the following Acts of Parliament:

County Court Act 1958 – No. 128.

Domestic Building Contracts Act 1995 – No. 126.

Land Tax Act 1958 – No. 129.

Pharmacists Act 1974 – No. 130.

Subordinate Legislation Act 1994 – No. 127.

Subordinate Legislation Act 1994 –

Ministers' exception certificates under section 8(4) in respect of Statutory Rules Nos. 128 to 130/1999.

Minister's exemption certificate under section 9(6) in respect of Statutory Rule No. 126/1999.

Veterinary Practitioners Registration Board – Minister for Agriculture's report of 13 December 1999 of receipt of the 1998 report.

8 BUSINESS POSTPONED — Ordered — That the consideration of the Order of the Day, Business to take Precedence, be postponed until later this day.

9 LOCAL GOVERNMENT (BEST VALUE PRINCIPLES) BILL — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time.

Ordered — That the Bill be committed to a Committee of the whole later this day.

10 BUSINESS OF THE HOUSE – The Honourable M.M. Gould moved, That so much of the Sessional Orders be suspended as would prevent new business being taken after 8.00 p.m. during the sitting of the Council this day.

Question – put and resolved in the affirmative.

11 LOCAL GOVERNMENT (BEST VALUE PRINCIPLES) BILL – This Bill was, according to Order, committed to a Committee of the whole.

House in Committee.

The Deputy President resumed the Chair; and the Honourable Graeme Stoney having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

12 MELBOURNE SPORTS AND AQUATIC CENTRE (AMENDMENT) BILL – The Order of the Day having been read for the second reading of this Bill, the Honourable J.M. Madden moved, That this Bill be now read a second time.

The Honourable P.R. Hall moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

13 PUBLIC PROSECUTIONS (AMENDMENT) BILL – The Order of the Day having been read for the second reading of this Bill, the Honourable M.R. Thomson moved, That this Bill be now read a second time.

The Honourable C.A. Furletti moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

14 HOUSE COMMITTEE – By leave, the Honourable M.R. Thomson moved, by leave, That the Honourables G.B. Ashman, R.A. Best, J.M. McQuilten, J. Mikakos and R.F. Smith be members of the House Committee.

Question – put and resolved in the affirmative.

15 LIBRARY COMMITTEE – By leave, the Honourable M.R. Thomson moved, by leave, That the Honourables the President, E.C. Carbines, M.T. Luckins, E.J. Powell and C.A. Strong be members of the Joint Committee to manage the Library.

Question – put and resolved in the affirmative.

16 PRINTING COMMITTEE – By leave, the Honourable M.R. Thomson moved, by leave, That the Honourables the President, A. Coote, K. Darveniza and E.J. Powell be members of the Joint Printing Committee.

Question – put and resolved in the affirmative.

17 PRIVILEGES COMMITTEE – By leave, the Honourable M.R. Thomson moved, by leave, That a Select Committee of five members be appointed to inquire into and report upon complaints of breach of privilege referred to it by the Council, and that the Committee have power to send for persons, papers and records, three to be the quorum; and that the Honourables W.R. Baxter, D.M. Davis, C.A. Furletti, M.M. Gould and G.W. Jennings be members of that Committee.

Question – put and resolved in the affirmative.

18 STANDING ORDERS COMMITTEE – By leave, the Honourable M.R. Thomson moved, by leave, That the Honourables the President, G.B. Ashman, B.W.

Bishop, G.W. Jennings, J. Mikakos, G.D. Romanes and K.M. Smith be members of the Select Committee on the Standing Orders of the House; three to be the quorum.

Question – put and resolved in the affirmative.

- 19 ECONOMIC DEVELOPMENT COMMITTEE** – By leave, the Honourable M.R. Thomson moved, by leave, That the Honourables R.A. Best, G.R. Craige, K. Darveniza, N.B. Lucas, J.M. McQuilten, W.I. Smith and T.C. Theophanous be members of the Economic Development Committee.

Question – put and resolved in the affirmative.

- 20 DRUGS AND CRIME PREVENTION COMMITTEE** – By leave, the Honourable M.R. Thomson moved, by leave, That the Honourables B.C. Boardman and S.M. Nguyen be members of the Drugs and Crime Prevention Committee.

Question – put and resolved in the affirmative.

- 21 ENVIRONMENT AND NATURAL RESOURCES COMMITTEE** – By leave, the Honourable M.R. Thomson moved, by leave, That the Honourables R.F. Smith and Graeme Stoney be members of the Environment and Natural Resources Committee.

Question – put and resolved in the affirmative.

- 22 FAMILY AND COMMUNITY DEVELOPMENT COMMITTEE** – By leave, the Honourable M.R. Thomson moved, by leave, That the Honourables G.D. Romanes and E.J. Powell be members of the Family and Community Development Committee.

Question – put and resolved in the affirmative.

- 23 LAW REFORM COMMITTEE** – By leave, the Honourable M.R. Thomson moved, by leave, That the Honourables D.M. Davis, D.G. Hadden and P.A. Katsambanis be members of the Law Reform Committee.

Question – put and resolved in the affirmative.

- 24 PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE** – By leave, the Honourable M.R. Thomson moved, by leave, That the Honourables W. Forwood, R.M. Hallam, G.K. Rich-Phillips and T.C. Theophanous be members of the Public Accounts and Estimates Committee.

Question – put and resolved in the affirmative.

- 25 ROAD SAFETY COMMITTEE** – By leave, the Honourable M.R. Thomson moved, by leave, That the Honourables A.R. Brideson and E.C. Carbines be members of the Road Safety Committee.

Question – put and resolved in the affirmative.

- 26 SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** – By leave, the Honourable M.R. Thomson moved, by leave, That the Honourables M.A. Birrell, M.T. Luckins, J. Mikakos and C.A. Strong be members of the Scrutiny of Acts and Regulations Committee.

Question – put and resolved in the affirmative.

- 27 ADDRESS IN REPLY TO SPEECH OF HIS EXCELLENCY THE GOVERNOR** – The Order of the Day having been read for the resumption of the debate on the question, That the Council agree to the Address to His Excellency the Governor in reply to His Excellency's Opening Speech (*for address see page 25*) –

Debate resumed.

The Honourable W. Forwood moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

28 WATER (WATERWAY MANAGEMENT TARIFFS) BILL – The Deputy President announced the receipt of a Message from the Assembly transmitting a Bill to amend the Water Act 1989 to remove the power of Catchment Management Authorities to set tariffs in respect of certain functions exercised by those Authorities under the Water Act 1989 and to provide for transitional arrangements for fees previously imposed by those Authorities under those tariffs and for other purposes and desiring the concurrence of the Council therein.

On the motion of the Honourable C.C. Broad, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

29 REGIONAL INFRASTRUCTURE DEVELOPMENT FUND BILL – The Order of the Day having been read for the consideration of the Message from the Assembly returning this Bill and acquainting the Council that they have disagreed with the amendments made by the Council in the Bill, the said amendments were read and are as follows:

Amendments made by the Legislative Council	How dealt with by the Legislative Assembly
<ol style="list-style-type: none"> 1. Clause 5, line 26, omit "of \$2 000 000 or more". 2. Insert the following New Clause to follow clause 5 – <p style="margin-left: 20px;">"A. Reporting on payments from Fund</p> <ol style="list-style-type: none"> (1) The Minister must ensure that the report of operations and financial statements prepared under section 45 of the Financial Management Act 1994 include – <ol style="list-style-type: none"> (a) accounts and records of each payment out of the Fund for the purposes of section 5(1)(a); and (b) details of all applications for financial assistance from the Fund received by the Minister whether the application resulted in any payment from the Fund or not; and (c) an assessment of the relative effectiveness of each payment from the Fund for the purposes of section 5(1)(a). (2) The Auditor-General must include in a report under section 9 of the Audit Act 1994 on the audit of the financial statements of the department administered by the Minister a special report on the matters referred to in subsection (1)(b) and (c). (3) Nothing in this section limits the operation of the Audit Act 1994 or the Financial Management Act 1994." 	<p style="text-align: center;">Disagreed with</p>

On the motion of the Honourable C.C. Broad, and after debate, the Council did not insist on their amendments disagreed with by the Assembly.

Ordered – That a Message be sent to the Assembly acquainting them accordingly.

- 30 WATER (WATERWAY MANAGEMENT TARIFFS) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable C.C. Broad moved, That this Bill be now read a second time.

The Honourable P.R. Davis moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

- 31 ADJOURNMENT** – The Honourable M.M. Gould moved, That the House do now adjourn.

Debate ensued.

Question – put and resolved in the affirmative.

And then the Council, at 11.13 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 12 – Wednesday, 15 December 1999

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

- 2 **PAPERS** –

SUPREME COURT JUDGES – The Honourable M.R. Thomson presented, by command of His Excellency the Governor, the Report of the Supreme Court Judges for the year 1998.

Ordered to lie on the Table.

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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 – Report on Land use and development in Victoria: *The State's planning system*, December 1999.

Forensic Mental Health Institute – Report, 1998-99.

Health Promotion Foundation – Report, 1998-99.

Infertility Treatment Authority – Minister for Health's report of 13 December 1999 of receipt of the 1998-99 report.

Legal Ombudsman's Office – Report, 1998-99.

Superannuation Board – Report, 1998-99.

- 3 **FIREFIGHTERS' DISPUTE** – The Honourable B.C. Boardman moved, That this House calls on the Minister for Industrial Relations to demonstrate leadership in the current industrial dispute within the Country Fire Authority led by the United Firefighters Union's attempt to erode the role of the volunteer firefighters by forcing them into union memberships.

Debate ensued.

Question – put.

The Council divided.

	AYES, 29		NOES, 13
The Hon.	G.B. Ashman	The Hon.	C.C. Broad
	B.N. Atkinson		E.C. Carbines
	W.R. Baxter		K. Darveniza (<i>Teller</i>)
	R.A. Best		M.M. Gould
	M.A. Birrell		D.G. Hadden (<i>Teller</i>)
	B.W. Bishop		G.W. Jennings
	B.C. Boardman		J.M. Madden
	R.H. Bowden (<i>Teller</i>)		J. Mikakos
	A.R. Brideson		S.M. Nguyen
	A. Coote		G.D. Romanes
	I.J. Cover		R.F. Smith
	G.R. Craige		T.C. Theophanous
	D.M. Davis		M.R. Thomson
	P.R. Davis		
	W. Forwood		
	C.A. Furletti		
	P.R. Hall		
	R.M. Hallam		
	P.A. Katsambanis		
	N.B. Lucas		
	M.T. Luckins		
	A.P. Olexander (<i>Teller</i>)		
	E.J. Powell		
	G.K. Rich-Phillips		
	Dr. J.W.G. Ross		
	K.M. Smith		
	W.I. Smith		
	Graeme Stoney		
	C.A. Strong		

And so it was resolved in the affirmative.

- 4 **BUSINESS POSTPONED** — Ordered — That the consideration of the Order of the Day, Business to take Precedence, be postponed until later this day.
- 5 **UPPER YARRA VALLEY AND DANDENONG RANGES REGIONAL STRATEGY PLAN** — The Honourable J.M. Madden moved, That pursuant to section 46D(1)(c) of the *Planning and Environment Act 1987*, Amendment No. 109 to the Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan be approved.

Question — put and resolved in the affirmative.

- 6 **MELBOURNE SPORTS AND AQUATIC CENTRE (AMENDMENT) BILL** — The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time —

Debate resumed.

Business having been interrupted at 2.00 p.m. pursuant to Sessional Orders —

7 QUESTIONS – Questions without notice were taken pursuant to Standing Order No. 71A.

8 MELBOURNE SPORTS AND AQUATIC CENTRE (AMENDMENT) BILL – Debate continued on the question, That this Bill be now read a second time.

Question – put and resolved in the affirmative.

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

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

9 JOINT SITTING – VICTORIAN HEALTH PROMOTION FOUNDATION –

The Deputy President announced the receipt of –

(a) a letter from the Minister for Health requesting that arrangements be made for a Joint Sitting of the Council and the Assembly to elect two Members of Parliament to the Victorian Health Promotion Foundation; and

(b) a Message from the Assembly acquainting the Council that they had agreed to meet the Council for that purpose and proposing that the place and time of the Joint Sitting be the Assembly Chamber on Wednesday, 15 December 1999 at 6.15 p.m., and desiring the concurrence of the Council.

Ordered – That the Assembly's Message be taken into consideration forthwith.

The Honourable M.R. Thomson moved, by leave, That this House meet the Legislative Assembly for the purpose of sitting and voting together to elect two Members of Parliament to the Victorian Health Promotion Foundation and, as proposed by the Assembly, the place and time of such meeting be the Legislative Assembly Chamber on Wednesday, 15 December 1999 at 6.15 p.m.

Question – put and resolved in the affirmative.

Ordered – That a Message be sent to the Assembly acquainting them therewith.

10 PUBLIC PROSECUTIONS (AMENDMENT) BILL – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and, by leave, read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

11 BUSINESS OF THE HOUSE – The Honourable M.M. Gould moved, That so much of the Sessional Orders be suspended as would prevent new business being taken after 8.00 p.m. during the sitting of the Council this day.

Question – put and resolved in the affirmative.

12 ADDRESS IN REPLY TO SPEECH OF HIS EXCELLENCY THE GOVERNOR –

The Order of the Day having been read for the resumption of the debate on the question, That the Council agree to the Address to His Excellency the Governor in reply to His Excellency's Opening Speech (*for address see page 25*) –

Debate resumed.

Interruption –

13 JOINT SITTING – The Deputy President announced that the time had arrived for the House to meet the Assembly in the Assembly Chamber to elect Members to the Victorian Health Promotion Foundation.

Accordingly, the Council then proceeded to the Assembly Chamber, and having returned –

The President reported that at the Joint Sitting,

The Honourable Ronald Alexander Best, M.L.C., and

Ms Jennifer Margaret Lindell, M.P.,

were elected to the Foundation for a three year term commencing on 15 December 1999.

14 ADDRESS IN REPLY TO SPEECH OF HIS EXCELLENCY THE GOVERNOR – Debate continued on the question, That the Council agree to the Address to His Excellency the Governor in reply to His Excellency's Opening Speech (*for address see page 25*).

The Honourable C.A. Furletti moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

15 BUSINESS POSTPONED – Ordered – That the consideration of Order of the Day, Government Business, No. 3, be postponed until later this day.

16 FREEDOM OF INFORMATION (MISCELLANEOUS AMENDMENTS) BILL – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

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

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

17 GAS INDUSTRY (AMENDMENT) BILL – The President announced the receipt of a Message from the Assembly acquainting the Council that they have agreed to this Bill without amendment.

18 ADJOURNMENT – The Honourable M.M. Gould moved, That the House do now adjourn.

Debate ensued.

Question – put and resolved in the affirmative.

And then the Council, at 11.48 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 13 – Thursday, 16 December 1999

1 The President took the Chair and read the Prayer.

2 PAPERS –

HEALTH SERVICES COMMISSIONER – The Honourable M.M. Gould moved, by leave, That there be laid before this House a copy of the Report of the Health Services Commissioner for the year 1998-99.

Question — put and resolved in the affirmative.

The said Report was thereupon presented by the Honourable M.M. Gould 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:

Advanced Dental Technicians Qualifications Board — Minister for Health's report of 15 December 1999 of receipt of the 1998-99 report.

Dental Technicians Licensing Committee — Minister for Health's report of 15 December 1999 of receipt of the 1998-99 report.

Freedom of Information Act 1982 — Report of the Attorney-General on the operation of the Act, 1998-99.

Intellectually Disabled Persons' Services Act 1986 — Report of Community Visitors, 1998-99.

Members of Parliament (Register of Interests) Act 1978 — Summary of Primary Returns, November 1999 and Summary of Variations notified between 1 October 1999 and 15 December 1999.

Mental Health Act 1986 — Report of Community Visitors, 1998-99.

Met Train 1 — Report, 1998-99.

Met Tram 1 — Report, 1998-99.

Met Tram 2 — Report, 1998-99.

Mt Buller Alpine Resort Management Board — Minister for Environment and Conservation's report of 15 December 1999 of receipt of the report for the period 30 April 1998 to 31 October 1998.

Mt Hotham Alpine Resort Management Board — Minister for Environment and Conservation's report of 15 December 1999 of receipt of the report for the period 30 April 1998 to 31 October 1998.

Municipal Association of Victoria Mutual Liability Insurance Scheme — Report, 1998-99.

Optometrists Registration Board — Minister for Health's report of 15 December 1999 of receipt of the 1998-99 report.

Queen Elizabeth Centre — Minister for Health's report of receipt of the 1998-99 report.

Tattersall's — Financial statements, 1998-99.

Transport Accident Commission — Report, 1998-99.

V/Line Freight Corporation — Report, 1998-99.

V/Line Passenger Corporation — Report, 1998-99.

Yarra Bend Park Trust — Minister for Environment and Conservation's report of 15 December 1999 of receipt of the 1998-99 report.

- 3 WATER (WATERWAY MANAGEMENT TARIFFS) BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time.

Ordered — That the Bill be committed to a Committee of the whole later this day.

- 4 POLICE REGULATION (AMENDMENT) BILL** — The Acting President announced the receipt of a Message from the Assembly transmitting a Bill to amend the Police Regulation Act 1958 to establish a Police Appeals Board, to abolish the Police Board and Police Review Commission, to provide members of the police force with protection from civil action arising from the performance of their duties, to amend the

Juries Act 1967 and the Ombudsman Act 1973 and for other purposes and desiring the concurrence of the Council therein.

On the motion of the Honourable J.M. Madden, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time forthwith.

Accordingly, the Honourable J.M. Madden moved, That this Bill be now read a second time.

The Honourable B.C. Boardman moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

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

- 5 WATER (WATERWAY MANAGEMENT TARIFFS) BILL** – This Bill was, according to Order, committed to a Committee of the whole.
House in Committee.

Business having been interrupted at 2.00 p.m. pursuant to Sessional Orders –

- 6 QUESTIONS** – Questions without notice were taken pursuant to Standing Order No. 71A.

- 7 WATER (WATERWAY MANAGEMENT TARIFFS) BILL** – Debate continued in Committee of the whole.

The President resumed the Chair; and the Honourable B.W. Bishop having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 8 POLICE REGULATION (AMENDMENT) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

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

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 9 ADDRESS IN REPLY TO SPEECH OF HIS EXCELLENCY THE GOVERNOR** – The Order of the Day having been read for the resumption of the debate on the question, That the Council agree to the Address to His Excellency the Governor in reply to His Excellency's Opening Speech (*for address see page 25*) –

Debate resumed.

The Honourable W. Forwood (for the Honourable C.A. Furletti) moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

- 10 MESSAGES FROM THE ASSEMBLY** – The President announced the receipt of Messages from the Assembly acquainting the Council that they have agreed to the following Bills without amendment:

Crimes at Sea Bill

Rail Corporations and Transport Acts (Miscellaneous Amendments) Bill.

11 PAPERS –

COMMONWEALTH TREATY DOCUMENTS – By leave, the Honourable M.M. Gould moved, by leave, That there be laid before this House a copy of the following Treaty documents:

- (a) Bilateral Agreements tabled in the Commonwealth Parliament on 11 August 1999, together with National Interest Analyses, dealing with –
 - Mutual Antitrust Enforcement Assistance, between Australia and the United States of America.
 - Scientific and Technical Co-operation, between Australia and the European Community.
 - Social Security, between Australia and the United Kingdom of Great Britain and Northern Ireland.
- (b) Bilateral Agreements tabled in the Commonwealth Parliament on 11 August 1999, together with National Interest Analyses and Regulation Impact Statements, dealing with –
 - Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to Taxes on Income and Protocol, between Australia and the Republic of South Africa.
 - Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income, between Australia and Malaysia.
- (c) Multilateral Agreements tabled in the Commonwealth Parliament on 11 August 1999, together with National Interest Analyses, dealing with –
 - International Monetary Fund.
 - Food Aid Convention.
 - International Plant Protection Convention.
- (d) Multilateral Agreement on Adoption of Uniform Technical Prescriptions for Wheeled Vehicles, Equipment and Parts which can be Fitted and/or used on Wheeled Vehicles and the Conditions for Recognition of Approvals Granted on the Basis of these Prescriptions, tabled in the Commonwealth Parliament on 11 August 1999, together with National Interest Analysis and Regulation Impact Statement.
- (e) Bilateral Agreements tabled in the Commonwealth Parliament on 12 October 1999, together with National Interest Analyses, dealing with –
 - Cultural Co-operation, between Australia and Germany.
 - Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income, between Australia and the Slovak Republic.
 - Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income and Protocol, between Australia and the Argentine Republic.
 - Continuation of the Consular Functions by Australia in the Macau Special Administrative Region of the People's Republic of China, between Australia and the People's Republic of China.
 - Consular Relations, between Australia and the People's Republic of China.
 - Co-operation in the Peaceful Uses of Nuclear Energy, between Australia and Japan.
 - Mutual Assistance in Criminal Matters, between Australia and His Serene Highness the Prince of Monaco.
 - Transfer of Uranium, between Australia and New Zealand.

- Use of Shoalwater Bay Training Area and the Associated Use of Storage Facilities in Australia, between Australia and the Republic of Singapore.
 - Judicial Assistance in Civil and Commercial Matters, between Australia and the Republic of Korea.
 - Australia's participation in the Multinational Force and Observers, between Australia and the Multinational Force and Observers.
 - Treaty on Development Co-operation between Australia and Papua New Guinea.
- (f) Multilateral Agreements tabled in the Commonwealth Parliament on 12 October 1999, together with National Interest Analyses, dealing with –
- Protection of New Varieties of Plants.
 - Law of the Sea relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks.
 - Constitution and Convention of the International Telecommunication Union.
- (g) Multilateral Agreements tabled in the Commonwealth Parliament on 12 October 1999, together with National Interest Analyses and Regulation Impact Statement, dealing with –
- Partial Revision of the Radio Regulations of 5 December 1979, and Final Protocol.
 - International Maritime Satellite Organisation.
- (h) Bilateral Agreement on Scientific and Technological Co-operation, between Australia and the Republic of Korea, tabled in the Commonwealth Parliament on 8 December 1999, together with National Interest Analysis.
- (i) Multilateral Agreements tabled in the Commonwealth Parliament on 8 December 1999, together with National Interest Analyses, dealing with –
- Establishment of the International Development Law Institute.
 - Damage caused by Foreign Aircraft to Third Parties on the Surface.
- (j) Multilateral Agreement on Desertification in those Countries experiencing Serious Drought and/or Desertification, particularly in Africa. tabled in the Commonwealth Parliament on 9 December 1999, together with National Interest Analysis.

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

Arts Centre Trust – Report, 1998-99.

Subordinate Legislation Act 1994 – Minister's exemption certificate under section 9(6) in respect of Statutory Rule No. 121/1999.

Youth Parole Board and Youth Residential Board – Report, 1998-99.

12 ADJOURNMENT – The Honourable M.M. Gould moved, That the Council, at its rising, adjourn until a day and hour to be fixed by the President, which time of meeting shall be notified in writing to each Honourable Member.

Debate ensued.

Question – put and resolved in the affirmative.

And then the Council, at 5.06 p.m., adjourned until a day and hour to be fixed by the President, which time of meeting shall be notified in writing to each Honourable Member.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

LEGISLATIVE COUNCIL OF VICTORIA

MINUTES OF THE PROCEEDINGS Nos. 14 and 15

No. 14 – Tuesday, 29 February 2000

- 1 The Council met in accordance with adjournment, the President, pursuant to resolution, having fixed this day at 2.00 p.m. as the time of meeting.
The President took the Chair and read the Prayer.
- 2 **APPOINTMENT OF USHER OF THE BLACK ROD** – The President announced to the House that, as a consequence of the appointment of Mr. Matthew Tricarico as Deputy Clerk and Clerk of Committees, he had appointed Dr. Raymond Wright as Usher of the Black Rod and Clerk of the Records with effect from 19 January 2000.
- 3 **ASSENT TO ACTS** – The Honourable M.M. Gould presented a Message from His Excellency the Governor informing the Council that he had, on 21 December 1999, given the Royal Assent to the undermentioned Acts presented to him by the Clerk of the Parliaments:
 - Crimes at Sea Act*
 - Freedom of Information (Miscellaneous Amendments) Act*
 - Gas Industry (Amendment) Act*
 - Local Government (Best Value Principles) Act*
 - Melbourne Sports and Aquatic Centre (Amendment) Act*
 - Police Regulation (Amendment) Act*
 - Public Prosecutions (Amendment) Act*
 - Rail Corporations and Transport Acts (Miscellaneous Amendments) Act*
 - Regional Infrastructure Development Fund Act*
 - Water (Waterway Management Tariffs) Act.*
- 4 **QUESTIONS** – Questions without notice were taken pursuant to Standing Order No. 71A.
 - YALLOURN INDUSTRIAL DISPUTE** – The Honourable M.M. Gould having given an answer to a question without notice regarding the Yallourn industrial dispute –
The Honourable M.A. Birrell moved, That the Minister's answer be taken into consideration on the next day of meeting.
Question – put and resolved in the affirmative.
 - ELECTRICITY SHORTAGES** – The Honourable C.C. Broad having given an answer to a question without notice regarding the electricity shortages –
The Honourable P.R. Davis moved, That the Minister's answer be taken into consideration on the next day of meeting.
Question – put and resolved in the affirmative.

QUESTIONS – Questions without notice continued.

- 5 SUSPENSION OF STANDING ORDERS – QUESTIONS** – The Honourable M.M. Gould moved, by leave, That so much of the Standing Orders as require answers to questions on notice to be delivered verbally in the House be suspended for the sitting of the Council this day and that the answers enumerated be incorporated in Hansard.

Question – put and resolved in the affirmative.

Accordingly, answers were given to certain questions on notice pursuant to Standing Order No. 71A.

- 6 CORRECTION OF BILL TITLES** – The Honourable M.M. Gould moved, by leave, That where a Bill has passed through both Houses and any title of the Bill includes a reference to a calendar year earlier than that in which passage of a Bill was completed, the Clerk of the Parliaments be empowered to alter the calendar year reference in the Bill title and any corresponding reference within the Bill itself to accord with the year in which its passage was completed.

Question – put and resolved in the affirmative.

- 7 SITTINGS OF SELECT COMMITTEES** – The Honourable M.M. Gould moved, by leave, That leave be granted to –

- (1) the House, Library and Printing Committees to sit within the Parliament buildings during the sittings of either House of the Parliament, but not while either House is actually sitting.
- (2) the Privileges and Standing Orders Committees to sit within the Parliament buildings during the sittings of the House, but not while the House is actually sitting.

Question – put and resolved in the affirmative.

- 8 PAPERS** –

PUBLIC SECTOR ASSET INVESTMENT PROGRAM, 1999-2000 – The Honourable C.C. Broad moved, by leave, That there be laid before this House a copy of the 1999-2000 Public Sector Asset Investment Program (Budget Information Paper No. 1).

Question – put and resolved in the affirmative.

The said paper was thereupon presented by the Honourable C.C. Broad and ordered to lie on the Table.

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SCRUTINY OF ACTS AND REGULATIONS COMMITTEE – ALERT DIGESTS – The Honourable J. Mikakos presented the following Alert Digests from the Scrutiny of Acts and Regulations Committee:

Alert Digest No. 1 of 2000, together with Appendices.

Alert Digest No. 2 of 2000, together with Appendices.

Severally ordered to lie on the Table and to be printed.

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

Adult Parole Board – Report, 1998-99.

Alexandra District Hospital – Minister for Health's report of receipt of the 1998-99 report.

Alpine Health – Report, 1998-99.

- Alpine Resorts Co-ordinating Council – Minister for Environment and Conservation's report of 25 January 2000 of receipt of the report for the period 30 April 1998 to 30 June 1999.
- Australian Food Industry Science Centre – Report, 1998-99.
- Beechworth Hospital – Report, 1998-99.
- Benalla and District Memorial Hospital – Report, 1998-99.
- Building Act 1993 –
Building Code of Australia – Amendment No. 5
Minister's exemption certificate under section 9(6) of the *Subordinate Legislation Act 1994* and notice of Amendment No. 5 (*Gazette No. G48*, 2 December 1999) (two papers).
- Casterton Memorial Hospital – Minister for Health's report of receipt of the 1998-99 report.
- Central Murray Regional Waste Management Group – Minister for Environment and Conservation's report of 28 January 2000 of receipt of the 1998-99 report.
- Cobram District Hospital – Minister for Health's report of receipt of the 1998-99 report.
- Corangamite Regional Hospital Services – Report, 1998-99.
- Crown Land (Reserves) Act 1978 – Minister's Orders of 11 December 1999, giving approval of granting of leases at Mentone and Mordialloc Beach Park.
- Drugs, Poisons and Controlled Substances Act 1981 – Poisons Code – Amendment No.1, Standard for the Uniform Scheduling of Drugs and Poisons, No. 14 and Minister's Notice regarding the amendment, commencement and availability of the code (two papers).
- EcoRecycle Victoria – Report, 1998-99.
- Electoral Commissioner – Statement of functions conferred, 14 December 1999.
- Emu Industry Development Committee – Minister for Agriculture's report of 24 February 2000 of receipt of the 1998-99 report.
- Falls Creek Alpine Resort Management Board – Minister for Environment and Conservation's report of 28 February 2000 of failure to submit the report for the period 1 November 1998 to 31 October 1999 to her within the prescribed period and the reasons therefor.
- Financial Management Regulations 1994 Act – Order in Council of 25 January 2000, pursuant to Regulation 11.
- Gippsland Regional Waste Management Group – Minister for Environment and Conservation's report of receipt of the 1998-99 report.
- Goulburn Valley Health – Report, 1998-99.
- Grampians Regional Waste Management Group – Minister for Environment and Conservation's report of 14 February 2000 of receipt of the 1997-98 audit report.
- Heywood and District Memorial Hospital – Minister for Health's report of receipt of the 1998-99 report.
- Interpretation of Legislation Act 1984 –
Notice pursuant to section 32(3)(a)(iii) in relation to Statutory Rule No. 110/1999.
Notice pursuant to section 32(4) in relation to Amendment 5 of the Building Code of Australia, 1996.

- Lake Mountain Alpine Resort Management Board –
Minister for Environment and Conservation’s report of 28 February 2000 of failure to submit the report for the period 1 November 1998 to 31 October 1999 to her within the prescribed period and the reasons therefor.
Report, 30 April 1998 to 31 October 1998.
- Latrobe Regional Hospital – Report, 1998-99.
- Maffra District Hospital – Minister for Health’s report of receipt of the 1998-99 report.
- Mansfield District Hospital – Minister for Health’s report of receipt of the 1998-99 report.
- Melbourne City Link Act 1995 –
City Link and Extension Projects Integration and Facilitation Agreement Third Amending Deed, 17 December 1999, pursuant to section 15B(5).
Melbourne City Link Ninth Amending Deed, 17 December 1999, pursuant to section 15(2).
Melbourne City Link Tenth Amending Deed, 18 January 2000, pursuant to section 15(2).
Order in Council of 14 December 1999, varying the project area of land, pursuant to section 8(4).
Statement of Variations Nos. 9, 10 and 11/1999 to the Melbourne City Link Project, 21 December 1999 (three papers), pursuant to section 15 (2).
Statement of Variation No. 12/1999 to the Integration and Facilitation Agreement, 29 December 1999, pursuant to section 15B (5).
- Melbourne Parks and Waterways – Minister for Environment and Conservation’s report of 29 December 1999 of receipt of the 1998-99 report.
- Mt Baw Baw – Minister for Environment and Conservation’s report of 28 February 2000 of failure to submit the report for the period 1 November 1998 to 31 October 1999 to her within the prescribed period and the reasons therefor.
- Mt Buller Alpine Resort Management Board –
Minister for Environment and Conservation’s report of 28 February 2000 of failure to submit the report for the period 1 November 1998 to 31 October 1999 to her within the prescribed period and the reasons therefor.
Report, 1 May 1998 to 31 October 1998.
- Mt Hotham Alpine Resort Management Board –
Minister for Environment and Conservation’s report of 28 February 2000 of failure to submit the report for the period 1 November 1998 to 31 October 1999 to her within the prescribed period and the reasons therefor.
Report, 30 April 1998 to 31 October 1998.
- Mt Stirling Alpine Resort Management Board – Minister for Environment and Conservation’s report of 28 February 2000 of failure to submit the report for the period 1 November 1998 to 31 October 1999 to her within the prescribed period and the reasons therefor.
- Murray Valley Wine Grape Industry Development Committee – Minister for Agriculture’s report of 8 February 2000 of receipt of the 1998-99 report.
- Nathalia District Hospital – Minister for Health’s report of receipt of the 1998-99 report.
- Northern Victorian Fresh Tomato Industry Development Committee – Minister for Agriculture’s report of 15 February 2000 of receipt of the 1998-99 report.

- Numurkah District Health Service – Minister for Health’s report of receipt of the 1998-99 report.
- Parliamentary Committees Act 1968 – Minister’s response to recommendations in Public Accounts and Estimates Committee’s Report upon the Review of the Auditor General’s Reports Nos. 39 to 41.
- Planning and Environment Act 1987 – Notices of Approval of the following amendments to planning schemes and new planning schemes:
- Ararat Planning Scheme – Amendment L6.
 - Bacchus Marsh Planning Scheme – Amendment L58.
 - Ballarat Planning Scheme – Amendment C25.
 - Bass Coast Planning Scheme.
 - Bayside Planning Scheme.
 - Bendigo – Greater Bendigo Planning Scheme – Amendments L82 and L91.
 - Boroondara Planning Scheme.
 - Brimbank Planning Scheme – Amendment C6.
 - Bungaree Planning Scheme – Amendment L31.
 - Buninyong Planning Scheme – Amendment L63.
 - Campaspe Planning Scheme – Amendment C1.
 - Cardinia Planning Scheme – Amendment C5.
 - Doncaster and Templestowe Planning Scheme – Amendment L138.
 - Frankston Planning Scheme – Amendments L114 and L118.
 - Geelong – Greater Geelong Planning Scheme – Amendments R196, R235, R241 and R248.
 - Glen Eira Planning Scheme – Amendments C3 and C7.
 - Hindmarsh Planning Scheme.
 - Hobsons Bay Planning Scheme – Amendment L21.
 - Hume Planning Scheme.
 - Indigo Planning Scheme – Amendment C1.
 - Kingston Planning Scheme.
 - Loddon Planning Scheme.
 - Macedon Rangers Planning Scheme – Amendment L27.
 - Maroondah Planning Scheme.
 - Melbourne Planning Scheme – Amendment C15.
 - Melton Planning Scheme – Amendments C1 and C2.
 - Mildura Planning Scheme.
 - Moonee Valley Planning Scheme – Amendment C10.
 - Moreland Planning Scheme – Amendment L71.
 - Mornington Peninsula Planning Scheme – Amendments C4 and C13.
 - Moyne Planning Scheme.
 - Port Phillip Planning Scheme – Amendment C19.
 - Shepparton – Greater Shepparton Planning Scheme – Amendment C1.
 - South Gippsland Planning Scheme.
 - West Wimmera Planning Scheme.
 - Wodonga Planning Scheme – Amendment C1.
 - Wyndham Planning Scheme – Amendments C1 and C9.
 - Yarra Ranges Planning Scheme – Amendment L87.
- Prevention of Cruelty to Animals Act 1986 – Revised Code of Practice for the Welfare of Wildlife during Rehabilitation, 15 February 2000.
- Seymour District Memorial Hospital – Report, 1998-99.
- Statutory Rules under the following Acts of Parliament:
- Administration and Probate Act 1958 – No. 2/2000.
 - Conservation, Forests and Lands Act 1987 – No. 148/1999 and No. 9/2000.

Statutory Rules – *continued*

- County Court Act 1958 – Nos. 3 and 5/2000.
 Dangerous Goods Act 1985 – No. 142/1999.
 Dentists Act 1972 – No. 147/1999.
 Electricity Safety Act 1998 – Nos. 139 to 141/1999.
 Forests Act 1958 – Conservation, Forests and Lands Act 1987 – No. 137/1999.
 Legal Practice Act 1996 – No. 144/1999.
 Magistrates' Court Act 1989 – Nos. 135, 136, 149 and 150/1999 and No. 6/2000.
 Marine Act 1988 – No. 145/1999.
 Metropolitan Fire Brigades Act 1958 – No. 138/1999.
 Occupational Health and Safety Act 1985 – No. 143/1999.
 Road Safety Act 1986 – No. 146/1999.
 Subordinate Legislation Act 1994 – Nos. 7 and 8/2000.
 Supreme Court Act 1986 – Nos. 131 to 134/1999 and Nos. 1 and 4/2000.
 Subordinate Legislation Act 1994 –
 Ministers' exception certificates under section 8(4) in respect of Statutory Rules Nos. 111, 116, 131 to 134, 136, 147, 149 and 150/1999 and Nos. 1 to 8/2000.
 Ministers' exemption certificates under section 9(6) in respect of Statutory Rules Nos. 142, 146 and 148/1999 and No. 9/2000.
 Tallangatta Hospital – Minister for Health's report of receipt of the 1998-99 report.
 Trust for Nature – Minister for Environment and Conservation's report of 28 February 2000 of receipt of 1998-99 report.
 Upper Murray Health and Community Services – Minister for Health's report of receipt of the 1998-99 report.
 Wangaratta District Base Hospital – Report, 1998-99.
 Western District Health Service – Report, 1998-99.
 Wildlife Act 1975 – Notice of Control of Hunting, No. 1/2000, 27 January 2000.
 Wodonga Regional Health Service – Report, 1998-99.
 Yarrawonga District Hospital – Minister for Health's report of receipt of the 1998-99 report.
 Yea and District Memorial Hospital – Minister for Health's report of receipt of the 1998-99 report.

* * * * *

PROCLAMATIONS – Proclamations of His Excellency the Governor in Council fixing operative dates in respect of the following Acts were laid upon the Table pursuant to an Order of the Council on 4 November 1999:

- Audit (Amendment) Act 1999 – 1 January 2000 (*Gazette No. G51, 23 December 1999*).
 Electricity Industry Acts (Further Amendment) Act 1999 – Section 8 – 31 December 1999 (*Gazette No. G50, 16 December 1999*).
 Melbourne Sports and Aquatic Centre (Amendment) Act 1999 – 3 February 2000 (*Gazette No. G5, 3 February 2000*).
 Rail Corporations (Amendment) Act 1998 – Remaining provisions – 23 December 1999 (*Gazette No. G51, 23 December 1999*).
 Rail Corporations and Transport Acts (Miscellaneous Amendments) Act 1999 – Part 2 (except for section 7 and section 9 (1)) and sections 10, 11 and 12 (except for section 12(1)(a)) – 23 December 1999 (*Gazette No. G51, 23 December 1999*).

- 9 ADDRESS IN REPLY TO SPEECH OF HIS EXCELLENCY THE GOVERNOR –**
The Order of the Day having been read for the resumption of the debate on the question, That the Council agree to the Address to His Excellency the Governor in reply to His Excellency's Opening Speech (*for address see page 25*) –
Debate resumed.
The Honourable P.A. Katsambanis moved, That the debate be now adjourned.
Question – That the debate be now adjourned – put and resolved in the affirmative.
Ordered – That the debate be adjourned until the next day of meeting.
- 10 ADJOURNMENT –** The Honourable C.C. Broad moved, That the House do now adjourn.
Debate ensued.
Question – put and resolved in the affirmative.
And then the Council, at 6.49 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 15 – Wednesday, 1 March 2000

- 1 The President took the Chair and read the Prayer.
- 2 **PREVENTION OF CRUELTY TO ANIMALS (AMENDMENT) BILL –** On the motion (by leave without notice) of the Honourable C.C. Broad, leave was given to bring in a Bill *to amend the Prevention of Cruelty to Animals Act 1986 and for other purposes*, and the said Bill was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 3 **FLORA AND FAUNA GUARANTEE (AMENDMENT) BILL –** On the motion (by leave without notice) of the Honourable C.C. Broad, leave was given to bring in a Bill *to amend the Flora and Fauna Guarantee Act 1988 with respect to the making of Lists and for other purposes*, and the said Bill was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 4 **RENEWABLE ENERGY AUTHORITY VICTORIA (AMENDMENT) BILL –** On the motion (by leave without notice) of the Honourable C.C. Broad, leave was given to bring in a Bill *to amend and rename the Renewable Energy Authority Victoria Act 1990 and for other purposes*, and the said Bill was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 5 **CORPORATIONS (VICTORIA) (AMENDMENT) BILL –** On the motion (by leave without notice) of the Honourable M.R. Thomson, leave was given to bring in a Bill *to amend the Corporations (Victoria) Act 1990 and for other purposes*, and the said Bill was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 6 **PROSTITUTION CONTROL (PLANNING) BILL –** On the motion (by leave without notice) of the Honourable M.R. Thomson, leave was given to bring in a Bill *to amend the Prostitution Control Act 1994 in relation to the amendment of planning permits and for other purposes*, and the said Bill was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

7 HIRE-PURCHASE (AMENDMENT) BILL – On the motion (by leave without notice) of the Honourable M.R. Thomson, leave was given to bring in a Bill to amend the Hire-Purchase Act 1959 and for other purposes, and the said Bill was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

8 PAPERS –

BLF CUSTODIAN – The Honourable M.M Gould moved, by leave, That there be laid before this House a copy of Report No. 46 dated 28 February 2000 given to Mr. President, pursuant to section 7A of the *BLF (De-recognition) Act 1985*, by the Custodian appointed under section 7(1) of that Act.

Question – put and resolved in the affirmative.

The said Report was thereupon presented by the Honourable M.M. Gould 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:

Fair Trading and Business Affairs Office -- Report of Director to the Minister for Consumer Affairs, 1998-99.

Financial Management Regulations 1994 – Order in Council of 1 February 2000, pursuant to Regulation 11.

9 PARLIAMENTARY COMMITTEES' REFERENCES – The Honourable M.A. Birrell moved, That, pursuant to the *Parliamentary Committees Act 1968*, the undermentioned Committees be required to inquire into, consider and report on the following:

(1) Economic Development Committee

(a) The export opportunities for Victorian rural industries, with a particular emphasis on –

- The identification and demand for niche rural products in overseas markets;
- Victoria's strengths in niche rural industries;
- The level of support provided to niche rural industries by State and Commonwealth Governments;
- The use of information and communication technology;
- The role of statutory agriculture bodies in developing and promoting niche industries overseas;
- The sale of Victorian food and agriculture products abroad and an examination of barriers or impediments;

and to report by 31 December 2001.

(b) The incidence of youth unemployment in Victoria and options for promoting employment growth over the coming decade, with a particular emphasis on –

- Youth unemployment frequency in metropolitan, outer growth, regional and rural areas;
- Youth employment needs in Victoria;
- The role of State and Local Government in helping generate employment opportunities for young people;

- Innovative initiatives implemented in other jurisdictions to address youth unemployment and the effectiveness of such initiatives;
- Social, economic and industrial matters specific to unemployed young people;
- Differing incidence of unemployment amongst male and female young people;
- Unemployment in migrant and non-English speaking background communities;

and to report to Parliament by 31 December 2001.

(2) Scrutiny of Acts and Regulations Committee

The *Parliamentary Committees Act 1968* and to report, by 30 June 2001, to Parliament on its recommendations for a clearer and improved Act.

(3) Road Safety Committee

The needs for road and bridge construction and maintenance initiatives in rural Victoria, with the aim of reporting to Parliament, by 30 June 2001, on options for infrastructure projects that improve road safety and best meet community needs.

(4) Drugs and Crime Prevention Committee

The incidence of crime in Victoria and to report every 6 months to the Parliament on levels of crime, areas of emerging concern and (where suitable) options for crime reduction or control.

(5) Environment and Natural Resources Committee

- (a) The allocation of water resources for agricultural and environmental purposes, with a particular emphasis on the prospects for and impact of making water savings, and to report to Parliament by 30 November 2000.
- (b) To inquire into the sustainable management of the Victorian abalone and rock lobster fisheries, with particular emphasis on management and enforcement practices and the royalty regime, and to report to Parliament by 31 December 2001.

(6) Law Reform Committee

The future need for court facilities and court-based legal services in regional and rural Victoria, and to report to Parliament by 30 June 2001.

Debate ensued.

Leave having been granted to move his amendment in an amended form, the Honourable T.C. Theophanous moved, as an amendment, That the expression ", Aboriginal" be inserted after " Unemployment in migrant" in paragraph (1) (b).

Debate ensued.

Question – That the expression proposed to be inserted be so inserted – put and resolved in the affirmative.

Question – That, pursuant to the *Parliamentary Committees Act 1968*, the undermentioned Committees be required to inquire into, consider and report on the following:

(1) Economic Development Committee

(a) The export opportunities for Victorian rural industries, with a particular emphasis on –

- The identification and demand for niche rural products in overseas markets
- Victoria's strengths in niche rural industries
- The level of support provided to niche rural industries by State and Commonwealth Governments
- The use of information and communication technology
- The role of statutory agriculture bodies in developing and promoting niche industries overseas
- The sale of Victorian food and agriculture products abroad and an examination of barriers or impediments

and to report by 31 December 2001.

(b) The incidence of youth unemployment in Victoria and options for promoting employment growth over the coming decade, with a particular emphasis on –

- Youth unemployment frequency in metropolitan, outer growth, regional and rural areas
- Youth employment needs in Victoria
- The role of State and Local Government in helping generate employment opportunities for young people
- Innovative initiatives implemented in other jurisdictions to address youth unemployment and the effectiveness of such initiatives
- Social, economic and industrial matters specific to unemployed young people
- Differing incidence of unemployment amongst male and female young people
- Unemployment in migrant, Aboriginal and non-English speaking background communities

and to report to Parliament by 31 December 2001.

(2) Scrutiny of Acts and Regulations Committee

The *Parliamentary Committees Act 1968* and to report, by 30 June 2001, to Parliament on its recommendations for a clearer and improved Act.

(3) Road Safety Committee

The needs for road and bridge construction and maintenance initiatives in rural Victoria, with the aim of reporting to Parliament, by 30 June 2001, on options for infrastructure projects that improve road safety and best meet community needs.

(4) Drugs and Crime Prevention Committee

The incidence of crime in Victoria and to report every 6 months to the Parliament on levels of crime, areas of emerging concern and (where suitable) options for crime reduction or control.

(5) Environment and Natural Resources Committee

- (a) The allocation of water resources for agricultural and environmental purposes, with a particular emphasis on the prospects for and impact of making water savings, and to report to Parliament by 30 November 2000.
- (b) To inquire into the sustainable management of the Victorian abalone and rock lobster fisheries, with particular emphasis on management and enforcement practices and the royalty regime, and to report to Parliament by 31 December 2001.

(6) Law Reform Committee

The future need for court facilities and court-based legal services in regional and rural Victoria, and to report to Parliament by 30 June 2001.

– put and resolved in the affirmative.

10 QUESTIONS – Questions without notice were taken pursuant to Standing Order No. 71A.

11 SUSPENSION OF STANDING ORDERS – QUESTIONS – The Honourable M.M. Gould moved, by leave, That so much of the Standing Orders as require answers to questions on notice to be delivered verbally in the House be suspended for the sitting of the Council this day and that the answers enumerated be incorporated in Hansard.

Question – put and resolved in the affirmative.

Accordingly, answers were given to certain questions on notice pursuant to Standing Order No. 71A.

12 DRUGS AND CRIME PREVENTION COMMITTEE – The President announced the receipt of a Message from the Assembly acquainting the Council that they have agreed to the following Resolution –

That –

- (a) there be referred to the Drugs and Crime Prevention Committee for inquiry, consideration and report all records (including minutes of evidence) of the previous Committee, presently under the control of the Presiding Officers, of the lapsed inquiry into the implementation of the Government's Drug Reform Strategy originally referred to that Committee by Order in Council dated 25 June 1996, in order to determine which of those records (other than confidential submissions and minutes of evidence taken in private) of the previous Committee that could be made available to Dr David Penington, AC, Chairman of Drug Policy Expert Committee for his personal use; and
- (b) the present Committee is required to finally report to the Parliament by 14 March 2000; and
- (c) on the final report of the present Committee being made to the Parliament, a copy of all records identified by the Committee in the report as being records which could be made available, be made available for Doctor Penington's personal use as soon as possible by the Clerk of the Parliaments and these records are not to be released or published by Doctor Penington in any way or form.

and desiring the concurrence of the Council therein.

Ordered – That the Message be taken into consideration forthwith.

The Honourable M.M. Gould moved, That the Council concur with the Assembly and agree to the said Resolution.

Question – put and resolved in the affirmative.

Ordered – That a Message be sent to the Assembly acquainting them accordingly.

- 13 PREVENTION OF CRUELTY TO ANIMALS (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable C.C. Broad moved, That this Bill be now read a second time.

The Honourable W. Forwood (for the Honourable P.R. Davis) moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

- 14 FLORA AND FAUNA GUARANTEE (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable C.C. Broad moved, That this Bill be now read a second time.

The Honourable W. Forwood (for the Honourable P.R. Davis) moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

- 15 RENEWABLE ENERGY AUTHORITY VICTORIA (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable C.C. Broad moved, That this Bill be now read a second time.

The Honourable P.R. Hall (for the Honourable P.R. Davis) moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

- 16 CORPORATIONS (VICTORIA) (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable M.R. Thomson moved, That this Bill be now read a second time.

The Honourable M.R. Thomson made a statement pursuant to section 85(5) of the *Constitution Act 1975* on the reasons for altering or varying this section.

The Honourable P.R. Hall (for the Honourable W. Forwood) moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

- 17 PROSTITUTION CONTROL (PLANNING) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable M.R. Thomson moved, That this Bill be now read a second time.

The Honourable P.R. Hall (for the Honourable W. Forwood) moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

18 HIRE-PURCHASE (AMENDMENT) BILL – The Order of the Day having been read for the second reading of this Bill, the Honourable M.R. Thomson moved, That this Bill be now read a second time.

The Honourable P.R. Hall (for the Honourable W. Forwood) moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

19 ADDRESS IN REPLY TO SPEECH OF HIS EXCELLENCY THE GOVERNOR – The Order of the Day having been read for the resumption of the debate on the question, That the Council agree to the Address to His Excellency the Governor in reply to His Excellency's Opening Speech (*for address see page 25*) –

Debate resumed.

The Honourable P.R. Davis moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

20 ADJOURNMENT – The Honourable M.M. Gould moved, That the Council, at its rising, adjourn until Tuesday, 14 March 2000.

Question – put and resolved in the affirmative.

The Honourable M.M. Gould moved, That the House do now adjourn.

Debate ensued.

Question – put and resolved in the affirmative.

And then the Council, at 6.47 p.m., adjourned until Tuesday, 14 March 2000.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

LEGISLATIVE COUNCIL OF VICTORIA

MINUTES OF THE PROCEEDINGS Nos. 16 and 17

No. 16 – Tuesday, 14 March 2000

- 1 The President took the Chair and read the Prayer.
- 2 **MELBOURNE CITY LINK (AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Melbourne City Link Act 1995 and for other purposes* and desiring the concurrence of the Council therein.
On the motion of the Honourable C.C. Broad, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
- 3 **DOMESTIC BUILDING CONTRACTS (AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Domestic Building Contracts Act 1995 and for other purposes* and desiring the concurrence of the Council therein.
On the motion of the Honourable M.R. Thomson, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
- 4 **COURTS AND TRIBUNALS LEGISLATION (AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Constitution Act 1975, the County Court Act 1958, the Magistrates' Court Act 1989 and the Judicial Remuneration Tribunal Act 1995 with respect to the remuneration and related expenses of judges, masters and magistrates, to repeal section 18(1A) and (1B) of the Sentencing Act 1991, to amend the Victorian Civil and Administrative Tribunal Act 1998 and for other purposes* and desiring the concurrence of the Council therein.
On the motion of the Honourable M.R. Thomson, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
- 5 **QUESTIONS** – Questions without notice were taken pursuant to Standing Order No. 71A.
- 6 **SUSPENSION OF STANDING ORDERS – QUESTIONS** – The Honourable M.M. Gould moved, by leave, That so much of the Standing Orders as require answers to questions on notice to be delivered verbally in the House be suspended for the sitting of the Council this day and that the answers enumerated be incorporated in Hansard.
Question – put and resolved in the affirmative.
Accordingly, answers were given to certain questions on notice pursuant to Standing Order No. 71A.

7 PAPERS –

DRUGS AND CRIME PREVENTION COMMITTEE – DRUG REFORM STRATEGY – The Honourable B.C. Boardman presented a Report from the Drugs and Crime Prevention Committee upon the Inquiry into the Records of the Lapsed Inquiry into the Implementation of the Government's Drug Reform Strategy, together with Appendices.

Ordered to lie on the Table and to be printed.

* * * * *

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE – ALERT DIGEST – The Honourable M.T. Luckins presented Alert Digest No. 3 of 2000 from the Scrutiny of Acts and Regulations Committee, together with Appendices.

Ordered to lie on the Table and to be printed.

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

Mt Stirling Alpine Resort Management Board – Report, 30 April 1998 to 31 October 1998.

National Environment Protection Council – Report, 1998-99.

Parliamentary Contributory Superannuation Fund – Report, 1998-99.

Planning and Environment Act 1987 – Notices of Approval of the following amendments to planning schemes and a new planning scheme:

Baw Baw Planning Scheme – Amendment C9.

Casey Planning Scheme – Amendment C5.

Geelong – Greater Geelong Planning Scheme – Amendments R224, R244 and R251.

La Trobe Planning Scheme.

Mornington Peninsula Planning Scheme – Amendment C14.

Statutory Rules under the following Acts of Parliament:

Conservation, Forests and Lands Act 1987 – No. 11.

Wildlife Act 1975 – No. 10.

Subordinate Legislation Act 1994 – Minister's exemption certificate under section 9(6) in respect of Statutory Rule No. 11.

8 BUSINESS POSTPONED – Ordered – That the consideration of the Order of the Day, Business to take Precedence and Orders of the Day, Government Business, Nos. 1 to 4 inclusive, be postponed until later this day.

9 RENEWABLE ENERGY AUTHORITY VICTORIA (AMENDMENT) BILL – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

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

Ordered – That the Bill be transmitted to the Assembly with a Message desiring their concurrence therein.

10 CORPORATIONS (VICTORIA) (AMENDMENT) BILL – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and, by leave, read a third

time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

Ordered – That the Bill be transmitted to the Assembly with a Message desiring their concurrence therein.

- 11 PREVENTION OF CRUELTY TO ANIMALS (AMENDMENT) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

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

Ordered – That the Bill be transmitted to the Assembly with a Message desiring their concurrence therein.

- 12 ADJOURNMENT** – The Honourable M.M. Gould moved, That the House do now adjourn.

Debate ensued.

Question – put and resolved in the affirmative.

And then the Council, at 9.32 p.m. , adjourned until tomorrow.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 17 – Wednesday, 15 March 2000

- 1 The President took the Chair and read the Prayer.
- 2 **ELECTRICITY CRISIS** – The Honourable P.R. Davis moved, That this House condemns the Government for its incompetence and mismanagement of the recent electricity crisis.

Debate ensued.

Question – put.

The Council divided.

AYES, 28

The Hon. G.B. Ashman
B.N. Atkinson
W.R. Baxter
R.A. Best
M.A. Birrell
B.C. Boardman
R.H. Bowden
A.R. Brideson (*Teller*)
A. Coote
I.J. Cover (*Teller*)
G.R. Craige
D.M. Davis
P.R. Davis
W. Forwood
C.A. Furletti

NOES, 14

The Hon. C.C. Broad
E.C. Carbines
K. Darveniza
M.M. Gould
D.G. Hadden
G.W. Jennings
J.M. McQuilten
J.M. Madden
J. Mikakos
S.M. Nguyen (*Teller*)
G.D. Romanes
R.F. Smith (*Teller*)
T.C. Theophanous
M.R. Thomson

P.R. Hall
 R.M. Hallam
 P.A. Katsambanis
 N.B. Lucas
 M.T. Luckins
 A.P. Olexander
 E.J. Powell
 G.K. Rich-Phillips
 Dr. J.W.G. Ross
 K.M. Smith
 W.I. Smith
 Graeme Stoney
 C.A. Strong

And so it was resolved in the affirmative.

- 3 QUESTIONS** – Questions without notice were taken pursuant to Standing Order No. 71A.

INDUSTRIAL RELATIONS – The Honourable M.M. Gould having given an answer to a question without notice relating to industrial relations –

The Honourable B.N. Atkinson moved, That the Minister's answer be taken into consideration on the next day of meeting.

Question – put and resolved in the affirmative.

QUESTIONS – Answers were given to certain questions on notice pursuant to Standing Order No. 71A.

- 4 BUSINESS POSTPONED** – Ordered – That the consideration of the Order of the Day, Business to take Precedence, be postponed until later this day.

- 5 MELBOURNE CITY LINK (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable C.C. Broad moved, That this Bill be now read a second time.

The Honourable G.B. Ashman moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

- 6 DOMESTIC BUILDING CONTRACTS (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable M.R. Thomson moved, That this Bill be now read a second time.

The Honourable W. Forwood moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

- 7 COURTS AND TRIBUNALS LEGISLATION (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable M.R. Thomson moved, That this Bill be now read a second time.

The Honourable C.A. Furletti moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

- 8 HIRE-PURCHASE (AMENDMENT) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.
Bill read a second time and, by leave, read a third time and passed.
Ordered – That the Bill be transmitted to the Assembly with a Message desiring their concurrence therein.
- 9 PROSTITUTION CONTROL (PLANNING) BILL** – The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time –
Debate resumed.
The Honourable C.A. Furletti moved, That the debate be now adjourned.
Question – That the debate be now adjourned – put and resolved in the affirmative.
Ordered – That the debate be adjourned until later this day.
- 10 BUSINESS OF THE HOUSE** – The Honourable M.R. Thomson moved, That so much of the Sessional Orders be suspended as would prevent new business being taken after 8.00 p.m. during the sitting of the Council this day.
Question – put and resolved in the affirmative.
- 11 PROSTITUTION CONTROL (PLANNING) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.
Bill read a second time and, by leave, read a third time and passed.
Ordered – That the Bill be transmitted to the Assembly with a Message desiring their concurrence therein.
- 12 FLORA AND FAUNA GUARANTEE (AMENDMENT) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.
Bill read a second time and, by leave, read a third time and passed.
Ordered – That the Bill be transmitted to the Assembly with a Message desiring their concurrence therein.
- 13 JURIES BILL** – The Deputy President announced the receipt of a Message from the Assembly transmitting a Bill *to re-enact with amendments the law relating to juries, to repeal the Juries Act 1967 and for other purposes* and desiring the concurrence of the Council therein.
On the motion of the Honourable M.R. Thomson, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
- 14 ADJOURNMENT** – The Honourable M.M. Gould moved, That the Council, at its rising, adjourn until Tuesday next.
Question – put and resolved in the affirmative.
The Honourable M.M. Gould moved, That the House do now adjourn.
Debate ensued.
Question – put and resolved in the affirmative.

And then the Council, at 10.41 p.m., adjourned until Tuesday next.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

LEGISLATIVE COUNCIL OF VICTORIA

MINUTES OF THE PROCEEDINGS Nos. 18 and 19

No. 18 – Tuesday, 21 March 2000

1 The President took the Chair and read the Prayer.

2 **NATIONAL TAXATION REFORM (CONSEQUENTIAL PROVISIONS)**

BILL – The President announced the receipt of a Message from the Assembly transmitting a Bill *to record the State's intention to give effect to the Intergovernmental Agreement on the Reform of Commonwealth-State Financial Relations and to enable State entities to make GST equivalent payments, to discontinue financial institutions duty and stamp duty on certain share transfers and on bookmakers' statements, to alter government fees and charges to take GST into account, to amend various Acts as a consequence of national taxation reform and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable C.C. Broad, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

3 **QUESTIONS** – Questions without notice were taken pursuant to Standing Order No. 71A.

4 **PAPERS** –

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE – AUDITOR-GENERAL'S OFFICE AND AUDIT VICTORIA FINANCIAL AUDITS – The Honourable W. Forwood presented a Report from the Public Accounts and Estimates Committee on the Appointment of an Independent Financial Auditor to conduct a Financial Audit for 1999-2000 of the Victorian Auditor-General's Office and a Final Financial Audit of Audit Victoria, together with Appendices.

Ordered to lie on the Table and to be printed.

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

Crown Land (Reserves) Act 1978 -- Minister's Order of 9 March 2000, giving approval to granting of a lease at the Melbourne Cricket Ground Reserve and parts of Yarra Park Reserve.

Food Safety Council – Report, 1 October 1997 to 30 June 1999.

Intellectual Disability Review Panel – Report, 1998-99.

Interpretation of Legislation Act 1984 –

Notice pursuant to section 32(3) in relation to Industrial Waste Management Policy (Waste Acid Sulfate Soils).

Notice pursuant to section 32(3)(iii) in relation to Statutory Rule No. 88/1999.

Planning and Environment Act 1987 – Notices of Approval of the following amendments to planning schemes:

Bayside Planning Scheme – Amendment C3.

Campaspe Planning Scheme – Amendment C4.

Mornington Peninsula Planning Scheme – Amendment C21.

Port Phillip Planning Scheme – Amendment C22.

Stonnington Planning Scheme – Amendment L99.

Warrnambool Planning Scheme – Amendment C2.

Wyndham Planning Scheme – Amendment C5.

South Western Regional Waste Management Group – Minister for Environment and Conservation's report of 14 March 2000 of receipt of the 1998-99 report.

Statutory Rules under the following Acts of Parliament:

Marine Act 1988 – No. 13.

Subordinate Legislation Act 1994 – No. 12.

Subordinate Legislation Act 1994 –

Minister's exception certificate under section 8(4) in respect of Statutory Rule No. 12.

Minister's exemption certificate under section 9(6) in respect of Statutory Rule No. 13.

5 BUSINESS POSTPONED — Ordered — That the consideration of the Order of the Day, Business to take Precedence, and Orders of the Day, Government Business, Nos. 1 and 2, be postponed until later this day.

6 NATIONAL TAXATION REFORM (CONSEQUENTIAL PROVISIONS) BILL — The Order of the Day having been read for the second reading of this Bill, the Honourable C.C. Broad moved, That this Bill be now read a second time.

The Honourable W. Forwood (for the Honourable R.M. Hallam) moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

7 DOMESTIC BUILDING CONTRACTS (AMENDMENT) BILL — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

8 AUDITOR-GENERAL'S OFFICE FINANCIAL AUDIT — The Deputy President announced the receipt of a Message from the Assembly acquainting the Council that they have agreed to the appointment of Mr. Douglas N. Bartley to conduct the financial audit of the Auditor-General's Office, and desiring the concurrence of the Council therein.

Ordered — That the Message be taken into consideration forthwith.

The Honourable M.M. Gould moved, by leave, That the Council concur with the Assembly and resolves, That, pursuant to section 17 of the *Audit Act 1994*:

1. Mr Douglas N. Bartley of KPMG be appointed to conduct the financial audit of the Auditor-General's Office for the 1999-2000 financial year in

accordance with the conditions of appointment and remuneration contained in the Report of the Public Accounts and Estimates Committee on the Appointment of an Independent Auditor to Conduct a Financial Audit of the Victorian Auditor-General's Office (Parliamentary Paper No 14, Session 1999-2000); and

2. The level of remuneration for this financial audit be \$15,000.

Question – put and resolved in the affirmative.

Ordered – That a Message be sent to the Assembly acquainting them accordingly.

- 9 **BUSINESS OF THE HOUSE** – The Honourable M.M. Gould moved, That so much of the Sessional Orders be suspended as would prevent new business being taken after 8.00 p.m. during the sitting of the Council this day.

Question – put and resolved in the affirmative.

- 10 **COURTS AND TRIBUNALS LEGISLATION (AMENDMENT) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and, by leave, read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 11 **ADJOURNMENT** – The Honourable M.M. Gould moved, That the House do now adjourn.

Debate ensued.

Question – put and resolved in the affirmative.

And then the Council, at 10.03 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 19 – Wednesday, 22 March 2000

- 1 The President took the Chair and read the Prayer.
- 2 **FIRST HOME OWNER GRANT BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to encourage and assist home ownership, and to offset the effect of the GST on home ownership, by establishing a scheme for the payment of grants to first home owners, and for other purposes and desiring the concurrence of the Council therein.*

On the motion of the Honourable C.C. Broad, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 3 PETITION – EMERALD POLICE SERVICES** – The Honourable N.B. Lucas presented a Petition bearing 3,147 signatures from certain citizens of Victoria requesting that the Minister for Police and Emergency Services provide the necessary resources to ensure that the Emerald Police Station is fully staffed and provide a 24-hour service to the community.

Ordered to lie on the Table.

- 4 PAPER – PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE – BUDGET ESTIMATES, 1999-2000** – The Honourable W. Forwood presented a Report from the Public Accounts and Estimates Committee on the 1999-2000 Budget Estimates, together with Appendices and Minutes of Evidence.

Ordered to lie on the Table and the report and appendices to be printed.

- 5 BUSINESS POSTPONED** – Ordered – That the consideration of Notice of Motion, General Business, No. 1, be postponed until later this day.

- 6 SMALL BUSINESS** – The Honourable W. Forwood moved, That this House condemns the Government for its neglect of the interests of Victorian small businesses by –

- (a) its failure to support small businesses in the costly log of claims by the Shop, Distributive and Allied Employees Association currently before the Australian Industrial Relations Commission;
- (b) its failure to abide by its election promise in relation to WorkCover premiums;
- (c) its failure to include sufficient small business interests at the Growing Victoria Together Summit; and
- (d) its failure to ensure that small business is represented at the Premier's roundtable.

Debate ensued.

Question – put.

The Council divided.

AYES, 28

The Hon. G.B. Ashman
 B.N. Atkinson
 W.R. Baxter
 R.A. Best
 M.A. Birrell
 B.C. Boardman
 R.H. Bowden
 A.R. Brideson
 A. Coote
 I.J. Cover
 G.R. Craige
 D.M. Davis
 P.R. Davis
 W. Forwood
 C.A. Furletti
 P.R. Hall
 R.M. Hallam

NOES, 14

The Hon. C.C. Broad
 E.C. Carbines (*Teller*)
 K. Darveniza
 M.M. Gould
 D.G. Hadden
 G.W. Jennings
 J.M. McQuilten (*Teller*)
 J.M. Madden
 J. Mikakos
 S.M. Nguyen
 G.D. Romanes
 R.F. Smith
 T.C. Theophanous
 M.R. Thomson

P.A. Katsambanis
N.B. Lucas
M.T. Luckins
A.P. Olexander
E.J. Powell (*Teller*)
G.K. Rich-Phillips
Dr. J.W.G. Ross
K.M. Smith
W.I. Smith
Graeme Stoney (*Teller*)
C.A. Strong

And so it was resolved in the affirmative.

- 7 **QUESTIONS** – Questions without notice were taken pursuant to Standing Order No. 71A.
- 8 **BUSINESS POSTPONED** — Ordered — That the consideration of the Order of the Day, Business to take Precedence, be postponed until later this day.
- 9 **JURIES BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable M.R. Thomson moved, That this Bill be now read a second time.
The Honourable W. Forwood moved, That the debate be now adjourned.
Question – That the debate be now adjourned – put and resolved in the affirmative.
Ordered – That the debate be adjourned until the next day of meeting.
- 10 **BUSINESS OF THE HOUSE** – The Honourable M.M. Gould moved, That so much of the Sessional Orders be suspended as would prevent new business being taken after 8.00 p.m. during the sitting of the Council this day.
Question – put and resolved in the affirmative.
- 11 **MELBOURNE CITY LINK (AMENDMENT) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.
Bill read a second time and, by leave, read a third time and passed.
Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.
- 12 **HIRE-PURCHASE (AMENDMENT) BILL** – The Deputy President announced the receipt of a Message from the Assembly acquainting the Council that they have agreed to this Bill without amendment.
- 13 **FIRST HOME OWNER GRANT BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable C.C. Broad moved, That this Bill be now read a second time.
The Honourable R.M. Hallam moved, That the debate be now adjourned.
Question – That the debate be now adjourned – put and resolved in the affirmative.
Ordered – That the debate be adjourned until the next day of meeting.
- 14 **ADJOURNMENT** – The Honourable M.M. Gould moved, That the Council, at its rising, adjourn until Tuesday, 4 April 2000.
Question – put and resolved in the affirmative.

The Honourable M.M. Gould moved, That the House do now adjourn.

Debate ensued.

Question – put and resolved in the affirmative.

And then the Council, at 10.03 p.m., adjourned until Tuesday, 4 April 2000.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

LEGISLATIVE COUNCIL OF VICTORIA

MINUTES OF THE PROCEEDINGS Nos. 20 and 21

No. 20 – Tuesday, 4 April 2000

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** – The Honourable M.M. Gould presented a Message from His Excellency the Governor informing the Council that he had, on 28 March 2000, given the Royal Assent to the undermentioned Acts presented to him by the Clerk of the Parliaments:
Courts and Tribunals Legislation (Amendment) Act
Domestic Building Contracts (Amendment) Act
Hire-Purchase (Amendment) Act
Melbourne City Link (Amendment) Act.
- 3 **FINANCIAL MANAGEMENT (FINANCIAL RESPONSIBILITY) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill to amend the Financial Management Act 1994 and the Audit Act 1994 to provide for the enhanced disclosure of financial and budget information by the Victorian Government and the review of estimated financial statements by the Auditor-General and for other purposes and desiring the concurrence of the Council therein.
On the motion of the Honourable C.C. Broad, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 4 **QUESTIONS** – Questions without notice were taken pursuant to Standing Order No. 71A.
- 5 **SUSPENSION OF STANDING ORDERS – QUESTIONS** – The Honourable M.M. Gould moved, by leave, That so much of the Standing Orders as require answers to questions on notice to be delivered verbally in the House be suspended for the sitting of the Council this day and that the answers enumerated be incorporated in Hansard.
Question – put and resolved in the affirmative.
Accordingly, answers were given to certain questions on notice pursuant to Standing Order No. 71A.
- 6 **PETITION – PROPORTIONAL REPRESENTATION IN THE LEGISLATIVE COUNCIL** – The Honourable W. Forwood presented a Petition bearing 108 signatures from certain citizens of Victoria praying that the method of election of the Members of the Legislative Council be changed to proportional representation so that the proportion of the vote that each party or independent achieves is represented by their members in the total number of members in the Council.

Ordered to lie on the Table.

- 7 AGRICULTURAL AND VETERINARY CHEMICALS (CONTROL OF USE) (AMENDMENT) BILL** – On the motion (by leave without notice) of the Honourable C.C. Broad, leave was given to bring in a Bill to amend the *Agricultural and Veterinary Chemicals (Control of Use) Act 1992*, to provide for the labelling of meal derived from material of animal origin and for other purposes, and the said Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 8 PAPERS – SCRUTINY OF ACTS AND REGULATIONS COMMITTEE – ALERT DIGEST** – The Honourable M.T. Luckins presented Alert Digest No. 4 of 2000 from the Scrutiny of Acts and Regulations Committee, together with Appendices.

Ordered to lie on the Table and to be printed.

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

Crown Land (Reserves) Act 1978 – Minister's Order of 21 March 2000 giving approval to granting of a lease at Euroa.

Drugs, Poisons and Controlled Substances Act 1981 – Standard for the Uniform Scheduling of Drugs and Poisons, No. 14, 17 March 2000, Amendment No. 2 and Minister's Notice regarding the amendment, commencement and availability of the Code (two papers).

Interpreting and Translating Service – Minister for Multicultural Affairs' report of 20 March 2000 of receipt of the 1998-99 report.

Interpretation of Legislation Act 1984 –

Notice pursuant to section 32(3)(a)(iii) in relation to Statutory Rule No. 143/1999.

Notice pursuant to section 32(4)(a)(iii) in relation to State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade).

Judicial Remuneration Tribunal – Report on Judicial Salary and Allowances, 23 February 2000, together with a statement from the Attorney-General as to reasons for accepting the Tribunal's recommendations, 21 March 2000 (two papers).

Planning and Environment Act 1987 – Notices of Approval of the following amendments to planning schemes:

Casey Planning Scheme – Amendment C2.

Dandenong – Greater Dandenong Planning Scheme – Amendment C8.

Geelong – Greater Geelong Planning Scheme – Amendment R253.

Melton Planning Scheme – Amendment C7.

Moonee Valley Planning Scheme – Amendment C5.

Mornington Peninsula Planning Scheme – Amendment C6 (Part 1).

Port Phillip Planning Scheme – Amendment C18.

Stonnington Planning Scheme – Amendments L38, L72 and L98.

Wyndham Planning Scheme – Amendment C7.

Yarra Ranges Planning Scheme – Amendment L110.

Yarra Ranges Planning Scheme (Healesville Chapter) – Amendment L125.

Statutory Rules under the following Acts of Parliament:

Conservation, Forests and Lands Act 1987 – No. 14.

Fisheries Act 1995 – Nos. 15 and 20.

- Magistrates' Court Act 1989 – No. 22.
 Subordinate Legislation Act 1994 – Nos. 16 to 19 and 21.
 Subordinate Legislation Act 1994 –
 Ministers' exception certificates under section 8(4) in respect of Statutory Rules Nos. 16 to 22.
 Minister's exemption certificate under section 9(6) in respect of Statutory Rule No. 14.
 Wildlife Act 1975 – Notice of control of hunting, No. 2/2000, 18 March 2000.

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PROCLAMATION – A Proclamation of His Excellency the Governor in Council fixing an operative date in respect of the following Act was laid upon the Table pursuant to an Order of the Council on 4 November 1999:

Police Regulation (Amendment) Act 1999 -- Whole Act (except section 7) -- 2 April 2000 (*Gazette No. G13, 30 March 2000*).

- 9 BUSINESS POSTPONED** – Ordered – That the consideration of the Order of the Day, Business to take Precedence, be postponed until later this day.
- 10 NATIONAL TAXATION REFORM (CONSEQUENTIAL PROVISIONS) BILL** – The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time –
 Debate resumed.
 The Honourable B.W. Bishop moved, That the debate be now adjourned.
 Question – That the debate be now adjourned – put and resolved in the affirmative.
 Ordered – That the debate be adjourned until later this day.
- 11 BUSINESS OF THE HOUSE** – The Honourable C.C. Broad moved, That so much of the Sessional Orders be suspended as would prevent new business being taken after 8.00 p.m. during the sitting of the Council this day.
 Question – put and resolved in the affirmative.
- 12 NATIONAL TAXATION REFORM (CONSEQUENTIAL PROVISIONS) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.
 Bill read a second time and, by leave, read a third time and passed.
 Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.
- 13 FINANCIAL MANAGEMENT (FINANCIAL RESPONSIBILITY) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable C.C. Broad moved, That this Bill be now read a second time.
 The Honourable R.M. Hallam moved, That the debate be now adjourned.
 Question – That the debate be now adjourned – put and resolved in the affirmative.
 Ordered – That the debate be adjourned until the next day of meeting.
- 14 BUSINESS POSTPONED** – Ordered – That the consideration of Order of the Day, Government Business, No. 2, be postponed until later this day.
- 15 FIRST HOME OWNER GRANT BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.
 Bill read a second time and, by leave, read a third time and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

16 ADJOURNMENT – The Honourable M.M. Gould moved, That the House do now adjourn.

Debate ensued.

Question – put and resolved in the affirmative.

And then the Council, at 10.43 p.m. , adjourned until tomorrow.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 21 – Wednesday, 5 April 2000

1 The President took the Chair and read the Prayer.

2 GAMBLING LEGISLATION (RESPONSIBLE GAMBLING) BILL – The President announced the receipt of a Message from the Assembly transmitting a Bill to amend the Casino Control Act 1991 and the Gaming Machine Control Act 1991 and for other purposes and desiring the concurrence of the Council therein.

On the motion of the Honourable J.M. Madden, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

3 BUSINESS OF THE HOUSE – The Honourable M.M. Gould moved, That so much of the Sessional Orders be suspended as would allow Notice of Motion, General Business, No. 3, to be moved and debated during the time allocated for Government Business during the sitting of the Council this day.

Question – put and resolved in the affirmative.

4 PAPERS –

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE –

OUTSOURCING OF GOVERNMENT SERVICES – The Honourable T.C. Theophanous presented a Report from the Public Accounts and Estimates Committee upon Outsourcing of Government Services, together with Appendices and Minutes of Evidence.

Ordered to lie on the Table and the report and appendices to be printed.

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COMMERCIAL IN CONFIDENCE MATERIAL – The Honourable W. Forwood presented a Report from the Public Accounts and Estimates Committee upon Commercial in Confidence Material and the Public Interest, together with Appendices and Minutes of Evidence.

Ordered to lie on the Table and the report and appendices to be printed.

The Honourable T.C. Theophanous moved, That the report be taken into consideration on the next day of meeting.

Question – put and resolved in the affirmative.

PAPERS PURSUANT TO STATUTE – The following Papers, pursuant to the direction of an Act of Parliament, were laid upon the Table by the Clerk:

Melbourne City Link Act 1995 – Statement of Variations Nos. 1, 2, 3 and 4/2000 to the Melbourne City Link Project, 30 March 2000, pursuant to section 15(2) (four papers).

5 BUSINESS POSTPONED – Ordered – That the consideration of Notice of Motion, General Business, No. 1, be postponed until later this day.

6 SNOWY RIVER – The Honourable P.R. Davis moved, That this House invites the Minister for Energy and Resources to outline the Government's plans and policies for restoring environmental flows to the Snowy River.

Debate ensued.

Question – put and resolved in the affirmative.

7 QUESTIONS – Questions without notice were taken pursuant to Standing Order No. 71A.

8 MINISTERIAL STATEMENT – YOUTH AFFAIRS PRIORITIES – The Honourable J.M. Madden made a Ministerial Statement concerning priorities for youth affairs in Victoria.

The Honourable W. Forwood moved, by leave, That the Ministerial Statement be taken into consideration forthwith.

Question – put and resolved in the affirmative.

The Honourable P.R. Hall moved, That the Council take note of the Ministerial Statement.

Question – put and resolved in the affirmative.

9 STOLEN GENERATION – The Honourable E.C. Carbines moved, That this House acknowledges the devastating effect of the removal of indigenous children from their families on the children, their families and their communities which created the Stolen Generation and condemns any action which would threaten Australia's international reputation or further set back the cause of reconciliation.

Debate ensued.

Question – put and resolved in the affirmative.

10 BUSINESS POSTPONED – Ordered – That the consideration of the Order of the Day, Business to take Precedence, be postponed until later this day.

11 GAMBLING LEGISLATION (RESPONSIBLE GAMBLING) BILL – The Order of the Day having been read for the second reading of this Bill, the Honourable M.M. Gould (for the Honourable J.M. Madden) moved, That this Bill be now read a second time.

The Honourable M.M. Gould made a statement pursuant to section 85(5) of the *Constitution Act 1975* on the reasons for altering or varying this section.

The Honourable R.M. Hallam moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

12 AGRICULTURAL AND VETERINARY CHEMICALS (CONTROL OF USE) (AMENDMENT) BILL – The Order of the Day having been read for the second reading of this Bill, the Honourable C.C. Broad moved, That this Bill be now read a second time.

The Honourable P.R. Davis moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

13 JURIES BILL – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time.

Ordered – That the Bill be committed to a Committee of the whole on the next day of meeting.

14 ADJOURNMENT – The Honourable M.M. Gould moved, That the Council, at its rising, adjourn until Tuesday next.

Question – put and resolved in the affirmative.

The Honourable M.M. Gould moved, That the House do now adjourn.

Debate ensued.

Question – put and resolved in the affirmative.

And then the Council, at 10.06 p.m., adjourned until Tuesday next.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

LEGISLATIVE COUNCIL OF VICTORIA

MINUTES OF THE PROCEEDINGS Nos. 22 and 23

No. 22 – Tuesday, 11 April 2000

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** – The Honourable M.M. Gould presented a Message from His Excellency the Governor informing the Council that he had, this day, given the Royal Assent to the undermentioned Acts presented to him by the Clerk of the Parliaments:
First Home Owner Grant Act
National Taxation Reform (Consequential Provisions) Act.
- 3 **ADMINISTRATION AND PROBATE (DUST DISEASES) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Administration and Probate Act 1958 to provide for the survival of claims for damages in certain causes of action in relation to dust-related conditions and for other purposes* and desiring the concurrence of the Council therein.
On the motion of the Honourable M.R. Thomson, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
- 4 **EDUCATION ACTS (AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Education Act 1958 and the Teaching Service Act 1981 to revoke special functions and powers given to certain school councils, to provide for the transfer of staff employed by those councils and to make transitional provisions for other agreements and arrangements entered into by those school councils and for other purposes* and desiring the concurrence of the Council therein.
On the motion of the Honourable J.M. Madden, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 5 **ROAD SAFETY (AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Road Safety Act 1986, the Road Safety (Amendment) Act 1990, the Road Safety (Drivers) Act 1991, the Road Safety (Further Amendment) Act 1998, the Marine Act 1988, the Transport Act 1983 and for other purposes* and desiring the concurrence of the Council therein.
On the motion of the Honourable C.C. Broad, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 6 **TRADE MEASUREMENT (AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Trade Measurement Act 1995 to adopt nationally agreed reforms, to make minor*

amendments to that Act and the Trade Measurement (Administration) Act 1995 and for other purposes and desiring the concurrence of the Council therein.

On the motion of the Honourable M.R. Thomson, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 7 QUESTIONS** – Questions without notice were taken pursuant to Standing Order No. 71A.
- 8 LOCAL GOVERNMENT (GOVERNANCE) BILL** – On the motion (by leave without notice) of the Honourable C.C. Broad, leave was given to bring in a Bill *to amend the Local Government Act 1989 and the Libraries Act 1988 and for other purposes*, and the said Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
- 9 BUSINESS REGISTRATION ACTS (AMENDMENT) BILL** – On the motion (by leave without notice) of the Honourable M.R. Thomson, leave was given to bring in a Bill *to amend the Associations Incorporation Act 1981, the Business Names Act 1962, the Co-operatives Act 1996 and the Partnership Act 1958 to facilitate electronic service delivery for registration services provided under those Acts, to make other miscellaneous amendments to those Acts and to amend the Fair Trading Act 1999 and other Acts and for other purposes*, and the said Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
- 10 FEDERAL COURTS (CONSEQUENTIAL AMENDMENTS) BILL** – On the motion (by leave without notice) of the Honourable M.R. Thomson, leave was given to bring in a Bill *to make further amendments consequential on the matters dealt with by the Federal Courts (State Jurisdiction) Act 1999 or by Commonwealth legislation relating to federal courts and tribunals and for other purposes*, and the said Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
- 11 ADOPTION (AMENDMENT) BILL** – On the motion (by leave without notice) of the Honourable M.R. Thomson, leave was given to bring in a Bill *to amend the Adoption Act 1984 to give effect to the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption and to certain bilateral arrangements for intercountry adoption and for other purposes*, and the said Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
- 12 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 – Report on Test calls made to non-emergency ambulance telephone lines, April 2000.
 - Crown Land (Reserves) Act 1978 – Minister's Orders of 6 April 2000 giving approval to granting of leases at Lake Boga and Whittlesea.
 - Gascor (TH) Pty Ltd – Financial Statements for the period 1 July 1998 to 2 June 1999.
 - Goulburn Valley Regional Waste Management Group – Minister for Environment and Conservation's report of 5 April 2000 of receipt of the 1998-99 report.
 - Planning and Environment Act 1987 – Notices of Approval of the following amendment to a planning scheme and a new planning scheme:
 - Ararat Planning Scheme.
 - Kingston Planning Scheme – Amendment C5.
 - Statutory Rules under the following Acts of Parliament:
 - Architects Act 1991 – No. 25.

Police Regulation Act 1958 – No. 23.

Subordinate Legislation Act 1994 – Minister's exemption certificate under section 9(6) in respect of Statutory Rule No. 23.

13 BUSINESS POSTPONED – Ordered – That the consideration of the Order of the Day, Business to take Precedence, and Order of the Day, Government Business No. 1, be postponed until later this day.

14 FINANCIAL MANAGEMENT (FINANCIAL RESPONSIBILITY) BILL – The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time –

Debate resumed.

The Honourable G.K. Rich-Phillips moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

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

15 BUSINESS OF THE HOUSE – The Honourable C.C. Broad moved, That so much of the Sessional Orders be suspended as would prevent new business being taken after 8.00 p.m. during the sitting of the Council this day.

Question – put and resolved in the affirmative.

16 FINANCIAL MANAGEMENT (FINANCIAL RESPONSIBILITY) BILL – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honourable B.W. Bishop having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

17 PROSTITUTION CONTROL (PLANNING) BILL – The President announced the receipt of a Message from the Assembly acquainting the Council that they have agreed to this Bill without amendment.

18 ROAD SAFETY (AMENDMENT) BILL – The Order of the Day having been read for the second reading of this Bill, the Honourable C.C. Broad moved, That this Bill be now read a second time.

The Honourable C.C. Broad made a statement pursuant to section 85(5) of the *Constitution Act 1975* on the reasons for altering or varying this section.

The Honourable G.B. Ashman moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

19 EDUCATION ACTS (AMENDMENT) BILL – The Order of the Day having been read for the second reading of this Bill, the Honourable J.M. Madden moved, That this Bill be now read a second time.

The Honourable A.R. Brideson moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

20 JURIES BILL – This Bill was, according to Order, committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honourable B.W. Bishop having reported that the Committee had agreed to the Bill with amendments, the Report was adopted, and the Bill was read a third time and passed.

Ordered – That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same with amendments, and desiring their concurrence therein.

21 ADJOURNMENT – The Honourable M.M. Gould moved, That the House do now adjourn.

Debate ensued.

Question – put and resolved in the affirmative.

And then the Council, at 11.00 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 23 – Wednesday, 12 April 2000

1 The President took the Chair and read the Prayer.

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

Statutory Rules under the following Acts of Parliament:

Children and Young Persons Act 1989 -- No. 26.

Melbourne City Link Act 1995 – No. 24.

Subordinate Legislation Act 1994 – Ministers' exemption certificates under section 9(6) in respect of Statutory Rules Nos. 24 and 26.

3 BUSINESS POSTPONED — Ordered — That the consideration of Notice of Motion, General Business, No. 1, be postponed until later this day.

4 SCORESBY FREEWAY – The Honourable G.R. Craige moved, That this House supports the construction of the Scoresby Freeway as an urgent priority project and believes that funding must be provided in the 2000-01 Budget.

Debate ensued.

Question – put.

The Council divided.

AYES, 27

The Hon. G.B. Ashman (*Teller*)

B.N. Atkinson

W.R. Baxter

R.A. Best

M.A. Birrell

B.C. Boardman

R.H. Bowden

A.R. Brideson

NOES, 13

The Hon. E.C. Carbines

K. Darveniza (*Teller*)

M.M. Gould

D.G. Hadden

G.W. Jennings

J.M. McQuilten

J.M. Madden

J. Mikakos

A. Coote	S.M. Nguyen
I.J. Cover	G.D. Romanes
G.R. Craige	R.F. Smith (<i>Teller</i>)
D.M. Davis	T.C. Theophanous
P.R. Davis	M.R. Thomson
W. Forwood	
C.A. Furletti	
P.R. Hall	
R.M. Hallam	
P.A. Katsambanis	
N.B. Lucas	
M.T. Luckins	
E.J. Powell	
G.K. Rich-Phillips	
Dr. J.W.G. Ross	
K.M. Smith	
W.I. Smith (<i>Teller</i>)	
Graeme Stoney	
C.A. Strong	

And so it was resolved in the affirmative.

- 5 QUESTIONS** – Questions without notice were taken pursuant to Standing Order No. 71A.
- 6 BUSINESS POSTPONED** – Ordered – That the consideration of the Order of the Day, Business to take Precedence, be postponed until later this day.
- 7 LOCAL GOVERNMENT (GOVERNANCE) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable C.C. Broad moved, That this Bill be now read a second time.
The Honourable N.B. Lucas moved, That the debate be now adjourned.
Question – That the debate be now adjourned – put and resolved in the affirmative.
Ordered – That the debate be adjourned until the next day of meeting.
- 8 BUSINESS POSTPONED** – Ordered – That the consideration of Order of the Day, Government Business, No. 2, be postponed until later this day.
- 9 FEDERAL COURTS (CONSEQUENTIAL AMENDMENTS) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable M.R. Thomson moved, That this Bill be now read a second time.
The Honourable M.R. Thomson made a statement pursuant to section 85(5) of the *Constitution Act 1975* on the reasons for altering or varying this section.
The Honourable C.A. Furletti moved, That the debate be now adjourned.
Question – That the debate be now adjourned – put and resolved in the affirmative.
Ordered – That the debate be adjourned until the next day of meeting.
- 10 ADOPTION (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable M.R. Thomson moved, That this Bill be now read a second time.
The Honourable C.A. Furletti (for the Honourable R.A. Best) moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

- 11 ADMINISTRATION AND PROBATE (DUST DISEASES) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable M.R. Thomson moved, That this Bill be now read a second time.

The Honourable C.A. Furletti moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

- 12 TRADE MEASUREMENT (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable M.R. Thomson moved, That this Bill be now read a second time.

The Honourable W. Forwood moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

- 13 BUSINESS OF THE HOUSE** – The Honourable C.C. Broad moved, That so much of the Sessional Orders be suspended as would prevent new business being taken after 8.00 p.m. during the sitting of the Council this day.

Question – put and resolved in the affirmative.

- 14 ROAD SAFETY (AMENDMENT) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honourable B.W. Bishop having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 15 EDUCATION ACTS (AMENDMENT) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honourable B.W. Bishop having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

16 MESSAGES FROM THE ASSEMBLY – The President announced the receipt of Messages from the Assembly acquainting the Council that they have agreed to the following Bills without amendment:

Renewable Energy Authority Victoria (Amendment) Bill
Corporations (Victoria) (Amendment) Bill.

17 ADJOURNMENT – The Honourable M.M. Gould moved, That the Council, at its rising, adjourn until Tuesday, 2 May 2000.

Question – put and resolved in the affirmative.

The Honourable M.M. Gould moved, That the House do now adjourn.

Debate ensued.

Question – put and resolved in the affirmative.

And then the Council, at 11.50 p.m., adjourned until Tuesday, 2 May 2000.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

LEGISLATIVE COUNCIL OF VICTORIA

MINUTES OF THE PROCEEDINGS Nos. 24 and 25

No. 24 – Tuesday, 2 May 2000

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** – The Honourable M.M. Gould presented a Message from His Excellency the Governor informing the Council that he had, on 18 April 2000, given the Royal Assent to the undermentioned Acts presented to him by the Clerk of the Parliaments:
 - Corporations (Victoria) (Amendment) Act*
 - Education Acts (Amendment) Act*
 - Financial Management (Financial Responsibility) Act*
 - Flora and Fauna Guarantee (Amendment) Act*
 - Prevention of Cruelty to Animals (Amendment) Act*
 - Prostitution Control (Planning) Act*
 - Renewable Energy Authority Victoria (Amendment) Act*
 - Road Safety (Amendment) Act.*
- 3 **MESSAGES FROM THE ASSEMBLY** – The President announced the receipt of Messages from the Assembly acquainting the Council that they have agreed to the following Bills without amendment:
 - Flora and Fauna Guarantee (Amendment) Bill
 - Prevention of Cruelty to Animals (Amendment) Bill.
- 4 **QUESTIONS** – Questions without notice were taken pursuant to Standing Order No. 71A.
- 5 **SUSPENSION OF STANDING ORDERS – QUESTIONS** – The Honourable M.M. Gould moved, by leave, That so much of the Standing Orders as require answers to questions on notice to be delivered verbally in the House be suspended for the sitting of the Council this day and that the answers enumerated be incorporated in Hansard.

Question – put and resolved in the affirmative.

Accordingly, answers were given to certain questions on notice pursuant to Standing Order No. 71A.
- 6 **PAPERS** –
 - COUNTY COURT JUDGES** – The Honourable M.R. Thomson presented, by command of His Excellency the Governor, the Report of the County Court Judges for the year 1998-99.

Ordered to lie on the Table.

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE – REFORMS FOR SCRUTINISING THE BUDGET ESTIMATES – The Honourable W. Forwood presented a Report from the Public Accounts and Estimates Committee upon Reforms for Scrutinising the Budget Estimates, together with an Appendix.

Ordered to lie on the Table and to be printed.

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SCRUTINY OF ACTS AND REGULATIONS COMMITTEE – ALERT DIGEST – The Honourable M.T. Luckins presented Alert Digest No. 5 of 2000 from the Scrutiny of Acts and Regulations Committee, together with Appendices.

Ordered to lie on the Table and to be printed.

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

Adult Education Council – Report, 1999.

Ballarat Health Services – Report, 1998-99.

Barwon Health – Report, 1998-99 (two papers).

Bendigo Regional Institute of TAFE – Report, 1999.

Box Hill Institute of TAFE – Report, 1999.

Central Gippsland Institute of TAFE – Report, 1999.

Chisholm Institute of TAFE – Report, 1999.

Crown Land (Reserves) Act 1978 – Orders under Section 17D and 17DA granting leases at Mt Rouse.

Djerriwarrh Health Services – Report, 1998-99.

Driver Education Centre of Australia Ltd – Report, 1999.

East Gippsland Institute of TAFE – Report, 1999.

East Wimmera Health Service – Report, 1998-99.

Eastern Regional Waste Management Group – Minister for Environment and Conservation's report of 20 April 2000 of receipt of the 1998-99 report.

Edenhope and District Memorial Hospital – Minister for Health's report of receipt of the 1998-99 report.

Gascor Holdings No. 3 Pty Ltd – Financial Statements for the period 1 July 1998 to 31 March 1999.

Gordon Institute of TAFE – Report, 1999.

Goulburn Ovens Institute of TAFE – Report, 1999.

Hepburn Health Service – Report, 1998-99.

Holmesglen Institute of TAFE – Report, 1999.

International Fibre Centre Ltd – Minister for Post Compulsory Education, Training and Employment's report of 26 April 2000 of receipt of the 1999 report.

Kangan Batman Institute of TAFE – Report, 1999.

Melbourne City Link Act 1995 –

City Link and Extension Projects Integration and Facilitation Agreement Fourth Amending Deed, 10 April 2000, pursuant to section 15B(5) of the Act.

Melbourne City Link Eleventh Amending Deed, 10 April 2000, pursuant to section 15(2) of the Act.

Mercy Public Hospitals Incorporated – Report, 1998-99 (three papers).

National Crime Authority – Report, 1998-99.

Northern Melbourne Institute of TAFE – Report, 1999.

Northern Regional Waste Management Group – Minister for Environment and Conservation's report of 20 April 2000 of receipt of the 1998-99 report.

Planning and Environment Act 1987 – Notices of Approval of the following amendments to planning schemes and a new planning scheme:

Boroondara Planning Scheme – Amendment C7.

Darebin Planning Scheme – Amendment C5.

Frankston Planning Scheme.

Kingston Planning Scheme – Amendment C1.

Stonnington Planning Scheme – Amendments L67 and L68.

Yarra Ranges Planning Scheme – Amendment L120.

Portland and District Hospital – Report, 1998-99.

Rural Northwest Health – Report, 1998-99.

South Eastern Regional Waste Management Group – Minister for Environment and Conservation's report of 20 April 2000 of receipt of the 1998-99 report.

South West Institute of TAFE – Report, 1999.

Statutory Rule under the Magistrates' Court Act 1989 – No. 27.

Subordinate Legislation Act 1994 – Minister's exemption certificate under section 9(6) in respect of Statutory Rule No. 27.

Sunraysia Institute of TAFE – Report, 1999.

West Wimmera Health Service – Report, 1998-99 (two papers).

Western Regional Waste Management Group – Minister for Environment and Conservation's report of 20 April 2000 of receipt of the 1998-99 report.

William Angliss Institute of TAFE – Report, 1999.

Wodonga Institute of TAFE – Report, 1999.

Wonthaggi and District Hospital – Report, 1998-99.

7 BUSINESS POSTPONED – Ordered – That the consideration of the Order of the Day, Business to take Precedence, and Orders of the Day, Government Business, Nos. 1 to 8 inclusive, be postponed until later this day.

8 BUSINESS REGISTRATION ACTS (AMENDMENT) BILL – The Order of the Day having been read for the second reading of this Bill, the Honourable M.R. Thomson moved, That this Bill be now read a second time.

The Honourable W. Forwood moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

9 LOCAL GOVERNMENT (GOVERNANCE) BILL – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

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

Ordered – That the Bill be transmitted to the Assembly with a Message desiring their concurrence therein.

10 FEDERAL COURTS (CONSEQUENTIAL AMENDMENTS) BILL – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and, by leave, read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

Ordered – That the Bill be transmitted to the Assembly with a Message desiring their concurrence therein.

11 ADOPTION (AMENDMENT) BILL – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

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

Ordered – That the Bill be transmitted to the Assembly with a Message desiring their concurrence therein.

12 ADMINISTRATION AND PROBATE (DUST DISEASES) BILL – The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time –

Debate resumed.

The Honourable B.W. Bishop moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

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

13 BUSINESS OF THE HOUSE – The Honourable M.M. Gould moved, That so much of the Sessional Orders be suspended as would prevent new business being taken after 8.00 p.m. during the sitting of the Council this day.

Question – put and resolved in the affirmative.

14 ADMINISTRATION AND PROBATE (DUST DISEASES) BILL – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

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

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

15 TRADE MEASUREMENT (AMENDMENT) BILL – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

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

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

16 ADJOURNMENT – The Honourable M.M. Gould moved, That the House do now adjourn.

Debate ensued.

Question – put and resolved in the affirmative.

And then the Council, at 9.34 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 25 – Wednesday, 3 May 2000

1 The President took the Chair and read the Prayer.

2 **EQUAL OPPORTUNITY (BREASTFEEDING) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Equal*

Opportunity Act 1995 to prohibit discrimination on the basis of breastfeeding and for other purposes and desiring the concurrence of the Council therein.

On the motion of the Honourable M.R. Thomson, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 3 BUSINESS OF THE HOUSE** – The Honourable M.M. Gould moved, That so much of the Sessional Orders be suspended as would prevent new business being taken after 8.00 p.m. during the sitting of the Council this day.

Question – put and resolved in the affirmative.

4 PAPERS –

BUDGET PAPERS, 2000-01 – The Honourable C.C. Broad moved, by leave, That there be laid before this House a copy of the following 2000-01 Budget Papers:

- (a) Treasurer's Speech (Budget Paper No. 1);
- (b) Budget Statement (Budget Paper No. 2);
- (c) Budget Estimates (Budget Paper No. 3); and
- (d) Budget Overview.

Question – put and resolved in the affirmative.

The said papers were thereupon presented by the Honourable C.C. Broad and ordered to lie on the Table.

The Honourable C.C. Broad moved, by leave, That the papers tabled pursuant to the foregoing Order be taken into consideration later this day.

Question – put and resolved in the affirmative.

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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 – Minister's response to recommendations in Scrutiny of Acts and Regulations Committee's Report upon the Review of the *Unlawful Assemblies and Processions Act 1958*.

Statutory Rules under the following Acts of Parliament:

Fisheries Act 1995 – No. 28.

Gas Safety Act 1997 – No. 30.

Tobacco Act 1987 – No. 29.

Subordinate Legislation Act 1994 – Ministers' exemption certificates under section 9(6) in respect of Statutory Rules Nos. 28 and 29.

- 5 BUSINESS POSTPONED** — Ordered — That the consideration of Notice of Motion, General Business, No. 1, be postponed until later this day.

- 6 ESSENDON AIRPORT** – The Honourable D.M. Davis moved, That this House supports the continuation of aviation at Essendon Airport including the retention of the air ambulance links with rural Victoria, the Police Air Wing and the airport's vital commercial and passenger links with rural, regional and remote Victoria.

Debate ensued.

Question – put.

The Council divided.

AYES, 28

The Hon. G.B. Ashman

B.N. Atkinson (*Teller*)

W.R. Baxter

NOES, 14

The Hon. C.C. Broad

E.C. Carbines

K. Darveniza

R.A. Best	M.M. Gould
M.A. Birrell	D.G. Hadden (<i>Teller</i>)
B.C. Boardman	G.W. Jennings
R.H. Bowden	J.M. McQuilten
A.R. Brideson	J.M. Madden
A. Coote (<i>Teller</i>)	J. Mikakos (<i>Teller</i>)
I.J. Cover	S.M. Nguyen
G.R. Craige	G.D. Romanes
D.M. Davis	R.F. Smith
P.R. Davis	T.C. Theophanous
W. Forwood	M.R. Thomson
C.A. Furletti	
P.R. Hall	
R.M. Hallam	
P.A. Katsambanis	
N.B. Lucas	
M.T. Luckins	
A.P. Olexander	
E.J. Powell	
G.K. Rich-Phillips	
Dr. J.W.G. Ross	
K.M. Smith	
W.I. Smith	
Graeme Stoney	
C.A. Strong	

And so it was resolved in the affirmative.

7 JOINT SITTING – INVITATION TO COMMONWEALTH PARLIAMENT –

The President announced the receipt of a Message from the Assembly acquainting the Council that they had agreed to the following Resolution:

That this House meets the Legislative Council for the purposes of sitting together to consider the passage of a resolution to invite the two Chambers of the Commonwealth Parliament to return to the Victorian Parliament to commemorate the centenary of the first sittings of the Commonwealth Parliament in 1901 and proposes that the time and place of such meeting be the Legislative Assembly Chamber on Wednesday, 10 May 2000, at 12.30 pm.

Ordered – That the Assembly's Message be taken into consideration forthwith.

The Honourable M.M. Gould moved, by leave, That this House meet the Legislative Assembly for the purpose of sitting together to consider the passage of a resolution to invite the two Chambers of the Commonwealth Parliament to return to the Victorian Parliament to commemorate the centenary of the first sittings of the Commonwealth Parliament in 1901, and as proposed by the Assembly, the place and time of such meeting be the Legislative Assembly Chamber on Wednesday, 10 May 2000 at 12.30 p.m.

Question – put and resolved in the affirmative.

Ordered – That a Message be sent to the Assembly acquainting them therewith.

8 QUESTIONS – Questions without notice were taken pursuant to Standing Order No. 71A.

9 BUSINESS POSTPONED – Ordered – That the consideration of the Order of the Day, Business to take Precedence, be postponed until later this day.

10 EQUAL OPPORTUNITY (BREASTFEEDING) BILL – The Order of the Day having been read for the second reading of this Bill, the Honourable M.R. Thomson moved, That this Bill be now read a second time.

The Honourable R.A. Best moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

11 GAMBLING LEGISLATION (RESPONSIBLE GAMBLING) BILL – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

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

Ordered – That the Bill be committed to a Committee of the whole later this day.

12 CHINESE MEDICINE REGISTRATION BILL – The President announced the receipt of a Message from the Assembly transmitting a Bill *to make provision for the registration of and investigations into the professional conduct and fitness to practise of registered practitioners of Chinese medicine and dispensers of Chinese herbs, to regulate Chinese medicine and herbal dispensing services, to regulate the advertising of Chinese medicine and herbal dispensing services, to establish a Chinese Medicine Registration Board of Victoria and a Chinese Medicine Registration Board Fund and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable M.M. Gould, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time forthwith.

Accordingly, the Honourable M.M. Gould moved, That this Bill be now read a second time.

The Honourable R.A. Best moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

13 GAMBLING LEGISLATION (RESPONSIBLE GAMBLING) BILL – This Bill was, according to Order, committed to a Committee of the whole.

House in Committee.

And having continued to sit until after 12 midnight –

THURSDAY, 4 MAY 2000

The President resumed the Chair; and the Honourable B.W. Bishop having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

14 ADJOURNMENT – The Honourable M.M. Gould moved, That the Council, at its rising, adjourn until Tuesday next.

Question – put and resolved in the affirmative.

The Honourable M.M. Gould moved, That the House do now adjourn.

Debate ensued.

Question — put and resolved in the affirmative.

And then the Council, at 12.21 a.m., adjourned until Tuesday next.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

LEGISLATIVE COUNCIL OF VICTORIA

MINUTES OF THE PROCEEDINGS Nos. 26, 27 and 28

No. 26 – Tuesday, 9 May 2000

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** – The Honourable M.M. Gould presented a Message from His Excellency the Governor informing the Council that he had, this day, given the Royal Assent to the undermentioned Acts presented to him by the Clerk of the Parliaments:
Administration and Probate (Dust Diseases) Act
Gambling Legislation (Responsible Gambling) Act
Trade Measurement (Amendment) Act.
- 3 **DISABILITY SERVICES (AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Disability Services Act 1991 and the Intellectually Disabled Persons' Services Act 1986 to make provision for community visitors and for other purposes* and desiring the concurrence of the Council therein.
On the motion of the Honourable M.R. Thomson, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 4 **ELECTRONIC TRANSACTIONS (VICTORIA) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to facilitate electronic transactions and for other purposes* and desiring the concurrence of the Council therein.
On the motion of the Honourable C.C. Broad, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 5 **NATIONAL TAXATION REFORM (FURTHER CONSEQUENTIAL PROVISIONS) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to make further amendments to State legislation as a consequence of national taxation reform and for other purposes* and desiring the concurrence of the Council therein.
On the motion of the Honourable C.C. Broad, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 6 **VOCATIONAL EDUCATION AND TRAINING (COUNCIL MEMBERSHIP) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Vocational Education and Training Act 1990 to provide that members of Parliament are ineligible to hold office as members of TAFE college councils and to remove those members of Parliament who are members of TAFE*

college councils from the councils and for other purposes and desiring the concurrence of the Council therein.

On the motion of the Honourable J.M. Madden, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

7 QUESTIONS – Questions without notice were taken pursuant to Standing Order No. 71A.

8 SUSPENSION OF STANDING ORDERS – QUESTIONS – The Honourable M.M. Gould moved, by leave, That so much of the Standing Orders as require answers to questions on notice to be delivered verbally in the House be suspended for the sitting of the Council this day and that the answers enumerated be incorporated in Hansard.

Question – put and resolved in the affirmative.

Accordingly, answers were given to certain questions on notice pursuant to Standing Order No. 71A.

9 PAPERS –

CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES) (ENFORCEMENT) ACT 1995 – The Honourable M.R. Thomson moved, by leave, That there be laid before this House a copy of:

- (a) Printed Matter Classification Guidelines (Amendment No. 1);
- (b) Guidelines for the Classification of Films and Videotapes (Amendment No. 2);
- (c) Guidelines for the Classification of Computer Games (Amendment No. 1); and
- (d) Guidelines for the Classification of Publications 1999.

Question – put and resolved in the affirmative.

The said papers were thereupon presented by the Honourable M.R. Thomson 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:

Central Wellington Health Service – Report, 1998-99.

Kilmore and District Hospital – Minister for Health's report of receipt of the 1998-99 report.

Murray-Darling Basin Commission – Report, 1998-99.

Parliamentary Committees Act 1968 – Minister's response to recommendations in Federal-State Relations Committee's report upon Federalism and the Role of the States: Comparisons and Recommendations.

Planning and Environment Act 1987 – Notices of Approval of the following amendments to planning schemes and a new planning scheme:

Ballarat Planning Scheme – Amendments C4, C16 and C22.

Geelong – Greater Geelong Planning Scheme – Amendments R242 and R249.

Maribyrnong Planning Scheme – Amendment C1.

Moonee Valley Planning Scheme – Amendment C7.

Moreland Planning Scheme.

Stonnington Planning Scheme – Amendments L40 Part B, L95 and L96.

Warrnambool Planning Scheme – Amendment C9.

Yarra Ranges Planning Scheme – Amendment L116.

- 10 ADDRESS IN REPLY TO SPEECH OF HIS EXCELLENCY THE GOVERNOR –**
The Order of the Day having been read for the resumption of the debate on the question, That the Council agree to the following Address to His Excellency the Governor in reply to His Excellency's Opening Speech:

MAY IT PLEASE YOUR EXCELLENCY –

We, the Legislative Council of Victoria, in Parliament assembled, wish to express our loyalty to our Most Gracious Sovereign, and to thank Your Excellency for the Speech you have been pleased to address to Parliament.

Question – put and resolved in the affirmative.

The Honourable M.M. Gould moved, That the Address be presented to His Excellency the Governor by the President and such Members of the Council as may wish to accompany him.

Question – put and resolved in the affirmative.

- 11 DISABILITY SERVICES (AMENDMENT) BILL –** The Order of the Day having been read for the second reading of this Bill, the Honourable M.R. Thomson moved, That this Bill be now read a second time.

The Honourable R.A. Best moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

- 12 ELECTRONIC TRANSACTIONS (VICTORIA) BILL –** The Order of the Day having been read for the second reading of this Bill, the Honourable C.C. Broad moved, That this Bill be now read a second time.

The Honourable W. Forwood (for the Honourable G.B. Ashman) moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

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

- 13 NATIONAL TAXATION REFORM (FURTHER CONSEQUENTIAL PROVISIONS) BILL –** The Order of the Day having been read for the second reading of this Bill, the Honourable C.C. Broad moved, That this Bill be now read a second time.

The Honourable W. Forwood (for the Honourable R.M. Hallam) moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

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

- 14 VOCATIONAL EDUCATION AND TRAINING (COUNCIL MEMBERSHIP) BILL –** The Order of the Day having been read for the second reading of this Bill, the Honourable J.M. Madden moved, That this Bill be now read a second time.

The Honourable W. Forwood (for the Honourable E.J. Powell) moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

15 AGRICULTURAL AND VETERINARY CHEMICALS (CONTROL OF USE) (AMENDMENT) BILL – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

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

Ordered – That the Bill be transmitted to the Assembly with a Message desiring their concurrence therein.

16 BUSINESS POSTPONED – Ordered – That the consideration of Order of the Day, Government Business, No. 2, be postponed until later this day.

17 BUSINESS OF THE HOUSE – The Honourable M.M. Gould moved, That so much of the Sessional Orders be suspended as would prevent new business being taken after 8.00 p.m. during the sitting of the Council this day.

Question – put and resolved in the affirmative.

18 EQUAL OPPORTUNITY (BREASTFEEDING) BILL – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

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

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

19 CHINESE MEDICINE REGISTRATION BILL – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

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

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

20 ADJOURNMENT – The Honourable M.M. Gould moved, That the House do now adjourn.

Debate ensued.

Question – put and resolved in the affirmative.

And then the Council, at 11.14 p.m. adjourned until tomorrow.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 27 – Wednesday, 10 May 2000

1 The President took the Chair and read the Prayer.

2 PETITION – TRANSURBAN CITY LINK – The Honourable C.A. Strong presented a Petition bearing 2,956 signatures from certain citizens of Victoria requesting that the Parliament of Victoria consider viable alternatives to funding the Transurban City Link project which will not cause hardship or cost to Victorians.

Ordered to lie on the Table.

- 3 BUSINESS POSTPONED** – Ordered – That the consideration of Notice of Motion, General Business, No. 1, be postponed until later this day.
- 4 REGIONAL DEVELOPMENT** – The Honourable W.R. Baxter moved, That this House condemns the Government for its contradictory policy of, on the one hand, publicly proclaiming a commitment to regional development, but on the other, deploying Ministerial direction and administrative action to undermine, delay, stymie and drive away job generating investment especially in the high country.

Debate ensued.

Question – put.

The Council divided.

AYES, 29

The Hon. G.B. Ashman
 B.N. Atkinson
 W.R. Baxter
 R.A. Best
 M.A. Birrell
 B.W. Bishop
 B.C. Boardman
 R.H. Bowden
 A.R. Brideson
 A. Coote
 I.J. Cover (*Teller*)
 G.R. Craige (*Teller*)
 D.M. Davis
 P.R. Davis
 W. Forwood
 C.A. Furletti
 P.R. Hall
 R.M. Hallam
 P.A. Katsambanis
 N.B. Lucas
 M.T. Luckins
 A.P. Olexander
 E.J. Powell
 G.K. Rich-Phillips
 Dr. J.W.G. Ross
 K.M. Smith
 W.I. Smith
 Graeme Stoney
 C.A. Strong

NOES, 14

The Hon. C.C. Broad
 E.C. Carbines
 K. Darveniza
 M.M. Gould
 D.G. Hadden
 G.W. Jennings
 J.M. McQuilten
 J.M. Madden
 J. Mikakos
 S.M. Nguyen
 G.D. Romanes
 R.F. Smith (*Teller*)
 T.C. Theophanous (*Teller*)
 M.R. Thomson

And so it was resolved in the affirmative.

- 5 JOINT SITTING** – The President announced that the time had arrived for the House to meet the Assembly in the Assembly Chamber to consider a motion to invite the Senate and the House of Representatives to commemorate and celebrate in Melbourne on 9 and 10 May 2001 the centenary of the first meeting

and sittings of the Commonwealth Parliament at the Royal Exhibition Buildings and the Victorian Parliament.

Accordingly, the Council then proceeded to the Assembly Chamber, and having returned –

The President reported that at the Joint Sitting, the following Resolution was agreed to:

That this Joint Sitting of the Legislative Council and Legislative Assembly of the Parliament of Victoria invites the President and Members of the Senate and the Speaker and Members of the House of Representatives to convene at the Royal Exhibition Buildings, Carlton, on 9 May 2001, for the Joint Commemorative Ceremonial Federation Sitting and Commemoration Ceremony, and at Parliament House, Melbourne, on 10 May 2001, for the Commemorative Federation Sitting of each House of the Commonwealth Parliament and conveys its best wishes for the success of the said meetings that will mark the centenary of the first sittings of the Parliament of the Commonwealth of Australia.

6 QUESTIONS – Questions without notice were taken pursuant to Standing Order No. 71A.

7 ELECTRONIC TRANSACTIONS (VICTORIA) BILL – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

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

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

8 WITNESS PROTECTION (AMENDMENT) BILL – The Acting President announced the receipt of a Message from the Assembly transmitting a Bill to amend the Witness Protection Act 1991 to enable authorities from other jurisdictions to apply for Victorian identity documents for witnesses in their witness protection programs, to provide for the extraterritorial operation of offences regarding disclosure of information about witnesses and for other purposes and desiring the concurrence of the Council therein.

On the motion of the Honourable J.M. Madden, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

9 BUSINESS OF THE HOUSE – The Honourable J.M. Madden moved, That so much of the Sessional Orders be suspended as would prevent new business being taken after 8.00 p.m. during the sitting of the Council this day.

Question – put and resolved in the affirmative.

10 NATIONAL TAXATION REFORM (FURTHER CONSEQUENTIAL PROVISIONS) BILL – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

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

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

11 VOCATIONAL EDUCATION AND TRAINING (COUNCIL MEMBERSHIP) BILL – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

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

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 12 WITNESS PROTECTION (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable J.M. Madden moved, That this Bill be now read a second time.

The Honourable J.M. Madden made a statement pursuant to section 85(5) of the *Constitution Act 1975* on the reasons for altering or varying this section.

The Honourable B.C. Boardman moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

- 13 LOCAL GOVERNMENT (GOVERNANCE) BILL** – The President announced the receipt of a Message from the Assembly acquainting the Council that they have agreed to this Bill without amendment.

- 14 ADJOURNMENT** – The Honourable M.M. Gould moved, That the House do now adjourn.

Debate ensued.

Question – put and resolved in the affirmative.

And then the Council, at 10.45 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 28 – Thursday, 11 May 2000

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

- 2 **PAPERS** –

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE – CONSTITUTIONAL CONVENTION ACT – The Honourable M.T. Luckins presented a Report from the Scrutiny of Acts and Regulations Committee upon Redundant and Unclear Legislation concerning the Review of the *Constitutional Convention Act 1972*, together with an Appendix.

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:

Mt Buller Alpine Resort Management Board – Report, 1998-99.

Tweddle Child and Family Health Service – Minister for Health's report of receipt of the 1998-99 report.

- 3 **DISABILITY SERVICES (AMENDMENT) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

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

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 4 BUSINESS REGISTRATION ACTS (AMENDMENT) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time and committed to a Committee of the whole.

House in Committee.

The Acting President resumed the Chair; and the Honourable B.W. Bishop having reported that the Committee had agreed to the Bill with amendments, the Report was adopted, and the Bill was read a third time and passed.

Ordered – That the Bill be transmitted to the Assembly with a Message desiring their concurrence therein.

- 5 QUESTIONS** – Questions without notice were taken pursuant to Standing Order No. 71A.

- 6 SUSPENSION OF STANDING ORDERS – QUESTIONS** – The Honourable M.M. Gould moved, by leave, That so much of the Standing Orders as require answers to questions on notice to be delivered verbally in the House be suspended for the sitting of the Council this day and that the answers enumerated be incorporated in Hansard.

Question – put and resolved in the affirmative.

Accordingly, answers were given to certain questions on notice pursuant to Standing Order No. 71A.

- 7 BUDGET PAPERS, 2000-01** – The Order of the Day having been read for the consideration of the Budget Papers, 2000-01, the Honourable C.C. Broad moved, That the Council take note of the Budget Papers, 2000-01.

Debate ensued.

The Honourable P.A. Katsambanis moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

- 8 ADJOURNMENT** – The Honourable M.M. Gould moved, That the Council, at its rising, adjourn until Tuesday, 23 May 2000.

Question – put and resolved in the affirmative.

The Honourable M.M. Gould moved, That the House do now adjourn.

Debate ensued.

Question – put and resolved in the affirmative.

And then the Council, at 4.57 p.m., adjourned until Tuesday, 23 May 2000.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

LEGISLATIVE COUNCIL OF VICTORIA

MINUTES OF THE PROCEEDINGS Nos. 29, 30 and 31

No. 29 – Tuesday, 23 May 2000

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** – The Honourable M.M. Gould presented a Message from His Excellency the Governor informing the Council that he had, on 16 May 2000, given the Royal Assent to the undermentioned Acts presented to him by the Clerk of the Parliaments:
 - Chinese Medicine Registration Act*
 - Disability Services (Amendment) Act*
 - Electronic Transactions (Victoria) Act*
 - Equal Opportunity (Breastfeeding) Act*
 - Federal Courts (Consequential Amendments) Act*
 - Local Government (Governance) Act*
 - National Taxation Reform (Further Consequential Provisions) Act*
 - Vocational Education and Training (Council Membership) Act.*
- 3 **ACCIDENT COMPENSATION (COMMON LAW AND BENEFITS) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Accident Compensation Act 1985 to restore common law actions for damages with effect from 20 October 1999, to increase compensation for non-economic loss and to make miscellaneous amendments to that Act, to amend the Dangerous Goods Act 1985, the Transport Accident Act 1986, the Accident Compensation (WorkCover Insurance) Act 1993 and the Extractive Industries Development Act 1995 and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable M.M. Gould, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 4 **PLANNING AND ENVIRONMENT (AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Planning and Environment Act 1987, the Building Act 1993, the Prostitution Control Act 1994, the Residential Tenancies Act 1997 and the Subdivision Act 1988 and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable J.M. Madden, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 5 **QUESTIONS** – Questions without notice were taken pursuant to Standing Order No. 71A.

- 6 SUSPENSION OF STANDING ORDERS – QUESTIONS** – The Honourable M.M. Gould moved, by leave, That so much of the Standing Orders as require answers to questions on notice to be delivered verbally in the House be suspended for the sitting of the Council this day and that the answers enumerated be incorporated in Hansard.

Question – put and resolved in the affirmative.

Accordingly, answers were given to certain questions on notice pursuant to Standing Order No. 71A.

7 PAPERS –

MAGISTRATES' COURT – The Honourable M.R. Thomson presented by command of His Excellency the Governor, the Report of the Magistrates' Court for 1998-99.

Ordered to lie on the Table.

* * * * *

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE – ALERT DIGEST – The Honourable M.T. Luckins presented Alert Digest No. 6 of 2000 from the Scrutiny of Acts and Regulations 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:

Anderson's Creek Cemetery Trust – Report, 1998.

Ballaarat General Cemeteries Trust – Report, 1998.

Ballarat University – Report, 1999 (two papers).

Bendigo Cemeteries Trust – Report, 1998.

Calder Regional Waste Management Group – Minister for Environment and Conservation's report of 14 May 2000 of receipt of the 1998-99 report.

Cheltenham Cemeteries Trust – Report, 1998.

Crown Land (Reserves) Act 1978 -- Minister's Order of 8 May 2000 giving approval to granting of a licence at Henty Park Reserve, Flinders Park Reserve and the Portland Foreshore Reserve.

Deakin University – Report, 1999.

Fawkner Crematorium and Memorial Park – Report, 1998.

Geelong Cemeteries Trust – Report, 1998.

Keilor Cemetery Trust – Report, 1998.

La Trobe University – Report, 1999.

Lilydale Memorial Park and Cemetery Trust – Report, 1998.

Melbourne University – Report, 1999.

Memorial Park Cemetery Trust – Report, 1998.

Monash University – Report, 1999.

Necropolis Trust – Report, 1998.

Planning and Environment Act 1987 – Notices of Approval of the following amendments to planning schemes:

Ballarat Planning Scheme – Amendments C24 and C28.

Bayside Planning Scheme – Amendment C4.

Casey Planning Scheme – Amendment C11.

Dandenong – Greater Dandenong Planning Scheme – Amendment C13.

Melbourne Planning Scheme – Amendment C26.

Melton Planning Scheme – Amendment C10.

Planning and Environment Act 1987 – *continued*.
 Strathbogie Planning Scheme – Amendment C3.
 Wangaratta Planning Scheme – Amendment C2.
 Royal Melbourne Institute of Technology – Report, 1999.
 Swinburne University of Technology – Report, 1999.
 Templestowe Cemetery Trust – Report, 1998.
 Victoria University of Technology – Report, 1999.
 Wyndham Cemeteries Trust – Report, 1998.

- 8 ACCIDENT COMPENSATION (COMMON LAW AND BENEFITS) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable M.M. Gould moved, That this Bill be now read a second time.
 The Honourable P.A. Katsambanis moved, That the debate be now adjourned.
 Question – That the debate be now adjourned – put and resolved in the affirmative.
 Ordered – That the debate be adjourned until the next day of meeting.
- 9 PLANNING AND ENVIRONMENT (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable J.M. Madden moved, That this Bill be now read a second time.
 The Honourable W. Forwood (for the Honourable G.B. Ashman) moved, That the debate be now adjourned.
 Question – That the debate be now adjourned – put and resolved in the affirmative.
 Ordered – That the debate be adjourned until the next day of meeting.
- 10 WITNESS PROTECTION (AMENDMENT) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.
 Bill read a second time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and, by leave, read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.
 Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.
- 11 BUDGET PAPERS, 2000-01** – The Order of the Day having been read for the resumption of the debate on the question, That the Council take note of the Budget Papers, 2000-01 –
 Debate resumed.
 The Honourable P.R. Hall moved, That the debate be now adjourned.
 Question – That the debate be now adjourned – put and resolved in the affirmative.
 Ordered – That the debate be adjourned until the next day of meeting.
- 12 TRANSPORT (AMENDMENT) BILL** – The Deputy President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Transport Act 1983 to remove references to the transport functions of the Public Transport Corporation, to make certain consequential amendments to certain other Acts and for other purposes* and desiring the concurrence of the Council therein.
 On the motion of the Honourable C.C. Broad, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

13 PSYCHOLOGISTS REGISTRATION BILL – The Deputy President announced the receipt of a Message from the Assembly transmitting a Bill *to make further provision for the registration of psychologists and investigations into the professional conduct and fitness to practise of registered psychologists, to regulate advertising relating to the provision of psychological services, to establish a new Psychologists Registration Board of Victoria and a Psychologists Registration Board Fund, to repeal the Psychologists Registration Act 1987 and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable M.M. Gould, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

14 HEALTH PRACTITIONER ACTS (AMENDMENT) BILL – The Deputy President announced the receipt of a Message from the Assembly transmitting a Bill *to make miscellaneous amendments to the Dental Practice Act 1999 and the Medical Practice Act 1994 and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable M.M. Gould, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

15 HEALTH SERVICES (GOVERNANCE) BILL – The Deputy President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Health Services Act 1988 to facilitate the disaggregation of certain health care networks and the re-organisation of public health care agencies in the metropolitan area and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable M.M. Gould, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

16 SUPERANNUATION ACTS (AMENDMENT) BILL – The Deputy President announced the receipt of a Message from the Assembly transmitting 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 and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable M.M. Gould, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

17 ADJOURNMENT – The Honourable M.M. Gould moved, That the House do now adjourn.

Debate ensued.

Question – put and resolved in the affirmative.

And then the Council, at 11.28 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 30 – Wednesday, 24 May 2000

- 1 The President took the Chair and read the Prayer.
- 2 **PAPERS PURSUANT TO STATUTE** – The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:
 - Auditor-General – Report on Represented persons: *Under State Trustees' administration*, May 2000.
 - Prevention of Cruelty to Animals Act 1986 –
 - Revised Code of Practice for the Welfare of Wildlife During Rehabilitation, 23 May 2000.
 - Revocation of a Code of Practice for the Operation of Wildlife Shelters, 23 May 2000.
- 3 **BUSINESS POSTPONED** – Ordered – That the consideration of Notices of Motion, General Business, Nos. 1 and 2, be postponed until later this day.
- 4 **YOUTH POLICIES** – The Honourable P.R. Hall moved, That this House calls on the Government to outline how its policies and services are meeting the needs of Victoria's youth, especially those in rural communities and in urban growth corridors.

Debate ensued.
Question – put and resolved in the affirmative.
- 5 **QUESTIONS** – Questions without notice were taken pursuant to Standing Order No. 71A.
- 6 **SUSPENSION OF STANDING ORDERS – QUESTIONS** – The Honourable M.M. Gould moved, by leave, That so much of the Standing Orders as require answers to questions on notice to be delivered verbally in the House be suspended for the sitting of the Council this day and that the answers enumerated be incorporated in Hansard.

Question – put and resolved in the affirmative.
Accordingly, answers were given to certain questions on notice pursuant to Standing Order No. 71A.
- 7 **VICTORIAN LAW REFORM COMMISSION BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to establish the Victorian Law Reform Commission and define its functions and powers, to repeal the Law Reform Commission (Repeal) Act 1992 and amend the Legal Practice Act 1996 and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable M.R. Thomson, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 8 **STATE TAXATION ACTS (MISCELLANEOUS AMENDMENTS) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to repeal the Gift Duty Act 1971 and the Probate Duty Act 1962, to amend the employment agency provisions of the Pay-roll Tax Act 1971 and the land-rich provisions of the Stamps Act 1958 and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable C.C. Broad, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 9 PSYCHOLOGISTS REGISTRATION BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable M.M. Gould moved, That this Bill be now read a second time.

The Honourable R.A. Best moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

- 10 HEALTH PRACTITIONER ACTS (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable M.M. Gould moved, That this Bill be now read a second time.

The Honourable R.A. Best moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

- 11 HEALTH SERVICES (GOVERNANCE) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable M.M. Gould moved, That this Bill be now read a second time.

The Honourable M.M. Gould made a statement pursuant to section 85(5) of the *Constitution Act 1975* on the reasons for altering or varying this section.

The Honourable R.A. Best moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

- 12 SUPERANNUATION ACTS (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable M.M. Gould moved, That this Bill be now read a second time.

The Honourable W. Forwood moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

- 13 TRANSPORT (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable C.C. Broad moved, That this Bill be now read a second time.

The Honourable G.B. Ashman moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

- 14 BUSINESS OF THE HOUSE** – The Honourable M.M. Gould moved, That so much of the Sessional Orders be suspended as would prevent new business being taken after 8.00 p.m. during the sitting of the Council this day.

Question – put and resolved in the affirmative.

- 15 ACCIDENT COMPENSATION (COMMON LAW AND BENEFITS) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and committed to a Committee of the whole.

House in Committee.

And having continued to sit until after 12 midnight –

THURSDAY, 25 MAY 2000

The President resumed the Chair; and the Honourable B.W. Bishop having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time, after debate, with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

16 ARTS LEGISLATION (AMENDMENT) BILL – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Victorian Arts Centre Act 1979 and the National Gallery of Victoria Act 1966 and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable M.M. Gould, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

17 CHILDREN AND YOUNG PERSONS (APPOINTMENT OF PRESIDENT) BILL – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Children and Young Persons Act 1989 to provide for the Children's Court to be presided over by a President who is a judge of the County Court, to amend the Crimes (Family Violence) Act 1987 with respect to certain appeals under that Act and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable M.R. Thomson, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

18 LAND (REVOCATION OF RESERVATIONS) BILL – The President announced the receipt of a Message from the Assembly transmitting a Bill *to provide for the revocation of reservations and a Crown grant affecting various parcels of land and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable C.C. Broad, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

19 ELECTRICITY INDUSTRY ACTS (AMENDMENT) BILL – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Electricity Industry Act 1993, the Electricity Safety Act 1998, the Office of the Regulator-General Act 1994, the National Electricity (Victoria) Act 1997 and certain other Acts and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable C.C. Broad, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

20 ADJOURNMENT – The Honourable M.M. Gould moved, That the House do now adjourn.

Question – put and resolved in the affirmative.

And then the Council, at 2.44 a.m., adjourned until this day at 10.00 a.m.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 31 – Thursday, 25 May 2000

- 1 The President 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:
Statutory Rule under the Electricity Safety Act 1998 – No. 31.
- 3 **MURRAY-DARLING BASIN COMMISSION** – The Honourable D.M. Davis moved, That the Council take note of the Report of the Murray-Darling Basin Commission for the year 1998-99.
Debate ensued.
Question – put and resolved in the affirmative.
- 4 **BUSINESS POSTPONED** – Ordered – That the consideration of Orders of the Day, Government Business, Nos. 1 to 6 inclusive, be postponed until later this day.
- 5 **PLANNING AND ENVIRONMENT (AMENDMENT) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.
Bill read a second time and, by leave, read a third time and passed.
Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.
- 6 **TRANSPORT (AMENDMENT) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.
Bill read a second time and, by leave, read a third time and passed.
Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.
- 7 **SUPERANNUATION ACTS (AMENDMENT) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.
Bill read a second time and, by leave, read a third time and passed.
Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.
- 8 **BUSINESS POSTPONED** – Ordered – That the consideration of Order of the Day, Government Business, No. 10, be postponed until later this day.
- 9 **HEALTH PRACTITIONER ACTS (AMENDMENT) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.
Bill read a second time and, by leave, read a third time and passed.
Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.
- 10 **QUESTIONS** – Questions without notice were taken pursuant to Standing Order No. 71A.

- 11 LAND (REVOCAION OF RESERVATIONS) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable C.C. Broad moved, That this Bill be now read a second time.
The Honourable P.R. Davis moved, That the debate be now adjourned.
Question – That the debate be now adjourned – put and resolved in the affirmative.
Ordered – That the debate be adjourned until the next day of meeting.
- 12 STATE TAXATION ACTS (MISCELLANEOUS AMENDMENTS) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable C.C. Broad moved, That this Bill be now read a second time.
The Honourable W. Forwood (for the Honourable R.M. Hallam) moved, That the debate be now adjourned.
Question – That the debate be now adjourned – put and resolved in the affirmative.
Ordered – That the debate be adjourned until the next day of meeting.
- 13 CHILDREN AND YOUNG PERSONS (APPOINTMENT OF PRESIDENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable M.R. Thomson moved, That this Bill be now read a second time.
The Honourable M.R. Thomson made a statement pursuant to section 85(5) of the *Constitution Act 1975* on the reasons for altering or varying this section.
The Honourable C.A. Furletti moved, That the debate be now adjourned.
Question – That the debate be now adjourned – put and resolved in the affirmative.
Ordered – That the debate be adjourned until later this day.
- 14 VICTORIAN LAW REFORM COMMISSION BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable M.R. Thomson moved, That this Bill be now read a second time.
The Honourable C.A. Furletti moved, That the debate be now adjourned.
Question – That the debate be now adjourned – put and resolved in the affirmative.
Ordered – That the debate be adjourned until the next day of meeting.
- 15 ARTS LEGISLATION (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable M.M. Gould moved, That this Bill be now read a second time.
The Honourable A. Coote moved, That the debate be now adjourned.
Question – That the debate be now adjourned – put and resolved in the affirmative.
Ordered – That the debate be adjourned until later this day.
- 16 HEALTH SERVICES (GOVERNANCE) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.
Bill read a second time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and, by leave, read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.
Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

17 TOBACCO (AMENDMENT) BILL – The Deputy President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Tobacco Act 1987 and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable M.M. Gould, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

18 PSYCHOLOGISTS REGISTRATION BILL – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

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

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

19 BUDGET PAPERS, 2000-01 – The Order of the Day having been read for the resumption of the debate on the question, That the Council take note of the Budget Papers, 2000-01 –

Debate resumed.

The Honourable P.R. Davis moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

20 ADJOURNMENT – The Honourable M.M. Gould moved, That the House do now adjourn.

Debate ensued.

Question – put and resolved in the affirmative.

And then the Council, at 6.33 p.m., adjourned until Tuesday next.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

LEGISLATIVE COUNCIL OF VICTORIA

MINUTES OF THE PROCEEDINGS Nos. 32, 33, 34 and 35

No. 32 – Tuesday, 30 May 2000

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** – The Honourable M.M. Gould presented a Message from His Excellency the Governor informing the Council that he had, this day, given the Royal Assent to the undermentioned Acts presented to him by the Clerk of the Parliaments:
 - Accident Compensation (Common Law and Benefits) Act*
 - Health Practitioner Acts (Amendment) Act*
 - Planning and Environment (Amendment) Act*
 - Superannuation Acts (Amendment) Act*
 - Transport (Amendment) Act*
 - Witness Protection (Amendment) Act.*
- 3 **DAIRY BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to establish Dairy Food Safety Victoria with responsibility for dairy industry licensing and dairy food safety, to repeal the Dairy Industry Act 1992 and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable C.C. Broad, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 4 **ABORIGINAL RECONCILIATION** – The President announced the receipt of a Message from the Assembly acquainting the Council that they had agreed to the following Resolution:

That –

 1. The Legislative Assembly invites Members of the Legislative Council to attend in the Legislative Assembly Chamber on Wednesday 31 May 2000 at 10.00 a.m. when the Speaker takes the Chair to:
 - (a) hear elders of the Indigenous Communities of Victoria give a traditional Aboriginal Welcome;
 - (b) hear elders and members of such Communities and representatives from the Council for Aboriginal Reconciliation address the House on the subject of Aboriginal reconciliation;
 - (c) observe presentations to the Speaker and the Premier; and
 - (d) hear responses of thanks by the Premier and Leader of the Opposition.
 2. The lower public galleries be deemed to be part of the Legislative Assembly Chamber for the duration of the addresses to provide additional accommodation for Members of the Legislative Council.

3. The Speaker of the Legislative Assembly shall chair the addresses and the conduct of the proceedings shall be in accordance with the Standing Orders of the Legislative Assembly.

5 QUESTIONS – Questions without notice were taken pursuant to Standing Order No. 71A.

6 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, 1999.

Auditor-General – Report on Building Control in Victoria: *Setting sound foundations*, May 2000.

Audit Victoria – Report for the period, 1 July 1999 to 31 December 1999.

Law Foundation – Report, 1998-99.

Legal Practice Act 1996 – Practitioner Remuneration Order, 17 May 2000.

Medical Practitioners Board – Report (incorporating the Report of the Intern Training Accreditation Committee), year ended 30 September 1999.

Mt Stirling Alpine Resort Management Board – Report, year ended 31 October 1999.

Parliamentary Committees Act 1968 –

Minister's response to recommendations in Law Reform Committee's report upon Criminal Liability for Self-induced Intoxication.

Minister's response to recommendations in Law Reform Committee's report upon Technology and the Law.

Minister's response to recommendations in Scrutiny of Acts and Regulations Committee's report upon Right to Silence.

Planning and Environment Act 1987 – Notice of Approval of an Amendment to the Victorian Planning Provisions – No. VC9.

Podiatrists Registration Board – Minister for Health's report of 29 May 2000 of receipt of the 1998-99 report.

* * * * *

PROCLAMATION – A Proclamation of His Excellency the Governor in Council fixing an operative date in respect of the following Act was laid upon the Table pursuant to an Order of the Council on 4 November 1999:

Education Acts (Amendment) Act 2000 – Remaining provisions -- 24 May 2000 (*Gazette No. S71, 24 May 2000*).

7 BUSINESS OF THE HOUSE – The Honourable M.M. Gould moved, That so much of the Sessional Orders be suspended as would prevent new business being taken after 8.00 p.m. during the sitting of the Council this day.

Question – put and resolved in the affirmative.

8 ELECTRICITY INDUSTRY ACTS (AMENDMENT) BILL – The Order of the Day having been read for the second reading of this Bill, the Honourable C.C. Broad moved, That this Bill be now read a second time.

The Honourable C.C. Broad made a statement pursuant to section 85(5) of the *Constitution Act 1975* on the reasons for altering or varying this section.

The Honourable P.R. Davis moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

- 9 TOBACCO (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable M.M. Gould moved, That this Bill be now read a second time.

The Honourable M.M. Gould made a statement pursuant to section 85(5) of the *Constitution Act 1975* on the reasons for altering or varying this section.

The Honourable W. Forwood moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

- 10 DAIRY BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable C.C. Broad moved, That this Bill be now read a second time.

The Honourable W. Forwood (for the Honourable B.W. Bishop) moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

- 11 ARTS LEGISLATION (AMENDMENT) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

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

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 12 CHILDREN AND YOUNG PERSONS (APPOINTMENT OF PRESIDENT) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and, by leave, read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 13 LAND (REVOCATION OF RESERVATIONS) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

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

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 14 STATE TAXATION ACTS (MISCELLANEOUS AMENDMENTS) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

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

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

15 EMERGENCY MANAGEMENT (AMENDMENT) BILL – The Deputy President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Emergency Management Act 1986 to establish the position of Emergency Services Commissioner, to make consequential amendments to the Country Fire Authority Act 1958, the Metropolitan Fire Brigades Act 1958 and the Victoria State Emergency Service Act 1987 and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable J.M. Madden, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

16 CONTROL OF WEAPONS (AMENDMENT) BILL – The Deputy President announced the receipt of a Message from the Assembly transmitting a Bill *to make miscellaneous amendments to the Control of Weapons Act 1990, to make a consequential amendment to the Vagrancy Act 1966 and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable J.M. Madden, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

17 VICTORIAN LAW REFORM COMMISSION BILL – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

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

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

18 BUDGET PAPERS, 2000-01 – The Order of the Day having been read for the resumption of the debate on the question, That the Council take note of the Budget Papers, 2000-01 –

Debate resumed.

The Honourable D.M. Davis moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

19 EMERGENCY MANAGEMENT (AMENDMENT) BILL – The Order of the Day having been read for the second reading of this Bill, the Honourable J.M. Madden moved, That this Bill be now read a second time.

The Honourable B.C. Boardman moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

20 CONTROL OF WEAPONS (AMENDMENT) BILL – The Order of the Day having been read for the second reading of this Bill, the Honourable J.M. Madden moved, That this Bill be now read a second time.

The Honourable B.C. Boardman moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

21 MESSAGES FROM THE ASSEMBLY – The President announced the receipt of Messages from the Assembly acquainting the Council that they have agreed to the following Bills without amendment:

Adoption (Amendment) Bill

Business Registration Acts (Amendment) Bill

Agricultural and Veterinary Chemicals (Control of Use) (Amendment) Bill.

22 ADJOURNMENT – The Honourable M.M. Gould moved, That the Council, at its rising, adjourn until tomorrow at 11.00 a.m.

Question – put and resolved in the affirmative.

The Honourable M.M. Gould moved, That the House do now adjourn.

Debate ensued.

Question – put and resolved in the affirmative.

And then the Council, at 11.04 p.m., adjourned until tomorrow at 11.00 a.m.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 33 – Wednesday, 31 May 2000

1 The President took the Chair and read the Prayer.

2 BUSINESS OF THE HOUSE – The Honourable M.M. Gould moved, That the Sessional Orders relating to Business of the House, adopted by the Council on 4 November 1999, be amended as follows:

In paragraph (d) omit “until 10.30 a.m.” and insert “for a period of 30 minutes following formal business”.

Question – put and resolved in the affirmative.

3 BUSINESS OF THE HOUSE – The Honourable M.M. Gould moved, That so much of the Sessional Orders be suspended as would prevent new business being taken after 8.00 p.m. during the sitting of the Council this day.

Question – put and resolved in the affirmative.

4 PETITION – SOMERVILLE SECONDARY COLLEGE – The Honourable K.M. Smith presented a Petition bearing 2,289 signatures from certain citizens of Victoria requesting that the Government do not proceed with the sale of the Crown land site at Blacks Camp Road, Somerville, and that this land be kept for a Somerville Secondary College.

Ordered to lie on the Table.

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:

Auditor-General – Report on Reducing landfill: *Waste Management by Municipal Councils*, May 2000.

Dental Board – Report (incorporating the Report of the Specialist Practitioners Qualifications Committee) for the year ended 30 September 1999.

Parliamentary Committees Act 1968 – Minister’s response to recommendations in Economic Development Committee’s report upon the Effects of Government Funded National Broadcasting on Victoria.

6 BUSINESS POSTPONED – Ordered – That the consideration of Notices of Motion, General Business, Nos. 1 and 2, be postponed until later this day.

- 7 **UNION CAMPAIGN 2000** – The Honourable M.A. Birrell moved, That this House believes Victoria cannot afford the manufacturing unions' campaign on wages and conditions, known as Campaign 2000, and believes that the union demands will stifle enterprise bargaining and reduce the competitiveness of our exporters.

Debate ensued.

The Honourable M.M. Gould moved, as an amendment, That all the words and expressions after "House" be omitted with the view of inserting in place thereof "encourages processes of genuine collective bargaining in all cases, including the manufacturing unions' campaign on wages and conditions known as Campaign 2000, and further recognises that while union demands normally incorporate an element of ambit, this House supports processes of negotiation and compromise that ensure outcomes, at whatever level, do not reduce the competitiveness of our exporters."

Debate ensued.

Question – That the words and expressions proposed to be omitted stand part of the question – put.

The Council divided.

AYES, 26

The Hon. G.B. Ashman
 B.N. Atkinson
 W.R. Baxter (*Teller*)
 R.A. Best
 M.A. Birrell
 B.W. Bishop
 B.C. Boardman
 R.H. Bowden (*Teller*)
 A. Coote
 I.J. Cover
 G.R. Craige
 D.M. Davis
 P.R. Davis
 W. Forwood
 C.A. Furletti
 P.R. Hall
 R.M. Hallam
 P.A. Katsambanis
 N.B. Lucas
 A.P. Olexander
 E.J. Powell
 G.K. Rich-Phillips
 Dr. J.W.G. Ross
 K.M. Smith
 W.I. Smith
 Graeme Stoney

NOES, 13

The Hon. C.C. Broad
 E.C. Carbines
 K. Darveniza (*Teller*)
 M.M. Gould
 D.G. Hadden
 G.W. Jennings
 J.M. McQuilten
 J.M. Madden
 J. Mikakos
 S.M. Nguyen
 G.D. Romanes
 T.C. Theophanous (*Teller*)
 M.R. Thomson

And so it was resolved in the affirmative – Amendment negatived.

Question – That this House believes Victoria cannot afford the manufacturing unions' campaign on wages and conditions, known as Campaign 2000, and

believes that the union demands will stifle enterprise bargaining and reduce the competitiveness of our exporters – put and resolved in the affirmative.

8 QUESTIONS – Questions without notice were taken pursuant to Standing Order No. 71A.

9 ELECTRICITY INDUSTRY ACTS (AMENDMENT) BILL – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honourable B.W. Bishop having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

10 TOBACCO (AMENDMENT) BILL – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honourable B.W. Bishop having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

11 ADJOURNMENT – The Honourable M.M. Gould moved, That the Council, at its rising, adjourn until tomorrow at 11.00 a.m.

Question – put and resolved in the affirmative.

The Honourable M.M. Gould moved, That the House do now adjourn.

Question – put and resolved in the affirmative.

And then the Council, at 11.16 p.m., adjourned until tomorrow at 11.00 a.m.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 34 – Thursday, 1 June 2000

1 The President took the Chair and read the Prayer.

2 PRESENTATION OF ADDRESS TO HIS EXCELLENCY THE GOVERNOR – The President reported that, accompanied by Honourable Members, he had

waited upon His Excellency the Governor this day and presented to him the Address of the Legislative Council adopted on 9 May 2000 in reply to His Excellency the Governor's speech at the Opening of Parliament, and that His Excellency had been pleased to make the following reply:

MR. PRESIDENT AND HONOURABLE MEMBERS OF THE LEGISLATIVE COUNCIL

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.

- 3 ENVIRONMENT PROTECTION (ENFORCEMENT AND PENALTIES) BILL –**
The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Environment Protection Act 1970, the Alpine Resorts (Management) Act 1997, the Magistrates' Court Act 1989 and the Environment Protection (Amendment) Act 1999 and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable C.C. Broad, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time forthwith.

Accordingly, the Honourable C.C. Broad moved, That this Bill be now read a second time.

Proceedings on the Bill, by leave, suspended.

- 4 BUSINESS OF THE HOUSE –** The Honourable M.M. Gould moved, That so much of the Sessional Orders be suspended as would prevent new business being taken after 8.00 p.m. during the sitting of the Council this day.

Question – put and resolved in the affirmative.

- 5 PAPERS –**

BLF CUSTODIAN – The Honourable M.M. Gould moved, by leave, That there be laid before this House a copy of Report No. 47 for the period ending 31 May 2000, given to Mr. President, pursuant to section 7A of the *BLF (De-recognition) Act 1985*, by the Custodian appointed under section 7(1) of the Act.

Question – put and resolved in the affirmative.

The said Report was thereupon presented by the Honourable M.M. Gould and ordered to lie on the Table.

* * * * *

INQUIRIES INTO CHILD DEATHS: PROTECTION AND CARE 2000 – The Honourable M.R. Thomson moved, by leave, That there be laid before this House a copy of the Annual Report of Inquiries into Child Deaths: Protection and Care 2000.

Question – put and resolved in the affirmative.

The said Report was thereupon presented by the Honourable M.R. Thomson and ordered to lie on the Table.

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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, 2000-01.

Auditor-General – Report on Ministerial Portfolios, June 2000.

Forensic Leave Panel – Report, 1999.

Members of Parliament (Register of Interests) Act 1978 – Summary of Primary Returns, May 2000 and Summary of Variations notified between 16 December 1999 and 31 May 2000.

Parliamentary Committees Act 1968 – Minister's response to recommendations in Road Safety Committee's report upon the Incidence and Prevention of Pedestrian Accidents.

6 BUSINESS POSTPONED — Ordered — That the consideration of Notices of Motion, Reports for Consideration, Nos. 1 and 2, be postponed until later this day.

7 DAIRY BILL — The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time — Debate resumed.

Business having been interrupted at 2.00 p.m. pursuant to Sessional Orders —

8 QUESTIONS — Questions without notice were taken pursuant to Standing Order No. 71A.

9 SUSPENSION OF STANDING ORDERS – QUESTIONS — The Honourable M.M. Gould moved, by leave, That so much of the Standing Orders as require answers to questions on notice to be delivered verbally in the House be suspended for the sitting of the Council this day and that the answers enumerated be incorporated in Hansard.

Question — put and resolved in the affirmative.

Accordingly, answers were given to certain questions on notice pursuant to Standing Order No. 71A.

10 DAIRY BILL — Debate continued on the question, That this Bill be now read a second time.

Question — put and resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

11 MINISTERIAL STATEMENT – MINERALS AND PETROLEUM POLICY — The Honourable C.C. Broad made a Ministerial Statement in relation to Minerals and Petroleum Policy for the 21st Century.

The Honourable P.R. Davis moved, by leave, That the Ministerial Statement be taken into consideration forthwith.

Question — put and resolved in the affirmative.

The Honourable P.R. Davis moved, That the Council take note of the Ministerial Statement.

Question — put and resolved in the affirmative.

12 APPROPRIATION (PARLIAMENT 2000/2001) BILL — The President announced the receipt of a Message from the Assembly transmitting a Bill *for the appropriation of certain sums out of the Consolidated Fund for the Parliament in respect of the financial year 2000/2001 and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable C.C. Broad, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

13 NATIONAL PARKS (AMENDMENT) BILL — The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the National*

Parks Act 1975, the Alpine Resorts Act 1983 and the Alpine Resorts (Management) Act 1997 and for other purposes and desiring the concurrence of the Council therein.

On the motion of the Honourable C.C. Broad, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 14 EMERGENCY MANAGEMENT (AMENDMENT) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honourable B.W. Bishop having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 15 HANSARD RECORD EXPUNGED – STANDING ORDERS SUSPENDED** – The Honourable C.C. Broad moved, by leave, That the proceedings of the Council immediately following upon the calling of the Order of the Day for the second reading of the Environment Protection (Enforcement and Penalties) Bill up to the completion of the second reading speech be expunged from the *Hansard* record, and that so much of Standing Orders be suspended as would prevent the motion for the second reading of the Bill being again moved.

Question – put and resolved in the affirmative.

- 16 ENVIRONMENT PROTECTION (ENFORCEMENT AND PENALTIES) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable C.C. Broad moved, That this Bill be now read a second time.

The Honourable W. Forwood (for the Honourable P.A. Katsambanis) moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

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

- 17 APPROPRIATION (2000/2001) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *for the appropriation of certain sums out of the Consolidated Fund in respect of the financial year 2000/2001 and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable C.C. Broad, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 18 CONTROL OF WEAPONS (AMENDMENT) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

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

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 19 ENVIRONMENT PROTECTION (ENFORCEMENT AND PENALTIES) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

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

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

20 APPROPRIATION (PARLIAMENT 2000/2001) BILL – The Order of the Day having been read for the second reading of this Bill, the Honourable C.C. Broad moved, That this Bill be now read a second time.

The Honourable W. Forwood (for the Honourable R.M. Hallam) moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

21 NATIONAL PARKS (AMENDMENT) BILL – The Order of the Day having been read for the second reading of this Bill, the Honourable C.C. Broad moved, That this Bill be now read a second time.

The Honourable P.R. Davis moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

22 ADJOURNMENT – The Honourable M.M. Gould moved, That the Council, at its rising, adjourn until tomorrow at 10.00 a.m.

Question – put and resolved in the affirmative.

The Honourable M.M. Gould moved, That the House do now adjourn.

Debate ensued.

Question – put and resolved in the affirmative.

And then the Council, at 11.13 p.m., adjourned until tomorrow at 10.00 a.m.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 35 – Friday, 2 June 2000

1 The President took the Chair and read the Prayer.

2 ENVIRONMENT AND NATURAL RESOURCES COMMITTEE – NATIVE FLORA AND FAUNA – The Honourable Graeme Stoney presented a Report from the Environment and Natural Resources Committee upon the Utilisation of Victorian Native Flora and Fauna, together with Minutes of Evidence and Research Investigation Reports.

Ordered to lie on the Table and the Report 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:

Electoral Commissioner – Report on the Administration of the 1999 Victorian State election, 18 September 1999.

West Wimmera Health Service – Report, 1998-99 (two papers).

The Honourable T.C. Theophanous moved, That the report of the Electoral Commissioner on the administration of the Victorian State Election 1999 be taken into consideration on the next day of meeting.

Question – put and resolved in the affirmative.

- 3 NATIONAL PARKS (AMENDMENT) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time and committed to a Committee of the whole.

House in Committee.

Business having been interrupted at 2.00 p.m. pursuant to Sessional Orders –

- 4 QUESTIONS** – Questions without notice were taken pursuant to Standing Order No. 71A.

- 5 SUSPENSION OF STANDING ORDERS – QUESTIONS** – The Honourable M.M. Gould moved, by leave, That so much of the Standing Orders as require answers to questions on notice to be delivered verbally in the House be suspended for the sitting of the Council this day and that the answers enumerated be incorporated in Hansard.

Question – put and resolved in the affirmative.

Accordingly, answers were given to certain questions on notice pursuant to Standing Order No. 71A.

- 6 NATIONAL PARKS (AMENDMENT) BILL** – Debate continued in Committee of the whole.

The President resumed the Chair; and the Honourable B.W. Bishop having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 7 APPROPRIATION (PARLIAMENT 2000/2001) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

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

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 8 APPROPRIATION (2000/2001) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable C.C. Broad moved, That this Bill be now read a second time.

The Honourable D.M. Davis moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

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

- 9 COGNATE DEBATE** – The Honourable C.C. Broad moved, by leave, That this House authorises and requires the Honourable the President to permit the second reading debate on the Appropriation (2000/2001) Bill to be taken concurrently with further debate on the motion to take note of the Budget Papers, 2000-01.

Question – put and resolved in the affirmative.

- 10 APPROPRIATION (2000/2001) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time [the motion to take note of the **Budget Papers 2000-01** having been authorized to be debated concurrently pursuant to an Order of the Council this

day] and, after further debate, the question being put was resolved in the affirmative.

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

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

11 BUDGET PAPERS, 2000-01 – The concurrent debate having concluded – Question – That the Council take note of the Budget Papers, 2000-01 – put and resolved in the affirmative.

12 PAPERS –

COMMONWEALTH TREATY DOCUMENTS – The Honourable M.M. Gould moved, by leave, That there be laid before this House a copy of the following Treaty documents:

- (a) Bilateral Agreements tabled in the Commonwealth Parliament on 7 March 2000, together with National Interest Analyses, dealing with –
 - Trade and Economic Co-operation, between Australia and the Slovak Republic.
 - Social Security, between Australia and Denmark.
 - Technology for the Separation of Isotopes of Uranium by Laser Excitation, between Australia and the United States of America.
 - Child and Spousal Maintenance, between Australia and New Zealand.
- (b) Bilateral Agreement tabled in the Commonwealth Parliament on 7 March 2000, together with National Interest Analysis and Regulation Impact Statement, dealing with –
 - Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to Taxes on Income and Protocol, between Australia and Romania.
- (c) Multilateral Agreements tabled in the Commonwealth Parliament on 7 March 2000, together with National Interest Analyses, dealing with –
 - Safety of United Nations and Associated Personnel.
 - Simplification and Harmonization of Customs Procedures.
 - Recognition and Enforcement of Decisions Relating to Maintenance Obligations.
 - Discrimination against Women.
- (d) Bilateral Agreement tabled in the Commonwealth Parliament on 4 April 2000, together with National Interest Analysis, dealing with –
 - Social Security, between Australia and Italy.

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

Mt Hotham Alpine Resort Management Board – Report, 1 November 1998 to 31 October 1999.

Planning and Environment Act 1987 – Notices of Approval of the following amendments to planning schemes:

Ballarat Planning Scheme – Amendment C23.

Brimbank Planning Scheme – Amendments C15 and C17.

Campaspe Planning Scheme – Amendments C7 and C11.

Dandenong – Greater Dandenong Planning Scheme – Amendment C6.

Indigo Planning Scheme – Amendment C3.

Strathbogrie Planning Scheme – Amendment C1.

13 ADJOURNMENT – The Honourable M.M. Gould moved, That the Council, at its rising, adjourn until a day and hour to be fixed by the President, which time of meeting shall be notified in writing to each Honourable Member.

Question – put and resolved in the affirmative.

The Honourable M.M. Gould moved, That the House do now adjourn.

Debate ensued.

Question – put and resolved in the affirmative.

And then the Council, at 7.04 p.m., adjourned until a day and hour to be fixed by the President, which time of meeting shall be notified in writing to each Honourable Member.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

LEGISLATIVE COUNCIL OF VICTORIA

MINUTES OF THE PROCEEDINGS Nos. 36 and 37

No. 36 – Tuesday, 29 August 2000

1 The Council met in accordance with adjournment, the President, pursuant to resolution, having fixed this day at 2.00 p.m. as the time of meeting.

2 The President took the Chair and read the Prayer.

3 **THE LATE HONOURABLE JOSEPH ANSTICE RAFFERTY** – The Honourable M.M. Gould moved, That this House expresses its sincere sorrow at the death, on 14 June 2000, of the Honourable Joseph Anstice Rafferty, and places on record its acknowledgment of the valuable services rendered by him to the Parliament and the people of Victoria as a Member of the Legislative Assembly for the electoral districts of Caulfield from 1955 to 1958, Ormond from 1958 to 1967 and Glenhuntly from 1967 to 1979, and as Minister of Labour and Industry from 1970 to 1976, Assistant Minister of Education from 1970 to 1972, Minister of Consumer Affairs from 1973 to 1976, Minister of Federal Affairs from 1975 to 1976, Minister of Transport from 1976 to 1978 and Chief Secretary from 1978 to 1979.

And other Honourable Members and the President having addressed the House – The question was put and, Honourable Members signifying their assent by rising in their places, unanimously resolved in the affirmative.

4 **ADJOURNMENT** – The Honourable M.M. Gould moved, That as a further mark of respect to the memory of the late Honourable Joseph Anstice Rafferty, the House do now adjourn until this day at 3.30 p.m.

Question – put and resolved in the affirmative.

And then the Council, at 2.36 p.m., adjourned until this day at 3.30 p.m.

1 The President took the Chair.

2 **ASSENT TO ACTS** – The Honourable M.M. Gould presented Messages from His Excellency the Governor informing the Council –

That he had, on the following dates, given the Royal Assent to the undermentioned Acts presented to him by the Clerk of the Parliaments:

On 6 June 2000 –

Adoption (Amendment) Act

Agricultural and Veterinary Chemicals (Control of Use) (Amendment) Act

Arts Legislation (Amendment) Act

Business Registration Acts (Amendment) Act

Children and Young Persons (Appointment of President) Act

Dairy Act
Electricity Industry Acts (Amendment) Act
Health Services (Governance) Act
Land (Revocation of Reservations) Act
Psychologists Registration Act
State Taxation Acts (Miscellaneous Amendments) Act
Tobacco (Amendment) Act
Victorian Law Reform Commission Act.

On 14 June 2000 –

Control of Weapons (Amendment) Act
Emergency Management (Amendment) Act
Environment Protection (Enforcement and Penalties) Act
National Parks (Amendment) Act.

That he had, on 14 June 2000, given the Royal Assent to the undermentioned Acts presented to him by the Honourable the Speaker of the Legislative Assembly:

Appropriation (2000/2001) Act
Appropriation (Parliament 2000/2001) Act.

- 3 VICTIMS OF CRIME ASSISTANCE (AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill to amend the *Victims of Crime Assistance Act 1996, the Sentencing Act 1991, the Children and Young Persons Act 1989, the Confiscation Act 1997, the Accident Compensation Act 1985, the Accident Compensation (WorkCover Insurance) Act 1993 and the Transport Accident Act 1986 and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable M.R. Thomson, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 4 COURTS AND TRIBUNALS LEGISLATION (FURTHER AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill to make miscellaneous amendments to the *Legal Practice Act 1996, the Magistrates' Court Act 1989, the Supreme Court Act 1986 and the Victorian Civil and Administrative Tribunal Act 1998 and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable M.R. Thomson, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 5 QUESTIONS** – Questions without notice were taken pursuant to Standing Order No. 71A.

- 6 SUSPENSION OF STANDING ORDERS – QUESTIONS** – The Honourable M.M. Gould moved, by leave, That so much of the Standing Orders as require answers to questions on notice to be delivered verbally in the House be suspended for the sitting of the Council this day and that the answers enumerated be incorporated in Hansard.

Question – put and resolved in the affirmative.

Accordingly, answers were given to certain questions on notice pursuant to Standing Order No. 71A.

7 PAPERS –

BLF CUSTODIAN – The Honourable M.M. Gould moved, by leave, That there be laid before this House a copy of Report No. 48 for the period ending 31 August 2000, given to Mr President, pursuant to section 7A of the *BLF (De-recognition) Act 1985*, by the Custodian appointed under section 7(1) of that Act.

Question – put and resolved in the affirmative.

The said Report was thereupon presented by the Honourable M.M. Gould and ordered to lie on the Table.

* * * * *

ECONOMIC DEVELOPMENT COMMITTEE – GOODS AND SERVICES TAX – The Honourable N.B. Lucas presented an Interim Report from the Economic Development Committee upon the Impact of the Goods and Services Tax in Victoria, together with Appendices.

Ordered to lie on the Table and be printed.

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SCRUTINY OF ACTS AND REGULATIONS COMMITTEE – ALERT DIGEST

– The Honourable M.T. Luckins presented Alert Digest No. 7 of 2000 from the Scrutiny of Acts and Regulations 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:

Agricultural Industry Development Act 1990 –

Northern Victorian Fresh Tomato Industry Development Order 2000.

Victorian Strawberry Industry Development Order 2000.

Anderson's Creek Cemetery Trust – Report, 1999.

Ballaarat General Cemeteries Trust – Report, 1999.

Bendigo Cemeteries Trust – Report, 1999.

Cheltenham and Regional Cemeteries Trust – Report, 1999.

Chiropractors Registration Board – Minister for Health's reports of receipt of the 1997-98 and 1998-99 reports.

Crown Land (Reserves) Act 1978 – Minister's orders of 22 June and 4 July 2000 giving approval to granting of leases at Brighton and Sandringham.

Drugs, Poisons and Controlled Substances Act 1981 – Standard for the Uniform Scheduling of Drugs and Poisons, No. 14, September 1999, together with Amendments Nos. 1, 2 and 3 and Minister's Notice regarding the amendments, commencement and availability of the Poisons Code (four papers).

Electoral Commissioner –

Report on the Benalla District By-Election, 13 May 2000.

Report on the Burwood District By-Election, 11 December 1999.

Statement of functions conferred, 6 June 2000.

Fawkner Crematorium and Memorial Park – Report, 1999.

Financial Management Regulations 1994 – Order in Council of 22 June 2000, increasing the maximum amount which the Metropolitan Ambulance Service Royal Commission is authorised to incur.

Geelong Cemeteries Trust – Report, 1999.

Interpretation of Legislation Act 1984 –

Notice pursuant to 32(3)(a)(i) in relation to Statutory Rule No. 62/2000.

Notices pursuant to 32(3)(a)(iii) in relation to Statutory Rules Nos. 61 and 62/2000.

Notice pursuant to 32(4) in relation to the Building Code of Australia.

Keilor Cemetery Trust – Report, 1999.

Lake Mountain Alpine Resort Management Board – Report, 1998-99.

Land Acquisition and Compensation Act 1986 – Notice pursuant to section 7(4).

Lilydale Memorial Park and Cemetery Trust – Report, 1999.

Melbourne City Link Act 1995 – Statement of Variation No. 5/2000 to the Integration and Facilitation Agreement, 30 June 2000, pursuant to section 15B(5).

Memorial Park Cemetery Trust – Report, 1999.

Mildura Cemetery Trust – Report, 1999.

Mt Baw Baw Alpine Resort Management Board – Report, 1999.

Murray-Darling Basin Act 1993 – Revised Schedule E of the Murray Darling Basin Agreement, 4 July 2000, pursuant to section 28(b) of the Act.

Necropolis Trust – Report, 1999.

O’Connell Family Centre (Grey Sisters) Incorporated – Minister for Health’s report of 16 June 2000 of receipt of the 1999 report.

Planning and Environment Act 1987 – Notices of Approval of the following amendments and new planning schemes:

All Planning Schemes – Amendments SL11 and SL12.

Banyule Planning Scheme – Amendment C4.

Bass Coast Planning Scheme – Amendment C5.

Bendigo – Greater Bendigo Planning Scheme.

Boroondara Planning Scheme – Amendment C9.

Campaspe Planning Scheme – Amendments C3 and C9.

Cardinia Planning Scheme – Amendments C7 and C8.

Casey Planning Scheme – Amendments C7 and C14.

Central Goldfields Planning Scheme.

Colac Otway Planning Scheme – Amendment C3.

Dandenong – Greater Dandenong Planning Scheme – Amendment C9.

Darebin Planning Scheme – Amendment C2.

Geelong – Greater Geelong Planning Scheme.

Hepburn Planning Scheme.

Hobsons Bay Planning Scheme – Amendments C6 and C8.

Kingston Planning Scheme – Amendment C6.

Macedon Ranges Planning Scheme.

Manningham Planning Scheme.

Maroondah Planning Scheme – Amendment C6.

Melbourne Planning Scheme – Amendments C13, C27, C29 and C31.

Mitchell Planning Scheme – Amendment C3.

Moira Planning Scheme – Amendment C3.

Monash Planning Scheme – Amendment L48.

Moonee Valley Planning Scheme – Amendments C4, C8 and C14.

Moorabool Planning Scheme.

Moreland Planning Scheme – Amendment C4.

Mornington Peninsula Planning Scheme – Amendments C6 (Part 2) and C20.

Mount Alexander Planning Scheme – Amendment C1.

Nillumbik Planning Scheme.

Northern Grampians Planning Scheme.

Shepparton – Greater Shepparton Planning Scheme – Amendment C5.

Planning and Environment Act 1987 – *continued*

- Stonnington Planning Scheme.
- Warrnambool Planning Scheme – Amendments C4 and C8.
- Wellington Planning Scheme.
- Whitehorse Planning Scheme – Amendment C6.
- Whittlesea Planning Scheme – Amendments C4, C6, C7 and No. 11.
- Yarra Planning Scheme – Amendments C11 and C12.
- Yarra Ranges Planning Scheme.
- Preston Cemetery Trust – Report, 1999.
- Prince Henry’s Institute of Medical Research – Report, 1999.
- Project Development and Construction Management Act 1994 – Orders in Council of 14 June and 20 July 2000 of nomination and application orders (three papers).
- Psychologists Registration Board of Victoria – Report, 1999.
- Statutory Rules under the following Acts of Parliament:
 - Alpine Resorts (Management) Act 1997 – No. 71.
 - Cemeteries Act 1958 – No. 70.
 - Children and Young Persons Act 1989 – No. 74.
 - Co-operative Housing Societies Act 1958 – No. 49.
 - County Court Act 1958 – Nos. 40 and 42.
 - Country Fire Authority Act 1958 – No. 48.
 - Court Security Act 1980 – No. 47.
 - Dangerous Goods Act 1985 – Nos. 61 and 82.
 - Dental Practice Act 1999 – No. 34.
 - Education Act 1958 – No. 52.
 - Extractive Industries Development Act 1995 – No. 53.
 - Financial Institutions Duty Act 1982 – Nos. 60 and 80.
 - Forests Act 1958 – Nos. 66 and 81.
 - Gaming Machine Control Act 1991 – No. 44.
 - Health Act 1958 – No. 57.
 - Magistrates’ Court Act 1989. – Nos. 43, 46, 51, 69 and 73.
 - Melbourne City Link Act 1995 – No. 35.
 - Mineral Resources Development Act 1990 – Nos. 54 to 56.
 - National Parks Act 1975 – No. 67.
 - National Taxation Reform (Consequential Provisions) Act 2000 – Nos. 39 and 59.
 - Occupational Health and Safety Act 1985 – No. 62.
 - Occupational Health and Safety Act 1985 – Dangerous Goods Act 1985 – No. 50.
 - Petroleum Act 1998 – No. 65.
 - Planning and Environment Act 1987 – No. 72.
 - Road Safety Act 1986 – No. 58.
 - Subordinate Legislation Act 1994 – Nos. 64, 76 and 79.
 - Supreme Court Act 1986 – Nos. 36, 37, 41, 63 and 75.
 - Tobacco Act 1987 – No. 45.
 - Treasury Corporation of Victoria Act 1992 – No. 32.
 - Victorian Civil and Administrative Tribunal Act 1998 – No. 33.
 - Water Act 1989 – Nos. 38, 77 and 78.
 - Zoological Parks and Gardens Act 1995 – No. 68.
- Subordinate Legislation Act 1994 –
 - Ministers’ exception certificates under section 8(4) in respect of Statutory Rules Nos. 33, 36, 37, 40, 46, 47, 51, 64, 68, 69 and 73 to 76.

Ministers' exemption certificates under section 9(6) in respect of Statutory Rules Nos. 32, 34, 35, 38, 44, 45, 48, 49, 52, 57, 58, 60, 68, 71, 77, 78 and 112.

Templestowe Cemetery Trust — Report, 1999.

Western Underground Gas Storage Pty Ltd — Report for the period 26 June 1997 to 27 November 1998.

Wyndham Cemeteries Trust — Report, 1999.

* * * * *

PROCLAMATIONS — Proclamations of His Excellency the Governor in Council fixing operative dates in respect of the following Acts were laid upon the Table by the Clerk pursuant to an Order of the Council on 4 November 1999:

Accident Compensation (Common Law and Benefits) Act 2000 -- Section 33 -- 31 May 2000 (*Gazette No. S75, 30 May 2000*).

Business Registration Acts (Amendment) Act 2000 — except for sections 3, 8, 9, 10, 18, 20(1), 21, 22, 23, 24, 27, 29, 30, 31 and 37 -- 19 June 2000 (*Gazette No. G24, 15 June 2000*).

Children and Young Persons (Appointment of President) Act 2000 — 26 June 2000 (*Gazette No. S87, 22 June 2000*).

Dairy Act 2000 — Sections 4, 5(b), 6(h), 6(i), 7 to 21, 62, 63 and 68 — 1 July 2000 (*Gazette No. G26, 29 June 2000*).

Electricity Industry Acts (Amendment) Act 2000 — Part 1, sections 5, 6, 7, 13, 14, Part 3 (except section 19), section 29 and Part 6 — 29 June 2000; sections 3, 4, 9, 10, 19 and remaining provisions of Part 4 — 1 September 2000 (*Gazette No. G26, 29 June 2000*).

Federal Courts (Consequential Amendments) Act 2000 — Remaining provisions (except sections 22 and 23) — 1 July 2000 (*Gazette No. G26, 29 June 2000*).

Flora and Fauna Guarantee (Amendment) Act 2000 — Remaining provisions — 29 June 2000 (*Gazette No. G26, 29 June 2000*).

Health Practitioner Acts (Amendment) Act 2000 — Remaining provisions (except sections 7, 16, 17, 18, 19, 21(2), 21(3), 23, 25, 26 and 29) — 20 July 2000 (*Gazette No. G29, 20 July 2000*).

8 VICTIMS OF CRIME ASSISTANCE (AMENDMENT) BILL — The Order of the Day having been read for the second reading of this Bill, the Honourable M.R. Thomson moved, That this Bill be now read a second time.

The Honourable M.R. Thomson made a statement pursuant to section 85(5) of the *Constitution Act 1975* on the reasons for altering or varying this section.

The Honourable C.A. Furletti moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

9 COURTS AND TRIBUNALS LEGISLATION (FURTHER AMENDMENT) BILL — The Order of the Day having been read for the second reading of this Bill, the Honourable M.R. Thomson moved, That this Bill be now read a second time.

The Honourable C.A. Furletti moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

10 ADJOURNMENT – The Honourable M.M. Gould moved, That the House do now adjourn.

Debate ensued.

Question – put and resolved in the affirmative.

And then the Council, at 6.27 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 37 – Wednesday, 30 August 2000

1 The President took the Chair and read the Prayer.

2 EQUAL OPPORTUNITY (GENDER IDENTITY AND SEXUAL ORIENTATION) BILL – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Equal Opportunity Act 1995 to prohibit discrimination on the basis of gender identity or sexual orientation and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable M.R. Thomson, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

3 PETITION – PRESCHOOL EDUCATION – The Honourable G.B. Ashman presented a Petition bearing 69 signatures from certain citizens of Victoria requesting that the Government immediately increase funding to preschools for the benefit of Victoria's young children and their future.

Ordered to lie on the Table.

4 PAPERS –

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE – AUDIT OFFICE REVISED FEES – The Honourable W. Forwood presented a Report from the Public Accounts and Estimates Committee upon Revised Audit Fees for the Financial Audit of the Victorian Auditor-General's Office for 1999-2000, together with Appendices.

Ordered to lie on the Table and to be printed.

* * * * *

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's Office – Report, 1999-2000.

5 WORKCOVER CHANGES – The Honourable P.A. Katsambanis moved, That this House condemns the Government for its incompetent handling of the WorkCover changes and premium increases and for its failure to adequately explain or justify those increases and calls on the Government to:

(i) make public all research and costings on which the increases are based; and

(ii) re-examine the manner and extent of the increases so as to provide genuine reductions in the burden being imposed on employers, service levels and jobs.

Debate ensued.

Question – put.

The Council divided.

AYES, 28

The Hon. G.B. Ashman
 B.N. Atkinson
 W.R. Baxter
 R.A. Best
 M.A. Birrell
 B.C. Boardman (*Teller*)
 R.H. Bowden
 A.R. Brideson
 A. Coote
 I.J. Cover
 G.R. Craige (*Teller*)
 D.M. Davis
 P.R. Davis
 W. Forwood
 C.A. Furletti
 P.R. Hall
 R.M. Hallam
 P.A. Katsambanis
 N.B. Lucas
 M.T. Luckins
 A.P. Olexander
 E.J. Powell
 G.K. Rich-Phillips
 Dr. J.W.G. Ross
 K.M. Smith
 W.I. Smith
 Graeme Stoney
 C.A. Strong

NOES, 14

The Hon. C.C. Broad
 E.C. Carbines (*Teller*)
 K. Darveniza
 M.M. Gould
 D.G. Hadden
 G.W. Jennings
 J.M. McQuilten
 J.M. Madden
 J. Mikakos
 S.M. Nguyen (*Teller*)
 G.D. Romanes
 R.F. Smith
 T.C. Theophanous
 M.R. Thomson

And so it was resolved in the affirmative.

6 **QUESTIONS** – Questions without notice were taken and an answer was given to a question on notice pursuant to Standing Order No. 71A.

7 **EQUAL OPPORTUNITY (GENDER IDENTITY AND SEXUAL ORIENTATION) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable M.R. Thomson moved, That this Bill be now read a second time.

The Honourable C.A. Furletti moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

8 **COURTS AND TRIBUNALS LEGISLATION (FURTHER AMENDMENT) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

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

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

9 ADJOURNMENT – The Honourable M.M. Gould moved, That the Council, at its rising, adjourn until Tuesday next.

Question – put and resolved in the affirmative.

The Honourable M.M. Gould moved, That the House do now adjourn.

Debate ensued.

Question – put and resolved in the affirmative.

And then the Council, at 9.53 p.m., adjourned until Tuesday next.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

LEGISLATIVE COUNCIL OF VICTORIA

MINUTES OF THE PROCEEDINGS Nos. 38 and 39

No. 38 – Tuesday, 5 September 2000

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACT** – The Honourable M.M. Gould presented a Message from His Excellency the Governor informing the Council that he had, this day, given the Royal Assent to the undermentioned Act presented to him by the Clerk of the Parliaments:

Courts and Tribunals Legislation (Further Amendment) Act.

- 3 **CONSTITUTION (AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Constitution Act 1975 by making provision for the passage of an Annual Appropriation Bill and other powers of the Houses of the Parliament and the duration of the Houses of Parliament, to amend The Constitution Act Amendment Act 1958, the Electoral Boundaries Commission Act 1982, the Parliamentary Committees Act 1968 and the Parliamentary Salaries and Superannuation Act 1968 and for other purposes and desiring the concurrence of the Council therein.*

On the motion of the Honourable M.M. Gould, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 4 **QUESTIONS** – Questions without notice were taken pursuant to Standing Order No. 71A.

INDUSTRIAL RELATIONS TASKFORCE REPORT – The Honourable M.M. Gould having given an answer to a question without notice relating to the report of a Taskforce on Industrial Relations –

The Honourable M.A. Birrell moved, That the Minister's answer be taken into consideration on the next day of meeting.

Question – put and resolved in the affirmative.

QUESTIONS – Answers were given to certain questions on notice pursuant to Standing Order No. 71A.

- 5 **ESSENTIAL SERVICES LEGISLATION (DISPUTE RESOLUTION) BILL** – On the motion (by leave without notice) of the Honourable C.C. Broad, leave was given to bring in a Bill *to amend the Electricity Industry Act 1993, the Gas Industry Act 1994, the Water Industry Act 1994, the Water Act 1989 and the Melbourne Water Corporation Act 1992 to provide for customer dispute resolution and for other purposes and the said Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.*

- 6 **LOCAL GOVERNMENT (RESTORATION OF LOCAL DEMOCRACY TO MELTON) BILL** – On the motion (by leave without notice) of the Honourable

C.C. Broad, leave was given to bring in a Bill to amend the Local Government Act 1989 to provide for a general election of Councillors for the Melton Shire Council on 13 October 2001 and for other purposes and the said Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting

7 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 – Minister's order of 25 August 2000 giving approval to granting of a lease at Brighton.

Drugs, Poisons and Controlled Substances Act 1981 – Standard for the Uniform Scheduling of Drugs and Poisons, No. 15, September 2000, together with Amendment No. 1 and Minister's Notice regarding the amendment, commencement and availability of the Poisons Code (three papers).

Planning and Environment Act 1987 – Notices of Approval of the following amendments to planning schemes:

Ballarat Planning Scheme – Amendments C8, C26 and C32.

Bass Coast Planning Scheme – Amendment C1.

Brimbank Planning Scheme – Amendment C21.

Campaspe Planning Scheme – Amendment C12.

Casey Planning Scheme – Amendment C12.

Dandenong – Greater Dandenong Planning Scheme – Amendment C7.

East Gippsland Planning Scheme – Amendment C2.

Maroondah Planning Scheme – Amendment C4.

Mornington Peninsula Planning Scheme – Amendment C12 (Part 1).

Swan Hill Planning Scheme – Amendment C2.

Victoria Planning Scheme – Amendment VC8.

Yarra Planning Scheme – Amendment C14.

Statutory Rules under the following Acts of Parliament:

Drugs, Poisons and Controlled Substances Act 1981 – No. 85.

Electronic Transactions (Victoria) Act 2000 – No. 86.

Gas Safety Act 1997 – No. 83.

Melbourne City Link Act 1995 – No. 84.

Subordinate Legislation Act 1994 –

Ministers' exemption certificates under section 9(6) in respect of Statutory Rule Nos. 82 and 85.

* * * * *

PROCLAMATION – A Proclamation of His Excellency the Governor in Council fixing an operative date in respect of the following Act was laid upon the Table pursuant to an Order of the Council on 4 November 1999:

Accident Compensation (Common Law and Benefits) Act 2000 -- Section 4 – 1 September 2000 (*Gazette No. G35, 31 August 2000*).

8 VICTIMS OF CRIME ASSISTANCE (AMENDMENT) BILL – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and, by leave, read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 9 **JURIES BILL** – The President announced the receipt of a Message from the Assembly returning this Bill and acquainting the Council that they have agreed to one of the amendments made by the Council in this Bill and have disagreed with the remaining amendment made by the Council but have made an amendment in the Bill, and desiring the concurrence of the Council therein.

Ordered – That the Message be taken into consideration on the next day of meeting.

- 10 **ADJOURNMENT** – The Honourable M.M. Gould moved, That the House do now adjourn.

Debate ensued.

Question – put and resolved in the affirmative.

And then the Council, at 10.10 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 39 – Wednesday, 6 September 2000

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

- 2 **INFORMATION PRIVACY BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to establish a regime for the responsible collection and handling of personal information in the Victorian public sector, to amend the Parliamentary Committees Act 1968, the Ombudsman Act 1973, the Subordinate Legislation Act 1994 and certain other Acts and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable C.C. Broad, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 3 **PLANNING AND ENVIRONMENT (RESTRICTIVE COVENANTS) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Planning and Environment Act 1987 in relation to restrictive covenants and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable J.M. Madden, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 4 **ECONOMIC DEVELOPMENT COMMITTEE** – The Honourable M.M. Gould moved, by leave, That the Honourable W.I. Smith be discharged from attendance upon the Economic Development Committee and that the Honourable A. Coote be added to such committee.

Question – put and resolved in the affirmative.

- 5 **LAW REFORM COMMITTEE** – The Honourable M.M. Gould moved, by leave, That the Honourable D.M. Davis be discharged from attendance upon the Law Reform Committee.

Question – put and resolved in the affirmative.

- 6 **PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE** – The Honourable M.M. Gould moved, by leave, That the Honourable W. Forwood be discharged

from attendance upon the Public Accounts and Estimates Committee and that the Honourable D.M. Davis be added to such committee.

Debate ensued.

Question – put and resolved in the affirmative.

7 WORKCOVER PREMIUMS – REFERENCE TO ECONOMIC DEVELOPMENT COMMITTEE – The Honourable M.A. Birrell moved, That pursuant to the *Parliamentary Committees Act 1968*, the Economic Development Committee be required to inquire into, consider and report on WorkCover premiums for 2000-01, including:

- (a) the reasons for the level of those premiums;
- (b) the manner in which those premiums were determined, both in aggregate and for individual industry classifications and employers;
- (c) the impact which those premiums have had and can be expected to have on economic activity and employment in aggregate and in metropolitan, regional and rural Victoria;
- (d) the impact which those premiums have had and can be expected to have on the State budget and on the provision of services by Government departments and agencies, by local government and by non-profit and community organisations;
- (e) whether the Government can or should take action to reduce or compensate for any such adverse impacts; and
- (f) whether changes should be made to the manner in which WorkCover premiums are determined in future;
and to provide an interim report to Parliament by 30 November 2000 and a final report to Parliament by 31 March 2001.

The Honourable M.M. Gould moved, as an amendment, That the following expression be inserted after “premiums” in paragraph (a):

“including –

- (i) the cost of legislative changes;
- (ii) the effects of liability blow-outs in the past 5 financial years; and
- (iii) the effect of the GST.”

Debate ensued.

Question – That the expression proposed to be inserted be so inserted – put and negatived.

The Honourable M.M. Gould moved, as an amendment, That the word “whether” in paragraph (f) be omitted with the view of inserting in place thereof “what”.

Question – That the word proposed to be omitted stand part of the question – put and negatived.

Question – That the word proposed to be inserted be so inserted – put and resolved in the affirmative.

The Honourable M.M. Gould moved, as an amendment, That the following paragraph be inserted to follow paragraph (f):

- “(g) the effect of increased numbers of safety inspectors and greater emphasis on Occupational Health and Safety in keeping average premiums competitive into the future.”

Question – That the paragraph proposed to be inserted be so inserted – put.

The Council divided.

AYES, 14

The Hon. C.C. Broad
E.C. Carbines
K. Darveniza
M.M. Gould
D.G. Hadden
G.W. Jennings
J.M. McQuilten (*Teller*)
J.M. Madden
J. Mikakos
S.M. Nguyen
G.D. Romanes
R.F. Smith
T.C. Theophanous (*Teller*)
M.R. Thomson

NOES, 29

The Hon. G.B. Ashman
B.N. Atkinson
W.R. Baxter
R.A. Best (*Teller*)
M.A. Birrell
B.W. Bishop
B.C. Boardman
R.H. Bowden
A.R. Brideson
A. Coote
I.J. Cover
G.R. Craige
D.M. Davis
P.R. Davis
W. Forwood
C.A. Furletti
P.R. Hall
R.M. Hallam
P.A. Katsambanis
N.B. Lucas
M.T. Luckins
A.P. Olexander
E.J. Powell
G.K. Rich-Phillips (*Teller*)
Dr. J.W.G. Ross
K.M. Smith
W.I. Smith
Graeme Stoney
C.A. Strong

And so it passed in the negative.

Question – That pursuant to the *Parliamentary Committees Act 1968*, the Economic Development Committee be required to inquire into, consider and report on WorkCover premiums for 2000-01, including:

- (a) the reasons for the level of those premiums;
- (b) the manner in which those premiums were determined, both in aggregate and for individual industry classifications and employers;
- (c) the impact which those premiums have had and can be expected to have on economic activity and employment in aggregate and in metropolitan, regional and rural Victoria;
- (d) the impact which those premiums have had and can be expected to have on the State budget and on the provision of services by Government departments and agencies, by local government and by non-profit and community organisations;
- (e) whether the Government can or should take action to reduce or compensate for any such adverse impacts; and

- (f) what changes should be made to the manner in which WorkCover premiums are determined in future;
and to provide an interim report to Parliament by 30 November 2000 and a final report to Parliament by 31 March 2001.
– put and resolved in the affirmative.

8 SCRUTINY OF ACTS AND REGULATIONS COMMITTEE – PARLIAMENTARY COMMITTEES ACT – The Honourable M.A. Birrell moved, That the resolution of the Council of 1 March 2000, requiring the Scrutiny of Acts and Regulations Committee to inquire into the *Parliamentary Committees Act 1968* and to report to Parliament by 30 June 2001, be amended so far as to now require the Committee to report by 30 November 2001.

Debate ensued.

Question – put and resolved in the affirmative.

9 PACKAGED LIQUOR LICENCES REVIEW – The Honourable W. Forwood moved, That this House calls on the Minister for Small Business to immediately take all necessary steps to fulfil the Labor Party's election commitment, contained in its small business policy document, Taking Care of Small Business, that the Bracks Labor Government would close legislative loopholes which allow large retail chains to accumulate more than 8 per cent of the total number of packaged liquor licences.

Debate ensued.

The Honourable M.R. Thomson moved, as an amendment, That all the words after "House" be omitted with the view of inserting in place thereof "congratulates the Government on releasing the review of the 8 per cent limit on packaged liquor licences in light of its requirements to satisfy the National Competition Council that maintaining an 8 per cent limit would not run counter to competition policy, and also notes that in meeting this election commitment the Government will consult widely with the industry".

Debate ensued.

General Business having been interrupted at 2.00 p.m. pursuant to Sessional Orders, the debate stood adjourned in the name of the Honourable T.C. Theophanous.

10 QUESTIONS – Questions without notice were taken pursuant to Standing Order No. 71A.

ELECTRICITY SUPPLY – The Honourable C.C. Broad having given an answer to a question without notice relating to electricity supply –

The Honourable P.R. Davis moved, That the Minister's answer be taken into consideration on the next day of meeting.

Question – put and resolved in the affirmative.

11 CONSTITUTION (AMENDMENT) BILL – The Order of the Day having been read for the second reading of this Bill, the Honourable M.M. Gould moved, That this Bill be now read a second time.

The Honourable M.A. Birrell moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

The Honourable M.M. Gould moved, That the debate be adjourned until later this day.

The Honourable M.A. Birrell moved, as an amendment, That the words "later this day" be omitted with the view of inserting in place thereof the expression "Wednesday, 20 September 2000".

Debate ensued.

Question – That the words proposed to be omitted stand part of the question – put and negatived.

Question – That the expression proposed to be inserted be so inserted – put and resolved in the affirmative.

Question – That the debate be adjourned until Wednesday, 20 September 2000 – put and resolved in the affirmative.

12 ESSENTIAL SERVICES LEGISLATION (DISPUTE RESOLUTION) BILL – The Order of the Day having been read for the second reading of this Bill, the Honourable C.C. Broad moved, That this Bill be now read a second time.

The Honourable W. Forwood (for the Honourable P.R. Davis) moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

13 LOCAL GOVERNMENT (RESTORATION OF LOCAL DEMOCRACY TO MELTON) BILL – The Order of the Day having been read for the second reading of this Bill, the Honourable C.C. Broad moved, That this Bill be now read a second time.

The Honourable N.B. Lucas moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

14 BUSINESS OF THE HOUSE – The Honourable C.C. Broad moved, That so much of the Sessional Orders be suspended as would prevent new business being taken after 8.00 p.m. during the sitting of the Council this day.

Question – put and resolved in the affirmative.

15 EQUAL OPPORTUNITY (GENDER IDENTITY AND SEXUAL ORIENTATION) BILL – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

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

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

16 JURIES BILL – The Order of the Day having been read for the consideration of the Message from the Assembly relating to amendments made by the Council in this Bill (*for Message see page.....*).

The amendment remaining for consideration by the Council was read and is as follows:

Amendment made by the Legislative Council How dealt with by the Legislative Assembly

* * * * *

2. Schedule 1, page 63, after line 16 insert— Disagreed with but the following amendment
 “6. A person who is released on bail.”. made in the Bill:

‘Schedule 1, page 63, after line 16 insert—
 “6. A person who has been charged with an
 indictable offence and is released on bail in respect of that offence.”.’.

The Honourable M.M. Gould moved, That the Council do not insist on their amendment with which the Assembly have disagreed and agree to the amendment now made by the Assembly in the Bill.

Debate ensued.

Question — put and resolved in the affirmative.

Ordered — That a Message be sent to the Assembly acquainting them that the Council do not insist on their amendment with which the Assembly have disagreed and have agreed to the amendment now made by the Assembly in the Bill.

17 ADJOURNMENT — The Honourable M.M. Gould moved, That the Council, at its rising, adjourn until Tuesday, 3 October 2000.

Question — put and resolved in the affirmative.

The Honourable M.M. Gould moved, That the House do now adjourn.

Debate ensued.

Question — put and resolved in the affirmative.

And then the Council, at 11.30 p.m., adjourned until Tuesday, 3 October 2000.

W.R. TUNNECLIFFE
 Clerk of the Legislative Council

LEGISLATIVE COUNCIL OF VICTORIA

MINUTES OF THE PROCEEDINGS Nos. 40, 41 and 42

No. 40 – Tuesday, 3 October 2000

- 1 The Acting President took the Chair and read the Prayer.
- 2 **THE LATE GLYDE ALGERNON SURTEES BUTLER** – The Honourable M.M. Gould moved, That this House expresses its sincere sorrow at the death, on 18 September 2000, of Glyde Algernon Surtees Butler, and places on record its acknowledgement of the valuable services rendered by him to the Parliament and the people of Victoria as a Member of the Legislative Council for the Thomastown Province from 1979 to 1985.
And other Honourable Members having addressed the House –
The question was put and, Honourable Members signifying their assent by rising in their places, unanimously resolved in the affirmative.
- 3 **ADJOURNMENT** – The Honourable M.M. Gould moved, That as a further mark of respect to the memory of the late Glyde Algernon Surtees Butler, the House do now adjourn until this day at 3.30 p.m.
Question – put and resolved in the affirmative.
And then the Council, at 2.29 p.m., adjourned until this day at 3.30 p.m.

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- 1 The Acting President took the Chair.
 - 2 **THE LATE HONOURABLE SIR WILLIAM GORDON FRY** – The Honourable M.M. Gould moved, That this House expresses its sincere sorrow at the death, on 29 September 2000, of the Honourable Sir William Gordon Fry, and places on record its acknowledgement of the valuable services rendered by him to the Parliament and the people of Victoria as a Member of the Legislative Council for the Higinbotham Province from 1967 to 1979 and as President of the Legislative Council from 1976 to 1979.
And other Honourable Members and the Acting President having addressed the House –
The question was put and, Honourable Members signifying their assent by rising in their places, unanimously resolved in the affirmative.
 - 3 **ADJOURNMENT** – The Honourable M.M. Gould moved, That as a further mark of respect to the memory of the late Honourable Sir William Gordon Fry, the House do now adjourn until this day at 5.00 p.m.
Question – put and resolved in the affirmative.
And then the Council, at 4.15 p.m., adjourned until this day at 5.00 p.m.

- 1 The Acting President took the Chair.
- 2 **ASSENT TO ACTS** – The Honourable M.M. Gould presented a Message from His Excellency the Governor informing the Council that he had, on 12 September 2000, given the Royal Assent to the undermentioned Acts presented to him by the Clerk of the Parliaments:

Equal Opportunity (Gender Identity and Sexual Orientation) Act

Juries Act

Victims of Crime Assistance (Amendment) Act.

- 3 **CONSTITUTION (PROPORTIONAL REPRESENTATION) BILL** – The Acting President announced the receipt of a Message from the Assembly transmitting a Bill to reform the Constitution Act 1975 by making provision for the constitution of the Houses of Parliament and for the election of members of the Legislative Council using proportional representation, to amend the Constitution Act 1975, The Constitution Act Amendment Act 1958 and the Electoral Boundaries Commission Act 1982 and for other purposes and desiring the concurrence of the Council therein.

On the motion of the Honourable M.M. Gould, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 4 **DRUGS, POISONS AND CONTROLLED SUBSTANCES (INJECTING FACILITIES TRIAL) BILL** – The Acting President announced the receipt of a Message from the Assembly transmitting a Bill to amend the Drugs, Poisons and Controlled Substances Act 1981 to provide for the trial of injecting facilities for drugs of dependence and for other purposes and desiring the concurrence of the Council therein.

On the motion of the Honourable M.M. Gould, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 5 **QUESTIONS** – Questions without notice were taken pursuant to Standing Order No. 71A.

UNIFORM ELECTRICITY TARRIFS – The Honourable C.C. Broad having given an answer to a question without notice relating to uniform electricity tarrifs –

The Honourable R.M. Hallam moved, That the Minister's answer be taken into consideration on the next day of meeting.

Question – put and resolved in the affirmative.

QUESTIONS – Questions without notice continued.

- 6 **SUSPENSION OF STANDING ORDERS – QUESTIONS** – The Honourable M.M. Gould moved, by leave, That so much of the Standing Orders as require answers to questions on notice to be delivered verbally in the House be suspended for the sitting of the Council this day and that the answers enumerated be incorporated in Hansard.

Question – put and resolved in the affirmative.

Accordingly, answers were given to certain questions on notice pursuant to Standing Order No. 71A.

- 7 **BUSINESS OF THE HOUSE** – The Honourable M.M. Gould moved, by leave, That so much of the Sessional Orders be suspended as would prevent General Business taking precedence of all other business until 2.00 p.m. during the sitting of the Council on Thursday, 5 October 2000.

Debate ensued.

Question – put and resolved in the affirmative.

8 PETITION – BUS SERVICES, DANDENONG RANGES – The Honourable N.B. Lucas presented a Petition bearing 312 signatures from certain citizens of Victoria praying that the Government give urgent consideration to the proposals submitted to the Department of Infrastructure for the further development of bus services in the Dandenong area.

Ordered to lie on the Table.

9 TRANSPORT (MISCELLANEOUS AMENDMENTS) BILL – On the motion (by leave without notice) of the Honourable C.C. Broad, leave was given to bring in a Bill *to amend the Transport Act 1983 and the Rail Corporations Act 1996 and for other purposes*, and the said Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

10 ASSOCIATIONS INCORPORATION (AMENDMENT) BILL – On the motion (by leave without notice) of the Honourable M.R. Thomson, leave was given to bring in a Bill *to amend the Associations Incorporation Act 1981 in relation to the distribution of assets on voluntary winding up of an incorporated association and for other purposes*, and the said Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

11 COURTS AND TRIBUNALS LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL – On the motion (by leave without notice) of the Honourable M.R. Thomson, leave was given to bring in a Bill *to amend the Administration and Probate Act 1958, the Evidence Act 1958, the Guardianship and Administration Act 1986, the Juries Act 2000 and the Supreme Court Act 1986 and for other purposes*, and the said Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

12 PAPERS –

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE –

ALERT DIGEST – The Honourable M.T. Luckins presented Alert Digest No. 8 of 2000 from the Scrutiny of Acts and Regulations Committee, together with Appendices.

Ordered to lie on the Table and to be printed.

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STATUTE LAW REVISION BILL – The Honourable M.T. Luckins presented a Report from the Scrutiny of Acts and Regulations Committee on the Statute Law Revision Bill, together with an Appendix.

Ordered to lie on the Table and to be printed.

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

Crimes Act 1958 – Chief Commissioner of Police's authority to conduct forensic procedures, pursuant to section 464Z(2).

Environment Protection Act 1970 – Order in Council of 22 June 2000 varying the State Environment Protection Policy (Used Packaging Materials).

Falls Creek Alpine Resort Management Board – Report, year ended 31 October 1999.

Interpretation of Legislation Act 1984 – Notices pursuant to section 32(3)(a)(iii) in relation to Statutory Rules Nos. 47 to 50 and 141/1999 and No. 31/2000.

Melbourne City Link Act 1995 –

City Link and Extension Projects Integration and Facilitation Agreement Fifth Amending Deed, 11 September 2000, pursuant to section 15B(5).

Melbourne City Link Twelfth Amending Deed, 11 September 2000, pursuant to section 15(2).

Planning and Environment Act 1987 –

Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan – Amendment No. 113.

Notices of Approval of the following amendments to planning schemes:

Ballarat Planning Scheme – Amendment C33.

Banyule Planning Scheme – Amendment C10.

Brimbank Planning Scheme – Amendment C13.

Campaspe Planning Scheme – Amendment C10.

Cardinia Planning Scheme – Amendments C4 and C14 Part 1.

Colac Otway Planning Scheme – Amendment C5.

Ganawarra Planning Scheme – Amendment C1.

Glen Eira Planning Scheme – Amendment C4.

Indigo Shire Planning Scheme – Amendment C4 Part 2.

Maroondah Planning Scheme – Amendments C6 and C11.

Melbourne Planning Scheme – Amendment C8.

Melton Planning Scheme – Amendment C11.

Mitchell Planning Scheme – Amendment C7.

Moonee Valley Planning Scheme – Amendment C1.

Queenscliffe Planning Scheme – Amendment C6.

Shepparton – Greater Shepparton Planning Scheme – Amendment C4 Part 1.

Towong Shire Planning Scheme – Amendment C1.

Wangaratta Planning Scheme – Amendment C5.

Yarra Planning Scheme – Amendments C16 and C17.

Statutory Rules under the following Acts of Parliament:

Magistrates' Court Act 1989 – No. 89.

Road Safety Act 1986 – No. 88.

Subordinate Legislation Act 1994 – No. 87.

Subordinate Legislation Act 1994 –

Ministers' exception certificates under section 8(4) in respect of Statutory Rules Nos. 63, 67, 87 and 89.

Ministers' exemption certificates under section 9(6) in respect of Statutory Rules Nos. 45, 82 and 88.

Veterinary Practitioners Registration Board – Minister for Agriculture's report of 6 September 2000 of receipt of the 1999 report.

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PROCLAMATION – A Proclamation of His Excellency the Governor in Council fixing an operative date in respect of the following Act was laid upon the Table by the Clerk pursuant to an Order of the Council on 4 November 1999:

Dairy Act 2000 – Section 5 (except paragraph (b)), section 6 (except paragraphs (h) and (i)), sections 64, 66, 69 and 70 and Parts 3, 4 and 5 – 30 September 2000 (*Gazette No. G39, 28 September 2000*).

13 INFORMATION PRIVACY BILL – The Order of the Day having been read for the second reading of this Bill, the Honourable C.C. Broad moved, That this Bill be now read a second time.

The Honourable C.C. Broad made a statement pursuant to section 85(5) of the *Constitution Act 1975* on the reasons for altering or varying this section.

The Honourable G.B. Ashman moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

- 14 BUSINESS OF THE HOUSE** – The Honourable C.C. Broad moved, That so much of the Sessional Orders be suspended as would prevent new business being taken after 8.00 p.m. during the sitting of the Council this day.

Question – put and resolved in the affirmative.

- 15 PLANNING AND ENVIRONMENT (RESTRICTIVE COVENANTS) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable J.M. Madden moved, That this Bill be now read a second time.

The Honourable W. Forwood moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

- 16 CONSTITUTION (PROPORTIONAL REPRESENTATION) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable M.M. Gould moved, That this Bill be now read a second time.

The Honourable W. Forwood (for the Honourable M.A. Birrell) moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

- 17 COGNATE DEBATE** – The Honourable M.M. Gould moved, by leave, That this House authorizes and requires the Honourable the Acting President to permit the second reading debate on the Constitution (Amendment) Bill and the Constitution (Proportional Representation) Bill to be taken concurrently.

Question – put and resolved in the affirmative.

- 18 CHILDREN AND YOUNG PERSONS (RECIPROCAL ARRANGEMENTS) BILL** – The Acting President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Children and Young Persons Act 1989 so as to provide for the transfer of child protection orders and proceedings between Victoria and another State or a Territory of Australia or between Victoria and New Zealand and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable M.M. Gould (for the Honourable M.R. Thomson), the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 19 DRUGS, POISONS AND CONTROLLED SUBSTANCES (INJECTING FACILITIES TRIAL) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable M.M. Gould moved, That this Bill be now read a second time.

The Honourable M.T. Luckins moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

- 20 BUSINESS POSTPONED** – Ordered – That the consideration of Orders of the Day, Government Business, Nos. 3 and 4, be postponed until later this day.

21 LOCAL GOVERNMENT (RESTORATION OF LOCAL DEMOCRACY TO MELTON) BILL – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and, by leave, read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

Ordered – That the Bill be transmitted to the Assembly with a Message desiring their concurrence therein.

22 PLANT HEALTH AND PLANT PRODUCTS (AMENDMENT) BILL – The Acting President announced the receipt of a Message from the Assembly transmitting a Bill *to make miscellaneous amendments to the Plant Health and Plant Products Act 1995 and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable C.C. Broad, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

23 ADJOURNMENT – The Honourable M.M. Gould moved, That the Council, at its rising, adjourn until tomorrow at 2.00 p.m.

Question – put and resolved in the affirmative.

The Honourable M.M. Gould moved, That the House do now adjourn.

Debate ensued.

Question – put and resolved in the affirmative.

And then the Council, at 11.50 p.m, adjourned until tomorrow at 2.00 p.m.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 41 – Wednesday, 4 October 2000

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

2 **QUESTIONS** – Questions without notice were taken pursuant to Standing Order No. 71A.

3 **PAPERS PURSUANT TO STATUTE** – The following Papers, pursuant to the direction of an Act of Parliament, were laid upon the Table by the Clerk:

Parliamentary Officers Act 1975 – Statements of appointments, alterations of classifications and of persons temporarily employed in the Parliamentary departments for the year 1999-2000 (ten papers).

4 **ASSOCIATIONS INCORPORATION (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable M.R. Thomson moved, That this Bill be now read a second time.

The Honourable W. Forwood moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

- 5 **BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, Government Business, No. 2, be postponed until later this day.
- 6 **CHILDREN AND YOUNG PERSONS (RECIPROCAL ARRANGEMENTS) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable M.R. Thomson moved, That this Bill be now read a second time.
The Honourable M.R. Thomson made a statement pursuant to section 85(5) of the *Constitution Act 1975* on the reasons for altering or varying this section.
The Honourable W. Forwood (for the Honourable M.T. Luckins) moved, That the debate be now adjourned.
Question — That the debate be now adjourned — put and resolved in the affirmative.
Ordered — That the debate be adjourned until the next day of meeting.
- 7 **PLANT HEALTH AND PLANT PRODUCTS (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable C.C. Broad moved, That this Bill be now read a second time.
The Honourable M.A. Birrell (for the Honourable P.R. Davis) moved, That the debate be now adjourned.
Question — That the debate be now adjourned — put and resolved in the affirmative.
Ordered — That the debate be adjourned until the next day of meeting.
- 8 **TRANSPORT (MISCELLANEOUS AMENDMENTS) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable C.C. Broad moved, That this Bill be now read a second time.
The Honourable W. Forwood (for the Honourable G.B. Ashman) moved, That the debate be now adjourned.
Question — That the debate be now adjourned — put and resolved in the affirmative.
Ordered — That the debate be adjourned until the next day of meeting.
- 9 **BUSINESS OF THE HOUSE** — The Honourable C.C. Broad moved, That so much of the Sessional Orders be suspended as would prevent new business being taken after 8.00 p.m. during the sitting of the Council this day.
Question — put and resolved in the affirmative.
- 10 **CONSTITUTION (AMENDMENT) BILL** — The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time [the **Constitution (Proportional Representation) Bill** having been authorized to be debated concurrently pursuant to an Order of the Council on 3 October 2000] —
Debate resumed.
The Honourable W.I. Smith moved, That the debate be now adjourned.
Question — That the debate be now adjourned — put and resolved in the affirmative.
Ordered — That the debate be adjourned until the next day of meeting.
- 11 **COURTS AND TRIBUNALS LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable M.R. Thomson moved, That this Bill be now read a second time.

The Honourable M.R. Thomson made a statement pursuant to section 85(5) of the *Constitution Act 1975* on the reasons for altering or varying this section.

The Honourable C.A. Furletti moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

12 INTERPRETATION OF LEGISLATION (AMENDMENT) BILL – The Acting President announced the receipt of a Message from the Assembly transmitting a Bill to amend the *Interpretation of Legislation Act 1984* and for other purposes and desiring the concurrence of the Council therein.

On the motion of the Honourable M.R. Thomson, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

13 ANGLICAN TRUSTS CORPORATIONS (AMENDMENT) BILL – The Acting President announced the receipt of a Message from the Assembly transmitting a Bill to amend the *Act No. 797 of the Parliament of Victoria* and for other purposes and desiring the concurrence of the Council therein.

On the motion of the Honourable M.R. Thomson, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

14 ADJOURNMENT – The Honourable M.M. Gould moved, That the House do now adjourn.

Debate ensued.

Question – put and resolved in the affirmative.

And then the Council, at 11.34 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 42 – Thursday, 5 October 2000

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

2 **BUSINESS POSTPONED** – Ordered – That the consideration of Orders of the Day, General Business, Nos. 1 to 5 inclusive, be postponed until later this day.

3 **ELECTRICITY SUPPLY** – The Order of the Day having been read for the consideration of the Minister's answer to a question without notice relating to electricity supply, the Honourable P.R. Davis moved, That the Council take note of the Minister for Energy and Resources' answer to a question without notice given in this House on 6 September 2000 relating to future electricity supply.

Debate ensued.

Question – put and resolved in the affirmative.

4 **QUESTIONS** – Questions without notice were taken pursuant to Standing Order No. 71A.

5 **SUSPENSION OF STANDING ORDERS – QUESTIONS** – The Honourable M.M. Gould moved, by leave, That so much of the Standing Orders as require

answers to questions on notice to be delivered verbally in the House be suspended for the sitting of the Council this day and that the answers enumerated be incorporated in Hansard.

Question – put and resolved in the affirmative.

Accordingly, answers were given to certain questions on notice pursuant to Standing Order No. 71A.

6 BUSINESS POSTPONED – Ordered – That the consideration of the Notice of Motion, Government Business, be postponed until later this day.

7 TATTERSALL CONSULTATIONS (AMENDMENT) BILL – The Acting President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Tattersall Consultations Act 1958 to adjust taxation rates and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable C.C. Broad, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

8 INTERPRETATION OF LEGISLATION (AMENDMENT) BILL – The Order of the Day having been read for the second reading of this Bill, the Honourable M.R. Thomson moved, That this Bill be now read a second time.

The Honourable C.A. Furletti moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

9 ANGLICAN TRUSTS CORPORATIONS (AMENDMENT) BILL – The Order of the Day having been read for the second reading of this Bill, the Honourable M.R. Thomson moved, That this Bill be now read a second time.

The Honourable C.A. Furletti moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

10 CONSTITUTION (AMENDMENT) BILL – The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time [the **Constitution (Proportional Representation) Bill** having been authorized to be debated concurrently pursuant to an Order of the Council on 3 October 2000] –

Debate resumed.

The Honourable D.G. Hadden moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

11 TRAINING AND FURTHER EDUCATION ACTS (AMENDMENT) BILL – The Acting President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Adult, Community and Further Education Act 1991 to provide for the establishment of adult education institutions and their governing boards, to transfer the staff employed in the Department of Education, Employment and Training in the administration or provision of adult multicultural education services to an adult education institution to be known as Adult Multicultural Education Services and to make other amendments, to repeal the Council of Adult Education Act 1981 and to transfer the staff, property, rights and liabilities of the Council to an adult education institution to be called the Centre for Adult Education, to repeal the Employment*

Agents Act 1983 and for other purposes and desiring the concurrence of the Council therein.

On the motion of the Honourable M.M. Gould (for the Honourable J.M. Madden), the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

12 LAND (ST. KILDA SEA BATHS) BILL – The Acting President announced the receipt of a Message from the Assembly transmitting a Bill *to provide for power to lease land for the purposes of a car park at St Kilda and for other purposes and desiring the concurrence of the Council therein.*

On the motion of the Honourable M.M. Gould (for the Honourable C.C. Broad), the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

13 PUBLIC LOTTERIES BILL – The Acting President announced the receipt of a Message from the Assembly transmitting a Bill *to provide for the lawful conduct of public lotteries, including football pools and competitions, to repeal the Tattersall Consultations Act 1958, to entitle the promoter under that Act to a public lottery licence for consultations and soccer football pools, to make consequential amendments to other Acts and for other purposes and desiring the concurrence of the Council therein.*

On the motion of the Honourable J.M. Madden, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

14 ADJOURNMENT – The Honourable M.M. Gould moved, That the Council, at its rising, adjourn until Tuesday, 24 October 2000.

Question – put and resolved in the affirmative.

The Honourable M.M. Gould moved, That the House do now adjourn.

Debate ensued.

Question – put and resolved in the affirmative.

And then the Council, at 6.21 p.m., adjourned until Tuesday, 24 October 2000.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

LEGISLATIVE COUNCIL OF VICTORIA

MINUTES OF THE PROCEEDINGS Nos. 43, 44 and 45

No. 43 – Tuesday, 24 October 2000

- 1 The President took the Chair and read the Prayer.
- 2 **QUESTIONS** – Questions without notice were taken pursuant to Standing Order No. 71A.
SNOWY RIVER FLOWS – The Honourable C.C. Broad having given an answer to a question without notice relating to the package of increased flows to the Snowy River –
The Honourable P.R. Davis moved, That the Minister's answer be taken into consideration on the next day of meeting.
Question – put and resolved in the affirmative.
QUESTIONS – Questions without notice continued.
- 3 **SUSPENSION OF STANDING ORDERS – QUESTIONS** – The Honourable M.M. Gould moved, by leave, That so much of the Standing Orders as require answers to questions on notice to be delivered verbally in the House be suspended for the sitting of the Council this day and that the answers enumerated be incorporated in Hansard.
Question – put and resolved in the affirmative.
Accordingly, answers were given to certain questions on notice pursuant to Standing Order No. 71A.
- 4 **PETITION – BUS SERVICES, DANDENONG RANGES** – The Honourable G.K. Rich-Phillips presented a Petition bearing 35 signatures from certain citizens of Victoria praying that the Government give urgent consideration to the proposals submitted to the Department of Infrastructure for the further development of bus services in the Dandenong area.
Ordered to lie on the Table.
- 5 **PAPERS –**
DRUGS AND CRIME PREVENTION COMMITTEE – CRIME TREND DATA BENCHMARKING – The Honourable B.C. Boardman presented a Report from the Drugs and Crime Prevention Committee upon Benchmarking Crime Trend Data 1995-96 to 1999-2000, together with an Appendix.
Ordered to lie on the Table and to be printed.

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SCRUTINY OF ACTS AND REGULATIONS COMMITTEE – ALERT DIGEST – The Honourable M.T. Luckins presented Alert Digest No. 9 of 2000 from the Scrutiny of Acts and Regulations Committee, together with Appendices.

Ordered to lie on the Table and to be printed.

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

Barwon Regional Waste Management Group –

Minister's report of failure to submit 1998-99 report to her within the prescribed period and the reasons therefor.

Report, 1998-99.

Calder Regional Waste Management Group –

Minister's report of failure to submit 1998-99 report to her within the prescribed period and the reasons therefor.

Report, 1998-99.

Central Murray Regional Waste Management Group –

Minister's report of failure to submit 1998-99 report to her within the prescribed period and the reasons therefor.

Report, 1998-99.

Crown Land (Reserves) Act 1978 – Minister's Orders of 18 September and 3 October 2000 giving approval to granting of leases at Castlemaine, Fairlea Prison Reserve and Camperdown (three papers).

Desert Fringe Regional Waste Management Group –

Minister's report of failure to submit 1998-99 report to her within the prescribed period and the reasons therefor.

Report, 1998-99.

Eastern Regional Waste Management Group –

Minister's report of failure to submit 1998-99 report to her within the prescribed period and the reasons therefor.

Report, 1998-99.

Electoral Commissioner – Statement of functions conferred, 10 October 2000.

Emergency Services Superannuation Scheme – Report, 1999-2000.

Environment Conservation Council –

Marine, coastal and estuarine Investigation Final Report, August 2000.

Report, 1999-2000.

Financial Report for the State of Victoria, 1999-2000 (incorporating the Annual Financial Statement).

Gippsland Regional Waste Management Group –

Minister's report of failure to submit 1998-99 report to her within the prescribed period and the reasons therefor.

Report, 1998-99.

Goulburn Valley Regional Waste Management Group –

Minister's report of failure to submit 1998-99 report to her within the prescribed period and the reasons therefor.

Report, 1998-99.

Grampians Regional Waste Management Group –

Minister's report of failure to submit 1998-99 report to her within the prescribed period and the reasons therefor.

Report, 1998-99.

Highlands Regional Waste Management Group –

Minister's report of failure to submit 1998-99 report to her within the prescribed period and the reasons therefor.

Report, 1998-99.

Interpretation of Legislation Act 1984 – Notice pursuant to section 32(3)(a)(iii) in relation to Statutory Rule No. 90/2000.

- Members of Parliament (Register of Interests) Act 1978 – Summary of Returns June 2000 and Summary of Variations notified between 1 June and 30 September 2000.
- Mildura Regional Waste Management Group –
Minister's report of failure to submit 1998-99 report to her within the prescribed period and the reasons therefor.
Report, 1998-99.
- Mornington Peninsula Regional Waste Management Group –
Minister's report of failure to submit 1998-99 report to her within the prescribed period and the reasons therefor.
Report, 1998-99.
- Multicultural Commission – Report, 1999-2000.
- National Parks Act 1975 – Report of the Secretary to the Department of Natural Resources and Environment, 1999-2000.
- National Parks Advisory Council – Report, 1999-2000.
- Northern Regional Waste Management Group –
Minister's report of failure to submit 1998-99 report to her within the prescribed period and the reasons therefor.
Report, 1998-99.
- North East Victorian Regional Waste Management Group –
Minister's report of failure to submit 1998-99 report to her within the prescribed period and the reasons therefor.
Report, 1998-99.
- Parliamentary Committees Act 1968 – Minister's responses to recommendations in Public Accounts and Estimates Committee's reports upon Commercial in Confidence Material and the Public Interest and Outsourcing of Government Services in the Victorian Public Sector (two papers).
- Planning and Environment Act 1987 – Notices of Approval of the following amendments to planning schemes and a new planning scheme:
- Brimbank Planning Scheme – Amendment C10.
 - Casey Planning Scheme – Amendment C6.
 - Darebin Planning Scheme – Amendments C6 and C13.
 - Delatite Planning Scheme – Amendment C2.
 - Glen Eira Planning Scheme – Amendments C2 and C12.
 - Mildura Planning Scheme – Amendment C1.
 - Moonee Valley Planning Scheme – Amendment C15.
 - Shepparton – Greater Shepparton Planning Scheme – Amendment C7 Part 1.
 - Strathbogie Planning Scheme – Amendment C2.
 - Surf Coast Planning Scheme.
 - Towong Planning Scheme – Amendment C2.
 - Wangaratta Rural City Planning Scheme – Amendment C3 Part 1.
 - Whittlesea Planning Scheme – Amendment C1.
 - Yarra Planning Scheme – Amendment C3.
 - Yarra Ranges Planning Scheme – Amendment C1.
- Police Appeals Board – Report, 1999-2000.
- South Eastern Regional Waste Management Group –
Minister's report of failure to submit 1998-99 report to her within the prescribed period and the reasons therefor.
Report, 1998-99.

- South Western Regional Waste Management Group –
Minister's report of failure to submit 1998-99 report to her within the prescribed period and the reasons therefor.
Report, 1998-99.
- Stamps Act 1958 – Treasurer's report of 5 October 2000 of approved exemptions and partial exemptions and refunds made on corporate reconstructions for 1999-2000.
- Statutory Rules under the following Acts of Parliament:
Accident Compensation Act 1985 – No. 102.
Administration and Probate Act 1958 – Supreme Court Act 1986 – No. 98.
Environment Protection Act 1970 – No. 92.
Pipelines Act 1967 – No. 90.
Petroleum Act 1998 – No. 91.
Road Safety Act 1986 – Nos. 95 and 96.
Subdivision Act 1988 – Nos. 94 and 101.
Subordinate Legislation Act 1994 – No. 99.
Supreme Court Act 1986 – No. 97.
Tobacco Act 1987 – Nos. 93 and 100.
- Subordinate Legislation Act 1994 –
Ministers' exception certificates under section 8(4) in respect of Statutory Rules Nos. 97 to 99.
Ministers' exemption certificates under section 9(6) in respect of Statutory Rules Nos. 93, 95 and 101.
- South East Water Limited – Report, 1999-2000.
- Trust for Nature – Minister for Environment and Conservation's report of 15 October 2000 of receipt of the 1999-2000 report.
- Victorian Civil and Administrative Tribunal – Report, 1999-2000.
- Victorian Funds Management Corporation – Report, 1999-2000.
- Victorian Managed Insurance Authority – Report, 1999-2000.
- Western Regional Waste Management Group –
Minister's report of failure to submit 1998-99 report to her within the prescribed period and the reasons therefor.
Report, 1998-99.

* * * *

PROCLAMATIONS – Proclamations of His Excellency the Governor in Council fixing operative dates in respect of the following Acts were laid upon the Table by the Clerk pursuant to an Order of the Council on 4 November 1999:

- Accident Compensation (Common Law and Benefits) Act 2000 – Section 17 – 20 October 2000 (*Gazette No. G42, 19 October 2000*).
- Equal Opportunity (Gender Identity and Sexual Orientation) Act 2000 – 9 October 2000 (*Gazette No. G40, 5 October 2000*).
- Financial Sector Reform (Victoria) Act 1999 – Section 20 – 1 November 2000 (*Gazette No. G42, 19 October 2000*).

- 6 BUSINESS POSTPONED** – Ordered – That the consideration of the Notice of Motion, Government Business, be postponed until the next day of meeting.
- 7 PUBLIC LOTTERIES BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable J.M. Madden moved, That this Bill be now read a second time.

The Honourable A.R. Brideson moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

- 8 **LAND (ST. KILDA SEA BATHS) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable C.C. Broad moved, That this Bill be now read a second time.

The Honourable W. Forwood (for the Honourable P.R. Davis) moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

- 9 **TRAINING AND FURTHER EDUCATION ACTS (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable J.M. Madden moved, That this Bill be now read a second time.

Proceedings on the Bill, by leave, suspended.

- 10 **TATTERSALL CONSULTATIONS (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable C.C. Broad moved, That this Bill be now read a second time.

The Honourable W. Forwood (for the Honourable D.M. Davis) moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

- 11 **HANSARD RECORD EXPUNGED – STANDING ORDERS SUSPENDED** – The Honourable M.M. Gould moved, by leave, That the proceedings of the Council immediately following upon the calling of the Order of the Day for the second reading of the Training And Further Education Acts (Amendment) Bill up to the suspension of the proceedings during the Minister's second reading speech be expunged from the *Hansard* record, and that so much of the Standing Orders be suspended as would prevent the motion for the second reading of the Bill being again moved.

Debate ensued.

Question – put and resolved in the affirmative.

- 12 **TRAINING AND FURTHER EDUCATION ACTS (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable M.M. Gould (for the Honourable J.M. Madden) moved, That this Bill be now read a second time.

The Honourable W. Forwood (for the Honourable B.N. Atkinson) moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

- 13 **CONSTITUTION (AMENDMENT) BILL** – The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time [the **Constitution (Proportional Representation) Bill** having been authorized to be debated concurrently pursuant to an Order of the Council on 3 October 2000] –

Debate resumed.

Question – put.

The Council divided.

AYES, 13
 The Hon. C.C. Broad
 E.C. Carbines (*Teller*)
 M.M. Gould
 D.G. Hadden
 G.W. Jennings
 J.M. McQuilten
 J.M. Madden
 J. Mikakos (*Teller*)
 S.M. Nguyen
 G.D. Romanes
 R.F. Smith
 T.C. Theophanous
 M.R. Thomson

NOES, 27
 The Hon. G.B. Ashman
 B.N. Atkinson
 W.R. Baxter
 R.A. Best (*Teller*)
 M.A. Birrell
 B.W. Bishop
 B.C. Boardman
 R.H. Bowden
 A.R. Brideson
 A. Coote
 I.J. Cover
 G.R. Craige
 D.M. Davis
 P.R. Davis
 W. Forwood
 C.A. Furletti
 R.M. Hallam
 P.A. Katsambanis (*Teller*)
 N.B. Lucas
 A.P. Olexander
 E.J. Powell
 G.K. Rich-Phillips
 Dr. J.W.G. Ross
 K.M. Smith
 W.I. Smith
 Graeme Stoney
 C.A. Strong

And so it passed in the negative.

14 CONSTITUTION (PROPORTIONAL REPRESENTATION) BILL — The concurrent second reading debate having concluded —

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

The Council divided.

AYES, 13
 The Hon. C.C. Broad
 E.C. Carbines
 M.M. Gould
 D.G. Hadden (*Teller*)
 G.W. Jennings
 J.M. McQuilten (*Teller*)
 J.M. Madden
 J. Mikakos
 S.M. Nguyen
 G.D. Romanes
 R.F. Smith

NOES, 28
 The Hon. G.B. Ashman
 B.N. Atkinson
 W.R. Baxter
 R.A. Best
 M.A. Birrell
 B.W. Bishop
 B.C. Boardman
 R.H. Bowden
 A.R. Brideson
 A. Coote
 I.J. Cover

T.C. Theophanous
M.R. Thomson

G.R. Craige
D.M. Davis
P.R. Davis
W. Forwood
C.A. Furletti (*Teller*)
R.M. Hallam
P.A. Katsambanis
N.B. Lucas
M.T. Luckins (*Teller*)
A.P. Olexander
E.J. Powell
G.K. Rich-Phillips
Dr. J.W.G. Ross
K.M. Smith
W.I. Smith
Graeme Stoney
C.A. Strong

And so it passed in the negative.

- 15 ELECTRICITY INDUSTRY BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to regulate the electricity supply industry and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable C.C. Broad, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 16 ELECTRICITY INDUSTRY LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Electricity Industry Act 1993 as a consequence of the Electricity Industry Act 2000, to amend the Electricity Safety Act 1998, the Gas Industry Act 1994, the Office of the Regulator General Act 1994 and the State Electricity Commission Act 1958 and other Acts and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable C.C. Broad, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 17 ADJOURNMENT** – The Honourable M.M. Gould moved, That the House do now adjourn.

Debate ensued.

Question – put and resolved in the affirmative.

And then the Council, at 11.28 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 44 – Wednesday, 25 October 2000

- 1 The President took the Chair and read the Prayer.
- 2 **WATER INDUSTRY (AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to provide for the power for Melbourne Parks and Waterways to surrender all its land to the State, to provide for functions, powers, rights and liabilities of Melbourne Parks and Waterways to be transferred to the State, to repeal provisions of the Water Industry Act 1994 establishing Melbourne Parks and Waterways, to make further amendments to other Acts, to repeal the Wattle Park Land Act 1991 and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable C.C. Broad, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 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:
- City West Water Limited – Report, 1999-2000.
 - Rural Finance Corporation – Report, 1999-2000.
 - State Electricity Commission – Report, 1999-2000.
 - Statutory Rules under the following Acts of Parliament:
 - Pharmacists Act 1974 – No. 104.
 - Subdivision Act 1988 – No. 105.
 - Subordinate Legislation Act 1994 – No. 103.
 - Transport Accident Act 1986 – No. 106.
 - Subordinate Legislation Act 1994 – Ministers' exception certificates under section 8(4) in respect of Statutory Rules Nos. 103 and 104.
 - Yarra Valley Water Limited – Report, 1999-2000.

- 4 **CRIMES (FURTHER AMENDMENT) BILL** – On the motion of the Honourable M.A. Birrell, leave was given to bring in a Bill *to amend the Crimes Act 1958*, and the said Bill was read a first time and ordered to be printed and, by leave, to be read a second time forthwith.

Accordingly, the Honourable M.A. Birrell moved, That this Bill be now read a second time.

The Honourable G.W. Jennings moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until Wednesday, 8 November 2000.

- 5 **REGIONAL DEVELOPMENT** – The Honourable I.J. Cover moved, That this House condemns the Government for its failure to support the growth and development of Geelong and its failure to meet its commitments on regional development in Victoria.

Debate ensued.

Question – put.

The Council divided.

AYES, 27	NOES, 13
The Hon. G.B. Ashman	The Hon. C.C. Broad
B.N. Atkinson	E.C. Carbines
W.R. Baxter	M.M. Gould
R.A. Best	D.G. Hadden (<i>Teller</i>)

M.A. Birrell	G.W. Jennings
B.C. Boardman (<i>Teller</i>)	J.M. McQuilten
R.H. Bowden	J.M. Madden
A.R. Brideson	J. Mikakos
A. Coote	S.M. Nguyen
I.J. Cover	G.D. Romanes
G.R. Craige	R.F. Smith
D.M. Davis	T.C. Theophanous (<i>Teller</i>)
P.R. Davis	M.R. Thomson
W. Forwood	
C.A. Furletti	
P.R. Hall	
P.A. Katsambanis	
N.B. Lucas	
M.T. Luckins	
A.P. Olexander	
E.J. Powell	
G.K. Rich-Phillips	
Dr.J.W.G. Ross (<i>Teller</i>)	
K.M. Smith	
W.I. Smith	
Graeme Stoney	
C.A. Strong	

And so it was resolved in the affirmative.

- 6 QUESTIONS** – Questions without notice were taken pursuant to Standing Order No. 71A.
- 7 SUSPENSION OF STANDING ORDERS – QUESTIONS** – The Honourable M.M. Gould moved, by leave, That so much of the Standing Orders as require answers to questions on notice to be delivered verbally in the House be suspended for the sitting of the Council this day and that the answers enumerated be incorporated in Hansard.
- Question – put and resolved in the affirmative.
- Accordingly, answers were given to certain questions on notice pursuant to Standing Order No. 71A.
- 8 BUSINESS OF THE HOUSE** – The Honourable M.M. Gould moved, That so much of the Sessional Orders be suspended as would prevent new business being taken after 8.00 p.m. during the sitting of the Council this day.
- Question – put and resolved in the affirmative.
- 9 UPPER YARRA VALLEY AND DANDENONG RANGES REGIONAL STRATEGY PLAN** – The Honourable J.M. Madden moved, That pursuant to section 46D(1)(c) of the *Planning and Environment Act 1987*, Amendment No. 113 to the Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan be approved.
- Question – put and resolved in the affirmative.
- 10 ELECTRICITY INDUSTRY BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable C.C. Broad moved, That this Bill be now read a second time.

The Honourable C.C. Broad made a statement pursuant to section 85(5) of the *Constitution Act 1975* on the reasons for altering or varying this section.

The Honourable P.R. Davis moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

- 11 ELECTRICITY INDUSTRY LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable C.C. Broad moved, That this Bill be now read a second time.

The Honourable P.R. Davis moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

- 12 COGNATE DEBATE** – The Honourable C.C. Broad moved, by leave, That this House authorizes and requires the Honourable the President to permit the second reading debate on the Electricity Industry Bill and the Electricity Industry Legislation (Miscellaneous Amendments) Bill to be taken concurrently.

Question – put and resolved in the affirmative.

- 13 WATER INDUSTRY (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable C.C. Broad moved, That this Bill be now read a second time.

The Honourable P.R. Davis moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

- 14 TRANSPORT (MISCELLANEOUS AMENDMENTS) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

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

Ordered – That the Bill be transmitted to the Assembly with a Message desiring their concurrence therein.

- 15 ASSOCIATIONS INCORPORATION (AMENDMENT) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

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

Ordered – That the Bill be transmitted to the Assembly with a Message desiring their concurrence therein.

- 16 BUSINESS POSTPONED** – Ordered – That the consideration of Orders of the Day, Government Business Nos. 5 to 7 inclusive, be postponed until later this day.

- 17 DRUGS, POISONS AND CONTROLLED SUBSTANCES (INJECTING FACILITIES TRIAL) BILL** – The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time –

Debate resumed.

The Honourable R.A. Best moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

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

- 18 ESSENTIAL SERVICES LEGISLATION (DISPUTE RESOLUTION) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time and committed to a Committee of the whole.

House in Committee.

The Acting President resumed the Chair; and the Honourable B.W. Bishop having reported that the Committee had agreed to the Bill with amendments, the report was adopted, and the Bill was read a third time and passed.

Ordered – That the Bill be transmitted to the Assembly with a Message desiring their concurrence therein.

- 19 TERTIARY EDUCATION (AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Tertiary Education Act 1993 to repeal certain voluntary student unionism provisions, to make further provision about non-academic fees, subscriptions and charges and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable J.M. Madden, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 20 LOCAL GOVERNMENT (RESTORATION OF LOCAL DEMOCRACY TO MELTON) BILL** – The President announced the receipt of a Message from the Assembly acquainting the Council that they have agreed to this Bill without amendment.

- 21 ADJOURNMENT** – The Honourable M.M. Gould moved, That the House do now adjourn.

Debate ensued.

Question – put and resolved in the affirmative.

And then the Council, at 11.56 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 45 – Thursday, 26 October 2000

- 1** The President took the Chair and read the Prayer.

- 2 PROJECT DEVELOPMENT AND CONSTRUCTION MANAGEMENT (AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Project Development and Construction Management Act 1994 to establish the Secretary to the Department of State and Regional Development as a body corporate, to provide for its powers and functions and the transfer of certain matters to it and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable J.M. Madden, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 3 HERITAGE (AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Heritage Act 1995 and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable J.M. Madden, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 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:

Harness Racing Board – Report, 1999-2000.

Queen Victoria Women’s Centre Trust – Report, 1999-2000.

Treasury Corporation – Report, 1999-2000 (two papers).

- 5 BUSINESS POSTPONED** – Ordered – That the consideration of the Notices of Motion, Reports for Consideration, be postponed until later this day.

- 6 PLANNING AND ENVIRONMENT (RESTRICTIVE COVENANTS) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time.

Ordered – That the Bill be committed to a Committee of the whole on the next day of meeting.

- 7 WRONGS (AMENDMENT) BILL** – The Deputy President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Wrongs Act 1958 with respect to the apportionment of damages in claims arising from breach of contract and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable J.M. Madden (for the Honourable M.R. Thomson), the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 8 BUSINESS POSTPONED** – Ordered – That the consideration of Order of the Day, Government Business, No. 2, be postponed until later this day.

- 9 COURTS AND TRIBUNALS LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL** – The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time –

Debate resumed.

Business having been interrupted at 2.00 p.m. pursuant to Sessional Orders –

- 10 QUESTIONS** – Questions without notice were taken pursuant to Standing Order No. 71A.

- 11 COURTS AND TRIBUNALS LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL** – Debate continued on the question, That this Bill be now read a second time.

Question – put and resolved in the affirmative.

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

The Honourable M.M. Gould (for the Honourable M.R. Thomson) moved, by leave, That the Bill be now read a third time.

The Honourable W. Forwood moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

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

- 12 INFORMATION PRIVACY BILL** — The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time —

Debate resumed.

The Honourable J. Mikakos moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

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

- 13 COURTS AND TRIBUNALS LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL** — The Order of the Day was read for the resumption of the debate on the question, That the Bill be now read a third time and, after further debate, the question being put 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 Council and passed.

Ordered — That the Bill be transmitted to the Assembly with a Message desiring their concurrence therein.

- 14 INFORMATION PRIVACY BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honourable P.R. Hall having reported that the Committee had agreed to the Bill with an amendment, the report was adopted, and the Bill was read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

Ordered — That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same with an amendment, and desiring their concurrence therein.

- 15 BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, Government Business, No. 4, be postponed until the next day of meeting.

- 16 TERTIARY EDUCATION (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable J.M. Madden moved, That this Bill be now read a second time.

The Honourable W. Forwood (for the Honourable B.N. Atkinson) moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

17 PROJECT DEVELOPMENT AND CONSTRUCTION MANAGEMENT (AMENDMENT) BILL – The Order of the Day having been read for the second reading of this Bill, the Honourable J.M. Madden moved, That this Bill be now read a second time.

The Honourable P.A. Katsambanis moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

18 HERITAGE (AMENDMENT) BILL – The Order of the Day having been read for the second reading of this Bill, the Honourable J.M. Madden moved, That this Bill be now read a second time.

The Honourable P.A. Katsambanis moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

19 WRONGS (AMENDMENT) BILL – The Order of the Day having been read for the second reading of this Bill, the Honourable C.C. Broad (for the Honourable M.R. Thomson) moved, That this Bill be now read a second time.

The Honourable C.C. Broad made a statement pursuant to section 85(5) of the *Constitution Act 1975* on the reasons for altering or varying this section.

The Honourable C.A. Furletti moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

20 AUDITOR-GENERAL'S OFFICE FINANCIAL AUDIT – The President announced the receipt of a Message from the Assembly acquainting the Council that they have agreed to an increase in the level of remuneration to be paid to Mr Douglas N Bartley to complete the financial audit of the Auditor-General's Office for 1999-2000, and desiring the concurrence of the Council therein.

Ordered – That the Message be taken into consideration forthwith.

The Honourable M.M. Gould moved, by leave, That the Council concur with the Assembly and resolves That, pursuant to section 17 of the *Audit Act 1994* and the recommendation contained in the Report of the Public Accounts and Estimates Committee on the Financial Audit of the Auditor-General's Office for 1999-2000 – Revised Audit Fees (Parliamentary Paper No. 35, Session 1999-2000) the level of remuneration to be paid to Mr Douglas N Bartley of KPMG to complete the financial audit of the Victorian Auditor-General's Office for the 1999-2000 financial year be increased by \$9,000 to a total remuneration of \$24,000.

Question – put and resolved in the affirmative.

Ordered – That a Message be sent to the Assembly acquainting them accordingly.

21 TRANSPORT ACCIDENT (AMENDMENT) BILL – The President announced the receipt of a Message from the Assembly transmitting a Bill to amend the *Transport Accident Act 1986* to increase certain compensation payments, to provide for improved access to benefits and to revise claims procedures, to amend the *Accident Compensation Act 1985* and the *Dangerous Goods Act 1985* and for other purposes and desiring the concurrence of the Council therein.

On the motion of the Honourable M.M. Gould, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

22 ADJOURNMENT – The Honourable M.M. Gould moved, That the House do now adjourn.

Debate ensued.

Question – put and resolved in the affirmative.

And then the Council, at 7.13 p.m., adjourned until Tuesday next.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

LEGISLATIVE COUNCIL OF VICTORIA

MINUTES OF THE PROCEEDINGS Nos. 46, 47 and 48

No. 46 – Tuesday, 31 October 2000

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACT** – The Honourable M.M. Gould presented a Message from His Excellency the Governor informing the Council that he had, this day, given the Royal Assent to the undermentioned Act presented to him by the Clerk of the Parliaments:
Local Government (Restoration of Local Democracy to Melton) Act.
- 3 **QUESTIONS** – Questions without notice were taken pursuant to Standing Order No. 71A.
- 4 **SUSPENSION OF STANDING ORDERS – QUESTIONS** – The Honourable M.M. Gould moved, by leave, That so much of the Standing Orders as require answers to questions on notice to be delivered verbally in the House be suspended for the sitting of the Council this day and that the answers enumerated be incorporated in Hansard.
Question – put and resolved in the affirmative.
Accordingly, answers were given to certain questions on notice pursuant to Standing Order No. 71A.
- 5 **PAPERS –**
COMMONWEALTH TREATY DOCUMENTS – The Honourable M.M. Gould moved, by leave, That there be laid before this House a copy of the following Treaty documents:
 - (a) Bilateral Agreement tabled in the Commonwealth Parliament on 6 June 2000, together with National Interest Analysis, dealing with –
 - Remunerated Employment for Dependents of Diplomatic, Consular, Administrative and Technical Personnel of Diplomatic and Consular Missions, between Australia and the Kingdom of Spain.
 - (b) Multilateral Agreement tabled in the Commonwealth Parliament on 6 June 2000, together with National Interest Analysis, dealing with –
 - International Trade in Endangered Species of Wild Fauna and Flora
 - (c) Bilateral Agreements tabled in the Commonwealth Parliament on 15 August 2000, together with National Interest Analysis, dealing with –
 - Treaty on Extradition, between Australia and the Republic of Latvia.
 - Co-operation in the Peaceful Uses of Nuclear Energy, between Australia and Japan.
 - Space Vehicle Tracking and Communication Facilities, between Australia and the United States of America.

Question – put and resolved in the affirmative.

The said papers were thereupon presented by the Honourable M.M. Gould and ordered to lie on the Table.

* * * * *

ENVIRONMENT AND NATURAL RESOURCES COMMITTEE – OVINE JOHNE'S DISEASE – The Honourable Graeme Stoney presented a Report from the Environment and Natural Resources Committee upon the Control of Ovine Johne's Disease in Victoria, together with Appendices, Extracts from the Proceedings of the Committee, a Minority report, Minutes of Evidence and Research Investigation Reports.

Ordered to lie on the Table and the Report, Appendices, Extracts from the Proceedings of the Committee and Minority report to be printed.

* * * * *

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE – ALERT DIGEST – The Honourable M.T. Luckins presented Alert Digest No. 10 of 2000 from the Scrutiny of Acts and Regulations Committee, together with Appendices.

Ordered to lie on the Table and to be printed.

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

- Adult, Community and Further Education Board – Report, 1999-2000.
- Agriculture Victoria Services Pty Ltd – Report, 1999-2000.
- Albury-Wodonga Development (Victoria) Corporation – Report, 1999-2000.
- Architects Registration Board – Report, 1999-2000.
- Australian Grand Prix Corporation – Report, 1999-2000.
- Board of Studies – Report, 1999-2000.
- Building Control Commission – Report, 1999-2000.
- Casino and Gaming Authority – Report, 1999-2000.
- Channels Authority – Report, 1999-2000.
- Children's Court of Victoria – Report, 1999-2000.
- Cinemia Corporation – Report, 1999-2000.
- Docklands Authority – Report, 1999-2000.
- Education, Training and Employment Department – Report, 1999-2000.
- Emerald Tourist Railway Board – Report, 1999-2000.
- First Mildura Irrigation Trust – Report, 1999-2000.
- Gambling Research Panel – Report for the period 10 May 2000 to 30 June 2000.
- Gascor Pty Ltd – Report, 1999-2000.
- Geelong Performing Arts Centre Trust – Report, 1999-2000.
- Gippsland and Southern Rural Water Authority – Report, 1999-2000.
- Goulburn-Murray Rural Water Authority – Report, 1999-2000.
- Grants Commission – Report, year ended 31 August 2000.
- Greyhound Racing Control Board – Report, 1999-2000.
- Heritage Council – Report, 1999-2000.
- Human Services Department – Report, 1999-2000.
- Infertility Treatment Authority – Report, 1999-2000.
- Legal Practice Board – Report, 1999-2000.
- Legal Practitioners' Liability Committee – Report, 1999-2000 (two papers).
- Library Board – Report, 1999-2000.
- Marine Board – Report, 1999-2000.
- Meat Authority – Report, 1999-2000.

- Melbourne 2006 Commonwealth Games Pty Ltd – Report for the period 15 July 1999 to 30 June 2000.
- Melbourne and Olympic Parks Trust – Report, 1999-2000.
- Melbourne Convention and Exhibition Trust – Report, 1999-2000.
- Melbourne Market Authority – Report, 1999-2000.
- Melbourne Port Corporation – Report, 1999-2000.
- Melbourne Water Corporation – Report, 1999-2000.
- Met Train 1 – Report for the period 1 July 1999 to 23 December 1999.
- Met Train 2 – Report for the period 1 July 1999 to 23 December 1999.
- Met Tram 1 – Report for the period 1 July 1999 to 23 December 1999.
- Met Tram 2 – Report for the period 1 July 1999 to 23 December 1999.
- National Gallery Council – Report, 1999-2000.
- Overseas Projects Corporation Limited – Report, 1999-2000.
- Parks Victoria – Report, 1999-2000.
- Parliamentary Committees Act 1968 – Minister's response to recommendations in Public Accounts and Estimates Committee's Report upon Reforms for Scrutinising the Budget Estimates.
- Parliamentary Contributory Superannuation Fund – Report, 1999-2000.
- Planning and Environment Act 1987 – Notices of Approval of the following amendments to planning schemes:
- Baw Baw Planning Scheme – Amendment C11.
 - Boroondara Planning Scheme – Amendment C4.
 - Buloke Planning Scheme – Amendment C1.
 - Cardinia Planning Scheme – Amendment C3.
 - Darebin Planning Scheme – Amendment C14.
 - Hobsons Bay Planning Scheme – Amendments C3 and C13.
 - Maroondah Planning Scheme – Amendment C9 Part 1.
 - Mitchell Planning Scheme – Amendments C2, C4 and C5.
 - Wangaratta Planning Scheme – Amendment C6.
- Plumbing Industry Commission – Report, 1999-2000.
- Premier and Cabinet Department – Report, 1999-2000.
- Public Record Office – Report, 1999-2000.
- Public Transport Corporation – Report, 1999-2000.
- Regulator General's Office – Report, 1999-2000.
- Roads Corporation – Report, 1999-2000.
- Royal Botanic Gardens Board – Report, 1999-2000.
- State and Regional Development Department – Report, 1999-2000.
- State Sport Centres Trust – Report, 1999-2000.
- State Superannuation Fund – Report, 1999-2000.
- State Training Board – Report, 1999-2000.
- State Trustees Limited – Report, 1999-2000 (including financial statements of Common Funds No. 1) (two papers).
- Sunraysia Rural Water Authority – Report, 1999-2000.
- Tourism Victoria – Report, 1999-2000.
- Transport Accident Commission – Report, 1999-2000.
- Treasury and Finance Department – Report, 1999-2000.
- Tricontinental Holdings Limited – Report, 1999.
- Urban Land Corporation – Report, 1999-2000.
- VicFleet Pty Ltd – Minister's report of failure to submit 1999-2000 report to her within the prescribed period and the reasons therefor.
- Victims of Crime Assistance Tribunal – Report, 1999-2000.
- Victorian Coastal Council – Report, 1999-2000.
- Victorian Energy Networks Corporation – Report, 1999-2000.

Victorian Government Purchasing Board – Report, 1999-2000.
 Victorian Institute of Sport – Report, 1999-2000 (two papers).
 Victorian Medical Consortium Pty Ltd – Report, 1999-2000.
 V/Line Passenger Corporation – Report, 1999-2000.
 Wimmera-Mallee Rural Water Authority – Report, 1999-2000.
 Workcover Authority – Report, 1999-2000.
 Young Farmers' Finance Council – Report, 1999-2000.
 Zoological Parks and Gardens Board – Report, 1999-2000.

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PROCLAMATION – A Proclamation of His Excellency the Governor in Council fixing operative dates in respect of the following Act was laid upon the Table by the Clerk pursuant to an Order of the Council on 4 November 1999:

Dairy Act 2000 – Section 65 – 27 October 2000; remaining provisions – 31 October 2000 (*Gazette No. G43, 26 October 2000*).

- 6 **BUSINESS OF THE HOUSE** – The Honourable M.M. Gould moved, That so much of the Sessional Orders be suspended as would prevent new business being taken after 8.00 p.m. during the sitting of the Council this day.

Question – put and resolved in the affirmative.

- 7 **TRANSPORT ACCIDENT (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable M.M. Gould moved, That this Bill be now read a second time.

The Honourable M.M. Gould made a statement pursuant to section 85(5) of the *Constitution Act 1975* on the reasons for altering or varying this section.

The Honourable D.M. Davis moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

- 8 **PLANNING AND ENVIRONMENT (RESTRICTIVE COVENANTS) BILL** – This Bill was, according to Order, committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honourable B.W. Bishop having reported that the Committee had agreed to the Bill with amendments, the report was adopted, and the Bill was read a third time and passed.

Ordered – That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same with amendments, and desiring their concurrence therein.

- 9 **DRUGS, POISONS AND CONTROLLED SUBSTANCES (INJECTING FACILITIES TRIAL) BILL** – The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time –

Debate resumed.

The Honourable P.A. Katsambanis moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

- 10 **DUTIES BILL** – The Acting President announced the receipt of a Message from the Assembly transmitting a Bill *to create and charge a number of duties, to repeal the Stamps Act 1958, to make consequential amendments to other Acts and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable M.M. Gould (for the Honourable C.C. Broad), the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 11 CRIMES (AMENDMENT) BILL** – The Acting President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Crimes Act 1958, to make consequential amendments to the Education Act 1958 and the Sentencing Act 1991 and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable M.R. Thomson, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 12 ADJOURNMENT** – The Honourable M.M. Gould moved, That the House do now adjourn.

Debate ensued.

Question – put and resolved in the affirmative.

And then the Council, at 11.21 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 47 – Wednesday, 1 November 2000

- 1 The President took the Chair and read the Prayer.
- 2 **PAPERS PURSUANT TO STATUTE** – The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:
 - Barwon Regional Waste Management Group – Minister for Environment and Conservation's report of 31 October 2000 of receipt of the 1999-2000 report.
 - Central Murray Regional Waste Management Group – Minister for Environment and Conservation's report of 31 October 2000 of receipt of the 1999-2000 report.
 - Chief Electrical Inspector's Office – Report, 1999-2000.
 - Crown Land (Reserves) Act 1978 – Minister's Orders of 31 October 2000 giving approval to granting of a lease at Rutherglen.
 - Eastern Regional Waste Management Group – Minister for Environment and Conservation's report of 31 October 2000 of receipt of the 1999-2000 report.
 - Environment Protection Authority – Report, 1999-2000.
 - Fisheries Co-Management Council – Report, 1999-2000.
 - Gas Safety Office – Report, 1999-2000.
 - Goulburn Valley Regional Waste Management Group – Minister for Environment and Conservation's report of 31 October 2000 of receipt of the 1999-2000 report.
 - Hastings Port (Holding) Corporation – Report, 1999-2000.
 - Infrastructure Department – Report, 1999-2000.
 - Justice Department – Report, 1999-2000.
 - Melbourne City Link Act 1995 – City Link and Exhibition Street Extension Projects Integration and Facilitation Agreement – Statement of Variation No. 6/2000, pursuant to section 15B(5) of the Act.
 - Melbourne City Link Authority – Report, 1999-2000.

Mornington Peninsula Regional Waste Management Group – Minister for Environment and Conservation’s report of 31 October 2000 of receipt of the 1999-2000 report.

North East Victorian Regional Waste Management Group – Minister for Environment and Conservation’s report of 31 October 2000 of receipt of the 1999-2000 report.

Northern Regional Waste Management Group – Minister for Environment and Conservation’s report of 31 October 2000 of receipt of the 1999-2000 report.

South Eastern Regional Waste Management Group – Report, 1999-2000.

Sustainable Energy Authority – Report, 1999-2000.

Victorian Rail Track – Report, 1999-2000.

- 3 SNOWY RIVER FLOWS** – The Honourable W.R. Baxter moved, That this House supports the return of flows to the Snowy River but believes the required volume should be sourced from efficiency savings and rejects completely the purchase of irrigation water for this purpose.

Debate ensued.

The Honourable C.C. Broad moved, as an amendment, That all the words after “Snowy River” be omitted.

Debate ensued.

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

The Council divided.

AYES, 27

The Hon. G.B. Ashman
 B.N. Atkinson
 W.R. Baxter (*Teller*)
 R.A. Best
 M.A. Birrell
 B.C. Boardman
 R.H. Bowden
 A.R. Brideson
 A. Coote
 I.J. Cover
 G.R. Craige
 D.M. Davis
 P.R. Davis (*Teller*)
 W. Forwood
 C.A. Furletti
 P.R. Hall
 R.M. Hallam
 P.A. Katsambanis
 N.B. Lucas
 A.P. Olexander
 E.J. Powell
 G.K. Rich-Phillips
 Dr.J.W.G. Ross
 K.M. Smith

NOES, 13

The Hon. C.C. Broad
 E.C. Carbines (*Teller*)
 M.M. Gould
 D.G. Hadden
 G.W. Jennings
 J.M. McQuilten (*Teller*)
 J.M. Madden
 J. Mikakos
 S.M. Nguyen
 G.D. Romanes
 R.F. Smith
 T.C. Theophanous
 M.R. Thomson

W.I. Smith
Graeme Stoney
C.A. Strong

And so it was resolved in the affirmative – Amendment negatived.

Question – That this House supports the return of flows to the Snowy River but believes the required volume should be sourced from efficiency savings and rejects completely the purchase of irrigation water for this purpose – put and resolved in the affirmative.

4 **QUESTIONS** – Questions without notice were taken and an answer was given to a question on notice pursuant to Standing Order No. 71A.

5 **BUSINESS OF THE HOUSE** – The Honourable M.M. Gould moved, That so much of the Sessional Orders be suspended as would prevent new business being taken after 8.00 p.m. during the sitting of the Council this day.

Question – put and resolved in the affirmative.

6 **DUTIES BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable C.C. Broad moved, That this Bill be now read a second time.

The Honourable D.M. Davis moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

7 **CRIMES (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable M.R. Thomson moved, That this Bill be now read a second time.

The Honourable C.A. Furletti moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

8 **BUSINESS POSTPONED** – Ordered – That the consideration of Order of the Day, Government Business, No. 3, be postponed until later this day.

9 **CHILDREN AND YOUNG PERSONS (RECIPROCAL ARRANGEMENTS) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and, by leave, read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

10 **PLANT HEALTH AND PLANT PRODUCTS (AMENDMENT) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

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

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

11 INTERPRETATION OF LEGISLATION (AMENDMENT) BILL – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

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

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

12 ANGLICAN TRUSTS CORPORATIONS (AMENDMENT) BILL – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time.

And the Acting President having ruled the Bill to be a Private Bill –

The Honourable M.R. Thomson moved, That this Bill be dealt with as a Public Bill.

Question – put and resolved in the affirmative.

Debate resumed.

Question – That this Bill be now read a second time – put and resolved in the affirmative.

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

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

13 LAND (ST. KILDA SEA BATHS) BILL – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

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

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

14 DRUGS, POISONS AND CONTROLLED SUBSTANCES (INJECTING FACILITIES TRIAL) BILL – The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time –

Debate resumed.

The Honourable C.A. Strong (for the Honourable B.C. Boardman) moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

15 MINERAL RESOURCES DEVELOPMENT (AMENDMENT) BILL – The Acting President announced the receipt of a Message from the Assembly transmitting a Bill to amend the Mineral Resources Development Act 1990 and the National Parks Act 1975 and for other purposes and desiring the concurrence of the Council therein.

On the motion of the Honourable C.C. Broad, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

16 STATUTE LAW REVISION BILL – The Acting President announced the receipt of a Message from the Assembly transmitting a Bill to revise the Statute Law of Victoria and desiring the concurrence of the Council therein.

On the motion of the Honourable M.M. Gould, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

17 PETROLEUM PRODUCTS (TERMINAL GATE PRICING) BILL – The Acting President announced the receipt of a Message from the Assembly transmitting a Bill *to require the determination of terminal gate prices for petroleum products and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable G.D. Romanes, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

18 ADJOURNMENT – The Honourable M.M. Gould moved, That the House do now adjourn.

Debate ensued.

And the Council having continued to sit until after 12 midnight –

THURSDAY, 2 NOVEMBER 2000

Debate continued.

Question – put and resolved in the affirmative.

And then the Council, at 12.13 a.m., adjourned until this day at 10.00 a.m.

W.R. TUNNECLIFFE

Clerk of the Legislative Council

No. 48 – Thursday, 2 November 2000

1 The President took the Chair and read the Prayer.

2 TELEVISIONING AND BROADCASTING OF PROCEEDINGS – The Honourable M.M. Gould moved, by leave, That the Sessional Orders relating to Broadcasting of Proceedings, adopted by the Council on 4 November 1999, be revoked and that the following new Sessional Orders be adopted in place thereof:

That during the present Session this House –

1. Authorizes –

- (a) sound transmissions of the proceedings in the Legislative Council Chamber to offices within the precincts of Parliament House;
- (b) the broadcasting and rebroadcasting of sound and/or visual transmissions by radio and television stations of the proceedings in the Legislative Council;
- (c) the video recording of the proceedings of the Legislative Council to persons and organizations outside Parliament House approved by the President, on terms and conditions determined by the President from time to time; and
- (d) the publication in electronic form of the proceedings of the Legislative Council.

2. Determines that the following conditions will apply in relation to the broadcasting and rebroadcasting of the proceedings referred to in paragraph 1:

- (a) Media organisations or individuals must be accredited by Mr President.
- (b) Sound shall be recorded only from the audio signal of proceedings transmitted by the House monitoring system by representatives of accredited media organisations or individuals. No alteration to the

sound relay equipment is permitted without the permission of Mr President. The use of separate recording equipment is not permitted unless authorised by Mr President.

- (c) Visual and/or sound recordings and excerpts of visual and/or sound recordings shall not commence until the conclusion of the prayer and shall conclude on the adjournment of the House. Visual and/or sound recordings of the proceedings must be used only for the purpose of fair and accurate reports and reasonable balance between both sides of the House is to be achieved by avoiding undue concentration on any one Member.
- (d) Visual and/or sound recordings and excerpts of visual and/or sound recordings shall not be used for:
 - (i) political party advertising or election campaigns; or
 - (ii) satire or ridicule; or
 - (iii) commercial sponsorship or commercial advertising; or
 - (iv) television advertisements or promotion.
- (e) Visual and/or sound recording of any particular proceeding must provide equality between Government and Non-government Members.
- (f) Visual and/or sound transmissions or broadcasts of, or broadcasts or re-broadcasts of recordings of, proceedings shall be such as to provide in context a balanced presentation of differing views and may not include the transmission or broadcast of, or broadcast or re-broadcast of a recording of events in the Chamber unrelated to the proceedings of the House.
- (g) Visual and/or sound excerpts of recordings of proceedings must be placed in context. Commentators should identify Members at least by name.
- (h) Visual and/or sound excerpts of recordings of proceedings shall not misrepresent any proceeding before the House, or the seating position, or office held by any Member of the House.
- (i) When making visual and/or sound transmissions or recordings, camera operators shall operate within the guidelines issued by the President.
- (j) The visual and/or sound transmission of points of order or remarks withdrawn are not to be rebroadcast.
- (k) Media personnel are required to obey any instruction given either generally or in a particular case by the President or through him by the Clerk of the Legislative Council, the Usher of the Black Rod or the Housekeeper.

Debate ensued.

Question – put and resolved in the affirmative.

3 PAPERS –

ECONOMIC DEVELOPMENT COMMITTEE – GOODS AND SERVICES

TAX – The Honourable N.B. Lucas presented Report No.1 from the Economic Development Committee upon the Impact of the Goods and Services Tax on Small and Medium Sized Businesses in Victoria, together with Appendices, Extracts from the Proceedings of the Committee, a Minority report and Minutes of Evidence.

Ordered to lie on the Table and the Report, Appendices, Extracts from the Proceedings of the Committee and Minority report to be printed.

The Honourable N.B. Lucas moved, by leave, That the report be taken into consideration later this day.

Question — put and resolved in the affirmative.

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

Arts Centre Trust — Report, 1999-2000.

Barwon Region Water Authority — Report, 1999-2000.

Central Gippsland Region Water Authority — Report, 1999-2000.

Central Highlands Region Water Authority — Report, 1999-2000.

Coliban Region Water Authority — Report, 1999-2000.

East Gippsland Region Water Authority — Report, 1999-2000.

Glenelg Region Water Authority — Report, 1999-2000.

Goulburn Valley Region Water Authority — Report, 1999-2000.

Grampians Region Water Authority — Report, 1999-2000.

Legal Aid — Report, 1999-2000.

Lower Murray Region Water Authority — Report, 1999-2000.

Natural Resources and Environment Department — Report, 1999-2000 (two papers).

North East Region Water Authority — Report, 1999-2000.

Optometrists Registration Board — Minister for Health's report of 1 November 2000 of receipt of the 1999-2000 report.

Portland Coast Region Water Authority — Report, 1999-2000.

South Gippsland Region Water Authority — Report, 1999-2000.

South West Water Authority — Report, 1999-2000.

Westernport Region Water Authority — Report, 1999-2000.

Western Region Water Authority — Report, 1999-2000.

4 BUSINESS POSTPONED —

Ordered — That the consideration of the Notices of Motion, Reports for Consideration, be postponed until the next day of meeting.

Ordered — That the consideration of Orders of the Day, Government Business, Nos. 1 to 3 inclusive, be postponed until later this day.

5 TRAINING AND FURTHER EDUCATION ACTS (AMENDMENT) BILL — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

6 BUSINESS POSTPONED — Ordered — That the consideration of Orders of the Day, Government Business, Nos. 5 and 6, be postponed until later this day.

7 WATER INDUSTRY (AMENDMENT) BILL — The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time —

Debate resumed.

Business having been interrupted at 2.00 p.m. pursuant to Sessional Orders —

- 8 **QUESTIONS** – Questions without notice were taken pursuant to Standing Order No. 71A.
- 9 **SUSPENSION OF STANDING ORDERS – QUESTIONS** – The Honourable M.M. Gould moved, by leave, That so much of the Standing Orders as require answers to questions on notice to be delivered verbally in the House be suspended for the sitting of the Council this day and that the answers enumerated be incorporated in Hansard.
Question – put and resolved in the affirmative.
Accordingly, answers were given to certain questions on notice pursuant to Standing Order No. 71A.
The Honourable W.R. Baxter moved, That the Minister's answer to Question on Notice No. 1125 relating to peppercorn tree spraying be taken into consideration on the next day of meeting.
Question – put and resolved in the affirmative.
- 10 **WATER INDUSTRY (AMENDMENT) BILL** – Debate continued on the question, That this Bill be now read a second time.
Question – put and resolved in the affirmative.
Bill read a second time and, by leave, read a third time and passed.
Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.
- 11 **STATUTE LAW REVISION BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable C.C. Broad (for the Honourable M.M. Gould) moved, That this Bill be now read a second time.
The Honourable C.A. Furletti moved, That the debate be now adjourned.
Question – That the debate be now adjourned – put and resolved in the affirmative.
Ordered – That the debate be adjourned until the next day of meeting.
- 12 **TATTERSALL CONSULTATIONS (AMENDMENT) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.
Bill read a second time and, by leave, read a third time and passed.
Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.
- 13 **MINERAL RESOURCES DEVELOPMENT (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable C.C. Broad moved, That this Bill be now read a second time.
The Honourable C.C. Broad made a statement pursuant to section 85(5) of the *Constitution Act 1975* on the reasons for altering or varying this section.
The Honourable W. Forwood (for the Honourable P.R. Davis) moved, That the debate be now adjourned.
Question – That the debate be now adjourned – put and resolved in the affirmative.
Ordered – That the debate be adjourned until the next day of meeting.
- 14 **PUBLIC LOTTERIES BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.
Bill read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honourable B.W. Bishop reported that the Committee had made progress in the Bill, and asked leave to sit again.

Resolved – That the Council will, on the next day of meeting, again resolve itself into the said Committee.

15 FISHERIES (AMENDMENT) BILL – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Fisheries Act 1995 and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable J.M. Madden (for the Honourable C.C. Broad), the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

16 AGRICULTURAL INDUSTRY DEVELOPMENT (AMENDMENT) BILL – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Agricultural Industry Development Act 1990 and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable J.M. Madden (for the Honourable C.C. Broad), the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

17 MESSAGES FROM THE ASSEMBLY – The President announced the receipt of Messages from the Assembly acquainting the Council that they have agreed to the following Bills without amendment:

Associations Incorporation (Amendment) Bill

Essential Services Legislation (Dispute Resolution) Bill

Transport (Miscellaneous Amendments) Bill.

18 ADJOURNMENT – The Honourable J.M. Madden moved, That the Council, at its rising, adjourn until Tuesday, 14 November 2000.

Question – put and resolved in the affirmative.

The Honourable J.M. Madden moved, That the House do now adjourn.

Debate ensued.

Question – put and resolved in the affirmative.

And then the Council, at 10.24 p.m., adjourned until Tuesday, 14 November 2000.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

LEGISLATIVE COUNCIL OF VICTORIA

MINUTES OF THE PROCEEDINGS Nos. 49, 50 and 51

No. 49 – Tuesday, 14 November 2000

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** – The Honourable M.M. Gould presented a Message from His Excellency the Governor informing the Council that he had, on 8 November 2000, given the Royal Assent to the undermentioned Acts presented to him by the Clerk of the Parliaments:
 - Anglican Trusts Corporations (Amendment) Act*
 - Associations Incorporation (Amendment) Act*
 - Children and Young Persons (Reciprocal Arrangements) Act*
 - Essential Services Legislation (Dispute Resolution) Act*
 - Interpretation of Legislation (Amendment) Act*
 - Land (St.Kilda Sea Baths) Act*
 - Plant Health and Plant Products (Amendment) Act*
 - Tattersall Consultations (Amendment) Act*
 - Training and Further Education Acts (Amendment) Act*
 - Transport (Miscellaneous Amendments) Act*
 - Water Industry (Amendment) Act.*
- 3 **QUESTIONS** – Questions without notice were taken pursuant to Standing Order No. 71A.
- 4 **SUSPENSION OF STANDING ORDERS – QUESTIONS** – The Honourable M.M. Gould moved, by leave, That so much of the Standing Orders as require answers to questions on notice to be delivered verbally in the House be suspended for the sitting of the Council this day and that the answers enumerated be incorporated in Hansard.

Question – put and resolved in the affirmative.

Accordingly, answers were given to certain questions on notice pursuant to Standing Order No. 71A.
- 5 **BUSINESS OF THE HOUSE** –

The Honourable M.M. Gould moved, by leave, That so much of the Sessional Orders be suspended as would prevent General Business taking precedence of Government Business from the conclusion of the time for asking questions without notice and the giving of answers to questions on notice until 5.00 p.m. during the sitting of the Council on Wednesday, 15 November 2000.

Question – put and resolved in the affirmative.

The Honourable M.M. Gould moved, That so much of the Sessional Orders be suspended as would prevent new business being taken after 8.00 p.m. during the sitting of the Council this day.

Question — put and resolved in the affirmative.

- 6 **PETITION — PAKENHAM RAILWAY STATION** — The Honourable N.B. Lucas presented a Petition bearing 179 signatures from certain citizens of Victoria praying that the Government maintain the current V-Line services at Pakenham Railway Station.

Ordered to lie on the Table.

7 **PAPERS —**

HEALTH SERVICES COMMISSIONER — The Honourable M.M. Gould moved, by leave, That there be laid before this House a copy of the Report of the Health Services Commissioner for the year 1999-2000.

Question — put and resolved in the affirmative.

The said Report was thereupon presented by the Honourable M.M. Gould and ordered to lie on the Table.

* * * * *

FAMILY AND COMMUNITY DEVELOPMENT COMMITTEE — EFFECTS OF TELEVISION AND MULTIMEDIA ON CHILDREN AND FAMILIES IN VICTORIA — The Honourable G.D. Romanes presented a Report from the Family and Community Development Committee upon the Effects of Television and Multimedia on Children and Families in Victoria, together with Appendices, Extracts from the Proceedings of the Committee, a Minority report and Minutes of Evidence.

Ordered to lie on the Table and the Report, Appendices, Extracts from the Proceedings of the Committee and Minority report to be printed.

* * * * *

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST — The Honourable M.T. Luckins presented Alert Digest No. 11 of 2000 from the Scrutiny of Acts and Regulations 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 — Report on the Finances of the State of Victoria, 1999-2000.
- Broiler Industry Negotiation Committee — Minister for Agriculture's report of 2 November 2000 of receipt of the 1999-2000 report.
- Dairy Industry Authority — Report, 1999-2000.
- Dental Health Services — Report, 1999-2000.
- Director of Public Prosecutions Office — Report, 1999-2000.
- Electoral Commission — Report, 1999-2000.
- Equal Opportunity Commission — Report, 1999-2000.
- Forensic Medicine Institute — Report, 1999-2000.
- Forensic Mental Health Institute — Report, 1999-2000.
- Health Services Act 1988 — Report of Community Visitors, 1999-2000.
- Highlands Regional Waste Management Group — Minister for Environment and Conservation's report of 8 November 2000 of receipt of the 1999-2000 report.

Legal Ombudsman's Office – Attorney-General's report of failure to submit 1999-2000 report to him within the prescribed period and the reasons therefor.

Museums Board – Report, 1999-2000.

Nurses Board – Minister for Health's report of 13 November 2000 of receipt of the 1999-2000 report.

Pharmacy Board – Report, 1999-2000.

Planning and Environment Act 1987 – Notices of Approval of the following amendments to planning schemes:

Ballarat Planning Scheme – Amendment C17.

Baw Baw Planning Scheme – Amendment C10 (Part 1).

Boroondara Planning Scheme – Amendment C11.

Casey Planning Scheme – Amendment C24.

East Gippsland Planning Scheme – Amendment C1.

Horsham Planning Scheme – Amendments C3 and C4.

Hume Planning Scheme – Amendment C2.

Macedon Ranges Planning Scheme – Amendment C4.

Maroondah Planning Scheme – Amendment C5.

Melbourne Planning Scheme – Amendment C35.

Mildura Planning Scheme – Amendment C3 (Part 1).

Moorabool Planning Scheme – Amendment C1.

Mornington Peninsula Planning Scheme – Amendment C22.

Mount Alexander Planning Scheme – Amendment C4.

Murrindindi Planning Scheme – Amendment C4.

Stonnington Planning Scheme – Amendment C1.

Wyndham Planning Scheme – Amendment C15.

Police – Chief Commissioner's Office – Report, 1999-2000.

Public Advocate's Office – Report, 1999-2000.

Public Employment Office – Report, 1999-2000.

Radiation Advisory Committee – Report, year ended 30 September 2000.

Rural Ambulance Victoria -- Report, 1999-2000.

Statutory Rules under the following Acts of Parliament:

Building Act 1993 – Nos. 109 and 110.

Fisheries Act 1995 – No. 107.

Victorian Civil and Administrative Tribunal Act 1988 – No. 108.

Strawberry Industry Development Committee – Minister for Agriculture's report of 8 November 2000 of receipt of the 1999-2000 report.

Victorian Relief Committee – Report, 1999-2000.

* * * * *

PROCLAMATIONS – Proclamations of His Excellency the Governor in Council fixing operative dates in respect of the following Acts were laid upon the Table by the Clerk pursuant to an Order of the Council on 4 November 1999:

Chinese Medicine Registration Act 2000 -- Parts 1, 6 and 7 and section 95 – 8 November 2000 (*Gazette No. G45, 9 November 2000*).

Interactive Gaming (Player Protection) Act 1999 – Remaining provisions – 8 November 2000 (*Gazette No. G45, 9 November 2000*).

- 8 FISHERIES (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable C.C. Broad moved, That this Bill be now read a second time.
- The Honourable C.A. Furletti (for the Honourable P.R. Davis) moved, That the debate be now adjourned.
- Question – That the debate be now adjourned – put and resolved in the affirmative.
- Ordered – That the debate be adjourned until the next day of meeting.
- 9 AGRICULTURAL INDUSTRY DEVELOPMENT (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable C.C. Broad moved, That this Bill be now read a second time.
- The Honourable C.A. Furletti (for the Honourable P.R. Davis) moved, That the debate be now adjourned.
- Question – That the debate be now adjourned – put and resolved in the affirmative.
- Ordered – That the debate be adjourned until the next day of meeting.
- 10 BUSINESS POSTPONED** – Ordered – That the consideration of Order of the Day, Government Business, No. 3, be postponed until later this day.
- 11 PUBLIC LOTTERIES BILL** – The Order of the Day having been read for the further consideration of this Bill in Committee of the whole, the President left the Chair.
- House in Committee.
- The President resumed the Chair; and the Honourable B.W. Bishop reported that the Committee had made progress in the Bill, and asked leave to sit again.
- Resolved – That the Council will, later this day, again resolve itself into the said Committee.
- 12 ELECTRICITY INDUSTRY BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time [the **Electricity Industry Legislation (Miscellaneous Amendments) Bill** having been authorized to be debated concurrently pursuant to an Order of the Council on 25 October 2000] and, after further debate, the question being put was resolved in the affirmative.
- Bill read a second time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and, by leave, read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.
- Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.
- 13 ELECTRICITY INDUSTRY LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL** – The concurrent second reading debate having concluded –
- Question – That this Bill be now read a second time – put and resolved in the affirmative.
- Bill read a second time and, by leave, read a third and passed.
- Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.
- 14 PUBLIC LOTTERIES BILL** – The Order of the Day having been read for the further consideration of this Bill in Committee of the whole, the President left the Chair.

House in Committee.

The President resumed the Chair, and the Honourable B.W. Bishop reported that the Committee had made progress in the Bill, and asked leave to sit again.

Resolved – That the Council will, on the next day of meeting, again resolve itself into the said Committee.

15 ADJOURNMENT – The Honourable J.M. Madden moved, That the House do now adjourn.

Debate ensued.

Question – put and resolved in the affirmative.

And then the Council, at 11.19 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 50 – Wednesday, 15 November 2000

1 The President took the Chair and read the Prayer.

2 MELBOURNE CITY LINK (MISCELLANEOUS AMENDMENTS) BILL – The President announced the receipt of a Message from the Assembly transmitting a Bill *to make miscellaneous amendments to the Melbourne City Link Act 1995, to repeal the Melbourne City Link Authority Act 1994, to make minor amendments to other Acts and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable C.C. Broad, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

3 GAMING ACTS (GAMING MACHINE LEVY) BILL – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Casino Control Act 1991 and the Gaming Machine Control Act 1991 to impose an annual levy on gaming machines operating in Victoria and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable C.C. Broad, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

4 BUSINESS OF THE HOUSE – The Honourable M.M. Gould moved, That so much of the Sessional Orders be suspended as would prevent new business being taken after 8.00 p.m. during the sitting of the Council this day.

Question – put and resolved in the affirmative.

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:

Alexandra and District Ambulance Service – Minister for Health's report of 13 November 2000 of receipt of the 1999-2000 report.

Interpretation of Legislation Act 1984 – Notice pursuant to section 32(3)(a)(iii) in relation to Statutory Rule No. 93/2000.

Physiotherapists Registration Board – Minister for Health's report of 13 November 2000 of receipt of the 1999-2000 report.

Podiatrists Registration Board – Minister for Health's report of 13 November 2000 of receipt of the 1999-2000 report.

Subordinate Legislation Act 1994 – Ministers' exception certificates under section 8(4) in respect of Statutory Rules Nos. 53 to 56, 91 and 108.

- 6 **BUSINESS POSTPONED** – Ordered – That the consideration of the Notices of Motion, General Business, and Orders of the Day, General Business, Nos. 1 to 9 inclusive, be postponed until later this day.
- 7 **CRIMES (FURTHER AMENDMENT) BILL** – The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time –

Debate resumed.

Question – put.

The Council divided.

AYES, 25

The Hon. G.B. Ashman
 B.N. Atkinson
 W.R. Baxter
 R.A. Best (*Teller*)
 B.C. Boardman
 A.R. Brideson (*Teller*)
 A. Coote
 I.J. Cover
 G.R. Craige
 D.M. Davis
 P.R. Davis
 W. Forwood
 C.A. Furletti
 P.R. Hall
 R.M. Hallam
 P.A. Katsambanis
 N.B. Lucas
 M.T. Luckins
 A.P. Olexander
 E.J. Powell
 G.K. Rich-Phillips
 Dr. J.W.G. Ross
 K.M. Smith
 Graeme Stoney
 C.A. Strong

NOES, 11

The Hon. C.C. Broad
 E.C. Carbines (*Teller*)
 K. Darveniza
 M.M. Gould
 D.G. Hadden
 G.W. Jennings
 J.M. McQuilten (*Teller*)
 J.M. Madden
 J. Mikakos
 G.D. Romanes
 M.R. Thomson

And so it was resolved in the affirmative.

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

Ordered – That the Bill be transmitted to the Assembly with a Message desiring their concurrence therein.

- 8 **QUESTIONS** – Questions without notice were taken pursuant to Standing Order No. 71A.
- 9 **PETROLEUM PRODUCTS (TERMINAL GATE PRICING) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable G.D. Romanes moved, That this Bill be now read a second time.

Debate ensued.

Question — put and resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 10 PUBLIC LOTTERIES BILL** — The Order of the Day having been read for the further consideration of this Bill in Committee of the whole, the Acting President left the Chair.

House in Committee.

The President resumed the Chair; and the Honourable B.W. Bishop having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 11 MELBOURNE CITY LINK (MISCELLANEOUS AMENDMENTS) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable C.C. Broad moved, That this Bill be now read a second time.

The Honourable G.B. Ashman moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

- 12 GAMING ACTS (GAMING MACHINE LEVY) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable C.C. Broad moved, That this Bill be now read a second time.

The Honourable G.B. Ashman (for the Honourable A.R. Brideson) moved, That the debate be now adjourned.

Question — That the debate be now adjourned — put and resolved in the affirmative.

Ordered — That the debate be adjourned until the next day of meeting.

- 13 BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, Government Business, No. 2, be postponed until later this day.

- 14 PROJECT DEVELOPMENT AND CONSTRUCTION MANAGEMENT (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 15 WRONGS (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and, by leave, read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

16 HERITAGE (AMENDMENT) BILL – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

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

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

17 DOMESTIC (FERAL AND NUISANCE) ANIMALS (AMENDMENT) BILL – The Deputy President announced the receipt of a Message from the Assembly transmitting a Bill *to improve the administration and effectiveness of the Domestic (Feral and Nuisance) Animals Act 1994 and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable M.M. Gould (for the Honourable C.C. Broad), the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

18 MAGISTRATES' COURT (COMMITTAL PROCEEDINGS) BILL – The Deputy President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Magistrates' Court Act 1989, the Crimes Act 1958 and the Evidence Act 1958 and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable M.M. Gould (for the Honourable M.R. Thomson), the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

19 BUSINESS POSTPONED – Ordered – That the consideration of Orders of the Day, Government Business Nos. 6 to 9 inclusive, be postponed until later this day.

20 STATUTE LAW REVISION BILL – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

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

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

21 ADJOURNMENT – The Honourable M.M. Gould moved, That the House do now adjourn.

Debate ensued.

And the Council having continued to sit until after 12 midnight –

THURSDAY, 16 NOVEMBER 2000

Debate continued.

Question – put and resolved in the affirmative.

And then the Council, at 12.18 a.m., adjourned until this day at 10.00 a.m.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 51 – Thursday, 16 November 2000

- 1 The President took the Chair and read the Prayer.
- 2 **COUNTRY FIRE AUTHORITY (AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill to amend the *Country Fire Authority Act 1958 and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable J.M. Madden, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

3 PAPERS –

AUDITOR-GENERAL'S REPORTS – The Honourable M.M. Gould moved, by leave, That there be laid before this House a copy of the Response by the Minister for Finance to the Auditor-General's Reports issued during 1999-2000.

Question – put and resolved in the affirmative.

The said paper was thereupon presented by the Honourable M.M. Gould 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:

Advanced Dental Technicians Qualifications Board – Minister for Health's report of 15 November 2000 of receipt of the 1999-2000 report.

Auditor-General – Report on Non-metropolitan urban water authorities – *Enhancing performance and accountability*, November 2000.

Country Fire Authority –

Minister for Police and Emergency Service's report of 15 November 2000 of failure to submit 1999-2000 report to him within the prescribed period and the reasons therefor.

Report, 1999-2000.

Dental Technicians Licensing Committee – Minister for Health's report of 15 November 2000 of receipt of the 1999-2000 report.

Financial Management Regulations 1994 – Order in Council of 31 October 2000, increasing the maximum amount which the Metropolitan Ambulance Service Royal Commission is authorised to incur.

Intellectual Disability Review Panel – Report, 1999-2000.

Mental Health Act 1986 – Report of Community Visitors, 1999-2000.

Mental Health Review Board and Psychosurgery Review Board – Report, 1999-2000.

Metropolitan Fire and Emergency Services Board –

Minister for Police and Emergency Service's report of 15 November 2000 of failure to submit 1999-2000 report to him within the prescribed period and the reasons therefor.

Report, 1999-2000.

4 BUSINESS POSTPONED –

Ordered – That the consideration of the Notices of Motion and the Order of the Day, Reports for Consideration, be postponed until the next day of meeting.

Ordered – That the consideration of Orders of the Day, Government Business, Nos. 1 and 2, be postponed until later this day.

- 5 DUTIES BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.
 Bill read a second time and committed to a Committee of the whole.
 House in Committee.
 The Acting President resumed the Chair; and the Honourable B.W. Bishop having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.
 Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.
- 6 CRIMES (AMENDMENT) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.
 Bill read a second time and, by leave, read a third time and passed.
 Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.
- 7 MINERAL RESOURCES DEVELOPMENT (AMENDMENT) BILL** – The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time –
 Debate resumed.
Business having been interrupted at 2.00 p.m. pursuant to Sessional Orders –
- 8 QUESTIONS** – Questions without notice were taken pursuant to Standing Order No. 71A.
- 9 SUSPENSION OF STANDING ORDERS – QUESTIONS** – The Honourable M.M. Gould moved, by leave, That so much of the Standing Orders as require answers to questions on notice to be delivered verbally in the House be suspended for the sitting of the Council this day and that the answers enumerated be incorporated in Hansard.
 Question – put and resolved in the affirmative.
 Accordingly, answers were given to certain questions on notice pursuant to Standing Order No. 71A.
- 10 MINERAL RESOURCES DEVELOPMENT (AMENDMENT) BILL** – Debate continued on the question, That this Bill be now read a second time.
 Question – put and resolved in the affirmative.
 Bill read a second time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and committed to a Committee of the whole.
 House in Committee.
 The President resumed the Chair, and the Honourable B.W. Bishop having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.
 Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.
- 11 GAMBLING LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to make miscellaneous amendments to the Gaming Machine Control*

Act 1991, the Gaming and Betting Act 1994, the Casino Control Act 1991, the Gaming No. 2 Act 1997, and the Interactive Gaming (Player Protection) Act 1999 and for other purposes and desiring the concurrence of the Council therein.

On the motion of the Honourable J.M. Madden, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

12 GAMING No. 2 (COMMUNITY BENEFIT) BILL – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Gaming No. 2 Act 1997 to make further provision for activities regulated by the Act and the administration of the Act and for other purposes and desiring the concurrence of the Council therein.*

On the motion of the Honourable J.M. Madden, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

13 FAIR EMPLOYMENT BILL – The President announced the receipt of a Message from the Assembly transmitting a Bill *to provide for a fresh system of employment regulation in Victoria, to establish a Fair Employment Tribunal, to repeal the Long Service Leave Act 1992 and for other purposes and desiring the concurrence of the Council therein.*

On the motion of the Honourable M.M. Gould, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

14 NURSES (AMENDMENT) BILL – The President announced the receipt of a Message from the Assembly transmitting a Bill *to make miscellaneous amendments to the Nurses Act 1993 and to amend the Drugs, Poisons and Controlled Substances Act 1981 and for other purposes and desiring the concurrence of the Council therein.*

On the motion of the Honourable M.M. Gould, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

15 ADJOURNMENT – The Honourable M.M. Gould moved, That the House do now adjourn.

Debate ensued.

Question – put and resolved in the affirmative.

And then the Council, at 7.45 p.m., adjourned until Tuesday next.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

LEGISLATIVE COUNCIL OF VICTORIA

MINUTES OF THE PROCEEDINGS Nos. 52, 53 and 54

No. 52 – Tuesday, 21 November 2000

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** – The Honourable M.M. Gould presented a Message from Her Excellency Lieutenant-Governor informing the Council that she had, this day, given the Royal Assent to the undermentioned Acts presented to her by the Clerk of the Parliaments:
 - Crimes (Amendment) Act*
 - Electricity Industry Act*
 - Electricity Industry Legislation (Miscellaneous Amendments) Act*
 - Heritage (Amendment) Act*
 - Petroleum Products (Terminal Gate Pricing) Act*
 - Project Development and Construction Management (Amendment) Act*
 - Public Lotteries Act*
 - Statute Law Revision Act*
 - Wrongs (Amendment) Act.*
- 3 **QUESTIONS** – Questions without notice were taken pursuant to Standing Order No. 71A.
- 4 **BUSINESS OF THE HOUSE** – The Honourable M.M. Gould moved, That so much of the Sessional Orders be suspended as would prevent new business being taken after 8.00 p.m. during the sitting of the Council this day.

Question – put and resolved in the affirmative.
- 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:
 - Auditor-General – Report on Services for people with an intellectual disability, November 2000.
 - EcoRecycle Victoria – Report, 1999-2000.
 - Environment Protection Act 1970 – Order in Council of 14 November 2000 varying to the Industrial Waste Management Policy (Control of Ozone-depleting Substances).
 - Members of Parliament (Register of Interests Act 1978) – Cumulative Summary of Returns, September 2000.
 - Planning and Environment Act 1987 – Notices of Approval of the following amendments to planning schemes and a new planning scheme:
 - Campaspe Planning Scheme – Amendment C8.
 - Casey Planning Scheme – Amendment C22.
 - Monash Planning Scheme.

Residential Tenancies Bond Authority – Minister for Consumer Affairs report of 21 November 2000 of failure to submit 1999-2000 report to her within the prescribed period and the reasons therefor.

Statutory Rules under the following Acts of Parliament:

Education Act 1958 – No. 111.

Health Act 1958 – No. 113.

Interactive Gaming (Player Protection) Act 1999 – No. 112.

Road Safety Act 1986 – No. 114.

- 6 COUNTRY FIRE AUTHORITY (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable J.M. Madden moved, That this Bill be now read a second time.

The Honourable B.C. Boardman moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

- 7 GAMBLING LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable J.M. Madden moved, That this Bill be now read a second time.

The Honourable W. Forwood (for the Honourable A.R. Brideson) moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

- 8 GAMING No. 2 (COMMUNITY BENEFIT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable J.M. Madden moved, That this Bill be now read a second time.

The Honourable D.M. Davis moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

- 9 FAIR EMPLOYMENT BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable M.M. Gould moved, That this Bill be now read a second time.

The Honourable M.A. Birrell moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

The Honourable M.M. Gould moved, That the debate be adjourned until the next day of meeting.

The Honourable M.A. Birrell moved, as an amendment, That “the next day of meeting” be omitted with the view of inserting in place thereof “Tuesday, 6 March 2001”.

Debate ensued.

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

The Council divided.

AYES, 14

NOES, 29

The Hon. C.C. Broad

The Hon. G.B. Ashman

E.C. Carbines

B.N. Atkinson

K. Darveniza (*Teller*)

W.R. Baxter

M.M. Gould	R.A. Best
D.G. Hadden	M.A. Birrell
G.W. Jennings	B.W. Bishop
J.M. McQuilten (<i>Teller</i>)	B.C. Boardman
J.M. Madden	R.H. Bowden
J. Mikakos	A.R. Brideson
S.M. Nguyen	A. Coote
G.D. Romanes	I.J. Cover
R.F. Smith	G.R. Craige
T.C. Theophanous	D.M. Davis (<i>Teller</i>)
M.R. Thomson	P.R. Davis
	W. Forwood
	C.A. Furletti
	P.R. Hall
	R.M. Hallam
	P.A. Katsambanis
	N.B. Lucas
	M.T. Luckins (<i>Teller</i>)
	A.P. Olexander
	E.J. Powell
	G.K. Rich-Phillips
	Dr. J.W.G. Ross
	K.M. Smith
	W.I. Smith
	Graeme Stoney
	C.A. Strong

And so it passed in the negative.

Question – That the words proposed to be inserted be so inserted – put and resolved in the affirmative.

Question – That the debate be adjourned until Tuesday, 6 March 2001 – put and resolved in the affirmative.

10 NURSES (AMENDMENT) BILL – The Order of the Day having been read for the second reading of this Bill, the Honourable M.M. Gould moved, That this Bill be now read a second time.

The Honourable M.T. Luckins moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

11 DOMESTIC (FERAL AND NUISANCE) ANIMALS (AMENDMENT) BILL – The Order of the Day having been read for the second reading of this Bill, the Honourable C.C. Broad moved, That this Bill be now read a second time.

The Honourable D.M. Davis moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

12 MAGISTRATES' COURT (COMMITTAL PROCEEDINGS) BILL – The Order of the Day having been read for the second reading of this Bill, the Honourable M.R. Thomson moved, That this Bill be now read a second time.

The Honourable D.M. Davis (for the Honourable C.A. Furletti) moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

13 BUSINESS POSTPONED – Ordered – That the consideration of Orders of the Day, Government Business, Nos. 8 and 9, be postponed until later this day.

14 TRANSPORT ACCIDENT (AMENDMENT) BILL – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and committed to a Committee of the whole.

House in Committee.

The Acting President resumed the Chair; and the Honourable B.W. Bishop having reported that the Committee had agreed to the Bill with amendments, the Report was adopted, and the Bill was read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

Ordered – That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same with amendments, and desiring their concurrence therein.

15 BUSINESS POSTPONED – Ordered – That the consideration of Orders of the Day, Government Business, Nos. 11 to 13, inclusive, be postponed until later this day.

16 DRUGS, POISONS AND CONTROLLED SUBSTANCES (INJECTING FACILITIES TRIAL) BILL – The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time –

Debate resumed.

Question – put.

The Council divided.

AYES, 14

The Hon. C.C. Broad
E.C. Carbines
K. Darveniza
M.M. Gould
D.G. Hadden
G.W. Jennings
J.M. McQuilten
J.M. Madden
J. Mikakos (*Teller*)
S.M. Nguyen
G.D. Romanes
R.F. Smith (*Teller*)
T.C. Theophanous
M.R. Thomson

NOES, 28

The Hon. G.B. Ashman (*Teller*)
W.R. Baxter
R.A. Best
M.A. Birrell
B.W. Bishop
B.C. Boardman
R.H. Bowden
A.R. Brideson
A. Coote
I.J. Cover
G.R. Craige
D.M. Davis
P.R. Davis
W. Forwood

C.A. Furletti
P.R. Hall
R.M. Hallam
P.A. Katsambanis
N.B. Lucas (*Teller*)
M.T. Luckins
A.P. Olexander
E.J. Powell
G.K. Rich-Phillips
Dr. J.W.G. Ross
K.M. Smith
W.I. Smith
Graeme Stoney
C.A. Strong

And so it passed in the negative.

- 17 MARINE (AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Marine Act 1988 to provide for the licensing of operators of recreational vessels and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable C.C. Broad, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 18 BUILDING (LEGIONELLA) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Building Act 1993 and the Health Act 1958 and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable J.M. Madden, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 19 COURTS AND TRIBUNALS LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL** – The President announced the receipt of a Message from the Assembly acquainting the Council that they have agreed to this Bill without amendment.

- 20 ADJOURNMENT** – The Honourable M.M. Gould moved, That the House do now adjourn.

Debate ensued.

And the Council having continued to sit until after 12 midnight –

WEDNESDAY, 22 NOVEMBER 2000

Debate continued.

Question – put and resolved in the affirmative.

And then the Council, at 12.26 a.m., adjourned until this day at 10.00 a.m.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 53 – Wednesday, 22 November 2000

1 The President took the Chair and read the Prayer.

2 **PETITIONS –**

LIFE EDUCATION VANS – The Honourable G.R. Craige presented a Petition bearing 235 signatures from certain citizens of Victoria praying that the Government immediately commits funding for the continuation of Life Education vans throughout schools in Victoria.

Ordered to lie on the Table.

* * * *

BUS SERVICES, DANDENONG RANGES – The Honourable A.P. Olexander presented a Petition bearing 160 signatures from certain citizens of Victoria praying that the Government give urgent consideration to the proposals submitted to the Department of Infrastructure for the further development of bus services in the Dandenong Ranges area.

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:

Auditor-General – Report on Grants to non-government organisations: *Improving accountability*, November 2000.

Barwon Health – Report, 1999-2000.

Casterton Memorial Hospital – Minister for Health's report of 20 November 2000 of receipt of the 1999-2000 report.

Colac Community Health Services – Report, 1999-2000.

Coleraine and District Hospital – Minister for Health's report of 20 November 2000 of receipt of the 1999-2000 report.

Freedom of Information Act 1982 – Report of the Attorney-General on the operation of the Act, 1999-2000.

Hesse Rural Health Service – Report, 1999-2000.

Heywood and District Memorial Hospital – Report, 1999-2000.

Infrastructure Department – Report, 1999-2000 (*in lieu of that tabled on 1 November 2000*).

Lorne Community Hospital – Report, 1999-2000.

Moyne Health Services – Report, 1999-2000.

Otway Health and Community Services – Minister for Health's report of 20 November 2000 of receipt of the 1999-2000 report.

Portland and District Hospital – Report, 1999-2000.

South West Healthcare – Report, 1999-2000.

Timboon and District Health Care Service – Minister for Health's report of 20 November 2000 of receipt of the 1999-2000 report.

VicFleet Pty Ltd – Report, 1999-2000.

Western District Health Service – Report, 1999-2000.

The Honourable W. Forwood moved, That the Report of the Department of Infrastructure for 1999-2000, tabled on 1 November 2000, and the Report tabled in lieu thereof on 22 November 2000, be taken into consideration on the next day of meeting.

Question – put and resolved in the affirmative.

- 4 **BUSINESS POSTPONED** – Ordered – That the consideration of Notices of Motion, General Business, Nos. 1 and 2, be postponed until the next day of meeting.
- 5 **SMALL BUSINESS ENVIRONMENT** – The Honourable W. Forwood moved, That this House condemns the Government for its failure to foster the type of economic and industrial relations environment in Victoria in which small businesses throughout the State can flourish.

Debate ensued.

Question – put.

The Council divided.

AYES, 27

The Hon. G.B. Ashman
 W.R. Baxter
 R.A. Best
 M.A. Birrell
 B.C. Boardman
 R.H. Bowden
 A.R. Brideson
 A. Coote
 I.J. Cover
 G.R. Craige
 D.M. Davis
 P.R. Davis
 W. Forwood
 C.A. Furletti (*Teller*)
 P.R. Hall
 R.M. Hallam
 P.A. Katsambanis
 N.B. Lucas
 M.T. Luckins
 A.P. Olexander
 E.J. Powell (*Teller*)
 G.K. Rich-Phillips
 Dr. J.W.G. Ross
 K.M. Smith
 W.I. Smith
 Graeme Stoney
 C.A. Strong

NOES, 14

The Hon. C.C. Broad
 E.C. Carbines
 K. Darveniza (*Teller*)
 M.M. Gould
 D.G. Hadden
 G.W. Jennings
 J.M. McQuilten
 J.M. Madden
 J. Mikakos
 S.M. Nguyen (*Teller*)
 G.D. Romanes
 R.F. Smith
 T.C. Theophanous
 M.R. Thomson

And so it was resolved in the affirmative.

- 6 **QUESTIONS** – Questions without notice were taken pursuant to Standing Order No. 71A.
- 7 **SUSPENSION OF STANDING ORDERS – QUESTIONS** – The Honourable M.M. Gould moved, by leave, That so much of the Standing Orders as require answers to questions on notice to be delivered verbally in the House be suspended for the sitting of the Council this day and that the answers enumerated be incorporated in Hansard.

Question – put and resolved in the affirmative.

Accordingly, answers were given to certain questions on notice pursuant to Standing Order No. 71A.

- 8 MARINE (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable C.C. Broad moved, That this Bill be now read a second time.

The Honourable C.C. Broad made a statement pursuant to section 85(5) of the *Constitution Act 1975* on the reasons for altering or varying this section.

The Honourable P.R. Davis moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

- 9 BUILDING (LEGIONELLA) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable M.M. Gould moved, That this Bill be now read a second time.

The Honourable P.A. Katsambanis moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

- 10 FISHERIES (AMENDMENT) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

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

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 11 AGRICULTURAL INDUSTRY DEVELOPMENT (AMENDMENT) BILL** – The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time –

Debate resumed.

The Honourable J.M. McQuilten moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

- 12 GAS INDUSTRY ACTS (AMENDMENT) BILL** – The Acting President announced the receipt of a Message from the Assembly transmitting a Bill to amend the *Gas Industry Act 1994* to further regulate the gas industry, to amend the *Gas Safety Act 1997* and other Acts and for other purposes and desiring the concurrence of the Council therein.

On the motion of the Honourable C.C. Broad, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 13 TRANSPORT ACCIDENT (AMENDMENT) BILL** – The Acting President announced the receipt of a Message from the Assembly acquainting the Council that they have agreed to the amendments made by the Council in this Bill.

- 14 ADJOURNMENT** – The Honourable M.M. Gould moved, That the House do now adjourn.

Question – put and resolved in the affirmative

And then the Council, at 6.00 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 54 – Thursday, 23 November 2000

- 1 The President took the Chair and read the Prayer.
- 2 **SUPERANNUATION ACTS (BENEFICIARY CHOICE) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to enable the commutation of certain pension entitlements and deferred benefit entitlements under the State Superannuation Act 1988, the Police Regulation Act 1958, the State Employees Retirement Benefits Act 1979, the Superannuation (Portability) Act 1989 and the Transport Superannuation Act 1988, to make miscellaneous amendments to certain Superannuation Acts and for other purposes* and desiring the concurrence of the Council therein.
On the motion of the Honourable M.M. Gould, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 3 **VICTORIAN CURRICULUM AND ASSESSMENT AUTHORITY BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to establish the Victorian Curriculum and Assessment Authority, to abolish the Board of Studies and to repeal the Board of Studies Act 1993 and for other purposes* and desiring the concurrence of the Council therein.
On the motion of the Honourable J.M. Madden, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 4 **VICTORIAN QUALIFICATIONS AUTHORITY BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to establish the Victorian Qualifications Authority and to reconstitute the State Training Board of Victoria as the Victorian Learning and Employment Skills Commission and to make consequential amendments to other Acts and for other purposes* and desiring the concurrence of the Council therein.
On the motion of the Honourable J.M. Madden, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 5 **TEMPORARY CHAIRMAN OF COMMITTEES** – The President laid upon the Table the following Warrant nominating a Temporary Chairman of Committees:

LEGISLATIVE COUNCIL
VICTORIA

Pursuant to the provisions of Standing Order Number 160 of the Legislative Council, I do hereby nominate the Honourable Ronald Henry Bowden to act as a Temporary Chairman of Committees whenever requested to do so by the Chairman of Committees or whenever the Chairman of Committees is absent.

Given under my hand this twenty third day of November 2000.

BRUCE CHAMBERLAIN
President of the Legislative Council

6 PAPERS –

PARLIAMENTARY DEPARTMENTS – The Honourable B.W. Bishop moved, by leave, That there be laid before this House a copy of the report of –

- (a) the Clerk on the Operations of the Department of the Legislative Council for the year 1999-2000;
- (b) the Librarian on the Operations of the Department of the Parliamentary Library for the year 1999-2000;
- (c) the Chief Reporter on the operations of the Department of Victorian Parliamentary Debates for the year 1999-2000; and
- (d) the Secretary on the operations of the Department of Parliamentary Services for the year 1999-2000.

Question – put and resolved in the affirmative.

The said Reports were thereupon presented by the Honourable B.W. Bishop 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:

Alpine Resorts Co-ordinating Council – Minister for Environment and Conservation's report of 22 November 2000 of receipt of the 1999-2000 report.

Austin and Repatriation Medical Centre – Report, 1999-2000 (two papers).

Australian Food Industry Science Centre – Minister for Agriculture's report of failure to submit 1999-2000 report to him within the prescribed period and the reasons therefor.

Bethlehem Hospital Incorporated – Report, 1999-2000 (two papers).

Catchment Management Council – Report, 1999-2000.

Consumer and Business Affairs – Report of Director on Operations of Fair Trading Act, 1999-2000.

Corangamite Catchment Management Authority – Report, 1999-2000.

East Gippsland Catchment Management Authority – Report, 1999-2000.

Glenelg Hopkins Catchment Management Authority – Report, 1999-2000.

Goulburn Broken Catchment Management Authority – Report, 1999-2000.

Health Promotion Foundation – Report, 1999-2000.

Housing Guarantee Fund Limited – Report, 1999-2000.

Inner and Eastern Health Care Network – Report, 1999-2000 (two papers).

Intellectually Disabled Persons' Services Act 1986 – Report of Community Visitors, 1999-2000.

Interpretation of Legislation Act 1984 – Notice pursuant to section 32(4) in relation to Amendment 7 of the Building Code of Australia, 1996.

Legal Ombudsman's Office – Report, 1999-2000.

Mallee Catchment Management Authority – Report, 1999-2000.

Melbourne Parks and Waterways – Minister for Environment and Conservation's report of failure to submit 1999-2000 report to her within the prescribed period and the reasons therefor.

Members of Parliament (Register of Interests) Act 1978 – Summary of Variations notified between 1 October 2000 and 22 November 2000.

Murray Valley Citrus Marketing Board – Minister for Agriculture's report of failure to submit 1999-2000 report to him within the prescribed period and the reasons therefor.

Murray Valley Wine Grape Industry Development Committee – Minister for Agriculture's report of 22 November 2000 of receipt of the 1999-2000 report.

North Central Catchment Management Authority – Report, 1999-2000.
North East Catchment Management Authority – Report, 1999-2000.
North Western Health Care Network – Report, 1999-2000.
Northern Victorian Fresh Tomato Industry Development Committee –
Minister for Agriculture’s report of failure to submit 1999-2000 report to
him within the prescribed period and the reasons therefor.
Peninsula Health Care Network – Report, 1999-2000.
Port Phillip and Westernport Catchment and Land Protection Board –
Report, 1999-2000.
Southern Health Care Network – Report, 1999-2000.
West Gippsland Catchment Management Authority – Report, 1999-2000.
Wimmera Catchment Management Authority – Report, 1999-2000.
Women’s and Children’s Health Care Network – Report, 1999-2000.
Yarra Bend Park Trust – Minister for Environment and Conservation’s report
of 22 November 2000 of receipt of the 1999-2000 report.

7 BUSINESS POSTPONED –

Ordered – That the consideration of the Notices of Motion and the Order of the Day, Reports for Consideration, be postponed until later this day.

Ordered – That the consideration of Order of the Day, Government Business, No. 1, be postponed until later this day.

8 AGRICULTURAL INDUSTRY DEVELOPMENT (AMENDMENT) BILL – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

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

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

9 TERTIARY EDUCATION (AMENDMENT) BILL – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

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

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

10 MELBOURNE CITY LINK (MISCELLANEOUS AMENDMENTS) BILL – The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time –

Debate resumed.

Business having been interrupted at 2.00 p.m. pursuant to Sessional Orders –

11 QUESTIONS – Questions without notice were taken pursuant to Standing Order No. 71A.

12 MELBOURNE CITY LINK (MISCELLANEOUS AMENDMENTS) BILL – Debate continued on the question, That this Bill be now read a second time.

Question – put and resolved in the affirmative.

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

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

13 GAS INDUSTRY ACTS (AMENDMENT) BILL – The Order of the Day having been read for the second reading of this Bill, the Honourable C.C. Broad moved, That this Bill be now read a second time.

The Honourable W.I. Smith (for the Honourable P.R. Davis) moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

14 SUPERANNUATION ACTS (BENEFICIARY CHOICE) BILL – The Order of the Day having been read for the second reading of this Bill, the Honourable M.M. Gould moved, That this Bill be now read a second time.

The Honourable W.I. Smith (for the Honourable D.M. Davis) moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

15 VICTORIAN CURRICULUM AND ASSESSMENT AUTHORITY BILL – The Order of the Day having been read for the second reading of this Bill, the Honourable M.M. Gould (for the Honourable J.M. Madden) moved, That this Bill be now read a second time.

The Honourable A.R. Brideson moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

16 VICTORIAN QUALIFICATIONS AUTHORITY BILL – The Order of the Day having been read for the second reading of this Bill, the Honourable M.M. Gould (for the Honourable J.M. Madden) moved, That this Bill be now read a second time.

The Honourable A.R. Brideson moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

17 COGNATE DEBATE – The Honourable J.M. Madden moved, by leave, That this House authorizes and requires the Honourable the President to permit the second reading debate on the Victorian Curriculum and Assessment Authority Bill and the Victorian Qualifications Authority Bill to be taken concurrently.

Question – put and resolved in the affirmative.

18 COUNTRY FIRE AUTHORITY (AMENDMENT) BILL – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

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

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

19 GAMBLING LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL – The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time –

Debate resumed.

The Honourable C.A. Furletti moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

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

- 20 BUSINESS OF THE HOUSE** – The Honourable J.M. Madden moved, That so much of the Sessional Orders be suspended as would prevent new business being taken after 8.00 p.m. during the sitting of the Council this day.

Question – put and resolved in the affirmative.

- 21 GAMBLING LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honourable B.W. Bishop having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 22 BUSINESS POSTPONED** – Ordered – That the consideration of Order of the Day, Government Business, No. 7, be postponed until later this day.

- 23 NURSES (AMENDMENT) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

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

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 24 DOMESTIC (FERAL AND NUISANCE) ANIMALS (AMENDMENT) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

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

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 25 GAMING ACTS (GAMING MACHINE LEVY) BILL** – The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time –

Debate resumed.

And the Council having continued to sit until after 12 midnight –

FRIDAY, 24 NOVEMBER 2000

Debate continued.

Question – put and resolved in the affirmative.

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

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 26 CRIMES (QUESTIONING OF SUSPECTS) BILL** – The Deputy President announced the receipt of a Message from the Assembly transmitting a Bill to amend the Crimes Act 1958 so as to make further provision for the questioning or investigation of certain persons who are suspected of having committed an offence, to

amend the Corrections Act 1986 and for other purposes and desiring the concurrence of the Council therein.

On the motion of the Honourable M.R. Thomson, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

27 MAGISTRATES' COURT (INFRINGEMENTS) BILL – The Deputy President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Magistrates' Court Act 1989, the Sentencing Act 1991 and the Chattel Securities Act 1987 and for other purposes and desiring the concurrence of the Council therein.*

On the motion of the Honourable M.R. Thomson, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

28 UNIVERSITY OF MELBOURNE LAND BILL – The Deputy President announced the receipt of a Message from the Assembly transmitting a Bill *to provide for the revocation of a reservation and a Crown grant relating to land at Parkville, to provide for the re-reservation of that land and the granting of a restricted Crown grant of that land to the University of Melbourne, to repeal the Melbourne (Veterinary School) Lands Act 1970 and for other purposes and desiring the concurrence of the Council therein.*

On the motion of the Honourable C.C. Broad, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

29 PLANNING AND ENVIRONMENT (RESTRICTIVE COVENANTS) BILL – The Deputy President announced the receipt of a Message from the Assembly returning this Bill and acquainting the Council that they have agreed to some of the amendments made by the Council and have disagreed with the remaining amendment made by the Council in this Bill.

Ordered – That the Message be taken into consideration on the next day of meeting.

30 INFORMATION PRIVACY BILL – The Deputy President announced the receipt of a Message from the Assembly returning this Bill and acquainting the Council that they have disagreed with the amendment made by the Council in this Bill.

Ordered – That the Message be taken into consideration on the next day of meeting.

31 ADJOURNMENT – The Honourable M.M. Gould moved, That the Council, at its rising, adjourn until Tuesday next at 10.00 a.m.

Question – put and resolved in the affirmative.

The Honourable M.M. Gould moved, That the House do now adjourn.

Debate ensued.

Question – put and resolved in the affirmative.

And then the Council, at 12.55 a.m., adjourned until Tuesday next at 10.00 a.m.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

LEGISLATIVE COUNCIL OF VICTORIA

MINUTES OF THE PROCEEDINGS Nos. 55, 56 and 57

No. 55 – Tuesday, 28 November 2000

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** – The Honourable M.M. Gould presented a Message from Her Excellency the Lieutenant-Governor informing the Council that she had, this day, given the Royal Assent to the undermentioned Acts presented to her by the Clerk of the Parliaments:
 - Agricultural Industry Development (Amendment) Act*
 - Country Fire Authority (Amendment) Act*
 - Courts and Tribunals Legislation (Miscellaneous Amendments) Act*
 - Duties Act*
 - Fisheries (Amendment) Act*
 - Melbourne City Link (Miscellaneous Amendments) Act*
 - Mineral Resources Development (Amendment) Act*
 - Tertiary Education (Amendment) Act*
 - Transport Accident (Amendment) Act.*
- 3 **BUSINESS OF THE HOUSE** –
 - The Honourable M.M. Gould moved, by leave, That so much of the Sessional Orders be suspended as would prevent Government Business taking precedence of all other business from 12 noon during the sitting of the Council on Wednesday, 29 November 2000.
 - Question – put and resolved in the affirmative.
 - The Honourable M.M. Gould moved, That so much of the Sessional Orders be suspended as would prevent new business being taken after 8.00 p.m. during the sitting of the Council this day.
 - Question – put and resolved in the affirmative.
- 4 **PAPERS** –
 - COUNCIL OF AUSTRALIAN GOVERNMENTS** – The Honourable M.M. Gould moved, by leave, That there be laid before this House a copy of the communique issued by the Council of Australian Governments meeting held on 3 November 2000.
 - Question – put and resolved in the affirmative.
 - The said paper was thereupon presented by the Honourable M.M. Gould and ordered to lie on the Table.

ENVIRONMENT AND NATURAL RESOURCES COMMITTEE – ALLOCATION OF WATER RESOURCES – The Honourable Graeme Stoney presented an Interim Report from the Environment and Natural Resources Committee upon Allocation of Water Resources, together with Appendices.

Ordered to lie on the Table and to be printed.

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

Alexandra District Hospital – Minister for Health's report of receipt of the 1999-2000 report.

Ambulance Officers' Training Centre – Minister for Health's report of receipt of the 1999-2000 report.

Ambulance Service Victoria – Metropolitan Region – Report, 1999-2000.

Bairnsdale Regional Health Service – Report, 1999-2000 (two papers).

Central Gippsland Health Service – Report, 1999-2000 (two papers).

Far East Gippsland Health and Support Service – Minister for Health's report of 22 November 2000 of receipt of the 1999-2000 report.

Gippsland Southern Health Service – Report, 1999-2000.

Law Foundation – Report, 1999-2000.

Numurkah District Health Service – Report, 1999-2000.

Ombudsman's Office – Report, 1999-2000.

Parliamentary Committees Act 1968 – Minister's response to the Law Reform Committee's report upon Review of the *Fences Act 1968*.

Planning and Environment Act 1987 – Notices of Approval of the following amendments to planning schemes:

Ballarat Planning Scheme – Amendment C13.

Casey Planning Scheme – Amendment C9.

Darebin Planning Scheme – Amendment C4.

Moorabool Planning Scheme – Amendment C5.

Prevention of Cruelty to Animals Act 1986 –

Code of Accepted Farming Practice for the Welfare of Goats (Victoria).

Code of Accepted Farming Practice for the Welfare of Sheep (Victoria) (Revision Number 1).

Code of Practice for Welfare of Rodeo and Rodeo School Livestock.

Code of Practice for Welfare of Animals at Saleyards (Victoria).

Revocation of Code of Accepted Farming Practice for the Welfare of Sheep.

Tallangatta Health Service – Minister for Health's report of receipt of the 1999-2000 report.

Water Training Centre – Minister for Environment and Conservation's report of 22 November 2000 of receipt of the 1999-2000 report.

West Gippsland Healthcare Group – Report, 1999-2000.

West Wimmera Health Service – Minister for Health's report of receipt of the 1999-2000 report.

Wonthaggi and District Hospital – Report, 1999-2000.

Yarram and District Health Service – Minister for Health's report of 22 November 2000 of receipt of the 1999-2000 report.

* * * * *

PROCLAMATION – A Proclamation of His Excellency the Governor in Council fixing an operative date in respect of the following Act was laid

upon the Table by the Clerk pursuant to an Order of the Council on 4 November 1999:

Public Lotteries Act 2000 --Whole Act, (except sections 57(1), 57(2), 57(3), 58, 89, 90, 91, 92(2), 93 to 98, 99(1), 100, 101(2) and 103(1)) – 21 November 2000 (*Gazette No. G47, 23 November 2000*).

The Honourable M.M. Gould, moved, That the Report of the Ombudsman's Office for the year 1999-2000 tabled by the Clerk be printed.

Question – put and resolved in the affirmative.

- 5 CRIMES (QUESTIONING OF SUSPECTS) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable M.R. Thomson moved, That this Bill be now read a second time.

Debate ensued.

Question – put and resolved in the affirmative.

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

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 6 MAGISTRATES' COURT (INFRINGEMENTS) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable M.R. Thomson moved, That this Bill be now read a second time.

The Honourable C.A. Furletti moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

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

- 7 UNIVERSITY OF MELBOURNE LAND BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable C.C. Broad moved, That this Bill be now read a second time.

The Honourable W. Forwood moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

Ordered – That the debate be adjourned until the next day of meeting.

- 8 GAMING NO. 2 (COMMUNITY BENEFIT) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time and committed to a Committee of the whole.

House in Committee.

Business having been interrupted at 2.00 p.m. pursuant to Sessional Orders –

- 9 QUESTIONS** – Questions without notice were taken pursuant to Standing Order No. 71A.

- 10 SUSPENSION OF STANDING ORDERS – QUESTIONS** – The Honourable M.M. Gould moved, by leave, That so much of the Standing Orders as require answers to questions on notice to be delivered verbally in the House be suspended for the sitting of the Council this day and that the answers enumerated be incorporated in Hansard.

Question – put and resolved in the affirmative.

Accordingly, answers were given to certain questions on notice pursuant to Standing Order No. 71A.

11 GAMING NO. 2 (COMMUNITY BENEFIT) BILL – This Bill was further considered in Committee of the whole.

The President resumed the Chair, and the Honourable B.W. Bishop having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

12 MARINE (AMENDMENT) BILL – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and committed to a Committee of the whole.

House in Committee.

The Acting President resumed the Chair; and the Honourable B.W. Bishop having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

13 BUILDING (LEGIONELLA) BILL – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

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

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

14 ADJOURNMENT – The Honourable M.M. Gould moved, That the House do now adjourn.

Debate ensued.

Question – put and resolved in the affirmative.

And then the Council, at 10.01 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 56 – Wednesday, 29 November 2000

1 The President took the Chair and read the Prayer.

2 **BUSINESS OF THE HOUSE** – The Honourable M.M. Gould moved, That so much of the Sessional Orders be suspended as would prevent new business being taken after 8.00 p.m. during the sitting of the Council this day.

Question – put and resolved in the affirmative.

3 PAPERS –

ECONOMIC DEVELOPMENT COMMITTEE – WORKCOVER PREMIUMS, 2000-2001 – The Honourable N.B. Lucas presented an Interim Report from the Economic Development Committee upon WorkCover Premiums for 2000-2001, together with an Appendix.

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:

Drugs, Poisons and Controlled Substances Act 1981 – Standard for the Uniform Scheduling of Drugs and Poisons, No. 15, December 2000, together with Amendment No. 2 and Minister's Notice regarding the amendment, commencement and availability of the Poisons Code (2 papers).

Statutory Rules under the following Acts of Parliament:

Motor Car Traders Act 1986 – No. 115.

Tobacco Act 1987 – No. 116.

Subordinate Legislation Act 1994 – Minister's exemption certificate under section 9(6) in respect of Statutory Rule No. 116.

4 BUSINESS POSTPONED – Ordered – That the consideration of Notices of Motion, General Business, Nos. 1 to 3 inclusive, be postponed until the next day of meeting.

5 SHOWGROUNDS AND EXHIBITION AND CONVENTION CENTRE – The Honourable M.A. Birrell moved, That this House supports –

(a) a major redevelopment and upgrading of the Royal Melbourne Showgrounds; and

(b) an expansion of the Melbourne Exhibition and Convention Centre, including the creation of a 5,000 seat plenary hall.

Debate ensued.

Question – put and resolved in the affirmative.

6 BUSINESS POSTPONED – Ordered – That the consideration of Orders of the Day, General Business, Nos. 1 to 4 inclusive, be postponed until the next day of meeting.

7 PACKAGED LIQUOR LICENCES REVIEW – ORDER DISCHARGED – The Order of the Day having been read for the resumption of the debate on the question, That this House calls on the Minister for Small Business to immediately take all necessary steps to fulfil the Labor Party's election commitment, contained in its small business policy document, *Taking Care of Small Business*, that the Bracks Labor Government would close legislative loopholes which allow large retail chains to accumulate more than 8 per cent of the total number of packaged liquor licences, and on the amendment, That all the words after "House" be omitted with the view of inserting in place thereof "congratulates the Government on releasing the review of the 8 per cent limit on packaged liquor licences in light of its requirements to satisfy the National Competition Council that maintaining an 8 per cent limit would not run counter to competition policy, and also notes that in meeting this election commitment the Government will consult widely with the industry" –

The Honourable W. Forwood moved, That this Order of the Day be discharged.

Question – put and resolved in the affirmative.

8 BUSINESS POSTPONED – Ordered – That the remaining Orders of the Day, General Business, be postponed until the next day of meeting.

- 9 **GAS INDUSTRY ACTS (AMENDMENT) BILL** – The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time –

Debate resumed.

Business having been interrupted at 2.00 p.m. pursuant to Sessional Orders –

- 10 **QUESTIONS** – Questions without notice were taken pursuant to Standing Order No. 71A.

- 11 **SUSPENSION OF STANDING ORDERS – QUESTIONS** – The Honourable M.M. Gould moved, by leave, That so much of the Standing Orders as require answers to questions on notice to be delivered verbally in the House be suspended for the sitting of the Council this day and that the answers enumerated be incorporated in Hansard.

Question – put and resolved in the affirmative.

Accordingly, answers were given to certain questions on notice pursuant to Standing Order No. 71A.

- 12 **GAS INDUSTRY ACTS (AMENDMENT) BILL** – Debate continued on the question, That this Bill be now read a second time.

Question – put and resolved in the affirmative.

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

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 13 **VICTORIAN CURRICULUM AND ASSESSMENT AUTHORITY BILL** – The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time [the **Victorian Qualifications Authority Bill** having been authorized to be debated concurrently pursuant to an Order of the Council on 23 November 2000] –

Debate resumed.

Question – That this Bill be now read a second time – put and resolved in the affirmative.

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

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 14 **VICTORIAN QUALIFICATIONS AUTHORITY BILL** – The concurrent second reading debate having concluded –

Question – That this Bill be now read a second time – put and resolved in the affirmative.

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

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 15 **SUPERANNUATION ACTS (BENEFICIARY CHOICE) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

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

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

16 MAGISTRATES' COURT (COMMITTAL PROCEEDINGS) BILL – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

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

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

17 ADJOURNMENT – The Honourable M.M. Gould moved, That the House do now adjourn.

Debate ensued.

Question – put and resolved in the affirmative.

And then the Council, at 10.27 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 57 – Thursday, 30 November 2000

1 The President took the Chair and read the Prayer.

2 **PAPERS** –

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE – BUDGET ESTIMATES, 2000-2001 – The Honourable R.M. Hallam presented a Report from the Public Accounts and Estimates Committee upon the 2000-2001 Budget Estimates, together with Appendices, Extracts from the Proceedings of the Committee, a Minority Report and Minutes of Evidence.

Ordered to lie on the Table and the Report, Appendices, Extracts from the Proceedings of the Committee and Minority Report 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:

Australian Food Industry Science Centre – Report, 1999-2000.

Budget Sector – Quarterly Financial Report for the period ended 30 September 2000.

Murray Valley Citrus Marketing Board – Report, 1999-2000.

3 **BUSINESS POSTPONED** – Ordered – That the consideration of Notice of Motion, No. 1, Reports for Consideration, be postponed until the next day of meeting.

4 **WORKCOVER AUTHORITY** – The Honourable P.A. Katsambanis moved, That the Council take note of the Report of the WorkCover Authority for the year 1999-2000.

Debate ensued.

Question – put and resolved in the affirmative.

5 **MAGISTRATES' COURT (INFRINGEMENTS) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

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

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 6 **UNIVERSITY OF MELBOURNE LAND BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

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

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 7 **INFORMATION PRIVACY BILL** – The Order of the Day having been read for the consideration of the Message from the Assembly returning this Bill and acquainting the Council that they have disagreed with the amendment made by the Council in the Bill, the said amendment was read and is as follows:

Amendment made by the Legislative Council

**How dealt with by the
Legislative Assembly**

Clause 19, page 23, after line 8 insert –

- “() The Minister must ensure that a copy of an approved code of practice, or of an approved variation of an approved code of practice, is laid before each House of the Parliament on or before the 6th sitting day of that House after the day on which the notice of approval under sub-section (2) is published in the Government Gazette.
- () An approved code or variation laid before Parliament may be disallowed by either House of the Parliament.
- () An approved code or variation is disallowed if –
- (a) a notice of a resolution to disallow is given in a House of the Parliament on or before the 18th sitting day of that House after the code or variation is laid before that House; and
- (b) the resolution is passed by that House on or before the 12th sitting day of that House after the giving of the notice of the resolution.
- () If a House of the Parliament is prorogued or the Legislative Assembly is dissolved –
- (a) the prorogation or dissolution does not affect the power of the House to pass a resolution disallowing an approved code or variation; and
- (b) the calculation of sitting days of the House is to be made as if there had been no prorogation or dissolution.
- () If an approved code or variation is disallowed, the disallowance has the same effect as a revocation of the approval of the code or variation.”

Disagreed with

On the motion of the Honourable C.C. Broad, and after debate, the Council did not insist on their amendment disagreed with by the Assembly.

Ordered – That a Message be sent to the Assembly acquainting them accordingly.

8 **QUESTIONS** – Questions without notice were taken pursuant to Standing Order No. 71A.

9 **SUSPENSION OF STANDING ORDERS – QUESTIONS** – The Honourable M.M. Gould moved, by leave, That so much of the Standing Orders as require answers to questions on notice to be delivered verbally in the House be suspended for the sitting of the Council this day and that the answers enumerated be incorporated in Hansard.

Question – put and resolved in the affirmative.

Accordingly, answers were given to certain questions on notice pursuant to Standing Order No. 71A.

10 **PLANNING AND ENVIRONMENT (RESTRICTIVE COVENANTS) BILL** – The Order of the Day having been read for the consideration of the Message from the Assembly returning this Bill and acquainting the Council that they have agreed to some of the amendments made by the Council in the Bill and have disagreed with the remaining amendment, the said amendment remaining for consideration by the Council was read and is as follows:

Amendments made by the Legislative Council	How dealt with by the Legislative Assembly
* * * *	
No. 24 Insert the following New Clause to follow Clause 5 – <i>‘A. Adoption and approval of amendment</i> (1) After section 29(2) of the Principal Act insert – “(3) A planning authority must not adopt an amendment or part of an amendment that provides for the removal or variation of a registered restrictive covenant unless it is satisfied that the overriding public interest requires the removal or variation despite any detriment (including any perceived detriment) which an owner or occupier of any land benefited by the covenant may suffer as a consequence of the removal or variation”. (2) After section 35(4) of the Principal Act insert – “(5) The Minister must not approve an amendment or part that provides for the removal or variation of a registered restrictive covenant unless the Minister is satisfied that the overriding public interest requires the removal or variation despite any detriment (including any perceived detriment) which an owner or occupier of any land benefited by the covenant may suffer as a consequence of the removal or variation.”’.	Disagreed with

On the motion of the Honourable J.M. Madden, and after debate, the Council did not insist on their amendment disagreed with by the Assembly.

Ordered – That a Message be sent to the Assembly acquainting them accordingly.

11 PAPER – BLF CUSTODIAN – The Honourable M.M. Gould moved, by leave, That there be laid before this House a copy of Report No. 49 for the period ending 30 November 2000, given to Mr President, pursuant to section 7A of the *BLF (De-recognition) Act 1985*, by the Custodian appointed under section 7(1) of that Act.

Question – put and resolved in the affirmative.

The said Report was thereupon presented by the Honourable M.M. Gould and ordered to lie on the Table.

12 ADJOURNMENT – The Honourable M.M. Gould moved, That the Council, at its rising, adjourn until a day and hour to be fixed by the President, which time of meeting shall be notified in writing to each Honourable Member.

Debate ensued.

Question – put and resolved in the affirmative.

The Honourable M.M. Gould moved, That the House do now adjourn.

Question – put and resolved in the affirmative.

And then the Council, at 4.06 p.m., adjourned until a day and hour to be fixed by the President, which time of meeting shall be notified in writing to each Honourable Member.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

LEGISLATIVE COUNCIL OF VICTORIA

MINUTES OF THE PROCEEDINGS Nos. 58, 59 and 60

No. 58 – Tuesday, 20 March 2001

- 1 The Council met in accordance with adjournment, the President, pursuant to resolution having fixed this day at 2.00 p.m. as the time of meeting.
The President took the Chair and read the Prayer.
- 2 **THE LATE HONOURABLE WILLIAM VASEY HOUGHTON** – The Honourable M.M. Gould moved, That this House expresses its sincere sorrow at the death, on 11 January 2001, of the Honourable William Vasey Houghton, and places on record its acknowledgment of the valuable services rendered by him to the Parliament and the people of Victoria as a Member of the Legislative Council for the Templestowe Province from 1967 to 1985.
And other Honourable Members and the President having addressed the House –
The question was put and, Honourable Members signifying their assent by rising in their places, unanimously resolved in the affirmative.
- 3 **ADJOURNMENT** – The Honourable M.M. Gould moved, That as a further mark of respect to the memory of the late Honourable William Vasey Houghton, the House do now adjourn until this day at 8.00 p.m.
Question – put and resolved in the affirmative.
And then the Council, at 2.52 p.m., adjourned until this day at 8.00 p.m.

-
- 1 The President took the Chair.
 - 2 **ASSENT TO ACTS** – The Honourable M.M. Gould presented Messages from His Excellency the Governor informing the Council that he had, on the following dates, given the Royal Assent to the undermentioned Acts presented to him by the Clerk of the Parliaments:
On 5 December 2000 –
Building (Legionella) Act
Crimes (Questioning of Suspects) Act
Domestic (Feral and Nuisance) Animals (Amendment) Act
Gambling Legislation (Miscellaneous Amendments) Act
Gaming Acts (Gaming Machine Levy) Act
Gaming No. 2 (Community Benefit) Act
Gas Industry Acts (Amendment) Act
Magistrates' Court (Committal Proceedings) Act
Marine (Amendment) Act
Nurses (Amendment) Act

Superannuation Acts (Beneficiary Choice) Act
Victorian Curriculum and Assessment Authority Act
Victorian Qualifications Authority Act.

On 12 December 2000 –

Information Privacy Act
Magistrates' Court (Infringements) Act
Planning and Environment (Restrictive Covenants) Act
University of Melbourne Land Act

- 3 HEALTH SERVICES (AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Health Services Act 1988 to provide for elected and appointed members of boards of community health centres and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable M.M. Gould, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 4 STATE TAXATION ACTS (FURTHER MISCELLANEOUS AMENDMENTS) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to make further miscellaneous amendments to the First Home Owner Grant Act 2000, the Land Tax Act 1958, the Pay-roll Tax Act 1971, the Stamps Act 1958 and the Taxation Administration Act 1997 and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable C.C. Broad, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 5 VICTORIAN ENVIRONMENTAL ASSESSMENT COUNCIL BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to establish the Victorian Environmental Assessment Council, to repeal the Environment Conservation Council Act 1997 and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable C.C. Broad, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 6 POLICE REGULATION (MISCELLANEOUS AMENDMENTS) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Police Regulation Act 1958 in respect of the disciplinary provisions, the Police Appeals Board and other miscellaneous matters and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable J.M. Madden, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 7 RACING AND BETTING ACTS (AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Racing Act 1958, the Lotteries Gaming and Betting Act 1966 and the Gaming and Betting Act 1994 and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable J.M. Madden, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

8 DRUG EDUCATION AND PREVENTION PROGRAM – The President announced the receipt of a Message from the Assembly acquainting the Council that they had agreed to the following Resolutions:

That this House invites members of the Legislative Council to join members of the Legislative Assembly in session following question time on the next day of sitting to hear an address by Mr Neil Comrie and other experts in the drug field outlining their proposals for a drug education and prevention program to protect Victoria's future generations from the drug scourge and to discuss proposals for a bipartisan program to deliver a better, safer drug education, prevention and diversion strategy.

* * * * *

That so much of Standing Orders and Sessional Orders be suspended on Wednesday 21 March 2001 so as to allow –

- 1 This House to invite Mr Neil Comrie, Professor David Penington, Dr Rob Moodie, Mr David Brunt, Archbishop Pell, Professor Margaret Hamilton, Mr Andy Hamilton and Mr Peter Wearne, to attend on the floor of the House on Wednesday 21 March 2001 at 3.00 pm and address the House on drug education and prevention and to remain on the floor, save in the event of a division, until the conclusion of the period allowed for questions.
- 2 Mr Neil Comrie and Professor David Penington to attend on the floor of the House and address the House on drug education and prevention for a maximum of 20 minutes each.
- 3 Dr Rob Moodie, Mr David Brunt, Archbishop Pell, Professor Margaret Hamilton, Mr Andy Hamilton and Mr Peter Wearne to attend on the floor of the House and address the House on drug education and prevention for a maximum of 5 minutes each.
- 4 At the conclusion of all such addresses, members of the Legislative Assembly and members of the Legislative Council be permitted to address questions to Mr Comrie, Professor Penington and the other expert advisers for a maximum period of 30 minutes.
- 5 Following the conclusion of any such questions:
 - (a) the members of the Legislative Council shall retire to their Chamber; and
 - (b) there shall be debate on the motion 'That this House takes note of the addresses of Mr Neil Comrie, Professor David Penington and the other expert advisers'.
- 6 The Speaker to put the question at 10.00 pm (or sooner if there be no further debate) and the time limits for each member's speech, with the exception of the lead speakers from the Government, Opposition and Third Party, shall be 10 minutes. No amendment to the motion to be accepted by the Speaker.
- 7 After such question has been resolved:
 - (a) if the question was put at 10.00 pm the Speaker shall forthwith propose the question 'That the House do now adjourn' in accordance with Sessional Order 5(2)(b);
 - (b) if the question was put prior to 10.00 pm, the House shall proceed, in accordance with Sessional Orders, with Government Business as set down on the Notice Paper.
- 8 The lower public gallery on the Opposition side of the House be deemed to be part of the Legislative Assembly Chamber for the duration of the

addresses and questions to provide additional accommodation for members of the Legislative Council.

- 9 The Speaker of the Legislative Assembly shall chair the addresses, questions and debate, and the conduct of the proceedings shall be in accordance with the Standing Orders of the Legislative Assembly.

9 COMMONWEALTH PARLIAMENT CENTENARY MEETINGS – The President announced that he had received the following communication from the President of the Senate:

28 February 2001

The Honourable Bruce Chamberlain, MLC
 President of the Legislative Council
 Parliament of Victoria
 Parliament House
 MELBOURNE VIC 3002

Dear Mr President

I transmit to you the text of the following resolution agreed to by the Senate on 27 February 2001:

That, pursuant to the acceptance by the Senate on 26 June 2000 of the invitation of 10 May 2000 of the Houses of the Parliament of Victoria to meet in Melbourne on 9 and 10 May 2001 to mark the centenary of the first meetings of the Houses of the Commonwealth Parliament in 1901:

- (1) (a) The Senate meet with the House of Representatives at 2 pm on 9 May 2001 in the Royal Exhibition Buildings, Melbourne.
- (b) The only business transacted at that meeting be:
 - (i) introductory address by the President;
 - (ii) address by the Governor-General;
 - (iii) addresses by the Prime Minister and the Leader of the Opposition; and
 - (iv) concluding address by the Speaker of the House of Representatives.
- (c) At the conclusion of that business, the Senate stand adjourned till 10 am on 10 May 2001.
- (2) (a) The Senate meet at 10 am on 10 May 2001 in the Legislative Council Chamber, Parliament House, Melbourne.
- (b) The only business transacted at that meeting be:
 - (i) introductory address by the President;
 - (ii) address by the Leader of the Government in the Senate, the Leader of the Opposition in the Senate, and the Leader of the Australian Democrats; and
 - (iii) concluding address by the President.
- (c) At the conclusion of that business, the Senate stand adjourned till the next day of sitting.

Yours faithfully
 Margaret Reid

10 QUESTIONS – Questions without notice were taken pursuant to Standing Order No. 71A.

11 SUSPENSION OF STANDING ORDERS – QUESTIONS – The Honourable M.M. Gould moved, by leave, That so much of the Standing Orders as require answers to questions on notice to be delivered verbally in the House be suspended for the sitting of the Council this day and that the answers enumerated be incorporated in Hansard.

Question – put and resolved in the affirmative.

Accordingly, answers were given to certain questions on notice pursuant to Standing Order No. 71A.

12 CONSEQUENTIAL RENUMBERING OF BILLS – The Honourable M.M. Gould moved, by leave, That –

(a) Where a bill has been amended, the Clerk of the House and the Clerk of the Parliaments be empowered to carry out any consequential renumbering required in the bill save in relation to text being inserted or substituted in Principal Acts.

(b) This resolution shall continue in force unless and until amended or rescinded by the House in this or a subsequent Parliament.

Question – put and resolved in the affirmative.

13 ROAD SAFETY COMMITTEE – The Honourable M.M. Gould moved, by leave, That the resolution of the Council of 1 March 2000, requiring the Road Safety Committee to inquire into the needs for road and bridge construction and maintenance initiatives in rural Victoria and to report to Parliament by 30 June 2001, be amended so far as to now require the Committee to report by 31 October 2001.

Question – put and resolved in the affirmative.

14 DEATH OF SIR DONALD BRADMAN – The Honourable J.M. Madden moved, by leave, That this House expresses its sincere sorrow at the death of Sir Donald Bradman, and places on record its acknowledgement of the inspiring contribution made by him to Australian and International Cricket, as an Australian sporting legend and extends its condolences to the Bradman family.

Debate ensued.

Question – put and resolved in the affirmative

15 BUSINESS OF THE HOUSE – The Honourable M.M. Gould moved, by leave, That so much of the Sessional Orders be suspended as would prevent new business being taken after 8.00 p.m. during the sitting of the Council this day.

Question – put and resolved in the affirmative.

16 PAPERS –

BLF CUSTODIAN – The Honourable M.M. Gould moved, by leave, That there be laid before this House a copy of Report No. 50 dated 28 February 2001 given to Mr. President, pursuant to section 7A of the *BLF (De-recognition) Act 1985*, by the Custodian appointed under section 7(1) of that Act.

Question – put and resolved in the affirmative.

The said Report was thereupon presented by the Honourable M.M. Gould and ordered to lie on the Table.

The Honourable M.A. Birrell moved, That the Report be taken into consideration on the next day of meeting.

Question – put and resolved in the affirmative.

LAW REFORM COMMITTEE –

LEGAL SERVICES – The Honourable D.G. Hadden presented an Interim Report from the Law Reform Committee upon a Review of Legal Services in Rural and Regional Victoria, together with Appendices.

Ordered to lie on the Table and to be printed.

* * * * *

THEATRES ACT – The Honourable D.G. Hadden presented an Interim Report from the Law Reform Committee upon a Review of the *Theatres Act 1958*, together with Appendices.

Ordered to lie on the Table and to be printed.

* * * * *

ROAD SAFETY COMMITTEE – VEHICLE ROADWORTHINESS SYSTEM –

The Honourable A.R. Brideson presented a Report from the Road Safety Committee upon Victoria's Vehicle Roadworthiness System, 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 –

ANNUAL REVIEW 2000 – The Honourable M.T. Luckins presented the Annual Review 2000 Report from the Scrutiny of Acts and Regulations Committee, together with Appendices.

Ordered to lie on the Table and to be printed.

* * * * *

ALERT DIGESTS – The Honourable M.T. Luckins presented the following Alert Digests from the Scrutiny of Acts and Regulations Committee:

Alert Digest No. 1 of 2001, together with Appendices.

Alert Digest No. 2 of 2001, together with Appendices.

Severally 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:

Beaufort and Skipton Health Service – Minister for Health's report of 6 December 2000 of receipt of the 1999-2000 report.

Bendigo Health Care Group – Report, 1999-2000.

Boort District Hospital – Report, 1999-2000.

Budget Sector –

Budget Update, 2000-01.

Mid-year Financial Report, 2000-01, incorporating the Quarterly Financial Report No. 2 for the period ended 31 December 2000.

Calder Regional Waste Management Group –

Minister's report of failure to submit 1999-2000 report to her within the prescribed period and the reasons therefor.

Report, 1999-2000.

Casey's Weir and Major Creek Rural Water Authority – Minister for Environment and Conservation's report of 22 February 2000 of receipt of the 1998-1999 and 1999-2000 reports.

Chiropractors Registration Board – Minister for Health's report of 5 March 2001 of receipt of the 1999-2000 report.

Cohuna District Hospital – Report, 1999-2000.

Crown Land (Reserves) Act 1978 – Minister's order giving approval to granting of a lease at Yarra Bend Park.

- Dental Board – Minister for Health’s report of 5 March 2001 of receipt of the 1999-2000 report.
- Desert Fringe Regional Waste Management Group –
Minister’s report of failure to submit 1999-2000 report to her within the prescribed period and the reasons therefor.
Report, 1999-2000.
- Djerriwarrh Health Service – Report, 1999-2000.
- Drugs, Poisons and Controlled Substances Act 1981 – Standard for the Uniform Scheduling of Drugs and Poisons, No. 15 – Amendment No. 3, 1 March 2001.
- East Grampians Health Service – Report, 1999-2000.
- Echuca Regional Health – Report, 1999-2000.
- Edenhope and District Memorial Hospital – Minister for Health’s report of receipt of the 1999-2000 report.
- Environment Protection Act 1970 – Order in Council of 5 December 2000 declaring Industrial Waste Management Policy (Prescribed Industrial Waste).
- Far East Gippsland Health and Support Service – Minister for Health’s report of 6 March 2001 of receipt of the 1999-2000 report.
- Food Safety Council – Report, 1999-2000.
- Grampians Regional Waste Management Group –
Minister’s report of failure to submit 1999-2000 report to her within the prescribed period and the reasons therefor.
Report, 1999-2000.
- Hepburn Health Services – Report, 1999-2000.
- Inglewood and District Health Service – Report, 1999-2000.
- Interpretation of Legislation Act 1984 – Notice pursuant to section 32(4) in relation to Amendment No. 8, Building Code of Australia, 1996.
- Kerang and District Hospital – Report, 1999-2000 (two papers).
- Kooweerup Regional Health Service – Report, 1999-2000 (two papers).
- Kyabram and District Memorial Community Hospital – Report, 1999-2000.
- Kyneton District Health Service – Report, 1999-2000.
- Latrobe Regional Hospital – Report, 1999-2000.
- Legal Practice Act 1996 – Practitioner Remuneration Order, 1 January 2001.
- Maldon Hospital – Report, 1999-2000.
- Mallee Track Health and Community Service – Report, 1999-2000.
- Manangatang and District Hospital – Report, 1999-2000.
- Maryborough District Health Service – Report, 1999-2000.
- McIvor Health and Community Services – Report, 1999-2000.
- Melbourne City Link Act 1995 –
City Link and Extension Projects Integration and Facilitation Agreement Sixth Amending Deed, 1 December 2000, pursuant to section 15B(5) of the Act.
Exhibition Street Extension Third Amending Deed, 1 December 2000, pursuant to section 15D(6) of the Act.
Melbourne City Link Thirteenth Amending Deed, 1 December 2000, pursuant to section 15(2) of the Act.
Melbourne City Link Fourteenth Amending Deed, 20 December 2000, pursuant to section 15(2) of the Act.
Statement of Variation No. 7, Detailed Tolling Strategy, 21 December 2000, pursuant to section 15B(5) of the Act.
Statement of Variation No. 8, Agreement under Clause 8.12 of the Concession Deed, 21 December 2000, pursuant to section 15(2) of the Act.

- Melbourne Parks and Waterways – Minister for Environment and Conservation’s report of 26 February 2001 of receipt of the 1999-2000 report.
- Mildura Regional Waste Management Group –
Minister’s report of failure to submit 1999-2000 report to her within the prescribed period and the reasons therefor.
Report, 1999-2000.
- Mt Alexander Hospital – Report, 1999-2000.
- Murray-Darling Basin Act 1994 – Approved Schedule F to the Murray-Darling Basin Agreement 16 January 2001, pursuant to section 28(b) of the Act.
- Murray-Darling Basin Commission – Report, 1999-2000.
- National Environment Protection Council – Report, 1999-2000.
- O’Connell Family Centre (Grey Sisters) Incorporated – Minister for Health’s report of 6 February 2001 of receipt of the 1999-2000 report.
- Omeo District Hospital – Report, 1999-2000 (two papers).
- Osteopaths Registration Board – Minister for Health’s report of 24 January 2001 of receipt of the 1999-2000 report.
- Parliamentary Committees Act 1968 – Minister’s response to recommendations in Environment and Natural Resources Committee’s Report upon the *Utilisation of Victorian Native Flora and Fauna*.
- Planning and Environment Act 1987 – Notices of Approval of the following amendments to planning schemes:
- Alpine Planning Scheme – Amendments C1, C2, C4 and C7.
 - Ararat Planning Scheme – Amendment C1.
 - Ballarat Planning Scheme – Amendments C7, C20, C36 and C38.
 - Banyule Planning Scheme – Amendments C3, C7 and C17.
 - Bayside Planning Scheme – Amendments C10 and C12 to C15.
 - Boroondara Planning Scheme – Amendments C8 and C12.
 - Brimbank Planning Scheme – Amendments C12 and C16.
 - Cardinia Planning Scheme – Amendments C12 and C18.
 - Casey Planning Scheme – Amendments C27 and C31.
 - Dandenong – Greater Dandenong Planning Scheme – Amendment C16 Part 1.
 - Darebin Planning Scheme – Amendments C9, C23, C25 and C26.
 - Frankston Planning Scheme – Amendments C6 and C10.
 - Geelong – Greater Geelong Planning Scheme – Amendments C2 to C4, C6, C10 and C24.
 - Glen Eira Planning Scheme – Amendments C6 and C9.
 - Golden Plains Planning Scheme – Amendments C3 and C6.
 - Hobsons Bay Planning Scheme – Amendment C2.
 - Hume Planning Scheme – Amendments C5, C9 and C10.
 - Indigo Planning Scheme – Amendments C5 Part 2 and C9.
 - Kingston Planning Scheme – Amendments C7, C9 and C11.
 - Knox Planning Scheme – Amendments C13 and C14.
 - Loddon Planning Scheme – Amendments C1 and C3.
 - Manningham Planning Scheme – Amendments C2, C5, C8 and C9.
 - Maribyrnong Planning Scheme – Amendment C12.
 - Maroondah Planning Scheme – Amendments C10, C12 and C17.
 - Melbourne Planning Scheme – Amendments C16, C30, C32 to C34, C36 and C37.
 - Melton Planning Scheme – Amendments C4 and C14.
 - Mildura Planning Scheme – Amendment C3 Part 2.
 - Mitchell Planning Scheme – Amendment C11.

- Planning and Environment Act 1987 – *continued*
- Monash Planning Scheme – Amendment C8.
 - Moonee Valley Planning Scheme – Amendments C9 and C16 Part 1.
 - Moreland Planning Scheme – Amendments C1 Part 3 and C9.
 - Mornington Peninsula Planning Scheme – Amendments C11, C17, C27, C31, C33 and C50.
 - Nillumbik Planning Scheme – Amendment C2.
 - Northern Grampians Planning Scheme – Amendment C1.
 - Port Phillip Planning Scheme – Amendment C5.
 - Pyrenees Planning Scheme – Amendment C4.
 - Shepparton – Greater Shepparton Planning Scheme – Amendment C8.
 - Stonnington Planning Scheme – Amendments C4, C6 Part 1, C8 to C10 and C11 Part 1.
 - Strathbogie Planning Scheme – Amendment C7.
 - Surf Coast Planning Scheme – Amendments C1 and C2.
 - Victoria Planning Provisions – Amendment VC10.
 - Whitehorse Planning Scheme – Amendments C11, C15 and C25.
 - Whittlesea Planning Scheme – Amendments C10 and C13.
 - Wodonga Planning Scheme – Amendments C3 and C4.
 - Wyndham Planning Scheme – Amendments C18, C26 and C27.
 - Yarra Planning Scheme – Amendments C6, C19 and C21.
 - Yarra Ranges Planning Scheme – Amendments C2, C4 and C5.
 - Yarriambiack Planning Scheme – Amendment C1.
- Public Lotteries Act 2000 – Licence to operate AFL Footy Tipping Competition, pursuant to section 32(b) of the Act.
- Queen Elizabeth Centre – Minister for Health’s report of 6 December 2000 of receipt of the 1999-2000 report.
- Robinvale District Health Services – Report, 1999-2000.
- Rochester and Elmore District Health Service – Report, 1999-2000.
- Rural Finance Act 1988 – Treasurer’s directive of 29 December 2000 to Rural Finance Corporation.
- South Gippsland Hospital – Minister for Health’s report of 8 December 2000 of receipt of the 1999-2000 report.
- South Western Regional Waste Management Group – Minister’s report of failure to submit 1999-2000 report to her within the prescribed period and the reasons therefor. Report, 1999-2000.
- State Superannuation Fund – Actuarial Investigation as at 30 June 2000 (two papers).
- Statutory Rules under the following Acts of Parliament:
- Building Act 1993 – Nos. 14 to 16/2001.
 - Business Names Act 1962 – No. 122/2000.
 - Cemeteries Act 1958 – No. 10/2001.
 - Club Keno Act 1993/Tattersall Consultations Act 1958 – No. 118/2000.
 - Control of Weapons Act 1990 – No. 130/2000.
 - Corporations (Victoria) Act 1990 – No. 121/2000.
 - Country Fire Authority Act 1958 – No. 2/2001.
 - County Court Act 1958 – No. 119/2000 and No. 17/2001.
 - Dangerous Goods Act 1985 – No. 127/2000.
 - Electricity Industry Act 2000 – No. 137/2000.
 - Electricity Safety Act 1998 – No. 136/2000 and Nos. 3 and 8/2001.
 - Fisheries Act 1995 – No. 138/2000 and No. 9/2001.
 - Forests Act 1958 – No. 117/2000.
 - Health Act 1958 – No. 13/2001.

Statutory Rules – *continued*

Land Tax Act 1958 – No. 140/2000.

Libraries Act 1988 – No. 129/2000.

Magistrates' Court Act 1989 – Nos. 133 and 134/2000 and No. 7/2001.

Melbourne City Link Act 1995 – Nos. 131 and 132/2000.

National Taxation Reform (Consequential Provisions) Act 2000 – No. 141/2000.

Pathology Services Accreditation Act 1984 – Nos. 11 and 12/2001.

Road Safety Act 1986 – No. 126/2000 and No. 5/2001.

Subordinate Legislation Act 1994 – Nos. 123 to 125, 128 and 139/2000 and Nos. 6 and 18/2001.

Supreme Court Act 1986 – No. 120/2000.

Supreme Court Act 1986/Corporations (Victoria) Act 1990 – No. 121/2000.

Tobacco Act 1987 – No. 19/2001.

Victims of Crime Assistance Act 1996 – No. 135/2000.

Wildlife Act 1975 – Nos. 1 and 4/2001.

Subordinate Legislation Act 1994 –

Ministers' exception certificates under section 8(4) in respect of Statutory Rules Nos. 119 to 121, 123 to 125, 128, 133, 135 and 139/2000 and Nos. 6, 17 and 18/2001.

Ministers' exemption certificates under section 9(6) in respect of Statutory Rules Nos. 117, 118, 122, 129, 131, 132 and 136 to 138/2000 and Nos. 1, 5, 7, 8, 10, 14 and 19/2001.

Stawell District Hospital – Report, 1999-2000.

Swan Hill District Hospital – Report, 1999-2000.

Tattersall's – Financial Statements, 1999-2000.

Tweddle Child and Family Health Service – Minister for Health's report of 6 December 2000 of receipt of the 1999-2000 report.

Western Regional Waste Management Group –

Minister's report of failure to submit 1999-2000 report to her within the prescribed period and the reasons therefor.

Report, 1999-2000.

Wildlife Act 1975 – Wildlife (Control of Hunting) Notice No. 1/2001, 27 January 2001.

Yarram and District Health Service – Minister for Health's report of 6 December 2000 receipt of the 1999-2000 report.

* * * * *

PROCLAMATIONS – Proclamations of His Excellency the Governor in Council fixing operative dates in respect of the following Acts were laid upon the table by the Clerk pursuant to an Order of the Council on 4 November 1999:

Accident Compensation (Amendment) Act 1998 – Section 29(2) – 30 December 2000 (*Gazette No. G51, 21 December 2000*).

Adoption (Amendment) Act 2000 – Section 19 – 15 December 2000 (*Gazette No. G50, 14 December 2000*).

Building (Legionella) Act 2000 – Section 9 and remaining provisions – 1 March 2001 (*Gazette No. G9, 1 March 2001*).

Business Registration Acts (Amendment) Act 2000 – Sections 18, 20(1), 21, 23 and 27 – 11 December 2000 (*Gazette No. G49, 7 December 2000*).

Children and Young Persons Act 1989 – Section 21(1) – 2 March 2001 (*Gazette No. G9, 1 March 2001*).

Children and Young Persons (Reciprocal Arrangements) Act 2000 – Remaining provisions (except section 7(4)) – 2 March 2001 – (*Gazette No. G9, 1 March 2001*).

Proclamations – *continued*

- Commonwealth Places (Mirror Taxes Administration) Act 1999 – Remaining provisions – 30 January 2001 (*Gazette No. S8, 30 January 2001*).
- Control of Weapons (Amendment) Act 2000 – Whole Act – 17 December 2000 (*Gazette No. G50, 14 December 2000*).
- Country Fire Authority (Amendment) Act 2000 – Whole Act – 29 January 2001 (*Gazette No. G4, 25 January 2001*).
- Electricity Industry Act 2000 – Section 83 – 1 January 2001 (*Gazette No. G51, 21 December 2000*).
- Fisheries (Amendment) Act 2000 – Section 9 – 1 March 2001 (*Gazette No. G6, 8 February 2001*).
- Gambling Legislation (Miscellaneous Amendments) Act 2000 – Sections 3, 13, 14, 23, 24, 26, 28, 31, 32, 34, 39, 40, 43, 46 to 48, 51, 52, 54, 57 and 61 to 63 – 1 February 2001 (*Gazette No. G5, 1 February 2001*); sections 4, 6 to 8, 44 and 45 – 1 March 2001 (*Gazette No. G9, 1 March 2001*).
- Gaming No. 2 (Community Benefit) Act 2000 – Part 1, Part 3, Part 4 (except section 21) and sections 24, 25, 27(1) and 30 – 1 February 2001 (*Gazette No. G5, 1 February 2001*); sections 21, 26, 28 and 29 – 1 March 2001 (*Gazette No. G9, 1 March 2001*).
- Gas Industry Acts (Amendment) Act 2000 – Section 5 – 20 December 2000 (*Gazette No. S198, 20 December 2000*).
- National Parks (Amendment) Act 2000 – Remaining provisions – 25 January 2001 (*Gazette No. G4, 25 January 2001*).
- Training and Further Education Acts (Amendment) Act 2000 – Remaining provisions – 1 March 2001 (*Gazette No. G7, 15 February 2001*).
- Transport Accident (Amendment) Act 2000 – Sections 3(1), 3(2), 3(5), 4 and 41 – 7 December 2000; sections 3(3) (except section 3(3)(c)), 3(4), 5, 7, 8, 15(1), 15(2), 15(5), 19, 20, 23(2), 28 and 38 – 1 January 2001 (*Gazette No. G49, 7 December 2000*); sections 12, 14(1), (2) and (4), 16 and 30 – 1 March 2001 (*Gazette No. G9, 1 March 2001*).
- University of Melbourne Land Act 2000 – Whole Act – 14 March 2001 (*Gazette No. G10, 8 March 2001*).
- Victorian Curriculum and Assessment Authority Act 2000 – Whole Act – 1 March 2001 – (*Gazette No. G9, 1 March 2001*).
- Victorian Qualifications Authority Act 2000 – Whole Act – 1 March 2001 – (*Gazette No. G9, 1 March 2001*).

The Honourable P. R. Hall moved, That the Wildlife (Control of Hunting) Notice No. 1/2001, tabled by the Clerk be taken into consideration on the next day of meeting.

Question – put and resolved in the affirmative.

- 16 HEALTH SERVICES (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable M.M. Gould moved, That this Bill be now read a second time.

On the motion of the Honourable M.T. Luckins, the debate was adjourned until the next day of meeting.

- 17 STATE TAXATION ACTS (FURTHER MISCELLANEOUS AMENDMENTS) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable C.C. Broad moved, That this Bill be now read a second time.

The Honourable C.C. Broad made a statement pursuant to section 85(5) of the *Constitution Act 1975* on the reasons for altering or varying this section.

On the motion of the Honourable W. Forwood (for the Honourable D.M. Davis), the debate was adjourned until the next day of meeting.

18 VICTORIAN ENVIRONMENTAL ASSESSMENT COUNCIL BILL – The Order of the Day having been read for the second reading of this Bill, the Honourable C.C. Broad moved, That this Bill be now read a second time.

On the motion of the Honourable P.R. Davis, the debate was adjourned until the next day of meeting.

19 POLICE REGULATION (MISCELLANEOUS AMENDMENTS) BILL – The Order of the Day having been read for the second reading of this Bill, the Honourable J.M. Madden moved, That this Bill be now read a second time.

On the motion of the Honourable A.R. Brideson (for the Honourable B.C. Boardman), the debate was adjourned until the next day of meeting.

20 RACING AND BETTING ACTS (AMENDMENT) BILL – The Order of the Day having been read for the second reading of this Bill, the Honourable J.M. Madden moved, That this Bill be now read a second time.

On the motion of the Honourable W. Forwood (for the Honourable I.J. Cover), the debate was adjourned until the next day of meeting.

21 LAND (FURTHER REVOCATION OF RESERVATIONS) BILL – The President announced the receipt of a Message from the Assembly transmitting a Bill *to provide for the revocation of the reservations over several parcels of land, the revocation of a Crown grant and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable C.C. Broad, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

22 HEALTH RECORDS BILL – The President announced the receipt of a Message from the Assembly transmitting a Bill *to establish a regime for the protection of health information held by health service providers and other organisations, to create an enforceable right of access to health information, to establish privacy standards for health information, to amend the Parliamentary Committees Act 1968, the Ombudsman Act 1973, the Freedom of Information Act 1982, the Health Services (Conciliation and Review) Act 1987, the Subordinate Legislation Act 1994 and certain other Acts and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable M.M. Gould, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

23 ADJOURNMENT – The Honourable M.M. Gould moved, That the House do now adjourn.

Debate ensued.

Question – put and resolved in the affirmative.

And then the Council, at 11.32 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 59 – Wednesday, 21 March 2001

1 The President took the Chair and read the Prayer.

2 **BUSINESS OF THE HOUSE** – The Honourable M.M. Gould moved, by leave, That so much of the Sessional Orders be suspended as would prevent new business being taken after 8.00 p.m. during the sitting of the Council this day.

Question — put and resolved in the affirmative.

- 3 PETITION — FAIR EMPLOYMENT BILL** — The Honourable G.W. Jennings presented a Petition bearing 1,665 signatures from certain citizens of Victoria requesting that the Fair Employment Bill 2000, in the form proposed by the Government, be supported by the Legislative Council as a matter of urgency.

Ordered to lie on the Table.

- 4 PAPER — ECONOMIC DEVELOPMENT COMMITTEE — WORKCOVER PREMIUMS** — The Honourable N.B. Lucas presented Interim Report No. 2 from the Economic Development Committee upon Workcover Premiums for 2000-01, together with an Appendix.

Ordered to lie on the Table and to be printed.

- 5 MARINE, COASTAL AND ESTUARINE INVESTIGATION RECOMMENDATIONS** — The Honourable P.R. Hall moved, That this House rejects the recommendations of the Environment Conservation Council's Marine, Coastal and Estuarine Investigation Final Report, insofar as the recommendations prohibit recreational and commercial fishing in 24 nominated areas of the Victorian coast, resulting in economic hardship for the fishing industry and coastal communities, and without any guarantee of improved marine environmental outcomes.

Debate ensued.

On the motion of the Honourable R.H. Bowden, the debate was adjourned until later this day.

- 6 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, General Business, Nos. 2 and 3, be postponed until later this day.

- 7 BARLEY MARKETING (AMENDMENT) BILL** — On the motion of the Honourable B.W. Bishop, leave was given to bring in a Bill *to amend the Barley Marketing Act 1993 so as to indefinitely extend the single desk operations of ABB Grain Export Limited*, and the said Bill was read a first time and ordered to be printed and, by leave, to be read a second time forthwith.

Accordingly, the Honourable B.W. Bishop moved, That this Bill be now read a second time.

On the motion of the Honourable P.R. Davis, the debate was adjourned until the next day of meeting.

- 8 QUESTIONS** — Questions without notice were taken pursuant to Standing Order No. 71A.

[Sitting suspended from 2.52 p.m. until 5.37 p.m. to enable Members of the Legislative Council to attend in the Legislative Assembly Chamber to hear the addresses by Mr Neil Comrie, Professor David Pennington and other expert advisers on drug education and prevention.]

- 9 DRUG EDUCATION AND PREVENTION PROGRAM** — The Honourable M.M. Gould moved, by leave, That the Council take note of the addresses of Mr Neil Comrie, Professor David Pennington and the other expert advisers on drug education and prevention, given in the Legislative Assembly Chamber on 21 March 2001.

Debate ensued.

The Honourable M.T. Luckins moved, as an amendment, That the following expression be added to the motion:

“and believes that the Victorian Parliament should establish a Drug Education and Early Intervention Authority; a multi-agency approach to protect our next generation of young people from drug abuse by implementing agreed

strategies on drug and lifestyle education, early intervention and diversion, and that the Authority must be appropriately resourced and report directly to Parliament.”

Debate ensued.

Leave was granted for the Honourable M.T. Luckins to withdraw her amendment.

The Honourable G.W. Jennings moved, as an amendment, That all words and expressions after “That the Council” be omitted with the view of inserting in place thereof:

“ —

- (a) take note of the addresses of Mr Neil Comrie, Professor David Pennington and the other expert advisers on drug education and prevention, given in the Legislative Assembly Chamber on 21 March 2001;
- (b) believes that the Victorian Parliament should support the creation of an expert drug prevention body;
- (c) totally supports the effective integration of programs through a multi-agency approach to protect our next generation of young people from drug abuse which must be achieved by implementing agreed strategies on drug and lifestyle education, early intervention and diversion; and
- (d) insists that the body must be appropriately resourced to provide direction on the effective integration of drug programs and report to Parliament.”

Debate ensued.

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

Question — That the words and expressions proposed to be inserted be so inserted — put and resolved in the affirmative.

Question — That the Council —

- (a) take note of the addresses of Mr Neil Comrie, Professor David Pennington and the other expert advisers on drug education and prevention, given in the Legislative Assembly Chamber on 21 March 2001;
- (b) believes that the Victorian Parliament should support the creation of an expert drug prevention body;
- (c) totally supports the effective integration of programs through a multi-agency approach to protect our next generation of young people from drug abuse which must be achieved by implementing agreed strategies on drug and lifestyle education, early intervention and diversion; and
- (d) insists that the body must be appropriately resourced to provide direction on the effective integration of drug programs and report to Parliament.

— put and resolved in the affirmative.

10 ADJOURNMENT — The Honourable M.M. Gould moved, That the House do now adjourn.

Debate ensued.

Question — put and resolved in the affirmative.

And then the Council, at 10.09 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 60 – Thursday, 22 March 2001

- 1 The President took the Chair and read the Prayer.
- 2 **PETITION – FAIR EMPLOYMENT BILL** – The Honourable G.W. Jennings presented a Petition bearing 27 signatures from certain citizens of Victoria requesting that the Fair Employment Bill 2000, in the form proposed by the Government, be supported by the Legislative Council as a matter of urgency.
Ordered to lie on the Table.
- 3 **PAPERS –**
PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE – UNFUNDED SUPERANNUATION LIABILITIES – The Honourable R.M. Hallam presented a Report from the Public Accounts and Estimates Committee upon Unfunded Superannuation Liabilities in the Financial Reports of Victorian Universities, together with an Appendix and Minutes of Evidence.
Ordered to lie on the Table and the Report and Appendix 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:
Faraday Arch Pty Ltd – Treasurer’s report of 19 March 2001 of receipt of the 1999 and 2000 reports.
Florida Banner Pty Ltd – Treasurer’s report of 19 March 2001 of receipt of the 1999 and 2000 reports.
Statutory Rules under the following Acts of Parliament:
Accident Compensation Act 1985 – Accident Compensation (WorkCover Insurance) Act 1993 – No. 21/2001.
Fisheries Act 1995 – No. 20/2001.
Motor Car Traders Act 1986 – No. 115/2000.
Subordinate Legislation Act 1994 –
Ministers’ exception certificates under section 8(4) in respect of Statutory Rules No. 115/2000 and No. 20/2001.
Ministers’ exemption certificates under section 9(6) in respect of Statutory Rules Nos. 113 and 114/2000.
- 4 **BUSINESS POSTPONED** – Ordered – That the consideration of the Notices of Motion to Take Note of Reports, Nos. 1 to 4 inclusive, be postponed until the next day of meeting.
- 5 **LAND (FURTHER REVOCATION OF RESERVATIONS) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable C.C. Broad moved, That this Bill be now read a second time.
On the motion of the Honourable W. Forwood (for the Honourable P.R. Davis), the debate was adjourned until the next day of meeting.
- 6 **HEALTH RECORDS BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable M.M. Gould moved, That this Bill be now read a second time.
The Honourable M.M. Gould made a statement pursuant to section 85(5) of the *Constitution Act 1975* on the reasons for altering or varying this section.
On the motion of the Honourable M.T. Luckins, the debate was adjourned until the next day of meeting.

- 7 HEALTH SERVICES (AMENDMENT) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

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

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 8 FAIR EMPLOYMENT BILL** – The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time –

Debate resumed.

Business having been interrupted at 2.00 p.m. pursuant to Sessional Orders –

- 9 QUESTIONS** – Questions without notice were taken and answers were given to certain questions on notice pursuant to Standing Order No. 71A.

- 10 FAIR EMPLOYMENT BILL** – Debate continued on the question, That this Bill be now read a second time.

On the motion of the Honourable W.R. Baxter, the debate was adjourned until the next day of meeting.

- 11 CORPORATIONS (COMMONWEALTH POWERS) BILL** – The Deputy President announced the receipt of a Message from the Assembly transmitting a Bill *to refer certain matters relating to corporations and financial products and services to the Parliament of the Commonwealth for the purposes of section 51(xxxvii) of the Constitution of the Commonwealth, to amend section 85 of the Constitution Act 1975 and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable M.M. Gould, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 12 FORESTRY RIGHTS (AMENDMENT) BILL** – The Deputy President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Forestry Rights Act 1996 to provide for rights to exploit carbon sequestered by trees, to require notification to be given for certain agreements under that Act and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable C.C. Broad, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 13 ENVIRONMENT PROTECTION (LIVEABLE NEIGHBOURHOODS) BILL** – The Deputy President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Environment Protection Act 1970 to include principles of environment protection, to provide for neighbourhood environment improvement plans and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable C.C. Broad, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

14 ADJOURNMENT – The Honourable M.M. Gould moved, That the Council, at its rising, adjourn until Tuesday, 3 April 2001.

Question – put and resolved in the affirmative.

The Honourable M.M. Gould moved, That the House do now adjourn.

Debate ensued.

Question – put and resolved in the affirmative.

And then the Council, at 6.06 p.m., adjourned until Tuesday, 3 April 2001.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

LEGISLATIVE COUNCIL OF VICTORIA

MINUTES OF THE PROCEEDINGS Nos. 61 and 62

No. 61 – Tuesday, 3 April 2001

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACT** – The Honourable M.M. Gould presented a Message from Her Excellency the Lieutenant Governor informing the Council that she had, on 27 March 2001, given the Royal Assent to the undermentioned Act presented to her by the Clerk of the Parliaments:
Health Services (Amendment) Act.
- 3 **QUESTIONS** – Questions without notice were taken pursuant to Standing Order No. 71A.
M & C PETROL STATION – The Honourable M.R. Thomson having given an answer to a question without notice relating to M & C Petrol Station –
The Honourable W. Forwood moved, That the Minister's answer be taken into consideration on the next day of meeting.
Question – put and resolved in the affirmative.
Questions without notice continued.
LIBERTY OIL – The Honourable M.R. Thomson having given an answer to a question without notice relating to Liberty Oil –
The Honourable M.A. Birrell moved, That the Minister's answer be taken into consideration on the next day of meeting.
Question – put and resolved in the affirmative.
Questions without notice continued.
FUEL CONTAMINATION/SUBSTITUTION – The Honourable M.R. Thomson having given an answer to a question without notice relating to fuel contamination/substitution –
The Honourable W. Forwood moved, That the Minister's answer be taken into consideration on the next day of meeting.
Question – put and resolved in the affirmative.
Questions without notice continued.
- 4 **BUSINESS OF THE HOUSE** – The Honourable M.M. Gould moved, by leave, That so much of the Sessional Orders be suspended as would prevent new business being taken after 8.00 p.m. during the sitting of the Council this day.
Question – put and resolved in the affirmative.
- 5 **ELECTRICITY INDUSTRY ACTS (FURTHER AMENDMENT) BILL** – On the motion (by leave without notice) of the Honourable C.C. Broad, leave was given to bring in a Bill to amend the *Electricity Industry Act 2000 and the Electricity Safety*

Act 1998 and for other purposes and the said Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

6 PAPERS –

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE – ALERT DIGEST – The Honourable M.T. Luckins presented Alert Digest No. 3 of 2001 from the Scrutiny of Acts and Regulations Committee, together with Appendices.

Ordered to lie on the Table and to be printed.

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

Crown Land (Reserves) Act 1978 – Minister's Orders of 3, 4 and 24 March 2001 giving approval to granting of leases at Dimboola, Nhill and Westerfolds Park (three papers).

Gippsland Regional Waste Management Group –

Minister's report of failure to submit 1999-2000 report to her within the prescribed period and the reasons therefor.
Report, 1999-2000.

Interpretation of Legislation Act 1984 –

Notice pursuant to section 32(3)(ii) in relation to Statutory Rule No. 15.

Notice pursuant to section 32(3)(a)(iii) in relation to Statutory Rule No. 11.

National Crime Authority – Report, 1999-2000.

Planning and Environment Act 1987 – Notices of Approval of the following amendments to planning schemes:

Baw Baw Planning Scheme – Amendment C2.

Colac Otway Planning Scheme – Amendment C7.

Macedon Ranges Planning Scheme – Amendment C1.

Swan Hill Planning Scheme – Amendment C1.

Victoria Planning Provisions – Amendment VC11.

Statutory Rules under the following Acts of Parliament:

Heritage Act 1995 – No. 23.

Victorian Civil and Administrative Tribunal Act 1998 – No. 24.

Water Act 1989 – No. 22.

Subordinate Legislation Act 1994 – Ministers' exception certificate under section 8(4) in respect of Statutory Rule No. 24.

Wildlife Act 1975 – Wildlife (Control of Hunting) Notices Nos. 2 and 3, 25 February 2001 and No. 5, 15 March 2001.

* * * * *

PROCLAMATIONS – Proclamations of His Excellency the Governor in Council fixing operative dates in respect of the following Acts were laid upon the Table by the Clerk pursuant to an Order of the Council on 4 November 1999:

Crimes At Sea Act 1999 – Whole Act – 31 March 2001 (*Gazette No. G13, 29 March 2001*).

Essential Services Legislation (Dispute Resolution) Act 2000 – Whole Act – 13 April 2001 (*Gazette No. G13, 29 March 2001*).

Gambling Legislation (Miscellaneous Amendments) Act 2000 – Section 30 – 22 March 2001 (*Gazette No. G12, 22 March 2001*).

Gaming No. 2 (Community Benefit) Act 2000 – Section 8 – 29 March 2001 (*Gazette No. G13, 29 March 2001*).

Heritage (Amendment) Act 2000 – Whole Act – 1 April 2001 (*Gazette No. G12, 22 March 2001*).

Victorian Law Reform Commission Act 2000 – Whole Act – 6 April 2001 (*Gazette No. G13, 29 March 2001*).

The Honourable P. R. Hall moved, That the Wildlife (Control of Hunting) Notices Nos. 2, 3 and 5/2001, tabled by the Clerk be taken into consideration on the next day of meeting.

Question – put and resolved in the affirmative.

- 7 RIGHT OF REPLY – SOUTH GIPPSLAND CONSERVATION SOCIETY INC.** – Pursuant to the Sessional Orders of the Legislative Council, the President presented a Right of Reply from the South Gippsland Conservation Society Inc. to statements made in the Council by the Honourable K.M. Smith, on 6 September, 24 October and 1 November 2000.

Ordered to lie on the Table and to be printed.

The Honourable T.C. Theophanous moved, That the right of reply be taken into consideration on the next day of meeting.

Question – put and resolved in the affirmative.

- 8 FORESTRY RIGHTS (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable C.C. Broad moved, That this Bill be now read a second time.

On the motion of the Honourable P.R. Davis, the debate was adjourned until the next day of meeting.

- 9 ENVIRONMENT PROTECTION (LIVEABLE NEIGHBOURHOODS) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable C.C. Broad moved, That this Bill be now read a second time.

On the motion of the Honourable P.R. Davis, the debate was adjourned until the next day of meeting.

- 10 CORPORATIONS (COMMONWEALTH POWERS) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable M.R. Thomson moved, That this Bill be now read a second time.

On the motion of the Honourable D.M. Davis, the debate was adjourned until the next day of meeting.

- 11 LAND (FURTHER REVOCATION OF RESERVATIONS) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

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

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 12 HEALTH RECORDS BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and, by leave, read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 13 FAIR EMPLOYMENT BILL** – The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time –

Debate resumed.

On the motion of the Honourable W.I. Smith, the debate was adjourned until the next day of meeting.

14 PARLIAMENTARY PRECINCTS BILL – The Deputy President announced the receipt of a Message from the Assembly transmitting a Bill *to provide for the control, management and security of the Parliamentary precincts, to repeal certain provisions in the Unlawful Assemblies and Processions Act 1958, to amend the Parliamentary Committees Act 1968 and the Road Safety Act 1986 and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable M.M. Gould, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

15 STATUTE LAW AMENDMENT (AUTHORISED DEPOSIT-TAKING INSTITUTIONS) BILL – The Deputy President announced the receipt of a Message from the Assembly transmitting a Bill *to amend specified Acts so as to permit non-bank financial institutions to provide banking services to bodies regulated by statute and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable M.M. Gould (for the Honourable C.C. Broad), the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

16 ADJOURNMENT – The Honourable M.M. Gould moved, That the House do now adjourn.

Debate ensued.

Question – put and resolved in the affirmative.

And then the Council, at 11.43 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 62 – Wednesday, 4 April 2001

1 The President took the Chair and read the Prayer.

2 PROFESSIONAL BOXING AND MARTIAL ARTS (AMENDMENT) BILL – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Professional Boxing and Martial Arts Act 1985 and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable J.M. Madden, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

3 BUSINESS OF THE HOUSE – The Honourable M.M. Gould moved, by leave, That so much of the Sessional Orders be suspended as would prevent new business being taken after 8.00 p.m. during the sitting of the Council this day.

Question – put and resolved in the affirmative.

4 PETITION – LAVERTON NORTH ENVIRONMENTAL HAZARD – The Honourable K. Darveniza presented a Petition bearing 119 signatures from certain citizens of Victoria praying that the Government will investigate the environmental hazard from the noxious industries in the area of Laverton North and ensure that all proper environmental and health standards are being met and work to restore clean, breathable air to the area.

Ordered to lie on the Table.

5 BUSINESS POSTPONED – Ordered – That the consideration of Notices of Motion, General Business, Nos. 1 and 2, be postponed until later this day.

- 6 **STATE BUSINESS TAXES** – The Honourable W. Forwood moved, That this House calls on the Government to – (i) immediately rule out the proposed changes to land tax which will devastate Victorian small businesses; and (ii) deal with issues of sovereign risk caused by the Harvey report on *Review of State Business Taxes*.

Debate ensued.

Question – put and resolved in the affirmative.

- 7 **QUESTIONS** – Questions without notice were taken pursuant to Standing Order No. 71A.

- 8 **PARLIAMENTARY PRECINCTS BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable M.M. Gould moved, That this Bill be now read a second time.

On the motion of the Honourable M.T. Luckins, the debate was adjourned until later this day.

- 9 **STATUTE LAW AMENDMENT (AUTHORISED DEPOSIT-TAKING INSTITUTIONS) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable C.C. Broad moved, That this Bill be now read a second time.

On the motion of the Honourable D.M. Davis, the debate was adjourned until the next day of meeting.

- 10 **ELECTRICITY INDUSTRY ACTS (FURTHER AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable C.C. Broad moved, That this Bill be now read a second time.

On the motion of the Honourable P.R. Davis, the debate was adjourned until the next day of meeting.

- 11 **PROFESSIONAL BOXING AND MARTIAL ARTS (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable J.M. Madden moved, That this Bill be now read a second time.

On the motion of the Honourable W. Forwood (for the Honourable I.J. Cover), the debate was adjourned until the next day of meeting.

- 12 **FAIR EMPLOYMENT BILL** – The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time –

Debate resumed.

Question – put.

The Council divided.

AYES, 12

The Hon. C.C. Broad
E.C. Carbines
M.M. Gould
D.G. Hadden (*Teller*)
G.W. Jennings
J.M. McQuilten
J.M. Madden
J. Mikakos
S.M. Nguyen (*Teller*)
G.D. Romanes
R.F. Smith

NOES, 26

The Hon. G.B. Ashman
B.N. Atkinson
W.R. Baxter (*Teller*)
M.A. Birrell
B.W. Bishop
B.C. Boardman
R.H. Bowden
A.R. Brideson
A. Coote
I.J. Cover (*Teller*)
G.R. Craige

M.R. Thomson

D.M. Davis
 P.R. Davis
 W. Forwood
 C.A. Furletti
 P.R. Hall
 R.M. Hallam
 N.B. Lucas
 M.T. Luckins
 E.J. Powell
 G.K. Rich-Phillips
 Dr. J.W.G. Ross
 K.M. Smith
 W.I. Smith
 Graeme Stoney
 C.A. Strong

And so it passed in the negative.

- 13 PARLIAMENTARY PRECINCTS BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

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

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 14 PROSTITUTION CONTROL (PROSCRIBED BROTHELS) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Prostitution Control Act 1994 in respect of the procedure for declaring premises to be a proscribed brothel and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable J.M. Madden, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 15 CONSTITUTION (SUPREME COURT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Constitution Act 1975, the Supreme Court Act 1986, the Magistrates' Court Act 1989 and the Magistrates' Court (Infringements) Act 2000 and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable M.R. Thomson, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 16 ADJOURNMENT** – The Honourable M.M. Gould moved, That the Council, at its rising, adjourn until Tuesday, 1 May 2001.

Question – put and resolved in the affirmative.

The Honourable M.M. Gould moved, That the House do now adjourn.

Debate ensued.

Question – put and resolved in the affirmative.

And then the Council, at 11.46 p.m., adjourned until Tuesday, 1 May 2001.

W.R. TUNNECLIFFE
 Clerk of the Legislative Council

LEGISLATIVE COUNCIL OF VICTORIA

MINUTES OF THE PROCEEDINGS Nos. 63, 64 and 65

No. 63 – Tuesday, 1 May 2001

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** – The Honourable M.M. Gould presented a Message from the Administrator of Victoria, as the Governor's Deputy, informing the Council that he had, on 10 April 2001, given the Royal Assent to the undermentioned Acts presented to him by the Clerk of the Parliaments:
Health Records Act
Land (Further Revocation of Reservations) Act
Parliamentary Precincts Act.
- 3 **WATER (AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Water Act 1989 and for other purposes* and desiring the concurrence of the Council therein.
On the motion of the Honourable C.C. Broad, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 4 **WHISTLEBLOWERS PROTECTION BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to encourage and facilitate disclosures of improper conduct by public officers and public bodies, to protect persons making those disclosures and others from reprisals, to provide for the matters disclosed to be properly investigated and dealt with and for other purposes* and desiring the concurrence of the Council therein.
On the motion of the Honourable M.R. Thomson, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 5 **CITY OF MELBOURNE BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to alter the electoral structure of the City of Melbourne, to provide for the direct election of a Lord Mayor and a Deputy Lord Mayor, to facilitate an early election of the members of the Melbourne City Council and for other purposes* and desiring the concurrence of the Council therein.
On the motion of the Honourable C.C. Broad, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 6 **QUESTIONS** – Questions without notice were taken pursuant to Standing Order No. 71A.
- 7 **SUSPENSION OF STANDING ORDERS – QUESTIONS** – The Honourable M.M. Gould moved, by leave, That so much of the Standing Orders as require answers to questions on notice to be delivered verbally in the House be

suspended for the sitting of the Council this day and that the answers enumerated be incorporated in Hansard.

Question – put and resolved in the affirmative.

Accordingly, answers were given to certain questions on notice pursuant to Standing Order No. 71A.

- 8 **BUSINESS OF THE HOUSE** – The Honourable M.M. Gould moved, by leave, That so much of the Sessional Orders be suspended as would prevent new business being taken after 8.00 p.m. during the sitting of the Council this day.

Question – put and resolved in the affirmative.

- 9 **PETITION – LAND TAX** – The Honourable B.C. Boardman presented a Petition bearing 51 signatures from certain citizens of Victoria requesting that the Government not accept the recommendations of the Harvey Report regarding the introduction of a flat-rate of land tax of 2.89 per cent.

Ordered to lie on the Table.

10 PAPERS –

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE – REGULATIONS ANNUAL REVIEW – The Honourable J. Mikakos presented the Annual Review 2000 from the Scrutiny of Acts and Regulations Committee upon Regulations 1999 and 2000, together with Appendices.

Ordered to lie on the Table and to be printed.

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ALERT DIGEST – The Honourable M.T. Luckins presented Alert Digest No. 4 of 2001 from the Scrutiny of Acts and Regulations Committee, together with Appendices.

Ordered to lie on the Table and to be printed.

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

Adult Education Council – Report, 2000.

Auditor-General – Report on Implementing Local Priority Policing in Victoria, May 2001.

Bendigo Regional Institute of TAFE – Report, 2000.

Box Hill Institute of TAFE – Report, 2000.

Caritas Christi Hospice Limited – Report, 1999-2000.

Central Gippsland Institute of TAFE – Report, 2000.

Chisholm Institute of TAFE – Report, 2000 (two papers).

Deakin University – Report, 2000.

Driver Education Centre of Australia Limited – Report, 2000.

East Gippsland Institute of TAFE – Report, 2000 (two papers).

Gordon Institute of TAFE – Report, 2000.

Goulburn Ovens Institute of TAFE – Report, 2000.

Holmesglen Institute of TAFE – Report, 2000.

Judicial Remuneration Tribunal –

Report on Judicial Salary and Allowances, 17 January 2001, together with a statement from the Attorney-General as to the reasons for accepting the Tribunal's recommendations, 24 April 2001.

Report on Victorian Civil and Administrative Tribunal's Salary and Allowances, 17 January 2001, together with a statement from the Attorney-General as to the reasons for varying the recommendations, 1 May 2001.

Kangan Batman Institute of TAFE – Report, 2000.

- LaTrobe University – Report, 2000.
Melbourne University – Report, 2000.
Mercy Public Hospitals Incorporated – Report, 1999-2000.
Northern Melbourne Institute of TAFE – Report, 2000.
Planning and Environment Act 1987 – Notices of Approval of the following amendments to planning schemes:
- Ballarat Planning Scheme – Amendment C40.
 - Bass Coast Planning Scheme – Amendment C2 (Part 1).
 - Boroondara Planning Scheme – Amendment C13.
 - Campaspe Planning Scheme – Amendment C13.
 - Casey Planning Scheme – Amendments C20, C28 and C29.
 - Darebin Planning Scheme – Amendment C17.
 - Glen Eira Planning Scheme – Amendment C10.
 - Horsham Planning Scheme – Amendment C5.
 - Hume Planning Scheme – Amendments C6 and C20.
 - Knox Planning Scheme – Amendments C6 and C15.
 - LaTrobe Planning Scheme – Amendment C8.
 - Maroondah Planning Scheme – Amendment C13.
 - Melbourne Planning Scheme – Amendment C43.
 - Moonee Valley Planning Scheme – Amendment C23.
 - Moreland Planning Scheme – Amendment C3.
 - Mornington Peninsula Planning Scheme – Amendment C26 (Part1).
 - Pyrenees Planning Scheme – Amendment C3.
 - Stonnington Planning Scheme – Amendment C7.
 - Whittlesea Planning Scheme – Amendment C17.
 - Yarra Ranges Planning Scheme – Amendments C6 and C7.
- Royal Melbourne Institute of Technology – Report, 2000.
South West Institute of TAFE – Report, 2000 (two papers).
Statutory Rules under the following Acts of Parliament:
- Gaming Machine Control Act 1991 – No. 31.
 - Local Government Act 1989 – No. 30.
 - Road Safety Act 1986 – No. 29.
 - Subdivision Act 1988 – No. 28.
 - Supreme Court Act 1986 – No. 26.
 - Supreme Court Act 1986 – Corporations (Victoria) Act 1990 – No. 27.
 - Wildlife Act 1975 – No. 25.
- St Vincent’s Hospital (Melbourne) Limited – Report, 1999-2000.
Subordinate Legislation Act 1994 –
- Minister’s exception certificates under section 8(4) in respect of Statutory Rules Nos. 26 and 27.
 - Ministers’ exemption certificates under section 9(6) in respect of Statutory Rules Nos. 23 and 29.
- Sunraysia Institute of TAFE – Report, 2000.
Swinburne University of Technology – Report, 2000.
University of Ballarat – Report, 2000 (two papers).
Victoria University of Technology – Report, 2000.
William Angliss Institute of TAFE – Report, 2000.
Wodonga Institute of TAFE – Report, 2000.

PROCLAMATIONS – Proclamations of His Excellency the Governor in Council fixing operative dates in respect of the following Acts were laid upon the Table by the Clerk pursuant to an Order of the Council on 4 November 1999:

Gambling Legislation (Miscellaneous Amendments) Act 2000 – Sections 5, 9, 10(3), 11, 12, 22(2), 37, 41, 42 and 53 – 26 April 2001 (*Gazette G17, 26 April 2001*).

Gaming No. 2 (Community Benefit) Act 2000 – Remaining provisions of Parts 5 and 6 – 26 April 2001 (*Gazette G17, 26 April 2001*).

Gas Industry Acts (Amendment) Act 2000 – Sections 3, 6 to 10, 12, 13, 16 to 22, 25 to 28, 30 to 37 and Part 4 – 12 April 2001 (*Gazette G15, 12 April 2001*).

11 PROSTITUTION CONTROL (PROSCRIBED BROTHELS) BILL – The Order of the Day having been read for the second reading of this Bill, the Honourable M.R. Thomson moved, That this Bill be now read a second time.

On the motion of the Honourable C.A. Furletti, the debate was adjourned until the next day of meeting.

12 CONSTITUTION (SUPREME COURT) BILL – The Order of the Day having been read for the second reading of this Bill, the Honourable M.R. Thomson moved, That this Bill be now read a second time.

On the motion of the Honourable C.A. Furletti, the debate was adjourned until the next day of meeting.

13 BUSINESS POSTPONED – Ordered – That the consideration of Order of the Day, Government Business, No. 3, be postponed until later this day.

14 ELECTRICITY INDUSTRY ACTS (FURTHER AMENDMENT) BILL – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time and committed to a Committee of the whole.

House in Committee.

The Acting President resumed the Chair; and the Honourable B.W. Bishop having reported that the Committee had agreed to the Bill without amendment, the report was adopted, and the Bill was read a third time and passed.

Ordered – That the Bill be transmitted to the Assembly with a Message desiring their concurrence therein.

15 CORPORATIONS (COMMONWEALTH POWERS) BILL – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and, by leave, read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

16 WATER (AMENDMENT) BILL – The Order of the Day having been read for the second reading of this Bill, the Honourable M.M. Gould (for the Honourable C.C. Broad) moved, That this Bill be now read a second time.

On the motion of the Honourable P.R. Davis, the debate was adjourned until the next day of meeting.

17 CITY OF MELBOURNE BILL – The Order of the Day having been read for the second reading of this Bill, the Honourable M.M. Gould (for the Honourable C.C. Broad) moved, That this Bill be now read a second time.

On the motion of the Honourable N.B. Lucas, the debate was adjourned until the next day of meeting.

18 WHISTLEBLOWERS PROTECTION BILL – The Order of the Day having been read for the second reading of this Bill, the Honourable M.R. Thomson moved, That this Bill be now read a second time.

The Honourable M.R. Thomson made a statement pursuant to section 85(5) of the *Constitution Act 1975* on the reasons for altering or varying this section.

On the motion of the Honourable C.A. Furletti, the debate was adjourned until the next day of meeting.

19 ADJOURNMENT – The Honourable M.M. Gould moved, That the House do now adjourn.

Debate ensued.

Question – put and resolved in the affirmative.

And then the Council, at 10.30 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 64 – Wednesday, 2 May 2001

1 The President took the Chair and read the Prayer.

2 STATUTE LAW AMENDMENT (RELATIONSHIPS) BILL – The President announced the receipt of a Message from the Assembly transmitting a Bill to amend various Acts to recognise the rights and responsibilities of partners in domestic relationships irrespective of the gender of each partner and for other purposes and desiring the concurrence of the Council therein.

On the motion of the Honourable M.R. Thomson, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

3 BUSINESS OF THE HOUSE – The Honourable M.M. Gould moved, by leave, That so much of the Sessional Orders be suspended as would prevent new business being taken after 8.00 p.m. during the sitting of the Council this day.

Question – put and resolved in the affirmative.

4 PETITION – NATURAL GAS PIPELINE, CRESWICK – The Honourable D.G. Hadden presented a Petition bearing 506 signatures from certain citizens of Victoria praying that the Government give due consideration to the importance of extending the natural gas pipeline and reticulating natural gas to the town and environs of Creswick.

Ordered to lie on the Table.

5 PAPERS –

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE – AUDITOR-GENERAL'S OFFICE AUDITS – The Honourable R.M. Hallam presented a Report from the Public Accounts and Estimates Committee upon the Appointment of Independent Auditors to Conduct Financial and Performance Audits of the Victorian Auditor-General's Office, 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:

Melbourne City Link Act 1995 –

Deed for Managed Investments Act, pursuant to section 15(2) of the Act (two papers).

Statement of Variation No. 1/2001, 1 April 2001: Detailed Tolling Strategy, pursuant to section 15B of the Act.

Parliamentary Committees Act 1968 – Minister's response to recommendations in Environment and Natural Resources Committee's Report upon the Control of Ovine Johne's Disease in Victoria.

6 BUSINESS POSTPONED – Ordered – That the consideration of Notices of Motion, General Business, Nos. 1 to 3, inclusive, be postponed until later this day.

7 DIABETIC SERVICES SCHEME – The Honourable Dr. J.W.G. Ross moved, That this House calls on the Government to provide funds in the forthcoming State Budget so that, in association with the National Diabetic Services Scheme, free syringes and needles for diabetics who require insulin maintenance can be made available.

Debate ensued.

Question – put and resolved in the affirmative.

8 QUESTIONS – Questions without notice were taken pursuant to Standing Order No. 71A.

9 SUSPENSION OF STANDING ORDERS – QUESTIONS – The Honourable M.M. Gould moved, by leave, That so much of the Standing Orders as require answers to questions on notice to be delivered verbally in the House be suspended for the sitting of the Council this day and that the answers enumerated be incorporated in Hansard.

Question – put and resolved in the affirmative.

Accordingly, answers were given to certain questions on notice pursuant to Standing Order No. 71A.

10 STATE TAXATION ACTS (FURTHER MISCELLANEOUS AMENDMENTS) BILL – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and, by leave, read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

11 STATUTE LAW AMENDMENT (AUTHORISED DEPOSIT-TAKING INSTITUTIONS) BILL – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

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

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

12 FORESTRY RIGHTS (AMENDMENT) BILL – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second

time and, after further debate, the question being put was resolved in the affirmative.

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

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

13 ENVIRONMENT PROTECTION (LIVEABLE NEIGHBOURHOODS) BILL –

The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

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

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

14 FOOD (AMENDMENT) BILL – The Deputy President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Food Act 1984 and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable M.M. Gould, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

15 PAPER – METROPOLITAN AMBULANCE SERVICE ROYAL COMMISSION – The Honourable M.M. Gould presented, by command of His Excellency the Governor, a copy of Volume 1 of the Royal Commission on the Metropolitan Ambulance Service, May 2001.

Ordered to lie on the Table.

16 ADJOURNMENT – The Honourable M.M. Gould moved, That the House do now adjourn.

Debate ensued.

And the Council having continued to sit until after 12 midnight –

THURSDAY, 3 MAY 2001

Debate continued.

Question – put and resolved in the affirmative.

And then the Council, at 12.11 a.m., adjourned until this day.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 65 – Thursday, 3 May 2001

1 The President took the Chair and read the Prayer.

2 PAPERS –

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE – BUDGET OUTCOMES, 1999-2000 – The Honourable R.M. Hallam presented a Report from the Public Accounts and Estimates Committee on the Budget Outcomes for 1999-2000, together with an Appendix.

Ordered to lie on the Table and to be printed.

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

Prince Henry's Institute of Medical Research – Report, 2000.

Statutory Rules under the following Acts of Parliament:

Conservation, Forests and Lands Act 1987 – No. 36.

County Court Act 1958 – Nos. 34 and 35.

Supreme Court Act 1986 – Nos. 32 and 33.

Subordinate Legislation Act 1994 –

Minister's exception certificates under section 8(4) in respect of Statutory Rules Nos. 32 to 35.

Minister's exemption certificate under section 9(6) in respect of Statutory Rule No. 36.

3 BUSINESS POSTPONED –

Ordered – That the consideration of the Notices of Motion to Take Note of Reports be postponed until the next day of meeting.

Ordered – That the consideration of Orders of the Day, Government Business, Nos. 1 and 2, be postponed until later this day.

4 CITY OF MELBOURNE BILL – The Order of the Day having been read for the resumption of the debate on the question, That this Bill be now read a second time –

Debate resumed.

Business having been interrupted at 2.00 p.m. pursuant to Sessional Orders –

5 QUESTIONS – Questions without notice were taken pursuant to Standing Order No. 71A.

6 CITY OF MELBOURNE BILL – Debate continued on the question, That this Bill be now read a second time.

Question – put.

The Council divided.

AYES, 35

The Hon. B.N. Atkinson
 M.A. Birrell
 B.C. Boardman
 R.H. Bowden
 A.R. Brideson
 C.C. Broad
 E.C. Carbines
 A. Coote (*Teller*)
 I.J. Cover
 G.R. Craige
 K. Darveniza
 D.M. Davis
 P.R. Davis
 W. Forwood
 C.A. Furletti
 M.M. Gould
 G.W. Jennings
 P.A. Katsambanis
 N.B. Lucas
 M.T. Luckins
 J.M. McQuilten
 J.M. Madden

NOES, 6

The Hon. W.R. Baxter
 R.A. Best
 B.W. Bishop
 P.R. Hall
 R.M. Hallam (*Teller*)
 E.J. Powell (*Teller*)

J. Mikakos (*Teller*)
 S.M. Nguyen
 A.P. Olexander
 G.K. Rich-Phillips
 G.D. Romanes
 Dr. J.W.G. Ross
 K.M. Smith
 R.F. Smith
 W.I. Smith
 Graeme Stoney
 C.A. Strong
 T.C. Theophanous
 M.R. Thomson

And so it was resolved in the affirmative.

Bill read a second time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and committed to a Committee of the whole.

House in Committee.

The Acting President resumed the Chair; and the Honourable B.W. Bishop reported that the Committee had made progress in the Bill, and asked leave to sit again.

Resolved – That the Council will, later this day, again resolve itself into the said Committee.

- 7 STATUTE LAW AMENDMENT (RELATIONSHIPS) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable M.M. Gould (for the Honourable M.R. Thomson) moved, That this Bill be now read a second time.

On the motion of the Honourable I.J. Cover (for the Honourable C.A. Furletti), the debate was adjourned until the next day of meeting.

- 8 CITY OF MELBOURNE BILL** – The Order of the Day having been read for the further consideration of this Bill in Committee of the whole, the Acting President left the Chair.

House in Committee.

The Acting President resumed the Chair; and the Honourable B.W. Bishop having reported that the Committee had agreed to the Bill with amendments, the report was adopted.

The Honourable C.C. Broad moved, That the Bill be now read a third time.

Question – put.

The Council divided.

AYES, 36	NOES, 6
The Hon. B.N. Atkinson	The Hon. W.R. Baxter (<i>Teller</i>)
M.A. Birrell	R.A. Best (<i>Teller</i>)
B.C. Boardman	B.W. Bishop
R.H. Bowden	P.R. Hall
A.R. Brideson	R.M. Hallam
C.C. Broad	E.J. Powell
E.C. Carbines	
A. Coote	

I.J. Cover (*Teller*)
 G.R. Craige
 K. Darveniza
 D.M. Davis
 P.R. Davis
 W. Forwood
 C.A. Furletti
 M.M. Gould
 D.G. Hadden
 G.W. Jennings
 P.A. Katsambanis
 N.B. Lucas
 M.T. Luckins
 J.M. McQuilten (*Teller*)
 J.M. Madden
 J. Mikakos
 S.M. Nguyen
 A.P. Olexander
 G.K. Rich-Phillips
 G.D. Romanes
 Dr. J.W.G. Ross
 K.M. Smith
 R.F. Smith
 W.I. Smith
 Graeme Stoney
 C.A. Strong
 T.C. Theophanous
 M.R. Thomson

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 Council and passed.

Ordered – That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same with amendments, and desiring their concurrence therein.

- 9 FOOD (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable M.M. Gould moved, That this Bill be now read a second time.

On the motion of the Honourable I.J. Cover (for the Honourable M.T. Luckins), the debate was adjourned until the next day of meeting.

- 10 POLICE REGULATION (MISCELLANEOUS AMENDMENTS) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

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

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 11 AUDITOR-GENERAL'S OFFICE FINANCIAL AUDIT** – The Acting President announced the receipt of a Message from the Assembly acquainting the Council that they have agreed to the appointment of Mr. Christopher Lewis to conduct

the financial audit of the Auditor-General's Office for 2000-2001, and desiring the concurrence of the Council therein.

Ordered – That the Message be taken into consideration forthwith.

The Honourable M.M. Gould moved, by leave, That the Council concur with the Assembly and resolves That, pursuant to section 17 of the *Audit Act 1994*, Mr. Christopher Lewis of KPMG be appointed to conduct the financial audit of the Auditor-General's Office for 2000-2001 in accordance with the conditions of appointment and remuneration contained in the Report of the Public Accounts and Estimates Committee upon the Appointment of Independent Auditors to Conduct Financial and Performance Audits of the Victorian Auditor-General's Office (Parliamentary Paper No. 77, Session 1999-2001).

Question – put and resolved in the affirmative.

Ordered – That a Message be sent to the Assembly acquainting them accordingly.

- 12 AUDITOR-GENERAL'S OFFICE PERFORMANCE AUDIT** – The Acting President announced the receipt of a Message from the Assembly acquainting the Council that they have agreed to the appointment of Mr. Stuart Alford to conduct the performance audit of the Auditor-General's Office, and desiring the concurrence of the Council therein.

Ordered – That the Message be taken into consideration forthwith.

The Honourable M.M. Gould moved, by leave, That the Council concur with the Assembly and resolves That, pursuant to section 19 of the *Audit Act 1994*, Mr. Stuart Alford of Ernst & Young be appointed to conduct the performance audit of the Auditor-General's Office in accordance with the conditions of appointment and remuneration contained in the Report of the Public Accounts and Estimates Committee upon the Appointment of Independent Auditors to Conduct Financial and Performance Audits of the Victorian Auditor-General's Office (Parliamentary Paper No. 77, Session 1999-2001).

Question – put and resolved in the affirmative.

Ordered – That a Message be sent to the Assembly acquainting them accordingly.

- 13 STATE OWNED ENTERPRISES (AMENDMENT) BILL** – The Acting President announced the receipt of a Message from the Assembly transmitting a Bill to amend the *State Owned Enterprises Act 1992 as a consequence of the introduction of a national tax equivalent regime and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable M.M. Gould (for the Honourable C.C. Broad), the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 14 HEALTH SERVICES (HEALTH PURCHASING VICTORIA) BILL** – The Acting President announced the receipt of a Message from the Assembly transmitting a Bill to amend the *Health Services Act 1988 in relation to the supply of goods and services to health or related services, including public hospitals, to establish Health Purchasing Victoria and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable M.M. Gould, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 15 ROAD SAFETY (ALCOHOL AND DRUGS ENFORCEMENT MEASURES) BILL** – The Acting President announced the receipt of a Message from the Assembly transmitting a Bill to make miscellaneous amendments to the *Road Safety Act 1986, the Marine Act 1988 and other Acts related to alcohol and drugs enforcement and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable M.M. Gould (for the Honourable C.C. Broad), the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

16 CITY OF MELBOURNE BILL – The Acting President announced the receipt of a Message from the Assembly acquainting the Council that they have agreed to the amendments made by the Council in this Bill.

17 ADJOURNMENT – The Honourable M.M. Gould moved, That the Council, at its rising, adjourn until Tuesday, 15 May 2001.

Question – put and resolved in the affirmative.

The Honourable M.M. Gould moved, That the House do now adjourn.

Debate ensued.

Question – put and resolved in the affirmative.

And then the Council, at 6.49 p.m., adjourned until Tuesday, 15 May 2001.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

LEGISLATIVE COUNCIL OF VICTORIA

MINUTES OF THE PROCEEDINGS Nos. 66 and 67

No. 66 – Tuesday, 15 May 2001

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** – The Honourable M.M. Gould presented a Message from His Excellency the Governor informing the Council that he had, on 8 May 2001, given the Royal Assent to the undermentioned Acts presented to him by the Clerk of the Parliaments:
 - City of Melbourne Act*
 - Corporations (Commonwealth Powers) Act*
 - Environment Protection (Liveable Neighbourhoods) Act*
 - Forestry Rights (Amendment) Act*
 - Police Regulation (Miscellaneous Amendments) Act*
 - State Taxation Acts (Further Miscellaneous Amendments) Act*
 - Statute Law Amendment (Authorised Deposit-taking Institutions) Act.*
- 3 **QUESTIONS** – Questions without notice were taken pursuant to Standing Order No. 71A.
- 4 **BUSINESS OF THE HOUSE** – The Honourable M.M. Gould moved, by leave, That so much of the Sessional Orders be suspended as would prevent new business being taken after 8.00 p.m. during the sitting of the Council this day.

Question – put and resolved in the affirmative.
- 5 **PAPERS** –
 - SCRUTINY OF ACTS AND REGULATIONS COMMITTEE – ALERT DIGEST**
 - The Honourable M.T. Luckins presented Alert Digest No. 5 of 2001 from the Scrutiny of Acts and Regulations 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:
- Budget Sector – Quarterly Financial Report No. 3 for the period ended 31 March 2001.
 - Drugs, Poisons and Controlled Substances Act 1981 – Standard for the Uniform Scheduling of Drugs and Poisons, No. 15 – Amendment No. 4.
 - Freedom of Information Act 1982 – Department of Treasury and Finance’s Statement of reasons for seeking leave to appeal an order of the Victorian Civil and Administrative Tribunal, pursuant to section 65AB of the Act.
 - Lake Mountain Alpine Resort Management Board – Report, 2000.
 - Mt Buller Alpine Resort Management Board – Report, 2000.
 - Mt Hotham Alpine Resort Management Board – Report, 2000.

Planning and Environment Act 1987 – Notices of Approval of the following amendments to planning schemes:

Banyule Planning Scheme – Amendment C1.

Bayside Planning Scheme – Amendment C5.

Bendigo – Greater Bendigo Planning Scheme – Amendment C3.

Brimbank Planning Scheme – Amendment C28.

Cardinia Planning Scheme – Amendment C9 Part 1.

Geelong – Greater Geelong Planning Scheme – Amendments C8 and C12.

Knox Planning Scheme – Amendment C11.

Macedon Ranges Planning Scheme – Amendment C3.

Mornington Peninsula Planning Scheme – Amendment C19.

Nillumbik Planning Scheme – Amendment C4.

Warrnambool Planning Scheme – Amendment C13.

Whitehorse Planning Scheme – Amendments C10 and C17.

Yarra Ranges Planning Scheme – Amendment C17.

Statutory Rule under the First Home Owner Grant Act 2000 – No. 37.

Subordinate Legislation Act 1994 – Minister's exemption certificate under section 9(6) in respect of Statutory Rule No. 37.

Surveillance Devices Act 1999 – Reports, 2000 of the Chief Commissioner of Police, Chairperson, National Crime Authority and Secretary, Department of Natural Resources and Environment, pursuant to section 37 of the Act.

Wildlife Act 1975 – Notice of control of hunting, No. 6/2001, 1 May 2001.

The Honourable P. R. Hall moved, That the Wildlife (Control of Hunting) Notice No. 6/2001, tabled by the Clerk be taken into consideration on the next day of meeting.

Question – put and resolved in the affirmative.

- 6 STATE OWNED ENTERPRISES (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable C.C. Broad moved, That this Bill be now read a second time.

On the motion of the Honourable C.A. Furletti (for the Honourable D.M. Davis), the debate was adjourned until later this day.

- 7 HEALTH SERVICES (HEALTH PURCHASING VICTORIA) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable M.M. Gould moved, That this Bill be now read a second time.

On the motion of the Honourable W. Forwood (for the Honourable M.T. Luckins), the debate was adjourned until the next day of meeting.

- 8 ROAD SAFETY (ALCOHOL AND DRUGS ENFORCEMENT MEASURES) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable C.C. Broad moved, That this Bill be now read a second time.

The Honourable C.C. Broad made a statement pursuant to section 85(5) of the *Constitution Act 1975* on the reasons for altering or varying this section.

On the motion of the Honourable W. Forwood (for the Honourable G.B. Ashman), the debate was adjourned until the next day of meeting.

- 9 CONSTITUTION (SUPREME COURT) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and, by leave, read a third

time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

10 FOOD (AMENDMENT) BILL – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

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

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

11 RACING AND BETTING ACTS (AMENDMENT) BILL – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

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

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

12 BENEFIT ASSOCIATIONS (REPEAL) BILL – The Deputy President announced the receipt of a Message from the Assembly transmitting a Bill *to repeal the Benefit Associations Act 1958 and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable M.R. Thomson, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

13 ADJOURNMENT – The Honourable M.M. Gould moved, That the House do now adjourn.

Debate ensued.

And the Council having continued to sit until after 12 midnight –

WEDNESDAY, 16 MAY 2001

Debate continued.

Question – put and resolved in the affirmative.

And then the Council, at 12.16 a.m., adjourned until this day.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 67 – Wednesday, 16 May 2001

1 The President took the Chair and read the Prayer.

2 **BUSINESS OF THE HOUSE** – The Honourable M.M. Gould moved, by leave, That so much of the Sessional Orders be suspended as would prevent new business being taken after 8.00 p.m. during the sitting of the Council this day.

Question – put and resolved in the affirmative.

3 **PETITION – NATURAL GAS PIPELINE, CRESWICK** – The Honourable D.G. Hadden presented a Petition bearing 238 signatures from certain citizens of Victoria praying that the Government gives due consideration to the importance

of extending the natural gas pipeline and reticulating natural gas to the town and environs of Creswick.

Ordered to lie on the Table.

4 PAPERS –

BUDGET PAPERS, 2001-02 – The Honourable C.C. Broad moved, by leave, That there be laid before this House a copy of the following 2001-02 Budget Papers:

- (a) Treasurer’s Speech (Budget Paper No. 1);
- (b) Budget Statement (Budget Paper No. 2);
- (c) Budget Estimates (Budget Paper No. 3);
- (d) Budget Overview; and
- (e) Victorian Budget – Growing the Whole State.

Question – put and resolved in the affirmative.

The said papers were thereupon presented by the Honourable C.C. Broad and ordered to lie on the Table.

The Honourable C.C. Broad moved, That the papers tabled pursuant to the foregoing Order be taken into consideration on the next day of meeting.

Question – put and resolved in the affirmative.

* * * * *

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 – Report, 1999-2000.

Auditor-General – Report on Teaching equipment in the Technical and Further Education sector, May 2001.

5 BUSINESS POSTPONED – Ordered – That the consideration of Notices of Motion, General Business, Nos. 1 to 4 inclusive, be postponed until later this day.

6 FARMERS’ RIGHT TO FARM – The Honourable P.R. Davis moved, That this House condemns the Government for its failure to implement its election promise of legislative protection of farmers’ “right to farm”.

Debate ensued.

Question – put.

The Council divided.

AYES, 27

The Hon. B.N. Atkinson
 W.R. Baxter
 R.A. Best
 M.A. Birrell
 B.W. Bishop
 R.H. Bowden
 A.R. Brideson
 A. Coote
 I.J. Cover
 G.R. Craige (*Teller*)
 D.M. Davis
 P.R. Davis
 W. Forwood
 C.A. Furletti (*Teller*)

NOES, 14

The Hon. C.C. Broad
 E.C. Carbines (*Teller*)
 K. Darveniza (*Teller*)
 M.M. Gould
 D.G. Hadden
 G.W. Jennings
 J.M. McQuilten
 J.M. Madden
 J. Mikakos
 S.M. Nguyen
 G.D. Romanes
 R.F. Smith
 T.C. Theophanous
 M.R. Thomson

P.R. Hall
R.M. Hallam
P.A. Katsambanis
N.B. Lucas
M.T. Luckins
A.P. Olexander
E.J. Powell
G.K. Rich-Phillips
Dr. J.W.G. Ross
K.M. Smith
W.I. Smith
Graeme Stoney
C.A. Strong

And so it was resolved in the affirmative.

7 QUESTIONS – Questions without notice were taken pursuant to Standing Order No. 71A.

8 SUSPENSION OF STANDING ORDERS – QUESTIONS – The Honourable M.M. Gould moved, by leave, That so much of the Standing Orders as require answers to questions on notice to be delivered verbally in the House be suspended for the sitting of the Council this day and that the answers enumerated be incorporated in Hansard.

Question – put and resolved in the affirmative.

Accordingly, answers were given to certain questions on notice pursuant to Standing Order No. 71A.

9 BENEFIT ASSOCIATIONS (REPEAL) BILL – The Order of the Day having been read for the second reading of this Bill, the Honourable M.R. Thomson moved, That this Bill be now read a second time.

On the motion of the Honourable C.A. Furletti, the debate was adjourned until the next day of meeting.

10 BUSINESS POSTPONED – Ordered – That the consideration of Order of the Day, Government Business, No. 2, be postponed until later this day.

11 PROFESSIONAL BOXING AND MARTIAL ARTS (AMENDMENT) BILL – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

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

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

12 WHISTLEBLOWERS PROTECTION BILL – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honourable B.W. Bishop having reported that the Committee had agreed to the Bill with amendments, the Report was adopted, and the Bill was read a third time with the concurrence of

an absolute majority of the whole number of the Members of the Legislative Council and passed.

Ordered – That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same with amendments, and desiring their concurrence therein.

13 ELECTRICITY INDUSTRY ACTS (FURTHER AMENDMENT) BILL – The President announced the receipt of a Message from the Assembly acquainting the Council that they have agreed to this Bill without amendment.

14 ADJOURNMENT – The Honourable M.M. Gould moved, That the Council, at its rising, adjourn until Tuesday next.

Question – put and resolved in the affirmative.

The Honourable M.M. Gould moved, That the House do now adjourn.

Debate ensued.

And the Council having continued to sit until after 12 midnight –

THURSDAY, 17 MAY 2001

Debate continued.

Question – put and resolved in the affirmative.

And then the Council, at 12.02 a.m., adjourned until Tuesday next.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

LEGISLATIVE COUNCIL OF VICTORIA

MINUTES OF THE PROCEEDINGS Nos. 68, 69 and 70

No. 68 – Tuesday, 22 May 2001

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** – The Honourable M.M. Gould presented a Message from His Excellency the Governor informing the Council that he had, this day, given the Royal Assent to the undermentioned Acts presented to him by the Clerk of the Parliaments:
 - Constitution (Supreme Court) Act*
 - Electricity Industry Acts (Further Amendment) Act*
 - Food (Amendment) Act*
 - Professional Boxing and Martial Arts (Amendment) Act*
 - Racing and Betting Acts (Amendment) Act.*
- 3 **JUDICIAL AND OTHER PENSIONS LEGISLATION BILL** – The President announced the receipt of a Message from the Assembly transmitting 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 to provide for the commutation of pensions under these Acts for the purposes of payment of the superannuation contributions surcharge and the consequent adjustment of pensions and for other purposes and desiring the concurrence of the Council therein.*
- On the motion of the Honourable M.R. Thomson, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 4 **JUDICIAL COLLEGE OF VICTORIA BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill to establish the *Judicial College of Victoria and define its functions and powers and for other purposes and desiring the concurrence of the Council therein.*
- On the motion of the Honourable M.R. Thomson, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 5 **LIQUOR CONTROL REFORM (AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill to amend the *Liquor Control Reform Act 1998 with respect to packaged liquor licences, certain general licences and the licensing of petrol stations and for other purposes and desiring the concurrence of the Council therein.*
- On the motion of the Honourable M.R. Thomson, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 6 TOBACCO (FURTHER AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to make various amendments to the Tobacco Act 1987 and the Tobacco (Amendment) Act 2000 and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable M.M. Gould, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 7 QUESTIONS** – Questions without notice were taken pursuant to Standing Order No. 71A.

- 8 SUSPENSION OF STANDING ORDERS – QUESTIONS** – The Honourable M.M. Gould moved, by leave, That so much of the Standing Orders as require answers to questions on notice to be delivered verbally in the House be suspended for the sitting of the Council this day and that the answers enumerated be incorporated in Hansard.

Question – put and resolved in the affirmative.

Accordingly, answers were given to certain questions on notice pursuant to Standing Order No. 71A.

- 9 BUSINESS OF THE HOUSE** – The Honourable M.M. Gould moved, by leave, That so much of the Sessional Orders be suspended as would prevent new business being taken after 8.00 p.m. during the sitting of the Council this day.

Question – put and resolved in the affirmative.

- 10 PETITIONS –**

SOMERVILLE SECONDARY COLLEGE – The Honourable R.H. Bowden presented a Petition bearing 1,595 signatures from certain citizens of Victoria requesting that the State Government not proceed with the sale of the Crown land site at Blacks Camp Road, Somerville and that this land be kept for a Somerville Secondary College.

Ordered to lie on the Table.

* * * *

TOBACCO (FURTHER AMENDMENT) BILL – The Honourable G.D. Romanes presented a Petition bearing 987 signatures from certain citizens of Victoria requesting that the Tobacco (Further Amendment) Bill, including amendments in the form proposed by Susan Davies MP, be supported by all members of the Legislative Council as a matter of urgency, and moved, That it do lie on the Table and be read by the Clerk.

Question – put and resolved in the affirmative.

The Clerk read the Petition.

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

Planning and Environment Act 1987 – Notices of Approval of the following amendments to planning schemes:

Alpine Planning Scheme – Amendment C3.

Brimbank Planning Scheme – Amendment C26.

Darebin Planning Scheme – Amendments C3 and C8.

Delatite Planning Scheme – Amendment C11.

East Gippsland Planning Scheme – Amendment C8.

Frankston Planning Scheme – Amendments C2 and C8.

Hepburn Planning Scheme – Amendment C3.

Melbourne Planning Scheme – Amendment C21.

Planning and Environment Act 1987 – *continued*

Melton Planning Scheme – Amendments C12 and C13.

Moira Planning Scheme – Amendment C8.

Moorabool Planning Scheme – Amendment C10.

Port Phillip Planning Scheme – Amendments C27 and C31.

Wodonga Planning Scheme – Amendment C7.

Statutory Rules under the following Acts of Parliament:

City of Melbourne Act 2001 – Local Government Act 1989 – No. 39.

Electricity Safety Act 1998 – No. 38.

Subordinate Legislation Act 1994 – Minister's exemption certificate under section 9(6) in respect of Statutory Rule No. 39.

Wimmera Health Care Group – Report 1999-2000.

* * * *

PROCLAMATION – A Proclamation of His Excellency the Governor in Council fixing an operative date in respect of the following Act was laid upon the Table by the Clerk pursuant to an order of the Council on 4 November 1999:

Snowy Hydro Corporatisation Act 1997 – Parts 2 and 3 (except sections 11 and 15 to 17), Part 4, section 30 and Schedules 1 and 2 – 15 May 2001 (*Gazette S71, 15 May 2001*).

12 BUSINESS POSTPONED – Ordered – That the consideration of the Notice of Motion, Government Business, be postponed until the next day of meeting.

13 JUDICIAL AND OTHER PENSIONS LEGISLATION BILL – The Order of the Day having been read for the second reading of this Bill, the Honourable M.R. Thomson moved, That this Bill be now read a second time.

On the motion of the Honourable W. Forwood (for the Honourable C.A. Furletti), the debate was adjourned until the next day of meeting.

14 TOBACCO (FURTHER AMENDMENT) BILL – The Order of the Day having been read for the second reading of this Bill, the Honourable M.M. Gould moved, That this Bill be now read a second time.

The Honourable M.M. Gould made a statement pursuant to section 85(5) of the *Constitution Act 1975* on the reasons for altering or varying this section.

On the motion of the Honourable W. Forwood (for the Honourable M.T. Luckins), the debate was adjourned until the next day of meeting.

15 JUDICIAL COLLEGE OF VICTORIA BILL – The Order of the Day having been read for the second reading of this Bill, the Honourable M.R. Thomson moved, That this Bill be now read a second time.

On the motion of the Honourable W. Forwood (for the Honourable C.A. Furletti), the debate was adjourned until the next day of meeting.

16 LIQUOR CONTROL REFORM (AMENDMENT) BILL – The Order of the Day having been read for the second reading of this Bill, the Honourable M.R. Thomson moved, That this Bill be now read a second time.

The Honourable M.R. Thomson made a statement pursuant to section 85(5) of the *Constitution Act 1975* on the reasons for altering or varying this section.

On the motion of the Honourable W. Forwood, the debate was adjourned until the next day of meeting.

17 BUSINESS POSTPONED – Ordered – That the consideration of Orders of the Day, Government Business, Nos. 1 to 3 inclusive, be postponed until later this day.

18 WATER (AMENDMENT) BILL – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

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

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

19 PROSTITUTION CONTROL (PROSCRIBED BROTHELS) BILL – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

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

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

20 ROAD SAFETY (ALCOHOL AND DRUGS ENFORCEMENT MEASURES) BILL – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honourable B.W. Bishop having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

21 ADJOURNMENT – The Honourable M.M. Gould moved, That the House do now adjourn.

Debate ensued.

Question – put and resolved in the affirmative.

And then the Council, at 10.25 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 69 – Wednesday, 23 May 2001

1 The President took the Chair and read the Prayer.

2 **BUSINESS POSTPONED** – Ordered – That the consideration of Notices of Motion, General Business, Nos. 1 to 5 inclusive, be postponed until later this day.

3 SCORESBY FREEWAY – The Honourable B.N. Atkinson moved, That this House –

- (a) notes that the Prime Minister has designated the Scoresby Freeway as a Road of National Importance and has allocated \$220 million in Federal funding to allow an early start to construction;
- (b) condemns the Bracks Labor Government for failing to provide any State funding commitment towards construction of the Scoresby Freeway in the current State budget or in forward estimates on capital works for future budgets; and
- (c) acknowledging the immediate availability of Federal funds, calls on the State Government to announce a project timetable and to commit the necessary State funds to commence the immediate construction of the Scoresby Freeway.

Debate ensued.

The Honourable G.W. Jennings moved, as an amendment, That paragraph (b) be omitted with the view of inserting in place thereof:

“(b) notes that the Commonwealth Deputy Prime Minister is developing funding options with the Victorian Government for the entire Scoresby Freeway project and acknowledges the Victorian Government’s contribution to date of \$110 million for the purchase of land for the project; and”

Debate ensued.

Question – That the paragraph proposed to be omitted stand part of the question – put.

The Council divided.

AYES, 25

The Hon. B.N. Atkinson
 W.R. Baxter (*Teller*)
 B.W. Bishop
 B.C. Boardman
 R.H. Bowden
 A.R. Brideson
 A. Coote
 I.J. Cover
 D.M. Davis
 P.R. Davis
 W. Forwood
 C.A. Furletti
 P.R. Hall
 R.M. Hallam
 P.A. Katsambanis
 N.B. Lucas
 M.T. Luckins (*Teller*)
 A.P. Olexander
 E.J. Powell
 G.K. Rich-Phillips
 Dr. J.W.G. Ross
 K.M. Smith

NOES, 12

The Hon. C.C. Broad
 K. Darveniza (*Teller*)
 D.G. Hadden
 G.W. Jennings
 J.M. McQuilten
 J.M. Madden
 J. Mikakos
 S.M. Nguyen
 G.D. Romanes
 R.F. Smith (*Teller*)
 T.C. Theophanous
 M.R. Thomson

W.I. Smith
 Graeme Stoney
 C.A. Strong

And so it was resolved in the affirmative – Amendment negatived.

Question – That this House –

- (a) notes that the Prime Minister has designated the Scoresby Freeway as a Road of National Importance and has allocated \$220 million in Federal funding to allow an early start to construction;
- (b) condemns the Bracks Labor Government for failing to provide any State funding commitment towards construction of the Scoresby Freeway in the current State budget or in forward estimates on capital works for future budgets; and
- (c) acknowledging the immediate availability of Federal funds, calls on the State Government to announce a project timetable and to commit the necessary State funds to commence the immediate construction of the Scoresby Freeway.

– put and resolved in the affirmative.

4 QUESTIONS – Questions without notice were taken pursuant to Standing Order No. 71A.

COMMONWEALTH GAMES 2006 – The Honourable J.M. Madden having given an answer to a question without notice relating to the 2006 Commonwealth Games –

The Honourable I.J. Cover moved, That the Minister's answer be taken into consideration on the next day of meeting.

Question – put and resolved in the affirmative.

Questions without notice continued.

5 BUSINESS POSTPONED – Ordered – That the consideration of the Notice of Motion, Government Business, be postponed until the next day of meeting.

6 STATE OWNED ENTERPRISES (AMENDMENT) BILL – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

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

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

7 BENEFIT ASSOCIATIONS (REPEAL) BILL – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

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

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

8 HEALTH SERVICES (HEALTH PURCHASING VICTORIA) BILL – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

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

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

9 ADJOURNMENT – The Honourable M.M. Gould moved, That the House do now adjourn.

Debate ensued.

Question – put and resolved in the affirmative.

And then the Council, at 7.14 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 70 – Thursday, 24 May 2001

1 The President took the Chair and read the Prayer.

2 BUSINESS POSTPONED –

Ordered – That the consideration of the Notices of Motion to Take Note of Reports be postponed until later this day.

Ordered – That the consideration of the Notice of Motion, Government Business, be postponed until the next day of meeting.

Ordered – That the consideration of Order of the Day, Government Business, No. 1, be postponed until later this day.

3 JUDICIAL COLLEGE OF VICTORIA BILL – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

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

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

4 JUDICIAL AND OTHER PENSIONS LEGISLATION BILL – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and, by leave, read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

5 QUESTIONS – Questions without notice were taken and an answer was given to a question on notice pursuant to Standing Order No. 71A.

6 LIQUOR CONTROL REFORM (AMENDMENT) BILL – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time and, after further debate, the question being put was resolved in the affirmative.

Bill read a second time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honourable B.W. Bishop having reported that the Committee had agreed to the Bill without amendment, the

Report was adopted, and the Bill was read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

7 ADJOURNMENT – The Honourable M.M. Gould moved, That the Council, at its rising, adjourn until Tuesday, 5 June 2001.

Question – put and resolved in the affirmative.

The Honourable M.M. Gould moved, That this House do now adjourn.

Debate ensued.

Question – put and resolved in the affirmative.

And then the Council, at 5.59 p.m., adjourned until Tuesday, 5 June 2001.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

LEGISLATIVE COUNCIL OF VICTORIA

MINUTES OF THE PROCEEDINGS Nos. 71, 72 and 73

No. 71 – Tuesday, 5 June 2001

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** – The Honourable M.M. Gould presented a Message from Her Excellency the Lieutenant Governor informing the Council that she had, on 29 May 2001, given the Royal Assent to the undermentioned Acts presented to her by the Clerk of the Parliaments:
 - Benefit Associations (Repeal) Act*
 - Health Services (Health Purchasing Victoria) Act*
 - Judicial and Other Pensions Legislation (Amendment) Act*
 - Judicial College of Victoria Act*
 - Liquor Control Reform (Amendment) Act*
 - Prostitution Control (Proscribed Brothels) Act*
 - Road Safety (Alcohol and Drugs Enforcement Measures) Act*
 - State Owned Enterprises (Amendment) Act*
 - Water (Amendment) Act.*
- 3 **CORRECTIONS AND SENTENCING (HOME DETENTION) BILL** – The President announced the receipt of a Message from the Assembly transmitting 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 desiring the concurrence of the Council therein.

On the motion of the Honourable J.M. Madden, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
- 4 **BUILDING (SINGLE DWELLINGS) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill to amend the Building Act 1993 in relation to the siting and design of single dwellings and for other purposes and desiring the concurrence of the Council therein.

On the motion of the Honourable J.M. Madden, the Bill was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 5 **HEALTH (AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill to make various amendments to the Health Act 1958, to repeal certain redundant provisions of that Act, to amend other Acts and for other purposes and desiring the concurrence of the Council therein.

On the motion of the Honourable M.M. Gould, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
- 6 **POST COMPULSORY EDUCATION ACTS (AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a

Bill to amend the Tertiary Education Act 1993, the Deakin University Act 1974 and the Victorian Qualifications Authority Act 2000 and for other purposes and desiring the concurrence of the Council therein.

On the motion of the Honourable J.M. Madden, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 7 CORRECTIONS (CUSTODY) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill to amend the Corrections Act 1986 and other Acts in relation to the custody and transfer of prisoners and detainees and for other purposes and desiring the concurrence of the Council therein.

On the motion of the Honourable J.M. Madden, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 8 RACING (RACING VICTORIA LTD) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill to amend the Racing Act 1958 to provide for the recognition of a body to be responsible for the carrying out of certain powers and functions relating to horse racing and to confer powers and functions on that body and for other purposes and desiring the concurrence of the Council therein.

On the motion of the Honourable J.M. Madden, the Bill was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 9 GAS INDUSTRY BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill to regulate the gas industry and for other purposes and desiring the concurrence of the Council therein.

On the motion of the Honourable C.C. Broad, the Bill was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 10 GAS INDUSTRY LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill to amend the Gas Industry Act 1994 to provide for retail gas market rules and as a consequence of the Gas Industry Act 2001 and for other purposes and desiring the concurrence of the Council therein.

On the motion of the Honourable C.C. Broad, the Bill was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 11 URBAN LAND CORPORATION (AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill to amend the Urban Land Corporation Act 1997 to change the title of that Act and to change the title and functions of the Urban Land Corporation and for other purposes and desiring the concurrence of the Council therein.

On the motion of the Honourable J.M. Madden, the Bill was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 12 QUESTIONS** – Questions without notice were taken pursuant to Standing Order No. 71A.

- 13 SUSPENSION OF STANDING ORDERS – QUESTIONS** – The Honourable M.M. Gould moved, by leave, That so much of the Standing Orders as require answers to questions on notice to be delivered verbally in the House be suspended for the sitting of the Council this day and that the answers enumerated be incorporated in Hansard.

Question – put and resolved in the affirmative.

Accordingly, answers were given to certain questions on notice pursuant to Standing Order No. 71A.

14 BUSINESS OF THE HOUSE – The Honourable M.M. Gould moved, by leave, That so much of the Sessional Orders be suspended as would prevent new business being taken after 8.00 p.m. during the sitting of the Council this day.

Question – put and resolved in the affirmative.

15 PAPERS –

BLF CUSTODIAN – The Honourable M.M. Gould moved, by leave, That there be laid before this House a copy of Report No. 51 dated 31 May 2001 given to Mr. President, pursuant to section 7A of the *BLF (De-recognition) Act 1985*, by the Custodian appointed under section 7(1) of that Act.

Question – put and resolved in the affirmative.

The said Report was thereupon presented by the Honourable M.M. Gould and ordered to lie on the Table.

* * * * *

LAW REFORM COMMITTEE –

LEGAL SERVICES – The Honourable D.G. Hadden presented a Report from the Law Reform Committee upon a Review of Legal Services in Rural and Regional Victoria, together with Appendices and Minutes of Evidence.

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

* * * * *

THEATRES ACT – The Honourable D.G. Hadden presented a Report from the Law Reform Committee upon a Review of the *Theatres Act 1958*, 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 – ALERT DIGESTS – The Honourable M.T. Luckins presented the following Alert Digests from the Scrutiny of Acts and Regulations Committee:

Alert Digest No. 6 of 2001, together with Appendices.

Alert Digest No. 7 of 2001, together with Appendices.

Severally 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:

Casino (Management Agreement) Act 1993 – Authorised changes to Drawings relating to Crown Limited's Second Hotel Tower pursuant to section 16(2) of the Act (18 papers).

Financial Management Regulations 1994 – Order in Council of 24 April 2001, increasing the maximum amount which the Metropolitan Ambulance Service Royal Commission is authorised to incur.

La Trobe University – Report, 2000 (*in lieu of that tabled on 1 May 2001*).

National Parks Act 1975 – Advice of National Parks Advisory Council to Minister on proposed excision of land from existing parks into various marine national parks.

Planning and Environment Act 1987 – Notices of Approval of the following amendments to planning schemes:

Baw Baw Planning Scheme – Amendment C14.

Bendigo – Greater Bendigo Planning Scheme – Amendment C10.

Brimbank Planning Scheme – Amendment C30.

Darebin Planning Scheme – Amendment C30.

Hobsons Bay Planning Scheme – Amendment C9 Part 2.

Planning and Environment Act 1987 – *continued*

Indigo Planning Scheme – Amendment C5 Part 1.

Melbourne Planning Scheme – Amendment C12.

Moorabool Planning Scheme – Amendment C7.

Whitehorse Planning Scheme – Amendment C22.

Yarra Planning Scheme – Amendment C27.

Psychologists Registration Board – Report, 2000.

Residential Tenancies Bond Authority – Report, 1999-2000.

Statutory Rules under the following Acts of Parliament:

Evidence Act 1958 – No. 42.

Fisheries Act 1995 – No. 43.

Health Act 1958 – Nos. 40 and 41.

Mental Health Act 1986 – No. 45.

Psychologists Registration Act 2000 – No. 46.

Road Safety Act 1986 – No. 47.

Wildlife Act 1975 – No. 44.

Subordinate Legislation Act 1994 – Ministers' exemption certificates under section 9(6) in respect of Statutory Rules Nos. 43, 45 and 46.

* * * *

PROCLAMATIONS – Proclamations of His Excellency the Governor in Council fixing operative dates in respect of the following Acts were laid upon the table by the Clerk pursuant to an Order of the Council on 4 November 1999:

Racing and Betting Acts (Amendment) Act 2001 – Sections 3 to 9, 13, 24 to 26 and Part 3 (except section 35) – 31 May 2001 (*Gazette G22, 31 May 2001*).

Transport Accident (Amendment) Act 2000 – Sections 34 and 35 – 1 July 2001 (*Gazette G22, 31 May 2001*).

16 BUSINESS POSTPONED – Ordered – That the consideration of the Notice of Motion, Government Business, be postponed until the next day of meeting.

17 GAS INDUSTRY BILL – The Order of the Day having been read for the second reading of this Bill, the Honourable C.C. Broad moved, That this Bill be now read a second time.

The Honourable C.C. Broad made a statement pursuant to section 85(5) of the *Constitution Act 1975* on the reasons for altering or varying this section.

On the motion of the Honourable P.A. Katsambanis (for the Honourable P.R. Davis), the debate was adjourned until the next day of meeting.

18 GAS INDUSTRY LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL – The Order of the Day having been read for the second reading of this Bill, the Honourable C.C. Broad moved, That this Bill be now read a second time.

On the motion of the Honourable P.A. Katsambanis (for the Honourable P.R. Davis), the debate was adjourned until the next day of meeting.

19 COGNATE DEBATE – The Honourable C.C. Broad moved, by leave, That this House authorizes and requires the Honourable the President to permit the second reading debate on the Gas Industry Bill and the Gas Industry Legislation (Miscellaneous Amendments) Bill to be taken concurrently.

Question – put and resolved in the affirmative.

20 BUILDING (SINGLE DWELLINGS) BILL – The Order of the Day having been read for the second reading of this Bill, the Honourable J.M. Madden moved, That this Bill be now read a second time.

On the motion of the Honourable P.A. Katsambanis, the debate was adjourned until the next day of meeting.

21 RACING (RACING VICTORIA LTD) BILL – The Order of the Day having been read for the second reading of this Bill, the Honourable J.M. Madden moved, That this Bill be now read a second time.

On the motion of the Honourable P.A. Katsambanis (for the Honourable I.J. Cover), the debate was adjourned until the next day of meeting.

22 URBAN LAND CORPORATION (AMENDMENT) BILL – The Order of the Day having been read for the second reading of this Bill, the Honourable J.M. Madden moved, That this Bill be now read a second time.

On the motion of the Honourable P.A. Katsambanis, the debate was adjourned until the next day of meeting.

23 STATUTE LAW AMENDMENT (RELATIONSHIPS) BILL – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time.

Debate resumed.

On the motion of the Honourable P.A. Katsambanis, the debate was adjourned until later this day.

24 HOUSE CONTRACTS GUARANTEE (HIH) BILL – The Acting President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the House Contracts Guarantee Act 1987 to establish an indemnity scheme in respect of certain classes of domestic building work affected by the collapse of the HIH Insurance Group, to amend the Building Act 1993, the Domestic Building Contracts Act 1995 and the Sale of Land Act 1962 and for other purposes and desiring the concurrence of the Council therein.*

On the motion of the Honourable M.R. Thomson, the Bill was read a first time and ordered to be printed and, by leave, to be read a second time forthwith.

Accordingly, the Honourable M.R. Thomson moved, That this Bill be now read a second time.

On the motion of the Honourable D.M. Davis, the debate was adjourned until later this day.

25 STATUTE LAW AMENDMENT (RELATIONSHIPS) BILL – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time.

Debate resumed.

Question – put.

The Council divided.

AYES, 35

The Hon. B.N. Atkinson
B.C. Boardman
R.H. Bowden
A.R. Brideson
C.C. Broad
E.C. Carbines
A. Coote
I.J. Cover
G.R. Craige
K. Darveniza
D.M. Davis
P.R. Davis
W. Forwood

NOES, 5

The Hon. W.R. Baxter (*Teller*)
B.W. Bishop
P.R. Hall
R.M. Hallam (*Teller*)
E.J. Powell

C.A. Furletti
 M.M. Gould
 D.G. Hadden
 G.W. Jennings
 P.A. Katsambanis
 N.B. Lucas
 M.T. Luckins
 J.M. McQuilten
 J.M. Madden
 J. Mikakos
 S.M. Nguyen
 A.P. Olexander
 G.K. Rich-Phillips
 G.D. Romanes
 Dr. J.W.G. Ross
 K.M. Smith
 R.F. Smith (*Teller*)
 W.I. Smith
 Graeme Stoney (*Teller*)
 C.A. Strong
 T.C. Theophanous
 M.R. Thomson

And so it was resolved in the affirmative.

Bill read a second time and committed to a Committee of the whole.

House in Committee.

The Acting President resumed the Chair; and the Honourable B.W. Bishop having reported that the Committee had agreed to the Bill with amendments, the report was adopted.

The Honourable M.R. Thomson moved, That this Bill be now read a third time.

Question – put.

The Council divided.

<p> AYES, 35 The Hon. B.N. Atkinson B.C. Boardman R.H. Bowden A.R. Brideson C.C. Broad E.C. Carbines (<i>Teller</i>) A. Coote I.J. Cover G.R. Craige K. Darveniza D.M. Davis P.R. Davis W. Forwood C.A. Furletti M.M. Gould </p>	<p> NOES, 5 The Hon. W.R. Baxter (<i>Teller</i>) B.W. Bishop P.R. Hall R.M. Hallam (<i>Teller</i>) E.J. Powell </p>
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D.G. Hadden
G.W. Jennings
P.A. Katsambanis
N.B. Lucas
M.T. Luckins
J.M. McQuilten
J.M. Madden
J. Mikakos
S.M. Nguyen
A.P. Olexander (*Teller*)
G.K. Rich-Phillips
G.D. Romanes
Dr. J.W.G. Ross
K.M. Smith
R.F. Smith
W.I. Smith
Graeme Stoney
C.A. Strong
T.C. Theophanous
M.R. Thomson

And so it was resolved in the affirmative.

Bill read a third time and passed.

Ordered – That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same with amendments, and desiring their concurrence therein.

26 HOUSE CONTRACTS GUARANTEE (HIH) BILL – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time.

Debate resumed.

And the Council having continued to sit until after 12 midnight –
WEDNESDAY, 6 JUNE 2001

Debate continued.

Question – put and resolved in the affirmative.

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

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

27 ADJOURNMENT – The Honourable M.M. Gould moved, That the House do now adjourn.

Debate ensued.

Question – put and resolved in the affirmative.

And then the Council, at 1.23 a.m., adjourned until this day.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 72 – Wednesday, 6 June 2001

- 1 The President took the Chair and read the Prayer.
- 2 **RACIAL AND RELIGIOUS TOLERANCE BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to promote racial and religious tolerance by prohibiting the vilification of persons on the ground of race or religious belief or activity, to amend the Equal Opportunity Act 1995 and for other purposes* and desiring the concurrence of the Council therein.
On the motion of the Honourable M.M. Gould, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
- 3 **BUSINESS OF THE HOUSE** – The Honourable M.M. Gould moved, by leave, That so much of the Sessional Orders be suspended as would prevent new business being taken after 8.00 p.m. during the sitting of the Council this day.
Question – put and resolved in the affirmative.
- 4 **PETITION – CHRONIC FATIGUE SYNDROME** – The Honourable N.B. Lucas presented a Petition bearing 254 signatures from certain citizens of Victoria requesting that the Minister for Health provide the necessary resources to ensure that a public health policy and disability services or provisions for persons impaired by Myalgic Encephalomyelitis (Chronic Fatigue Syndrome) be implemented, and moved, That it do lie on the Table and be read by the Clerk.
Question – put and resolved in the affirmative.
The Clerk read the Petition.
- 5 **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 – Report on Ministerial Portfolios, June 2001.
- 6 **BUSINESS POSTPONED** – Ordered – That the consideration of Notices of Motion, General Business, Nos. 1 to 5 inclusive, and Orders of the Day, General Business, Nos. 1 to 9 inclusive, be postponed until later this day.
- 7 **BARLEY MARKETING (AMENDMENT) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time.

Debate resumed.

Question – put.

The Council divided.

<p style="text-align: center;">AYES, 28</p> <p>The Hon. G.B. Ashman B.N. Atkinson W.R. Baxter R.A. Best (<i>Teller</i>) M.A. Birrell B.W. Bishop B.C. Boardman R.H. Bowden (<i>Teller</i>) A.R. Brideson A. Coote I.J. Cover G.R. Craige</p>	<p style="text-align: center;">NOES, 14</p> <p>The Hon. C.C. Broad E.C. Carbines K. Darveniza (<i>Teller</i>) M.M. Gould D.G. Hadden G.W. Jennings J.M. McQuilten J.M. Madden J. Mikakos (<i>Teller</i>) S.M. Nguyen G.D. Romanes R.F. Smith</p>
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D.M. Davis
 P.R. Davis
 W. Forwood
 C.A. Furletti
 P.R. Hall
 R.M. Hallam
 P.A. Katsambanis
 N.B. Lucas
 M.T. Luckins
 E.J. Powell
 G.K. Rich-Phillips
 Dr. J.W.G. Ross
 K.M. Smith
 W.I. Smith
 Graeme Stoney
 C.A. Strong

T.C. Theophanous
 M.R. Thomson

And so it was resolved in the affirmative.

Bill read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honourable G.B. Ashman having reported that the Committee had agreed to the Bill with amendments and an amended title as follows: *"A Bill to amend the Barley Marketing Act 1993 so as to extend the single desk operations of ABB Grain Export Limited"*, the report was adopted, and the Bill was read a third time and passed.

Ordered – That the Bill be transmitted to the Assembly with a Message desiring their concurrence therein.

8 QUESTIONS – Questions without notice were taken pursuant to Standing Order No. 71A.

9 BUSINESS POSTPONED – Ordered – That the consideration of the Notice of Motion, Government Business, be postponed until the next day of meeting.

10 CORRECTIONS AND SENTENCING ACTS (HOME DETENTION) BILL – The Order of the Day having been read for the second reading of this Bill, the Honourable J.M. Madden moved, That this Bill be now read a second time.

The Honourable W. Forwood moved, That the debate be now adjourned.

Question – That the debate be now adjourned – put and resolved in the affirmative.

The Honourable J.M. Madden moved, That the debate be adjourned until the next day of meeting.

The Honourable W. Forwood moved, as an amendment, That "the next day of meeting" be omitted with the view of inserting in place thereof "Saturday, 1 September 2001".

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

The Council divided.

AYES, 14

The Hon. C.C. Broad
 E.C. Carbines
 K. Darveniza

NOES, 26

The Hon. G.B. Ashman (*Teller*)
 B.N. Atkinson
 W.R. Baxter

M.M. Gould
 D.G. Hadden
 G.W. Jennings
 J.M. McQuilten
 J.M. Madden
 J. Mikakos
 S.M. Nguyen (*Teller*)
 G.D. Romanes
 R.F. Smith (*Teller*)
 T.C. Theophanous
 M.R. Thomson

R.A. Best
 M.A. Birrell
 R.H. Bowden
 A.R. Brideson
 A. Coote
 I.J. Cover (*Teller*)
 G.R. Craige
 D.M. Davis
 P.R. Davis
 W. Forwood
 C.A. Furletti
 P.R. Hall
 R.M. Hallam
 P.A. Katsambanis
 N.B. Lucas
 M.T. Luckins
 E.J. Powell
 G.K. Rich-Phillips
 Dr. J.W.G. Ross
 K.M. Smith
 W.I. Smith
 Graeme Stoney
 C.A. Strong

And so it passed in the negative.

Question – That the words and expressions proposed to be inserted be so inserted
 – put.

The Council divided.

AYES, 27

The Hon. G.B. Ashman
 B.N. Atkinson
 W.R. Baxter
 R.A. Best
 M.A. Birrell
 B.C. Boardman (*Teller*)
 R.H. Bowden
 A.R. Brideson
 A. Coote
 I.J. Cover
 G.R. Craige
 D.M. Davis (*Teller*)
 P.R. Davis
 W. Forwood
 C.A. Furletti
 P.R. Hall
 R.M. Hallam
 P.A. Katsambanis
 N.B. Lucas

NOES, 14

The Hon. C.C. Broad
 E.C. Carbines
 K. Darveniza
 M.M. Gould
 D.G. Hadden
 G.W. Jennings
 J.M. McQuilten (*Teller*)
 J.M. Madden
 J. Mikakos
 S.M. Nguyen
 G.D. Romanes
 R.F. Smith
 T.C. Theophanous (*Teller*)
 M.R. Thomson

M.T. Luckins
 E.J. Powell
 G.K. Rich-Phillips
 Dr. J.W.G. Ross
 K.M. Smith
 W.I. Smith
 Graeme Stoney
 C.A. Strong

And so it was resolved in the affirmative.

Question – That the debate be adjourned until Saturday, 1 September 2001 – put.
 The Council divided.

AYES, 27

The Hon. G.B. Ashman
 B.N. Atkinson (*Teller*)
 W.R. Baxter
 R.A. Best
 M.A. Birrell
 B.C. Boardman
 R.H. Bowden
 A.R. Brideson
 A. Coote
 I.J. Cover
 G.R. Craige
 D.M. Davis
 P.R. Davis
 W. Forwood
 C.A. Furletti (*Teller*)
 P.R. Hall
 R.M. Hallam
 P.A. Katsambanis
 N.B. Lucas
 M.T. Luckins
 E.J. Powell
 G.K. Rich-Phillips
 Dr. J.W.G. Ross
 K.M. Smith
 W.I. Smith
 Graeme Stoney
 C.A. Strong

NOES, 14

The Hon. C.C. Broad
 E.C. Carbines
 K. Darveniza (*Teller*)
 M.M. Gould
 D.G. Hadden
 G.W. Jennings
 J.M. McQuilten
 J.M. Madden
 J. Mikakos (*Teller*)
 S.M. Nguyen
 G.D. Romanes
 R.F. Smith
 T.C. Theophanous
 M.R. Thomson

And so it was resolved in the affirmative.

11 HEALTH (AMENDMENT) BILL – The Order of the Day having been read for the second reading of this Bill, the Honourable M.M. Gould moved, That this Bill be now read a second time.

On the motion of the Honourable M.T. Luckins, the debate was adjourned until the next day of meeting.

12 POST COMPULSORY EDUCATION ACTS (AMENDMENT) BILL – The Order of the Day having been read for the second reading of this Bill, the Honourable J.M. Madden moved, That this Bill be now read a second time.

On the motion of the Honourable B.N. Atkinson, the debate was adjourned until the next day of meeting.

13 CORRECTIONS (CUSTODY) BILL – The Order of the Day having been read for the second reading of this Bill, the Honourable J.M. Madden moved, That this Bill be now read a second time.

The Honourable J.M. Madden made a statement pursuant to section 85(5) of the *Constitution Act 1975* on the reasons for altering or varying this section.

On the motion of the Honourable B.C. Boardman, the debate was adjourned until the next day of meeting.

14 TOBACCO (FURTHER AMENDMENT) BILL – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time.

Debate resumed.

Question – put and was resolved in the affirmative.

Bill read a second time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and, by leave, read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

15 URBAN LAND CORPORATION (AMENDMENT) BILL – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time.

Debate resumed.

Question – put and was resolved in the affirmative.

Bill read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honourable B.W. Bishop having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

16 ADJOURNMENT – The Honourable M.M. Gould moved, That the House do now adjourn.

Debate ensued.

Question – put and resolved in the affirmative.

And then the Council, at 11.40 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 73 – Thursday, 7 June 2001

- 1 The Deputy President took the Chair and read the Prayer.
- 2 **PAPERS PURSUANT TO STATUTE** – The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:
 - Statutory Rules under the following Acts of Parliament:
 - Supreme Court Act 1986 – No. 50.
 - Supreme Court Act 1986 – Corporations (Victoria) Act 1990 – No. 49.
 - Transport Accident Act 1986 – No. 48.
 - Subordinate Legislation Act 1994 – Minister's exception certificates under section 8(4) in respect of Statutory Rules Nos. 49 and 50.
- 3 **BUSINESS POSTPONED** –
 - Ordered – That the consideration of the Notices of Motion to Take Note of Reports be postponed until the next day of meeting.
 - Ordered – That the consideration of the Notice of Motion, Government Business, be postponed until the next day of meeting.
- 4 **RACIAL AND RELIGIOUS TOLERANCE BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable M.M. Gould moved, That this Bill be now read a second time.
 - On the motion of the Honourable C.A. Furletti, the debate was adjourned until the next day of meeting.
- 5 **GAS INDUSTRY BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time [the **Gas Industry Legislation (Miscellaneous Amendments) Bill** having been authorized to be debated concurrently pursuant to an Order of the Council on 5 June 2001].
 - Debate resumed.
 - Question – put and resolved in the affirmative.
 - Bill read a second time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and committed to a Committee of the whole.
 - House in Committee.
 - The Deputy President resumed the Chair; and the Honourable D.G. Hadden having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.
 - Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.
- 6 **GAS INDUSTRY LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL** – The concurrent second reading debate having concluded –
 - Question – That this Bill be now read a second time – put and resolved in the affirmative.
 - Bill read a second time and, by leave, read a third and passed.
 - Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.
- 7 **STATUTE LAW AMENDMENT (RELATIONSHIPS) BILL** – The Deputy President announced the receipt of a Message from the Assembly acquainting

the Council that they have agreed to the amendments made by the Council in this Bill.

- 8 RACING (RACING VICTORIA LTD) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time.

Debate resumed.

Business having been interrupted at 2.00 p.m. pursuant to Sessional Orders –

- 9 QUESTIONS** – Questions without notice were taken pursuant to Standing Order No. 71A.

- 10 SUSPENSION OF STANDING ORDERS – QUESTIONS** – The Honourable M.M. Gould moved, by leave, That so much of the Standing Orders as require answers to questions on notice to be delivered verbally in the House be suspended for the sitting of the Council this day and that the answers enumerated be incorporated in Hansard.

Question – put and resolved in the affirmative.

Accordingly, answers were given to certain questions on notice pursuant to Standing Order No. 71A.

- 11 RACING (RACING VICTORIA LTD) BILL** – Debate continued on the question, That this Bill be now read a second time.

Question – put and resolved in the affirmative.

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

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 12 BUILDING (SINGLE DWELLINGS) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time.

Debate resumed.

Question – put and resolved in the affirmative.

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

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 13 ADJOURNMENT** – The Honourable M.M. Gould moved, That the House do now adjourn.

Debate ensued.

Question – put and resolved in the affirmative.

And then the Council, at 6.22 p.m., adjourned until Tuesday next.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

LEGISLATIVE COUNCIL OF VICTORIA

MINUTES OF THE PROCEEDINGS Nos. 74, 75 and 76

No. 74 – Tuesday, 12 June 2001

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** – The Honourable M.M. Gould presented Messages from His Excellency the Governor informing the Council that he had, on the following dates, given the Royal Assent to the undermentioned Acts presented to him by the Clerk of the Parliaments:
 - On 7 June 2001 –
House Contracts Guarantee (HIH) Act.
 - On 12 June 2001 –
Statute Law Amendment (Relationships) Act
Tobacco (Further Amendment) Act
Urban Land Corporation (Amendment) Act.
- 3 **STATE TAXATION ACTS (TAXATION REFORM IMPLEMENTATION) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Casino Control Act 1991, the Duties Act 2000, the Gaming Machine Control Act 1991, the Land Tax Act 1958, the Pay-roll Tax Act 1971 and the Stamps Act 1958 to implement the reform of State taxes and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable C.C. Broad, the Bill was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 4 **DUTIES (AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to make miscellaneous amendments to the Duties Act 2000, to amend the Land Tax Act 1958 with respect to the land tax equalization factor for the City of Melbourne and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable C.C. Broad, the Bill was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 5 **VICTORIAN MANAGED INSURANCE AUTHORITY (AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Victorian Managed Insurance Authority Act 1996 and the Financial Management Act 1994 with respect to insurance and risk management in the Victorian public sector and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable M.M. Gould, the Bill was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 6 **TRANSFER OF LAND (AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Transfer*

of Land Act 1958 in relation to the powers of the Registrar of Titles with respect to the creation and deletion of folios of the Register, to provide for the fixing of differential fees by regulation, to make consequential amendments to the Land Act 1958 and for other purposes and desiring the concurrence of the Council therein.

On the motion of the Honourable C.C. Broad, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 7 LAND SURVEYING BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to provide for the management of cadastral surveying, to repeal the Surveyors Act 1978 and for other purposes and desiring the concurrence of the Council therein.*

On the motion of the Honourable C.C. Broad, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 8 QUESTIONS** – Questions without notice were taken pursuant to Standing Order No. 71A.

- 9 BUSINESS OF THE HOUSE** – The Honourable M.M. Gould moved, by leave, That so much of the Sessional Orders be suspended as would prevent new business being taken after 8.00 p.m. during the sitting of the Council this day.

Question – put and resolved in the affirmative.

- 10 PAPERS** –

COUNTY COURT JUDGES – The Honourable M.R. Thomson presented, by command of His Excellency the Governor, the Report of the County Court Judges for 1999-2000.

Ordered to lie on the Table.

* * * * *

ECONOMIC DEVELOPMENT COMMITTEE – GOODS AND SERVICES TAX – The Honourable N.B. Lucas presented Report No. 2 from the Economic Development Committee upon the Impact of the Goods and Services Tax on Small and Medium Sized Businesses in Victoria, together with Appendices, Extracts from the Proceedings, a Minority report and Minutes of Evidence.

Ordered to lie on the Table and the Report, Appendices, Extracts from the Proceedings and Minority report to be printed.

The Honourable T.C. Theophanous moved, That the report be taken into consideration on the next day of meeting.

Question – put and resolved in the affirmative.

* * * * *

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

Forensic Leave Panel – Report, 2000.

Melbourne Port Corporation – Report, 1999-2000 (two papers) (*in lieu of that tabled on 31 October 2000*).

Ombudsman – Investigation of Police Action at the September 2000 World Economic Forum Demonstrations, June 2001.

Planning and Environment Act 1987 – Notices of Approval of the following amendments to planning schemes:

Bayside Planning Scheme – Amendment C16.

Geelong – Greater Geelong Planning Scheme – Amendment C21.

Maribyrnong Planning Scheme – Amendment C4.

Monash Planning Scheme – Amendment C1.

Shepparton – Greater Shepparton Planning Scheme – Amendment C4 Part 2.

Planning and Environment Act 1987 – *continued*

Whitehorse Planning Scheme – Amendments C3 Part 1 and C13.

Wyndham Planning Scheme – Amendment C23.

Subordinate Legislation Act 1994 – Minister's exemption certificate under section 9(6) in respect of Statutory Rule No. 48.

Veterinary Practitioners Registration Board – Minister for Agriculture's report of 8 June 2001 of receipt of the 2000 report.

11 BUSINESS POSTPONED – Ordered – That the consideration of the Notice of Motion, Government Business, be postponed until the next day of meeting.

12 VICTORIAN MANAGED INSURANCE AUTHORITY (AMENDMENT) BILL – The Order of the Day having been read for the second reading of this Bill, the Honourable M.M. Gould moved, That this Bill be now read a second time.

On the motion of the Honourable D.M. Davis, the debate was adjourned until the next day of meeting.

13 STATE TAXATION ACTS (TAXATION REFORM IMPLEMENTATION) BILL – The Order of the Day having been read for the second reading of this Bill, the Honourable C.C. Broad moved, That this Bill be now read a second time.

On the motion of the Honourable D.M. Davis, the debate was adjourned until the next day of meeting.

14 DUTIES (AMENDMENT) BILL – The Order of the Day having been read for the second reading of this Bill, the Honourable C.C. Broad moved, That this Bill be now read a second time.

On the motion of the Honourable D.M. Davis, the debate was adjourned until the next day of meeting.

15 VICTORIAN ENVIRONMENTAL ASSESSMENT COUNCIL BILL – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time.

Debate resumed.

Question – put and resolved in the affirmative.

Bill read a second time.

Ordered – That the Bill be committed to a Committee of the whole later this day.

16 BUSINESS POSTPONED – Ordered – That the consideration of Orders of the Day, Government Business, Nos. 2 to 4 inclusive, be postponed until later this day.

17 BUDGET PAPERS, 2001-02 – The Order of the Day having been read for the consideration of the Budget Papers, 2001-02, the Honourable C.C. Broad moved, That the Council take note of the Budget Papers, 2001-02.

Debate ensued.

On the motion of the Honourable D.G. Hadden, the debate was adjourned until later this day.

18 VICTORIAN ENVIRONMENTAL ASSESSMENT COUNCIL BILL – This Bill was, according to Order, committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honourable B.W. Bishop having reported that the Committee had agreed to the Bill with amendments, the report was adopted, and the Bill was read a third time and passed.

Ordered – That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same with amendments, and desiring their concurrence therein.

19 CORPORATIONS (ANCILLARY PROVISIONS) BILL – The President announced the receipt of a Message from the Assembly transmitting a Bill *to enact ancillary provisions relating to the enactment by the Parliament of the Commonwealth of new corporations legislation and new ASIC legislation and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable M.M. Gould (for the Honourable M.R. Thomson), the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

20 CORPORATIONS (CONSEQUENTIAL AMENDMENTS) BILL – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend Victorian Acts as a consequence of the enactment by the Parliament of the Commonwealth of new corporations legislation and new ASIC legislation and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable M.M. Gould (for the Honourable M.R. Thomson), the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

21 CORPORATIONS (ADMINISTRATIVE ACTIONS) BILL – The President announced the receipt of a Message from the Assembly transmitting a Bill *relating to administrative actions taken by Commonwealth authorities or officers of the Commonwealth under certain State laws relating to corporations and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable M.M. Gould (for the Honourable M.R. Thomson), the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

22 AGRICULTURAL AND VETERINARY CHEMICALS (VICTORIA) (AMENDMENT) BILL – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Agricultural and Veterinary Chemicals (Victoria) Act 1994 with respect to the functions and powers of certain Commonwealth authorities and officers of the Commonwealth and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable C.C. Broad, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

23 CO-OPERATIVE SCHEMES (ADMINISTRATIVE ACTIONS) BILL – The President announced the receipt of a Message from the Assembly transmitting a Bill *relating to administrative actions taken by Commonwealth authorities or officers of the Commonwealth under the Agricultural and Veterinary Chemicals (Victoria) Act 1994 and other State co-operative scheme laws to amend the Parliamentary Committees Act 1968 and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable M.M. Gould (for the Honourable M.R. Thomson), the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

24 ADJOURNMENT – The Honourable M.M. Gould moved, That the House do now adjourn.

Debate ensued.

Question – put and resolved in the affirmative.

And then the Council, at 11.33 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 75 – Wednesday, 13 June 2001

- 1 The President took the Chair and read the Prayer.
- 2 **BUSINESS OF THE HOUSE** – The Honourable M.M. Gould moved, by leave, That so much of the Sessional Orders be suspended as would prevent new business being taken after 8.00 p.m. during the sitting of the Council this day.

Question – put and resolved in the affirmative.

- 3 **PAPERS** –
SUPREME COURT JUDGES – The Honourable M.R. Thomson presented, by command of His Excellency the Governor, the Report of the Supreme Court Judges for 1999.

Ordered to lie on the Table.

* * * * *

DRUGS AND CRIME PREVENTION COMMITTEE – PUBLIC DRUNKENNESS – The Honourable B.C. Boardman presented a Report from the Drugs and Crime Prevention Committee upon Public Drunkenness, 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:

Auditor-General – Report on Managing Victoria's growing salinity problem, June 2001.

Monash University – Report, 2000.

Natural Resources and Environment Department – Report, 1999-2000 (*in lieu of that tabled on 2 November 2000*).

Subordinate Legislation Act 1994 – Minister's exception certificate under section 8(4) in respect of Statutory Rule No. 42.

- 4 **BUSINESS POSTPONED** – Ordered – That the consideration of Notices of Motion, General Business, Nos. 1 to 5 inclusive, be postponed until later this day.
- 5 **PRE-SCHOOL FUNDING** – The Honourable M.T. Luckins moved, That this House condemns the Government for severely disadvantaging pre-school children, parents and teachers by –
 - (a) failing to provide funds for capital works and necessary maintenance for community based pre-schools;
 - (b) failing to release the Kirby report on pay and conditions for pre-school teachers; and
 - (c) failing to support voluntary committees of management.

Debate ensued.

Question – put.

The Council divided.

	AYES, 28		NOES, 14
The Hon.	G.B. Ashman	The Hon.	C.C. Broad
	W.R. Baxter		E.C. Carbines (<i>Teller</i>)
	R.A. Best		K. Darveniza
	M.A. Birrell		M.M. Gould
	B.W. Bishop		D.G. Hadden (<i>Teller</i>)
	B.C. Boardman		G.W. Jennings
	R.H. Bowden		J.M. McQuilten
	A.R. Brideson		J.M. Madden
	A. Coote		J. Mikakos
	I.J. Cover		S.M. Nguyen
	G.R. Craige		G.D. Romanes
	D.M. Davis		R.F. Smith
	P.R. Davis		T.C. Theophanous
	W. Forwood		M.R. Thomson
	C.A. Furletti		
	P.R. Hall		
	R.M. Hallam		
	P.A. Katsambanis		
	N.B. Lucas		
	M.T. Luckins (<i>Teller</i>)		
	A.P. Olexander		
	E.J. Powell		
	G.K. Rich-Phillips (<i>Teller</i>)		
	Dr. J.W.G. Ross		
	K.M. Smith		
	W.I. Smith		
	Graeme Stoney		
	C.A. Strong		

And so it was resolved in the affirmative.

- 6 **QUESTIONS** – Questions without notice were taken and answers were given to certain questions on notice pursuant to Standing Order No. 71A.
- 7 **BUSINESS POSTPONED** – Ordered – That the consideration of the Notice of Motion, Government Business, be postponed until the next day of meeting.
- 8 **TRANSFER OF LAND (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable C.C. Broad moved, That this Bill be now read a second time.
On the motion of the Honourable P.R. Davis, the debate was adjourned until the next day of meeting.
- 10 **BUSINESS POSTPONED** – Ordered – That the consideration of Orders of the Day, Government Business, Nos. 2 to 7 inclusive, be postponed until later this day.
- 11 **RACIAL AND RELIGIOUS TOLERANCE BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time.

Debate resumed.

On the motion of the Honourable S.M. Nguyen, the debate was adjourned until later this day.

- 12 APPROPRIATION (PARLIAMENT 2001/2002) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *for the appropriation of certain sums out of the Consolidated Fund for the Parliament in respect of the financial year 2001/2002 and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable C.C. Broad, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 13 BUSINESS POSTPONED** — Ordered — That the consideration of Orders of the Day, Government Business, Nos. 9 to 11 inclusive, be postponed until the next day of meeting.

- 14 BUDGET PAPERS, 2001-02** – The Order of the Day was read for the resumption of the debate on the question, That the Council take note of the Budget Papers, 2001-02.

Debate resumed.

On the motion of the Honourable P.R. Hall (for the Honourable R.M. Hallam), the debate was adjourned until the next day of meeting.

- 15 CONSTITUTION (METROPOLITAN AMBULANCE SERVICE ROYAL COMMISSION REPORT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Constitution Act 1975 to make provision for the publication of the Report of the Metropolitan Ambulance Service Royal Commission and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable M.M. Gould, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 16 ADJOURNMENT** – The Honourable M.M. Gould moved, That the House do now adjourn.

Debate ensued.

Question – put and resolved in the affirmative.

And then the Council, at 10.49 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 76 – Thursday, 14 June 2001

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

2 **PAPERS** –

MAGISTRATES' COURT – The Honourable M.R. Thomson presented, by command of His Excellency the Governor, the Report of the Magistrates' Court for 1999-2000.

Ordered to lie on the Table.

* * * * *

INQUIRIES INTO CHILD DEATHS: PROTECTION AND CARE 2001 – The Honourable M.R. Thomson moved, by leave, That there be laid before this

House a copy of the Annual Report of Inquiries into Child Deaths: Protection and Care 2001.

Question – put and resolved in the affirmative.

The said Report was thereupon presented by the Honourable M.R. Thomson and ordered to lie on the Table.

* * * * *

CLASSIFICATION OF FILMS AND VIDEOTAPES – The Honourable M.R. Thomson moved, by leave, That there be laid before this House a copy of the National Classification Code (Amendment No. 2) and Guidelines for the Classification of Films and Videotapes (Amendment No. 3), August 2000.

Question – put and resolved in the affirmative.

The said papers were thereupon presented by the Honourable M.R. Thomson and ordered to lie on the Table.

* * * * *

DRUGS AND CRIME PREVENTION COMMITTEE – CRIME TRENDS – The Honourable B.C. Boardman presented the Second Report from the Drugs and Crime Prevention Committee upon Crime Trends, 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:

Falls Creek Alpine Resort Management Board – Minister for Environment and Conservation's report of 12 June 2001 of failure to submit 1999-2000 report to her within the prescribed period and the reasons therefor.

Members of Parliament (Register of Interests) Act 1978 – Summary of Variations notified between 23 November 2000 and 13 June 2001.

Mount Baw Baw Alpine Resort Management Board – Minister for Environment and Conservation's report of 12 June 2001 of failure to submit 1999-2000 report to her within the prescribed period and the reasons therefor.

Statutory Rules under the following Acts of Parliament:

Health Services Act 1988 – No. 51.

Metropolitan Fire Brigades Act 1958 – No. 52.

Subordinate Legislation Act 1994 –

Minister's exemption certificate under section 8(4) in respect of Statutory Rule No. 52.

Minister's exemption certificate under section 9(6) in respect of Statutory Rule No. 51.

Youth Parole Board and Youth Residential Board – Report, 1999-2000.

3 DEPARTMENT OF HUMAN SERVICES – The Honourable Dr. J.W.G. Ross moved, That the Council take note of the Report of the Department of Human Services for the year 1999-2000.

Debate ensued.

Question – put and resolved in the affirmative.

4 BUSINESS POSTPONED –

Ordered – That the consideration of the Notice of Motion, Government Business, be postponed until the next day of meeting.

Ordered – That the consideration of Orders of the Day, Government Business, Nos. 1 to 7 inclusive, be postponed until later this day.

- 5 POST COMPULSORY EDUCATION ACTS (AMENDMENT) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time.
Debate resumed.
Question – put and was resolved in the affirmative.
Bill read a second time and, by leave, read a third time and passed.
Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.
- 6 BUSINESS POSTPONED** – Ordered – That the consideration of Order of the Day, Government Business, No. 9, be postponed until later this day.
- 7 HEALTH (AMENDMENT) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time.
Debate resumed.
Question – put and resolved in the affirmative.
Bill read a second time and, by leave, read a third time and passed.
Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.
- 8 QUESTIONS** – Questions without notice were taken pursuant to Standing Order No. 71A.
- 9 CORPORATIONS (ADMINISTRATIVE ACTIONS) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable M.R. Thomson moved, That this Bill be now read a second time.
The Honourable M.R. Thomson made a statement pursuant to section 85(5) of the *Constitution Act 1975* on the reasons for altering or varying this section.
On the motion of the Honourable C.A. Furletti, the debate was adjourned until the next day of meeting.
- 10 CORPORATIONS (ANCILLARY PROVISIONS) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable M.R. Thomson moved, That this Bill be now read a second time.
On the motion of the Honourable C.A. Furletti, the debate was adjourned until the next day of meeting.
- 11 CORPORATIONS (CONSEQUENTIAL AMENDMENTS) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable M.R. Thomson moved, That this Bill be now read a second time.
The Honourable M.R. Thomson made a statement pursuant to section 85(5) of the *Constitution Act 1975* on the reasons for altering or varying this section.
On the motion of the Honourable C.A. Furletti, the debate was adjourned until the next day of meeting.
- 12 AGRICULTURAL AND VETERINARY CHEMICALS (VICTORIA) (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable C.C. Broad moved, That this Bill be now read a second time.
The Honourable C.C. Broad made a statement pursuant to section 85(5) of the *Constitution Act 1975* on the reasons for altering or varying this section.
On the motion of the Honourable C.A. Furletti, the debate was adjourned until the next day of meeting.

13 CO-OPERATIVE SCHEMES (ADMINISTRATIVE ACTIONS) BILL – The Order of the Day having been read for the second reading of this Bill, the Honourable M.R. Thomson moved, That this Bill be now read a second time.

The Honourable M.R. Thomson made a statement pursuant to section 85(5) of the *Constitution Act 1975* on the reasons for altering or varying this section.

On the motion of the Honourable C.A. Furletti, the debate was adjourned until the next day of meeting.

14 COGNATE BILLS – The Honourable M.R. Thomson moved, by leave, That this House authorizes and requires the Honourable the President to permit the second reading debate on the Corporations (Administrative Actions) Bill, the Corporations (Ancillary Provisions) Bill, the Corporations (Consequential Amendments) Bill, the Agricultural and Veterinary Chemicals (Victoria) (Amendment) Bill and the Co-operative Schemes (Administrative Actions) Bill to be taken concurrently.

Question – put and resolved in the affirmative.

15 APPROPRIATION (PARLIAMENT 2001/2002) BILL – The Order of the Day having been read for the second reading of this Bill, the Honourable C.C. Broad moved, That this Bill be now read a second time.

On the motion of the Honourable C.A. Furletti (for the Honourable D.M. Davis), the debate was adjourned until the next day of meeting.

16 CONSTITUTION (METROPOLITAN AMBULANCE SERVICE ROYAL COMMISSION REPORT) BILL – The Order of the Day having been read for the second reading of this Bill, the Honourable M.M. Gould moved, That this Bill be now read a second time.

On the motion of the Honourable C.A. Furletti (for the Honourable W. Forwood), the debate was adjourned until the next day of meeting.

17 RACIAL AND RELIGIOUS TOLERANCE BILL – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time.

Debate resumed.

Question – put.

The Council divided.

AYES, 32

The Hon. G.B. Ashman
M.A. Birrell
B.C. Boardman
A.R. Brideson
C.C. Broad
E.C. Carbines
A. Coote
I.J. Cover
G.R. Craige
K. Darveniza (*Teller*)
D.M. Davis
P.R. Davis
W. Forwood
C.A. Furletti
M.M. Gould

NOES, 9

The Hon. B.N. Atkinson
W.R. Baxter
R.A. Best (*Teller*)
B.W. Bishop
R.H. Bowden
P.R. Hall
R.M. Hallam (*Teller*)
E.J. Powell
C.A. Strong

D.G. Hadden
 G.W. Jennings
 P.A. Katsambanis
 N.B. Lucas
 M.T. Luckins
 J.M. McQuilten
 J.M. Madden
 J. Mikakos
 S.M. Nguyen
 A.P. Olexander
 G.K. Rich-Phillips (*Teller*)
 D.G. Romanes
 R.F. Smith
 W.I. Smith
 Graeme Stoney
 T.C. Theophanous
 M.R. Thomson

And so it was resolved in the affirmative.

Bill read a second time.

The Honourable M.M. Gould moved, by leave, That this Bill be now read a third time.

Question – put.

The Council divided.

AYES, 32

The Hon. G.B. Ashman
 M.A. Birrell
 B.C. Boardman
 A.R. Brideson
 C.C. Broad
 E.C. Carbines
 A. Coote
 I.J. Cover
 G.R. Craige
 K. Darveniza
 D.M. Davis
 P.R. Davis
 W. Forwood
 C.A. Furletti
 M.M. Gould
 D.G. Hadden (*Teller*)
 G.W. Jennings
 P.A. Katsambanis (*Teller*)
 N.B. Lucas
 M.T. Luckins
 J.M. McQuilten
 J.M. Madden

NOES, 8

The Hon. W.R. Baxter (*Teller*)
 R.A. Best
 B.W. Bishop
 R.H. Bowden
 P.R. Hall
 R.M. Hallam
 E.J. Powell (*Teller*)
 C.A. Strong

J. Mikakos
S.M. Nguyen
A.P. Olexander
G.K. Rich-Phillips
G.D. Romanes
R.F. Smith
W.I. Smith
Graeme Stoney
T.C. Theophanous
M.R. Thomson

And so it was resolved in the affirmative.

Bill read a third time and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

18 APPROPRIATION (2001/2002) BILL — The President announced the receipt of a Message from the Assembly transmitting a Bill *for the appropriation of certain sums out of the Consolidated Fund in respect of the financial year 2001/2002 and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable C.C. Broad, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

19 WHISTLEBLOWERS PROTECTION BILL — The President announced the receipt of a Message from the Assembly acquainting the Council that they have agreed to the amendments made by the Council in this Bill.

20 ADJOURNMENT — The Honourable M.M. Gould moved, That the Council, at its rising, adjourn until Tuesday next at 10.00 a.m.

Question — put and resolved in the affirmative.

The Honourable M.M. Gould moved, That the House do now adjourn.

Debate ensued.

Question — put and resolved in the affirmative.

And then the Council, at 7.36 p.m., adjourned until Tuesday next at 10.00 a.m.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

LEGISLATIVE COUNCIL OF VICTORIA

MINUTES OF THE PROCEEDINGS Nos. 77 and 78

No. 77 – Tuesday, 19 June 2001

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** – The Honourable M.M. Gould presented a Message from His Excellency the Governor informing the Council that he had, this day, given the Royal Assent to the undermentioned Acts presented to him by the Clerk of the Parliaments:
 - Building (Single Dwellings) Act*
 - Gas Industry Act*
 - Gas Industry Legislation (Miscellaneous Amendments) Act*
 - Health (Amendment) Act*
 - Post Compulsory Education Acts (Amendment) Act*
 - Racing (Racing Victoria Ltd) Act*
 - Whistleblowers Protection Act.*
- 3 **BUSINESS OF THE HOUSE** –

The Honourable M.M. Gould moved, by leave, That so much of the Sessional Orders be suspended as would prevent new business being taken after 8.00 p.m. during the sitting of the Council this day.

Question – put and resolved in the affirmative.

The Honourable M.M. Gould moved, by leave, That so much of the Sessional Orders be suspended as would prevent Government business taking precedence of all other business from 12.00 noon during the sitting of the Council on Wednesday, 20 June 2001.

Question – put and resolved in the affirmative.
- 4 **FUNDRAISING APPEALS (AMENDMENT) BILL** – On the motion (by leave without notice) of the Honourable M.R. Thomson, leave was given to bring in a Bill to amend the *Fundraising Appeals Act 1998 and for other purposes*, and the said Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
- 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:
 - Auditor-General – Annual Plan, 2001-2002.
 - Medical Practitioners Board – Report, 2000.
 - Mount Stirling Alpine Resort Management Board – Report, 1999-2000.
 - Planning and Environment Act 1987 – Notices of Approval of the following amendments to planning schemes:
 - Ballarat Planning Scheme – Amendment C37.

Planning and Environment Act 1987 – *continued*

Golden Plains Planning Scheme – Amendment C5.

Melbourne Planning Scheme – Amendment C41.

Mornington Peninsula Planning Scheme – Amendment C29.

Whitehorse Planning Scheme – Amendment C28.

* * * *

PROCLAMATION – A Proclamation of His Excellency the Governor in Council fixing an operative date in respect of the following Act was laid upon the table by the Clerk pursuant to an Order of the Council on 4 November 1999:

Financial Sector Reform (Victoria) Act 1999 – Remaining provisions – 15 June 2001 (*Gazette No. G24, 14 June 2001*).

6 BUSINESS POSTPONED – Ordered – That the consideration of the Notice of Motion, Government Business, be postponed until the next day of meeting.

7 APPROPRIATION (2001/2002) BILL – The Order of the Day having been read for the second reading of this Bill, the Honourable C.C. Broad moved, That this Bill be now read a second time.

On the motion of the Honourable W.I. Smith, the debate was adjourned until later this day.

8 COGNATE DEBATE – The Honourable C.C. Broad moved, by leave, That this House authorizes and requires the Honourable the President to permit the second reading debate on the Appropriation (2001/2002) Bill to be taken concurrently with further debate on the motion to take note of the Budget Papers, 2001-02.

Question – put and resolved in the affirmative.

9 BUSINESS POSTPONED – Ordered – That the consideration of Orders of the Day, Government Business, Nos. 2 to 9 inclusive, be postponed until later this day.

10 CORRECTIONS (CUSTODY) BILL – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time.

Debate resumed.

Question – put and resolved in the affirmative.

Bill read a second time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and, by leave, read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

11 STATE TAXATION ACTS (TAXATION REFORM IMPLEMENTATION) BILL – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time.

Debate resumed.

Question – put and resolved in the affirmative.

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

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

12 QUESTIONS – Questions without notice were taken pursuant to Standing Order No. 71A.

- 13 TRANSFER OF LAND (AMENDMENT) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time.
Debate resumed.
Question – put and resolved in the affirmative.
Bill read a second time and, by leave, read a third time and passed.
Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.
- 14 DUTIES (AMENDMENT) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time.
Debate resumed.
Question – put and resolved in the affirmative.
Bill read a second time and, by leave, read a third time and passed.
Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.
- 15 VICTORIAN MANAGED INSURANCE AUTHORITY (AMENDMENT) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time.
Debate resumed.
Question – put and resolved in the affirmative.
Bill read a second time and, by leave, read a third time and passed.
Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.
- 16 APPROPRIATION (2001/2002) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time [the motion to take note of the **Budget Papers 2001-02** having been authorized to be debated concurrently pursuant to an Order of the Council this day].
Debate resumed.
On the motion of the Honourable B.W. Bishop, the debate was adjourned until the next day of meeting.
- 17 ADJOURNMENT** – The Honourable M.M. Gould moved, That the House do now adjourn.
Debate ensued.
Question – put and resolved in the affirmative.
And then the Council, at 11.10 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 78 – Wednesday, 20 June 2001

- 1** The President took the Chair and read the Prayer.
- 2 BALLARAT SITTING** – The Honourable M.M. Gould moved, by leave, That the Council meet at the Town Hall in the City of Ballarat on Thursday, 16 August

2001 and that so much of the Sessional Orders be suspended as necessary to enable –

- (a) the sitting to commence at 10.30 am;
- (b) General business to take precedence of all other business except formal business until 12.30 pm;
- (c) questions without notice to be taken and answers given to questions on notice at 2.00 pm;
- (d) Government business to take precedence of all other business from the conclusion of questions until 5.00 pm; and
- (e) a motion for the adjournment of the House to be moved at 5.00 pm.

Debate ensued.

Question – put and resolved in the affirmative.

- 3 BUSINESS OF THE HOUSE** – The Honourable M.M. Gould moved, by leave, That so much of the Sessional Orders be suspended as would prevent new business being taken after 8.00 p.m. during the sitting of the Council this day.

Question – put and resolved in the affirmative.

4 PAPERS –

COMMONWEALTH TREATY DOCUMENTS – The Honourable M.M. Gould moved, by leave, That there be laid before this House a copy of the following Treaty documents:

- (a) Bilateral Agreement tabled in the Commonwealth Parliament on 27 February 2001, together with National Interest Analysis and Regulation Impact Statement, dealing with –
 - Mutual Recognition Agreement on Conformity Assessment between Australia and the Republic of Singapore.
- (b) Bilateral Agreements tabled in the Commonwealth Parliament on 27 February 2001, together with National Interest Analysis, dealing with –
 - Reciprocal Protection of Classified Information of Defence Interest, between Australia and the Kingdom of Denmark.
 - Reciprocal Protection of Classified Information of Defence Interest, between Australia and the Republic of South Africa.
 - Air Services Agreements, between Australia and the Kingdoms of Denmark, Norway and Sweden.
 - Air Services Agreement, between Australia and the Islamic Republic of Pakistan.
 - Air Services Agreement, between Australia and Samoa.
- (c) Multilateral Agreements tabled in the Commonwealth Parliament on 27 February 2001, together with National Interest Analysis, dealing with –
 - Agreement establishing the Pacific Islands Forum Secretariat.
 - Constitution of the International Labour Organization Instrument of Amendment.
 - Asia-Pacific Postal Union: Second Additional Protocol to the Constitution (as amended) and the Additional Protocol to the General Regulations.
- (d) Multilateral Agreement tabled in the Commonwealth Parliament on 6 March 2001, together with National Interest Analysis and Regulation Impact Statement, dealing with –
 - Treaty on Fisheries, between certain Pacific Island States and the United States of America.

- (e) Bilateral Agreement tabled in the Commonwealth Parliament on 23 May 2001, together with National Interest Analysis and Regulation Impact Statement, dealing with –
- Films Co-Production Agreement, between Australia and the Federal Republic of Germany.
- (f) Bilateral Agreement tabled in the Commonwealth Parliament on 23 May 2001, together with National Interest Analysis, dealing with –
- Social Security Agreement, between Australia and New Zealand.
- (g) Multilateral Agreements tabled in the Commonwealth Parliament on 23 May 2001, together with National Interest Analysis, dealing with –
- Denunciation of ILO Conventions: No. 15, Minimum Age (Trimmers and Stokers) Convention, 1921; and No. 21, Inspection of Emmigrants Convention, 1926.
 - Withdrawal of ratification of ILO Conventions: No. 57, Hours of Work and Manning (Sea) Convention, 1936; No. 76, Wages, Hours of Work and Manning (Sea) Convention, 1946; No. 93, Wages, Hours of Work and Manning (Sea) Convention (Revised), 1949; and No. 109, Wages, Hours of Work and Manning (Sea) Convention (Revised), 1958.
 - Protocol to amend the Convention on Limitation of Liability for Maritime Claims.
 - Conservation of Albatrosses and Petrels Agreement.

Question – put and resolved in the affirmative.

The said papers were thereupon presented by the Honourable M.M. Gould and ordered to lie on the Table.

The Honourable G.B. Ashman moved, That the papers be taken into consideration on the next day of meeting.

Question – put and resolved in the affirmative.

* * * * *

ECONOMIC DEVELOPMENT COMMITTEE – WORKCOVER PREMIUMS –

The Honourable N.B. Lucas presented the Final Report from the Economic Development Committee upon WorkCover Premiums for 2000-2001, together with Appendices, Extracts from the Proceedings, a Minority report and Minutes of Evidence.

Ordered to lie on the Table and the Report, Appendices, Extracts from the Proceedings and Minority report 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:

Statutory Rules under the following Acts of Parliament:

Equipment (Public Safety) Act 1994 – No. 54.

Occupational Health and Safety Act 1985 – No. 53.

Subordinate Legislation Act 1994 – Minister's exemption certificates under section 9(6) in respect of Statutory Rules Nos. 53 and 54.

- 5 BUSINESS POSTPONED** – Ordered – That the consideration of Notices of Motion, General Business, Nos. 1 to 5 inclusive, be postponed until later this day.
- 6 YOUNG VICTORIANS** – The Honourable I.J. Cover moved, That this House condemns the Government for failing Victoria's young people through a lack of action and opportunities.

Debate ensued.

Question – put.

The Council divided.

AYES, 28

The Hon. G.B. Ashman
 W.R. Baxter
 R.A. Best
 M.A. Birrell
 B.W. Bishop
 B.C. Boardman
 R.H. Bowden
 A.R. Brideson
 A. Coote
 I.J. Cover
 G.R. Craige
 D.M. Davis
 P.R. Davis
 W. Forwood
 C.A. Furletti
 P.R. Hall
 R.M. Hallam
 P.A. Katsambanis
 N.B. Lucas
 M.T. Luckins
 A.P. Olexander (*Teller*)
 E.J. Powell
 G.K. Rich-Phillips
 Dr. J.W.G. Ross
 K.M. Smith (*Teller*)
 W.I. Smith
 Graeme Stoney
 C.A. Strong

NOES, 14

The Hon. C.C. Broad
 E.C. Carbinis (*Teller*)
 K. Darveniza (*Teller*)
 M.M. Gould
 D.G. Hadden
 G.W. Jennings
 J.M. McQuilten
 J.M. Madden
 J. Mikakos
 S.M. Nguyen
 G.D. Romanes
 R.F. Smith
 T.C. Theophanous
 M.R. Thomson

And so it was resolved in the affirmative.

- 7 **STANDING ORDERS COMMITTEE** – Leave having been granted to move her motion in an amended form, the Honourable M.M. Gould moved, That the Standing Orders Committee be required to undertake a review of the Standing Orders and make recommendations with the view to –
- (a) ensuring that they are expressed in clear and consistent language and in gender neutral language where appropriate;
 - (b) eliminating redundant and obsolete Standing Orders;
 - (c) incorporating so much of the Sessional Orders of the Council as seems appropriate; and
 - (d) consolidating Standing Orders in accordance with paragraphs (a), (b) and (c) to ensure the more efficient operation of the Council.

Debate ensued.

Question – put and resolved in the affirmative.

- 8 **FUNDRAISING APPEALS (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable M.R. Thomson moved, That this Bill be now read a second time.

On the motion of the Honourable C.A. Furletti, the debate was adjourned until the next day of meeting.

- 9 **CORPORATIONS (ADMINISTRATIVE ACTIONS) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time [the **Corporations (Ancillary Provisions) Bill**, the **Corporations (Consequential Amendments) Bill**, the **Agricultural and Veterinary Chemicals (Victoria) (Amendment) Bill** and the **Co-operative Schemes (Administrative Actions) Bill**, having been authorized to be debated concurrently pursuant to an Order of the Council on 14 June 2001].

Debate resumed.

Business having been interrupted at 2.00 p.m. pursuant to Sessional Orders –

- 10 **QUESTIONS** – Questions without notice were taken pursuant to Standing Order No. 71A.

- 11 **SUSPENSION OF STANDING ORDERS – QUESTIONS** – The Honourable M.M. Gould moved, by leave, That so much of the Standing Orders as require answers to questions on notice to be delivered verbally in the House be suspended for the sitting of the Council this day and that the answers enumerated be incorporated in Hansard.

Question – put and resolved in the affirmative.

Accordingly, answers were given to certain questions on notice pursuant to Standing Order No. 71A.

- 12 **CORPORATIONS (ADMINISTRATIVE ACTIONS) BILL** – The concurrent debate continued on the question, That this Bill be now read a second time and on the **Corporations (Ancillary Provisions) Bill**, the **Corporations (Consequential Amendments) Bill**, the **Agricultural and Veterinary Chemicals (Victoria) (Amendment) Bill** and the **Co-operative Schemes (Administrative Actions) Bill**.

Question – put and resolved in the affirmative.

Bill read a second time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and, by leave, read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 13 **CORPORATIONS (ANCILLARY PROVISIONS) BILL** – The concurrent second reading debate having concluded –

Question – That this Bill be now read a second time – put and resolved in the affirmative.

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

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 14 **CORPORATIONS (CONSEQUENTIAL AMENDMENTS) BILL** – The concurrent second reading debate having concluded –

Question – That this Bill be now read a second time – put and resolved in the affirmative.

Bill read a second time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and, by leave, read a third

time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

15 AGRICULTURAL AND VETERINARY CHEMICALS (VICTORIA) (AMENDMENT) BILL – The concurrent second reading debate having concluded –

Question – That this Bill be now read a second time – put and resolved in the affirmative.

Bill read a second time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and, by leave, read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

16 CO-OPERATIVE SCHEMES (ADMINISTRATIVE ACTIONS) BILL – The concurrent second reading debate having concluded –

Question – That this Bill be now read a second time – put and resolved in the affirmative.

Bill read a second time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and, by leave, read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

17 CONSTITUTION (METROPOLITAN AMBULANCE SERVICE ROYAL COMMISSION REPORT) BILL – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time.

Debate resumed.

Question – put and resolved in the affirmative.

Bill read a second time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and, by leave, read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

18 APPROPRIATION (PARLIAMENT 2001/2002) BILL – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time.

Question – put and resolved in the affirmative.

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

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

19 APPROPRIATION (2001/2002) BILL – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time [the motion to take note of the **Budget Papers 2001-02** having been authorized to be debated concurrently pursuant to an Order of the Council on 19 June 2001].

Debate resumed.

And the Council having continued to sit until after 12 midnight –

THURSDAY, 21 JUNE 2001

Debate continued.

Question – put and resolved in the affirmative.

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

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

20 BUDGET PAPERS, 2001-02 – The concurrent debate having concluded –
Question – That the Council take note of the Budget Papers, 2001-02 – put and resolved in the affirmative.

21 ANSWERS TO QUESTIONS ON NOTICE – Answers were given to certain questions on notice pursuant to Standing Order No. 71A.

22 ADJOURNMENT – The Honourable M.M. Gould moved, That the Council, at its rising, adjourn until Thursday, 16 August 2001 at 10.30 a.m. at the Town Hall, City of Ballarat, or until a day and hour to be fixed by the President, which time of meeting shall be notified in writing to each Honourable Member, whichever is the earlier.

Question – put and resolved in the affirmative.

The Honourable M.M. Gould moved, That the House do now adjourn.

Debate ensued.

Question – put and resolved in the affirmative.

And then the Council, at 1.32 a.m., adjourned until Thursday, 16 August 2001 at 10.30 a.m. at the Town Hall, City of Ballarat, or until a day and hour to be fixed by the President, which time of meeting shall be notified in writing to each Honourable Member, whichever is the earlier.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

LEGISLATIVE COUNCIL OF VICTORIA

MINUTES OF THE PROCEEDINGS No. 79

No. 79 – Thursday, 16 August 2001

- 1 The Council met in the City of Ballarat pursuant to the Proclamation of the Governor of 3 August 2001, and to the terms of the Resolution of the Legislative Council on 20 June 2001.

The President took the Chair and read the Prayer.

- 2 **PROCLAMATION** – The Proclamation of the Governor varying and altering the place for holding the First Session of the Fifty-Fourth Parliament was read by the Clerk and is as follows:

PROCLAMATION

WHEREAS:

- A. By Proclamation made on 7 October 1999 by Sir James Gobbo AC, then the Governor of the State of Victoria, pursuant to section 8 and section 20 of the *Constitution Act 1975*, fixed 3 November 1999 at 11.00 am as the time for the commencement and holding of the First session of the Fifty-Fourth 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 Michael Landy AC, MBE, Governor of the State of Victoria, acting under section 8 and section 20 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 which would have otherwise have been held in the Houses of Parliament, Melbourne on Thursday 16 August 2001 to the Ballarat Town Hall at 219 - 231 Sturt Street in the City of Ballarat and thereafter, when the Legislative Council has completed its business on that day, to the Houses of Parliament, Melbourne on the next day of sitting appointed by the Legislative Council.
2. hereby vary and alter the place for holding the First session of the Legislative Assembly which would have otherwise have been held in the Houses of Parliament, Melbourne on Thursday 16 August 2001 to the Bendigo Town Hall at 189 Hargreaves Street in the City of Bendigo and thereafter, when the Legislative Assembly has completed its business on that day, to the Houses of Parliament, Melbourne on the next day of sitting appointed by the Legislative Assembly.

Given under my Hand and the Seal of the State of Victoria, at Melbourne, this Third day of August 2001.

JOHN MICHAEL LANDY.
Governor

(L.S.)

By His Excellency's Command
STEVE BRACKS
Premier

3 ASSENT TO ACTS – The Honourable M.M. Gould presented Messages from His Excellency the Governor informing the Council –

That he had, on 27 June 2001, given the Royal Assent to the undermentioned Acts presented to him by the Clerk of the Parliaments:

Agricultural and Veterinary Chemicals (Victoria) (Amendment) Act
Constitution (Metropolitan Ambulance Service Royal Commission Report) Act
Co-operatives Schemes (Administrative Actions) Act
Corporations (Administrative Actions) Act
Corporations (Ancillary Provisions) Act
Corporations (Consequential Amendments) Act
Corrections (Custody) Act
Duties (Amendment) Act
Racial and Religious Tolerance Act
State Taxation Acts (Taxation Reform Implementation) Act
Transfer of Land (Amendment) Act
Victorian Managed Insurance Authority (Amendment) Act.

That he had, on 27 June 2001, given the Royal Assent to the undermentioned Acts presented to him by the Honourable the Speaker of the Legislative Assembly:

Appropriation (2001/2002) Act
Appropriation (Parliament 2001/2002) Act.

4 ADDRESS BY MAYOR OF BALLARAT – The Honourable M.M. Gould moved, by leave, That this House invites Councillor David Vendy, Mayor of the City of Ballarat, to attend on the floor of the House this day, following formal business, to address the House.

Debate ensued.

Question – put and resolved in the affirmative.

5 PETITION – FREEZA PROGRAM FUNDING – The Honourable I.J. Cover presented a Petition bearing 219 signatures from certain citizens of Victoria requesting that funding to the Office of Youth FreeZA program be continued at previous levels to allow the program to continue.

Ordered to lie on the Table.

6 PAPERS –

COUNCIL OF AUSTRALIAN GOVERNMENTS – The Honourable M.M. Gould moved, by leave, That there be laid before this House a copy of the communique issued by the Council of Australian Governments meeting held on 8 June 2001.

Question – put and resolved in the affirmative.

The said paper was thereupon presented by the Honourable M.M. Gould and ordered to lie on the Table.

ECONOMIC DEVELOPMENT COMMITTEE – VICTORIAN ECONOMY STRUCTURAL CHANGES – The Honourable N.B. Lucas presented an Interim Report from the Economic Development Committee upon the Impact of Structural Changes in the Victorian Economy.

Ordered to lie on the Table and to be printed.

* * * * *

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE – ALERT DIGEST – The Honourable M.T. Luckins presented Alert Digest No. 8 of 2001 from the Scrutiny of Acts and Regulations Committee, together with Appendices.

Ordered to lie on the Table and to be printed.

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

Crown Land (Reserves) Act 1978 – Minister's order of 9 July 2001 giving approval to granting of a lease at Sandringham.

International Fibre Centre Ltd – Minister for Post Compulsory Education, Training and Employment's report of 21 June 2001 of receipt of the 2000 report.

Interpretation of Legislation Act 1984 – Notice pursuant to section 32(4)(iii) in relation to the Plumbing (Amendment) Regulations 2001.

Melbourne City Link Act 1995 – Statement of Variation No. 2/2001, Detailed Tolling Strategy, 28 June 2001, pursuant to section 15B of the Act.

Mt Baw Baw Alpine Resort Management Board – Report, 1999-2000.

Planning and Environment Act 1987 – Notices of Approval of the following amendments to planning schemes:

Ballarat Planning Scheme – Amendments C31, C34 Part 1 and C35 Part 1.

Bass Coast Planning Scheme – Amendment C10.

Bendigo – Greater Bendigo Planning Scheme – Amendment C15.

Campaspe Planning Scheme – Amendments C15 and C16.

Cardinia Planning Scheme – Amendment C17.

Casey Planning Scheme – Amendment C34.

Dandenong – Greater Dandenong Planning Scheme – Amendment C22.

Darebin Planning Scheme – Amendment C1.

Geelong – Greater Geelong Planning Scheme – Amendments C13, C20 and C22.

Glen Eira Planning Scheme – Amendment C18.

Glenelg Planning Scheme – Amendment C3.

Golden Plains Planning Scheme – Amendment C7.

Hepburn Planning Scheme – Amendments C5 and C7.

Hobsons Bay Planning Scheme – Amendments C11 Part 1 and C15.

Knox Planning Scheme – Amendments C12 and C24.

LaTrobe Planning Scheme – Amendment C2.

Lodden Planning Scheme – Amendment C2.

Macedon Ranges Planning Scheme – Amendment C7.

Manningham Planning Scheme – Amendment C17.

Planning and Environment Act 1987 – *continued.*

Maribyrnong Planning Scheme – Amendments C7 and C15.

Maroondah Planning Scheme – Amendment C23.

Melbourne Planning Scheme – Amendments C11, C24 and C42.

Monash Planning Scheme – Amendment C5.

Moonee Valley Planning Scheme – Amendment C22.

Moorabool Planning Scheme – Amendments C8 and C13.

Moreland Planning Scheme – Amendment C18.

Mornington Peninsula Planning Scheme – Amendments C12 Part 2 and C30.

Shepparton – Greater Shepparton Planning Scheme – Amendment C9.

Surf Coast Planning Scheme – Amendment C4.

Wangaratta Planning Scheme – Amendment C3 Part 2.

Warrnambool Planning Scheme – Amendment C16.

West Wimmera Planning Scheme – Amendment C1.

Whitehorse Planning Scheme – Amendment C32.

Wodonga Planning Scheme – Amendment C6.

Yarra Planning Scheme – Amendment C24.

Yarra Ranges Planning Scheme – Amendment C9.

Public Lotteries Act 2000 – Licence issued to the trustees of the will and estate of the late George Adams, pursuant to section 32(b) of the Act.

Statutory Rules under the following Acts of Parliament:

Associations Incorporation Act 1981 – No. 69.

Building Act 1993 – No. 66.

Corporations (Ancillary Provisions) Act 2001 – Nos. 62 and 63.

County Court Act 1958 – Juries Act 2000 – No. 77.

Gaming Machine Control Act 1991 – No. 60.

Juries Act 2000 – Nos. 74 and 75.

Magistrates' Court Act 1989 – Nos. 58, 67 and 68.

Mineral Resources Development Act 1990 – No. 71.

Pay-roll Tax Act 1971 – No. 64.

Petroleum Products (Terminal Gate Pricing) Act 2000 – No. 72.

Police Regulation Act 1958 – No. 70.

Prevention of Cruelty to Animals Act 1986 – No. 65.

Private Agents Act 1966 – No. 76.

Racing Act 1958 – No. 61.

Road Safety Act 1986 – Nos. 56 and 57.

Supreme Court Act 1986 – Foreign Judgements Act 1962 – Juries Act 2000 – No. 73.

Tobacco Act 1987 – No. 55.

Zoological Parks and Gardens Act 1995 – No. 59.

Subordinate Legislation Act 1994 –

Ministers' exception certificates under section 8(4) in respect of Statutory Rules Nos. 58, 59, 73 and 75 to 77.

Ministers' exemption certificates under section 9(6) in respect of Statutory Rules Nos. 57, 59, 64, 65, 69, 70 and 72.

PROCLAMATIONS – Proclamations of the Governor in Council fixing operative dates in respect of the following Acts were laid upon the table by the Clerk pursuant to an Order of the Council on 4 November 1999:

Business Registration Acts (Amendment) Act 2000 -- Sections 3 and 9 -- 30 July 2001 (*Gazette No. G29, 19 July 2001*).

Co-operative Schemes (Administrative Actions) Act 2001 – 2 August 2001 (*Gazette No. G31, 2 August 2001*).

Corporations (Commonwealth Powers) Act 2001 – 21 June 2001 (*Gazette No. G25, 21 June 2001*).

Electricity Industry Acts (Further Amendment) Act 2001 – Section 10 – 28 June 2001 (*Gazette No. G26, 28 June 2001*).

Mineral Resources Development (Amendment) Act 2000 – 31 July 2001 (*Gazette No. G30, 26 July 2001*).

Nurses (Amendment) Act 2000 – Sections 3 (except paragraphs (a) and (c)), 22, 25, 30, 31, 34, 37 and 44 – 1 August 2001 (*Gazette No. G28, 12 July 2001*).

Petroleum Products (Terminal Gate Pricing) Act 2000 – 1 August 2001 – (*Gazette No. G30, 26 July 2001*).

Road Safety (Alcohol and Drugs Enforcement Measures) Act 2001 – Remaining provisions (except section 9(1)) – 28 June 2001 (*Gazette No. G25, 21 June 2001*).

Statute Law Amendment (Relationships) Act 2001 – Whole Act (except sections 4, 5 and 7, items 1 to 3, 6, 9.1, 9.2 (b), (c) and (d), 9.4 to 9.6 and 13 of Schedules 1 to 3, item 2 of Schedule 4 and Schedule 5) – 28 June 2001 (*Gazette No. G26, 28 June 2001*).

Transport Accident (Amendment) Act 2000 – Remaining provisions except section 23(1) – 1 August 2001 (*Gazette No. G27, 5 July 2001*).

Urban Land Corporation (Amendment) Act 2001 – 1 July 2001 (*Gazette No. G25, 21 June 2001*).

7 ADDRESS BY MAYOR OF BALLARAT – Pursuant to the Resolution of the Council this day, Councillor David Vendy, Mayor of the City of Ballarat, attended on the floor of the House and addressed the House.

Having concluded his address, Councillor Vendy was provided with a seat on the floor of the House.

8 BUSINESS POSTPONED – Ordered – That the consideration of Notices of Motion, General Business, Nos. 1 to 5 inclusive, be postponed until later this day.

9 RURAL AND REGIONAL VICTORIA GROWTH – The Honourable W. Forwood moved, That this House believes that –

(a) a vibrant and buoyant rural and regional Victoria is an essential element of the State's growth; and

(b) State Government policies play a key role in securing success in this field.

Debate ensued.

Councillor David Vendy, Mayor of the City of Ballarat, then withdrew from the Chamber, escorted by the Usher of the Black Rod.

Question – put and resolved in the affirmative.

10 QUESTIONS – Questions without notice were taken pursuant to Standing Order No. 71A.

11 SUSPENSION OF STANDING ORDERS – QUESTIONS – The Honourable M.M. Gould moved, by leave, That so much of the Standing Orders as require answers to questions on notice to be delivered verbally in the House be suspended for the sitting of the Council this day and that the answers enumerated be incorporated in Hansard.

Question – put and resolved in the affirmative.

Accordingly, answers were given to certain questions on notice pursuant to Standing Order No. 71A.

12 FUNDRAISING APPEALS (AMENDMENT) BILL – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time.

Debate resumed.

Question – put and resolved in the affirmative.

Bill read a second time and committed to a Committee of the whole.

House in Committee.

Business having been interrupted at 5.00 p.m. pursuant to Sessional Orders –

13 ADJOURNMENT – The Honourable M.M. Gould moved, That the Council, at its rising, adjourn until Tuesday, 18 September 2001.

Debate ensued.

Question – put and resolved in the affirmative.

The Honourable M.M. Gould moved, That the House do now adjourn.

Debate ensued.

Question – put and resolved in the affirmative.

And then the Council, at 6.02 p.m., adjourned until Tuesday, 18 September 2001.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

LEGISLATIVE COUNCIL OF VICTORIA

MINUTES OF THE PROCEEDINGS Nos. 80 and 81

No. 80 – Tuesday, 18 September 2001

1 The President took the Chair and read the Prayer.

2 **TERRORIST ATTACKS IN THE UNITED STATES OF AMERICA** – The Honourable M.M. Gould moved, That the Council agree to the following Resolution:

We, the Legislative Council of Victoria, in Parliament assembled, express our deepest and sincere condolences to the President and people of the United States of America at this time of great suffering caused by appalling acts of terrorism. In recording these sentiments we express the unanimous feeling of the people of the State of Victoria who are shocked and outraged by such senseless acts of violence.

Debate ensued.

The question was put and, Honourable Members signifying their assent by rising in their places and standing in silence for one minute, unanimously resolved in the affirmative.

The Honourable M.M. Gould moved, by leave, That the following Address to His Excellency the Governor be agreed to by this House:

We, the Members of the Parliament of Victoria, in Parliament assembled, respectfully request that Your Excellency will be pleased to communicate to the Governor-General the accompanying resolution for transmission to the President of the United States of America.

Question – put and resolved in the affirmative.

3 **THE LATE HONOURABLE WILLIAM ARCHIBALD BORTHWICK, AM** – The Honourable M.M. Gould moved, That this House expresses its sincere sorrow at the death, on 31 July 2001, of the Honourable William Archibald Borthwick, AM, and places on record its acknowledgment of the valuable services rendered by him to the Parliament and the people of Victoria as a Member of the Legislative Assembly for the electoral districts of Scoresby from 1960 to 1967 and Monbulk from 1967 to 1982 and as Minister of Water Supply from 1967 to 1970, Minister of Lands, Minister of Soldier Settlement and Minister for Conservation from 1970 to 1979, Minister for Health from 1979 to 1982 and Deputy Premier from 1981 to 1982.

And other Honourable Members and the President having addressed the House – The question was put and, Honourable Members signifying their assent by rising in their places, unanimously resolved in the affirmative.

4 **ADJOURNMENT** – The Honourable M.M. Gould moved, That as a further mark of respect to the memory of the late Honourable William Archibald Borthwick, AM, the House do now adjourn until this day at 8.00 p.m.

Question – put and resolved in the affirmative.

And then the Council, at 3.35p.m., adjourned until this day at 8.00 p.m.

-
- 1 The President took the Chair.
 - 2 **PUBLIC NOTARIES BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to provide for the appointment and regulation of the practice of public notaries, to amend the Legal Practice Act 1996, the Instruments Act 1958 and the Evidence Act 1958 and for other purposes* and desiring the concurrence of the Council therein.
On the motion of the Honourable M.R. Thomson, the Bill was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
 - 3 **AGRICULTURE LEGISLATION (AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Meat Industry Act 1993, to repeal the Margarine (Repeal) Act 1994, the Quarantine Officers (Transfer) Act 1990 and the Tobacco Leaf Industry (Deregulation) Act 1994 and for other purposes* and desiring the concurrence of the Council therein.
On the motion of the Honourable C.C. Broad, the Bill was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
 - 4 **TRANSPORT (FURTHER AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Rail Corporations Act 1996 and the Transport Act 1983 and other Acts to make provision for the winding-up of the Public Transport Corporation, to amend the Melbourne City Link Act 1995 and the Melbourne City Link (Miscellaneous Amendments) Act 2000 and for other purposes* and desiring the concurrence of the Council therein.
On the motion of the Honourable C.C. Broad, the Bill was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
 - 5 **CRIMES (VALIDATION OF ORDERS) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Crimes Act 1958 to validate certain orders purported to have been made for the taking of forensic samples from offenders and for other purposes* and desiring the concurrence of the Council therein.
On the motion of the Honourable M.R. Thomson, the Bill was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
 - 6 **COMMUNITY VISITORS LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to make miscellaneous amendments to the Disability Services (Amendment) Act 2000, the Guardianship and Administration Act 1986, the Health Services Act 1988, the Intellectually Disabled Persons' Services Act 1986 and the Mental Health Act 1986 and for other purposes* and desiring the concurrence of the Council therein.
On the motion of the Honourable M.R. Thomson, the Bill was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
 - 7 **QUESTIONS** – Questions without notice were taken pursuant to Standing Order No. 71A.
 - 8 **SUSPENSION OF STANDING ORDERS – QUESTIONS** – The Honourable M.M. Gould moved, by leave, That so much of the Standing Orders as require answers to questions on notice to be delivered verbally in the House be suspended for the sitting of the Council this day and that the answers enumerated be incorporated in Hansard.
Question – put and resolved in the affirmative.

Accordingly, answers were given to certain questions on notice pursuant to Standing Order No. 71A.

- 9 BUSINESS OF THE HOUSE** – The Honourable M.M. Gould moved, by leave, That so much of the Sessional Orders be suspended as would prevent new business being taken after 8.00 p.m. during the sitting of the Council this day.

Question – put and resolved in the affirmative.

- 10 ECONOMIC DEVELOPMENT COMMITTEE** – The Honourable M.M. Gould moved, by leave, That the resolution of the Council of 1 March 2000, requiring the Economic Development Committee to inquire into the incidence of youth unemployment in Victoria and to report to Parliament by 31 December 2001, be amended so far as to now require the Committee to report by the end of the 2002 Spring sitting.

Question – put and resolved in the affirmative.

- 11 INFERTILITY TREATMENT (AMENDMENT) BILL** – On the motion (by leave without notice) of the Honourable M.M. Gould, leave was given to bring in a Bill to make various amendments to the *Infertility Treatment Act 1995* and for other purposes, and the said Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

12 PAPERS –

BLF CUSTODIAN – The Honourable M.M. Gould moved, by leave, That there be laid before this House a copy of Report No. 52 dated 31 August 2001 given to Mr. President, pursuant to section 7A of the *BLF (De-recognition) Act 1985*, by the Custodian appointed under section 7(1) of that Act.

Question – put and resolved in the affirmative.

The said Report was thereupon presented by the Honourable M.M. Gould and ordered to lie on the Table.

* * * * *

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE – AUDITOR-GENERAL'S OFFICE FINANCIAL AUDITS – The Honourable R.M. Hallam presented a Report from the Public Accounts and Estimates Committee on the Appointment of a Replacement Auditor to conduct Financial Audits of the Victorian Auditor-General's Office, together with Appendices.

Ordered to lie on the Table and to be printed.

* * * * *

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE – ALERT DIGEST – The Honourable M.T. Luckins presented Alert Digest No. 9 of 2001 from the Scrutiny of Acts and Regulations 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:

Anderson's Creek Cemetery Trust – Report, 2000.

Anti-Cancer Council – Report, 2000.

Ballaarat General Cemeteries Trust – Report, 2000.

Bendigo Cemeteries Trust – Report, 2000.

Cheltenham and Regional Cemeteries Trust – Report, 2000.

Drugs, Poisons and Controlled Substances Act 1981 – Standard for the Uniform Scheduling of Drugs and Poisons, No. 16, 2 June 2001, together with Amendment No. 1, 1 September 2001 and Minister's Notice regarding the amendment, commencement and availability of the Poisons Code (three papers).

- Electoral Commissioner – Statements of functions conferred, 22 May, 7 August and 11 September 2001 (two papers).
- Environment Conservation Council – Box-Ironbark Forests and Woodlands Investigation Final Report, June 2001.
- Falls Creek Alpine Resort Management Board – Report, 1999-2000.
- Fawkner Crematorium and Memorial Park – Report, 2000.
- Geelong Cemeteries Trust – Report, 2000.
- Keilor Cemetery Trust – Report, 2000.
- Lilydale Memorial Park and Cemetery Trust – Report 2000.
- Memorial Park Cemetery Trust (Altona) – Report, 2000.
- National Environment Protection Council Act 1995 – Report on operation, 31 January 2001.
- Necropolis Trust – Report, 2000.
- Northern Victoria Fresh Tomato Industry Development Committee – Minister for Agriculture's report of 23 August 2001 of receipt of the 1999-2000 report.
- Parliamentary Committees Act 1968 – Minister's response to recommendations in Public Accounts and Estimates Committee's report upon the 2000-2001 Budget Estimates.
- Planning and Environment Act 1987 – Notices of Approval of the following amendments to planning schemes:
- Ballarat Planning Scheme – Amendments C34 Part 2 and C41.
 - Banyule Planning Scheme – Amendments C12 to C14.
 - Bass Coast Planning Scheme – Amendments C2 Part 2, C3 and C4.
 - Baw Baw Planning Scheme – Amendment C16.
 - Bayside Planning Scheme – Amendment C19.
 - Brimbank Planning Scheme – Amendments C20, C24, C29 and C35.
 - Casey Planning Scheme – Amendment C16.
 - Dandenong – Greater Dandenong Planning Scheme – Amendments C2, C5 and C16 Part 2.
 - East Gippsland Planning Scheme – Amendment C7.
 - Frankston Planning Scheme – Amendment C11.
 - Geelong – Greater Geelong Planning Scheme – Amendment C27.
 - Hume Planning Scheme – Amendments C8 and C22.
 - LaTrobe Planning Scheme – Amendment C5.
 - Maribyrnong Planning Scheme – Amendment C22.
 - Monash Planning Scheme – Amendment C17.
 - Nillumbik Planning Scheme – Amendments C3 Part 1 and C5 Part1.
 - Shepparton – Greater Shepparton Planning Scheme – Amendment C14.
 - Stonnington Planning Scheme – Amendment C2.
 - Strathbogie Planning Scheme – Amendment C10.
 - Victoria Planning Provisions – Amendment VC12.
 - Whitehorse Planning Scheme – Amendments C21 and C23.
 - Whittlesea Planning Scheme – Amendments C8 Parts 1 and 2, C18, C21 and C23.
 - Yarra Ranges Planning Scheme – Amendment C18.
- Property Leasing Ltd – Report, 1 October 2000 to 31 March 2001.
- Statutory Rules under the following Acts of Parliament:
- Building Act 1993 – No. 82.
 - Conservation, Forests and Lands Act 1987 – No. 86.
 - Dangerous Goods Act 1985 – No. 85.
 - Drugs, Poisons and Controlled Substances Act 1981 – No. 84.
 - Fisheries Act 1995 – No. 78.

- Livestock Disease Control Act 1994 – No. 81.
- Magistrates' Court Act 1989 – No. 80.
- Road Safety Act 1986 – No. 83.
- Tobacco Act 1987 – No. 87.
- Water Act 1989 – No. 79.
- Subordinate Legislation Act 1994 –
 - Minister's exception certificate under section 8(4) in respect of Statutory Rule No. 80.
 - Ministers' exemption certificates under section 9(6) in respect of Statutory Rules Nos. 71, 81 to 84, 86 and 87.
- Templestowe Cemetery Trust – Report, 2000.
- Wyndham Cemeteries Trust – Report, 2000.

* * * * *

PROCLAMATIONS – Proclamations of the Governor in Council fixing operative dates in respect of the following Acts were laid upon the table by the Clerk pursuant to an Order of the Council on 4 November 1999:

- Electricity Industry Acts (Further Amendment) Act 2001 – Section 5 – 6 September 2001 (*Gazette No. G36, 6 September 2001*).
- Gambling Legislation (Miscellaneous Amendments) Act 2000 -- Sections 21 and 22(1) and remaining provisions of Parts 3 to 6 -- 28 August 2001 (*Gazette No. G34, 23 August 2001*).
- Statute Law Amendment (Relationships) Act 2001 – Sections 4, 5 and 7; items 2, 3 and 6 of Schedule 1; Schedules 2 and 3; item 2 of Schedule 4 and Schedule 5 – 23 August 2001 (*Gazette No. G34, 23 August 2001*).

- 13 RIGHT OF REPLY** – Pursuant to the Sessional Orders of the Legislative Council, the President informed the House that he had received a submission from Mr and Mrs Cuttriss of Inverloch seeking a Right of Reply to statements made in the Council by the Honourable K.M. Smith, MLC, on 6 September, 24 October and 1 November 2000 concerning the South Gippsland Conservation Society Inc, and that, in accordance with the Sessional Orders, he had determined that no further action be taken in relation to the submission.
- 14 PUBLIC NOTARIES BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable M.R. Thomson moved, That this Bill be now read a second time.
On the motion of the Honourable C.A. Furletti, the debate was adjourned until later this day.
- 15 AGRICULTURE LEGISLATION (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable C.C. Broad moved, That this Bill be now read a second time.
On the motion of the Honourable C.A. Furletti, the debate was adjourned until later this day.
- 16 TRANSPORT (FURTHER AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable C.C. Broad moved, That this Bill be now read a second time.
On the motion of the Honourable C.A. Furletti, the debate was adjourned until later this day.
- 17 CRIMES (VALIDATION OF ORDERS) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable M.R. Thomson moved, That this Bill be now read a second time.
On the motion of the Honourable C.A. Furletti, the debate was adjourned until later this day.

18 COMMUNITY VISITORS LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL – The Order of the Day having been read for the second reading of this Bill, the Honourable M.R. Thomson moved, That this Bill be now read a second time.

On the motion of the Honourable M.T. Luckins, the debate was adjourned until later this day.

19 ADJOURNMENT – The Honourable M.R. Thomson moved, That the House do now adjourn.

Debate ensued.

Question – put and resolved in the affirmative.

And then the Council, at 10.23 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 81 – Wednesday, 19 September 2001

1 The President took the Chair and read the Prayer.

2 AGRICULTURAL AND VETERINARY CHEMICALS (CONTROL OF USE) (FURTHER AMENDMENT) BILL – The President announced the receipt of a Message from the Assembly transmitting a Bill *to make miscellaneous amendments to the Agricultural and Veterinary Chemicals (Control of Use) Act 1992 and a consequential amendment to the Agricultural and Veterinary Chemicals (Victoria) Act 1994 and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable C.C. Broad, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

3 PAPERS PURSUANT TO STATUTE – The following Papers, pursuant to the direction of an Act of Parliament, were laid upon the Table by the Clerk:

Melbourne City Link Act 1995 – Orders in Council of 8 May, 4 September and 11 September 2001, decreasing the Project area, pursuant to section 8(4) of the Act (three papers).

4 BUSINESS POSTPONED – Ordered – That the consideration of Notices of Motion, General Business, Nos. 1 to 5 inclusive, be postponed until later this day.

5 BUSINESS OF THE HOUSE – The Honourable W. Forwood moved, That –

(a) the Sessional Orders relating to the Business of the House, adopted by the Council on 4 November 1999, as amended on 31 May 2000 and 2 November 2000, be now amended as follows:

1. Omit paragraph (b) and insert:

“(b) the transaction of Government Business shall take precedence of all other business, except business governed by Standing Orders Nos. 20A, 68A, and 86, from the conclusion of Questions on Tuesday; from the conclusion of General Business on Wednesday; and from the conclusion of debate on motions to take note of reports on Thursday.”

2. Omit paragraph (c) and insert:

“(c) the transaction of General Business shall take precedence of all other business on Wednesday for three hours following

Questions, excluding any period of suspension of the sitting."

3. In paragraph (d), omit "formal business" and insert "Questions."

4. Omit paragraph (f) and insert:

"(f) the time appointed for the asking of questions without notice and the giving of answers to questions on notice shall be 2.00 pm on Tuesday, and 10.00 am on Wednesday and Thursday."

(b) these amendments shall have effect until 31 December 2001.

Debate ensued.

The Honourable M.M. Gould moved, as an amendment, That the expression "from the conclusion of Questions on Tuesday; from the conclusion of General Business on Wednesday", be omitted with the view of inserting "on Tuesday; from 2.00 pm on Wednesday".

Debate ensued.

Question – That the expression proposed to be omitted stand part of the question – put.

The Council divided.

AYES, 28

The Hon. G.B. Ashman
 B.N. Atkinson
 W.R. Baxter
 R.A. Best
 M.A. Birrell (*Teller*)
 B.C. Boardman
 R.H. Bowden
 A.R. Brideson
 A. Coote
 I.J. Cover
 G.R. Craige
 D.M. Davis
 P.R. Davis
 W. Forwood
 C.A. Furletti
 P.R. Hall
 R.M. Hallam
 P.A. Katsambanis
 N.B. Lucas
 M.T. Luckins
 A.P. Olexander
 E.J. Powell (*Teller*)
 G.K. Rich-Phillips
 Dr. J.W.G. Ross
 K.M. Smith
 W.I. Smith
 Graeme Stoney
 C.A. Strong

NOES, 13

The Hon. C.C. Broad
 E.C. Carbines
 K. Darveniza (*Teller*)
 M.M. Gould
 D.G. Hadden
 G.W. Jennings
 J.M. McQuilten
 J.M. Madden
 J. Mikakos
 S.M. Nguyen
 G.D. Romanes
 R.F. Smith (*Teller*)
 M.R. Thomson

And so it was resolved in the affirmative – Amendment negatived.

The Honourable M.M. Gould moved, as an amendment, That the expression "for three hours following Questions, excluding any period of suspension of the sitting", be omitted with the view of inserting "until 2.00 pm".

Question – That the expression proposed to be omitted stand part of the question – put and resolved in the affirmative – Amendment negatived.

The Honourable M.M. Gould moved, as an amendment, That the expression 'In paragraph (d), omit "formal business" and insert "Questions." ' be omitted.

Question – That the amendment be agreed to – put and negatived.

The Honourable M.M. Gould moved, as an amendment, That the expression "2.00 pm on Tuesday, and 10.00 am on Wednesday and Thursday", be omitted with the view of inserting "2.30 pm".

Question – That the expression proposed to be omitted stand part of the question – put and resolved in the affirmative – Amendment negatived.

Question – That –

(a) the Sessional Orders relating to the Business of the House, adopted by the Council on 4 November 1999, as amended on 31 May 2000 and 2 November 2000, be now amended as follows:

1. Omit paragraph (b) and insert:

"(b) the transaction of Government Business shall take precedence of all other business, except business governed by Standing Orders Nos. 20A, 68A, and 86, from the conclusion of Questions on Tuesday; from the conclusion of General Business on Wednesday; and from the conclusion of debate on motions to take note of reports on Thursday."

2. Omit paragraph (c) and insert:

"(c) the transaction of General Business shall take precedence of all other business on Wednesday for three hours following Questions, excluding any period of suspension of the sitting."

3. In paragraph (d), omit "formal business" and insert "Questions."

4. Omit paragraph (f) and insert:

"(f) the time appointed for the asking of questions without notice and the giving of answers to questions on notice shall be 2.00 pm on Tuesday, and 10.00 am on Wednesday and Thursday."

(b) these amendments shall have effect until 31 December 2001.

– put and resolved in the affirmative.

6 BUSINESS POSTPONED – Ordered – That the consideration of Notices of Motion, General Business, Nos. 7 and 8, be postponed until later this day.

7 ANSWERS TO QUESTIONS ON NOTICE – The Honourable W. Forwood moved, That until the end of December 2001 –

(a) so much of the Standing Orders be suspended as require answers to questions on notice to be delivered verbally in the House; and

(b) the Leader of the Government advise the House of the numbers of the questions on notice to which answers are provided, a copy of the answer be given to the Member asking the question, and that the answers be incorporated in Hansard.

Debate ensued.

Question – put.

The Council divided.

	AYES, 28		NOES, 14
The Hon.	G.B. Ashman (<i>Teller</i>)	The Hon.	C.C. Broad
	B.N. Atkinson		E.C. Carbines (<i>Teller</i>)
	W.R. Baxter		K. Darveniza
	R.A. Best (<i>Teller</i>)		M.M. Gould
	M.A. Birrell		D.G. Hadden
	B.C. Boardman		G.W. Jennings
	R.H. Bowden		J.M. McQuilten
	A.R. Brideson		J.M. Madden
	A. Coote		J. Mikakos
	I.J. Cover		S.M. Nguyen (<i>Teller</i>)
	G.R. Craige		G.D. Romanes
	D.M. Davis		R.F. Smith
	P.R. Davis		T.C. Theophanous
	W. Forwood		M.R. Thomson
	C.A. Furletti		
	P.R. Hall		
	R.M. Hallam		
	P.A. Katsambanis		
	N.B. Lucas		
	M.T. Luckins		
	A.P. Olexander		
	E.J. Powell		
	G.K. Rich-Phillips		
	Dr. J.W.G. Ross		
	K.M. Smith		
	W.I. Smith		
	Graeme Stoney		
	C.A. Strong		

And so it was resolved in the affirmative.

- 8 BUSINESS OF THE HOUSE** – The Honourable W. Forwood moved, That so much of the Sessional Orders as would prevent new business being taken after 8.00 pm during the sittings of the Council be suspended until the end of December 2001.

Debate ensued.

Question – put.

The Council divided.

	AYES, 28		NOES, 14
The Hon.	G.B. Ashman	The Hon.	C.C. Broad
	B.N. Atkinson		E.C. Carbines
	W.R. Baxter		K. Darveniza
	R.A. Best		M.M. Gould
	M.A. Birrell		D.G. Hadden
	B.C. Boardman (<i>Teller</i>)		G.W. Jennings
	R.H. Bowden		J.M. McQuilten (<i>Teller</i>)
	A.R. Brideson		J.M. Madden

A. Coote	J. Mikakos
I.J. Cover	S.M. Nguyen
G.R. Craige	G.D. Romanes
D.M. Davis	R.F. Smith
P.R. Davis	T.C. Theophanous (<i>Teller</i>)
W. Forwood	M.R. Thomson
C.A. Furletti	
P.R. Hall	
R.M. Hallam (<i>Teller</i>)	
P.A. Katsambanis	
N.B. Lucas	
M.T. Luckins	
A.P. Olexander	
E.J. Powell	
G.K. Rich-Phillips	
Dr. J.W.G. Ross	
K.M. Smith	
W.I. Smith	
Graeme Stoney	
C.A. Strong	

And so it was resolved in the affirmative.

- 9 STAMP DUTY** – The Honourable D.M. Davis moved, That this House condemns the Government for —
- (a) the failure of their taxation review process to reform Victorian stamp duty on property conveyancing and general insurance;
 - (b) their failure to return to Victorian taxpayers any of the windfall gains collected due to the strength of the Victorian real estate market driven by the first home owners scheme and the low interest rate environment created by the Federal Government; and
 - (c) maintaining the highest rate of stamp duties in Australia on property conveyancing and failing to reduce the impact of stamp duty on Victorian families, businesses and investors.

General Business having been interrupted at 2.00 p.m. pursuant to Sessional Orders the debate stood adjourned in the name of the Honourable D.M. Davis.

- 10 QUESTIONS** – Questions without notice were taken pursuant to Standing Order No. 71A.
- 11 BUSINESS POSTPONED** – Ordered – That the consideration of Order of the Day, Government Business, No. 1, be postponed until later this day.
- 12 PUBLIC NOTARIES BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time.
Debate resumed.
Question – put and resolved in the affirmative.
Bill read a second time and, by leave, read a third time and passed.
Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.
- 13 COMMUNITY VISITORS LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time.

Debate resumed.

Question – put and resolved in the affirmative.

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

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

14 BUSINESS INVESTIGATIONS (REPEAL) BILL – The President announced the receipt of a Message from the Assembly transmitting a Bill *to repeal the Business Investigations Act 1958 and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable M.R. Thomson, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

15 INFERTILITY TREATMENT (AMENDMENT) BILL – The Order of the Day having been read for the second reading of this Bill, the Honourable M.M. Gould moved, That this Bill be now read a second time.

On the motion of the Honourable M.T. Luckins, the debate was adjourned until the next day of meeting.

16 ADJOURNMENT – The Honourable M.M. Gould moved, That the Council, at its rising, adjourn until Tuesday next.

Question – put and resolved in the affirmative.

The Honourable M.M. Gould moved, That the House do now adjourn.

Debate ensued.

Question – put and resolved in the affirmative.

And then the Council, at 6.59 p.m. adjourned until Tuesday next.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

LEGISLATIVE COUNCIL OF VICTORIA

MINUTES OF THE PROCEEDINGS Nos. 82, 83 and 84

No. 82 – Tuesday, 25 September 2001

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** – The Honourable M.M. Gould presented a Message from His Excellency the Governor informing the Council that he had, this day, given the Royal Assent to the undermentioned Acts presented to him by the Clerk of the Parliaments:
Community Visitors Legislation (Miscellaneous Amendments) Act
Public Notaries Act.
- 3 **DRUGS, POISONS AND CONTROLLED SUBSTANCES (AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Drugs, Poisons and Controlled Substances Act 1981 to make provision in relation to offences relating to trafficking and cultivating drugs of dependence, to amend the Magistrates' Court Act 1989, the Bail Act 1977, the Confiscation Act 1997, the Sentencing Act 1991 and the Juries Act 2000, to make consequential amendments to other Acts and for other purposes and desiring the concurrence of the Council therein.*
On the motion of the Honourable M.R. Thomson, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
- 4 **QUESTIONS** – Questions without notice were taken and answers were given to certain questions on notice pursuant to Standing Order No. 71A.
- 5 **PAPERS** –
DRUGS AND CRIME PREVENTION COMMITTEE – OVERSEAS STUDY TOUR – The Honourable B.C. Boardman moved, by leave, That there be laid before this House a copy of the Report from the Drugs and Crime Prevention Committee upon its Overseas Study tour.
Question – put and resolved in the affirmative.
The said Report was thereupon presented by the Honourable B.C. Boardman and ordered to lie on the Table and to be printed.
* * * * *
- SCRUTINY OF ACTS AND REGULATIONS COMMITTEE – ALERT DIGEST**
– The Honourable M.T. Luckins presented Alert Digest No. 10 of 2001 from the Scrutiny of Acts and Regulations 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:

Financial Management Regulations 1994 – Order in Council of 11 September 2001, increasing the maximum amount which the Metropolitan Ambulance Service Royal Commission is authorised to incur.

Planning and Environment Act 1987 – Notices of Approval of the following amendments to planning schemes:

Banyule Planning Scheme – Amendment C5.

Bendigo – Greater Bendigo Planning Scheme – Amendment C5.

Cardinia Planning Scheme – Amendments C15 and C22.

Dandenong – Greater Dandenong Planning Scheme – Amendments C18 and C21.

Hobsons Bay Planning Scheme – Amendment C20.

Indigo Planning Scheme – Amendment C6.

Manningham Planning Scheme – Amendment C3.

Maroondah Planning Scheme – Amendment C15.

Moira Planning Scheme – Amendment C2.

Moonee Valley Planning Scheme – Amendments C17 and C26.

Murrindindi Planning Scheme – Amendment C5 part 1.

Stonnington Planning Scheme – Amendment C12 part 1.

South Gippsland Planning Scheme – Amendment C1.

Statutory Rules under the following Acts of Parliament:

Children and Young Persons Act 1989 – Nos. 88 and 89.

Marine Act 1988 – No. 91.

Wildlife Act 1975 – No. 90.

Subordinate Legislation Act 1994 –

Minister's exception certificate under section 8(4) in respect of Statutory Rule No. 88.

Minister's exemption certificate under section 9(6) in respect of Statutory Rule No. 89.

6 BUSINESS INVESTIGATIONS (REPEAL) BILL – The Order of the Day having been read for the second reading of this Bill, the Honourable M.R. Thomson moved, That this Bill be now read a second time.

On the motion of the Honourable C.A. Furletti, the debate was adjourned until later this day.

7 AGRICULTURAL AND VETERINARY CHEMICALS (CONTROL OF USE) (FURTHER AMENDMENT) BILL – The Order of the Day having been read for the second reading of this Bill, the Honourable C.C. Broad moved, That this Bill be now read a second time.

On the motion of the Honourable P.R. Davis, the debate was adjourned until the next day of meeting.

8 AGRICULTURE LEGISLATION (AMENDMENT) BILL – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time.

Debate resumed.

Question – put and resolved in the affirmative.

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

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

9 CORRECTIONS AND SENTENCING ACTS (HOME DETENTION) BILL – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time.

Debate resumed.

Question – put.

The Council divided.

AYES, 12

The Hon. C.C. Broad
 E.C. Carbines
 M.M. Gould
 G.W. Jennings
 J.M. McQuilten
 J.M. Madden
 J. Mikakos (*Teller*)
 S.M. Nguyen
 G.D. Romanes
 R.F. Smith (*Teller*)
 T. C. Theophanous
 M.R. Thomson

NOES, 27

The Hon. G.B. Ashman
 W.R. Baxter
 R.A. Best
 B.W. Bishop
 B.C. Boardman
 R.H. Bowden (*Teller*)
 A.R. Brideson
 A. Coote
 I.J. Cover
 G.R. Craige
 D.M. Davis
 P.R. Davis
 W. Forwood
 C.A. Furletti
 P.R. Hall
 R.M. Hallam
 P.A. Katsambanis
 N.B. Lucas
 M.T. Luckins
 A.P. Olexander
 E.J. Powell
 G.K. Rich-Phillips (*Teller*)
 Dr. J.W.G. Ross
 K.M. Smith
 W.I. Smith
 Graeme Stoney
 C.A. Strong

And so it passed in the negative.

10 ADJOURNMENT – The Honourable M.M. Gould moved, That the House do now adjourn.

Debate ensued.

Question – put and resolved in the affirmative.

And then the Council, at 10.36 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 83 – Wednesday, 26 September 2001

- 1 The President took the Chair and read the Prayer.
- 2 **QUESTIONS** – Questions without notice were taken pursuant to Standing Order No. 71A.
- 3 **FAMILY AND COMMUNITY DEVELOPMENT COMMITTEE** – The Honourable M.M. Gould moved, by leave, That the Honourable Dr. J.W.G. Ross be a member of the Family and Community Development Committee.
Question – put and resolved in the affirmative.
- 4 **LAW REFORM COMMITTEE** – The Honourable M.M. Gould moved, by leave, That the Honourable R.H. Bowden be a member of the Law Reform Committee.
Question – put and resolved in the affirmative.
- 5 **SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** – The Honourable M.M. Gould moved, by leave, That the Honourable M.T. Luckins be discharged from attendance upon the Scrutiny of Acts and Regulations Committee and that the Honourable A.P. Olexander be added to such Committee.
Question – put and resolved in the affirmative.
- 6 **PAPERS PURSUANT TO STATUTE** – The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:
 - Electoral Boundaries Commission – Report on the 2000-2001 Redivision of Electoral Boundaries, with maps.
 - National Parks Act 1975 – Minister's notice of 18 September 2001 of consent for the grant of a search permit to allow for the search for limestone within Tyers Park.
 - Parliamentary Officers Act 1975 – Statements of appointments, alterations of classifications and of persons temporarily employed in the Parliamentary departments for the year 2000-2001 (10 papers).
 - Transport Accident Commission – Report, 2000-2001.
- 7 **BUSINESS POSTPONED** –
 - Ordered – That the consideration of Notices of Motion, General Business, Nos. 1 to 5 inclusive, and Nos. 7 and 11, be postponed until later this day.
 - Ordered – That the consideration of Notices of Motion, General Business, Nos. 6, 8 and 9, be postponed until the next day of meeting.
- 8 **RETAIL TENANCIES REFORM (RENT REVIEW) BILL** – On the motion of the Honourable C.A. Furletti, leave was given to bring in a Bill *to amend the Retail Tenancies Reform Act 1998 to clarify the basis on which a rent review may be made during the term of a retail premises lease*, and the said Bill was read a first time and ordered to be printed and, by leave, to be read a second time forthwith.
Accordingly, the Honourable C.A. Furletti moved, That this Bill be now read a second time.
On the motion of the Honourable T.C. Theophanous, the debate was adjourned until the next day of meeting.
- 9 **BUSINESS CONFIDENCE** – The Honourable C.A. Furletti moved, That this House condemns the Government for its failure to maintain confidence in the retail, manufacturing and other industry sectors and calls on the Government to outline its present strategy to address the crucial economic and business issues facing Victoria.
Debate ensued.
Question – put.

The Council divided.

AYES, 28

The Hon. G.B. Ashman
 W.R. Baxter
 R.A. Best
 M.A. Birrell
 B. W. Bishop
 B.C. Boardman
 R.H. Bowden
 A.R. Brideson (*Teller*)
 A. Coote
 I.J. Cover
 G.R. Craige (*Teller*)
 D.M. Davis
 P.R. Davis
 W. Forwood
 C.A. Furletti
 P.R. Hall
 R.M. Hallam
 P.A. Katsambanis
 N.B. Lucas
 M.T. Luckins
 A.P. Olexander
 E.J. Powell
 G.K. Rich-Phillips
 Dr. J.W.G. Ross
 K.M. Smith
 W.I. Smith
 Graeme Stoney
 C.A. Strong

NOES, 13

The Hon. C.C. Broad
 E.C. Carbines (*Teller*)
 K. Darveniza
 M.M. Gould
 G.W. Jennings
 J.M. McQuilten
 J.M. Madden
 J. Mikakos
 S.M. Nguyen
 G.D. Romanes
 R.F. Smith (*Teller*)
 T.C. Theophanous
 M.R. Thomson

And so it was resolved in the affirmative.

10 DRUGS, POISONS AND CONTROLLED SUBSTANCES (AMENDMENT)

BILL – The Order of the Day having been read for the second reading of this Bill, the Honourable M.R. Thomson moved, That this Bill be now read a second time.

On the motion of the Honourable C.A. Furletti, the debate was adjourned until the next day of meeting.

11 AUDITOR-GENERAL'S OFFICE FINANCIAL AUDIT – The President announced the receipt of a Message from the Assembly acquainting the Council that they have agreed to discharge Mr. Christopher Lewis from his appointment to conduct financial audits of the Victorian Auditor-General's Office and that they have agreed to appoint Mr Graeme Ross of Day Neilson to conduct the financial audit of the Victorian Auditor-General's Office for 2000-2001, and desiring the concurrence of the Council therein.

Ordered – That the Message be taken into consideration forthwith.

The Honourable M.M. Gould moved, by leave, That the Council concur with the Assembly and resolves That, pursuant to section 17 of the *Audit Act 1994*, Mr Christopher Lewis of KPMG be discharged from his appointment to conduct

financial audits of the Victorian Auditor-General's Office and that Mr Graeme Ross of Day Neilson be appointed to conduct the financial audit of the Victorian Auditor-General's Office for the 2000-2001 financial year in accordance with the conditions of appointment and remuneration contained in the Report of the Public Accounts and Estimates Committee upon the Appointment of a Replacement Auditor to Conduct Financial Audits of the Victorian Auditor-General's Office (Parliamentary Paper No. 92, Session 1999-2001).

Question – put and resolved in the affirmative.

Ordered – That a Message be sent to the Assembly acquainting them accordingly.

- 12 FUNDRAISING APPEALS (AMENDMENT) BILL** – The Order of the Day having been read for the further consideration of this Bill in Committee of the whole, the President left the Chair.

House in Committee.

The President resumed the Chair; and the Honourable B.W. Bishop having reported that the Committee had agreed to the Bill with an amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered – That the Bill be transmitted to the Assembly with a Message desiring their concurrence therein.

- 13 INFERTILITY TREATMENT (AMENDMENT) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time.

Debate resumed.

On the motion of the Honourable A. Coote, the debate was adjourned until the next day of meeting.

- 14 ADJOURNMENT** – The Honourable M.M. Gould moved, That the House do now adjourn.

Debate ensued.

Question – put and resolved in the affirmative.

And then the Council, at 6.28 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 84 – Thursday, 27 September 2001

- 1 The President took the Chair and read the Prayer.
- 2 **COMMONWEALTH GAMES ARRANGEMENTS BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to facilitate preparations for the Commonwealth Games to be held in Melbourne in 2006, to amend the Melbourne Cricket Ground Act 1933, the State Sport Centres Act 1994 and the Project Development and Construction Management Act 1994 and for other purposes* and desiring the concurrence of the Council therein.
On the motion of the Honourable J.M. Madden, the Bill was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 3 **QUESTIONS** – Questions without notice were taken and answers were given to certain questions on notice pursuant to Standing Order No. 71A.
- 4 **PAPERS PURSUANT TO STATUTE** – The following Papers, pursuant to the direction of an Act of Parliament, were laid upon the Table by the Clerk:
National Parks Act 1975 – Minister's notices of 18 September 2001 of consent for the grant of a mining licence in relation to the Red Robin Mine in the

Alpine National Park and the grant of a work authority for Boral Bricks Pty Ltd in relation to Tyers Park (two papers).

- 5 NATURAL RESOURCES AND ENVIRONMENT DEPARTMENT** – The Honourable P.R. Davis moved, That the Council take note of the Report of the Department of Natural Resources and Environment for the year 1999-2000.

Debate ensued.

Question – put and resolved in the affirmative.

- 6 INFERTILITY TREATMENT (AMENDMENT) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time.

Debate resumed.

Question – put and resolved in the affirmative.

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

Ordered – That the Bill be transmitted to the Assembly with a Message desiring their concurrence therein.

- 7 COMMONWEALTH GAMES ARRANGEMENTS BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable J.M. Madden moved, That this Bill be now read a second time.

On the motion of the Honourable K.M. Smith (for the Honourable I.J. Cover), the debate was adjourned until the next day of meeting.

- 8 ESSENTIAL SERVICES COMMISSION BILL** – The Deputy President announced the receipt of a Message from the Assembly transmitting a Bill *to establish the Essential Services Commission, to repeal the Office of the Regulator – General Act 1994 and consequentially amend certain other Acts and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable M.M. Gould (for the Honourable C.C. Broad), the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 9 TRANSPORT (FURTHER AMENDMENT) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time.

Debate resumed.

Question – put and resolved in the affirmative.

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

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 10 ADJOURNMENT** – The Honourable M.M. Gould moved, That the Council, at its rising, adjourn until Tuesday, 9 October 2001.

Question – put and resolved in the affirmative.

The Honourable M.M. Gould moved, That the House do now adjourn.

Debate ensued.

Question – put and resolved in the affirmative.

And then the Council, at 4.39 p.m., adjourned until Tuesday, 9 October 2001.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

LEGISLATIVE COUNCIL OF VICTORIA

MINUTES OF THE PROCEEDINGS Nos. 85, 86 and 87

No. 85 – Tuesday, 9 October 2001

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** – The Honourable M.M. Gould presented a Message from His Excellency the Governor informing the Council that he had, on 2 October 2001, given the Royal Assent to the undermentioned Acts presented to him by the Clerk of the Parliaments:
Agriculture Legislation (Amendment) Act
Transport (Further Amendment) Act.
- 3 **GENE TECHNOLOGY BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to regulate activities involving gene technology, to amend the Agricultural and Veterinary Chemicals (Victoria) Act 1994 and the Therapeutic Goods (Victoria) Act 1994 and for other purposes* and desiring the concurrence of the Council therein.
On the motion of the Honourable M.M. Gould, the Bill was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 4 **QUESTIONS** – Questions without notice were taken and answers were given to certain questions on notice pursuant to Standing Order No. 71A.
- 5 **RETAIL TENANCIES REFORM (AMENDMENT) BILL** – On the motion (by leave without notice) of the Honourable M.R. Thomson, leave was given to bring in a Bill *to amend the Retail Tenancies Reform Act 1998 with respect to the basis or formula on which a rent review may be made during the term of a retail premises lease*, and the said Bill was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 6 **PAPERS –**
SCRUTINY OF ACTS AND REGULATIONS COMMITTEE – ALERT DIGEST – The Honourable A.P. Olexander presented Alert Digest No. 11 of 2001 from the Scrutiny of Acts and Regulations Committee, together with Appendices.

Ordered to lie on the Table and to be printed.

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

Border Groundwaters Agreement Review Committee – Report, 1999-2000.

Crown Land (Reserves) Act 1978 – Minister's order of 25 September 2001 giving approval to granting of a lease at Colac.

Emu Industry Development Committee – Minister for Agriculture's report of 26 September 2001 of receipt of the Final Report for the period 1 July 1999 to 30 November 2000.

Planning and Environment Act 1987 – Notices of Approval of the following amendments to planning schemes:

Bendigo – Greater Bendigo Planning Scheme – Amendment C14.

Boroondara Planning Scheme – Amendment C19.

Buloke Planning Scheme – Amendment C2.

Hobsons Bay Planning Scheme – Amendment C16.

Macedon Ranges Planning Scheme – Amendment C10.

Moonee Valley Planning Scheme – Amendment C16 Part 2.

Moreland Planning Scheme – Amendments C2 and C10 Part 3.

Murrindindi Planning Scheme – Amendment C5 Part 2.

Shepparton – Greater Shepparton Planning Scheme – Amendments C12 and C13.

Victoria Planning Provisions – Amendment VC13.

Wyndham Planning Scheme – Amendment C28.

Statutory Rules under the following Acts of Parliament:

Courts (Case Transfer) Act 1991 – No. 92.

Electricity Safety Act 1998 – No. 93.

Road Safety Act 1986 – Nos. 94 and 95.

Subordinate Legislation Act 1994 –

Ministers exception certificates under section 8(4) in respect of Statutory Rules Nos. 92, 94 and 95.

Ministers exemption certificates under section 9(6) in respect of Statutory Rules Nos. 93 and 94.

* * * * *

PROCLAMATION – A Proclamation of His Excellency the Governor in Council fixing an operative date in respect of the following Act was laid upon the Table by the Clerk pursuant to an Order of the Council on 4 November 1999:

Chinese Medicine Registration Act 2000 – Remaining provisions – 1 January 2002 (*Gazette No. G40, 4 October 2001*).

7 ESSENTIAL SERVICES COMMISSION BILL – The Order of the Day having been read for the second reading of this Bill, the Honourable C.C. Broad moved, That this Bill be now read a second time.

The Honourable C.C. Broad made a statement pursuant to section 85(5) of the *Constitution Act 1975* on the reasons for altering or varying this section.

On the motion of the Honourable P.R. Davis, the debate was adjourned until the next day of meeting.

8 GENE TECHNOLOGY BILL – The Order of the Day having been read for the second reading of this Bill, the Honourable M.M. Gould moved, That this Bill be now read a second time.

On the motion of the Honourable C.A. Furletti (for the Honourable Dr. J.W.G. Ross), the debate was adjourned until the next day of meeting.

9 CRIMES (VALIDATION OF ORDERS) BILL – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time.

Debate resumed.

Question – put and resolved in the affirmative.

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

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 10 BUSINESS INVESTIGATIONS (REPEAL) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time.
Debate resumed.
Question – put and resolved in the affirmative.
Bill read a second time and, by leave, read a third time and passed.
Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.
- 11 RETAIL TENANCIES REFORM (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable M.R. Thomson moved, That this Bill be now read a second time.
On the motion of the Honourable C.A. Furletti, the debate was adjourned until later this day.
- 12 AGRICULTURAL AND VETERINARY CHEMICALS (CONTROL OF USE) (FURTHER AMENDMENT) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time.
Debate resumed.
Question – put and resolved in the affirmative.
Bill read a second time and, by leave, read a third time and passed.
Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.
- 13 RETAIL TENANCIES REFORM (AMENDMENT) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time.
Debate resumed.
Question – put and resolved in the affirmative.
Bill read a second time and, by leave, read a third time and passed.
Ordered – That the Bill be transmitted to the Assembly with a Message desiring their concurrence therein.
- 14 TELECOMMUNICATIONS (INTERCEPTION) (STATE PROVISIONS) (AMENDMENT) BILL** – The Acting President announced the receipt of a Message from the Assembly transmitting a Bill to amend the *Telecommunications (Interception) (State Provisions) Act 1988 as a consequence of amendments to the Telecommunications (Interception) Act 1979 of the Commonwealth and for other purposes* and desiring the concurrence of the Council therein.
On the motion of the Honourable M.R. Thomson, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
- 15 ADJOURNMENT** – The Honourable M.R. Thomson moved, That the House do now adjourn.
Debate ensued.
Question – put and resolved in the affirmative.
And then the Council, at 10.28 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 86 – Wednesday, 10 October 2001

- 1 The President took the Chair and read the Prayer.
- 2 **QUESTIONS** – Questions without notice were taken pursuant to Standing Order No. 71A.
- 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:
 - Auditor-General – Report on management of major injury claims by the Transport Accident Commission, October 2001.
 - Melbourne City Link Act 1995 – Statement of Variation No. 3/2001, Release from Single Purpose, 20 September 2001, pursuant to section 15 (2) of the Act.
 - Statutory Rules under the following Acts of Parliament:
 - Subordinate Legislation Act 1994 – No. 96.
 - Victorian Civil and Administrative Tribunal Act 1998 – No. 97.
 - Subordinate Legislation Act 1994 – Ministers exception certificates under section 8(4) in respect of Statutory Rules Nos. 96 and 97.
- 4 **BUSINESS POSTPONED** –
 - Ordered – That the consideration of Notices of Motion, General Business, Nos. 1 to 5 inclusive, and Nos. 8, 10 and 11, be postponed until later this day.
 - Ordered – That the consideration of Notices of Motion, General Business, Nos. 6, 7 and 9, be postponed until the next day of meeting.
 - Ordered – That the consideration of Orders of the Day, General Business, Nos. 1 to 13 inclusive, be postponed until later this day.
- 5 **STAMP DUTY** – The Order of the Day was read for the resumption of the debate on the question, That this House condemns the Government for —
 - (a) the failure of their taxation review process to reform Victorian stamp duty on property conveyancing and general insurance;
 - (b) their failure to return to Victorian taxpayers any of the windfall gains collected due to the strength of the Victorian real estate market driven by the first home owners scheme and the low interest rate environment created by the Federal Government; and
 - (c) maintaining the highest rate of stamp duties in Australia on property conveyancing and failing to reduce the impact of stamp duty on Victorian families, businesses and investors.

Debate resumed.

Question – put.

The Council divided.

AYES, 26	NOES, 12
The Hon. G.B. Ashman	The Hon. C. Broad
B.N. Atkinson	E.C. Carbines
W.R. Baxter	M.M. Gould
R.A. Best	D.G. Hadden (<i>Teller</i>)
B.W. Bishop	G.W. Jennings
B.C. Boardman	J.M. McQuilten
R.H. Bowden	J.M. Madden
A.R. Brideson	J. Mikakos
A. Coote	G.D. Romanes

I.J. Cover	R.F. Smith
G.R. Craige	T.C. Theophanous (<i>Teller</i>)
D.M. Davis	M.R. Thomson
P.R. Davis	
W. Forwood	
C.A. Furletti	
P.R. Hall	
R.M. Hallam (<i>Teller</i>)	
P.A. Katsambanis	
N.B. Lucas	
E.J. Powell	
G.K. Rich-Phillips	
Dr. J.W.G. Ross	
K.M. Smith	
W.I. Smith (<i>Teller</i>)	
Graeme Stoney	
C.A. Strong	

And so it was resolved in the affirmative.

6 BUSINESS POSTPONED — Ordered — That the consideration of Order of the Day, Government Business No. 1 be postponed until later this day.

7 COMMONWEALTH GAMES ARRANGEMENTS BILL — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

Bill read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair and the Honourable B.W. Bishop reported that the Committee had made progress in the Bill, and asked leave to sit again.

Resolved — That the Council will, on the next day of meeting, again resolve itself into the said Committee.

8 TELECOMMUNICATIONS (INTERCEPTION) (STATE PROVISIONS) (AMENDMENT) BILL — The Order of the Day having been read for the second reading of this Bill, the Honourable M.R. Thomson moved, That this Bill be now read a second time.

On the motion of the Honourable C.A. Furletti, the debate was adjourned until the next day of meeting.

9 VICTORIAN ARTS CENTRE (AMENDMENT) BILL — The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Victorian Arts Centre Act 1979 to change the functions and powers of the Victorian Arts Centre Trust, to amend the Museums Act 1983 and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable M.M. Gould, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

10 TRUSTEE (AMENDMENT) BILL — The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Trustee Act 1958 and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable M.R. Thomson, the Bill was read a first time and ordered to be printed and, by leave, to be read a second time forthwith.

Accordingly, the Honourable M.R. Thomson moved, That this Bill be now read a second time.

Question – put and resolved in the affirmative.

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

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

11 ADJOURNMENT – The Honourable M.M. Gould moved, That the House do now adjourn.

Debate ensued.

Question – put and resolved in the affirmative.

And then the Council, at 10.43 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 87 – Thursday, 11 October 2001

1 The President took the Chair and read the Prayer.

2 QUESTIONS – Questions without notice were taken pursuant to Standing Order No. 71A.

GAS NETWORK EXTENSION – The Honourable C.C. Broad having given an answer to a question without notice relating to the gas network extension –

The Honourable P.R. Davis moved, That the Minister's answer be taken into consideration on the next day of meeting.

Question – put and resolved in the affirmative.

Questions without notice continued.

3 PETITION – PAKENHAM BY-PASS – The Honourable G.K. Rich-Phillips presented a Petition bearing 2074 signatures from certain citizens of Victoria requesting that the Victorian Government accepts the Commonwealth Government's commitment of \$30 million to the Pakenham By-pass project and allocates funding to allow construction of the By-pass to commence this year, and moved, That it do lie on the Table and be read by the Clerk.

Question – put and resolved in the affirmative.

The Clerk read the Petition.

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:

Regulator-General's Office – Options for the Review of Retail Electricity Tariffs, Final Report, September 2001.

5 BUSINESS POSTPONED – Ordered – That the consideration of Notices of Motion to Take Note of Reports, Nos. 1 and 2, be postponed until the next day of meeting.

6 TREASURY AND FINANCE DEPARTMENT – The Honourable W.I. Smith moved, That the Council take note of the Report of the Department of Treasury and Finance for the year 1999-2000.

Debate ensued.

Question – put and resolved in the affirmative.

- 7 **VICTORIAN ARTS CENTRE (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable M.R. Thomson (for the Honourable M.M. Gould) moved, That this Bill be now read a second time.

On the motion of the Honourable W. Forwood, the debate was adjourned until the next day of meeting.

- 8 **COMMONWEALTH GAMES ARRANGEMENTS BILL** – The Order of the Day having been read for the further consideration of this Bill in Committee of the whole, the Acting President left the Chair.

House in Committee.

The President resumed the Chair and the Honourable B.W. Bishop having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 9 **ESSENTIAL SERVICES COMMISSION BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time.

Debate resumed.

On the motion of the Honourable R.M. Hallam, the debate was adjourned until the next day of meeting.

- 10 **CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES) (ENFORCEMENT) (AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Classification (Publications, Films and Computer Games) (Enforcement) Act 1995 mainly as a consequence of amendments to the Classification (Publications, Films and Computer Games) Act 1995 of the Commonwealth, to amend the Magistrates' Court Act 1989 and the Crimes Act 1958 and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable M.R. Thomson, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 11 **ROMAN CATHOLIC TRUSTS (AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Roman Catholic Trusts Act 1907 with respect to the administration of trusts and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable M.R. Thomson, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 12 **INFERTILITY TREATMENT (AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly acquainting the Council that they have agreed to this Bill without amendment.

- 13 **ADJOURNMENT** – The Honourable M.M. Gould moved, That the House do now adjourn.

Debate ensued.

Question – put and resolved in the affirmative.

And then the Council, at 5.50 p.m., adjourned until Tuesday next.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

LEGISLATIVE COUNCIL OF VICTORIA

MINUTES OF THE PROCEEDINGS Nos. 88, 89 and 90

No. 88 – Tuesday, 16 October 2001

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** – The Honourable M.M. Gould presented a Message from His Excellency the Governor informing the Council that he had, this day, given the Royal Assent to the undermentioned Acts presented to him by the Clerk of the Parliaments:
 - Agricultural and Veterinary Chemicals (Control of Use) (Further Amendment) Act*
 - Business Investigations (Repeal) Act*
 - Commonwealth Games Arrangements Act*
 - Crimes (Validation of Orders) Act*
 - Infertility Treatment (Amendment) Act*
 - Trustee (Amendment) Act.*
- 3 **QUESTIONS** – Questions without notice were taken and answers were given to certain questions on notice pursuant to Standing Order No. 71A.
- 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:
 - Dairy Food Safety – Report, 1 October 2000 to 30 June 2001.
 - Meat Authority – Report, 2000-2001.
 - Multicultural Commission – Report, 2000-2001.
 - Planning and Environment Act 1987 – Notices of Approval of the following amendments to planning schemes:
 - Central Goldfields Planning Scheme – Amendment C1.
 - Macedon Ranges Planning Scheme – Amendment C6.
 - Whitehorse Planning Scheme – Amendment C3 Part 2.
 - Statutory Rules under the following Acts of Parliament:
 - Petroleum (Submerged Lands) Act 1982 – No. 98.
 - Subordinate Legislation Act 1994 – Nos. 99 to 103.
 - Victorian Relief Committee Act 1958 – No. 104.
 - Subordinate Legislation Act 1994 – Minister's exemption certificate under section 9(6) in respect of Statutory Rule No. 104.
- 5 **ROMAN CATHOLIC TRUSTS (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable M.R. Thomson moved, That this Bill be now read a second time.

On the motion of the Honourable C.A. Furletti, the debate was adjourned until later this day.
- 6 **CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES) (ENFORCEMENT) (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable M.R. Thomson moved, That this Bill be now read a second time.

On the motion of the Honourable C.A. Furletti, the debate was adjourned until later this day.

- 7 ESSENTIAL SERVICES COMMISSION BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time.

Debate resumed.

Question – put and resolved in the affirmative.

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

Ordered – That the Bill be committed to a Committee of the whole on the next day of meeting.

- 8 UNCLAIMED MONEYS AND SUPERANNUATION LEGISLATION (AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Unclaimed Moneys Act 1962 as a result of amendments to Commonwealth superannuation legislation, to amend the State Superannuation Act 1988 and the State Employees Retirement Benefits Act 1979 regarding the beneficiary choice program and ongoing commutation entitlements and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable M.M. Gould, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 9 ADJOURNMENT** – The Honourable M.M. Gould moved, That the House do now adjourn.

Debate ensued.

Question – put and resolved in the affirmative.

And then the Council, at 10.50 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 89 – Wednesday, 17 October 2001

- 1 The President took the Chair and read the Prayer.
- 2 **QUESTIONS** – Questions without notice were taken pursuant to Standing Order No. 71A.
- 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:
Subordinate Legislation Act 1994 – Minister's exception certificates under section 8(4) in respect of Statutory Rules Nos. 99 to 103.
Tricontinental Holdings Limited – Report, 2000.
- 4 **BUSINESS POSTPONED** – Ordered – That the consideration of Notice of Motion, General Business, No. 1, be postponed until later this day.
- 5 **HARDWOOD TIMBER INDUSTRY** – The Honourable P.R. Hall moved, That this House calls on the Government to demonstrate its support for Victoria's hardwood timber industry by – (i) renewing timber licences immediately; (ii) negotiating with the Federal Government for a substantial increase in Forest Industry Structural Adjustment Program (FISAP) funding to support value adding initiatives and voluntary industry exits; and (iii) allocating timber from Special Protection Zones to make up contract shortfalls as provided for under the Regional Forest Agreements.

Debate ensued.

On the motion of the Honourable P.R. Davis, the debate was adjourned until later this day.

- 6 **BUSINESS POSTPONED** – Ordered – That the consideration of Notices of Motion, General Business, Nos. 3 to 11 inclusive, be postponed until later this day.
- 7 **FRANKSTON CENTRAL ACTIVITY DISTRICT DEVELOPMENT** – The Honourable W. Forwood moved –
- (a) That a Select Committee of five members be appointed to enquire into and report upon the process followed by the Frankston City Council in its consideration of the proposed construction and development of a multi-million dollar commercial facility in the Frankston Central Activity District, including allegations made in both newspaper reports and the Victorian Parliament on matters related to this issue.
 - (b) That the Committee shall consist of two members nominated by the Leader of the Government, two members nominated by the Leader of the Opposition and one member nominated by the Leader of the National Party.
 - (c) That the members shall be appointed by lodgement of the names with the President by the Leaders no later than 4.00 p.m. on Thursday, 18 October 2001.
 - (d) That the first meeting of the Committee shall be held at 10.30 a.m. on Friday, 19 October 2001.
 - (e) That the Committee may proceed to the despatch of business notwithstanding that all members have not been appointed and notwithstanding any vacancy.
 - (f) That the Committee shall elect a Deputy Chairman to act as Chairman at any time when the Chairman is not present at a meeting of the Committee.
 - (g) That three members of the Committee shall constitute a quorum.
 - (h) That the Committee may send for persons, papers and records.
 - (i) That the Committee may authorise the publication of any evidence taken by it in public and any documents presented to it.
 - (j) That reports of the Committee may be presented to the Council from time to time and that the Committee present its final report to the Council on or before 1 March 2002.
 - (k) That the presentation of a report or an interim report of the Committee shall not be deemed to terminate the Committee's appointment, powers or functions.
 - (l) That the Committee shall, unless it otherwise resolves, take all evidence in public and may otherwise sit in public at anytime if it so decides.
 - (m) That the foregoing provisions of this resolution, so far as they are inconsistent with the Standing Orders and practice of the Council, shall have effect notwithstanding anything contained in the Standing Orders.

Debate ensued.

Question – put.

The Council divided.

AYES, 28

The Hon. G.B. Ashman
B.N. Atkinson

NOES, 13

The Hon. C.C. Broad
E.C. Carbines (*Teller*)

W.R. Baxter	K. Darveniza
R.A. Best	M.M. Gould
M.A. Birrell	D.G. Hadden
B.W. Bishop	G.W. Jennings
B.C. Boardman	J.M. McQuilten
R.H. Bowden	J.M. Madden
A.R. Brideson	J. Mikakos
A. Coote	G.D. Romanes
I.J. Cover	R.F. Smith
G.R. Craige	T.C. Theophanous (<i>Teller</i>)
D.M. Davis	M.R. Thomson
P.R. Davis	
W. Forwood	
C.A. Furletti	
P.R. Hall	
R.M. Hallam	
P.A. Katsambanis	
N.B. Lucas (<i>Teller</i>)	
A.P. Olexander	
E.J. Powell	
G.K. Rich-Phillips	
Dr. J.W.G. Ross (<i>Teller</i>)	
K.M. Smith	
W.I. Smith	
Graeme Stoney	
C.A. Strong	

And so it was resolved in the affirmative.

- 8 UNCLAIMED MONEYS AND SUPERANNUATION LEGISLATION (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable M.M. Gould moved, That this Bill be now read a second time.

On the motion of the Honourable D.M. Davis, the debate was adjourned until the next day of meeting.

- 9 ESSENTIAL SERVICES COMMISSION BILL** – This Bill was, according to Order, committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honourable B.W. Bishop having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 10 DRUGS, POISONS AND CONTROLLED SUBSTANCES (AMENDMENT) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time.

Debate resumed.

Question – put and resolved in the affirmative.

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

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 11 STATUTE LAW FURTHER AMENDMENT (RELATIONSHIPS) BILL** – The Deputy President announced the receipt of a Message from the Assembly transmitting a Bill *to amend further Acts to recognise the rights and responsibilities of partners in domestic relationships irrespective of the gender of each partner and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable M.R. Thomson, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 12 ADJOURNMENT** – The Honourable M.M. Gould moved, That the House do now adjourn.

Debate ensued.

Question – put and resolved in the affirmative.

And then the Council, at 11.20 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 90 – Thursday, 18 October 2001

- 1 The President took the Chair and read the Prayer.
- 2 **QUESTIONS** – Questions without notice were taken and answers were given to certain questions on notice pursuant to Standing Order No. 71A.
- 3 **PAPERS PURSUANT TO STATUTE** – The following Papers, pursuant to the direction of several Acts of Parliament, were laid upon the Table by the Clerk:
 - Members of Parliament (Register of Interests) Act 1978 – Summary of Returns, June 2001 and Summary of Variations notified between 14 June and 30 September 2001.
 - National Parks Act 1975 – Report on working of Act, 2000-2001.
 - National Parks Advisory Council – Report, 2000-2001.
 - Preston Cemetery Trust – Report, 2000.
 - Recreational Fishing Licence – Report on Disbursement from Trust and Appropriation Account, 2000-2001 and Report on Expenditure from Appropriation Account, 1999-2000.
- 4 **STATE AND REGIONAL DEVELOPMENT DEPARTMENT** – The Honourable I.J. Cover moved, That the Council take note of the Report of the Department of State and Regional Development for the year 1999-2000.

Debate ensued.

Question – put and resolved in the affirmative.
- 5 **STATUTE LAW FURTHER AMENDMENT (RELATIONSHIPS) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable M.R. Thomson moved, That this Bill be now read a second time.

On the motion of the Honourable C.A. Furletti, the debate was adjourned until the next day of meeting.
- 6 **GENE TECHNOLOGY BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 7 TELECOMMUNICATIONS (INTERCEPTION) (STATE PROVISIONS) (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 8 VICTORIAN ARTS CENTRE (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time

Debate resumed.

Question — put and resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 9 ROMAN CATHOLIC TRUSTS (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time.

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

The Honourable M.M. Gould moved, That this Bill be dealt with as a Public Bill.

Question — put and resolved in the affirmative.

Debate resumed.

Question — put and resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 10 BUILDING (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Building Act 1993 and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable J.M. Madden, the Bill was read a first time and ordered to be printed and, by leave, to be read a second time forthwith.

Accordingly, the Honourable J.M. Madden moved, That this Bill be now read a second time.

On the motion of the Honourable P.A. Katsambanis, the debate was adjourned until the next day of meeting.

- 11 MINERAL RESOURCES DEVELOPMENT (FURTHER AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Mineral Resources Development Act 1990 and the Extractive Industries Development Act 1995 and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable C.C. Broad, the Bill was read a first time and ordered to be printed and, by leave, to be read a second time forthwith.

Accordingly, the Honourable C.C. Broad moved, That this Bill be now read a second time.

On the motion of the Honourable P.R. Davis, the debate was adjourned until the next day of meeting.

12 RETAIL TENANCIES REFORM (AMENDMENT) BILL – The President announced the receipt of a Message from the Assembly acquainting the Council that they have agreed to this Bill without amendment.

13 SELECT COMMITTEE ON THE FRANKSTON CENTRAL ACTIVITY DISTRICT DEVELOPMENT – The President announced that he had received from the Leader of the Opposition and the Leader of the National Party, within the time set by the Resolution of the House, letters in which the Honourables A.R. Brideson, G.R. Craige and R.M. Hallam were nominated as members of the Select Committee on the Frankston Central Activity District Development, and that as at 4.00 p.m. today no such nominations had been received from the Leader of the Government.

14 ADJOURNMENT – The Honourable M.M. Gould moved, That the Council, at its rising, adjourn until Tuesday, 30 October 2001.

Question – put and resolved in the affirmative.

The Honourable M.M. Gould moved, That the House do now adjourn.

Debate ensued.

Question – put and resolved in the affirmative.

And then the Council, at 6.17 p.m., adjourned until Tuesday, 30 October 2001.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

LEGISLATIVE COUNCIL OF VICTORIA

MINUTES OF THE PROCEEDINGS Nos. 91 and 92

No. 91 – Tuesday, 30 October 2001

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** – The Honourable M.M. Gould presented Messages from His Excellency the Governor informing the Council that he had, on the following dates, given the Royal Assent to the undermentioned Acts presented to him by the Clerk of the Parliaments:
 - On 23 October 2001 –
 - Drugs, Poisons and Controlled Substances (Amendment) Act*
 - Essential Services Commission Act*
 - Retail Tenancies Reform (Amendment) Act*
 - Roman Catholic Trusts (Amendment) Act*
 - Telecommunications (Interception) (State Provisions) (Amendment) Act*
 - Victorian Arts Centre (Amendment) Act.*
 - On 30 October 2001 –
 - Gene Technology Act.*
- 3 **QUESTIONS** – Questions without notice were taken and answers were given to certain questions on notice pursuant to Standing Order No. 71A.
- 4 **PAPERS** –
 - SCRUTINY OF ACTS AND REGULATIONS COMMITTEE – ALERT DIGEST** – The Honourable A.P. Olexander presented Alert Digest No. 12 of 2001 from the Scrutiny of Acts and Regulations 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:

- Agriculture Victoria Services Pty Ltd – Report, 2000-2001.
- Bendigo Health Care Group – Report, 2000-2001.
- Broiler Industry Development Committee – Minister for Agriculture's report of 19 October 2001 of receipt of the 2000-2001 report.
- Budget Sector – Financial Report, 2000-2001, incorporating Quarterly Financial Report No. 4.
- City West Water Limited – Report, 2000-2001.
- Corangamite Catchment Management Authority – Report, 2000-2001.
- Chief Electrical Inspector's Office – Report, 2000-2001.
- Emergency Services Superannuation Scheme – Report, 2000-2001.

- Environment Conservation Council – Report, 2000-2001.
- Environment Protection Authority – Report, 2000-2001.
- Gas Safety Office – Report, 2000-2001.
- Gascor Pty Ltd – Report, 2000-2001.
- Goulburn Broken Catchment Management Authority – Report, 2000-2001.
- Kerang and District Hospital – Report, 2000-2001 (two papers).
- Legal Practitioners Liability Committee – Report, 2000-2001.
- Maldon Hospital – Report, 2000-2001.
- Mallee Catchment Management Authority – Report, 2000-2001.
- Mallee Track Health and Community Service – Report, 2000-2001.
- Maryborough District Health Service – Report, 2000-2001
- Melbourne Market Authority – Report, 2000-2001.
- Mt Alexander Hospital – Report, 2000-2001.
- Osteopaths Registration Board – Minister for Health’s report of 26 October 2001 of receipt of the 2000-2001 report.
- Parks Victoria – Report, 2000-2001.
- Parliamentary Contributory Superannuation Fund – Report, 2000-2001.
- Planning and Environment Act 1987 – Notices of Approval of the following amendments to planning schemes:
- Cardinia Planning Scheme – Amendment C2.
 - Casey Planning Scheme – Amendment C37.
 - Darebin Planning Scheme – Amendment C33.
 - East Gippsland Planning Scheme – Amendment C9.
 - Horsham Planning Scheme – Amendment C6.
 - La Trobe Planning Scheme – Amendment C13.
 - Moreland Planning Scheme – Amendment C7.
 - South Gippsland Planning Scheme – Amendment C2.
 - Whitehorse Planning Scheme – Amendment C37.
 - Whittlesea Planning Scheme – Amendment C14.
- Police Appeals Board – Report, 2000-2001.
- Port Phillip and Westernport Catchment and Land Protection Board – Report, 2000-2001.
- Queen Victoria Women’s Centre Trust – Report, 2000-2001.
- South East Water Limited – Report, 2000-2001.
- South Eastern Medical Complex Limited – Report, 2000-2001.
- Stamps Act 1958 – Treasurer’s report of 26 October 2001 of approved exemptions and partial exemptions and refunds made on corporate reconstructions for 2000-2001.
- State Electricity Commission – Report, 2000-2001.
- Statutory Rules under the following Acts of Parliament:
- Cemeteries Act 1958 – No. 109.
 - Discharged Servicemen’s Preference Act 1943 – No. 110.
 - Evidence Act 1958 – No. 105.
 - Magistrates’ Court Act 1989 – No. 106.
 - Motor Car Traders Act 1986 – No. 107.
 - Pharmacists Act 1974 – No. 108.

Subordinate Legislation Act 1994 –

Ministers' exception certificates under section 8(4) in respect of Statutory Rule Nos. 107 and 108.

Ministers' exemption certificates under section 9(6) in respect of Statutory Rule Nos. 105, 106, 109 and 110.

Sustainable Energy Authority – Report, 2000-2001.

Swan Hill District Hospital – Report, 2000-2001.

Timboon and District Healthcare Service – Minister for Health's report of 26 October 2001 of receipt of the 2000-2001 report.

Trust for Nature – Minister for Environment and Conservation's report of 18 October 2001 of receipt of the 2000-2001 report.

Victorian Casino and Gaming Authority – Report, 2000-2001.

Victorian Coastal Council – Report, 2000-2001.

Victorian Electoral Commission – Report, 2000-2001.

Victorian Funds Management Corporation – Report, 2000-2001.

Victorian Government Purchasing Board – Report, 2000-2001.

Victorian Managed Insurance Authority – Report, 2000-2001.

Victorian Workcover Authority – Report, 2000-2001.

Yarra Valley Water Limited – Report, 2000-2001.

Zoological Parks and Gardens Board – Report, 2000-2001.

5 UNCLAIMED MONEYS AND SUPERANNUATION LEGISLATION (AMENDMENT) BILL – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time.

Debate resumed.

Question – put and resolved in the affirmative.

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

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

6 CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES) (ENFORCEMENT) (AMENDMENT) BILL – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time.

Debate resumed.

Question – put and resolved in the affirmative.

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

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

7 STATUTE LAW FURTHER AMENDMENT (RELATIONSHIPS) BILL – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time.

Debate resumed.

Question – put.

The Council divided.

AYES, 35

The Hon. G.B. Ashman
B.N. Atkinson

NOES, 4

The Hon. W.R. Baxter (*Teller*)
R.A. Best (*Teller*)

M.A. Birrell	P.R. Hall
B.C. Boardman	E.J. Powell
R.H. Bowden	
A.R. Brideson	
C.C. Broad	
E.C. Carbines	
A. Coote	
I.J. Cover	
G.R. Craige	
K. Darveniza	
D.M. Davis	
W. Forwood	
C.A. Furletti	
M.M. Gould	
D.G. Hadden	
G.W. Jennings	
P.A. Katsambanis (<i>Teller</i>)	
N.B. Lucas	
J.M. McQuilten (<i>Teller</i>)	
J.M. Madden	
J. Mikakos	
S.M. Nguyen	
A.P. Olexander	
G.K. Rich-Phillips	
G.D. Romanes	
Dr. J.W.G. Ross	
K.M. Smith	
R.F. Smith	
W.I. Smith	
Graeme Stoney	
C.A. Strong	
T.C. Theophanous	
M.R. Thomson	

And so it was resolved in the affirmative.

Bill read a second time.

The Honourable M.R. Thomson moved, by leave, That the Bill be now read a third time.

Question – put.

The Council divided.

	AYES, 35		NOES, 4
The Hon.	G.B. Ashman	The Hon.	W.R. Baxter
	B.N. Atkinson		P.R. Hall (<i>Teller</i>)
	M.A. Birrell		R.M. Hallam
	B.C. Boardman		E.J. Powell (<i>Teller</i>)
	R.H. Bowden		
	A.R. Brideson		

C.C. Broad
E.C. Carbines
A. Coote
I.J. Cover
G.R. Craige
K. Darveniza
D.M. Davis
W. Forwood
C.A. Furletti
M.M. Gould
D.G. Hadden
G.W. Jennings
P.A. Katsambanis
N.B. Lucas (*Teller*)
J.M. McQuilten
J.M. Madden
J. Mikakos
S.M. Nguyen (*Teller*)
A.P. Olexander
G.K. Rich-Phillips
G.D. Romanes
Dr. J.W.G. Ross
K.M. Smith
R.F. Smith
W.I. Smith
Graeme Stoney
C.A. Strong
T.C. Theophanous
M.R. Thomson

And so it was resolved in the affirmative.

Bill read a third time and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 8 **BUILDING (AMENDMENT) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time.

Debate resumed.

Question – put and resolved in the affirmative.

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

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 9 **MARINE SAFETY LEGISLATION (LAKES HUME AND MULWALA) BILL** – The Deputy President announced the receipt of a Message from the Assembly transmitting a Bill *to rationalise the application of the marine safety legislation of Victoria and New South Wales in Lake Hume and Lake Mulwala on the Murray River border and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable C.C. Broad, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

10 ADJOURNMENT – The Honourable M.M. Gould moved, That the House do now adjourn.

Debate ensued.

Question – put and resolved in the affirmative.

And then the Council, at 10.14 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 92 – Wednesday, 31 October 2001

- 1** The President took the Chair and read the Prayer.
- 2 QUESTIONS** – Questions without notice were taken pursuant to Standing Order No. 71A.
- 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:
 - Adult, Community and Further Education Board – Report, 2000-2001.
 - Albury-Wodonga Development Corporation – Report, 2000-2001.
 - Alpine Resorts Co-ordinating Council – Minister for Environment and Conservation's report of 30 October 2001 of receipt of the 2000-2001 report.
 - Architects Registration Board – Report, 2000-2001.
 - Australian Grand Prix Corporation – Report, 2000-2001.
 - Barwon Region Water Authority – Report, 2000-2001.
 - Board of Studies – Report, 2000-2001.
 - Building Control Commission – Report, 2000-2001.
 - Central Gippsland Region Water Authority – Report, 2000-2001.
 - Central Highlands Region Water Authority – Report, 2000-2001.
 - Cinemia Corporation – Report, 2000-2001.
 - Coliban Region Water Authority – Report, 2000-2001 (two papers).
 - Docklands Authority – Report, 2000-2001.
 - East Gippsland Catchment Management Authority – Report, 2000-2001.
 - Education, Employment and Training Department – Report, 2000-2001.
 - Emerald Tourist Railway Board – Report, 2000-2001.
 - First Mildura Irrigation Trust – Report, 2000-2001.
 - Fisheries Co-Management Council – Report, 2000-2001.
 - Gambling Research Panel – Report, 2000-2001.
 - Gippsland and Southern Rural Water Authority – Report, 2000-2001.
 - Glenelg Region Water Authority – Report, 2000-2001.
 - Gouldburn-Murray Rural Water Authority – Report, 2000-2001.
 - Goulburn Valley Region Water Authority – Report, 2000-2001.
 - Grampians Region Water Authority – Report, 2000-2001.
 - Greyhound Racing Control Board – Report, 2000-2001.
 - Harness Racing Board – Report, 2000-2001.

Hastings Port (Holding) Corporation – Report, 2000-2001.
Heritage Council – Report, 2000-2001.
Human Services Department – Report, 2000-2001.
Infrastructure Department – Report, 2000-2001.
Justice Department – Report, 2000-2001.
Lower Murray Region Water Authority – Report, 2000-2001.
Marine Board – Report, 2000-2001.
Melbourne 2006 Commonwealth Games Pty Ltd – Report, 2000-2001.
Melbourne and Olympic Parks Trust – Report, 2000-2001.
Melbourne City Link Authority – Report, 2000-2001.
Melbourne Convention and Exhibition Trust – Report, 2000-2001.
Melbourne Cricket Ground Trust – Report, 2000-2001.
Melbourne Port Corporation – Report, 2000-2001.
Melbourne Water Corporation – Report, 2000-2001.
Museum Board – Report, 2000-2001.
Natural Resources and Environment Department – Report, 2000-2001.
North Central Catchment Management Authority – Report, 2000-2001.
North East Catchment Management Authority – Report, 2000-2001.
North East Region Water Authority – Report, 2000-2001.
Overseas Projects Corporation of Victoria Ltd – Report, 2000-2001.
Plumbing Industry Commission – Report, 2000-2001.
Portland Coast Region Water Authority – Report, 2000-2001.
Premier and Cabinet Department – Report, 2000-2001.
Public Advocate's Office – Report, 2000-2001.
Public Employment Office – Report, 2000-2001.
Public Record Office – Report, 2000-2001.
Public Transport Corporation – Report, 2000-2001.
Regulator-General's Office – Report, 2000-2001.
Residential Tenancies Bond Authority – Report, 2000-2001.
Roads Corporation – Report, 2000-2001.
Royal Botanic Gardens Board – Report, 2000-2001.
Rural Finance Corporation – Report, 2000-2001.
South Gippsland Region Water Authority – Report, 2000-2001.
South West Water Authority – Report, 2000-2001.
Spencer Street Station Authority – Report, 2000-2001.
State and Regional Development Department – Report, 2000-2001.
State Sport Centres Trust – Report, 2000-2001.
State Trustees Limited – Report, 2000-2001 (including financial statements of the Common Funds) (two papers).
Sunraysia Rural Water Authority – Report, 2000-2001.
Tourism Victoria – Report, 2000-2001.
Treasury and Finance Department – Report, 2000-2001.
Treasury Corporation – Report, 2000-2001.
Urban and Regional Land Corporation – Report, 2000-2001.
VicFleet Pty Ltd – Minister for Finance's report of receipt of the 2000-2001 report.

Victorian Catchment Management Council — Report, 2000-2001.
 Victorian Channels Authority — Report, 2000-2001 (two papers).
 Victorian Curriculum and Assessment Authority — Report, 2000-2001.
 Victorian Energy Networks Corporation — Report, 2000-2001.
 Victorian Institute of Sport — Report, 2000-2001 (two papers).
 Victorian Learning and Employment Skills Commission — Report, 2000-2001.
 Victorian Medical Consortium Pty Ltd — Report, 2000-2001.
 Victorian Rail Track Corporation — Report, 2000-2001.
 Victorian Relief Committee — Report, 2000-2001.
 V/Line Passenger Corporation — Report, 2000-2001.
 West Gippsland Catchment Management Authority — Report, 2000-2001.
 Western Region Water Authority — Report, 2000-2001.
 Westernport Region Water Authority — Report, 2000-2001.
 Wimmera Catchment Management Authority — Report, 2000-2001.
 Wimmera-Mallee Rural Water Authority — Report, 2000-2001.
 Wonthaggi and District Hospital — Report, 2000-2001.
 Yarram and District Health Service — Report, 2000-2001.
 Young Farmers' Finance Council — Report, 2000-2001.

4 BUSINESS POSTPONED —

Ordered — That the consideration of Notices of Motion, General Business, Nos. 1 to 4 inclusive, and Nos. 6 to 10 inclusive, be postponed until later this day.

Ordered — That the consideration of Notice of Motion, General Business, No. 5, be postponed until the next day of meeting.

5 EASTERN METROPOLITAN SERVICES — The Honourable W.I. Smith moved, That this House condemns the Government for its failure to provide essential infrastructure and services to the people in the eastern metropolitan area and calls on the Government to stop ignoring the people of this region.

Debate ensued.

Question — put.

The Council divided.

AYES, 28

The Hon. G.B. Ashman (*Teller*)
 B.N. Atkinson
 W.R. Baxter
 R.A. Best
 M.A. Birrell
 B. W. Bishop
 B.C. Boardman
 R.H. Bowden
 A.R. Brideson
 A. Coote
 I.J. Cover
 G.R. Craige
 D.M. Davis
 P.R. Davis
 W. Forwood

NOES, 13

The Hon. C.C. Broad
 E.C. Carbines
 K. Darveniza (*Teller*)
 M.M. Gould
 D.G. Hadden
 G.W. Jennings
 J.M. Madden
 J. Mikakos
 S.M. Nguyen
 G.D. Romanes
 R.F. Smith (*Teller*)
 T.C. Theophanous
 M.R. Thomson

C.A. Furletti
P.R. Hall
R.M. Hallam
P.A. Katsambanis
N.B. Lucas
A.P. Olexander
E.J. Powell
G.K. Rich-Phillips
Dr. J.W.G. Ross
K.M. Smith
W.I. Smith (*Teller*)
Graeme Stoney
C.A. Strong

And so it was resolved in the affirmative.

- 6 MARINE SAFETY LEGISLATION (LAKES HUME AND MULWALA) BILL** –
The Order of the Day having been read for the second reading of this Bill, the Honourable C.C. Broad moved, That this Bill be now read a second time.
On the motion of the Honourable P.R. Davis, the debate was adjourned until the next day of meeting.
- 7 MINERAL RESOURCES DEVELOPMENT (FURTHER AMENDMENT) BILL** –
The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time.
Debate resumed.
Question – put and resolved in the affirmative.
Bill read a second time and, by leave, read a third time and passed.
Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.
- 8 ADJOURNMENT** – The Honourable M.M. Gould moved, That the Council, at its rising, adjourn until Wednesday, 7 November 2001.
Question – put and resolved in the affirmative.
The Honourable M.M. Gould moved, That the House do now adjourn.
Debate ensued.
Question – put and resolved in the affirmative.
- And then the Council, at 4.02 p.m., adjourned until Wednesday, 7 November 2001.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

LEGISLATIVE COUNCIL OF VICTORIA

MINUTES OF THE PROCEEDINGS No. 93

No. 93 – Wednesday, 7 November 2001

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** – The Honourable M.M. Gould presented a Message from His Excellency the Governor informing the Council that he had, this day, given the Royal Assent to the undermentioned Acts presented to him by the Clerk of the Parliaments:
 - Building (Amendment) Act*
 - Classification (Publications, Films and Computer Games) (Enforcement) (Amendment) Act*
 - Fundraising Appeals (Amendment) Act*
 - Mineral Resources Development (Further Amendment) Act*
 - Statute Law Further Amendment (Relationships) Act*
 - Unclaimed Moneys and Superannuation Legislation (Amendment) Act.*
- 3 **STATE TAXATION LEGISLATION (AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill to amend the Duties Act 2000, the Land Tax Act 1958 and the Taxation Administration Act 1997 and for other purposes and desiring the concurrence of the Council therein.

On the motion of the Honourable C.C. Broad, the Bill was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 4 **HEALTH SERVICES (CONCILIATION AND REVIEW) (AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill to amend the Health Services (Conciliation and Review) Act 1987 to make miscellaneous amendments relating to the operation of the Act and for other purposes and desiring the concurrence of the Council therein.

On the motion of the Honourable M.M. Gould, the Bill was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 5 **LEGAL AID (AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill to amend the Legal Aid Act 1978 and for other purposes and desiring the concurrence of the Council therein.

On the motion of the Honourable M.R. Thomson, the Bill was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 6 **FUNDRAISING APPEALS (AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly acquainting the Council that they have agreed to this Bill without amendment.

- 7 **QUESTIONS** – Questions without notice were taken and answers were given to certain questions on notice pursuant to Standing Order No. 71A.
- 8 **LOCAL GOVERNMENT LEGAL DEFENCE** – The Honourable E.J. Powell moved, by leave, That this House calls on the Government to urgently legislate to ensure that municipal councils in Victoria can continue to rely upon the defence of non-feasance, which has been jeopardised by recent High Court decisions.

Debate ensued.

The Honourable D.G. Hadden moved, as an amendment, That all the words after “House” be omitted with the view to inserting in place thereof “calls on the Australian Transport Council of Ministers to consider the High Court decision regarding the defence of non-feasance, with a view to reaching a consensus about action to be taken as it applies to all roads throughout Australia”.

Debate ensued.

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

The Council divided.

AYES, 27

The Hon. G.B. Ashman
 B.N. Atkinson
 W.R. Baxter
 R.N. Best
 M.A. Birrell
 R.H. Bowden
 A.R. Brideson
 A. Coote
 I.J. Cover
 G.R. Craige
 D.M. Davis
 P.R. Davis
 W. Forwood
 C.A. Furletti
 P.R. Hall
 R.M. Hallam
 P.A. Katsambanis
 N.B. Lucas (*Teller*)
 M.T. Luckins
 A.P. Olexander
 E.J. Powell (*Teller*)
 G.K. Rich-Phillips
 Dr. J.W.G. Ross
 K.M. Smith
 W.I. Smith
 Graeme Stoney
 C.A. Strong

NOES, 14

The Hon. C.C. Broad
 E.C. Carbines
 K. Darveniza
 M.M. Gould
 D.G. Hadden (*Teller*)
 G.W. Jennings
 J.M. McQuilten
 J.M. Madden
 J. Mikakos (*Teller*)
 S.M. Nguyen
 G.D. Romanes
 R.F. Smith
 T.C. Theophanous
 M.R. Thomson

And so it was resolved in the affirmative – Amendment negatived.

Question – That this House calls on the Government to urgently legislate to ensure that municipal councils in Victoria can continue to rely upon the defence of non-feasance, which has been jeopardised by recent High Court decisions – put and resolved in the affirmative.

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

Alpine Health – Report, 2000-2001.

Ambulance Service Victoria-Metropolitan Region – Report, 2000-2001.

Australian Food Industry Science Centre – Report, 2000-2001.

Bairnsdale Regional Health Service – Report, 2000-2001 (two papers).

Barwon Health – Report, 2000-2001.

Barwon Regional Waste Management Group – Minister for Environment and Conservation's report of 31 October 2001 of receipt of the 2000-2001 report.

Bayside Health – Report, 2000-2001.

Benalla and District Memorial Hospital – Report, 2000-2001.

Boort District Hospital – Report, 2000-2001.

Calder Regional Waste Management Group – Minister for Environment and Conservation's report of 31 October 2001 of receipt of the 2000-2001 report.

Caritas Christi Hospice Ltd – Report, 2000-2001.

Central Murray Regional Waste Management Group – Minister for Environment and Conservation's report of 31 October 2001 of receipt of the 2000-2001 report.

Cobram District Hospital – Report, 2000-2001.

Cohuna District Hospital – Report, 2000-2001.

Country Fire Authority – Report, 2000-2001.

Eastern Health – Report, 2000-2001 (three papers).

Eastern Regional Waste Management Group – Minister for Environment and Conservation's report of 31 October 2001 of receipt of the 2000-2001 report.

Echuca Regional Health – Report, 2000-2001.

Forensic Medicine Institute – Report, 2000-2001.

Equal Opportunity Commission – Report, 2000-2001.

Geelong Performing Arts Centre Trust – Report, 2000-2001.

Gippsland Regional Waste Management Group – Minister for Environment and Conservation's report of 31 October 2001 of receipt of the 2000-2001 report.

Goulburn Regional Waste Management Group – Minister for Environment and Conservation's report of 31 October 2001 of receipt of the 2000-2001 report.

Grampians Regional Waste Management Group – Minister for Environment and Conservation's report of 31 October 2001 of receipt of the 2000-2001 report.

Health Promotion Foundation – Report, 2000-2001.

Highlands Regional Waste Management Group – Minister for Environment and Conservation's report of 31 October 2001 of receipt of the 2000-2001 report.

Infertility Treatment Authority – Report, 2000-2001.

Inglewood and Districts Health Service – Report, 2000-2001.

Kooweerup Regional Health Service – Report, 2000-2001 (two papers).

Kyabram and District Memorial Community Hospital – Report, 2000-2001.

Kyneton District Health Services – Report, 2000-2001.

Law Reform Commission – Report, 2000-2001.

Legal Aid – Report, 2000-2001.

Legal Ombudsman – Report, 2000-2001.

- Legal Practice Board – Report, 2000-2001.
Library Board – Report, 2000-2001.
McIvor Health and Community Services – Report, 2000-2001.
Metropolitan Fire and Emergency Services Board – Report, 2000-2001.
Mornington Peninsula Regional Waste Management Group – Minister for Environment and Conservation’s report of receipt of the 2000-2001 report.
Nathalia District Hospital – Minister for Health’s report of 30 October 2001 of receipt of the 2000-2001 report.
National Gallery – Report, 2000-2001.
North East Victorian Regional Waste Management Group – Minister for Environment and Conservation’s report of 31 October 2001 of receipt of the 2000-2001 report.
Northern Health – Report, 2000-2001 (two papers).
Northern Regional Waste Management Group – Minister for Environment and Conservation’s report of 31 October 2001 of receipt of the 2000-2001 report.
Peninsula Health – Report, 2000-2001.
Peter MacCallum Cancer Institute – Report, 2000-2001.
Planning and Environment Act 1987 – Notices of Approval of the following amendments to planning schemes:
 Manningham Planning Scheme – Amendment C22.
 Melbourne Planning Scheme – Amendment C50.
 Mildura Planning Scheme – Amendment C14.
Portland and District Hospital – Report, 2000-2001.
Radiation Advisory Committee – Report, year ended 30 September 2001.
Rural Ambulance Victoria – Report, 2000-2001.
Royal Victorian Eye and Ear Hospital – Report, 2000-2001.
South Eastern Regional Waste Management Group – Report, 2000-2001.
South Gippsland Hospital – Minister for Health’s report of 30 October 2001 of receipt of the 2000-2001 report.
South West Healthcare – Report, 2000-2001.
South Western Regional Waste Management Group – Minister for Environment and Conservation’s report of 31 October 2001 of receipt of the 2000-2001 report.
St Vincent’s Hospital (Melbourne) Ltd – Report, 2000-2001.
Statutory Rules under the following Acts of Parliament:
 Supreme Court Act 1986 – No. 111.
 Supreme Court Act 1986/Adoption Act 1984 – No. 112.
 Supreme Court Act 1986/Administration and Probate Act 1958 – No. 113.
Subordinate Legislation Act 1994 – Minister’s exception certificates under section 8(4) in respect of Statutory Rules Nos. 111 to 113.
Strawberry Industry Development Committee – Minister for Agriculture’s report of 31 October 2001 of receipt of the 2000-2001 report.
Tallangatta Health Service – Minister for Health’s report of 30 October 2001 of receipt of the 2000-2001 report.
Upper Murray Health and Community Services – Minister for Health’s report of 30 October 2001 of receipt of the 2000-2001 report.
Victoria Grants Commission – Report, year ended 31 August 2001.
Victoria Police – Report, 2000-2001 (two papers).
Victorian Civil and Administrative Tribunal – Report, 2000-2001.
Wangaratta District Base Hospital – Report, 2000-2001.
Western District Health Service – Report, 2000-2001.
Western Health – Report, 2000-2001.

West Gippsland Healthcare Group – Report, 2000-2001.

Western Regional Waste Management Group – Minister for Environment and Conservation's report of 31 October 2001 of receipt of the 2000-2001 report.

Wodonga Regional Health Service – Report, 2000-2001 (three papers).

Women's and Children's Health Service – Report, 2000-2001.

Yarra Bend Park Trust – Minister for Environment and Conservation's report of 31 October 2001 of receipt of the 2000-2001 report.

Yea and District Memorial Hospital – Minister for Health's report of 30 October 2001 of receipt of the 2000-2001 report.

* * * * *

PROCLAMATIONS – Proclamations of His Excellency the Governor in Council fixing operative dates in respect of the following Acts were laid upon the table by the Clerk pursuant to an Order of the Council on 4 November 1999:

Environment Protection (General Amendment) Act 1989 – Section 9 – 1 November 2001 (*Gazette No. S183, 31 October 2001*).

Environment Protection (Industrial Waste) Act 1985 -- Remaining provisions -- 1 November 2001 (*Gazette No. S183, 31 October 2001*).

10 LEGAL AID (AMENDMENT) BILL – The Order of the Day having been read for the second reading of this Bill, the Honourable M.R. Thomson moved, That this Bill be now read a second time.

On the motion of the Honourable C.A. Furletti, the debate was adjourned until the next day of meeting.

11 HEALTH SERVICES (CONCILIATION AND REVIEW) (AMENDMENT) BILL – The Order of the Day having been read for the second reading of this Bill, the Honourable M.M. Gould moved, That this Bill be now read a second time.

On the motion of the Honourable A. Coote, the debate was adjourned until the next day of meeting.

12 STATE TAXATION LEGISLATION (AMENDMENT) BILL – The Order of the Day having been read for the second reading of this Bill, the Honourable C.C. Broad moved, That this Bill be now read a second time.

On the motion of the Honourable P.R. Davis (for the Honourable D.M. Davis), the debate was adjourned until the next day of meeting.

13 MARINE SAFETY LEGISLATION (LAKES HUME AND MULWALA) BILL – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time.

Debate resumed.

Question – put and resolved in the affirmative.

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

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

14 ADJOURNMENT – The Honourable M.M. Gould moved, That the Council, at its rising, adjourn until Tuesday, 20 November 2001.

Question – put and resolved in the affirmative.

The Honourable M.M. Gould moved, That the House do now adjourn.

Debate ensued.

Question – put and resolved in the affirmative.
And then the Council, at 4.51 p.m., adjourned until Tuesday, 20 November 2001.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

LEGISLATIVE COUNCIL OF VICTORIA

MINUTES OF THE PROCEEDINGS Nos. 94, 95 and 96

No. 94 – Tuesday, 20 November 2001

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACT** – The Honourable M.M. Gould presented a Message from Her Excellency the Lieutenant-Governor informing the Council that she had, on 14 November 2001, given the Royal Assent to the undermentioned Act presented to her by the Clerk of the Parliaments:
Marine Safety Legislation (Lakes Hume and Mulwala) Act.
- 3 **MELBOURNE CITY LINK (FURTHER AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to make further amendments to the Melbourne City Link Act 1995 and for other purposes* and desiring the concurrence of the Council therein.
On the motion of the Honourable C.C. Broad, the Bill was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 4 **JUDICIAL REMUNERATION TRIBUNAL (AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Judicial Remuneration Tribunal Act 1995 to provide for various matters relating to the membership of the Judicial Remuneration Tribunal and the functions and procedures of the Judicial Remuneration Tribunal and for other purposes* and desiring the concurrence of the Council therein.
On the motion of the Honourable M.R. Thomson, the Bill was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 5 **MARINE (FURTHER AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Marine Act 1988 and for other purposes* and desiring the concurrence of the Council therein.
On the motion of the Honourable C.C. Broad, the Bill was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 6 **WATER (IRRIGATION FARM DAMS) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Water Act 1989 and for other purposes* and desiring the concurrence of the Council therein.
On the motion of the Honourable C.C. Broad, the Bill was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 7 **VICTORIAN ENVIRONMENTAL ASSESSMENT COUNCIL BILL** – The President announced the receipt of a Message from the Assembly returning this Bill and informing the Council that they have agreed to some of the amendments made by the Council, have disagreed with others of the said

amendments made by the Council, and have disagreed with the remaining amendments but have made amendments in the Bill, and desiring the concurrence of the Council therein.

Ordered — That the Message be taken into consideration on the next day of meeting.

8 **QUESTIONS** — Questions without notice were taken and answers were given to certain questions on notice pursuant to Standing Order No. 71A.

9 **SCRUTINY OF ACTS AND REGULATIONS COMMITTEE** — The Honourable M.M. Gould moved, by leave, That the Resolution of the Council of 1 March 2000, requiring the Scrutiny of Acts and Regulations Committee to inquire into and make recommendations for a clearer and improved *Parliamentary Committees Act 1968* and to report to Parliament by 30 June 2001, be amended so far as to now require the Committee to report by May 2002.

Question — put and resolved in the affirmative.

10 **PAPERS** —

A BLENDED HOUSE: THE LEGISLATIVE COUNCIL OF VICTORIA, 1851-1856 — On behalf of the President, the Honourable B.W. Bishop moved, by leave, That there be laid before this House a copy of A Blended House: The Legislative Council of Victoria, 1851-1856.

Debate ensued.

Question — put and resolved in the affirmative.

The said paper was thereupon presented by the Honourable B.W. Bishop and ordered to lie on the Table and to be printed.

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HEALTH SERVICES COMMISSIONER — The Honourable M.M. Gould moved, by leave, That there be laid before this House a copy of the Report of the Health Services Commissioner for the year 2000-2001.

Question — put and resolved in the affirmative.

The said Report was thereupon presented by the Honourable M.M. Gould and ordered to lie on the Table.

* * * * *

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE —

NATIONAL CRIME AUTHORITY (STATE PROVISIONS) ACT 1984 — The Honourable A.P. Olexander presented a Report from the Scrutiny of Acts and Regulations Committee upon the Intended declaration and proclamation of the *National Crime Authority (State Provisions) Act 1984* as a relevant State Act for the purposes of the *Co-operative Schemes (Administrative Actions) Act 2001*.

Ordered to lie on the Table and to be printed.

* * * * *

ALERT DIGEST — The Honourable A.P. Olexander presented Alert Digest No. 13 of 2001 from the Scrutiny of Acts and Regulations 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:

Alexandra District Hospital – Minister for Health’s report of 8 November 2001 of receipt of the 2000-2001 report.

Beaufort and Skipton Health Service – Report, 2000-2001.

Beechworth Hospital – Report, 2000-2001.

Casey’s Weir and Major Creek Rural Water Authority – Minister for Environment and Conservation’s report of 16 November 2001 of receipt of the 2000-2001 report.

Central Gippsland Health Service – Report, 2000-2001 (two papers).

Dental Health Services Victoria – Report, 2000-2001.

Environment Protection Act 1970 – Orders in Council of 30 October 2001 varying the State environment protection policy (Control of Noise from Commerce, Industry and Trade) No. N-1 and declaring industrial waste management policy (Protection of the Ozone Layer).

Footy Consortium Pty Ltd – Report for the period 13 September 2000 to 30 June 2001.

Gippsland Southern Health Service – Report, 2000-2001.

Health Services Act 1988 – Report of Community Visitors, 2000-2001.

Hepburn Health Service – Report, 2000-2001.

Kilmore and District Hospital – Report, 2000-2001.

Latrobe Regional Hospital – Report, 2000-2001 (two papers).

Legal Practice Board – Attorney-General’s notice of 20 November 2001 of proposed appointments of non-practitioner members to Board.

Melbourne City Link Act 1995 –

Melbourne City Link Fifteenth Amending Deed, 15 November 2001, pursuant to section 15(2) of the Act.

City Link Extension Projects Integration and Facilitation Agreement Seventh Amending Deed, 15 November 2001, pursuant to section 15B(5).

Exhibition Street Extension Fourth Amending Deed, 15 November 2001, pursuant to section 15D(6).

Mental Health Act 1986 – Report of Community Visitors, 2000-2001.

Mental Health Review Board – Report, 2000-2001.

Numurkah District Health Service – Report, 2000-2001.

Ombudsman’s Office – Report, 2000-2001.

Otway Health and Community Services – Minister for Health’s report of 13 November 2001 of receipt of the 2000-2001 report.

Parliamentary Committees Act 1968 –

Minister’s response to recommendations in Law Reform Committee’s report upon the Review of the *Theatres Act 1958*.

Minister’s response to recommendations in Public Accounts and Estimates Committee’s report upon the 1999-2000 Budget Outcome.

Planning and Environment Act 1987 – Notices of Approval of the following amendments to planning schemes:

Banyule Planning Scheme – Amendment C16.

Boroondara Planning Scheme – Amendment C15.

Brimbank Planning Scheme – Amendment C37.

Cardinia Planning Scheme – Amendment C21 Part 1.

Corangamite Planning Scheme – Amendment C1.

Darebin Planning Scheme – Amendments C29 and C34.

Geelong – Greater Geelong Planning Scheme – Amendment C16.

Hobsons Bay Planning Scheme – Amendments C12 and C14.

Kingston Planning Scheme – Amendment C13.

- Planning and Environment Act 1987 – *continued*.
 Loddon Planning Scheme – Amendment C4.
 Moonee Valley Planning Scheme – Amendment C24.
 Mornington Peninsula Planning Scheme – Amendment C34.
 Southern Grampians Planning Scheme – Amendment C1.
 Stonnington Planning Scheme – Amendment C19.
 Wellington Planning Scheme – Amendment C3.
 Whittlesea Planning Scheme – Amendment C3.
- Psychosurgery Review Board – Report, 2000-2001.
 Queen Elizabeth Centre – Minister for Health's report of 8 November 2001 of receipt of the 2000-2001 report.
 Seymour District Memorial Hospital – Report, 2000-2001.
 Statutory Rules under the following Acts of Parliament:
 Adoption Act 1984 – No. 116.
 Agricultural Industry Development Act 1990 – No. 114.
 Credit (Administration) Act 1984 – No. 117.
 Environment Protection Act 1970 – No. 119.
 Fisheries Act 1995 – No. 118.
 Patriotic Funds Act 1958 – No. 120.
 Subordinate Legislation Act 1994 – No. 115.
- Subordinate Legislation Act 1994 –
 Minister's exception certificate under section 8(4) in respect of Statutory Rule No. 115.
 Ministers' exemption certificates under section 9(6) in respect of Statutory Rules Nos. 114, 116, 117 and 120.
- Tattersall's Club Keno Pty Ltd – Report, 2000-2001.
 Tattersall's Sweeps Pty Ltd – Report, 2000-2001.
 Tweddle Child and Family Health Service – Minister for Health's report of 5 November 2001 of receipt of the 2000-2001 report.
 Victorian Arts Centre Trust – Report, 2000-2001.
 Victorian Electoral Commissioner – Statement of function conferred, 7 November 2001.
 Wimmera Health Care Group – Report, 2000-2001.
 Yarrowonga District Health Service – Report, 2000-2001.

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PROCLAMATIONS – Proclamations of His Excellency the Governor in Council fixing operative dates in respect of the following Acts were laid upon the Table by the Clerk pursuant to an Order of the Council on 4 November 1999:

Health Records Act 2001 – Sections 1 to 6, Part 4, and sections 84, 87 (except paragraphs (c) to (j), (l), (p) and (s)), 88 to 91, 94, 100, 105 (except paragraphs (a), (b), (e)(ii), (l) and (m)), 107 (except paragraphs (a) and (d)), 111 (2) (except paragraph (b)), 111(3) and 111(5) – 16 November 2001 (*Gazette No. G46, 15 November 2001*).

Statute Law Amendment (Relationships) Act 2001 – Remaining provisions – 8 November 2001 (*Gazette No. G45, 8 November 2001*).

11 MELBOURNE CITY LINK (FURTHER AMENDMENT) BILL – The Order of the Day having been read for the second reading of this Bill, the Honourable C.C. Broad moved, That this Bill be now read a second time.

On the motion of the Honourable G.B. Ashman, the debate was adjourned until the next day of meeting.

12 MARINE (FURTHER AMENDMENT) BILL – The Order of the Day having been read for the second reading of this Bill, the Honourable C.C. Broad moved, That this Bill be now read a second time.

On the motion of the Honourable P.R. Davis, the debate was adjourned until the next day of meeting.

13 JUDICIAL REMUNERATION TRIBUNAL (AMENDMENT) BILL – The Order of the Day having been read for the second reading of this Bill, the Honourable M.M. Gould (for the Honourable M.R. Thomson) moved, That this Bill be now read a second time.

On the motion of the Honourable C.A. Furletti, the debate was adjourned until later this day.

14 WATER (IRRIGATION FARM DAMS) BILL – The Order of the Day having been read for the second reading of this Bill, the Honourable C.C. Broad moved, That this Bill be now read a second time.

On the motion of the Honourable K.M. Smith (for the Honourable P.R. Davis), the debate was adjourned until the next day of meeting.

15 STATE TAXATION LEGISLATION (AMENDMENT) BILL – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time.

Debate resumed.

Question – put and resolved in the affirmative.

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

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

16 HEALTH SERVICES (CONCILIATION AND REVIEW) (AMENDMENT) BILL – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time.

Debate resumed.

Question – put and resolved in the affirmative.

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

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

17 ADJOURNMENT – The Honourable M.M. Gould moved, That the House do now adjourn.

Debate ensued.

Question – put and resolved in the affirmative.

And then the Council, at 10.20 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 95 – Wednesday, 21 November 2001

1 The President took the Chair and read the Prayer.

2 QUESTIONS – Questions without notice were taken pursuant to Standing Order No. 71A.

- 3 M&C PETROL STATION AND LIBERTY OIL – MINISTER’S ANSWERS TO QUESTIONS WITHOUT NOTICE, 3 APRIL 2001 – ORDERS DISCHARGED** – The Honourable W. Forwood moved, by leave, That Orders of the Day, General Business, Nos. 9 and 10, be read and discharged.

Question – put and resolved in the affirmative.

4 PAPERS –

PARLIAMENTARY DEPARTMENTS – The Honourable G.B. Ashman moved, by leave, That there be laid before this House a copy of the report of –

- (a) the Clerk on the Operations of the Department of the Legislative Council for the year 2000-2001;
- (b) the Librarian on the Operations of the Department of the Parliamentary Library for the year 2000-2001;
- (c) the Chief Reporter on the Operations of the Department of Victorian Parliamentary Debates for the year 2000-2001; and
- (d) the Joint Secretaries on the Operations of the Joint Services Department for the year 2000-2001.

Question – put and resolved in the affirmative.

The said Reports were thereupon presented by the Honourable G.B. Ashman and ordered to lie on the Table.

* * * * *

ENVIRONMENT AND NATURAL RESOURCES COMMITTEE – ALLOCATION OF WATER RESOURCES – The Honourable Graeme Stoney presented a Report from the Environment and Natural Resources Committee upon Allocation of Water Resources, 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:

Adult Parole Board – Report, 2000-2001.

Auditor-General – Report on *Teacher work force planning*, November 2001.

Budget Sector – Quarterly Financial Report No. 1 for the period ended 30 September 2001.

Glenelg Hopkins Catchment Management Authority – Report, 2000-2001.

Goulburn Valley Health – Report, 2000-2001.

Housing Guarantee Fund Ltd – Report, 2000-2001.

Members of Parliament (Register of Interests Act 1978) – Cumulative Summary of Returns, September 2001.

Victoria Law Foundation – Report, 2000-2001.

Victorian Interpreting and Translating Services – Premier’s report of 15 November 2001 of receipt of the 2000-2001 report.

5 BUSINESS POSTPONED –

Ordered – That the consideration of Notices of Motion, General Business, Nos. 1 to 4 inclusive, Nos. 6 and 7, and Nos. 9 to 11 inclusive, be postponed until later this day.

Ordered – That the consideration of Notices of Motion, General Business, Nos. 5 and 8, be postponed until the next day of meeting.

- 6 INFERTILITY TREATMENT (FURTHER AMENDMENT) BILL** – On the motion of the Honourable W. Forwood, leave was given to bring in a Bill to amend the *Infertility Treatment Act 1995* relating to treatment and procedures, and the said Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

7 **PARLIAMENTARY COMMITTEES' REFERENCES** – The Honourable C.A. Furletti moved, That pursuant to the *Parliamentary Committees Act 1968*, the undermentioned Committees be required to inquire into, consider and report by 31 October 2002 on the following:

(1) **Drugs and Crime Prevention Committee**

The causes for, and effect of, the significant increase in the rate of vehicle theft in Victoria, including the so-called “re-birthing” of stolen vehicles, and to make recommendations as to how vehicle theft may be addressed.

(2) **Environment and Natural Resources Committee**

Improving the procedures for the acquisition of private land for use as a park, with particular emphasis on ensuring that there are adequate budgetary allocations to purchase relevant pieces of land.

(3) **Family and Community Development Committee**

The timeliness, quality of care provided and efficient separation of patients in Victorian Public hospitals, with a particular emphasis on –

- The availability of beds, methods of access and circumstances of admission of patients to emergency services.
- The frequency and reasons for hospital emergency departments invoking ‘ambulance bypass’ for patients needing emergency services; and, any changes in the decision-making processes for reporting and administration of such ‘bypasses’.
- The timeliness of treatment provided to patients in emergency departments.
- The number of and detailed reasons for patients needing to stay for extended periods in emergency departments.
- The number of critical care, acute care and sub-acute care beds available on a daily basis and the methods of access and circumstances of admission of patients to such services.
- The number of people on waiting lists for elective surgery and the circumstances of their admission, with particular reference to waiting list categories, surgical specialty and the timeliness of service delivery.
- The methods used to monitor and evaluate efficient discharge planning with particular reference to the adequate provision of continuity of care and unplanned re-admission.
- Methods used to assess the accessibility of hospital services within urban, suburban, regional and rural areas of Victoria.

(4) **Law Reform Committee**

The collection, use and effectiveness of forensic sampling and the use of DNA databases in criminal investigations, with particular emphasis on identifying areas and procedures which would more effectively utilise forensic sampling and improve investigation and detection of crime.

(5) **Public Accounts and Estimates Committee**

Changes, including planned or likely future changes, in the level, structure, deployment, remuneration and conditions of employment of the Victorian Public Service since 1999-2000.

(6) **Road Safety Committee**

The reasons for the escalation in Victoria’s road toll during 2000-2001, and in particular to –

- Examine the significantly increased death rates amongst pedestrians, motor cyclists and over 50 year olds.
- Examine the effectiveness of public advertising campaigns.
- Investigate and consider measures which would improve driver behavior, including the viability and effectiveness of fixed speed cameras.
- Evaluate the whole of government approach to road safety.

(7) **Scrutiny of Acts and Regulations Committee**

The *Anzac Day Act 1958*, and any other relevant laws, on ways to further enhance the significance of Anzac Day as a national day of commemoration.

Debate ensued.

The Honourable G.W. Jennings moved, as an amendment, That the expression "since 1992" be inserted after "Victoria" in item (1) relating to the Drugs and Crime Prevention Committee.

Debate ensued.

Question – That the expression proposed to be inserted be so inserted – put.

The Council divided.

AYES, 12

The Hon. C.C. Broad
 E.C. Carbines (*Teller*)
 K. Darveniza
 D.G. Hadden
 G.W. Jennings (*Teller*)
 J.M. McQuilten
 J.M. Madden
 J. Mikakos
 G.D. Romanes
 R.F. Smith
 T.C. Theophanous
 M.R. Thomson

NOES, 26

The Hon. G.B. Ashman
 B.N. Atkinson
 W.R. Baxter
 R.A. Best
 M.A. Birrell
 B.W. Bishop
 B.C. Boardman
 R.H. Bowden
 A.R. Brideson
 A. Coote (*Teller*)
 D.M. Davis
 P.R. Davis
 W. Forwood
 C.A. Furletti
 P.R. Hall
 R.M. Hallam
 P.A. Katsambanis
 N.B. Lucas
 M.T. Luckins
 E.J. Powell
 G.K. Rich-Phillips
 Dr. J.W.G. Ross (*Teller*)
 K.M. Smith
 W.I. Smith
 Graeme Stoney
 C.A. Strong

And so it passed in the negative.

The Honourable G.W. Jennings moved, as an amendment, That the expression "achieved over the period 1992 to 2001 and measures implemented to address these issues" be inserted after "Victorian Public hospitals" in item (3) relating to the Family and Community Development Committee.

Question – That the expression proposed to be inserted be so inserted – put and negatived.

The Honourable G.W. Jennings moved, as an amendment, That the expression "and log jams created in the system due to the shortage of aged care beds in Victoria" be inserted after "admission of patients to such services" in item (3) relating to the Family and Community Development Committee.

Question – That the expression proposed to be inserted be so inserted – put and negatived.

The Honourable G.W. Jennings moved, as an amendment, That the expression "since 1999-2000" be omitted in item (5) relating to the Public Accounts and Estimates Committee with the view of inserting in place thereof "from 1992 to 2001".

Question – That the expression proposed to be omitted stand part of the question – put and negatived.

Question – That the expression proposed to be inserted be so inserted – put and negatived.

The Honourable G.W. Jennings moved, as an amendment, That the expression "and the efficacy of measures introduced since 1992 and, in particular, the legislative reforms introduced since 1999" be inserted at the end of the paragraph in item (6) relating to the Road Safety Committee.

Question – That the expression proposed to be inserted be so inserted – put and negatived.

Question – That pursuant to the *Parliamentary Committees Act 1968*, the undermentioned Committees be required to inquire into, consider and report by 31 October 2002 on the following:

(1) **Drugs and Crime Prevention Committee**

The causes for, and effect of, the significant increase in the rate of vehicle theft in Victoria, including the so-called "re-birthing" of stolen vehicles, and to make recommendations as to how vehicle theft may be addressed.

(2) **Environment and Natural Resources Committee**

Improving the procedures for the acquisition of private land for use as a park, with particular emphasis on ensuring that there are adequate budgetary allocations to purchase relevant pieces of land.

(3) **Family and Community Development Committee**

The timeliness, quality of care provided and efficient separation of patients in Victorian Public hospitals, with a particular emphasis on –

- The availability of beds, methods of access and circumstances of admission of patients to emergency services.
- The frequency and reasons for hospital emergency departments invoking 'ambulance bypass' for patients needing emergency services; and, any changes in the decision-making processes for reporting and administration of such 'bypasses'.
- The timeliness of treatment provided to patients in emergency departments.

- The number of and detailed reasons for patients needing to stay for extended periods in emergency departments.
- The number of critical care, acute care and sub-acute care beds available on a daily basis and the methods of access and circumstances of admission of patients to such services.
- The number of people on waiting lists for elective surgery and the circumstances of their admission, with particular reference to waiting list categories, surgical specialty and the timeliness of service delivery.
- The methods used to monitor and evaluate efficient discharge planning with particular reference to the adequate provision of continuity of care and unplanned re-admission.
- Methods used to assess the accessibility of hospital services within urban, suburban, regional and rural areas of Victoria.

(4) **Law Reform Committee**

The collection, use and effectiveness of forensic sampling and the use of DNA databases in criminal investigations, with particular emphasis on identifying areas and procedures which would more effectively utilise forensic sampling and improve investigation and detection of crime.

(5) **Public Accounts and Estimates Committee**

Changes, including planned or likely future changes, in the level, structure, deployment, remuneration and conditions of employment of the Victorian Public Service.

(6) **Road Safety Committee**

The reasons for the escalation in Victoria's road toll during 2000-2001, and in particular to –

- Examine the significantly increased death rates amongst pedestrians, motor cyclists and over 50 year olds.
- Examine the effectiveness of public advertising campaigns.
- Investigate and consider measures which would improve driver behavior, including the viability and effectiveness of fixed speed cameras.
- Evaluate the whole of government approach to road safety.

(7) **Scrutiny of Acts and Regulations Committee**

The *Anzac Day Act 1958*, and any other relevant laws, on ways to further enhance the significance of Anzac Day as a national day of commemoration.

– put and resolved in the affirmative.

- 8 **VICTORIA'S ELECTRICITY SUPPLIES** – The Honourable P.R. Davis moved, That this House condemns the Minister for Energy and Resources for her failure to take responsibility for securing the price and availability of Victoria's electricity supplies.

Debate ensued.

General Business having been interrupted pursuant to Sessional Orders the debate stood adjourned in the name of the Honourable P.R. Hall.

- 9 **LEGAL AID (AMENDMENT) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time.

Debate resumed.

Question – put and resolved in the affirmative.

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

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 10 MELBOURNE CITY LINK (FURTHER AMENDMENT) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time.

Debate resumed.

Question – put and resolved in the affirmative.

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

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 11 ADJOURNMENT** – The Honourable M.M. Gould moved, That the House do now adjourn.

Debate ensued.

Question – put and resolved in the affirmative.

And then the Council, at 6.28 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 96 – Thursday, 22 November 2001

- 1** The President took the Chair and read the Prayer.

- 2 PETROLEUM (SUBMERGED LANDS) (AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Petroleum (Submerged Lands) Act 1982 to provide for infrastructure licences and to make other amendments as a consequence of amendments to Commonwealth law and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable C.C. Broad, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 3 SENTENCING (EMERGENCY SERVICE COSTS) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Sentencing Act 1991 to provide for the recovery of costs incurred by emergency services in certain circumstances, to amend the Crimes Act 1958 and the Summary Offences Act 1966 and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable M.M. Gould, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 4 QUESTIONS** – Questions without notice were taken and answers were given to certain questions on notice pursuant to Standing Order No. 71A.

- 5 PETITION – RURAL NORTHWEST HEALTH AGED CARE SERVICES** – The Honourable R.A. Best presented a Petition bearing 340 signatures from certain citizens of Victoria requesting that the Minister for Health intervene in the restructuring of aged care services at Rural Northwest Health and instruct the Board of Northwest Health to stop the removal of six beds from the Landt Hostel, Warracknabeal.

Ordered to lie on the Table.

6 PAPERS –

CHILDREN'S COURT OF VICTORIA – The Honourable M.R Thomson presented, by command of His Excellency the Governor, the Report of the Children's Court of Victoria for the year 2000-2001.

Ordered to lie on the Table.

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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 – Report on Finances of the State of Victoria, 2000-2001.

Auditor-General's Office – Report, 2000-2001.

Bethlehem Hospital Inc. – Report, 2000-2001.

Director of Public Prosecutions Office – Report, 2000-2001.

Environment Protection Act 1970 – Order in Council of 30 October 2001 declaring a variation to State environment protection policy (Waters of Victoria) to insert Schedule F8 Waters of Western Port and Catchment.

Intellectual Disability Review Panel – Report, 2000-2001.

Members of Parliament (Register of Interests Act 1978) – Cumulative Summary of Returns, September 2001 (*in lieu of that tabled on 21 November 2001*).

Mercy Public Hospitals Incorporated – Report, 2000-2001 (three papers).

Parliamentary Committees Act 1968 – Minister's response to recommendations in Economic Development Committee's report into WorkCover Premiums for 2000-2001.

Southern Health – Report, 2000-2001.

7 ECONOMIC DEVELOPMENT COMMITTEE – GOODS AND SERVICES TAX – The Honourable T.C. Theophanous moved, That the Council take note of the Economic Development Committee's Report No. 2 on the Impact of the Goods and Services Tax on Small and Medium Sized Businesses In Victoria.

Debate ensued.

Question – put and resolved in the affirmative.

8 BUSINESS POSTPONED – Ordered – That the consideration of Order of the Day, Government Business, No. 1, be postponed until later this day.

9 MARINE (FURTHER AMENDMENT) BILL – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time.

Debate resumed.

Question – put and resolved in the affirmative.

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

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

10 JUDICIAL REMUNERATION TRIBUNAL (AMENDMENT) BILL – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time.

Debate resumed.

Question – put and resolved in the affirmative.

Bill read a second time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honourable B.W. Bishop having reported that the Committee had agreed to the Bill with amendments, the House adopted the Report, and the Bill was read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

Ordered – That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same with amendments, and desiring their concurrence therein.

11 FILM BILL – The President announced the receipt of a Message from the Assembly transmitting a Bill *to establish Film Victoria and the Australian Centre for the Moving Image, to repeal the Cinemedia Corporation Act 1997 and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable J.M. Madden, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

12 ADJOURNMENT – The Honourable M.M. Gould moved, That the House do now adjourn.

Debate ensued.

Question – put and resolved in the affirmative.

And then the Council, at 5.41 p.m., adjourned until Tuesday next.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

LEGISLATIVE COUNCIL OF VICTORIA

MINUTES OF THE PROCEEDINGS Nos. 97, 98 and 99

No. 97 – Tuesday, 27 November 2001

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** – The Honourable M.M. Gould presented a Message from His Excellency the Governor informing the Council that he had, this day, given the Royal Assent to the undermentioned Acts presented to him by the Clerk of the Parliaments:
Health Services (Conciliation and Review) (Amendment) Act
Legal Aid (Amendment) Act
Marine (Further Amendment) Act
Melbourne City Link (Further Amendment) Act
State Taxation Legislation (Amendment) Act.
- 3 **ANIMALS LEGISLATION (RESPONSIBLE OWNERSHIP) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill to amend the *Prevention of Cruelty to Animals Act 1986 and the Domestic (Feral and Nuisance) Animals Act 1994 and for other purposes* and desiring the concurrence of the Council therein.
On the motion of the Honourable C.C. Broad, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
- 4 **ROAD SAFETY (FURTHER AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill to make *miscellaneous amendments to the Road Safety Act 1986, to amend the Chattel Securities Act 1987, the Magistrates' Court Act 1989, the Road Safety (Drivers) Act 1991, the Road Safety (Further Amendment) Act 1991, the Melbourne City Link Act 1995 and the Road Safety (Alcohol and Drugs Enforcement Measures) Act 2001 and for other purposes* and desiring the concurrence of the Council therein.
On the motion of the Honourable C.C. Broad, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
- 5 **TRANSPORT (ALCOHOL AND DRUG CONTROLS) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill to *amend the Transport Act 1983 and for other purposes* and desiring the concurrence of the Council therein.
On the motion of the Honourable C.C. Broad, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
- 6 **VICTORIAN INSTITUTE OF TEACHING BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill to *recognise, promote and regulate the profession of teaching and to establish the Victorian Institute of*

Teaching and for other purposes and desiring the concurrence of the Council therein.

On the motion of the Honourable J.M. Madden, the Bill was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 7 MARINE (HIRE AND DRIVE VESSELS) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Marine Act 1988 with respect to hire and drive vessels and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable C.C. Broad, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 8 ACCIDENT COMPENSATION (AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Accident Compensation Act 1985, the Dangerous Goods Act 1985, the Occupational Health and Safety Act 1985, the Mineral Resources Development Act 1990, the Pay-roll Tax Act 1971 and the Accident Compensation (WorkCover Insurance) Act 1993 and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable M.M. Gould, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 9 QUESTIONS** – Questions without notice were taken and answers were given to certain questions on notice pursuant to Standing Order No. 71A.

10 PAPERS –

AUDITOR-GENERAL'S REPORTS – The Honourable M.M. Gould moved, by leave, That there be laid before this House a copy of the Response by the Minister for Finance to the Auditor-General's Reports issued during 2000-2001.

Question – put and resolved in the affirmative.

The said paper was thereupon presented by the Honourable M.M. Gould and ordered to lie on the Table.

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NATIONAL ROAD TRANSPORT COMMISSION – The Honourable C.C. Broad moved, by leave, That there be laid before this House a copy of the Report of the National Road Transport Commission for the year 2000-2001.

Question – put and resolved in the affirmative.

The said report was thereupon presented by the Honourable C.C. Broad and ordered to lie on the Table.

* * * * *

DRUGS AND CRIME PREVENTION COMMITTEE – INCIDENCE OF CRIME IN MELBOURNE CENTRAL BUSINESS DISTRICT – The Honourable B.C. Boardman presented the Third Report from the Drugs and Crime Prevention Committee upon the Incidence of Crime: Reporting Crime in the Melbourne Central Business District, 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 – BUDGET ESTIMATES, 2001-2002 – The Honourable R.M. Hallam presented a Report from the Public Accounts and Estimates Committee upon the 2001-2002 Budget Estimates, together with Appendices, Extracts from the Proceedings of the Committee and Minutes of Evidence.

Ordered to lie on the Table and the Report, Appendices and Extracts from the Proceedings of the Committee to be printed.

* * * * *

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE – SUMMARY OFFENCES ACT 1966 – The Honourable C.A. Strong presented the Final Report from the Scrutiny of Acts and Regulations Committee upon Redundant and Unclear Legislation concerning the Review of the *Summary Offences Act 1966*, 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:

Auditor-General – Report on Public Sector Agencies, November 2001.

Ballarat Health Service – Report, 2000-2001.

Chiropractors Registration Board – Minister for Health's report of 26 November 2001 of receipt of the 2000-2001 report.

Consumer and Business Affairs Victoria – Report of Director on Operations of Fair Trading Act, 2000-2001.

East Wimmera Health Service – Report, 2000-2001.

Edenhope and District Memorial Hospital – Minister for Health's report of 22 November 2001 of receipt of the 2000-2001 report.

Legal Practice Act 1996 – Practitioner Remuneration Order, 12 November 2001.

Mildura Cemetery Trust – Report, 2000-2001.

Nurses Board of Victoria – Report, 2000-2001.

Physiotherapists Registration Board of Victoria – Minister for Health's report of 23 November 2001 of receipt of the 2000-2001 report.

Planning and Environment Act 1987 – Notices of Approval of the following amendments to planning schemes:

Banyule Planning Scheme – Amendment C9.

Horsham Planning Scheme – Amendment C2.

Victoria Planning Provisions – Amendment VC14.

Podiatrists Registration Board – Minister for Health's report of 26 November 2001 of receipt of the 2000-2001 report.

Stawell Regional Health – Report, 2000-2001.

11 BUSINESS POSTPONED – Ordered – That the consideration of Government Business, Orders of the Day, Nos. 1 to 3 inclusive, be postponed until later this day.

12 WATER (IRRIGATION FARM DAMS) BILL – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time.

Debate resumed.

Question – put and resolved in the affirmative.

Bill read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair, and the Honourable B.W. Bishop having reported that the Committee had agreed to the Bill with amendments, the House adopted the Report, and the Bill was read a third time and passed.

Ordered – That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same with amendments, and desiring their concurrence therein.

13 FILM BILL – The Order of the Day having been read for the second reading of this Bill, the Honourable M.M. Gould moved, That this Bill be now read a second time.

On the motion of the Honourable A. Coote, the debate was adjourned until the next day of meeting.

14 PETROLEUM (SUBMERGED LANDS) (AMENDMENT) BILL – The Order of the Day having been read for the second reading of this Bill, the Honourable C.C. Broad moved, That this Bill be now read a second time.

On the motion of the Honourable P.R. Davis, the debate was adjourned until the next day of meeting.

15 SENTENCING (EMERGENCY SERVICE COSTS) BILL – The Order of the Day having been read for the second reading of this Bill, the Honourable M.R. Thomson moved, That this Bill be now read a second time.

On the motion of the Honourable P.R. Davis (for the Honourable C.A. Furletti), the debate was adjourned until the next day of meeting.

16 VICTORIAN INSTITUTE OF TEACHING BILL – The Order of the Day having been read for the second reading of this Bill, the Honourable J.M. Madden moved, That this Bill be now read a second time.

On the motion of the Honourable A.R. Brideson, the debate was adjourned until the next day of meeting.

17 VICTORIAN ENVIRONMENTAL ASSESSMENT COUNCIL BILL – The Order of the Day having been read for the consideration of the Message from the Assembly returning this Bill and acquainting the Council that they had agreed to some of the amendments made by the Council, had disagreed with some of the amendments and had disagreed with the remaining amendments made by the Council, but had made amendments in the Bill, the said amendments remaining for consideration by the Council were read and are as follows:

Amendment No 2

Clause 3, line 14, omit "8(4)" and insert "8(5)".

How dealt with by the Assembly

Disagreed with.

Amendment No 4

Clause 3, after line 23 insert –

"(2) Before the Minister can make any request under section 15, the Minister must by notice published in the Government Gazette declare –

- (a) organisations which the Minister considers represents environment protection and conservation interests; and
- (c) organisations which the Minister considers represents the interests of recreational users of public land; and
- (d) organisations which the Minister considers represents the interests of holders of licences or leases on public land –

to be recognised peak bodies."

How dealt with by the Assembly

Disagreed with.

Amendment No 8

Clause 8, after line 24 insert –

- "(3) Before making a recommendation under sub-section (1), the Minister must consult with the recognised peak bodies."

How dealt with by the Assembly

Disagreed with, but the following amendment made in the Bill:

Clause 8, page 6, after line 5 insert –

- "(6) Before an appointment can be made under this section, the Minister must publish notice of the vacancy in newspapers circulating generally throughout Victoria."

Amendment No 9

Clause 8, page 6, line 2, omit "(4)" and insert "(5)".

How dealt with by the Assembly

Disagreed with.

Amendment No 10

Clause 8, page 6, after line 5 insert –

- "(6) If the Minister proposes to make a request under section 15 which is likely to impact upon the rights of any class of leaseholders or licenceholders or recreational users of public land, the Minister must request in writing –
- (a) the recognised peak bodies representing leaseholders or licenceholders and recreational users of public land to nominate a panel of between 2 and 5 names of persons expert in the issues relevant to the request; and
 - (b) the recognised peak bodies representing environment protection and conservation interests in the subject matter of the request to nominate a panel of between 2 and 5 names of persons expert in the issue relevant to the request.
- (7) The recognised peak bodies may submit the panels of names to the Minister in writing within 28 days of receipt of the request from the Minister or such longer period as the Minister may allow.
- (8) If a recognised peak body advises the Minister that it does not wish to nominate or does not respond to the request, the Minister may seek nominations from another comparable body in the state of Victoria.
- (9) If the recognised peak bodies requested under sub-section (6)(a) and the recognised peak bodies requested under sub-section (6)(b) nominate panels of names which include the name of the same person, the Minister must appoint that person as a member of the Council for the purposes of the particular investigation.
- (10) If the recognised peak bodies nominate panels of names which do not include a commonly nominated person, the Minister must appoint one from the panel of names submitted by the recognised peak bodies requested under sub-section (6)(a) and one from the panel of names submitted by the recognised peak bodies requested under sub-section (6)(b)."

How dealt with by the Assembly

Disagreed with.

Amendment No 11

Clause 13, line 25, omit "unions" and insert "employees".

How dealt with by the Assembly

Disagreed with, but the following amendment made in the Bill:

Clause 13, omit line 25 and insert –

- "(d) unions and employees;
- (e) tourism industry;
- (f) lease holders of relevant public land;
- (g) licence holders of relevant public land;
- (h) recreational users of relevant public land;"

Amendment No 12

Clause 15, after line 4 insert –

- "(2) Before the Minister can make a request to the Council under sub-section (1), the Minister must consult the recognised peak bodies as to the contents of the request and whether or not any appointments should be made under sections 8(4) and 8(5) for the purposes of the investigation.
- (3) The Minister must not make a request to the Council unless –
 - (a) the Minister has caused an advertisement to be published in a newspaper circulating generally throughout Victoria which sets out the proposed terms of reference; and
 - (b) 28 days has elapsed since the date of publication of the advertisement."

How dealt with by the Assembly

Disagreed with, but the following amendments made in the Bill:

Clause 15, after line 4 insert –

- "(2) The Minister may make a request to the Council under sub-section (1) after the Minister has –
 - (a) caused a notice of the investigation to be published in newspapers circulating generally throughout Victoria which specifies the proposed terms of reference for the investigation;
 - (b) complied with sub-section (3).
- (3) The Minister must allow 28 days for the notification period under sub-section (2)."

Clause 16, after line 13 insert –

- "(2) Within 7 sitting days of each House of the Parliament after the period specified in section 15(3), the Minister must cause to be laid before each House of the Parliament a statement specifying how any comments received on the proposed terms of reference have been dealt with."

Amendment No 15

Clause 18, line 15, omit "geological or geomorphological".

How dealt with by the Assembly

Disagreed with.

Amendment No 16

Clause 20, page 15, after line 4 insert –

- "(4) If an investigation is likely to affect the existing rights of a licenceholder or leaseholder, the Council must make reasonable efforts to advise each person affected in writing where it is practicable to do so.
- (5) If an investigation is likely to impact upon the existing rights of any identified recreational user of the land or area in question, the Council must make reasonable efforts to advise the recognised peak body representing the users in writing.
- (6) If any investigation is undertaken into a particular identified area of public land, the Council must cause notices to be placed on bulletin boards and government offices in and around the area of public land."

How dealt with by the Assembly

Disagreed with, but the following amendment made in the Bill:

Clause 20, page 15, after line 4 insert –

- "(4) If an investigation is likely to affect the existing rights in the relevant public land of any lease holder, licence holder or recreational user, the Council must –
 - (a) make reasonable efforts to advise those persons and peak bodies representing those persons; and
 - (b) where practicable, cause notices to be placed on Department of Natural Resources and Environment notice boards in and around the relevant public land."

On the motion of the Honourable C.C. Broad, and after debate, the Council did not insist on their amendments disagreed with by the Assembly and agreed to the amendments now made by the Assembly in the Bill.

Ordered – That a Message be sent to the Assembly acquainting them accordingly.

17 ADJOURNMENT – The Honourable M.M. Gould moved, That the House do now adjourn.

Debate ensued.

Question – put and resolved in the affirmative.

And then the Council, at 10.46 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 98 – Wednesday, 28 November 2001

1 The President took the Chair and read the Prayer.

2 QUESTIONS – Questions without notice were taken and answers were given to certain questions on notice pursuant to Standing Order No. 71A.

3 PAPERS –

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE – PROTECTING VICTORIA'S CHILDREN: ROLE OF DEPARTMENT OF HUMAN SERVICES – The Honourable R.M. Hallam presented a report from the Public Accounts and Estimates Committee upon the Review of the Auditor-General's Special Report No. 43 – Protecting Victoria's Children: The role of the Department of Human Services, together with Appendices and Minutes of Evidence.

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

* * * * *

METROPOLITAN AMBULANCE SERVICE ROYAL COMMISSION – The Honourable M.M. Gould presented, by command of His Excellency the Governor, copies of Volumes 2, 3, 4 and 5 and Summary of the report of the Royal Commission on the Metropolitan Ambulance Service, November 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:

Auditor-General –

Report on Departmental performance management and reporting, November 2001.

Report on Management of claims by the Victorian WorkCover Authority, November 2001.

A Statutory Rule under the Gaming Machine Control Act 1991 – No. 121.

Victorian Institute of Forensic Mental Health – Report, 2000-2001.

4 BUSINESS POSTPONED – Ordered – That the consideration of the Notices of Motion, General Business and Orders of the Day, General Business, Nos. 1 to 14 inclusive, be postponed until later this day.

5 INFERTILITY TREATMENT (FURTHER AMENDMENT) BILL – The Order of the Day having been read for the second reading of this Bill, the Honourable W. Forwood moved, That this Bill be now read a second time.

On the motion of the Honourable G.W. Jennings, the debate was adjourned until the next day of meeting.

6 BUSINESS POSTPONED – Ordered – That the consideration of Order of the Day, General Business, No. 16, be postponed until later this day.

7 BUSINESS OF THE HOUSE – The Honourable W. Forwood moved, That until the end of December 2001, on days when the Council meets other than Tuesday, Wednesday and Thursday, the time appointed for the asking of questions without notice and the giving of answers to questions on notice shall be 10.00 a.m. and Government Business shall take precedence of all other business thereafter.

Question – put and resolved in the affirmative.

8 COGNATE MOTIONS – The Honourable W. Forwood moved, That this House authorises and requires the Honourable the President to permit the Notices of Motion standing in the name of the Honourable W. Forwood relating to Business of the House, Questions and Presentation of Committee Reports to be moved and debated concurrently.

Question – put and resolved in the affirmative.

9 SESSIONAL ORDERS – Pursuant to the foregoing Order of the Council, the Honourable W. Forwood moved –

BUSINESS OF THE HOUSE

(a) That the Sessional Orders relating to the Business of the House, adopted by the Council on 4 November 1999, as amended on 31 May 2000, 2 November 2000 and 19 September 2001, be now amended as follows:

1. Omit paragraph (b) and insert:

“(b) The transaction of Government Business shall take precedence of all other business, except business governed by Standing Orders Nos. 20A, 68A, and 86, from the conclusion of Questions on Tuesday; from the conclusion of statements by Members on Wednesday; from the conclusion of debate on motions to take note of reports and other papers on Thursday; and from the conclusion of Questions on all other sitting days.”

2. Omit paragraph (c) and insert:

“(c) The transaction of General Business shall take precedence of all other business on Wednesday for three hours following Questions, excluding any period of suspension of the sitting.”

3. Omit paragraph (d) and insert:

“(d) Debate on motions to take note of reports and other papers which have been tabled in the House during the session shall take precedence of all other business on Thursday for a period of one hour following Questions.

Precedence shall be given to any business under this paragraph in the following order:

- (i) a notice of motion to take note of a report of the Auditor-General pursuant to sections 15, 16 and 16A of the *Audit Act 1994* or an Order of the Day for the resumption of the debate on such a motion;
- (ii) a notice of motion to take note of a report of a parliamentary committee or an Order of the Day for the resumption of the debate on such a motion; and
- (iii) a notice of motion to take note of any other report or paper or the resumption of the debate on such a motion.

A Member may speak for a period not exceeding 10 minutes on any motion under this paragraph.

4. Omit paragraph (e) and insert:

“(e) No new business shall be taken after 9.00 p.m.”

5. Omit paragraph (f) and insert:

“(f) The time appointed for the asking of questions without notice, debate on motions to take note of answers to questions without notice and the giving of answers to

questions on notice shall be 2.00 p.m. on Tuesday, and 10.00 a.m. on all other sitting days.”

6. Insert the following new paragraph to follow paragraph (f):

“(g) At the conclusion of General Business on Wednesday and at 2.00 pm on Thursday when any business before the House shall be interrupted, Members may make statements on any topic of concern and any Member may be called by the Chair to make such statement for a period not exceeding 90 seconds. The period allowed for these statements shall not exceed 15 minutes.”

7. Omit “(g)” and insert “(h)”.

(b) That these amendments shall apply from 1 January 2002 and shall have effect until 31 December 2002.

QUESTIONS

That from 1 January 2002 until 31 December 2002, Standing Order No. 71A be suspended and that the procedure to be followed in relation to questions shall be as follows:

Questions without notice

- (a) At the time prescribed by the Sessional Orders Members may ask questions without notice.
- (b) The asking of each question shall not exceed one minute and the answering of each question shall not exceed four minutes.

Supplementary questions

- (c) At the conclusion of each answer the Member may ask a supplementary question of the Minister. The asking of each supplementary question shall not exceed one minute and the answering of each supplementary question shall not exceed one minute.

Motions to take note of answers to questions without notice

- (d) After questions without notice have concluded motions may be moved without notice to take note of answers given that day to questions without notice.
- (e) A Member may speak for not more than five minutes on a motion to take note of an answer.
- (f) The time for debate on all motions to take note of answers to questions without notice on any day shall not exceed 30 minutes.

Answers to questions on notice

- (g) Whenever there are answers to questions on notice the Leader of the Government shall advise the House and circulate a list of the numbers of the questions on notice to which answers are being provided, a copy of the answer shall be given to the Member asking the question, and the answer shall be incorporated in Hansard.

PRESENTATION OF COMMITTEE REPORTS

That from 1 January 2002 until 31 December 2002 Standing Order No. 212 be suspended and that the procedure upon the presentation of any report of a committee appointed pursuant to the *Parliamentary Committees Act 1968*, a select committee of the Council or a joint select committee of the Council and the Assembly shall be as follows:

- (a) Upon the presentation of the report the Council may order that the report be printed with the documents accompanying it.
- (b) The Chairman or other Member of the committee presenting the report may then move without notice, that the Council take note of the report, and may speak for a period not exceeding 10 minutes on such motion.
- (c) The debate on the question shall then be adjourned and the adjourned debate shall become an Order of the Day for the next Thursday when motions to take note of reports and other papers tabled in the House during the session are considered.

Debate ensued.

The Honourable T.C. Theophanous moved, as an amendment, That all the words and expressions after "That" (where first occurring) in the motion relating to Business of the House, be omitted with the view of inserting in place thereof "the proposals contained in the proposed trial sessional orders relating to Business of the House, Questions and Presentation of Committee Reports be referred to the independent Constitutional Commission on the reform of the Upper House for consideration and in particular whether they provide the best arrangements in the context of the need to reform the procedures and electoral process of the Victorian Upper House".

Debate ensued.

Question – That the words and expressions proposed to be omitted stand part of the question – put.

The Council divided.

AYES, 28

The Hon. G.B. Ashman
 B.N. Atkinson
 W.R. Baxter
 R.A. Best
 B.W. Bishop
 B.C. Boardman
 R.H. Bowden
 A.R. Brideson
 A. Coote (*Teller*)
 I.J. Cover (*Teller*)
 G.R. Craige
 D.M. Davis
 P.R. Davis
 W. Forwood
 C.A. Furletti
 P.R. Hall

NOES, 14

The Hon. C.C. Broad.
 E.C. Carbines
 K. Darveniza (*Teller*)
 M.M. Gould
 D.G. Hadden
 G.W. Jennings
 J.M. McQuilten
 J.M. Madden
 J. Mikakos
 S.M. Nguyen
 G.D. Romanes
 R.F. Smith
 T.C. Theophanous (*Teller*)
 M.R. Thomson

R.M. Hallam
P.A. Katsambanis
N.B. Lucas
M.T. Luckins
A.P. Olexander
E.J. Powell
G.K. Rich-Phillips
Dr. J.W.G. Ross
K.M. Smith
W.I. Smith
Graeme Stoney
C.A. Strong

And so it was resolved in the affirmative – Amendment negatived.

Question –

- (a) That the Sessional Orders relating to the Business of the House, adopted by the Council on 4 November 1999, as amended on 31 May 2000, 2 November 2000 and 19 September 2001, be now amended as follows:

1. Omit paragraph (b) and insert:

“(b) The transaction of Government Business shall take precedence of all other business, except business governed by Standing Orders Nos. 20A, 68A, and 86, from the conclusion of Questions on Tuesday; from the conclusion of statements by Members on Wednesday; from the conclusion of debate on motions to take note of reports and other papers on Thursday; and from the conclusion of Questions on all other sitting days.”

2. Omit paragraph (c) and insert:

“(c) The transaction of General Business shall take precedence of all other business on Wednesday for three hours following Questions, excluding any period of suspension of the sitting.”

3. Omit paragraph (d) and insert:

“(d) Debate on motions to take note of reports and other papers which have been tabled in the House during the session shall take precedence of all other business on Thursday for a period of one hour following Questions.

Precedence shall be given to any business under this paragraph in the following order:

- (i) a notice of motion to take note of a report of the Auditor-General pursuant to sections 15, 16 and 16A of the *Audit Act 1994* or an Order of the Day for the resumption of the debate on such a motion;
- (ii) a notice of motion to take note of a report of a parliamentary committee or an Order of the Day for the resumption of the debate on such a motion; and

- (iii) a notice of motion to take note of any other report or paper or the resumption of the debate on such a motion.

A Member may speak for a period not exceeding 10 minutes on any motion under this paragraph.

- 4. Omit paragraph (e) and insert:

“(e) No new business shall be taken after 9.00 p.m.”

- 5. Omit paragraph (f) and insert:

“(f) The time appointed for the asking of questions without notice, debate on motions to take note of answers to questions without notice and the giving of answers to questions on notice shall be 2.00 p.m. on Tuesday, and 10.00 a.m. on all other sitting days.”

- 6. Insert the following new paragraph to follow paragraph (f):

“(g) At the conclusion of General Business on Wednesday and at 2.00 p.m. on Thursday when any business before the House shall be interrupted, Members may make statements on any topic of concern and any Member may be called by the Chair to make such statement for a period not exceeding 90 seconds. The period allowed for these statements shall not exceed 15 minutes.”

- 7. Omit “(g)” and insert “(h)”.

- (b) That these amendments shall apply from 1 January 2002 and shall have effect until 31 December 2002.”

— put and resolved in the affirmative.

Question —

That from 1 January 2002 until 31 December 2002, Standing Order No. 71A be suspended and that the procedure to be followed in relation to questions shall be as follows:

Questions without notice

- (a) At the time prescribed by the Sessional Orders Members may ask questions without notice.
- (b) The asking of each question shall not exceed one minute and the answering of each question shall not exceed four minutes.

Supplementary questions

- (c) At the conclusion of each answer the Member may ask a supplementary question of the Minister. The asking of each supplementary question shall not exceed one minute and the answering of each supplementary question shall not exceed one minute.

Motions to take note of answers to questions without notice

- (d) After questions without notice have concluded motions may be moved without notice to take note of answers given that day to questions without notice.

- (e) A Member may speak for not more than five minutes on a motion to take note of an answer.
- (f) The time for debate on all motions to take note of answers to questions without notice on any day shall not exceed 30 minutes.

Answers to questions on notice

- (g) Whenever there are answers to questions on notice the Leader of the Government shall advise the House and circulate a list of the numbers of the questions on notice to which answers are being provided, a copy of the answer shall be given to the Member asking the question, and the answer shall be incorporated in Hansard.

– put and resolved in the affirmative.

The Honourable K.M. Smith moved, as an amendment to the motion relating to Presentation of Committee Reports, That the words “report, and may speak for a period not exceeding 10 minutes on such motion” in paragraph (b) be omitted “ with the view of inserting in place thereof “report. A Member may speak for not more than five minutes on such a motion and the debate at the stage of presenting the report shall not exceed 15 minutes.”.

Question – That the words proposed to be omitted stand part of the question – put and negated.

Question – That the words proposed to be inserted be so inserted – put and resolved in the affirmative – Amendment agreed to.

The Honourable K.M. Smith moved, as an amendment to the motion relating to Presentation of Committee Reports, That the word “shall” in paragraph (c) be omitted with the view of inserting in place thereof “may”.

Question – That the word proposed to be omitted stand part of the question – put and negated.

Question – That the word proposed to be inserted be so inserted – put and resolved in the affirmative – Amendment agreed to.

Question – That from 1 January 2002 until 31 December 2002 Standing Order No. 212 be suspended and that the procedure upon the presentation of any report of a committee appointed pursuant to the *Parliamentary Committees Act 1968*, a select committee of the Council or a joint select committee of the Council and the Assembly shall be as follows:

- (a) Upon the presentation of the report the Council may order that the report be printed with the documents accompanying it.
- (b) The Chairman or other Member of the committee presenting the report may then move without notice, that the Council take note of the report. A Member may speak for not more than five minutes on such a motion and the debate at the stage of presenting the report shall not exceed 15 minutes.
- (c) The debate on the question may then be adjourned and the adjourned debate shall become an Order of the Day for the next Thursday when motions to take note of reports and other papers tabled in the House during the session are considered.

– put and resolved in the affirmative.

- 10 FAST RAIL LINKS PROJECTS** – The Honourable R.A. Best moved, That this House calls on the Government to substantiate its claim that benefits, including improved travel time for all rail users along the identified rail corridors, increased population growth, greater rail patronage and greater employment

opportunities, will be an outcome of the Fast Rail Links Project (FRLP) and questions whether the expenditure of \$800 million could be better directed on other projects that would deliver more beneficial outcomes to all country Victorians.

General Business having been interrupted pursuant to Sessional Orders the debate was adjourned with the Honourable R.A. Best to continue his speech.

11 SCOTCH COLLEGE COMMON FUNDS BILL – The President announced the receipt of a Message from the Assembly transmitting a Bill *to enable Scotch College to establish investment common funds for the collective investment of trust funds and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable C.A. Furletti, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

12 BUSINESS POSTPONED – Ordered – That the consideration of Government Business, Orders of the Day, Nos. 1 to 4 inclusive, be postponed until later this day.

13 ACCIDENT COMPENSATION (AMENDMENT) BILL – The Order of the Day having been read for the second reading of this Bill, the Honourable M.M. Gould moved, That this Bill be now read a second time.

On the motion of the Honourable P.A. Katsambanis, the debate was adjourned until the next day of meeting.

14 ANIMALS LEGISLATION (RESPONSIBLE OWNERSHIP) BILL – The Order of the Day having been read for the second reading of this Bill, the Honourable C.C. Broad moved, That this Bill be now read a second time.

On the motion of the Honourable K.M. Smith (for the Honourable P.R. Davis), the debate was adjourned until the next day of meeting.

15 TRANSPORT (ALCOHOL AND DRUG CONTROLS) BILL – The Order of the Day having been read for the second reading of this Bill, the Honourable C.C. Broad moved, That this Bill be now read a second time.

The Honourable C.C. Broad made a statement pursuant to section 85(5) of the *Constitution Act 1975* on the reasons for altering or varying this section.

On the motion of the Honourable K.M. Smith (for the Honourable G.B. Ashman), the debate was adjourned until the next day of meeting.

16 ROAD SAFETY (FURTHER AMENDMENT) BILL – The Order of the Day having been read for the second reading of this Bill, the Honourable C.C. Broad moved, That this Bill be now read a second time.

On the motion of the Honourable K.M. Smith (for the Honourable G.B. Ashman), the debate was adjourned until the next day of meeting.

17 MARINE (HIRE AND DRIVE VESSELS) BILL – The Order of the Day having been read for the second reading of this Bill, the Honourable C.C. Broad moved, That this Bill be now read a second time.

On the motion of the Honourable K.M. Smith (for the Honourable P.R. Davis), the debate was adjourned until the next day of meeting.

18 VICTORIAN INSTITUTE OF TEACHING BILL – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time.

Debate resumed.

Question – put and resolved in the affirmative.

Bill read a second time and committed to a Committee of the whole.

House in Committee.

The Acting President resumed the Chair; and the Honourable B.W. Bishop having reported that the Committee had agreed to the Bill with amendments, the House adopted the Report, and the Bill was read a third time and passed.

Ordered – That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same with amendments, and desiring their concurrence therein.

19 ADJOURNMENT – The Honourable M.M. Gould moved, That the House do now adjourn.

Question – put and resolved in the affirmative.

And then the Council, at 6.14 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 99 – Thursday, 29 November 2001

- 1 The President took the Chair and read the Prayer.
- 2 **FAIR TRADING (UNCONSCIONABLE CONDUCT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Fair Trading Act 1999 and for other purposes* and desiring the concurrence of the Council therein.
On the motion of the Honourable M.R. Thomson, the Bill was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 3 **SECOND-HAND DEALERS AND PAWNBROKERS (AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Second-Hand Dealers and Pawnbrokers Act 1989 and for other purposes* and desiring the concurrence of the Council therein.
On the motion of the Honourable M.R. Thomson, the Bill was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 4 **LIVESTOCK DISEASE CONTROL (AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Livestock Disease Control Act 1994 and for other purposes* and desiring the concurrence of the Council therein.
On the motion of the Honourable C.C. Broad, the Bill was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 5 **JUDICIAL REMUNERATION TRIBUNAL (AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly returning this Bill and acquainting the Council that they have disagreed with the amendments made by the Council in this Bill.
Ordered – That the Message be taken into consideration on the next day of meeting.
- 6 **QUESTIONS** – Questions without notice were taken and answers were given to certain questions on notice pursuant to Standing Order No. 71A.
- 7 **PAPERS** –
SUPREME COURT JUDGES – The Honourable M.R Thomson presented, by command of His Excellency the Governor, the Report of the Supreme Court Judges for the year 2000.

Ordered to lie on the Table.

FAMILY AND COMMUNITY DEVELOPMENT COMMITTEE – MARKETPLACE DISCRIMINATION AGAINST WOMEN CONSUMERS –
The Honourable G.D. Romanes presented a report from the Family and Community Development Committee upon Marketplace Discrimination against Women Consumers, together with Minutes of Evidence.

Ordered to lie on the Table and the Report 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:

Dunmunkle Health Services – Report, 2000-2001.

East Gippsland Region Water Authority – Report, 2000-2001.

Far East Gippsland Health and Support Service – Report, 2000-2001 (three papers).

Freedom of Information Act 1982 – Report of the Attorney-General on the operation of the Act, 2000-2001.

Government Superannuation Office – Report, 2000-2001.

Intellectually Disabled Persons' Services Act 1986 – Report of Community Visitors, 2000-2001.

Members of Parliament (Register of Interests) Act 1978 – Summary of Variations notified between 1 October 2001 and 28 November 2001.

Parliamentary Committees Act 1968 –

Minister's response to Drug and Crime Prevention Committee's Final report into Public Drunkenness.

Minister's response to Family and Community Development Committee's Final report into the Effects of Television and Multimedia on Children and Families in Victoria.

Minister's response to Road Safety Committee's report on Victoria's Vehicle Roadworthiness System.

Rural Finance Act 1988 – Treasurer's directives of 14 July 2001 and 30 October 2001 to Rural Finance Corporation.

8 BUSINESS POSTPONED – Ordered – That the consideration of the Notices of Motion to Take Note of Reports be postponed until later this day.

9 SENTENCING (EMERGENCY SERVICE COSTS) BILL – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time.

Debate resumed.

Question – put and resolved in the affirmative.

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

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

10 WATER (IRRIGATION FARM DAMS) BILL – The Deputy President announced the receipt of a Message from the Assembly returning this Bill and acquainting the Council that they have disagreed with the amendments made by the Council in this Bill.

Ordered – That the Message be taken into consideration on the next day of meeting.

11 HOUSE CONTRACTS GUARANTEE (HIH FURTHER AMENDMENT) BILL –
The Deputy President announced the receipt of a Message from the Assembly transmitting a Bill to further amend the House Contracts Guarantee Act 1987 in

relation to the Domestic Building (HIH) Indemnity Scheme and for other purposes and desiring the concurrence of the Council therein.

On the motion of the Honourable M.M. Gould, the Bill was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

12 FAIR TRADING (UNCONSCIONABLE CONDUCT) BILL – The Order of the Day having been read for the second reading of this Bill, the Honourable M.R. Thomson moved, That this Bill be now read a second time.

On the motion of the Honourable K.M. Smith (for the Honourable C.A. Furletti), the debate was adjourned until the next day of meeting.

13 SECOND-HAND DEALERS AND PAWNBROKERS (AMENDMENT) BILL – The Order of the Day having been read for the second reading of this Bill, the Honourable M.R. Thomson moved, That this Bill be now read a second time.

On the motion of the Honourable K.M. Smith (for the Honourable C.A. Furletti), the debate was adjourned until the next day of meeting.

14 LIVESTOCK DISEASE CONTROL (AMENDMENT) BILL – The Order of the Day having been read for the second reading of this Bill, the Honourable C.C. Broad moved, That this Bill be now read a second time.

On the motion of the Honourable K.M. Smith (for the Honourable P.R. Davis), the debate was adjourned until the next day of meeting.

15 HOUSE CONTRACTS GUARANTEE (HIH FURTHER AMENDMENT) BILL – The Order of the Day having been read for the second reading of this Bill, the Honourable M.M. Gould moved, That this Bill be now read a second time.

Debate ensued.

Question – put and resolved in the affirmative.

Bill read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honourable B.W. Bishop having reported that the Committee had made progress in the Bill and had agreed to the following resolution:

That it be a suggestion to the Assembly that they make the following amendment in the Bill:

Clause 7, page 5, after line 27 insert –

"(7) The exclusion by sub-section (1)(aa) of a developer covered by a HIH policy from an indemnity under section 37 in respect of building work does not apply to a developer who lodged a claim with HGFL before 1 November 2001.

(8) The exclusion by sub-section (1)(ba) of a loss indemnified under a HIH policy from an indemnity under section 37 does not apply to a loss a claim for which was lodged with HGFL before 1 November 2001."

On the motion of the Honourable M.M. Gould, the Council adopted the resolution reported from the Committee of the whole.

Ordered – That the Bill be returned to the Assembly with a Message suggesting that the Assembly amend the same as set forth in the foregoing resolution.

Resolved – That the Council will, later this day, again resolve itself into the said Committee.

16 ACCIDENT COMPENSATION (AMENDMENT) BILL – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time.

Debate resumed.

Question – put and resolved in the affirmative.

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

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

17 ROAD SAFETY (FURTHER AMENDMENT) BILL – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time.

Debate resumed.

Question – put and resolved in the affirmative.

Bill read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honourable B.W. Bishop having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

18 FILM BILL – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time.

Debate resumed.

Question – put and resolved in the affirmative.

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

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

19 AUDIT (FURTHER AMENDMENT) BILL – The President announced the receipt of a Message from the Assembly transmitting a Bill *to make further amendments to the Audit Act 1994 with respect to the powers of the Auditor-General, to amend the Constitution Act 1975 to indemnify 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 desiring the concurrence of the Council therein.

On the motion of the Honourable M.M. Gould, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

20 LIQUOR CONTROL REFORM (PROHIBITED PRODUCTS) BILL – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Liquor Control Reform Act 1998 to prohibit or restrict the sale of certain alcoholic products and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable M.R. Thomson, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

21 AUCTION SALES (REPEAL) BILL – The President announced the receipt of a Message from the Assembly transmitting a Bill *to repeal the Auction Sales Act 1958 and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable M.R. Thomson, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

22 COUNTRY FIRE AUTHORITY (MISCELLANEOUS AMENDMENTS) BILL – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Country Fire Authority Act 1958 and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable J.M. Madden, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

23 ENERGY LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL – The President announced the receipt of a Message from the Assembly transmitting a Bill *to make miscellaneous amendments to the Electricity Industry Act 2000 and the Gas Industry Act 2001 and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable C.C. Broad, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting day.

24 VICTORIAN INSTITUTE OF TEACHING BILL – The President announced the receipt of a Message from the Assembly returning this Bill and acquainting the Council that they have agreed to some of the amendments made by the Council, have disagreed with others of the said amendments made by the Council, and have agreed to the remaining amendments each with an amendment, and desiring the concurrence of the Council therein.

Ordered – That the Message be taken into consideration on the next day of meeting.

25 HOUSE CONTRACTS GUARANTEE (HIH FURTHER AMENDMENT) BILL – The President announced the receipt of a Message from the Assembly returning this Bill and acquainting the Council that the Assembly, having considered the Message of the Council suggesting on the consideration of the Bill in Committee that the Assembly make an amendment in such Bill, have not made the amendment suggested by the Council.

Ordered – That the Message be referred to the Committee of the whole on the Bill.

26 ADJOURNMENT – The Honourable M.M. Gould moved, That the Council, at its rising, adjourn until Tuesday next at 10.00 a.m.

Question – put and resolved in the affirmative.

The Honourable M.M. Gould moved, That the House do now adjourn.

Debate ensued.

Question – put and resolved in the affirmative.

And then the Council, at 11.43 p.m., adjourned until Tuesday next at 10.00 a.m.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

LEGISLATIVE COUNCIL OF VICTORIA

MINUTES OF THE PROCEEDINGS Nos. 100, 101 and 102

No. 100 – Tuesday, 4 December 2001

- 1 The President took the Chair and read the Prayer.
- 2 **THE LATE JOHN WILLIAM STORRIER RADFORD** – The Honourable M.M. Gould moved, That this House expresses its sincere sorrow at the death, on 27 November 2001, of John William Storrier Radford, and places on record its acknowledgment of the valuable services rendered by him to the Parliament and the people of Victoria as a Member of the Legislative Council for the Bendigo Province from 1979 to 1985.
And other Honourable Members and the President having addressed the House – The question was put and, Honourable Members signifying their assent by rising in their places, unanimously resolved in the affirmative.
- 3 **ADJOURNMENT** – The Honourable M.M. Gould moved, That as a further mark of respect to the memory of the late John William Storrier Radford, the House do now adjourn for 30 minutes.
Question – put and resolved in the affirmative.
And then the Council, at 10.30 a.m., adjourned until this day at 11.00 a.m.

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- 1 The President took the Chair.
 - 2 **ASSENT TO ACTS** – The Honourable M.M. Gould presented a Message from His Excellency the Governor informing the Council that he had, this day, given the Royal Assent to the undermentioned Acts presented to him by the Clerk of the Parliaments:
Sentencing (Emergency Service Costs) Act
Victorian Environment Assessment Council Act.
 - 3 **BUSINESS OF THE HOUSE** – The Honourable M.M. Gould moved, by leave, That so much of the Sessional Orders be suspended as would prevent General Business taking precedence of all other business for two hours following questions during the sitting of the Council on Wednesday, 5 December 2001.
Question – put and resolved in the affirmative.
 - 4 **PETITION – MONASH FREEWAY CENTRE BARRIERS** – The Honourable N.B. Lucas presented a Petition bearing 2,108 signatures from certain citizens of Victoria requesting that the Minister for Transport immediately introduce a program for the installation of centre barriers on the Monash Freeway eastwards from Warrigal Road, and moved, That it do lie on the Table and be read by the Clerk.
Question – put and resolved in the affirmative.

The Clerk read the petition.

5 PAPERS –

BLF CUSTODIAN'S REPORT – The Honourable M.M. Gould moved, by leave, That there be laid before this House a copy of Report No. 53 for the period ending 30 November 2001, given to Mr President, pursuant to section 7A of the *BLF (De-recognition) Act 1985* by the Custodian appointed under section 7(1) of that Act.

Question – put and resolved in the affirmative.

The said Report was thereupon presented by the Honourable M.M. Gould 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:

Desert Fringe Regional Waste Management Group – Minister's report of 29 November 2001 of failure to submit 2000-2001 report to her within the prescribed period and the reasons therefor.

EcoRecycle Victoria –

Minister's report of 29 November 2001 of failure to submit 2000-2001 report to her within the prescribed period and the reasons therefor.

Report, 2000-2001.

Melbourne Parks and Waterways – Minister's report of 29 November 2001 of failure to submit 2000-2001 report to her within the prescribed period and the reasons therefor.

Mildura Regional Waste Management Group – Minister's report of 29 November 2001 of failure to submit 2000-2001 report to her within the prescribed period and the reasons therefor.

Murray Valley Citrus Marketing Board – Minister's report of 28 November 2001 of failure to submit 2000-2001 report to him within the prescribed period and the reasons therefor.

Murray Valley Wine Grape Industry Development Committee – Minister's report of 28 November 2001 of failure to submit 2000-2001 report to him within the prescribed period and the reasons therefor.

Northern Victorian Fresh Tomato Industry Development Committee – Minister's report of 28 November 2001 of failure to submit 2000-2001 report to him within the prescribed period and the reasons therefor.

Planning and Environment Act 1987 – Notices of Approval of the following amendments to planning schemes:

Alpine Resorts Planning Scheme – Amendment C10.

Banyule Planning Scheme – Amendment C24.

Frankston Planning Scheme – Amendment C14.

Swan Hill Planning Scheme – Amendment C7.

Yarra Ranges Planning Scheme – Amendment C12.

* * * *

PROCLAMATIONS – Proclamations of His Excellency the Governor in Council fixing operative dates in respect of the following Acts were laid upon the Table by the Clerk pursuant to an Order of the Council on 4 November 1999:

Marine (Amendment) Act 2000 – 3 December 2001 (*Gazette No. G48, 29 November 2001*).

Marine Safety Legislation (Lakes Hume and Mulwala) Act 2001 – 1 December 2001 (*Gazette No. G48, 29 November 2001*).

- 6 AUDIT (FURTHER AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable M.M. Gould moved, That this Bill be now read a second time.
On the motion of the Honourable D.M. Davis, the debate was adjourned until the next day of meeting.
- 7 LIQUOR CONTROL REFORM (PROHIBITED PRODUCTS) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable M.R. Thomson moved, That this Bill be now read a second time.
On the motion of the Honourable C.A. Furletti, the debate was adjourned until later this day.
- 8 AUCTION SALES (REPEAL) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable M.R. Thomson moved, That this Bill be now read a second time.
On the motion of the Honourable C.A. Furletti, the debate was adjourned until later this day.
- 9 COUNTRY FIRE AUTHORITY (MISCELLANEOUS AMENDMENTS) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable J.M. Madden moved, That this Bill be now read a second time.
On the motion of the Honourable B.C. Boardman, the debate was adjourned until the next day of meeting.
- 10 ENERGY LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable C.C. Broad moved, That this Bill be now read a second time.
On the motion of the Honourable P.R. Davis, the debate was adjourned until later this day.
- 11 BUSINESS POSTPONED** – Ordered – That the consideration of Order of the Day, Government Business, No. 6, be postponed until later this day.
- 12 ANIMALS LEGISLATION (RESPONSIBLE OWNERSHIP) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time.
Debate resumed.
Question – put and resolved in the affirmative.
Bill read a second time and, by leave, read a third time and passed.
Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.
- 13 QUESTIONS** – Questions without notice were taken and answers were given to certain questions on notice pursuant to Standing Order No. 71A.
- 14 AUDIT (FURTHER AMENDMENT) BILL – STANDING ORDERS SUSPENDED** – The Honourable M.M. Gould moved, by leave, That so much of the Standing Orders be suspended as would prevent motions for the second reading of the Audit (Further Amendment) Bill and for the adjournment of the debate on the Bill being again moved.
Question – put and resolved in the affirmative.
- 15 AUDIT (FURTHER AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable M.M. Gould moved, That this Bill be now read a second time.
On the motion of the Honourable D.M. Davis, the debate was adjourned until later this day.

16 PETROLEUM (SUBMERGED LANDS) (AMENDMENT) BILL – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time.

Debate resumed.

Question – put and resolved in the affirmative.

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

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

17 TRANSPORT (ALCOHOL AND DRUG CONTROLS) BILL – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time.

Debate resumed.

Question – put and resolved in the affirmative.

Bill read a second time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and, by leave, read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

18 MARINE (HIRE AND DRIVE VESSELS) BILL – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time.

Debate resumed.

The Honourable B.W. Bishop moved, as an amendment, That all the words after "That" be omitted with the view of inserting in place thereof "this Bill be withdrawn and redrafted to provide for a boat operators licence to only be required when operating a vessel propelled by mechanical power at a speed greater than 10 knots, except in the case of a personal watercraft where any person who drives a personal watercraft must have a boat operators licence with a personal watercraft endorsement."

Debate ensued.

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

The Council divided.

AYES, 36

The Hon. G.B. Ashman
 B.N. Atkinson
 B.C. Boardman
 R.H. Bowden
 A.R. Brideson
 C.C. Broad
 E.C. Carbines
 A. Coote
 I.J. Cover
 G.R. Craige
 K. Darveniza
 D.M. Davis
 P.R. Davis

NOES, 6

The Hon. W.R. Baxter
 R.A. Best (*Teller*)
 B.W. Bishop
 P.R. Hall
 R.M. Hallam
 E.J. Powell (*Teller*)

W. Forwood
C.A. Furletti
M.M. Gould
D.G. Hadden
G.W. Jennings
P.A. Katsambanis
N.B. Lucas
M.T. Luckins (*Teller*)
J.M. McQuilten (*Teller*)
J.M. Madden
J. Mikakos
S.M. Nguyen
A.P. Olexander
G.K. Rich-Phillips
G.D. Romanes
Dr J.W.G. Ross
K.M. Smith
R.F. Smith
W.I. Smith
Graeme Stoney
C.A. Strong
T.C. Theophanous
M.R. Thomson

And so it was resolved in the affirmative – Amendment negatived.

Question – That this Bill be now read a second time – put and resolved in the affirmative.

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

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

19 FAIR TRADING (UNCONSCIONABLE CONDUCT) BILL – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time.

Debate resumed.

Question – put and resolved in the affirmative.

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

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

20 ADJOURNMENT – The Honourable M.M. Gould moved, That the House do now adjourn.

Debate ensued.

Question – put and resolved in the affirmative.

And then the Council, at 11.41 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 101 – Wednesday, 5 December 2001

- 1 The President took the Chair and read the Prayer.
- 2 **QUESTIONS** – Questions without notice were taken pursuant to Standing Order No. 71A.

3 **PAPERS** –

ECONOMIC DEVELOPMENT COMMITTEE – EXPORT OPPORTUNITIES FOR RURAL INDUSTRIES – The Honourable N.B. Lucas presented an Interim Report from the Economic Development Committee upon Export Opportunities for Victorian Rural Industries.

Ordered to lie on the Table and to be printed.

* * * * *

ENVIRONMENT AND NATURAL RESOURCES COMMITTEE – FISHERIES MANAGEMENT – The Honourable Graeme Stoney presented the First Report from the Environment and Natural Resources Committee upon Fisheries Management across Victoria and upon Sustainable Management of the Victorian Abalone and Rock Lobster Fisheries, 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 – ANNUAL REPORT – The Honourable R.M. Hallam presented the 2000-2001 Annual Report 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:

Alexander and District Ambulance Service – Minister for Health's report of receipt of the 2000-2001 report.

Colac Community Health Services – Report, 2000-2001.

Djerriwarrh Health Services – Report, 2000-2001.

O'Connell Family Centre – Minister for Health's report of 3 December 2001 of receipt of the 2000-2001 report.

Pharmacy Board of Victoria – Report, 2000-2001.

Statutory Rules under the following Acts of Parliament:

County Court Act 1958 – Nos. 122, 123 and 124.

Lotteries Gaming and Betting Act 1966 – No. 126.

Marine Act 1988 – No. 127.

Victorian Qualifications Authority Act 2000 – No. 128.

Water Industry Act 1994 – No. 125.

Subordinate Legislation Act 1994 – Minister's exception certificates under section 8(4) in respect of Statutory Rules Nos. 122 to 124.

- 4 **BUSINESS POSTPONED** – Ordered – That the consideration of Notices of Motion, General Business, Nos. 1 to 12 inclusive, be postponed until later this day.

5 URBAN AND REGIONAL LAND CORPORATION MANAGING DIRECTOR – The Honourable W. Forwood moved –

- (a) That a Select Committee of five members be appointed to enquire into and report upon any matters relating to the selection, appointment and resignation of Mr. Jim Reeves as Managing Director of the Urban and Regional Land Corporation, together with any involvement of external agencies and consultants.
- (b) That the Committee shall consist of two members nominated by the Leader of the Government, two members nominated by the Leader of the Opposition and one member nominated by the Leader of the National Party.
- (c) That the members shall be appointed by lodgement of the names with the President by the Leaders no later than 4.00 p.m. on Thursday, 6 December 2001.
- (d) That the first meeting of the Committee shall be held at 10.30 a.m. on Friday, 7 December 2001.
- (e) That the Committee may proceed to the despatch of business notwithstanding that all members have not been appointed and notwithstanding any vacancy.
- (f) That the Committee shall elect a Deputy Chairman to act as Chairman at any time when the Chairman is not present at a meeting of the Committee.
- (g) That three members of the Committee shall constitute a quorum.
- (h) That the Committee may send for persons, papers and records.
- (i) That the Committee may authorise the publication of any evidence taken by it in public and any documents presented to it.
- (j) That reports of the Committee may be presented to the Council from time to time and that the Committee present its final report to the Council on or before 31 May 2002.
- (k) That the presentation of a report or an interim report of the Committee shall not be deemed to terminate the Committee's appointment, powers or functions.
- (l) That the Committee shall, unless it otherwise resolves, take all evidence in public and may otherwise sit in public at anytime if it so decides.
- (m) That the foregoing provisions of this resolution, so far as they are inconsistent with the Standing Orders and practice of the Council, shall have effect notwithstanding anything contained in the Standing Orders.

Debate ensued.

The Honourable G.W. Jennings moved, as an amendment, That the expression "and the circumstances surrounding contracts entered into between the Urban Land Authority (now known as the URLC) and KNF Advertising Pty Ltd since 1992." be inserted at the end of paragraph (a).

The President ruled this amendment out of order.

The Honourable G.W. Jennings moved, as an amendment, That the expression "two" (where first occurring) be omitted in paragraph (b) with the view of inserting in place thereof "three".

Question – That the expression proposed to be omitted stand part of the question – put.

The Council divided.

	AYES, 27		NOES, 14
The Hon.	G.B. Ashman (<i>Teller</i>)	The Hon.	C.C. Broad
	W.R. Baxter		E.C. Carbines (<i>Teller</i>)
	R.A. Best		K. Darveniza
	M.A. Birrell		M.M. Gould
	B.W. Bishop		D.G. Hadden
	B.C. Boardman		G.W. Jennings
	R.H. Bowden		J.M. McQuilten
	A.R. Brideson		J.M. Madden
	A. Coote (<i>Teller</i>)		J. Mikakos
	I.J. Cover		S.M. Nguyen
	G.R. Craige		G.D. Romanes
	P.R. Davis		R.F. Smith (<i>Teller</i>)
	W. Forwood		T.C. Theophanous
	C.A. Furletti		M.R. Thomson
	P.R. Hall		
	R.M. Hallam		
	P.A. Katsambanis		
	N.B. Lucas		
	M.T. Luckins		
	A.P. Olexander		
	E.J. Powell		
	G.K. Rich-Phillips		
	Dr. J.W.G. Ross		
	K.M. Smith		
	W.I. Smith		
	Graeme Stoney		
	C.A. Strong		

And so it was resolved in the affirmative – Amendment negated.

The Honourable G.W. Jennings moved, as an amendment, That the expression “three” in paragraph (g), be omitted with the view of inserting in place thereof “four”.

Question – That the expression proposed to be omitted stand part of the question – put and resolved in the affirmative – Amendment negated.

The Honourable G.W. Jennings moved, as an amendment, That the expression “31 May 2002” in paragraph (j) be omitted with the view of inserting in place thereof “31 January 2002”.

Question – That the expression proposed to be omitted stand part of the question – put and resolved in the affirmative – Amendment negated.

Question –

- (a) That a Select Committee of five members be appointed to enquire into and report upon any matters relating to the selection, appointment and resignation of Mr. Jim Reeves as Managing Director of the Urban and Regional Land Corporation, together with any involvement of external agencies and consultants.
- (b) That the Committee shall consist of two members nominated by the Leader of the Government, two members nominated by the Leader of the

Opposition and one member nominated by the Leader of the National Party.

- (c) That the members shall be appointed by lodgement of the names with the President by the Leaders no later than 4.00 p.m. on Thursday, 6 December 2001.
- (d) That the first meeting of the Committee shall be held at 10.30 a.m. on Friday, 7 December 2001.
- (e) That the Committee may proceed to the despatch of business notwithstanding that all members have not been appointed and notwithstanding any vacancy.
- (f) That the Committee shall elect a Deputy Chairman to act as Chairman at any time when the Chairman is not present at a meeting of the Committee.
- (g) That three members of the Committee shall constitute a quorum.
- (h) That the Committee may send for persons, papers and records.
- (i) That the Committee may authorise the publication of any evidence taken by it in public and any documents presented to it.
- (j) That reports of the Committee may be presented to the Council from time to time and that the Committee present its final report to the Council on or before 31 May 2002.
- (k) That the presentation of a report or an interim report of the Committee shall not be deemed to terminate the Committee's appointment, powers or functions.
- (l) That the Committee shall, unless it otherwise resolves, take all evidence in public and may otherwise sit in public at anytime if it so decides.
- (m) That the foregoing provisions of this resolution, so far as they are inconsistent with the Standing Orders and practice of the Council, shall have effect notwithstanding anything contained in the Standing Orders

– put.

The Council divided.

AYES, 28

The Hon. G.B. Ashman
 W.R. Baxter
 R.A. Best
 M.A Birrell
 B.W. Bishop
 B.C. Boardman
 R.H. Bowden
 A.R. Brideson
 A. Coote
 I.J. Cover
 G.R. Craige
 D.M. Davis (*Teller*)
 P.R. Davis
 W. Forwood
 C.A. Furletti
 P.R. Hall
 R.M. Hallam
 P.A. Katsambanis

NOES, 14

The Hon. C.C. Broad
 E.C. Carbines
 K. Darveniza (*Teller*)
 M.M. Gould
 D.G. Hadden
 G.W. Jennings
 J.M. McQuilten
 J.M. Madden
 J. Mikakos (*Teller*)
 S.M. Nguyen
 G.D. Romanes
 R.F. Smith
 T.C. Theophanous
 M.R. Thomson

N.B. Lucas
 M.T. Luckins
 A.P. Olexander
 E.J. Powell
 G.K. Rich-Phillips
 Dr. J.W.G. Ross
 K.M. Smith
 W.I. Smith (*Teller*)
 Graeme Stoney
 C.A. Strong

And so it was resolved in the affirmative.

6 BUSINESS POSTPONED –

Ordered – That the consideration of Notice of Motion, General Business, No. 14, be postponed until the next day of meeting.

Ordered – That the consideration of Orders of the Day, General Business, Nos. 1 to 17 inclusive, be postponed until later this day.

7 SCOTCH COLLEGE COMMON FUNDS BILL – The Order of the Day having been read for the second reading of this Bill, the Honourable A. Coote moved, That this Bill be now read a second time.

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

The Honourable A. Coote moved, That this Bill be dealt with as a Public Bill except in relation to the payment of fees.

Question – put and resolved in the affirmative.

And the Honourable A. Coote having produced a receipt showing that the sum of \$1000 had been paid to the Department of the Legislative Council to meet the expenses of the Bill –

Debate ensued.

Question – That this Bill be now read a second time – put and resolved in the affirmative.

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

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

8 BUSINESS POSTPONED – Ordered – That the consideration of remaining General Business be postponed until the next day of meeting.

9 MEMBERS' PECUNIARY INTERESTS – The Honourable M.M. Gould moved –

(a) That a Select Committee of six members be appointed to enquire into and report upon any matters related to the failure of the Honourable W.R. Baxter, MLC, the Honourable P.A. Katsamabanis, MLC, the Honourable K.M. Smith, MLC, and the Honourable Graeme Stoney, MLC to fully declare their pecuniary interests as required by the *Members of Parliament (Register of Interests) Act 1978*.

(b) That the Committee shall consist of three members nominated by the Leader of the Government, two members nominated by the Leader of the Opposition and one member nominated by the Leader of the National Party.

(c) That the members shall be appointed by lodgement of the names with the President by the Leaders no later than 4.00 p.m. on Thursday, 6 December 2001.

- (d) That the first meeting of the Committee shall be held at 10.30 a.m. on Friday, 7 December 2001.
- (e) That the Committee may proceed to the despatch of business notwithstanding that all members have not been appointed and notwithstanding any vacancy.
- (f) That the Committee shall elect a Deputy Chairman to act as Chairman at any time when the Chairman is not present at a meeting of the Committee.
- (g) That four members of the Committee shall constitute a quorum.
- (h) That the Committee may send for persons, papers and records.
- (i) That the Committee may authorise the publication of any evidence taken by it in public and any documents presented to it.
- (j) That reports of the Committee may be presented to the Council from time to time and that the Committee present its final report to the Council on or before 31 May 2002.
- (k) That the presentation of a report or an interim report of the Committee shall not be deemed to terminate the Committee's appointment, powers or functions.
- (l) That the Committee shall, unless it otherwise resolves, take all evidence in public and may otherwise sit in public at anytime if it so decides.
- (m) That the foregoing provisions of this resolution, so far as they are inconsistent with the Standing Orders and practice of the Council, shall have effect notwithstanding anything contained in the Standing Orders.

Debate ensued.

Question – put and negatived.

10 VOTING IRREGULARITY BY MEMBER FOR CHELSEA PROVINCE – The Honourable M.M. Gould moved –

- (a) That a Select Committee of six members be appointed to enquire into any matters related to the failure of the Member for Chelsea Province, the Honourable B.C. Boardman, MLC to vote in accordance with *The Constitution Act Amendment Act 1958*.
- (b) That the Committee shall consist of three members nominated by the Leader of the Government, two members nominated by the Leader of the Opposition and one member nominated by the Leader of the National Party.
- (c) That the members shall be appointed by lodgement of the names with the President by the Leaders no later than 4.00 p.m. on Thursday, 6 December 2001.
- (d) That the first meeting of the Committee shall be held at 10.30 a.m. on Friday, 7 December 2001.
- (e) That the Committee may proceed to the despatch of business notwithstanding that all members have not been appointed and notwithstanding any vacancy.
- (f) That the Committee shall elect a Deputy Chairman to act as Chairman at any time when the Chairman is not present at a meeting of the Committee.
- (g) That four members of the Committee shall constitute a quorum.
- (h) That the Committee may send for persons, papers and records.
- (i) That the Committee may authorise the publication of any evidence taken by it in public and any documents presented to it.

- (j) That reports of the Committee may be presented to the Council from time to time and that the Committee present its final report to the Council on or before 31 May 2002.
- (k) That the presentation of a report or an interim report of the Committee shall not be deemed to terminate the Committee's appointment, powers or functions.
- (l) That the Committee shall, unless it otherwise resolves, take all evidence in public and may otherwise sit in public at anytime if it so decides.
- (m) That the foregoing provisions of this resolution, so far as they are inconsistent with the Standing Orders and practice of the Council, shall have effect notwithstanding anything contained in the Standing Orders.

Debate ensued.

Question – put.

The Council divided.

AYES, 14

The Hon. C.C. Broad
 E.C. Carbines
 K. Darveniza (*Teller*)
 M.M. Gould
 D.G. Hadden
 G.W. Jennings
 J.M. McQuilten
 J.M. Madden
 J. Mikakos
 S.M. Nguyen
 G.D. Romanes
 R.F. Smith
 T.C. Theophanous (*Teller*)
 M.R. Thomson

NOES, 29

The Hon. G.B. Ashman
 B.N. Atkinson
 W.R. Baxter
 R.A. Best
 M.A. Birrell
 B.W. Bishop
 B.C. Boardman
 R.H. Bowden
 A.R. Brideson
 A. Coote
 I.J. Cover (*Teller*)
 G.R. Craige
 D.M. Davis
 P.R. Davis
 W. Forwood
 C.A. Furletti
 P.R. Hall
 R.M. Hallam
 P.A. Katsambanis
 N.B. Lucas
 M.T. Luckins
 A.P. Olexander
 E.J. Powell
 G.K. Rich-Phillips
 Dr. J.W.G. Ross (*Teller*)
 K.M. Smith
 W.I. Smith
 Graeme Stoney
 C.A. Strong

And so it passed in the negative.

- 11 LIVESTOCK DISEASE CONTROL (AMENDMENT) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time.
Debate resumed.
Question – put and resolved in the affirmative.
Bill read a second time and, by leave, read a third time and passed.
Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.
- 12 BUSINESS POSTPONED** – Ordered – That the consideration of Order of the Day, Government Business, No. 2, be postponed until later this day.
- 13 SECOND-HAND DEALERS AND PAWNBROKERS (AMENDMENT) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time.
Debate resumed.
Question – put and resolved in the affirmative.
Bill read a second time and, by leave, read a third time and passed.
Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.
- 14 AUCTION SALES (REPEAL) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time.
Debate resumed.
Question – put and resolved in the affirmative.
Bill read a second time and, by leave, read a third time and passed.
Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.
- 15 COUNTRY FIRE AUTHORITY (MISCELLANEOUS AMENDMENTS) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time.
Debate resumed.
Question – put and resolved in the affirmative.
Bill read a second time and committed to a Committee of the whole.
House in Committee.
The President resumed the Chair; and the Honourable B.W. Bishop having reported that the Committee had agreed to the Bill with amendments, the House adopted the Report, and the Bill was read a third time and passed.
Ordered – That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same with amendments, and desiring their concurrence therein.
- 16 LIQUOR CONTROL REFORM (PROHIBITED PRODUCTS) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time.
Debate resumed.
On the motion of the Honourable K. Darveniza, the debate was adjourned until the next day of meeting.
- 17 ADJOURNMENT** – The Honourable M.M. Gould moved, That the House do now adjourn.
Debate ensued.

Question — put and resolved in the affirmative.

And then the Council, at 11.00 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 102 — Thursday, 6 December 2001

- 1 The President took the Chair and read the Prayer.
- 2 **QUESTIONS** — Questions without notice were taken and answers were given to certain questions on notice pursuant to Standing Order No. 71A.
- 3 **PETITION — RELOCATION OF FLYING FOXES** — The Honourable W. Forwood presented a Petition bearing 156 signatures from certain citizens of Victoria requesting that the Minister for Environment and Conservation takes note of their opposition to the relocation of flying foxes from the Royal Botanical Gardens to Horseshoe Bend in Wilson Reserve, Ivanhoe and reconsiders plans to migrate and breed flying foxes in Ivanhoe.
Ordered to lie on the Table.
- 4 **BUSINESS POSTPONED** — Ordered — That the consideration of the Notices of Motion to Take Note of Reports be postponed until later this day.
- 5 **LIQUOR CONTROL REFORM (PROHIBITED PRODUCTS) BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time.
Debate resumed.
Question — put and resolved in the affirmative.
Bill read a second time and, by leave, read a third time and passed.
Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.
- 6 **ENERGY LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time.
Debate resumed.
Bill read a second time and, by leave, read a third time and passed.
Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.
- 7 **BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, Government Business, No. 3, be postponed until later this day.
- 8 **AUDIT (FURTHER AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time.
Debate resumed.
Question — put and resolved in the affirmative.
Bill read a second time and committed to a Committee of the whole.
House in Committee.
The President resumed the Chair; and the Honourable B.W. Bishop reported that the Committee had made progress in the Bill, and asked leave to sit again.

Resolved – That the Council will, later this day, again resolve itself into the said Committee.

9 HOUSE CONTRACTS GUARANTEE (HIH FURTHER AMENDMENT) BILL –
The Order of the Day having been read for the further consideration of this Bill in Committee of the whole, the President left the Chair.

House in Committee.

The President resumed the Chair; and the Honourable B.W. Bishop reported that the Committee had agreed to the Bill without amendment.

Ordered – That the report be now taken into consideration.

The Honourable D.M. Davis moved, That the following amendment suggested on the consideration of the report of the Committee of the whole be again suggested to the Legislative Assembly –

That it be a suggestion to the Assembly that they make the following amendment in the Bill:

Clause 7, page 5, after line 27 insert –

"(7) The exclusion by sub-section (1)(aa) of a developer covered by a HIH policy from an indemnity under section 37 in respect of building work does not apply to a developer who lodged a claim with HGFL before 1 November 2001.

(8) The exclusion by sub-section (1)(ba) of a loss indemnified under a HIH policy from an indemnity under section 37 does not apply to a loss a claim for which was lodged with HGFL before 1 November 2001."

Debate ensued.

Question – put.

The Council divided.

AYES, 23

The Hon. G.B. Ashman
B.N. Atkinson
M.A. Birrell
B.C. Boardman
R.H. Bowden
A.R. Brideson
A. Coote (*Teller*)
I.J. Cover
G.R. Craige
D.M. Davis
P.R. Davis
W. Forwood
C.A. Furletti
P.A. Katsambanis
N.B. Lucas
M.T. Luckins (*Teller*)
A.P. Olexander
G.K. Rich-Phillips
Dr. J.W.G. Ross
K.M. Smith
W.I. Smith
Graeme Stoney
C.A. Strong

NOES, 20

The Hon. W.R. Baxter
R.A. Best
B.W. Bishop
C.C. Broad
E.C. Carbines
K. Darveniza (*Teller*)
M.M. Gould
D.G. Hadden
P.R.Hall
R.M. Hallam
G.W. Jennings
J. M. McQuilten
J. M. Madden
J. Mikakos
S.M. Nguyen
E.J. Powell (*Teller*)
G.D. Romanes
R.F. Smith
T.C. Theophanous
M.R. Thomson

And so it was resolved in the affirmative.

Ordered – That the Bill be returned to the Assembly with a Message suggesting that the Assembly amend the same as set forth in the foregoing resolution.

Ordered – That the further consideration of the Report from the Committee of the whole be postponed until the next day of meeting.

10 SELECT COMMITTEE ON THE URBAN AND REGIONAL LAND CORPORATION MANAGING DIRECTOR – The President announced that he had received from the Party Leaders, within the time set by the Resolution of the House, letters in which the Honourables R.M. Hallam, G.W. Jennings, N.B. Lucas, G.K. Rich-Phillips and T.C. Theophanous were nominated as members of the Select Committee on the Urban and Regional Land Corporation Managing Director.

11 VICTORIAN INSTITUTE OF TEACHING BILL – The Order of the Day having been read for the consideration of the Message from the Assembly returning this Bill and acquainting the Council that they have agreed to some of the amendments made by the Council, have disagreed with others of the said amendments made by the Council, and have agreed to the remaining amendments each with an amendment, the said amendments remaining for consideration by the Council were read and are as follows:

Amendment No 1

Clause 8, line 11, omit "19" and insert "22".

How dealt with by the Assembly

Agreed to with the following amendment:

Omit "22" and insert "20".

Amendment No 2

Clause 8, line 15, omit "9" and insert "12".

How dealt with by the Assembly

Agreed to with the following amendment:

Omit "12" and insert "10".

Amendment No 3

Clause 8, line 22, omit " 3 are to be teachers" and insert " one is to be a teacher".

How dealt with by the Assembly

Disagreed with.

Amendment No 4

Clause 8, page 9, lines 2 and 3, omit "or a school registered under Part III of the **Education Act 1958**".

How dealt with by the Assembly

Disagreed with.

Amendment No 5

Clause 8, page 9, line 7, after this line insert—

“(e) one is to be the parent of a student in a school registered under Part III of the **Education Act 1958** selected by the Minister following the Minister's

consideration of names submitted to the Minister from organisations representing parents of students in those schools;".

How dealt with by the Assembly

Disagreed with.

Amendment No 6

Clause 8, page 9, line 8, omit "2 are to be persons" and insert "one is to be a person".

How dealt with by the Assembly

Disagreed with.

Amendment No 7

Clause 8, page 9, line 13, after "1958" insert "that is operating under the auspices of the Catholic Education Commission".

How dealt with by the Assembly

Disagreed with.

Amendment No 8

Clause 8, page 9, line 14, after this line insert—

“(g) one is to be a person nominated by the Minister following the Minister's consideration of names submitted to the Minister from person or bodies employing teachers in schools registered under Part III of the **Education Act 1958** (other than schools referred to in paragraph (f)) or bodies or organisations representing those employers;".

How dealt with by the Assembly

Disagreed with.

Amendment No 9

Clause 8, page 9, line 15, omit "one is to be a person" and insert "2 are to be persons".

How dealt with by the Assembly

Disagreed with.

Amendment No 10

Clause 8, page 9, line 22, omit "7" and insert "10".

How dealt with by the Assembly

Agreed to with the following amendment:

Omit "10" and insert "8".

Amendment No 12

Clause 8, page 9, line 25 omit "one is" and insert "3 are to be elected by and from registered teachers who are".

How dealt with by the Assembly

Agreed to with the following amendment:

Omit "3" and insert "2".

Amendment No 16

Clause 8, page 10, line 1, omit "one is " and insert "3 are to be elected by and from registered teachers who are".

How dealt with by the Assembly

Agreed to with the following amendment:

Omit "3" and insert "2".

Amendment No 20

Clause 8, page 10, line 11, after this line insert –

- "(v) one is to be elected by and from registered teachers who are currently teaching in a school that is registered under Part III of the **Education Act 1958** (other than a school referred to in sub-paragraph (ii) or (iv)) or is currently teaching at least one subject in such a school;
- (vi) one is to be elected by and from registered teachers who are currently teaching in a special school for students with disabilities or impairments;"

How dealt with by the Assembly

Agreed to with the following amendment:

Before "special" insert "State".

Amendment No 21

Clause 9, line 15, omit "81" and insert "80".

How dealt with by the Assembly

Disagreed with.

Amendment No 22

Clause 13, line 32, omit "81" and insert "80".

How dealt with by the Assembly

Disagreed with.

Amendment No 23

Clause 18, line 22, omit "81" and insert "80".

How dealt with by the Assembly

Disagreed with.

Amendment No 24

Clause 21, line 15, omit "81" and insert "80".

How dealt with by the Assembly

Disagreed with.

Amendment No 25

Clause 21, line 27, omit "81" and insert "80".

How dealt with by the Assembly

Disagreed with.

Amendment No 27

Clause 61, omit this clause.

How dealt with by the Assembly

Disagreed with.

Amendment No 28

Clause 62, lines 16 to 25, omit all words and expressions on these lines and insert—
"member has all the powers and may perform all the functions of the member."

How dealt with by the Assembly

Disagreed with.

Amendment No 29

Clause 65, page 47, line 3, omit "64" and insert "63".

How dealt with by the Assembly

Disagreed with.

Amendment No 30

Clause 69, line 11, omit "68" and insert "67".

How dealt with by the Assembly

Disagreed with.

Amendment No 31

Clause 71, line 13, omit "68" and insert "67".

How dealt with by the Assembly

Disagreed with.

Amendment No 32

Clause 71, line 15, omit "70" and insert "69".

How dealt with by the Assembly

Disagreed with.

Amendment No 33

Clause 71, line 17, omit "84 or 94" and insert "83 or 93".

How dealt with by the Assembly
Disagreed with.

Amendment No 34

Clause 74, line 3, omit "70" and insert "69".

How dealt with by the Assembly
Disagreed with.

Amendment No 35

Clause 75, line 13, omit "70, 72 or 73" and insert "69, 71 or 72".

How dealt with by the Assembly
Disagreed with.

Amendment No 36

Clause 76, line 23, omit "70, 72 or 73" and insert "69, 71 or 72".

How dealt with by the Assembly
Disagreed with.

Amendment No 37

Clause 77, line 7, omit "70, 72 or 73" and insert "69, 71 or 72".

How dealt with by the Assembly
Disagreed with.

Amendment No 38

Clause 78, line 20, omit "70, 72 or 73" and insert "69, 71 or 72".

How dealt with by the Assembly
Disagreed with.

Amendment No 39

Clause 78, page 54, line 10, omit "70, 72 or 73" and insert "69, 71 or 72".

How dealt with by the Assembly
Disagreed with.

Amendment No 40

Clause 79, line 14, omit "70, 72 or 73" and insert "69, 71 or 72".

How dealt with by the Assembly
Disagreed with.

Amendment No 41

Clause 84, page 59, line 1, omit "consultation" and insert "agreement".

How dealt with by the Assembly
Disagreed with.

Amendment No 42

Clause 88, page 62, line 8, omit "88" and insert "87".

How dealt with by the Assembly
Disagreed with.

Amendment No 43

Clause 90, line 5, omit "19" and insert "22".

How dealt with by the Assembly
Agreed to with the following amendment:
Omit "22" and insert "20".

Amendment No 44

Clause 90, line 16, omit "91" insert "90".

How dealt with by the Assembly
Disagreed with.

Amendment No 45

Clause 93, line 21, omit "92" and insert "91".

How dealt with by the Assembly
Disagreed with.

Amentment No. 46

Clause 94, line 23, omit "84" and insert "83".

How dealt with by the Assembly
Disagreed with.

Amentment No 47

Clause 94, page 67, line 16, omit "84" and insert "83".

How dealt with by the Assembly
Disagreed with.

Amendment No 48

Clause 94, page 67, line 21, omit "consultation" and insert "agreement".

How dealt with by the Assembly
Disagreed with.

Amendment No 49

Clause 94, page 67, line 26, omit "84" and insert "83".

How dealt with by the Assembly

Disagreed with.

On the motion of the Honourable J. M. Madden, and after debate, the Council did not insist on their amendments with which the Assembly have disagreed, and agreed to the amendments made by the Assembly to the amendments made by the Council.

Ordered – That a Message be sent to the Assembly acquainting them accordingly.

12 JUDICIAL REMUNERATION TRIBUNAL (AMENDMENT) BILL – The Order of the Day having been read for the consideration of the Message from the Assembly returning this Bill and acquainting the Council that they have disagreed with the amendments made by the Council in the Bill, the said amendments disagreed with by the Assembly were read and are as follows:

Amendment No 1

Clause 6, page 7, after line 2 insert –

"(4) A reference of a matter for an advisory opinion must be in writing.

(5) The Attorney-General or, if an Order under section 11(2) is in force, the relevant Minister, must cause notification of a reference under this section to be published in the Government Gazette specifying the matters referred to the Tribunal for an advisory opinion within 7 days of referring the matter to the Tribunal."

Amendment No 2

Clause 6, page 7, line 3, omit "(4)" and insert "(6)".

Amendment No 3

Clause 8, line 26, after "recommendation" insert "or a report of an advisory opinion".

The Honourable M.R. Thomson moved, That the Council do not insist on their amendments with which the Assembly have disagreed.

Debate ensued.

Question – put.

The Council divided.

AYES, 14	NOES, 29
The Hon. C.C. Broad E.C. Carbines (<i>Teller</i>) K. Darveniza M.M. Gould D.G. Hadden G.W. Jennings J.M. McQuilten (<i>Teller</i>) J.M. Madden J. Mikakos S.M. Nguyen G.D. Romanes R.F. Smith T.C. Theophanous	The Hon. G.B. Ashman B.N. Atkinson (<i>Teller</i>) W.R. Baxter R.A. Best M.A. Birrell B.W. Bishop B.C. Boardman R.H. Bowden (<i>Teller</i>) A.R. Brideson A. Coote I.J. Cover G.R. Craige D.M. Davis

M.R. Thomson

P.R. Davis
W. Forwood
C.A. Furletti
P.R. Hall
R.M. Hallam
P.A. Katsambanis
N.B. Lucas
M.T. Luckins
A.P. Olexander
E.J. Powell
G.K. Rich-Phillips
Dr. J.W.G. Ross
K.M. Smith
W.I. Smith
Graeme Stoney
C.A. Strong

And so it passed in the negative.

Ordered – That the Bill be returned to the Assembly with a Message acquainting them that the Council insist on their amendments with which the Assembly have disagreed.

13 WATER (IRRIGATION FARM DAMS) BILL – The Order of the Day having been read for the consideration of the Message from the Assembly returning this Bill and acquainting the Council that they have disagreed with the amendments made by the Council in the Bill, the said amendments disagreed with by the Assembly were read and are as follows:

Amendment No 1

Clause 4, page 3, line 11, after "51(1A)" insert "or 51(1B)".

Amendment No 2

Clause 6, lines 4 to 11, omit all words and expressions on these lines and insert –

(2) In section 8(6) of the Principal Act, after paragraph (c) insert –

"(ca) a restriction or prohibition on the use, other than domestic and stock use, of water from a spring or soak or water from a private dam (to the extent that it is not rainwater supplied to the dam from the roof of a building) contained in an approved management plan drawn up under Division 3 of Part 3 for a water supply protection area; or".

Amendment No 3

Clause 6, after line 11 insert –

(3) In section 8(6)(d) of the Principal Act for "the prescriptions" substitute "any other prescriptions".

Amendment No 4

Clause 10, page 15, after line 14 insert –

(k) restrictions or prohibitions on the use, other than domestic and stock use, of water from a spring or soak or water from a private dam (to the extent that it is not rainwater supplied to the dam from the roof of a building);".

Amendment No 5

Clause 10, page 15, line 15, omit "(k)" and insert "(l)".

Amendment No 6

Clause 10, page 15, line 17, omit "(l)" and insert "(m)".

Amendment No 7

Clause 10, page 15, line 22, omit "(m)" and insert "(n)".

Amendment No 8

Clause 10, page 15, line 30, omit "(n)" and insert "(o)".

Amendment No 9

Clause 10, page 16, line 4, omit "(o)" and insert "(p)".

Amendment No 10

Clause 10, page 17, after line 33 insert—

"(14) Sub-section (13) does not apply to a contravention of a kind referred to in section 63(1A)."

Amendment No 11

Clause 19, lines 26 to 33 and page 29, lines 1 to 26, omit all words and expressions on these lines and insert —

- "(1A) During the period commencing on 1 February 2002 and ending on 31 January 2003, a person may apply, without payment of an application fee, to the Minister for the issue of a registration licence to take and use water from a dam on a waterway other than a river, creek, stream or watercourse for a use other than domestic and stock use.
- (1B) If an approved management plan for a water supply protection area prohibits or restricts the use of water from a spring or soak or water from a private dam, a person may, during the period of 12 months after the approval of that management plan, apply, without payment of an application fee, to the Minister for the issue of a registration licence to take and use water from the spring or soak or water from the dam (to the extent that it is not rainwater supplied to the dam from the roof of a building or water supplied to the dam from a waterway or bore), for a use other than domestic and stock use.
- (1C) Sub-section (1A) only applies, in relation to a dam, to a person who at any time during the period of 10 years immediately before the commencement of section 32 of the **Water (Irrigation Farm Dams) Act 2001** was taking and using water from the dam for a use (other than domestic and stock use) for which a licence under sub-section (1)(a) is not in force.
- (1D) Sub-section (1B) only applies, in relation to a spring, soak or dam, to a person who at any time during the period of 10 years immediately before the approval of the relevant management plan was taking and using water from the spring or soak or water from the dam (other than water supplied to the dam from a waterway or bore) for a use other than domestic and stock use."

Amendment No 12

Clause 19, page 29, line 29 omit "(1C)" and insert "(1E)".

Amendment No 13

Clause 19, page 30, lines 12 to 35, omit all words and expressions on these lines and insert –

"(ba) in the case of an application under sub-section (1A) in relation to a dam by a person who at any time during the period of 10 years immediately before the commencement of section 32 of the **Water (Irrigation Farm Dams) Act 2001** was taking and using water from the dam for a use (other than domestic and stock use), set out the maximum volume of water to be used by the applicant in each year during the period of the licence, determined in accordance with the criteria specified by Order under section 52A; and

(bb) in the case of an application under sub-section (1)(ba) or (1B) in relation to a spring or soak or dam by a person who, at any time during the period of 10 years immediately before the approval of a management plan for the water supply protection area for which the application is made that prohibits or restricts the use of water from the spring or soak or dam, was taking and using water from the spring or soak or water from the dam (other than water supplied to the dam from a waterway or bore) for a use other than domestic and stock use, set out the maximum volume of water to be used by the applicant in each year during the period of the licence, determined in accordance with the criteria specified by Order under section 52A; and".

Amendment No 14

Clause 22, lines 18 to 20, omit "the commencement of section 32 of the **Water (Irrigation Farm Dams) Act 2001**" and insert "the approval of a management plan under Division 3 of Part 3 that prohibits or restricts the use of water from the spring or soak or dam".

Amendment No 15

Clause 26, lines 23 and 24, omit "licence issued under section 51(1A)" and insert "registration licence".

Amendment No 16

Clause 26, lines 31 to 33 and page 38, lines 1 and 2, omit all words and expressions on these lines and insert –

"51(1A) remains in force for an unlimited period."

Amendment No 17

Clause 28, after line 9 insert –

'(1) In section 58(1) of the Principal Act, for "51" substitute "51(1)".'

Amendment No 18

Clause 28, after line 17 insert –

'() In section 58(3) of the Principal Act, for "51" substitute "51(1)".'

Amendment No 19

Clause 28, lines 21 to 28, omit sub-clause (3).

Amendment No 20

Clause 32, line 24, after "must not" insert "in contravention of an approved management plan for a water supply protection area".

Amendment No 21

Clause 32, page 40, lines 16 to 24, omit all words and expressions on these lines and insert—

- "(4) If, an approved management plan for a water supply protection area prohibits or restricts the use of water from a spring or soak or water from a dam not on a waterway and at any time during the period of 10 years immediately before the approval of the management plan, a person was taking and using water from the spring or soak or water from the dam, sub-section (1A) does not apply in respect of that person in respect of that spring or soak or dam until the end of the period of 12 months after the approval of the management plan."

Amendment No 22

Clause 56, page 53, lines 19 to 33, omit all words and expressions on these lines and insert—

- "(8) If an approved management plan for a water supply protection area prohibits or restricts the use of water from a spring or soak or water from a dam (other than water supplied to the dam from a waterway or a bore) for a use other than domestic and stock use, a person who—
- (a) at any time during the period of 10 years immediately before the approval of the management plan was taking and using water from that spring or soak or water from that dam (other than water supplied to the dam from a waterway or a bore) for a use other than domestic or stock use; and
 - (b) before the end of the period of 12 months after the approval of the management plan applies for a licence under section 51(1)(ba) in relation to the spring or soak or dam—

is not liable to pay an application fee in respect of the application."

The Honourable C.C. Broad moved, That the Council do not insist on their amendments with which the Assembly have disagreed.

Debate ensued.

Question — put.

The Council divided.

	AYES, 20		NOES, 23
The Hon.	W.R. Baxter (<i>Teller</i>)	The Hon.	G.B. Ashman
	R.A. Best		B.N. Atkinson
	B.W. Bishop		M.A. Birrell
	C.C. Broad		B.C. Boardman
	E.C. Carbines		R.H. Bowden
	K. Darveniza		A.R. Brideson (<i>Teller</i>)
	M.M. Gould		A. Coote
	D.G. Hadden		I.J. Cover
	P.R. Hall		G.R. Craige
	R.M. Hallam		D.M. Davis
	G.W. Jennings		P.R. Davis

J. M. McQuilten	W. Forwood
J. M. Madden	C.A. Furletti
J. Mikakos	P.A. Katsambanis
S.M. Nguyen	N.B. Lucas
E.J. Powell	M.T. Luckins
G.D. Romanes	A.P. Olexander
R.F. Smith (<i>Teller</i>)	G.K. Rich-Phillips
T.C. Theophanous	Dr. J.W.G. Ross
M.R. Thomson	K.M. Smith
	W.I. Smith (<i>Teller</i>)
	Graeme Stoney
	C.A. Strong

And so it passed in the negative.

Ordered – That the Bill be returned to the Assembly with a Message acquainting them that the Council insist on their amendments with which the Assembly have disagreed.

14 PAPERS PURSUANT TO STATUTE – The following Papers, pursuant to the direction of an Act of Parliament, were laid upon the Table by the Clerk:

Subordinate Legislation Act 1994 – Minister's exemption certificates under section 9(6) in respect of Statutory Rules Nos. 121 and 126.

15 ADJOURNMENT – The Honourable M.M. Gould moved, That the Council, at its rising, adjourn until a day and hour to be fixed by the President, which time of meeting shall be notified in writing to each Honourable Member.

Debate ensued.

Question – put and resolved in the affirmative.

The Honourable M.M. Gould moved, That the House do now adjourn.

Debate ensued.

Question – put and resolved in the affirmative.

And then the Council, at 7.23 p.m., adjourned until a day and hour to be fixed by the President, which time of meeting shall be notified in writing to each Honourable Member.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

LEGISLATIVE COUNCIL OF VICTORIA

MINUTES OF THE PROCEEDINGS Nos. 103, 104 and 105

No. 103 – Tuesday, 19 March 2002

- 1 The Council met in accordance with adjournment, the President, pursuant to resolution having fixed this day at 2.00 p.m. as the time of meeting.
The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** – The Honourable M.M. Gould presented Messages from His Excellency the Governor informing the Council that he had, on the following dates, given the Royal Assent to the undermentioned Acts presented to him by the Clerk of the Parliaments:
 - On 11 December 2001 –
 - Accident Compensation (Amendment) Act*
 - Animals Legislation (Responsible Ownership) Act*
 - Auction Sales (Repeal) Act*
 - Energy Legislation (Miscellaneous Amendments) Act*
 - Fair Trading (Unconscionable Conduct) Act*
 - Film Act*
 - Liquor Control Reform (Prohibited Products) Act*
 - Livestock Disease Control (Amendment) Act*
 - Marine (Hire and Drive Vessels) Act*
 - Petroleum (Submerged Lands) (Amendment) Act*
 - Road Safety (Further Amendment) Act*
 - Second-Hand Dealers and Pawnbrokers (Amendment) Act*
 - Transport (Alcohol and Drug Controls) Act.*
 - On 18 December 2001 –
 - Scotch College Common Funds Act*
 - Victorian Institute of Teaching Act.*
- 3 **CRIMES (DNA DATABASE) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Crimes Act 1958 with respect to forensic samples and for other purposes* and desiring the concurrence of the Council therein.
On the motion of the Honourable J.M. Madden, the Bill was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 4 **SENTENCING (AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Sentencing Act 1991 to provide for a drug treatment order as a new sentencing order, to amend the Magistrates' Court Act 1989 to establish a Drug Court Division of the Magistrates' Court, to amend the Corrections Act 1986 with respect to the custody of a person*

subject to a drug treatment order and for other purposes and desiring the concurrence of the Council therein.

On the motion of the Honourable J.M. Madden, the Bill was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 5 ROAD SAFETY (ALCOHOL INTERLOCKS) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Road Safety Act 1986 and the Sentencing Act 1991 with respect to the use of alcohol interlocks as a condition of granting a driver licence or permit to certain disqualified drivers and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable C.C. Broad, the Bill was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 6 WILDLIFE (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Wildlife Act 1975 to make further provision for the conduct of whale tours and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable C.C. Broad, the Bill was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 7 QUESTIONS** — Questions without notice were taken pursuant to Sessional Orders.

- 8 ELECTRICITY INDUSTRY — ANSWERS TO QUESTIONS** — The Honourable C.A. Furletti moved, That the Council take note of the answers given by the Honourable the Minister for Energy and Resources to questions without notice asked by Honourable Members relating to the electricity industry and related matters.

Debate ensued.

Question — put and resolved in the affirmative.

- 9 ANSWERS TO QUESTIONS ON NOTICE** — Answers to certain questions on notice were circulated.

- 10 URBAN AND REGIONAL LAND CORPORATION MANAGING DIRECTOR SELECT COMMITTEE** — The Honourable T.C. Theophanous moved, by leave, That the Resolution of the Council of 5 December 2001 appointing the Select Committee on the Urban and Regional Land Corporation Managing Director be amended and that the following new paragraph be inserted to follow paragraph (m):

(n) The Committee shall include with any of its reports to the Council, minority reports submitted to it by a member or members of the Committee.

Debate ensued.

Question — put and resolved in the affirmative.

- 11 PAPERS** —

MAGISTRATES' COURT — The Honourable J.M. Madden presented, by command of His Excellency the Governor, the Report of the Magistrates' Court for 2000-2001.

Ordered to lie on the Table.

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BLF CUSTODIAN — The Honourable M.M. Gould moved, by leave, That there be laid before this House a copy of Report No. 54 dated 28 February 2002 given to Mr. President, pursuant to section 7A of the *BLF (De-recognition) Act 1985*, by the Custodian appointed under section 7(1) of that Act.

Question — put and resolved in the affirmative.

The said Report was thereupon presented by the Honourable M.M. Gould and ordered to lie on the Table.

* * * * *

FRANKSTON CENTRAL ACTIVITY DISTRICT DEVELOPMENT SELECT COMMITTEE – The Honourable A.R. Brideson presented a Report from the Select Committee on the Frankston Central Activity District Development, together with Appendices, Maps and Minutes of Evidence.

Ordered to lie on the Table and the Report, Appendices and Maps to be printed.

The Honourable A.R. Brideson moved, That the Council take note of the Report.

Debate ensued.

On the motion of the Honourable B.C. Boardman, the debate was adjourned until the next day of meeting.

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ROAD SAFETY COMMITTEE – RURAL ROAD SAFETY AND INFRASTRUCTURE – The Honourable A.R. Brideson presented a Report from the Road Safety Committee upon Rural Road Safety and Infrastructure, together with Appendices and Minutes of Evidence.

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

The Honourable A.R. Brideson moved, That the Council take note of the Report.

Question – put and resolved in the affirmative.

* * * * *

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE – CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES)

(ENFORCEMENT) ACT 1995 – The Honourable A.P. Olexander presented a report from the Scrutiny of Acts and Regulations Committee concerning the Intended declaration and proclamation of the Classification (Publications, Films and Computer Games) (Enforcement) Act 1995 as a relevant State Act for the purposes of the Co-operative Schemes (Administrative Actions) Act 2001.

Ordered to lie on the Table and to be printed.

* * * * *

STATUTE LAW (FURTHER REVISION) BILL – The Honourable A.P. Olexander presented a Report from the Scrutiny of Acts and Regulations Committee upon the Statute Law (Further Revision) Bill, together with an Appendix.

Ordered to lie on the Table and to be printed.

* * * * *

PRIVACY CODE OF CONDUCT – The Honourable C.A. Strong presented the Final Report from the Scrutiny of Acts and Regulations Committee upon a Privacy Code of Conduct for Members of the Victorian Parliament, together with Appendices and Minutes of Evidence.

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

The Honourable C.A. Strong moved, That the Council take note of the Report.

On the motion of the Honourable W.R. Baxter, the debate was adjourned until the next day of meeting.

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ANNUAL REVIEW 2001 – The Honourable A.P. Olexander presented the Annual Review 2001 Report from the Scrutiny of Acts and Regulations Committee, together with Appendices.

Ordered to lie on the Table and to be printed.

ALERT DIGESTS – The Honourable A.P. Olexander presented the following Alert Digests from the Scrutiny of Acts and Regulations Committee:

Alert Digest No. 1 of 2002, together with Appendices.

Alert Digest No. 2 of 2002, together with Appendices.

Severally ordered to lie on the Table and to be printed.

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

Budget Sector –

Budget Update, 2001-2002.

Mid-year Financial Report, 2001-02, incorporating the Quarterly Financial Report No. 2 for the period ended 31 December 2001.

Casterton Memorial Hospital – Minister for Health's report of receipt of the 2000-2001 report.

Civic Mutual Plus – Report, 2000-2001.

Coleraine District Health Services – Minister for Health's report of receipt of the 2000-2001 report.

Drugs, Poisons and Controlled Substances Act 1981 – Standard for the Uniform Scheduling of Drugs and Poisons, No. 16, together with Amendment No. 2, 1 December 2001 and Amendment No. 3, 1 March 2002 and the Minister's Notices regarding the amendments, commencement and availability of the Poisons Code (four papers).

East Grampians Health Service – Report, 2000-2001 (two papers).

Environment Protection Act 1970 –

Order in Council of 27 November 2001 declaring State Environment Protection Policy (Air Quality Management) and varying the State Environment Protection Policy (Ambient Air Quality).

Order in Council of 6 December 2001 declaring Industrial Waste Management Policy (Movement of Controlled Waste between States and Territories).

Falls Creek Alpine Resort Management Board – Minister's report of 21 February 2002 of failure to submit 2000-2001 report to her within the prescribed period and the reasons therefor.

Fundraising Appeals Act 1998 – Exemption Order, 1 January 2002, pursuant to section 16A of the Act.

Hesse Rural Health Service – Report, 2000-2001.

Heywood and District Memorial Hospital – Minister for Health's report of receipt of the 2000-2001 report.

Inner and Eastern Health Care Network – Report, 2000-2001.

Lake Mountain Alpine Resort Management Board – Minister's report of 21 February 2002 of failure to submit 2000-2001 report to her within the prescribed period and the reasons therefor.

Melbourne City Link Act 1995 –

Order in Council of 11 December 2001 decreasing the Project Area pursuant to section 8(4) of the Act (two papers).

Statement of Variation No. 4/2001 Detailed Tolling Strategy, 31 December 2001, pursuant to section 15B(5).

Melbourne Health – Report, 2000-2001 (two papers).

Mount Baw Baw Alpine Resort Management Board – Minister's report of 21 February 2002 of failure to submit 2000-2001 report to her within the prescribed period and the reasons therefor.

- Mount Buller Alpine Resort Management Board – Minister’s report of 21 February 2002 of failure to submit 2000-2001 report to her within the prescribed period and the reasons therefor.
- Mount Hotham Alpine Resort Management Board – Minister’s report of 21 February 2002 of failure to submit 2000-2001 report to her within the prescribed period and the reasons therefor.
- Mount Stirling Alpine Resort Management Board – Minister’s report 21 February 2002 of failure to submit 2000-2001 report to her within the prescribed period and the reasons therefor.
- Moyne Health Services – Minister for Health’s report of receipt of the 2000-2001 report.
- Municipal Association of Victoria – Report, 2000-2001.
- Murray Valley Wine Grape Industry Development Committee – Minister for Agriculture’s report of receipt of the 2000-2001 report.
- National Environment Protection Council – Report, 2000-2001.
- Omeo District Hospital – Minister for Health’s report of receipt of the 2000-2001 report.
- Optometrists Registration Board of Victoria – Minister for Health’s report of receipt of the 2000-2001 report.
- Planning and Environment Act 1987 – Notices of Approval of the following amendments to planning schemes:
- Alpine Planning Scheme – Amendment C6.
 - Ballarat Planning Scheme – Amendments C39 Part 1, C43 Part 1 and C46.
 - Banyule Planning Scheme – Amendment C26.
 - Bayside Planning Scheme – Amendments C1 and C22.
 - Boroondara Planning Scheme – Amendment C22.
 - Brimbank Planning Scheme – Amendments C23 Part 1 and C27.
 - Buloke Planning Scheme – Amendment C3.
 - Cardinia Planning Scheme – Amendments C6, C19, C21 Part 2 and C26.
 - Casey Planning Scheme – Amendments C17, C26, C33, C36 and C40.
 - Dandenong – Greater Dandenong Planning Scheme – Amendments C20, C23, C28 and C32.
 - Darebin Planning Scheme – Amendments C21, C24 and C32.
 - Delatite Planning Scheme – Amendments C12 and C17.
 - East Gippsland Planning Scheme – Amendments C4, C5 and C10.
 - Geelong – Greater Geelong Planning Scheme – Amendments C30, C31, C33 and C39.
 - Golden Plains Geelong Planning Scheme – Amendment C9.
 - Hepburn Planning Scheme – Amendments C2 Part 1 and C10.
 - Hobsons Bay Planning Scheme – Amendment C25.
 - Horsham Planning Scheme – Amendment C11.
 - Indigo Planning Scheme – Amendment C11.
 - Kingston Planning Scheme – Amendments C15, C18 and C23.
 - Knox Planning Scheme – Amendment C18.
 - La Trobe Planning Scheme – Amendment C6.
 - Lodden Planning Scheme – Amendment C7.
 - Macedon Ranges Planning Scheme – Amendments C2 Part 1 and C11.
 - Manningham Planning Scheme – Amendments C1, C4, C7, C10 and C23.
 - Maribyrnong Planning Scheme – Amendments C5, C18, C19, C24, C25 and C26.
 - Maroondah Planning Scheme – Amendments C20 and C24
 - Melbourne Planning Scheme – Amendments C19 Part 1 and C52 to C55.

Planning and Environment Act 1987 – *continued*

- Melton Planning Scheme – Amendment C16.
 - Mildura Planning Scheme – Amendment C4.
 - Mitchell Planning Scheme – Amendments C21 to C24.
 - Moira Planning Scheme – Amendment C5.
 - Monash Planning Scheme – Amendments C18 and C30.
 - Moonee Valley Planning Scheme – Amendment C27.
 - Moreland Planning Scheme – Amendments C1 Part 1, C5, C10 Part 2, C19 and C22.
 - Mornington Peninsula Planning Scheme – Amendments C18, C37 to C39 and C41.
 - Mount Alexander Planning Scheme – Amendments C8 Part 1 and C14.
 - Nillumbik Planning Scheme – Amendments C7, C8 and C16.
 - Port of Melbourne Planning Scheme – Amendment L33.
 - Port Phillip Planning Scheme – Amendments C6 and C33.
 - Queenscliffe Planning Scheme – Amendments C7 and C9.
 - Shepparton – Greater Shepparton Planning Scheme – Amendments C15 and C16.
 - Stonnington Planning Scheme – Amendment C26.
 - Swan Hill Planning Scheme – Amendments C3 to C5.
 - Warrnambool Planning Scheme – Amendment C14.
 - Wellington Planning Scheme – Amendments C4 and C5.
 - Whitehorse Planning Scheme – Amendments C12, C16, C19, C26, C34 and C39.
 - Whittlesea Planning Scheme – Amendment C15.
 - Wodonga Planning Scheme – Amendments C5 and C10.
 - Wyndham Planning Scheme – Amendments C25, C29 and C33.
 - Yarra Planning Scheme – Amendments C22, C23, C32, C33, C35 and C38.
- Prevention of Cruelty to Animals Act 1986 – Code of Practice for the Welfare of Horses at Horse Hire Establishments.
- Statutory Rules under the following Acts of Parliament:
- Agricultural and Veterinary Chemicals (Control of Use) Act 1992 – No. 143/2001.
 - Alcoholics and Drug-dependent Persons Act 1968 – No. 7/2002.
 - Audit Act 1994 – No. 148/2001.
 - Building Act 1993 – Nos. 171 and 176/2001.
 - Cancer Act 1958 – No. 16/2002.
 - Chinese Medicine Registration Act 2000 – No. 133/2001.
 - Chiropractors Registration Act 1996 – No. 138/2001.
 - Conservation, Forests and Lands Act 1987 – No. 165/2001.
 - County Court Act 1958 – No. 157/2001.
 - Crown Proceedings Act 1958 – No. 2/2002.
 - Dental Practice Act 1999 – No. 134/2001.
 - Essential Services Commission Act 2001 – No. 166/2001.
 - Evidence Act 1958 – No. 13/2002.
 - Fair Trading Act 1999 – No. 162/2001.
 - Fisheries Act 1995 – No. 145/2001.
 - Flora and Fauna Guarantee Act 1988 – No. 147/2001.
 - Food Act 1984 – Nos. 149 and 169/2001.
 - Freedom of Information Act 1982 – No. 161/2001.
 - Fuel Prices Regulation Act 1981 – No. 163/2001.
 - Fundraising Appeals Act 1998 – No. 144/2001.
 - Gaming and Betting Act 1994 – No. 167/2001.

Statutory Rules – *continued*

- Gaming Machine Control Act 1991 – No. 168/2001.
 Gas Safety Act 1997 – No. 5/2002.
 Gene Technology Act 2001 – No. 153/2001.
 Health Act 1958 – No. 150/2001 and Nos. 6 and 9/2002.
 Health Services Act 1988 – Nos. 141 and 170/2001 and No. 15/2002.
 Livestock Disease Control Act 1994 – No. 156/2001.
 Local Government Act 1989 – No. 10/2002.
 Lotteries Gaming and Betting Act 1966 – No. 155/2001.
 Magistrates' Court Act 1989 – Nos. 131 and 142/2001 and No. 4/2002.
 Marine Act 1988 – No. 8/2002.
 Medical Practice Act 1994 – No. 139/2001.
 Melbourne City Link Act 1995 – No. 174/2001.
 National Parks Act 1975 – No. 146/2001.
 Nurses Act 1993 – No. 136/2001.
 Optometrists Registration Act 1996 – No. 140/2001.
 Osteopaths Registration Act 1996 – No. 137/2001.
 Pharmacists Act 1974 – No. 151/2001.
 Physiotherapists Registration Act 1998 – No. 135/2001.
 Pollution of Waters by Oil and Noxious Substances Act 1986 – No. 11/2002.
 Reference Areas Act 1978 – No. 14/2002.
 Road Safety Act 1986 – Nos. 172 and 173/2001 and No. 12/2002.
 Subordinate Legislation Act 1994 – Nos. 154 and 164/2001 and No. 3/2002.
 Supreme Court Act 1986 – Nos. 130 and 159/2001.
 Supreme Court Act 1986 – Administration and Probate Act 1958 – No. 129/2001.
 Tobacco Act 1987 – No. 152/2001.
 Victorian Civil and Administrative Tribunal Act – Nos. 160 and 175/2001 and No. 1/2002.
 Water Act 1989 – No. 132/2001.
 Whistleblowers Protection Act 2001 – No. 158/2001.
 Subordinate Legislation Act 1994 –
 Ministers' exception certificates under section 8(4) in respect of Statutory Rule Nos. 129, 130, 142 and 175/2001 and Nos. 2 and 3/2002.
 Ministers' exemption certificates under section 9(6) in respect of Statutory Rule Nos. 133 to 140, 143 to 145, 147, 149, 151 to 153, 156, 162, 163, 165, 169, 170 and 172 to 174/2001 and Nos. 1, 6 to 8 and 12 to 16/2002.
 Terang and Mortlake Health Service – Minister for Health's report of receipt of the 2000-2001 report.
 Victorian Coastal Strategy, Report 2002.
 Victorian Environment Assessment Council Act 2001 – Government response to the Environment Conservation Council's Box-Ironbark Forests and Woodlands Investigation Final Report, pursuant to section 25(1).
 Wildlife Act 1975 – Notices of control of hunting, Nos. 1 and 2/2002, 13 February and 8 March 2002.

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PROCLAMATIONS – Proclamations of the Governor in Council fixing operative dates in respect of the following Acts were laid upon the table by the Clerk pursuant to an Order of the Council on 4 November 1999:

Auction Sales (Repeal) Act 2001 – Section 3(2) – 1 January 2002 (*Gazette No. G51, 20 December 2001*).

Proclamations — *continued*

- Building (Amendment) Act 2001 — Sections 6 and 16 — 21 December 2001 (*Gazette No. S239, 21 December 2001*).
- Film Act 2001 — Remaining provisions — 1 January 2002 (*Gazette No. G50, 13 December 2001*).
- Fundraising Appeals (Amendment) Act 2001 — Remaining provisions — 1 January 2002 (*Gazette No. G50, 13 December 2001*).
- Health Records Act 2001 — Sections 7, 8, 13 to 17, 19, 85, 86 (except subsection (1)), 93, 95 to 99, 103(1), 103(2) (except paragraphs (a) and (c)), 109 and 111 (1) and Schedule 1 — 1 March 2002 (*Gazette No. G9, 28 February 2002*).
- Livestock Disease Control (Amendment) Act 2001 — Whole Act (except sections 15 and 18(b)) — 1 January 2002 (*Gazette No. G51, 20 December 2001*).
- Marine (Further Amendment) Act 2001 — Remaining provisions, (except Part 4) — 7 February 2002 (*Gazette No. G5, 31 January 2002*).
- Marine (Hire and Drive Vessels) Act 2001 — Remaining provisions — 1 February 2002 (*Gazette No. G5, 31 January 2002*).
- Melbourne City Link (Further Amendment) Act 2001 — 1 January 2002 (*Gazette No. S226, 11 December 2001*).
- Melbourne City Link (Miscellaneous Amendments) Act 2000 — Sections 4(2), 14, 22, 23, 33, 34, 38, 39 and 40 — 1 March 2002 (*Gazette No. S37, 26 February 2001*).
- Racing (Racing Victoria Ltd) Act 2001 — Remaining provisions — 19 December 2001 (*Gazette No. S233, 19 December 2001*).
- Road Safety (Alcohol and Drugs Enforcement Measures) Act 2001 — Section 9(1) — 21 December 2001 (*Gazette No. G50, 13 December 2001*).
- Road Safety (Further Amendment) Act 2001 — Remaining provisions (except sections 4, 5(3), 7, 8, 10, 26, 29 and 30) — 21 December 2001 (*Gazette No. G50, 13 December 2001*).
- Statute Law Further Amendment (Relationships) Act 2001 — Remaining provisions — 20 December 2001 (*Gazette No. G51, 20 December 2001*).
- Transport (Further Amendment) Act 2001 — Part 5 — 31 December 2001 (*Gazette No. S226, 11 December 2001*).
- Wildlife (Amendment) Act 1990 — Remaining provisions — 28 February 2002 (*Gazette No. G9, 28 February 2002*).

11 BUSINESS POSTPONED — Ordered — That the consideration of Order of the Day, Government Business, No. 1, be postponed until later this day.

12 AUDIT (FURTHER AMENDMENT) BILL — The Order of the Day having been read for the further consideration of this Bill in Committee of the whole, the President left the Chair.

House in Committee.

The President resumed the Chair; and the Honourable G.B. Ashman having reported that the Committee had agreed to the Bill with amendments, the House adopted the Report, and the Bill was read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

Ordered — That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same with amendments, and desiring their concurrence therein.

13 SENTENCING (AMENDMENT) BILL – The Order of the Day having been read for the second reading of this Bill, the Honourable J.M. Madden moved, That this Bill be now read a second time.

On the motion of the Honourable P.A. Katsambanis, the debate was adjourned until the next day of meeting.

14 ROAD SAFETY (ALCOHOL INTERLOCKS) BILL – The Order of the Day having been read for the second reading of this Bill, the Honourable C.C. Broad moved, That this Bill be now read a second time.

On the motion of the Honourable G.B. Ashman, the debate was adjourned until the next day of meeting.

15 WILDLIFE (AMENDMENT) BILL – The Order of the Day having been read for the second reading of this Bill, the Honourable C.C. Broad moved, That this Bill be now read a second time.

On the motion of the Honourable A. Coote, the debate was adjourned until the next day of meeting.

16 ADJOURNMENT – The Honourable M.M. Gould moved, That the House do now adjourn.

Debate ensued.

Question – put and resolved in the affirmative.

And then the Council, at 8.56 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 104 – Wednesday, 20 March 2002

1 The President took the Chair and read the Prayer.

2 HOUSE CONTRACTS GUARANTEE (HIH FURTHER AMENDMENT) BILL – The President announced the receipt of a Message from the Assembly returning this Bill and acquainting the Council that the Assembly, having considered the Message of the Council suggesting on the consideration of the Report of the Committee that the Assembly make an amendment in such Bill, have not made the suggested amendment.

Ordered – That the Message be considered in conjunction with the Order of the Day for the consideration of the Report from the Committee of the whole on the Bill.

3 QUESTIONS – Questions without notice were taken pursuant to Sessional Orders.

4 LIQUOR INDUSTRY – ANSWERS TO QUESTIONS – The Honourable W.I. Smith moved, That the Council take note of the answers given by the Honourable the Minister for Small Business to questions without notice asked by Honourable Members relating to the liquor industry.

Debate ensued.

Question – put and resolved in the affirmative.

5 ELECTRICITY TARIFFS – ANSWER TO QUESTION – The Honourable W.R. Baxter moved, That the Council take note of the answer given by the Honourable the Minister for Energy and Resources to a question without notice asked by the Honourable W.R. Baxter relating to electricity tariffs.

Question — put and resolved in the affirmative.

6 ANSWERS TO QUESTIONS ON NOTICE — Answers to certain questions on notice were circulated.

7 PETITION — STAFFING AT NUNAWADING RAILWAY STATION — The Honourable G.B. Ashman presented a Petition bearing 553 signatures from certain citizens of Victoria requesting that the State Government take action to prevent Connex Trains removing staff from Nunawading railway station and leaving it as an unmanned station.

Ordered to lie on the Table.

8 PAPERS —

URBAN AND REGIONAL LAND CORPORATION MANAGING DIRECTOR SELECT COMMITTEE — The Honourable N.B. Lucas presented the First Interim Report from the Select Committee on the Urban and Regional Land Corporation Managing Director, together with Appendices and Extracts from the Proceedings of the Committee.

Ordered to lie on the Table and to be printed.

The Honourable N.B. Lucas moved, That the Council take note of the First Interim Report.

Debate ensued.

On the motion of the Honourable W. Forwood, the debate was adjourned until the next day of meeting.

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PAPERS PURSUANT TO STATUTE — The following Papers, pursuant to the direction of an Act of Parliament, were laid upon the Table by the Clerk:

Property Leasing Ltd — Financial reports for the 12 months ended 30 September 2001 and for the period ended 6 December 2001.

9 BUSINESS POSTPONED — Ordered — That the consideration of Notices of Motion, General Business, Nos. 1 to 10 inclusive, be postponed until later this day.

10 URBAN AND REGIONAL LAND CORPORATION MANAGING DIRECTOR SELECT COMMITTEE — The Honourable W. Forwood moved, That this House requests the Legislative Assembly to grant leave to the Honourable S.P. Bracks MP, Premier of Victoria, the Honourable J.W. Thwaites MP, Deputy Premier of Victoria and Minister for Health, and the Honourable J.M. Brumby, MP, Treasurer, to appear before the Select Committee of the Legislative Council on the Urban and Regional Land Corporation Managing Director to give evidence and answer questions in relation to the Committee's terms of reference.

Debate ensued.

Question — put.

The Council divided.

AYES, 26

The Hon. G.B. Ashman
B.N. Atkinson
W.R. Baxter
R.A. Best
B.C. Boardman
R.H. Bowden
A.R. Brideson

NOES, 13

The Hon. C.C. Broad
E.C. Carbines (*Teller*)
M.M. Gould
D.G. Hadden
G.W. Jennings
J.M. McQuilten
J.M. Madden

A. Coote	J. Mikakos
I.J. Cover	S.M. Nguyen
G.R. Craig	G.D. Romanes
D.M. Davis	R.F. Smith
P.R. Davis	T.C. Theophanous (<i>Teller</i>)
W. Forwood	M.R. Thomson
C.A. Furletti	
P.R. Hall	
R.M. Hallam	
P.A. Katsambanis	
N.B. Lucas	
M.T. Luckins (<i>Teller</i>)	
A.P. Olexander (<i>Teller</i>)	
E.J. Powell	
G.K. Rich-Phillips	
K.M. Smith	
W.I. Smith	
Graeme Stoney	
C.A. Strong	

And so it was resolved in the affirmative.

11 MEMBERS' STATEMENTS – Statements were made by Honourable Members.

12 BUSINESS POSTPONED – Ordered – That the consideration of Order of the Day, Government Business, No. 1, be postponed until later this day.

13 WILDLIFE (AMENDMENT) BILL – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time.

Debate resumed.

Question – put and resolved in the affirmative.

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

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

14 SENTENCING (AMENDMENT) BILL – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time.

Debate resumed.

Question – put and resolved in the affirmative.

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

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

15 JUDICIAL REMUNERATION TRIBUNAL (AMENDMENT) BILL – The President announced the receipt of a Message from the Assembly returning this Bill and acquainting the Council that they have agreed to the amendments made and insisted upon by the Council, each with an amendment, and desiring the concurrence of the Council therein.

Ordered – That the Message be taken into consideration on the next day of meeting.

16 CRIMES (DNA DATABASE) BILL – The Order of the Day having been read for the second reading of this Bill, the Honourable J.M. Madden moved, That this Bill be now read a second time.

On the motion of the Honourable C.A. Furletti (for the Honourable P.A. Katsambanis), the debate was adjourned until later this day.

17 ADJOURNMENT – The Honourable M.M. Gould moved, That the House do now adjourn.

Debate ensued.

Question – put and resolved in the affirmative.

And then the Council, at 10.52 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 105 – Thursday, 21 March 2002

1 The President took the Chair and read the Prayer.

2 URBAN AND REGIONAL LAND CORPORATION MANAGING DIRECTOR SELECT COMMITTEE – The President announced the receipt of a Message from the Assembly acquainting the Council that the Assembly have refused to consent to the Honourable Ministers appearing before the Select Committee of the Legislative Council on the Urban and Regional Land Corporation Managing Director.

Ordered – That the Message be taken into consideration on the next day of meeting.

3 QUESTIONS – Questions without notice were taken pursuant to Sessional Orders.

4 ASCOT AQUIFER AND PUBLIC LIABILITY INSURANCE – ANSWERS TO QUESTIONS – The Honourable W. Forwood moved, That the Council take note of the answers given by the Honourable the Minister for Small Business to the question without notice asked by the Honourable W. Forwood relating to Ascot Aquifer and the Honourable Graeme Stoney relating to public liability insurance.

Debate ensued.

Question – put and resolved in the affirmative.

5 SCHOOLS FOR DISABLED STUDENTS – ANSWER TO QUESTION – The Honourable P.R. Hall moved, That the Council take note of the answer given by the Honourable the Minister for Education Services to a question without notice asked by the Honourable P.R. Hall relating to schools for disabled students.

Question – put and resolved in the affirmative.

6 ANSWER TO QUESTION ON NOTICE – An answer to a certain question on notice was circulated.

7 AUDITOR-GENERAL'S REPORT ON MANAGEMENT OF MAJOR INJURY CLAIMS BY TRANSPORT ACCIDENT COMMISSION – The Honourable W. Forwood moved, That the Council take note of the Report of the Auditor-General on management of major injury claims by the Transport Accident Commission, October 2001.

Debate ensued.

Question – put and resolved in the affirmative.

- 8 ROAD SAFETY (ALCOHOL INTERLOCKS) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time.

Debate resumed.

Business having been interrupted at 2.00 p.m. pursuant to Sessional Orders –

- 9 MEMBERS' STATEMENTS** – Statements were made by Honourable Members.

- 10 ROAD SAFETY (ALCOHOL INTERLOCKS) BILL** – Debate continued on the question, That this Bill be now read a second time.

Question – put and resolved in the affirmative.

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

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 11 JOINT SITTING – VICTORIAN HEALTH PROMOTION FOUNDATION** – The Acting President announced the receipt of –

- (a) a letter from the Minister for Health dated 21 January 2002 requesting that arrangements be made for a Joint Sitting of the Council and the Assembly to elect a Member for appointment to the Victorian Health Promotion Foundation; and
- (b) a Message from the Assembly acquainting the Council that they had agreed to meet the Council for that purpose and proposing that the place and time of the Joint Sitting be the Assembly Chamber on Wednesday, 27 March 2002 at 6.15 p.m., and desiring the concurrence of the Council.

Ordered – That the Assembly's Message be taken into consideration forthwith.

The Honourable C.C. Broad moved, by leave, That this House meet the Legislative Assembly for the purpose of sitting and voting together to elect a Member to the Victorian Health Promotion Foundation and, as proposed by the Assembly, the place and time of such meeting be the Legislative Assembly Chamber on Wednesday, 27 March 2002 at 6.15 p.m.

Question – put and resolved in the affirmative.

Ordered – That a Message be sent to the Assembly acquainting them therewith.

- 12 WATER (IRRIGATION FARM DAMS) (AMENDMENT) BILL** – The Acting President announced the receipt of a Message from the Assembly transmitting a *Bill to amend the Water (Irrigation Farm Dams) Act 2002 to change the dates of operation of various provisions of that Act* and desiring the concurrence of the Council therein.

On the motion of the Honourable C.C. Broad, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 13 JUDICIAL REMUNERATION TRIBUNAL (AMENDMENT) BILL** – The Order of the Day having been read for the consideration of the Message from the Assembly returning this Bill and informing the Council that they had agreed to the amendments made and insisted upon by the Council, each with an amendment, the said amendments were read and are as follows:

AMENDMENT NO 1

Clause 6, page 7, after line 2 insert –

"(4) A reference of a matter for an advisory opinion must be in writing.

(5) The Attorney-General or, if an Order under section 11(2) is in force, the relevant Minister, must cause notification of a reference under this section to be published

in the Government Gazette specifying the matters referred to the Tribunal for an advisory opinion within 7 days of referring the matter to the Tribunal."

How dealt with by the Assembly

Disagreed with.

How dealt with by the Council

Insisted upon.

How dealt with by the Assembly

Agreed to with the following amendment:

After proposed sub-section (5) insert—

"(6) Sub-sections (4) and (5) do not apply if the Attorney-General declares that an advisory opinion concerns matters of a confidential or personal nature."

AMENDMENT NO 2

Clause 6, page 7, line 3, omit "(4)" and insert "(6)".

How dealt with by the Assembly

Disagreed with.

How dealt with by the Council

Insisted upon.

How dealt with by the Assembly

Agreed to with the following amendment:

Omit "(6)" and insert "(7)".

AMENDMENT NO 3

Clause 8, line 26, after "recommendation" insert "or a report of an advisory opinion".

How dealt with by the Assembly

Disagreed with.

How dealt with by the Council

Insisted upon.

How dealt with by the Assembly

Agreed to with the following amendment:

After "or" insert ", unless section 11A(6) applies,".

On the motion of the Honourable J.M. Madden, the Council agreed to the amendments now made by the Assembly to the amendments made and insisted upon by the Council in the Bill.

Ordered — That a Message be sent to the Assembly acquainting them accordingly.

14 CRIMES (DNA DATABASE) BILL — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time.

Debate resumed.

On the motion of the Honourable R.M. Hallam, the debate was adjourned until the next day of meeting.

15 WATER (IRRIGATION FARM DAMS) BILL – The Acting President announced the receipt of a Message from the Assembly returning this Bill and acquainting the Council that they have agreed to some of the amendments made and insisted upon by the Council, and insist on disagreeing with the remaining amendments, and desiring the concurrence of the Council therein.

Ordered – That the Message be taken into consideration on the next day of meeting.

16 ADJOURNMENT – The Honourable M.M. Gould moved, That the House do now adjourn.

Debate ensued.

Question – put and resolved in the affirmative.

And then the Council, at 5.39 p.m., adjourned until Tuesday next.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

LEGISLATIVE COUNCIL OF VICTORIA

MINUTES OF THE PROCEEDINGS Nos. 106 and 107

No. 106 – Tuesday, 26 March 2002

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** – The Honourable M.M. Gould presented a Message from His Excellency the Governor informing the Council that he had, this day, given the Royal Assent to the undermentioned Acts presented to him by the Clerk of the Parliaments:
Road Safety (Alcohol Interlocks) Act
Sentencing (Amendment) Act
Wildlife (Amendment) Act.
- 3 **FORENSIC HEALTH LEGISLATION (AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill to amend the *Crimes (Mental Impairment and Unfitness to be Tried) Act 1997, the Control of Weapons Act 1990, the Intellectually Disabled Persons' Services Act 1986 and the Mental Health Act 1986 with respect to security patients and persons subject to supervision and for other purposes* and desiring the concurrence of the Council therein.
On the motion of the Honourable M.R. Thomson, the Bill was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 4 **COUNTRY FIRE AUTHORITY (MISCELLANEOUS AMENDMENTS) BILL** – The President announced the receipt of a Message from the Assembly returning this Bill and acquainting the Council that they have disagreed with the amendments made by the Council in this Bill.
Ordered – That the Message be taken into consideration on the next day of meeting.
- 5 **QUESTIONS** – Questions without notice were taken pursuant to Sessional Orders.
- 6 **ICE SPORTS CENTRE – ANSWER TO QUESTION** – The Honourable I.J. Cover moved, That the Council take note of the answer given by the Honourable the Minister for Sport and Recreation to a question without notice asked by the Honourable I.J. Cover relating to the ice sports centre.
Debate ensued.
Question – put and resolved in the affirmative.
- 7 **MARINE NATIONAL PARKS AND SANCTUARIES – ANSWER TO QUESTION** – The Honourable P.R. Hall moved, That the Council take note of the answer given by the Honourable the Minister for Energy and Resources to a question without notice asked by the Honourable R.F. Smith relating to marine national parks and sanctuaries.

Debate ensued.

Question – put and resolved in the affirmative.

- 8 ANSWERS TO QUESTIONS ON NOTICE** – Answers to certain questions on notice were circulated.
- 9 PETITION – PAKENHAM – LAUNCHING PLACE ROAD** – The Honourable N.B. Lucas presented a Petition bearing 465 signatures from certain citizens of Victoria requesting that the Minister for Transport give urgent attention to, and approve funding for, the construction of the Pakenham-Launching Place Road between the Pakenham Upper roundabout and Boyd Road.

Ordered to lie on the Table.

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

Border Groundwaters Agreement Review Committee – Report, 2000-2001.

Desert Fringe Regional Waste Management Group –

Minister's report of failure to submit 2000-2001 report to her within the prescribed period and the reasons therefor.

Report, 2000-2001.

Goulburn-Murray Rural Water Authority – Report, 2000-2001 (*in lieu of that tabled on 31 October 2001*).

Melbourne Parks and Waterways – Report, 2000-2001.

Mildura Regional Waste Management Group –

Minister's report of failure to submit 2000-2001 report to her within the prescribed period and the reasons therefor.

Report, 2000-2001.

Planning and Environment Act 1987 – Notices of Approval of the following amendments to planning schemes:

Banyule Planning Scheme – Amendment C25.

Cardinia Planning Scheme – Amendment C25.

Geelong – Greater Geelong Planning Scheme – Amendment C15.

Glenelg Planning Scheme – Amendment C6.

Golden Plains Planning Scheme – Amendment C8.

Hepburn Planning Scheme – Amendment C6.

Indigo Planning Scheme – Amendment C13.

Melbourne Planning Scheme – Amendment C40.

Mitchell Planning Scheme – Amendment C26.

Mornington Peninsula Planning Scheme – Amendment C36.

Nillumbik Planning Scheme – Amendment C3 (Part 2).

Statutory Rules under the following Acts of Parliament:

Conservation, Forests and Lands Act 1987 – No. 18.

Victorian Civil and Administrative Tribunal Act 1998 – No. 17.

Subordinate Legislation Act 1994 – Ministers' exemption certificates under section 9(6) in respect of Statutory Rule Nos. 17 and 18.

* * * * *

PROCLAMATION – A Proclamation of the Governor in Council fixing an operative date in respect of the following Act was laid upon the table by the Clerk pursuant to an Order of the Council on 4 November 1999:

Health Services (Conciliation and Review) (Amendment) Act 2001 – 25 March 2002 (*Gazette No. G12, 21 March 2002*).

11 CRIMES (DNA DATABASE) BILL – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time.

Debate resumed.

Question – put and resolved in the affirmative.

Bill read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honourable G.B. Ashman having reported that the Committee had agreed to the Bill with amendments, the House adopted the Report.

Ordered – That the Bill be read a third time later this day.

12 WATER (IRRIGATION FARM DAMS) (AMENDMENT) BILL – The Order of the Day having been read for the second reading of this Bill, the Honourable C.C. Broad moved, That this Bill be now read a second time.

Debate ensued.

Question – put and resolved in the affirmative.

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

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

13 WATER (IRRIGATION FARM DAMS) BILL – The Order of the Day having been read for the consideration of the Message from the Assembly returning this Bill and acquainting the Council that they had agreed to some of the amendments made and insisted upon by the Council and insist on disagreeing with the remaining amendments made and insisted upon by the Council, the said amendments remaining for consideration by the Council were read and are as follows:

AMENDMENT NO 1

Clause 4, page 3, line 11, after "51(1A)" insert "or 51(1B)".

AMENDMENT NO 2

Clause 6, lines 4 to 11, omit all words and expressions on these lines and insert –

'(2) In section 8(6) of the Principal Act, after paragraph (c) **insert** –

"(ca) a restriction or prohibition on the use, other than domestic and stock use, of water from a spring or soak or water from a private dam (to the extent that it is not rainwater supplied to the dam from the roof of a building) contained in an approved management plan drawn up under Division 3 of Part 3 for a water supply protection area; or".

AMENDMENT NO 3

Clause 6, after line 11 insert –

"(3) In section 8(6)(d) of the Principal Act for "the prescriptions" **substitute** "any other prescriptions".

AMENDMENT NO 4

Clause 10, page 15, after line 14 insert –

"(k) restrictions or prohibitions on the use, other than domestic and stock use, of water from a spring or soak or water from a private dam (to the extent that it is not rainwater supplied to the dam from the roof of a building);".

AMENDMENT NO 5

Clause 10, page 15, line 15, omit "(k)" and insert "(l)".

AMENDMENT NO 6

Clause 10, page 15, line 17, omit "(l)" and insert "(m)".

AMENDMENT NO 7

Clause 10, page 15, line 22, omit "(m)" and insert "(n)".

AMENDMENT NO 8

Clause 10, page 15, line 30, omit "(n)" and insert "(o)".

AMENDMENT NO 9

Clause 10, page 16, line 4, omit "(o)" and insert "(p)".

AMENDMENT NO 10

Clause 10, page 17, after line 33 insert—

"(14) Sub-section (13) does not apply to a contravention of a kind referred to in section 63(1A)."

AMENDMENT NO 11

Clause 19, lines 26 to 33 and page 29, lines 1 to 26, omit all words and expressions on these lines and insert—

(1A) During the period commencing on 1 February 2002 and ending on 31 January 2003, a person may apply, without payment of an application fee, to the Minister for the issue of a registration licence to take and use water from a dam on a waterway other than a river, creek, stream or watercourse for a use other than domestic and stock use.

(1B) If an approved management plan for a water supply protection area prohibits or restricts the use of water from a spring or soak or water from a private dam, a person may, during the period of 12 months after the approval of that management plan, apply, without payment of an application fee, to the Minister for the issue of a registration licence to take and use water from the spring or soak or water from the dam (to the extent that it is not rainwater supplied to the dam from the roof of a building or water supplied to the dam from a waterway or bore), for a use other than domestic and stock use.

(1C) Sub-section (1A) only applies, in relation to a dam, to a person who at any time during the period of 10 years immediately before the commencement of section 32 of the **Water (Irrigation Farm Dams) Act 2001** was taking and using water from the dam for a use (other than domestic and stock use) for which a licence under sub-section (1)(a) is not in force.

(1D) Sub-section (1B) only applies, in relation to a spring, soak or dam, to a person who at any time during the period of 10 years immediately before the approval of the relevant management plan was taking and using water from the spring or soak or water from the dam (other than water supplied to the dam from a waterway or bore) for a use other than domestic and stock use."

AMENDMENT NO 12

Clause 19, page 29, line 29 omit "(1C)" and insert "(1E)".

AMENDMENT NO 13

Clause 19, page 30, lines 12 to 35, omit all words and expressions on these lines and insert—

- "(ba) in the case of an application under sub-section (1A) in relation to a dam by a person who at any time during the period of 10 years immediately before the commencement of section 32 of the **Water (Irrigation Farm Dams) Act 2001** was taking and using water from the dam for a use (other than domestic and stock use), set out the maximum volume of water to be used by the applicant in each year during the period of the licence, determined in accordance with the criteria specified by Order under section 52A; and
- (bb) in the case of an application under sub-section (1)(ba) or (1B) in relation to a spring or soak or dam by a person who, at any time during the period of 10 years immediately before the approval of a management plan for the water supply protection area for which the application is made that prohibits or restricts the use of water from the spring or soak or dam, was taking and using water from the spring or soak or water from the dam (other than water supplied to the dam from a waterway or bore) for a use other than domestic and stock use, set out the maximum volume of water to be used by the applicant in each year during the period of the licence, determined in accordance with the criteria specified by Order under section 52A; and".

AMENDMENT NO 14

Clause 22, lines 18 to 20, omit "the commencement of section 32 of the **Water (Irrigation Farm Dams) Act 2001**" and insert "the approval of a management plan under Division 3 of Part 3 that prohibits or restricts the use of water from the spring or soak or dam".

AMENDMENT NO 15

Clause 26, lines 23 and 24, omit "licence issued under section 51(1A)" and insert "registration licence".

* * *

AMENDMENT NO 20

Clause 32, line 24, after "must not" insert "in contravention of an approved management plan for a water supply protection area".

AMENDMENT NO 21

Clause 32, page 40, lines 16 to 24, omit all words and expressions on these lines and insert—

- "(4) If, an approved management plan for a water supply protection area prohibits or restricts the use of water from a spring or soak or water from a dam not on a waterway and at any time during the period of 10 years immediately before the approval of the management plan, a person was taking and using water from the spring or soak or water from the dam, sub-section (1A) does not apply in respect of that person in respect of that spring or soak or dam until the end of the period of 12 months after the approval of the management plan.".

AMENDMENT NO 22

Clause 56, page 53, lines 19 to 33, omit all words and expressions on these lines and insert—

- "(8) If an approved management plan for a water supply protection area prohibits or restricts the use of water from a spring or soak or water from a dam (other than

water supplied to the dam from a waterway or a bore) for a use other than domestic and stock use, a person who—

- (a) at any time during the period of 10 years immediately before the approval of the management plan was taking and using water from that spring or soak or water from that dam (other than water supplied to the dam from a waterway or a bore, for a use other than domestic or stock use; and
- (b) before the end of the period of 12 months after the approval of the management plan applies for a licence under section 51(1)(ba) in relation to the spring or soak or dam—

is not liable to pay an application fee in respect of the application."

The Honourable C.C. Broad moved, That the Council do not now insist on their amendments previously insisted upon with which the Assembly have insisted upon disagreeing.

Debate ensued.

Question — put and resolved in the affirmative.

Ordered — That a Message be sent to the Assembly acquainting them accordingly.

14 FORENSIC HEALTH LEGISLATION (AMENDMENT) BILL — The Order of the Day having been read for the second reading of this Bill, the Honourable M.R. Thomson moved, That this Bill be now read a second time.

On the motion of the Honourable W. Forwood (for the Honourable M.T. Luckins), the debate was adjourned until the next day of meeting.

15 CRIMES (DNA DATABASE) BILL — The Order of the Day having been read for the third reading of this Bill, the Honourable J.M. Madden moved, That this Bill be now read a third time.

Debate ensued.

Question — put and 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 Council and passed.

Ordered — That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same with amendments, and desiring their concurrence therein.

16 ADJOURNMENT — The Honourable M.M. Gould moved, That the House do now adjourn.

Debate ensued.

Question — put and resolved in the affirmative.

And then the Council, at 10.06 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 107 — Wednesday, 27 March 2002

1 The President took the Chair and read the Prayer.

2 **QUESTIONS** — Questions without notice were taken pursuant to Sessional Orders.

- 3 SCHOOL CAPITAL WORKS PROGRAM FUNDING – ANSWERS TO QUESTIONS** – The Honourable A.R. Brideson moved, That the Council take note of the answers given by the Honourable the Minister for Education Services to questions without notice asked by the Honourable A.R. Brideson and the Honourable G.K. Rich-Phillips relating to school capital works program funding.

Debate ensued.

Question – put and resolved in the affirmative.

- 4 PRIVATE INVESTMENT IN SCHOOL INFRASTRUCTURE – ANSWER TO QUESTION** – The Honourable W.R. Baxter moved, That the Council take note of the answer given by the Honourable the Minister for Education Services to a question without notice asked by the Honourable W.R. Baxter relating to private investment in school infrastructure.

Question – put and resolved in the affirmative.

- 5 PAPER – PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE – ENVIRONMENTAL ACCOUNTING AND REPORTING** – The Honourable T.C. Theophanous presented the Final Report from the Public Accounts and Estimates Committee upon Environmental Accounting and Reporting, together with Appendices and Minutes of Evidence.

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

The Honourable T.C. Theophanous moved, That the Council take note of the Report.

Debate ensued.

Question – put and resolved in the affirmative.

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- 6 BUSINESS POSTPONED** – Ordered – That the consideration of Notices of Motion, General Business, Nos. 1 to 8 inclusive, be postponed until the next day of meeting.

- 7 FREEZA PROGRAM FUNDING** – The Honourable I.J. Cover moved, That this House condemns the Government for slashing funding by stealth for the Freeza program and calls on the new Minister for Youth Affairs as an act of good faith towards young Victorians to match the Liberal Party's commitment to increase funding to \$3 million annually on a recurrent basis.

Debate ensued.

Question – put.

The Council divided.

	AYES, 25		NOES, 12
The Hon.	B.N. Atkinson	The Hon.	C.C. Broad
	W.R. Baxter		E.C. Carbines
	R.A. Best		M.M. Gould
	M.A. Birrell		D.G. Hadden (<i>Teller</i>)
	B.C. Boardman		G.W. Jennings
	A.R. Brideson		J.M. McQuilten (<i>Teller</i>)
	A. Coote		J.M. Madden
	I.J. Cover		J. Mikakos
	G.R. Craige		S.M. Nguyen
	D.M. Davis		G.D. Romanes
	P.R. Davis		R.F. Smith

W. Forwood
 C.A. Furletti
 P.R. Hall
 R.M. Hallam
 P.A. Katsambanis (*Teller*)
 N.B. Lucas
 M.T. Luckins
 A.P. Olexander
 E.J. Powell
 G.K. Rich-Phillips
 K.M. Smith
 W.I. Smith
 Graeme Stoney
 C.A. Strong (*Teller*)

And so it was resolved in the affirmative.

8 MEMBERS' STATEMENTS – Statements were made by Honourable Members.

9 FORENSIC HEALTH LEGISLATION (AMENDMENT) BILL – STANDING ORDERS SUSPENDED – The Honourable M.M. Gould moved, by leave, That so much of the Standing Orders be suspended as would prevent motions for the second reading of the Forensic Health Legislation (Amendment) Bill and for the adjournment of the debate on the Bill being again moved.

Question – put and resolved in the affirmative.

10 FORENSIC HEALTH LEGISLATION (AMENDMENT) BILL – The Order of the Day having been read for the second reading of this Bill, the Honourable M.R. Thomson moved, That this Bill be now read a second time.

On the motion of the Honourable W. Forwood (for the Honourable M.T. Luckins), the debate was adjourned until later this day.

11 COUNTRY FIRE AUTHORITY (MISCELLANEOUS AMENDMENTS) BILL – The Order of the Day having been read for the consideration of the Message from the Assembly returning this Bill and acquainting the Council that they have disagreed with the amendments made by the Council in the Bill, the said amendments disagreed with by the Assembly were read and are as follows:

AMENDMENT NO 1

Clause 11, line 15, omit "*section 115*" and insert "*sections 115 and 116*".

AMENDMENT NO 2

Clause 11, line 17, after this line insert –

'**115. Transitional provision – Country Fire Authority (Miscellaneous Amendments) Act 2001 – Membership of Authority**

- (1) Despite the commencement of the **Country Fire Authority (Miscellaneous Amendments) Act 2001**, the Authority as constituted on and after that commencement is deemed to be the same body as the Authority as constituted before that commencement.
- (2) Despite the commencement of the **Country Fire Authority (Miscellaneous Amendments) Act 2001**, a person who is a member of that Authority under section 7 as in force immediately before that commencement, continues, subject to this Act, to be a member until the expiry of that person's term of office.'

AMENDMENT NO 3

Clause 11, line 18, omit '115' and insert "116".

AMENDMENT NO 4

Clause 11, line 23, omit "9" and insert "10".

AMENDMENT NO 5

Clause 11, line 28, omit "9" and insert "10".

AMENDMENT NO 6

Insert the following new clause to follow clause 2—

'A. Constitution of Authority

In section 7(1) of the **Country Fire Authority Act 1958**, for paragraphs (d), (e) and (f) **substitute**—

- "(d) one is to be selected by the Governor in Council from a panel of not less than two names submitted by the Victorian Farmers Federation;
- (e) one is to be selected by the Governor in Council from a panel of not less than two names submitted by the Victorian Employers Chamber of Commerce and Industry;
- (f) one is to be appointed by the Governor in Council from a panel, submitted by the executive committee of the Municipal Association of Victoria, of the names of two persons, each of whom, at the time of submission, is a councillor of a municipal council with a municipal district that is—
 - (i) wholly or partly within the country area of Victoria; and
 - (ii) within an 80 kilometre radius of the General Post Office (Corner of Elizabeth and Bourke Streets) Melbourne;
- (g) one is to be appointed by the Governor in Council from a panel, submitted by the executive committee of the Municipal Association of Victoria, of the names of two persons, each of whom, at the time of submission, is a councillor of a municipal council with a municipal district that is—
 - (i) wholly or partly within the country area of Victoria; and
 - (ii) outside an 80 kilometre radius of the General Post Office (Corner of Elizabeth and Bourke Streets) Melbourne.'

The Honourable J.M. Madden moved, That the Council do not insist on their amendments with which the Assembly have disagreed.

Debate ensued.

Question — put.

The Council divided.

AYES, 13
 The Hon. C.C. Broad
 E.C. Carbines (*Teller*)
 M.M. Gould
 D.G. Hadden (*Teller*)
 G.W. Jennings
 J.M. McQuilten

NOES, 26
 The Hon. G.B. Ashman
 B.N. Atkinson
 W.R. Baxter
 R.A. Best
 M.A. Birrell
 B.C. Boardman

J.M. Madden
 J. Mikakos
 S.M. Nguyen
 G.D. Romanes
 R.F. Smith
 T.C. Theophanous
 M.R. Thomson

A.R. Brideson
 A. Coote
 I.J. Cover
 G.R. Craige
 D.M. Davis
 P.R. Davis
 W. Forwood
 C.A. Furletti
 P.R. Hall
 R.M. Hallam
 P.A. Katsambanis
 N.B. Lucas (*Teller*)
 M.T. Luckins
 A.P. Olexander
 E.J. Powell
 G.K. Rich-Phillips (*Teller*)
 K.M. Smith
 W.I. Smith
 Graeme Stoney
 C.A. Strong

And so it passed in the negative.

Question – That the Bill be returned to the Assembly with a Message acquainting them that the Council insist on their amendments with which the Assembly have disagreed – put.

The Council divided.

AYES, 26

The Hon. G.B. Ashman
 B.N. Atkinson
 W.R. Baxter
 R.A. Best
 M.A. Birrell
 B.C. Boardman
 A.R. Brideson
 A. Coote
 I.J. Cover (*Teller*)
 G.R. Craige (*Teller*)
 D.M. Davis
 P.R. Davis
 W. Forwood
 C.A. Furletti
 P.R. Hall
 R.M. Hallam
 P.A. Katsambanis
 N.B. Lucas
 M.T. Luckins
 A.P. Olexander
 E.J. Powell

NOES, 13

The Hon. C.C. Broad
 E.C. Carbines
 M.M. Gould
 D.G. Hadden (*Teller*)
 G.W. Jennings
 J.M. McQuilten
 J.M. Madden
 J. Mikakos
 S.M. Nguyen
 G.D. Romanes
 R.F. Smith
 T.C. Theophanous (*Teller*)
 M.R. Thomson

G.K. Rich-Phillips
K.M. Smith
W.I. Smith
Graeme Stoney
C.A. Strong

And so it was resolved in the affirmative.

- 12 FORENSIC HEALTH LEGISLATION (AMENDMENT) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time.

Debate resumed.

Interruption –

- 13 JOINT SITTING – VICTORIAN HEALTH PROMOTION FOUNDATION** – The President announced that the time had arrived for the House to meet the Assembly in the Assembly Chamber to elect a Member for appointment to the Victorian Health Promotion Foundation.

Accordingly, the Council then proceeded to the Assembly Chamber, and having returned –

The President reported that at the Joint Sitting, the Honourable Gerald Barry Ashman, M.L.C. was elected to the Foundation for a three year term commencing on 23 May 2002.

- 14 FORENSIC HEALTH LEGISLATION (AMENDMENT) BILL** – Debate continued on the question, That this Bill be now read a second time.

Question – put and resolved in the affirmative.

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

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 15 ADJOURNMENT** – The Honourable M.M. Gould moved, That the Council, at its rising, adjourn until Tuesday, 16 April 2002.

Question – put and resolved in the affirmative.

The Honourable M.M. Gould moved, That the House do now adjourn.

Debate ensued.

[*Sitting suspended from 10.01 p.m. until 10.38 p.m.*]

Question – put and resolved in the affirmative.

And then the Council, at 10.38 p.m., adjourned until Tuesday, 16 April 2002.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

LEGISLATIVE COUNCIL OF VICTORIA

MINUTES OF THE PROCEEDINGS Nos. 108, 109, 110 and 111

No. 108 – Tuesday, 16 April 2002

- 1 The President took the Chair and read the Prayer.
- 2 **DEATH OF HER MAJESTY QUEEN ELIZABETH THE QUEEN MOTHER –**
The Honourable M.M. Gould moved, That the Council agree to the following Resolution:

We, the Legislative Council of Victoria, in Parliament assembled, express our sympathy with Your Majesty, His Royal Highness the Duke of Edinburgh and members of the Royal Family, in your sorrow at the death of Her Majesty Queen Elizabeth The Queen Mother.

We acknowledge her as a much-loved member of the Royal Family and pay tribute to her long years of devoted service which she carried out with charm, dignity and resilience throughout her life.

Debate ensued.

The question was put and, Honourable Members signifying their assent by rising in their places and standing in silence for one minute, unanimously resolved in the affirmative.

The Honourable M.M. Gould moved, That the following Address to His Excellency the Governor be agreed to by this House:

We, the Members of the Parliament of Victoria, in Parliament assembled, respectfully request that Your Excellency will be pleased to communicate to the Governor-General the accompanying resolution for transmission to Her Majesty the Queen.

Question – put and resolved in the affirmative.

- 3 **ASSENT TO ACTS –** The Honourable M.M. Gould presented Messages from His Excellency the Governor and the Lieutenant-Governor, as the Governor's Deputy, informing the Council –

That he had, on 3 April 2002, given the Royal Assent to the undermentioned Acts presented to him by the Deputy Clerk of the Legislative Council, for and in the absence of the Clerk of the Parliaments:

Judicial Remuneration Tribunal (Amendment) Act

Water (Irrigation Farm Dams) Act

Water (Irrigation Farm Dams) (Amendment) Act.

That she had, on 9 April 2002, given the Royal Assent to the undermentioned Act presented to her by the Clerk of the Parliaments:

Forensic Health Legislation (Amendment) Act.

- 4 CONSTITUTION (GOVERNOR'S SALARY) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend section 7 of the Constitution Act 1975* and desiring the concurrence of the Council therein.
On the motion of the Honourable M.M. Gould, the Bill was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 5 ELECTRICITY INDUSTRY (AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Electricity Industry Act 2000 to require holders of licences to sell electricity to disclose information about greenhouse gas emissions to consumers and for other purposes* and desiring the concurrence of the Council therein.
On the motion of the Honourable C.C. Broad, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
- 6 CORPORATIONS (FINANCIAL SERVICES REFORM AMENDMENTS) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Corporations (Ancillary Provisions) Act 2001 and certain other Victorian Acts as a consequence of the enactment by the Parliament of the Commonwealth of the Financial Services Reform Act 2001 and for other purposes* and desiring the concurrence of the Council therein.
On the motion of the Honourable J.M. Madden, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
- 7 STATUTE LAW (FURTHER REVISION) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to revise further the Statute Law of Victoria* and desiring the concurrence of the Council therein.
On the motion of the Honourable M.M. Gould, the Bill was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 8 AUDIT (FURTHER AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly returning this Bill and acquainting the Council that they have disagreed with the amendments made by the Council in this Bill.
Ordered – That the Message be taken into consideration on the next day of meeting.
- 9 SUSPENSION OF STANDING ORDERS – URGENCY** – The Honourable W. Forwood moved, That Standing Orders be suspended on the ground of urgency to the extent necessary to enable him to move the following motion forthwith:
“That this House –
- (a) Places on record its deep concern at the announcement on 27 March 2002 by the Leader of the Government that only one Minister will be present during the Adjournment debate in contravention of long-established practice in the Council;
 - (b) Condemns the Government for such a practice which will enable Ministers to avoid full public scrutiny and accountability;
 - (c) Reaffirms the fundamental principles of Ministerial responsibility under the Westminster system of Government; and
 - (d) Calls on all Ministers to continue to attend the Adjournment debate as has always been the case in the past”.

Question – put.

The Council divided.

AYES, 28

The Hon. G.B. Ashman
 B.N. Atkinson
 W.R. Baxter
 R.A. Best
 M.A. Birrell
 B.W. Bishop
 B.C. Boardman
 R.H. Bowden
 A.R. Brideson
 A. Coote
 I.J. Cover
 G.R. Craige
 D.M. Davis
 P.R. Davis
 W. Forwood
 C.A. Furletti
 P.R. Hall
 R.M. Hallam
 P.A. Katsambanis (*Teller*)
 N.B. Lucas
 M.T. Luckins
 A.P. Olexander
 E.J. Powell
 Dr. J Ross
 K.M. Smith
 W.I. Smith (*Teller*)
 Graeme Stoney
 C.A. Strong

NOES, 13

The Hon. C.C. Broad
 E.C. Carbines (*Teller*)
 M.M. Gould
 D.G. Hadden
 G.W. Jennings
 J.M. McQuilten
 J.M. Madden
 J. Mikakos
 S.M. Nguyen
 G.D. Romanes
 R.F. Smith (*Teller*)
 T.C. Theophanous
 M.R. Thomson

And so it was resolved in the affirmative.

10 MINISTERIAL RESPONSIBILITY AND ACCOUNTABILITY – Pursuant to the foregoing resolution, the Honourable W. Forwood moved, That this House –

- (a) Places on record its deep concern at the announcement on 27 March 2002 by the Leader of the Government that only one Minister will be present during the Adjournment debate in contravention of long-established practice in the Council;
- (b) Condemns the Government for such a practice which will enable Ministers to avoid full public scrutiny and accountability;
- (c) Reaffirms the fundamental principles of Ministerial responsibility under the Westminster system of Government; and
- (d) Calls on all Ministers to continue to attend the Adjournment debate as has always been the case in the past.

Debate ensued.

Question – put.

The Council divided.

AYES, 27

The Hon. G.B. Ashman
 B.N. Atkinson
 W.R. Baxter
 R.A. Best
 M.A. Birrell
 B.W. Bishop
 B.C. Boardman
 R.H. Bowden
 A.R. Brideson
 A. Cooté (*Teller*)
 I.J. Cover (*Teller*)
 G.R. Craige
 D.M. Davis
 P.R. Davis
 W. Forwood
 C.A. Furletti
 P.R. Hall
 R.M. Hallam
 P.A. Katsambanis
 N.B. Lucas
 M.T. Luckins
 A.P. Olexander
 E.J. Powell
 G.K. Rich-Phillips
 R.F. Smith
 Graeme Stoney
 C.A. Strong

NOES, 13

The Hon. C.C. Broad
 E.C. Carbines
 M.M. Gould
 D.G. Hadden
 G.W. Jennings
 J.M. McQuilten
 J.M. Madden
 J. Mikakos (*Teller*)
 S.M. Nguyen (*Teller*)
 G.D. Romanes
 R.F. Smith
 T.C. Theophanous
 M.R. Thomson

And so it was resolved in the affirmative.

11 QUESTIONS – Questions without notice were taken pursuant to Sessional Orders.

12 LIQUOR LICENCES – ANSWERS TO QUESTIONS – The Honourable W.I. Smith moved, That the Council take note of the answers given by the Honourable the Minister for Small Business to questions without notice asked by Honourable Members relating to the 8 per cent liquor licensing cap.

Debate ensued.

Question – put and resolved in the affirmative.

13 ELECTRICITY TARIFFS – ANSWER TO QUESTION – The Honourable R.A. Best moved, That the Council take note of the answer given by the Honourable the Minister for Energy and Resources to a question without notice asked by the Honourable R.A. Best relating to electricity tariffs in Bendigo and surrounding areas.

Question – put and resolved in the affirmative.

14 ANSWERS TO QUESTIONS ON NOTICE – Answers to certain questions on notice were circulated.

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

- Austin and Repatriation Medical Centre – Report, 2000-2001 (two papers).
- Crown Land (Reserves) Act 1978 – Minister's Order of 18 March 2002 giving approval to granting of a lease at Cheltenham.
- Lake Mountain Alpine Resort Management Board – Report, 2000-2001.
- Mansfield District Hospital – Report, 2000-2001.
- Northern Victoria Fresh Tomato Industry Development Committee – Minister's report of 10 April 2002 of receipt of the 2000-2001 report.
- Planning and Environment Act 1987 – Notices of Approval of the following amendments to planning schemes:
 - Alpine Planning Scheme – Amendment C5.
 - Bendigo – Greater Bendigo Planning Scheme – Amendment C25.
 - Brimbank Planning Scheme – Amendments C34 and C39.
 - Cardinia Planning Scheme – Amendment C13 Part 1.
 - Gannawarra Planning Scheme – Amendment C3.
 - Kingston Planning Scheme – Amendments C21 and C24.
 - Mildura Planning Scheme – Amendment C6.
 - Mitchell Planning Scheme – Amendment C9.
 - Manningham Planning Scheme – Amendment C12.
 - Melbourne Planning Scheme – Amendment C18.
 - Monash Planning Scheme – Amendment C14.
 - Moonee Valley Planning Scheme – Amendments C25 and C32.
 - Moreland Planning Scheme – Amendment C17.
 - Shepparton – Greater Shepparton Planning Scheme – Amendment C22.
 - Towong Planning Scheme – Amendment C3 Part 1.
 - Wyndham Planning Scheme – Amendment C32.
 - Yarra Planning Scheme – Amendment C36.
- Statutory Rules under the following Acts of Parliament:
 - Fisheries Act 1995 – No. 19.
 - Occupational Health and Safety Act 1985 – Dangerous Goods Act 1985 – No. 20.
 - Subordinate Legislation Act 1994 – Minister's exception certificate under section 8(4) in respect of Statutory Rule No. 19.

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PROCLAMATION – A Proclamation of His Excellency the Governor in Council fixing an operative date in respect of the following Act was laid upon the Table by the Clerk pursuant to an Order of the Council on 4 November 1999:

- Second-Hand Dealers and Pawnbrokers (Amendment) Act 2001 – Remaining provisions (except sections 30(3), 31, 36, 37 and 38) – 8 April 2002 (*Gazette No G13, 28 March 2002*).

16 CONSTITUTION (GOVERNOR'S SALARY) BILL – The Order of the Day having been read for the second reading of this Bill, the Honourable M.M. Gould moved, That this Bill be now read a second time.

On the motion of the Honourable W. Forwood (for the Honourable N.B. Lucas), the debate was adjourned until the next day of meeting.

17 PAPER – SCRUTINY OF ACTS AND REGULATIONS COMMITTEE – ALERT DIGEST – By leave, the Honourable A.P. Olexander presented Alert Digest No. 3 of 2002 from the Scrutiny of Acts and Regulations Committee, together with Appendices.

Ordered to lie on the Table and to be printed.

18 STATUTE LAW (FURTHER REVISION) BILL – The Order of the Day having been read for the second reading of this Bill, the Honourable M.M. Gould moved, That this Bill be now read a second time.

On the motion of the Honourable C.A. Furletti (for the Honourable D.M. Davis), the debate was adjourned until the next day of meeting.

19 HOUSE CONTRACTS GUARANTEE (HIH FURTHER AMENDMENT) BILL – The Order of the Day having been read for the consideration of the report from the Committee of the whole, the Honourable M.M. Gould moved, That the Report be now adopted.

The Honourable C.A. Furletti moved, as an amendment, That the words “now adopted” be omitted with the view of inserting in place thereof “taken into consideration in 14 days”.

Question – That the words proposed to be omitted stand part of the question – put and negatived.

Question – That the words and expressions proposed to be inserted be so inserted – put and resolved in the affirmative.

Ordered – That the report from the Committee of the whole be taken into consideration on Tuesday, 30 April 2002.

20 ADJOURNMENT – The Honourable C.C. Broad moved, That the House do now adjourn.

Debate ensued.

Question – put and resolved in the affirmative.

And then the Council, at 9.01 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 109 – Wednesday, 17 April 2002

1 The President took the Chair and read the Prayer.

2 QUESTIONS – Questions without notice were taken pursuant to Sessional Orders.

3 ENERGY AND RESOURCES AND PORTS PORTFOLIOS – ANSWERS TO QUESTIONS – The Honourable C.A. Furletti moved, That the Council take note of the answers given by the Honourable the Minister for Energy and Resources and Minister for Ports to questions without notice asked by Honourable Members relating to the Energy and Resources and Ports portfolios.

Debate ensued.

Question – put and resolved in the affirmative.

4 BUSINESS POSTPONED – Ordered – That the consideration of Notices of Motion, General Business, Nos. 1 to 8 inclusive, be postponed until the next day of meeting.

- 5 **BUSINESS OF THE HOUSE** – The Honourable W. Forwood moved, That until the end of June 2002 the Council shall meet for the despatch of business on Fridays at 10.00 a.m.

Debate ensued.

Question – put and resolved in the affirmative.

- 6 **LIQUOR LICENSING LEGISLATION** – The Honourable W.I. Smith moved, That this House condemns the State Government for its failure to support small businesses and creating uncertainty in the liquor industry, by failing to enforce its own legislation, and maintaining the 8 per cent liquor licensing cap.

Debate ensued.

Question – put.

The Council divided.

AYES, 28

The Hon. G.B. Ashman
 B.N. Atkinson
 W.R. Baxter
 R.A. Best
 M.A. Birrell
 B.W. Bishop
 B.C. Boardman
 R.H. Bowden
 A.R. Brideson
 A. Coote
 I.J. Cover
 G.R. Craige
 D.M. Davis
 P.R. Davis
 W. Forwood
 C.A. Furletti
 P.R. Hall
 R.M. Hallam
 P.A. Katsambanis
 N.B. Lucas
 M.T. Luckins
 A.P. Olexander
 E.J. Powell (*Teller*)
 G.K. Rich-Phillips
 K.M. Smith
 W.I. Smith (*Teller*)
 Graeme Stoney
 C.A. Strong

NOES, 13

The Hon. C.C. Broad
 E.C. Carbines
 M.M. Gould
 D.G. Hadden (*Teller*)
 G.W. Jennings
 J.M. McQuilten
 J.M. Madden
 J. Mikakos (*Teller*)
 S.M. Nguyen
 G.D. Romanes
 R.F. Smith
 T.C. Thephanous
 M.R. Thomson

And so it was resolved in the affirmative.

- 7 **MEMBERS' STATEMENTS** – Statements were made by Honourable Members.
- 8 **CORPORATIONS (FINANCIAL SERVICES REFORM AMENDMENTS) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable J.M. Madden moved, That this Bill be now read a second time.

On the motion of the Honourable W. Forwood (for the Honourable P.A. Katsambanis), the debate was adjourned until the next day of meeting.

- 9 ELECTRICITY INDUSTRY (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable C.C. Broad moved, That this Bill be now read a second time.

On the motion of the Honourable N.B. Lucas (for the Honourable C.A. Furletti), the debate was adjourned until the next day of meeting.

- 10 CONSTITUTION (GOVERNOR'S SALARY) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time.

Debate resumed.

Question – put and resolved in the affirmative.

Bill read a second time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and, by leave, read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 11 STATUTE LAW (FURTHER REVISION) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time.

Debate resumed.

Question – put and resolved in the affirmative.

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

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 12 ADJOURNMENT** – The Honourable J.M. Madden moved, That the House do now adjourn.

Debate ensued.

Question – put and resolved in the affirmative.

And then the Council, at 5.32 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 110 – Thursday, 18 April 2002

- 1 The President took the Chair and read the Prayer.
- 2 **JEWISH CARE (VICTORIA) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *relating to Jewish Care (Victoria) Inc. and for other purposes* and desiring the concurrence of the Council therein.
On the motion of the Honourable J.M. Madden, the Bill was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 3 **CRIMES (DNA DATABASE) BILL** – The President announced the receipt of a Message from the Assembly returning this Bill and acquainting the Council that they have agreed to some of the amendments made by the Council in such Bill, have disagreed with other amendments, have disagreed with another amendment but have made an amendment in the Bill, and have agreed to the

remaining amendments each with an amendment, and desiring the concurrence of the Council therein.

Ordered – That the Message be taken into consideration later this day.

4 QUESTIONS – Questions without notice were taken pursuant to Sessional Orders.

5 YOUTH SUICIDES – ANSWERS TO QUESTIONS – The Honourable I.J. Cover moved, That the Council take note of the answers given by the Honourable the Minister for Youth Affairs to questions without notice asked by the Honourables I.J. Cover, M.T. Luckins and A.P. Olexander relating to youth suicides.

Debate ensued.

Question – put and resolved in the affirmative.

6 WIND FARMS – ANSWER TO QUESTION – The Honourable P.R. Hall moved, That the Council take note of the answer given by the Honourable the Minister for Energy and Resources to a question without notice asked by the Honourable P.R. Hall relating to wind farms.

Question – put and resolved in the affirmative.

7 ANSWERS TO QUESTIONS ON NOTICE – Answers to certain questions on notice were circulated.

8 PAPERS –

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE – DEPARTMENT OF HUMAN SERVICES AGREEMENTS – The Honourable R.M. Hallam presented a report from the Public Accounts and Estimates Committee upon Department of Human Services, Service Agreements for Community, Health and Welfare Services, together with Appendices and Minutes of Evidence.

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

The Honourable R.M. Hallam moved, That the Council take note of the Report.

Question – put and resolved in the affirmative.

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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 – Report on International Students in Victorian Universities, April 2002.

Lorne Community Hospital – Report, 2000-2001.

Statutory Rules under the following Acts of Parliament:

Building Act 1993 – No. 27.

Gaming Machine Control Act 1991 – Nos. 23 to 25.

Magistrates' Court Act 1989 – No. 22.

Sentencing Act 1991 – No. 21.

Subdivision Act 1988 – No. 26.

Subordinate Legislation Act 1994 – Minister's exception certificates under section 8(4) in respect of Statutory Rule Nos. 21 and 22.

9 AUDITOR-GENERAL'S REPORT ON PUBLIC SECTOR AGENCIES – The Honourable E.C. Carbines moved, That the Council take note of the Report of the Auditor-General on Public Sector Agencies, November 2001.

Debate ensued.

Question – put and resolved in the affirmative.

- 10 PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE REPORT ON THE 2001-2002 BUDGET ESTIMATES** – The Honourable D.M. Davis moved, That the Council take note of the report of the Public Accounts and Estimates Committee on the 2001-2002 Budget Estimates.

Debate ensued.

Question – put and resolved in the affirmative.

- 11 CORPORATIONS (FINANCIAL SERVICES REFORM AMENDMENTS) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time.

Debate resumed.

Business having been interrupted at 2.00 p.m. pursuant to Sessional Orders –

- 12 MEMBERS' STATEMENTS** – Statements were made by Honourable Members.

- 13 CORPORATIONS (FINANCIAL SERVICES REFORM AMENDMENTS) BILL** – Debate continued on the question, That this Bill be now read a second time.

Question – put and resolved in the affirmative.

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

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 14 ELECTRICITY INDUSTRY (AMENDMENT) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time.

Debate resumed.

Question – put and resolved in the affirmative.

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

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 15 JEWISH CARE (VICTORIA) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable J.M. Madden moved, That this Bill be now read a second time.

On the motion of the Honourable A. Coote, the debate was adjourned the next day of meeting.

- 16 MELBOURNE CITY LINK (FURTHER MISCELLANEOUS AMENDMENTS) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Melbourne City Link Act 1995 and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable C.C. Broad, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 17 HEALTH PRACTITIONER ACTS (FURTHER AMENDMENTS) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Medical Practice Act 1994, the Nurses Act 1993 and other Acts relating to health practitioners and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable M.R. Thomson, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 18 ADJOURNMENT** – The Honourable M.M. Gould moved, That the Council, at its rising, adjourn until tomorrow at 9.30 a.m.

Question – put and resolved in the affirmative.

The Honourable M.M. Gould moved, That the House do now adjourn.
Debate ensued.

Question – put and resolved in the affirmative.

And then the Council, at 5.59 p.m., adjourned until tomorrow at 9.30 a.m.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 111 – Friday, 19 April 2002

- 1 The President 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:
Surveillance Devices Act 1999 – Report, 2001 from the Chief Commissioner of Police, Chairperson, National Crime Authority and Secretary, Department of Natural Resources and Environment, pursuant to section 37 of the Act.
- 3 **MELBOURNE CITY LINK (FURTHER MISCELLANEOUS AMENDMENTS) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable C.C. Broad moved, That this Bill be now read a second time.
On the motion of the Honourable G.B. Ashman, the debate was adjourned until the next day of meeting.
- 4 **HEALTH PRACTITIONER ACTS (FURTHER AMENDMENTS) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable M.R. Thomson moved, That this Bill be now read a second time.
On the motion of the Honourable M.T. Luckins, the debate was adjourned until the next day of meeting.
- 5 **QUESTIONS** – Questions without notice were taken pursuant to Sessional Orders.
- 6 **URBAN AND REGIONAL LAND CORPORATION MANAGING DIRECTOR SELECT COMMITTEE – ANSWER TO QUESTION** – The Honourable W. Forwood moved, That the Council take note of the answer given by the Honourable the Minister for Youth Affairs to a question without notice asked by the Honourable W. Forwood relating to the Select Committee on the Urban and Regional Land Corporation Managing Director.
Debate ensued.
Question – put and resolved in the affirmative.
- 7 **TEACHER WORKFORCE PLANNING – ANSWER TO QUESTION** – The Honourable P.R. Hall moved, That the Council take note of the answer given by the Honourable the Minister for Education Services to a question without notice asked by the Honourable R.F. Smith relating to teacher workforce planning.
Question – put and resolved in the affirmative.
- 8 **JEWISH CARE (VICTORIA) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time.
And the Deputy President having ruled the Bill to be a Private Bill –
The Honourable J.M. Madden moved, That this Bill be dealt with as a Public Bill.

Question – put and resolved in the affirmative.

Debate resumed.

Question – That this Bill be now read a second time – put and resolved in the affirmative.

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

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 9 **CRIMES (DNA DATABASE) BILL** – The Order of the Day having been read for the consideration of the Message from the Assembly returning this Bill and acquainting the Council that they had agreed to some of the amendments made by the Council in such Bill, had disagreed with other amendments, had disagreed with another amendment but had made an amendment in the Bill, and had agreed to the remaining amendments each with an amendment, the said amendments remaining for consideration by the Council were read and are as follows:

AMENDMENT NO 1

Clause 2, line 2, omit "17(2)" and insert "21(2)".

How dealt with by the Assembly

Agreed to with the following amendment:

Omit "21(2)" and insert "18(2)".

AMENDMENT NO 2

Clause 2, line 5, omit "17(2)" and insert "21(2)".

How dealt with by the Assembly

Agreed to with the following amendment:

Omit "21(2)" and insert "18(2)".

AMENDMENT NO 3

Clause 5, page 6, line 30, omit ", 464T or 464U".

How dealt with by the Assembly

Disagreed with.

AMENDMENT NO 4

Clause 6, omit this clause.

How dealt with by the Assembly

Disagreed with.

* * * * *

AMENDMENT NO 12

Clause 8, lines 9 and 10, omit all words and expressions on these lines and insert –

In section 464ZE(1) of the Principal Act –

(a) after "(4)" **insert** "and section 464ZGO";

(b) in paragraph (d), for "464ZGE; or" **substitute** "464ZGE.";

(c) paragraph (e) is **repealed**.'.

How dealt with by the Assembly

Disagreed with.

AMENDMENT NO 13

Clause 10, page 11, line 2, omit "10" and insert "12".

How dealt with by the Assembly

Agreed to with the following amendment:

Omit "12" and insert "11".

AMENDMENT NO 14

Clause 12, after line 21 insert –

'() in paragraph (a), omit ", 464T(3), 464U(7) or 464V(5)";'.

How dealt with by the Assembly

Disagreed with.

AMENDMENT NO 15

Clause 15, page 28, line 28, omit "15" and insert "18".

How dealt with by the Assembly

Agreed to with the following amendment:

Omit "18" and insert "16".

AMENDMENT NO 16

Clause 16, lines 6 to 8, omit sub-clause (2).

How dealt with by the Assembly

Disagreed with.

AMENDMENT NO 17

Clause 18, after line 19 insert –

"(1) Section 464R of this Act as substituted by section 6 of the **Crimes (DNA Database) Act 2002** applies to all forensic procedures conducted on or after the commencement of section 6 of that Act and any application made under section 464T, 464V or 464W as in force immediately before that commencement that has not been determined before that commencement is deemed to have been withdrawn."

How dealt with by the Assembly

Disagreed with.

AMENDMENT NO 18

Clause 18, line 20, omit "(1)" and insert "(2)".

How dealt with by the Assembly

Disagreed with.

AMENDMENT NO 19

Clause 18, line 25, omit "(2)" and insert "(3)".

How dealt with by the Assembly

Disagreed with.

AMENDMENT NO 20

Clause 18, line 26, omit "12" and insert "14".

How dealt with by the Assembly

Agreed to with the following amendment:

Omit "14" and insert "13".

AMENDMENT NO 21

Clause 18, line 29, omit "12" and insert "14".

How dealt with by the Assembly

Agreed to with the following amendment:

Omit "14" and insert "13".

AMENDMENT NO 22

Clause 18, line 30, omit "(3)" and insert "(4)".

How dealt with by the Assembly

Disagreed with.

AMENDMENT NO 23

Clause 18, line 31, omit "15" and insert "18".

How dealt with by the Assembly

Agreed to with the following amendment:

Omit "18" and insert "16".

AMENDMENT NO 24

Clause 18, page 31, line 1, omit "(4)" and insert "(5)".

How dealt with by the Assembly

Disagreed with.

AMENDMENT NO 25

Clause 18, page 31, line 2, omit "16" and insert "20".

How dealt with by the Assembly

Agreed to with the following amendment:

Omit "20" and insert "17".

AMENDMENT NO 26

Clause 18, page 31, line 5, omit "16" and insert "20".

How dealt with by the Assembly

Agreed to with the following amendment:

Omit "20" and insert "17".

AMENDMENT NO 27

Clause 18, page 31, line 6, omit "(5)" and insert "(6)".

How dealt with by the Assembly

Disagreed with.

AMENDMENT NO 28

Clause 18, page 31, line 7, omit "17(1)" and insert "21(1)".

How dealt with by the Assembly

Agreed to with the following amendment:

Omit "21(1)" and insert "18(1)".

AMENDMENT NO 29

Clause 18, page 31, line 10, omit "17(1)" and insert "21(1)".

How dealt with by the Assembly

Agreed to with the following amendment:

Omit "21(1)" and insert "18(1)".

AMENDMENT NO 30

Clause 18, page 31, line 12, omit "(6)" and insert "(7)".

How dealt with by the Assembly

Disagreed with.

AMENDMENT NO 31

Clause 18, page 31, line 12, omit "(4) and (5)" and insert "(5) and (6)".

How dealt with by the Assembly

Disagreed with.

AMENDMENT NO 32

Clause 18, page 31, line 16, omit "16 or 17(1)" and insert "20 or 21(1)".

How dealt with by the Assembly

Agreed to with the following amendment:

Omit "20 or 21(1)" and insert "17 or 18(1)".

AMENDMENT NO 33

Insert the following New Clause to follow Clause 5:

'A. Substitution of sections 464R to 464X

For sections 464R to 464X of the Principal Act **substitute** –

"464R. Forensic procedures

- (1) If there are reasonable grounds to believe that a forensic procedure on a person would tend to confirm or disprove the involvement of the person in the commission of an offence specified in Schedule 8, sections 464K to 464M apply to forensic procedures as if –
 - (a) a reference to the taking or giving of fingerprints were a reference to the conduct of a forensic procedure; and
 - (b) a reference to an authorised person were a reference to a person authorised under section 464Z(1); and
 - (c) a reference to an indictable offence or a summary offence referred to in Schedule 7 were a reference to an offence specified in Schedule 8; and
 - (d) a reference to fingerprints were a reference to a forensic procedure or evidence obtained as a result of a forensic procedure.
- (2) A member of the police force must inform a person on whom a forensic procedure is to be conducted that the person may request that the procedure be conducted by or in the presence of a medical practitioner or nurse of his or her choice or, where the procedure is the taking of a dental impression, a dentist of his or her choice."!

How dealt with by the Assembly

Disagreed with.

AMENDMENT NO 34

Insert the following New Clauses to follow Clause 7:

B. Execution of order for mouth scraping

(1) In section 464ZA(1) of the Principal Act, for –

"If a court makes an order under section 464T(3), 464U(7) or 464V(5) for the conduct of a compulsory procedure, or an order under section 464ZF for the conduct of a forensic procedure" –

substitute –

"If a forensic procedure is to be conducted under this Subdivision".

(2) In section 464ZA(3) of the Principal Act –

(a) for "If the Children's Court makes an order under section 464U(7) or 464V(5)" **substitute** "If a forensic procedure is to be conducted under this Subdivision on a child";

(b) for "a compulsory procedure" **substitute** "the forensic procedure".

(3) In section 464ZA(4) of the Principal Act, after "blood sample" **insert** "or a scraping from a person's mouth taken by that person".

(4) In section 464ZA(5) of the Principal Act –

(a) **omit** "compulsory or";

(b) after "procedures" **insert** "(except a scraping from a person's mouth taken by that person)".

(5) In section 464ZA(6) of the Principal Act –

(a) for "an order under section 464T(3), 464U(7), 464V(5) or 464ZF is executed" **substitute** "a forensic procedure is conducted";

(b) after "the order" (wherever occurring) **insert** ", if any,".

(6) In section 464ZA(7) of the Principal Act, **omit** "compulsory or".

C. Forensic reports

In section 464ZD of the Principal Act, **omit** "in accordance with section 464R, 464T(3), 464U(7), 464V(5) or 464ZF(2) or (3) or sections 464ZGB to 464ZGD or otherwise".

How dealt with by the Assembly

Disagreed with but with the following amendment made to the Bill:

Insert the following New Clause to follow Clause 7:

'AA. Execution of order for mouth scraping

(1) In section 464ZA(4) of the Principal Act, after "blood sample" **insert** "or a scraping from a person's mouth taken by that person".

(2) In section 464ZA(5) of the Principal Act, after "procedures" **insert** "(except a scraping from a person's mouth taken by that person)".

AMENDMENT NO 35

Insert the following New Clause to follow Clause 14:

'D. Safeguards

In section 464ZGE of the Principal Act, for sub-section (11) **substitute** –

"(11) This section does not prevent a member of the police force causing a forensic procedure to be conducted, in accordance with this Subdivision, on a person who has voluntarily given a sample under sections 464ZGB to 464ZGD.".

How dealt with by the Assembly

Disagreed with.

AMENDMENT NO 36

Insert the following New Clause to follow Clause 15:

'E. Supreme Court – limitation of jurisdiction

In section 464ZI(a) of the Principal Act, for ", 464T(1), 464U(3) or 464V(2)" **substitute** "or under that section as applied by section 464R".'. .

How dealt with by the Assembly

Disagreed with.

The Honourable J.M. Madden moved, That the Council agree to the amendment made by the Assembly to amendment no. 1 made by the Council.

Debate ensued.

Question – put.

The Council divided.

AYES, 13

The Hon. C.C. Broad
E.C. Carbines
M.M. Gould
D.G. Hadden
G.W. Jennings
J.M. McQuilten (*Teller*)
J.M. Madden
J. Mikakos (*Teller*)
S.M. Nguyen
G.D. Romanes
R.F. Smith
T.C. Theophanous
M.R. Thomson

NOES, 26

The Hon. G.B. Ashman
B.N. Atkinson
R.A. Best (*Teller*)
M.A. Birrell
B.W. Bishop
B.C. Boardman
R.H. Bowden
A.R. Brideson
A. Coote
I.J. Cover (*Teller*)
G.R. Craige
D.M. Davis
P.R. Davis
W. Forwood
C.A. Furletti
P.R. Hall
R.M. Hallam
P.A. Katsambanis
N.B. Lucas
M.T. Luckins

A.P. Olexander
G.K. Rich-Phillips
K.M. Smith
W.I. Smith
Graeme Stoney
C.A. Strong

And so it passed in the negative – Amendment insisted on.

The Honourable J.M. Madden moved, That the Council agree to the amendment made by the Assembly to Amendment No. 2 made by the Council.

Question – put and negatived – Amendment insisted on.

The Honourable J.M. Madden moved, That the Council do not insist on Amendments Nos. 3 and 4 disagreed with by the Assembly.

Question – put and negatived – Amendments insisted on.

The Honourable J.M. Madden moved, That the Council do not insist on Amendment No. 12 disagreed with by the Assembly.

Question – put and negatived – Amendment insisted on.

The Honourable J.M. Madden moved, That the Council agree to the amendment made by the Assembly to Amendment No. 13 made by the Council.

Question – put and negatived – Amendment insisted on.

The Honourable J.M. Madden moved, That the Council do not insist on Amendment No. 14 disagreed with by the Assembly.

Question – put and negatived – Amendment insisted on.

The Honourable J.M. Madden moved, That the Council agree to the amendment made by the Assembly to Amendment No. 15 made by the Council.

Question – put and negatived – Amendment insisted on.

The Honourable J.M. Madden moved, That the Council do not insist on Amendments Nos. 16 to 19 disagreed with by the Assembly.

Question – put and negatived – Amendments insisted on.

The Honourable J.M. Madden moved, That the Council agree to the amendment made by the Assembly to Amendment No. 20 made by the Council.

Question – put and negatived – Amendment insisted on.

The Honourable J.M. Madden moved, That the Council agree to the amendment made by the Assembly to Amendment No. 21 made by the Council.

Question – put and negatived – Amendment insisted on.

The Honourable J.M. Madden moved, That the Council do not insist on Amendment No. 22 disagreed with by the Assembly.

Question – put and negatived – Amendment insisted on.

The Honourable J.M. Madden moved, That the Council agree to the amendment made by the Assembly to Amendment No. 23 made by the Council.

Question – put and negatived – Amendment insisted on.

The Honourable J.M. Madden moved, That the Council do not insist on Amendment No. 24 disagreed with by the Assembly.

Question – put and negatived – Amendment insisted on.

The Honourable J.M. Madden moved, That the Council agree to the amendment made by the Assembly to Amendment No. 25 made by the Council.

Question – put and negatived – Amendment insisted on.

The Honourable J.M. Madden moved, That the Council agree to the amendment made by the Assembly to Amendment No. 26 made by the Council.

Question – put and negatived – Amendment insisted on.

The Honourable J.M. Madden moved, That the Council do not insist on Amendment No. 27 disagreed with by the Assembly.

Question – put and negatived – Amendment insisted on.

The Honourable J.M. Madden moved, That the Council agree to the amendment made by the Assembly to Amendment No. 28 made by the Council.

Question – put and negatived – Amendment insisted on.

The Honourable J.M. Madden moved, That the Council agree to the amendment made by the Assembly to Amendment No. 29 made by the Council.

Question – put and negatived – Amendment insisted on.

The Honourable J.M. Madden moved, That the Council do not insist on Amendments Nos. 30 and 31 disagreed with by the Assembly.

Question – put and negatived – Amendments insisted on.

The Honourable J.M. Madden moved, That the Council agree to the amendment made by the Assembly to Amendment No. 32 made by the Council.

Question – put and negatived – Amendment insisted on.

The Honourable J.M. Madden moved, That the Council do not insist on Amendment No. 33 disagreed with by the Assembly.

Question – put and negatived – Amendment insisted on.

The Honourable J.M. Madden moved, That the Council do not insist on Amendment No. 34 disagreed with by the Assembly, and agree to the amendment made by the Assembly to clause 7.

Question – put and negatived – Amendment insisted on.

The Honourable J.M. Madden moved, That the Council do not insist on Amendments Nos. 35 and 36 disagreed with by the Assembly.

Question – put and negatived – Amendments insisted on.

Ordered – That a Message be sent to the Assembly acquainting them therewith.

10 ADJOURNMENT – The Honourable M.R. Thomson moved, That the House do now adjourn.

Debate ensued.

Question – put and resolved in the affirmative.

And then the Council, at 3.46 p.m., adjourned until Tuesday next.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

LEGISLATIVE COUNCIL OF VICTORIA

MINUTES OF THE PROCEEDINGS Nos. 112 and 113

No. 112 – Tuesday, 23 April 2002

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** – The Honourable M.M. Gould presented a Message from His Excellency the Governor informing the Council that he had, this day, given the Royal Assent to the undermentioned Acts presented to him by the Clerk of the Parliaments:
 - Constitution (Governor's Salary) Act*
 - Corporations (Financial Services Reform Amendments) Act*
 - Electricity Industry (Amendment) Act*
 - Statute Law (Further Revision) Act.*
- 3 **QUESTIONS** – Questions without notice were taken pursuant to Sessional Orders.
- 4 **BETTER POOLS PROGRAM FUNDING – ANSWERS TO QUESTIONS** – The Honourable I.J. Cover moved, That the Council take note of the answers given by the Honourable the Minister for Sport and Recreation to questions without notice asked by the Honourables I.J. Cover, Graeme Stoney and P.R. Davis relating to the funding of the Better Pools Program.

Debate ensued.

Question – put and resolved in the affirmative.
- 5 **COMMONWEALTH GAMES PLANNING – ANSWER TO QUESTION** – The Honourable R.A. Best moved, That the Council take note of the answer given by the Honourable the Minister for Sport and Recreation to a question without notice asked by the Honourable R.A. Best relating to planning for the Commonwealth Games.

Question – put and resolved in the affirmative.
- 6 **ANSWERS TO QUESTIONS ON NOTICE** – Answers to certain questions on notice were circulated.
- 7 **PAPERS PURSUANT TO STATUTE** – The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:
 - Planning and Environment Act 1987 – Notices of Approval of the following amendments to planning schemes:
 - Baw Baw Planning Scheme – Amendment C17.
 - Bayside Planning Scheme – Amendment C20.
 - Boroondara Planning Scheme – Amendment C26.
 - Cardinia Planning Scheme – Amendment C27.
 - Colac Otway Planning Scheme – Amendment C10.

Planning and Environment Act 1987 – *continued*

Glen Eira Planning Scheme – Amendment C13.

Hume Planning Scheme – Amendment C27.

Melbourne Planning Scheme – Amendment C62.

Towong Planning Scheme – Amendments C4 and C7.

* * * *

PROCLAMATION – A Proclamation of His Excellency the Governor in Council fixing an operative date in respect of the following Act was laid upon the table by the Clerk pursuant to an Order of the Council on 4 November 1999:

Road Safety (Further Amendment) Act 2001 – Sections 4, 5(3), 7, 8, 10, 26, 29 and 30 – 1 May 2002 (*Gazette No. G16, 18 April 2002*).

8 MELBOURNE CITY LINK (FURTHER MISCELLANEOUS AMENDMENTS)

BILL – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time.

Debate resumed.

Question – put and resolved in the affirmative.

Bill read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair and the Honourable C.A. Strong having reported that the Committee had agreed to the Bill with an amendment, the House adopted the Report, and the Bill was read a third time and passed.

Ordered – That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same with an amendment, and desiring their concurrence therein.

9 HEALTH PRACTITIONER ACTS (FURTHER AMENDMENTS) BILL – The

Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time.

Debate resumed.

On the motion of the Honourable M.R. Thomson (for the Honourable K. Darveniza), the debate was adjourned until the next day of meeting.

10 ADJOURNMENT – The Honourable M.R. Thomson moved, That the House do now adjourn.

Debate ensued.

Question – put and resolved in the affirmative.

And then the Council, at 9.43 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 113 – Wednesday, 24 April 2002

1 The President took the Chair and read the Prayer.

2 CRIMES (DNA DATABASE) BILL – The President announced the receipt of a Message from the Assembly returning this Bill and acquainting the Council that in relation to the amendments made and insisted on by the Council, the Assembly insist on disagreeing with some of the amendments made by the Council in such Bill, insist on disagreeing with another amendment but insist on

making an amendment in the Bill, and insist on making an amendment to each of the remaining amendments, and desiring the concurrence of the Council therein.

Ordered – That the Message be taken into consideration on the next day of meeting.

3 QUESTIONS – Questions without notice were taken pursuant to Sessional Orders.

4 UNQUOTED MARKETABLE SECURITIES – ANSWERS TO QUESTIONS – The Honourable B.C. Boardman moved, That the Council take note of the answers given by the Honourable the Minister for Small Business to questions without notice asked by the Honourables B.C. Boardman and G.K. Rich-Phillips relating to unquoted marketable securities.

Debate ensued.

Question – put and resolved in the affirmative.

5 MT BULLER PRIMARY SCHOOL – ANSWER TO QUESTION – The Honourable W. Forwood moved, That the Council take note of the answer given by the Honourable the Minister for Education Services to a question without notice asked by the Honourable W. Forwood relating to Mt. Buller Primary School.

Question – put and resolved in the affirmative.

6 CAMPASPE SHIRE BANK CLOSURES – ANSWER TO QUESTION – The Honourable E.J. Powell moved, That the Council take note of the answer given by the Honourable the Minister for Small Business to a question without notice asked by the Honourable E.J. Powell relating to the effects of bank closures in the Shire of Campaspe.

Question – put and resolved in the affirmative.

7 ANSWERS TO QUESTIONS ON NOTICE – Answers to certain questions on notice were circulated.

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:

Statutory Rules under the following Acts of Parliament:

Heritage Act 1995 – No. 28.

Road Safety Act 1986 – No. 29.

Victorian Law Reform Commission – Report on Disputes Between Co-owners.

9 MELBOURNE CITY LINK (FURTHER MISCELLANEOUS AMENDMENTS) BILL – The Deputy President announced the receipt of a Message from the Assembly acquainting the Council that they have agreed to the amendment made by the Council in this Bill.

10 BUSINESS POSTPONED – Ordered – That the consideration of Notices of Motion, General Business, Nos. 1 to 8 inclusive, be postponed until later this day.

11 SUMMARY OFFENCES (SPRAY CANS) BILL – On the motion of the Honourable N.B. Lucas, leave was given to bring in a Bill *for the purpose of limiting the sale of certain spray cans to minors, to amend the Summary Offences Act 1966 and for other purposes*, and the said Bill was read a first time and ordered to be printed and, by leave, to be read a second time forthwith.

Accordingly, the Honourable N.B. Lucas moved, That this Bill be now read a second time.

On the motion of the Honourable G.W. Jennings, the debate was adjourned until the next day of meeting.

12 PUBLIC LAND AND WATERS ACCESS – The Honourable P.R. Hall moved, That this House condemns the Government for its policies and actions that have restricted recreational and commercial activity on Victoria's public land and waters.

Debate ensued.

Question – put.

The Council divided.

AYES, 27

The Hon. G.B. Ashman
 B.N. Atkinson
 W.R. Baxter
 R.A. Best (*Teller*)
 M.A. Birrell
 B.W. Bishop
 B.C. Boardman
 R.H. Bowden
 A.R. Brideson
 A. Coote
 I.J. Cover
 G.R. Craige
 D.M. Davis
 P.R. Davis (*Teller*)
 W. Forwood
 C.A. Furletti
 P.R. Hall
 R.M. Hallam
 P.A. Katsambanis
 N.B. Lucas
 M.T. Luckins
 A.P. Olexander
 E.J. Powell
 G.K. Rich-Phillips
 K.M. Smith
 Graeme Stoney
 C.A. Strong

NOES, 13

The Hon. E.C. Carbines
 K. Darveniza (*Teller*)
 M.M. Gould
 D.G. Hadden
 G.W. Jennings
 J.M. McQuilten
 J.M. Madden
 J. Mikakos
 S.M. Nguyen
 G.D. Romanes
 R.F. Smith (*Teller*)
 T.C. Theophanous
 M.R. Thomson

And so it was resolved in the affirmative.

13 MEMBERS' STATEMENTS – Statements were made by Honourable Members.

14 HEALTH PRACTITIONER ACTS (FURTHER AMENDMENTS) BILL – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time.

Debate resumed.

Question – put and resolved in the affirmative.

Bill read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honourable G.B. Ashman having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

14 BUILDING AND CONSTRUCTION INDUSTRY SECURITY OF PAYMENT BILL – The President announced the receipt of a Message from the Assembly transmitting a Bill *to provide for entitlements to progress payments for persons who carry out construction work or who supply related goods and services under construction contracts and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable M.R. Thomson (for the Honourable J.M. Madden), the Bill was read a first time and ordered to be printed and, by leave, to be read a second time forthwith.

Accordingly, the Honourable M.R. Thomson moved, That this Bill be now read a second time.

The Honourable M.R. Thomson made a statement pursuant to section 85(5) of the *Constitution Act 1975* on the reasons for altering or varying this section.

On the motion of the Honourable P.A. Katsambanis, the debate was adjourned until the next day of meeting.

15 ADJOURNMENT – The Honourable C.C. Broad moved, That the Council, at its rising, adjourn until Tuesday, 7 May 2002.

Question – put and resolved in the affirmative.

The Honourable C.C. Broad moved, That the House do now adjourn.

Debate ensued.

Question – put and resolved in the affirmative.

And then the Council, at 5.54 p.m., adjourned until Tuesday, 7 May 2002.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

LEGISLATIVE COUNCIL OF VICTORIA

MINUTES OF THE PROCEEDINGS Nos. 114 and 115

No. 114 – Tuesday, 7 May 2002

- 1 The Deputy President took the Chair and read the Prayer.
- 2 **MESSAGES FROM THE GOVERNOR** – The Honourable M.M. Gould presented Messages from His Excellency the Governor informing the Council –
That he had transmitted to the Governor-General of the Commonwealth of Australia, for presentation to Her Majesty the Queen, the joint condolence motion passed by both Houses of the Victorian Parliament on the death of Her Majesty Queen Elizabeth, the Queen Mother.
That he had, on the following dates, given the Royal Assent to the undermentioned Acts presented to him by the Clerk of the Parliaments:
On 30 April 2002 –
Jewish Care (Victoria) Act
Melbourne City Link (Further Miscellaneous Amendments) Act.
On 7 May 2002 –
Health Practitioner Acts (Further Amendments) Act.
- 3 **QUESTIONS** – Questions without notice were taken pursuant to Sessional Orders.
- 4 **KARDINIA PARK AND FREEZA PROGRAM – ANSWERS TO QUESTIONS**
– The Honourable I.J. Cover moved, That the Council take note of the answer given by the Honourable the Minister for Sport and Recreation to a question without notice asked by the Honourable E.C. Carbines relating to the upgrade of Kardinia Park and the answer given by the Honourable the Minister for Education Services to a question without notice asked by the Honourable J. Mikakos relating to funding for the Freeza Program.
Debate ensued.
Question – put and resolved in the affirmative.
- 5 **SMALL BUSINESS TAXES AND WORKCOVER PREMIUMS – ANSWERS TO QUESTIONS** – The Honourable W.I. Smith moved, That the Council take note of the answers given by the Honourable the Minister for Small Business to questions without notice asked by the Honourables W.I. Smith, A. Coote and G.K. Rich-Phillips relating to small business taxes and Workcover premiums.
Debate ensued.
Question – put and resolved in the affirmative.
- 6 **SCHOOL ELECTRICAL APPLIANCES INSPECTIONS – ANSWER TO QUESTION** – The Honourable P.R. Hall moved, That the Council take note of the answer given by the Honourable the Minister for Education Services to a

question without notice asked by the Honourable P.R. Hall relating to the inspection and testing of school electrical appliances.

Question — put and resolved in the affirmative.

7 ANSWERS TO QUESTIONS ON NOTICE — Answers to certain questions on notice were circulated.

8 PAPERS —

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGEST

— The Honourable A.P. Olexander presented Alert Digest No. 4 of 2002 from the Scrutiny of Acts and Regulations 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:

Adult Multicultural Education Services — Report, 2000-2001.

Ballarat University — Report, 2000-2001 (two papers).

Bendigo Regional Institute of TAFE — Report, 2000-2001.

Box Hill Institute of TAFE — Report, 2000-2001.

Central Gippsland Institute of TAFE — Report, 2000-2001.

Centre for Adult Education — Report, 2000-2001.

Chisholm Institute of TAFE — Report, 2000-2001.

Cinemia Corporation — Report, 1 July 2001 to 31 December 2001.

Crown Land (Reserves) Act 1978 —

Minister's Order of 19 April 2002 giving approval to granting of a lease at Jeffcott.

Minister's Order of 19 April 2002 giving approval to granting of a lease at Maldon.

Deakin University — Report, 2000-2001.

Driver Education Centre of Australia — Report, 2000-2001.

East Gippsland Institute of TAFE — Report, 2000-2001.

Gordon Institute of TAFE — Report, 2000-2001.

Goulburn Ovens Institute of TAFE — Report, 2000-2001.

Holmesglen Institute of TAFE — Report, 2000-2001.

Kangan Batman Institute of TAFE — Report, 2000-2001.

LaTrobe University — Report, 2000-2001.

Melbourne University — Report, 2000-2001.

Monash University — Report, 2000-2001.

Mount Stirling Alpine Resort Management Board — Report, 1 November 2000 to 31 October 2001.

Northern Melbourne Institute of TAFE — Report, 2000-2001.

Parliamentary Committees Act 1968 — Minister's response to recommendations in the Economic Development Committee's report into the Impact of the Goods and Services Tax on Small and Medium Sized Businesses in Victoria.

Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes:

East Gippsland Planning Scheme — Amendment C3 Part 1.

Hume Planning Scheme — Amendments C32, C34 and C35.

Maribyrnong Planning Scheme — Amendments C8 and C27.

Planning and Environment Act 1987 - *continued*

Maroondah Planning Scheme – Amendment C26.

Melbourne Planning Scheme – Amendment C64.

Monash Planning Scheme – Amendment C6.

Moyne Planning Scheme – Amendment C1.

South Gippsland Planning Scheme – Amendment C7.

Whittlesea Planning Scheme – Amendment C33.

Wodonga Planning Scheme – Amendment C11.

Yarra Planning Scheme – Amendment C31.

Royal Melbourne Institute of Technology University – Report, 2000-2001.

South West Institute of TAFE – Report, 2000-2001.

Sunraysia Institute of TAFE – Report, 2000-2001.

Swinburne University of Technology – Report, 2000-2001.

Veterinary Practitioners Registration Board of Victoria – Minister's report of failure to submit 2000-2001 report to him within the prescribed period and the reasons therefor.

Victims of Crime Assistance Tribunal – Report, 2000-2001.

Victoria University of Technology – Report, 2000-2001.

Victorian Law Reform Commission – Report on Criminal Liability for Workplace Death and Serious Injury in the Public Sector.

William Angliss Institute of TAFE – Report, 2000-2001.

Wodonga Institute of TAFE – Report, 2000-2001.

* * * * *

PROCLAMATIONS – Proclamations of His Excellency the Governor in Council fixing operative dates in respect of the following Acts were laid upon the table by the Clerk pursuant to an Order of the Council on 4 November 1999:

Post Compulsory Education Acts (Amendment) Act 2001 – Remaining provisions – 3 May 2002 (*Gazette No. G18, 2 May 2002*).

Road Safety (Alcohol Interlocks) Act 2002 – Remaining provisions – 13 May 2002 (*Gazette No. G18, 2 May 2002*).

Sentencing (Amendment) Act 2002 – Remaining provisions (except for sections 8, 9, 11 and 14) – 2 May 2002 (*Gazette No. G18, 2 May 2002*).

9 BUILDING AND CONSTRUCTION INDUSTRY SECURITY OF PAYMENT BILL – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time.

Debate resumed.

Question – put and resolved in the affirmative.

Bill read a second time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and, by leave, read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

10 ADJOURNMENT – The Honourable M.R. Thomson moved, That the House do now adjourn.

Debate ensued.

Question – put and resolved in the affirmative.

And then the Council, at 6.54 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 115 – Wednesday, 8 May 2002

- 1 The President took the Chair and read the Prayer.
- 2 **RAIL CORPORATIONS (AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Rail Corporations Act 1996 in relation to the rail access regime and for other purposes* and desiring the concurrence of the Council therein.
On the motion of the Honourable C.C. Broad, the Bill was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 3 **QUESTIONS** – Questions without notice were taken pursuant to Sessional Orders.
- 4 **WORLD ATHLETICS CHAMPIONSHIPS – ANSWER TO QUESTION** – The Honourable I.J. Cover moved, That the Council take note of the answer given by the Honourable the Minister for Sport and Recreation to a question without notice asked by the Honourable I.J. Cover relating to the 2005 World Athletics Championships.
Debate ensued.
Question – put and resolved in the affirmative.
- 5 **ELECTRICITY INDUSTRY AND FISHERIES CO-MANAGEMENT COUNCIL – ANSWERS TO QUESTIONS** – The Honourable C.A. Furletti moved, That the Council take note of the answers given by the Honourable the Minister for Energy and Resources to questions without notice asked by the Honourables C.A. Furletti and C.A. Strong relating to the electricity industry and the Honourable P.R. Davis relating to the Fisheries Co-Management Council.
Debate ensued.
Question – put and resolved in the affirmative.
- 6 **ABALONE MANAGEMENT – ANSWER TO QUESTION** – The Honourable P.R. Hall moved, That the Council take note of the answer given by the Honourable the Minister for Energy and Resources to a question without notice asked by the Honourable P.R. Hall relating to the abalone management plan.
Question – put and resolved in the affirmative.
- 7 **PAPERS** –
BUDGET PAPERS, 2002-03 – The Honourable C.C. Broad moved, by leave, That there be laid before this House a copy of the following 2002-03 Budget Papers:
 - (a) Treasurer’s Speech (Budget Paper No. 1);
 - (b) Budget Statement (Budget Paper No. 2);
 - (c) Budget Estimates (Budget Paper No. 3); and
 - (d) Victorian Budget Overview;
 Question – put and resolved in the affirmative.
The said papers were thereupon presented by the Honourable C.C. Broad and ordered to lie on the Table.
The Honourable C.C. Broad moved, That the papers tabled pursuant to the foregoing Order be taken into consideration on the next day of meeting.

Question – put and resolved in the affirmative.

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

A Statutory Rule under the Subordinate Legislation Act 1994 – No. 30.

Subordinate Legislation Act 1994 – Minister's exception certificate under section 8(4) in respect of Statutory Rule No. 30.

8 BUSINESS POSTPONED – Ordered – That the consideration of the Notices of Motion, General Business, and Orders of the Day, General Business Nos. 1 to 18 inclusive, be postponed until later this day.

9 SUMMARY OFFENCES (SPRAY CANS) BILL – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time.

Debate resumed.

The Honourable G.W. Jennings moved, as an amendment, That all the words after "That" be omitted with the view of inserting in place thereof "this House declines to read this Bill a second time until its provisions are referred to the Drugs and Crime Prevention Committee of this Parliament for inquiry and a report made to the House".

Debate ensued.

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

The Council divided.

AYES, 27

The Hon. G.B. Ashman
 B.N. Atkinson
 R.A. Best
 M.A. Birrell
 B.W. Bishop
 B.C. Boardman (*Teller*)
 R.H. Bowden
 A.R. Brideson
 A. Coote
 I.J. Cover
 G.R. Craige
 D.M. Davis
 P.R. Davis
 W. Forwood
 C.A. Furletti
 P.R. Hall
 R.M. Hallam
 P.A. Katsambanis
 N.B. Lucas
 M.T. Luckins
 A.P. Olexander
 E.J. Powell (*Teller*)
 G.K. Rich-Phillips

NOES, 12

The Hon. C.C. Broad
 E.C. Carbines (*Teller*)
 K. Darveniza
 D.G. Hadden
 G.W. Jennings
 J.M. McQuilten
 J.M. Madden
 S.M. Nguyen
 G.D. Romanes
 R.F. Smith
 T.C. Theophanous (*Teller*)
 M.R. Thomson

K.M. Smith
 W.I. Smith
 Graeme Stoney
 C.A. Strong

And so it was resolved in the affirmative — Amendment negatived.

Question — That the Bill be now read a second time — put and resolved in the affirmative.

Bill read a second time.

Ordered — That the Bill be committed to a Committee of the whole on Wednesday next.

10 MEMBERS' STATEMENTS — Statements were made by Honourable Members.

11 RAIL CORPORATIONS (AMENDMENT) BILL — The Order of the Day having been read for the second reading of this Bill, the Honourable C.C. Broad moved, That this Bill be now read a second time.

On the motion of the Honourable W. Forwood (for the Honourable G.B. Ashman), the debate was adjourned until the next day of meeting.

12 BUSINESS POSTPONED — Ordered — That the consideration of Order of the Day, Government Business, No. 1, be postponed until later this day.

13 CRIMES (DNA DATABASE) BILL — The Order of the Day was read for the consideration of the Message from the Assembly acquainting the Council that in relation to the amendments made and insisted on by the Council, the Assembly had insisted on disagreeing with some of the amendments made by the Council in such Bill, had insisted on disagreeing with another amendment but had insisted on making an amendment in the Bill, and had insisted on making an amendment to each of the remaining amendments, and desiring the concurrence of the Council therein.

The Honourable J.M. Madden moved, That the Message be now taken into consideration.

The Honourable W. Forwood moved, as an amendment, That the words “now taken into consideration” be omitted with the view of inserting in place thereof “taken into consideration on Tuesday next”.

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

Question — That the words proposed to be inserted be so inserted — put and resolved in the affirmative.

Ordered — That the Message be taken into consideration on Tuesday next.

14 ADJOURNMENT — The Honourable J.M. Madden moved, That the Council, at its rising, adjourn until Tuesday next.

Question — put and resolved in the affirmative.

The Honourable J.M. Madden moved, That the House do now adjourn.

Debate ensued.

Question — put and resolved in the affirmative.

And then the Council, at 4.53 p.m., adjourned until Tuesday next.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

LEGISLATIVE COUNCIL OF VICTORIA

MINUTES OF THE PROCEEDINGS Nos. 116, 117 and 118

No. 116 – Tuesday, 14 May 2002

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACT** – The Honourable M.M. Gould presented a Message from His Excellency the Governor informing the Council that he had, this day, given the Royal Assent to the undermentioned Act presented to him by the Clerk of the Parliaments:
Building and Construction Industry Security of Payment Act.
- 3 **THEATRES (REPEAL) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to repeal the Theatres Act 1958, to amend the Anzac Day Act 1958 and for other purposes* and desiring the concurrence of the Council therein.
On the motion of the Honourable J.M. Madden, the Bill was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 4 **NATIONAL CRIME AUTHORITY (STATE PROVISIONS) (AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the National Crime Authority (State Provisions) Act 1984 so that it more closely reflects the National Crime Authority Act 1984 of the Commonwealth and for other purposes* and desiring the concurrence of the Council therein.
On the motion of the Honourable J.M. Madden, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
- 5 **RACING ACTS (AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Racing Act 1958 to provide for the approval of the entering into of certain classes of partnerships by bookmakers and the approval of certain classes of companies acting as bookmakers, to make other amendments to that Act, to amend the Lotteries Gaming and Betting Act 1966, to amend The Victoria Racing Club Act 1871 to remove the borrowing restriction on the Victoria Racing Club and for other purposes* and desiring the concurrence of the Council therein.
On the motion of the Honourable J.M. Madden, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
- 6 **FISHERIES (FURTHER AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Fisheries Act 1995 and for other purposes* and desiring the concurrence of the Council therein.
On the motion of the Honourable C.C. Broad, the Bill was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 7 GUARDIANSHIP AND ADMINISTRATION (AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Guardianship and Administration Act 1986, the Mental Health Act 1986 and the Victorian Civil and Administrative Tribunal Act 1998 and for other purposes* and desiring the concurrence of the Council therein.
On the motion of the Honourable J.M. Madden, the Bill was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 8 QUESTIONS** – Questions without notice were taken pursuant to Sessional Orders.
LIQUOR LICENCES – The Honourable M.R. Thomson having given an answer to a question without notice relating to the 8 per cent liquor licensing cap – The Honourable W. Forwood moved, That the Minister's answer be taken into consideration on the next day of meeting.
Question – put and resolved in the affirmative.
QUESTIONS – Questions without notice continued.
- 9 MELBOURNE SPORTS AND AQUATIC CENTRE – ANSWER TO QUESTION** – The Honourable P.A. Katsambanis moved, That the Council take note of the answer given by the Honourable the Minister for Sport and Recreation to a question without notice asked by the Honourable P.A. Katsambanis relating to consultation with the City of Port Phillip on the expansion of the Melbourne Sports and Aquatic Centre.
Debate ensued.
Question – put and resolved in the affirmative.
- 10 MARINE NATIONAL PARKS AND WESTGATE THIRD PORT TERMINAL – ANSWERS TO QUESTIONS** – The Honourable C.A. Furletti moved, That the Council take note of the answers given by the Honourable the Minister for Energy and Resources and Minister for Ports to questions without notice asked by the Honourables E.C. Carbines, P.R. Davis and C.A. Furletti relating to marine national parks and the proposal for a third port terminal at Westgate.
Debate ensued.
Question – put and resolved in the affirmative.
- 11 STUDENT-TEACHER RATIOS – ANSWER TO QUESTION** – The Honourable E.J. Powell moved, That the Council take note of the answer given by the Honourable the Minister for Education Services to a question without notice asked by the Honourable E.J. Powell relating to student-teacher ratios.
Question – put and resolved in the affirmative.
- 12 ANSWERS TO QUESTIONS ON NOTICE** – Answers to certain questions on notice were circulated.
- 13 ADVENTURE ACTIVITIES PROTECTION BILL** – On the motion (by leave without notice) of the Honourable W. Forwood, leave was given to bring in a Bill *to provide for the approval of operators of certain adventure activities, to restrict the circumstances in which damages may be recovered in respect of the injury or death of a participant in certain adventure activities and for other purposes*, and the said Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
- 14 PAPERS PURSUANT TO STATUTE** – The following Papers were laid upon the Table by the Clerk:
Budget Sector – Quarterly Financial Report for the period ended 31 March 2002.

National Crime Authority – Report, 2000-2001.

Planning and Environment Act 1987 –

Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan – Amendment No. 114.

Notices of Approval of the following amendments to planning schemes:

Baw Baw Planning Scheme – Amendment C15.

Casey Planning Scheme – Amendment C43.

Gannawarra Planning Scheme – Amendment C2.

Queenscliffe Planning Scheme – Amendment C11.

South Gippsland Planning Scheme – Amendment C4.

Yarra Planning Scheme – Amendment C29.

Subordinate Legislation Act 1994 – Minister's exemption certificate under section 9(6) in respect of Statutory Rule No. 20.

15 RIGHT OF REPLY – MR IAN URQUHART – Pursuant to the Sessional Orders of the Legislative Council, the President presented a Right of Reply from Mr Ian Urquhart to statements made in the Council by the Honourable T.C. Theophanous on 17 April 2002.

Ordered to lie on the Table and to be printed.

The Honourable T.C. Theophanous moved, That the right of reply be taken into consideration on the next day of meeting.

Question – put and resolved in the affirmative.

16 RAIL CORPORATIONS (AMENDMENT) BILL – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time.

Debate resumed.

Question – put and resolved in the affirmative.

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

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

17 BUSINESS POSTPONED – Ordered – That the consideration of Orders of the Day, Government Business, Nos. 1 and 2, be postponed until later this day.

18 AUDIT (FURTHER AMENDMENT) BILL – The Order of the Day having been read for the consideration of the Message from the Assembly returning this Bill and acquainting the Council that they have disagreed with the amendments made by the Council in the Bill, the said amendments disagreed with by the Assembly were read and are as follows:

AMENDMENT NO 1

Clause 16, page 15, lines 8 and 9, omit "when the Parliament is in recess".

AMENDMENT NO 2

Clause 16, page 15, line 10, omit "one business day's" and insert "2 business days'".

AMENDMENT NO 3

Clause 16, page 15, lines 16 to 18, omit all words and expressions on these lines and insert –

"(c) publish the report on the Auditor-General's Internet website –

(i) as soon as practicable after it is first laid before a House of the Parliament; or

(ii) if the report is given to the clerks when the Parliament is in recess – as soon as practicable after giving it to the clerks."

AMENDMENT NO 4

Clause 16, page 15, lines 24 to 30, omit all words and expressions on these lines and insert –

- "(b) if the report is received when the Parliament is in recess – give a copy of the report to each member of the House as soon as practicable after the report is received."

AMENDMENT NO 5

Clause 16, page 15, line 32, after "(4)(b)" insert "when the Parliament is in recess".

AMENDMENT NO 6

Clause 21, lines 27 to 30, and page 22, lines 1 to 5, omit all words and expressions on these lines and insert –

- "(2) A person who receives a relevant document from the Auditor-General or who, in accordance with the Auditor-General's written authorisation, receives information contained in a relevant document must not disclose any information contained in the relevant document except –
- (a) in accordance with the Auditor-General's written authorisation; or
 - (b) after the information the person discloses has been made public in a report by the Auditor-General."

AMENDMENT NO 7

Clause 21, page 22, after line 9 insert –

- "(3) In this section, "**relevant document**" means a proposed report or part of a proposed report of the Auditor-General under this Act."

AMENDMENT NO 8

Clause 21, page 22, line 10, omit "(3)" and insert "(4)".

AMENDMENT NO 9

Clause 21, page 22, line 14, after "information" insert "the person discloses".

AMENDMENT NO 10

Clause 21, page 22, line 20, omit "corporate." and insert "corporate."

AMENDMENT NO 11

Clause 21, page 22, after line 20 insert –

- "(5) For the purposes of sub-sections (2) and (4), information is taken to have been made public in a report of the Auditor-General when –
- (a) the report is laid before a House of the Parliament under section 16AB(3); or
 - (b) the report is taken under section 16AB(6) to have been published by order, or under the authority, of the Houses of the Parliament.
- (6) A person who contravenes sub-section (2) or (4) also commits a contempt of the Parliament and may be dealt with by the Parliament for that contempt.

- (7) Despite sub-section (6), a person is not liable to be punished more than once for a contravention of sub-section (2) or (4).".

The Honourable M.M. Gould moved, That the Council do not insist on Amendments Nos. 1 to 10 with which the Assembly have disagreed.

Question – put.

The Council divided.

AYES, 11

The Hon. C.C. Broad
E.C. Carbines
K. Darveniza (*Teller*)
M.M. Gould
G.W. Jennings
J.M. McQuilten (*Teller*)
J.M. Madden
S.M. Nguyen
G.D. Romanes
T.C. Theophanous
M.R. Thomson

NOES, 26

The Hon. G.B. Ashman
B.N. Atkinson
W.R. Baxter
R.A. Best
M.A. Birrell
B.W. Bishop
B.C. Boardman
R.H. Bowden (*Teller*)
A.R. Brideson
A. Coote
I.J. Cover
G.R. Craige
D.M. Davis
P.R. Davis
C.A. Furletti
P.R. Hall
R.M. Hallam
P.A. Katsambanis
N.B. Lucas
M.T. Luckins (*Teller*)
A.P. Olexander
E.J. Powell
G.K. Rich-Phillips
K.M. Smith
Graeme Stoney
C.A. Strong

And so it passed in the negative – Amendments insisted upon.

The Honourable M.M. Gould moved, That the Council do not insist on Amendment No. 11 with which the Assembly have disagreed.

Question – put and resolved in the affirmative.

The Honourable D.M. Davis moved, That the following amendment be now made in the Bill in place of Amendment No. 11 not insisted on by the Council:

Clause 21, page 22, after line 20 insert –

"(5) For the purposes of sub-sections (2) and (4), information is taken to have been made public in a report of the Auditor-General when –

- (a) the report is laid before a House of the Parliament under section 16AB(3); or
- (b) the report is taken under section 16AB(6) to have been published by order, or under the authority, of the Houses of the Parliament."

Debate ensued.

Question — put.

The Council divided.

	AYES, 26		NOES, 12
The Hon.	G.B. Ashman	The Hon.	C.C. Broad
	B.N. Atkinson		E.C. Carbines
	W.R. Baxter		M.M. Gould
	R.A. Best		D.G. Hadden
	M.A. Birrell		G.W. Jennings
	B.W. Bishop		J.M. McQuilten
	B.C. Boardman		J.M. Madden
	R.H. Bowden		J. Mikakos (<i>Teller</i>)
	A.R. Brideson		S.M. Nguyen
	A. Coote (<i>Teller</i>)		G.D. Romanes
	I.J. Cover		R.F. Smith (<i>Teller</i>)
	G.R. Craige		M.R. Thomson
	D.M. Davis		
	P.R. Davis		
	C.A. Furletti		
	P.R. Hall		
	R.M. Hallam		
	P.A. Katsambanis		
	N.B. Lucas		
	M.T. Luckins		
	A.P. Olexander		
	E.J. Powell		
	G.K. Rich-Phillips (<i>Teller</i>)		
	K.M. Smith		
	Graeme Stoney		
	C.A. Strong		

And so it was resolved in the affirmative.

Ordered — That a Message be sent to the Assembly acquainting them therewith.

19 THEATRES (REPEAL) BILL — The Order of the Day having been read for the second reading of this Bill, the Honourable J.M. Madden moved, That this Bill be now read a second time.

On the motion of the Honourable P.A. Katsambanis, the debate was adjourned until the next day of meeting.

20 GUARDIANSHIP AND ADMINISTRATION (AMENDMENT) BILL — The Order of the Day having been read for the second reading of this Bill, the Honourable J.M. Madden moved, That this Bill be now read a second time.

On the motion of the Honourable P.A. Katsambanis, the debate was adjourned until the next day of meeting.

21 FISHERIES (FURTHER AMENDMENT) BILL — The Order of the Day having been read for the second reading of this Bill, the Honourable C.C. Broad moved, That this Bill be now read a second time.

On the motion of the Honourable C.A. Furletti, the debate was adjourned until later this day.

- 22 BUSINESS POSTPONED** – Ordered – That the consideration of Orders of the Day, Government Business, Nos. 5 and 6, be postponed until the next day of meeting.
- 23 BUDGET PAPERS, 2002-03** – The Order of the Day having been read for the consideration of the Budget Papers, 2002-03, the Honourable C.C. Broad moved, That the Council take note of the Budget Papers, 2002-03.
Debate ensued.
On the motion of the Honourable R.H. Bowden, the debate was adjourned until the next day of meeting.
- 24 ADJOURNMENT** – The Honourable M.R. Thomson moved, That the House do now adjourn.
Debate ensued.
Question – put and resolved in the affirmative.
And then the Council, at 10.35 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 117 – Wednesday, 15 May 2002

- 1 The President took the Chair and read the Prayer.
- 2 **CRIMES (WORKPLACE DEATHS AND SERIOUS INJURIES) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill to amend the Crimes Act 1958 to create new offences of corporate manslaughter and negligently causing serious injury by a body corporate, to amend the Dangerous Goods Act 1985, the Equipment (Public Safety) Act 1994, the Occupational Health and Safety Act 1985, the Magistrates' Court Act 1989 and the Accident Compensation Act 1985 and for other purposes and desiring the concurrence of the Council therein.
On the motion of the Honourable J.M. Madden, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
- 3 **QUESTIONS** – Questions without notice were taken pursuant to Sessional Orders.
- 4 **THIRD PORT TERMINAL OPERATOR – ANSWERS TO QUESTIONS** – The Honourable C.A. Furletti moved, That the Council take note of the answers given by the Honourable the Minister for Ports to questions without notice asked by the Honourables C.A. Furletti and W. Forwood relating to a third port terminal operator.
Debate ensued.
Question – put and resolved in the affirmative.
- 5 **EDUCATION PRECINCT, CHURCHILL – ANSWER TO QUESTION** – The Honourable P.R. Hall moved, That the Council take note of the answer given by the Honourable the Minister for Education Services to a question without notice asked by the Honourable P.R. Hall relating to an education precinct at Churchill.
Question – put and resolved in the affirmative.
- 6 **RECFIND – ANSWER TO QUESTION** – The Honourable D.M. Davis moved, That the Council take note of the answer given by the Honourable the Minister for Energy and Resources to a question without notice asked by the Honourable

D.M. Davis relating to a freedom of information request concerning the RecFind data system.

Debate ensued.

Question – put and resolved in the affirmative.

7 ANSWERS TO QUESTIONS ON NOTICE – Answers to certain questions on notice were circulated.

8 PAPERS PURSUANT TO STATUTE – The following Papers were laid upon the Table by the Clerk:

Altona Memorial Park – Report, 2001.

Geelong Cemeteries Trust – Report, 2001.

9 BUSINESS POSTPONED – Ordered – That the consideration of the Notices of Motion, General Business, and Orders of the Day, General Business, Nos. 1 to 20 inclusive, be postponed until later this day.

10 ADVENTURE ACTIVITIES PROTECTION BILL – The Order of the Day having been read for the second reading of this Bill, the Honourable W. Forwood moved, That this Bill be now read a second time.

On the motion of the Honourable T.C. Theophanous, the debate was adjourned until the next day of meeting.

11 DRUGS AND CRIME PREVENTION COMMITTEE – The Honourable B.C. Boardman moved, That pursuant to the *Parliamentary Committees Act 1968*, the Drugs and Crime Prevention Committee be required to inquire into, consider and report on the following:

(1) **Incidence of crime**

- (a) The incidence of crime according to municipal districts for the year ended 30 June 2002, compared with the previous four financial years, and to report to Parliament by the final sitting day of the Spring 2002 session as part of its 6 monthly report upon crime trends; and
- (b) The report to include a breakdown of offences according to municipal district by crimes against persons, crimes against property, drug offences and other offences.

(2) **Amphetamine and ‘party drug’ use**

The use of amphetamines and ‘party drugs’ in Victoria. In particular, the Committee is required to:

- examine the nature, extent and culture of amphetamine and ‘party drug’ use;
- determine the demographic profile of users;
- examine the short and long term consequences of amphetamine and ‘party drug’ use;
- examine the relationship of amphetamine and ‘party drug’ use to other forms of licit and illicit substance use;
- review the adequacy of existing strategies for dealing with amphetamine and ‘party drug’ use;
- consider best practice strategies to address the issue of amphetamine and ‘party drug’ use, including regulatory, law enforcement, education and treatment responses;
- examine national and international legislation, reports and materials relevant to the issue

and to report to Parliament on the first sitting day in 2003.

Debate ensued.

Question – put and resolved in the affirmative.

12 SUMMARY OFFENCES (SPRAY CANS) BILL – The Order of the day was read for the committal of this Bill to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honourable B.W. Bishop having reported that the Committee had agreed to the Bill without amendment, the Report was adopted.

The Honourable N.B. Lucas moved, That this Bill be now read a third time.

Question – put.

The Council divided.

AYES, 26

The Hon. G.B. Ashman
 B.N. Atkinson (*Teller*)
 W.R. Baxter
 R.A. Best
 M.A. Birrell
 B.W. Bishop
 B.C. Boardman
 R.H. Bowden
 A.R. Brideson
 A. Coote
 I.J. Cover
 G.R. Craige
 D.M. Davis
 P.R. Davis
 W. Forwood
 C.A. Furletti
 P.R. Hall
 R.M. Hallam
 P.A. Katsambanis
 N.B. Lucas
 A.P. Olexander (*Teller*)
 E.J. Powell
 G.K. Rich-Phillips
 K.M. Smith
 Graeme Stoney
 C.A. Strong

NOES, 11

The Hon. C.C. Broad
 E.C. Carbines (*Teller*)
 K. Darveniza
 M.M. Gould
 D.G. Hadden (*Teller*)
 G.W. Jennings
 J.M. Madden
 G.D. Romanes
 R.F. Smith
 T.C. Theophanous
 M.R. Thomson

And so it was resolved in the affirmative.

Bill read a third time and passed.

Ordered – That the Bill be transmitted to the Assembly with a Message desiring their concurrence therein.

13 VICTORIAN PUBLIC SERVICE – The Honourable D.M. Davis moved, That this House condemns the Government for increasing the size of the Victorian Public Service without a corresponding increase in services delivered to the Victorian community and instead squandering public money on:

- (a) an expansion in the number of bureaucrats in the Victorian Public Service rather than those involved in direct service delivery;

- (b) an expansion in the number of, and expenditure on, government ministerial advisers, press secretaries and other ministerial staff and in particular, condemns the Premier for expanding the number of ministerial and departmental staff in his own department by over 50 per cent in his first two years in office; and
- (c) the appointment of Labor mates on massive salaries to key public service positions where the Labor links of the appointee and their ability to manipulate the public service have been the decisive factors in their appointment, rather than a focus on quality governance and service delivery for Victorians;

and condemns the Government for the mis-management of Freedom of Information requests concerning the numbers employed in departments.

Debate ensued.

General Business having been interrupted pursuant to Sessional Orders the debate stood adjourned in the name of the Honourable P.R. Hall.

14 MEMBERS' STATEMENTS – Statements were made by Honourable Members.

15 BUSINESS POSTPONED – Ordered – That the consideration of Notice of Motion, Government Business, No. 1, be postponed until the next day of meeting.

16 LOCAL GOVERNMENT (UPDATE) BILL – On the motion of the Honourable J.M. Madden, leave was given to bring in a Bill *to amend the Local Government Act 1989, the Constitution Act 1975, the Docklands Authority Act 1991 and the City of Melbourne Act 2001 and for other purposes*, and the said Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

17 BUSINESS POSTPONED – Ordered – That the consideration of Orders of the Day, Government Business, Nos. 1 to 5 inclusive, be postponed until later this day.

18 CRIMES (DNA DATABASE) BILL – The Order of the Day having been read for the consideration of the Message from the Assembly acquainting the Council that in relation to the amendments made and insisted on by the Council, the Assembly had insisted on disagreeing with some of the amendments made by the Council in such Bill, had insisted on disagreeing with another amendment but had insisted on making an amendment in the Bill, and had insisted on making an amendment to each of the remaining amendments, the said amendments remaining for consideration by the Council were read and are as follows:

AMENDMENT NO 1

Clause 2, line 2, omit "17(2)" and insert "21(2)".

How dealt with by the Assembly

Agreed to with the following amendment:

Omit "21(2)" and insert "18(2)".

How dealt with by the Council

Assembly amendment disagreed with and Council amendment insisted upon.

How dealt with by the Assembly

Assembly amendment insisted upon.

AMENDMENT NO 2

Clause 2, line 5, omit "17(2)" and insert "21(2)".

How dealt with by the Assembly

Agreed to with the following amendment:

Omit "21(2)" and insert "18(2)".

How dealt with by the Council

Assembly amendment disagreed with and Council amendment insisted upon.

How dealt with by the Assembly

Assembly amendment insisted upon.

AMENDMENT NO 3

Clause 5, page 6, line 30, omit ", 464T or 464U".

How dealt with by the Assembly

Disagreed with.

How dealt with by the Council

Council amendment insisted upon.

How dealt with by the Assembly

Disagreement insisted upon.

AMENDMENT NO 4

Clause 6, omit this clause.

How dealt with by the Assembly

Disagreed with.

How dealt with by the Council

Council amendment insisted upon.

How dealt with by the Assembly

Disagreement insisted upon.

* * * * *

AMENDMENT NO 12

Clause 8, lines 9 and 10, omit all words and expressions on these lines and insert –

'In section 464ZE(1) of the Principal Act –

- (a) after "(4)" **insert** "and section 464ZGO";
- (b) in paragraph (d), for "464ZGE; or" **substitute** "464ZGE.";
- (c) paragraph (e) is **repealed**.'

How dealt with by the Assembly

Disagreed with.

How dealt with by the Council

Council amendment insisted upon.

How dealt with by the Assembly

Disagreement insisted upon.

AMENDMENT NO 13

Clause 10, page 11, line 2, omit "10" and insert "12".

How dealt with by the Assembly

Agreed to with the following amendment:

Omit "12" and insert "11".

How dealt with by the Council

Assembly amendment disagreed with and Council amendment insisted upon.

How dealt with by the Assembly

Assembly amendment insisted upon.

AMENDMENT NO 14

Clause 12, after line 21 insert—

'() in paragraph (a), **omit** ", 464T(3), 464U(7) or 464V(5)";'.

How dealt with by the Assembly

Disagreed with.

How dealt with by the Council

Council amendment insisted upon.

How dealt with by the Assembly

Disagreement insisted upon.

AMENDMENT NO 15

Clause 15, page 28, line 28, omit "15" and insert "18".

How dealt with by the Assembly

Agreed to with the following amendment:

Omit "18" and insert "16".

How dealt with by the Council

Assembly amendment disagreed with and Council amendment insisted upon.

How dealt with by the Assembly

Assembly amendment insisted upon.

AMENDMENT NO 16

Clause 16, lines 6 to 8, omit sub-clause (2).

How dealt with by the Assembly

Disagreed with.

How dealt with by the Council

Council amendment insisted upon.

How dealt with by the Assembly

Disagreement insisted upon.

AMENDMENT NO 17

Clause 18, after line 19 insert—

"(1) Section 464R of this Act as substituted by section 6 of the **Crimes (DNA Database) Act 2002** applies to all forensic

procedures conducted on or after the commencement of section 6 of that Act and any application made under section 464T, 464V or 464W as in force immediately before that commencement that has not been determined before that commencement is deemed to have been withdrawn."

How dealt with by the Assembly

Disagreed with.

How dealt with by the Council

Council amendment insisted upon.

How dealt with by the Assembly

Disagreement insisted upon.

AMENDMENT NO 18

Clause 18, line 20, omit "(1)" and insert "(2)".

How dealt with by the Assembly

Disagreed with.

How dealt with by the Council

Council amendment insisted upon.

How dealt with by the Assembly

Disagreement insisted upon.

AMENDMENT NO 19

Clause 18, line 25, omit "(2)" and insert "(3)".

How dealt with by the Assembly

Disagreed with.

How dealt with by the Council

Council amendment insisted upon.

How dealt with by the Assembly

Disagreement insisted upon.

AMENDMENT NO 20

Clause 18, line 26, omit "12" and insert "14".

How dealt with by the Assembly

Agreed to with the following amendment:

Omit "14" and insert "13".

How dealt with by the Council

Assembly amendment disagreed with and Council amendment insisted upon.

How dealt with by the Assembly

Assembly amendment insisted upon.

AMENDMENT NO 21

Clause 18, line 29, omit "12" and insert "14".

How dealt with by the Assembly

Agreed to with the following amendment:

Omit "14" and insert "13".

How dealt with by the Council

Assembly amendment disagreed with and Council amendment insisted upon.

How dealt with by the Assembly

Assembly amendment insisted upon.

AMENDMENT NO 22

Clause 18, line 30, omit "(3)" and insert "(4)".

How dealt with by the Assembly

Disagreed with.

How dealt with by the Council

Council amendment insisted upon.

How dealt with by the Assembly

Disagreement insisted upon.

AMENDMENT NO 23

Clause 18, line 31, omit "15" and insert "18".

How dealt with by the Assembly

Agreed to with the following amendment:

Omit "18" and insert "16".

How dealt with by the Council

Assembly amendment disagreed with and Council amendment insisted upon.

How dealt with by the Assembly

Assembly amendment insisted upon.

AMENDMENT NO 24

Clause 18, page 31, line 1, omit "(4)" and insert "(5)".

How dealt with by the Assembly

Disagreed with.

How dealt with by the Council

Council amendment insisted upon.

How dealt with by the Assembly

Disagreement insisted upon.

AMENDMENT NO 25

Clause 18, page 31, line 2, omit "16" and insert "20".

How dealt with by the Assembly

Agreed to with the following amendment:

Omit "20" and insert "17".

How dealt with by the Council

Assembly amendment disagreed with and Council amendment insisted upon.

How dealt with by the Assembly

Assembly amendment insisted upon.

AMENDMENT NO 26

Clause 18, page 31, line 5, omit "16" and insert "20".

How dealt with by the Assembly

Agreed to with the following amendment:

Omit "20" and insert "17".

How dealt with by the Council

Assembly amendment disagreed with and Council amendment insisted upon.

How dealt with by the Assembly

Assembly amendment insisted upon.

AMENDMENT NO 27

Clause 18, page 31, line 6, omit "(5)" and insert "(6)".

How dealt with by the Assembly

Disagreed with.

How dealt with by the Council

Council amendment insisted upon.

How dealt with by the Assembly

Disagreement insisted upon.

AMENDMENT NO 28

Clause 18, page 31, line 7, omit "17(1)" and insert "21(1)".

How dealt with by the Assembly

Agreed to with the following amendment:

Omit "21(1)" and insert "18(1)".

How dealt with by the Council

Assembly amendment disagreed with and Council amendment insisted upon.

How dealt with by the Assembly

Assembly amendment insisted upon.

AMENDMENT NO 29

Clause 18, page 31, line 10, omit "17(1)" and insert "21(1)".

How dealt with by the Assembly

Agreed to with the following amendment:

Omit "21(1)" and insert "18(1)".

How dealt with by the Council

Assembly amendment disagreed with and Council amendment insisted upon.

How dealt with by the Assembly

Assembly amendment insisted upon.

AMENDMENT NO 30

Clause 18, page 31, line 12, omit "(6)" and insert "(7)".

How dealt with by the Assembly

Disagreed with.

How dealt with by the Council

Council amendment insisted upon.

How dealt with by the Assembly

Disagreement insisted upon.

AMENDMENT NO 31

Clause 18, page 31, line 12, omit "(4) and (5)" and insert "(5) and (6)".

How dealt with by the Assembly

Disagreed with.

How dealt with by the Council

Council amendment insisted upon.

How dealt with by the Assembly

Disagreement insisted upon.

AMENDMENT NO 32

Clause 18, page 31, line 16, omit "16 or 17(1)" and insert "20 or 21(1)".

How dealt with by the Assembly

Agreed to with the following amendment:

Omit "20 or 21(1)" and insert "17 or 18(1)".

How dealt with by the Council

Assembly amendment disagreed with and Council amendment insisted upon.

How dealt with by the Assembly

Assembly amendment insisted upon.

AMENDMENT NO 33

Insert the following New Clause to follow Clause 5:

'A. Substitution of sections 464R to 464X

For sections 464R to 464X of the Principal Act **substitute**—

"464R. Forensic procedures

- (1) If there are reasonable grounds to believe that a forensic procedure on a person would tend to confirm or disprove the involvement of the person in the commission of an offence specified in Schedule 8, sections 464K to 464M apply to forensic procedures as if—
 - (a) a reference to the taking or giving of fingerprints were a reference to the conduct of a forensic procedure; and
 - (b) a reference to an authorised person were a reference to a person authorised under section 464Z(1); and

- (c) a reference to an indictable offence or a summary offence referred to in Schedule 7 were a reference to an offence specified in Schedule 8; and
 - (d) a reference to fingerprints were a reference to a forensic procedure or evidence obtained as a result of a forensic procedure.
- (2) A member of the police force must inform a person on whom a forensic procedure is to be conducted that the person may request that the procedure be conducted by or in the presence of a medical practitioner or nurse of his or her choice or, where the procedure is the taking of a dental impression, a dentist of his or her choice.".

How dealt with by the Assembly

Disagreed with.

How dealt with by the Council

Council amendment insisted upon.

How dealt with by the Assembly

Disagreement insisted upon.

AMENDMENT NO 34

Insert the following New Clauses to follow Clause 7:

'B. Execution of order for mouth scraping

- (1) In section 464ZA(1) of the Principal Act, for –

"If a court makes an order under section 464T(3), 464U(7) or 464V(5) for the conduct of a compulsory procedure, or an order under section 464ZF for the conduct of a forensic procedure" –

substitute –

"If a forensic procedure is to be conducted under this Subdivision".

- (2) In section 464ZA(3) of the Principal Act –

(a) for "If the Children's Court makes an order under section 464U(7) or 464V(5)" **substitute** "If a forensic procedure is to be conducted under this Subdivision on a child";

(b) for "a compulsory procedure" **substitute** "the forensic procedure".

- (3) In section 464ZA(4) of the Principal Act, after "blood sample" **insert** "or a scraping from a person's mouth taken by that person".

- (4) In section 464ZA(5) of the Principal Act –

(a) **omit** "compulsory or";

(b) after "procedures" **insert** "(except a scraping from a person's mouth taken by that person)".

- (5) In section 464ZA(6) of the Principal Act –

(a) for "an order under section 464T(3), 464U(7), 464V(5) or 464ZF is executed" **substitute** "a forensic procedure is conducted";

(b) after "the order" (wherever occurring) **insert** ", if any,".

(6) In section 464ZA(7) of the Principal Act, **omit** "compulsory or".

C. Forensic reports

In section 464ZD of the Principal Act, **omit** "in accordance with section 464R, 464T(3), 464U(7), 464V(5) or 464ZF(2) or (3) or sections 464ZGB to 464ZGD or otherwise".

How dealt with by the Assembly

Disagreed with but with the following amendment made in the Bill:

Insert the following New Clause to follow Clause 7:

'AA. Execution of order for mouth scraping

- (1) In section 464ZA(4) of the Principal Act, after "blood sample" **insert** "or a scraping from a person's mouth taken by that person".
- (2) In section 464ZA(5) of the Principal Act, after "procedures" **insert** "(except a scraping from a person's mouth taken by that person)".

How dealt with by the Council

Assembly amendment in the Bill disagreed with and Council amendment insisted upon.

How dealt with by the Assembly

Disagreement insisted upon and Assembly amendment in the Bill insisted upon.

AMENDMENT NO 35

Insert the following New Clause to follow Clause 14:

'D. Safeguards

In section 464ZGE of the Principal Act, for sub-section (11) **substitute**—

"(11) This section does not prevent a member of the police force causing a forensic procedure to be conducted, in accordance with this Subdivision, on a person who has voluntarily given a sample under sections 464ZGB to 464ZGD.".

How dealt with by the Assembly

Disagreed with.

How dealt with by the Council

Council amendment insisted upon.

How dealt with by the Assembly

Disagreement insisted upon.

AMENDMENT NO 36

Insert the following New Clause to follow Clause 15:

'E. Supreme Court—limitation of jurisdiction

In section 464ZI(a) of the Principal Act, for ", 464T(1), 464U(3) or 464V(2)" **substitute** "or under that section as applied by section 464R".

How dealt with by the Assembly

Disagreed with.

How dealt with by the Council

Council amendment insisted upon.

How dealt with by the Assembly

Disagreement insisted upon.

The Honourable J.M. Madden moved, That the Council agree to the amendments made and insisted on by the Assembly to Amendments Nos. 1, 2, 13, 15, 20, 21, 23, 25, 26, 28, 29 and 32 made by the Council.

Debate ensued.

Question – put and resolved in the affirmative.

The Honourable J.M. Madden moved, That the Council do not now insist on Amendments Nos. 3, 4, 12, 14, 16 to 19, 22, 24, 27, 30, 31, 33, 35 and 36 made by the Council with which the Assembly insist on disagreeing.

Question – put and resolved in the affirmative.

The Honourable J.M. Madden moved, That the Council do not now insist on Amendment No. 34 made by the Council with which the Assembly insist on disagreeing and now agree to the amendment made in the Bill and insisted on by the Assembly.

Question – put and resolved in the affirmative.

Ordered – That a Message be sent to the Assembly acquainting them therewith.

- 19 THEATRES (REPEAL) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time.

Debate resumed.

Question – put and resolved in the affirmative.

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

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 20 GUARDIANSHIP AND ADMINISTRATION (AMENDMENT) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time.

Debate resumed.

On the motion of the Honourable R.M. Hallam, the debate was adjourned until later this day.

- 21 BUSINESS OF THE HOUSE** – The Honourable M.M. Gould moved, by leave, That so much of the Sessional Orders be suspended as would prevent new business being taken after 9.00 p.m. during the sitting of the Council this day.

Question – put and resolved in the affirmative.

- 22 GUARDIANSHIP AND ADMINISTRATION (AMENDMENT) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time.

Debate resumed.

Question – put and resolved in the affirmative.

Bill read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honourable B.W. Bishop having reported that the Committee had agreed to the Bill with amendments, the House adopted the Report, and the Bill was read a third time and passed.

Ordered – That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same with amendments, and desiring their concurrence therein.

23 FISHERIES (FURTHER AMENDMENT) BILL – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time.

Debate resumed.

Question – put and resolved in the affirmative.

Bill read a second time.

Ordered – That the Bill be committed to a Committee of the whole on the next day of meeting.

24 NATIONAL CRIME AUTHORITY (STATE PROVISIONS) (AMENDMENT) BILL – The Order of the Day having been read for the second reading of this Bill, the Honourable J.M. Madden moved, That this Bill be now read a second time.

On the motion of the Honourable W. Forwood (for the Honourable P.A. Katsambanis), the debate was adjourned until the next day of meeting.

25 RACING ACTS (AMENDMENT) BILL – The Order of the Day having been read for the second reading of this Bill, the Honourable J.M. Madden moved, That this Bill be now read a second time.

On the motion of the Honourable W. Forwood (for the Honourable I.J. Cover), the debate was adjourned until the next day of meeting.

26 ELECTORAL BILL – The Deputy President announced the receipt of a Message from the Assembly transmitting a Bill *to re-enact with amendments the law relating to Victorian elections, to amend The Constitution Act Amendment Act 1958 and consequentially amend certain other Acts and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable J.M. Madden, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

27 ADJOURNMENT – The Honourable J.M. Madden moved, That the House do now adjourn.

Debate ensued.

And the Council having continued to sit until after 12 midnight –

THURSDAY, 16 MAY 2002

Debate continued.

Question – put and resolved in the affirmative.

And then the Council, at 12.02 a.m., adjourned until this day at 10.00 a.m.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 118 – Thursday, 16 May 2002

1 The President took the Chair and read the Prayer.

2 **QUESTIONS** – Questions without notice were taken pursuant to Sessional Orders.

3 PAPERS –

URBAN AND REGIONAL LAND CORPORATION MANAGING DIRECTOR SELECT COMMITTEE – The Honourable N.B. Lucas presented the Second Interim Report from the Select Committee on the Urban and Regional Land Corporation Managing Director, together with Appendices, Extracts from the Proceedings of the Committee and a Minority report.

Ordered to lie on the Table and to be printed.

The Honourable N.B. Lucas moved, That the Council take note of the Second Interim Report.

Debate ensued.

Question – put and resolved in the affirmative.

* * * * *

PAPERS PURSUANT TO STATUTE – The following Papers were laid upon the Table by the Clerk:

National Parks Advisory Council – Advice to Minister for Environment and Conservation of the transfer of land from existing parks to create eleven Marine National Parks and the Mushroom Reef Marine Sanctuary.

Parliamentary Committees Act 1968 – Minister's response to recommendations in the Public Accounts and Estimates Committee's Report upon the Review of the Auditor General's Special Report No. 43, Protecting Victoria's Children: The role of the Department of Human Services.

Robinvale District Health Services – Report, 2000-2001.

Rochester and Elmore District Health Service – Report, 2000-2001.

4 BUSINESS POSTPONED –

Ordered – That the consideration of the Notices of Motion to Take Note of Reports and Papers and the Orders of the Day for the resumption of debate on Motions to take note of Reports and Papers, be postponed until the next day of meeting.

Ordered – That the consideration of the Notice of Motion, Government Business, be postponed until the next day of meeting.

Ordered – That the consideration of Orders of the Day, Government Business, Nos. 1 to 3 inclusive, be postponed until later this day.

5 RACING ACTS (AMENDMENT) BILL – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time.

Debate resumed.

Question – put and resolved in the affirmative.

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

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

6 NATIONAL CRIME AUTHORITY (STATE PROVISIONS) (AMENDMENT) BILL – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time.

Debate resumed.

Business having been interrupted at 2.00 p.m. pursuant to Sessional Orders –

7 MEMBERS' STATEMENTS – Statements were made by Honourable Members.

8 NATIONAL CRIME AUTHORITY (STATE PROVISIONS) (AMENDMENT) BILL – Debate continued on the question, That this Bill be now read a second time.

Question – put and resolved in the affirmative.

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

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

9 LEAVE OF ABSENCE – The Honourable W. Forwood moved, by leave, That the Honourable Dr J.W.G. Ross be granted leave of absence until the end of June 2002 on account of ill-health.

Debate ensued.

Question – put and resolved in the affirmative.

10 BUSINESS POSTPONED – Ordered – That the consideration of Order of the Day, Government Business, No. 6, be postponed until later this day.

11 FISHERIES (FURTHER AMENDMENT) BILL – The Order of the Day was read for the committal of this Bill to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honourable B.W. Bishop having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

12 HOUSE CONTRACTS GUARANTEE (HIH FURTHER AMENDMENT) BILL – The Order of the Day having been read for the adoption of the Report from the Committee of the whole, the Honourable M.M. Gould moved, That the Report be now adopted.

The Honourable W. Forwood moved, That the debate be adjourned until the next day of meeting.

Question – put.

The Council divided.

AYES, 24

The Hon. B.N. Atkinson
 W.R. Baxter
 R.A. Best
 M.A. Birrell
 B.W. Bishop
 B.C. Boardman
 R.H. Bowden
 A.R. Brideson (*Teller*)
 A. Coote
 I.J. Cover
 G.R. Craige
 D.M. Davis
 P.R. Davis
 W. Forwood
 C.A. Furletti
 P.R. Hall

NOES, 11

The Hon. C.C. Broad
 E.C. Carbines
 K. Darveniza
 M.M. Gould
 D.G. Hadden (*Teller*)
 G.W. Jennings
 J.M. Madden
 J. Mikakos (*Teller*)
 S.M. Nguyen
 G.D. Romanes
 R.F. Smith

R.M. Hallam
 P.A. Katsambanis
 N.B. Lucas
 E.J. Powell
 G.K. Rich-Phillips
 K.M. Smith
 Graeme Stoney (*Teller*)
 C.A. Strong

And so it was resolved in the affirmative.

13 LOCAL GOVERNMENT (UPDATE) BILL – The Order of the Day having been read for the second reading of this Bill, the Honourable J.M. Madden moved, That this Bill be now read a second time.

The Honourable N.B. Lucas moved, That the debate be now adjourned.

Question – put and resolved in the affirmative.

The Honourable J.M. Madden moved, That the debate be adjourned until Wednesday, 29 May 2002.

The Honourable N.B. Lucas moved, as an amendment, That “Wednesday, 29 May 2002” be omitted with the view of inserting in place thereof “Thursday, 27 June 2002”.

Question – That the words and expressions proposed to be omitted stand part of the question – put.

The Council divided.

AYES, 11

The Hon. C.C. Broad
 E.C. Carbines
 K. Darveniza
 M.M. Gould
 D.G. Hadden
 G.W. Jennings
 J.M. Madden
 G.D. Romanes (*Teller*)
 R.F. Smith (*Teller*)
 T.C. Theophanous
 M.R. Thomson

NOES, 24

The Hon. B.N. Atkinson
 W.R. Baxter (*Teller*)
 R.A. Best
 M.A. Birrell
 B.W. Bishop
 B.C. Boardman
 R.H. Bowden
 A.R. Brideson
 A. Coote
 I.J. Cover
 G.R. Craige
 D.M. Davis
 P.R. Davis
 W. Forwood
 C.A. Furletti
 P.R. Hall
 R.M. Hallam
 P.A. Katsambanis (*Teller*)
 N.B. Lucas
 E.J. Powell
 G.K. Rich-Phillips
 K.M. Smith
 Graeme Stoney
 C.A. Strong

And so it passed in the negative.

Question – That the words and expressions proposed to be inserted be so inserted – put and resolved in the affirmative.

Ordered – That the debate be adjourned until Thursday, 27 June 2002.

14 CRIMES (WORKPLACE DEATHS AND SERIOUS INJURIES) BILL – The Order of the Day having been read for the second reading of this Bill, the Honourable J.M. Madden moved, That this Bill be now read a second time.

On the motion of the Honourable P.A. Katsambanis, the debate was adjourned until the next day of meeting.

15 STATE TAXATION LEGISLATION (FURTHER AMENDMENT) BILL – The President announced the receipt of a Message from the Assembly transmitting a Bill *to make further miscellaneous amendments to the Duties Act 2000, the Land Tax Act 1958 and the Pay-roll Tax Act 1971 and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable M.M. Gould (for the Honourable C.C. Broad), the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

16 BUDGET PAPERS, 2002-03 – The Order of the Day was read for the resumption of the debate on the question, That the Council take note of the Budget Papers, 2002-03.

Debate resumed.

On the motion of the Honourable S.M. Nguyen, the debate was adjourned until the next day of meeting.

17 ADJOURNMENT – The Honourable J.M. Madden moved, That the Council, at its rising, adjourn until Tuesday, 28 May 2002.

Question – put and resolved in the affirmative.

The Honourable J.M. Madden moved, That the House do now adjourn.

Debate ensued.

Question – put and resolved in the affirmative.

And then the Council, at 6.38 p.m., adjourned until Tuesday, 28 May 2002.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

LEGISLATIVE COUNCIL OF VICTORIA

MINUTES OF THE PROCEEDINGS Nos. 119, 120 and 121

No. 119 – Tuesday, 28 May 2002

- 1 The President took the Chair and read the Prayer.
- 2 **ASSENT TO ACTS** – The Honourable M.M. Gould presented a Message from Her Excellency the Lieutenant-Governor, as the Governor's Deputy, informing the Council that she had, on 21 May 2002, given the Royal Assent to the undermentioned Acts presented to her by the Deputy Clerk of the Legislative Council, for and in the absence of the Clerk of the Parliaments:
 - Crimes (DNA Database) Act*
 - Fisheries (Further Amendment) Act*
 - National Crime Authority (State Provisions) (Amendment) Act*
 - Racing Acts (Amendment) Act*
 - Rail Corporations (Amendment) Act*
 - Theatres (Repeal) Act.*
- 3 **QUESTIONS** – Questions without notice were taken pursuant to Sessional Orders.
- 4 **STUDENT TRAVEL CONCESSION – ANSWER TO QUESTION** – The Honourable A.P. Olexander moved, That the Council take note of the answer given by the Honourable the Minister for Youth Affairs to a question without notice asked by the Honourable A.P. Olexander relating to travel concession for tertiary students.

Debate ensued.

Question – put and resolved in the affirmative.
- 5 **LEARNER PERMITS – ANSWER TO QUESTION** – The Honourable W. Forwood moved, That the Council take note of the answer given by the Honourable the Minister for Youth Affairs to a question without notice asked by the Honourable W. Forwood relating to the use of learner permits as proof for purchase of liquor and tobacco products.

Debate ensued.

Question – put and resolved in the affirmative.
- 6 **CENTRE FOR ENERGY AND GREENHOUSE TECHNOLOGIES – ANSWER TO QUESTION** – The Honourable P.R. Hall moved, That the Council take note of the answer given by the Honourable the Minister for Energy and Resources to a question without notice asked by the Honourable P.R. Hall relating to the Centre for Energy and Greenhouse Technologies.

Question – put and resolved in the affirmative.

- 7 **BERWICK PRIMARY SCHOOL – ANSWER TO QUESTION** – The Honourable N.B. Lucas moved, That the Council take note of the answer given by the Honourable the Minister for Education Services to a question without notice asked by the Honourable N.B. Lucas relating to the tender for the Berwick Primary School capital works.

Question – put and resolved in the affirmative.

- 8 **ANSWERS TO QUESTIONS ON NOTICE** – Answers to certain questions on notice were circulated.

- 9 **PAPERS –**

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE – ALERT DIGEST – The Honourable A.P. Olexander presented Alert Digest No. 5 of 2002 from the Scrutiny of Acts and Regulations Committee, together with Appendices.

Ordered to lie on the Table and to be printed.

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PAPERS PURSUANT TO STATUTE – The following Papers were laid upon the Table by the Clerk:

Casino (Management Agreement) Act 1993 – Authorised changes to Drawings relating to Crown Limited's Second Hotel Tower.

Environment Protection Authority Act 1970 – Neighbourhood Environment Improvement Plan Proposal Guideline, May 2002, pursuant to section 19AE of the Act.

International Fibre Centre Ltd – Minister's report of 13 May 2002 of receipt of the 2001 report.

Medical Practitioners Board of Victoria – Report for the year ended 30 September 2001.

Murray-Darling Basin Commission – Report, 2000-2001.

Parliamentary Committees Act 1968 –

Minister's response to recommendations in Family and Community Development Committee's report on Marketplace Discrimination Against Women Consumers.

Minister's response to recommendations in Public Accounts and Estimates Committee's report on the 2001-02 Budget Estimates.

Minister's response to recommendations in the Scrutiny of Acts and Regulations Committee's final report on the Summary Offences Act 1966.

Planning and Environment Act 1987 – Notices of Approval of the following amendments to planning schemes:

Ballarat Planning Scheme – Amendment C44.

Bayside Planning Scheme – Amendment C21.

Bendigo – Greater Bendigo Planning Scheme – Amendment C9.

Cardinia Planning Scheme – Amendment C29.

Casey Planning Scheme – Amendment C42.

Geelong – Greater Geelong Planning Scheme – Amendment C34.

Kingston Planning Scheme – Amendment C28.

Melbourne Planning Scheme – Amendment C63.

Moonee Valley Planning Scheme – Amendment C30.

Southern Grampians Planning Scheme – Amendment C4.

Wyndham Planning Scheme – Amendment C16.

Statutory Rules under the following Acts of Parliament:

Business Names Act 1962 – No. 31.

Subordinate Legislation Act 1994 – Nos. 33 to 35.

Zoological Parks and Gardens Act 1995 – No. 32.

Subordinate Legislation Act 1994 –

Minister's exception certificate under section 8(4) in respect of Statutory Rule No. 32.

Minister's exemption certificate under section 9(6) in respect of Statutory Rule. No. 31.

10 BUSINESS POSTPONED – Ordered – That the consideration of the Notice of Motion, Government Business, be postponed until the next day of meeting.

11 STATE TAXATION LEGISLATION (FURTHER AMENDMENT) BILL – The Order of the Day having been read for the second reading of this Bill, the Honourable C.C. Broad moved, That this Bill be now read a second time.

On the motion of the Honourable I.J. Cover (for the Honourable D.M. Davis), the debate was adjourned until the next day of meeting.

12 ELECTORAL BILL – The Order of the Day having been read for the second reading of this Bill, the Honourable J.M. Madden moved, That this Bill be now read a second time.

The Honourable J.M. Madden made a statement pursuant to section 85(5) of the *Constitution Act 1975* on the reasons for altering or varying this section.

On the motion of the Honourable I.J. Cover (for the Honourable W. Forwood), the debate was adjourned until the next day of meeting.

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

14 BUDGET PAPERS, 2002-03 – The Order of the Day was read for the resumption of the debate on the question, That the Council take note of the Budget Papers, 2002-03.

Debate resumed.

On the motion of the Honourable W. Forwood (for the Honourable M.A. Birrell), the debate was adjourned until the next day of meeting.

15 ENERGY LEGISLATION (FURTHER MISCELLANEOUS AMENDMENTS) BILL – The President announced the receipt of a Message from the Assembly transmitting a Bill to amend the *Electricity Safety Act 1998*, the *Gas Safety Act 1997*, the *Electricity Industry Act 2000* and the *Gas Industry Act 2001* and for other purposes and desiring the concurrence of the Council therein.

On the motion of the Honourable C.C. Broad, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

16 MAGISTRATES' COURT (KOORI COURT) BILL – The President announced the receipt of a Message from the Assembly transmitting a Bill to amend the *Magistrates' Court Act 1989* to establish a *Koori Court Division of the Magistrates' Court*, to provide for the jurisdiction and procedure of that Division and for other purposes and desiring the concurrence of the Council therein.

On the motion of the Honourable M.M. Gould (for the Honourable J.M. Madden), the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

17 ADJOURNMENT – The Honourable M.M. Gould moved, That the House do now adjourn.

Debate ensued.

Question – put and resolved in the affirmative.

And then the Council, at 11.46 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 120 – Wednesday, 29 May 2002

- 1 The President took the Chair and read the Prayer.
- 2 **QUESTIONS** – Questions without notice were taken pursuant to Sessional Orders.
- 3 **MR DAVID HENDERSON – ANSWERS TO QUESTIONS** – The Honourable W. Forwood moved, That the Council take note of the answers given by the Honourable the Minister for Youth Affairs to questions without notice asked by Honourable Members relating to statements made by Mr David Henderson, Youth Affairs adviser to the Minister for Youth Affairs.

Debate ensued.

Question – put and resolved in the affirmative.

- 4 **MILDURA RAILWAY LINE – ANSWER TO QUESTION** – The Honourable B.W. Bishop moved, That the Council take note of the answer given by the Honourable the Minister for Energy and Resources to a question without notice asked by the Honourable B.W. Bishop relating to the upgrade of the Mildura railway line.

Question – put and resolved in the affirmative.

- 5 **ANSWERS TO QUESTIONS ON NOTICE** – Answers to certain questions on notice were circulated.

- 6 **PAPERS** –

DRUGS AND CRIME PREVENTION COMMITTEE – CRIME TRENDS – The Honourable S.M. Nguyen presented the Fourth Report from the Drugs and Crime Prevention Committee upon Crime Trends, May 2002, together with Appendices.

Ordered to lie on the Table and to be printed.

The Honourable S.M. Nguyen moved, That the Council take note of the Report.

Debate ensued.

Question – put and resolved in the affirmative.

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ECONOMIC DEVELOPMENT COMMITTEE – VICTORIAN ECONOMY STRUCTURAL CHANGES – The Honourable N.B. Lucas presented the Final Report from the Economic Development Committee upon the Impact of Structural Changes in the Victorian Economy, together with Appendices and Minutes of Evidence.

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

The Honourable N.B. Lucas moved, That the Council take note of the Report.

Debate ensued.

Question – put and resolved in the affirmative.

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE – AUDITOR-GENERAL’S OFFICE PERFORMANCE AUDIT – The Honourable R.M. Hallam presented a Report from the Public Accounts and Estimates Committee upon the Review of the Report on the 2001 Performance Audit of the Victorian Auditor-General’s Office.

Ordered to lie on the Table and to be printed.

The Honourable R.M. Hallam moved, That the Council take note of the Report.

Question – put and resolved in the affirmative.

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PAPERS PURSUANT TO STATUTE – The following Papers were laid upon the Table by the Clerk:

Melbourne City Link Act 1995 –

City Link and Extension Projects Integration and Facilitation Agreement Eighth Amending Deed, 24 May 2002, pursuant to section 15B(5) of the Act.

Melbourne City Link Sixteenth Amending Deed, 24 May 2002, pursuant to section 15(2) of the Act.

7 **BUSINESS POSTPONED –** Ordered – That the consideration of Notices of Motion, General Business, Nos. 1 to 10 inclusive, be postponed until later this day.

8 **URBAN AND REGIONAL LAND CORPORATION MANAGING DIRECTOR SELECT COMMITTEE –** The Honourable W. Forwood moved, That paragraph (j) of the Resolution of the Council of 5 December 2001 appointing the Select Committee on the Urban and Regional Land Corporation Managing Director be amended so as to now require the Committee to present its final report to the Council on or before 30 September 2002.

Debate ensued.

Question – put.

The Council divided.

AYES, 27

The Hon. G.B. Ashman
W.R. Baxter
R.A. Best
M.A. Birrell
B.W. Bishop
B.C. Boardman
R.H. Bowden
A.R. Brideson
A. Coote
I.J. Cover
G.R. Craige
D.M. Davis
P.R. Davis
W. Forwood
C.A. Furletti
P.R. Hall
R.M. Hallam
P.A. Katsambanis (*Teller*)

NOES, 12

The Hon. C.C. Broad
E.C. Carbines
K. Darveniza (*Teller*)
M.M. Gould
D.G. Hadden
G.W. Jennings
J.M. McQuilten
J.M. Madden
J. Mikakos
S.M. Nguyen (*Teller*)
G.D. Romanes
M.R. Thomson

N.B. Lucas
 M.T. Luckins
 A.P. Olexander
 E.J. Powell (*Teller*)
 G.K. Rich-Phillips
 K.M. Smith
 W.I. Smith
 Graeme Stoney
 C.A. Strong

And so it was resolved in the affirmative.

9 BUSINESS POSTPONED – Ordered – That the consideration of Orders of the Day, General Business, Nos. 1 to 19 inclusive, be postponed until later this day.

10 ADVENTURE ACTIVITIES PROTECTION BILL – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time.

Debate resumed.

The Honourable J. Mikakos moved, as an amendment, That all the words after “That” be omitted with the view of inserting in place thereof “in light of legal advice that the Government has obtained and made available to the parties in the Council, this House declines to read this Bill a second time until major amendments can be drafted or an alternative Bill can be introduced.”

Debate ensued.

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

The Council divided.

AYES, 27

The Hon. G.B. Ashman
 B.N. Atkinson
 W.R. Baxter
 R.A. Best
 M.A. Birrell
 B.C. Boardman
 R.H. Bowden
 A.R. Brideson
 A. Coote
 I.J. Cover
 G.R. Craige
 D.M. Davis (*Teller*)
 P.R. Davis
 W. Forwood
 C.A. Furletti
 P.R. Hall
 R.M. Hallam
 P.A. Katsambanis
 N.B. Lucas
 M.T. Luckins
 A.P. Olexander

NOES, 13

The Hon. C.C. Broad
 E.C. Carbines
 K. Darveniza (*Teller*)
 M.M. Gould
 D.G. Hadden
 G.W. Jennings
 J.M. McQuilten
 J.M. Madden
 J. Mikakos
 S.M. Nguyen
 G.D. Romanes
 R.F. Smith (*Teller*)
 M.R. Thomson

E.J. Powell
G.K. Rich-Phillips
K.M. Smith
W.I. Smith (*Teller*)
Graeme Stoney
C.A. Strong

And so it was resolved in the affirmative – Amendment negatived.

Question – That this Bill be now read a second time – put and resolved in the affirmative.

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

Ordered – That the Bill be transmitted to the Assembly with a Message desiring their concurrence therein.

11 MEMBERS' STATEMENTS – Statements were made by Honourable Members.

12 ADDRESS BY THE PRESIDENT OF GREECE – The President announced the receipt of a Message from the Assembly acquainting the Council that they had agreed to the following Resolution:

That –

- (1) The Legislative Assembly invites Members of the Legislative Council to attend in the Legislative Assembly Chamber on Wednesday 5 June 2002 at 9.15 am when the Speaker takes the Chair to hear addresses of welcome to His Excellency Constantinos Stephanopoulos, President of Greece by the Premier, Leader of the Opposition and Leader of the National Party and an address to the House by President Stephanopoulos.
- (2) The lower public gallery on the Opposition side of the House be deemed to be part of the Legislative Assembly Chamber for the duration of the addresses to provide additional accommodation for Members of the Legislative Council.
- (3) The Speaker of the Legislative Assembly shall chair the addresses and the conduct of the proceedings shall be in accordance with the Standing Orders of the Legislative Assembly.

13 TRANSPORT (FURTHER MISCELLANEOUS AMENDMENTS) BILL – The President announced the receipt of a Message from the Assembly transmitting a Bill to amend the Transport Act 1983, the Essential Services Commission Act 2001 and the Melbourne City Link (Further Miscellaneous Amendments) Act 2002 and for other purposes and desiring the concurrence of the Council therein.

On the motion of the Honourable M.M. Gould (for the Honourable C.C. Broad), the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

14 BUSINESS POSTPONED – Ordered – That the consideration of the Notice of Motion, Government Business, be postponed until the next day of meeting.

15 MAGISTRATES' COURT (KOORI COURT) BILL – The Order of the Day having been read for the second reading of this Bill, the Honourable J.M. Madden moved, That this Bill be now read a second time.

On the motion of the Honourable P.A. Katsambanis, the debate was adjourned until the next day of meeting.

16 ENERGY LEGISLATION (FURTHER MISCELLANEOUS AMENDMENTS)

BILL – The Order of the Day having been read for the second reading of this Bill, the Honourable J.M. Madden (for the Honourable C.C. Broad) moved, That this Bill be now read a second time.

On the motion of the Honourable W. Forwood (for the Honourable C.A. Furletti), the debate was adjourned until the next day of meeting.

17 CRIMES (WORKPLACE DEATHS AND SERIOUS INJURIES) BILL – The

Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time.

Debate resumed.

Question – put.

The Council divided.

AYES, 12

The Hon. C.C. Broad
 E.C. Carbines (*Teller*)
 K. Darveniza
 M.M. Gould
 D.G. Hadden
 G.W. Jennings
 J.M. McQuilten (*Teller*)
 J.M. Madden
 J. Mikakos
 S.M. Nguyen
 G.D. Romanes
 M.R. Thomson

NOES, 27

The Hon. G.B. Ashman
 B.N. Atkinson
 W.R. Baxter (*Teller*)
 R.A. Best
 M.A. Birrell
 B.W. Bishop
 B.C. Boardman
 R.H. Bowden
 A.R. Brideson
 A. Coote
 I.J. Cover
 G.R. Craige
 D.M. Davis
 P.R. Davis (*Teller*)
 W. Forwood
 C.A. Furletti
 P.R. Hall
 R.M. Hallam
 P.A. Katsambanis
 N.B. Lucas
 A.P. Olexander
 E.J. Powell
 G. K. Rich-Phillips
 K.M. Smith
 W.I. Smith
 Graeme Stoney
 C.A. Strong

And so it passed in the negative.

18 CASINO (MANAGEMENT AGREEMENT) (AMENDMENT) BILL – The

President announced the receipt of a Message from the Assembly transmitting a Bill to amend the *Casino (Management Agreement) Act 1993* and for other purposes and desiring the concurrence of the Council therein.

On the motion of the Honourable J.M. Madden, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

19 STATE TAXATION ACTS (FURTHER TAX REFORM) BILL – The President announced the receipt of a Message from the Assembly transmitting a Bill to amend the Duties Act 2000, the Land Tax Act 1958 and the Pay-roll Tax Act 1971 to implement further tax reform and for other purposes and desiring the concurrence of the Council therein.

On the motion of the Honourable C.C. Broad, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

20 ADJOURNMENT – The Honourable C.C. Broad moved, That the House do now adjourn.

Debate ensued.

And the Council having continued to sit until after 12 midnight –

THURSDAY, 30 MAY 2002

Debate continued.

Question – put and resolved in the affirmative.

And then the Council, at 12.41 a.m., adjourned until this day at 10.00 a.m.

W.R. TUNNECLIFFE

Clerk of the Legislative Council

No. 121 – Thursday, 30 May 2002

1 The President took the Chair and read the Prayer.

2 **QUESTIONS** – Questions without notice were taken pursuant to Sessional Orders.

3 **MR DAVID HENDERSON – ANSWERS TO QUESTIONS** – The Honourable C.A. Furletti moved, That the Council take note of the answers given by the Honourable the Minister for Youth Affairs to questions without notice asked by Honourable Members relating to Mr David Henderson, Youth Affairs adviser.

Debate ensued.

Question – put and resolved in the affirmative.

4 **SCHOOL BUS SERVICES – ANSWER TO QUESTION** – The Honourable W.R. Baxter moved, That the Council take note of the answer given by the Honourable the Minister for Education Services to a question without notice asked by the Honourable W.R. Baxter relating to school bus services.

Question – put and resolved in the affirmative.

5 **ANSWERS TO QUESTIONS ON NOTICE** – Answers to certain questions on notice were circulated.

6 **PAPERS** –

LAW REFORM COMMITTEE – POWERS OF ENTRY, SEARCH AND SEIZURE – The Honourable D.G. Hadden presented a Report from the Law Reform Committee upon The Powers of Entry, Search, Seizure and Questioning by Authorised Persons, together with Appendices and Minutes of Evidence.

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

The Honourable D.G. Hadden moved, That the Council take note of the Report.

Question – put and resolved in the affirmative.

PAPERS PURSUANT TO STATUTE – The following Papers were laid upon the Table by the Clerk:

Auditor-General –

Report on Investment attraction and facilitation in Victoria, May 2002.

Report on Nurse work force planning, May 2002.

Prevention of Cruelty to Animals Act 1986 –

Revocation of Code of Practice for the Welfare of Rodeo and Rodeo School Livestock, November 2000.

Code of Practice for the Welfare of Rodeo and Rodeo School Livestock, May 2002.

Subordinate Legislation Act 1994 – Minister's exception certificates under section 8(4) in respect of Statutory Rules Nos. 33 to 35.

7 FRANKSTON CENTRAL ACTIVITY DISTRICT DEVELOPMENT SELECT COMMITTEE REPORT – The Order of the Day was read for the resumption of the debate on the motion to take note of the report of the Select Committee on the Frankston Central Activity District Development.

Debate resumed.

Question – put and resolved in the affirmative.

8 BUSINESS POSTPONED – Ordered – That the consideration of the Notice of Motion, Government Business, be postponed until the next day of meeting.

9 TRANSPORT (FURTHER MISCELLANEOUS AMENDMENTS) BILL – The Order of the Day having been read for the second reading of this Bill, the Honourable C.C. Broad moved, That this Bill be now read a second time.

The Honourable C.C. Broad made a statement pursuant to section 85(5) of the *Constitution Act 1975* on the reasons for altering or varying this section.

On the motion of the Honourable G.B. Ashman, the debate was adjourned until the next day of meeting.

10 CASINO (MANAGEMENT AGREEMENT) (AMENDMENT) BILL – The Order of the Day having been read for the second reading of this Bill, the Honourable J.M. Madden moved, That this Bill be now read a second time.

On the motion of the Honourable A.R. Brideson, the debate was adjourned until the next day of meeting.

11 STATE TAXATION ACTS (FURTHER TAX REFORM) BILL – The Order of the Day having been read for the second reading of this Bill, the Honourable C.C. Broad moved, That this Bill be now read a second time.

On the motion of the Honourable N.B. Lucas (for the Honourable D.M. Davis), the debate was adjourned until the next day of meeting.

12 BUSINESS POSTPONED – Ordered – That the consideration of Orders of the Day, Government Business, Nos. 4 to 8 inclusive, be postponed until later this day.

13 BUDGET PAPERS, 2002-03 – The Order of the Day was read for the resumption of the debate on the question, That the Council take note of the Budget Papers, 2002-03.

Debate resumed.

Business having been interrupted at 2.00 p.m. pursuant to Sessional Orders –

14 MEMBERS' STATEMENTS – Statements were made by Honourable Members.

15 BUDGET PAPERS, 2002-03 – Debate continued on the question, That the Council take note of the Budget Papers, 2002-03.

On the motion of the Honourable W. Forwood (for the Honourable A.P. Olexander), the debate was adjourned until later this day.

16 ELECTORAL BILL – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time.

Debate resumed.

Question – put and resolved in the affirmative.

Bill read a second time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and, by leave, read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

17 PATHOLOGY SERVICES ACCREDITATION (AMENDMENT) BILL – The Acting President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Pathology Services Accreditation Act 1984 to make further provision for the accreditation of pathology services and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable M.R. Thomson, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

18 TOBACCO (MISCELLANEOUS AMENDMENTS) BILL – The Acting President announced the receipt of a Message from the Assembly transmitting a Bill *to make miscellaneous amendments to the Tobacco Act 1987, to amend the Gaming Machine Control Act 1991 and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable M.R. Thomson, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

19 BUDGET PAPERS, 2002-03 – The Order of the Day was read for the resumption of the debate on the question, That the Council take note of the Budget Papers, 2002-03.

Debate resumed.

On the motion of the Honourable W. Forwood (for the Honourable M.T. Luckins), the debate was adjourned until the next day of meeting.

20 ADJOURNMENT – The Honourable J.M. Madden moved, That the Council, at its rising, adjourn until Tuesday next.

Question – put and resolved in the affirmative.

The Honourable J.M. Madden moved, That the House do now adjourn.

Debate ensued.

Question – put and resolved in the affirmative.

And then the Council, at 6.25 p.m., adjourned until Tuesday next.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

LEGISLATIVE COUNCIL OF VICTORIA

MINUTES OF THE PROCEEDINGS Nos. 122, 123 and 124

No. 122 – Tuesday, 4 June 2002

- 1 The President took the Chair and read the Prayer.
- 2 **QUESTIONS** – Questions without notice were taken pursuant to Sessional Orders.
- 3 **SCHOOL SECURITY – ANSWERS TO QUESTIONS** – The Honourable B.C. Boardman moved, That the Council take note of the answers given by the Honourable the Minister for Education Services to questions without notice asked by Honourable Members relating to school premises security.
Debate ensued.
Question – put and resolved in the affirmative.
- 4 **PROPOSED PACKAGED LIQUOR LICENCES LEGISLATION – ANSWERS TO QUESTIONS** – The Honourable W.I. Smith moved, That the Council take note of the answers given by the Honourable the Minister for Small Business to questions without notice asked by the Honourable W.I. Smith relating to the proposed liquor licences legislation.
Debate ensued.
Question – put and resolved in the affirmative.
- 5 **FISHERIES ENFORCEMENT – ANSWER TO QUESTION** – The Honourable P.R. Hall moved, That the Council take note of the answer given by the Honourable the Minister for Energy and Resources to a question without notice asked by the Honourable P.R. Hall relating to fisheries enforcement resources.
Question – put and resolved in the affirmative.
- 6 **SPORTS EVENTS BEHAVIOUR – ANSWER TO QUESTION** – The Honourable I.J. Cover moved, That the Council take note of the answer given by the Honourable the Minister for Sport and Recreation to a question without notice asked by the Honourable J. Mikakos relating to the behaviour of parents at junior sports events.
Question – put and resolved in the affirmative.
- 7 **ANSWERS TO QUESTIONS ON NOTICE** – Answers to certain questions on notice were circulated.
- 8 **BUSINESS OF THE HOUSE** – The Honourable M.R. Thomson moved, by leave, That so much of the Sessional Orders be suspended as would prevent new business being taken after 9.00 p.m. during the sitting of the Council this day.
Question – put and resolved in the affirmative.
- 9 **FORESTS LEGISLATION (AMENDMENT) BILL** – On the motion (by leave without notice) of the Honourable C.A. Furletti, leave was given to bring in a

Bill to amend the Forests Act 1958, the Conservation, Forests and Lands Act 1987 and for other purposes and the said Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

10 PAPERS –

BLF CUSTODIAN – The Honourable M.R. Thomson moved, by leave, That there be laid before this House a copy of Report No. 55 dated 31 May 2002 given to Mr. President, pursuant to section 7A of the *BLF (De-recognition) Act 1985*, by the Custodian appointed under section 7(1) of that Act.

Question – put and resolved in the affirmative.

The said Report was thereupon presented by the Honourable M.R. Thomson and ordered to lie on the Table.

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SCRUTINY OF ACTS AND REGULATIONS COMMITTEE – ALERT

DIGEST – The Honourable A.P. Olexander presented Alert Digest No. 6 of 2002 from the Scrutiny of Acts and Regulations Committee, together with Appendices.

Ordered to lie on the Table and to be printed.

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PAPERS PURSUANT TO STATUTE – The following Papers were laid upon the Table by the Clerk:

Auditor-General –

Report on Management of roads by local government, June 2002.

Report on Managing Victoria's air quality, June 2002.

Planning and Environment Act 1987 – Notices of Approval of the following amendments to planning schemes:

Geelong – Greater Geelong Planning Scheme – Amendment C51.

Knox Planning Scheme – Amendment C9.

Maribyrnong Planning Scheme – Amendment C28.

Melton Planning Scheme – Amendment C20.

Moonee Valley Planning Scheme – Amendments C18 and C29.

Moreland Planning Scheme – Amendment C1 Part 2.

Stonnington Planning Scheme – Amendment C21.

Wangaratta Planning Scheme – Amendments C8 and C9 Part 2.

Wodonga Planning Scheme – Amendment C8.

Wyndham Planning Scheme – Amendment C20.

Prince Henry's Institute of Medical Research – Report, 2001.

Youth Parole Board and Youth Residential Board – Report, 2000-2001.

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PROCLAMATIONS – Proclamations of the Governor in Council fixing operative dates in respect of the following Acts were laid upon the Table by the Clerk pursuant to an Order of the Council on 4 November 1999:

Public Notaries Act 2001 – Whole Act – 6 June 2002 (*Gazette No. G22, 30 May 2002*).

Stamps (Secondary Mortgage Market) Act 1988 – Section 6 – 31 May 2002 (*Gazette No. G22, 30 May 2002*).

Trustee (Amendment) Act 2001 – Remaining provisions – 31 May 2002 (*Gazette No. G22, 30 May 2002*).

11 BUSINESS POSTPONED – Ordered – That the consideration of the Notice of Motion, Government Business, be postponed until the next day of meeting.

- 12 TOBACCO (MISCELLANEOUS AMENDMENTS) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable M.R. Thomson moved, That this Bill be now read a second time.
The Honourable M.R. Thomson made a statement pursuant to section 85(5) of the *Constitution Act 1975* on the reasons for altering or varying this section.
On the motion of the Honourable M.T. Luckins, the debate was adjourned until the next day of meeting.
- 13 PATHOLOGY SERVICES ACCREDITATION (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable M.R. Thomson moved, That this Bill be now read a second time.
On the motion of the Honourable M.T. Luckins, the debate was adjourned until the next day of meeting.
- 14 STATE TAXATION ACTS (FURTHER TAX REFORM) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time.
Debate resumed.
Question – put and resolved in the affirmative.
Bill read a second time and, by leave, read a third time and passed.
Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.
- 15 MAGISTRATES' COURT (AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Magistrates' Court Act 1989 in relation to the procedure for enforcement of infringement penalties and to validate certain things done in connection with, or arising out of, the enforcement of infringement penalties and for other purposes* and desiring the concurrence of the Council therein.
On the motion of the Honourable C.C. Broad (for the Honourable J.M. Madden), the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
- 16 STATE TAXATION LEGISLATION (FURTHER AMENDMENT) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time.
Debate resumed.
Question – put and resolved in the affirmative.
Bill read a second time and, by leave, read a third time and passed.
Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.
- 17 TRANSPORT (FURTHER MISCELLANEOUS AMENDMENTS) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time.
Debate resumed.
On the motion of the Honourable G.D. Romanes, the debate was adjourned until the next day of meeting.
- 18 ADJOURNMENT** – The Honourable M.R. Thomson moved, That the House do now adjourn.
Debate ensued.
And the Council having continued to sit until after 12 midnight –
WEDNESDAY, 5 JUNE 2002
Debate continued.

Question – put and resolved in the affirmative.

And then the Council, at 12.08 a.m., adjourned until this day at 10.00 a.m.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 123 – Wednesday, 5 June 2002

- 1 The President took the Chair and read the Prayer.
- 2 **GAMING LEGISLATION (AMENDMENT) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill to amend the *Casino Control Act 1991, the Gaming and Betting Act 1994, the Gaming Machine Control Act 1991, the Gaming No. 2 Act 1997, the Interactive Gaming (Player Protection) Act 1999, and the Public Lotteries Act 2000 and for other purposes and desiring the concurrence of the Council therein.*
On the motion of the Honourable J.M. Madden, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
- 3 **QUESTIONS** – Questions without notice were taken pursuant to Sessional Orders.
- 4 **COMMONWEALTH GAMES VILLAGE SITE – ANSWER TO QUESTION** – The Honourable I.J. Cover moved, That the Council take note of the answer given by the Honourable the Minister for Commonwealth Games to a question without notice asked by the Honourable I.J. Cover relating to the Commonwealth Games village site.
Debate ensued.
Question – put and resolved in the affirmative.
- 5 **SNOWY RIVER ENVIRONMENTAL FLOWS – ANSWER TO QUESTION** – The Honourable P.R. Hall moved, That the Council take note of the answer given by the Honourable the Minister for Energy and Resources to a question without notice asked by the Honourable P.R. Hall relating to environmental flows of the Snowy River.
Debate ensued.
Question – put and resolved in the affirmative.
- 6 **TELECOMMUNICATIONS PURCHASING AND MANAGEMENT STRATEGY – ANSWER TO QUESTION** – The Honourable G.K. Rich-Phillips moved, That the Council take note of the answer given by the Honourable the Minister for Information and Communication Technology to a question without notice asked by the Honourable G.K. Rich-Phillips relating to the Government's telecommunications purchasing and management technology strategy.
Question – put and resolved in the affirmative.
- 7 **ANSWERS TO QUESTIONS ON NOTICE** – Answers to certain questions on notice were circulated.
- 8 **BUSINESS OF THE HOUSE** – The Honourable M.M. Gould moved, by leave, That so much of the Sessional Orders be suspended as would prevent new business being taken after 9.00 p.m. during the sitting of the Council this day.
Question – put and resolved in the affirmative.

- 9 FAMILY AND COMMUNITY DEVELOPMENT COMMITTEE** – The Honourable M.M. Gould moved, by leave, That the Honourable Dr J.W.G. Ross be discharged from attendance upon the Family and Community Development Committee, and that the Honourable B.N. Atkinson be added to that Committee.

Question – put and resolved in the affirmative.

10 PAPERS –

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE – PARLIAMENTARY COMMITTEES ACT – The Honourable M.A. Birrell presented a Report from the Scrutiny of Acts and Regulations Committee on Improving Victoria's Parliamentary Committee System, together with Appendices.

Ordered to lie on the Table and to be printed.

The Honourable M.A. Birrell moved, That the Council take note of the Report.

On the motion of the Honourable W. Forwood, the debate was adjourned until the next day of meeting.

* * * *

PAPERS PURSUANT TO STATUTE – The following Papers were laid upon the Table by the Clerk:

Auditor-General – Report on Public Sector Agencies: Results of special reviews and 31 December 2001 financial statement audits.

Forensic Leave Panel – Report, 2001.

Parliamentary Committees Act 1968 –

Minister's response to recommendations in Environment and Natural Resources Committee's first report on Fisheries Management across Victoria and upon Sustainable Management of the Victorian Abalone and Rock Lobster Fisheries.

Minister's response to recommendations in Law Reform Committee's report on the Review of Legal Services in Rural and Regional Victoria.

11 BUSINESS POSTPONED –

Ordered – That the consideration of Notices of Motion, General Business, Nos. 1 to 7 inclusive, be postponed until later this day.

Ordered – That the consideration of Notice of Motion, General Business, No. 8, be postponed until the next day of meeting.

Ordered – That the consideration of Notices of Motion, General Business, Nos. 9 to 11 inclusive, and Orders of the Day, General Business, Nos. 1 to 21 inclusive, be postponed until later this day.

- 12 FORESTS LEGISLATION (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable C.A. Furletti moved, That this Bill be now read a second time.

On the motion of the Honourable G.W. Jennings, the debate was adjourned until the next day of meeting.

- 13 INDUSTRIAL RELATIONS** – The Honourable W. Forwood moved, That this House condemns the Government for creating an industrial relations environment in Victoria characterized by Government subservience to the union movement.

Debate ensued.

Question – put.

The Council divided.

	AYES, 27		NOES, 13
The Hon.	G.B. Ashman	The Hon.	C.C. Broad
	B.N. Atkinson		E.C. Carbines
	W.R. Baxter		K. Darveniza
	R.A. Best		M.M. Gould
	M.A. Birrell		D.G. Hadden (<i>Teller</i>)
	B.C. Boardman		G.W. Jennings
	R.H. Bowden (<i>Teller</i>)		J.M. McQuilten (<i>Teller</i>)
	A.R. Brideson		J.M. Madden
	A. Coote		J. Mikakos
	I.J. Cover		S.M. Nguyen
	G.R. Craige		G.D. Romanes
	D.M. Davis		R.F. Smith
	P.R. Davis		M.R. Thomson
	W. Forwood		
	C.A. Furletti		
	P.R. Hall		
	R.M. Hallam		
	P.A. Katsambanis		
	N.B. Lucas		
	M.T. Luckins		
	A.P. Olexander		
	E.J. Powell		
	G.K. Rich-Phillips (<i>Teller</i>)		
	K.M. Smith		
	W.I. Smith		
	Graeme Stoney		
	C.A. Strong		

And so it was resolved in the affirmative.

14 MEMBERS' STATEMENTS – Statements were made by Honourable Members.

15 BUSINESS POSTPONED – Ordered – That the consideration of the Notice of Motion, Government Business, be postponed until the next day of meeting.

16 MAGISTRATES' COURT (AMENDMENT) BILL – The Order of the Day having been read for the second reading of this Bill, the Honourable M.M. Gould (for the Honourable J.M. Madden) moved, That this Bill be now read a second time.

The Honourable M.M. Gould made a statement pursuant to section 85(5) of the *Constitution Act 1975* on the reasons for altering or varying this section.

Debate ensued.

Question – put and resolved in the affirmative.

Bill read a second time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and, by leave, read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

17 TRANSPORT (FURTHER MISCELLANEOUS AMENDMENTS) BILL – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time.

Debate resumed.

Question – put and resolved in the affirmative.

Bill read a second time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and, by leave, read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

18 CASINO (MANAGEMENT AGREEMENT) (AMENDMENT) BILL – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time.

Debate resumed.

Question – put and resolved in the affirmative.

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

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

19 BUSINESS POSTPONED – Ordered – That the consideration of Orders of the Day, Government Business, Nos. 4 to 7 inclusive, be postponed until later this day.

20 HOUSE CONTRACTS GUARANTEE (HIH FURTHER AMENDMENT) BILL – The Order of the Day having been read for the resumption of the debate on the question, That the report be now adopted, the Honourable M.M. Gould moved, That the question be not now put.

Question – put and resolved in the affirmative.

The Honourable M.M. Gould moved, That the Bill be re-committed to a Committee of the whole.

Question – put and resolved in the affirmative.

House in Committee.

The President resumed the Chair; and the Honourable B.W. Bishop reported that the Committee had made progress in the Bill, and had agreed to the following resolution:

That it be a suggestion to the Assembly that they make the following amendments in the Bill:

1. Clause 7, page 5, after line 27 insert –

"(7) The exclusion by sub-section (1)(aa) of a developer covered by a HIH policy from an indemnity under section 37 in respect of building work does not apply to –

(a) a person specified in the Schedule in respect of a claim lodged by that person with HGFL on the date specified in the Schedule in respect of that person;

(b) a developer who lodged a claim with HGFL before 1 November 2001 if settlement of the claim was reached with HGFL before the date on which the **House Contracts Guarantee (HIH Further Amendment) Act 2002** received the Royal Assent."

NEW CLAUSE

2. Insert the following New Clause to follow Clause 7:

"AA. *New Schedule inserted*

After Part 6 of the Principal Act insert –

SCHEDULE

Saving of Claims

Claimant	Date of Lodgement of Claim
ANZ Banking Group Ltd A.C.N. 005 357 522	23 October 2001
Ausland Investment Group Pty Ltd A.C.N. 081 206 340	5 October 2001
Ausvimex Pty Ltd A.C.N. 077 213 917	30 July 2001
Louis Basil Bourazikas	8 August 2001
Forty Fifth Vilmar Pty Ltd A.C.N. 007 164 383	3 August 2001
Leicester Turtle Pty Ltd A.C.N. 086 751 224	1 August 2001
Tambo Ash Pty Ltd ACN 067 404 602	16 August 2001".

On the motion of the Honourable M.M. Gould, the Council adopted the resolution from the Committee of the whole.

Ordered – That the Bill be returned to the Assembly with a Message suggesting that the Assembly amend the same as set forth in the foregoing resolution.

Resolved – That the Council will, on the next day of meeting, again resolve itself into the said Committee.

21 MAGISTRATES' COURT (KOORI COURT) BILL – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time.

Debate resumed.

Question – put and resolved in the affirmative.

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

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

22 CRIMINAL JUSTICE LEGISLATION (MISCELLANEOUS AMENDMENTS)

BILL – The Deputy President announced the receipt of a Message from the Assembly transmitting a Bill to amend the Crimes Act 1958, the Corrections Act 1986, the Police Regulation Act 1958, the Magistrates' Court Act 1989, the Confiscation Act 1997, the Sentencing Act 1991, the Bail Act 1977, the Children and Young Persons Act 1989, the Interpretation of Legislation Act 1984, the Surveillance Devices Act 1999, the Transport Act 1983 and the Appeal Costs Act 1998 and for other purposes and desiring the concurrence of the Council therein.

On the motion of the Honourable J.M. Madden, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

23 ADJOURNMENT – The Honourable J.M. Madden moved, That the House do now adjourn.

Debate ensued.

And the Council having continued to sit until after 12 midnight –

THURSDAY, 6 JUNE 2002

Debate continued.

Question – put and resolved in the affirmative.

And then the Council, at 12.14 a.m., adjourned until this day at 10.00 a.m.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 124 – Thursday, 6 June 2002

1 The President took the Chair and read the Prayer.

2 APPROPRIATION (PARLIAMENT 2002/2003) BILL – The President announced the receipt of a Message from the Assembly transmitting a Bill *for the appropriation of certain sums out of the Consolidated Fund for the Parliament in respect of the financial year 2002/2003 and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable C.C. Broad, the Bill was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

3 HOUSE CONTRACTS GUARANTEE (HIH FURTHER AMENDMENT) BILL – The President announced the receipt of a Message from the Assembly returning this Bill and acquainting the Council that they have made the amendments suggested by the Council, and desiring the concurrence of the Council therein.

Ordered – That the Message be referred to the Committee of the whole on the Bill.

4 QUESTIONS – Questions without notice were taken pursuant to Sessional Orders.

5 COMMONWEALTH GAMES – ANSWERS TO QUESTIONS – The Honourable I.J. Cover moved, That the Council take note of the answers given by the Honourable the Minister for Commonwealth Games to questions without notice asked by Honourable Members relating to the 2006 Commonwealth Games.

Debate ensued.

Question – put and resolved in the affirmative.

6 PAPER PURSUANT TO STATUTE – The following Paper was laid upon the Table by the Clerk:

Members of Parliament (Register of Interests) Act 1978 – Summary of Variations notified between 29 November 2001 and 5 June 2002.

7 BUSINESS POSTPONED –

Ordered – That the consideration of the Notices of Motion to take note of Reports and Papers and the Orders of the Day for the resumption of debate on Motions to take note of Reports and Papers, be postponed until the next day of meeting.

Ordered – That the consideration of the Notice of Motion, Government Business, be postponed until the next day of meeting.

- 8 APPROPRIATION (PARLIAMENT 2002/2003) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable C.C. Broad moved, That this Bill be now read a second time.

On the motion of the Honourable W. Forwood (for the Honourable D.M. Davis), the debate was adjourned until the next day of meeting.

- 9 CRIMINAL JUSTICE LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable J.M. Madden moved, That this Bill be now read a second time.

The Honourable J.M. Madden made a statement pursuant to section 85(5) of the *Constitution Act 1975* on the reasons for altering or varying this section.

On the motion of the Honourable W. Forwood (for the Honourable P.A. Katsambanis), the debate was adjourned until the next day of meeting.

- 10 GAMING LEGISLATION (AMENDMENT) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable J.M. Madden moved, That this Bill be now read a second time.

On the motion of the Honourable A.R. Brideson, the debate was adjourned until the next day of meeting.

- 11 BUSINESS POSTPONED** – Ordered – That the consideration of Orders of the Day, Government Business, Nos. 3 and 4, be postponed until later this day.

- 12 PATHOLOGY SERVICES ACCREDITATION (AMENDMENT) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time.

Debate resumed.

Business having been interrupted at 2.00 p.m. pursuant to Sessional Orders –

- 13 MEMBERS' STATEMENTS** – Statements were made by Honourable Members.

- 14 PATHOLOGY SERVICES ACCREDITATION (AMENDMENT) BILL** – Debate continued on the question, That this Bill be now read a second time.

Question – put and resolved in the affirmative.

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

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 14 HOUSE CONTRACTS GUARANTEE (HIH FURTHER AMENDMENT) BILL** – The Order of the Day having been read for the further consideration of this Bill in Committee of the whole, the President left the Chair.

House in Committee.

The President resumed the Chair; and the Honourable R.H. Bowden having reported that the Committee had agreed to the Bill (including the amendments made by the Assembly on the suggestion of the Council) without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill (including the amendments made by the Assembly on the suggestion of the Council) without amendment.

- 15 TOBACCO (MISCELLANEOUS AMENDMENTS) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time.

Debate resumed.

Question – put and resolved in the affirmative.

Bill read a second time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and, by leave, read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

16 ENERGY LEGISLATION (FURTHER MISCELLANEOUS AMENDMENTS) BILL – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time.

Debate resumed.

Question – put and resolved in the affirmative.

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

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

17 DOMESTIC BUILDING CONTRACTS (CONCILIATION AND DISPUTE RESOLUTION) BILL – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Domestic Building Contracts Act 1995 to provide for the conciliation of domestic building disputes, to amend the Building Act 1993 to increase the building permit levy and to further regulate domestic builders, to amend the Victorian Civil and Administrative Tribunal Act 1998 and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable C.C. Broad (for the Honourable J.M. Madden), the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

18 APPROPRIATION (2002/2003) BILL – The President announced the receipt of a Message from the Assembly transmitting a Bill *for the appropriation of certain sums out of the Consolidated Fund in respect of the financial year 2002/2003 and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable C.C. Broad, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

19 ADJOURNMENT – The Honourable C.C. Broad moved, That the Council, at its rising, adjourn until Tuesday next at 10.00 a.m.

Question – put and resolved in the affirmative.

The Honourable C.C. Broad moved, That the House do now adjourn.

Debate ensued.

Question – put and resolved in the affirmative.

And then the Council, at 6.26 p.m., adjourned until Tuesday next at 10.00 a.m.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

LEGISLATIVE COUNCIL OF VICTORIA

MINUTES OF THE PROCEEDINGS Nos. 125, 126 and 127

No. 125 – Tuesday, 11 June 2002

- 1 The President took the Chair and read the Prayer.
- 2 **ENVIRONMENT PROTECTION (RESOURCE EFFICIENCY) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Environment Protection Act 1970, the Local Government Act 1989 and the Magistrates' Court Act 1989, to repeal the Litter Act 1987 and for other purposes* and desiring the concurrence of the Council therein.
On the motion of the Honourable C.C. Broad, the Bill was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 3 **LIQUOR CONTROL REFORM (PACKAGED LIQUOR LICENCES) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Liquor Control Reform Act 1998 with respect to packaged liquor licences and for other purposes* and desiring the concurrence of the Council therein.
On the motion of the Honourable M.R. Thomson, the Bill was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 4 **NATIONAL PARKS (MARINE NATIONAL PARKS AND MARINE SANCTUARIES) BILL** – The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the National Parks Act 1975, the Fisheries Act 1995 and other Acts to provide for marine national parks and marine sanctuaries, to make further amendments to the National Parks Act 1975 and for other purposes* and desiring the concurrence of the Council therein.
On the motion of the Honourable C.C. Broad, the Bill was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 5 **BUSINESS OF THE HOUSE** – The Honourable M.M. Gould moved, by leave, That so much of the Sessional Orders be suspended as would prevent new business being taken after 9.00 p.m. during the sitting of the Council this day.
Question – put and resolved in the affirmative.
- 6 **STANDING ORDERS COMMITTEE** – The Honourable M.M. Gould moved, by leave, That the Honourable R.M. Hallam be a member of the Select Committee on the Standing Orders of the House.
Question – put and resolved in the affirmative.
- 7 **BUSINESS OF THE HOUSE** – The Honourable M.M. Gould moved, by leave, That so much of the Sessional Orders be suspended so as to allow General Business to take precedence of all other business for two hours following Questions during the sitting of the Council on Wednesday, 12 June 2002, excluding any suspension of the sitting.
Question – put and resolved in the affirmative.

- 8 PETITION – OLA COHN CENTRE FOR THE ARTS** – The Honourable G.D. Romanes presented a Petition bearing 1,412 signatures from certain citizens of Victoria requesting that the Attorney-General actively represent the interests of the community in the Supreme Court action for the proposed sale of the ‘Ola Cohn Centre for the Arts’ Building, also known as ‘Ola’s Home’, 41-43 Gipps Street, East Melbourne, and moved, That it do lie on the Table and be read by the Clerk.

Question – put and resolved in the affirmative.

The Clerk read the petition.

- 9 VOLUNTEER PROTECTION BILL** – On the motion (by leave without notice) of the Honourable P.R. Hall, leave was given to bring in a Bill *to protect volunteers from civil liability for damages* and the said Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

10 PAPERS –

COUNTY COURT JUDGES – The Honourable J.M. Madden presented, by command of His Excellency the Governor, the Report of the County Court Judges for 2000-2001.

Ordered to lie on the Table.

* * * * *

PAPERS PURSUANT TO STATUTE – The following Papers were laid upon the Table by the Clerk:

Ombudsman – Report on an Investigation into a Complaint about Preferential Treatment of a Student by the University of Melbourne, May 2002.

Veterinary Practitioners Registration Board of Victoria – Minister for Agriculture’s report of 6 June 2002 of receipt of the 2001 report.

- 11 BUSINESS POSTPONED** – Ordered – That the consideration of the Notice of Motion, Government Business, be postponed until later this day.

- 12 DOMESTIC BUILDING CONTRACTS (CONCILIATION AND DISPUTE RESOLUTION) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable J.M. Madden moved, That this Bill be now read a second time.

On the motion of the Honourable P.A. Katsambanis, the debate was adjourned until later this day.

- 13 NATIONAL PARKS (MARINE NATIONAL PARKS AND MARINE SANCTUARIES) BILL** – The Order of the Day having been read for the second reading of this Bill, the Honourable C.C. Broad moved, That this Bill be now read a second time.

On the motion of the Honourable C.A. Furletti, the debate was adjourned until later this day.

- 14 BUSINESS POSTPONED** – Ordered – That the consideration of Orders of the Day, Government Business, Nos. 2 and 3, be postponed until later this day.

- 15 CRIMINAL JUSTICE LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time.

Debate resumed.

Question – put and resolved in the affirmative.

Bill read a second time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and, by leave, read a third

time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

16 GAMING LEGISLATION (AMENDMENT) BILL – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time.

Debate resumed.

Business having been interrupted at 2.00 p.m. pursuant to Sessional Orders –

17 QUESTIONS – Questions without notice were taken pursuant to Sessional Orders.

18 MELBOURNE CRICKET GROUND REDEVELOPMENT – ANSWERS TO QUESTIONS – The Honourable I.J. Cover moved, That the Council take note of the answers given by the Honourable the Minister for Commonwealth Games to questions without notice asked by Honourable Members relating to funding for the Melbourne Cricket Ground redevelopment.

Debate ensued.

Question – put and resolved in the affirmative.

19 VOLATILE SUBSTANCES INHALATION – ANSWERS TO QUESTION – The Honourable B.C. Boardman moved, That the Council take note of the answer given by the Honourable the Minister for Education Services to a question without notice asked by the Honourable B.C. Boardman relating to the inhalation of volatile substances.

Debate ensued.

Question – put and resolved in the affirmative.

20 SCHOOL CLOSURES – ANSWER TO QUESTION – The Honourable W.R. Baxter moved, That the Council take note of the answer given by the Honourable the Minister for Education Services to a question without notice asked by the Honourable W.R. Baxter relating to school closures.

Question – put and resolved in the affirmative.

21 ANSWERS TO QUESTIONS ON NOTICE – Answers to certain questions on notice were circulated.

Having received an explanation from the Minister for Education Services regarding the failure to provide an answer to question on notice No. 2818, the Honourable I.J. Cover moved, That the Council take note of the explanation.

Question – put and resolved in the affirmative.

22 GAMING LEGISLATION (AMENDMENT) BILL – Debate continued on the question, That this Bill be now read a second time.

Question – put and resolved in the affirmative.

Bill read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair, and the Honourable B.W. Bishop having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

23 OMBUDSMAN'S REPORT ON PREFERENTIAL TREATMENT OF UNIVERSITY OF MELBOURNE STUDENT – The Honourable M.M. Gould moved, by leave, That the Ombudsman's report on an Investigation into a Complaint about Preferential Treatment of a Student by the University of Melbourne, May 2002, tabled this day be printed.

Question – put and resolved in the affirmative.

24 DOMESTIC BUILDING CONTRACTS (CONCILIATION AND DISPUTE RESOLUTION) BILL – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time.

Debate resumed.

Question – put and resolved in the affirmative.

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

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

25 LIQUOR CONTROL REFORM (PACKAGED LIQUOR LICENCES) BILL – The Order of the Day having been read for the second reading of this Bill, the Honourable M.R. Thomson moved, That this Bill be now read a second time.

The Honourable M.R. Thomson made a statement pursuant to section 85(5) of the *Constitution Act 1975* on the reasons for altering or varying this section.

On the motion of the Honourable W. Forwood (for the Honourable W.I. Smith), the debate was adjourned until the next day of meeting.

26 APPROPRIATION (2002/2003) BILL – The Order of the Day having been read for the second reading of this Bill, the Honourable C.C. Broad moved, That this Bill be now read a second time.

On the motion of the Honourable M.T. Luckins, the debate was adjourned until later this day.

27 COGNATE DEBATE – The Honourable C.C. Broad moved, by leave, That this House authorizes and requires the Honourable the President to permit the second reading debate on the Appropriation (2002/2003) Bill to be taken concurrently with further debate on the motion to take note of the Budget Papers, 2002-2003.

Question – put and resolved in the affirmative.

28 ENVIRONMENT PROTECTION (RESOURCE EFFICIENCY) BILL – The Order of the Day having been read for the second reading of this Bill, the Honourable C.C. Broad moved, That this Bill be now read a second time.

And the Council having continued to sit until after 12 midnight –

WEDNESDAY, 12 JUNE 2002

On the motion of the Honourable A. Coote, the debate was adjourned until later this day.

29 UPPER YARRA VALLEY AND DANDENONG RANGES REGIONAL STRATEGY PLAN – The Honourable J.M. Madden moved, That pursuant to section 46D(1)(c) of the *Planning and Environment Act 1987*, Amendment No. 114 to the Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan be approved.

Debate ensued.

Question – put and resolved in the affirmative.

30 ADJOURNMENT – The Honourable C.C. Broad moved, That the House do now adjourn.

Debate ensued.

Question – put and resolved in the affirmative.

And then the Council, at 12.49 a.m., adjourned until this day at 10.00 a.m.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 126 – Wednesday, 12 June 2002

1 The President took the Chair and read the Prayer.

2 ASSENT TO ACTS – The Honourable M.M. Gould presented a Message from His Excellency the Governor informing the Council that he had, this day, given the Royal Assent to the undermentioned Acts presented to him by the Clerk of the Parliaments:

Casino (Management Agreement) (Amendment) Act

Electoral Act

Energy Legislation (Further Miscellaneous Amendments) Act

House Contracts Guarantee (HIH Further Amendment) Act

Magistrates' Court (Amendment) Act

Magistrates' Court (Koori Court) Act

Pathology Services Accreditation (Amendment) Act

State Taxation Acts (Further Tax Reform) Act

State Taxation Legislation (Further Amendment) Act

Tobacco (Miscellaneous Amendments) Act

Transport (Further Miscellaneous Amendments) Act.

3 QUESTIONS – Questions without notice were taken pursuant to Sessional Orders.

4 MELBOURNE CRICKET GROUND REDEVELOPMENT – ANSWERS TO QUESTIONS – The Honourable K.M. Smith moved, That the Council take note of the answers given by the Honourable the Minister for Commonwealth Games to questions without notice asked by Honourable Members relating to the redevelopment of the Melbourne Cricket Ground.

Debate ensued.

Question – put and resolved in the affirmative.

5 TEACHERS' RECRUITMENT – ANSWER TO QUESTION – The Honourable A.R. Brideson moved, That the Council take note of the answer given by the Honourable the Minister for Education Services to a question without notice asked by the Honourable A.R. Brideson relating to the employment of untrained and unqualified teachers.

Debate ensued.

Question – put and resolved in the affirmative.

6 FISHING ENFORCEMENT POLICY – ANSWER TO QUESTION – The Honourable C.A. Furletti moved, That the Council take note of the answer given by the Honourable the Minister for Energy and Resources to a question without notice asked by the Honourable C.A. Furletti relating to the cost recoupment of the Government's enforcement proposals in respect of illegal fisheries.

Question – put and resolved in the affirmative.

7 ANSWERS TO QUESTIONS ON NOTICE – Answers to certain questions on notice were circulated.

8 BUSINESS OF THE HOUSE – The Honourable M.R. Thomson moved, by leave, That so much of the Sessional Orders be suspended as would prevent new business being taken after 9.00 p.m. during the sitting of the Council this day.

Question – put and resolved in the affirmative.

9 PETITIONS –

ROYAL PARK HOSPITAL SITE – The Honourable G.D. Romanes presented a Petition bearing 118 signatures from certain citizens of Victoria praying that the Commonwealth Games Village be located on a suitable site such as Docklands; that the heritage Royal Park Hospital buildings be restored for community use or a mental health training/education facility; that the surrounding parkland on the 20 hectare site be reintegrated with Royal Park; and that the Royal Park Hospital site be retained in public ownership.

Ordered to lie on the Table.

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PUBLIC LIABILITY INSURANCE – The Honourable E.J. Powell presented a Petition bearing 1,003 signatures from certain citizens of Victoria requesting that the Parliament of Victoria take whatever urgent action necessary to provide relief to community groups and businesses requiring affordable public liability insurance.

Ordered to lie on the Table.

10 PAPERS –

ENVIRONMENT AND NATURAL RESOURCES COMMITTEE – FISHERIES MANAGEMENT – The Honourable Graeme Stoney presented the Second Report from the Environment and Natural Resources upon Fisheries Management across Victoria and into the sustainable management of the Victorian abalone and rock lobster fisheries, together with Appendices and Minutes of Evidence.

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

The Honourable Graeme Stoney moved, That the Council take note of the Report.

Question – put and resolved in the affirmative.

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PAPERS PURSUANT TO STATUTE – The following papers were laid upon the Table by the Clerk:

Melbourne City Link Act 1995 – Orders in Council of 28 May 2002 decreasing the Project Area pursuant to section 8(4) of the Act.

Ombudsman – Report on Matters arising from the Office of Gambling Regulation Investigation of International Gaming Technology, April 2002.

Psychologists Registration Board – Report, 2001.

Rural Northwest Health – Report, 2000-01.

Statutory Rules under the following Acts of Parliament:

Fair Trading Act 1999 – No. 39.

Supreme Court Act 1986 – Nos. 36 and 37.

Supreme Court Act 1986 – Administration and Probate Act 1958 – No. 38.

Subordinate Legislation Act 1994 –

Minister's exception certificates under section 8(4) in respect of Statutory Rule Nos. 36 to 38.

Minister's exemption certificate under section 9(6) in respect of Statutory Rule No. 39.

West Wimmera Health Service – Report, 2000-01.

The Honourable M.M. Gould moved, That the Ombudsman's report on Matters arising from the Office of Gambling Regulation Investigation of International Gaming Technology, April 2002, tabled this day be printed.

Question – put and resolved in the affirmative.

11 BUSINESS POSTPONED –

Ordered – That the consideration of Notices of Motion, General Business, Nos. 1 to 7 inclusive, be postponed until later this day.

Ordered – That the consideration of Notice of Motion, General Business, No. 8, be postponed until the next day of meeting.

Ordered – That the consideration of Notices of Motion, General Business, Nos. 9 and 10, and Orders of the Day, General Business, Nos. 1 to 22 inclusive, be postponed until later this day.

12 VOLUNTEER PROTECTION BILL – The Order of the Day having been read for the second reading of this Bill, the Honourable P.R. Hall moved, That this Bill be now read a second time.

The Honourable P.R. Hall made a statement pursuant to section 85(5) of the *Constitution Act 1975* on the reasons for altering or varying this section.

On the motion of the Honourable G.W. Jennings, the debate was adjourned until the next day of meeting.

13 FORESTS LEGISLATION (AMENDMENT) BILL – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time.

Debate resumed.

Question – put.

The Council divided.

AYES, 23

The Hon. G.B. Ashman
 B.N. Atkinson
 W.R. Baxter
 R.A. Best
 B.W. Bishop
 B.C. Boardman
 R.H. Bowden
 A.R. Brideson
 A. Coote
 D.M. Davis
 P.R. Davis (*Teller*)
 C.A. Furletti
 P.R. Hall
 R.M. Hallam (*Teller*)
 P.A. Katsambanis
 N.B. Lucas
 M.T. Luckins
 E.J. Powell

NOES, 13

The Hon. C.C. Broad
 E.C. Carbines (*Teller*)
 K. Darveniza
 M.M. Gould
 D.G. Hadden
 G.W. Jennings
 J.M. McQuilten
 J.M. Madden
 S.M. Nguyen (*Teller*)
 G.D. Romanes
 R.F. Smith
 T.C. Theophanous
 M.R. Thomson

G.K. Rich-Phillips
 K.M. Smith
 W.I. Smith
 Graeme Stoney
 C.A. Strong

And so it was resolved in the affirmative.

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

Ordered – That the Bill be transmitted to the Assembly with a Message desiring their concurrence therein.

- 14 QUESTIONS – ORDER FOR PRODUCTION OF ANSWERS –** The Honourable Graeme Stoney moved, That there be laid before this House, on or before 6.00 p.m. on Wednesday, 12 June 2002, by the Leader of the Government, answers to questions on notice Nos. 2842 to 2880 from the Minister for Education Services, the Minister for Energy and Resources, the Minister for Sport and Recreation and the Minister for Small Business.

Debate ensued.

Question – put and resolved in the affirmative.

- 15 QUESTIONS – ORDER FOR PRODUCTION OF ANSWERS –** Leave having been granted to move her motion in an amended form, the Honourable A. Coote moved, That there be laid before this House, on or before 6.00 p.m. on Wednesday, 12 June 2002, by the Leader of the Government, answers to questions on notice Nos. 2921 to 2923 from the Minister for Ports.

Debate ensued.

Question – put and resolved in the affirmative.

- 16 QUESTIONS – ORDER FOR PRODUCTION OF ANSWERS –** The Honourable D.M. Davis moved, That there be laid before this House, on or before 6.00 p.m. on Wednesday, 12 June 2002, by the Leader of the Government, answers to questions on notice Nos. 2343 to 2350 from the Minister for Energy and Resources, the Minister for Education Services, the Minister for Small Business, the Minister for Ports, and the Minister for Sport and Recreation.

Debate ensued.

Question – put and resolved in the affirmative.

- 17 MEMBERS' STATEMENTS –** Statements were made by Honourable Members.

- 18 ENVIRONMENT PROTECTION (RESOURCE EFFICIENCY) BILL –** The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time.

Debate resumed.

Question – put and resolved in the affirmative.

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

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 19 NATIONAL PARKS (MARINE NATIONAL PARKS AND MARINE SANCTUARIES) BILL –** The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time.

Debate resumed

And the Council having continued to sit until after 12 midnight –

THURSDAY, 13 JUNE 2002

Debate continued.

Question – put.

The Council divided.

AYES, 33

The Hon. B.N. Atkinson
 M.A. Birrell
 B.C. Boardman
 R.H. Bowden
 A.R. Brideson
 C.C. Broad
 E.C. Carbines
 A. Coote (*Teller*)
 I.J. Cover
 G.R. Craige
 K. Darveniza
 D.M. Davis
 P.R. Davis
 W. Forwood
 C.A. Furletti
 M.M. Gould
 D.G. Hadden
 G.W. Jennings
 P.A. Katsambanis
 N.B. Lucas
 M.T. Luckins
 J.M. McQuilten
 J.M. Madden
 J. Mikakos (*Teller*)
 S.M. Nguyen
 G.K. Rich-Phillips
 G.D. Romanes
 K.M. Smith
 W.I. Smith
 Graeme Stoney
 C.A. Strong
 T.C. Theophanous
 M.R. Thomson

NOES, 6

The Hon. W.R. Baxter
 R.A. Best (*Teller*)
 B.W. Bishop
 P.R. Hall
 R.M. Hallam
 E.J. Powell (*Teller*)

And so it was resolved in the affirmative.

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

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

20 ENVIRONMENT PROTECTION (RESOURCE EFFICIENCY) BILL – The President announced that he had received a report from the Clerk notifying that he had made the following correction in this Bill:

In clause 5, page 4, line 11, in proposed new section 49AC, “(1)” has been inserted before “The Authority”.

21 ADJOURNMENT – The Honourable J.M. Madden moved, That the House do now adjourn.

Debate ensued.

Question – put and resolved in the affirmative.

And then the Council, at 2.33 a.m., adjourned until this day at 10.00 a.m.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 127 – Thursday, 13 June 2002

1 The President took the Chair and read the Prayer.

2 QUESTIONS – Questions without notice were taken pursuant to Sessional Orders.

3 CR MARK CONROY – ANSWER TO QUESTION – The Honourable B.C. Boardman moved, That the Council take note of the answer given by the Honourable the Minister for Sport and Recreation to a question without notice asked by the Honourable B.C. Boardman relating to Cr Mark Conroy.

Debate ensued.

Question – put and resolved in the affirmative.

4 MELBOURNE CRICKET GROUND REDEVELOPMENT – ANSWER TO QUESTION – The Honourable R.A. Best moved, That the Council take note of the answer given by the Honourable the Minister for Sport and Recreation to a question without notice asked by the Honourable R.A. Best relating to the redevelopment of the Melbourne Cricket Ground.

Debate ensued.

Question – put and resolved in the affirmative.

5 ANSWERS TO QUESTIONS ON NOTICE –

Answers to certain questions on notice were circulated.

Pursuant to the orders of the Council on 12 June 2002, answers to questions on notice Nos. 2343 to 2350 from the Minister for Energy and Resources, the Minister for Education Services, the Minister for Small Business, the Minister for Ports, and the Minister for Sport and Recreation, and answers to questions on notice Nos. 2921 to 2923 from the Minister for Ports were laid before the Council by the Honourable M.M. Gould.

6 BENALLA SITTING – The Honourable M.M. Gould moved, by leave, That the Council meet at the Benalla Town Hall in the City of Benalla on Wednesday, 30 October 2002, and that so much of the Sessional Orders be suspended as necessary to enable –

- (a) the sitting to commence at 10.00 am;
- (b) questions without notice to be taken, motions to take note of answers to questions without notice and answers given to questions on notice following formal business;
- (c) General business to take precedence of all other business for two hours following questions;
- (d) Members' statements to be made at 2.00 pm for a period not exceeding 15 minutes;
- (e) Government business to take precedence of all other business from the conclusion of Members' statements until 6.00 pm; and

(f) a motion for the adjournment of the House to be moved at 6.00 pm.

Debate ensued.

Question – put and resolved in the affirmative.

- 7 ORDERS OF THE DAY DISCHARGED** – The Honourable W. Forwood moved, That Orders of the Day, General Business, Nos. 1, 2, 3, 4, 5, 7, 9, 11 and 19 be read and discharged.

Question – put and resolved in the affirmative.

- 8 PETITION – CHINESE CULTURAL BUILDINGS, PARKSIDE GARDENS, SHEPPARTON** – The Honourable E.J. Powell presented a Petition bearing 1,401 signatures from certain citizens of Victoria requesting that the Parliament of Victoria take whatever action necessary to protect Parkside Gardens, Shepparton for the public and to restore the historic Chinese cultural buildings of the Pagoda, Pavilion, Moongate and Bridge.

Ordered to lie on the Table.

- 9 BUSINESS POSTPONED** – Ordered – That the consideration of Notices of Motion to take note of Reports and Papers, Nos. 1 to 34 inclusive, be postponed until later this day.

- 10 OMBUDSMAN'S REPORT ON PREFERENTIAL TREATMENT OF UNIVERSITY OF MELBOURNE STUDENT** – The Honourable W. Forwood moved, That the Council take note of the Report of the Ombudsman on an Investigation into a Complaint about Preferential Treatment of a Student by the University of Melbourne, May 2002.

Question – put and resolved in the affirmative.

- 11 BUSINESS POSTPONED** – Ordered – That the consideration of the Orders of the Day for the resumption of debate on Motions to take note of Reports and Papers, be postponed until later this day.

- 12 LIQUOR CONTROL REFORM (PACKAGED LIQUOR LICENCES) BILL** – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time.

Debate resumed.

Business having been interrupted at 2.00 p.m. pursuant to Sessional Orders –

- 13 MEMBERS' STATEMENTS** – Statements were made by Honourable Members.

- 14 LIQUOR CONTROL REFORM (PACKAGED LIQUOR LICENCES) BILL** – Debate continued on the question, That this Bill be now read a second time.

Question – put.

The Council divided.

AYES, 32

The Hon. B.N. Atkinson
M.A. Birrell
B.C. Boardman
A.R. Brideson
C.C. Broad
E.C. Carbines
A. Coote
I.J. Cover
G.R. Craige
K. Darveniza

NOES, 6

The Hon. W.R. Baxter
R.A. Best (*Teller*)
B.W. Bishop
P.R. Hall
R.M. Hallam (*Teller*)
E.J. Powell

D.M. Davis
 P.R. Davis
 W. Forwood
 C.A. Furletti
 M.M. Gould
 D.G. Hadden
 G.W. Jennings
 P.A. Katsambanis
 N.B. Lucas
 M.T. Luckins
 J.M. Madden
 J. Mikakos
 S.M. Nguyen
 A.P. Olexander
 G.K. Rich-Phillips (*Teller*)
 G.D. Romanes (*Teller*)
 K.M. Smith
 R.F. Smith
 W.I. Smith
 Graeme Stoney
 T.C. Theophanous
 M.R. Thomson

And so it was resolved in the affirmative.

Bill read a second time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair and the Honourable B.W. Bishop having reported that the Committee had agreed to the Bill without amendment, the House adopted the Report, and the Bill was read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

15 APPROPRIATION (PARLIAMENT 2002/2003) BILL – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time.

Debate resumed.

Question – put and resolved in the affirmative.

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

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

16 APPROPRIATION (2002/2003) BILL – The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time [the motion to take note of the **Budget Papers 2002-03** having been authorized to be debated concurrently pursuant to an Order of the Council on 11 June 2002.

Debate resumed.

Question – put and resolved in the affirmative.

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

Ordered – That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

17 BUDGET PAPERS, 2002-03 – The concurrent debate having concluded –

Question – That the Council take note of the Budget Papers, 2002-03 – put and resolved in the affirmative.

18 ADJOURNMENT – The Honourable M.M. Gould moved, That the Council, at its rising, adjourn until a day and hour to be fixed by the President, which time of meeting shall be notified in writing to each Honourable Member.

Question – put and resolved in the affirmative.

The Honourable M.M. Gould moved, That the House do now adjourn.

Debate ensued.

Question – put and resolved in the affirmative.

And then the Council, at 11.31 p.m., adjourned until a day and hour to be fixed by the President, which time of meeting shall be notified in writing to each Honourable Member.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

LEGISLATIVE COUNCIL OF VICTORIA

MINUTES OF THE PROCEEDINGS

Nos. 128, 129 and 130

No. 128 — Tuesday, 8 October 2002

- 1 The Council met in accordance with adjournment, the President, pursuant to resolution having fixed this day at 2.00 p.m. as the time of meeting.
The President took the Chair and read the Prayer.

- 2 **THE LATE HONOURABLE THOMAS LESLIE AUSTIN** — The Honourable M.M. Gould moved, That this House expresses its sincere sorrow at the death, on 1 June 2002, of the Honourable Thomas Leslie Austin, and places on record its acknowledgement of the valuable services rendered by him to the Parliament and the people of Victoria as a Member of the Legislative Assembly for the electoral districts of Hampden from 1972 to 1976 and Ripon from 1976 to 1992 and as Minister of Public Works and Minister for Property and Services from 1978 to 1980, Minister for Agriculture from 1980 to 1982, and Minister for Forests from 1981 to 1982.

And other Honourable Members and the President having addressed the House —

The question was put and, Honourable Members signifying their assent by rising in their places, unanimously resolved in the affirmative.

- 3 **THE LATE HONOURABLE ANN MARY HENDERSON** — The Honourable M.M. Gould moved, That this House expresses its sincere sorrow at the death, on 4 June 2002, of the Honourable Ann Mary Henderson, and places on record its acknowledgement of the valuable services rendered by her to the Parliament and the people of Victoria as a Member of the Legislative Assembly for the electoral district of Geelong from 1992 to 1999 and Minister for Housing and Minister Responsible for Aboriginal Affairs from 1996 to 1999.

And other Honourable Members and the President having addressed the House —

The question was put and, Honourable Members signifying their assent by rising in their places, unanimously resolved in the affirmative.

- 4 **THE LATE HONOURABLE MICHAEL ALASTAIR CLARKE** — The Honourable M.M. Gould moved, That this House expresses its sincere sorrow at the death, on 11 August 2002 of the Honourable Michael Alastair Clarke and places on record its acknowledgement of the valuable services rendered by him to the Parliament and the people of Victoria as a Member of the Legislative Council for the Northern Province from 1964 to 1976.

And other Honourable Members having addressed the House —

The question was put and, Honourable Members signifying their assent by rising in their places, unanimously resolved in the affirmative.

- 5 **ADJOURNMENT** — The Honourable M.M. Gould moved, That as a further mark of respect to the memory of the late Honourable Thomas Leslie Austin, the late Honourable Ann Mary Henderson and the late Honourable Michael Alastair Clarke, the House do now adjourn until this day at 8.00 p.m.

Question — put and resolved in the affirmative.

And then the Council, at 5.00 p.m., adjourned until this day at 8.00 p.m.

- 1 The President took the Chair.
- 2 **ASSENT TO ACTS** — The Honourable M.M. Gould presented Messages from His Excellency the Governor informing the Council —
That he had, on 18 June 2002, given the Royal Assent to the undermentioned Acts presented to him by the Clerk of the Parliaments:
Criminal Justice Legislation (Miscellaneous Amendments) Act
Domestic Building Contracts (Conciliation and Dispute Resolution) Act
Environment Protection (Resource Efficiency) Act
Gaming Legislation (Amendment) Act
Liquor Control Reform (Packaged Liquor Licences) Act
National Parks (Marine National Parks and Marine Sanctuaries) Act.
That he had, on 18 June 2002, given the Royal Assent to the undermentioned Acts presented to him by the Honourable Speaker of the Legislative Assembly:
Appropriation (2002/03) Act
Appropriation (Parliament 2002/03) Act.
That he had, on 17 September 2002 given the Royal Assent to the undermentioned Act presented to him by the Clerk of Parliaments:
Guardianship and Administration (Amendment) Act.
- 3 **JURIES (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Juries Act 2000 and for other purposes* and desiring the concurrence of the Council therein.
On the motion of the Honourable J.M. Madden, the Bill was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 4 **AGRICULTURE LEGISLATION (AMENDMENTS AND REPEALS) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Plant Health and Plant Products Act 1995 and the Sale of Land Act 1962 and to repeal the Wheat Marketing Act 1989 and the Egg Industry (Deregulation) Act 1993 and for other purposes* and desiring the concurrence of the Council therein.
On the motion of the Honourable C.C. Broad, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
- 5 **RESIDENTIAL TENANCIES (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill *to make various amendments to the Residential Tenancies Act 1997 and for other purposes* and desiring the concurrence of the Council therein.
On the motion of the Honourable M.R. Thomson, the Bill was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 6 **SPORTS EVENT TICKETING (FAIR ACCESS) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill *to regulate the sale and distribution of tickets to certain sports events to ensure fair access to tickets and for other purposes* and desiring the concurrence of the Council therein.
On the motion of the Honourable J.M. Madden, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
- 7 **AGRICULTURAL INDUSTRY DEVELOPMENT (FURTHER AMENDMENT) BILL** —
The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Agricultural Industry Development Act 1990 to make provision for*

committees established under that Act or the corresponding Act of New South Wales or another State or internal Territory to represent the interests of producers of agricultural commodities in Victoria and elsewhere, to repeal the Murray Valley Citrus Marketing Act 1989 and for other purposes and desiring the concurrence of the Council therein.

On the motion of the Honourable C.C. Broad, the Bill was read a first time and ordered to be printed and, by leave, to be read a second time later this day.

- 8 UTILITY METERS (METROLOGICAL CONTROLS) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill *to enact trade measurement legislation in respect of utility meters, to consequentially amend the Water Act 1989 and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable M.R. Thomson, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 9 GUARDIANSHIP AND ADMINISTRATION (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly acquainting the Council that they have agreed to the amendments made by the Council in this Bill.

- 10 BUSINESS OF THE HOUSE** — The Honourable M.M. Gould moved, by leave, That so much of the Sessional Orders be suspended as would prevent new business being taken after 9.00 p.m. during the sitting of the Council this day.

Question — put and resolved in the affirmative.

- 11 QUESTIONS** — Questions without notice were taken pursuant to Sessional Orders.

- 12 COMMERCIAL FISHING LICENCES — ANSWER TO QUESTION** — The Honourable P.R. Hall moved, That the Council take note of the answer given by the Honourable the Minister for Energy and Resources to a question without notice asked by the Honourable P.R. Hall relating to the buy-out of commercial fishing licences.

Debate ensued.

Question — put and resolved in the affirmative.

- 13 SNOWY RIVER ENVIRONMENTAL FLOWS — ANSWER TO QUESTION** — The Honourable W.R. Baxter moved, That the Council take note of the answer given by the Honourable the Minister for Energy and Resources to a question without notice asked by the Honourable P.R. Davis relating to environmental flows for the Snowy River.

Debate ensued.

Question — put and resolved in the affirmative.

- 14 ANSWERS TO QUESTIONS ON NOTICE** — Answers to certain questions on notice were circulated.

- 15 PETITION — UPPER BUNYIP FORESTRY BLOCK** — The Honourable N.B. Lucas presented a Petition bearing 1,173 signatures from certain citizens of Victoria requesting that the Minister for Environment and Conservation —

(a) urgently review forestry operations in the 350 Upper Bunyip Forestry Block and order an immediate cessation of logging operations until a comprehensive scientific study is undertaken throughout the Block to establish fully the extent of threatened flora and fauna species and other natural and social values; and

(b) initiate a review of the Bunyip State Park Management Plan.

Ordered to lie on the Table.

16 ROAD SAFETY COMMITTEE — The Honourable M.M. Gould moved, by leave, That the resolution of the Council of 21 November 2001, requiring the Road Safety Committee to inquire into the reasons for the escalation in Victoria's road toll during 2000-2001 and to report to Parliament by 31 October 2002, be amended so far as to now require the Committee to report by 31 May 2003.

Question — put and resolved in the affirmative.

17 HIGHWAY AUTHORITY PROTECTION BILL — On the motion (by leave without notice) of the Honourable P.R. Hall, leave was given to bring in a Bill *to protect highway authorities from liability for non-feasance* and the said Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

18 PAPERS —

BLF CUSTODIAN — The Honourable M.M. Gould moved, by leave, That there be laid before this House a copy of Report No. 56 dated 31 August 2002 given to Mr. President, pursuant to section 7A of the *BLF (De-recognition) Act 1985*, by the Custodian appointed under section 7(1) of that Act.

Question — put and resolved in the affirmative.

The said Report was thereupon presented by the Honourable M.M. Gould and ordered to lie on the Table.

* * * *

COMMONWEALTH TREATY DOCUMENTS — The Honourable M.M. Gould moved, by leave, That there be laid before this House a copy of the following Treaty documents:

(a) Agreements tabled in the Commonwealth Parliament on 18 June 2002, together with National Interest Analysis, dealing with —

- Air Services, between Australia and the Cook Islands.
- Air Services, between Australia and the Republic of Chile.
- Australian declaration under Paragraph 2 of Article 36 of the Statute of the International Court of Justice 1945.
- Australian declarations under Articles 287(1) and 298(1) of the United Nations Convention on the Law of the Sea 1982.
- Enforcement of Maintenance (Support) Obligations, between Australia and the United States of America.
- Establishing the International Organisation of Vine and Wine.
- International Convention for the Suppression of the Financing of Terrorism.
- Prohibitions or restrictions on the use of certain conventional weapons which may be deemed to be excessively injurious or to have indiscriminate effects.

(b) Agreements tabled in the Commonwealth Parliament on 25 June 2002, together with National Interest Analysis, dealing with —

- Arrangements for the exploration and exploitation of petroleum in an area of the Timor Sea, between Australia and the Democratic Republic of East Timor.
- Compliance with International Conservation and Management measures by fishing vessels on the high seas.
- Timor Sea, between Australia and East Timor.

Question — put and resolved in the affirmative.

The said papers were thereupon presented by the Honourable M.M. Gould and ordered to lie on the Table.

* * * *

STANDING ORDERS COMMITTEE — REVIEW OF THE STANDING ORDERS —

On behalf of the President (Chairman), the Honourable B.W. Bishop presented a Report from the Standing Orders Committee on a Review of the Standing Orders, together with Appendices.

Ordered to lie on the Table and to be printed.

The Honourable B.W. Bishop moved, That the Council take note of the Report.

Debate ensued.

On the motion of the Honourable G.D. Romanes, the debate was adjourned until the next day of meeting.

* * * *

DRUGS AND CRIME PREVENTION COMMITTEE — VOLATILE SUBSTANCES

INHALATION — The Honourable B.C. Boardman presented the Final Report from the Drugs and Crime Prevention Committee on the Inhalation of Volatile Substances, together with Appendices and Minutes of Evidence.

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

The Honourable B.C. Boardman moved, That the Council take note of the Report.

On the motion of the Honourable W. Forwood, the debate was adjourned until the next day of meeting.

* * * *

FAMILY AND COMMUNITY DEVELOPMENT COMMITTEE — CLOTHING

OUTWORKERS CONDITIONS — The Honourable G.D. Romanes presented a Report from the Family and Community Development Committee on the Conditions of Clothing Outworkers in Victoria, together with a Minority report and Minutes of Evidence.

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

The Honourable G.D. Romanes moved, That the Council take note of the Report.

Debate ensued.

Question — put and resolved in the affirmative.

* * * *

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE —

SUBORDINATE LEGISLATION ACT — The Honourable J. Mikakos presented a Report from the Scrutiny of Acts and Regulations Committee on the *Subordinate Legislation Act 1994*, together with Appendices and Minutes of Evidence.

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

The Honourable J. Mikakos moved, That the Council take note of the Report.

Question — put and resolved in the affirmative.

* * * *

VAGRANCY ACT REVIEW — The Honourable C.A. Strong presented the Final

Report from the Scrutiny of Acts and Regulations Committee on the Review of the *Vagrancy Act 1966*, together with Appendices and Minutes of Evidence.

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

The Honourable C.A. Strong moved, That the Council take note of the Report.

On the motion of the Honourable J. Mikakos, the debate was adjourned until the next day of meeting.

URBAN AND REGIONAL LAND CORPORATION MANAGING DIRECTOR SELECT COMMITTEE — The Honourable N.B. Lucas presented a Report from the Select Committee on the Urban and Regional Land Corporation Managing Director, together with Appendices, Extracts from the Proceedings of the Committee, a Minority report and Minutes of Evidence.

Ordered to lie on the Table and the Report, Appendices, Extracts from the Proceedings of the Committee and Minority report to be printed.

The Honourable N.B. Lucas moved, That the Council take note of the Report.

Debate ensued.

On the motion of the Honourable G.K. Rich-Phillips, the debate was adjourned until the next day of meeting.

* * * *

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — ALERT DIGESTS — The Honourable A.P. Olexander presented the following Alert Digests from the Scrutiny of Acts and Regulations Committee:

Alert Digest No. 7 of 2002, together with Appendices.

Alert Digest No. 8 of 2002, together with Appendices.

Severally 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:

Alpine Health — Report, 2000-2001 (*in lieu of that tabled on 7 November 2001*).

Anti-Cancer Council of Victoria — Report, 2001.

Auditor-General — Annual Plan, 2002-2003.

Benalla and District Memorial Hospital — Report, 2000-2001 (*in lieu of that tabled on 7 November 2001*).

Bendigo Healthcare Group — Report, 2000-2001 (*in lieu of that tabled on 30 October 2001*).

Cobram District Hospital — Report, 2000-2001 (*in lieu of that tabled on 7 November 2001*).

Commonwealth Games Arrangements Act 2001 — Commonwealth Games Designated access area, Project and Venue Orders, pursuant to section 18 of the Act.

Crimes Act 1958 — Chief Commissioner of Police's authority to conduct forensic procedures, pursuant to section 464Z(2).

Crown Land (Reserves) Act 1978 — Minister's Order of 27 May 2002 giving approval to granting of a lease at Yarra Bend Park Reserve.

Drugs, Poisons and Controlled Substances Act 1981 — Standard for the Uniform Scheduling of Drugs and Poisons, No. 16, Amendment No. 4, 1 June 2002 and No. 17, 2 June 2002, Amendment No. 1, 1 September 2002 and Minister's Notice regarding the amendment, commencement and availability of the Poisons Code (five papers).

Environment Protection Act 1970 — Order in Council of 4 June 2002, declaring the State Environment Protection Policy (Prevention and Management of Contamination of Land).

Financial Management Regulations 1994 — Order in Council of 23 July 2002, increasing the maximum amount which the Metropolitan Ambulance Service Royal Commission is authorised to incur.

Interpretation of Legislation Act 1984 — Notice pursuant to section 32(4) in relation to Amendment No.10, Building Code of Australia, 1996.

- Kyabram and District Memorial Community Hospital — Report, 2000-2001 (*in lieu of that tabled on 7 November 2001*).
- Kyneton District Health Service — Report, 2000-2001 (*in lieu of that tabled on 7 November 2001*).
- Maldon Hospital — Report, 2000-2001 (*in lieu of that tabled on 30 October 2001*).
- Mallee Track Health and Community Service — Report, 2000-2001 (*in lieu of that tabled on 30 October 2001*).
- Manangatang and District Hospital — Report, 2000-2001.
- Maryborough District Health Service — Report, 2000-2001 (*in lieu of that tabled on 30 October 2001*).
- Melbourne City Link Act 1995 —
- Order in Council of 17 September 2002, decreasing the Project area, pursuant to section 8(4) of the Act.
 - Orders in Council of 13 August 2002, decreasing the Project area, pursuant to section 8(4) of the Act.
 - City Link and Extension Projects Integration and Facilitation Agreement Ninth Amending Deed, 28 June 2002, pursuant to section 15B(5) of the Act.
 - Exhibition Street Extension Fifth Amending Deed, 28 June 2002, pursuant to section 15D(6) of the Act.
 - Melbourne City Link Seventeenth Amending Deed, 28 June 2002, pursuant to section 15(2) of the Act.
 - Melbourne City Link Third Deed Amending Master Security Deed, 28 June 2002, pursuant to section 15(2) of the Act.
- Melbourne Water Corporation Act 1992 — Minister for Environment and Conservation's direction of 5 September 2002 to Melbourne Water Corporation.
- Mildura Base Hospital — Report, 2000-2001.
- Mt Alexander Hospital — Report, 2000-2001 (*in lieu of that tabled on 30 October 2001*).
- Murray Valley Citrus Marketing Board — Report, 2000-2001.
- National Parks Act 1975 —
- Advice of National Parks Advisory Council to Minister on proposed excisions of land from existing parks.
 - Minister's notices of 30 May 2002 of consent for granting of exploration licenses at Chiltern Box-Ironbark National Park (7 papers).
- Parliamentary Committees Act 1968 —
- Minister's response to recommendations in Family and Community Development Committee's report on the Conditions of Clothing Outworkers in Victoria.
 - Minister's response to recommendations in Public Accounts and Estimates Committee's Final report on Environmental Accounting and Reporting.
 - Minister's response to recommendations in Road Safety Committee's report on Rural Road Safety and Infrastructure.
- Parliamentary Officers Act 1975 — Statements of appointments, alterations of classifications and of persons temporarily employed in the Parliamentary departments for the year 2001-2002 (ten papers).
- Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes:
- Alpine Resorts Planning Scheme — Amendments C6 and C12.
 - Ballarat Planning Scheme — Amendment C49.

Planning and Environment Act 1987 — *continued*

- Banyule Planning Scheme — Amendments C21 and C27.
- Bass Coast Planning Scheme — Amendments C12, C15, C17 and C20.
- Bayside Planning Scheme — Amendment C27.
- Bendigo — Greater Bendigo Planning Scheme — Amendments C26 and C33.
- Boroondara Planning Scheme — Amendments C14 and C30.
- Brimbank Planning Scheme — Amendment C44.
- Campaspe Planning Scheme — Amendment C19.
- Cardinia Planning Scheme — Amendments C23, C30 and C32 (Part 1).
- Casey Planning Scheme — Amendments C13 and C45.
- Colac Otway Planning Scheme — Amendment C2.
- Dandenong — Greater Dandenong Planning Scheme — Amendment C11.
- Darebin Planning Scheme — Amendments C18, C19, C22, C35 and C38.
- Frankston Planning Scheme — Amendment C13.
- Geelong — Greater Geelong Planning Scheme — Amendments C38, C44, C45 and C47.
- Hepburn Planning Scheme — Amendment C8.
- Hobsons Bay Planning Scheme — Amendments C22 and C28.
- Horsham Planning Scheme — Amendment C7.
- Kingston Planning Scheme — Amendments C17, C19 and C20.
- Knox Planning Scheme — Amendment C2.
- La Trobe Planning Scheme — Amendment C20.
- Loddon Planning Scheme — Amendments C6 and C8.
- Macedon Ranges Planning Scheme — Amendment C12.
- Manningham Planning Scheme — Amendment C11.
- Maribyrnong Planning Scheme — Amendments C9 and C14 (Part 1).
- Maroondah Planning Scheme — Amendment C28.
- Melbourne Planning Scheme — Amendments C10, C19 (Part 2), C22, C66, C69, C70 and C72.
- Mildura Planning Scheme — Amendment C9.
- Mitchell Planning Scheme — Amendment C10.
- Monash Planning Scheme — Amendments C7, C20 and C39.
- Moonee Valley Planning Scheme — Amendments C31, C33 and C34.
- Moorabool Planning Scheme — Amendment C15.
- Moreland Planning Scheme — Amendment C14.
- Mornington Peninsula Planning Scheme — Amendment C43.
- Mount Alexander Planning Scheme — Amendments C13 and C15.
- Murrindindi Planning Scheme — Amendment C6.
- Nillumbik Planning Scheme — Amendment C15.
- Port Phillip Planning Scheme — Amendment C30.
- Shepparton — Greater Shepparton Planning Scheme — Amendments C18 and C21.
- Southern Grampians Planning Scheme — Amendment C3.
- South Gippsland Planning Scheme — Amendments C5 and C11.
- Surf Coast Planning Scheme — Amendments C5, C8 and C9.
- Towong Planning Scheme — Amendments C3 (Part 2), C6 and C8.

Planning and Environment Act 1987 — *continued*

Wangaratta Planning Scheme — Amendment C10.

Wellington Planning Scheme — Amendments C14 and C15.

Whitehorse Planning Scheme — Amendments C27, C29, C33 and C42.

Whittlesea Planning Scheme — Amendments C12, C28 and C36.

Wodonga Planning Scheme — Amendments C9 and C14.

Wyndham Planning Scheme — Amendments C8, C12 and C34

Yarra Planning Scheme — Amendments C25, C26, C37 and C41.

Yarra Ranges Planning Scheme — Amendments C11, C15, C20 and C26 to C28.

Rural Finance Act 1988 — Treasurer's directives of 10 August 2002 and 6 September 2002 to Rural Finance Corporation (two papers).

South East Water Limited — Report, 2001-2002.

Statutory Rules under the following Acts of Parliament:

Adoption Act 1984 — No. 77.

Births, Deaths and Marriages Registration Act 1996 — No. 45.

Building Act 1993 — No. 68.

Catchment and Land Protection Act 1994 — No. 83.

Children's Services Act 1996 — No. 82.

Companies Act 1961 — No. 58.

Confiscation Act 1997 — No. 67.

Conservation, Forests and Lands Act 1987 — No. 48.

County Court Act 1958 — Nos. 54 and 55.

Domestic (Feral and Nuisance) Animals Act 1994 — No. 62.

Drugs, Poisons and Controlled Substances Act 1981 — No. 86.

Electoral Act 2002 — No. 73.

Electricity Safety Act 1998 — No. 59.

Environment Protection Act 1970 — No. 43.

Fisheries Act 1995 — Nos. 63 and 78.

Freedom of Information Act 1982 — No. 44.

Fundraising Appeals Act 1998 — No. 65.

Gaming Machine Control Act 1991 — No. 51.

Gas Safety Act 1997 — No. 60.

Health Act 1958 — Nos. 69, 75, 80 and 81.

Health Records Act 2001 — No. 42.

Health Services Act 1988 — No. 79.

Magistrates' Court Act 1989 — No. 41.

Meat Industry Act 1993 — No. 72.

Melbourne and Metropolitan Board of Works Act 1958 — No. 94.

Pharmacists Act 1974 — No. 85.

Private Agents Act 1966 — No. 52.

Prostitution Control Act 1994 — No. 71.

Racing Act 1958 — No. 87.

Road Safety Act 1986 — Nos. 88 to 90.

Second-Hand Dealers and Pawnbrokers Act 1989 — Nos. 61 and 92.

Subordinate Legislation Act 1994 — Nos. 40, 46, 47, 57, 64 and 93.

Supreme Court Act 1986 — No. 91.

Statutory Rules — *continued*

Tobacco Act 1987 — Nos. 66 and 84.

Trade Measurement Act 1995 — Trade Measurement (Administration) Act 1995 — No. 53.

Victims of Crime Assistance Act 1996 — No. 76.

Victorian Institute of Teaching Act 2001 — No. 74.

Water Act 1989 — No. 56.

Water Industry Act 1994 — No. 49.

Whistleblowers Protection Act 2001 — No. 70.

Wildlife Act 1975 — No. 50.

Subordinate Legislation Act 1994 —

Ministers' exception certificates under section 8(4) in respect of Statutory Rule Nos. 40, 47, 54, 55, 64, 76, 80 to 82, 85, 86, 91 and 93.

Ministers' exemption certificates under section 9(6) in respect of Statutory Rule Nos. 41, 48, 52, 58 to 61, 63, 65, 66, 68 to 71, 73 to 75, 77, 78, 83, 84, 87 to 90 and 94.

Surveyor-General — Report on the progress and co-ordination of surveys under the Commonwealth national mapping scheme and the administration of the *Survey Co-ordination Act 1958* for the years 1999-2000, 2000-2001 and 2001-02 (three papers).

Terang and Mortlake Health Service — Minister for Health's report of 22 August 2002 of receipt of the 2000-2001 report (*in lieu of that tabled on 19 March 2002*).

Vicfleet Pty Ltd — Minister for Finance's report of 26 September 2002 of receipt of the 2001-02 report.

Victorian Casino and Gaming Authority — Notice of amendment to rules, pursuant to section 78(2) of the Gaming Machine Control Act 1991.

Victorian Electoral Commissioner — Statement of function conferred, 1 October 2002.

Victorian Environment Assessment Act 2001 — Minister's request for Council to investigate possible elevation of Angahook-Lorne State Park to national park status, pursuant to section 16(1) of the Act.

Victorian Law Reform Commission — Report on Failure to appear in Court in response to bail.

Wimmera Health Care Group — Report, 2000-2001 (*in lieu of that tabled on 20 November 2001*).

* * * *

PROCLAMATIONS — Proclamations of His Excellency the Governor in Council fixing operative dates in respect of the following Acts were laid upon the table by the Clerk pursuant to an Order of the Council on 4 November 1999:

Electoral Act 2002 — Whole Act — 1 September 2002 (*Gazette No. G35, 29 August 2002*).

Electricity Industry (Amendment) Act 2002 — Whole Act — 31 July 2002 (*Gazette No. S131, 30 July 2002*).

Energy Legislation (Further Miscellaneous Amendments) Act 2002 — Remaining provisions — 29 July 2002 (*Gazette No. G29, 18 July 2002*).

Energy Legislation (Miscellaneous Amendments) Act 2001 — Remaining provisions — 2 July 2002 (*Gazette No. G24, 13 June 2002*).

Proclamations — *continued*

Gaming Legislation (Amendment) Act 2002 — Sections 62 and 64 — 12 September 2002 (*Gazette No. G37, 12 September 2002*).

International Transfer of Prisoners (Victoria) Act 1998 — Remaining provisions — 8 August 2002 (*Gazette No. G32, 8 August 2002*).

Melbourne City Link (Further Miscellaneous Amendments) Act 2002 — Section 12 — 25 June 2002 (*Gazette No. S111, 25 June 2002*).

Melbourne City Link (Miscellaneous Amendments) Act 2000 — Sections 41 and 42 — 14 June 2002 (*Gazette No. G24, 13 June 2002*).

Racing Acts (Amendment) Act 2002 — Sections 1, 2, 8, 18 and 24 — 11 July 2002 (*Gazette No. G28, 11 July 2002*); Remaining provisions — 26 September 2002 (*Gazette No. G39, 26 September 2002*).

Second-Hand Dealers and Pawnbrokers (Amendment) Act 2001 — Remaining provisions — 1 September 2002 (*Gazette No. G29, 18 July 2002*).

Snowy Hydro Corporatisation Act 1997 — Remaining provisions — 28 June 2002 (*Gazette No. S110, 25 June 2002*).

Victorian Institute of Teaching Act 2001 — Parts 1, 2, 7, 8 and 9 and sections 88, 90 and 94 — 20 June 2002 (*Gazette No. G25, 20 June 2002*).

19 JURIES (AMENDMENT) BILL — The Order of the Day having been read for the second reading of this Bill, the Honourable J.M. Madden moved, That this Bill be now read a second time.

On the motion of the Honourable P.A. Katsambanis, the debate was adjourned until the next day of meeting.

20 RESIDENTIAL TENANCIES (AMENDMENT) BILL — The Order of the Day having been read for the second reading of this Bill, the Honourable M.R. Thomson moved, That this Bill be now read a second time.

On the motion of the Honourable W. Forwood (for the Honourable A. Coote), the debate was adjourned until the next day of meeting.

21 AGRICULTURAL INDUSTRY DEVELOPMENT (FURTHER AMENDMENT) BILL — The Order of the Day having been read for the second reading of this Bill, the Honourable C.C. Broad moved, That this Bill be now read a second time.

On the motion of the Honourable C.A. Furletti (for the Honourable P.R. Davis), the debate was adjourned until the next day of meeting.

22 ADJOURNMENT — The Honourable M.M. Gould moved, That the House do now adjourn.

Debate ensued.

And the Council having continued to sit until after 12 midnight —

WEDNESDAY, 9 OCTOBER 2002

Debate continued.

Question — put and resolved in the affirmative.

And then the Council, at 12.30 a.m., adjourned until this day at 10.00 a.m.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 129 — Wednesday, 9 October 2002

1 The President took the Chair and read the Prayer.

- 2 WRONGS AND OTHER ACTS (PUBLIC LIABILITY INSURANCE REFORM) BILL —**
 The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Wrongs Act 1958, the Coroners Act 1985, the Food Act 1984, the Goods Act 1958, the Essential Services Commission Act 2001, the Country Fire Authority Act 1958 and the Metropolitan Fire Brigades Act 1958 and for other purposes* and desiring the concurrence of the Council therein.
 On the motion of the Honourable C.C. Broad, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.
- 3 QUESTIONS —** Questions without notice were taken pursuant to Sessional Orders.
- 4 2006 COMMONWEALTH GAMES — ANSWER TO QUESTION —** The Honourable I.J. Cover moved, That the Council take note of the answer given by the Honourable the Minister for the Commonwealth Games to a question without notice asked by the Honourable I.J. Cover relating to the 2006 Commonwealth Games budget.
 Debate ensued.
 Question — put and resolved in the affirmative.
- 5 STUDENT WELFARE — ANSWER TO QUESTION —** The Honourable P.R. Hall moved, That the Council take note of the answer given by the Honourable the Minister for Education Services to a question without notice asked by the Honourable P.R. Hall relating to student welfare at primary schools.
 Debate ensued.
 Question — put and resolved in the affirmative.
- 6 FREEZA PROGRAM — ANSWER TO QUESTION —** The Honourable A.P. Olexander moved, That the Council take note of the answer given by the Honourable the Minister for Youth Affairs to a question without notice asked by the Honourable J. Mikakos relating to the Freeza Program.
 Question — put and resolved in the affirmative.
- 7 SPECIAL POWER PAYMENTS — ANSWER TO QUESTION —** The Honourable C.A. Furletti moved, That the Council take note of the answer given by the Honourable the Minister for Energy and Resources to a question without notice asked by the Honourable C.A. Furletti relating to special power payments beyond 2003 to country Victorians.
 Question — put and resolved in the affirmative.
- 8 BUSINESS OF THE HOUSE —** The Honourable M.M. Gould moved, by leave, That so much of the Sessional Orders be suspended as would prevent new business being taken after 9.00 p.m. during the sitting of the Council this day.
 Question — put and resolved in the affirmative.
- 9 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's Office — Report, 2001-02.
- 10 BUSINESS POSTPONED —** Ordered — That the consideration of the Notices of Motion, General Business, and Orders of the Day, General Business, Nos. 1 to 13 inclusive, be postponed until later this day.
- 11 HIGHWAY AUTHORITY PROTECTION BILL —** The Order of the Day having been read for the second reading of this Bill, the Honourable P.R. Hall moved, That this Bill be now read a second time.
 The Honourable P.R. Hall made a statement pursuant to section 85(5) of the *Constitution Act 1975* on the reasons for altering or varying this section.

On the motion of the Honourable J. Mikakos, the debate was adjourned until the next day of meeting.

12 SEAL ROCKS PROJECT — The Honourable W. Forwood moved, That —

- (a) a Select Committee of five members be appointed to inquire into and report on:
 - (i) the involvement of the Victorian Government, its various agents and agencies or any person or persons in the development and management of the Seal Rocks project and of all matters leading up to and culminating in the Notice of Termination dated 9 August 2002 and the transfer of the Seal Rocks Centre to the Victorian Government on 19 August 2002, including its effect on staff employed at Seal Rocks; and
 - (ii) the circumstances surrounding the break-in at the Seal Rocks Centre on 5 July 1998 and the subsequent investigation of that event.
- (b) the Committee shall consist of two members nominated by the Leader of the Government, and three members nominated by the Leader of the Opposition.
- (c) the members shall be appointed by lodgement of the names with the President by the Leaders no later than 4.00 p.m. on Thursday, 10 October 2002.
- (d) the first meeting of the Committee shall be held at 10.30 a.m. on Friday, 11 October 2002.
- (e) the Committee may proceed to the despatch of business notwithstanding that all members have not been appointed and notwithstanding any vacancy.
- (f) the Committee shall elect a Deputy Chairman to act as Chairman at any time when the Chairman is not present at a meeting of the Committee.
- (g) three members of the Committee shall constitute a quorum.
- (h) the Committee may send for persons, papers and records.
- (i) the Committee shall, unless it otherwise resolves, take all evidence in public and may otherwise sit in public at any time if it so decides.
- (j) the Committee may authorise the publication of any evidence taken by it in public and any documents presented to it.
- (k) reports of the Committee may be presented to the Council from time to time and that the Committee present its final report to the Council on or before 1 May 2003.
- (l) the presentation of a report or interim report of the Committee shall not be deemed to terminate the Committee's appointment, powers or functions.
- (m) the Committee shall include with any of its reports to the Council minority reports submitted to it by a member or members of the Committee.
- (n) the foregoing provisions of this resolution, so far as they are inconsistent with the Standing Orders and practice of the Council, shall have effect notwithstanding anything contained in the Standing Orders.

Debate ensued.

The Honourable G.W. Jennings moved, as an amendment, That the word "five" in paragraph (a) be omitted with the view of inserting in place thereof "six".

Debate ensued.

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

The Council divided.

AYES, 25	NOES, 14
The Hon. G.B. Ashman (<i>Teller</i>)	The Hon. C.C. Broad
B.N. Atkinson	E.C. Carbines (<i>Teller</i>)
W.R. Baxter	K. Darveniza
M.A. Birrell	M.M. Gould

B.C. Boardman (<i>Teller</i>)	D.G. Hadden
R.H. Bowden	G.W. Jennings
A.R. Brideson	J.M. McQuilten
A. Coote	J.M. Madden
G.R. Craige	J. Mikakos
D.M. Davis	S.M. Nguyen (<i>Teller</i>)
P.R. Davis	G.D. Romanes
W. Forwood	R.F. Smith
C.A. Furletti	T.C. Theophanous
R.M. Hallam	M.R. Thomson
P.A. Katsambanis	
N.B. Lucas	
M.T. Luckins	
A.P. Olexander	
E.J. Powell	
G.K. Rich-Phillips	
J.W.G. Ross	
K.M. Smith	
W.I. Smith	
Graeme Stoney	
C.A. Strong	

And so it was resolved in the affirmative – Amendment negatived.

The Honourable K.M. Smith moved, as an amendment, That the expression “10.30 a.m.” in paragraph (d) be omitted with the view of inserting in place thereof “2.00 p.m.”.

Debate ensued.

Question — put and resolved in the affirmative.

Debate continued.

Question — That —

- (a) a Select Committee of five members be appointed to inquire into and report on:
 - (i) the involvement of the Victorian Government, its various agents and agencies or any person or persons in the development and management of the Seal Rocks project and of all matters leading up to and culminating in the Notice of Termination dated 9 August 2002 and the transfer of the Seal Rocks Centre to the Victorian Government on 19 August 2002, including its effect on staff employed at Seal Rocks; and
 - (ii) the circumstances surrounding the break-in at the Seal Rocks Centre on 5 July 1998 and the subsequent investigation of that event.
- (b) the Committee shall consist of two members nominated by the Leader of the Government, and three members nominated by the Leader of the Opposition.
- (c) the members shall be appointed by lodgement of the names with the President by the Leaders no later than 4.00 p.m. on Thursday, 10 October 2002.
- (d) the first meeting of the Committee shall be held at 2.00 p.m. on Friday, 11 October 2002.
- (e) the Committee may proceed to the despatch of business notwithstanding that all members have not been appointed and notwithstanding any vacancy.
- (f) the Committee shall elect a Deputy Chairman to act as Chairman at any time when the Chairman is not present at a meeting of the Committee.

- (g) three members of the Committee shall constitute a quorum.
- (h) the Committee may send for persons, papers and records.
- (i) the Committee shall, unless it otherwise resolves, take all evidence in public and may otherwise sit in public at any time if it so decides.
- (j) the Committee may authorise the publication of any evidence taken by it in public and any documents presented to it.
- (k) reports of the Committee may be presented to the Council from time to time and that the Committee present its final report to the Council on or before 1 May 2003.
- (l) the presentation of a report or interim report of the Committee shall not be deemed to terminate the Committee's appointment, powers or functions.
- (m) the Committee shall include with any of its reports to the Council minority reports submitted to it by a member or members of the Committee.
- (n) the foregoing provisions of this resolution, so far as they are inconsistent with the Standing Orders and practice of the Council, shall have effect notwithstanding anything contained in the Standing Orders.

— put and resolved in the affirmative.

- 13 DROUGHT STRATEGIES** — The Honourable W.R. Baxter moved, That this House acknowledges the seriousness of the drought currently ravaging much of Victoria and calls on the Government to detail its drought preparedness strategies to assist farmers, small businesses and rural communities withstand the financial and psychological stresses which inevitably accompany severe dry times.

Debate ensued.

On the motion of the Honourable D.G. Hadden, the debate was adjourned until the next day of meeting.

- 14 MEMBERS' STATEMENTS** — Statements were made by Honourable Members.

- 15 BUSINESS POSTPONED** — Ordered — That the consideration of Business to take Precedence, and Orders of the Day, Government Business, Nos. 1 to 3 inclusive, be postponed until later this day.

- 16 LOCAL GOVERNMENT (UPDATE) BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

Bill read a second time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honourable B.W. Bishop having reported that the Committee had agreed to the Bill with amendments, the House adopted the Report, and the Bill was read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

Ordered — That the Bill be transmitted to the Assembly with a Message desiring their concurrence therein.

- 17 ADJOURNMENT** — The Honourable M.M. Gould moved, That the House do now adjourn.

Debate ensued.

And the Council having continued to sit until after 12 midnight —

THURSDAY, 10 OCTOBER 2002

Debate continued.

Question — put and resolved in the affirmative.

And then the Council, at 12.23 a.m., adjourned until this day at 10.00 a.m.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 130 — Thursday, 10 October 2002

- 1 The Deputy President took the Chair and read the Prayer.
- 2 **COMMISSIONER FOR ECOLOGICALLY SUSTAINABLE DEVELOPMENT BILL** —
The Deputy President announced the receipt of a Message from the Assembly transmitting a Bill *to provide for a Commissioner for Ecologically Sustainable Development, 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 desiring the concurrence of the Council therein.
On the motion of the Honourable C.C. Broad, the Bill was read a first time and ordered to be printed and, by leave, to be read a second time later this day.
- 3 **QUESTIONS** — Questions without notice were taken pursuant to Sessional Orders.
- 4 **WIND ENERGY GENERATION — ANSWER TO QUESTION** — The Honourable K.M. Smith moved, That the Council take note of the answer given by the Honourable the Minister for Energy and Resources to a question without notice asked by the Honourable C.A. Furletti relating to wind energy generation.
Debate ensued.
Question — put and resolved in the affirmative.
- 5 **2006 COMMONWEALTH GAMES — ANSWER TO QUESTION** — The Honourable R.M. Hallam moved, That the Council take note of the answer given by the Honourable the Minister for the Commonwealth Games to a question without notice asked by the Honourable R.M. Hallam relating to the 2006 Commonwealth Games budget.
Debate ensued.
Question — put and resolved in the affirmative.
- 6 **PAID PATERNITY LEAVE — ANSWER TO QUESTION** — The Honourable P.A. Katsambanis moved, That the Council take note of the answer given by the Honourable the Minister for Small Business to a question without notice asked by the Honourable P.A. Katsambanis relating to paid paternity leave.
Question — put and resolved in the affirmative.
- 7 **TEACHER REGISTRATION FEES — ANSWER TO QUESTION** — The Honourable W. Forwood moved, That the Council take note of the answer given by the Honourable the Minister for Education Services to a question without notice asked by the Honourable W. Forwood relating to teacher registration fees.
Debate ensued.
Question — put and resolved in the affirmative.
- 8 **PAPERS —**
DRUGS AND CRIME PREVENTION COMMITTEE — MOTOR VEHICLE THEFT —
The Honourable B.C. Boardman presented a Report from the Drugs and Crime

Prevention Committee on Motor Vehicle Theft, together with Appendices and Minutes of Evidence.

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

The Honourable B.C. Boardman moved, That the Council take note of the Report.

Debate ensued.

On the motion of the Honourable W. Forwood, the debate was adjourned until the next day of meeting.

* * * *

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

Subordinate Legislation Act 1994 — Minister's exemption certificate under section 9(6) in respect of Statutory Rule No. 92.

9 BUSINESS POSTPONED — Ordered — That the consideration of Orders of the Day, Motions to Take note of Reports and Papers, Nos. 1 to 5 inclusive, be postponed until the next day of meeting.

10 URBAN AND REGIONAL LAND CORPORATION MANAGING DIRECTOR SELECT COMMITTEE REPORT — The Order of the Day was read for the resumption of the debate on the question, That this House take note of the Report of the Committee on the Urban and Regional Land Corporation Managing Director.

Debate resumed.

Question — put and resolved in the affirmative.

11 BUSINESS POSTPONED —

Ordered — That the consideration of Business to take Precedence, be postponed until the next day of meeting.

Ordered — That the consideration of Order of the Day, Government Business, No. 1, be postponed until later this day.

12 AGRICULTURE LEGISLATION (AMENDMENTS AND REPEALS) BILL — The Order of the Day having been read for the second reading of this Bill, the Honourable C.C. Broad moved, That this Bill be now read a second time.

On the motion of the Honourable P.R. Davis, the debate was adjourned until the next day of meeting.

13 MEMBERS' STATEMENTS — Statements were made by Honourable Members.

14 ANSWERS TO QUESTIONS ON NOTICE — By leave, answers to certain questions on notice were circulated.

15 UTILITY METERS (METROLOGICAL CONTROLS) BILL — The Order of the Day having been read for the second reading of this Bill, the Honourable M.R. Thomson moved, That this Bill be now read a second time.

On the motion of the Honourable C.A. Furletti (for the Honourable W.I. Smith), the debate was adjourned until the next day of meeting.

16 WRONGS AND OTHER ACTS (PUBLIC LIABILITY INSURANCE REFORM) BILL — The Order of the Day having been read for the second reading of this Bill, the Honourable C.C. Broad moved, That this Bill be now read a second time.

The Honourable C.C. Broad made a statement pursuant to section 85(5) of the *Constitution Act 1975* on the reasons for altering or varying this section.

On the motion of the Honourable D.M. Davis, the debate was adjourned until the next day of meeting.

- 17 SPORTS EVENT TICKETING (FAIR ACCESS) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable J.M. Madden moved, That this Bill be now read a second time.

On the motion of the Honourable I.J. Cover the debate was adjourned until the next day of meeting.

- 18 BUSINESS POSTPONED** — Ordered — That the consideration of Orders of the Day, Government Business, Nos. 5 and 6, be postponed until later this day.

- 19 AGRICULTURAL INDUSTRY DEVELOPMENT (FURTHER AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 20 JURIES (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 21 FEDERAL AWARDS (UNIFORM SYSTEM) BILL** — The Deputy President announced the receipt of a Message from the Assembly transmitting 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 desiring the concurrence of the Council therein.

On the motion of the Honourable J.M. Madden (for the Honourable M.R. Thomson), the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 22 RESIDENTIAL TENANCIES (AMENDMENT) BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

Bill read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair, and the Honourable G.B. Ashman having reported that the Committee had agreed to the Bill with amendments, the House adopted the Report, and the Bill was read a third time and passed.

Ordered — That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same with amendments, and desiring their concurrence therein.

- 23 CRIMES (PROPERTY DAMAGE AND COMPUTER OFFENCES) BILL** — The President announced the receipt of a Message from the Assembly 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 Council therein.

On the motion of the Honourable J.M. Madden (for the Honourable M.R. Thomson), the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

24 ROAD SAFETY (RESPONSIBLE DRIVING) BILL — The President announced the receipt of a Message from the Assembly transmitting a Bill *to make miscellaneous amendments to the Road Safety Act 1986, to amend the Marine Act 1988 and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable J.M. Madden (for the Honourable M.R. Thomson), the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

25 SELECT COMMITTEE ON THE SEAL ROCKS PROJECT — The President announced that he had received from the Leader of the Government and the Leader of the Opposition, within the time set by the resolution of the House, letters in which the Honourables A. Coote, G.W. Jennings, G.K. Rich-Phillips, C.A. Strong and T.C. Theophanous were nominated as members of the Select Committee on the Seal Rocks Project.

26 ADJOURNMENT — the Honourable J.M. Madden moved, That the House do now adjourn.

Debate ensued.

Question — put and resolved in the affirmative.

And then the Council, at 6.46 p.m., adjourned until Tuesday next.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

LEGISLATIVE COUNCIL OF VICTORIA

MINUTES OF THE PROCEEDINGS Nos. 131, 132, 133 and 134

No. 131 — Tuesday, 15 October 2002

- 1 The President took the Chair and read the Prayer.
- 2 **BALI TERRORIST ATTACKS** — The Honourable M.M. Gould moved, That the Council agree to the following Resolution:
We, the Legislative Council of Victoria, offer our deepest and sincere condolences to the families of the victims of the Bali 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.
Debate ensued.
The question was put and, Honourable Members signifying their assent by rising in their places and standing in silence for one minute, unanimously resolved in the affirmative.
- 3 **ASSENT TO ACTS** — The Honourable M.M. Gould presented a Message from the Administrator, as the Governor's deputy, informing the Council that he had, this day, given the Royal Assent to the undermentioned Acts presented to him by the Clerk of the Parliaments:
Agricultural Industry Development (Further Amendment) Act
Juries (Amendment) Act.
- 4 **QUESTIONS** — Questions without notice were taken pursuant to Sessional Orders.
- 5 **YOUTH UNEMPLOYMENT — ANSWER TO QUESTION** — The Honourable A.P. Olexander moved, That the Council take note of the answer given by the Honourable the Minister for Education Services to a question without notice asked by the Honourable A.P. Olexander relating to youth unemployment.
Debate ensued.
Question — put and resolved in the affirmative.
- 6 **SMALL BUSINESS — ANSWER TO QUESTION** — The Honourable E.J. Powell moved, That the Council take note of the answer given by the Honourable the Minister for Small Business to a question without notice asked by the Honourable E.J. Powell relating to small business in drought affected Victoria.
Question — put and resolved in the affirmative.
- 7 **TEACHER REGISTRATION FEES — ANSWER TO QUESTION** — The Honourable R.M. Hallam moved, That the Council take note of the answer given by the Honourable the Minister for Education Services to a question without notice asked by the Honourable W. Forwood relating to teacher registration fees.
Debate ensued.
Question — put and resolved in the affirmative.
- 8 **ANSWERS TO QUESTIONS ON NOTICE** — Answers to certain questions on notice were circulated.

9 PETITION — UPPER BUNYIP FORESTRY BLOCK — The Honourable N.B. Lucas presented a Petition bearing 259 signatures from certain citizens of Victoria requesting that the Minister for Environment and Conservation —

- (a) urgently review forestry operations in the 350 Upper Bunyip Forestry Block and order an immediate cessation of logging operations until a comprehensive scientific study is undertaken throughout the Block to establish fully the extent of threatened flora and fauna species and other natural and social values; and
- (b) initiate a review of the Bunyip State Park Management Plan.

Ordered to lie on the Table.

10 BUSINESS OF THE HOUSE — The Honourable M.M. Gould moved, by leave, That so much of the Sessional Orders be suspended as would prevent new business being taken after 9.00 p.m. during the sitting of the Council this day.

Question — put and resolved in the affirmative.

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

- Anderson's Creek Cemetery Trust — Report, 2001.
- Ballaarat General Cemeteries Trust — Report, 2001.
- Bendigo Cemeteries Trust — Report, 2001.
- Cheltenham and Regional Cemeteries Trust — Report, 2001.
- Falls Creek Alpine Resort Management Board — Report, year ended 31 October 2001.
- Keilor Cemetery Trust — Report, 2001.
- Lilydale Memorial Park and Cemetery Trust — Report, 2001.
- Melbourne City Link Act 1995 — Order in Council of 8 October 2002, decreasing the Project area, pursuant to section 8(4) of the Act.
- Mildura Cemetery Trust — Report, 2001.
- Mount Baw Baw Alpine Resort Management Board — Report, year ended 31 October 2001.
- Mount Buller Alpine Resort Management Board — Report, year ended 31 October 2001.
- Mount Hotham Alpine Resort Management Board — Report, year ended 31 October 2001.
- Preston Cemetery Trust — Report, 2001.
- Recreational Fishing Licence — Report on Disbursement of revenue from Trust Account, 2001-02.
- Templestowe Cemetery Trust — Report, 2001.
- Trustees of the Necropolis Springvale — Report, 2001.
- Wyndham Cemeteries Trust — Report, 2001.

* * * *

PROCLAMATION — A Proclamation of His Excellency the Governor in Council fixing an operative date in respect of the following Act was laid upon the table by the Clerk pursuant to an Order of the Council on 4 November 1999:

Environment Protection (Resource Efficiency) Act 2002 — Sections 34, 35, 36 and 37 — 15 October 2002 (*Gazette No. G41, 10 October 2002*).

12 BUSINESS POSTPONED — Ordered — That the consideration of the Business to take Precedence, be postponed until the next day of meeting.

13 COMMISSIONER FOR ECOLOGICALLY SUSTAINABLE DEVELOPMENT BILL — The Order of the Day having been read for the second reading of this Bill, the Honourable C.C. Broad moved, That this Bill be now read a second time.

On the motion of the Honourable K.M. Smith (for the Honourable W. Forwood), the debate was adjourned until the next day of meeting.

14 BUSINESS POSTPONED — Ordered — That the consideration of Orders of the Day, Government Business, Nos. 1 and 2, be postponed until later this day.

15 ROAD SAFETY (RESPONSIBLE DRIVING) BILL — The Order of the Day having been read for the second reading of this Bill, the Honourable C.C. Broad moved, That this Bill be now read a second time.

On the motion of the Honourable K.M. Smith (for the Honourable G.B. Ashman), the debate was adjourned until the next day of meeting.

16 FEDERAL AWARDS (UNIFORM SYSTEM) BILL — The Order of the Day having been read for the second reading of this Bill, the Honourable J.M. Madden (for the Honourable M.R. Thomson) moved, That this Bill be now read a second time.

On the motion of the Honourable K.M. Smith (for the Honourable P.A. Katsambanis), the debate was adjourned until the next day of meeting.

17 CRIMES (PROPERTY DAMAGE AND COMPUTER OFFENCES) BILL — The Order of the Day having been read for the second reading of this Bill, the Honourable J.M. Madden moved, That this Bill be now read a second time.

On the motion of the Honourable K.M. Smith (for the Honourable C.A. Furletti), the debate was adjourned until the next day of meeting.

18 BUSINESS POSTPONED — Ordered — That the consideration of Order of the Day, Government Business, No. 5, be postponed until later this day.

19 AGRICULTURE LEGISLATION (AMENDMENTS AND REPEALS) BILL — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

20 SPORTS EVENT TICKETING (FAIR ACCESS) BILL — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

Bill read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honourable B.W. Bishop having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

21 ADJOURNMENT — The Honourable C.C. Broad moved, That the House do now adjourn.

Debate ensued.

And the Council having continued to sit until after 12 midnight —

WEDNESDAY, 16 OCTOBER 2002

Debate continued.

Question — put and resolved in the affirmative.

And then the Council, at 12.32 a.m., adjourned until this day at 10.00 a.m.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 132 — Wednesday, 16 October 2002

- 1 The President took the Chair and read the Prayer.
- 2 **QUESTIONS** — Questions without notice were taken pursuant to Sessional Orders.
- 3 **MELBOURNE CRICKET GROUND REDEVELOPMENT PROJECT — ANSWERS TO QUESTIONS** — The Honourable B.N. Atkinson moved, That the Council take note of the answers given by the Honourable the Minister for Sport and Recreation to questions without notice asked by the Honourable I.J. Cover and the Honourable R.M. Hallam relating to the Melbourne Cricket Ground redevelopment project and funding for the project.
Debate ensued.
Question — put and resolved in the affirmative.
- 4 **MARINE PARKS ENFORCEMENT OFFICERS — ANSWER TO QUESTION** — The Honourable C.A. Furletti moved, That the Council take note of the answer given by the Honourable the Minister for Energy and Resources to a question without notice asked by the Honourable C.A. Furletti relating to fisheries enforcement officers in Marine National Parks.
Debate ensued.
Question — put and resolved in the affirmative.
- 5 **ANSWERS TO QUESTIONS ON NOTICE** — Answers to certain questions on notice were circulated.
- 6 **BUSINESS OF THE HOUSE** — The Honourable M.M. Gould moved, by leave, That so much of the Sessional Orders be suspended as would prevent new business being taken after 9.00 p.m. during the sitting of the Council this day.
Question — put and resolved in the affirmative.
- 7 **PAPERS PURSUANT TO STATUTE** — The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:
A Statutory Rule under the Fair Trading Act 1999 — No. 95.
Subordinate Legislation Act 1994 — Minister's exemption certificate under section 9(6) in respect of Statutory Rule No. 95.
- 8 **BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, General Business, Nos. 1 to 10 inclusive, be postponed until later this day.
- 9 **PRIORITY HOUSING APPLICATION** — The Honourable W. Forwood moved, That this House:
 - (a) censures the Honourable M.M. Gould, Minister for Education Services, and the Honourable B.J. Pike, Minister for Housing, for acting improperly in that they were knowingly involved in the fabrication of a priority housing application on behalf of a family who did not meet Department of Human Services eligibility criteria, and acted in concert with others to cover up their improper conduct; and
 - (b) instructs the Department of Human Services to lodge all documents, correspondence, file notes, emails and records relating to priority application No. 350921, and all documents, correspondence, file notes, emails and

records relating to other dealings this family has had with Human Services on housing issues since 1998, with the President by 4.00 p.m. on Thursday, 17 October 2002 for inspection by the Leader of the Government or her nominee, the Leader of the Opposition and the Leader of the National Party or his nominee.

Debate ensued.

General Business having been interrupted pursuant to Sessional Orders the debate stood adjourned.

10 BUSINESS POSTPONED —

Ordered — That the consideration of Notices of Motion, Business to take Precedence, Nos. 1 and 2, be postponed until later this day.

Ordered — That the consideration of Notice of Motion, Business to take Precedence, No. 3, and the Order of the Day, Business to take Precedence, be postponed until the next day of meeting.

11 MEMBERS' STATEMENTS — Statements were made by Honourable Members.

12 UTILITY METERS (METROLOGICAL CONTROLS) BILL — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

13 WRONGS AND OTHER ACTS (PUBLIC LIABILITY INSURANCE REFORM) BILL —

The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

Bill read a second time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and, by leave, read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

14 BUSINESS POSTPONED — Ordered — That the consideration of Order of the Day, Government Business, No. 3, be postponed until later this day.

15 ROAD SAFETY (RESPONSIBLE DRIVING) BILL — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

16 REGIONAL DEVELOPMENT VICTORIA BILL — The Deputy President announced the receipt of a Message from the Assembly transmitting a Bill *to establish a body to facilitate economic and community development in rural and regional Victoria to be*

known as Regional Development Victoria and for other purposes and desiring the concurrence of the Council therein.

On the motion of the Honourable M.R. Thomson, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 17 SENTENCING (FURTHER AMENDMENT) BILL** — The Deputy President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Sentencing Act 1991 so as to empower the Court of Appeal to give guideline judgements and to establish a Sentencing Advisory Council and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable M.R. Thomson (for the Honourable J.M. Madden), the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 18 RESIDENTIAL TENANCIES (AMENDMENT) BILL** — The Deputy President announced the receipt of a Message from the Assembly acquainting the Council that they have agreed to the amendments made by the Council in this Bill.

- 19 ADJOURNMENT** — The Honourable M.R. Thomson moved, That the House do now adjourn.

Debate ensued.

Question — put and resolved in the affirmative.

And then the Council, at 11.09 p.m., adjourned until tomorrow.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 133 — Thursday, 17 October 2002

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

- 2 **QUESTIONS** — Questions without notice were taken pursuant to Sessional Orders.

- 3 **SMALL MANUFACTURING BUSINESSES — ANSWER TO QUESTION** — The Honourable W.I. Smith moved, That the Council take note of the answer given by the Honourable the Minister for Small Business to a question without notice asked by the Honourable W.I. Smith relating to small manufacturing businesses.

Debate ensued.

Question — put and resolved in the affirmative.

- 4 **YOUTH POLICY VISION — ANSWER TO QUESTION** — The Honourable A.P. Olexander moved, That the Council take note of the answer given by the Honourable the Minister for Youth Affairs to a question without notice asked by the Honourable A.P. Olexander relating to the Government's youth policy vision.

Debate ensued.

Question — put and resolved in the affirmative.

- 5 **ENVIROMISSION ENERGY PROJECT — ANSWER TO QUESTION** — The Honourable B.W. Bishop moved, That the Council take note of the answer given by the Honourable the Minister for Energy and Resources to a question without notice asked by the Honourable B.W. Bishop relating to the Enviromission Energy Project.

Question — put and resolved in the affirmative.

- 6 **PORTS REFORM — ANSWER TO QUESTION** — The Honourable B.C. Boardman moved, That the Council take note of the answer given by the Honourable the

Minister for Ports to a question without notice asked by the Honourable B.C. Boardman relating to the review of Ports reform.

Question — put and resolved in the affirmative.

- 7 ANSWERS TO QUESTIONS ON NOTICE** — Answers to certain questions on notice were circulated.

8 PAPERS —

VICTORIAN GOVERNMENT INDIGENOUS AFFAIRS — The Honourable J.M. Madden (for the Honourable C.C. Broad) moved, by leave, that there be laid before this House a copy of the Victorian Government Indigenous Affairs Report, November 1999 – October 2002.

Question — put and resolved in the affirmative.

The said Report was thereupon presented by the Honourable J.M. Madden and ordered to lie on the Table.

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SCRUTINY OF ACTS AND REGULATIONS COMMITTEE — REGULATIONS ANNUAL REVIEW — The Honourable J. Mikakos presented the Annual Review 2001 from the Scrutiny of Acts and Regulations Committee on Regulations 2001, together with Appendices.

Ordered to lie on the Table and to be printed.

The Honourable J. Mikakos moved, That the Council take note of the Report.

Question — put and resolved in the affirmative.

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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 — Report on Mental health services for people in crisis, October 2002.

National Parks Advisory Council — Report, 2001-2002.

Parliamentary Committees Act 1968 — Minister's response to recommendations in Public Accounts and Estimates Committee's report on the Department of Human Services — Service Agreements for Community, Health and Welfare Services.

- 9 BUSINESS POSTPONED** — Ordered — That the consideration of the Notices of Motion to take note of Reports and Papers, and Order of the Day, Motions to take note of Reports and Papers, No. 1, be postponed until later this day.

- 10 URBAN AND REGIONAL LAND CORPORATION MANAGING DIRECTOR SELECT COMMITTEE'S FIRST INTERIM REPORT** — The Order of the Day was read for the resumption of the debate on the question, That the Council take note of the first interim Report of the Select Committee on the Urban and Regional Land Corporation Managing Director.

The Honourable W. Forwood moved, That this Order of the Day be discharged.

Question — put and resolved in the affirmative.

11 BUSINESS POSTPONED —

Ordered — That the consideration of Orders of the Day, Motions to take note of Reports and Papers, Nos. 3 to 6 inclusive, be postponed until later this day.

Ordered — That the consideration of Notice of Motion, Business to take Precedence, No. 1, be postponed until the next day of meeting.

12 REVOCATION OF PLANNING SCHEMES — The Honourable P.R. Hall moved, That this House revokes Amendment C15 to the Wellington Planning Scheme and Amendment C20 to the La Trobe Planning Scheme.

Debate ensued.

Business having been interrupted at 2.00 p.m. pursuant to Sessional Orders —

13 MEMBERS' STATEMENTS — Statements were made by Honourable Members.

14 REVOCATION OF PLANNING SCHEMES — Debate continued on the question, That this House revokes Amendment C15 to the Wellington Planning Scheme and Amendment C20 to the La Trobe Planning Scheme.

Question — put.

The Council divided.

<p>AYES, 6</p> <p>The Hon. W.R. Baxter (<i>Teller</i>)</p> <p>R.A. Best</p> <p>B.W. Bishop</p> <p>P.R. Hall</p> <p>R.M. Hallam (<i>Teller</i>)</p> <p>E.J. Powell</p>	<p>NOES, 33</p> <p>The Hon. G.B. Ashman</p> <p>B.N. Atkinson</p> <p>M.A. Birrell</p> <p>B.C. Boardman</p> <p>A.R. Brideson</p> <p>C.C. Broad</p> <p>A. Coote</p> <p>I.J. Cover</p> <p>G.R. Craige</p> <p>D.M. Davis</p> <p>P.R. Davis</p> <p>W. Forwood</p> <p>C.A. Furletti</p> <p>M.M. Gould</p> <p>G.W. Jennings</p> <p>P.A. Katsambanis</p> <p>N.B. Lucas</p> <p>M.T. Luckins</p> <p>J..M. McQuilten</p> <p>J..M. Madden</p> <p>J. Mikakos</p> <p>S.M. Nguyen</p> <p>A.P. Olexander</p> <p>G.K. Rich-Phillips (<i>Teller</i>)</p> <p>G.D. Romanes</p> <p>J.W.G. Ross</p> <p>K.M. Smith</p> <p>R.F. Smith (<i>Teller</i>)</p> <p>W.I. Smith</p> <p>Graeme Stoney</p> <p>C.A. Strong</p> <p>T.C. Theophanous</p> <p>M.R. Thomson</p>
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And so it passed in the negative.

15 BUSINESS POSTPONED — Ordered — That the consideration of Notice of Motion, Business to take Precedence, No. 3, the Order of the Day, Business to take Precedence and Order of the Day, Government Business, No. 1, be postponed until later this day.

16 REGIONAL DEVELOPMENT VICTORIA BILL — The Order of the Day having been read for the second reading of this Bill, the Honourable M.R. Thomson moved, That this Bill be now read a second time.

On the motion of the Honourable W. Forwood (for the Honourable P.R. Davis), the debate was adjourned until the next day of meeting.

17 FEDERAL AWARDS (UNIFORM SYSTEM) BILL — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time.

Debate resumed.

Question — put.

The Council divided.

	AYES, 12		NOES, 26
The Hon.	C.C. Broad	The Hon.	G.B. Ashman
	M.M. Gould		B.N. Atkinson (<i>Teller</i>)
	D.G. Hadden (<i>Teller</i>)		W.R. Baxter
	G.W. Jennings		R.A. Best
	J..M. McQuilten		M.A. Birrell
	J..M. Madden		B.W. Bishop
	J. Mikakos (<i>Teller</i>)		B.C. Boardman
	S.M. Nguyen		A.R. Brideson
	G.D. Romanes		A. Coote
	R.F. Smith		I.J. Cover
	T.C. Theophanous		G.R. Craige
	M.R. Thomson		D.M. Davis
			P.R. Davis
			W. Forwood
			C.A. Furletti
			R.M. Hallam
			P.A. Katsambanis
			N.B. Lucas
			M.T. Luckins (<i>Teller</i>)
			A.P. Olexander
			E.J. Powell
			G.K. Rich-Phillips
			J.W.G. Ross
			K.M. Smith
			W.I. Smith
			C.A. Strong

And so it passed in the negative.

18 NATIONAL PARKS (BOX-IRONBARK AND OTHER PARKS) BILL — The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the National Parks Act 1975 to create new parks and make further provision in relation to existing parks and other Crown land, to create new reserves under the*

Crown Land (Reserves) Act 1978, to otherwise amend the Crown Land (Reserves) Act 1978, the Mineral Resources Development Act 1990, the Reference Areas Act 1978 and the Forests Act 1958 and for other purposes and desiring the concurrence of the Council therein.

On the motion of the Honourable C.C. Broad, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 19 BUSINESS LICENSING LEGISLATION (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting 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 transactions under those Acts and to make further provision for registers under those Acts and to amend the Business Licensing Authority Act 1998 and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable M.R. Thomson, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 20 MURRAY-DARLING BASIN (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Murray-Darling Basin Act 1993 and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable C.C. Broad, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 21 TRAVEL AGENTS (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly 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 Council therein.

On the motion of the Honourable M.R. Thomson, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 22 CONTROL OF WEAPONS AND FIREARMS ACTS (SEARCH POWERS) BILL** — The President announced the receipt of a Message from the Assembly 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 Council therein.

On the motion of the Honourable J.M. Madden, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 23 ADJOURNMENT** — The Honourable M.M. Gould moved, That the Council, at its rising, adjourn until tomorrow at 10.00 a.m.

Debate ensued.

Question — put.

The Council divided.

	AYES, 33		NOES, 6
The Hon.	G.B. Ashman	The Hon.	W.R. Baxter
	B.N. Atkinson		R.A. Best (<i>Teller</i>)
	M.A. Birrell		B.W. Bishop
	B.C. Boardman		P.R. Hall
	A.R. Brideson		R.M. Hallam (<i>Teller</i>)
	C.C. Broad		E.J. Powell
	A. Coote		
	I.J. Cover		
	G.R. Craige		

D.M. Davis
P.R. Davis
W. Forwood
C.A. Furletti
M.M. Gould
D.G. Hadden
G.W. Jennings
P.A. Katsambanis
N.B. Lucas
M.T. Luckins
J.M. McQuilten
J.M. Madden
J. Mikakos (*Teller*)
S.M. Nguyen
A.P. Olexander (*Teller*)
G.K. Rich-Phillips
G.D. Romanes
K.M. Smith
R.F. Smith
W.I. Smith
Graeme Stoney
C.A. Strong
T.C. Theophanous
M.R. Thomson

And so it was resolved in the affirmative.

The Honourable M.M. Gould moved, That the House do now adjourn.

Debate ensued.

Question — put and resolved in the affirmative.

And then the Council, at 7.08 p.m., adjourned until tomorrow at 10.00 a.m.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 134 — Friday, 18 October 2002

- 1 The President took the Chair and read the Prayer.
- 2 **QUESTIONS** — Questions without notice were taken pursuant to Sessional Orders.
- 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:
 Broiler Industry Negotiation Committee — Minister for Agriculture's report of 16 October 2002 of receipt of the 2001-02 report.
 Strawberry Industry Development Committee — Minister for Agriculture's report of 16 October 2002 of receipt of the 2001-02 report.
- 4 **BUSINESS POSTPONED** —
 Ordered — That the consideration of Notice of Motion, Business to take Precedence, No. 1, be postponed until the next day of meeting.

Ordered — That the consideration of Notice of Motion, Business to take Precedence, No. 2, the Order of the Day, Business to take Precedence, and Order of the Day, Government Business, No. 1, be postponed until later this day.

- 5 BUSINESS LICENSING LEGISLATION (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable M.R. Thomson moved, That this Bill be now read a second time.

On the motion of the Honourable W. Forwood (for the Honourable W.I. Smith), the debate was adjourned until the next day of meeting.

- 6 MURRAY-DARLING BASIN (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable C.C. Broad moved, That this Bill be now read a second time.

On the motion of the Honourable C.A. Furletti (for the Honourable P.R. Davis), the debate was adjourned until the next day of meeting.

- 7 TRAVEL AGENTS (AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable M.R. Thomson moved, That this Bill be now read a second time.

On the motion of the Honourable W.I. Smith, the debate was adjourned until the next day of meeting.

- 8 BUSINESS POSTPONED** — Ordered — That the consideration of Order of the Day, Government Business, No. 5, be postponed until later this day.

- 9 SENTENCING (FURTHER AMENDMENT) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable J.M. Madden moved, That this Bill be now read a second time.

On the motion of the Honourable C.A. Furletti (for the Honourable P.A. Katsambanis), the debate was adjourned until the next day of meeting.

- 10 NATIONAL PARKS (BOX-IRONBARK AND OTHER PARKS) BILL** — The Order of the Day having been read for the second reading of this Bill, the Honourable M.M. Gould (for the Honourable C.C. Broad) moved, That this Bill be now read a second time.

Debate ensued.

The Honourable P.R. Hall moved, as an amendment, That all the words after “That” be omitted with the view of inserting in place thereof “this Bill be withdrawn and redrafted to provide for the development of, and approval by Parliament, of management plans for all new national parks, national heritage parks and conservation reserves, including additions to national parks and conservation reserves proposed within this Bill, prior to the declaration of these parks and reserves”.

Debate ensued.

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

The Council divided.

AYES, 32	NOES, 6
The Hon. G.B. Ashman	The Hon. W.R. Baxter
B.N. Atkinson	R.A. Best (<i>Teller</i>)
B.C. Boardman (<i>Teller</i>)	B.W. Bishop
A.R. Brideson	P.R. Hall
C.C. Broad	R.M. Hallam (<i>Teller</i>)
E.C. Carbines	E.J. Powell
A. Coote	

I.J. Cover
 K. Darveniza
 D.M. Davis
 P.R. Davis
 W. Forwood
 C.A. Furletti
 M.M. Gould
 G.W. Jennings
 P.A. Katsambanis
 N.B. Lucas
 M.T. Luckins
 J..M. McQuilten
 J..M. Madden
 J. Mikakos (*Teller*)
 S.M. Nguyen
 A.P. Olexander
 G.K. Rich-Phillips
 G.D. Romanes
 J.W.G. Ross
 R.F. Smith
 W.I. Smith
 Graeme Stoney
 C.A. Strong
 T.C. Theophanous
 M.R. Thomson

And so it was resolved in the affirmative — Amendment negated.

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

The Council divided.

AYES, 32

The Hon. G.B. Ashman
 B.N. Atkinson
 B.C. Boardman
 A.R. Brideson
 C.C. Broad
 E.C. Carbines (*Teller*)
 A. Coote (*Teller*)
 I.J. Cover
 K. Darveniza
 D.M. Davis
 P.R. Davis
 W. Forwood
 C.A. Furletti
 M.M. Gould
 G.W. Jennings
 P.A. Katsambanis
 N.B. Lucas

NOES, 6

The Hon. W.R. Baxter (*Teller*)
 R.A. Best
 B.W. Bishop
 P.R. Hall
 R.M. Hallam
 E.J. Powell (*Teller*)

M.T. Luckins
J..M. McQuilten
J..M. Madden
J. Mikakos
S.M. Nguyen
A.P. Olexander
G.K. Rich-Phillips
G.D. Romanes
J.W.G. Ross
R.F. Smith
W.I. Smith
Graeme Stoney
C.A. Strong
T.C. Theophanous
M.R. Thomson

And so it was resolved in the affirmative.

Bill read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair, and the Honourable G.B. Ashman having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill was read a third time and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

11 ADJOURNMENT — The Honourable M.M. Gould moved, That the Council, at its rising, adjourn until Wednesday, 30 October 2002 at the Benalla Town Hall.

Question — put and resolved in the affirmative.

The Honourable M.M. Gould moved, That the House do now adjourn.

Question — put and resolved in the affirmative.

And then the Council, at 5.55 p.m., adjourned until Wednesday, 30 October 2002 at the Benalla Town Hall.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

LEGISLATIVE COUNCIL OF VICTORIA

MINUTES OF THE PROCEEDINGS Nos. 135 and 136

No. 135 — Wednesday, 30 October 2002

- 1 The Council met in Benalla Rural City pursuant to the Proclamation of the Governor of 22 October 2002, and to the terms of the Resolution of the Legislative Council on 13 June 2002.
The President took the Chair and read the Prayer.
- 2 **PROCLAMATION** — The Proclamation of the Governor varying and altering the place for holding the First Session of the Fifty-Fourth Parliament was read by the Clerk and is as follows:

PROCLAMATION

WHEREAS:

- A. By Proclamation made on 7 October 1999 by Sir James Gobbo AC, then the Governor of the State of Victoria, pursuant to section 8 and section 20 of the *Constitution Act 1975*, fixed 3 November 1999 at 11.00 am as the time for the commencement and holding of the First session of the Fifty-Fourth 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 Michael Landy AC, MBE, Governor of the State of Victoria, acting under section 8 and section 20 of the *Constitution Act 1975* and all other powers vested in me hereby vary and alter the place for holding the First session of the Legislative Council which would have otherwise have been held in the Houses of Parliament, Melbourne on Wednesday 30 October 2002 to the Benalla Town Hall at Nunn Street in the City of Benalla and thereafter, when the Legislative Council has completed its business on that day, to the Houses of Parliament, Melbourne on the next day of sitting appointed by the Legislative Council.

Given under my Hand and the Seal of the State of Victoria, at Melbourne, this 22nd day of October 2002.

JOHN MICHAEL LANDY.
Governor

(L.S.)
By His Excellency's Command
STEVE BRACKS
Premier

- 3 ASSENT TO ACTS** — The Honourable M.M. Gould presented Messages from His Excellency the Governor informing the Council that he had, on the following dates, given the Royal Assent to the undermentioned Acts presented to him by the Clerk of the Parliaments:

On 22 October 2002 —

Agriculture Legislation (Amendments and Repeals) Act

Residential Tenancies (Amendment) Act

Road Safety (Responsible Driving) Act

Sports Event Ticketing (Fair Access) Act

Utility Meters (Metrological Controls) Act

Wrongs and Other Acts (Public Liability Insurance Reform) Act.

On 29 October 2002 —

National Parks (Box-Ironbark and Other Parks) Act.

- 4 GAS INDUSTRY (RESIDUAL PROVISIONS) (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Gas Industry (Residual Provisions) Act 1994 and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable C.C. Broad, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 5 LIMITATION OF ACTIONS (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Limitation of Actions Act 1958 to limit further the period within which certain actions for damages for personal injuries can be brought* and desiring the concurrence of the Council therein.

On the motion of the Honourable M.R. Thomson, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 6 TRANSPORT (HIGHWAY RULE) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Transport Act 1983 and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable C.C. Broad, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 7 BUSINESS OF THE HOUSE** — The Honourable M.M. Gould moved, by leave, That the Council meet at 12 noon on Thursday, 31 October 2002 and that so much of the Sessional Orders be suspended as necessary to enable business to be taken in the following order that day:

(a) Messages;

(b) Questions without notice, motions to take note of answers to questions without notice and answers to questions on notice;

(c) Formal business;

(d) Members' statements to be made for a period not exceeding 15 minutes (at 2.00 p.m.);

(e) Business to take precedence;

(f) Government business; and

(g) Adjournment.

Question — put and resolved in the affirmative.

- 8 PAPERS** —

ECONOMIC DEVELOPMENT COMMITTEE — YOUTH UNEMPLOYMENT — The Honourable N.B. Lucas presented a Report from the Economic Development

Committee on the Incidence of Youth Unemployment in Victoria, together with Appendices and Minutes of Evidence.

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

The Honourable N.B. Lucas moved, That the Council take note of the Report.

Debate ensued.

On the motion of the Honourable W. Forwood, the debate was adjourned until the next day of meeting.

* * * *

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — VALUATION AND REPORTING OF CULTURAL, HERITAGE AND INFRASTRUCTURE ASSETS —

The Honourable R.M. Hallam presented a Report from the Public Accounts and Estimates Committee on the Valuation and Reporting of Cultural, Heritage and Infrastructure Assets, together with Appendices and Minutes of Evidence.

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

The Honourable R.M. Hallam moved, That the Council take note of the Report.

Debate ensued.

Question — put and resolved in the affirmative.

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

Ambulance Service Victoria – Metropolitan Region — Report, 2001-02.

City West Water Limited — Report, 2001-02.

Emergency Communications Victoria — Minister's report of failure to submit 2001-02 report to him within the prescribed period and the reasons therefor.

Interpretation of Legislation Act 1984 — Notice pursuant to section 32(4)(a)(iii) in relation to the Electricity Safety (Installations) Regulations 1999 and the Electricity Safety (Equipment) Regulations 1999.

Legal Practice Board — Report, 2001-02.

Melbourne Parks and Waterways — Report, 1 July 2001 to 1 December 2001.

Mental Health Review Board of Victoria — Report, 2001-02.

Parks Victoria — Report, 2001-02.

Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes:

Casey Planning Scheme — Amendment C44.

Dandenong — Greater Dandenong Planning Scheme — Amendment C25.

Geelong — Greater Geelong Planning Scheme — Amendments C1 and C50.

Glen Eira Planning Scheme — Amendment C16.

Horsham Planning Scheme — Amendment C14.

Knox Planning Scheme — Amendment C25.

Melton Planning Scheme — Amendments C21 and C31.

Monash Planning Scheme — Amendments C9, C15 and C26.

Swan Hill Planning Scheme — Amendment C10.

Victoria Planning Provisions — Amendment VC16.

Wangaratta Planning Scheme — Amendment C7.

Yarra Ranges Planning Scheme — Amendment C21.

Police Appeals Board — Report, 2001-02.

Psychosurgery Review Board — Report, 2001-02.

Public Advocate's Office — Report, 2001-02.

Public Record Office Victoria — Report, 2001-02.

Queen Victoria Women's Centre Trust — Report, 2001-02.

Rural Ambulance Victoria — Report, 2001-02.

Rural Finance Act 1988 — Treasurer's directive of 17 October 2002 to Rural Finance Corporation.

Rural Finance Corporation of Victoria — Report, 2001-02.

South Eastern Medical Complex Limited — Report, 2001-02.

Treasury Corporation of Victoria — Report, 2001-02.

Trust for Nature — Minister for Environment and Conservation's report of 25 October 2002 of receipt of the 2001-02 report.

Victorian Casino and Gaming Authority — Report, 2001-02.

Victorian Catchment Management Council — Report, 2001-02.

Victorian Coastal Council — Report, 2001-02.

Yarra Valley Water — Report, 2001-02.

Young Farmers' Finance Council — Report, 2001-02.

Zoological Parks and Gardens Board — Report, 2001-02.

* * * *

PROCLAMATIONS — Proclamations of His Excellency the Governor in Council fixing operative dates in respect of the following Acts were laid upon the table by the Clerk pursuant to an Order of the Council on 4 November 1999:

Accident Compensation (Amendment) Act 2001 — Section 34 — 28 October 2002 (*Gazette No. G43, 24 October 2002*).

Gaming Legislation (Amendment) Act 2002 — Section 54 — 24 October 2002 (*Gazette No. G43, 24 October 2002*).

9 QUESTIONS — Questions without notice were taken pursuant to Sessional Orders.

10 NORTH EAST VICTORIA SPORTING FACILITIES — ANSWERS TO QUESTIONS — The Honourable G.W. Jennings moved, That the Council take note of the answers given by the Honourable the Minister for Sport and Recreation to questions without notice asked by the Honourable J. Mikakos and the Honourable D.G. Hadden relating to sporting facilities in North East Victoria.

Debate ensued.

Question — put and resolved in the affirmative.

11 LAKE MOKOAN AND SNOWY RIVER ENVIRONMENTAL FLOWS — ANSWERS TO QUESTIONS — The Honourable P.R. Davis moved, That the Council take note of the answers given by the Honourable the Minister for Energy and Resources to questions without notice asked by the Honourable Graeme Stoney and the Honourable P.R. Davis relating to Lake Mokoan and environmental flows for the Snowy River.

Question — put and resolved in the affirmative.

12 TROUT STOCK — ANSWER TO QUESTION — The Honourable G.R. Craige moved, That the Council take note of the answer given by the Honourable the Minister for Energy and Resources to a question without notice asked by the Honourable G.R. Craige relating to trout stocking in category C streams.

Question — put and resolved in the affirmative.

13 UNANSWERED QUESTIONS ON NOTICE — The Honourable the Minister for Sport and Recreation having given an explanation in relation to Unanswered Questions on Notice Nos. 2480 and 2883 —

The Honourable B.C. Boardman moved, That the Council take note of the explanation.
Debate ensued.

Question — put and resolved in the affirmative.

14 UNANSWERED QUESTIONS ON NOTICE — The Honourable the Minister for Education Services having given an explanation in relation to Unanswered Questions on Notice Nos. 2627, 3432 to 3438 and 3467—

The Honourable P.A. Katsambanis moved, That the Council take note of the explanation.

Debate ensued.

Question — put and resolved in the affirmative.

- 15 UNANSWERED QUESTIONS ON NOTICE** — The Honourable the Minister for Education Services having given an explanation in relation to Unanswered Questions on Notice Nos. 3103, 3105, 3113 and 3125 —

The Honourable N.B. Lucas moved, That the Council take note of the explanation.

Debate ensued.

Question — put and resolved in the affirmative.

- 16 MEMBERS' STATEMENTS** — Statements were made by Honourable Members.

- 17 BUSINESS POSTPONED** — Ordered — That the consideration of Notices of Motion, General Business, Nos. 1 to 12 inclusive, be postponed until later this day.

- 18 LAKE MOKOAN** — The Honourable W.R. Baxter moved, That this House acknowledges the importance of Lake Mokoan to the economy of Benalla and district through tourism, water sports, recreational fishing and the provision of irrigation water for emerging high value horticulture and also the essential role the Lake plays in the management of the River Murray and therefore rejects any proposal to decommission the storage and instead commends and encourages actions to improve water quality and reduce evaporation losses.

Debate ensued.

The Honourable G.W. Jennings moved, as an amendment, That the words "and therefore rejects any proposal to decommission the storage and instead commends and encourages actions to improve water quality and reduce evaporation losses" be omitted.

Debate ensued.

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

The Council divided.

AYES, 27

The Hon. G.B. Ashman
 B.N. Atkinson
 W.R. Baxter
 R.A. Best
 B.W. Bishop
 B.C. Boardman
 R.H. Bowden (*Teller*)
 A.R. Brideson
 A. Coote
 I.J. Cover
 G.R. Craige
 D.M. Davis
 P.R. Davis
 W. Forwood
 C.A. Furletti
 P.R. Hall
 R.M. Hallam
 P.A. Katsambanis

NOES, 14

The Hon. C.C. Broad
 E.C. Carbines
 K. Darveniza
 M.M. Gould
 D.G. Hadden
 G.W. Jennings
 J.M. McQuilten (*Teller*)
 J.M. Madden
 J. Mikakos (*Teller*)
 S.M. Nguyen
 G.D. Romanes
 R.F. Smith
 T.C. Theophanous
 M.R. Thomson

N.B. Lucas
 M.T. Luckins
 E.J. Powell
 G.K. Rich-Phillips
 Dr. J.W.G. Ross
 K.M. Smith
 W.I. Smith
 Graeme Stoney (*Teller*)
 C.A. Strong

And so it was resolved in the affirmative — Amendment negatived.

Question — That this House acknowledges the importance of Lake Mokoan to the economy of Benalla and district through tourism, water sports, recreational fishing and the provision of irrigation water for emerging high value horticulture and also the essential role the Lake plays in the management of the River Murray and therefore rejects any proposal to decommission the storage and instead commends and encourages actions to improve water quality and reduce evaporation losses — put and resolved in the affirmative.

19 BUSINESS POSTPONED — Ordered — That the consideration of Order of the Day, Government Business, No. 1, be postponed until later this day.

20 REGIONAL DEVELOPMENT VICTORIA BILL — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

21 ADJOURNMENT — The Honourable M.M. Gould moved, That the House do now adjourn.

Debate ensued.

Question — put and resolved in the affirmative.

And then the Council, at 7.01 p.m., adjourned until tomorrow at 12 noon.

W.R. TUNNECLIFFE
Clerk of the Legislative Council

No. 136 — Thursday, 31 October 2002

1 The President took the Chair and read the Prayer.

2 **QUESTIONS** — Questions without notice were taken pursuant to Sessional Orders.

3 **MELBOURNE CRICKET GROUND REDEVELOPMENT PROJECT — ANSWER TO QUESTION** — The Honourable P.A. Katsambanis moved, That the Council take note of the answer given by the Honourable the Minister for Sport and Recreation to a question without notice asked by the Honourable R.M. Hallam relating to the Melbourne Cricket Ground redevelopment project.

Debate ensued.

Question — put and resolved in the affirmative.

- 4 MEMBERS' STATEMENTS** — Statements were made by Honourable Members.
- 5 ANSWERS TO QUESTIONS ON NOTICE** — Answers to certain questions on notice were circulated.
- 6 UNANSWERED QUESTIONS ON NOTICE** — The Honourable the Minister for Education Services having given an explanation in relation to Unanswered Questions on Notice Nos. 2480 and 2883 —
The Honourable B.C. Boardman moved, That the Council take note of the explanation. Question — put and resolved in the affirmative.
- 7 PETITION — TELSTRA SALE** — The Honourable D.G. Hadden presented a Petition bearing 122 signatures from certain citizens of Victoria requesting that the Parliament of Victoria oppose any further sale of Telstra until such time as proper broadband internet infrastructure such as ADSL-enabled local telephone exchanges have been provided in Creswick and Clunes and throughout regional Victoria.
Ordered to lie on the Table.

8 PAPERS —

- PARLIAMENTARY DEPARTMENTS** — The Honourable B.W. Bishop moved, by leave, That there be laid before this House a copy of the report of —
- (a) the Clerk on the Operations of the Department of the Legislative Council for the year 2001-02;
 - (b) the Librarian on the Operations of the Department of the Parliamentary Library for the year 2001-02;
 - (c) the Chief Reporter on the operations of the Department of Victorian Parliamentary Debates for the year 2001-02; and
 - (d) the Joint Secretaries on the operations of the Joint Services Department for the year 2001-02.

Question — put and resolved in the affirmative.

The said Reports were thereupon presented by the Honourable B.W. Bishop and ordered to lie on the Table.

* * * *

- MINISTER FOR FINANCE'S RESPONSE TO AUDITOR-GENERAL'S REPORTS** — The Honourable C.C. Broad moved, by leave, That there be laid before this House a copy of the Response by the Minister for Finance to the Auditor-General's Reports tabled during 2001-02.

Question — put and resolved in the affirmative.

The said paper was thereupon presented by the Honourable C.C. Broad and ordered to lie on the Table.

* * * *

- DRUGS AND CRIME PREVENTION COMMITTEE — CRIME TRENDS** — The Honourable B.C. Boardman presented the Fifth Report from the Drugs and Crime Prevention Committee on Crime Trends, together with Appendices, Extracts from the Proceedings of the Committee, Minority Report and Minutes of Evidence.

Ordered to lie on the Table and the Report, Appendices, Extracts from the Proceedings and Minority Report to be printed.

The Honourable B.C. Boardman moved, That the Council take note of the Report. Debate ensued.

Question — put and resolved in the affirmative.

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- ENVIRONMENT AND NATURAL RESOURCES COMMITTEE — FISHING CHARTER INDUSTRY** — The Honourable Graeme Stoney presented a Report from

the Environment and Natural Resources Committee on the Management of the Fishing Charter Industry in Victoria, together with Appendices and Minutes of Evidence.

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

The Honourable Graeme Stoney moved, That the Council take note of the Report.

Question — put and resolved in the affirmative.

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LAW REFORM COMMITTEE — OATHS AND AFFIRMATIONS — The Honourable D.G. Hadden presented a Report from the Law Reform Committee on the System of Oaths and Oath Taking and the Making of Statutory Declarations and Affidavits with Reference to the Multicultural Community, together with Appendices and Minutes of Evidence.

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

The Honourable D.G. Hadden moved, That the Council take note of the Report.

Debate ensued.

Question — put and resolved in the affirmative.

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PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE — VICTORIAN PUBLIC SERVICE — The Honourable R.M. Hallam presented a Report from the Public Accounts and Estimates Committee on the Review of the Victorian Public Service, together with Appendices.

Ordered to lie on the Table and to be printed.

* * * *

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE —

ANZAC DAY LAWS — The Honourable M.A. Birrell presented a Report from the Scrutiny of Acts and Regulations Committee on the Review of the ANZAC Day Laws, together with Appendices and Minutes of Evidence.

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

The Honourable M.A. Birrell moved, That the Council take note of the Report.

Question — put and resolved in the affirmative.

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ELECTRONIC DEMOCRACY — The Honourable A.P. Olexander presented a Report from the Scrutiny of Acts and Regulations Committee on Electronic Democracy concerning Evidence obtained in Europe, June-July 2002, together with an Appendix.

Ordered to lie on the Table and to be printed.

The Honourable A.P. Olexander moved, That the Council take note of the Report.

Debate ensued.

Question — put and resolved in the affirmative.

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ALERT DIGEST — The Honourable A.P. Olexander presented Alert Digest No. 9 of 2002 from the Scrutiny of Acts and Regulations Committee, together with Appendices.

Ordered to lie on the Table and to be printed.

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

Adult, Community and Further Education Board — Report, 2001-02.

Alpine Resorts Co-ordinating Council — Minister for Environment and Conservation's report of receipt of the 2001-02 report.

Agriculture Victoria Services Pty Ltd — Report, 2001-02.

Albury-Wodonga Development Corporation — Report, 2001-02.

Auditor-General —
Report on Community Dental Services, October 2002.
Report on the Finances of the State of Victoria 2001-02, October 2002.
Report on Management of Food Safety in Victoria, October 2002.

Australian Food Industry Science Centre — Report, 2001-02.

Australian Grand Prix Corporation — Report, 2001-02.

Ballarat Health Services — Report, 2001-02.

Barwon Region Water Authority — Report, 2001-02.

Benalla and District Memorial Hospital — Report, 2001-02.

Budget Sector — Financial Report, 2001-02, incorporating Quarterly Financial Report No. 4.

Casey's Weir and Major Creek Rural Water Authority — Minister for Environment and Conservation's report of 30 October 2002 of receipt of the 2001-02 report.

Central Gippsland Region Water Authority — Report, 2001-02.

Chief Electrical Inspector's Office — Report, 2001-02 (two papers).

Corangamite Catchment Management Authority — Report, 2001-02.

Country Fire Authority — Report, 2001-02.

Dairy Food Safety Victoria — Minister for Agriculture's report of receipt of the 2001-02 report.

Djerriwarrh Health Services — Report, 2001-02 (two papers).

Docklands Authority — Report, 2001-02.

Duties Act 2000 — Minister's report of 25 October 2002 of approved exemptions and partial exemptions and refunds made on corporate reconstructions for 2001-02.

East Gippsland Catchment Management Authority — Report, 2001-02.

East Gippsland Region Water Authority — Report, 2001-02.

Education and Training Department — Report, 2001-02.

Emerald Tourist Railway Board — Report, 2001-02.

Emergency Services Superannuation Scheme — Report, 2001-02.

Environment Conservation Council — Report, 2001-02.

Equal Opportunity Commission — Report, 2001-02.

Essential Services Commission — Report, 2001-02.

Fisheries Co-Management Council — Report, 2001-02.

Freedom of Information Act 1982 — Report of the Attorney-General on the operation of the Act, 2001-02.

Gambling Research Panel — Report, 2001-02.

Gas Safety Office — Report, 2001-02.

Gascor Pty Ltd — Report, 2001-02.

Gippsland and Southern Rural Water Authority — Report, 2001-02 (two papers).

Glenelg Hopkins Catchment Management Authority — Report, 2001-02.

Glenelg Region Water Authority — Report, 2001-02.

Goulburn Broken Catchment Management Authority — Report, 2001-02.

Goulburn-Murray Rural Water Authority — Report, 2001-02.

Government Superannuation Office — Report, 2001-02.

Grampians Region Water Authority — Report, 2001-02 (three papers).

Greyhound Racing Victoria — Report, 2001-02.

Harness Racing Victoria — Report, 2001-02.

Hastings Port (Holding) Corporation — Report, 2001-02.

Health Services Commissioner — Report, 2001-02.
Human Services Department — Report, 2001-02.
Infrastructure Department — Report, 2001-02.
Innovation, Industry and Regional Development Department — Report, 2001-02.
Intellectual Disability Review Panel — Report, 2001-02.
Justice Department — Report, 2001-02.
Latrobe Regional Hospital Pty Limited — Report, 2001-02.
Legal Ombudsman's Office — Report, 2001-02.
Legal Practitioners Liability Committee — Report, 2001-02.
Lower Murray Region Water Authority — Report, 2001-02.
Mallee Catchment Management Authority — Report, 2001-02.
Marine Board of Victoria — Report for the period ended 6 February 2002.
Melbourne and Olympic Parks Trust — Report, 2001-02.
Melbourne City Link Act 1995 —
 City Link and Extension Projects Integration and Facilitation Agreement Tenth Amending Deed, 28 October 2002, pursuant to section 15B(5) of the Act.
 Exhibition Street Extension Sixth Amending Deed, 28 October 2002, pursuant to section 15D(6) of the Act.
 Melbourne City Link Eighteenth Amending Deed, 28 October 2002, pursuant to section 15(2) of the Act.
Melbourne City Link Authority — Report for the period ended 28 February 2002.
Melbourne Convention and Exhibition Trust — Report, 2001-02.
Melbourne Cricket Ground Trust — Report, 2001-02.
Melbourne Port Corporation — Report, 2001-02.
Melbourne Water Corporation — Report, 2001-02.
Members of Parliament (Register of Interests Act 1978) —
 Cumulative Summary of Returns, 30 September 2002.
 Summary of Returns, June 2002 and Summary of Variations Notified between 6 June and 30 September 2002.
Metropolitan Fire and Emergency Services Board — Report, 2001-02.
Murray Valley Wine Grape Industry Development Committee — Minister for Agriculture's report of 30 October 2002 of receipt of the 2001-02 report.
National Parks Act 1975 — Report on working of Act, 2001-02.
North Central Catchment Management Authority — Report, 2001-02.
North East Catchment Management Authority — Report, 2001-02.
North East Region Water Authority — Report, 2001-02 (two papers).
Ombudsman's Office — Report, 2001-02.
Overseas Projects Corporation of Victoria — Report, 2001-02.
Phytogene Pty Ltd — Minister for Agriculture's report of receipt of the 2001-02 report.
Port Phillip and Westernport Catchment and Land Protection Board — Report, 2001-02.
Public Transport Corporation — Report, 2001-02.
Residential Tenancies Bond Authority — Report, 2001-02.
Roads Corporation — Report, 2001-02.
Royal Botanic Gardens Board — Report, 2001-02.
Rural Finance Act 1988 — Treasurer's directive of 23 October 2002 to Rural Finance Corporation.
Shrine of Remembrance — Minister for Environment and Conservation's report of 29 October 2002 of receipt of the 2001-02 report.
South Gippsland Region Water Authority — Report, 2001-02.
South West Water Authority — Report, 2001-02.

- Spencer Street Station Authority — Report, 2001-02 (two papers).
- State Electricity Commission of Victoria — Report, 2001-02.
- State Trustees Limited — Report, 2001-02 (two papers).
- Statutory Rules under the following Acts of Parliament:
- Casino Control Act 1991 — No. 103.
 - Fair Trading Act 1999 — No. 98.
 - Health Act 1958 — No. 97.
 - Magistrates' Court Act 1989 — No. 96.
 - Mineral Resources Development Act 1990 — No. 99.
 - Occupational Health and Safety Act 1985 — No. 104.
 - Subordinate Legislation Act 1994 — Nos. 100 to 102.
- Subordinate Legislation Act 1994 —
- Minister's exception certificates under section 8(4) in respect of Statutory Rule Nos. 100 to 102.
 - Minister's exemption certificate under section 9(6) in respect of Statutory Rule No. 103.
- Sunraysia Rural Water Authority — Report, 2001-02.
- Sustainable Energy Authority Victoria — Report, 2001-02.
- Timboon and District Healthcare Service — Minister for Health's report of 30 October 2002 of receipt of the 2001-02 report.
- Tourism, Sport and the Commonwealth Games Department — Report, 2001-02.
- Transport Accident Commission — Report, 2001-02.
- Treasury and Finance Department — Report, 2001-02.
- Tricontinental Holdings Limited — Report, 2001.
- Upper Murray Health and Community Services — Report, 2001-02 (two papers).
- Victoria Legal Aid — Report, 2001-02.
- Victorian Channels Authority — Report, 2001-02.
- Victorian Curriculum and Assessment Authority — Report, 2001-02.
- Victorian Electoral Commission — Report, 2001-02.
- Victorian Energy Networks Corporation — Report, 2001-02.
- Victorian Environmental Assessment Council — Report, 1 January 2002 to 30 June 2002.
- Victorian Institute of Forensic Medicine — Report, 2001-02.
- Victorian Institute of Sport Trust — Report, 2001-02.
- Victorian Law Reform Commission — Report, 2001-02.
- Victorian Learning and Employment Skills Commission — Report, 2001-02.
- Victorian Meat Authority — Report, 2001-02.
- Victorian Medical Consortium Pty Ltd — Report, 2001-02.
- Victorian Privacy Commissioner's Office — Report for the period 1 September 2001 to 30 June 2002.
- Victorian Qualifications Authority — Report, 2001-02.
- Victorian Rail Track Corporation — Report, 2001-02.
- Victorian WorkCover Authority — Report, 2001-02.
- West Gippsland Catchment Management Authority — Report, 2001-02.
- Western Region Water Authority — Report, 2001-02 (two papers).
- Westernport Region Water Authority — Report, 2001-02 (two papers).
- Wimmera Catchment Management Authority — Report, 2001-02 (two papers).
- Wimmera-Mallee Rural Water Authority — Report, 2001-02.
- Wodonga Regional Health Service — Report, 2001-02 (two papers).

Yarra Bend Park Trust — Minister for Environment and Conservation's report of 25 October 2002 of receipt of the 2001-02 report.

9 BUSINESS POSTPONED — Ordered — That the consideration of Notice of Motion, Business to take Precedence, No. 1, be postponed until the next day of meeting.

10 STANDING ORDERS — The Honourable M.M. Gould, moved, That —

(a) the draft Standing Orders and Rules of Practice, recommended by the Standing Orders Committee in its report on a Review of the Standing Orders, September 2002, be adopted as the Standing Orders and Rules of Practice of the Council; and

(b) the new Standing Orders and Rules of Practice come into operation on the first sitting day in 2003.

Debate ensued.

Question — put and resolved in the affirmative.

11 REVIEW OF THE STANDING ORDERS — STANDING ORDERS COMMITTEE'S REPORT — The Order of the Day was read for the resumption of the debate on the question, That the Council take note of the Report.

Question — put and resolved in the affirmative.

12 GAS INDUSTRY (RESIDUAL PROVISIONS) (AMENDMENT) BILL — The Order of the Day having been read for the second reading of this Bill, the Honourable C.C. Broad moved, That this Bill be now read a second time.

On the motion of the Honourable P.R. Hall (for the Honourable D.M. Davis), the debate was adjourned until later this day.

13 LIMITATION OF ACTIONS (AMENDMENT) BILL — The Order of the Day having been read for the second reading of this Bill, the Honourable C.C. Broad (for the Honourable M.R. Thomson) moved, That this Bill be now read a second time.

The Honourable C.C. Broad made a statement pursuant to section 85(5) of the *Constitution Act 1975* on the reasons for altering or varying this section.

On the motion of the Honourable M.T. Luckins, the debate was adjourned until later this day.

14 TRANSPORT (HIGHWAY RULE) BILL — The Order of the Day having been read for the second reading of this Bill, the Honourable C.C. Broad moved, That this Bill be now read a second time.

The Honourable C.C. Broad made a statement pursuant to section 85(5) of the *Constitution Act 1975* on the reasons for altering or varying this section.

On the motion of the Honourable G.B. Ashman, the debate was adjourned until later this day.

15 GAS INDUSTRY (RESIDUAL PROVISIONS) (AMENDMENT) BILL — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

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

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

16 LIMITATION OF ACTIONS (AMENDMENT) BILL — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

Bill read a second time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and, by leave, read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 17 TRANSPORT (HIGHWAY RULE) BILL** — The Order of the Day was read for the resumption of the debate on the question, That this Bill be now read a second time.

Debate resumed.

Question — put and resolved in the affirmative.

Bill read a second time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and, by leave, read a third time with the concurrence of an absolute majority of the whole number of the Members of the Legislative Council and passed.

Ordered — That a Message be sent to the Assembly acquainting them that the Council have agreed to the Bill without amendment.

- 18 PLANNING AND ENVIRONMENT (METROPOLITAN GREEN WEDGE PROTECTION) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Planning and Environment Act 1987 to require ratification by Parliament of amendments to subdivision controls in planning schemes applying to green wedge land in certain metropolitan fringe areas and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable J.M. Madden, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 19 ESTATE AGENTS AND SALE OF LAND ACTS (AMENDMENT) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill *to amend the Estate Agents Act 1980 and the Sale of Land Act 1962 and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable M.R. Thomson, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 20 RETAIL LEASES BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill *to provide a new regulatory scheme for retail leases, to repeal the Retail Tenancies Reform Act 1998, to amend the Retail Tenancies Reform Act 1998 and the Retail Tenancies Act 1986, to make minor amendments to certain other Acts and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable M.R. Thomson, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 21 OUTWORKERS (IMPROVED PROTECTION) BILL** — The President announced the receipt of a Message from the Assembly transmitting a Bill *to improve the protection of outworkers in the clothing industry to apply the federal Clothing Trades Award to Victorian outworkers in that industry to establish an Ethical Clothing Trades Council of Victoria to make consequential amendments to the Victorian Civil and Administrative Tribunal Act 1998 and for other purposes* and desiring the concurrence of the Council therein.

On the motion of the Honourable M.R. Thomson, the Bill was read a first time and ordered to be printed and to be read a second time on the next day of meeting.

- 22 LOCAL GOVERNMENT (UPDATE) BILL** — The President announced the receipt of a Message from the Assembly returning this Bill and acquainting the Council that they

have agreed to the same with amendments, and desiring the concurrence of the Council therein.

Ordered — That the Message be taken into consideration on the next day of meeting.

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

Environment Protection Authority — Report, 2001-02.

Victorian Managed Insurance Authority — Report, 2001-02.

Victorian Relief Committee — Report, 2001-02.

24 ADJOURNMENT — The Honourable M.M. Gould moved, That the Council, at its rising, adjourn until Wednesday next.

Debate ensued.

Question — put and resolved in the affirmative.

The Honourable M.M. Gould moved, That the House do now adjourn.

Debate ensued.

Question — put and resolved in the affirmative.

And then the Council, at 7.50 p.m., adjourned until Wednesday next.

W.R. TUNNECLIFFE
Clerk of the Legislative Council