

PROOF

PARLIAMENT OF VICTORIA

LEGISLATIVE COUNCIL DAILY HANSARD

Tuesday, 6 December 2016

HANSARD¹⁵⁰



1866–2016

SUGGESTED CORRECTIONS FOR THE FINAL EDITION MUST BE NOTIFIED TO THE EDITOR (COUNCIL) BY
4.30 P.M. — MONDAY, 12 DECEMBER 2016

Internet: www.parliament.vic.gov.au/downloadhansard

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The Governor

The Honourable LINDA DESSAU, AM

The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC, QC

The ministry

(to 9 November 2016)

Premier	The Hon. D. M. Andrews, MP
Deputy Premier, Minister for Education and Minister for Emergency Services	The Hon. J. A. Merlino, MP
Treasurer	The Hon. T. H. Pallas, MP
Minister for Public Transport and Minister for Major Projects	The Hon. J. Allan, MP
Minister for Small Business, Innovation and Trade	The Hon. P. Dalidakis, MLC
Minister for Energy, Environment and Climate Change, and Minister for Suburban Development	The Hon. L. D'Ambrosio, MP
Minister for Roads and Road Safety, and Minister for Ports	The Hon. L. A. Donnellan, MP
Minister for Tourism and Major Events, Minister for Sport and Minister for Veterans	The Hon. J. H. Eren, MP
Minister for Housing, Disability and Ageing, Minister for Mental Health, Minister for Equality and Minister for Creative Industries	The Hon. M. P. Foley, MP
Minister for Health and Minister for Ambulance Services	The Hon. J. Hennessy, MP
Minister for Training and Skills, Minister for International Education and Minister for Corrections	The Hon. S. R. Herbert, MLC
Minister for Local Government, Minister for Aboriginal Affairs and Minister for Industrial Relations	The Hon. N. M. Hutchins, MP
Special Minister of State	The Hon. G. Jennings, MLC
Minister for Consumer Affairs, Gaming and Liquor Regulation	The Hon. M. Kairouz, MP
Minister for Families and Children, and Minister for Youth Affairs	The Hon. J. Mikakos, MLC
Minister for Police and Minister for Water	The Hon. L. M. Neville, MP
Minister for Industry and Employment, and Minister for Resources	The Hon. W. M. Noonan, MP
Attorney-General and Minister for Racing	The Hon. M. P. Pakula, MP
Minister for Agriculture and Minister for Regional Development	The Hon. J. L. Pulford, MLC
Minister for Women and Minister for the Prevention of Family Violence	The Hon. F. Richardson, MP
Minister for Finance and Minister for Multicultural Affairs	The Hon. R. D. Scott, MP
Minister for Planning	The Hon. R. W. Wynne, MP
Cabinet Secretary	Ms G. A. Tierney, MLC

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(from 10 November 2016)

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Minister for Training and Skills, and Minister for Corrections	The Hon. G. A. Tierney, MLC
Minister for Planning	The Hon. R. W. Wynne, MP
Cabinet Secretary	Ms M. Thomas, MP

Legislative Council committees

Privileges Committee — Ms Hartland, Mr Herbert, Ms Mikakos, Mr O'Donohue, Ms Pulford, Mr Purcell, Mr Rich-Phillips and Ms Wooldridge.

Procedure Committee — The President, Dr Carling-Jenkins, Mr Davis, Mr Jennings, Ms Pennicuik, Ms Pulford, Ms Tierney and Ms Wooldridge.

Legislative Council standing committees

Standing Committee on the Economy and Infrastructure — Mr Bourman, #Ms Dunn, Mr Eideh, Mr Elasmarr, Mr Finn, Ms Hartland, Mr Leane, Mr Morris and Mr Ondarchie.

Standing Committee on the Environment and Planning — #Mr Barber, Ms Bath, #Mr Bourman, Mr Dalla-Riva, Mr Davis, Ms Dunn, Mr Eideh, #Ms Hartland, Mr Melhem, #Mr Purcell, #Mr Ramsay, Ms Shing and Mr Young.

Standing Committee on Legal and Social Issues — Ms Fitzherbert, #Ms Hartland, Mr Mulino, Mr O'Donohue, Ms Patten, Mrs Peulich, #Mr Rich-Phillips, Mr Somyurek, Ms Springle and Ms Symes.

participating members

Legislative Council select committees

Port of Melbourne Select Committee — Mr Barber, Mr Drum, Mr Mulino, Mr Ondarchie, Mr Purcell, Mr Rich-Phillips, Ms Shing and Ms Tierney.

Joint committees

Accountability and Oversight Committee — (*Council*): Ms Bath, Mr Purcell and Ms Symes. (*Assembly*): Mr Angus, Mr Gidley, Mr Staikos and Ms Thomson.

Dispute Resolution Committee — (*Council*): Mr Bourman, Mr Dalidakis, Ms Dunn, Mr Jennings and Ms Wooldridge. (*Assembly*): Ms Allan, Mr Clark, Mr Merlino, Mr M. O'Brien, Mr Pakula, Ms Richardson and Mr Walsh

Economic, Education, Jobs and Skills Committee — (*Council*): Mr Bourman, Mr Elasmarr and Mr Melhem. (*Assembly*): Mr Crisp, Mrs Fyffe, Mr Nardella and Ms Ryall.

Electoral Matters Committee — (*Council*): Ms Patten and Mr Somyurek. (*Assembly*): Ms Asher, Ms Blandthorn, Mr Dixon, Mr Northe and Ms Spence.

Environment, Natural Resources and Regional Development Committee — (*Council*): Mr Ramsay and Mr Young. (*Assembly*): Ms Halfpenny, Mr McCurdy, Mr Richardson, Mr Tilley and Ms Ward.

Family and Community Development Committee — (*Council*): Mr Finn. (*Assembly*): Ms Couzens, Mr Edbrooke, Ms Edwards, Ms Kealy and Ms McLeish.

House Committee — (*Council*): The President (*ex officio*), Mr Eideh, Ms Hartland, Ms Lovell, Mr Mulino and Mr Young. (*Assembly*): The Speaker (*ex officio*), Mr J. Bull, Mr Crisp, Mrs Fyffe, Mr Staikos, Ms Suleyman and Mr Thompson.

Independent Broad-based Anti-corruption Commission Committee — (*Council*): Mr Ramsay and Ms Symes. (*Assembly*): Mr Hibbins, Mr D. O'Brien, Mr Richardson, Ms Thomson and Mr Wells.

Law Reform, Road and Community Safety Committee — (*Council*): Mr Eideh and Ms Patten. (*Assembly*): Mr Dixon, Mr Howard, Ms Suleyman, Mr Thompson and Mr Tilley.

Public Accounts and Estimates Committee — (*Council*): Ms Pennicuik and Ms Shing. (*Assembly*): Mr Dimopoulos, Mr Morris, Mr D. O'Brien, Mr Pearson, Mr T. Smith and Ms Ward.

Scrutiny of Acts and Regulations Committee — (*Council*): Ms Bath and Mr Dalla-Riva. (*Assembly*): Ms Blandthorn, Mr J. Bull, Mr Dimopoulos, Ms Kilkenny and Mr Pesutto.

Heads of parliamentary departments

Assembly — Clerk of the Parliaments and Clerk of the Legislative Assembly: Mr R. W. Purdey

Council — Clerk of the Legislative Council: Mr A. Young

Parliamentary Services — Secretary: Mr P. Lochert

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FIFTY-EIGHTH PARLIAMENT — FIRST SESSION

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Deputy President:

Mr K. EIDEH

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Mr L. B. O'SULLIVAN

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Atkinson, Mr Bruce Norman	Eastern Metropolitan	LP	Mikakos, Ms Jenny	Northern Metropolitan	ALP
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Bath, Ms Melina ²	Eastern Victoria	Nats	Mulino, Mr Daniel	Eastern Victoria	ALP
Bourman, Mr Jeffrey	Eastern Victoria	SFFP	O'Brien, Mr Daniel David ¹	Eastern Victoria	Nats
Carling-Jenkins, Dr Rachel	Western Metropolitan	DLP	O'Donohue, Mr Edward John	Eastern Victoria	LP
Crozier, Ms Georgina Mary	Southern Metropolitan	LP	Ondarchie, Mr Craig Philip	Northern Metropolitan	LP
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Dalla-Riva, Mr Richard Alex Gordon	Eastern Metropolitan	LP	Patten, Ms Fiona	Northern Metropolitan	ASP
Davis, Mr David McLean	Southern Metropolitan	LP	Pennicuik, Ms Susan Margaret	Southern Metropolitan	Greens
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Eideh, Mr Khalil M.	Western Metropolitan	ALP	Purcell, Mr James	Western Victoria	V1LJ
Elasmarr, Mr Nazih	Northern Metropolitan	ALP	Ramsay, Mr Simon	Western Victoria	LP
Finn, Mr Bernard Thomas C.	Western Metropolitan	LP	Rich-Phillips, Mr Gordon Kenneth	South Eastern Metropolitan	LP
Fitzherbert, Ms Margaret	Southern Metropolitan	LP	Shing, Ms Harriet	Eastern Victoria	ALP
Hartland, Ms Colleen Mildred	Western Metropolitan	Greens	Somyurek, Mr Adem	South Eastern Metropolitan	ALP
Herbert, Mr Steven Ralph	Northern Victoria	ALP	Springle, Ms Nina	South Eastern Metropolitan	Greens
Jennings, Mr Gavin Wayne	South Eastern Metropolitan	ALP	Symes, Ms Jaelyn	Northern Victoria	ALP
Leane, Mr Shaun Leo	Eastern Metropolitan	ALP	Tierney, Ms Gayle Anne	Western Victoria	ALP
Lovell, Ms Wendy Ann	Northern Victoria	LP	Wooldridge, Ms Mary Louise Newling	Eastern Metropolitan	LP
Melhem, Mr Cesar	Western Metropolitan	ALP	Young, Mr Daniel	Northern Victoria	SFFP

² Appointed 15 April 2015

³ Resigned 27 May 2016

¹ Resigned 25 February 2015

⁴ Appointed 12 October 2016

PARTY ABBREVIATIONS

ALP — Labor Party; ASP — Australian Sex Party;
DLP — Democratic Labour Party; Greens — Australian Greens;
LP — Liberal Party; Nats — The Nationals;
SFFP — Shooters, Fishers and Farmers Party; V1LJ — Vote 1 Local Jobs

CONTENTS

TUESDAY, 6 DECEMBER 2016

ACKNOWLEDGEMENT OF COUNTRY	1	<i>Barwon Prison</i>	26, 27
ROYAL ASSENT	1	<i>Written responses</i>	27
OMBUDSMAN JURISDICTION	1	QUESTIONS ON NOTICE	
PETITIONS		<i>Answers</i>	27
<i>Onshore unconventional gas</i>	1	CONSTITUENCY QUESTIONS	
<i>Country Fire Authority enterprise bargaining</i>		<i>Northern Victoria Region</i>	28, 30
<i>agreement</i>	1	<i>Western Metropolitan Region</i>	28, 29, 30
<i>Ormond railway station</i>	1	<i>Eastern Metropolitan Region</i>	29
<i>Goulburn-Murray irrigation district</i>	2	<i>Eastern Victoria Region</i>	29
STANDING COMMITTEE ON THE ECONOMY AND		<i>Western Victoria Region</i>	29, 30
INFRASTRUCTURE		BIRTHS, DEATHS AND MARRIAGES	
<i>Domestic Animals Amendment (Puppy Farms</i>		REGISTRATION AMENDMENT BILL 2016	
<i>and Pet Shops) Bill 2016</i>	2	<i>Second reading</i>	41
SCRUTINY OF ACTS AND REGULATIONS		HOUSING AMENDMENT (VICTORIAN HOUSING	
COMMITTEE		REGISTER AND OTHER MATTERS) BILL 2016	
<i>Alert Digest No. 17</i>	5	<i>Second reading</i>	67
ACCOUNTABILITY AND OVERSIGHT COMMITTEE		<i>Committee</i>	75
<i>Victorian oversight agencies 2015–16</i>	5	ADJOURNMENT	
PAPERS	6	<i>Goulburn Valley Highway</i>	76
BUSINESS OF THE HOUSE		<i>Mildura rail services</i>	77
<i>General business</i>	6	<i>Bayswater level crossings</i>	77
MINISTERS STATEMENTS		<i>Tullamarine Freeway</i>	78
<i>Premier’s Volunteer Champions Awards</i>	7	<i>Homelessness</i>	78
MEMBERS STATEMENTS		<i>Ballarat railway station precinct</i>	78
<i>Bendigo Hospital</i>	7	<i>Risk</i>	79
<i>Western suburbs health facilities</i>	7	<i>Simonds Stadium</i>	79
<i>McAuley House</i>	8	<i>School swimming program</i>	80
<i>Social Enterprise Awards</i>	8	<i>North Road, Ormond, level crossing</i>	81
<i>Economy</i>	8	<i>Jumps racing</i>	81
<i>Government performance</i>	8	<i>Responses</i>	82
<i>Disability services</i>	8		
<i>Tyrone Unsworth</i>	9		
<i>Ballarat railway station precinct</i>	9		
<i>VicForests</i>	9		
<i>Lebanese Kataeb Association</i>	10		
<i>Emperor of Japan’s birthday</i>	10		
<i>Tamil Seniors Social Club</i>	10		
<i>Firearms</i>	10		
<i>Maribyrnong Inclusive Recognition Awards</i>	10		
<i>Eastern Victoria Region toy runs</i>	11		
<i>Youth Junction Inc.</i>	11		
<i>Melbourne Metro rail project</i>	11		
EQUAL OPPORTUNITY AMENDMENT (RELIGIOUS			
EXCEPTIONS) BILL 2016			
<i>Second reading</i>	12		
RULINGS BY THE CHAIR			
<i>Questions without notice written responses</i>	21		
QUESTIONS WITHOUT NOTICE			
<i>Malmsbury Youth Justice Centre</i>	21, 22		
<i>Youth justice centres</i>	22, 23		
<i>Parole reform</i>	23		
<i>Water policy</i>	23, 24		
<i>Hazelwood power station</i>	24		
<i>Member for Footscray</i>	25		
<i>Autism schools</i>	25		
<i>Portland energy supply</i>	26		

12:00:00

Tuesday, 6 December 2016

The **PRESIDENT (Hon. B. N. Atkinson)** took the chair at 12.04 p.m. and read the prayer.

ACKNOWLEDGEMENT OF COUNTRY

The **PRESIDENT** — Order! On behalf of the Victorian state Parliament I acknowledge the Aboriginal peoples, the traditional custodians of this land which has served as a significant meeting place of the first people in Victoria. I acknowledge and pay respects to the elders of the Aboriginal nations in Victoria, past and present, and welcome any elders and members of the Aboriginal communities who may visit or participate in the events or proceedings of the Parliament this week.

ROYAL ASSENT

Message read advising royal assent on 29 November to:

Medical Treatment Planning and Decisions Act 2016
Road Legislation Further Amendment Act 2016
Transport (Compliance and Miscellaneous) Amendment (Abolition of the Penalty Fares Scheme) Act 2016
Working with Children Amendment Act 2016.

12:05:00

OMBUDSMAN JURISDICTION

The **PRESIDENT** — Order! I just wish to make a short statement to update the house in respect of the Supreme Court of Victoria Court of Appeal hearing in relation to the Ombudsman's jurisdiction. Members will realise that I have sought to keep the house informed on the progress of this matter, given the directions of the house.

Further to the Attorney-General's application to appeal the Supreme Court decision in relation to the Ombudsman's jurisdiction, I provide the following update. On Wednesday, 30 November, three judges of the Court of Appeal heard arguments in relation to the Attorney-General's application for leave to appeal. I was automatically made a defendant in this matter by the Attorney-General's decision to appeal. In accordance with the resolution of the house on 12 October, counsel appeared on my behalf to argue the position advocated by the house. I will report the outcome of the appeal as soon as I become aware of it.

PETITIONS

Following petitions presented to house:

Onshore unconventional gas

To the Legislative Council of Victoria:

The petition of certain citizens of the state of Victoria requests that the Legislative Council support the brave Andrews Government decision to permanently ban the exploration and extraction of onshore unconventional gas (fracking) by unanimously voting for the corresponding legislation when it is introduced into the house.

By Mr LEANE (Eastern Metropolitan) (38 signatures).

Laid on table.

Country Fire Authority enterprise bargaining agreement

To the Legislative Council of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Council that Premier Daniel Andrews must not hand control of the Country Fire Authority (CFA) to the United Firefighters Union (UFU).

The petitioners therefore request that the Legislative Council of Victoria ensure that the Andrews Government reject any EBA conditions that:

- A. allow the UFU to direct or impede CFA activities;
- B. undermine the autonomy of CFA volunteer firefighters;
- C. impact upon the rights of CFA volunteer firefighters (including through the volunteers charter);
- D. lead to a reduction in surge capacity of the CFA to respond to major events.

By Ms LOVELL (Northern Victoria) (1 signature).

Laid on table.

Ormond railway station

To the Legislative Council of Victoria:

We, the undersigned citizens of Victoria, call on the Legislative Council of Victoria to note:

the foundation deck for the development of an up to 13-storey residential tower on the Frankston railway line on North Road above Ormond station has been constructed without informing or consulting the local community;

established low-rise suburbs should not be destroyed and permanently scarred by the construction of inappropriate, high-rise overdevelopment on railway land, particularly in the absence of community consultation; and

the local community does not support or consent to the construction of a residential tower of up to 13 storeys above Ormond Station.

We therefore call on the Andrews Labor government to abandon its plans for the inappropriate overdevelopment of the Ormond station site and instead proceed with a development that is smaller in scale and more in keeping with the low-rise village atmosphere of Ormond.

**By Ms CROZIER (Southern Metropolitan)
(17 signatures).**

Laid on table.

12:10:00

Goulburn-Murray irrigation district

To the Legislative Council of Victoria:

The petition of a certain citizen the state of Victoria draws to the attention of the Legislative Council the need for a thorough review of the ownership and trading of water and a permanent ban on water being traded out of the Goulburn-Murray irrigation district (GMID).

The petitioner therefore requests that the Legislative Council of Victoria ensure that the Andrews government ban any further water being traded out of the GMID and conduct a thorough review of ownership and trading that includes:

- A. reviewing carryover rules to only allow carryover for those who use the water for productive use;
- B. establishes a more equitable sharing of the cost of water delivery, by requiring speculators to contribute to the delivery of water and maintenance of the system;
- C. establishes a public register of water ownership;
- D. establishes regulation of water brokers, to provide for better transparency in the trading of water;
- E. allows more flexibility for the environmental water holder to sell water on the temporary market without the requirement to purchase further water.

By Ms LOVELL (Northern Victoria) (1 signature).

Laid on table.

STANDING COMMITTEE ON THE ECONOMY AND INFRASTRUCTURE

Domestic Animals Amendment (Puppy Farms and Pet Shops) Bill 2016

Mr MORRIS (Western Victoria) presented report, including appendices, extracts from proceedings and minority reports, together with transcripts of evidence.

Laid on table.

Ordered that report be published.

Mr MORRIS (Western Victoria) — I move:

That the Council take note of the report.

In doing so, I am pleased to present the final report of the Economy and Infrastructure Committee's public inquiry into the Domestic Animals (Puppy Farms and Pet Shops) Amendment Bill 2016 to the Legislative Council. There were many hearings.

The committee resolved to undertake this inquiry on 25 October — so that is a 43-day turnaround from the reference being established to today with the tabling of this report. That is a very quick turnaround of a report which is quite sizeable and on a significant piece of legislation. The report looks at the provisions of the bill, particularly in relation to existing dog breeders and the availability of both pet and working dogs in Victoria. Given the short time frame available for this inquiry, the committee has focused on the key issues of concern raised by stakeholders at public hearings which took place on 9, 15 and 16 November.

Stakeholders at the hearings and in correspondence to the committee were unanimous in their support for animal welfare and for unethical breeders to be shut down. Of great concern to the committee were the issues raised at hearings and in correspondence about the significant lack of genuine consultation by the government on this bill. The development of the bill was significantly undermined by this lack of consultation and engagement with stakeholders in local government, business, animal welfare organisations and the broader community. It is clear that the government has neglected to properly engage with those with the greatest expertise in this area — that is, those who work with domestic animals every day and are best placed to provide advice to the government about how to protect the welfare of domestic animals into the future.

It is particularly concerning that the Municipal Association of Victoria was not properly consulted, given it is the peak body that represents local councils, who have the responsibility for administering and enforcing what has been described as a very burdensome piece of legislation. Many other issues were raised with the committee, and they are also discussed in the body of this report. One of the most significant concerns was the lack of scientific evidence for the 10 fertile female limit on breeders.

I certainly would like to thank all of those who appeared before the committee and provided advice about this bill. I would also like to express my appreciation to the Minister for Agriculture, Jaala Pulford, for her cooperation with the inquiry and for appearing before our committee. I certainly hope that

other ministers take note of the minister's actions at this point and do so before other committee inquiries occur in the future.

Animal welfare is an important issue, and the health of the industry and Victorian jobs are at stake with this bill. For this reason the committee recommends that the government withdraw the current bill and immediately establish a stakeholder group of industry, municipal and community representatives to consult on the drafting of a new bill.

I would certainly like to take this opportunity to thank the committee secretariat — Lilian Topic and research assistants Anthony Walsh and Michelle Kurrle — for their exceptional work in ensuring that this report was delivered in the limited time frame that was available. I would also like to thank my colleagues on the committee — deputy chair Mr Eideh, Mr Finn, Mr Bourman, Mr Ondarchie, Mr Leane, Mr Elasmarr and Ms Hartland — for their hard work on this inquiry.

I commend the report to the house.

12:15:00 **Mr LEANE** (Eastern Metropolitan) — I would also like to comment on this particular report, which was tabled in this house today. It is a shame it was tabled at the *Herald Sun* by one of the non-government MPs the day before. I do not know if that is a process we should all be following in this house, but the government members of this committee actually voted against this report as a whole. The criticisms around consultation and so forth, I mean, are quite —

Ms Shing — Breathtaking.

Mr LEANE — They are breathtaking, because the consultation was 18 months of campaigning on this particular issue, and there was a policy that we took to the election — a policy that was actually quite popular. Everyone that people on this side of the chamber spoke to, including the minister, were very passionate about the policy that cruelty to these sorts of breeding dogs needs to stop. That is the intent of this government — that that cruelty will stop.

In saying that the government members of the committee voted against this report as a whole, I am not reflecting on anything in terms of the structure, the standard or the quality of the work that was done by the secretariat. They do a fantastic job under great pressure. We have in this chamber non-government members introducing reference after reference as part of political fishing expeditions. They have no concern about the Parliament and no concern about stretching the staff, and then, once the report is done, they have no concern

about handing it over to the *Herald Sun* before it gets tabled in this chamber.

We will have more to say about this. We will have more to say about the behaviour of this committee, and we will ensure that cruelty to animals in this state is tempered as much as it possibly can be in our hands.

The PRESIDENT — Order! I had intended to make some comment on this matter at the end of the motion that is before the house, just before I put it, but seeing as Mr Leane has actually raised it — and indeed it was raised with me today by a minister — I must say that I am most concerned about the apparent leaking of this report to the *Herald Sun*. Certainly the commentary in the *Herald Sun* bears a remarkable resemblance to what I understand to be the outcome of the committee's deliberations. I have not had an opportunity at this stage to consider the report; indeed, neither has anybody else, because up until now the report has not been available for public circulation. It has been a committee document, and as a committee document it ought to have been dealt with in a confidential manner.

We take a very dim view of the leaking of committee deliberations, in part because sometimes they can result in information being released that is out of context, information that is incomplete or information that might be politically convenient to a particular view but will in the end not necessarily represent either a majority report, a full committee report or even a minority report. Until a committee report is tabled, it is a confidential document and ought not to be shared with anyone — certainly not the media.

I will be considering this matter with the Clerk later today, and I will be writing to the chair of the committee to seek any clarification from him as to how this report — or at least excerpts or an overview of it — has been given to the media ahead of the tabling of it in this Parliament. In seeking that explanation from the chair, I am not suggesting that he was involved in the apparent leaking of it; I am simply seeking an explanation from him in his position as chair. I remind all members that committee reports until they are tabled in this place or the other place are not available for public comment or public dissemination.

Mr BOURMAN (Eastern Victoria) — This was my first inquiry on this sort of matter, and it was a little disappointing to hear about it on the radio this morning. But moving on, before I start my statement I would like to thank the people that put all their time in: the members of this house, plus the secretariat of Lilian Topic, Anthony Walsh and Michelle Kurrle. They put in a lot of effort in a very short period of time. I also

12:20:00

need to thank everyone that made a submission and those that appeared before the inquiry.

During the inquiry there were some clear messages during the evidence given. One common message was that everyone wanted better overall animal welfare. The issue was that not everyone agreed on whether the bill in its current form can achieve that. I personally do not believe the bill in its current form can do that. Another message was that there was going to be a cost to implement the changes and that the government were not going to pick up the cost. The local government layer and, by extension, the breeders were going to be paying for it.

What also shone through was that consultation was a clear issue — consultation in the preparation of the bill and consultation in the preparation of the election promise. Consulting with three councils alone was never going to be representative of the whole state, and perhaps another option would have been to start talking to the Municipal Association of Victoria and, from there on, individual councils. Even the animal activists did not produce anything I would call compelling in support of the bill during their presentation. In fact the RSPCA, which was consulted in both the formulating of the policy and the drafting of the bill, could not even explain why a limit of 10 fertile bitches was ok when 11 was not.

Getting into the practicalities of registering as a domestic animal business, there was clearly an expectation that councils were going to be the local enforcement mechanism. Evidence was presented that some people had not been inspected by their local council for a number of years and other people had had council inspections every once in a while.

I was fortunate to be on the committee inquiring into the bill. I am also fortunate to be able to help those that would be unfairly affected by this bill should it pass in its current or house-amended form. It is way too late to stop our illogical gun laws, but it is not too late to help the legitimate and caring animal breeders of Victoria.

Mr FINN (Western Metropolitan) — I too join this debate on this motion, and in doing so I wish to thank and congratulate Anthony Walsh, Michelle Kurrle and, in particular, Lilian Topic on the enormous amount of work that went into this report. We had an extraordinary amount of material that came our way as a result of this inquiry, and they led us through it admirably. I just want to express my thanks to them.

I can understand why the government are a little toey on this topic, because what this committee report has

done is expose them as a government that just do not really want to talk to people whose legislation they are proposing to affect. This is in fact one of the monumental stuff-ups of this government. It was just an amazing scenario that started off oddly, it has to be said, and, as the committee gathered evidence and heard from witnesses, it just got worse and worse.

It seems that this legislation began as some sort of dodgy deal before the last election. Labor came into government and proposed this legislation; it put it together without consulting just about any of the major stakeholders. They were not interested, for example, in the Municipal Association of Victoria. They were not interested in most of the breeding groups. It was a piece of legislation that was put together by a small group of people with an even smaller interest in what they were trying to do.

My view is that this report is a very good one. My suggestion to the government is: next time consult with the people and listen to the people, and you might get a piece of decent legislation out of it.

Ms HARTLAND (Western Metropolitan) — I would also like to start by thanking the staff, who did an extraordinary job to bring this report together in a very limited time. I particularly want to thank the President, though, for his comments, because it was my intention to write to him today on the issue of the leaking of the report. Having read the *Herald Sun* this morning, it is quite clear that someone on the committee has spoken to the *Herald Sun*, because the amount of detail that is in that article clearly has to have come from within the committee. I believe that this behaviour undermines the committee structure and is disrespectful to the Parliament. It also means that people who are on the committee, who are often putting forward and dealing with very complex issues, do not actually have the opportunity then to trust other members on the committee, because they do not know when the things that they have said or the things that they want to say are going to be leaked.

This is an important piece of legislation. The Greens always support legislation going to a committee, because it can only be improved. Quite clearly there was a major flaw with the consultation, especially with the Municipal Association of Victoria and the fact that that was not done, but I would like to congratulate the Minister for Agriculture on the fact that she was prepared to front the committee and answer all questions. I think that should be an example for other ministers in this government when legislation goes to a committee. They should also appear because it would help fix what problems there are. We believe this

12:25:00

legislation is good and is fixable, and it is important for animal welfare in this state.

Mr ONDARCHIE (Northern Metropolitan) — I rise to speak about the report tabled by the Standing Committee on the Economy and Infrastructure on the inquiry into the Domestic Animals Amendment (Puppy Farms and Pet Shops) Bill 2016. It was a very quick and energetic inquiry, and a lot of work happened over a very short period of time. I too acknowledge the tremendous work of Lilian, Anthony and Michelle in helping us bring this committee report together.

As people in this house know, my family and I love our pets. As an ambassador for Guide Dogs Victoria, I am a big fan of properly regimented breeding programs. I think there would not be a person in this house who would not abhor the vision of bad puppy farms — those stereotypical images of puppies and mothers being treated so badly. I, like everybody else, want to get rid of them. But I have to say that this proposed legislation and its construction is, simply put, a dog’s breakfast. It is all over the place. The messages that we got through significant consultation with stakeholders is that no-one undertook any consultation with them. In fact when we asked them about consultation, they said, ‘We had meetings, but we were spoken to and did not get a chance to express our views’. So we find many people captured in this badly constructed legislation who do not deserve to be where they are, and they are panicking right now, and rightly so.

Across the inquiry we heard from people who own birds, puppies and cats and who are caught up in this whole thing. The overwhelming message was, ‘Nobody spoke to us and asked our advice. We were just told what was going to happen’. The rationale from the government is, ‘It was an election commitment, so we’re just doing it’. The overriding recommendation is to scrap where you have got to and start again. This is badly constructed legislation.

Motion agreed to.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Alert Digest No. 17

Mr DALLA-RIVA (Eastern Metropolitan) presented *Alert Digest No. 17 of 2016, including appendices.*

Laid on table.

Ordered to be published.

ACCOUNTABILITY AND OVERSIGHT COMMITTEE

Victorian oversight agencies 2015–16

Ms SYMES (Northern Victoria) presented report.

Laid on table.

Ordered to be published.

Ms SYMES (Northern Victoria) — I move:

That the Council take note of the report.

This is the fourth report of the Parliament’s Accountability and Oversight Committee and the third report that has been tabled to date in this Parliament. The report examines the 2015–16 annual reports of the three agencies the committee has oversight of: the Victorian Ombudsman, the Freedom of Information Commissioner and the Victorian Inspectorate.

The year in review was an evolving time for Victoria’s integrity system. Key highlights of this year have been that the Labor government began a community consultation process as part of its review of the state’s integrity and accountability framework. The government also introduced the Freedom of Information Amendment (Office of the Victorian Information Commissioner) Bill 2016, and the Integrity and Accountability Legislation Amendment (A Stronger System) Act 2016 came into operation.

The committee’s report makes 10 recommendations to the Victorian government, including reviewing the requirement that complaints submitted to the FOI commissioner, or the new information commissioner, and Victorian Inspectorate must be made in writing; collecting data on the time frames of FOI complaints resolution and agency data across the four sectors of health, government, emergency services and statutory authorities to determine the cost of administering FOI requests; a collaboration between the FOI commissioner, or the new information commissioner, and the health sector to provide commonly requested information that is routinely granted, outside of the Freedom of Information Act 1982; clarification of the Victorian Civil and Administrative Tribunal’s jurisdiction involving ordering agencies to undertake subsequent FOI searches and produce documents; allowing the Ombudsman to refer misdirected complaints to relevant bodies; reviewing the complaints handling process by the Ombudsman to reduce the number of complaints that take more than 30 days to resolve; and clarifying the Accountability and Oversight Committee’s responsibility to receive and

investigate complaints into the FOI commissioner, or the new information commissioner, the Victorian Ombudsman and the Victorian Inspectorate.

I would like to thank the committee members: the chair, Mr Neil Angus in the Legislative Assembly; Ms Melina Bath; Mr James Purcell; and Legislative Assembly members Mr Michael Gidley, Mr Nick Staikos and the Honourable Marsha Thomson. Special mention to the brilliant committee secretariat staff: Sean Coley, Matt Newington and Esma Poskovic. We are indebted to their professionalism, their hard work and, indeed, their good company.

Motion agreed to.

PAPERS

Laid on table by Clerk:

Crown Land (Reserves) Act 1978 — Ministerial Orders, dated 6 November 2016, for the following approvals for a —

Lease at Mordialloc-Mentone Beach Park.

Licence at Flagstaff Gardens.

National Environmental Protection Council — Report, 2014–15.

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

Bayside Planning Scheme — Amendment C124.

Greater Geelong Planning Scheme — Amendment C316.

Knox Planning Scheme — Amendment C137.

Melbourne Planning Scheme — Amendments C259 and C270.

Melbourne and Port Phillip Planning Schemes — Amendment GC59.

Melton Planning Scheme — Amendment C145.

Mildura Planning Scheme — Amendment C89.

Monash Planning Scheme — Amendment C128.

South Gippsland Planning Scheme — Amendment C81.

Victoria Planning Provisions — Amendment VC131.

Whittlesea Planning Scheme — Amendment C205.

Statutory Rules under the following Acts of Parliament —

Confiscation Act 1997 — No. 141.

Environment Protection Act 1970 — No. 136.

Magistrates' Court Act 1989 — No. 137.

Supreme Court Act 1986 — Nos. 138 to 141.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rules Nos. 134, 135 and 137 to 141.

Victorian Environmental Assessment Council Act 2001 — Minister's letter of request for an assessment by the Victorian Environmental Assessment Council into fibre and wood supply from state forests, pursuant to section 26C of the Act.

Proclamations of the Governor in Council fixing operative dates in respect of the following acts:

Livestock Disease Control Amendment Act 2016 — Part 1 and sections 3, 5, 11 and 12 — 1 January 2017 (*Gazette No. S368, 29 November 2016*).

Police and Justice Legislation Amendment (Miscellaneous) Act 2016 — Parts 2 and 3 (except section 23) — 1 December 2016 (*Gazette No. S368, 29 November 2016*).

Primary Industries Legislation Amendment Act 2016 — Parts 4 and 7 (except sections 22 and 24) — 1 December 2016; Part 8 — 1 January 2017 (*Gazette No. S368, 29 November 2016*).

BUSINESS OF THE HOUSE

12:35:00

General business

Ms WOOLDRIDGE (Eastern Metropolitan) — By leave, I move:

That precedence be given to the following general business on Wednesday, 7 December 2016:

- (1) order of the day 1, second reading of the Corrections Amendment (Parole) Bill 2016;
- (2) order of the day 2, second reading of the Children, Youth and Families Amendment (Youth Offenders) Bill 2016;
- (3) order of the day 3, second reading of the Summary Offences Amendment (Begging or Gathering Alms) Bill 2016;
- (4) notice of motion given this day by Ms Wooldridge in relation to public holiday documentation;
- (5) order of the day 29, resumption of debate on motion relating to the two-year anniversary of the Andrews Labor government;
- (6) notice of motion 349 standing in the name of Mr Young relating to a moratorium on the establishment of great forest national park;
- (7) notice of motion 331 standing in the name of Mr O'Donohue relating to Victorian prisons; and
- (8) notice of motion 339 standing in the name of Ms Bath relating to Hazelwood power station.

Motion agreed to.

MINISTERS STATEMENTS**Premier's Volunteer Champions Awards**

Ms MIKAKOS (Minister for Families and Children) — I rise to inform the house about the Andrews Labor government's efforts in supporting our volunteers. I take this opportunity to thank members of the Ministerial Council for Volunteers and its chair, the parliamentary secretary for carers and volunteers, Gabrielle Williams, who have worked on identifying ways to support volunteering. The establishment of the ministerial council was an election commitment.

One-third of Victorians volunteer in our state, and on Sunday I attended Government House to recognise the amazing work of 60 outstanding Victorians at a special ceremony for the Premier's Volunteer Champions Awards. The ceremony was hosted by the Governor of Victoria, the Honourable Linda Dessau, AM.

This year's awards covered five categories: leadership, service, teamwork, impact and change maker. The awards recognise the vital role volunteers play in our overall community resilience and happiness. These awards are about celebrating volunteers and their enormous contribution to Victoria. The 2016 award recipients represent a diverse range of communities, places and stories, reflecting the significant role volunteers play across our state in creating more connected, happier and healthier communities.

The pinnacle of the awards ceremony was the announcement of the Dame Elisabeth Murdoch Award, and for the first time since its inception we had joint winners: Ms Celia Tran, an inspirational young person who provides leadership across various causes and organisations supporting multicultural youth, refugees and asylum seekers, and disadvantaged youth in Melbourne's west; and Mr Bruce Pennicott, who for over 15 years has made a huge difference to the lives of children with severe cerebral palsy. He and his team have designed, built and delivered thousands of specialised mobility aids at no cost to the families.

It was wonderful to see a 24-year-old and a 94-year-old being recognised as the award winners this year. I congratulate both of these outstanding Victorians and indeed all the very worthy award recipients of this year's awards. Each has contributed so much to Victoria. Our volunteers are the backbone of our community. They perform an invaluable role that enriches the society in which we live. I am sure all members will agree that all volunteers are true champions of our community.

MEMBERS STATEMENTS**Bendigo Hospital**

Ms LOVELL (Northern Victoria) — I welcome the news that the new Bendigo Hospital is technically complete. I am very proud to have been part of a Liberal state government that was able to deliver the biggest regional hospital development Australia has ever seen. I want to give special thanks to former Liberal health minister David Davis and former Liberal Premier Ted Baillieu, who listened to me and the Bendigo community, which rejected Labor's smaller hospital over two separate sites.

The \$630 million Bendigo Hospital is a world-class, 21st century integrated medical and academic facility that will change the lives of people in Bendigo and beyond. There has been some toing and froing in the local media lately, with Jacinta Allan, the member for Bendigo East and Minister for Public Transport, trying to downplay the former Liberal government's work on this project and take all the credit for the Labor Party.

But some facts are indisputable. The Liberals invested an additional \$102 million to deliver a bigger and better hospital. This ensured the hospital would fit on a single, co-located site.

It was the Liberals who ensured there would be an integrated cancer centre, 372 inpatient beds, 72 same-day beds, 11 new operating theatres, an 80-bed psychiatric facility, a mother and baby unit, a 25-bed maternity unit, 28 short-stay apartments, a 128-bed hotel, a helipad, a conference centre, a multi-deck car park and a children's and wellness centre. 12:40:00

Bendigo will never forget that even after the Liberals' commitment to this world-class hospital, Jacinta Allan continued to argue for a smaller hospital across two sites without all the extras. Ms Allan is the only local member I have ever known who has argued that her constituents deserve less than what was being delivered.

Western suburbs health facilities

Ms HARTLAND (Western Metropolitan) — I had a week of openings this week. I was invited to the opening of the new cohealth facility in Footscray. I do have to say that this was my former employer before I was in the Parliament, and they have taken what was an old building not fit for purpose and turned it into a magnificent new community health centre.

People also have to be reminded that the original Western Region Health Centre was built by the

meatworkers union in the 1970s because there was very little public care available for meatworkers in that area. There was certainly no free care. So the health centre is a very important part of Footscray, and the government should be congratulated on the money that has been spent to make this a fantastic facility.

McAuley House

Ms HARTLAND — I was also invited to the reopening of McAuley House in Footscray. This is a facility that will house 25 women who are homeless because of family violence or mental illness. Again it is a building that has been made to feel friendly and relaxed. It does not have an institutional feel, and I think the Sisters of Mercy and the state government should be congratulated for the amazing amount of thought that has gone into this facility to make it feel like a home for people rather than an institution. If anybody is going through Footscray, I seriously think they should go and have a look at it as a model of what can be done.

Social Enterprise Awards

Mr MULINO (Eastern Victoria) — It was an honour to represent the Minister for Industry and Employment, Wade Noonan, at the Social Enterprise Awards, the only national awards program for Australian social enterprise. The awards were held on 30 November 2016, and they aim to increase awareness of the role and diversity of social enterprises in Australia. I also congratulate Social Traders for organising these awards.

Eight of Australia's best social enterprises were named as winners at this year's awards. They were selected by a panel of independent judges from a finalist pool of 26 and over 100 enterprises that were nominated. Congratulations to ASRC Catering, social enterprise of the year, small; Soft Landing, social enterprise of the year, large; MYC Painting Services, one to watch award; Vanguard, capital for impact award; 40K Plus, social enterprise innovation award; Brisbane City Council, buy social award; Walter Villagonzalo, social enterprise champion award; and Tjanpi Desert Weavers, women's impact award.

Economy

Mr MULINO — The economy goes from strength to strength. Just this week we announced the national accounts, and within that we saw that Victorian state final demand grew at 1.1 per cent in the June quarter and 3.5 per cent over the year. Victoria's quarterly result was the equal highest among all of the states.

This builds on very strong results at the aggregate level for quite some time. Real gross state product surged 3.3 per cent over the financial year, exceeding this year's budget forecast and the highest outcome since 2007–08. Of course this is reflected in the employment market. There have been 184 100 jobs created since we took government, with 93 200 of those being full-time positions.

Government performance

Mr FINN (Western Metropolitan) — As we look back on 2016 one cannot help but shake one's head at the array of calamities the Andrews Socialist Left government has perpetrated on the people of Victoria this year. How about sky rail — a project that affected residents, found out about from a doorknock in the dead of night only hours before it was splashed across the front page of the *Sunday Herald Sun*.

Who could ever forget a Premier who goes after volunteer firefighters with a machete, in the process cutting down one of his own ministers, the chairman of the Country Fire Authority (CFA), the CEO and the entire board of the CFA — or was that two CEOs? — and the chief fire officer and chairman of the Metropolitan Fire Brigade. That is quite an achievement. The debacle continues to this very day, months after the Premier told us that it was all over.

Then Minister Dalidakis tried to postpone Christmas for a couple of days, only to back down at a million miles an hour when the shoppies came a' visiting.

The Socialist Left government continues its war on our children with its despicable Safe Schools program. Add to that dogs being chauffeured around the state; the prospect of Flinders Street station, St Paul's Cathedral and quite possibly the entirety of St Kilda Road falling into a dirty big hole caused by the Melbourne Metro project; and the daily gridlock on our roads and so much else and we can, with confidence, tell the people of Victoria as we hurl headlong into 2017 that what they have got is a government that is not fit to hold office. 12:45:00

Disability services

Dr CARLING-JENKINS (Western Metropolitan) — This week I am hosting an Australian disability enterprises exhibition in Queen's Hall. Australian disability enterprises — or ADEs — play an important role in providing supported employment for thousands of Victorians with disabilities. The exhibition aims to raise awareness of ADEs by showcasing the

goods and services of a number of large Victorian ADEs across the state.

Additionally, this morning I launched a directory of ADEs in Victoria as a resource specifically for MPs. This directory is the most up-to-date resource of all Victorian ADEs and what they have to offer. A copy of this resource is being distributed to every member's parliamentary office as we speak. The launch of the directory and the exhibition this morning was a very successful event, with speeches from the Honourable Martin Foley, Minister for Housing, Disability and Ageing; Tim Bull, shadow minister for disability; Mr David Moody from National Disability Services; and supported employees from Mambourin Enterprises, Kirsten Kennedy and Brendan Allwood.

I invite all MPs to visit the exhibition, which will remain open until Thursday afternoon. I also encourage all MPs to use the resource to inform themselves of socially responsible procurement options available within their local area. People with disabilities make a meaningful contribution to our communities, and it is important that we continually invest in their lives by identifying and using the services which support them.

Tyrone Unsworth

Ms SHING (Eastern Victoria) — It is with enormous sorrow that I rise today to acknowledge the passing of Tyrone Unsworth, a 13-year-old boy in Brisbane who took his own life after years of bullying for being, in the words of his tormentors, a 'faggot', a 'fairy' and a 'fag'. He endured a really tough time. He was loved by his friends and by his family and, according to his mother, on the outside he was outgoing and gregarious. He loved fashion, he wanted to be a vet or a designer and yet he could not tolerate the relentless teasing, victimisation, bullying and harassment that he had endured at school since year 5.

Having heard the various contributions around this place and having seen the way in which the online community can be so relentlessly vicious in failing to stand up for people who are the subject of bullying due to their sexuality or in failing to support people who are different or who are other, I want to make it very clear that on behalf of this government and as the ambassador for the Safe Schools program I will continue to work as hard as I possibly can to make sure that children and young people have the resources and the support they need so that, hopefully, Tyrone Unsworth will not be forgotten and, hopefully, children and young people will benefit from a more mature, sensitive and engaged way of helping people to be exactly who they are.

Ballarat railway station precinct

Mr MORRIS (Western Victoria) — I rise to make a statement with regard to the Ballarat station precinct which is an area that is due to undergo some redevelopment. It is a project that was started under the former Liberal government. A master plan was delivered, and it had some concepts that would certainly add value to the precinct as a whole. Unfortunately what we have seen is that this government have hidden their true intention with this redevelopment, and since it was revealed to the public at large there has been a chorus of dissent about what they propose to do on the site.

Currently there are over 400 commuter car parking spaces, which are regularly at capacity — in fact at more than capacity — and the residential streets take up the excess from these car parks. The new plan that has been released by the government sees these over 400 car parking spaces reduced to just 270, which would place further pressure on the residential areas surrounding the station precinct.

More concerning, though, is that the government has underfunded this project and we are not going to see the redevelopment of the important bus bays that were part of the master plan developed by the former government. Indeed, these bus bays are going to be placed in Lydiard Street, the same Lydiard Street that is world renowned for its heritage aspects. What needs to be done is that the government needs to ensure that this master plan is done and done properly the first time. 12:50:00

VicForests

Ms DUNN (Eastern Metropolitan) — The respected journal *Nature* published a major report on 1 December titled 'Quantifying global soil carbon losses in response to warming'. It provides a comprehensive analysis of warming-induced changes in soil carbon stocks by assembling data from field experiments. It found that the majority of terrestrial carbon is in the soil. It concluded that rising temperatures from climate change will stimulate the net loss of soil carbon to the atmosphere, driving a positive land carbon-climate feedback loop that could further accelerate climate change. Fifty-five billion tonnes of carbon not previously accounted for in forecasts will be emitted into the atmosphere by 2050.

Mountain ash forest in Victoria's Central Highlands can hold up to 1900 tonnes of carbon per hectare in soil, trees and plants, making it the most carbon dense forest in the world — 5 to 10 times more carbon dense than tropical rainforest. Yet in Victoria, VicForests, a

state-owned corporation, logs critically endangered mountain ash forest, the most carbon dense, to produce low-grade products like pallets, palings and wood pulp. Beyond the loss of these living carbon stores, the soil is exposed and breaks down and emits carbon dioxide and other greenhouse gases into the atmosphere, contributing to this worrying dynamic. A rich carbon store is turned into a carbon bomb.

As part of its latest insult to local communities, and flying in the face of what science is telling it, VicForests is logging the last remnants of messmate forest in the Strathbogie Ranges to sell for firewood. The local community in Strathbogie know this and have petitioned the Minister for Agriculture and the Minister for Energy, Environment and Climate Change, but it would appear that to date their concerns have been ignored.

Lebanese Kataeb Association

Mr ELASMAR (Northern Metropolitan) — On Friday, 25 November, I attended, together with several parliamentary colleagues, a celebration to recognise the 80th anniversary of the Lebanese Kataeb Association of Victoria. The event was hosted by the president, Mr Zeke Yarak, and marked the visit of His Excellency Elie Marouni, a current member of the Lebanese Parliament and former minister for tourism. Mr Marouni visited Parliament House last sitting week and was welcomed by you, President. I wish him a safe and speedy journey home in time for Christmas.

Emperor of Japan's birthday

Mr ELASMAR — On another matter, on Thursday, 1 December, I attended, together with several parliamentary colleagues, the birthday celebrations of His Majesty Akihito, the Emperor of Japan. The event was hosted by Her Excellency Ms Keiko Haneda, the Consul General of Japan. The reception was a highly successful occasion and enjoyed by all the invited dignitaries.

Tamil Seniors Social Club

Mr ELASMAR — On another matter, on Saturday, 3 December, I was happy to represent the honourable Minister Lily D'Ambrosio and Minister Robin Scott at the Tamil Seniors Social Club. The event, held at Epping, was a Christmas festive occasion, and everyone had a really good time. It was my pleasure to be their guest of honour on the day. I thank the organisers for a terrific and entertaining occasion.

Firearms

Mr O'SULLIVAN (Northern Victoria) — On Friday a Council of Australian Governments (COAG) meeting will be held to discuss amongst other things the reclassification of the Adler A110 shotgun. The Adler shotgun is a single-shot firearm that requires manual mechanisation through the use of a hand lever to engage the next cartridge into the chamber for firing. Lever action firearms are not new; they have been around for many decades. The COAG meeting is likely to classify the Adler A110 as a category D firearm, which is an overreaction that is far too restrictive and will only allow the gun to be used by professional shooters. The lever action Adler should be classified either in category A, as a shotgun other than a pump action or semiautomatic shotgun, or in category B, as any combination of a shotgun. The lever action Adler A110 is not a semiautomatic gun — far from it — and it is not a pump action shotgun, which is categorised as a category C.

Shotguns like the Adler A110 are a tool of trade for farmers and hunters across Victoria and Australia for controlling pest animals such as rabbits, foxes, wild dogs and particularly feral pigs. I call on the Premier to advocate at COAG that the Adler A110 remains in its current classification, in line with the detailed assessment made of lever action shotguns under the John Howard gun reforms of 1996. The Nationals will continue to advocate for lawful firearm users.

Maribyrnong Inclusive Recognition Awards

12:55:00

Mr EIDEH (Western Metropolitan) — Last week, on Friday, 2 December, I had the honour of attending the Maribyrnong Inclusive Recognition Awards (MIRA) at the Maribyrnong council offices in Footscray, which coincided with the International Day of People with Disability. In attendance were my colleagues Mr Bernie Finn and Ms Colleen Hartland. It was touching to see so many nominees, all of whom were worthy of recognition at this ceremony, and their proud families and friends, who were supporting them as they were presented with their awards.

These awards celebrate the achievements of local individuals, clubs, businesses and not-for-profit organisations in the disability sector that have contributed to improving the quality of life of people with a disability in the City of Maribyrnong. The MIRA awards are a wonderful way to show appreciation for the work done by these nominees, particularly in the categories of arts, inclusive business practices, recreation and sports, volunteering and youth.

In particular I congratulate the recipients of the awards: the Create and Connect art group with Carers Victoria, Tegan Connor, the Westgate Community Initiatives Group's social enterprise group, Yarraville Cricket Club, Jessica Gallagher, Pamela Debrincat and Patrick Francis. I congratulate all nominees and winners on their contributions to the community and for working together to make a difference to the lives of people with a disability who live in and around Maribyrnong.

Eastern Victoria Region toy runs

Ms BATH (Eastern Victoria) — I rise to acknowledge the tremendous community spirit displayed at the various motorcycle toy runs and toy drives that are happening across Victoria in the lead-up to Christmas. Since the first run in 1978 toy runs have played a key part in the festive calendar, and not just in our capital cities but across regional Victoria. Toy runs and drives collect donations not only of toys but also of other non-perishable items for distribution to those in our community who are in need of some love and attention at Christmas time, and this work is done by charities. Two such events were held last Saturday in my electorate of Eastern Victoria Region — the Gippsland Toy Run, which ended in Sale, and the Latrobe Valley Christmas Toy Drive, which ended at Old Gippsdown in Moe — and they were both very successful.

To the volunteer organisers of these rides and their helpers I say thank you for your effort in planning and running these fantastic community events. Without the support of so many people in the motorcycle community, these events would not be the success they are each year. For the events last weekend I thank members of the Red Knights Motorcycle Club, the Ulysses Club, the veteran and vintage riders, the Gippsland Motorcycle Club, the Eastern Riders, the HOGs — or Harley Owners Group — and a number of other clubs that participate in this wonderful event. I thank those who show the true spirit of Christmas by making donations to people who might not otherwise find this festive season a joyous and happy occasion.

Youth Junction Inc.

Mr MELHEM (Western Metropolitan) — Two weeks ago Youth Junction Inc., a not-for-profit organisation in my electorate, celebrated its 10th anniversary. Youth Junction Inc. is a fantastic organisation. It aims to reduce youth crime and provide young Victorians aged between 12 and 25 with the support they need to lead a safe, healthy and fruitful life.

The organisation manages the Visy Cares Hub in Sunshine, which acts as an integrated youth service centre for young people. The Visy Cares Hub provides a total of 20 not-for-profit youth services and employs over 250 multidisciplinary staff who respond to approximately 18 000 disadvantage young people per year. The hub, which was launched in 2006, was created in response to a growing need to consolidate youth services in Melbourne's west. I take this opportunity to both congratulate Youth Junction Inc. for reaching its 10th milestone and commend the organisation for the life-changing work it does for young people in my electorate.

In yet another example of this government putting people first, during the organisation's birthday celebrations my colleague in the other place Natalie Suleyman announced \$700 000 in funding from the Andrews Labor government. Currently focused on Melbourne's western suburbs, Youth Junction Inc. plans to explore opportunities to expand its program elsewhere in Victoria.

Once again, congratulations to Youth Junction Inc., including its chair, Marilyn Duncan; its general manager, Karen Hart; and all its committee members and staff on the organisation's 10th birthday. I also want to take the opportunity to recognise the ongoing excellent work the organisation does for youth in the western suburbs.

Melbourne Metro rail project

Mr DAVIS (Southern Metropolitan) — Today I want to raise the issue of the Melbourne Metro rail project. In theory this project will add significant capacity to our railway network; however, this government is failing in its implementation. It is clear from the so-called public consultation that was held late last week at Fawkner Park that there is enormous community opposition to the way the project is being implemented. More than 250 people gathered in huge anger.

There was absolute fury in this meeting at the failure of the government to properly consult. The feeling people left that meeting with was that the government were going to bulldoze forward, no matter what the community felt. They were not listening to the community; they were not prepared to listen to the community. 13:00:00

The community wants to see the protection of trees. It wants to see a tunnelling solution, rather than a cut-and-fill, open-cut-style approach, which will see hundreds and hundreds of trucks moving up and down

that area every week for five years, causing devastation to the quality of life and to the community through that area. Tunnelling is a superior way to go. It is pretty clear that if they can do tunnelling north of the Yarra, they can tunnel south of the Yarra too. There is no reason why they cannot come up with a solution that will not cause this terrible community impact.

As I say, the community was furious. The Melbourne Metro Rail Authority is not consulting properly. Members of the community have every right to have their say. The hundreds of people who left that meeting were more enraged by Daniel Andrews and his government's failure to listen and failure to pay heed to the community's views.

EQUAL OPPORTUNITY AMENDMENT (RELIGIOUS EXCEPTIONS) BILL 2016

Second reading

Debate resumed from 8 November; motion of Mr DALIDAKIS (Minister for Small Business, Innovation and Trade).

Mr MELHEM (Western Metropolitan) — I rise to resume my contribution on the Equal Opportunity Amendment (Religious Exceptions) Bill 2016. In doing so, I just sum up what I said last time I was talking about this bill. Unlike what was said in some comments by various parties, this bill is not intended to restrict freedom of religion — far from it. The bill eliminates any form of discrimination and requires religious schools to be responsible employers, like any employer in the state of Victoria. It makes no distinction between religious organisations and non-religious organisations. The same standard should apply.

However, the bill does maintain in place a current requirement. If an inherent part of a job requires a person to be a member of a religious group, that is protected and is not affected by the bill. Where there is no inherent requirement that the person must be a member of a religious group, that person should not be discriminated against because the person does not belong to the same religion.

However, employees, whether they are members of the same religion or not, are still required to comply with the school's or the organisation's values and policies. It is like anywhere. If a person works for BHP Billiton, for example, they will have sets of policies and procedures in place. A person may not agree with some of those policies, but that person is still required to act within and comply with those policies. Therefore if a person is not a member of a religious organisation but

the school requires that person to conform to its policies and values, that is expected to happen.

As I said last time, from talking to teachers and people in various institutions, that policy does not apply anyway. There are a lot of non-religious individuals who are not members of the same religious organisation operating a school and who are teaching in those sorts of institutions. So we are already doing it and I do not know what the fuss is about, with people saying you can discriminate. We are simply streamlining the law to apply to employment, and we are only talking about employment.

With these comments, I commend the bill to the house and hope it has a speedy passage.

Mr ONDARCHIE (Northern Metropolitan) — The Equal Opportunity Amendment (Religious Exceptions) Bill 2016 is the bill that I rise to speak to today. Can I start by saying that I am proudly a Christian. At this time of the year we should take the opportunity to celebrate the birth of Our Lord and also to reflect on the many, many blessings that we have in our lives. I take the opportunity today to reflect on all the blessings that I have had in my life, including my wonderful family: my wife, my five children and my three grandchildren. I reflect on them as a blessing to me for the things they have had in their lives and for the gift that they are from God to me.

This bill weakens the religious exceptions in sections 82 and 83 of the Equal Opportunity Act 2010. It is exactly the same bill as the Brumby government's bill of 2010, which inserted an inherent requirements test which never commenced. In 2011 the then Baillieu government restored the current test before the 2010 changes were to commence. The inherent requirements test is a hard test for an employer to meet because it bears the onus of proving that it is not possible to perform the duties of a given role while not possessing a relevant attribute. Under the changes proposed, it is quite possible under section 125 of the act for a religious body or school to either be forced to hire a person who does not share the values and faith of that body or face a remedy such as compensation if an aggrieved job applicant contests the rejection of their application on the basis of a relevant attribute.

The coalition took a position to the 2010 election, and we implemented it when we were in government. This bill upsets a sensible balance between the right to religious freedom and the principle of equality before the law. Further, the bill is based on no evidence that the current test is causing a problem in practice.

13:07:30 The bill undermines the longstanding balance in Victoria's equal opportunity laws that has protected our basic democratic rights to religious freedom and belief.

If it is passed in this Victorian Parliament, the bill would potentially force religious-based organisations to employ staff who may be opposed to the values of the school's community. This action by the Andrews Labor government is another attack, yet another attack, on religious organisations within the Victorian community. I can say that the Victorian Liberal-Nationals coalition is opposed to this bill and that a future coalition government, most likely to be elected in 2018, will be committed to repealing this legislation if it is passed by the Victorian Parliament.

Let me reflect on some commentary I have received from constituents in my own electorate and beyond. Marianne wrote to me:

My hope and prayer is that this bill will not be passed today or ever!

I am a Christian and chose to send my daughter to a Christian school. I wanted her to be taught the same Christian values and principles that she is taught at home. I value the partnership that we share — for example, family, school and church. All the staff at my daughter's school are Christians, and that is very important to me. Although my daughter has now finished school, I am still part of the school board. I wish all children could go to a nurturing Christian school like my daughter was able to do.

She asked me to vote against this bill being passed. Well, Marianne, you can be sure about that.

Travis and Ruth, who live in Pascoe Vale, told me by way of email that:

This legislation has no place in a vibrant, pluralist society. It is not within the government's purview to decree that faith, values, beliefs and behaviour cannot be inherently linked to all employment within faith-based organisations. Further, the government should not be in the business of deciding what is and is not the relevant requirements of a role. That is for individual organisations to decide.

Chris, who lives in Sedgwick, wrote to me and said:

In 2011 the coalition repealed this provision in the Equal Opportunity Act and prior to the 2014 election committed to continue protecting the freedom of belief and association. This newly proposed bill potentially punishes schools and faith-based institutions for employing people who share their faith and ethos if an applicant who does not share the faith-based institution's values feels they were better qualified than the successful applicant. This is an outrageous proposition.

Chris, I agree with you. Furthermore, he said:

Parents should have the right to send their children to be educated in schools sharing the faith they practise, safe in the

knowledge that the school they have chosen is able to uphold those values which have given rise to that institution's existence, not undermined by employees determined to subvert the values of that school.

The current religious exemptions in the Equal Opportunity Act means that faith-based schools can continue to employ people who share their faith without fear of reprisals, imparting that faith to the students whose parents have sent them to be raised in the specific values of that faith.

Chris from Sedgwick, I agree.

Katherine from Watsonia North wrote to me:

Education is more than formal lessons. Similarly, a school is not merely an employer or a workplace; a school is more than classes, grounds and an administration office. A school is a community. As a parent ... I am sure you see regularly that in a healthy, caring and vibrant school community all staff members and all parents are involved in all school activities ...

In a faith-based school these activities cannot be naturally separated from the day-to-day expression of faith.

We value highly the religious freedom we have to choose to be Christians and to choose a Christian school for our children.

Katherine from Watsonia North, I agree with you.

Amy from Whittlesea wrote to me:

Parental choice and religious freedoms are crucial. The rights of parental choice and religious freedom are a vital part of Australian democracy.

Amy from Whittlesea, I could not agree with you more.

My children went to a Christian school, and we chose that school because we wanted the people who worked at that school and the people who influenced their lives during that part of the day to share the same faith and values that we did, and it worked out fine. They have turned out to be wonderful human beings. I think schools should be allowed to employ people of their faith to make sure there is a consistency of message across the school.

So I say to the people who go to Christian schools or who run Christian schools: employ who you want that sit within your faith and your values so that they can impart them to our children. I say to the people of the Broadmeadows mosque who are looking to create an education precinct around the mosque: if you want to employ people of your faith, of the Muslim faith, to teach your children, do that. I say to the people of the Hindu mandirs — who I visit regularly in the northern suburbs of Melbourne — who want to have an education precinct around their temples: if you want to employ people around your faith, around the Hindu

faith, do that. Who is this government to say that you cannot?

There are many, many religious-based schools in this state, and parents make sensible decisions to send their children there or not. If they choose to send their children to a religious-based school, this government does not have the right to say that those people influencing those vulnerable children — children who are learning and developing — and teaching or influencing those kids in whatever capacity do not have to be of that faith. I will oppose this bill and speak against this every single day. I say to you, Acting President, as a message to those who advocate for this bill and to those who support this bill out in the community, by way of prayer: forgive them, Father, for they know not what they are doing. I will oppose this bill every single day.

Mrs PEULICH (South Eastern Metropolitan) — I also say that I cannot believe the government is actually doing this. I ask myself what planet they are on. This is an attempt to diminish, reduce and erode religious freedom. This is from a government that pretends to support multiculturalism. Well, can I say that without religious freedom there is no multiculturalism. Without religious freedom there is no democracy.

13:15:00 The arrogance of a government that thinks one set of values is going to be the blueprint for a pluralist society! It is not a democratic government. What they are trying to do with this legislation is completely out of sync with absolutely every other sphere of activity. We have Australians of the year, Victorians of the year, citizens of the year, students of the week. These are all people who we recognise and acknowledge as being good role models and examples of what we want to achieve and what we value. It is not just about a job or a task; it is the very character and the values of people who we as a society acknowledge, and this is an important part of a culture that seeks to always improve.

I am just going to read a definition of the term ‘role model’. It is absolutely crazy to say that you can only employ people with particular values if those values are directly related to the inherent requirements of a job. A job is more than just the tasks; it is everything that you represent. Companies typically seek to employ people who represent the core values and mission of their company. If it is good enough for the corporate world, if it is good enough for the political world — the Labor Party does not employ anyone who is not a member of the Labor Party; the Greens do not employ Liberals or climate change deniers — why is it any different for religious institutions? This government has an agenda

that chips away at religious freedom and the religious institutions that are an obstacle to the mindless pursuit of their social engineering agenda. They wish to control what people think, how people behave and how they relate to one another. I am sorry, but that is not democracy.

I was born under communism. I have lived it, and I do not want to go down that track. This government needs to take stock of itself. To return to the definition of ‘role model’, which we seek to acknowledge through various honours, it is:

A person who serves as an example of the values, attitudes and behaviours associated with the role.

That is a role model. That is why this bill is just sheer nonsense; it is absolute nonsense. As a former schoolteacher, let me say that everything a teacher does serves as role modelling for students. Students learn not just from direct instruction but also through osmosis of the values and the behaviours of those who fulfil this important task and have this important duty.

There are no two ways about it: this legislation would strip the faith-based exemption now granted to religious institutions from equal opportunity laws. The equal opportunity law is a piece of legislation which attempts to balance conflicting rights. I do not believe that there should be a hierarchy of rights. Who is to tell me that my religious belief — which is not necessarily an institutionalised one — is not critical to defining who I am? No arrogant government will. As a person raised under communism, let me say that I am suspicious of governments. I have been cynical of every government, including my own, but far more of the Socialist Left and Labor governments.

Churches and Christian schools, as well as every other religious institution, would be prohibited from showing preference towards job applicants who believe in their religions unless the courts can be convinced that adherence to the faith tradition is an inherent requirement of the job, so the onus of proof becomes the responsibility of the institution. Can you imagine how much that would cost to implement? Can you imagine the number of challenges by people who are committed to bringing down a number of religious institutions, especially the Catholic and Christian institutions? We would be having a challenge a day as a way of getting this tested in the courts.

As was mentioned by my parliamentary colleague Craig Ondarchie, the bill resurrects the previous legislation passed by the Brumby government but repealed by the coalition government before it came into effect — and we will repeal it again if this bill

passes. As soon as a coalition government is elected, we will be reinstating the right of religious institutions to employ people who display and who are committed to the values of their institutions. That is democracy. That is the essence of multiculturalism.

This legislation, if passed, will turbocharge discrimination claims by unsuccessful job applicants. Why do we have a different value placed on the rights of those whose business is religion, faith or theology, as opposed to those who peddle ideology? To me we are talking about the same rights. The threat of legal action will certainly have a chilling effect on schools and lead them — indeed force them — to consider hiring people who may be openly hostile to the teachings of their religion. This applies to Judaism and the Islamic and Christian faiths. Of course another comparable example is: would a legal brothel hire someone to do the typing or answer the phone who is judgemental of those who worked in that organisation? No, it would not. It does not fit with the mission of the business, the organisation or the institution.

There are other threats of course to religious freedom, including some of the excesses we have seen in terms of testing our vilification laws. The intent of those laws have been upheld by the courts and two cases which were intended to test them have been dismissed after hundreds of thousands of dollars being spent and the lives of two young men being thrown into turmoil. There will always be people who will test the laws, especially if they have an agenda that is hostile to institutionalised religion.

Another threat comes from the laws that prevent discrimination on the grounds of religious belief — and this is it — or which inappropriately hinder the freedom of religious organisations to employ staff who fit with the ethos of the organisation. That is essentially the right of any organisation in a democracy. How can it be a legitimate interest of the state to prevent discrimination but at the same time be reconciled with rights of religious groups to express their faith freely and to strengthen their own faith communities without it infringing unduly on the rights of others? This does not protect the rights of people living in a democratic pluralist society.

13:22:30 Parkinson, on page 15 of an academic article from 2007, stated that the vision for multiculturalism and critical to the success of multiculturalism is:

... the importance to religious minorities of the freedom to build and strengthen their communities not only through collective religious worship but also through religious schools, charitable organisations and workplaces without

being unduly restricted by laws which prohibit discrimination generally.

He also stated:

Religious values may also inspire people to engage in voluntary work, caring for others in the community, which reduces reliance on government-funded services.

Perhaps this is why the government is so hostile to religion.

As a child I was baptised in secret because the communist government of the country in which I lived did not condone religion. In actual fact my grandfather, who was religious really to stick it to the government, would celebrate his own saint's day. He was an orthodox Christian, and all the communists who came to drink his slivovitz and eat his roast pork would walk out of the house just when the prayers were being said.

Under that communist regime, anyone who was religious was typically discriminated against. They would not be able to get their children into universities or would not be able to get the public housing they might have been entitled to apply for. So there was this organised systemic discrimination against people of faith. Why? Because a communist regime likes to dominate the minds of its citizens. It wants to be the god, and that is why the church in Eastern Europe in many ways played a very, very important role, because we saw them as the people who defended freedom — the freedom of individuals.

The church that I belong to — I am a Catholic — is a very different church in many ways in Eastern Europe, and it was especially so when communism was still intact. The changes we saw in the early 1990s changed a lot of that in relation to churches here. Churches in Eastern Europe represented freedom, priests represented freedom, expressing your religion represented freedom, taking communion represented freedom and being baptised represented freedom, because it was the communist regime that always sought to take it away and to discriminate against people on the basis of their religion.

This is no different. This is a government wanting to shape and condition people as to what they should think and the values they should uphold. We see this in the government's introduction of the Safe Schools program in government schools. We see this in their attempt to impose a 150-metre buffer zone around abortion clinics, when a simple business solution could actually have been used to achieve a similar outcome without an incursion upon the right of people to protest.

There are so many other examples of this government's hostility towards anyone who has a system of values different to theirs. This government believes in diversity, or it says it does, but only if you agree with it. This government does not agree with diversity if you are a conservative, if you are a churchgoer or if you believe in traditional families. To this government that is not diversity. And of course that also applies to ideology. They believe in diversity as long as you are a lefty, you are a member of the Socialist Left or some other faction of the Labor Party, or you are a commo, but if you happen to be a Liberal voter, well no, we cannot have diversity. If you are true to the notion of diversity, it has got to protect the international rights of political freedom, freedom of association, freedom of religion, freedom of speech and freedom of thought.

Ms Shing interjected.

Mrs PEULICH — Do you require me to withdraw?

The ACTING PRESIDENT (Ms Patten) — No.

Mrs PEULICH — In democracies there is a long tradition of people holding, expressing and passionately debating their views of what is right and wrong. Communities who share faith-based values should be permitted to argue their understanding of the truth and of right and wrong, and they should be protected in doing so, as many are. To deny this is not just a disservice to democracy, it is a destruction of democracy. In upholding multicultural values the elimination of dissenting voices from the public forum is dangerous. If we begin to take powers of free speech from one minority, this can culminate in them losing their voice.

If an individual loses their ability to communicate with dignity and under the protection of the law — that is, to communicate their own truth, as it is understood through their religion — this can often lead individuals to seek alternative audiences for the beliefs they do hold, and I believe that is very dangerous. It basically sends people who hold different views underground and perhaps leaves them condemned by the public to seek more violent expressions of those views. I do not believe that that is healthy at all. In actual fact we have seen that played out internationally.

Religion is an expression of one's understanding of truth and should be protected. It does not inherently lead to disharmony in the community. One can respect a person with whom one disagrees. In introducing legislation dealing with religion a government needs to be cognisant of the fact that people of faith deserve the same rights and the same liberties as anyone else, and

there should not be this legislation that seeks to diminish those rights. To completely disregard one side of the argument undermines the values that the state of Victoria holds in high regard. It is important that all values are upheld and protected so we do not create forums for disputes that courts cannot resolve or that could create disharmony and weaken communities through their inability to properly protect individuals.

With those few words I indicate that I certainly hope this bill will be defeated should it proceed. I look forward to being part of a government that will reinstate the rights of people of faith and their religious freedom, which is the hallmark of our democracy and pluralist society.

Mr MORRIS (Western Victoria) — I rise to make my contribution to debate on the Equal Opportunity Amendment (Religious Exceptions) Bill 2016. I note that the main purpose of the bill is to insert into the act an inherent requirement test for employment in religious bodies and schools. Its main provisions are contained in clauses 3 and 4, which replace the current test with an inherent requirement test for religious bodies and schools. There are significant areas of concern for the coalition. In following Mrs Peulich's contribution, I indicate that I also have been a teacher. I say to Mrs Peulich that I am not sure we ever stop being teachers; I think we always continue on.

Having been a teacher, I certainly have significant concerns about this bill, as the bill weakens the religious exceptions in sections 82 and 83 of the Equal Opportunity Act 2010, under which religious bodies or religious schools can lawfully discriminate in the area of employment only when conformity with the doctrines, beliefs or principles of the religion is an inherent requirement of the particular position being considered and when the person's religious belief or activity, sex, sexual orientation, lawful sexual activity, marital status, parental status or gender identity means that that person does not meet that inherent requirement. This is of course a weakening of the current test in sections 82 and 83 of the act, where section 82(2) currently provides that for religious bodies:

13:30:00

- (2) Nothing in part 4 applies to anything done on the basis of a person's religious belief or activity, sex, sexual orientation, lawful sexual activity, marital status, parental status or gender identity by a religious body that—
 - (a) conforms with the doctrines, beliefs or principles of the religion; or
 - (b) is reasonably necessary to avoid injury to the religious sensitivities of adherents of the religion.

I make these points because what we are seeing here is in effect an attempt by this government to weaken the important church-based and other faith-based organisations in our community. Having been a teacher at both government and Catholic schools, I certainly understand the importance of faith as it is in Catholic schools. I heard Mr Melhem earlier say that there are many people who teach within Catholic and other independent schools who are not necessarily of that faith, and that is true. What is important, though, is that those organisations have the capacity to be protected to ensure that the people who are employed at their organisations are not in direct contradiction of or against what that community or that organisation believes in. I would not see anybody on the government benches choosing to employ a member of the Liberal Party as their electorate officer, and I think the same test applies. If you have got someone whose views directly contradict one's organisation, that organisation should have the capacity to be able to choose to employ someone who has the same views and the same values.

I went through a Catholic kindergarten, primary school and secondary school, and onto a Catholic university, and I certainly appreciated the opportunities that I was given in those organisations and the faith and the values that were instilled in me in those organisations. If it was legislated that these organisations had to employ people whose views were contradictory to their important values and views, then I certainly see that it would lead to a weakening of these very important institutions in our community.

I think this bill is just a continuation of what we have seen from this government, which has been an assault, as Mrs Peulich referred to it earlier, on anybody that does not agree with it. We have a government that says it is all about diversity. They agree with diversity and they want to celebrate it, but only if it is diversity that they condone and only if it is the diversity that they think is important. Indeed anybody who has anything of a slightly more conservative view than them will just be labelled bigots — their views should be ignored and indeed ridden roughshod over — because their views are not valued by this government. This government is all about picking winners and losers, and in this case it is religious organisations that would be the significant losers if this bill were to pass.

If this bill were to pass, I am very pleased that under a Guy government in 2018 it would be repealed, and again our religious organisations and others could have certainty to operate in a way that they should expect to be able to well into the future. What we are seeing here is an attack by this government on religious freedom. If you are a person of faith, if you are involved in an

organisation that is faith based — and faith is an incredibly important part of many, many people's lives — we are seeing here a government that is attempting to attack that to ensure that only leftist ideals are those that can be celebrated in our community.

I note that we still have a prayer to begin each day in this house, and that is something that I wholeheartedly support. I think one of the best parts of each day in this house is when we come in and the President recites the Lord's Prayer. We have a moment of silence and reflection to think about why it is that we are here and who it is that we are here to represent. We acknowledge our important heritage and culture through a very important prayer, and one that means a lot to many, many Victorians. But again what we are seeing here is that this government is saying no — that the views of people of faith, those who believe in these things, are not valid. They are not valued at all by this government. They will seek to ensure that these organisations that uphold our important faith are the ones that are going to be dictated to by this government.

What really just needs to happen here is that a strong message needs to be sent to the government to get out of people's lives and allow people to live the way that they want, because people are sick and tired of being dictated to by government about the way that they need to live their lives. Organisations are sick and tired of having this government say, 'It is our way or the highway. It is either that or you do what it is that we say you are going to do, because your views and beliefs are not important. What is more important is that we impose our leftist ideals on you and that you abide by them, whether you agree with them or not'. That is what we are seeing from this bill. We are seeing that faith and values are not respected. We are seeing that the importance of these faith-based organisations is being ignored, and it is really a shameful act.

As Mrs Peulich said earlier, she could not believe that we are having to discuss this bill and debate this bill, and nor can I. I cannot believe that this government would go so far as to attempt to dictate to faith-based organisations who it is that they are going to employ in the important roles.

It is important that schools and other organisations can employ teachers and people who work in administration roles who share their beliefs and values. The saying goes, 'It takes a village to raise a child', and that is something I wholeheartedly believe in. I choose to send my children to a Catholic school, and it is a wonderful Catholic school. It is through the faith of everybody who works at that school and through their understanding about the importance of faith that those

views can be instilled in my children. That is something I believe is incredibly important. For the government to say that it does not believe it is important — that my views and my beliefs and those of many like me should be ignored — is shameful.

I draw a parallel here with what we have seen regarding the puppy farms legislation that was discussed earlier today. What we see is that we have a government that has an ideal that it wants to dictate to the Victorian people. We see that this government does not believe that large-scale breeders can do their job properly. It believes that the only way dogs can be bred is in small numbers. There is no scientific basis for this belief. What we are seeing is the ideology of this government being dictated to the Victorian people. Rather than understanding the different views across our community, this government would rather just dictate and say, 'No; it's our way or the highway. It's what we believe is important. Diversity of views in our community is unimportant because we need to elevate our leftist ideals. These are the only valid ones in our community'.

I certainly hope that this house sends a very strong message to the government that we are a diverse community and that true diversity should be celebrated. This bill would seek to weaken our faith-based organisations, and that is something I am very pleased that those on this side of the house will not stand for and will certainly vote against.

Mr DAVIS (Southern Metropolitan) — I am pleased to make a contribution to the Equal Opportunity Amendment (Religious Exceptions) Bill 2016. I indicate that the opposition will oppose this bill. We have thought long and hard about this. We have consulted very widely too, both with those who would seek to remove the current arrangements that are in the Equal Opportunity Act 2010 and with those who would seek to protect them. We had a bill in this chamber recently, brought by the Greens political party, which dealt with many of the same issues regarding schools and was student focused, if I can put it that way, rather than focused on the institutions themselves, but many of the same arguments come to the fore.

As I said, we have consulted very widely on this, and I appreciate the contributions of Independent Schools Victoria, the Catholic education office and the national bodies representing independent schools and Catholic schools. I am not going to cover all of the ground that I covered in that other contribution, but many of the same arguments apply.

Essentially either we treat religious freedom seriously or we do not. Within our broadly liberal society we have to make decisions as to what we will tolerate in terms of religious belief and the area or the scope that is given to religious organisations to legitimately prosecute their beliefs and to organise their institutions and affairs in a way that fairly enables them to follow their religious views. A tolerant and fair liberal political order will actually accord the maximum zone to religious institutions, particularly where there is choice and diversity and people are not compelled to select a particular choice or example. Such is the case largely with schooling in terms of our religious institutions. This seems to be the primary focus. If you believe in schools of a range of different types and that that diversity is a strength and an advantage, it behoves you to put in place legal frameworks that enable those institutions to exist and to not be excessively heavily regulated in a way that is, frankly, I think, unnecessary.

It is important to realise here that there is a history to this. Prior to the 2010 state election the Brumby government legislated to change the existing arrangements with the inherent requirements test. The newly elected Baillieu government reversed that change before the change was implemented, so there is now continuity.

Ms Shing — Your leader missed the vote on amendments to the Equal Opportunity Act.

Mr DAVIS — I do not recall that. I did not miss the vote. I was the leader here then. Let me be quite clear: the law was changed, and it was changed back again. The new Andrews government is now seeking to reverse those changes from 2011. That is the short version of the story in terms of history.

Our position has been consistent throughout — that in fact there is no need to change these arrangements. There is no clamour from the community. There is no clamour from students. There is no clamour from a whole range of religious groups or others that these changes ought to be made. In fact there is a settled understanding, I believe, in the Victorian community that religious schools ought to be able to arrange their affairs pretty much within a reasonable bound in a way that is in accordance with their religious arrangements. That is not to say that any step would be tolerated, because of course it would not. In a liberal society of our type we have to put in place arrangements that ensure that individuals are also protected. But my point here is that this is a balance to be struck, and it is a balance that is quite appropriately struck in this chamber and the other chamber of Parliament. It is a

balance that is able to be maintained through our position to oppose this bill.

I do not believe there is that clamour. I do not believe there is a need to change this. I believe that students who are able to go to a range of different schools can select and can choose. Their parents can make decisions about what suits that family, that child and that set of arrangements. That is actually a strength, not a weakness. There are clearly some religious practices that go too far and ought to be prevented or regulated, and Parliament has taken steps on such matters in the past, but on this matter I think the coalition has made the right decision again to oppose a change in the law and to indicate that the current arrangements are the appropriate balance to be struck.

13:45:00 **Mr RAMSAY** (Western Victoria) — I appreciate the opportunity to make a small contribution to the Equal Opportunity Amendment (Religious Exceptions) Bill 2016, and I also note that the opposition will oppose this bill for a number of reasons that I am now going to elaborate on. As Mr Davis has indicated, we have taken that position with a significant amount of consultation with different stakeholders, particularly the Catholic education office and other schools, and have not done so lightly, because obviously this is an important bill, and certainly we on this side of the chamber are concerned about the impost and lack of choice and freedom that has been indicated by previous speakers that those schools would have, in fact, if this bill is successful.

I see a pattern here by the Andrews government in relation to having its fingerprints all over our rights as a free society. A typical example is when it removed religious instruction out of the curriculum in state schools and moved it into after-hours, where parents can have their children attend if they so wish. Certainly when I was at school it was very much part of the curriculum. It just gave a broader understanding of life, the creation of life, faith and the story behind it, which we know as the Bible and which even now many of the current generation refer to often.

To take that out of a school curriculum and replace it with a proposed social engineering, anti-bullying piece of curriculum is typical, I believe, of the ethos and the philosophical and ideological push by the socialist Andrews government in choosing pathways for schools and consequently for students, bypassing the rights of those schools to have some rights in relation to how they deliver that curriculum — in this case their faith — and the people they want to employ to provide that delivery with respect to that faith, but it is also taking the power away from principals and parents in how

they wish their children to be taught, to behave and to understand themselves in a school environment.

This is not a surprise to me that we would be speaking to a bill of this nature, given what the Andrews government has already indicated about how it wishes to proceed in relation to engineering our thought patterns from a very young age — and in fact the anti-bullying program is really, as we know, just another Marxist, communist, socialist plot to divide and conquer our current generation — into providing thought patterns that are systematic and consistent with its own ideology. We have got to take a very strong stand in relation to what this government is trying to do to our youth, to our students and to our children, who are the most vulnerable obviously in relation to learning and experience, and this is one part of it.

I am not going to go into detail — I think Mr Davis and others have gone into detail — on why we are opposing this bill, but I do see this as a strike against religious freedom. I do see this as a strike against choice of schools to be able to employ whom they wish, consistent with the faith which they are trying to pass to the students and which the parents want them voluntarily to learn and experience. I see this as a strike against single-sex schools, whereby again in an underhanded manner it is looking to try to obliterate from the education landscape single-sex schools.

I am pleased to say that the opposition is strongly opposing this bill. I hope it will not succeed, and my hope is that faith-based schools will still have the opportunity for choice and freedom to be able to employ and provide an educational experience to those who wish to learn from those schools and to have that option without interference and without the interference of the Andrews government, which has spent its whole two years interfering in our lives.

Ms LOVELL (Northern Victoria) — I rise to speak on the Equal Opportunity Amendment (Religious Exceptions) Bill 2016. Religious freedom is one of the foundations of our society, and as Mrs Peulich said earlier, without religious freedom there is no democracy. Yet Labor has had a long-term agenda to remove religious freedom in Victoria. In 2009 the then Brumby government introduced legislation to insert an inherent requirements test into the Equal Opportunity Act 2010. That particular bill was passed, but the provisions were not scheduled to commence until August 2011. The then Liberal opposition committed that, if elected to government, it would repeal those provisions. We were elected to government in 2010, and we had a mandate to reverse the Brumby legislation, and because of that mandate and the

reversal of that legislation we were able to preserve religious freedom in Victoria.

Now Labor once again wants to remove the rights of our community, our churches and our schools to religious freedom. I have spoken to many of my constituents and my faith-based schools about this legislation, and I am yet to find one person who agrees with it. Religious schools in this state are a large percentage of the non-government schools, and of course the Catholic education office is the biggest provider of faith-based education in Victoria. But there are also other schools that provide faith-based education, and some of that is Islamic education.

13:52:30 In Shepparton, where I come from, of course we have a wide variety of nationalities and it is a very multicultural community. We have an Islamic school, which is really an independent school, but parents do send their children there because it has Islamic beliefs and an Islamic basis to it. Those parents want to be able to have that choice, as do the parents who choose to send their children to Catholic schools or any other religious-based schools. Parents choose to send their children to the faith-based schools purely because they want their children to benefit from the beliefs and values of the faith that the parents practise.

This legislation ignores the rights of those families to choose the type of education that their child receives and also ignores the rights of the different faiths to choose staff who will uphold the doctrines, beliefs and principles and the particular faith at their schools.

There are 700 non-government schools in this state: 207 are listed as independent and 493 as Catholic. Thirty-seven per cent of all our students are educated in non-government schools, and parents choose those schools based on their right to choose a faith-based education for their children.

As I say, parents send their children to schools that align with their own faith and values, and they want and they expect to be able to continue to do that. The Liberals value the parents' right to choose. Our leader has said that if this bill was to pass, if re-elected in 2018 we will restore the right of parents to make this choice by restoring the rights for religious-based schools to employ teachers who uphold the beliefs and values of these schools.

When you send your child to a school that is religion based you do expect that your child will participate in some of the activities of that school that may involve your faith, and in turn the school also expects that the teachers it employs will participate in school activities,

and this may involve the reading of prayers or participation in religious ceremonies, and therefore it is important that the school is able to choose the staff that do uphold its values and its beliefs. To remove this right is a contradiction by the Labor Party. Political organisations also have an exception that allows them to employ staff whose beliefs align with their own party's beliefs. Can anyone here imagine that the current Andrews Labor government would employ a Liberal as a ministerial adviser or a chief of staff to the Premier? I think hell would probably freeze over the first.

We should remember that it is not that long ago that the Labor Party actually required all members of the organisational wing to sign a pledge as part of their application for membership that said, 'If I employ labour, I will only employ trade union labour'.

So Labor members think it is okay for them to choose staff in electorate offices, ministerial offices and the Premier's office in a way that ensures the staff members' values and beliefs align with theirs, but it is not okay for faith-based organisations to do the same, nor is it okay for a parent to choose an education for their child where the school upholds the same beliefs and values of the parent.

I am pleased that our leader, Matthew Guy, has already indicated that if this bill was to pass and become law, if elected to government at the next election we will repeal these provisions and restore religious freedom and choice for families in Victoria.

Ms FITZHERBERT (Southern Metropolitan) — I rise to speak on the Equal Opportunity Amendment (Religious Exceptions) Bill 2016. The coalition obviously opposes the bill. In recent years the government and the opposition have had very different positions in relation to religious exceptions in the Equal Opportunity Act, and this continues today. The Brumby government reviewed the Equal Opportunity Act 1995 in 2009 and then legislated to insert an inherent requirements test into the act. However, those provisions never commenced. They were due to commence in August 2011, but with the change of government the previous year the Baillieu government had won office with an explicit commitment to restore the previous position in the Equal Opportunity Act. The legislation, as we all know, was first enacted in 1977 under the Hamer government, and for its time it was a very forward-thinking piece of legislation. At that time it was restricted to marital status, gender, employment, education, accommodation and the provision of goods and services.

As an aside, I want to acknowledge the work of the late Jeanette Patrick on the landmark equal opportunity legislation. Jeanette Patrick was elected in 1976 and was only the fifth woman elected to the state Parliament. For two of her years in the Parliament she was the only woman in the house of Assembly. She served as a member until 1985. When she was asked after her retirement about her proudest achievement in government, she nominated the Equal Opportunity Act 1977. Ms Patrick was a former lawyer with a particular specialty in representing women in family law disputes and was proud to have assisted in the research, drafting and passage of the act. In doing so she left a fine and very fitting legacy.

In 1984 the Cain government broadened the Equal Opportunity Act, and extra attributes were introduced. These were race, religion, ethnic origin, political belief and de facto spouse status. Later, in 1995, the Kennett government also expanded the reach of the act. Again, new attributes were incorporated: age, carer status, disability, industrial activity, lawful sexual activity, marital status, parental status, physical features, pregnancy, race, religious belief and activity, sex and personal association with someone perceived to have one or more of those attributes. Yet more change came in 2000, when the Brumby government added breastfeeding, sexual orientation and gender identity to the act as new attributes to be included in its coverage.

Critically, since 1984 exceptions to the act have been in place. They are exceptions which relate to religious belief and the ability for organisations to rely on religious beliefs and doctrine, where necessary, to lawfully discriminate. This has continued under Liberal and Labor governments alike over that period.

14:00:00 To date what is not clear from the government's advocacy of this bill is the evidence to show that we need a change to the act in this regard. How does the current act fail by maintaining those exceptions? Where are the people who have been badly or unfairly treated?

Business interrupted pursuant to sessional orders.

RULINGS BY THE CHAIR

Questions without notice written responses

The PRESIDENT — Order! I have just received a copy of a response to Ms Crozier to a question asked on 24 November, and the question was to the Minister for Families and Children. Whilst the answer does go to answering the question, the answer also contains a phrase which would not be acceptable if it were made

in the house. I would seek a withdrawal of the comment in the response from Ms Mikakos.

Ms MIKAKOS (Minister for Families and Children) — President, I believe I understand the reference that you may be making, and I wish to withdraw that statement.

The PRESIDENT — Order! The answer itself stands without that phrase.

QUESTIONS WITHOUT NOTICE

Malmsbury Youth Justice Centre

Ms CROZIER (Southern Metropolitan) — My question is to the Minister for Families and Children. Minister, a young offender at Malmsbury was bashed by fellow offenders on Thursday, 1 December, and again on Saturday, 3 December, with an ambulance called. This particular young offender who was group bashed also has a disability. Despite two previous assaults, this young offender was on Sunday evening bashed again, this time having his head split open, requiring urgent medical attention. Minister, you have a protocol in relation to being notified of every category 1 incident, so I ask: how soon after each of these serious assaults were you notified?

Ms MIKAKOS (Minister for Families and Children) — I thank Ms Crozier for her question in relation to these matters. The allegations that she has made relate to relatively recent matters. There are protocols in place in relation to the notification to Victoria Police in relation to assaults. There would therefore be an active police investigation if the matters that the member is asserting were to be correct. But similarly, where there is a category 1 incident, there is a process in place which is similar to what was put in place in relation to the previous minister under the previous government. I would need to provide a written response to the member in relation to these matters.

But can I just say that I am very concerned about the pattern of Ms Crozier and members of the opposition coming to the Parliament and making assertions in relation to these matters. For example, just in question time in the Assembly the Leader of the Opposition posed a question to the Premier in relation to an incident at Malmsbury on 24 November.

Ms Crozier — On a point of order, President, I would suggest that the minister is debating and is not going to the point of my particular question. I would ask you to bring her back to the specifics of my question.

The PRESIDENT — Order! The minister has actually undertaken to provide the member with a written response, so in that sense she has answered the question to the extent that we would expect an answer to be given in this particular session today. I am not sure at this point whether what the minister is now leading on to actually does constitute debate. I am prepared to hear her out, at this time at any rate.

Ms MIKAKOS — The issue that I am posing relates to the credibility of the member and the opposition in posing these questions, because the Leader of the Opposition has just posed in question time in the Assembly a number of things and made assertions to the Premier in relation to matters that he alleged happened on 24 November at the Malmsbury youth justice facility. I am advised that no code white was logged, no computer records were accessed and no faeces were thrown at staff. So we have got a situation here where we have had the opposition over the course of a number of sitting days now make a number of misleading statements to this Parliament about things that it has asserted have occurred. Last week we had claims that a crime scene — —

The PRESIDENT — Order! Minister, I think you have made your point. I think I have shown some leniency in terms of the debating aspect of our standing orders, but you have made your point. Can I also make the point that in some cases some of these matters that are raised could well be clarified by substantive answers rather than some answers that go around the point without actually addressing the matters raised. I am not just referring to this sequence of questions. The more the house is able to be informed and members are informed the better the quality of the debate and the consideration of these matters will be. Of course, Minister, we all do appreciate that in your case this is a very serious matter that you are having to deal with.

Supplementary question

Ms CROZIER (Southern Metropolitan) — Minister, this is a premeditated series of attacks, with three serious assaults over a four-day period on an offender with a disability. What action has been taken to make sure that this targeted campaign does not result in a client death or the death of a young offender, as Malmsbury youth justice staff are fearing?

14:07:30 **Ms MIKAKOS** (Minister for Families and Children) — I thank the member for her question. These are very sensitive matters, as I would hope the member would appreciate, and I certainly hope that the member would not be making false assertions, as she

has demonstrated a pattern of, in relation to the accuracy of the claims that she is making.

Can I just say these are obviously operational issues that management respond to in terms of any threat that might be made or any assault that might be made on a young person in these youth justice facilities. There is an appropriate response to these issues by management, and I will be seeking a written response to Ms Crozier in relation to this matter. But what I can say to her is that we are also recruiting more staff — something that the previous government did not do — with 41 additional positions to improve the safety of both the young people and the staff in our youth justice facilities.

Youth justice centres

Mr FINN (Western Metropolitan) — My question is to the Minister for Families and Children. Minister, you previously indicated that a new youth justice centre may need to be built, and yesterday the Premier said:

I think we are probably more likely to have to build a new facility on a greenfield site, at a different site other than Parkville.

Minister, has the Department of Health and Human Services identified any potential sites in Victoria as the new youth justice centre to house the most violent and dangerous young offenders, and if so, where?

Ms MIKAKOS (Minister for Families and Children) — I welcome Mr Finn's question in relation to this matter, because what has been very clear and what I indicated to the house last week is that in response to an Ombudsman's report the previous government failed to take any action for four whole years in relation to the redevelopment of the Parkville youth justice facility. By contrast, our government has committed to redeveloping the entire Parkville youth justice facility.

As I have also indicated to the house previously — and Mr Finn would have been present on that occasion — we are now undertaking, and we have been undertaking for many months now, a full business case in relation to this redevelopment. I have expedited this business case in response to recent events and the destruction that has occurred at the Parkville site. We will be in a position to have something to say about this matter very soon, but as the Premier has indicated, we are considering a range of options, as you would expect in a business case. It will go to the issues around the site; it will go to a range of issues.

We are getting on with the job of addressing the issues that the previous government failed to address — that is in relation to infrastructure, that is in relation to staffing numbers and that is in relation to the operating model in our youth justice facility — so it is interesting that the opposition now have a new-found interest in our youth justice system, because they certainly did not have it for four years.

Mr Finn — On a point of order, President, the minister is answering something, but it is not this question. I have asked specifically if any potential sites have been identified and where those sites are. It is a very to-the-point question, and I would ask the minister to give a very to-the-point answer.

The PRESIDENT — Order! Your question was actually more specific than that. Your question, as I heard it, was about a site. In any respect, the minister has actually indicated that a range of options are being pursued in a business case form. The question revolves around: what does ‘identified’ mean? Are we looking at those ones that are in the business case in a broad scope, or are we looking at specifics? I will allow the minister to continue and to perhaps address whether or not there are some particular sites that have been looked at.

Ms MIKAKOS — President, thank you. As I have made clear to the house, there is a business case that is in development. I will have more to say about this matter soon, but obviously the business case is going to consider issues around the site and the appropriateness of the site. It is obviously going to consider issues around the adequacy of the existing site or whether an alternative site should be the location. As I have indicated, the business case is in development at the moment, and the member will need to wait until I have more to say about this matter.

Supplementary question

Mr FINN (Western Metropolitan) — I thank the minister for her response, as distinct from an answer. Minister, what assurances can you give the Victorian public that detailed community consultation will occur with affected communities, including the local government concerned, prior to progressing any future youth justice site for Victoria’s most violent and dangerous young offenders?

Ms MIKAKOS (Minister for Families and Children) — I can advise the member that of course there will be consultation as part of this process with affected local councils and others who might have an

interest in this particular issue, but I will have more to say about the issue very soon.

Parole reform

Mr O’DONOHUE (Eastern Victoria) — My question is for the Minister for Corrections. Minister, following the murder of too many women at the hands of parolees, the previous government commissioned the Callinan review. At the change of government all but a handful of the recommendations of that review had been completed. Wade Noonan, the first of four corrections ministers thus far under this government, promised last April that the final outstanding recommendation, the comprehensive case management system for the Adult Parole Board of Victoria, would be completed by last December. Minister, it is 11 months since this deadline was passed. Why has this important recommendation not been fully implemented?

Ms TIERNEY (Minister for Corrections) — I thank the member for his question. The Callinan report is a very important report to this state and has provided significant direction in terms of this government’s approach to corrections. The member is quite correct: there is one outstanding issue. It is an issue that deals with the transfer and the exchange of information, and primarily the information technology aspects of the corrections sector. We are working through those issues. I am more than prepared to provide him with a more detailed written response consistent with the position adopted by my ministerial colleagues, and that will be done within the prescribed time lines. 14:15:00

Supplementary question

Mr O’DONOHUE (Eastern Victoria) — Thank you, Minister, for that response. I ask by way of supplementary question: Minister, the delay in implementing this recommendation is a risk to community safety. By which date will this recommendation be fully completed?

Ms TIERNEY (Minister for Corrections) — The answer to that question will be comprehended in the substantive answer.

Water policy

Mr O’SULLIVAN (Northern Victoria) — My question is to the Minister for Agriculture. Last week a secret business case revealed the Andrews government is pursuing a north–south–north pipe dream that would cost \$277 million. It would require upgrades to pumps and 14 kilometres of pipes that would have to go either under or over the Yarra River and would cost farmers

up to \$1500 per megalitre for that water. Minister, what advice do you have from farmers that they could afford such prices for water for irrigation?

Ms PULFORD (Minister for Agriculture) — I thank Mr O’Sullivan for his question and for his interest in the way that Labor governments build the water grid in Victoria and develop water infrastructure in a way that coalition governments never do. I also congratulate The Nationals on the lifting of the gag order we had in place last week. I indicate for the member that the minister responsible for water infrastructure is indeed the Minister for Water, Ms Neville. Minister Neville, as do I of course, engages in very frequent dialogue with Victorian farmers about their priorities and what matters to them, and we will continue to do so. I will provide Mr O’Sullivan with a written response.

Supplementary question

Mr O’SULLIVAN (Northern Victoria) — Earlier this year the Victorian Farmers Federation (VFF) told the Andrews government:

The VFF questions the rationale behind the proposal to reverse the north–south pipeline given public knowledge suggests it is not possible and water pumped north across the Divide would not be affordable for Victorian irrigators.

Minister, why did your government ignore the qualified advice of the VFF and the impacts the project would have for farmers and forge ahead with a secret business case at taxpayers expense?

Ms PULFORD (Minister for Agriculture) — I thank the member for his supplementary question. Unlike those opposite, our government does not ignore the advice of the Victorian Farmers Federation.

Hazelwood power station

Mr DAVIS (Southern Metropolitan) — My question is for the Minister for Small Business, Innovation and Trade. I refer to your statement, Minister, to the house on 10 November, and I quote:

There is nothing in relation to the closure of Hazelwood power station that relates to the portfolio responsibilities of small business.

Given the public notices in the newspapers last week, and again I quote:

The weighted average tariff variation for affected small business electricity consumers is an increase of 13.4 per cent —

Minister, do you now concede that you were wrong and that the closure of the Hazelwood power station will

have a significant impact for Victorian small businesses?

Mr DALIDAKIS (Minister for Small Business, Innovation and Trade) — What I concede is that Mr Davis likes to try to verbal people, and *Hansard* will not allow him to get away with it. What I can tell you, President, is that in fact what I actually said at that time, which I maintain, is that my portfolio of small business actually relates to policies in relation to things like programs, such as mediation programs and the small business bus. It does not go towards issues that Mr Davis likes to conflate in relation to small businesses and any other policy, including intergalactic space travel.

Supplementary question

Mr DAVIS (Southern Metropolitan) — I do not think the small business sector will appreciate being equated with intergalactic space travel. But I take the minister’s answer and I ask the following question: did you on any occasion attempt to put the case of your small business stakeholders to any of the forums to which you have access that an unnecessary and ideologically driven new carbon tax on coal, the resulting closure of Hazelwood and the consequent price rises were not in their interest?

Mr DALIDAKIS (Minister for Small Business, Innovation and Trade) — I really wish I could take this question on notice, but unfortunately the substance of the question is so little that it does not allow me to do so.

There are two points to make. One, it is actually his federal counterpart in the Liberal Party that is proposing a new tax, not us. That is number one. Two, the role of the small business portfolio has nothing whatsoever to do with Engie’s decision to close down not just Hazelwood but the majority of its gas and electricity plants around the world. The sooner that Mr Davis stops his scare campaign and implying that somehow the Victorian government was involved in this, the better it will be for everybody, because unfortunately for Mr Davis that is not how the world works. An international company chose to close down its plant — we had no decision available to us to change their mind — just like they closed down a plant in WA under a Liberal government. That was not the WA government’s problem; that was the company’s decision, just like it was with Hazelwood.

Ordered that answer be considered next day on motion of Mr DAVIS (Southern Metropolitan).

14:22:30

Member for Footscray

Mr ONDARCHIE (Northern Metropolitan) — My question is to the Minister for Small Business, Innovation and Trade. The member for Footscray in the other place has been serving as a special adviser in the trade and innovation space at the Premier’s request as well as travelling on overseas junkets alongside the Premier, she has access to the minstaff email network and she has an office in your ministerial department. Given that the Premier has requested the member for Footscray take on this special role in two key aspects of your portfolio, can you detail for the house what responsibilities the member for Footscray has in your trade and innovation portfolio for the Andrews Labor government?

Mr Dalidakis — On a point of order, President, as the member has identified, Ms Thomson in the other place is indeed a special adviser to the Premier. That would mean either his question would have to be directed to the minister representing the Premier or he would have to have one of his colleagues in the other place direct it to the Premier himself.

Mr Ondarchie — On the point of order, President, this question was specifically related to the minister’s portfolio and what role the backbencher has in his own trade portfolio.

The PRESIDENT — Order! I concur with Mr Ondarchie on his contribution to the point of order, and I believe that the question in the way it was framed is actually in order. It did refer to facilities that were available in Mr Dalidakis’s office and certainly to responsibilities that he has in that trade area, so the question is in order.

Mr DALIDAKIS (Minister for Small Business, Innovation and Trade) — What I will say is that Marsha Thomson has had a long period of service in this chamber in particular as well as in the other place. She does an amazing job supporting the government, and we are very lucky to have her.

Supplementary question

Mr ONDARCHIE (Northern Metropolitan) — I am tipping that might be referred to a bit later. Minister, is the Premier’s promotion of a backbencher to be his lead government special adviser for trade and innovation a reflection of how little faith the Premier has in your capacity as Minister for Small Business, Innovation and Trade?

Mr DALIDAKIS (Minister for Small Business, Innovation and Trade) — I welcome Marsha

Thomson’s involvement in all areas of government policy, given her longevity and experience in government, in policy formation, across the board and across her career. She has much to offer, and I am very great for anything she provides in my portfolio.

Autism schools

Dr CARLING-JENKINS (Western Metropolitan) — My question is to the minister representing the Minister for Education, Minister Tierney. Minister, children with autism need consistency and stability in all areas, including schooling. A child within my area of Western Metropolitan Region who currently attends an autism-specific school has been refused re-entry to this school next year. The only reason given for this is that children living geographically closer to the school have been given precedence over this child, even though this child currently attends the school. This refusal has left an eight-year-old not just without consistency and stability in schooling but without a school placement for next year. The minister’s office has been made aware, the education office has been made aware and obviously the school is aware, but no action has been taken to genuinely assist this child, who is now being denied an education in this state. Minister, will the Minister for Education intervene to ensure this child can retain their placement in the autism-specific school?

Ms TIERNEY (Minister for Training and Skills) — I thank Dr Carling-Jenkins for her question. Can I say to Dr Carling-Jenkins that I would like her to provide me with the correspondence that she has sent to the minister and the department. I will also request that the relevant minister respond within the prescribed time lines.

Supplementary question

Dr CARLING-JENKINS (Western Metropolitan) — I thank the minister for her response. I certainly will take the opportunity to supply correspondence directly to her. In her taking this question on notice I am concerned that this may not be an isolated case, so I wonder if the minister can assure the house that this is an isolated case and not a systemic issue within schools catering for children with disabilities in this state.

Ms TIERNEY (Minister for Training and Skills) — Can I ask the member whether she has actually posed that question in the correspondence that she has sent so far to the minister?

Dr CARLING-JENKINS (Western Metropolitan) — Not the supplementary, no.

Ms TIERNEY (Minister for Training and Skills) — Okay. I will also ask that question of the minister.

Portland energy supply

Mr PURCELL (Western Victoria) — My question is to Minister Pulford, representing the Minister for Energy, Environment and Climate Change. Ongoing energy supply in my region is a serious problem, and we need what could be a radical and possibly unpopular solution. I believe a nuclear power plant in Portland is the answer. Baseload power supply is a problem for Victoria, which is highlighted by the imminent closure of Hazelwood and likely power price increases by up to 10 per cent next year. Also, last week the power supply to Portland's Alcoa plant was out for over 5 hours, which was very possibly the death knell of the Alcoa smelter. My question to the minister is: will she consult with the people of Portland to determine their support for establishing a nuclear power plant in their town?

Ms PULFORD (Minister for Agriculture) — I thank Mr Purcell for his question, and I note the sound through the chamber of 39 sets of eyebrows going up at the one time —

Ms Shing — No, some of the people only have one eyebrow.

Ms PULFORD — save and except for that — at Mr Purcell's innovative suggestion in an area that is of course very hotly contested. It is a suggestion that proposes a solution that, as I understand, is currently prohibited by both state and federal legislation. I would add to that that the Labor Party's national platform does not support the establishment of nuclear power plants either.

14:30:00 But I think at the heart of Mr Purcell's question is a very deep concern about the Portland community and communities in the south-west and how we diversify and strengthen the local economy there. All members would be well aware of the challenges faced by Alcoa last week. As I am sure Mr Purcell is well aware, the government is in regular dialogue with the company and with the federal government, as well as with community leaders in Portland, and will continue to work closely towards what I hope is a satisfactory solution to what was a really difficult set of circumstances last week.

I can certainly assure Mr Purcell that the government is very focused on opportunities to strengthen and support the economy in Portland. It is a community that has a

very large proportion of its workforce and therefore income in the town derived from a single location. I note Mr Purcell's interest in pursuing any avenue that will strengthen Portland, and I commend him for that. On the question of a nuclear power plant in Portland, I will resist the temptation to comment further and perhaps seek a written response from the responsible minister.

The PRESIDENT — Order! Mr Purcell, I can sort of guess what the front page of the local paper is going to be this week.

Supplementary question

Mr PURCELL (Western Victoria) — I appreciate the minister's response and the position of her party. However, I do in my mind see what Portland will look like a few years after Alcoa closes, and I think there are some options. The first option is that we have tumbleweed tumbling down Bentinck Street or Percy Street in Portland, or we do see a nuclear power plant there, where we can have industry, we can have a refurbished smelter and we could have a pulp and paper mill — all very heavily reliant on energy. So I ask the minister: if the people of Portland actually support such a plant, why would you not support them and help develop a thriving industrial area in the township of Portland?

Ms PULFORD (Minister for Agriculture) — I thank Mr Purcell for his further question, again noting my earlier response and indication that I will seek a written formal response from the relevant minister as well as on those other matters around current state and federal prohibition plus the Labor Party's position on these matters. I would note also that a number of years ago there was a plebiscite in the region on this question, and there was considerable opposition from the local community as well. All of that said, though, I think Mr Purcell's desire for there to be a strong and diversified economy in Portland and that there be industrial areas in Portland with businesses that are growing and thriving is an aspiration we absolutely share.

Barwon Prison

Ms SPRINGLE (South Eastern Metropolitan) — My question is for the Minister for Families and Children. Given that today's directions hearing at the Supreme Court prosecuted by the Fitzroy Legal Service to remove the remaining children out of Barwon Prison resulted in a five-day trial beginning next week, why did the government offer to settle the case put forward by the Human Rights Law Centre and the Victorian

Aboriginal Legal Service (VALS) last week before it got to court?

Ms MIKAKOS (Minister for Families and Children) — I thank Ms Springle for her question. Can I say at the outset that we will be defending this legal action vigorously. At the time that the settlement was reached there was no other legal action. In relation to the settlement with VALS, what I can say to the member is that that settlement does not preclude any particular group of young offenders being sent to Barwon Prison. I have outlined to the house on a number of occasions the services that are being offered there and the oversight that has been put in place in relation to these arrangements. Given the matter is now before the Supreme Court, I do not propose to go into the details of these arrangements at this point in time or certainly during the course of this week, ahead of the matter being heard by the court next week.

But what I can say to the member is that all young people who are being considered for a transfer to Barwon Prison undergo a comprehensive risk assessment, regardless of race. What has been put in place with the settlement is an additional check and balance in the process, whereby the commissioner for Aboriginal children and young people will be consulted. This is a position that in fact was established by the previous government, and we supported the establishment of that position at that time — and the position that was created by the previous government as well as other positions taken by the previous government — that in fact recognised the particular vulnerabilities of Aboriginal young people. As a result they did not scrap the previous Labor government's Aboriginal justice agreement, and as a result they did not scrap the Koori courts, despite criticism in the past. So the previous government themselves recognised the particular vulnerabilities of Aboriginal young offenders as part of their approach to these matters.

So we will be defending this action vigorously. It is, we believe, consistent with all relevant Victorian legislation and the charter, as I have indicated to the house previously, and I think it would be wise for all of us to not pre-empt the legal action that has now been taken and to enable the court to hear the matters next week.

Supplementary question

Ms SPRINGLE (South Eastern Metropolitan) — I thank the minister for her answer. Last week you told the ABC that the first case was not worth spending days and days in the Supreme Court defending and spending taxpayers money on. Can you please explain to the

chamber why this week's court case is worth the time and the money to pursue?

Ms MIKAKOS (Minister for Families and Children) — Clearly Ms Springle was not listening to the answer I gave to the substantive question, because I have explained to the house the clear difference here. This litigation that was initiated subsequent to the previous settlement of the matter initiated by the Victorian Aboriginal Legal Service is seeking to exclude all young offenders from being placed at the Grevillea unit in Barwon Prison. We will defend this action vigorously. Obviously it is now before the court, and therefore I think it would be inappropriate for me to comment on the matter further.

QUESTIONS ON NOTICE

Answers

Ms PULFORD (Minister for Agriculture) — I have answers to the following questions on notice: 7040, 7050–2, 7135–9, 7174–7, 7465, 7470–1, 7493, 7496, 7500–1, 7506, 7514, 7519, 7527, 7529, 7531, 7533, 7535–6, 7618, 7630, 7635, 7640, 7643, 7645–50, 7674, 7688.

QUESTIONS WITHOUT NOTICE

Written responses

Mr Finn — On a point of order, President, and I seek your guidance on this, I refer you to Ms Mikakos's response to me when she declined to specifically answer my question pending some sort of announcement. Whilst I am aware that you cannot direct a minister on how that minister should answer a question or indeed whether a minister should answer a question at all, it seems to me that the minister could be putting a press conference before her responsibilities of answering questions in this house. I seek your guidance on whether that is a precedent that we should welcome as members of Parliament.

The PRESIDENT — Order! On the point of order, which is tenuous, can I indicate that certainly it is always my preference, which I share with Mr Finn in terms of the matter that he has raised, that the house be provided with full information and that the house should have primacy in the release of information rather than press conferences. 14:40:00

In respect of today's answers, in Ms Crozier's first question to Ms Mikakos, the substantive and supplementary questions, Ms Mikakos indicated she was prepared to provide a written response to those

questions; so that is one day. In regard to Mr O'Donohue's questions to Ms Tierney, both the substantive and supplementary questions, that is one day. In regard to Mr O'Sullivan's question to Ms Pulford, the substantive question, that is one day. In relation to Mr Ondarchie's questions to Mr Dalidakis, can I just have a look at the supplementary, please?

Mr Ondarchie — I have no notes on the supplementary question.

The PRESIDENT — Order! It was made up at the time?

Mr Ondarchie — Yes. I wouldn't worry about it.

The PRESIDENT — Order! All right, just the substantive question, and that is one day. Dr Carling-Jenkins's questions to Ms Tierney, the substantive and supplementary questions, two days.

Effectively Mr Purcell's supplementary question is the one that the minister was prepared to provide a written answer to, but she indicated that that will cover essentially the matter raised in the substantive question as well. It involves the minister in another house, that being the Minister for Energy, Environment and Climate Change, so that is two days; it is a response to the supplementary question officially.

The others I think were discharged in some manner or form, including the one you referred to, Mr Finn. I have actually agonised over the wording of your substantive question, and I believe that the minister's response that there is a business case looking at several options did cover it in the sense that you did not ask for a particular site in your question. It was contorted, so I will not ask for that at this time.

Ms Crozier — On a point of order, President, regarding an answer I received from the Minister for Families and Children to a question I asked last sitting week on Thursday, 24 November, which was in relation to a secondment of departmental staff, the question specifically asked who was paying the staff members' wages bill. I note that the minister has not adequately or has just completely not answered that question, so I ask that that be reinstated.

The PRESIDENT — Order! Ms Crozier did bring this one to my attention, and I am of the view that the answer has not been sufficient in addressing the point that was raised in the question, so therefore I would ask for that to be reinstated.

Mr O'Donohue — On a point of order, President, I previously raised a point of order in relation to a matter

the previous minister took on notice about the number of unlawful releases from prison that have taken place during 2016. As you would recall, President, the then minister, Minister Herbert, took on notice that he would provide that information during the committee stage. On that basis I did not seek the committee to report progress. The new minister, Minister Tierney, responded to my point of order during the last sitting week by saying that an answer to that question would be provided by the end of the last sitting week. That information still has not been provided, so I would seek some advice from Minister Tierney about that.

Ms Tierney — On the point of order, President, I was of the understanding that the two issues were provided to the member and that he does have them. So if he could please raise them with me again, I will make sure that the exact piece of information he is now seeking I will follow up.

CONSTITUENCY QUESTIONS

Northern Victoria Region

Ms LOVELL (Northern Victoria) — My question is for the Minister for Health and is in regard to the much-needed redevelopment of the Waranga Memorial Hospital and aged-care home in Rushworth. The existing hospital's aged-care home building and facilities and the current 12-bed hospital — an acute and palliative care non-emergency facility — are old and outdated and no longer cater for the community's needs. The identified need is for a 40-bed facility, including 36 aged-care and 4 acute beds, 14 new bedrooms, 4 consulting rooms, a treatment room, an activity room, a kitchenette and car parking. This project is estimated to cost around \$8 million, which is just a drop in the ocean to the government but would have an enormous impact on the lives of those who rely on the Rushworth hospital. It is disappointing that the government has not provided funding for this important healthcare facility in Rushworth, and yet in May this year the government allocated \$10 million to its union mates for renovations at Trades Hall. My question to the minister is: will she allocate the funding needed for the redevelopment of the Rushworth hospital as a matter of priority to improve the quality of health care and the lives of those who depend on this facility?

Western Metropolitan Region

Ms HARTLAND (Western Metropolitan) — My constituency question is to the Minister for Consumer Affairs, Gaming and Liquor Regulation, Minister Kairouz. Last week the television program *60 Minutes* exposed how addictive and misleading pokies are

wreaking havoc in Melbourne's western suburbs. The west is the hardest hit region for pokies losses, and the City of Brimbank is the worst affected municipality in Victoria, having lost \$143 million last financial year alone. It is an unfortunate coincidence that the area worst hit by these deceptive pokies is right in the heartland of the gambling minister's electorate. I would have thought that being in the pokies-playing capital of Victoria Minister Kairouz would have been pulling out all stops when it comes to pokies reform, especially as she is also the minister for consumer affairs. However, I have heard reports of a number of stakeholders that the minister is refusing to meet with in order to hear their concerns, including the Victorian Local Governance Association. My question to the minister is: can you explain what kind of consultation you have undertaken with residents in your own electorate to understand the destruction the pokies are having in the west?

Western Metropolitan Region

Mr MELHEM (Western Metropolitan) — My constituency question is addressed to the Minister for Education, the Honourable James Merlino. I note that the Andrews Labor government recently launched the excellence in teacher education reforms in a bid to overhaul the teaching profession and address concerns about slipping standards. At the core of these reforms is the introduction of a minimum Australian tertiary admission rank for year 12 students entering undergraduate teaching courses of 65 in 2018 and of 70 from 2019. Effectively teaching students will have to be in the top 30 per cent of year 12 graduates. The question I ask of the minister is: what alternative entry schemes are open to my constituents who aspire to become teachers yet fall short of meeting the new entry standards?

Western Metropolitan Region

Mr FINN (Western Metropolitan) — My constituency question is to the Minister for Roads and Road Safety. Last week the West Gate Bridge and the West Gate Freeway were effectively closed twice because of road accidents. It is untenable that the major thoroughfare to Melbourne's west can be rendered unusable by just one accident. Given the view of experts that the proposed western distributor will do nothing to solve such problems, when will the minister announce a plan to relieve the deplorable conditions on the West Gate Freeway?

Eastern Metropolitan Region

Ms DUNN (Eastern Metropolitan) — My constituency question is for the Minister for Planning. Knox City Council is proposing a 'Knox central business district' to extend from Stud Road to Scoresby Road under the draft Knox central structure plan and planning scheme amendment C149. This development covers water bodies associated with Blind Creek, which is an important part of a biodiversity corridor for native bird species and home to many regionally vulnerable and endangered flora species. It is feared by the local community that the development will lead to the reclamation of this water body, resulting in the loss of wildlife and biodiversity that is precious in Knox. Can the minister advise how he will ensure the protection of the biodiversity values, flora and fauna, the threatened, vulnerable or endangered species, and the water body locally called Lake Knox, which is fed by Blind Creek?

Eastern Victoria Region

Mr MULINO (Eastern Victoria) — My constituency question is for the Minister for Public Transport, and it relates to train stations along the Pakenham line in my electorate. As we in this place are all well aware, there is considerable population growth in the far east of the city in areas such as Pakenham, Beaconsfield and Berwick. My question for the minister is: can she provide an update about whether any stations on the Pakenham line in my electorate will receive additional car parking facilities?

Western Victoria Region

Mr MORRIS (Western Victoria) — My constituency question is for the Minister for Police. I note that there have been announcements made in the past week about the additional police officers that will be made available across the state of Victoria. However, I certainly take exception to the minister claiming that this is going to be of extreme benefit when this is an issue that his government created by ensuring that there has been a weakening of our law and order laws across the state of Victoria and indeed of our police, who do an exceptional job with the minuscule resources that they have been provided under this government.

I note that in Ballarat we have seen a reduction in the number of frontline police under the Andrews government. The question I seek to ask the minister is: exactly how many police will Ballarat receive and over what time frame?

Western Metropolitan Region

Mr EIDEH (Western Metropolitan) — My constituency question is for the Minister for Tourism and Major Events, who is also the Minister for Sport and Minister for Veterans, the Honourable John Eren.

My electorate of Western Metropolitan Region is home to Melbourne’s international airport and consequently is the gateway for domestic and international tourism in Victoria. I am very pleased to see that LATAM Airlines, South America’s largest airline, will be operating a triweekly service between Chile and Victoria. The Andrews Labor government has secured this arrangement, which will see increased tourism and trade and create jobs for many Victorians. As the minister has stated:

LATAM’s decision to operate new flights to Melbourne is a vote of confidence in our visitor economy and another sign we’re the envy of the world for tourism.

My question to the minister is: how will this service help build economic, employment, business, tourism and cultural opportunities in my electorate of Western Metropolitan Region?

Northern Victoria Region

Mr O’SULLIVAN (Northern Victoria) — My constituency question is for the Minister for Energy, Environment and Climate Change, and it is in relation to the Lower Moira boat ramp. On a piece of public land under the responsibility of Parks Victoria along the Murray River reserve just off Woodbine Drive between Echuca and Barmah, there is an access gate to the boat ramp for fishermen to get in and launch their boats. Unfortunately this gate seems to be locked more often than not, which restricts access for fishermen trying to get into that land to launch their boats.

There was a recent incident when a gentleman tried to get his boat out, but his wife, who was driving the car with the trailer, was not able to get into this particular piece of land so he had to drive his boat in the dark to Echuca, which is some 2 hours away, before he could find a boat ramp. If we could try and get that that gate unlocked so the boat ramp could be accessible, that would be terrific.

Western Victoria Region

Mr RAMSAY (Western Victoria) — My constituency question is to the Assembly member for Lara and Minister for Sport, John Eren. In the *Geelong Advertiser* and the *Herald Sun* it has been revealed through freedom of information requests that the

minister has declared an average of more than one gift per week on his register. The laundry list of 110 items received between 1 July 2014 and 31 June this year includes a \$2000 road bike, an Ashes replica urn, an International Cricket Council Cricket World Cup t-shirt, a National Basketball Association t-shirt, three Australian Formula One Grand Prix t-shirts, four hats, cufflinks, three pairs of sports socks, a polo shirt, two more t-shirts, Beretta earmuffs, goggles, a catalogue, a framed Cricket World Cup photo, tickets to the Cold Chisel and The Living End concert at Hanging Rock, 10 gift cards to Melbourne Victory games, four tickets to the Royal Edinburgh Military Tattoo, a V8 supercar season pass, a lift pass for Mount Buller, ski rental and ski lessons at Mount Buller, two Sheridan footballs, a signed Spalding basketball, a signed Melbourne Victory soccer ball, another signed Melbourne victory soccer ball, a signed Cadel Evans hat and two pairs of Nike shoes. My question is: are there any other gifts received that have not been put on the members register?

The PRESIDENT — Order! I strike that one out. It is not a constituency question.

EQUAL OPPORTUNITY AMENDMENT (RELIGIOUS EXCEPTIONS) BILL 2016

Debate resumed.

Ms FITZHERBERT (Southern Metropolitan) — Just before the interruption of debate I was asking how the current act has failed by maintaining these exceptions which I have outlined and where the people are who have been badly or unfairly treated.

Australia is a land of migrants. Many, many families and individuals have come to Australia mainly — or only — because they wanted religious freedom. In some instances this means people who have fled their homeland because they were subject to persecution on the basis of their faith or they had very good reason to think that this may occur. In Australia they have a guarantee of religious freedom and the right to worship and pray as they believe fit, and this applies to all faiths. Earlier in the debate I heard Mrs Peulich speak of her own family’s experience and their joy at being able to freely worship in this country after having lived under a communist regime in Eastern Europe.

I am conscious of the diversity of religious schools in my electorate of Southern Metropolitan Region — in particular the number of Jewish schools — where the right to religious freedom is fiercely maintained and cherished. Freedom of religion is a basic feature of western Liberal democracies, and that freedom is

supported by a range of state and international covenants and agreements. In my view parents who seek a religious education for their children have every right to expect that the teachers in and curriculum of the school their children attend accord with the moral and ethical teachings of the faith that they hold.

It is argued that religious bodies should be stopped from discriminating when it comes to employment, because an individual's rights must be given priority over those of the school. I do not agree with this approach. I am conscious that all rights are not absolute in this country and in this state. On occasion some rights have to be curtailed in some way and frequently are. Indeed, as noted under the Victorian Charter of Human Rights and Responsibilities Act 2006, there may be some cases where competing rights need to be appropriately balanced. The intention of the exceptions is to strike a balance between the rights and freedoms of individuals. As I mentioned earlier, we see this happen every day, and it is because, in John Donne's words, spoken many, many years ago, 'No man is an island, entire of itself'.

We have well-documented exceptions to equal opportunity legislation in our community in a variety of areas, and there is generally strong community support for them. I want to note that I have had many, many emails and letters from people who have reminded me of the importance of this, including the fact that I am not obliged to hire staff who do not have values and beliefs that align with mine and those of my party. Indeed during question time I received a number of emails that have made me acutely aware of this precise point. I note also that many parents make huge sacrifices to educate their children in schools that reflect their values and their faith. That is their choice, and I strongly support it. For that reason, I join with my coalition colleagues in opposing the bill.

Ms BATH (Eastern Victoria) — I am pleased to rise today to make a contribution on the Equal Opportunity Amendment (Religious Exceptions) Bill 2016. I would like to indicate that The Nationals will be opposing this bill.

Victoria is home to a wonderfully diverse range of people. If I look at my own patch, in Gippsland and the electorate of Eastern Victoria Region, I know that over many years we have had, I guess, a gentle flow, or a trickle, of people of different nationalities moving to the area. Yes, we started out as a convict race. In 1927, when coalmines were established in the Latrobe Valley, people came to the area for work. That included people of German, Dutch and Eastern European extraction, and in my own farming community there are Italians

and Greeks. We have a lovely, rich, diverse population. When the borders of our country were opened up and people from a wider range of countries, including Asia, began immigrating here, people from wonderful, wonderful cultures moved to our state. We now see their traditions and we have their cuisine, and we have churches of all sorts. In this beautiful state of ours, we can be Christians, we can be Hindus, we can have Jewish faith, we can follow Islam and we can follow Buddhism. I could go on.

The bill before us today undermines our religious freedom and our freedom to be able to educate our children in the way we choose. Mr Rich-Phillips, in his contribution during last week's debate, got to the nub of this bill very succinctly. He said:

This is not a bill about fixing a problem; this is a bill about delivering an ideology.

I concur with his sentiments. I believe that this bill really is a drop of acid that, if implemented, will eat away at our religious freedom and our democracy.

The bill seeks to amend the Equal Opportunity Act 2010 to modify its religious exceptions in relation to the employment of a person by a religious body or schools. The clause 1 notes state that this particular bill reinstates an inherent requirements test for a religious body or school that may seek to rely on a religious defence to discriminate in that area of employment. Clause 3 of the bill looks at section 82(2) of the Equal Opportunity Act 2010, and clause 4 looks at section 83(2).

In its initial form, the principal act was established by the Hamer government back in the late 1970s and was subsequently amended. The act addressed issues of inequality, discrimination, sexual harassment and victimisation in many areas of life, such as employment, education, accommodation and the provision of goods and services. The act covers many exceptions; there are approximately 40. One that I note — and it has been raised before, but I think it is a very important one — is section 27, which looks at the exception that enables political parties to positively discriminate in terms of their employment. The act states:

An employer may discriminate on the basis of political belief or activity in the offering of employment to another person as a ministerial adviser, member of staff of a political party, member of the electorate staff of any person or any similar employment.

The Premier, Mr Andrews, and the Labor government are not seeking to amend section 27 of the principal act. The Premier can choose who works for him, consistent

with the philosophy and ideology of the Labor Party. In my view he is saying, ‘Do what I say but not what I do’. This bill prohibits religious schools and churches from showing a preference towards same-faith job applicants, unless a court, in effect, can be convinced that adherence to this faith is a requirement of the job.

Clauses 3 and 4 replace the current test with an inherent requirements test for schools and religious bodies. They amend sections 82 and 83 of the principal act in order to allow a religious body or school to lawfully discriminate in terms of employment only and specifically when:

- (a) conformity with the doctrines, beliefs or principles of the religion is an inherent requirement of the particular position; and
- (b) the person’s religious belief or activity, sex, sexual orientation, lawful sexual activity, marital status, parental status or gender identity means that the person does not meet that inherent requirement.

It is my belief that this bill weakens our religious freedoms and prevents schools from being able to appoint staff members who share their ethos and beliefs.

With this bill the onus will be on schools to prove that a job applicant is not suitable as an employee. This will open up faith-based schools to a potential onslaught of litigation. Under the changes it is possible for a religious school to be forced to hire someone who does not share their values or faith, to defend their case at the Victorian Civil and Administrative Tribunal (VCAT) or to pay compensation to an aggrieved applicant. The worst-case scenario is that there could be false applicants to positions at faith-based schools who are not accepted to a position and then take the school to VCAT, which would cost the school time and money.

It is my belief that parents should absolutely have the right, within the jurisdiction of law, to bring up their children in the mode they see fit. In our state of Victoria we have a lot of fantastic state schools. I am proud that I taught in the secondary school system for nine years. We have 1582 government state schools. They are fully government funded, and they are free, by and large, and families can take their children to be educated in them.

15:05:00 There are 493 Catholic schools and 207 independent schools. These receive part funding from government. Religious organisations also support those schools, and fee-paying parents pay the difference. So this is a choice that every parent has: whether to send their child to a state school or to a non-government school. I believe that is a fundamental right that parents should be able to maintain.

We have seen in this house and in the other house thousands of petitions signed by thousands of Victorians, voicing their concern that the Andrews Labor government is removing the right of faith-based schools to employ staff and share their values within a school community. I have also had hundreds of emails, and I do not doubt that some of the people who have sent me those emails are sitting in the gallery today. I would like to read one, which I think is basically indicative of the sentiment. It says:

As a parent I have made a deliberate choice to send my children to —

a Christian school. It continues:

A crucial aspect of my choice is that Christian values and beliefs are modelled and taught at the school.

These are the values and beliefs that I model at home, and I want them to be foundational to their school education. I also believe these values are important for the wellbeing of our community, state and nation.

...

I believe a faith-based school needs to be able to make decisions on the basis of religious belief, without the threat of government or state intervention. This goes to the heart of religious freedom.

... As a matter of principle, this is an erosion of my freedom to choose a faith-based education for my family.

The lady’s contribution to me via email goes on to say:

Religious freedom is not only important for those people of faith. It is a highly significant principle of human rights and should not be lightly tampered with.

I also want to acknowledge that the Scrutiny of Acts and Regulations Committee, a committee of which I am a member, received submissions from religious groups with concerns about this bill. I would like to just read a synopsis of a couple of those submissions. Christian Schools Australia said — and I am paraphrasing their words — that the bill trespasses unduly upon rights or freedoms and that this is incompatible with the Charter of Human Rights and Responsibilities. There has never been an inherent requirements test in operation in Victoria, and therefore the bill seeks to impose a limitation which is untested in Victoria. Consequently the bill will create considerable uncertainty and the potential for litigation.

The Australian Association of Christian Schools said — and I will just pick out a couple of their concerns — that the introduction of an inherent requirements test will be inconsistent with other states and in conflict with the Fair Work Act 2009, that

parental choice forms part of democracy and that this bill will threaten the heart of democracy.

I would just like to reflect on my own experiences within the education department and the education system. Many years ago when I was just out of my teaching degree I moved to a country town and I sought employment with two schools. It was mid-semester, and there happened to be two Christian schools that had jobs on offer for the latter half of the year. One was a Christian school and one was a Catholic school. I got both interviews, and I was well qualified for both positions, as in all my academic requirements suited the jobs.

In one particular school when I sat down with the principal and we went through the expectation of that position, the principal asked me whether I believed in creationism, in terms of seven days. Did I believe that? In our discussion I felt that I did not. Although I am a Christian, I just felt that I would not be able to teach science with a creationist hat on. So we agreed that I would not be the right person for that job, and I realised, quite happily, that I would not have enjoyed working there and I would not have been in the right position to meet their needs. I subsequently also had an interview within the Catholic system, and although I am not Catholic I received a position there and enjoyed teaching there for a short while. Unfortunately family circumstances meant that I could not continue on. That is an example of where there was a school decision, and it was the right one. Teaching in that format would not have sat well with me, and I respected the school's right to make that decision. I respect the fact that there are parents who wish to send their children to that school.

The other thing I would like to just briefly point out is this: in my teaching career I also had the absolute pleasure of teaching an Afghani refugee in a school at Mirboo North. If it takes a village to raise a child, it took a school to enable this fantastic young man to go on to further education. He was, I guess, adopted by one of the teaching staff at that school. I taught the student in two separate subjects, and he carpooled with me because I carpooled with the teacher in question. The Afghani has gone on to tertiary education and is doing a wonderful job. He once said to me in the car, 'Ms Bath, you Australians are more Muslim than the Muslims'. I thought it was quite interesting, and I said, 'Why did you say that, Daniel?', and he said, 'Because as a nation, everyone I have experienced, you are friendly and trusting; you accept others. I have come to this country to enjoy freedoms and experiences and bring my family' — his mother and two other siblings, because his father is dead — 'over here, and I want to

be able to enjoy all the freedoms. One day, you know, I may be a teacher as well'.

One day I am hoping that if he wishes, this young man will be able to take his children to a Muslim school or a Christian school. It depends on where he ends up growing up and being; it is not my choice. I hope he is able to choose a school where the staff and the ethos of the school mean they are able to select teachers that support that ethos. He may choose to take his children to a state school to be well educated there. I believe that this is a dangerous bill, and The Nationals will be opposing this bill before us today.

Ms PATTEN (Northern Metropolitan) — In my contribution on the Equal Opportunity Amendment (Religious Exceptions) Bill 2016 I am not trying to speak to Mr Finn, Dr Carling-Jenkins or Mrs Peulich, because they look to a constituency of deeply religious voters for their support and they will happily work up a rage in that constituency with false descriptions about this bill to help their re-election.

15:12:30

Let us be clear to all of those deeply religious organisations: you can still discriminate under this bill. The Australian Sex Party would like to see all religious exemptions removed from the Equal Opportunity Act 2010, but this bill does not do that. It does not even come close. This bill says that if a religious institution wants to discriminate against an employee or a prospective employee, they just have to show why that discrimination is necessary. I point to Ms Bath's example of a person not being a creationist and that not being an acceptable attribute at the school at which she was being interviewed for a job. That is exactly what this bill allows for. It allows for an inherent requirement test. The inherent requirement test does not force religious bodies and schools to employ people with those so-called attributes if they conflict with their religious beliefs. What the test does is require organisations that want to discriminate to demonstrate the necessary connection between their religious beliefs and the need to discriminate.

The church, religious institutions, a lot of the emails I have received and certainly members of the opposition in their contributions today have talked about tolerance, fairness and choice. We hear that message from many religious institutions. They say it is one of love and of welcome to all. So I would have thought that having the right to discriminate against people would be against their religion. Some religious organisations agree with me on that position, and I certainly heard from a number of people and teachers in religious schools who do not feel that this discrimination is necessary. They support this bill.

If we jump over this minor inconvenience of love, welcome, tolerance and fairness and look at the supposed justifications for the need to discriminate, apparently this is all about freedom of religion and about this bill breaching people's freedom of religion. In fact the CEO of Christian Schools Australia, Stephen O'Doherty, said in a recent press release:

...this bill ... crosses the line that should not be crossed — where the state directly restricts the free exercise of religion.

I am sorry; that is not correct. If you want to discriminate, at least you should have a good reason to. I think the whole of our society would support that contention: if you want to discriminate against someone, have a good reason to discriminate against them. What is the problem with telling us why you want to discriminate?

In December 2010 the Peel Hotel in Collingwood, a well-known gay venue, sought an exemption to enable it to refuse or restrict entry where it believed on reasonable grounds that unrestricted entry to the club would adversely affect the safety or comfort of those in the venue. The hotel had to argue why that right to discriminate was needed. The reason was very logical: hotels and clubs have a responsibility to protect their patrons. If you have a bunch of people seeking entry into a club shouting homophobic messages or hate speech, you want to be able to refuse them entry. But the Peel Hotel had to take that to the Victorian Civil and Administrative Tribunal and show why it was necessary.

Dr Carling-Jenkins forgot that very important point when she quoted the following in her contribution to this debate:

A gay men's club, set up to preserve a minority culture, can refuse to have members who aren't gay men. And they don't have to justify their decision ...

That is just not true. The Peel Hotel did have to justify its position, and that argument was accepted, as it would be if religious schools were so certain that discrimination was necessary. They should not have any fear about putting it to the test. Tell us why being gay affects your ability to teach maths. Tell us why a single mother cannot be a school principal. I fully accept that there are some schools for whom that does not work because they have a very strict moral code regarding how they operate. I accept that the inherent attribute test, if used in this circumstance, may preclude a single mother from teaching at certain schools in Victoria. But let us go through the test. Let us ask that question.

We have been hearing from a lot of people that it is a breach of freedom of religion. The hundreds of form emails that I have received and that I am sure many other members have received have been hyperventilating about this, but the sky has not fallen in in the states where similar legislation already exists. I quite often feel that for too long the church and a lot of religious organisations have held this expectation of privilege and that somehow they should be treated differently from all other organisations in our society. Their opposition to this bill reflects that desire to continue to hold some certain privilege in our community. What they are seeking is the right to discriminate with impunity against people in our community — that is, to be able to discriminate against anyone in our community and to not have to say why.

Opponents of this bill misrepresent this legislation as their freedom being attacked, simply because we are asking them to comply with the normal anti-discrimination standards that apply to the rest of the community. I have even heard people from the opposition celebrate the Equal Opportunity Act but ask for an exemption to it and expect some privilege whereby the Equal Opportunity Act is great for most people but others are more special.

Why do religions think they sit outside the wider community? Religious organisations are part of our community. Why does the church think it should be shielded from any criticism but also think it can pontificate on the apparent moral wrongs of the rest of society? Maybe this is where we should look deeper into this. Why is it that religious schools want to stay so homogenised? We are talking about discrimination and the supposed justification for discrimination. I think maybe religious organisations are worried about the scrutiny they will come under. After all, the Royal Commission into Institutional Responses to Child Sexual Abuse heard testimony from hundreds of victims of sexual abuse in religious schools and also heard how the perpetrators had been shielded by a culture that thinks the schools are not accountable to society. These organisations' opposition to being part of the Equal Opportunity Bill is just another example of them feeling that they should not be accountable like the rest of us are.

Last month the counsel assisting the federal royal commission requested that adverse findings be made against John Lewis, a former headmaster of the prestigious Geelong Grammar School. Mr Lewis was aware of sexual abuse allegations against a teacher, Jonathan Harvey, in 1982, 1986 and 1991. But despite that knowledge, he still allowed Jonathan Harvey unsupervised access to students at the boarding school.

Jonathan Harvey was subsequently jailed for abusing a student at Geelong Grammar.

Despite such despicable acts, people still have the gall to stand up in this chamber to argue that asking for transparency in religious organisations is an affront to religious freedom. An article on News.com published weeks ago speaks of ‘creepy’ Father Peter Searson, who stole \$40 000 from parish finances, killed and tortured animals in front of children, got children to touch his penis, loitered around children’s toilets and was the fifth child-molesting priest sent by the Catholic Church to Doveton, where he had access to Holy Family Primary School right next to the church. These are not isolated incidents. They show a culture of protectionism where the privileged place in society that churches have cultivated is abused and used for abuse. The protectionist culture goes to the heart of why we need transparency. Institutions need to be held to account. Nowhere is transparency and accountability — —

Ms Crozier — How is this bill going to prevent this from happening?

15:22:30 **Ms PATTEN** — I will take up the interjection, Ms Crozier. This is about discrimination. This is about creating a sense of privilege. It is about changing the culture of these institutions, Ms Crozier. Nowhere are the transparency and accountability more needed than when taxpayer funds are used. Religious schools take the most high-handed of approaches, though, saying, ‘We want government funding, and we want to have the protection of the law that no-one else has. Any views in dissent must be quashed as unwarranted attacks on freedom’.

The many emails and submissions that so many of us in this chamber have received have routinely misunderstood and misrepresented this bill, as we have heard in this chamber today. I respect my colleagues, and I assume that they know that the examples that they have given have nothing to do with this bill. This bill is around tax-funded organisations being allowed to discriminate in a way in which no-one else is allowed to discriminate. The reason why religious institutions should not be able to discriminate is simple. Religious entities are paid millions of dollars to provide a range of services: palliative care, retirement housing, homelessness services, drug rehabilitation services, youth services, family violence services and the list goes on. Think of all the vulnerable people and how the lives are at the mercy of religious organisations and their views.

Ms Crozier — They are not all bad.

Ms PATTEN — I agree with Ms Crozier — they are not all bad — and in fact the vast majority of people who work in these organisations are wonderful and would never discriminate against someone on these grounds, so why do they need the right to discriminate without justifying it? That is what this is about. All we are asking for is that you justify why you feel the need to discriminate against someone.

Victorian employees should not be blindly discriminated against based on different religious beliefs, the absence of religious belief, their gender or their sexual orientation. The sky will not fall in, religious schools will still be standing and, if they really want to discriminate, that is fine, but just tell us why. Just tell us why you want to discriminate and demonstrate why you need to discriminate. The Sex Party would be very supportive of measures that went further than this bill. This is the most modest of changes that in no way encroaches on freedom of religion, as our opponents would believe, and I support the bill.

Ms CROZIER (Southern Metropolitan) — I am very pleased to be able to rise this afternoon and make a contribution to the Equal Opportunity Amendment (Religious Exceptions) Bill 2016. I have been sitting in the chamber listening to some of this debate, and I have just heard the contribution by Ms Patten. I want to address some of the concerns she raised in her contribution. I was listening to Ms Bath’s contribution as well, and in relation to some of her commentary, I thought she presented a very good, practical case from her own experience as to why this bill is flawed.

As others from the opposition have said, we will not be supporting this bill, because there is actually no need to have this bill in the first place. It goes further to this government’s ideological bent that it has undertaken right across the state in a number of areas. We have seen that in a number of areas, including the Peter Mac decision, which was a disgraceful decision purely based on an ideological bent, and also the Safe Schools program.

Just to look at this bill, though, this bill amends section 82 of the Equal Opportunity Act 2010, which provides for exceptions to unlawful discrimination by religious bodies in certain circumstances. In accordance with section 13 of the Equal Opportunity Act 2010, an exception is a defence to discrimination, and the person or body seeking to rely on it has the burden of proving that it applies. This, as other speakers have said when they have talked about the history of the Equal Opportunity Act, came about during the 1970s under a

former Liberal government, the Hamer government, which actually initiated the Equal Opportunity Act.

Others have also spoken about the history of how that act has been amended over the period of time. I believe it came in in 1977, and at that point in time it was a very big step because equal opportunity was fairly unknown, but it was what the intent of equal opportunity was all about. I think we can all be very proud to say that we have moved on since that time and that a lot of those discriminations and issues that were around in the 1970s are happily not around today. It is my understanding that it was further amended in 1984 under the Cain government that also provided that the act include race, religion, ethnic origin, political belief and de facto spouse status. It also went on further to be amended in 1995 under another Liberal government, the Kennett government, to include attributes such as aged carer's status, disability, lawful sexual activity, marital status, parental status, physical features, pregnancy, race, religious beliefs and activities, sex and personal association.

From those beginnings in 1977 to 1995 there are a very large range of attributes that come under the Equal Opportunity Act in law. As others have also rightly stated, it was further amended under the Brumby government in 2009 when the Brumby government committed to legislate to insert an inherent requirements test into the act, and that is what this bill is about. As has been previously stated by other speakers, the former coalition government, then led by Premier Baillieu, was not going to support such an extension of this act with this requirement.

What this bill does is that it actually lawfully discriminates in the area of employment only when conformity with the doctrines, beliefs or principles of the religion is an inherent requirement of the particular position being considered and the person's religious belief or activity, sex, sexual orientation, lawful sexual activity, marital status, parental status or gender identity means that the person does not meet that inherent requirement.

We are in this Parliament debating this bill, and we are very fortunate that we are in a democracy that allows us to do so.

15:30:00 Part of our parliamentary democracy allows for freedom of thought, worship, speech and association.

Many of us might have issues in relation to some of those areas, especially with people demonstrating or objecting. For example, when the Occupy Melbourne group sat in Treasury Gardens for quite some time, we

did not have powers to move them on, and the former coalition government introduced move-on laws. They had the right to demonstrate. They had the right to seek to express their views in the way they did, but they became a nuisance, and that is why the former government introduced those laws.

Nevertheless, we live in this democracy where these sorts of views are expressed, and we can see that even at a national level, where some people get completely hysterical at the way political correctness is going and what you can and cannot say. It is concerning that we are restricted in many instances and there is a lack of freedom of expression and what our democracy is all based on.

When speaking on this bill, Ms Patten was actually speaking about my former school. I went to the local primary school, so a public school, and I went to the local high school, but then I went away to boarding school. She spoke about my former headmaster and my former maths teacher in her contribution this afternoon. She also spoke about religious organisations that covered up child abuse.

I was interjecting quite a bit during her contribution to the debate because I took this situation very seriously when I was on the committee that looked into this issue. We looked into all organisations — religious organisations, sporting clubs and other groups — that had covered up historical accounts of abuse. I think we have come a long way, but the frolic that Ms Patten went on in her contribution was a case of her just bunching all religious schools into the one group.

There are so many good people in these religious-based schools that do so many good things, teaching children, providing guidance and support and giving so much to so many children. I think it is very important that we maintain that ability for parents to choose and maintain freedom of religion, whether that is in independent schools, in worship-based institutions or in other areas. We are very tolerant. We are a multicultural society, and we should be tolerant and enable that to occur.

I felt Ms Patten was just speaking about all religious schools. Certainly they are two individuals that I knew personally and very well. Like others, I was shocked by what had gone on during the time that I was being taught by that particular master. I find it a little concerning that we are just going off on that tangent in this debate, whereas this is looking at one's ability to discriminate against another person because of their religious beliefs. As Ms Bath pointed out, she sat down with her potential future employer to speak about whether they would be a good match and she decided

the answer was no, and they did not go ahead. She had the choice and the school had every choice to express what it wanted in relation to its expectations of people who were coming into that school community and how they would teach.

There are many independent schools in my electorate of Southern Metropolitan Region. They range from Baptist to Methodist, Church of England, Catholic, Jewish and other independent schools, and they all provide terrific educational facilities and outcomes for Victorians, as do our public schools. That is something that we should embrace, encourage and enable to occur.

However, what is expected in one religious school in terms of that school's outcomes may not be quite the same as another school's expectations. I think it is absolutely right to ensure that this bill does not then discriminate against all of those independent schools that want to have people working for them who understand their philosophies, their own cultural and community identities and beliefs so that they can actually have the people that they want.

Ms Patten — Which they can.

Ms CROZIER — Well, they can, but it is a bit ironic because, as I think others have pointed out, the Labor Party and other political parties like yours or the Greens choose people that they want to have working in their organisation that have similar beliefs and views. That is what we are talking about. The Labor Party is not going to hire my staffer, is it? And I am certainly not going to hire any of its staffers. But this is about beliefs and organisations being able to have conformity to their own doctrines. This would ensure that there can be lawful discrimination in the area of employment when that conformity of doctrines does not apply.

I think this is another ideologically driven bill by the Andrews government, which has indicated its strong ideological drive in a number of areas that I have already highlighted. It is incredibly dangerous for the state of Victoria to follow such a narrow view of many areas. I am not sure that all the Labor Party members would actually agree with this bill. In their heart of hearts, do the Christians that are in the Labor Party really believe in this? I am not sure that they do. They are toeing the line, as obviously they have to because of the political doctrine that they have, but I am sure there was a debate in their party room. I am sure that occurred, because I know there are some strong Christians in the Labor Party who have strong beliefs, and I am sure they would probably have difficulty with many aspects of this bill.

I will not go on for too much longer, but the shadow Attorney-General in the Legislative Assembly highlighted the opposition's case extremely well. The contribution to the debate by Ms Bath that I heard here also highlighted her concerns and recounted her real-life experience to illustrate how this bill could essentially be brought into being where a school had no ability really to decide for itself. It could just employ anyone who had any beliefs and just see how that worked out, and then goodness knows where it would end up if the matter was taken to Fair Work Australia or any other legal entity for some consideration. Even though the second-reading speech made mention of those so-called unintended consequences, the reality is that they could actually occur. With those few words, like other members of the opposition, I will be opposing this bill.

Mr O'SULLIVAN (Northern Victoria) — This afternoon I wish to rise to speak on the Equal Opportunity Amendment (Religious Exceptions) Bill 2016. This bill, as some of my colleagues have already said here today, is one that the Liberal Party and the National Party collectively and individually very much oppose. It is one of those bills that I find quite intriguing in terms of the way it has been presented. It is a very small bill. There is no real rigour behind it in terms of the way it has been presented to us. It is just a couple of very brief pages in terms of trying to change the legislation, and the justification that the government puts forward for introducing it is that it was one of its election commitments.

I can understand the government saying, 'Yes, that is one of the election commitments that we had, so we need to follow through with that and bring it to the Parliament', and that is true. It has done that. But I think it is probably one of those election commitments made in the heat of battle before an election, when the Labor Party in opposition was sitting around thinking, 'Who do we need to oppose? What sorts of institutions out there do we need to oppose to appeal to our base?'

I am sure that was certainly part of the thinking, and I am sure there was also an element thinking, 'Well, what are those religious organisations and religious bodies that are out there that we can try to rub some of our agenda off on?' — the agenda that the deep believers within the Labor Party wish to try and force onto others. I think it was one of those ones where I am sure it did not make the Channel 7 or Channel 9 news, and I am pretty sure it would not have been on the front page of either of the daily newspapers in terms of this being their election commitment. In fact I think it is probably one that did not get any publicity at all as part of their election platform. It is probably just one that they had in

the bottom drawer that they just wanted to pull out after the election and think, 'We've got this on our platform. It's something that we should probably try and bring into the Parliament to change some of those pre-existing, long-held views that are there in relation to those religious organisations and schools'.

I think if you look at the timing of this legislation being brought into the Parliament, we are right in the middle of the four-year term of this Parliament and of this government and we are here on the third-last sitting day before Christmas. So really if you look at it like that, it is perhaps a cynical exercise of this government to try to sneak this in the side door, into the Legislative Council — 'Hopefully it will just work its way through. There will not be too much publicity in relation to it, and we will just be able to sneak it through and hopefully it will get through'. Certainly the Liberal Party and the National Party will be opposing this piece of legislation, so it might not be quite as easy as what they had intended in terms of sneaking this one through the side door just before Christmas.

In terms of just sneaking it into the Parliament and hoping that nobody would notice, the people out there who are aware of this coming in and have kept a close eye on it have certainly made their intentions very well known to the members of this chamber and the other chamber as well, I would suggest, because I have been bombarded with emails in relation to this legislation. To be fair, if you look at all the emails that have come in, I am just trying to think how many I have had that would be in favour of this legislation. To be truthful, I cannot remember seeing one that was in favour of this piece of legislation, and I have had hundreds and hundreds and hundreds from people who very vehemently think that this bill should be voted down.

It is encouraging from my point of view, in terms of voting against a bill like this, that you know that there are people out there who genuinely believe that these sorts of things just should not occur and these sorts of laws should not be brought into our society. The weight of those emails that have come in and the people who have supplied their views have been noted. Not many people actually take the time and the effort to sit down and write their views in relation to legislation and send them to MPs. I am sure that they might think it or they might talk about it across the kitchen table at night-time as they are having their dinner, but it is one thing to just think about it or talk to someone else or to your whole family, and it is another to actually say, 'Rightio, I'm going to do something about this. I'm going to take this up, and I am actually going to write to someone and let someone else know my views on this particular issue'. So I feel very privileged that I am on the receiving end

of these emails and that people have actually taken their own time to sit down and let their voice and their views be heard.

That is one of the great things about democracy. We as parliamentarians welcome that advice and information and those views from the people who essentially put us all here in this chamber. It is a really positive thing that they take the time to understand what the legislation is about and to actually go through it and work out which bits may be okay. Some bits may not be, and the way that legislation is written it is not easy to understand if you do not know what it is about. It actually takes a bit of time to get the piece of legislation and to actually absorb its contents and then see through the way the legislation has been written up to know what the real impacts of that piece of legislation are going to be if it ever is to become law.

So I commend the people who have actually written in to pass on their views. I am sure that the members across the other side of the chamber have had just as many emails as the rest of us have had on this side of the chamber expressing their views to the government as well, but it appears that the government has probably chosen to ignore that information, to ignore those people who have taken the time to sit down, understand what this is about and let us know what those impacts of that legislation might be.

When you look at legislation, everyone sees a piece of legislation from a different point of view and sees something in it in terms of unintended consequences that others probably do not see. That is one of the great things about our society. We all see things differently, and we might well look at the same piece of information and come up with a different interpretation in terms of what that really means and what those impacts actually are. When you read through some of those emails that people have been sending through, a lot of them have very similar themes in terms of what are the substantive issues within the pieces of legislation, but every now and then someone will come up with something that you had not thought of before. They just look at it through a different prism, a different lens, through a different set of eyeballs, and they see it differently in terms of how it impacts them personally or their organisation or their school, so that feedback is very valuable in terms of being able to help us to understand and represent the views of our constituency.

With the upper house, the Legislative Council, our constituency is quite large. There are some 500 000 people in each of our constituencies, so there is a very broad range of opinion among our constituents. They do a terrific job of providing us the information,

which helps us to make decisions in terms of how we vote on pieces of legislation like this.

15:47:30 One of the reasons that I chose to speak on this piece of legislation is that as a student I went to a religious school, so I understand the value that religion can bring to a young person's life, particularly when they are in their formative years. I did not go to a religious school for my whole schooling; I was at a religious school for only two years in fact. It was interesting and I value the contribution that I was able to obtain from that in terms of helping me as I grew up into an adult in setting out a whole range of guiding principles along the way in terms of how you tend to live your life once you are an adult. That has been valuable to me, and I am sure it has been very valuable to many others who have been through a religious education upbringing.

In terms of this particular bill, it is another example of how this government through their ideology have just gone too far. I think that is what it is. I think the intentions of the government are pretty reasonable, but I think they have just gone too far. We are seeing on a whole number of fronts where this government has gone too far, whether it is, as Ms Crozier said, in relation to the ideological bent in terms of scrapping the private ward at the Peter MacCallum Cancer Centre. I think that is something that the whole state of Victoria is probably going to regret into the future with the donations that would have come in as a result of that private ward and the international specialists who would have come here as a result of that international ward and then passed on their expertise as well as helping out in other wards as well. That is just another example of how this government goes too far with these sorts of agenda items.

Another bill, the Births, Deaths and Marriages Registration Amendment Bill 2016, that we will probably be getting to after this one is another example of this government just going too far with their left-wing agenda and the ideology they try and run through in relation to a whole range of aspects in terms of the way they govern. One of the things I find a bit strange is that the government are behind in the legislative agenda they wish to get through in this year, and we only have three days left. You see some of the bills they put up and you think, 'Is it really necessary for this bill to come up? Is this actually going to make such a difference in people's lives that we can't wait another day before we get on to a piece of legislation like this one?'. If you look at the notice paper there are some pieces of legislation there that are worth getting to, so I find it strange when I see some of the bills that are on the legislative agenda.

The government are wasting everyone's time. If you go out and talk to people in the street and you ask them, for instance, about this bill or the Births, Deaths and Marriages Registration Amendment Bill 2016 or another one on the agenda, the Public Administration Amendment (Public Sector Communication Standards) Bill 2016 — if you said to these people, 'This is what the chamber, the Parliament, is going to be debating on the third-last day of the year' — they would say, 'Really? Is that the most important thing that you can come up with for the whole Parliament to debate?'. They would be staggered that we are wasting our time with these sorts of pieces of legislation when there are far more important things that the Parliament should be getting on to doing. I am not sure who sits around and thinks up these pieces of legislation, but anyway, someone does, and that is the way it goes.

I think it is very right that a school should be able to choose who they can employ, particularly a religious school or a religious organisation, and as a product of that system I would not want someone employed in a school who does not really believe in what they are teaching when they are trying to mentor the students or relate to the people they are working with. You do not want someone who is just there to collect a pay packet in these scenarios because that is the only job they can get or that is the most convenient job they can get. You want people who actually believe in what they are doing and want to be a part of it for the right reasons.

One of the things I have been told in relation to discrimination is, as Ms Patten said earlier, that it is just about giving reasons as to why there has been discrimination in relation to the non-employment of that person. That is all very well, but what happens if an organisation or a school does actually outline why they have discriminated against someone in terms of employment? I see that as the thin edge of the wedge in terms of what comes next, and that is one thing that we do not really know in relation to this legislation. When it gets to the point where the reasons come out, then what happens? I am pretty sure it just does not get filed in the 'we won't go there again' file. At some stage I think that will come back to haunt us all. That is why I think this is a bad piece of legislation, and The Nationals certainly cannot support it. We will not support it, and along with our Liberal Party colleagues we will be voting against this piece of legislation.

Ms TIERNEY (Minister for Training and Skills) — I wish to exercise the right of reply on behalf of the government. The Andrews Labor government respects people's right to religious expression, but not at the cost of equality. The inherent requirements test for employment will ensure a fairer balance between the

right to equality and the right to freedom of religion. The inherent requirements test for employment was scrapped by the former coalition government in 2011, which left many Victorians vulnerable to discrimination when seeking employment with religious bodies or schools, particularly because of their sexual orientation or gender identity.

This issue before us today is actually an election commitment, and as a government that was elected just over two years ago we believe we have a mandate for this. It is not an attack on religious freedom; it is about ensuring a better balance between rights. It will do this by limiting the ability of a religious body or school to rely on a religious defence to discriminate in the area of employment because of a person's sex, sexual orientation, gender identity, marital status or differing religious beliefs.

15:55:00 The inherent requirements test for employment in the bill is the same as was enacted by the former Labor government in 2010. This bill will restore a fairer balance between a person's right to be free from discrimination in employment and the need to protect the right to freedom of religion and belief. The test was removed, as I said, from the act before it commenced operation in August 2011. Its removal has meant that many Victorians remain vulnerable to unjustified discrimination in employment.

In terms of canvassing the contributions that we have heard today, I will go through a number; I do not have sufficient time to go through all. I do appreciate Ms Pennicuik's contribution and the Greens party's various positions on the existence of religious exceptions within the Equal Opportunity Act 2010. I also acknowledge that Ms Pennicuik has in past Parliaments introduced similar amendments to the ones that she has circulated during this debate, but we believe that they are beyond the scope of the bill before us today. The government believes that this bill unamended strikes the right and fair balance between freedom of religion and a person's right to be free from discrimination in employment. There is room for both rights. It could be said that the government's bill has found a sensible middle ground between the Green's desire to ultimately abolish religious exceptions and the opposition's wish to expand them.

I turn to the contributions of Mr Finn and Mr Rich-Phillips. Can I say in response to Mr Finn that I remind the house that, quite contrary to his suggestion, this bill is not an attack on religious freedom here in Victoria. In fact this bill respects, embraces and acknowledges the place of religious bodies and schools and their roles in our communities.

Its purpose is simply to place a reasonable limit on the ability to discriminate in employment. It will not force religious bodies and schools to hire outside of their community of faith. Indeed Mr Ondarchie also made a comment that I do feel I need to respond to. He said that there is no evidence that the current law is affecting people. This simply is untrue. According to an article in the *Sunday Age* of 25 September under the title, 'The hidden cost of faith-based hiring', many workers are put in the position of having to hide their sexuality while working at faith-based organisations for fear of being sacked. In 2016 this is just simply unacceptable. Employees have the right to work without fear. The bill does not prevent organisations from recruiting within their communities of faith; it limits their ability to unfairly discriminate.

When it came to Mrs Peulich's contribution, she proposed that the bill before us today is an attempt to erode religious freedom. This is a complete mischaracterisation of the bill. No organisation or school will be denied the ability to recruit people of shared faith. This bill does strike a balance and asks schools and religious organisations to demonstrate the link between the practising of the faith and the doing of the job and how it is inherent to the role.

We also had a claim from Ms Lovell that her previous government did have a mandate to do what they did in 2011. I believe that is tenuous to say the least. But we on the Labor side can actually claim an absolute mandate for this bill. We put it to the Victorian people as our commitment to equality. It was part and parcel of our equality agenda and the reason for many people voting us into government, and I call on those opposite to respect the will of the Victorian people in that regard.

I also wish to take up a point that Mr O'Sullivan made. He said that this has all been rushed through. The bill was actually introduced in August, before he was appointed to the Parliament.

Mr O'Sullivan interjected.

Ms TIERNEY — We're hardly sneaking it in, Mr O'Sullivan. It is also an election commitment, so it is hardly a surprise bill.

When we talk about how this will operate there are a number of things that come to mind, but if someone believes that they are being discriminated against, simple things will happen. The first thing is that you will have the ability to go to the Victorian Equal Opportunity and Human Rights Commission, where they offer a resolution service, and there would be conciliation between the parties, hoping that both

parties turn up. If that is not successful, the person wishing to make a complaint can lodge a formal complaint with the Victorian Civil and Administration Tribunal — that is, VCAT. The religious body or school would then be required to demonstrate the link as its defence for discriminating. I think that is highly reasonable. It is a test that will take into account the nature of the job in question, the nature of the religious body or school and the religious beliefs that guide the body's or school's operations, and it will be determined on a case-by-case basis through VCAT.

These considerations are important because different religious bodies and schools adopt different approaches to the application of religious beliefs and principles within the organisations, and that is why it is so important that VCAT handles and determines these matters on a case-by-case basis.

In concluding, I thank all of those that have contributed to this discussion today. I think in many ways for me personally it demonstrates the level and degree of misinformation that is still out there in the community and is still being peddled primarily by those opposite in the chamber, which I think is a shame, because I think this is a very fair and very balanced bill that has the support of the Victorian people. I commend the bill to the house.

16:05:00 **House divided on motion:**

Ayes, 19

Barber, Mr	Mulino, Mr
Dalidakis, Mr	Patten, Ms
Dunn, Ms	Pennicuik, Ms
Eideh, Mr	Pulford, Ms
Elasmar, Mr	Shing, Ms
Hartland, Ms (<i>Teller</i>)	Somyurek, Mr
Herbert, Mr	Springle, Ms
Leane, Mr	Symes, Ms
Melhem, Mr (<i>Teller</i>)	Tierney, Ms
Mikakos, Ms	

Noes, 19

Atkinson, Mr	O'Donohue, Mr
Bath, Ms	Ondarchie, Mr
Bourman, Mr	O'Sullivan, Mr (<i>Teller</i>)
Carling-Jenkins, Dr	Peulich, Mrs
Crozier, Ms	Purcell, Mr
Dalla-Riva, Mr	Ramsay, Mr (<i>Teller</i>)
Davis, Mr	Rich-Phillips, Mr
Finn, Mr	Wooldridge, Ms
Fitzherbert, Ms	Young, Mr
Morris, Mr	

Pairs

Jennings, Mr	Lovell, Ms
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Motion negatived.

**BIRTHS, DEATHS AND MARRIAGES
REGISTRATION AMENDMENT BILL 2016**

Second reading

**Debate resumed from 11 October; motion of
Mr DALIDAKIS (Minister for Small Business,
Innovation and Trade).**

Mr RICH-PHILLIPS (South Eastern Metropolitan) — Since the change of government in November 2014, unemployment in Cranbourne, which is in my electorate, has risen by 30 per cent. There are now 30 per cent more unemployed people in Cranbourne today than there were at the time of the change of government two years ago. Across Victoria crime is up 14 per cent just in the last 12 months. This week, as a consequence of this government's energy policies, its abhorrence of the longstanding strength of the coal industry in the Latrobe Valley and its ideology in support of renewable energy, we are going to see power increases next year of around 10 per cent for households and 13 per cent for small business. That of course is just the first impact of this government's policies on energy.

What we have not yet seen, though we are starting to, is the impact of this government's policies on energy security. We have seen the disaster at the Alcoa smelter in Portland, where a power outage last week forced the shutdown of one of the potlines. This is going to have major ramifications for that smelter and is going to have major ramifications for the future of the aluminium industry in this state and indeed for the future of Portland itself.

As part of the crime tsunami we are now seeing across this state and across parts of my electorate — —

Ms Pulford — Acting President, my point of order goes to the question of relevance. The legislation that we are debating, as I understand it, is the Births, Deaths and Marriages Registration Amendment Bill 2016, and the member has been speaking for a couple of minutes now but has in no way given us any reason to believe he has got his right set of speaking notes with him.

Mr Rich-Phillips — On the point of order, Acting President, I have been speaking for slightly over 2 of my 60 minutes, and I am putting some context around this government's priorities.

The ACTING PRESIDENT (Ms Dunn) — Order! There is no point of order, given Mr Rich-Phillips is only 2 minutes into his contribution. I would ask Mr Rich-Phillips to continue and ensure that attention is given to the bill before us.

Mr RICH-PHILLIPS — Thank you, Acting President. As I was saying before the point of order from the minister, we have seen across the state in just the last 12 months a crime tsunami — a 14 per cent increase in crime statewide. We are seeing people who are scared in their own homes due to the home invasions we have been experiencing in Victoria over the last 12 months. We see Victorians who are scared to walk down the street because of the assaults and attacks and carjackings which have been occurring over the last year or so. These are the concerns of people in Victoria. They are certainly the concerns of people in my electorate.

Unemployment is up 30 per cent in Cranbourne, and locals — people raising their families — are concerned about whether their children can get jobs. They are concerned about how they are going to pay their power bills next year when the impact of this government's energy policies kicks in.

16:12:30 People are concerned about the congestion on their roads. We have Infrastructure Victoria, a creation of this government, recommending against the construction of new infrastructure, recommending imposing tolls on existing infrastructure and telling people to ride bikes as a solution to the congestion issues in the south-east, including in Cranbourne. We have people concerned about having their wives and children walk down the street because of the possibility which we are seeing all too frequently of them being mugged or attacked, and people are concerned about having their cars stolen et cetera.

What we are not seeing are these residents in the south-east, these families, these people raising their children, coming and saying, 'We're concerned about changing our gender'. Yet we have a government that is so out of touch with the expectations and the ideals of the Victorian people that we have as a priority in this place this week the government putting forward a piece of legislation to facilitate gender fluidity, as if this is the issue that is of concern to the people of Victoria at their kitchen tables in the south-east of Melbourne. As they worry about rising unemployment, as they worry about the ability of their children to get jobs, as they worry about how they are going to get to work on congested streets, as they worry about whether they are even safe in their homes, they are not worried about changing their gender. Yet this government is so out of touch with the expectations of Victorians that we are seeing this legislation prioritised this week.

We are seeing this legislation prioritised after we have just dealt with — and I am very pleased to say this

house defeated — the equal opportunity bill, which was an ideological attack on religious schools in this state.

Mr Finn — And religious freedom.

Mr RICH-PHILLIPS — And religious freedom in this state, Mr Finn. What we have with this legislation is also an ideologically driven platform that is not responsive to the expectations and ideals of the people of Victoria.

I will go to some of the detail of the bill later in this contribution. What this bill does is seek to allow people to change — and I will come to the mechanism — what is recorded on their birth certificate. A birth certificate is a fundamental document. It records the facts of a person's birth. A birth certificate is a historical document, and the keeping of registrations of births, deaths and marriages is one of the most fundamental undertakings of a government, of the state. It is in fact one of the oldest undertakings of the state. One of the original functions of government has been to keep records, keep registers, of their citizens' births, deaths and marriages — and it is a factual undertaking.

A birth certificate has long been a factual instrument which records the date of a person's birth, it records the biological parents — or at least where known or in some cases the one biological parent where known — and it records the sex of the child as a fact of biology at the time a child is born. This has long been the case with birth certificates, back over centuries. As long as records have been kept, they have recorded the fact of a child's birth, when it occurred, where it occurred, who its parents are and what sex it is.

In more recent years we have seen legislation which has shifted the birth certificate as a factual record of a child's birth to a birth certificate as a social construction. This Parliament, on several occasions now, has passed legislation to alter the facts recorded on a person's birth certificate. In 2004 this Parliament passed legislation to allow an unmarried person who had undergone surgery to change their sex to change the sex which was recorded on their birth certificate. In 2009 this Parliament passed other legislation which allowed the birth certificate of a child who is conceived through assisted reproductive technology and is being raised in a same-sex environment by a same-sex couple to record the names of those two same-sex partners.

I must say that these departures from the construction of a birth certificate as a factual document to a social construct are things that sit uncomfortably with me because a birth certificate is a historic record of the facts at somebody's birth. What the legislation of 2004

and 2009 has done is change birth certificates so that they are no longer recording the facts of a birth but rather recording the circumstances as a person would prefer them to have been. In those circumstances a birth certificate no longer reflects the actual facts of a person's birth.

In saying that, that is not to deny that children are being raised in same-sex environments. It is a fact that children are being raised by same-sex couples, where typically one person in that same-sex environment is a biological parent of the child and the other person is not. The fact that a child is being raised in that environment does not change the biology of the child. It does not change who its biological parents are. To create a social construct where a birth certificate is changed to reflect different parents as the parents, the same-sex couple, because they may wish that to have been the case or may have preferred that to have been the case, does not reflect the facts and the biology of that child.

Likewise, we do not deny that a small proportion of the population do not relate to the sex that they were born with, and there is absolutely no doubt that that is a fact.

16:22:30 There is also no doubt that for the people who do not relate to the sex they were born with, it would be a deeply felt and traumatic experience not to relate to their physical person. Such an experience and such a circumstance must be deeply felt and traumatic, because there is no other reason why people who find themselves in those circumstances would undertake these chemical and surgical treatments that many have felt necessary to create a sex that they better relate to. So there is no doubt that we have a small proportion of people in our community who do not relate to the sex they were born with and who have undertaken some very traumatic chemical and surgical procedures to create a gender or sex they better relate to. But that does not alter the circumstances and the biology of their birth, and mechanisms which allow for the changing of a birth certificate to reflect what a person might have preferred do not alter their biology.

This bill seeks to go much further than the current legislation because, as indicated, the legislation of 2004 allowed people who undergo surgery to change their sex and who are unmarried to change the recorded sex on their birth certificate. This bill now seeks to remove the requirements for a person who seeks or applies to change the sex recorded on their birth certificate to have undergone surgery and to be unmarried. So if this legislation was to pass, the only requirement for a person seeking to change the sex recorded on their birth certificate would be that they indicate that they identify

as the alternate sex they are looking to change to and essentially that there is another party who provides a statutory declaration indicating that they believe the person who is seeking to change the record of their birth genuinely believes they are of the sex or gender they are seeking to have recorded, that they genuinely hold that belief and that the person providing the statutory declaration believes that to be true. So this bill is greatly expanding the scope and the capacity for people to change the recorded gender or sex on their birth certificate.

It is also allowing people to make these changes every 12 months. This is where the concept of gender fluidity has come into this debate. It is the notion that sex or gender is something that can constantly change, and it is something that could see people changing their recorded sex on a 12-month basis. This is something the coalition parties believe is a step too far. We do not believe that this legislation, as proposed by the government, reflects the values and expectations of the Victorian community. We believe that the mechanisms already in place under the Births, Deaths and Marriages Registration Act 1996, which were enacted in the last decade, provide for that small proportion of people who are in the situation of not relating to the gender or sex with which they were born, and we do not believe that this legislation should pass. It will be strongly opposed by the coalition parties.

We have a number of concerns with the way in which this legislation, should it pass, would work. Part of this arises from the departmental briefing, which was undertaken by the shadow Attorney-General, John Pesutto, in the Legislative Assembly, with the relevant departmental offices, when it was indicated that the impacts of these changes and the way in which they interact with commonwealth legislation has not been considered.

This is something of particular concern, and it is notable that when the 2004 changes to legislation in the Births, Deaths and Marriages Registration Act were made, which first allowed a person who had undertaken surgery to change their sex to change what was recorded on their birth certificate, provided they were unmarried. At the time those legislative changes were made the then Attorney-General indicated that the requirement that a person be unmarried was in the legislation because of concerns the government had at the time that failing to have that constraint would conflict with commonwealth legislation, most notably in respect of the Marriage Act 1961, which provides that a marriage is between a man and a woman. There were concerns about how the Victorian legislation, if it

allowed for married people to change their recorded sex, would interact with commonwealth legislation.

16:30:00 It is clear from the briefing that was provided that the impact and that interaction with the commonwealth legislation has not been considered by this government. It is a matter that certainly the previous debate on same-sex marriage has highlighted as a potential interaction as to what it will actually mean in the commonwealth context if someone seeks to change their gender on their birth certificate, either for the purposes of their marrying or while in a marriage, and particularly if they have the capacity to change it back, as has been provided for by this legislation.

We are also concerned that the basis of a person choosing a sex for their birth certificate is entirely one of self-selection. The breadth of definitions and descriptions that a person can assign is extreme. It is not simply choosing between the recognised designations of male, female and any other sex or indeterminate sex; in fact the legislation as drafted would allow a person who is using this provision to take basically any description they want, because the bill describes the sex descriptor, which is a term used in the legislation that is applied by this bill, as follows:

Sex descriptor includes—

- (a) male; or
- (b) female; or
- (c) any other sex ...

I note that is an inclusion, not the limitation of what a sex descriptor is.

Mr Finn interjected.

Mr RICH-PHILLIPS — Mr Finn refers to there being 34 identified sex descriptors on the internet.

The bill indicates that there are some prohibited sex descriptors. However, the extent of those prohibited sex descriptors is very, very narrow. The bill states:

prohibited sex descriptor means a sex descriptor—

- (a) that is obscene or offensive —

that is straightforward —

or

- (b) that could not practicably be established by repute or usage—
- (i) because it is too long; or

- (ii) because it consists of or includes symbols without phonetic significance; or

- (iii) for some other reason ...

What that is saying is that with the exception of something that is too long or is a symbol without phonetic significance basically anything else can be used as a descriptor, which is an extraordinary proposition that this government is putting to the Parliament — that is, no longer are we to identify sex as male, female or indeterminate or other but that on this definition inanimate objects could conceivably be used as sex descriptors, which is simply extraordinary and not in any way in keeping with the expectations of the type of legislation that this Parliament should put in place.

One of the other elements of the bill is the capacity for similar provisions to be applied with respect to children on the basis that the parent or guardian of the child, in the belief that it is the child's intent or belief, could enact a similar change to the sex recorded on the child's birth certificate. Our concerns in respect of children are the same as our concerns in respect of adults using this provision, but I note that the bill does not even require the child in the first instance to indicate to the registrar of births, deaths and marriages that it is their intent that their recorded sex be changed; it merely requires a parent or guardian indicating that that is the child's position — that is, the child's intention as supported by the parental guardian would be sufficient to trigger the provisions of this bill. We think that is inappropriate, as we see the general thrust of this bill as being inappropriate.

One of the key things about this legislation is it highlights the priorities of this government and goes to my starting point around the concerns of the community and the issues that our community are currently engaged in. The crime tsunami they are having to deal with, the rising unemployment — certainly through the south-east — their inability to get around and their concern about their safety in their own homes and in walking down the street are all matters that this government has not addressed. Yet we see in this legislation — this little exercise in social engineering — that the government has made a special provision for prisoners, for people who are incarcerated.

At a time when we have seen as some of the first acts of this government a roll back of the parole reforms of the previous government, making it easier for juvenile offenders to get out on parole; a removal of the move-on laws that the previous government enacted; a failure to deal with the outbreak in juvenile crime we

are seeing and have seen carried through to juvenile justice facilities; and a failure to enact and strengthen parole provisions as the coalition has called for, we are seeing that this government's priority in dealing with people in incarceration is to provide them with a mechanism to change the sex on their birth certificate.

16:37:30 Why is that the priority today in this last sitting week for 2016, rather than dealing with fixing up and tightening the parole system, which continues to be a problem in this state? Why are we not dealing with the no body, no parole legislation that the coalition previously advanced? Why is this bill, which allows prisoners to change their sex, the priority of the government rather than fixing parole? This again highlights the warped priorities of this government, which is completely out of touch with the expectations of the Victorian community. This legislation should not be the priority of this Parliament. It does not reflect the expectations of the Victorian community. The only thing we seem to be seeing from this government that deals with corrections and that deals with addressing issues in our prisons is that it is seeking to allow prisoners to change their sex, rather than fixing issues like parole, fixing issues like the Craig Minogue situation and dealing with the no body, no parole legislation that this Parliament has previously dealt with and the Labor Party voted against.

We believe that this bill is a step too far. We believe that allowing people to change the sex recorded on their birth certificate on a 12-month basis simply through self-selection without any of the requirements that currently exist in the Births, Deaths and Marriages Registration Act 1996 is inappropriate and does not accord with the expectations or values of the Victorian community. For those reasons, the coalition will be opposing this bill. We think the government is headed in the wrong direction with this. We absolutely accept that there are people in our community who do not identify with or relate to the sex they are born with; that is a fact, an absolute fact. There are mechanisms currently available to people who find themselves in that situation to take steps to establish a position that better reflects their feelings as to their sex, but this legislation is not the answer to that. This legislation is a step too far. It does not accord with community values. It does not accord with the expectations or frankly the priorities of the Victorian people, when the day-to-day, real-life issues they are facing out in our community are not being addressed by this government. This bill will be opposed by the coalition parties.

Ms PULFORD (Minister for Agriculture) — Well, priorities indeed. It is a sad occasion, really, to have to respond to some of what we have heard today. I will

also take the opportunity to respond to comments made a couple of weeks ago in this debate by coalition members in the other place. In doing so, I cannot help but reflect that this house, less than an hour ago, voted to defeat legislation to make Victoria a more equal and accepting place for people of gender or sexual diversity. To come into this chamber immediately after that very, very sad occasion and then listen to the kinds of arguments that have been presented by the opposition today is an extremely unpleasant thing, but its unpleasantness for me must only be a tiny fraction of how unpleasant it must be for people for whom this is their life.

I start by responding to the claim by the opposition that the government has some kind of outrageous ideological agenda. This legislation reflects an election commitment. It is considered and reasonable, and it removes two key barriers for members of our trans community to fully express their gender identity. It is so lacking in outrageousness that it is entirely consistent with rulings of the High Court of Australia. Indeed that bunch of radicals at the Australian Bureau of Statistics, who put the census together, are applying similar notions to the descriptor of gender.

This is narrow legislation. It gives effect to our desire to remove for a person the requirement of divorce or gender reassignment surgery as a precursor when making an alteration to the sex recorded on their birth registration — that is, the registration that exists for each and every one of us with the Victorian Registry of Births, Deaths and Marriages.

Mr Rich-Phillips commenced his contribution to the debate by talking about some of the issues that matter to people in his electorate, and he reflected on the government's priorities. But ours is a government that can walk and chew gum; ours is a government that can do multiple things at once; ours is a government that is rebuilding TAFE; ours is a government that is investing in record numbers of police; ours is a government that is rebuilding confidence in the economies of regional Victoria. Mr Rich-Phillips asked about parole reform. He well knows that legislation is being introduced on parole reform that relates to the very two matters that he referred to on this very day. That legislation will be considered in this Parliament in only two days, so that was nothing if not dishonest.

For those members who like a little variety, I will outline the forthcoming business of this government. I have gone no further than the notice paper for today. We have the Transport Integration Amendment (Head, Transport for Victoria and Other Governance Reforms) Bill 2016, which is legislation to improve the operation

of our transport system; the Housing Amendment (Victorian Housing Register and Other Matters) Bill 2016; and the Family Violence Reform Implementation Monitor Bill 2016. There is legislation on the notice paper that deals with feed-in tariffs and our energy markets and legislation that improves the operation of freedom of information laws, and there is legislation that is around kilojoule labelling, around public administration and public sector communication standards and around the office of the Victorian Freedom of Information Commissioner.

On any week in either house of this Parliament members looking for a little variety would not have to look very far. This legislation is important to the government because it is important to members of the Victorian community. Mr Rich-Phillips has said that this is not the most important issue before us, but I would suggest that for some in the Victorian community this is the most important issue. Our Parliament has a responsibility to consider matters of interest to all Victorians, but it also has a responsibility to consider matters of importance to some Victorians, as we often do in this place.

I will respond to some of the comments that were made in the debate in the other place. Mr Pesutto, the shadow Attorney-General and member for Hawthorn, at least seems to be in some kind of pain when he was describing his party's position. He made a convoluted argument about this being an elaborate workaround of the commonwealth Parliament's continued failure to address the marriage equality question. Mr Pesutto said that he would like Victorians to be consulted. I can certainly confirm that the government has consulted widely on this. It has consulted with the people who will be impacted by this change to the law, people for whom this is the important thing in their life. Mr Pesutto reflected on the desire of parents to always do the right thing by their children. We have heard in this place, and I certainly imagine many of us have heard in our discussions with members of the LGBTI community in Victoria, that whilst this is something we absolutely wish to be true 100 per cent of the time, we know that sometimes these issues can be very, very challenging for families.

16:47:30 Mr Walsh, the Leader of The Nationals in the Assembly, also spoke in the debate in the other place. Perhaps to Mr Walsh's credit, at least he was not hiding the fact that he did not really get it. He posed the question:

But if people are self-describing what gender they are, are they actually women? That is the whole point.

He also said:

I struggle in my own mind with how having a descriptor on your birth certificate that does not necessarily reflect any gender at all is going to function in the future.

At least he offered some clue that he does not get it, and he recognises that he does not get it.

But I think the contribution from Ms Staley in the Legislative Assembly was probably the one I found most offensive. The notion that ours is a government 'in thrall to highly contested gender theories' and that this is some 'sort of post-modernist mumbo jumbo' was a highly offensive way to talk about people who deserve to be respected and be able to live their lives knowing that the Victorian government and the Victorian Parliament respects diversity and respects difference and wants people to be able to go about their business as they need to.

Ms Staley then distorted feminist theory in some very, very strange ways. She said:

The feminist in me objects strongly to a man changing his birth certificate to female because he feels enough of a woman to identify as one but not enough to take the step of permanently doing so.

There is some inference or other there about the relationship between how somebody identifies and whether or not it is suitable or practical or affordable or medically feasible for them to have surgery.

A highly offensive approach has been taken by members opposite. I really think that the opposition owe members of the Victorian trans community an apology for the extraordinary way in which they have conducted themselves in this debate. The notion that sex descriptors would be like filling out 'Jedi' on your census form and that in the real world people are going to be changing their gender every 12 months is just an absurdity. It is completely offensive.

Mr Finn — Well, why legislate for it then?

Ms PULFORD — I take up Mr Finn's interjection. It is important that a mechanism exists for someone who has transitioned and who may subsequently regret that decision and need to reverse that change that they had made in their life. It is a very unusual circumstance. We know that people who transition do so after a long period of reflection. In fact I think for many it is after lifelong identification as a member of the sex other than that to which they were assigned at birth. So the notion that this is something that can be changed like hair colour is again incredibly offensive, I think, to people who often have a difficult journey.

I would like to conclude my remarks by stating how proud our government is to be supporting diversity and supporting people in the community who, I think, have looked forward to one day having a government that properly recognises this. The previous Labor government, under the fine work led by Rob Hulls, changed many of our discriminatory laws and practices. This has been a long journey. This is for many people a very important reform, one that we are very pleased to bring before the Parliament.

I just conclude by recognising the fine work and advocacy of a number of people who have sought this change, who have worked for this change and who have stood up to lead their community to ensure that their rights to full expression of who they are are recognised in law. This legislation is for you, and I truly hope that it is successful in the house today.

Mr DAVIS (Southern Metropolitan) — I am pleased to rise and make a contribution to the Births, Deaths and Marriages Registration Amendment Bill 2016. I note that this is a bill that has aspects of controversy, as other members have noted, and that elicits significant responses from many sections of the community. I want to put on record at the start that the opposition will oppose this bill. I also want to clearly put on record that there are aspects of this bill that do seek to remedy specific problems that are faced by a number of groups within the community. The bill in essence — and I will not speak at great length; I just really want to get some key points on the record — seeks to, amongst other things, remove the requirements for a person to have undergone sex affirmation surgery and to be unmarried and allows for applications to alter birth certificates on behalf of children.

I have to say that there are aspects that I certainly understand have great significance to members of the transgender community and others, including aspects that relate to that requirement for surgery. There are legitimate points to be made about the removal of that requirement. The need to break marriages is also a legitimate point to raise. Conservative parties seek to respect marriage arrangements, and the idea that you would have to remove a marriage arrangement to allow certain changes to occur, I think, does raise a lot of legitimate questions. There is obviously an interplay here with federal arrangements too. I am not going to detail all of that, but the point is that there is a legitimate set of interactions that need to be looked at here.

16:55:00 Notwithstanding those points, there are legitimate concerns about the bill too. The point, I think, that has

been raised by many relates to the issues around choice of sex descriptor and the arrangements around that choice. A descriptor of male or female or another descriptor may be chosen by the applicant to recognise their gender diverse or non-binary identity. Sex descriptors are not limited in this bill and allow applicants to describe their sex in any way that reflects their identity. I think for some this is a bridge too far. It is a step that has made a number of points about the worthy aspects of the bill more difficult. The bill excludes from the term 'sex descriptor' descriptors that are obscene or offensive and cannot be practically established by repute or usage.

The bill also permits for a child's record of sex to be altered in their birth registration. As with adults, children are not required to undergo treatment under the bill, and a sex descriptor of their choice must be notified in the application. Applications will be made on behalf of a child by their parents or guardians. In some cases one parent may make the application on a child's behalf. Applications must include a statutory declaration from parents or guardians of the child stating their belief on reasonable grounds that altering the sex recorded in the child's birth registration is in the best interests of the child. An application cannot be made unless a child consents under this bill to the application. Consent is expressed through their parents or guardians. For children under 16 years of age the application must include assessment by a doctor, registered psychologist or prescribed person that the child has the capacity to consent to the application. All of this is challenging, I believe, in a number of regards. In all cases the application must include a statement from a doctor, registered psychologist or prescribed person that the alteration is in the child's best interests.

Clause 10 has similar provisions to those I have outlined to apply to adults and children whose births are registered outside Victoria. Clauses 13 and 21 to 24 extend these changes to applications by people, both adults and younger people, in detention or under supervision, such as prisoners and parolees, who may wish to make an application to alter their recorded sex. The only additional condition is the prior approval of the relevant supervising authority, like the Adult Parole Board of Victoria.

There are, as I have said, a number of areas of concern, and I am going to outline them briefly to the chamber. I thank the minister for the bill briefing, which was helpful to the opposition. However, I was struck that departmental officials conceded at the briefing that the impacts of the changes with respect to commonwealth laws have not been considered.

Another point I would raise is that this process of rendering gender identification entirely a personal choice based completely on self-selection is unlike other Australian jurisdictions. The ACT's provisions, which are the most broad in Australia, while not requiring gender reassignment surgery do require appropriate clinical treatment. As I have said, the implications regarding commonwealth law and same-sex marriage are not clear and create uncertainty. The bill's provisions do not actually require any evidence directly from children in applications, as their consent is expressed through parents and guardians. That, I think, is a genuine point to be examined.

There are no restrictions on the range of sex descriptors except the narrow range of exclusions cited. The changes may exacerbate community concerns about the use of single-gender or single-sex facilities. I do not regard that as such a concern, but many have raised that issue.

The broad regulation power in the act — and this, I might add, is a much wider tendency under this government — means that, where children are concerned, the government could in future prescribe social workers or other non-qualified persons to provide the requisite supporting material instead of doctors or registered psychologists. I understand completely the balance that has been raised by activists and people who have legitimate points within the community about the excessive reliance on medical evidence with respect to these changes. I think the points that have been made are legitimate. The history of medical intervention in this area is not spotless, if I can put it that way. Many legitimate points have been raised about the misuse of medical procedures and the use of procedures where people have not exercised full agreement. I think there are some very important points to be made there.

I note the support of a number of groups in the community, including and particularly Transgender Victoria. I note also the support of the Human Rights Law Centre, the Law Institute of Victoria and others. The LGBTI community is generally supportive of the bill. There are certainly those who fiercely oppose the bill: the Australian Christian Lobby, the Women's Liberation Front, which was referred to earlier, and others who lobbied very firmly against the bill. It is for some of those reasons that the opposition is opposing the bill. I want to place on record the concerns that the opposition has, understanding that there are within this bill legitimate aspirations. I for one will seek to have some of those legitimate aspirations progressed in the future. This is a bill where the balance has not been struck rightly, and for that reason I think the bill will face significant difficulties.

Ms Tierney — What is it going to take?

Mr DAVIS — I have laid out a number of points. Equally the government has not come to this with, in my view, a genuine problem-solving approach. The government has gone further and has very much taken a take-it-or-leave-it attitude.

Ms Tierney — Because it is about identification. There are facts.

Mr DAVIS — I understand that. I understand the points that you and the government have made, but I also understand that the community has a range of different viewpoints. In the areas where there are legitimate points this legislation should not have been rolled forward in a way that did not engage more broadly with the community at an earlier point. I understand the sector and the legitimate points that Transgender Victoria have made, but equally there are others in the community, and a balance has to be struck there.

I also note the work done by John Pesutto in the Legislative Assembly, who has fundamental carriage of this bill. He has certainly worked hard to work through the details of this, but I do place on record the opposition's decision on this bill.

Ms PENNICUIK (Southern Metropolitan) — I am very pleased to speak today in full support of the Births, Deaths and Marriages Registration Amendment Bill 2016. This bill amends the Births, Deaths and Marriages Registration Act 1996 so that adults who apply to the Victorian registrar of births, deaths and marriages to alter the sex recorded on their birth registration will no longer have to have undergone sex affirmation surgery or to be unmarried, which are the current requirements. The bill also introduces a new process with certain conditions to allow young people to have the sex recorded on their birth registration altered as well.

The Greens fully support this bill as the reforms in this bill are longstanding Greens policy and the Greens had a commitment to introduce a private members bill with these reforms if the government did not do so. We understand that this was also a key government election commitment. Either the government or the Greens would have introduced these reforms. 17:05:00

I was the longstanding spokesperson on equality matters before the election of my colleague the member for Prahran in the Assembly, Sam Hibbins. He spoke very eloquently as the spokesperson on equality in favour of this bill in the lower house. In particular, having followed some of the speakers from the Liberal

Party and some speakers who spoke with a degree of misinformation about the bill but also in such a way that was, you would have to say, offensive to people in the community, he expressed his distress at hearing some of those things said in the lower house. He made the point that it would be a travesty if this bill was not to pass the Parliament. I echo that sentiment that it would be a travesty for it not to pass, because the bill will make such a positive change to the lives of people who have had barriers put up to them by the existing legislation, as it exists in Victoria and as it exists currently in other states. I will go to some of the detail with regard to that in my contribution. These barriers need to be pulled down and the identity of people needs to be fully recognised. The self-identity of people needs to be fully recognised by the law and by the community. What will make a very positive difference to the lives of transgender people in our community will make no practical difference to anyone else's life but it will make a huge difference to their lives, and that is why this bill needs to be supported.

The previous speaker, Mr Davis, spoke about the controversy in this bill and legitimate concerns — neither of which I see. I do not see any controversy in this bill. It is a very straightforward bill, and legislation to this effect exists, as I said, throughout Australia. In some ways this bill goes a bit further than some legislation throughout Australia, and in other ways, in particular with regard to children, it is a catch-up bill because Victoria is the only state which does not have any provisions with regard to children or those under 18.

We know that the government has consulted extensively with key stakeholders on this bill, particularly Transgender Victoria, which is very supportive of the bill. Others, such as the Law Institute of Victoria and the Human Rights Law Centre, for example, are also very supportive of the bill. I think Mr Davis tied himself up in knots by speaking about parts of the bill which he said were raising legitimate concerns, and then he proceeded to describe the provisions in the bill which allayed those concerns. I am not quite sure why, after listening to him, he could not be supporting this bill, and the same goes for other members of his party. I do not understand why they cannot be supporting this bill and the positive contribution it will make to the lives of so many people.

The background is that in 2004 the then Attorney-General, Rob Hulls, introduced legislation to provide for a birth certificate to be updated to reflect a person's affirmed sex. Victoria was in fact the last jurisdiction to do this. The bill was supported in Parliament by all parties, including the Liberal Party

and The Nationals. In fact it is interesting that if you read through the debate on that bill in 2004 you will see that there was quite a lot of support for the bill to be going even further at that time. For example, in terms of the requirement that a person be unmarried, the then Leader of The Nationals, Mr Ryan, said:

That would mean by implication that a person who has been married but who at the time of the application is divorced is nevertheless able to avail themselves of the terms of the legislation. It would mean, therefore, that a divorcee can apparently access the legislation — and that is fine insofar as the operation of the bill is concerned — but a person who is married is not able to do so.

So even 12 years ago when the first tranche of this legislation was introduced the then Leader of The Nationals was advocating that it go further, as did other speakers, and Ms Mikakos was one who also advocated that during her speech, but I leave her to speak for herself; I am just reporting what is in *Hansard* from that time.

I would like to thank the government for introducing the bill. and I commend it for doing so. As I said, it is longstanding Greens policy as well. I would like to take this opportunity also to thank everybody who has worked so hard to advocate for the bill and to bring it here today — those in the transgender community and others who have worked with them to bring the bill here.

I would like to thank the library as well for its excellent brief on the bill. Also, to put it into more context, in 2014 in *Norrie* the High Court decision upheld the rights of a transgender person to be registered as neither a man nor a woman with the New South Wales Registry of Births, Deaths and Marriages. *Norrie*, the person at the centre of the High Court case, had undergone a sex affirmation procedure but considered that the surgery did not resolve her sexual ambiguity and thus she applied for her sex to be registered as non-specific. In their judgement — and this is the important part — the justices noted that:

Not all human beings can be classified by sex as either male or female.

So the High Court of Australia set the framework there in 2014.

The brief from the library also outlines the situation as it applies in the Australian states and territories. As is the case at the moment, and this includes Victoria, all adults over 18 can apply in any state or territory. In every state or territory except for Victoria the guardian of a child under 18 can apply, so that is where in this case the Victorian bill is catching up with the rest of

Australia. In every state and territory still people must be unmarried, except that Victoria is removing that requirement with this bill. Except for the Australian Capital Territory, it is still the case in most Australian states and territories — although I believe some will be moving to remove the requirement — that the person must have undergone surgery.

17:12:30 This bill removes the requirement for sex affirmation surgery. This is a serious medical procedure that involves the alteration of a person's reproductive organs. For some people such surgery is not an option due to their choice, to medical costs, to a medical condition or to a disability that may prevent it from being a viable option. This is a very welcome development in this bill, and I hope to see it repeated around Australia so that it will no longer be a requirement for a person who self-identifies as a different sex or in fact as neither male nor female to have to have undergone any sort of surgical procedure in order to do so.

The bill also removes the current requirement for a person to be unmarried in order to make an application to alter the record of their sex in their birth registration certificate. This requirement can force a person to choose between a birth certificate that reflects their sex or affirms gender identity and the maintenance of the legal relationship with their spouse, even where that relationship is ongoing. This is clearly an unjust situation.

It is worth noting also that there is no mention of the possibility of a legal challenge. In addition to removing the marriage barrier in the ACT, it has not led to any court challenges to the legislation. Importantly — this is where the bill catches up with the rest of Australia — it provides for young people under 18 years of age under certain conditions to be able to alter the sex recorded on their birth registration, with additional criteria for those who are under 16 years of age. As I said, currently Victoria is the only state that does not provide such a statutory process for a child.

Most Australians take their identity documents for granted, but when a person wants to change the sex marker on their identity documents, they face a number of bureaucratic hurdles relating to changing their birth certificate, their passport or their drivers licence. The birth certificate is the core document for proof of identity in Australia. As stated in the Australian Human Rights Commission's report *Resilient Individuals — Sexual Orientation Gender Identity & Intersex Rights*:

The importance of having an identity document which matches a person's gender expression should not be underestimated. It provides empowerment, engenders respect,

and mitigates potentially difficult situations for gender diverse individuals.

It is extremely important that the process to alter a person's sex to reflect their gender expression or identity is one that does not create significant or unjust barriers, which the current process in Victoria does create.

In addition, the report of the human rights commission refers to submissions stating that the requirement for a change of sex on birth certificates with the sex affirmation surgery inadvertently entrenches a medical model of gender that essentially pathologises gender identity and:

This approach de-legitimises the experiences of people who cannot or choose not to have surgery as part of their gender affirmation.

With regard to children, Victoria is the only jurisdiction not to provide for a statutory process for a child to alter the sex recorded on their birth certificate. This bill changes this. Under clause 8 the bill provides that a child may make such an application if:

- (a) the child's birth is registered in Victoria; and
- (b) the child consents to the alteration of the record of the child's sex to the sex descriptor nominated in the application; and
- (c) the parents believe on reasonable grounds that the alteration of the record of the child's sex is in the best interests of the child; and
- (d) the record of the child's sex has not been altered within the 12 months preceding the date of making the application.

In the application the parents must nominate the sex descriptor. The application must be accompanied by a supporting statement by a relevant person — for example, a doctor or a registered psychologist. The statement must state that in the opinion of the relevant person the alteration of the child's sex is in the best interests of the child. If the child is under 16 years of age, the supporting statement must include that in the opinion of the relevant person the child has capacity to consent to the alteration of the record of their sex, and a child of 16 or more years is presumed to have capacity to consent.

Further, the bill provides for situations where there may be a difference of opinion between parents or guardians or where there is a sole parent or guardian whereby the County Court can make an order approving the alteration of the child's record of sex if it believes it is in the best interests of the child. Where neither the parents nor a guardian make an application on behalf of

the child, despite the child's request for an application to be made, the matter would be resolved in the Family Court under new section 30C(3)(a) inserted by clause 9.

It is important that young people are covered by this bill as is the case in other states and territories, since there have been instances of young people being discriminated against when being asked for their birth certificates at school or when applying for jobs. This can be extremely difficult for them, can undermine their self-esteem and may even prevent them from continuing with the application or lead to the application being rejected.

This is a fairly simple but far-reaching bill that will have, I would say, long overdue and very positive benefits for the people who it will directly affect. I ask those people who have reservations or reasons to have reservations about the bill to think about the fact that by not supporting this bill they will be deeply affecting the lives of other people, whereas this bill will be making a positive contribution. I ask that they consider whether that is really what they would like to be doing. I hope the Council will be able to support the bill, which will make such a positive contribution to the lives of people who hitherto have faced so many barriers and obstacles in their quest simply for the ability to be recognised as the person they are.

Dr CARLING-JENKINS (Western Metropolitan) — I rise today to speak to the Births, Deaths and Marriages Registration Amendment Bill 2016. I guess it would be of no surprise to anyone here to hear me say that I cannot and will not be supporting this bill.

I begin my speech today with reference to the words of Germaine Greer, author of *The Female Eunuch*, a book which revolutionised the feminist movement in the 1970s. Ms Greer has become one of the leading voices in the second wave of the women's liberation movement — famously believing in liberation rather than equality. When confronted with the relatively recent phenomenon of transgenderism, Ms Greer stated that a transgender woman, and I quote:

... can't be a woman ...

I'm not saying that people should not be allowed to go through that —

gender change —

procedure, all I'm saying is that it doesn't make them a woman ... Just because you —

have an operation —

and then wear a dress doesn't make you a ... woman. I've asked my doctor to give me long ears and liver spots and I'm going to wear a brown coat, but that won't turn me into a ... cocker spaniel.

I do understand that some people are born intersex and they deserve support in coming to terms with their gender, but that's not the same thing.

I agree; it is not the same thing. I do not agree with a lot of Ms Greer's work, but I do agree with this. Only objective natural law is immutable, and this bill, which seeks to allow people to change the way their sex is recorded, will not change this fact. This approach, if adopted, will cause a dangerous shift from treating a person's sex as a question of verifiable fact to treating sex as a question of personal belief.

New section 30A would allow any person over 18 years of age whose birth is registered in Victoria to apply as often as every 12 months to change the sex descriptor recorded on the person's birth certificate to any sex descriptor the person believes is the person's sex. Sex descriptors are not limited to male or female but, subject to prohibitively offensive, overlong or unpronounceable terms, are open-ended. One list of possible sex descriptors from a Queensland University of Technology's Australian sex survey suggests 33 possibilities, including 'demiboy' for a person who identifies partially with being a man or with having masculine characteristics; 'third gender' for a person who identifies as neither a man or a woman; and 'trigender' for a person who shifts between the male, female and third genders.

Significantly, section 30G(1) of the existing act provides:

17:22:30

If the record of a person's sex in the person's birth registration is altered under this Part the person is a person of the sex as altered.

The implications of this provision then, when combined with the novel approach to sex reflected in this bill, are far reaching. This bill goes well beyond providing for the small number of persons born with ambiguous genital sex or those adults who have undergone the serious process of transitioning from one sex to another. If a person who is chromosomally, hormonally and anatomically unambiguously a man applies to change his sex to female on his birth certificate, then once that change is registered he is under all Victorian laws a female.

Putting aside for the moment some of the practical concerns this raises, it is inappropriate, foolish and bizarre for a Victorian law to be mandating that the whole community must go along with the personal belief of such a person in the face of observable,

verifiable facts. This bill, if passed, would take us into the world Alice describes in the 1951 film *Alice in Wonderland*:

If I had a world of my own, everything would be nonsense. Nothing would be what it is because everything would be what it isn't. And contrary-wise; what it is it wouldn't be, and what it wouldn't be, it would. You see?

This is a world which may be fun to explore in fantasy novels and films, in abstruse philosophy and in the ideology of limitless gender fluidity; however, this is not the world in which most Victorians see themselves living. Most Victorians are commonsense realists, where we must call a spade a spade, and we know that a rose is a rose is a rose. We object to a law that requires us to pretend that things are otherwise than they are. It goes against common sense, that basic ability to perceive, understand and judge things that is common to nearly all people and should not require debate.

I turn now to the practical concerns raised by the legal effects this bill would have by declaring that a person is a sex if they say they are of a particular sex, regardless of any empirical reality. In our society, unlike some others, we do not have a rigid segregation of the sexes. We mix freely as women and men in business, commerce, political and social life. However, there remain areas and activities where access or participation is, for good reasons, limited to persons of one sex or the other. Facilities such as bathrooms and change rooms, single-sex gyms and women's refuges create a safe space for women and girls in particular. No doubt men also value the privacy of men-only facilities.

If the law is changed to require all Victorians to treat a man as a woman just because he declares that he believes he is and has accordingly had his birth certificate changed to declare this as a legal fact, it is clear that such spaces are no longer safe for women. This is not a fanciful or speculative concern. The bill itself sets up a process in regard to prisoners, prisoners on parole, offenders, registrable sex offenders and detainees, requiring the consent of an appropriate authority such as the Secretary to the Department of Justice and Regulation and the adult parole board before an application for a change of sex is made or is accepted by the registrar. These authorities are directed not to approve the making of an acknowledgement of sex application if it would be reasonably likely to be regarded as offensive by a victim of crime or an appreciable sector of the community or, in the case of prisoners, if it would be reasonably likely to be a threat to prison security, to jeopardise the safe custody or welfare of any prisoners or to be used to further an

unlawful activity or purpose. These are valid concerns; however, they also apply to sexual predators, stalkers and those intent on harassment or violence who are not yet registered sex offenders or convicted criminals.

This is a reality in other countries. In February 2014 a Toronto court jailed a 37-year-old man, Christopher Hambrook, after he pleaded guilty to two counts of sexual assault and one count of criminal harassment involving a deaf and homeless Quebec woman and a Toronto survivor of domestic violence. Hambrook committed these crimes at two women's shelters where he was living under the name Jessica, claiming to be a woman.

The bill that we have before us has no requirement for applicants to have first undergone any medical or psychological counselling before the person's legal sex is changed. Gender dysphoria, the feeling that your body does not reflect your true self, is obviously profoundly distressing. Persons experiencing gender dysphoria should be treated with respect and compassion and given professional help.

The provisions of this bill that allow a person's legal sex to be changed as often as every 12 months seem to trivialise the whole notion of a legally recorded sex as part of the fundamental record of identity in the register of births. I will note that Gordon Rich-Phillips in his contribution considered this at length. Other elements of fact besides sex are recorded in that register, including the year and date of birth. If I were to look in the mirror tomorrow and decide that inwardly I feel that I am only 25, should I be able to apply to have the year of my birth in the register altered to 1991? If not, why not, given that Victorians are to be allowed to make up their own sex at will and have it legally declared to be the case?

What if a person who avidly follows the daily horoscope is persuaded that his or her inner self is not a Sagittarian, despite the date of birth recorded on the person's original birth certificate, but is most definitely a Leo? Should the registrar be obliged to alter the register to reflect this deeply held belief of the person? I am making this point not because I anticipate any imminent push to allow such changes from fact to fantasy in the register of births but simply to highlight the absurdity of the proposition in the bill that a person's legal sex could be changed annually to comply with their fantasies or pretences.

I note that in removing the restriction on persons who are currently married from having a change of sex registered, there is no requirement for consent from the person's spouse. This seems to me to be unfair to

spouses and fails to acknowledge the significant nature of marriage.

I turn now to the disturbing provisions of the bill regarding children. This bill would allow a child's sex to be changed annually to male, female or any sex descriptor of choice on the application of the parents of a child.

17:30:00 The application must state that the child consents to the acknowledgement of the child's sex as the sex descriptor nominated in the application and that the parents believe on reasonable grounds that a document acknowledging the child's name and sex is in the best interests of the child. The application must be accompanied by a supporting statement from a doctor or psychologist stating that the application for a document that acknowledges the child's name and sex is in the best interests of the child. If the child is under 16 years of age, the statement must also state that the child has the capacity to consent to the acknowledgment of the child's name and sex.

I note here that the World Professional Association for Transgender Health notes in its standards of care that gender dysphoria in childhood does not inevitably continue into adulthood and that only 6 to 23 percent of boys and 12 to 27 percent of girls treated in gender clinics showed persistence of their gender dysphoria into adulthood. These figures should make us very cautious about responding to a child's expression of feeling like a boy when she is a girl or like a girl when he is a boy by rushing to publicly transition the child through recording a new legal sex. In many cases I am afraid that this may burden the child with the necessity of undoing this change once the transitory feelings of childhood gender confusion pass away.

In summary, this bill seeks to implement a fanciful, radical, ideologically-based approach to the question of sex which is out of touch with the common-sense realism with which most Victorians approach this question. It would allow annual changes of legal sex for both adults and children without requiring any evidence that the changed sex corresponds to any reality at all except a personal, internal belief that may, especially in the case of children, be quite transitory.

I quote from an article Simon Kennedy wrote headed *Male, female or feline — it's all equal on Spring Street*:

In Victoria, Daniel Andrews's government continues to go from strength to strength. Off the back of the triumph that was the firefighter's enterprise bargaining agreement, they are now moving to continue scaling the heights of the sexual revolution.

Or was that the asexual revolution? Or transsexual revolution? Or bisexual revolution? It's difficult to tell. You see, not only does the Andrews government want to make life difficult for religious organisations (and only religious organisations) with its new equal opportunity laws, the Andrews government also wants to ensure that people don't have to face any kind of real sexual objectivity whatsoever.

He went on to say:

The opinion of parents is irrelevant. The plumbing doesn't matter. The only thing that matters is what someone feels.

As the Attorney-General explained the bill to the Parliament, he said the following: a person can apply to change their sex ... They will do this by describing their gender in a way that is 'meaningful to them'.

Not in a way that is meaningful to the community. Only to them. Not in a way meaningful and coherent according to medical science. Only to them. Not according to the plumbing and hormones that God gave them. It only has to be meaningful to them, and, within reason, they can use any descriptor they like. It's all about you and your feelings in Victoria. In 'The Education State', sex will be without any objective meaning. Instead, it will be based upon the feelings of autonomous individuals.

This is simply not good and not sound policy on which to base any kind of legislation. So, again, it will come as no surprise to the house that I definitely will not be supporting this bill.

Mr MORRIS (Western Victoria) — I rise to make my contribution to the Births, Deaths and Marriages Registration Amendment Bill 2016, and I note that the purpose of this bill is to amend the Births, Deaths and Marriages Act 1996 to remove the requirements for a person to have undergone sex affirmation surgery and be unmarried and to allow for applications to alter birth certificates on behalf of children.

The main provisions in this bill are to insert a new process for a person to alter the record of their sex without the person having to undergo sex affirmation surgery and be unmarried. Indeed the applicant need only make a statutory declaration nominating the sex to be recorded in the birth registration. Applications must include a statement from another adult who has known the applicant for 12 months or more, believes the application is made in good faith and supports the said application.

I note that the applicant can nominate a sex descriptor of their choice to describe the sex on the birth certificate. A sex descriptor may be 'male', 'female' or any other descriptor chosen by the applicant to recognise their gender-diverse or non-binary identity. Sex descriptors are not limited and allow applicants to describe their sex in any way that reflects their identity.

The bill only excludes from the term ‘sex descriptor’ descriptors that are obscene or offensive or cannot practicably be established by repute or usage. This bill goes on further to permit applications for a child’s record of sex to be altered in their birth registration — indeed on their birth certificate. As with adults, children are not required to undergo treatment and a sex descriptor of their choice must be nominated in their application.

I go on to note that applications will be made on behalf of a child by their parents or guardians, and in some cases one parent may make the application on a child’s behalf. This must also include a statutory declaration from the parents or guardians of the child, stating their belief on reasonable grounds that altering the sex recorded in the child’s birth registration is in the best interests of the child. I note that an application cannot be made unless the child consents to the application, and consent is expressed through the parents or guardians. For children under the age of 16 years the application must include an assessment by a doctor, a registered psychologist or a prescribed person that the child has the capacity to consent to the application.

17:37:30 Indeed in all cases the application must include a statement from a doctor, as we have said before. Children aged 16 or 17 years will be presumed to have the necessary legal capacity. Again, consent is expressed through the parents or guardians.

I note clause 10 of the bill has similar provisions which apply to adults and children whose births are registered outside Victoria. Clauses 13 and 21 to 24 say that the bill extends these changes to applications by people, both adults and juveniles, in detention or under supervision, such as prisoners and parolees, who wish to make an application to alter their recorded sex. The only additional condition is the prior approval of the relevant supervisory authority, such as the Adult Parole Board of Victoria or the like, that is to consider the application’s reasonableness, necessity and other relevant matters, including security and the safe custody or welfare of the applicants or others.

I join with my colleagues in sharing many concerns about this particular bill. I know there have been considerable concerns about implications pertaining to the commonwealth law and how this bill may interact with those commonwealth laws in that these changes may exacerbate community concerns about the use of single-gender or single-sex facilities. There have been significant concerns raised directly with me, as they have been with many of my colleagues, through correspondence from hundreds of constituents who are very concerned about the possible ramifications of this

bill, which is why I join with my colleagues in opposing this legislation as it stands presently.

Mr FINN (Western Metropolitan) — This bill is an interesting bill to say the very least. I have spoken in this house before on the subject of gender dysphoria. I have discussed how it only affects a small number of people but how, medically, people who suffer from this disorder can be treated and, if indeed they desire, they can be led to a sex change operation and they can be led to a new life if that is what they require. I do not think anybody has any problems with that. We understand, we offer empathy, we offer sympathy and we offer support to the people who find themselves in that situation, most certainly. But I have to say that this bill is quite possibly the greatest piece of ratbagery that has ever been before this Parliament, upper or lower house, in the history of Victoria.

There is a thing called the pub test, and every politician knows about the pub test. I challenge the minister to come with me to the Royal Hotel in Sunbury or to the Black Horse in Bulla or to the Gladstone Park Hotel Motel or to the Royal Hotel in Essendon or to any of the pubs out in the west. I invite her to sit at the bar and explain to the gathered people exactly what this bill is about. I invite her to come with me and sit there with the good people of those areas, quietly having a sip after a long day, to explain to them that this is a bill that the Victorian Parliament is actually spending good time on — debating a bill which will allow people to change their gender every 12 months. I am more than confident that she will not last in that bar very long at all.

It is a nonsense to suggest that we need legislation of this nature. People who have, as I say, and suffer from gender dysphoria can be assisted and can be treated, and that is great, as indeed they should. But this legislation is nonsense. This is nut bag central, and I think the overwhelming majority of Victorians will agree.

Ms Patten interjected.

Mr FINN — Ms Patten may well get up. She spends probably a fair bit of time in Brunswick Street, and I would imagine that in Brunswick Street this would be a fairly hot issue. But I have to say to you that Brunswick Street is far from representative of the great majority of Australia, and thank God for that. We have so many important issues that we are charged with to debate and to pass laws on in this Parliament, and I think the overwhelming majority of people would be absolutely perplexed at the Parliament spending time discussing this today.

In particular I want to take up the point that Dr Carling-Jenkins made about the impact that this bill could have on children. As members of this house would be aware, I have spent a good deal of my life defending children at whatever age, whether they be children in utero or indeed after they are born. I have spent a great deal of time fighting for and defending children. We could under this legislation have a situation where children could be bullets in a war between parents who are going through a divorce. Do not say that this does not happen because it does — where parents use the children or quite often the singular child, but occasionally children as well, as a weapon against the other parent. We are not talking about schools here. We are not talking about places of residence. We are not talking about any of the things that can be changed relatively easily. Under this legislation you could have a situation where a parent changes the gender of the child to get at the other parent. That to me is obscene. It is typical of what we have come to expect from a government that is so far removed from what the great majority of Victorians are on about that it just does not matter.

Mr O'Sullivan interjected.

Mr FINN — It is twice today that they have shown how out of touch they are. Mr O'Sullivan is absolutely spot on on that one.

Ms Patten interjected.

Mr FINN — Well, if you would listen to what I am saying, Ms Patten, you would know and you would not have to ask silly questions. Just sit there and listen, and all will be revealed.

What I am saying is that this government does not have the first idea of how this legislation will very deleteriously affect children. I see that the people from the far left over there in the corner are having kittens at the prospect of what I am saying here, but that does not particularly worry me as quite frankly I do not care what the extreme left think.

17:47:30 This is the sort of stuff that comes from the extreme left. And who is pushing it? You have got Dictator Dan himself, the great leader of our state, the great champion of the extreme left, with his Socialist Left government. They are constantly pushing this sort of nonsense down our throats. We want to spend our time in this Parliament doing something constructive, actually doing something which is going to help people, not this sort of rubbish. Honestly where on God's earth do these people get off thinking that they can get away with this? We have people in big cars and big offices

with lots of staff who are being paid fairly hefty sums of money to come up with this, and that is just staggering.

If members want to know — and there has been a fair bit of interest in this, it has to be said, over the last few weeks — why Donald Trump won the presidency I will tell them why: because the vast mass of Americans in middle America were sick of nonsense such as this that was coming out of Washington, DC. That is exactly why he won. I was not expecting him to win. I am glad he beat Hillary Clinton, who is as crooked as they come, but that is why he won.

Mr Somyurek — You jumped on the bandwagon.

Mr FINN — I did not jump on the bandwagon. I have to say to Mr Somyurek that Donald Trump was not my first choice, but at the end of the day he was far superior to the candidate that he beat. Has she not been quiet lately? What a marvellous thing it is. That is why he won — because people who are sitting around the kitchen table wondering how they are feeding their kids at night, wondering how they are going to pay their telephone bill or their electricity bill or how they are going to get their car fixed, are looking at this sort of nonsense and saying, 'Why are our political leaders wasting their time and wasting our money on this sort of nonsense?'. That is what people out there are saying.

I would suggest to some of you that you might like to get beyond Brunswick Street and come out to the outer suburbs, where the real people live, and go and have a talk to them. Walk into the pub, walk into the school, walk into wherever you like and raise this issue and see if you get a spark of interest. See if you can get people to actually agree with you that this is an important issue. Come out with me.

Ms Patten interjected.

Mr FINN — I invite Ms Patten to come and visit the real world. I think it has probably been a very long time since she has been there, but I invite her to come with me and visit the real world and see what real Australians, real Victorians, are on about — to listen to them about the problems that they are facing, about the issues that they have and about the needs that their families are going through on a regular basis.

Mr Ramsay — Law and order.

Mr FINN — As Mr Ramsay says, law and order is a huge issue in this state. I have spoken to people who have had their doors kicked in, had their homes invaded, had their cars stolen and been terrorised in the night by these hooligans. Do you reckon this legislation

rates with them? Do you really think this legislation makes Victoria a safer place? No hope; not a chance.

Ms Patten interjected.

Mr FINN — It does not; not a chance. This is coming from the extreme left nutbags who run this government. That is the problem. We have a small and ideologically blinkered extreme left-wing group who run this government, and they produce this trash. We saw it in the last bill that was defeated as well. We have seen it time and time and time again. They go after religion, and they go after families. It is the old story: ‘If we destroy religion, if we destroy families, if we destroy the basis of our society, hey, then we can get what we want’. That is something I think Karl Marx was probably preaching 100 years ago, but here we have a Premier and a government who are actually — —

Mr Somyurek interjected.

Mr FINN — Mr Somyurek may well be interested in this. In fact I will put money on it. Here is a government that is actually putting it into place. There is no greater example of that than the further attack on children. Not happy enough with Safe Schools, which is an atrocious and a despicable attack on our children, here we have a situation where they are putting children in a place where they can be used as a weapon between warring parents in a custody settlement or worse.

It is to my way of thinking quite frankly intolerable. I have given up on tolerating the tolerance brigade. I have been told for years that I just have to sit back and accept it all as it comes. Whatever they come up with I just have to accept it, because I am tolerant. ‘You’ve got to be tolerant of everything’, they say. But fair dinkum, you have got to draw the line somewhere, and this legislation is most certainly somewhere and it is somewhere that I am drawing the line.

We have to get a sense of perspective about this. We have to get our priorities straight, and clearly this legislation is showing that we have a government here in Victoria whose priorities are so far up a wattle you cannot see them. That is the simple fact of the matter. What is going on among this small group of people around Dictator Dan who think — well, I am not sure what they think. But certainly they are so far out of touch with the great bulk of Victorians that they can come up with this stuff. My suggestion, my plea if you like, is for Ms Patten, for my Green friends over there, for my friends in the Socialist Left of the ALP to go out — go with me, go with Mr Somyurek, go with

whoever you like — and talk to real people and find out what real people need.

Ms PATTEN (Northern Metropolitan) — Talk about wasting time! Mr Finn, who spoke against the Births, Deaths and Marriages Registration Amendment Bill 2016, spent 15 minutes with nonsensical arguments and imaginary hypotheses. He was dismissing real people. This bill is about real people, and I would be happy to introduce Mr Finn to them. This bill is important for compassionate people. If I was a Christian, I would be asking, ‘What would Jesus do?’. I think that Jesus would actually be far more compassionate than the evangelical Christian who just left the room, as in Mr Finn. 17:55:00

I am not going to restate the purposes of this bill, because many have already done that. It is a very simple bill. I have a longstanding position — and I think a lot of us do — around equality, respect and tolerance. I support greater equality for my lesbian, gay, bisexual, transsexual and intersex friends and our community. It is central to my party’s, the Australian Sex Party’s, policy plank. We support a strong suite of LGBTI-specific policies. This bill is so important. The fact is that the opposition is opposing this bill and yet it has 12 speakers who will talk about how nonsensical and irrelevant this bill is to the general population, and they will speak for 3 or 4 hours on it.

We know that the statistics about the trans community and gender diverse people are there. They face disproportionately high rates of violence, harassment, bullying and exclusion. They are words that I have heard from the opposition that cause those things. There is just no other reason than gender identity for 66 per cent of young people having experienced verbal abuse and 20 per cent having experienced physical abuse, according to human rights commission surveys. This abuse has been around their gender identity. I have highlighted many times in this chamber that it is horrifying that, as a consequence of this harassment, people identifying as LGBTI are 14 times more likely to attempt suicide than people who identify as heterosexual. This bill goes some way towards addressing the harassment that many intersex, trans and gender diverse people face every day.

Sadly for young people school is the place where most homophobic and transphobic bullying takes place. Almost 6 in every 100 students are gender diverse, trans or intersex. We need to protect them, and this bill goes some way to doing that. It is why the Safe Schools program is so important and why I was very pleased to read — and I am sad Mr Finn is not here to listen to this — the Salvation Army’s response to Safe Schools.

This was just the other week, on 15 November 2016. I quote Salvation Army Victoria state council chair, Major Dr Geoff Webb, who said:

The Salvation Army's Victoria State Council ... has been aware of the negative claims about the Safe Schools program and its related materials but believes these to be unfounded.

And that:

None of the negative claims made about the program accurately reflect anything in the official materials reviewed.

Mrs Peulich — On a point of order, Deputy President, Ms Patten is quoting from a document which has been superseded, and I believe that the Salvation Army would wish for its correct position to be stated on record rather than being misrepresented, as she is currently doing.

Ms PATTEN — On the point of order, Deputy President, I am quoting directly from the Salvation Army's response to the Safe Schools program on 15 November 2016. I am more than happy to provide Hansard with the documentation.

Honourable members interjecting.

The DEPUTY PRESIDENT — Order! There is no point of order. Ms Patten to continue.

Ms PATTEN — Where many Christian organisations have spoken against the Safe Schools program without valid foundation, I commend the Salvation Army for seeing through the rhetoric and taking a commonsense approach that supports equality for LGBTI Victorians. Creating a fairer Victoria by reducing discrimination and respecting diversity is important, and this bill does exactly that. This bill is a compassionate bill. This bill recognises the diversity in our community. This bill recognises the harassment, the bullying and the violence that many of our trans, intersex and gender diverse people experience.

My constituent Dymphna wrote to me in support of this bill:

This bill is important to me because trans, gender diverse and intersex people currently face discrimination and barriers to accessing services when the sex on our ID doesn't match what we look like and how we live our lives.

I believe all Victorians should be able to have our true sex or gender reflected on legal documents like a birth certificate —

that is, to represent and reflect how they live their lives. Liberals should be supporting people to live their lives as they wish. We should not be interfering with how people wish to live their lives, and this bill assists us in

allowing those people to live how they want to live their lives.

I must say I listened to Mr Davis today, and I was really looking forward to him indicating that he would cross the floor on this bill. I was certain that he and Ms Wooldridge would be standing up here, after all of the public comments they have made around transgender discrimination and the support they have given to the LGBTI community. When they were ministers, they were fully supportive. I would like to remind Ms Wooldridge of what she said when launching 'No to Homophobia', which was an advertisement campaign in partnership with Transgender Victoria and others. She said:

... I hope these advertisements contribute to frank and widespread conversations about what is required to ensure that all Victorians can participate in our society equally and with confidence.

Mr Davis, when Transgender Victoria and YGender launched 'What Makes an Ally', raised the transgender flag at Wyndham City Council and said these words:

Poorer mental health and wellbeing is caused by stigma, bullying, rejection by family and friends and difficulties associated with transitioning —

difficulties, Mr Davis, that this bill would help address. He went on to say:

It's very clear that transgender people may well feel isolated and this brings people together. It's an opportunity for people to make friendships and to make connections in a safe way in a way that will improve their health.

Here he was supporting our transgender community, our transgender friends. Then today, not a word. He deserted them, as we have seen with the opposition. I was very saddened to see that.

In government this opposition launched the LGBTI health and wellbeing action plan for 2014–18. As far as I know, this is 2016, so we should still be within that plan. Mr Davis said:

The LGBTI health and wellbeing action plan ... recognises that the LGBTI community, in general, has poorer health and wellbeing than other Victorians in key areas, largely resulting from stigma and discrimination.

This bill goes towards addressing those issues. This bill goes towards addressing the stigma and discrimination that the LGBTI and particularly the trans, intersex and gender diverse communities are experiencing. Ms Wooldridge echoed Mr Davis, praising Victoria's reputation as an inclusive state. Ms Wooldridge said:

We all want communities who are resilient and who have good mental health, with freedom from harassment and

violence, and who feel supported to access health services that are welcoming and sensitive to their needs.

This bill would help to address that.

I cannot help but notice that there is a really shameful gap between those words and the words that I have heard from the opposition, not just in this house but in the other house. They are the hateful words that will only go to furthering discrimination and stigma, that will result in violence and that will result in people dying. If we truly believe that all Victorians should participate in our society equally, then I would suggest the right thing to do is to support this bill. The bill accords with the recommendations of the Australian Human Rights Commission from 2010, ultimately adopted by a Liberal Australian federal government — that is right, I think it might have been former Prime Minister Tony Abbott who helped us to get passports in which people could identify themselves as the sex that they lived by. They did not need to have surgery to identify themselves as the sex that they lived by. The Australian government's guidelines on the recognition of sex and gender, updated as recently as last year by a coalition government, state that:

Sex reassignment surgery and/or hormone therapy are not prerequisites for the recognition of a change of gender in Australian government records.

They are not prerequisites for the recognition of a change of gender in Australian government records, and that was written by a coalition government. The fact that the Victorian opposition takes a position contrary to its own federal coalition's policy is quite frankly more than saddening, as is the fact that Mr Finn said that this is nonsense and asked why we are wasting our time, when the coalition's counterparts at the federal level saw the importance of allowing people to live their lives as they wish. Trans, gender diverse and intersex people face barriers in their daily lives because they are unable to alter the sex recorded on their birth certificate. As a result they will often receive inappropriate and intrusive questions, which is not even to count what they have heard in this house. I am so ashamed of what we and my colleagues have said in this house.

I am saddened and I am ashamed of the intolerance that we have heard in this house and of the disregard for people's wellbeing that we have heard in this house because people here do not support a bill that allows people to alter the sex recorded on their birth certificate — their birth certificate. Not Mr Finn's birth certificate and not the birth certificate of Mr Clark in the other house — their birth certificate.

The horrible, horrible disregard that we have seen for our community is shameful. I hope that Mr Davis is listening now and I hope that Ms Wooldridge is listening now, because I hope that they are feeling awful. I feel that they may, when we come to a vote, actually find their conscience and cross the floor. I would hope actually that a number of members here would cross the floor knowing the importance of this bill to a number of people. I would hope that the Christians in this house would show the compassion that they preach.

Mrs Peulich — When have you cared about what Christians think?

Ms PATTEN — I would hope that the Christians in this house, with the exception of Mrs Peulich, who I have never heard preach any compassion for anything, and those who preach compassion do cross the floor, support this and stop disregarding people who will be negatively affected by this bill not passing.

In other circumstances you would write something like this off, but when I know that there are lives that this bill affects and there are lives that you are affecting by not supporting this bill, I am almost at a loss for words, which is lucky because I am finishing up. This is a very meaningful step on the path to equality, and I would hope that the opposition and my fellow crossbenchers understand that this is not something that you play politics with. This is about people's lives, so you do not play politics with this. You do not play political tactics with this bill. This is about people's lives. Maybe it is not going to affect you, but it will affect someone you love, it will affect the family of someone you love and it will affect someone in your community. Even way out west where Mr Finn lives, this bill will affect those people. I fully support this bill, and I hope that people with a conscience will support it as well.

Mr RAMSAY (Western Victoria) — I rise to speak on the Births, Deaths and Marriages Registration Amendment Bill 2016. Sadly there appears not to be too much Christmas cheer in this chamber today with the two bills that have been brought before us, both under Minister Foley's jurisdiction. Both I believe will fail because they have broadened out the original intent of the ALP policy going back to 2014 in relation to its affirmation in dealing with concerns raised around providing the things that Ms Patten talked about, which was to respect those that are transgender and to seek some recognition of that. As I said, prior to debating this bill we debated another bill that was in relation to equality and specifically religious schools.

18:12:30 But in respect of this bill I actually took an objective view, Ms Patten. I thought I could understand that those who are transgender and who have sought at a stage of their life to transfer their birth gender to another gender would want to have that transfer documented and recorded. At the same time my office has received an enormous amount of emails on this; in fact we have received over 200 over the last three weeks, which is a lot. We have received a lot of emails about a number of the more sensitive and contentious bills that have come before this chamber, but this one actually brought a lot of emails to my office.

Like Mr Finn with his 'pub test', I thought it would be worthwhile to perhaps read some of that email commentary that my office has received. Some of the comments are along the lines that people feel it goes against common sense for a certificate to state anything other than the biological fact at the time the certificate was issued — and that is the issue that I am grappling with. Some people believe the bill would circumvent same-sex marriage laws, which we have had some discussion around. Some have argued that women and children will be put at further risk of male violence in gender-specific settings, such as domestic violence shelters, gymnasiums and toilets. Some other comments have been about people feeling that the bill is not about gender equality as much as it is about abolishing gender and erasing objective sex differences. Other people feel it undermines the integrity of the birth certificate, which is designed to document parentage and details of birth. Another email stated:

Birth certificates are supposed to detail the biological details and parents of a newborn, not how someone might feel later on about their 'gender identity', as this equates to an individual's personality — not actual gender.

I think Dr Carling-Jenkins raised that point herself.

The purpose of the Births, Deaths and Marriages Registration Amendment Bill 2016 is of course to remove the requirement for sex affirmation surgery, to remove the requirement to be unmarried and to allow an applicant to alter a birth certificate on behalf of their child. As I mentioned before, and as the Attorney-General has mentioned in the second-reading speech, this of course comes out of the ALP equality policy from 2014, which amongst other things seeks to remove barriers for obtaining new birth certificates for trans, gender diverse and intersex Victorians and to work to address the discriminatory automatic divorce consequences for trans, gender diverse and intersex Victorians by developing a comprehensive plan to eliminate them.

However, typically, as with other bills that have come before this house, the Andrews government's ideological and socialistic platform has, I believe, compromised what could have been a workable document.

Ms Patten interjected.

Mr RAMSAY — You may laugh, Ms Patten, but I would say to Mr Foley, 'Go back and redraft it', because there are other ways to acknowledge and respect those who change their birth gender to another gender. I am trying to find a passage which is a bit strange, but I cannot — and it is not in respect of the commonwealth legislation, which is an issue I just wanted to raise before I finish. The bill actually talks about male gender, female gender and other genders, which I was a bit concerned about because in relation to the detail I was not sure exactly what those other genders were. That aside, I think what the intent of the ALP equality policy in 2014 was attempting to do was a far cry from what we now have, and again I was disappointed to see that the Andrews government has really compromised that position they took in 2014 in terms of what the details of this bill are.

There appears to be inconsistency with the commonwealth legislation in relation to what this bill, if passed, would do sitting under state legislation. It appears from the departmental briefings that the departments themselves in fact are not clear about whether this bill, if passed, would be in conflict with commonwealth legislation, so it beggars belief that we would have a bill before the house that really has not been tested for inconsistencies with commonwealth legislation.

The bill seems to me to be a rushed job to appease the chattering class of the Socialist Left, the Sex Party, the Greens and the other ratbags — as Mr Finn calls them — in the Socialist Left factions of the Andrews government. The bill will provide more confusion and more community divide than actual help for the very people that it was supposed to give some confidence to that they certainly can, if they wish, see themselves in another gender light — if I can use that expression — but it cannot compromise the integrity of a birth certificate.

It is disappointing to see again in as little as 4 hours that the Andrews government has seen fit to complicate and compromise two bills that could actually help and support people firstly, in terms of the equal opportunity bill, to seek non-divisive, non-faith employment opportunities but still allow freedom of choice to those religious institutions that wish to continue that faith

education uncompromised, and secondly, in terms of this bill, certainly for those who have sought transgender changes, to feel that the community does support them, but certainly not in the way this bill has been delivered to us.

Sadly, I stand here in support of the opposition in opposing this bill because once again it has been poorly drafted and poorly briefed and it is more divisive in nature than actually helpful.

18:20:00 **Mrs PEULICH** (South Eastern Metropolitan) — I also rise to speak in opposition to the bill. That should not be a surprise to anyone. For me, it is all quite simple: biology, history and fact should be reflected in our official records of births, deaths and marriages registration. It ought to be based on fact, on history and on biology rather than identity, which is essentially a social construct.

Ms Patten, in her argument in support of the bill, actually provided no evidence for the need for change. She spoke about the need for compassion and understanding for people with gender dysphoria, or however else one may describe it. That does not mean that those who oppose this bill do not feel that those people deserve compassion. Does that mean that we should change the manner in which we record all births, deaths and marriages in our registry? No, it does not.

Ms Patten went on a rampage, trashing the reputations of David Davis, the former Minister for Health, and Mary Wooldridge. That was totally undeserved. Nothing she actually quoted had any bearing on or relationship to the legislation, and the coalition's opposition to the bill does not reflect a backflip from its members. Ms Patten is a champion at rolling out comments that she believes or does not believe and creating the impression that they are matters of fact. However, when you actually pry, when you actually quiz, she is very short on detail and very short on evidence.

Ms Patten made claims, for example, about the Salvation Army's position in relation to the Safe Schools program. When I actually took a point of order during her contribution, I provided an opportunity for her to perhaps temper her comments in the remote possibility that she might actually be wrong. She did not take that opportunity, and I would just like to correct the record. I have an article that was published in the *Australian* only a day ago. It states:

The Salvation Army has backed away from the controversial Safe Schools Coalition after its surprise support of the program sparked a backlash from members.

Just a fortnight after the Salvation Army's Victorian branch strongly supported the program, the organisation has quietly released a revised national statement.

'Whilst acknowledging such positive outcomes (to address bullying), the Salvation Army cannot unconditionally support the Safe Schools programs in Australia in their current form', the statement says.

Yet again, Ms Patten got it wrong. She was interviewed some time ago on a number of social issues by Andrew Bolt. After he pried and quizzed, she was a little bit short on the facts. She is great on the theatrics, on the drama, on the calls for compassion and understanding, but much of what she says is not actually substantiated by evidence.

Indeed one cannot assume that any person who opposes this bill is short on compassion or understanding. We all understand that gender dysphoria does occur and that there are processes in place that can assist people, and indeed those affected do deserve appropriate support, but this bill seeks to amend the Births, Deaths and Marriages Registration Act 1996 to remove the requirement for a person to have undergone sex affirmation surgery and to be unmarried, and it amends that act to allow applicants to alter birth certificates on behalf of children. That is a frightening thought. What sorts of legal risks are we exposing ourselves to in allowing a child's sex to be altered?

I will quote very briefly from an article published by the American College of Pediatricians on gender dysphoria and children. This is from the abstract, and it is dated August 2016. It states:

Gender dysphoria (GD) of childhood describes a psychological condition in which children experience a marked incongruence between their experienced gender and the gender associated with their biological sex. When this occurs in the pre-pubertal child, GD resolves in the vast majority of patients by late adolescence. Currently there is a vigorous, albeit suppressed, debate among physicians, therapists, and academics regarding what is fast becoming the new treatment standard for GD in children. This new paradigm is rooted in the assumption that GD is innate, and involves pubertal suppression with gonadotropin-releasing hormone (GnRH) agonists followed by the use of cross-sex hormones — a combination that results in the sterility of minors. A review of the current literature suggests that this protocol is founded upon an unscientific gender ideology, lacks an evidence base, and violates the longstanding ethical principle of 'First do no harm'.

I cannot understand parents actively facilitating the transition of children as young as four years of age. We need to let Mother Nature take its course. If indeed gender dysphoria is something that remains with a person, as that person comes into adulthood there are opportunities for achieving a greater congruence. There are options. Not all parents exercise good judgement.

Indeed that article is fascinating because it talks about a whole range of social pressures that may generate clusters of children or persons who report gender dysphoria.

These matters require longitudinal and scientific studies. These are serious matters for individuals whose lives could be irreversibly changed, and indeed we are being asked to irreversibly change the manner in which we as a society record births, deaths and marriages. For me it is quite simple: if you are born a male, you remain a male, unless there is gender dysphoria and unless appropriate processes that are well known and well established take place and a change occurs through the appropriate channels. This opens the floodgate. I cannot believe it. There is not a single person I have spoken to in all the time since this legislation was introduced who thinks that it makes any sense. There is not a single person. In actual fact the most common response I get is, 'What's happening here? Are these people living in a parallel universe?'. Not a single person understands it, and in particular can I say that not a single person in our multicultural communities understands it. They think this government is nuts.

A record of birth should be a fact of biology. Identity is a social construct. It is not necessarily not fluid — it may change — but to create a system where one can change their birth certificate once a year is crazy. To also then say that an applicant can nominate a sex descriptor of their choice to describe their sex on their birth record — that is, you could become an acorn — is something that I cannot understand. What motivates this government? Where is the common sense?

As I mentioned before, the bill permits a parent to make an application to alter their child's record of sex in their birth registration. I have just read and quoted from an article by the American College of Pediatricians as to why that should not be the case. The legal implications of that are absolutely phenomenal, and mistakes will occur if this legislation proceeds. Those children who are forced into an irreversible position should have every right to sue the state and to sue their parents. It is absolutely mind-boggling.

Dr Carling-Jenkins quoted some of the statistics in relation to the number of people who experience gender dysphoria as children who do not then continue to suffer from gender dysphoria as adults. That does not mean that all of them do not. Some of them do, and again that does not mean we should not have appropriate methods and support for those who are affected. An application under this new regime cannot be made unless the child consents to the application. A child is hardly able to express consent, certainly not

competent consent, except through their parents. As I said, there are some weird parents, unfortunately. In fact some of the stories of bad parenting that I have read make me shiver.

The bill extends these changes to applications by people, both adults and juveniles, in detention or under supervision, such as prisoners and parolees. I would imagine that given the government appoints the members of the Adult Parole Board of Victoria it would probably appoint people who are sympathetic to that process, who would consider the reasonableness and necessity of applications and other relevant matters, including the security and safe custody and welfare of the applicants or others.

So I have no doubt that the government would make sure that detainees, prisoners and parolees were not precluded from this process. There are lots of areas of concern. Departmental officials conceded in a briefing that the impacts of the changes with respect to commonwealth laws have not been considered. It renders gender identification as a personal choice.

18:30:00

Business interrupted pursuant to sessional orders.

Sitting extended pursuant to standing orders.

Mrs PEULICH — It renders gender identification to a personal choice based completely on self-selection, unlike any other jurisdiction in Australia. The ACT's provisions, which are the most relaxed in Australia, while not requiring gender reassignment surgery do require appropriate clinical treatment. The implications regarding commonwealth law and same-sex marriage are not clear and create uncertainty.

The bill's provisions do not actually require any evidence directly from children in applications, as their consent is expressed through their parents and guardians. Despite the government saying that prisoners face additional safeguards, the changed provisions undoubtedly make it easier for prisoners, parolees and other detained persons to easily change their birth certificates. Again this has implications for safety, for security, for records, for the use of facilities and for activities.

To be honest with you, do I want, as a woman, to share a toilet with a person who has all of the male attachments in place? Do girls who use a public girls toilet use the same toilet as a male with all of the attachments in place who may be transgender? I am sorry: no, it is not appropriate, and I say that not without compassion. It is actually reality. It is actually about recognising the impact that that will have on the feeling of safety and security of women and children.

There is no restriction on the range of sex descriptors in the bill except the narrow range of exclusions that have been cited previously. The changes certainly would exacerbate community concerns about the use of single-gender or single-sex facilities and activities. What will it say about sport or other clubs and organisations? I am sure that the ramifications have not been fully teased out.

The broad regulation power in the principal act means that where children are concerned the government could in the future prescribe social workers or other non-qualified persons to provide the requisite supporting material instead of doctors and registered psychologists.

For me, it is quite simple: you are born a particular sex. That is how you are written down in history unless there is a very narrow gateway that is prescribed and accepted and that requires the use of professionals in order to change the records. Birth, death and marriage records are not based on transient feelings or social constructs but on verifiable facts. That is the way that they should stay. I have not spoken to a single person at all who supports this bill, but I have heard it from the Australian Sex Party and the Greens. That just confirms to me the need to oppose this legislation, given all of the policies that Ms Patten has stood up for and called for, including the legalisation of ice and LSD, amongst many others, and her voting to quash religious freedom today in the debate on the Equal Opportunity Amendment (Religious Exceptions) Bill 2016. I am very comfortable in opposing this legislation, because it is the right thing to do.

Mr O'SULLIVAN (Northern Victoria) — I rise this evening to speak, along with my colleagues, on the Births, Deaths and Marriages Registration Amendment Bill 2016. This is a strange bill. I am new to the house — there is no doubt about that — but we have come across a couple of strange bills on the first day of this sitting week. This bill covers a whole range of things, but one of the things that I particularly find intriguing about it is the fact that there are provisions to change your birth certificate if you have undergone sex affirmation surgery and you are unmarried. You could then apply to the registrar to change the sex that was nominated at your birth by the doctor. This process would obviously happen by applying through the registry of births, deaths and marriages in Victoria, and that would take place for anyone who had been through that surgery. As others have said before me, it could also occur for children if they had the consent of their parents, and I will come to that a little bit later.

When I first heard about this bill I thought, 'Okay, you can decide that if you're a male, you now see yourself as female. When you've had the surgery, you can decide that you want to continue down that path and change that on your birth certificate and vice versa if you want to do it the other way around'. I can understand that logic, although I do not agree with it. I can understand someone wanting to go down that path if they find themselves in a situation where they consider themselves to be that sex in terms of the way they live their adult life. But what I found particularly peculiar is that the applicant can actually go to the registrar, as part of the process, and give a non-binary descriptor of their sex.

Now, I find it rather intriguing as to what that really means. To tell you the truth, I am not sure what it actually does mean. But it does seem a bit strange that you can go in there and decide that you are going to be something other than male or female. I think Mrs Peulich said it could be an acorn or it could be something else as long as someone else does not find it offensive. I find it a bit peculiar. Is there a list of particular non-binary descriptors that is not offensive, or is there a list that is offensive? If someone decided they were going to call themselves something that was a non-binary descriptor, where is the list that you can go to to find out whether it is offensive or not to others? I have not seen that list. I am not sure if such a list even exists.

In terms of the absurdity of this piece of legislation and in terms of being able to choose the descriptor on your birth certificate, anyone could find a whole range of things offensive. They may not be offensive to anyone else, but they may be offensive to one person. If that descriptor is offensive to one person, what happens then? I am not quite sure where we go with that scenario. The term 'acorn' was used. If someone says they are going to call themselves an acorn and someone else finds that offensive, what happens then? Does that mean they have to go back and choose another descriptor, or is it one of those situations where you can put down a list of descriptors in terms of your priorities? It is just one of the absurdities of this legislation. In fact the whole lot is quite absurd in my view. 18:37:30

I understand that people who are born as one gender may decide as they grow up that that gender does not particularly work for them and that they are going to change their gender. When they get into their teenage years, they might start to dress in the clothes of the other sex, and then, depending on how they feel about it, they might go through the process of changing their gender through surgery. I can understand if people do

that, and I do not think anyone really disagrees with someone making the decision to go down that path if they wish to. There is no doubt that anyone on this side would say that, if someone wants to have a different gender, they are certainly able to do that, but to go back and actually change it on your birth certificate is, I think, a step too far. It goes to the contribution I made to debate on the previous bill. Again we see this government taking things a step too far.

We have heard others, particularly Mr Finn, talk about the pub test. I think it is reasonable to look at a piece of legislation such as this and say, 'What do real Victorians think of this?'. I have got a bit of a saying that I have used throughout my life when trying to work out what sort of a position to take on something and what real people think of such an issue or piece of legislation. The test that I use is called the Jason Scott test. Jason Scott is a friend of mine from Ouyen. He is a farmer. He is married with three children, and he is just an ordinary bloke who is quite opinionated and likes to look at things very rationally. He takes a commonsense approach, and he is certainly not backward in letting you know his opinion on issues.

Quite often I will ring Jason up and ask him what his views are on something just to get a perspective that I do not have in my own mind. I could guarantee that if I rang Jason Scott — and I cannot ring him at the moment, because he is out harvesting his wheat crop at the moment — to ask him what he thought of this piece of legislation, he would laugh at me and say, 'Are you serious that a piece of legislation like that can come before the Parliament? Is that the most important thing that you could possibly consider with all the issues that are going on around Victoria and Australia at the moment? Is that what Daniel Andrews and the Labor Party — the government — find that they need to be debating right at this point in time?'

I think I could quite easily say that in my electorate of Northern Victoria Region, from Mildura and Corryong down to Bulla in the south, I would have to go a long, long way before I could find anyone who would think that this piece of legislation was something that should be supported. I do not think anyone would come to me and say that.

As with the last piece of legislation that we debated, I have had a lot of emails in relation to this issue. This bill and the Equal Opportunity Amendment (Religious Exceptions) Bill 2016 are the two pieces of legislation about which I have had the most correspondence come into my office and through my email system in terms of people taking the time to let me know what their opinions are on this issue. I applaud the people who

actually take the time to let the people who represent them know their views. There is not one email that has come to me saying that this is a good idea or this must be supported. The people in my electorate are not contacting me to indicate to me that this bill should be supported.

There might be others who have had different correspondence come into their office, but I am just saying that in terms of what has come into my office and come into my email inbox, I have not had one person who has supported this, but I have had hundreds and hundreds of people disagree with this legislation. I like to listen to the views of my constituency, and their views have certainly been at the forefront in my making up my mind in terms of the way I am going to vote on this piece of legislation.

Through my office, through my email systems and through people who have been talking to me I have seen that I am not alone. I think most people on this side of the chamber would have had the same kind of correspondence and the same kinds of views coming to their offices. Certainly The Nationals will not be supporting this piece of legislation. We will actually be voting against it.

I think this is another example of where the government's ideology has gone too far. The government have overreached in terms of what they are trying to achieve. We hear lots about equality, respect and so forth. I think we all agree with those concepts, but sometimes we throw those sorts of words and descriptors around too easily in terms of what we are trying to achieve. I just do not think the people of my electorate would want me to support this piece of legislation. Certainly no-one has come to me at this point and said to me that this needs to be the case.

If you look at the legislation, you can see that it is not just for adults. People under the age of 18 can actually go through this process if they want to. If you are 16 or 17 years of age or otherwise under the age of 18, with consent from a parent or a guardian you can go through this process and apply to have the gender on your birth certificate changed. It is one thing for us to legislate in terms of what adults can do, but to allow people under the age of 18 to go through this process is, I think, absolutely absurd. It is certainly another factor contributing to why I cannot support this piece of legislation.

If you look at the birth certificate itself, you can see that the birth certificate is the identification that was given to you when you were born. It is a snapshot of who you were at a point in time — that is, when you were

actually born. Obviously it has your name and the names of your mother and father, if they are known. It also has the date of your birth and the location of your birth. It is really a document that you have to use for identification purposes for a whole range of things — for example, when you are applying for a passport or a bank account or something like that. The birth certificate is seen as something that is very unique in terms of being able to identify who you are at a given time.

To be able to turn around and say, 'I'm going to change that', is something I cannot agree to. Does it mean that at my age, if I want to feel a bit younger, I can apply to take 10 years off my age? At the moment I feel that I would like to be a bit younger than what I am, so can I change my age to be 10 years younger? Does it mean that if I have a disagreement with my father, I can decide that I am going to take him off my birth certificate for a period of 12 months until we make up? It is just absurd that you could potentially do that. If I decided I did not like the month that I was born in and I would rather have been born in spring or summer, could I change the date of my birth to show that I was born in spring or summer rather than in the middle of winter so that when I have my birthday it will be nice and warm rather than freezing cold? Again, it is absurd that you can go down this path.

I think it could be the thin edge of the wedge if this were to become law. I worry about the next piece of ideology behind this in terms of where the government may wish to take this. That is why I cannot support this bill, The Nationals cannot support this bill and the coalition cannot support this bill.

18:47:30 **Ms BATH** (Eastern Victoria) — As I rise this evening to speak on the Births, Deaths and Marriages Registration Amendment Bill 2016, I realise and understand that there are many conflicting views — and we have heard them this afternoon — in relation to this bill. If we look at human beings, all human beings want to be validated for being who they are and want to be acknowledged for who they are. I acknowledge that there are people who will be disappointed with our stance, the coalition's stance, that we cannot support this bill, but I wish to identify that I do not understand their pain but I acknowledge their pain.

When we are born we get the blessing to either become a girl and have two X chromosomes or become a boy with an X and a Y chromosome. We can also be an intersex person where, in the coming together of chromosomes from male and female gametes we can end up being an XYY or an XXY, and those people certainly can exhibit sexual characteristics that are not

defined by a normal visual phenotype, so the external appearance can be hard to define. I know it is a very small percentage of people who are in this category. I acknowledge that from the outset their lives are certainly on interesting paths, and I hope, for those people, they can still always find meaning, joy and relationships. I acknowledge that it is not probably, if given the opportunity, what anyone would want bestowed on them.

I would also like to say that — it was a couple of weeks ago — I certainly did view the Transgender Victoria video that arrived, and I noted Brenda's comments and others' comments. It must be a very interesting and, I hope, in many cases a joyous position, but I am sure that in many cases it is a very difficult position to live in and to be in — to feel as though you are the opposite sex but not want to change your gender by operation and to feel that you want to live your life in that zone and that space. I commend people for it. They need to live as who they are and stand up as who they are, but I have great reservations about changing the Births, Deaths and Marriages Act 1996 to reflect that a person who is born a male, for example, and does not undergo an operation can become a female on their birth certificate through this bill.

I have some major reservations about this. I will go through some of the clauses in the bill. In many instances, people sitting here will never be in this position where they have to go to prison and the judicial system has to decide where to put them. I am sure that will never happen to people in this house at the moment, but I think there are those sorts of grey areas in relation to this. I know they are abstract, but that still could happen under this legislation. The courts may not know where to put them because underneath they are a male but at the surface they are a female. If this bill went through, there would be many issues of that nature.

The purpose of the bill, if I drill down into it, is to amend the Births, Deaths and Marriages Registration Act to change the requirements for a person to have undergone sex affirmation surgery and to be unmarried and to allow for an application to alter a birth certificate on behalf of a child. I note that in other jurisdictions in Australia — all other states other than the ACT and, I believe, South Australia and Western Australia — you must have undergone sex change surgery in order for you to change your birth certificate.

In the bill clause 8 inserts a new process for a person to alter the record of their sex without the person having to undergo surgery and without their having to be unmarried. The applicant must also make a statutory

declaration nominating the sex to be recorded on their birth registration. The applicant must include a statement from somebody else, but that person must be known for 12 months or more to that person and the statement must be made in good faith — so it cannot be coerced. The applicant can nominate a sex of their choice on their birth certificate. The descriptor can be male or female or any other gender diverse or non-binary identity.

Again we have heard some comments about how that could be all sorts of words, and I guess that could be in the extreme, but it still points out that there is this terrible state of ambiguity that can exist. The bill only excludes sex descriptors that are obscene or offensive — so yes, you can become an acorn. The bill also permits applicants for a child's record of sex to be altered in their birth registration. As with adults, children are not required to undergo treatment, and a sex descriptor of their choice must be nominated in the application.

18:55:00 Also within this bill is the requirement that the application must include a statement from a doctor, registered psychologist or prescribed person that the alteration is in the best interests of the child, and someone who is 16 to 17 is presumed to be necessarily of capable mind to make this decision.

I note that in its *Alert Digest* No. 12 of 2016 the Scrutiny of Acts and Regulations Committee (SARC) raised a number of issues in relation to this bill. They included clauses 8 and 10, clause 13 and also clause 9. Each part of that SARC report goes into the finer detail around concerns that SARC had, and it required the minister to make further commentary.

I will reiterate some of my concerns. Department officials have conceded that there really is not a good match between the commonwealth laws and the state laws, so we are not sure about how they would marry together. The bill also enables gender identification of a personal choice based completely on self-selection. Unlike other jurisdictions, in Victoria it will be possible to have a descriptor of your choice. I find that would create also a great deal of, I guess, administrative burden to facilitate that.

The bill's provision does not actually require any evidence directly from the children in an application as to their consent; it is expressed through the parents. Again, as I said, there is no real restriction on the sex descriptors. Whilst that is a nominal thing — it is a word, in effect — it still can have a burden on those implementing the legislation.

I acknowledge again that, like my colleague Mr O'Sullivan, I have had many emails coming into my inbox both for and against the bill. I note the passion of the people in my electorate, most of whom are asking me to vote against this bill. They cite sometimes personal experiences, sometimes religious views and sometimes just their point of view in terms of common sense. With those words, I would like to say that I cannot accept this bill as it stands and again reiterate that, like my colleague Mr O'Sullivan, I will be voting against this bill.

Ms LOVELL (Northern Victoria) — I rise to speak on the Births, Deaths and Marriages Registration Amendment Bill 2016. I guess on this side of the chamber I am one of the more progressive Liberals and someone that many people may expect would support a bill such as this, but unfortunately this bill I cannot support.

I have a great deal of empathy for people who find themselves in a situation where they feel they are trapped in a body that is not the sex that they want to be. I have a great deal of empathy for parents of children who find themselves in that situation. In fact I know a young person in Shepparton quite well who has been in this situation and who is transitioning at the moment. I sat with him recently and with his mother, and it was wonderful to see the support that he is getting on his journey in life. He often speaks publicly about his situation, and he has a great deal of support from our community.

But this bill just goes a little bit too far. The bill allows anyone to change their sex every 12 months. It allows people to change their sex without any burden of proof. Regardless of whether you are going down the track of gender reassignment or not, at least there should be some burden of proof that this is the person you are, the person you have been living as for some time. Even if you just had someone who knew you who said, 'I know this person has been living as a male' — or as a female — 'for the past two years, that they have presented themselves in public to all intents and purposes to be that sex and they desire to live as that sex', that would at least be some burden of proof, but just to be able to walk in and change your sex at a moment's notice does not sit well with me.

It also does not sit well with me that you can change your sex to more than just being male or female. I think this proposal that people could change their sex to being Jedi or something else is just a step too far for society. In society we know people as male and female; there are only two sexes. We need to have male and female toilets. We are not going to have 50 different

toilet blocks for Jedis and whatever else people may come up with. I am sorry that I cannot support this bill for people who do find themselves in this situation, but I just think this bill goes a step too far.

Ms TIERNEY (Minister for Training and Skills) — I am pleased to rise to exercise a right of reply on behalf of the government. I think it is timely to reflect on exactly what this bill is before us. Firstly, the birth certificate reforms do not compromise the integrity of the Victorian births, deaths and marriages registry, the birth certificate reforms do not put women's safety at risk and the birth certificate reforms do not mean Victorian law is inconsistent with the commonwealth Marriage Act of 1961. The birth certificate reforms do remove the barriers for trans, gender diverse and intersex Victorians to apply for new birth certificates, they do enable trans, gender diverse and intersex Victorians to have documents that match their gender identity and they do support trans, gender diverse and intersex Victorians to go about their daily life free of discrimination.

The proposed reforms recognise the significance of a person making an alteration to their birth record by providing safeguards and formalities to ensure the integrity of the Victorian births, deaths and marriages register is not compromised. If you or a member of your family are not a transgender, gender diverse or intersex person, these proposed changes will not affect you, and the recording of your family history will not be affected. This is not a compulsory situation. A child's sex at birth will still be registered as male or female. The Victorian register of births, deaths and marriages retains the birth registration statement for a child. The registrar of births, deaths and marriages can provide access to the register to certain people or organisations in accordance with the access provisions in the Births, Deaths and Marriages Registration Act 1996 and the births, deaths and marriages access policy.

In terms of penalties of misuse, there is a low risk of misuse associated with the proposed new application process, which has a range of safeguards and penalties for misuse built in. The applicant must fill in a statutory declaration. Anyone making a false statutory declaration will be liable for perjury, which attracts a maximum 15-year term of imprisonment under the Crimes Act 1958. There are also penalties under the Births, Deaths and Marriages Act for making a false or misleading representation to the registrar. The registrar also has the power to require further information to establish that the alteration of the record is not being sought for a fraudulent or other improper purpose.

Now, in terms of women's safety, the proposed reforms do not put women's safety at risk. The bill does not make it somehow easier for men to gain access to women's change rooms or toilets. Access to these places does not currently require a copy of a birth certificate, and fraudulently altering a birth certificate for this purpose would likely incur the penalties outlined above.

People using gym change rooms or other gender-segregated spaces are at no greater or lesser risk due to these proposed reforms.

19:05:00

In respect of marriage the bill does not alter the status of marriage under the commonwealth Marriage Act 1961. The Marriage Act is concerned with a person's sex at the time of marriage and requires that it be between a man and a woman. It does not require that parties to the marriage remain of the opposite sex for the duration of the marriage, nor is the change of a spouse's sex a ground for invalidating a marriage. The proposed reforms simply mean that if a married person alters their sex, only their record of sex in their birth registration changes.

Acting President, I put it to you that all Victorians have the right to live free of discrimination and harassment. The Andrews Labor government is determined to ensure Victoria is a safe, inclusive, welcoming place for everyone, including trans, gender diverse and intersex people.

Can I say, in respect of the debate that I have listened to this afternoon we have had a range of people getting up one after another giving excuses, wanting to support different ways of living but at the same time running the other way. Then we have had other people who have made contributions that I have found absolutely objectionable. For these people to come in here and talk about choice is just ludicrous. It demonstrates that they have not understood what it is like to be trans or gender diverse. They have not asked questions, they have not educated themselves and they have not talked to people who are not heterosexual or homosexual. They have not gone that step further to also introduce themselves to a whole range of our community that exists, and all these people simply want from us is for us to recognise that they exist and they are valid.

I do believe that the practice and the concept of equality needs to be enshrined, and it needs to be the foundation of what we consider to be our collective humanity as a society. If we vote this up, we have gone one more step towards it.

House divided on motion:*Ayes, 19*

Barber, Mr	Mulino, Mr (<i>Teller</i>)
Dalidakis, Mr	Patten, Ms
Dunn, Ms (<i>Teller</i>)	Pennicuik, Ms
Eideh, Mr	Pulford, Ms
Elasmar, Mr	Shing, Ms
Hartland, Ms	Somyurek, Mr
Herbert, Mr	Springle, Ms
Leane, Mr	Symes, Ms
Melhem, Mr	Tierney, Ms
Mikakos, Ms	

Noes, 19

Atkinson, Mr	O'Donohue, Mr (<i>Teller</i>)
Bath, Ms	Ondarchie, Mr
Bourman, Mr (<i>Teller</i>)	O'Sullivan, Mr
Carling-Jenkins, Dr	Peulich, Mrs
Crozier, Ms	Purcell, Mr
Dalla-Riva, Mr	Ramsay, Mr
Finn, Mr	Rich-Phillips, Mr
Fitzherbert, Ms	Wooldridge, Ms
Lovell, Ms	Young, Mr
Morris, Mr	

Pairs

Jennings, Mr	Davis, Mr
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Motion negatived.

19:12:30 **HOUSING AMENDMENT (VICTORIAN HOUSING REGISTER AND OTHER MATTERS) BILL 2016**

*Second reading***Debate resumed from 10 November; motion of Ms PULFORD (Minister for Agriculture).**

Ms WOOLDRIDGE (Eastern Metropolitan) — I am pleased tonight to speak on the Housing Amendment (Victorian Housing Register and Other Matters) Bill 2016. This is a bill that is obviously the direct responsibility of Tim Bull in the Legislative Assembly, as the shadow minister for housing, but I am very pleased to represent him in this house and have a chance to speak to this bill. This is an important bill because of the impact that homelessness and unstable housing have on so many Victorians.

The opposition will not be opposing this bill. We believe that some of the measures in the bill will seek to simplify some of the processes and offer opportunities to improve the way that the process works for people applying for public housing. We hope that that also translates into greater access to housing and opportunities to address the issue that we see, very overtly, of homelessness on our streets and the homelessness that exists in so many different ways in

our community, which is not just rough sleeping but also homeless in cars and in relation to people couch surfing or people fleeing situations of violence. There are so many different aspects to homelessness, and this bill makes some steps forward, but there is still a long way to go. I am also conscious that the government recently, on 1 December, made a further announcement on a package in relation to public housing, and I will use the opportunity that will be afforded through the committee stage of the bill to ask some more questions in relation to that as well.

The main objective of the bill is to provide a statutory authority for the director of housing to establish, administer and operate the Victorian Housing Register, which will combine the existing public housing and over 40 community housing waiting lists into one list and one simplified process. There are a couple of key aspects of the bill that I will just run through; it is a reasonably straightforward bill. Firstly, as I have said, it combines the public housing waiting lists and various community housing lists, of which I understand there are more than 40, into one list to be known as the Victorian Housing Register.

The bill also provides the statutory authority for the director of housing to establish and operate the Victorian Housing Register, and it empowers the director of housing to establish and apply eligibility criteria and be able to make determinations about the needs and priorities of eligible applicants. We do not yet have the details of applicant eligibility, and this is another thing that I hope we will be able to get a little bit more clarity on through the committee process. The bill also allows for information sharing to occur between the director, registered housing agencies and designated service providers around the needs of social housing applicants. They are the key areas of the bill, and as we have said, the opposition is not opposing this bill. We think it will improve some of the processes.

There are a number of things I just wanted to touch on in terms of making sure that in undertaking to put this bill into place certain issues are addressed. The first concern is to make sure that the right people are in public housing — that the right people are occupying it. One thing, and this is an issue that has been raised by the Victorian Public Tenants Association and other housing groups regularly, is the need to make sure that we have in place a system that regularly checks the eligibility of clients in public housing and that that happens on an ongoing basis, not just at the beginning.

That checking of eligibility and appropriateness needs to continue throughout the processes, because we have many situations where the circumstances of clients can

change over time. They may have changes to their income in relation to getting a job or other family members getting jobs, so there may be an issue not just on the personal income front but also on the household income front. There have been circumstances where subletting may have been taking place. You may have a situation where there are a number of bedrooms and family members' children may have grown up over the years and moved away and residents are seeking to supplement their income through subletting. That is obviously not an intention of our public housing, and the ongoing checking of eligibility would enable this to be monitored more effectively.

19:20:00 One of the key benefits in relation to the new Victorian Housing Register is that applications will only need to be made once. I think one of the things that applicants were finding is that as they would visit various community housing agencies they would be applying again, again and again, and the capacity to have a centralised register that all community housing agencies can access will obviously make it much easier for the applicant but also presumably streamline the processes for the community housing agencies.

One of the things that we are proud of in terms of our time — and Ms Lovell was the minister from 2010 to 2014 and worked very hard on the issues of improving our public housing — is that the waiting list dropped from 41 000 down to 35 000 over that period of time. A 6000-person drop in the list was a significant improvement and would have made a big difference in the lives of many. But the fact is that the lists are still long, and under this government there has been what the minister has described as a cleansing of the list. The list has come down, I think it is by about 2000 people, and the minister has attributed that to a cleansing process.

Some of those were removed because they had already moved into public housing but they remained on the list, they no longer met eligibility criteria or they were unable to be contacted. This is another area where we foreshadow that we want to ask some questions of the minister in committee to get some detail about the make-up of those numbers, which is an ongoing question that the opposition has had. But presumably under one list this cleansing process will not need to happen or some of those identified in the cleansing process will not be double-ups, because if there is only one list and they are accessing public housing then that will be identified on the list rather than them being on multiple lists that the cleansing process identifies.

One of the other concerns about a cleansing process is that while the list has dropped by 2000, the number

who genuinely need public housing has not actually changed; it is just the names on the list that have changed. So it is important that we can get an underlying measure of need so that the policy responses can have an appropriate order of magnitude in which they are working to effect.

Another area of concern is that there is public housing stock that sits idle and unoccupied, and we need to make sure that public housing is fit for occupancy and that it is utilised. We have all heard stories from constituents in relation to public housing properties that are left vacant for an extended period of time and sometimes not kept particularly well, while many are waiting desperately on the list. So understanding why these houses or units or whatever they may be are unoccupied, how the work schedule is addressing any deficiencies they have and how we can more actively utilise our public housing stock for people who need it and turn it around quickly where improvements are made is very important. Once again I think there has been quite a significant announcement from the government about the redevelopment of many estates, and presumably this will address some of those properties that are currently not fit for purpose, but I suspect there are many, many more as well.

We need to make sure also that where we are going onto one waiting list we have the opportunity to measure our demand, our need and our supply and to match all of those more effectively so that we can, as I have said, understand the extent of the need.

The bill is meant to come into place by 17 August next year, and this is another area where it would be good to get some advice on the time lines between now and then about what is going to happen and whether that August deadline is expected to be met.

Overall, as I have said, this is a bill that takes some good steps forward in addressing some of the complexity in the public housing waiting list. The government has made some subsequent announcements, including some funding to address further redevelopment. I think the net result of the investment, certainly last year, was reasonably small in terms of the number of properties. Only 92 extra dwellings were to be eligible for people on the public housing waiting list because many of the properties, I think 222 overall — the difference between the two — were particularly for people experiencing family violence. They have a big public housing need and clearly that is worthwhile, but the net increase has been reasonably small while there are still well over 30 000 people with a need for public housing stock.

It will be good to have the opportunity to just clarify some of those questions as we go through the committee stage, but from an opposition perspective we will not be opposing this bill and I commend it to the house.

Mr BARBER (Northern Metropolitan) — The Greens will support this bill. We also support the creation of a centralised Victorian Housing Register for the benefit of those seeking affordable housing — something that we were also promoting as policy before the 2014 state election. We desire this to make it fairer for everyone. People will not have to shop around and apply for different systems to get a place in affordable housing. I am sure many members have actually dealt with individual constituents who have phoned up seeking assistance in relation to applying for housing, getting on the right list and making sure that they are moving along on that list. So it would be the day-to-day experience I think of many MPs that this is an important issue, and we all hope that this bill will be successful in its aims.

However, of course, that is not going to solve Victoria's public housing crisis. The only thing that will do that is a significant increase in public housing stock and, for that matter, a significant investment in maintenance, which goes to the issue that Ms Wooldridge raised about vacant properties. Very often they are properties that have been run down and have not been fixed up. Last time we checked there were about 33 000 applicants for social housing and 6000 applicants for transfers on the waiting list, so 39 000 people and families who are eligible for public housing but who have not yet received it.

As always we continue to hear rumours coming out of government sources about the transfer of large quantities of public housing to the private or non-profit sector. Certainly we heard a lot more of those rumours when the Liberals were last in government, but we continue to hear them and they are of great concern to people. I know from my time as a councillor representing the Fitzroy and Collingwood areas, where a significant proportion of my ward constituents were living in public housing — and I continue to represent them as their upper house state member — that there is great trepidation in those communities every time these discussions or rumours emerge about the transfer of housing stock, because those people still want the government to continue to represent them. They do not want to be shunted off to a third party.

Housing is an incredibly important aspect of your life. If your housing is insecure, if it is unsuitable or if it

does not meet the kinds of liveable standards that keep you healthy, then a whole range of problems arise.

In fact getting stable housing is almost the prerequisite for helping people with other aspects of their lives, whether it be physical illness, mental illness or employment. This is particularly acute in country Victoria. It is probably less visible in country Victoria, but drop in to see your local housing worker in any part of regional Victoria and ask them what the options available to them are when people come to them seeking help for housing. In small country areas you might think the housing would be cheaper than in metropolitan areas. There is usually less of it, and often it is of an extremely poor quality, not having been gentrified up. 19:30:00

Business interrupted pursuant to standing orders.

Sitting extended pursuant to standing orders.

Mr BARBER — Housing, which is one of your most fundamental requirements for life, is in fact in many ways not covered by the sorts of protections and checks and balances that exist for other essential services. We now have an energy and water ombudsman. We have a banking ombudsman. We have a telecommunications ombudsman. We have all sorts of watchdogs and complaint authorities for almost every other aspect — for banking; you name it. But when it comes to housing the sector is little regulated. In some ways the government is the world's worst landlord when it comes to the treatment of their own tenants, but there are significant problems out there in private housing as well. Yet it is little regulated; there are no minimum standards for housing in Victoria. There are minimum standards for almost every consumer product that is out there, but not for housing.

While we will be supporting this bill, we will also be continuing to advocate for these other issues, policies like inclusionary zoning, which this government at one stage was quite interested in. It is common or garden variety policy in other countries, but the government is still fiddling around on that one, particularly for more housing and better service and maintenance in the existing housing.

As a local councillor I went to a children's play that was put on in Atherton Gardens, and it was about life in the public housing estate. The backdrop that they painted for their play was actually the lift in the public housing, and a large amount of what they talked about in their daily life was about problems with the lift. I think most of us take for granted the quality of our housing, but when you live in public housing, it is a

daily struggle to get from the government just a decent standard.

The Greens will continue to advocate for those, and we look forward to hearing from this government a comprehensive housing policy two years into the life of the government. I do not think we are going to see it before the end of the year, but we will certainly be willing to support other measures that the government might bring to the house when they address these important issues that I have been talking about tonight.

Mr ELASMAR (Northern Metropolitan) — It gives me great pleasure to speak to the bill before the house, the Housing Amendment (Victorian Housing Register and Other Matters) Bill 2016. The bill amends the Housing Act 1983 to create a single Victorian Housing Register. I cannot tell you how much more effective and streamlined this single housing register will be once it is up and running. Social and public housing tenants are generally from the poorer and disadvantaged sector in our community. The strain of filling in multiple application forms has often been more distressing than the threat of imminent homelessness.

19:35:00 I know that my electorate office on a regular basis is assisting people to fill out multifaceted housing application forms that contain many pages of complex questions. The housing register will replace the separate housing waiting lists of over 40 community housing providers and make them one single register. Housing assistance providers have sprung up over the years in an effort to help disadvantaged people acquire accommodation. At this time people have to apply for housing assistance within their domiciled broadband area. This bill will create a single housing list for government to access accurate data on how many people are in the housing queue at any given time.

That is not to say that all people currently on the present housing list are eligible for placement. I understand the system as it stands is that any person can make an application for public or social housing. Family details together with Centrelink and bank statements are forwarded with the application. An assessment is made on many factors, but one of the main deterrents to a placement is that the personal financial circumstances of candidates have changed since their initial application. The financial eligibility criteria is rigid, especially when it comes to the affordability factor.

There is no doubt in my mind that the spiralling private rental market has placed many people outside the realm of the possibility of obtaining an independent dwelling for themselves and their families. Ninety per cent of public housing tenants are on Centrelink benefits. I

firmly believe that as part of the Andrews Labor government we in the Labor Party universally accept that everybody in our community, regardless of their demographic background, must have access to affordable, appropriate and long-term accommodation. This bill is a great way to increase efficiency and effectiveness and lessen the bureaucratic frustration for applicants who are applying for public and social housing. I commend the bill to the house.

Ms LOVELL (Northern Victoria) — It gives me pleasure to rise to speak today on the Housing Amendment (Victorian Housing Register and Other Matters) Bill 2016, the main objective of which is to provide a statutory authority for the director of housing to establish, administer and operate the Victorian Housing Register, which will combine the existing public housing and community housing waiting lists into one process. The main provisions of this bill will combine the public housing waiting lists and the various community housing waiting lists into one social housing waiting list, to be known as the Victorian Housing Register. It will provide the statutory authority for the director of housing to establish and operate the housing register. It empowers the director of housing to establish and apply eligibility criteria for persons on the register and make determinations around the needs and priorities of eligible applicants, and it also allows information sharing to occur between the director, registered housing agencies and designated service providers around the needs of social housing applicants.

Whilst the bringing together of the public housing waiting list and the community housing waiting list is a great idea and will simplify applications for people, I am concerned about whether the most vulnerable will still get access to public housing. I had looked at combining these two housing waiting lists when I was housing minister, but the reality is that we have some extremely good housing associations that do house the most vulnerable, and we have some that do not.

I mention two of the extremely good ones. Yarra Community Housing, formerly under the leadership of CEO Rob Leslie and now under current CEO Michael Perusco, does a fantastic job of housing only the most vulnerable in our community — only those who would be category 1 on the current public housing waiting list. Another one that does a fantastic job is Wintringham, under the leadership of Brian Lipmann, which is only taking those who are the most vulnerable — only the category 1 people from the public housing waiting list.

Others are not as good as these two organisations. I have to say that during my time as minister I was quite disappointed when I went to some of the openings for

19:40:00

some of the community housing association projects. At one, they were obviously trying to show me what was their model tenant. It was great that these people were getting access to subsidised housing. They were a single mother and her children, but they were a relatively comfortable family, not a family that was particularly struggling to make ends meet.

At the opening of that building, the chair of the board of that housing association offended everybody in the room when she said that public housing is often stigmatised by drug addicts and losers and that is what people think that public housing tenants are. She said, 'But look around you here. You don't see any drug addicts or losers here'. The audible gasp that went around the room showed that she had offended everybody. I went back to the department and said, 'Well, these people obviously aren't prepared to house the most vulnerable, and perhaps we should look at whether we continue to fund that particular housing association'.

At others I was confronted with tenants who were in relatively well-paid jobs and were obviously not the most needy of people on the public housing waiting list, who should have been getting access to government-subsidised housing. So I would like some assurances from the government that this bill will ensure that the most vulnerable get access to every government-subsidised housing property in this state — that whether that be a public housing property or a community housing property, the most vulnerable will continue to get access first to government-subsidised housing.

When I first became minister, I was confronted with a Victorian Auditor-General's Office (VAGO) report that was a report card on the former government. The former government had done a particularly bad job with housing. The VAGO report found a number of problems in public housing, including that 10 000 properties were about to reach the end of their usable life span and we were about to lose 10 000 properties in this state. I immediately called in Deloitte to do a line-by-line assessment of the budget in the housing department. What Deloitte found was that people in the department were keeping the accounts on bespoke spreadsheets. There was no official accounting method in the department. They were using bespoke spreadsheets. Even worse than that, there were competitive bespoke spreadsheets where one part of the department was trying to spend the same money as another.

The department was bleeding more than \$400 million a year. The way they were propping that up was by

selling off properties. We saw over the period of the Bracks and Brumby governments more than 10 000 properties — in fact, 10 045 properties — disposed of. Under Richard Wynne's leadership, for the four years he was minister there were 4494 properties disposed of. They were either just sold or knocked down so that they did not look like they were derelict and they were not counted as being empty properties. We slowed down those disposals, so in the last year of Richard Wynne's ministry there were 1737 properties disposed of.

In our final year that was down to 515 properties, a significant decrease in the number of properties that were being disposed of. I had built into the forward estimates of the budget even fewer disposals to come. One of the ways we did this was by developing our housing framework that set public housing on a pathway to sustainability. We gained \$65 million from consolidated revenue towards investment in maintenance of public housing. I was told by the department that this was the first time in over 30 years that any minister had got money for public housing out of consolidated revenue.

They were fairly happy with the amount and also the framework; they were comfortable with the direction that housing was going in. But I believe that this government has scrapped that framework and that it is now floundering. I do not know how public housing is standing up, because what I have been told by the sector and by people who used to work in the department is that this minister has no interest. 19:45:00

The public housing waiting list, as Ms Wooldridge said, was reduced by about 6500 people under the former Liberal government. We did that by working with people who had been waiting the longest to see whether they needed to be reassessed into a higher category so that they were housed more quickly, whether we could assist them to get into community housing through a housing association or whether we were able to assist them in other ways — through a bond loan et cetera — to get into private rental, but we certainly stopped the practice that Richard Wynne had of cleansing the list. But this government has gone back to cleansing the list — writing to people and, if people do not respond, taking them off the list. Over four years our approach reduced the list by 6594 applicants. It is now down to 33 073, so 1545 applicants have been cleansed from the list in the last two years. Rather than doing the hard work, this government is prepared to just cleanse the list.

I would just like to talk about a couple of the projects that we instigated while I was housing minister. We did

not have a lot of money — we did not have the rivers of gold that flowed in under the stimulus package to address the global financial crisis — but we still managed to actually acquire 8298 properties.

Admittedly we did have some disposals, so that came down to a net increase of about 4244 properties under the former coalition government. We also upgraded 8147 of the 10 000 properties at risk of falling off the cliff to stop the number of public housing properties from going backwards. So for all those Labor members who said we did nothing, we made significant increases in public housing in this state and we serviced the people who needed public housing well, seeing to their needs.

Some of the projects that we initiated included the \$160 million Olympia project, a reinvestment in public housing over 10 years. As I said, we had to be innovative, so we came up with ideas of how we could renew stock without it costing the government any money. This was about selling off some of the public housing properties in Heidelberg West to private developers to be rebuilt as new houses and reinvesting to replace the same number of public housing properties so that there was no net loss of public housing properties in Olympia. People went from homes that had been built to house athletes during the Commonwealth Games — homes that were over 60 years old, that were draughty, that cost a lot to heat or cool and that had big yards that elderly people could not look after any longer — into modern units and houses that were suitable to their current needs, without any net loss in public housing. That is a 10-year project, so this government is benefiting from the ongoing investment in that project.

We also picked up the Norlane project which the former government had completely failed to negotiate with the Greater Geelong City Council. We came to an agreement with the council that they were very happy with and we were very happy with. In Norlane there were a number of empty blocks where the former housing minister had just had houses knocked over. The aim of the Norlane project, which also is still ongoing, is to build 320 new affordable social and private homes on the vacant blocks in Norlane and renewing that entire suburb — a fantastic investment in Norlane.

19:50:00 I would just like to touch a little bit on homelessness. We had a strategy for homelessness — the *Victorian Homelessness Action Plan 2011–2015* — which actually expired last year. This government has no strategy to reduce homelessness, and because of that we have seen a 72 per cent increase in people sleeping rough in the Melbourne CBD. That is a big fat fail for

Martin Foley in the Legislative Assembly and this government. There has been a 72 per cent increase over just two years.

We also put in place projects to clean up the crime and drugs on many of the housing estates, like in Richmond, Fitzroy and Collingwood, and particularly in Richmond, where there was a lot of drug activity. Richard Wynn in the Legislative Assembly was and is still the local member there. It was amazing how after we had seen some success with the project that we had set up there, housing residents were coming up to us when we visited the estate, hugging us and saying, ‘No-one else has ever cared about us the way that you have cared about improving the way we live on this estate’. To see the improvement in those people’s lives made my job, which was a tough job, really worthwhile. Unfortunately under this government those programs seem to have subsided a bit and the crime has increased.

In Fitzroy I got into an Uber vehicle one day and said to the driver, ‘Where do you live?’, and he said, ‘I live on the housing estate in Fitzroy’. So I started to question him about the drugs and crime there, and he said, ‘No, no, it’s actually improved’. This was not long after we had lost government. He said, ‘It’s actually improved because a couple of years ago the government invested in all of these extra programs around addressing the crime and drugs, and it’s actually really improved’. Then he said that he had little kids. I asked whether they went to kindergarten, and he talked about them going to this wonderful kindergarten on the estate. Then I was able to tell him that I had been both the Minister for Housing and the Minister for Children and Early Childhood Development and had cleaned up that estate and built that kindergarten. He was grateful for the investment that the Liberals had made in the Fitzroy housing estate that had made it so much better for his family to live there.

Unfortunately this current minister has no framework for continuing to make social housing and public housing sustainable in this state. We hope the opposition comes up with a framework, otherwise people will be left out in the cold. He has no strategy to reduce homelessness, and that is why we have seen a 72 per cent increase in people sleeping rough. That truly is leaving people out in the cold and has left people sleeping on Melbourne’s streets all winter this year. That is a big fat fail for Martin Foley and the Labor government.

Mr EIDEH (Western Metropolitan) — I rise to speak on the Housing Amendment (Victorian Housing Register and Other Matters) Bill 2016. This bill will

deliver on the government's commitment to ensuring that all Victorians who need social or public housing will have better and timelier access to it. There is no doubt that anyone who has ever experienced a housing crisis or housing stress for whatever reason will attest to the fact that it is one of the most devastating and debilitating circumstances to endure. What people in these situations do not need is a social housing system that is overly complex or convoluted in any way. They need a system that is efficient, streamlined and one through which they will get access to the housing they need in the quickest possible time.

Currently there are two types of social housing — public housing and community housing. In Victoria there are approximately 65 000 public housing units and approximately 21 000 community housing units. Social housing is for people on low incomes, especially those who have experienced homelessness, family violence or who have other urgent needs. Many of these people are currently signed with any number of the 40 agencies currently registered to cater for social or public housing. This in itself can exacerbate the stress experienced by these people and is the reason the government has created this bill.

This bill will streamline this process and combine all social housing into one single list — the Victorian Housing Register. This will make the entire process of providing social housing for Victorians in need much fairer and simpler.

19:55:00 Instead of someone having to apply for many different agencies, with all of the difficulties and stresses involved with that, one single form now applies to all the relevant agencies. This also means a much fairer system of allocation of housing. Having just one point of access and distribution means that all agencies can reach a broader number of people in need and house those in greatest need much sooner. The establishment of the housing register is a fantastic initiative and will alleviate a lot of the aforementioned housing stress for many Victorians who could certainly do with having a lot less stress in their lives.

By engendering a process of positive discrimination for vulnerable Victorians, the government, with this bill, is redressing the negative discrimination that many Victorians suffer. This is, unfortunately, often the case with Victoria's Indigenous population, who are often discriminated against in the private rental market, and who make up 25 per cent of Australia's homeless population.

By consolidating and streamlining the entire process of the delivery of public housing, we are ensuring that the

collection of data is much quicker and much clearer than is currently the case. Having a clearer picture of the entire system and without the current ad hoc nature of data collection will help better inform the allocation of resources by government and the community housing sector.

The government has listened to Victorians in need and has consulted with many industry stakeholders in the creation of this bill. This bill reflects the prevailing views of most industry stakeholders and also ensures that the security of all information relating to this process is appropriately scrutinised and managed. It sets out in broad terms what kind of information can be kept about an individual, who can access that information, how they access it and what they can do with it. The bill also ensures that information is used in compliance with the Charter of Human Rights and Responsibilities Act 2006 and the Equal Opportunity Act 2010.

I have no doubt that those of my constituents in Western Metropolitan Region who are in need of social housing will find this streamlined social housing system a vast improvement on current and previous systems. The Andrews Labor government is investing \$120 million in our social housing pipeline, and this is in addition to many tens of millions of dollars in other housing-related areas.

Labor made a commitment at the last election to put people first, and the Andrews government is fulfilling this promise by ensuring that all Victorians in need of housing, especially those in crisis or urgent need, now have the access and resources they need. This bill is necessary. It is wide in scope, it is comprehensive in addressing the diverse needs of Victorians and it is transparent in its governance arrangements. I look forward to the implementation of this important bill, and I commend the bill to the house.

Ms PATTEN (Northern Metropolitan) — I would like to just speak very briefly on the Housing Amendment (Victorian Housing Register and Other Matters) Bill 2016. I cannot help thinking that a bill that facilitates the creation of a Victorian Housing Register to enable greater social housing opportunities and to allow Victorians in housing need, instead of applying to over 40 separate housing waiting lists, to simply apply to one register is something we should have done before. Why has it taken us so long for such a commonsense response?

I recently had the good fortune of meeting with the managers and staff of Women's Property Initiatives, Crossroads at the Salvation Army, Launch Housing and Frontyard Youth Services and also members of the

Melbourne City Mission in relation to homelessness services in Victoria.

20:00:00 They all talked about the problems they had with communicating with each other and said that very often in the situation of a homeless person they were finding that they needed to perform triage and that they had three managers working on one client. It was definitely the lack of communication that was causing not a misuse of funds but a situation where funds could have been used a lot better had there been a lot more organisation amongst the organisations. Certainly this bill does go towards addressing that.

Of course this bill will not create more housing. We do not need the Australian Bureau of Statistics data to tell us that there has been an extraordinary spike in the lack of housing and in people experiencing homelessness in Victoria. That is abundantly clear just metres away from this building. Those in the sector that I have spoken to in the lead-up to the introduction of this bill have certainly highlighted this issue. There are 1800 people in transitional housing and over 4000 people trying to access it. As we have heard from previous speakers, housing services are turning people away up until they are in absolute crisis, and we know that it is not just at that crisis level that there is a lack of affordable housing.

What shocked me incredibly was the figure that there are 29 one-bedroom properties in greater Victoria that are affordable — 29! It is particularly shocking when you look at the apartments being built. According to Launch Housing and the Melbourne City Mission there are 29 one-bedroom apartments that are available in greater Melbourne. It certainly means that single people and older people are becoming some of the hardest people to find housing for. We know that over 50 000 more units of affordable housing are needed to bring Victoria up not to solving the problem but just to the Australian average.

Frontline safety net services like Frontyard are having to absorb young people who are exiting prisons, hospitals and out-of-home care. These first-contact systems are having to provide far more complicated services, far more complicated treatments and far more complicated management. Really they should just be that first port of call for people before they are referred on to other services, but they are having to provide all of those services in a far more tertiary manner than services like Frontyard were ever designed to do.

The affordable private sector accommodation, we all know, is dwindling. Caravan parks are almost gone and affordable motels are obviously about to disappear. The

rooming house legislation that we passed in this house further dwindled some of that affordable accommodation — and I am not saying that that was good affordable accommodation, but it is slowly reducing the number of beds that are available.

This bill certainly will go to some length to consolidate the meagre resources that are currently available, but I think this bill also highlights how meagre the resources are and how much more we need to do about affordable housing and, in particular, about homelessness.

On that note, I think this is a fair way for eligible people across the state to access social housing. They now only have to tell their story once. The combining of public and community housing, I think, also addresses some of the stigma that Ms Lovell mentioned in her contribution. While this is just the beginning of addressing a very large issue that we all have to address, I commend this bill to the house.

Ms MIKAKOS (Minister for Families and Children) — In summing up, I just want to thank speakers who have contributed to this important debate, and I want to take this opportunity to commend the Minister for Housing, Disability and Ageing, Martin Foley, for his work in developing this important piece of legislation. As a local member, I too have had many experiences in assisting local constituents with housing matters, whether they were applying through public housing or through social housing processes, and I too want to extend my thanks for the fact that we are going to do something that should have happened a long time ago — that is, we are going to do something that is going to assist and expedite some of the most disadvantaged people in our community to have access to a centralised Victorian Housing Register.

20:05:00

I have to say that I thought Ms Lovell's contribution was provocative in nature, particularly when she failed to mention that she had promised on 21 December 2010 to develop a common housing register and did not do so during the entire four years that she was the responsible minister.

I am very proud of the level of investment that our government is making in relation to supporting people who are accessing both public housing and social housing. We have had very significant levels of investment announced by Minister Foley recently, and I am sure we will get an opportunity to talk about that in more detail during the committee stage. I particularly want to commend him on that, because this has been an area that suffered from extensive cuts during the time of the previous government as well as cuts by the current federal government. I am very pleased in particular at

the minister's focus in relation to supporting women and children fleeing family violence, and I want to take this opportunity to commend him on that level of investment.

I know that there may well be questions on this bill in the committee stage. I look forward to that. I just wanted to indicate to the house my very strong personal support for this bill.

Motion agreed to.

Read second time.

Committed.

20:10:00

Committee

Clause 1

Ms WOOLDRIDGE (Eastern Metropolitan) — I have just a few questions tonight. If the minister is happy for me to do so, I might just put them all to her in relation to clause 1; that might be an easy way to work through them. I would like to thank the minister, who did request a heads-up in advance about some of the questions we intended to ask. Hopefully that will provide the capacity to move through these questions reasonably quickly, given the government has had the opportunity to prepare if it chooses to answer the questions. I will kick off in relation to the eligibility criteria, which I understand is to be defined in the regulations. Could the minister give us an indication of what she thinks the eligibility criteria might be or what sorts of variations we will see in the existing register eligibility criteria?

Ms MIKAKOS (Minister for Families and Children) — I thank Ms Wooldridge for her question. The advice I have is that there is no proposal to change the criteria significantly from what is the case at the moment. The two departures will relate to priority transfers — that is, someone who is currently in housing wishing to transfer to another location and in relation to applicants who are aged over 55.

Ms WOOLDRIDGE (Eastern Metropolitan) — Are you able to elaborate then on what those changes in the eligibility criteria for those two groups may be?

20:15:00

Ms MIKAKOS (Minister for Families and Children) — I am advised that in terms of priority transfers this would include individuals who are experiencing family violence. For example, they might be in a location where the perpetrator would be aware of their location and so they would need to move to another location for their safety and security. Similarly

it might be individuals wanting to move to a smaller property. In relation to those who are over 55 years of age, currently I am advised that they are prioritised if they are homeless. There will be now a larger group of people who will be able to access priority housing through meeting the current income and assets requirements.

Ms WOOLDRIDGE (Eastern Metropolitan) — Sorry to be a little bit basic in this; I do not have a huge depth of expertise in this area. I am just trying to understand. In terms of the changes for priority transfers, are you saying you are adding family violence and the move to a smaller property that were not there before? Are they new criteria? I am not quite sure for the over-55s what you are actually adding or changing.

Ms MIKAKOS (Minister for Families and Children) — I can elaborate further, Ms Wooldridge, in relation to this matter. The advice that I have is that the priority transfers in relation to those experiencing family violence and also those seeking to transfer to a smaller property were incorporated as eligibility criteria for priority transfers under the interim housing register that was announced several months ago. In relation to those aged over 55, they will be a new group that will be prioritised pending this legislation. At the moment over-55s are only prioritised if they are homeless, so that will now widen the eligibility group in relation to that particular cohort.

20:20:00

Ms WOOLDRIDGE (Eastern Metropolitan) — Minister, thank you for that. Could the minister just take me through then when the new eligibility criteria will be publicly available? I understand there is to be some consultation on it. If there will be consultation, how will that be undertaken?

Ms MIKAKOS (Minister for Families and Children) — I am advised that during the 2015–16 financial year there was extensive consultation with the sector in developing arrangements for the Victorian Housing Register. This occurred through workshops and information sessions across the state, as well as more formally through the Victorian Housing Register senior leadership group, which includes the Community Housing Federation of Victoria, the Council to Homeless Persons, the Victorian Public Tenants Association and Aboriginal Housing Victoria. I am further advised that the eligibility criteria has now been settled through discussions with those various stakeholders. However, the Victorian Housing Register leadership group will continue to be engaged through the process to support the register in becoming fully operational.

Ms WOOLDRIDGE (Eastern Metropolitan) — Thank you, Minister. I think there is an April 2017 outside date in terms of this legislation being enacted and the new housing register being in place. Can you please advise the house whether it will take until August then to get the new register in place or whether that will be earlier? If it is not until August, what other things need to be done in the interim that are going to take eight months?

20:25:00 **Ms MIKAKOS** (Minister for Families and Children) — I am advised that the register will effectively be in operation from the time that the regulations and director determinations are agreed to and proclaimed. However, the process for community housing organisations joining the register and the merging of all applications into the register will extend into 2017, given that there are around 15 500 or so community housing applications that need to be entered into the register, assessed and allocated an appropriate priority.

Ms WOOLDRIDGE (Eastern Metropolitan) — So could I just clarify when you expect it to be proclaimed in terms of it actually being up and running?

Ms MIKAKOS (Minister for Families and Children) — I am advised that the proclamation is anticipated to be in the next few days.

Ms WOOLDRIDGE (Eastern Metropolitan) — Minister, one of the key things is to make sure that particularly vulnerable people are assessed as priority. You have talked about obviously the priority transfers, including family violence victims who would clearly be part of that group, but people with a disability or a mental illness are another group that are particularly vulnerable, many of whom are on the public housing waiting list. How, if at all, will this bill make a difference for people with a mental illness or disability?

Ms MIKAKOS (Minister for Families and Children) — I am advised that currently people with disabilities or with mental health issues do receive priority under the current segmentation for public housing, and that is not proposed to be changed. Obviously the benefit that either a person with a disability or a person with a mental illness would derive through this proposed legislative change is that they will now have access to a centralised register in terms of being able to access a greater choice of available properties.

Clearly the merger of the former Department of Health and the former Department of Human Services and the fact that Minister Foley is the responsible minister for

housing, disability, mental health and ageing issues is a recognition by our government that we do recognise the coexistence of these issues in particular individuals and the particular vulnerabilities and disadvantage that people in our community can experience by virtue of having one or more of those characteristics.

Ms WOOLDRIDGE (Eastern Metropolitan) — I suppose one of the things I am interested in is that you have described the expansion of the priority list to include people moving to smaller properties and the expansion of the list, I think — or was it the priority list? — of those aged over 55. If there is an expansion of the priority list, then those who were on the list previously are — competing is not quite the word — in contention with a bigger cohort in terms of accessing public housing when there are 30 000 people on the list. Is it possible to get a sense of how many are given priority under the public housing waiting list and, with the expanded eligibility criteria, how that changes those numbers? How many more does that add to the priority list with adding the additional groups?

Ms MIKAKOS (Minister for Families and Children) — I think we just need to be clear here that when I was referring to those priority groups earlier it was in relation to questions around priority transfers rather than priority access to housing, so we are talking about two different things here.

20:30:00

The DEPUTY PRESIDENT — Order! I have to interrupt business and report progress.

Progress reported.

Business interrupted pursuant to standing orders.

ADJOURNMENT

Ms MIKAKOS (Minister for Families and Children) — I move:

That the house do now adjourn.

Goulburn Valley Highway

Ms LOVELL (Northern Victoria) — My adjournment matter is for the Minister for Roads and Road Safety and is regarding the appalling condition of some sections of the A39, the Goulburn Valley Highway. My request of the minister is that he commit to and fund an immediate repair of the Goulburn Valley Highway near the Calder Woodburn rest area in Arcadia and any other dangerous sections of this road. On the northbound carriageway of the Goulburn Valley Highway, just near the Calder Woodburn rest area at Arcadia, there is a section of road that is so disgusting

and dangerous that I recently stopped to take photographs, which I will give to the minister on duty to pass on to the roads minister. The road surface is completely compromised. There are not just potholes but gaping sections where the bitumen road surface is entirely missing.

VicRoads have obviously been made aware of this hazard, yet the response has been to reduce the speed limit to 40 kilometres per hour and put out a few witches hats, which just keep blowing over. The reduction of the speed limit from 110 kilometres per hour to 40 kilometres per hour on a major state highway and national freight route is pathetic. There is heavy traffic flow on this road as it is a major commuter and transport road. Twenty-five per cent of Victoria's trucks are registered in the Greater Shepparton area. The majority of these would use the A39 many times a week, if not daily, yet the state of this road is described as being in Third World condition by many of its users. It is immensely dangerous, and immediate action to have it fixed, and fixed properly, is needed.

I posted about this dangerous section of road on Facebook on 27 November, and some of the comments include:

Just so dangerous. Who will be responsible when someone dies?

Almost crashed coming home from Seymour. There was a massive pothole.

Nearly crashed because of this!

Accident waiting to happen.

Very sad some of the roads around Shepparton look like a Third World country.

It's a complete mess not good on our vehicles or ... passengers.

Shambles.

This is an accident waiting to happen ... why should a family be without their loved one!!! Road fatalities it appears are a low priority for the Andrews government ...

Dan couldn't do his shoelaces up he is so slack does nothing for country Victoria ...

Country roads are being ignored by the Andrews government. It is absolutely disgusting. Whilst local government strive to maintain and renew their road network the state neglect their obligations. Shame, Daniel Andrews.

This road will become increasingly busy as we harvest fruit in the Goulburn Valley over the next few months and the number of trucks on the road increases, so my request of the minister is that he commit to and fund an

immediate repair of the A39, the Goulburn Valley Highway, near the Calder Woodburn rest area in Arcadia and of any other dangerous sections of this road.

Mildura rail services

Ms DUNN (Eastern Metropolitan) — My adjournment matter is for the Minister for Regional Development. The NorthWest Rail Alliance has been calling for the past seven years for the reinstatement of passenger rail services to Mildura. This group has over 2000 supporters in Mildura and nearby areas that see passenger rail as the only viable public transport option for many people in the region, particularly seniors, people with disabilities and people with low incomes. Yes, there are buses between Mildura and Melbourne; however, they are cramped to the extent that some passengers experience severe discomfort. Yes, there are commercial passenger flights, but they are too expensive and are often full if required at short notice. Nothing beats the price, level of service and comfort of a V/Line train.

In the *Sunraysia Daily* of Saturday, 3 December, the Minister for Regional Development was reported as saying: 20:35:00

The community made it very clear to us that the no. 1 priority was the airport project ...

Therefore the state government would not be supporting the recommencement of passenger rail services to Mildura.

How has the minister come to this conclusion? It cannot be from the Infrastructure Victoria 30-year plan, because that process did not consult with anyone in the Mildura area. It cannot be from dedicated consultations in Mildura, because locals report that no such process took place. I call on the minister to take action, consult with the people of the Mildura area and redirect the state government's attention to reinstating passenger rail services to Mildura.

Bayswater level crossings

Mr LEANE (Eastern Metropolitan) — My adjournment matter is directed to the Minister for Public Transport, Jacinta Allan. In the last four weeks or so 200 men and women around the clock have been removing the two level crossings at Bayswater — the level crossings at Mountain Highway and Scoresby Road. There has been amazing progress, and actually these works are completely transforming Bayswater as we know it. The action I would seek from the minister is that she, sometime possibly next week, come to those

particular level crossings and view firsthand the amazing effort that these men and women have put in and what they have been able to achieve in such a short time on one of the Andrews government's major election commitments out in the east of Melbourne.

Tullamarine Freeway

Mr FINN (Western Metropolitan) — I rise tonight to bring a matter to the attention of the Minister for Roads and Road Safety, and it concerns the Tullamarine Freeway. As I am sure the minister is aware — or at least I hope he is aware — there is a great deal of roadwork going on on the Tullamarine Freeway at the moment. Indeed new lanes either way are being built, and that will give us an opportunity to sit in freshly painted lanes when that is completed, so that is something we will all be very excited about I am sure. But the issue that I wish to raise tonight is something that I experienced recently and others alongside me and around me experienced recently as well, and that is the capacity for Transurban to close CityLink at any time — the Tullamarine section of the CityLink — but still charge tolls.

I had an extraordinary experience on the last sitting night. I think it was about 10.45 p.m. when I was heading up the Tulla. I went under the gantry at Moreland Road and paid the toll, only to be confronted by signs saying that the Tullamarine Freeway was closed — 'Head up here'. So I headed up Moreland Road, and it was all detour signs and so forth. Fortunately I knew exactly where I was going, so I was able to cut cross-country and indeed headed down beside Windy Hill and got home that way. But I was speaking to other people after that particular evening, and they said they had no idea where they were going, and they were not quite sure where they ended up in fact.

I think it is a bit rough, to say the very least, for Transurban to be charging tolls for a freeway that they are not providing, so I ask that the minister have a chat to Transurban. I know that he is on particularly close terms with Transurban these days. In fact they seem to be very buddy-buddy with the state government at the moment. I ask the minister to request of Transurban and their CEO, Scott Charlton, that they relieve motorists of tolls after hours, because that is when most of the roadwork on the Tulla is happening. I am asking the minister to speak to Transurban and to ask them to remove the tolls after hours, particularly when the Tullamarine Freeway is actually closed and motorists do not have access to it.

Homelessness

20:40:00

Mr ELASMAR (Northern Metropolitan) — My adjournment matter is addressed to the Minister for Housing, Disability and Ageing in the other place, the Honourable Martin Foley. It relates to the government's recent announcement of a \$109 million homelessness package. The recently announced \$109 million homelessness package represents the biggest ever response to homelessness in the state's history. Over five years the package will assist 19 000 people at risk of or experiencing homelessness by intervening early and providing targeted support that helps people get back on their feet. This includes the rough sleepers, veterans and particularly young people exiting our youth justice system and leaving out-of-home care. Evident in this funding, the government will boost support for thousands of people in response to the rising levels of homelessness being experienced in Victoria. In every way, therefore, this package delivers on the government's goal and promise of putting people first. The action that I seek is for the minister to outline how the recently announced \$109 million homelessness package will address the issue of homelessness specifically in my region of Northern Metropolitan Region.

Ballarat railway station precinct

Mr MORRIS (Western Victoria) — I rise to address an adjournment matter to the Minister for Regional Development, and it is in relation to the Ballarat railway station precinct. I am quite disappointed that the said minister is not in the chamber this evening, because I was hoping to go over some territory that we covered in a previous adjournment debate that I raised in the last sitting week in which I raised some concerns about the lack of transparency that the government was showing with regard to its plans about the station precinct, and those concerns were well founded — —

Mr Ramsay interjected.

Mr MORRIS — They were well founded, Mr Ramsay, because what we have seen from this government is that it is seeking to half do this railway station precinct, which is going to significantly and dramatically affect residents and commuters alike. What we are seeing is that the government intends to cut community car parking from over 400 spaces, which are currently generally already at capacity most days, to just 270 spaces for those said commuters. The government is also looking to move the bus and coach terminal from the actual precinct itself. Rather than building it within the precinct, as the master plan

indicated, the government intends to move the bus and coach terminal space onto Lydiard Street North.

For those members who perhaps do not recognise what Lydiard Street is, it is probably one of the most magnificent streets not only in Victoria but in the world in terms of the heritage buildings that are present within Lydiard Street. I was in Lydiard Street just recently when it was closed for the filming of *The Doctor Blake Mysteries*. It is a magnificent street, and certainly the ABC recognises that and used it as the backdrop for *The Doctor Blake Mysteries* filming. It actually took me a bit longer to get my chicken laksa from my favourite Vietnamese restaurant that given day. However, Lydiard Street North does have many fine heritage homes, and the removal of the car parking space in Lydiard Street North and replacing it with a bus terminal is something that the community certainly will not stand for, and it is something that this government must rectify.

I note that as late as 25 November 2016 the government was saying in its streetscape diagrams that existing on-street car parking in Lydiard Street North would remain. The action that I seek is that the minister go back and develop the railway precinct in Ballarat properly, with a bus and coach terminal within the precinct, to ensure that Lydiard Street North is not adversely affected.

Risk

Mr O'SULLIVAN (Northern Victoria) — I wish to raise a matter tonight for the Minister for Education. The action I am seeking is for a book written by the author Fleur Ferris called *Risk* to be added to the study curriculum for all year 7 students in Victoria. The book is a story about the dangers of engaging with strangers online and the risks that can occur when young people do engage with strangers through online chat rooms. As a father of two daughters, and with my eldest daughter entering year 7 next year, I believe that reading and studying Fleur Ferris's book *Risk* would be an invaluable resource document and would pave the way for discussions about the dangers of online engagement with strangers.

20:45:00 The book's author, Fleur Ferris, who I went to school with, has a unique background of having served as a paramedic and also as a police officer who spent time in the Broadmeadows sex offence crew.

The book has received a whole range of very good reviews. I will quote from them:

This is an Australian book that everyone should read; I firmly believe it needs to become a school text. A permanent one.

Another one says:

This is definitely a book that anyone using the internet to interact with strangers should read. A book that will not open eyes but change lives. The dangers of being online and the risks you take can have some devastating outcomes.

Another review says:

I was going to start this review by saying all teens should read this book but I was wrong. Everyone should read this book.

Not only is *Risk* a gripping tale but it opened my eyes to things I never knew about the internet. I thought you had to be a genius hacker to not leave a web trail but I was wrong.

This is a book that I think can save lives of young people. This is a book that demonstrates to adolescents that online predators are real and they know how to manipulate your online footprint and draw you in.

Risk is a book about a 15-year-old girl who over a few days engages in online conversations with a guy who turns out to be a predator. The two end up meeting up at a shopping centre on a Friday night for a date — and it ends with tragic consequences.

So the action I am seeking tonight is for the Minister for Education, who has a young family himself, to read this book and please add it to the curriculum as early as next year, because this book is very helpful in terms of helping young people with their good decision-making when they are engaging online, and it might even save lives.

The PRESIDENT — Order! For a while there I was not sure whether it was an adjournment item or a book review!

Simonds Stadium

Mr RAMSAY (Western Victoria) — My adjournment matter is for the Minister for Industrial Relations, the Honourable Natalie Hutchins. The Construction, Forestry, Mining and Energy Union's (CFMEU) objection to the federal government's new Australian Building and Construction Commission (ABCC) has targeted Kane Constructions in Geelong, leading to a full day of strike action on Friday at the site of the \$74 million Simonds Stadium redevelopment. Several more days of industrial action are expected in coming weeks, putting 150 workers' jobs at risk.

This state-funded rebuild of stage 4 is one of Geelong's most important projects, and successive governments have invested over a long period of time in building this stadium. It was only last year that the Andrews government fast-tracked new management of the

stadium by implementing the Kardinia Park Stadium Trust, which is led by former premier Steve Bracks.

Given the state government's supposed anti-bullying stance, the Minister for Industrial Relations should appreciate the great benefits of the ABCC's changes, which include harsher penalties for unlawful coercion of industrial action, as well as laws that aim to prevent some of the incidents that have previously occurred as a result of illegal union pickets in the industry. Restoring the ABCC means unlawful action will be properly investigated, dealt with and penalised as it should be, saving wasted money that should be directed towards far more worthy infrastructure causes.

The industrial action we have seen deployed by the CFMEU at sites across the country in efforts to thwart the law have demonstrated the exact dodgy union tactics that need to be removed from Australia's building sites. The CFMEU's scepticism and reluctance to accept the passing of this bill can only hurt Geelong and the Greater Geelong City Council, that has also allocated significant funding towards the rebuild at the Simonds Stadium.

The local community and the football club's 52 000 members deserve to know what action is being taken to help the CFMEU reach an agreement with Kane Constructions and exactly how this delay will ultimately impact stage 4 and even stage 5 of the major redevelopment.

The action I seek is for the minister to work with the Kardinia Park trust to help negotiate a resolution to the dispute and assist in ending this threat of industrial action to ensure the work at Simonds Stadium on stage 4 is completed before Geelong's first home game in May.

20:50:00

School swimming program

Ms BATH (Eastern Victoria) — My adjournment matter is directed to the Minister for Education. The action I seek is that the minister provide specific funding for rural and regional communities to facilitate the government's new mandatory school swimming program. It needs to be specific for rural and regional schools. We are living on an island continent, and swimming is a vital skill for everyone to learn. The recent increase in drownings in Australia is alarming to all of us.

However, rather than being greeted by schools with a welcome cheer, the proposed curriculum is actually being questioned by parents and principals in my electorate as they wonder who bears the costs. Many

principals and office managers I have spoken to have great concerns about having the capacity and the funds to meet these mandatory obligations imposed by the Andrews Labor government. The government expects all students to be able to swim 50 metres by the time they reach year 6.

A question being asked in country Victoria is: do we have the pool facilities to accommodate all those primary schools meeting this obligation? With respect to East Gippsland, we have 15 primary schools that feed into the aquatic centre at Bairnsdale. There are 31 primary schools in the Latrobe Valley, including government and non-government schools et cetera, and in South Gippsland there are primary schools in places such as Loch, Nyora, Fish Creek, Tarwin and Welshpool that will all have to bus students into towns that have pool facilities.

I have some questions. Who will deliver the program and how? Current programs focus on water safety, I am told by principals, and consist of between 8 and 10 water safety program lessons, which will not teach the technical skills required to produce competency in swimming 50-metres. One principal has commented that he believes students would have to take 30 lessons per year over many years to reach the required standard.

Traralgon South Primary School's nearest pool is 25 kilometres away. They have a current model that they use. There are 115 children at this school. They teach them swimming between years 3 and 6, and the lessons cost \$115 per student overall. If we ramp that up and they require 30 lessons per year per student, that will be a considerable impost.

Also curriculum delivery must be free within state schools. That is great, but if the government mandates this swimming program, then this must be incorporated into the curriculum. So do the schools just have to absorb that as a budget outcome? What about buses and what about entrance fees into pools? I believe this government has not actually costed this swimming program for rural and regional schools. I believe this program is a catchphrase and that it has not been thought out. I do not want regional schools in my electorate and/or parents to have to put up with this burden. So how will this happen?

The PRESIDENT — Order! Thank you. I did not hear an action.

Ms BATH — It was at the start.

The PRESIDENT — And it was?

Ms BATH — To provide specific regional funding for rural and regional schools to support this mandatory schools program.

North Road, Ormond, level crossing

Ms CROZIER (Southern Metropolitan) — My adjournment matter this evening is for the Minister for Planning. The minister has appointed a standing advisory committee — the Level Crossing Removal Authority Integrated Development Opportunities Standing Advisory Committee is its name — to provide advice and make recommendations on integrated development opportunities created by the removal of level crossings. Of course I am referring to the Ormond level crossing at North Road, Ormond.

As advised on the website of the former department of transport, planning and local infrastructure, draft planning controls to facilitate a mixed-use development on the Ormond station site have been prepared by a group of consultants. This includes a North Road, Ormond, Level Crossing Removal Authority retail need and economic impact assessment dated 5 August 2016. In that assessment is the advice that the ‘indicative project’, being the development at Ormond station, would be anchored by Ormond’s first full-line supermarket.

The secret plans of the Andrews Labor government to value-capture the land at Ormond station and build a 13-storey sky tower were only recently revealed when local residents noticed a concrete deck on the railway line. The local council found out through the media. The member for Bentleigh kept the secret and did not at any stage reveal in the public consultations the plans for the development during the Level Crossing Removal Authority process.

The local community and the businesses in the area have been dismayed by the government’s ram-through approach and the disregard for their concerns in relation to this development and what has been undertaken. The government’s public consultation prior to deciding on its plans is obviously a farce, so the action I seek is that minister provide the date of when the government first briefed the industry consultants who have been working on the development, which also included this full-line supermarket, which will have impacts on the other supermarket in the area and other businesses that have been struggling due to the government’s mismanagement of the North Road level crossing removal.

Jumps racing

20:55:00

Mr PURCELL (Western Victoria) — The matter I raise tonight is for the Minister for Racing. It is actually a very pleasant situation that I find myself in in that the South Australian Parliament has just finished its jumps racing inquiry. The South Australian select committee has recommended that jumps racing be allowed to continue in that state and that the issue should not be revisited for the next three years. The inquiry was a proposal put forward by the Greens to try to stop jumps racing in South Australia, and it has spectacularly failed, which is great to see. This gives the jumps racing community in South Australia the positive position that it can now go forward and plan for the future and undertake improvements and take up the recommendations from the inquiry’s report.

It is no secret that I am an avid supporter of jumps racing in so much as it creates just in my part of south-west Victoria some 2500 jobs and injects about \$20 million into our economy. It is widely supported in south-west Victoria. One year I organised a petition in support of jumps racing at the Warrnambool races and 1400 attendees signed that petition gleefully. The statistics on jumps racing continue to improve. The rate of casualties and injuries in the sport have decreased regularly. The state government has certainly helped that, and I am very pleased with the funding that Minister Pakula and the government have provided for this growing sport. The support of the Andrews Labor government has given the industry a much-welcomed boost and the assurance that it has a long future.

There are a number of major carnivals in Australia. One of them, the Warrnambool May Racing Carnival, which is in my electorate, is attended by many thousands of people. The major one in South Australia is the Oakbank Easter Racing Carnival. It is attended by something like 20 000 people on the Saturday and the Monday. I would just like to thank the minister for his continued support for jumps racing in Victoria. Hopefully that will ensure continued funding and provide security for our industry in the upcoming time. I ask the minister to write to the South Australian racing minister and congratulate him on this fine outcome for the South Australian racing industry.

The PRESIDENT — Order! Mr Purcell, I invite you to somehow find a better action. The adjournment is not about encouraging a minister to write to a minister in another place to congratulate them on a decision that Parliament took. If I am to allow those sorts of adjournments, which are really not as prescribed in our description of what the adjournment is all about, then I am going to have people writing to all

sorts of odd folk with congratulations. Can you give me a different action?

Mr PURCELL — The action I seek is that I urge the minister to continue to provide funding for the racing industry so that it may grow and continue to improve its safety.

The PRESIDENT — Order! I will let it go, but, again, an action on the adjournment that seeks to continue doing something that is already happening is not an adjournment item. Given that you have thought on your feet, or, as it was, on your backside, and did change it for me, I will let it stand tonight. But, as I said, to seek to continue to do something we are already doing is not really an adjournment matter.

21:00:00

Responses

Ms MIKAKOS (Minister for Families and Children) — This evening I have received adjournment matters from Ms Lovell addressed to the Minister for Roads and Road Safety; from Ms Dunn addressed to the Minister for Public Transport; from Mr Leane addressed to the Minister for Public Transport; from Mr Finn addressed to the Minister for Roads and Road Safety; from Mr Elasmarr addressed to the Minister for Housing, Disability and Ageing; from Mr Morris addressed to the Minister for Regional Development; from Mr O'Sullivan addressed to the Minister for Education; from Mr Ramsay addressed to the Minister for Industrial Relations; from Ms Bath addressed to the Minister for Education; from Ms Crozier addressed to the Minister for Planning; and from Mr Purcell addressed to the Minister for Racing. I will refer all of those matters to the appropriate ministers for response.

I have also received 25 written responses to adjournment matters for distribution to members.

The PRESIDENT — Order! Ms Mikakos, outstanding contributions to the adjournment of late. On that basis the house stands adjourned.

House adjourned 9.00 p.m.