

**PARLIAMENT OF VICTORIA**

**PARLIAMENTARY DEBATES  
(HANSARD)**

**LEGISLATIVE COUNCIL**

**FIFTY-SIXTH PARLIAMENT**

**FIRST SESSION**

**Tuesday, 8 April 2008**

**(Extract from book 4)**

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**Tuesday, 8 April 2008**

**The PRESIDENT (Hon. R. F. Smith) took the chair at 2.03 p.m. and read the prayer.**

**DISTINGUISHED VISITORS**

**The PRESIDENT** — Order! I draw the attention of the house to the fact that today we have as guests a delegation from the Parliament of Greece. They are Adam Regouzas, Christos Aidonis, Achilleas Kantartzis, Ilias Fotiadis, and Antonios Karpouzas. Welcome, gentlemen, and enjoy your stay.

**ROYAL ASSENT**

**Message read advising royal assent to:**

**14 March**

**Classification (Publications, Films and Computer Games) (Enforcement) Amendment Act**

**18 March**

**Consumer Credit (Victoria) and Other Acts Amendment Act**

**Crimes Amendment (Child Homicide) Act**

**Criminal Procedure Legislation Amendment Act**

**Infringements and Other Acts Amendment Act**

**Legislation Reform (Repeals No. 1) Act**

**Professional Boxing and Combat Sports Amendment Act.**

**BUSINESS OF THE HOUSE**

**Sound system**

**The PRESIDENT** — Order! For the information of members I point out that we have new microphones and speakers in the chamber. Some of the key advantages are that members will not be able to speak whilst I am pressing this button, and we will have much better control of the system within the chamber, which will assist Hansard quite markedly compared to the previous system. The new system produces a better quality of sound but not necessarily more volume. In addition members will see that the speakers are much more strategically placed, and they will also improve the sound in both the press gallery and the public gallery.

Members who have been here for some time would have experienced the system failing and the house having to stop. That will not be the case in future, as we

now have a dual system: if one fails, the other one will automatically begin. I am told we cannot lose both systems at once. We shall see. We will also have a much better technical ability to adjust the volume et cetera to assist Hansard in reporting those who are a bit more verbose or those who are a bit quieter. As I said, the reliability of the system has been improved quite markedly.

I also have a little cheat sheet for use by the Deputy President and others who take the chair, so they should not panic!

**QUESTIONS WITHOUT NOTICE**

**Planning: urban growth zone**

**Mr GUY** (Northern Metropolitan) — My question is to the Minister for Planning. I refer to reports of a leaked document containing high-level departmental advice that reveals that the government's much-touted urban growth zone (UGZ) is a sham which will increase red tape and create new bottlenecks in planning as well as infrastructure service delivery, and I ask: knowing these concerns, why did the government proceed with the urban growth zone plan and mislead Victorians in the face of this departmental advice?

**Hon. J. M. MADDEN** (Minister for Planning) — I welcome Mr Guy's questions in relation to all matters planning, and I welcome his question in relation to this matter today. Mr Guy is always going to be interested in these matters, but it is important that he also take a position on whether or not he supports these matters.

Those reports in the paper today relate to a departmental memo sent from one department to another or from one public servant to another. They are not matters that were conveyed, I understand, as an email directed to a minister's office or to anybody's office. Can I just say that the urban growth zone, as reinforced by the announcement by the Premier, is supported by a significant number of major stakeholders in housing and in the development of land across this state. The urban growth zone is very strongly supported by all those stakeholders because they can see the merit in it.

What we made clear on the day of that announcement — and we reinforce that today as part of the decision-making process — is that what is important is the precinct structure plan. The critical issue is the precinct structure plan, and that is really technical parlance for the 'master plan'. The master plan is the opportunity to clarify the infrastructure that

needs to go into a community, or into a development, to make sure we have neighbourhoods, not just suburbs. This is critical, because what we have seen, whether it be by developers, local government or even some of our own government authorities, is a stalling, often, in decision making, or a logjam in decision making, in relation to these matters.

This gives us the opportunity to get it right the first time, thereby cutting, in a sense, the reclaiming or the reprocessing or the re-administration or the continued requests by various stakeholders to upgrade the master plan throughout the process. So this is an opportunity to get it right the first time, move on with the development of the land, get more land to the market and improve competition, thereby making and continuing to make Victoria a great place, a livable place and an affordable place to live, work and raise a family.

*Supplementary question*

**Mr GUY** (Northern Metropolitan) — I thank the minister for his answer and note that the leaked departmental memo stated in relation to the urban growth zone that there is no need for the urban growth zone and that the Minister for Planning already has the power under the Planning and Environment Act to streamline the rezoning process. I ask the minister: what specific new powers to streamline processes did the minister acquire from the UGZ announcement, or is the Department of Infrastructure analysis right and the minister's announcement was just a stunt?

**Hon. J. M. MADDEN** (Minister for Planning) — I particularly welcome the supplementary question, and I welcome it even more than the first question, because if Mr Guy understood the respective powers or entitlement to use powers of the planning minister at any particular time — and Mr Guy should because the former federal planning minister, Mr McLennan, used those powers absolutely extensively: Mr McLennan called in projects, proposals, amendments and developments at every tick of the clock — he would know the planning minister has those powers and controls to make those call-ins at any particular time.

The critical issue here is that you can either line up for a fight, as Mr Guy likes to do in and around planning matters, you can antagonise and promote the idea of squabbling or you can try to resolve matters by talking to people, getting them around the table and bringing them together to resolve those matters.

This is the instruction that has been directed to the Growth Areas Authority — that its role is to facilitate a resolution of these matters — because what we have

seen is that where we have groups who are in disagreement, often they stand off and wait for somebody to blink first.

**Mr Guy** — On a point of order, President, the minister has been going for over 90 seconds now. I asked the minister a very specific question about powers that he has acquired under the new UGZ announcement. I ask you, President, to bring the minister back to the question.

**The PRESIDENT** — Order! Mr Guy knows there is no point of order. The minister is quite entitled to answer the question in any way that he sees fit as long as it is relevant, and in my view the minister is relevant to this point. There are no time limits. Mr Guy may not like the answer, but that is the way it goes.

**Hon. J. M. MADDEN** — To get back to the crux of my answer: you can resolve these matters and many planning matters in one of two ways. You can have a confrontational style, and we have seen various planning ministers representing the Liberal and National parties in previous governments with a confrontational style. You can be a fighter, you can antagonise local communities —

**Mr Atkinson** — On a point of order, President, I think the minister is deliberately flouting previous rulings you have made in regard to reflecting on previous ministers and members of the opposition, rather than addressing the issue before him as a question.

**The PRESIDENT** — Order! I think I am capable of judging whether or not the minister is in breach of previous rulings, and I remind the Deputy President in particular that overt criticism is unacceptable. I do not believe we are there yet, but I remind the minister about relevance. It has already been raised, and the minister could assist me.

**Hon. J. M. MADDEN** — It is a matter of style when it comes to resolving these matters. You can be confrontational or you can seek to resolve these issues by being collaborative. The Premier and I have directed the Growth Areas Authority to resolve these matters in collaboration with local government. Mr Guy, I suspect, would have been the first to condemn me if I had used the extensive powers I have available to me to call in those matters from local government.

We believe the best way to resolve these matters is by working with local government to expedite the process, allowing it to continue to be the authority and helping resolve matters that need resolution, whether they relate to developers, developments, infrastructure or any other

matters, even those which deal with government authorities. We want to bring parties together, resolve matters, move on and facilitate a much more expedited process than has been the case — and I suspect would be the case if a confrontational approach were taken with such matters.

We will continue to work with local government, stakeholders and developers to make sure we get land and housing onto the market as quickly as possible and to provide competition to ensure that we maintain and make Victoria an even better place — the best place — to live, work and raise a family.

### **Environment: climate change summit**

**Mr SCHEFFER** (Eastern Victoria) — My question is for the Minister for Environment and Climate Change. Can the minister inform the house of efforts by the Brumby Labor government to involve the community in the government's continuing commitment to being a leader in tackling climate change?

**Mr JENNINGS** (Minister for Environment and Climate Change) — I thank Mr Scheffer for his question and his concern about ensuring that the Victorian community — which includes the citizens of Victoria and those who work here — is absolutely committed to playing its role in climate change. I also thank the President for his wisdom and support in ensuring the Parliament of Victoria plays its role in responding to the climate change challenge by becoming a purchaser of green power in years to come. The government, and hopefully the Parliament, will see the virtue in playing a leadership role in addressing greenhouse gases, dealing with global warming and creating opportunities for investment by members of our community so they can participate in the new economy that will be predicated on the price of carbon and emissions trading schemes not only here but around the world.

The government has been determined to be active and strident in building on the reputation of Victoria as an advocate and leader in that space, whether it has been by providing secretarial support and commissioning the work of Professor Ross Garnaut in analysing these issues and making recommendations to this nation about the implementation of an emissions trading scheme; whether it has been through the commitment of the Brumby and Bracks Labor governments in driving investment in renewable energy through the Victorian renewable energy target scheme, which has established a 10 per cent target for our generation capacity by 2016; or whether it has been through the

support we have provided to drive efficiencies in the energy sector through our encouragement of research and development in a variety of technological and science-driven solutions to the challenges of climate change. I am pleased to say that we are also inclusive in that space.

Last Friday, at the instigation of the Premier and with support from me and a number of my ministerial colleagues, we engaged in a summit with various stakeholders in the Victorian community. I am pleased to say in a spirit of inclusion — —

**Mrs Coote** interjected.

**Mr JENNINGS** — I do not know that the opposition would want to draw attention to this matter, because I was about to be effusive about the role David Davis played in representing the opposition. I thought he showed a bit of ticker, a bit of resolve and a bit of dedication to the issue, which may not be the hallmark of his party. But in this instance Mr Davis was prepared to turn up and participate.

**Ms Lovell** interjected.

**Mr JENNINGS** — He was not alone, because Mr Barber, who might have a bit more street cred than Mr Davis on this matter, represented his party and his constituency.

**Mr Lenders** interjected.

**Mr JENNINGS** — It might be construed as damning with faint praise, but I did not mean that potential slight. What I meant was that the Victorian government did provide opportunities for stakeholders, who included not only members of the opposition parties within the Parliament but also people who represent the interests of generators, people who represent the interests of industry in Victoria in terms of both large and small employers, and energy activists from the non-government, community-based sector to respond to the challenges of climate change.

We spent all day in one another's company, and the event was facilitated by George Negus. George almost kept to his brief of trying to create an inclusive environment and was almost as dedicated as the Victorian government is to trying to keep people in the tent and making sure that as we go forward we bring along with us as many stakeholders in the Victorian community as we can in terms of achieving the government's commitments to reducing our emissions over time, transforming our economy and our industrial practices and seeking, as much as we can, opportunities

for economic activity and a viable lifestyle for our community.

**Mrs Peulich** interjected.

**Mr JENNINGS** — It is not all words. President, you would be disappointed if I responded specifically to an interjection, but the government did take the opportunity, beyond announcing, in collaboration with the Parliament, that Parliament would be a purchaser of green power, to talk about the latest iteration of a collaboration between the Victorian government and the Clinton Foundation, which provides significant financial support for good works around the globe in terms of driving technology changes and transformations in the energy sector, and efficiencies in the building sector in which we partnered with the Clinton Foundation previously. We took the opportunity to announce \$72 million of increased funding to support research and development in the renewable sector. That was part of the announcements that were made last Friday.

It is our intention to make sure that we bring in this change in an inclusive way that encourages full participation by all stakeholders in the Victorian community. We will be engaging in discussions about the issuing next year of a white paper that will establish the framework with which we as a community go forward and ultimately will lead to a bill dealing with climate change in the state to augment the establishment of a national emissions trading scheme. It is something that the Brumby Labor government is absolutely committed to doing. We are absolutely committed to playing our role both domestically and internationally in terms of leadership in these issues. We encourage the full participation of all stakeholders in these policy considerations going forward, as was the hallmark of the summit last Friday.

### **Water: national plan**

**Ms LOVELL** (Northern Victoria) — My question is to the Minister for Environment and Climate Change. The memorandum of understanding for the Murray-Darling Basin Agreement between Victoria, New South Wales, Queensland, South Australia, the Australian Capital Territory and the federal government states that:

State authorities will make river flow directions for the Goulburn and Murrumbidgee rivers. (These two matters will not be the responsibility of the Murray-Darling Basin Authority).

How does the Minister for Environment and Climate Change justify the exclusion of the Goulburn River,

which is one of the main feeder streams to the Murray River, from the management of the Murray-Darling Basin Authority?

**Mr JENNINGS** (Minister for Environment and Climate Change) — I appreciate Ms Lovell's attempt to get me to answer directly for something that is not my responsibility but is the responsibility of the Minister for Water. Having said that, I understand that there is an important correlation between my roles and responsibilities in caring for catchment management issues and dealing with environmental flow matters and how they relate to the general subject matter she refers to.

I was not a direct signatory or party to the agreement in terms of some of the background material that led to the delineation of what aspects of the Murray-Darling catchment, which in some quarters does include the Goulburn River and in some quarters clearly does not. In fact the Premier and the Minister for Water were the primary negotiators and leaders of these matters between the state of Victoria and the commonwealth. Indeed as members of this chamber and members of the community would be aware, the Victorian government has had a very high-profile commitment to protecting the availability of water for water users in the state of Victoria. Over the life of this government it has developed a reputation for protecting and restoring environmental flows as they have been available to the various streams and waterways within the state of Victoria.

Those commitments to trying to provide for the appropriate and efficient use of water in the agricultural sector and providing for the appropriate allocation of environmental flows during the longevity of this drought are the major challenges faced by this state. At every turn our government has tried to deal with the appropriate balance in terms of protecting the interests of all stakeholders in Victoria in creating a national framework for the consideration of the Murray-Darling Basin allocations of water now and into the future.

I think that most, if not all, of the media commentary that has taken place since the Council of Australian Governments agreement was struck has indicated that Victoria did extremely well in protecting the interests of our state in terms of both water allocations and protecting the committed allocations to agricultural users within the regime in the Murray-Darling Basin, and environmental flows. The government continues to be determined to protect Victoria's interests and to invest wisely in the way in which we can protect those interests over time. So far as Victoria is concerned regarding the delineation between our responsibilities

and the Murray-Darling Basin Authority's role within this matter, we believe we have struck the right balance.

*Supplementary question*

**Ms LOVELL** (Northern Victoria) — The minister said he was not intimately involved in the negotiations, so I ask: was the minister consulted on the exclusion of the Goulburn River from the control of the Murray-Darling Basin Authority, and in low rainfall years can he guarantee that the bulk allocation to Melbourne will not have detrimental effects on environmental flows or cause further consequential environmental damage to the Goulburn River?

**Ms Broad** interjected.

**Mr JENNINGS** (Minister for Environment and Climate Change) — I appreciate that there is a bit of support coming from the government benches in relation to this matter. I can assure the member that so far as the relevant conversations that take place within the structures of our government are concerned, I am very confident that I am apprised of and engaged in the appropriate level of consideration and consultation about the various matters that would impact upon my responsibility. I am very confident about that matter. Indeed one of my colleagues has already made a significant interjection to provide a backup for my proposition in relation to the way in which Victoria has viewed these matters historically and will view these matters going forward in relation to the relative powers of Victoria vis-a-vis the Murray-Darling Basin Authority.

**Environment: biodiversity**

**Ms BROAD** (Northern Victoria) — My question is to the Minister for Environment and Climate Change, Gavin Jennings. Building on the work on Friday at the summit to address the challenges of climate change, can the minister inform the house of how the Brumby Labor government is working to address one of our greatest challenges, and that is protecting our biodiversity?

**Mr JENNINGS** (Minister for Environment and Climate Change) — I thank Ms Broad for her question and for the opportunity to talk about an important piece of work which has been commissioned by our government and released last Sunday and which deals with our framework to address the need to protect land and biodiversity values in the state of Victoria going forward in a situation of climate change and accounting for climate change pressures.

I was in the company of many stakeholders who have engaged in wide-ranging community consultation leading to the release of the green paper last Sunday. Those stakeholders — whether they be representing the agricultural sector or whether they be representing the environment movement in its various forms, in terms of those who have an interest in biodiversity, those who have an interest in the parks and reserves systems, those who have expertise in agricultural practice, those who have expertise in providing for catchment management methods or those who have been involved in Landcare programs, and programs to rehabilitate the productive capacity of Victorian land — gathered in a quite windswept but nonetheless inspiring landscape at Myrniong on Sunday.

We were able to witness the extensive revegetation program that is being undertaken by the Grow West partnership, which brings together conservationists and pastoralists in a community of interest in trying to provide protection for 50 000 hectares of the landscape between Myrniong and the Brisbane Ranges National Park. This is an important connection in the landscape that brings together the Werribee River, the Werribee Gorge and a number of private land-holdings in a catchment management effort to try to rehabilitate the land.

That was a very appropriate place for us to gather, because it is a hallmark of a great partnership that has already been established by people who are committed to restoration of environmental land values. They have been very diligent in bringing in private investment, leveraging investment from the state and commonwealth governments and other programs, and bringing together a great community effort to try to provide for the rehabilitation of that land. That was a tangible demonstration of what we will be trying to achieve in trying to make sure that land-holders right throughout the state of Victoria recognise opportunities to engage in creating better biolinkages to create and enhance habitat for our rich biodiversity.

As I was able to indicate to the gathering on Sunday, these are urgent matters. If you consider the land use pattern over the last 150 years or so, you see that Victoria has lost somewhere of the order of 54 per cent of its native vegetation. If you translate that to private land, you see that on about 80 per cent of private land-holdings in the state of Victoria native vegetation has been removed. What that means in terms of flora and fauna is that already nine mammals that were indigenous to Victoria and were rare species in a global context have disappeared. Close to 49 invertebrate plant species have disappeared in the last 150 years. These

are ongoing pressures, and we anticipate that they will be exacerbated by climate change.

The framework we are bringing forward to try to guide investment and participation will include mechanisms to enhance the reserve system in Victoria. We will try to provide for biolinkages between those natural ecosystem values and private land-holdings. We will try to create safe havens for flora and fauna to flourish in in the years to come, and we will try to find markets that will support that. Until now most of the investments that have been required have been seen as either voluntary commitments by activists or as government outlays. In the years to come we will see projects such as the VicSuper fund accumulating parcels of land not only in the name of shoring up the productive capacity of the land but also to provide for habitat and other biolinkages, using the landscape more effectively to protect those values and to achieve an economic return. We will see opportunities in the carbon markets that have been established through the emissions trading scheme for offsetting arrangements in relation to, hopefully, protecting biodiversity values as distinct from monoculture values.

These are the types of opportunities that we will be seeking to drive, with the support of the community. The community has an opportunity to respond to the green paper until the end of June. The government will then be digesting the input from all the various stakeholders and taking a white paper proposal forward into early next year, which will culminate in the framework of our response to climate change.

I would like to thank Sir Gus Nossal, who led the scientific reference group which underpins this work with integrity in terms of the scientific endeavour that has been brought to the exercise. I would also like to thank Mick Murphy, the chair of the Victorian Catchment Management Council. He led a stakeholder reference group that was very active and vigilant in supporting the integrity of this work. I look forward to taking this work further in the coming year.

### **Box Hill Hospital: redevelopment**

**Mrs KRONBERG** (Eastern Metropolitan) — My question is directed to the Treasurer. Will the Treasurer indicate to the house when the Brumby government will finally fund the full redevelopment of the Box Hill Hospital, given that there are now more than 14 900 patients waiting for all types of desperately needed treatment?

**Mr LENDERS** (Treasurer) — Mrs Kronberg asked a question about the budget, and quite clearly I am not

going to be the first Treasurer in the history of this state to be responding to budget questions four weeks before the budget. If you look into the historical context of the last 15 years, you see that in the first 7 of the last 15 years we had a government in this state — —

**Mr Vogels** — What about going back 28 years?

**Mr LENDERS** — Mr Vogels refers to going back to the last millennium, and we are going to a mindset of the last millennium here. That mindset meant that no matter where you were in Victoria, you were not safe from a ruthless government — the Kennett government — that was cutting services because it got a vicarious thrill out of cutting services. Thousands of public sector workers were dismissed, hospitals were closed and we had no investment into human service delivery.

In the last eight years we have seen the state government restoring service delivery to this state. We have seen an investment in hospitals, whether that be in magnificent programs like the children's hospital just announced this year by the state government, a massive capital investment; whether it be the investment in Casey; whether it be the investment in multiple hospitals and medical facilities across the state; or whether it be the investment in medical personnel and training. Under this government 300 000 more patients are being treated per year in our public hospitals than when we came to government in September 1999. So I say to Mrs Kronberg, through you, President, that since we came to office this government has increased by 30 per cent the number of patients treated in public hospitals.

This government has dealt with a regime where the previous federal government slashed funding in real terms to the states and territories. We had had a situation where public hospitals were funded 50 per cent by the state government and 50 per cent by the national government, and by the end of the Howard government, 41 per cent of the costs of our public hospitals were funded by the national government and 59 per cent by the state government. This state Labor government year after year had to pick up the load that had been abandoned not just by its predecessor, the Kennett-McNamara Liberal-National party government but also by the neglectful federal Liberal-Nationals government.

We have seen a restoration of funding and services and the value placed on public hospitals. As a result of what this government has done, 30 per cent more patients are being treated in our public hospitals, despite the legacy of neglect from our predecessor government and an

attitude of gutting on the part of the federal government over that period of time.

I had the privilege of going with the Premier to the Council of Australian Governments meeting in Adelaide three weeks ago. What we saw at that meeting was the federal Labor government, in cooperation with the eight state and territory Labor governments, announcing two things. One was indexation of hospital funding and the other was a \$500 million injection into hospital funding. There are a lot of noughts in that number. What it means is a more than 10 per cent increase in funding of the operation of public hospitals. Across the country \$10.3 billion is going from the federal government towards public hospitals. The states are still paying 58-and-a-bit per cent of this, but it is a turnaround from where we were. It means we can start treating more patients in public hospitals and treating them more effectively with that injection of funds.

Across this state we will continue to work on throughput in public hospitals. The patients who make up that throughput — the 1.3 million patients we treat each year — are people, and they will be treated and treated well. We are going through this now, and we are dealing with it. In response to Mrs Kronberg, despite the neglect of her party, federal and state, we are treating 30 per cent more patients, we are building hospitals and we are investing in a workforce so we can deal with these issues.

Mrs Kronberg can ask about Box Hill. Box Hill Hospital is an extraordinarily worthy project. I have been to Box Hill for a visit and have had a tour of the hospital. I have seen the capital works that they are seeking to have the government fund. Mrs Kronberg and her party cannot in one day come in here and say, 'Cut taxes' — her leader, David Davis, is talking of gouging money out of the public in tax revenue — and the next week come in here and want to spend. You cannot cut taxes and increase expenditure and not have debt, unless you happen to believe in la-la land and the magic pudding, and I suggest Mrs Kronberg does not.

We will continue to deliver services. We have pride in our public health system. The collaborative approach between state and federal governments is delivering results, with 30 per cent more patients treated. This is what is necessary — more work in this area to make Victoria an even better place to live, work and raise a family.

*Supplementary question*

**Mrs KRONBERG** (Eastern Metropolitan) — Given that the allocation of capital is in part the

Treasurer's responsibility and that the eastern suburbs community will be disappointed if he does not treat this matter with the seriousness it deserves, I ask: is the Treasurer fully aware of the current and strong case for an upgrade to the Box Hill Hospital, and seeing that he has already attended the Council of Australian Governments, will he accompany me now on another visit to the hospital so that he can be directly acquainted with the need to allocate funds for this upgrade swiftly?

**Mr LENDERS** (Treasurer) — I thank Mrs Kronberg for her well-read supplementary passed from David Davis. In response to Mrs Kronberg I say this: if she thinks it is the responsibility of the Treasurer to allocate capital, she is treating this Parliament with some contempt. I thought the budget bills actually were legislation that the Treasurer presented to the Parliament and sought its support for. Coming from a Kennett regime, where that is probably what happened, I can understand her mistake, but I assure Mrs Kronberg that we will follow the Westminster tradition and will present an appropriation bill to the Parliament and actually seek the support of the Parliament before we proceed further down the path.

*Honourable members interjecting.*

**Mr LENDERS** — I say to Mrs Kronberg, and I take up Mr Guy's interjection or Mr O'Donohue's, that I do not go out to hospitals with cameras following. I went out to the Box Hill Hospital at 7 o'clock in the morning to meet with the CEO (chief executive officer) and the staff of the hospital to actually see the hospital in operation, not to get in the way of medical staff trying to treat patients by having an entourage of Liberal politicians from the eastern suburbs with cameras clicking around them. I actually went out there with the CEO of the hospital and her staff at 7.00 a.m. about four weeks ago to look at the hospital at a time when I would not be getting between medical staff and the patients they were trying to treat.

I say to Mrs Kronberg that I will continue to work with hospital organisations — and particularly with my colleague the Minister for Health — on these matters. I am prepared to go out there and look, but to me it is not a media circus. You do not go to a hospital to get a photo taken, as Mrs Kronberg wants to. You go to a hospital to engage the CEO and medical staff on the legitimate issues they bring forward as to where their particular capital project should be prioritised against other capital projects in the state. I look forward to this ongoing discussion and can assure Mrs Kronberg that this government treats public hospitals seriously. We have increased the patient throughput in hospitals by more than 30 per cent, we have convinced the national

government to increase funding to hospitals by more than 10 per cent, and we will continue so that every Victorian has an opportunity to access a decent health system.

I welcome the question and the ongoing discussion, and I look forward to being part of making Victoria an even better place to live, work and raise a family.

**Government: performance**

**Mr ELASMAR** (Northern Metropolitan) — My question is to the Treasurer. How is the Brumby Labor government’s commitment to transparency being measured?

**Mr LENDERS** (Treasurer) — I thank Mr Elasmar for his question, which is: how is the Brumby Labor government’s commitment to transparency being measured? I could get up on my feet and wax lyrical about how I think the Brumby Labor government is the most open, transparent and accountable government in the history of this great state. I could do that; some may think I have a vested interest in doing so.

I am delighted, in response to Mr Elasmr, to comment on what Access Economics has actually said. Access Economics ranks state governments according to transparency in its *Fiscal Transparency — Australian States and Territories* report. This body, which came out of officials from the federal Treasury of many years ago and is known as an objective body, has ranked all the jurisdictions according to transparency.

**Mr Koch** — You are not going to wax lyrical.

**Mr LENDERS** — Mr Koch says that I am not going to wax lyrical. I am speaking of what Access Economics has said about various — —

**Mr Jennings** — Dispassionately.

**Mr LENDERS** — Dispassionately. In their report the Access Economics authors said:

We have upgraded Victoria by a notch to the very highest ranking of ‘A+’. This completes Victoria’s rise up the rankings. Its year-end report now contains past year information for comparison with current year information, non-financial assets are disaggregated by department and function, and an extensive discussion is provided on infrastructure spending.

Access Economics has looked at all the jurisdictions in Australia and said, ‘Which are open and transparent in reporting their public sector finances to the Parliament and to the community?’. Access Economics has ranked Victoria as high as it goes — A-plus — its top ranking, and it has done so because this state has led the way in

transparency. This Labor government has restored the powers of the Auditor-General, and this Labor government, led by the Premier, requires every minister, without exception, to appear before the Public Accounts and Estimates Committee to answer questions on their particular departments. This government has worked to put out more and more information, and Access Economics commented positively on the new reporting of public-private partnerships that I announced several months ago in this house.

I am delighted that this body has commented that this is the most transparent government in Australia and has given us an A-plus. Mr Rich-Phillips will love this. It simply reinforces the commentary in the *Australian Financial Review* of 15 January 2003, which said that this government was ‘too transparent’.

**Hepburn Mineral Springs Bathhouse: redevelopment**

**Mr DALLA-RIVA** (Eastern Metropolitan) — My question without notice is to the Minister for Major Projects. As one of the few major projects in rural Victoria under the minister’s responsibility, the Hepburn Mineral Springs Bathhouse redevelopment has encountered what Major Projects Victoria has referred to as several challenges. In July last year the bathhouse business and community liaison group chairman was quoted as saying the bathhouse was still on time and would open in late January or February this year. However, in December last year that time line blew out with the promise that it would be completed in March. And now — surprise, surprise! — the time line has blown out to June. Will the minister provide an ironclad assurance to the house that there will be no more time delay stuff-ups with this simple building extension?

**Hon. T. C. THEOPHANOUS** (Minister for Major Projects) — Given Mr Dalla-Riva’s language, I suggest he might want to take a cold bath himself! I thank the member for his interest in major projects in regional Victoria. However, the truth of the matter is, as I have said before in the house, that comparing the amount of infrastructure that has been put into regional Victoria by this government and that put in by the previous Kennett government is like comparing chalk and cheese. The truth of the matter is that we have put into regional Victoria many, many times the amount of infrastructure as we try to rebuild regional Victoria following the Kennett government, which closed schools, closed hospitals and closed railway lines. That is the legacy we had, so we are in the process of fixing up that legacy from the previous government.

In relation to the specific project that has been identified by the member, this development is an initiative of this government. It has been welcomed by the local community and it will make an enormous difference to that region. Much of the construction is being conducted by local companies, so building contractor A. W. Nicholson of Ballarat has been working through rain and even snow to get the job done in this instance. It is in the process of constructing a very complex concrete structure, for which I congratulate the company.

Another example is the work of Grigsby's Foundry in Ballarat, which cast the metal connector plates at either end of the roof beams. Because of the corrosive nature of the mineral water used in the bath they had to be made of a metal that was specially cast — even stainless steel was not adequate to the task — and I congratulate that company for coming up with the technology required to do this major development.

This is an important development for regional Victoria. As I said earlier — I think this is old news anyway; it is not something that is not known to the local community — there has been a three-month delay in the construction, and that has been reported widely. We are looking forward to the opening of the facility. I know that the local community is looking forward to it. It will be yet another example of building new infrastructure in the local community, which will lead to additional employment and additional work.

I might say that, as a result of having to close the facility in order to rebuild it, support was given by the government to the local community in the form of a funding boost from Tourism Victoria to allow tourism to continue during the redevelopment of that space. This has led to an increase in tourism in that district, even without the bathhouse being opened, so one can imagine that when the bathhouse is opened this will be a fantastic part of regional Victoria to visit. I recommend to all members that they avail themselves yet again of another great major project by this government.

*Supplementary question*

**Mr DALLA-RIVA** (Eastern Metropolitan) — That was comical, I have to say — rain, hail and snow in the middle of a hot January and February! But anyway, the minister failed to answer the question in respect of whether the bathhouse will be built to the new time line in June. Given that he cannot give an assurance on that, can he provide an assurance to the house that this very late project has not and will not have any budget blow-outs as a consequence of the significant delays?

**Hon. T. C. THEOPHANOUS** (Minister for Major Projects) — President, I am not in the business of coming in here and giving assurances to the opposition spokesperson in relation to this matter. What I prefer to say is that I am happy to be judged on our outcomes. I expect the project to be delivered on time — —

*Honourable members interjecting.*

**Hon. T. C. THEOPHANOUS** — I expect it to be delivered within the new time frame. I also expect that it will be delivered on budget. Of course, on no major projects could you ever say more than that. I am confident about that, and I know there are many people working to ensure that that does occur.

There are now weekly reports being collated that come back to me in relation to this project. I am confident that the project will be delivered and that it will be delivered within the time frame and within the budget, and I look forward to making the announcement at the opening of this very important facility.

**Box Hill: transit city**

**Mr TEE** (Eastern Metropolitan) — My question is to the Minister for Planning. Transit cities are about creating well-designed, well-located and well-connected communities. Can the minister update the house as to how the Brumby Labor government has achieved this vision in my electorate for Box Hill, one of Victoria's transit cities?

**Hon. J. M. MADDEN** (Minister for Planning) — I welcome Mr Tee's question and his particular interest in this matter. I know that he has shown a significant degree of enthusiasm for the projects and the works that have taken place in relation to not only transit cities but in particular the Box Hill transit city program.

As members of the chamber should be well aware, new housing, jobs and services are a key focus around our transit city program. It is about locating the intensity that comes with growth in and around those transit cities. It means taking the pressure off the green, leafy suburbs and locating it in and around transport hubs, allowing people to commute in whatever form they choose. It means that business activity and investment take place in a singular location within a community, and a particularly great example of this can be seen in Box Hill.

I had the good fortune of going out to Box Hill just recently to see the important revitalisation of Bruce Street, which is one of the streets that runs off the main road of Box Hill. It is complementary to the local public transport network, and at one time may well

have been one of those areas considered unwelcoming by pedestrians, and an area which probably exacerbated some of the traffic management issues in the precinct.

Now, however, through the good work of the City of Whitehorse we have seen an investment not only in Bruce Street but also in the revitalisation of the Box Hill mall through a restoration project. So with some tangible investment on the part of not only the Whitehorse City Council but also the state government, we have seen a significant emphasis on this transit city redevelopment. It is good for morale and for the urban fabric, but in particular it is a signal and a signpost to those commercial investors who might be umming and ahing about which location or which precinct or which suburb to invest in that this is the right one.

Through the investment we have seen a safe pedestrian link between the Box Hill Central activity district, the tram terminus, the Box Hill gardens and Box Hill Hospital, which we heard mentioned earlier in question time. We have seen \$120 000 contributed by the Brumby government and \$330 000 contributed by the council for the Bruce Street revitalisation project, but as well we have since seen significant investment — almost a million dollars over five years — in the Box Hill mall project.

This added investment is a great tangible fillip to the community, but we are also seeing particularly successful results coming out of this. Investment is being made to reinforce where intense development should occur. It builds up a great sense of morale and also a great sense of tangible identification of where that investment can continue to take place. No doubt, having had conversations with the council and with my parliamentary colleague Mr Leane, who was there at the briefing by the council —

**Mrs Kronberg** interjected.

**Hon. J. M. MADDEN** — I know Mrs Kronberg, who is screeching from across the chamber, was also there on that particular occasion. I get the point, Mrs Kronberg. The vision that the Whitehorse City Council has for that project in conjunction with the state government is a vision which no doubt will be realised over a number of years. But it is one that complements our Melbourne 2030 plan, which is a plan that we are committed to and a plan that is more desirable than ever given the significant growth in population we are seeing. That stands in stark contrast to not having a plan.

We are committed — whether it is in Box Hill, in other transit cities or in regional Victoria — to maintaining

Victoria's livability and to making Victoria the best place to live, work and raise a family.

### **Timber industry: Survey Road coupe**

**Mr BARBER** (Northern Metropolitan) — My question is to the Minister for Environment and Climate Change in relation to the Survey Road logging coupe in East Gippsland, which I know has been brought to his attention. This is a question I could have referred to the Treasurer, but within the limits of the responsibilities of the Minister for Environment and Climate Change, not to mention the objectives he mentioned in an earlier answer, can the minister assure the house that the boundaries of this logging coupe have been marked appropriately for the protection of the rainforest and that the logging operations, as they are proceeding, are in compliance with all relevant laws?

**Mr JENNINGS** (Minister for Environment and Climate Change) — I thank Mr Barber for his question. If my memory serves me well, and I hope it does, this is a logging coupe that has been the subject of correspondence between a variety of parties, including Lawyers for Forests — is that the one?

**Mr Barber** — Yes.

**Mr JENNINGS** — Good. I thank the member for his confirmation; it provides me with some degree of comfort that I might not otherwise have had. I received an extensive briefing in response to a vast array of allegations about the integrity of the siting and surveying of this logging coupe and the practices that have been undertaken within its boundaries. It is some time since I saw the material, but despite the lengthy list of what appear to be the reasons for concern, if they are proven to be correct, the best advice I have received is that the coupe in question does not fall foul of the appropriate alignment or the practices within it.

Because of the gravity of the situation and the level of accusations made about it, I thought the material provided to me should be validated. My testing of the veracity of the information may indicate why some of the stakeholders and other interested parties have not received correspondence about it. But nothing has been provided to me which would indicate that the coupe in question falls foul of what is intended or what practices are able to occur.

In anticipation of what might be a supplementary inquiry, I can say — and I should not necessarily do this — that in terms of the evidence about the fauna that may be contained within the coupe or the vicinity of the coupe, this is a matter that we have tested. Whilst there

may be certain habitat trees present within the coupe, we believe there is no concrete evidence of any that are populated within the coupe. The range of issues which are the subject of concern include the alignment, the practices there and the nature of the habitat trees within the coupe. As I said, I have tried to rigorously test the assumptions and the conclusions that were drawn from evidence provided to me, and I have a heightened degree of reliance and confidence that this coupe in question has not fallen foul of its obligations.

*Supplementary question*

**Mr BARBER** (Northern Metropolitan) — Can the minister inform the house, possibly as a result of the information received from the briefing, what are the appropriate guidelines for the delineation and protection of rainforests? Given that the science has evolved somewhat over the years, is the minister confident that all the people with responsibilities for marking and operating these forest coupes are on the same page in relation to those definitions?

**Mr JENNINGS** (Minister for Environment and Climate Change) — There is no tricky aspect to that question. It is my desire and intention that everybody who has an appropriate role within the forests is on the same page and shares the appreciation of how those guidelines and issues should be complied with. That has been an issue of contention in terms of people's understanding of the compliance with various codes and statutory and regulatory obligations over time. I can assure the house that I am particularly interested in the quality and rigour of the ongoing scientific appreciation of the issues. If this is a space that may be subject to ongoing conversations between various stakeholders and me, I will be very happy to engage in the assessment of those appraisals.

These are very important issues, and we should all have some degree of confidence going forward so we can reduce the amount of conflict or concern about what has been signed off in terms of the regulation or codification of these areas and what areas should be protected. We should have confidence, even if we do not necessarily agree, that parts of the forest should be logged and that the appropriate regimes are being complied with.

**Textile, clothing and footwear industry:  
government initiatives**

**Ms MIKAKOS** (Northern Metropolitan) — My question is directed to the Minister for Industry and Trade. Can the minister inform the house how the

Brumby Labor government is promoting the growth of the textile, clothing and footwear industry in Victoria?

**Hon. T. C. THEOPHANOUS** (Minister for Industry and Trade) — I thank the member for her question. For those who are uninformed about the value of the textile, clothing and footwear (TCF) industry to Victoria, I will indicate to the house just how important the industry is to the state. It currently employs about 33 000 Victorians. It is still a significant industry with a turnover of \$5 billion annually. Firstly, it is a bigger industry in this state than in any other state; and secondly, it is a very large industry with an increasing amount of export sales.

I was pleased to be at the launch of a new circular knitting machine which is being trialled at the Royal Melbourne Institute of Technology in Brunswick and which is going to be made available to the Australian market. That will put us at the cutting edge of being able to competitively produce textiles in this country. Increasingly the world textile industry is shifting from lowly paid work — the sort of thing that people have in their heads about what the industry is about; of somebody working on an old knitting machine — to a high-tech industry which requires skilled people for it to run and remain competitive. Increasingly that skill base is shifting — —

**Mr Guy** interjected.

**Hon. T. C. THEOPHANOUS** — Mr Guy might not care about the 33 000 people who work in this industry, but there might be some other people in this house who do care about those 33 000 workers. I might also add that I have a personal interest in this industry. There are two big industries in this state which are of historic interest, particularly to the migrant working class in Victoria. Those two big industries are the motor car industry and the TCF industry. After my parents came out here my father worked in the motor car industry and my mother worked in the TCF industry. The fact is that those two industries have been the backbone of industrial development in Victoria going back long ago.

We just should not be laughing about the contribution of thousands of people, mainly migrants, to the construction of those industries and the way those two industries have been set up going forward to play a part in the continuing economic development of this state. Maybe Mr Guy should go back and have a look at a bit of his own history to see the sorts of contributions that some of the migrants from his part of the world made to this industry. They might not take too kindly to his laughing about their contributions.

This is a very important industry for us. The new sewing machines that have been brought to the state — and I have had a look at them — are extremely high-tech and capable of circular knitting which allows them to produce, for example, socks, hosiery and so forth of a variety of designs and to do it in one motion just with people who are competent in computer use. Those people have high-tech engineers standing around them, and they are knowledgeable in the use of those machines and are able to use them. That is going to be the future for TCF production in this state.

I was very pleased to be there and for RMIT to be involved through its school of fashion and its facility in Brunswick in having these new machines. Students are being taught how to use the machines so that we can continue to maintain a strong TCF industry. I am confident that, with the reviews that are taking place at a federal level in the TCF industry, and in fact in the motor car industry, we can develop a blueprint going forward to maintain Victoria's position as a strong manufacturing base, particularly in relation to manufacturing in the motor car and TCF industries.

**QUESTIONS ON NOTICE**

**Answers**

**Mr LENDERS** (Treasurer) — I have answers to the following questions on notice: 795, 798, 806, 1066, 1067, 1164–82, 1229, 1246, 1300–8, 1319, 1320, 1340–2, 1344, 1350, 1359, 1375, 1600, 1609, 1642, 1649, 1651, 1657–96, 1707–24, 1726, 1729, 1731, 1732, 1734, 1737, 1738, 1740, 1749, 1765–8, 1770, 1771, 1787, 1798.

**The PRESIDENT** — Order! Mr Rich-Phillips has written to me seeking my ruling in relation to a number of answers to questions on notice, 543 to 548, concerning the previous Minister for Water, Environment and Climate Change. In my opinion the answers provided do not relate to the previous Minister for Water, Environment and Climate Change. I therefore direct that questions on notice 543 to 548 be reinstated on the notice paper.

**PETITIONS**

**Following petitions presented to house:**

**Gaming: Cardinia**

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 the residents of

Officer and Beaconsfield strongly reject any move to bring and install electronic gaming machines ('pokies') into their community.

The Shire of Cardinia has received applications to install over 200 gaming machines at three separate locations in the townships of Beaconsfield and Officer. If these applications are successful, these townships will have a concentration of electronic gaming machines that is significantly higher than the community desires.

The petitioners request that the state government of Victoria recognise without delay the effect its gaming policies are having on local communities. The petitioners request that the flawed state government gaming policies, which allow the proliferation of gambling, be changed so that local communities such as Beaconsfield and Officer can remain free of electronic gaming machines ('pokies').

**By Mr O'DONOHUE (Eastern Victoria)  
(998 signatures)**

**Laid on table.**

**Water: north–south pipeline**

To the Legislative Council of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Council of Victoria the proposal to develop a pipeline which would take water from the Goulburn River and pump it to Melbourne.

The petitioners are opposed to this project on the basis that it will effectively transfer the region's wealth to Melbourne; have a negative impact on the local environment; and lead to further water being taken from the region in the future. The petitioners commit to the principle that water savings which are made in the Murray–Darling Basin should remain in the basin.

Your petitioners therefore request that the state government abandon its proposal to pipe water from the Goulburn River to Melbourne and call on the state government to address Melbourne's water supply needs by investing in desalination, recycling and capturing stormwater.

**By Ms LOVELL (Northern Victoria) (20 signatures)**

**Laid on table.**

**SCRUTINY OF ACTS AND REGULATIONS  
COMMITTEE**

**Alert Digest No. 4**

**Mr EIDEH (Western Metropolitan) presented Alert Digest No. 4 of 2008, including appendix.**

**Laid on table.**

**Ordered to be printed.**

**Review 2007**

**Mr EIDEH (Western Metropolitan) presented annual review, including appendices.**

**Laid on table.**

**Ordered to be printed.**

**PUBLIC ACCOUNTS AND ESTIMATES  
COMMITTEE**

**Budget estimates 2007–08**

**The Clerk, pursuant to Parliamentary Committees Act 2003, presented government response.**

**PAPERS**

**Laid on table by Clerk:**

Crown Land (Reserves) Act 1978 — Minister's Orders of 15 February and 14 March 2008 giving approval to the granting of leases at Elsternwick Park Reserve.

Land Acquisition and Compensation Act 1986 — Minister's Certificate of 3 April 2008 pursuant to section 7(4) of the Act.

National Environment Protection Council — Report, 2006–07

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

Brimbank Planning Scheme — Amendment C92.

Kingston Planning Scheme — Amendment C71.

Knox Planning Scheme — Amendment C67.

Manningham Planning Scheme — Amendment C70.

Melbourne Planning Scheme — Amendments C92, C126 and C138.

Mitchell Planning Scheme — Amendment C53.

Monash Planning Scheme — Amendment C25.

Moreland Planning Scheme — Amendment C43.

Surf Coast Planning Scheme — Amendment C41.

West Wimmera Planning Scheme — Amendment C14.

Whittlesea Planning Scheme — Amendment C104.

Wyndham Planning Scheme — Amendment C81 and C91.

Yarra Ranges Planning Scheme — Amendment C63.

Special Investigations Monitor's Office — Report for the period ended 31 December 2007, pursuant to section 30Q of the Surveillance Devices Act 1999.

Statutory Rules under the following Acts of Parliament:

Legal Profession Act 2004 — No. 15.

Prevention of Cruelty to Animals Act 1986 — No. 16.

Subordinate Legislation Act 1994 — No. 17.

Subordinate Legislation Act 1994 — Minister's exception certificate under section 8(4) in respect of Statutory Rule No. 17.

Victorian Relief Committee — Report for the period 1 July 2006 to 31 December 2007.

Wildlife Act 1975 — Wildlife (Control of Hunting) Notice No. 1/2008, 4 March 2008.

A Proclamation of the Governor in Council fixing an operative date in respect of the following Act:

Justice and Road Legislation Amendment (Law Enforcement) Act 2007 — section 4(1) and section 8 — 1 April 2008 (*Gazette No. G13, 27 March 2008*).

**BUSINESS OF THE HOUSE**

**General business**

**Mr D. DAVIS** (Southern Metropolitan) — By leave, I move:

That precedence be given to the following general business on Wednesday, 9 April 2008:

- (1) the notice of motion given this day by Mr Dalla-Riva relating to the Hepburn mineral springs bath house; and
- (2) notice of motion given this day by myself relating to the public hospital and health system.

**Motion agreed to.**

**MEMBERS STATEMENTS**

**Police: regional and rural Victoria**

**Ms LOVELL** (Northern Victoria) — Today police from northern Victoria joined the contingent of officers marching to the steps of Parliament House to highlight the state's critical lack of police resources. A Police Association meeting held in Bendigo last week heard that without more police in the city community safety will be compromised. The staffing at Bendigo police station is reportedly down by a startling 25 per cent due to unfilled positions and secondments. The Victorian Minister for Police and Emergency Services in the other place, Bob Cameron, should be concerned about the police resourcing problem in Bendigo, given that he is the state member for Bendigo West, but he does not appear to care.

The state's north-east has a long track record of staffing problems including an incident in October 2004 that caused the police station in Wangaratta to close due to staff shortages. At that time there were up to 13 unfilled vacancies at the station and there was an urgent requirement for at least 5 additional officers so that the station could operate effectively. Last week there were reports that up to 15 per cent of positions in police stations in the north-east were unfilled. Eight officers were missing from the Wodonga station — that is 15 per cent of the 53 positions. Five of the 33 positions were empty at the Benalla station, and 5 out of 65 positions were empty at the Wangaratta station.

There have also been reports that the Shepparton-Campaspe region is short by 29 police officers. Government spending on police resources must match population growth and rises in violence or else it will be impossible for police on the street to control crime and violence. Country communities are suffering at the hands of a government that refuses to invest in a well-resourced police force.

### **Water: Manningham and Whitehorse**

**Mr TEE** (Eastern Metropolitan) — While recent rains have been welcomed, Victoria still struggles with continued low rainfall. I want to congratulate Manningham and Whitehorse residents for their ongoing leadership in saving water. In particular, residents in Vermont in the Whitehorse municipality have cut their water use by 16 per cent compared with the Melbourne average of 14 per cent. In the same period Manningham residents have cut their water use by 16 per cent. In fact residents at Park Orchards are using 18 per cent less water compared with the Melbourne average of 14 per cent.

Households use approximately 60 per cent of Melbourne's water, so these savings that we make in our homes and gardens make an enormous difference. I want to thank and congratulate those involved for their efforts. This is a combined product of the efforts of entire communities of households, industry and local councils. I also want to congratulate the government for the leadership it has shown in helping Victorians reduce their water usage.

### **Bushfires: fuel reduction**

**Mr P. DAVIS** (Eastern Victoria) — Yesterday I was delighted to hear statements made in evidence presented to the parliamentary bushfire inquiry by the Secretary of the Department of Sustainability and Environment, Peter Harris, which will bring joy to country Victorians if they are translated into action.

Those statements relate to the department's commitment — I do not know if it is the government's commitment because I have not heard the minister talking about it — to deal with a problem which country Victorians have been concerned about for some time. That problem is the abject failure of the department to properly manage public land in respect to fuel loads, which have led over the last five years to more than a third of the state's public land being burnt to ashes. To some extent it will take some of that land decades to recover.

The secretary of the department is reported as having said:

We also need to manage the land effectively with fire. We need to reduce fuel loads in the bush by putting much more work into planned burning, and we need to do this on a scale that has not been previously attempted.

I can say this to the house: if that is the intention of the department and the government, then congratulations, but we will be holding the government to account on this commitment by the secretary of the department.

### **Ringwood Community Garden: potable water**

**Mr LEANE** (Eastern Metropolitan) — I would like to thank Yarra Valley Water on acting on my request to fill the Ringwood Community Garden tank with potable water so that it can maximise the great work of the garden in making the relaxing activity of gardening available to people of all walks of life, including those with disabilities.

### **Allen Pearson**

**Mr LEANE** — On a very sad matter, I am sure the house will join me in sending its sincere condolences to the family and loved ones of Allen Pearson, the electrician who tragically died while doing his job, along with every other available linesperson in the state, as part of the huge task of reinstating power after the violent storms last week. I have had the experience of doing similar types of storm damage work, which involves dealing with electricity and working at heights, and I can inform the house that its many risks are magnified by high winds, pouring rain and erratic traffic due to the conditions, along with a number of other challenges. I am sure the majority of the community appreciates the work these workers do in getting us back online in such extreme conditions.

Our condolences should also go to the close-knit Victorian power industry, particularly the Alinta workers based at the Mornington depot where Allen

worked, at what must be a very sad and trying time for them.

### **Sandybeach Community Co-operative Society: programs**

**Mrs COOTE** (Southern Metropolitan) — I recently attended the annual general meeting of the Sandybeach Community Co-operative Society Ltd, which is an extraordinary organisation within my electorate. I wish to put on the record my praise for the work that is done by Margaret Fitzherbert, the chairman, and Rosemary Sharman, the chief executive officer. It is a unique organisation. The 2007 annual report says that Sandybeach is a place where all may participate in learning opportunities, cultural activities and support services to enhance their quality of life.

The centre has some excellent programs. One of the programs that was discussed on the night of the annual general meeting was the Community Learning Partnership program, which operates under the direction of Judy Bissland and Andrea Bashfield. They go into public housing areas and work out what is needed to engage people who live in these areas. A number of things came out of that, two of which I will share with the house. One was that people wanted more direction on simple cooking, and the other one was that they wanted assistance on how to declutter the house. I felt there were probably some tips for all of us to learn from that. However simple as these things may sound, they take people out of their isolation and into engagement with the community, which is valuable. The work of the Sandybeach Community Co-operative across the spectrum is to be commended.

### **Skills stores: south-west Victoria**

**Ms TIERNEY** (Western Victoria) — On 26 March I had the pleasure of representing the Minister for Skills and Workforce Participation in the other place to officially open Victoria's 11th skills store in Warrnambool. The South West Skills Store is situated at the South West Institute of TAFE in Warrnambool and is one of the 13 skills stores being established across the state, with 9 being established in regional and rural Victoria.

Victoria is facing a fast-growing demand for skills, with many small to medium-sized businesses identifying lack of skilled staff as the major factor preventing their expansion. Thus, since 1999, the state Labor government has invested an additional \$1.1 billion in our training system.

The central idea of the skills store is to take the message of retraining, and especially the importance of recognising prior learning, out to where people are. With the headquarters of the skills stores located in Warrnambool and a mobile service operating across the region, the Brumby Labor government is bringing skills training to the people. People can call, send an email or simply walk into the skills store for free expert advice about their current skills, future development options and the training they need to turn their skills into qualifications.

On another note, but certainly relevant to the Brumby Labor government's commitment to skilling up Victoria, on 26 March I also had the pleasure of launching the \$275 000 Great South Coast — Growth through Skilled Migration — Global Skills for Provincial Victoria partnership. It is a wonderful partnership between local councils, employment services, employers and training providers to build on the great work — —

**The ACTING PRESIDENT (Mr Finn)** — Order! The member's time has expired.

### **Gaming: Romsey**

**Mrs PETROVICH** (Northern Victoria) — I would like to congratulate the Macedon Ranges council on its strong determination and resolve in fighting for the rights of the Macedon Ranges community in Romsey. The Court of Appeal ruling in the week before last overturned an earlier decision by the Victorian Civil and Administrative Tribunal to allow pokies to go into the Romsey Hotel. This is a great victory for the local council and for the Romsey community. In particular I want to pay tribute to Cr John Connor, whose unrelenting belief in his community's view — —

**Ms Lovell** — A good man!

**Mrs PETROVICH** — Absolutely a good man, Ms Lovell. His unrelenting belief in his community's view has proved the importance of electing community-connected council candidates to represent their area with passion. With the backing of his council, Cr Connor fought hard and won on behalf of the 80 per cent of locals who had publicly opposed the pokie machines in the one and only hotel in the Romsey township.

The court's ruling determined that the tribunal erred in law when it ignored the evidence of community opposition. This is also a great victory for other rural and regional Victorian communities whose voices have been ignored for too long and whose views have been

rejected by the state government. I believe this Supreme Court ruling on the Romsey pokies sets a precedent that will allow the voices of communities to be considered in other controversial planning and development issues.

It is now my intention and mission to apply this decision to the north–south pipeline, which has been thrust upon rural communities with no consultation and total disregard for the needs of country people in favour of those in metropolitan Melbourne. There is clear community opposition, as evidenced by the number of names on petitions against the north–south pipeline and the number of protests across the region, including at Parliament House —

**The ACTING PRESIDENT (Mr Finn)** — Order! The member's time has expired.

### **Heidelberg Primary School: award day**

**Mr ELASMAR** (Northern Metropolitan) — I rise to speak about my recent visit to Heidelberg Primary School. With my parliamentary colleague Craig Langdon, the member for Ivanhoe in the other place, I was invited by the principal, Ms Carol Ross, to officiate at the school's award day. Together we handed out awards for excellence to a number of students from all grades. The ceremony began with the children singing our national anthem and then their own Heidelberg school song. It was delightful. It was about 30 degrees Celsius that day, but all the children were very well behaved, and I was pleased that the school principal, Ms Ross, conducted the ceremony quickly and efficiently.

### **Melbourne Markets: relocation**

**Mr ELASMAR** — On another matter, on 2 April I was invited, along with some of my parliamentary colleagues, by the Minister for Agriculture in the other place, Joe Helper, to inspect the Epping site for the relocation of the Melbourne fruit and vegetable markets. I was very impressed by the location and the size of the proposed new site. When the new markets are up and running the quality standards will be world class.

### **Australia 2020 summit: participants**

**Mr VOGELS** (Western Victoria) — Prime Minister Kevin Rudd's Australia 2020 summit in which 1000 Australians have been invited to participate has completely snubbed the Ballarat community. To the best of my knowledge not a single Ballarat resident has been asked to participate, although a former Labor member of this house, John McQuilten from the

Maryborough area, has been selected to represent Ballarat. I know John McQuilten is a decent and honest person, but let us remember that the Victorian Labor Party dumped him at the last election, obviously because it felt he had little to offer the Victorian Parliament. However, the Australian Labor Party must now believe he has something to offer all Australians. The selection process raises questions as to the legitimacy of the whole summit and whether Kevin Rudd wants to hear as many views as possible from grassroots Australians or would rather dilute the event with a lot of Labor rhetoric.

If the summit is to have any real benefit and be more than a Labor-inspired talkfest, there are many respected community leaders in Ballarat who would make a valuable contribution to the event in Canberra. I take this opportunity to congratulate Skipton farmer Deborah Bain on her selection to attend the 2020 summit to represent farming lifestyles. With her husband, David, Deborah has a wool-growing property in Skipton in western Victoria. In 2007 Deborah Bain was the recipient of the Victorian Rural Woman of the Year award from the commonwealth's Rural Industries Research and Development Corporation.

I would also like to congratulate Charlie Deutsher, a former Ballarat Grammar School student who is now studying in Canberra, on his invitation. Charlie left Ballarat in 2004 to study law and international relations, and I am sure he will make a valuable contribution to the summit.

### **China: human rights**

**Ms MIKAKOS** (Northern Metropolitan) — I rise to express my concern at the Chinese government's recent crackdown on activists and petitioners, which Amnesty International has characterised as a pre-Olympics clean-up. I condemn the Chinese government's use of lethal force against and arrest of peaceful Tibetan protesters, just as I condemn ethnically motivated attacks by Tibetans on Han Chinese. I call on the Chinese government to immediately release anyone detained solely for peaceful protest and to ensure a fair trial of all other detainees, to allow independent observers, journalists and diplomats free access to the Tibet Autonomous Region, and to engage in dialogue with His Holiness the Dalai Lama, who has recently reiterated that he is not seeking separation from China.

Amnesty International has documented a number of areas in which human rights in China continue to be abused, particularly the use of torture, detention without trial and repression of democracy and human rights advocates, ethnic, religious and other minorities such as

the Tibetan Buddhists, Muslim Uighurs, Christians attending non-state controlled churches and members of the Falun Gong.

There remain restrictions on freedom of expression and internet and media censorship. China is the world's leading jailer of journalists. Last week Hu Jia was sentenced to three and a half years imprisonment for posting an internet article about human rights violations in the lead-up to the Olympics. Western companies like Google and Yahoo that are complicit in this internet censorship deserve the strongest condemnation. I encourage members to read more at <http://uncensor.com.au>.

Amnesty International has also found that each year China executes more people than the rest of the countries of the world combined. Eight thousand people were executed in 2006.

**The ACTING PRESIDENT (Mr Finn)** — Order! The member's time has expired.

### **Rail: Nunawading level crossing**

**Mr ATKINSON** (Eastern Metropolitan) — I express some dismay about a newspaper report in the *Herald Sun* dated 31 March which indicated that Mr Sargent, the chairman of the Victorian Railway Safety Steering Committee, had written to the Victorian government in 2006 to indicate that it ought take urgent action to achieve a grade separation at the Springvale Road, Nunawading, railway crossing and that in fact that information could be extracted only by freedom of information because the government was not prepared to fess up to the fact that this project is not on its works program despite the fact, as I have mentioned on previous occasions, that the Whitehorse City Council is pursuing a study of the importance of grade separations along the Belgrave and Lilydale tracks.

I note that Mr Leane and Mr Tee canvass many issues in the Eastern Metropolitan Region but assiduously avoid the Springvale Road railway crossing. I note also that the Minister for Consumer Affairs in the other place, Mr Robinson, is of the view that a 20 per cent reduction in traffic will be achieved once the tollway opens. The residents of the area do not share that view, and nor do I. This project must be tackled immediately. Every day I see difficult incidents outside my office, which is right near the railway crossing. The government ought act.

### **Bulldogs Friendly Schools project**

**Mr EIDEH** (Western Metropolitan) — The Western Bulldogs and Victoria University are to be

congratulated on working together to encourage more primary school students to play sport and to strive to reduce their level of obesity. Victoria University and the Bulldogs have developed the Bulldogs Friendly Schools project, which will be taken directly into classrooms and into the schoolyard. Football clinics and other activities will be run under this project, which will lead to children improving their teamwork skills and levels of fitness. The program was launched by the Minister for Education in the other place, Ms Pike, at Victoria University in Sunshine. This is an example of how the Victorian government can support programs and services which bring schools and the community into active partnerships for the benefit of children in our primary schools. The Bulldogs Friendly Schools project matches very well with the Victorian government's commitment to encourage schoolchildren to eat well and to stay active and healthy.

The program will be further extended to provide two 8-week courses in 38 primary schools in Maribyrnong, Brimbank, Hobsons Bay, Wyndham and Melton. This is clearly an excellent initiative by the Bulldogs and Victoria University. The Victorian government is very pleased to see the partnerships flourish.

### **Transport: east-west link needs assessment**

**Mrs PEULICH** (South Eastern Metropolitan) — I wish to place on record the disappointment of the south-east in relation to the recommendations that have emanated from Sir Rod Eddington's transport study. In particular I would like to quote from the opening page of his report. In the last paragraph he states:

I know that the major transport infrastructure projects are both expensive and disruptive, but cities with inadequate transport networks pay a high economic and social cost.

The south-east has been paying a very high economic and social cost as a result of this government's failure to connect major arterial flows and public transport, leaving very few options for people to avoid the high price they pay for petrol, wear and tear on their cars, the degradation of the environment and the loss of valuable time that would be better spent with their families, at work or running their businesses.

In particular I would like to mention some projects that have been overlooked and are crucial to the south-east. They include the Monash-South Gippsland freeway merger mess that was created when the Minister for Community Development in the other place, Peter Batchelor, as Minister for Transport, removed the third lane in each direction of the Hallam bypass, and the Dingley arterial, which was promised by Labor in 1999 and has now become a \$28 million car park. After nine

years in power the Labor government has still not decided what to do about the Frankston bypass. Once EastLink is opened, this is going to be an absolute nightmare. Other projects include the future of the Mornington Peninsula Freeway extension. There is no mention of rail infrastructure on the Pakenham, Cranbourne and Frankston train lines. Sir Rod Eddington says that doing nothing — —

**The ACTING PRESIDENT (Mr Finn)** — Order! The member's time has expired.

### **Environment: climate change summit**

**Mr BARBER** (Northern Metropolitan) — I rise to compliment the Brumby government on the climate change summit it held last Friday. What was great about this summit was that many of the key stakeholders were there, and there was a great exchange of views between them. It was held over in the Legislative Assembly chamber, where many key decisions in relation to this issue will be made in coming years. The attendance of ministers was notable; a number of ministers from the government participated in and led discussions. It was also notable that the Premier attended all day. He responded to a number of issues as they arose and made it very clear that climate change is an issue that is on his desk and that he is personally responsible for solving. We really should do it that way more often, at least on the bigger issues — and there is no bigger issue than this one.

It was disappointing to me that the Leader of the Opposition and the Leader of The Nationals in the other place, Ted Baillieu and Peter Ryan, decided to deputise their attendance at the event. I am sure that if they had really been keen to be there, wild horses could not have kept them away. They needed to hear the debate and to participate in the debate. While I disagree with many of the Brumby government's policies in this area, it is unfortunate that the Liberal-National coalition does not really have a climate change policy that I am able to disagree with.

### **Farm World**

**Mr SCHEFFER** (Eastern Victoria) — I congratulate Lardner Park and the Farm World board and committee, as well as Mark Cockerell, chief executive officer of Lardner Park Events, and his team on the success of Farm World 2008. I had the great pleasure of joining the Minister for Agriculture in the other place, Joe Helper, at the official opening last Friday. It was fantastic to hear him talk about the Brumby Labor government's ongoing and excellent work for regional Victorians and the future of farming

strategy that will be released later in the year. The strategy will include an action plan to boost productivity and support farming businesses to manage the very big changes that will confront the sector in the medium and longer term.

The theme for Farm World 2008 was pasture management in the future. Many displays and events promoted initiatives that farmers can undertake to further improve pasture production. Minister Helper launched the Ellinbank automated pasture reader, which is a new, locally designed technology developed by the Department of Primary Industries at its Ellinbank centre. I also congratulate PGG Seeds for winning the award for the best stand associated with the theme of pasture management in the future, and Dick Evans, the PGG Seeds representative. Baw Baw Shire Council won the best stand award against the other finalists, Basix Liquid Mineral Nutrient, the Department of Primary Industries, Heritage Seeds and PlantTech.

Farm World goes from strength to strength. It plays an important role in rural and regional Victoria, showing and demonstrating machinery and other innovations to farmers. I congratulate everyone concerned on an excellent achievement.

## **RELATIONSHIPS BILL**

### *Second reading*

### **Debate resumed from 13 March; motion of Hon. J. M. MADDEN (Minister for Planning).**

**Mr RICH-PHILLIPS** (South Eastern Metropolitan) — The Relationships Bill is an important piece of legislation coming before the house this afternoon. The bill establishes, for the first time, the notion of a relationship register. This is a register that will be held by the registrar of births, deaths and marriages and will operate in a manner similar to the marriage register. It will provide Victorians with the opportunity to enter into registrable relationships.

The bill establishes, as one of its key aspects, the definition of a 'registrable relationship'. There are seven elements to the definition of a registrable relationship. According to the bill it is a relationship between (1) two adults, (2) who are not married to each other, (3) but are a couple, (4) where one or each of them provides personal or financial commitment and support of a domestic nature for the material benefit of the other, (5) irrespective of their genders, (6) whether or not they are living under the same roof, and (7) do so

other than for fee or reward or on behalf of another person or an organisation.

Under this legislation two adults living in a registrable relationship as defined by those seven elements will be able to apply to the registrar of births, deaths and marriages for their relationship to be registered. As part of that the registrar will be in a position to issue a certificate of that registrable relationship — in a similar way to the way the registrar issues a marriage certificate — as recognition of the relationship. A registrable relationship can be revoked by the death of one of the parties, by the marriage of one of the parties, or by an act of dissolution 90 days after application for revocation.

The second element of the bill has broader consequences with respect to domestic relationships. Under this bill 'domestic relationship' is defined to include a registrable relationship, as I have already discussed, and also other relationships which are currently categorised as domestic relationships, or what are more commonly known as de facto relationships, be they between same-sex partners or partners of opposite sex. The bill brings a number of elements of existing law with respect to property matters and relationships into this proposed relationships act.

It provides that partners to a domestic relationship — that is, a current de facto relationship or a newly registrable relationship under this bill — will be able to enter into a relationship agreement with respect to financial matters between them. This is based on a provision of the commonwealth Family Law Act.

The bill will give powers to the court to vary or set aside a relationship agreement in certain circumstances. The court will have the capacity to vary entitlements to property under a relationship agreement where they are not inconsistent with the relationship agreement, provided that such an agreement was entered into by the partners based on independent legal advice. The bill extends and carries across provisions in the current Victorian Property Law Act with respect to the power of a court to make orders following the dissolution of a relationship.

Currently a court, when dealing with a domestic relationship, is empowered to make orders based on the contribution of the two parties to the relationship — that is, what they brought to the relationship and what they contributed to the relationship during the course of the relationship. Under the provisions to be included in this new act there will be wider powers for a court to make orders with respect to the future needs of a party to what is ultimately a former domestic relationship. The provisions that will apply to registered

relationships and current domestic relationships are broader than those currently provided for in that the court will now have the capacity not only to make orders with respect to the division of property on just and equitable terms based on the contribution of the partners but also to make orders for maintenance based on the future needs of the partners in the domestic relationship. Where a party has had a maintenance order made in their interests and subsequently marries, that person ceases to be eligible to receive maintenance under the order made by virtue of this bill.

There are two key elements to this bill: the element establishing the concept of registrable relationships and the relationships register; and a second element in relation to property matters which have wider ramifications for all domestic relationships as currently provided for by law and as provided for in a broader form, including the registrable relationships category this bill introduces.

In considering its position on this legislation the Liberal Party has consulted widely in the community and has received substantial feedback. This is one of those pieces of legislation that has generated broad feedback within the community. The parties that have responded to a request from the Liberal Party for feedback and expressed views, which I will come to in more detail, include the Law Institute of Victoria, which made a submission to the government on this matter and forwarded it to the Liberal Party; the Victorian Gay and Lesbian Rights Lobby, which has indicated its support for this bill but also expressed the desire that the bill be extended to include a ceremony option; Civil Union Action, which supports the bill but again wants a ceremony option and has made some comments about the capacity for people in same-sex registrable relationships to undertake adoption; the Australian Christian Lobby, which has indicated it has concerns about the legislation; the Catholic Church, which has been quite strong in its opposition to the bill — and many members will have received correspondence sent from the Archbishop of Melbourne to the Attorney-General and subsequently to other members of this house; the Endeavour Forum, which has indicated its opposition; the Australian Family Association, which opposes the bill; the Festival of Light and the Salt Shakers, which both oppose the legislation; the Catholic Women's League Australia, which has expressed opposition; and the Institute of Judaism and Civilisation, which has also expressed opposition to the bill.

Thus there is no doubt a very broad range of views both for and against have been expressed in the community with respect to this legislation. I would like to touch on

some of the points that have been raised through our consultation process, a number of which are picked up in the law institute submission to government, which has received wider circulation.

The first matter is that raised by the Victorian Gay and Lesbian Rights Lobby about whether a registrable relationship provision should allow for a ceremony — in effect a marriage ceremony reflecting the marriage-like status of the registrable relationship under the relationships register.

While expressing its broad support, the law institute has raised a number of matters of concern which have not been addressed by the government. Although the government has undertaken this process of consultation, it has not addressed the concerns raised by the law institute. The first matter the institute raised that I will touch upon is the eligibility to register a relationship, with a particular focus on the age of the parties to the relationship. Under the Relationships Bill, a party to a registrable relationship must be an adult — a person aged 18 years or more. The law institute argues that consistent with the commonwealth Marriage Act 1961 there should be discretion in this legislation with respect to the age at which a person can enter into a registrable relationship. The Marriage Act provides that a person who is 18 can marry and that in exceptional circumstances a person who is 16 can apply to a court or a magistrate for permission to marry a particular person. It is the law institute's view that a similar provision should be built into this legislation to allow a person who is 16 and in some form of exceptional circumstances, as determined by a court, to seek the permission of a court to enter into a registrable relationship.

A second matter of concern raised by the law institute is the fact that both parties to a registrable relationship are required to be domiciled in Victoria; there is no provision for one party to such a relationship to be resident outside the state. Allied to that is a concern about the failure of the bill to recognise relationships that have been registered in other jurisdictions, most notably Tasmania. That is something which the government apparently has not addressed in the finalising of this bill and which stands out as a concern to the law institute.

One of the requirements of a registrable relationship is that it not involve the provision of domestic support and personal care for fee or reward or on behalf of another person or organisation. The law institute has expressed concern that the criteria will unnecessarily restrict partners in a relationship who are receiving carers allowance from the commonwealth under the

commonwealth Social Security Act; there is no express provision in the bill that will enable a person receiving a carers allowance to enter a registrable relationship. The institute has stated that there is a provision in the equivalent Tasmanian act that addresses that concern and clarifies that a person who receives a carers allowance is not receiving a fee or reward for the purposes of this act or for the purposes of defining a registrable relationship.

A further concern expressed by the law institute relates to confidentiality and restriction on reporting of proceedings. As I stated earlier, the bill will change a number of provisions with respect to settlements arising from relationships. It is the view of the law institute that those provisions should be subject to the same confidentiality or non-reporting provisions as apply under the commonwealth Family Law Act. Where matters of family dissolution and custody of children are considered, it is the law institute's view that those matters should be protected from widespread reporting in the way they are protected by the commonwealth Family Law Act, which is not explicitly provided for in the provisions relating to property matters which are picked up by this bill. A number of issues have been raised by the law institute and other parties with respect to how this bill will operate if it is adopted.

A further matter has been raised by the Catholic Church with respect to the nature of the relationship that exists or is required to exist between the parties entering into a registrable relationship. The Attorney-General in his second-reading speech talked about this bill as being one that addresses the situation. He gave an example that has been repeated by government members in the other place, of a person seeking medical attention and their partner in a relationship being denied participation in decisions surrounding the need for medical treatment when the patient is incapacitated. That has been a key argument for this bill that has been advanced by the government.

One of the concerns raised by the Catholic Church is that, while acknowledging that problem exists between same-sex partners, as the Attorney-General particularly points out, this bill does not recognise that that problem exists between other non-traditional relationships. The Catholic Church cites the example of elderly siblings — brother and sister et cetera — who have a responsibility for looking after each other. There is no parallel provision in this bill that will give them the coverage that this bill seeks to provide, if you accept the basis of the Attorney-General's argument that this bill will provide the type of coverage that he talks about. I think it is a fair point that has been raised by the Catholic Church. I understand that the Tasmanian

legislation provides for that carer-type relationship to be acknowledged in a similar way so that those issues, if indeed they exist as the Attorney-General suggests, can be dealt with for those types of relationships as well as for couple-type relationships that this bill is primarily directed to.

In acknowledging that there is a wide range of views on this bill across this Parliament and across society, as evidenced by the consultations that have been undertaken, the Liberal and National parties have given their members a free vote on this legislation, so I am not seeking to put forward a Liberal Party view on this legislation. The members on this side of the house will express their own views on this legislation and express their own position with respect to the vote.

I note that the government has not given its members that opportunity. That is an unfortunate reflection on the government. I think the fact that in the other place only 48 of the government's 55 members actually voted on the legislation reflects the disparate views within the government as to whether this legislation should be supported. It is disappointing that those members have not had the opportunity to voice their opinions on this legislation in the Parliament in the way non-government members have been afforded the opportunity.

A lot of progress has been made in this Parliament and in society in this state since 1980 when the Hamer government decriminalised homosexuality. We have seen many steps taken and a lot of progress made to remove discrimination on the basis of sexual orientation and sexual partners. That is something that is widely accepted in the community as appropriate: that people should not be discriminated against on the basis of their sexuality or their sexual partners. The legislation that this Parliament passed in 2001, which put same-sex relationships on the same footing as de facto relationships with respect to access to entitlements and financial relationships between the partners, was a step in the right direction.

It is something that has been welcomed in the community and across this Parliament because it is appropriate that partners in a relationship, be they opposite sex or same sex, have that relationship recognised in a way that gives them access to the entitlements that married couples have. I can only imagine the pain that partners — generally same-sex couples — must feel where they are denied access to superannuation entitlements under estates where one of the parties has died, particularly when the relationship has been a longstanding one but is not recognised for the purposes of settling estates or for superannuation.

It must be incredibly difficult for people in those circumstances, and it is appropriate that this Parliament take whatever steps it can to address such situations. I point out that with superannuation that situation is not limited to same-sex couples; it applies also to single people where there is limited capacity to nominate beneficiaries with respect to superannuation entitlements. Both those groups are at a disadvantage when it comes to superannuation matters. It is recognised that there are issues still outstanding and further progress needs to be made to address those matters, with partners in relationships being recognised for the purposes of their own personal financial affairs and broader entitlements.

That is not what this bill is about. This bill is about symbolism. When I looked at the bill, the second-reading speech and the broader debate in the other place, I asked myself, 'What is this bill trying to achieve? What are we actually doing through this bill?'. The strongest argument put forward for this bill by the Attorney-General was the example I quoted earlier about couples seeking medical treatment. He said:

For example, when discussing a partner's health information with a doctor in an emergency situation, the last thing someone wants is to have to argue that 'Yes, this patient is my partner'. A certificate of registration gives everyone, hospitals included, certainty and peace of mind.

That is the strongest argument the Attorney-General and the government have advanced for this bill being enacted — the creation of registrable relationships and a relationships register. I find that argument for the establishment of this status of relationship to be extraordinarily weak. I can only wonder: has the Attorney-General not heard of medical powers of attorney? Does he not know that already people in an existing relationship who are not married and do not have a marriage certificate, who are in either a de facto relationship or a same-sex relationship, can give a person a medical power of attorney, so that if this situation ever arose — and no evidence was brought forward in the debate in the other place of such a situation having arisen — for those partners who had given a medical power of attorney the issue would be resolved? The example relied on by the Attorney-General, where one partner seeks to influence the medical treatment of another in an emergency situation, is in no way a strong argument for creating the relationships register and registrable relationships.

It is interesting to reflect on the debate in the other place, which I read in full. The senior government members, the ministers, who spoke in the debate stuck to the government's line about this bill being introduced to address the type of situation highlighted in the

second-reading speech, the medical situation, which, as I have already pointed out, can be adequately addressed by granting medical powers of attorney. The government backbenchers went a bit wider in their contributions to the debate. It was very clear from their contributions that they see the bill as delivering on a commitment for gay marriage. You need read only the contribution of the member for Yan Yean in the other place, who very proudly stated that that is what this bill is about, to realise that. The government's backbenchers in the other place have made it clear that the Attorney-General's argument for the bill, based on the medical example, is merely a smokescreen for a much broader agenda that the Attorney-General is running with respect to this legislation.

Our community recognises marriage as the foundation of our society. It is the basis on which families and broader communities are built. It is the cornerstone of our society. Accordingly, it is something that is elevated in status in our society and something that we as a community should honour, nurture and protect. We should recognise that marriage has special status because of its special position within our community as the fundamental basis of our community. This bill is not seeking to address issues of discrimination or practical issues of same-sex partners or de facto partners being denied access to property or entitlements; it is about creating marriage lite, a dumbed-down version of marriage that effectively competes with the institution of marriage as we know it. It is interesting that marriage in this nation is governed by the commonwealth Marriage Act of 1961, which establishes the basis of marriage. There is no doubt that that has created some difficulties for the Attorney-General in framing this bill. He would have liked to have set up a full-blown alternative to marriage through this legislation. It is clear from the way the bill is structured and is proposed to operate that the overriding position of the commonwealth legislation has created some difficulties for the Attorney-General.

The commonwealth legislation provides that a marriage is a union between a man and a woman excluding all others, voluntarily entered into and for life. There are very strong criteria that apply when two people seek to enter into a marriage. What this bill does is read down those criteria. It seeks to create a marriage-like state, without the obligations that attach to marriage. I do not think this bill in any way advances the legitimate needs of those in de facto and same-sex relationships.

This is yet another piece of ideological legislation from the Attorney-General delivering on his utopian view of the world that strikes at the core of a fundamental institution in this state. I do not believe it is legislation

that is worthy of the support of this house. Much has been done and can be done to ensure that de facto and same-sex couples are recognised as couples when it comes to managing their own affairs and accessing entitlements. However, elevating those alternative forms of relationship to the same status as marriage does not advance tangible achievements for participants in those relationships and does not achieve anything for broader society. I urge the house to oppose this bill.

**Mr HALL** (Eastern Victoria) — First of all I want to say in my contribution this afternoon that I do not intend to go through the bill in a lot of detail and talk about its technical aspects, given that both the minister who moved it and delivered the second-reading speech and Mr Rich-Phillips have canvassed a lot of the technical arrangements and outlined them to the house very competently. I think most of us know what this bill is all about. In my contribution I want to talk in general terms about relationships in Victoria and relationships in my experience and relate them to a couple of the key aspects of the bill before us.

By way of a general comment I say that the sorts of relationships people develop with others are generally their own business. As long as those relationships are entered into with good, free will on the part of the participants and so long as they have no profound effect on the lives of others, I believe that people in the democracy in which we live should have the right to enter into and enjoy and live within the types of relationships that they choose.

In terms of personal relationships, some 36 years ago I chose marriage as a means of defining my choice of relationship. Others choose to live in heterosexual relationships without marriage and others, as we know, choose to engage in a same-sex relationship. So while marriage is my personal choice of relationship, it is not a position that I try to thrust down the throat of others. People should have the option to live the type of relationship of their own choosing, subject to the conditions which I outlined before.

Equally, with those people who choose different types of relationships one would expect that they not try to coerce others and push their views on to others either. We live in a democracy and the great thing about it is that we have the freedom of expression to generally live life the way we choose to do it. While we have our own personal values and while it is proper to express views publicly and privately, we should continue to respect those who might hold different values and views to our own.

And so it is with those general opening remarks that we come to the Relationships Bill before us. In my reading of the bill, the essence of it is that it provides a legal framework for having a relationship other than marriage recognised by law. It applies, as the minister has said and as Mr Rich-Phillips has said, to both de facto and same-sex relationships; it may also apply to relationships of a more general form, and for that I turn to the paragraph in the second-reading speech headed 'Relationships register', where it also says the relationship may extend to:

...a couple, where one or each of the persons in the relationship provides personal or financial commitment and support of a domestic nature for the material benefit of the other.

So it is a very broad range of relationships that could be incorporated and encapsulated within the legislation before us today.

It is also pertinent to look at the comment made in the second-reading speech with regard to consideration of whether we need a further legal framework to recognise the rights and obligations of partners in domestic relationships, irrespective of their genders.

In the second-reading speech the minister said, in terms of comments about a report undertaken back in 2000 entitled *Same-Sex Relationships and the Law*, written by the then Equal Opportunity Commission:

We delivered on the general recognition scheme in 2001, when we amended almost 60 statutes to recognise the rights and obligations of partners in domestic relationships irrespective of the gender of the partners in the relationship.

In respect to that particular legislation I went back and read my contribution to that debate, and I must say that with some misgivings I voted against that bill. I say that honestly; but it was more for pragmatic reasons than moral reasons because that bill at that time asked us to amend something like 60 acts of Parliament, and I believed it was not within the scope or the ability of members of Parliament to fairly evaluate the impact of the changes proposed to 60 pieces of legislation in one bill going before the house. If that sort of legislation came before the house today we would probably refer it to the Legislation Review Committee for consideration of those particular changes.

I said in my speech that I was prepared to look at some of those changes individually, but that, quite frankly, it was beyond my ability to analyse the impact of changes to 60 pieces of legislation in one significant bill. In hindsight I have to say that I am pleased that the bill in 2001 passed, and it seems that the rights and responsibilities assigned to partners in relationships is

proving to be fair and effective in terms of those relationship arrangements.

I am not aware of any grossly adverse impacts of that change in legislation in 2001. What I understand this bill to do is to take that whole concept — developed upon that 2001 legislation — one step further and provide for the registration of different forms of partnerships. Again, the reason for that is one that I searched for from the minister's comments, and it seems that they are most succinctly summed up in the following comment in the second-reading speech:

Registration will allow those couples easier access to existing entitlements without having to argue repeatedly that they are in a committed partnership, or have to prove this in court.

The question before us is whether we actually need the additional step taken by this legislation to enable people to exercise their rights and responsibilities as citizens of Victoria in respect of different arrangements that they may enter into. If I were confident that the position outlined in the bill as it stands at the moment was the final step that we were ever going to take on the recognition of relationships here in Victoria, then my vote would be different to the position that I have ultimately adopted.

But one of the things that I have observed in all of the representations made to us — and Mr Rich-Phillips outlined the various and numerous representations made to us as members of this chamber — is that there has been a series of incremental changes already to a position adopted, and there are likely to continue to be incremental changes to the way in which we regard relationships here in Victoria.

No doubt there has been incremental change from the position in 2001, and this bill takes us to a further new position — I am aware that there are proposed amendments to be moved today. The Greens have given me the courtesy of having a look at some amendments they propose to move, and despite the fact that I say quite clearly that I will not be supporting those amendments — and if there needs to be a further explanation I will give that during the committee stage of the bill — I highlight that proposal as a further incremental change to the legislation before the chamber today.

Further, I have heard via another member of the chamber that the government itself is proposing to amend this bill as it stands at the moment. I have not been privy to that conversation, but I see by a nod of some government members that there is going to be a further change to the bill.

It is very difficult for us as members of Parliament to make decisions on legislation, which involve both actual and foreshadowed incremental changes over a period of time. Already publicly flagged is the position of IVF and adoption, and how that might relate to couples or registered partnerships in this state, and I must say quite clearly that I would be most concerned about the issue of IVF and adoption being available to same-sex couples, because these are more complex issues where the welfare of the child — a third party of those relationships — needs to be paramount; so we need to be very careful when considering those issues and I would have a great deal of reluctance about ever canvassing the possibility of same-sex couples being given access to IVF and adoption in Victoria.

I want to try to succinctly summarise the position I have come to on the bill: firstly I repeat that I believe people in genuine, loving, caring relationships should not be discriminated against, and the changes to the law in 2001 went a long way towards addressing that issue. I also respect people's rights to live their lives in the manner they choose, but I am concerned that the successful passage of the bill will be the catalyst for further far-reaching changes to relationship arrangements in this state. I suppose it is because I am more concerned about what might be ahead than what we have before us that I am not prepared to support the bill.

**Ms PENNICUIK** (Southern Metropolitan) — I am happy to speak on the Relationships Bill before us. This bill allows same-sex and mixed-sex couples to register their relationships with the Victorian registrar of births, deaths and marriages. In so doing they will receive a certificate verifying their relationship, which can be used for medical, legal and general administrative purposes. There is no minimum length of relationship required for the registration of that relationship.

The Greens welcome this important and long-overdue step forward on the long road to full equality for all people before the law, which unhappily with this bill we still do not have. However, if the bill is passed, Victoria will become only the second state in Australia after Tasmania to have a relationship register scheme. The Australian Capital Territory is currently looking at a similar bill, and hopefully that will come into being without too much delay. The Tasmanian act, which was passed five years ago, in 2003, was the first recognition scheme in Australia and serves as the model, with some exceptions, for this bill. This foreshadows some of the comments I will be making during my contribution to the debate. Certainly the national ALP policy states that it is looking to a system of nationally consistent, state-based schemes, but already the second scheme,

which is modelled on the Tasmanian bill, is quite different, so our second state-based registration scheme is already not consistent. That is a concern.

While this is a reasonable bill, we believe it could go further. A range of problems and issues with the bill have been raised by interested groups in the community, which I will refer to in my contribution. The most obvious and easily remedied include the lack of mutual recognition of other registers. We know we have the Tasmanian scheme already in operation, we will presumably have the ACT scheme coming into operation in the near future, and we can look forward to similar schemes coming into operation in other states of Australia. It is only the second piece of legislation to come into fruition, and it has left out mutual recognition. I have raised this issue with the government. Given that the Tasmanian scheme is already in existence, it seems that putting a clause in the bill to provide for recognition of registration in another state or territory would be such an easy thing to do.

The other easily remedied problems include the lack of provision for a formal ceremony. I know there are various views in the community about that, but to my way of thinking it could easily be inserted into the bill. I will be moving an amendment to the bill to insert a provision for a marriage ceremony, and I am happy to have that amendment circulated. Another easily remedied issue is the unnecessarily narrow requirement that both partners — —

**The ACTING PRESIDENT (Mr Finn)** — Order! Does Ms Pennicuik wish those amendments to be circulated now?

**Ms PENNICUIK** — Yes, I would be happy for them to be circulated, and I will speak to them again. There is also an unnecessarily narrow requirement in the bill for both partners to reside in Victoria. Certainly the Law Institute of Victoria advocated in its submission that that should be completely removed. I have had discussions through other legal avenues and with parliamentary counsel, and the view is that there should be some nexus with Victoria, so I will be proposing as an amendment that at least one person should reside in Victoria.

The other issue raised by Mr Rich-Phillips concerns the possibility of people in receipt of a commonwealth carers allowance being excluded from the register under clause 5, which refers to people not being able to be in a registered relationship if they are a carer for a fee or reward or on behalf of a government agency. The Tasmanian act specifically contains a clause which ensures that no-one is excluded from being in a

registered relationship because they are in receipt of a commonwealth carers allowance.

I should speak to the amendments being circulated. I will not be proceeding with amendment 1, which goes to the issue of mutual recognition. That is on the basis of last-minute discussions with the government. I have made it very clear to the government that I see this as an easy thing that should be — —

**The ACTING PRESIDENT (Mr Finn)** — Order! I advise Ms Pennicuik that I have just been informed that it will be 5 minutes before the new amendments are available to members of the house. She might care to take that into consideration whilst making her comments.

**Ms PENNICUIK** — I can still carry on to say that I will not be proceeding with that amendment, given last-minute discussions with the government. The amendment I was going to proceed with sought to insert a line in the bill to provide that the register will recognise a corresponding law or any prescribed law of another state or territory in relation to chapter 2 of the bill, which basically deals with the setting up of the register. I will be proceeding with the amendment to insert a clause dealing with ceremonies when registrations take place and also the amendment to change the requirement for both parties to live in Victoria to a requirement that at least one party living in Victoria. When the new amendments arrive members will know what they mean.

It is important to say that the creation of this register — while it is groundbreaking in that it will at last provide the means for same-sex couples to have their relationships legally recognised — falls short of providing full equality for same-sex couples and will allow discrimination against same-sex couples to continue. On a symbolic level the proposed relationship register will afford same-sex couples lesser recognition than marriage. There is no reason for this other than the objections of certain people in the community to whom presumably this will not apply and on whose lives it can have no practical effect or impact. This is highly regrettable. It is not good enough to only partially remove discrimination and to make things a little bit more equal but not fully equal. People are equal, and the law should be reflective of that and not be watered down to appease groups who advocate against full equality for all people because of their prejudices or beliefs.

**Greens amendments circulated by Ms PENNICUIK (Southern Metropolitan) pursuant to standing orders.**

**Ms PENNICUIK** — The Greens have campaigned for the rights of gay, lesbian, bisexual, transsexual and intersex people from the start, and we have a policy of no discrimination. Our policy states that we are committed to working towards legislating to abolish all discrimination based on sexual orientation, sex and gender, in particular in relation to marriage and relationship recognition, superannuation, migration, veterans' affairs, employment, education, health, social security and family law, documentation, privacy issues or any other area of law or public process. We are also committed to working towards establishing a civil union scheme and a formal registry of relationships that recognises, affirms and celebrates same-sex and all significant personal relationships.

That is why I will be moving an amendment to this bill to provide that the registrar may conduct a ceremony in conjunction with the registration of the relationship. That is what groups such as the Victorian Gay and Lesbian Rights Lobby and the Civil Union Action Group have called for. It is what persons who choose to be married are entitled to under sections 45 and 72 of the Marriage Act. Therefore it should be available to those registering a relationship should they wish to have a ceremony. Many couples, same sex or mixed sex, may not wish to hold a ceremony, but the choice should be available. It can mean much to the couples involved and cannot possibly affect anyone else.

On 15 February 2007 federal Greens senator Kerry Nettle introduced a bill into the federal Parliament to redefine marriage to mean 'the union of two persons regardless of sexual orientation or gender identity voluntarily entered into for life'. People should be able to get married if they want to, regardless of their gender or sexual orientation.

This is an issue of personal freedom. It is a fundamental right to choose one's partner and to have that choice fully accepted and recognised. Less than that is the denial of a fundamental right and is therefore discriminatory. In my view, marriage as it is defined in the federal Marriage Act is inherently discriminatory. While not all gay and lesbian people might want to marry, they should be able to be married if they want to be.

Marriage is outside the state jurisdiction and so this bill cannot create a right to marry. However, Victoria has the power to provide registration and revocation procedures for relationships that are practically equivalent to those of marriage. This bill does not go that far, although it could have, so it is a lost opportunity.

The Scrutiny of Acts and Regulations Committee (SARC) gave a useful comparison between this bill and the Marriage Act. In terms of eligibility, the bill requires that people in a registrable relationship must be adults and providing a material benefit. That is not a requirement for marriage. It is not a requirement that you provide a material benefit in order to be married. I do not know why it is a requirement in this bill.

Residence in Victoria is not required in other relationships, and marriage is available to all unmarried adults — possibly and probably because marriage is covered by a commonwealth act. I will go to a remedy of my own for that later on in my contribution. Also, under the Marriage Act marriage is available to people between the ages of 16 and 18 in some circumstances and that is not the case under this bill. There is no real reason why the same provisions that apply in the Marriage Act for exceptional circumstances for people between the ages of 16 and 18 could not have applied to this bill.

Another issue is that the registration of relationships is at the registrar's discretion and can be revoked by a court without an application from the partners, whereas the registrar must register all marriages solemnised in Victoria and has no discretion in that issue. Divorce requires an application by a party to the marriage; a court cannot dissolve a marriage of its own volition.

On the issue of costs, the registration cost is \$190 and \$58 for revocation, whereas the solemnisation of marriage and removal of the registration following divorce are free, although there may be associated costs. That issue has been raised by the Victorian Gay and Lesbian Rights Lobby which expressed the hope that the government will look at reducing this when regulations are made. I also call on the government to look at that issue.

SARC has said that it considers these differences, to the extent that they would prevent or deter an unmarried couple from accessing the benefits of registration in circumstances where a similarly placed opposite-sex couple would not be prevented or deterred from accessing the same benefits of marriage, may infringe the charter rights of those couples and their children to equal protection of the law. While the state has no power to legislate for same-sex marriage it could, as the Australian Capital Territory is considering doing, introduce civil unions with the option of a ceremony. But I note the federal Attorney-General's opposition to the ceremony option.

It is also important to say that this register is not just for same-sex partners. That is the focus and emphasis for

obvious reasons, but it is also available to mixed-sex partners who may not wish to be married, and that is also a good thing.

As Mr Rich-Phillips alluded to, there are a lot of people who have made submissions and raised issues with us about the bill. Those in support of the bill include the Law Institute of Victoria, the Civil Union Action group and the Victorian Gay and Lesbian Rights Lobby. I have talked about some of the issues they have raised.

The main concerns of the Victorian Gay and Lesbian Rights Lobby are the cost and the lack of mutual recognition of registers in other states and territories. I have strongly made the point to the government that that is a big flaw in the bill, and it could have made its own amendment to that. I am assured by the government that it will look seriously at this issue when it returns to the bill later in the year in terms of carers.

It is also interesting to note that in Tasmania the Deputy Premier, Steven Kons, has called for the Victorian and Tasmanian relationship registers to include mutual recognition because it makes sense for registered couples to be recognised on either side of Bass Strait. Mr Kons made that comment in December last year.

Another matter that concerns the Victorian Gay and Lesbian Rights Lobby is the lack of a ceremony, which I mentioned before, and those issues are also raised by the Civil Union Action group.

The Law Institute of Victoria has also raised quite a few issues about the bill. Mutual recognition comes up again as an issue which it strongly advocates should have been included in the bill. It advocates that there should be no requirement for people to be domiciled or resident in Victoria. I have explained already that I will be putting forward an amendment that at least one party be resident in Victoria. I fundamentally agree with the position of the law institute, but in my conversations with parliamentary counsel I have come to see that perhaps there may not be a legislative nexus, so I will be moving an amendment that at least one person be required to reside in Victoria — for example, same-sex and mixed-sex couples who live in Albury-Wodonga who register their relationship in Victoria. They might live only half a kilometre apart but be in different states. There is also the situation — and I know this because of the circumstances of some personal friends — where one partner could be residing in Victoria at the moment while the other is temporarily working in another state; they may wish to avail themselves of this register, and they would be able to do that under my amendment. It would be possible because the bill will fundamentally change the definition of a domestic relationship.

I am not sure if anyone else has noticed this, but cohabitation is not a fundamental requirement of a domestic relationship any more. A domestic relationship was formerly defined as a couple who are living together. Under this bill that definition has now been altered. A registrable relationship is defined as being between two people, irrespective of their gender and irrespective of whether they live together. That is a big change to society. The issue has been overlooked in this bill. To be considered a domestic partner in the past, you had to be living with someone, irrespective of whether you were married. Under this bill that will not apply to a registrable relationship.

The definition of a domestic relationship has been changed under this bill. You can be in a domestic relationship with someone even if you do not live with them. Some people might think that is good; I think it is good in terms of registering a relationship when people in the relationship live apart. But it has other implications. There are people in the community who are in a sexual relationship with another person or in a self-defined relationship — that may be any kind of relationship — who do not wish to be married, do not wish to be in a de facto relationship and do not wish to register their relationship, but could, under this legislation, be considered to be domestic partners. They may not wish to be so considered. The criteria that define a domestic relationship in the legislation may suggest people are in a domestic relationship when they may not define themselves that way. This issue has been brought to my attention, and the change is quite profound.

I proposed an amendment; however, I decided not to move it because the government has assured me that it is going to bring this bill back and look at the issue of caring relationships, which is a provision in the Tasmanian legislation. In the Tasmanian legislation significant relationships and caring relationships are referred to. Under the definition of caring relationships in the Tasmanian legislation there is a clause that says that a person in a domestic relationship or a caring relationship cannot be excluded from being so registered by receiving a carer's allowance. That is not clear under this bill; I think that issue is muddy under this bill. I have had some conversations with the government, and it assures me that clauses in this bill make it clear that if you are only a paid carer and have no other type of relationship with another person, you cannot register your relationship. But I am not sure that that will not inadvertently impact on people who are receiving a carer's allowance and who wish to be in a registrable relationship; the clauses in this bill say they cannot be if they receive a fee or reward or act on behalf of a government agency. I have withdrawn my

proposed amendments. The government assures me that it will look seriously at that issue because it is a serious one.

Obviously there are people in long-term relationships that consist of partners of the same sex or the opposite sex. We all know that some people may become ill and require care; therefore their partner may become their carer. Under the Centrelink scheme, they are entitled to remuneration through a carers allowance. We do not want that issue to impinge on a couple's right to have their relationship registered if they wish to. I raise this as a serious issue. The government has assured me during discussions that it will look at this issue. I will be watching that issue and the issue of mutual recognition closely.

The Scrutiny of Acts and Regulations Committee (SARC) raised some questions about whether people in relationships have to be domiciled in Victoria — I have already talked about that. It has concerns that the bill does not specify when the registrar may refuse to register relationships. Under the bill the registrar can make a refusal and has the discretion to do so. The grounds for refusal and the details of when a court may bar the registrar from revoking the registration are not stated in the bill. Quite a few details were also raised by the Law Institute of Victoria.

The explanatory memorandum to the bill says:

this would allow a court dealing with property matters arising from a registered relationship that has broken down to order the revocation as a way of finally determining the relationship'.

SARC noted that no court can order the divorce of a married couple except upon the application of one of the partners of the couple. SARC also said that the courts and tribunals are exempted from acting compatibly with section 38 of the Charter of Human Rights and Responsibilities.

SARC also observed that:

... discretionary control by the registrar or a court or tribunal over the registration of a registrable relationship or the revocation of the registration of a registered relationship may significantly diminish the dignity of the members of those relationships and limit their personal autonomy.

These are further issues that the government should be looking at in terms of its proposed amendments to this bill.

If the bill is enacted, there needs to be a campaign to educate people about their ability to register their relationships and to make sure that they understand the rights and duties that registration gives rise to. We were

asked about this issue in our briefing and we were told that some resources had been allocated.

The Law Institute of Victoria recommends that persons making an application to register their relationship be provided with a fact sheet, which recommends that the applicants seek independent legal advice before registration.

I want to talk about the need for federal law reform. The federal Australian Labor Party says it is committed to ending discrimination in the areas of taxation, superannuation, social security, the Medicare safety net, immigration, veterans and all other areas except for marriage. In fact it is not ending all discrimination, only some discrimination. Federal law reform is overdue and urgent, and while gay and lesbian rights advocates have expressed cautious optimism about reform of the 58 federal discriminatory laws identified by the Australian Human Rights and Equal Opportunity Commission, plus about 40 other laws that have been identified by the government, we have to assume there is no guaranteed timetable for that.

Obviously there are people in the community who do not support the bill. I have received a number of emails and letters, as I assume all members have. I have not received that many from people or organisations who do not support the bill. I am of the view that the vast majority of the community supports a relationship register. Many of the submissions I have received by letter or email have been overtly prejudiced, and as such I cannot take them seriously. Others expressed the view that somehow the existence of a relationship register will undermine marriage, while some argued that that is not the case. I agree that it may be the case; previously people who got married had the choice of either no relationship registration or marriage. That is the choice they had: either they were not registered and had no recognition of their relationship or they got married. So they got married. However, many may have preferred to register their relationships.

The advent of the register may mean its use will grow and the incidence of marriage may fall — who knows — but in any case it will be the choice of the people concerned and not of other groups trying to impose their views on how people should live their lives. If people are voting with their feet and not getting married, that may mean marriage does not suit them. The bottom line should be full and total equality before the law, and there should be choice. My view is that that equality could be achieved by amending the Marriage Act so that marriage is open to any two persons regardless of their sex.

We are implementing a system of state-based registers, but a commonwealth registered system would have advantages over the state-based system because it would be consistent. I am sure we will not have consistent state-based registers, because we are only up to the second one, and already we are not consistent.

It is my view that to achieve full equality before the law any two people should be able to be married. If they do not wish to be married they should be able to register their relationship in a relationship register that is less ceremonial, if you like, or less solemn than marriage. A relationships register would provide full choice and full equality for those people who do not wish to be married, who do not wish to be known as someone's husband, wife or spouse, but who wish to have legal recognition of their relationship. It should not be forgotten that there are also people, as I have mentioned before, in self-defined relationships who do not wish to enter into either of those arrangements — and that should be fine as well. The issue is equality and choice and equality of choice.

Last year the government announced plans to reform parenting rights and to implement most of the recommendations of the Victorian Law Reform Commission. However, it stopped short of allowing same-sex couples to adopt children. This has been referred to the national ministerial council. The Greens support adoption by same-sex couples so long as they meet the other criteria for adoptive parents. Same-sex couples can adopt in Europe, Canada, parts of the United States of America, South Africa and the United Kingdom, and in Western Australia they have been able to adopt since 2002. I look forward to the committee stage when I will move my foreshadowed amendments.

**Mr KAVANAGH** (Western Victoria) — The bill before us has often been referred to in the press as a 'gay bill'. In fact it has application to heterosexual as well as homosexual relationships. All of us here aspire to a free society which surely includes the individual pursuit of happiness. In a free society there is no compulsion to marry and those who choose single life or relationships outside of marriage are entitled to fairness and respect. Those in relationships outside marriage are also free to seek to be seen as committed couples by friends, relatives and acquaintances, if that is their desire.

In late 2006 I was interviewed by a leading Melbourne newspaper. I responded to questions on this topic along the lines of the sentiments just expressed. The newspaper published an article with a heading which said that the DLP (Democratic Labor Party) supports

civil unions. This conclusion did not logically follow, however, from the comments I had made.

The DLP's position is that families are a key to Australia's present and future and that the union of a man and a woman, voluntarily entered into for life to the exclusion of others, is the foundation of stable families. In my inaugural speech I noted that those who voted for me hold their own firmly held beliefs. One of those firmly held beliefs is in the value of marriage.

For millenniums marriage has been shown to be the best way for societies to fulfil their most important task — the creation and successful nurturing of the next generation. The DLP feels that marriage has already been placed under excessive stress in recent decades by, among other measures, the Family Law Act, which the DLP considers to be inappropriately named.

Recently I argued in this house that family break-ups have contributed to Australia's housing affordability crisis — for example, by adding to the demand for accommodation but doing nothing to increase supply. Accommodation is only one aspect of economic wellbeing that is enhanced by families. Surely the sharing of goods and services increases standards of living, and, even in narrow economic terms, families are the most effective means we have for sharing.

The economic benefits of stable marriage might be seen by simply considering the effect that divorce has on the standard of living of the individuals concerned. It was correctly pointed out to me, after my contribution on the relationship between marriage and the demand for accommodation, that an increasing reticence to marry has also had a detrimental impact on people. That growing reticence to marry is, no doubt, more a product of our culture than of our laws, but of course our culture is informed and partly shaped by our laws. The benefits of a culture of strong, stable marriage are much more profound and diverse than merely the economic implications.

There are many other social aspects that could be referred to in demonstrating the importance of marriage to the future wellbeing of our country. One of these is the contribution of stable marriage to fatherhood. Unfortunately, it is not always possible, even in a culture of strong marriage, for every child to have a father in his or her life. It is, however, almost always desirable. Fatherhood does not make any man perfect but children benefit enormously from having a father. Can it be doubted that the lifetime commitment of a man to his children and, wherever possible, to their mother, is beneficial to his children? As a teacher of boys in high schools I noticed that it was often obvious

from their behaviour which boys had fathers in their lives and which did not. I know of some fine young people of good character who have grown up without a father in their lives. I mean no disrespect to them at all; they deserve our admiration. The point, however, is that they have overcome a disadvantage. Just as fatherhood is enhanced by the lifetime commitment inherent in marriage so the decline of fatherhood is partly a consequence of legislation and a developing culture that has weakened marriage and therefore families. In my view Australia is undergoing the beginnings of an epidemic of loneliness. This is also in part a consequence of the damage done to families.

In giving sexual relationships other than marriage official status on the basis of sexual relationship per se, this bill would likely have the effect of making marriage merely one of several options and may well further erode marriage. Indeed, this point was accepted by Ms Pennicuik in her defence of the bill. I accept the government's claim that it is not intending to create new forms of marriage through this bill. However, it seems likely to me, given the marriage-like obligations imposed on de facto couples over recent years both by the incremental changes to legislation that Mr Hall referred to earlier and by judicial interpretation, that under this bill marriage-like obligations, stronger than those presently envisaged, will eventually be imposed on those registrants who are in sexual relationships. In my opinion, in the future those registrants, contrary to their intentions, are likely to have imposed on them many of the obligations of marriage.

I am concerned about the implications of this bill for human rights because it minimises the requirement of voluntariness as a condition to assuming lifelong obligations. I also feel that many of those who support the bill now may in the future regret their current enthusiasm.

It might have been preferable to recognise the people in relationships rather than the relationships themselves. Why not simply create a register in which all people may mutually register to receive benefits such as superannuation entitlements, inheritance privileges in the event of death, automatic medical and other powers of attorney in the case of disability, and privileged access if either party is hospitalised, without making registration dependent on a sexual relationship? Why not allow people to register, without even asking if they are in a sexual relationship? Why not allow old friends, siblings or other relatives or lovers, whether heterosexual or homosexual, to register without asking the nature of their relationship and without making a sexual relationship a prerequisite to registration?

In discussions about this bill there have been claims about the rights and privileges of marriage. In my opinion very few rights are bestowed by marriage. It seems to me that marriage is actually much more about accepting responsibilities, duties and obligations than about gaining rights. However, it also seems to me that even more than that, marriage is an institution for the benefit of children.

We all know and love people who are in relationships outside marriage. Their happiness is as important as that of any other adults. I think we all hope they find the happiness they seek, but we should not approach creating legal structures to accommodate people in these relationships in ways which risk doing harm to marriage, an institution which has long been and remains the primary and best method we have for creating, raising and nurturing new and future generations.

**Mr TEE** (Eastern Metropolitan) — This is a critical bill which defines the type of society in which we seek to live. It establishes in Victoria a register of domestic relationships. A number of issues have been raised by other speakers, some of which I will turn to, but I want to outline briefly the nature of the bill and the reasons why I will support it passionately.

The register will enable same-sex couples to have a legally recognised relationship, and this is a significant achievement. Registration will provide conclusive proof of a domestic relationship, and people in such a relationship will not have to provide any further evidence to establish that their relationship exists. The register will be maintained through the registrar of births, deaths and marriages. There will be a single location for the statutory provisions dealing with property rights following the breakdown of a domestic relationship. There will now be a clearer, fairer regime to deal with the allocation of property if a relationship breaks down.

The bill also provides a mechanism to allow couples to register agreements dealing with how property should be divided in the case of a breakdown. As you would hope and expect, these provisions are subject to a number of safeguards but at their core they give couples the power to determine how they want their property and their contributions to the relationship to be measured and their property divided where there is a breakdown in the relationship.

At a less legalistic level, the bill gives couples the dignity of formal recognition of their loving relationship. This bill provides the security of knowing that their decision to commit to a life shared with each

other is respected. In addition, it addresses the issue that Mr Rich-Phillips identified, and that is it will have a real and significant impact on the lives of individuals, including — and this is an important consideration — where in an emergency there is a discussion with a doctor around a partner's health situation.

The bill is the continuation of a process embarked upon by this government to eradicate discrimination against same-sex couples. The journey undertaken by the government has seen the amendment of some 70 pieces of legislation which were identified as discriminating against same-sex couples. I think these steps are critical. They are critical for the individuals concerned, who are otherwise treated as second-class citizens, but they are also critical in developing the type of society that we should embrace. I am very proud of this government's commitment to reducing discrimination against gay and lesbian individuals. I say this because I passionately believe the dignity of one really does depend on making sure we provide justice for all. I welcome this bill. It provides that greater dignity for the individual and at the same time makes our society a better place for all. As Martin Luther King wrote, 'Injustice anywhere is a threat to rights everywhere'.

Where the law treats any class of individuals as second-class citizens there is always the threat that some will take this as licence to treat those individuals as second-class citizens. We know that members of the gay and lesbian community still face significant discrimination, and worse. A 2002 study by the Victorian Gay and Lesbian Rights Lobby reported that 85 per cent of gay, lesbian or transgender respondents had experienced discrimination or harassment in their lifetime. This discrimination can have a devastating impact on the lives of the individuals concerned and on their families and indeed on their children. This is important, groundbreaking legislation. As I said, it is legislation that defines the society in which we live — a society that is built on respect for the rights of others, a society that is built around equality, compassion and respect for diversity.

In protecting those rights for individuals, we are enshrining rights for everyone. If the rights of one group are inferior, there is a risk that the rights of other groups may well follow. We have seen a pattern emerge in the last 10 or so years where the rights of individuals have suffered. We have seen David Hicks rot in jail for five years without being charged and then being charged with a retrospective offence — he was charged with doing something illegal when at the time he committed the offence his actions were legal. We have witnessed the loss of human rights for individuals like Cornelia Rau. We have seen the loss of rights for

those involved in the *Tampa*. We have seen the loss of rights for the innocents caught up in the so-called Pacific solution. We have seen the saga surrounding the rights of Dr Haneeff. When I look back on these examples, they remind me of the imperative that none of us are safe unless we are all safe. I congratulate the government on this bill, not just because of the equality and dignity that it bestows on same-sex couples but because it protects the equality and dignity of us all.

As I indicated, I wish to briefly return to a number of issues that have been raised in the debate. The first issue is that raised by Gordon Rich-Phillips in relation to the Tasmanian legislation and the absence in Victoria of a carers provision such as that provided for by the Tasmanian legislation. I think Ms Pennicuik also referred to this issue. I can confirm that it is the government's intention to develop legislation that will allow for the registration of caring relationships. Hopefully it will be introduced by the end of this year. The bill has a default commencement date of December 2008. This will allow time to work through the complex issues surrounding the registration of caring relationships. I will return to that issue briefly, but a number of other issues have been raised.

Gordon Rich-Phillips raised the issue of the absence of a ceremony. Indeed Ms Pennicuik has indicated that one of her amendments deals with the issue of having a ceremony. I can advise that it is the intention of members on this side of the house to oppose this amendment. We are not opposing this amendment because we oppose per se the right of individuals to mark the occasion of their registration with a ceremony. That is entirely a matter for the individuals concerned. There is nothing in this legislation that prohibits the holding of a ceremony or defines the nature of a ceremony that can be held. It is entirely a matter for the couples concerned. The view is that there is no need for this legislation to provide for that opportunity because that opportunity already exists.

In relation to the issue of mutual recognition, I note what Ms Pennicuik said. As I understand it, it was her intention to seek to amend the legislation to provide for mutual recognition. I understand it is not her intention to proceed with that amendment at this stage. I can indicate that there are clearly views both ways in relation to this issue. We know, for example, that Tasmania has a relationships register and that our bill is, in essence, based upon that legislation, and there is an argument that there ought to be some recognition of those relationships. On the other hand, there is an argument that says we ought not recognise those relationships on the basis that the Tasmanian legislation does not recognise relationships in other jurisdictions,

and there is an argument in favour of uniformity. We had a broader concern with that amendment, which was that in essence it provides for the recognition in other jurisdictions of legislation which does not exist. The government is concerned about supporting the amendment for that reason. The government intends to carefully and clearly look at this issue — to further consider it. As I have indicated to the house and to Ms Pennicuik, we will consider carefully and seriously the issue of mutual recognition.

In relation to the other issue raised by Ms Pennicuik, her amendment concerning couples where one member is a Victorian resident and the other is resident in another jurisdiction, the government will be opposing that amendment. Ultimately this bill is about the registration of a relationship, and while the definition of relationship is not and should not be overly prescriptive, it is certainly my view that as a minimum both individuals in the relationship should be living in Victoria. A practical consequence flows from having registered relationships where the individuals live in two jurisdictions: there is a concern about the nature of the law that applies to that relationship. Currently the relationships register is about Victorians living in Victoria and about the application of Victorian law to those registered relationships. There is a degree of complexity about situations where one party to the relationship is resident in another jurisdiction.

The other issue I wish to briefly return to is the issue of carers. As I have indicated, the government intends, if this bill goes through, to amend the legislation to address the issue of carers. Ms Pennicuik talked about the provision which deals with carers who receive a fee or reward. As I understand it, the concern is that this would exclude couples where an individual in the couple received some sort of carer's benefit. I indicate that it is the intention of the bill and the government to exclude purely professional relationships. It is not the intention to exclude a relationship where one individual receives a carer's allowance of a sort. As I have said, the government intends to introduce a bill to deal with this issue of carers, and again this issue Ms Pennicuik has raised will be looked at when those provisions are drafted.

However I should indicate the government's view that equivalent provisions that have been in place in other legislation for more than five years have not been subject to this issue; this issue has not arisen in that legislation. Therefore we do not think the issue is as muddy — that was the word Ms Pennicuik used — as she indicated. However, we are prepared to have a look at it in the context of the amendment that we will introduce into this house.

In summary, I am very pleased to be standing here; this is a very proud moment, and this is important legislation. It is legislation which provides for the type of society that I aspire to live in. I would urge the house to support the bill.

**Ms LOVELL** (Northern Victoria) — I rise to speak on the Relationships Bill 2007, the purpose of which is to allow same-sex couples and mixed-sex couples to register their relationships with the Victorian registrar of births, deaths and marriages. The bill will establish a relationship register: it defines the nature of relationships and is largely non-judgemental of them. Registered couples will receive a certificate verifying their relationship which can be used for medical, legal and administrative purposes. Registration will formally recognise the couple's legal status as domestic partners and symbolises that their relationship is respected in Victoria.

The bill is one of those pieces of legislation that has inspired passionate debate in the community. All members on both sides of the chamber have been lobbied heavily by people on both sides of the debate. On the one hand we have those people who are vehemently opposed to the bill and who fear it will undermine traditional marriage. Many have communicated their support for traditional marriage, and I share their respect for marriage as the foundation of our society. On the other hand there are those who support the legislation but who would like to see it go even further. In the middle, I believe, are the vast majority of Victorians, who recognise that modern society is made up of many different types of relationships and that each relationship needs to be treated with dignity and respect.

Relationships are not easy. Sometimes we are good at them, and sometimes we are extremely bad at them. Like people, relationships come in many and varied forms. There is a traditional relationship that we have always known and valued — a relationship that begins with a courtship and graduates to an engagement and then to a traditional marriage. Traditional marriage, as I have already said, has been the foundation of society. It is a relationship that we as a society continue to value and to hold the highest respect for.

In modern society there are many other types of relationships. Some of those include de facto relationships, which were once frowned upon. I can remember even in the late 1970s or early 1980s, when a friend of mine was living with her partner and they went to get a loan or purchase something under hire-purchase. They needed to put a title to their relationship and because they were living together

under the female's name they put 'de facto'. She was most unhappy at being called a 'de facto'. It was considered a derogatory term at one stage. Due to her unhappiness at having that label, the couple became engaged but the relationship did not last because it was a forced engagement for the wrong reason. My friend has since repartnered, gone through the traditional engagement and marriage, and has two children. She has been very happily married to her partner for many years, and it is a much better result for her than her original engagement.

There are also companion relationships. They may be of people who have lost a husband or a wife and have repartnered but do not necessarily wish to remarry. They believed they had married for life but due to unfortunate circumstances a partner has died of an illness or has died young. They have formed a second relationship out of the need for companionship and they may want to give some formal recognition to that new relationship but not necessarily enter into a traditional marriage.

A couple of family friends have been in that situation. One, who was a friend of my grandparents, had lost her husband as a result of World War II. When she was younger — and when we were all much younger — she filled her life with the companionship of many children from the neighbourhood and the children of family and friends. I can remember going to stay at her house quite often. As the children grew up, she became lonely and needed a companion. Another friend of ours, who had lost his wife, became her companion. They never lived together but they had a relationship that filled a need they had. Both of them were independently quite well off so they did not need to depend on each other for financial support. They died in an order that meant it probably would not have affected them anyway. If there is a need for one or other person in such a relationship to be looked after financially, and the partner wants to make that arrangement, sometimes it is not without difficulty for that to be done in a will. Formal recognition of a relationship through registration may make it easier.

We have another family friend who has also formed one of these types of relationships and that relationship is still going strong. Both parties lost their partners to cancer. They were both lonely and needed companionship. They share a home and both have families of their own. I am sure that if one or other of them passes away in the immediate future they would want some sort of assistance given to the other partner to ensure that they were financially secure for the rest of their life, before all property and whatever other assets they have are passed on to the children.

There are also same-sex relationships. Again, I have several friends who are in these types of relationships and most of them are long-term and committed relationships. They want the opportunity to organise their legal affairs and to recognise their long-term partners so that, in the event of one of them dying, the other will be looked after. This bill gives couples who enter into a relationship that is not a traditional marriage a legal arrangement that enables them to carry out their everyday affairs without having to prove their relationship over and over again. It will give their relationship the legal status of a partnership. It will make it easier for them to access existing entitlements and to deal with medical emergencies without having to justify their relationship.

I had a friend whose partner in a same-sex relationship was rushed to hospital. After she accompanied her partner to the emergency department, she was denied access to the emergency area where her partner was. It was only after she threatened to sue the hospital that she was allowed access to the emergency area so that she could be with her partner. A registered relationship will prevent these types of events occurring. It will also make it easier to deal with financial and property matters in the event of a relationship breakdown.

I will support this legislation because I believe it delivers a sensible solution to those couples who either choose not to or do not qualify to enter into a traditional marriage. It will give them the opportunity to enter into a registered relationship that will enable them to better organise their legal and financial affairs.

Every relationship begins with a great deal of hope and with aspirations that it will be a long and loving union. However, it is inevitable that some relationships will not last and that even when they do in some cases a family will contest a will. I believe that as legislators we have a responsibility to put in place legislation that supports a couple to manage their relationship when they are together, in the sad situation of the passing of one of the partners, or in the event of a relationship breakdown, and that allows the couple to deal with their financial and property issues in the easiest manner possible without any unnecessary difficulty or pain.

Finally, I restate my support for traditional marriage. It is the foundation of our society and will continue to be so. Many of those who oppose this bill have stated that they believe that this bill will undermine traditional marriage. I do not believe that this is so and would not support the bill if I thought it would. To me marriage is the union of a man and a woman before God, and the church believes in a union between a man and a woman. I would never support any legislation that

imposed on the church the performance of a ceremony that was not in its beliefs.

Whether this bill passes or not, I believe traditional marriage will continue to be the foundation of our society, and whether it passes or not, the relationship it speaks of will continue to exist. I believe that as legislators it is our duty to support legislation that enables all members of the community to be treated with dignity and respect and be able to manage their financial and legal affairs as simply as possible. For this reason I will support the bill.

**Mr SCHEFFER** (Eastern Victoria) — The Relationships Bill extends human rights in Victoria and should be strongly supported. The provisions of the bill harm no-one; they limit or adversely affect no-one's existing rights. The provisions of the bill do the opposite: they strengthen and develop the rights of many people who on an almost daily basis face difficulty in establishing the legitimacy and authenticity of their relationship with their partner. Through this bill the community collectively recognises the legitimacy and dignity of the thousands of genuine relationships that exist between couples who either do not wish to marry or who are unable to marry.

As the Attorney-General stated in his second-reading speech, the bill will give peace of mind to couples choosing to have their relationship formally registered, because they will no longer need to prove the genuineness of their relationship when attempting, for instance, to discuss their partner's health information during an emergency or when seeking to obtain compensation entitlements as a dependent partner.

The opportunity to formally register a relationship is important because it publicly validates the deep personal commitment that people have to their relationship and that mostly they can share only privately within their own social circle. Most people who are in married relationships count amongst their friends those who are in relationships that are not formally recognised by our institutions, and they have a fair understanding of the negative impacts this lack of general social recognition has on a person's sense of belonging and personal validity, not to mention the many practical difficulties they need to deal with.

The vast majority of Victorians understand that our society is diverse and that adults should be free to conduct their personal lives as they wish, provided that they cause no harm. Victorians understand that people have a natural wish to have their relationships publicly recognised and that they already do this in a variety of ways — in a variety of religious and cultural traditions

and also in the form of civil ceremonies. I think Victorians also believe that it is better that domestic relationships should be regulated through the law and that we do not want to go back to the kind of dysfunction that existed in Britain before Lord Hardwicke's Marriage Act of 1753.

It makes good sense to establish a legal basis for registering genuine relationships for people who, as I have said, either do not wish to marry or who cannot marry under our laws. And yet, along with other members, I have received emails and a few letters from constituents who believe that in line with the Christian principles on which this country was founded, the Relationships Bill will undermine marriage in Australia, or words to that effect. Others have written to say that the relationships register would be dangerous to the family unit and to the institution of marriage, and that having a relationships register would undermine its unique status.

On the one hand these writers say that the relationships register should be opposed because it is weaker than the marriage contract, and on the other they say that it will be an open door to those who want the same rights as married people. These writers have consistently reminded me that marriage should always be between one man and one woman — a matter that is not contested by the Relationships Bill, and there is no disagreement with that here. But none of the people who have emailed me — in fact, none of the people I have heard speak in opposition to this bill in the house today — have clearly established the logical or practical connection between establishing a relationships register and undermining the institution of marriage. The only point that has been made by these people is that people who would otherwise marry might now prefer to have their relationship registered under the provisions of this bill. So in the end the objection is that some people may prefer the arrangements in this bill. This seems to me to be an argument in support of its provisions.

Along with other members, I have received material from groups who have argued that while they support the legislation in that it provides financial and work-related entitlements that assist people in supportive and caring relationships, they believe the provisions in the Relationships Bill should not be predicated on the existence of a non-marital sexual relationship. Some have put the view that in codifying provisions that aim to establish a relationships register the law should be blind to the sexual dimension of a relationship. In my reading of this bill I cannot see any evidence at all that the bill refers to sexual relationships.

The relevant sections of the bill are in chapter 2, 'Registration of domestic relationships', and part 2.2, 'Registration of a registrable relationship' in clauses 6 to 16, which set out the conditions that must be satisfied and the steps that are involved in having a domestic relationship registered. Under these provisions a registrable relationship means a relationship between two people who are not married to each other but are a couple who are, to summarise, materially interdependent.

The public understands perfectly well the difference between, for example, a couple who do not wish to marry or cannot marry but wish to have a formal and legal recognition of the status of their relationship, and a couple who are married — a couple whose relationship is registered under the Marriage Act. I also believe that overwhelmingly people recognise the unfairness of preventing some citizens from having their relationship legitimised. The vast majority of Victorians believe that individuals should be free to conduct their relationships as they see fit, as I said earlier, provided they abide by the law, do no harm to others and make a positive contribution to their communities.

The aim of the bill is to establish a register of domestic relationships that will enable a formal recognition of those arrangements with the registrar of births, deaths and marriages. Registration will constitute proof beyond question that a genuine relationship exists between two parties. The bill makes it possible for the first time for people in a domestic relationship to enter into an agreement on their finances and property which the courts can deal with as they deal with a contract.

The bill describes a domestic relationship as that existing between two persons who are not married to each other but who are living together as a couple on a genuine domestic basis, and that definition is consistent with part 9 of the Property Law Act.

The bill provides a single site for the legal provisions that relate to property division and maintenance arrangements in the event of a breakdown of a domestic relationship and for the enforcement of relationship agreements. These agreements can be made before a couple register their relationship, during the period the relationship lasts, at a time when it looks like the relationship will end, and also after the relationship has ended.

One of the objectives of the bill is to extend equality before the law by recognising relationships between two people regardless of the genders of the individuals involved. This is good legislation that will make an

important and positive difference to the lives of Victorians. I commend it to the house and urge all members on the non-government side to support it.

**Mrs KRONBERG** (Eastern Metropolitan) — I would like to cover the five main areas the Relationships Bill provides for. It provides for a register for domestic relationships, relationship agreements between domestic partners, the power of courts to alter the property interests of domestic partners, maintenance payments by domestic partners and consequential amendments to other legislation.

This bill applies equally to heterosexual de facto relationships. The bill also draws largely upon the provisions of the Tasmanian Relationships Act of 2003; however, the Victorian bill applies to relationships between two persons who form a couple, and there is an implied sexual relationship. Importantly, the bill does not allow for the registration of other kinds of relationships based on the provision of domestic care and support.

From the outset I would like to say, as a somewhat personal reflection, that for my entire adult life I have had the pleasure and privilege of having many friends who have gone on to form same-sex relationships. I cannot remember a time in my adult life when I did not enjoy their company or understand and share their pain and sorrows as they have wended their way through the course of society's adjustment to their lifestyle choices. Members of my family through marriage maintain same-sex relationships. Where would we be without the contributions to society of people who espouse same-sex relationships?

However, as much as I personally wish to eliminate any suffering or concern of same-sex couples across the state, we have to say in the cold, hard light of analysis that the bill will serve to undermine marriage for heterosexual couples because of what it facilitates. In our society the normative unit is marriage between a man and a woman, and to quote Archbishop Hart of Melbourne:

The status which the law confers on marriage is justified by the benefits which marriage confers on society.

It is possible that this bill will result in a paradigm shift as to what is normative. The shift and its consequences may eventually percolate down through to the youngest in our society, and whilst the make-up of families is now quite a mix, with blended families and the opportunity for children to have multiple step-siblings — there are single parents, grandparents with their grandchildren, children of de facto relationships, children born of surrogacy, surrogacy by

siblings et cetera — we still need the foundation of the symbolic rock which allows us to usher the next generation into this world with the greatest degree of safety that we can possibly provide as human beings. This bill specifies criteria for determining whether a domestic relationship exists, so it is important to note that these criteria are the same as those that were inserted by this government into the Property Law Act by the Statute Law Amendment (Relationships) Act back in 2001.

I have to say that for many years I have been witness, through my circle of friends, to some of the worries that same-sex partners might have been put through in terms of being recognised as next of kin in case of a medical emergency. With my brother-in-law living overseas, I can tell you that when his partner was dying of AIDS we experienced firsthand a lot of suffering within that jurisdiction. No-one considered that such a person would already be under great stress because of their partner's medical condition and suffering and doubted whether they should be interrogated by medical staff as to whether they had the right to be with their partner or act as next of kin. I was particularly concerned about this because of the family circumstances.

After the death of the partner from AIDS there was a very complex battle, with members of the immediate family claiming property rights to the apartment they owned together, and there were also times when the healthy surviving partner was made to feel uncomfortable during medical events. This does not happen in Australia.

**Mr Scheffer** — Yes it does.

**Mrs KRONBERG** — It does not. Against this background I have looked very carefully at what needs to be changed in Victoria to ensure that these hurtful, embarrassing and frustrating events are not inflicted on same-sex couples here, and to my profound relief I have found that their rights have already been catered for in the 2001 Statute Law Amendment (Relationships) Act. I am amazed that the Attorney-General sees the need to cloak this bill with the mantle of such important need when in his second-reading speech in 2001 he actually specified what the provisions were meant to achieve. He said that the bill would ensure that there is recognition of the right 'of a lesbian woman to be consulted about the medical treatment of her hospitalised female partner'. And rightly so; and that has been prevailing in this state since 2001. That is why I challenged what Mr Scheffer had to say. But amazingly enough, this is put forward as the main reason for this bill. I must say I am sure that a number of consciences of members of the

government are being pricked on this issue, and we can see that from the outcome of the voting in the Legislative Assembly. I thank God that I belong to the Liberal Party, which has given me the choice to vote as I feel I must.

It is felt that this system of registration will be akin to marriage and will not simply be an administrative exercise; that would mean that this state is supporting same-sex relationships as the norm. As we are an enlightened society here in Australia, and in Victoria in particular, it is not really necessary for the entire culture to experience such a profound change in order for homosexual couples to feel valued, welcomed, comfortable and accepted as part of our community. From my viewpoint they already are, and rightly so. Let us face it: male and female relationships merit unique recognition. It we look at the federal Parliament's view of reserving marriage for male-female couples, we see bipartisan support for its preservation. Frankly this unique relationship needs to be upheld and championed. With this legislation there is the potential to weaken male-female relationships. It is an ersatz form of marriage and a downgrading of expectations.

For me, the government has embarked on a dangerous course, because the bill represents a seismic shock to an enduring ideal. Even in these times of much social upheaval, marriage is still there to ensure that children have the optimal opportunity for emotional and financial support because of the lifelong commitment that most married couples make — no matter what happens during the course of a marriage — to achieve a long-term objective. I think they do that with the best of intentions, no matter what happens to derail the marriage.

With the registration of relationships, surely the government understands it is setting up the conditions for couples to ask: why should we marry at all? This way we have a relationship that is easier to slide into, and equally easy to slide out of. The government should operate at all times in the way that doctors agree to do when they take the Hippocratic oath, in that they set out to do no harm. The interests of children must at all times be paramount. The interests of children are best safeguarded in a stable relationship, not one that starts out with a cynical, short-term commitment.

Legal access for same-sex couples, along with social equality and acceptance, has already been covered in legislation introduced by this government. This bill does not seek to ameliorate the injustices that we are led to believe still prevail; rather it is designed to replicate marriage for same-sex couples, and I am unable to support it.

**Ms TIERNEY** (Western Victoria) — I rise to make a contribution to the debate on the Relationships Bill and, like many other members of the chamber, I have received many emails and pieces of correspondence from constituents and the various organisations which previous speakers have referred to. I have read all of the correspondence, and I have also met with many people and listened to their positions. I have also studied the elements contained in the bill.

The plain facts are that the bill establishes a relationships register for adult partners who are not married but are in committed relationships. Essentially it means that it will be much easier to access entitlements, and it will also mean that people who are registered in these relationships will not time after time have to prove that they are in committed relationships. It will also mean that they will not have to prove this in a court.

To me the bill means many things. Primarily it will mean recognition. It is an acknowledgement of those relationships other than traditional marriages. The bill means that, hopefully, society has stopped, has taken a look and is rectifying a situation that has led to discrimination, so that when your partner is seeking medical attention you will be seen as the appropriate person to be consulted by the medical practitioner. In a time of crisis you will not have to stand there and argue the existence of your relationship, but instead you will be able to concentrate on what is at hand and deal with the medical emergency. It will also mean that people will have access to superannuation entitlements in the same way that many others in relationships have been able to enjoy that benefit over some time.

It will also mean that a person can be seen as the primary person for people such as funeral directors to deal with. For example, in circumstances where people may be in a same-sex relationship and the parents of the deceased want to intervene, they cannot do so at this point. They cannot intervene and marginalise the partner in the relationship, put them to one side and organise all of the arrangements without due consultation. Funeral directors will be obliged to sit down and consult with the same-sex partner in the same way as they would with any other partner. It is about the recognition of relationships. It is not marginalisation; it is quite the opposite. It is a recognition about the inclusion of relationships other than traditional marriage.

In all of this I sincerely hope the bill will make life in a practical sense much easier in respect of entitlements and status. I know from speaking to constituents, friends and family members who are in loving and

committed relationships that the register and the consequential recognition have been a long time coming. I hope people in these relationships will be able to engage in our collective community without being sidelined and having to justify themselves and their relationships, or the quality of their relationships. I thank them for their contributions in agitating at many levels to bring this type of reform to this house.

I found it quite interesting talking to people in the wider community in the lead-up to this bill, and I found that the majority of people I spoke to who were heterosexual, whether they were married or not married, did not believe that people in same-sex relationships are denied the basic rights that we are talking about here tonight. In fact most people thought that there was legal protection; that there was legislation that had been passed through parliaments many years ago. They were quite shocked and appalled that the benefits and status that they take for granted had been denied to a whole sector of our society.

In conclusion I wish to thank the many people who have worked tirelessly to make sure that this bill is before us today. I thank them for the journeys they have endured in making sure that people of our next generation do not have to justify their existence, do not have to justify their sexuality and do not have to justify their relationships over and above anyone else in the community. I commend the bill. I wish it a speedy passage, and I urge the opposition to recognise that the episodes of middle-class United States of America sitcoms, *Leave it to Beaver*-type episodes, need to remain on TV sets of the 1950s.

**Mrs COOTE** (Southern Metropolitan) — Relationships — I decided I would go and check what a relationship is. I went to a traditional reference book, the *Concise Oxford English Dictionary*, and under ‘relationship’ it says:

the fact or state of being related ... a condition or character due to being related ... kinship.

Under ‘relation’ the same dictionary states:

a narrative ... the laying of an information ... the way in which one person or thing is related to another ... connection correspondence, contrast, or feeling prevailing between persons or things ...

The *Concise Oxford English Dictionary* is a traditional way of looking up information, but I decided that we live in a technical world; we live in a fast world where information is shared very rapidly, so I also went to the internet and googled ‘interpersonal relationships’ and there were pages and pages and pages of items. It talks about relationships in business, relationships with God,

nurse-patient relationships, patriarchy, patrimonial and filial piety and so on.

Then I went to Wikipedia. Wikipedia may be a lot of things, but it is mainly a social reflection. It is a reflection of what people across the world, across this country and in this state think. I went to ‘interpersonal relationship’, and this is what it had to say:

kinship relationships (including family relationships) ... formalised intimate relationships or long-term relationships recognised by law and formalised through public ceremony ... non-formalised intimate relationships or long-term relationships such as ... romantic relationships —

such as girlfriends and boyfriends and lovers —

soulmates, individuals intimately drawn to one another through a favourable “meeting of minds” ... casual relationships, sexual relationships extending beyond “one night stands” ... platonic love, an affectionate relationship into which the sexual element does not enter ... friendship, which consists of mutual love, trust, respect, and (often unconditional) acceptance ... brotherhood and sisterhood: individuals united in a common cause ... partners or co-workers in a profession ... participation in a community, for example, a community of interest or practice ... association, simply knowing someone by introduction or knowing someone by interaction.

Although the concise definition is just that — concise — there are some very similar threads with what Wikipedia, the tool of today, has had to say.

What are the fundamentals of a relationship? I would suggest they are trust, respect, loyalty, communication and common interest. I ask everyone in this chamber tonight, either in the gallery or within this chamber itself, what ‘relationship’ means to them. Now I ask: is there anything that suggests that same-sex relationships are built on values other than trust, respect, loyalty, communication and common interest? I do not think so.

I totally respect the institution of marriage, just as I totally respect and value the commitment of a civil registration ceremony. I believe that people who want to make a commitment to each other should be able to do so — in fact should be encouraged to do so. Relationships and commitment are under threat in our community today. People are increasingly feeling constrained by time and circumstances and to spend time and effort on a relationship is just all too hard, and so for me commitment is vitally important.

There are technical aspects of this bill that are non-contentious. It is the issue of the recognition of a same-sex relationship in a formal manner that has raised some violent discussion. This is a difficult bill, for it challenges the supposed foundations and values of society as we have known it. As current-day legislators,

we must look at what has been successful in the past and build on it. Our charter is to represent the community of today and into the future. That is our responsibility.

There are members of Parliament who are vehemently opposed to the recognition and registration of the relationships of same-sex couples. They reflect the views of their communities and I totally respect that, but I reflect the views of my community and that includes a large number of same-sex couples. They, like many of us in this chamber, have been together in loving, respectful, quiet, stable and supportive relationships for decades.

As I said, there are some concerns about this bill. For example, I was very interested to hear Ms Pennicuik say in her contribution that the government had agreed to look into some aspects of this bill and bring it back later this year. I ask: why was it not fixed originally? Why were we not presented with a bill that in fact reflected all the issues and things we feel? It has been a missed opportunity and I am sad that these issues were not dealt with, but I hope when this bill comes back a number of things will have been looked at.

I look at the issues that were raised in the submission from the family law, administrative law and human rights, and property and environmental law sections of the Law Institute of Victoria (LIV) and highlight a number of concerns they have about this bill. I hope the government looks at these issues, addresses them and speaks in depth with people at the Law Institute of Victoria so that when the legislation comes back here, it is right.

One of the concerns that the law institute has is the definition of 'adult'. Other concerns relate to the requirement that a person be domiciled or ordinarily resident in the state, a registrable relationship not including a person who provides domestic support and personal care for fee or reward, the bill not allowing for recognition of registered relationships in other jurisdictions, and the definition of 'child' in relation to domestic partners.

About the definition of 'child', the institute goes on to say in its submission:

The LIV recommends that the definition of 'child' in clause 39 of the bill be amended to incorporate the meaning of 'child' in clause 45(1)(b)(ii), by including a further subclause (d): 'a child accepted by one or both of the partners into their household, whether or not the child is a child of either of the partners'. We consider this amendment important to ensure the recognition of children whose parents are same-sex domestic partners.

This is probably an oversight by the government. I certainly hope it was and that it will be addressed when it goes back to the drawing board, so to speak.

The concern with which I am in agreement with the law institute is another element of its submission — that is, the confidentiality and restriction of reporting proceedings. It is very important that we deal with confidentiality, which has been overlooked in this bill. It is an important element that should be revisited. The submission goes on to say that:

The LIV recommends that the bill be amended to include a provision similar to section 121 of the Family Law Act 1975 (Cth) (FLA). This would restrict the publication of any account of proceedings which identifies either a party to the proceedings, a person who is related to, or associated with, a party to the proceedings or is, or is alleged to be, in any other way concerned in the matter to which the proceedings relate, or a witness in the proceedings.

The LIV considers that it is appropriate for reporting of proceedings to be restricted in property and maintenance matters, in order to protect the children of domestic partners.

I certainly hope that is something that is looked at and that the government deals with the law institute on that issue.

I was very interested to see that Ms Pennicuik withdrew one of her original amendments which was to have dealt with the recognition of relationships that have been registered in other jurisdictions — for example, Tasmania and the Australian Capital Territory — and I add to them the United Kingdom and New Zealand. It is a pity that we are not to get an opportunity to divide on this issue, because I believe it is very important. From listening to Ms Pennicuik I understand she has been assured by the government that it will address this issue and that it will be included in the bill when it comes back here. We are holding the government to this promise to the Greens. I hope to see that reiterated in a re-presented bill. I hope it was an oversight. The ramifications are unnecessarily discriminatory, and they should be corrected.

On the other amendment the Greens have put forward, I certainly agree that the application to register a relationship should require that at least one person be domiciled in this state. I have some difficulty with the amendment providing that the registrar may conduct a ceremony in conjunction with the registering of the relationship. I have an enormous amount of empathy with people wishing to register, and I understand that any loving couple going to the effort of registering their relationship will want to have a ceremony in recognition of that. I certainly understand that it will be a very exciting and special moment for the people concerned and that it will be a significant celebration,

but I am not convinced that the state has to include that ceremony in legislation. I have some difficulty with that proposed amendment, and that is my position.

In conclusion, I believe that members of the wider community wish to live in a state that removes discrimination against people on the basis of gender identity. I most certainly have that wish. This bill is a recognition of the realities of modern Victoria. It will allow same-sex couples life security, peace of mind in the event of a partner's death and fair treatment should their relationship break down. This bill is about equality and human rights; it is about same-sex couples having the option of having a loving, committed relationship being officially recognised. That should be the fundamental right of everyone. I will be supporting this bill.

**Ms DARVENIZA** (Northern Victoria) — I rise to support this bill and to oppose the proposed amendments. Firstly, I agree with the sentiments Mrs Coote expressed at the conclusion of her contribution, that the community wants the discrimination against same-sex couples eliminated. They will welcome this bill and the sort of respect and legal protection that it will afford other people in same-sex relationships. We live in an enlightened society. People in same-sex relationships need to be protected so that they do not have to continually prove that they are living together and are in a committed and loving relationship where there is dependence — whether that be emotional or financial — on each other and a mutual respect of each other.

I want to address some of the criticisms of the bill which were made by Mrs Kronberg. Her criticisms may have been echoed by other members during their contributions; I did not hear those other contributions but I heard what Mrs Kronberg said.

Mrs Kronberg talked about the bill downgrading marriage. I cannot and do not agree with that. I do not see how the recognition of a committed relationship between two adults who are of the same sex can impact or downgrade a committed relationship between a heterosexual couple. Mrs Kronberg also said that marriage financially and emotionally protected children and that marriage afforded children security. She said that is why marriage is so important and why this bill should not be supported. But same-sex couples also have children, and the children of same-sex couples deserve to have as much protection as the children of heterosexual couples, through the emotional security of a relationship and the sorts of security that this bill offers same-sex relationships, including financial security.

I do not accept that marriage is the only relationship which produces children; that is not the case. I agree that children need to be protected and need to be in the most secure kind of relationship possible. The provisions outlined in the bill before members today will help to secure those relationships.

At the moment we discriminate against people who are in same-sex relationships and people who are not married, which include people who choose not to marry and those who are in same-sex relationships who are unable to be married but who may want to be married. This bill is a good bill; it deserves support from all members of the chamber. It is not something new. In 2007 the government announced it would establish a relationships register similar to the model in the Tasmanian Relationships Act 2003.

This bill builds on the reforms which were put in place in 2001 when a large number of Victorian acts were amended to recognise the rights and obligations of partners in domestic relationships, irrespective of the gender of the people in those relationships. The reforms in the bill form part of the vision which our government set out in *Growing Victoria Together*. They are reforms which work towards the goal of creating a fairer society for everyone and which reduce disadvantage and also respect diversity. That is exactly what this bill does. It ensures that people are not disadvantaged because they are a part of a same-sex relationship. It also respects the diversity of relationships within our community.

The bill establishes a relationship register for the registration of domestic relationships. The bill describes a relationship. Mrs Coote referred to Wikipedia and dealt with a whole raft of relationships and with what the word 'relationship' means. The bill says:

A registrable relationship means a relationship, other than a registered relationship, between two adults who are not married to each other but are a couple where one or each of the persons in the relationship provides personal or financial commitment and support of a domestic nature for the material benefit of the other. A couple does not necessarily have to be living together to be in a registrable relationship.

The bill clearly spells out the relationships that will be able to be registered. This is about a committed relationship between two adults, regardless of their gender and regardless of the fact that they may or may not be living together.

The relationship register will allow couples in a registrable relationship to register their relationship with the registrar of births, deaths and marriages. The register will operate as a single system of registration across Victoria. Registration will provide conclusive proof of a domestic relationship where such a

relationship is recognised under Victorian law. Partners in registered relationships will not have to provide any further evidence to establish that their relationship exists. This will make it easier for couples to access their rights under Victorian law. Couples will not have to go through the process of having to demonstrate to whomever it may be that they have a committed relationship. In the case of a death — which is not an easy situation for family or friends to deal with — of a partner in a same-sex relationship it can often be even more complicated because the family may not accept the relationship. It may be complicated even when the family does accept the relationship because church organisations or funeral directors, as pointed out by Ms Tierney, or other people associated with the conducting of the funeral service do not recognise the partner of the person who has died.

Mrs Kronberg talked about death and dying where a partner in a same-sex relationship may be terminally ill and there are difficulties associated with the partner being able to visit the person who is ill and difficulties about who is the next of kin. These situations are often able to be dealt with quite smoothly when there is an acceptance and recognition in the family and the extended family of the relationship, but in circumstances where the relationship is not recognised they can become quite complicated and difficult. This bill will make all those situations much easier. The very fact that you have registered a relationship and declared that relationship by putting it on the register means that everyone knows and understands that you have a committed, emotional, loving and caring relationship. That is very important to the stability and the recognition of all relationships.

The bill will make sure that there is not a continual need to establish that the relationship exists. The bill also provides a single location for statutory requirements governing property matters in the event of the breakdown of a domestic relationship. It also provides for the enforcement of relationship agreements, property adjustments between partners and maintenance. In circumstances where the relationship breaks down the couple are afforded the weight of Victorian law when it comes to dealing with property, when it comes to dealing with agreements that the couple may have entered into and when it comes to dealing with maintenance and upkeep, whether it is for the remaining partner or for a child in the relationship. It provides protection and recognition for the couple and it provides protection and recognition for the partners within the relationship if and when the relationship breaks down. We all know how messy and difficult a breakdown in a relationship can be, which is why it is so important that we have a bill like this that

affords same-sex couples the same support from Victorian law that a married couple would receive.

This is a very good bill. The Victorian law institute was mentioned by Ms Coote in her contribution. The law institute supports this bill. I acknowledge it has made some comment to the effect that it could go further, but it has also recognised that this is a good bill and supports it.

As a society we need to ensure that we protect people as much as possible, and protect them at times when they are likely to be more vulnerable. The way we do that is to ensure that couples and relationships are recognised. We do it by recognising family relationships; we do it by recognising marriages; we do it by recognising de facto relationships, and of course we do it by recognising same-sex couples as well.

We do not want to discriminate against sectors of our community. We have all received a plethora of communications from people who are very supportive of this bill as well as from individuals and organisations who do not support it. We have all looked at that material very carefully. As a government we have made our position very clear since coming into government: we believe that same-sex couples deserve and should be provided with support through laws like the one we are proposing with the bill.

As I said, this is a very good bill. It is a bill that removes discrimination that occurs against a section of our community. It is a bill that deserves the support of all members of this chamber. I congratulate our Attorney-General for bringing this bill before the Parliament. I wish it a speedy passage. It deserves the support of all members of this chamber.

#### **Sitting suspended 6.28 p.m. until 8.02 p.m.**

**Mrs PETROVICH** (Northern Victoria) — I rise today to speak in favour of the Relationships Bill in its present form. I choose to do this on the basis that I do not support discrimination against members of our society based on their sexuality. In a contemporary society which is inclusive and non-prejudicial it is timely that we acknowledge many of the rights that heterosexual couples take for granted.

This bill seeks to register relationships by the establishment of a relationship register. It enables those relationships to be defined by registration and deregistration, and importantly acknowledges the property rights of gay and lesbian couples and other partnerships, which are not currently defined. It also includes provisions which may have been included in other acts. The relationships register will allow

Victorian couples in registrable domestic relationships to register their relationships with the registrar of births, deaths and marriages. Registration will provide conclusive proof of the existence of a domestic relationship. Partners in registered relationships will not have to provide any further evidence to establish that their relationship exists. This will make it easier for domestic partners to access their rights under Victorian law.

It has been stated by the Attorney-General that the bill does not include an exchange of vows or the use of celebrants or a formal ceremony. For marriage to be the next step, or the erosion of community values, is not the purpose of the bill before us tonight. This is about supporting and assisting members of our community to better manage those issues which affect all of us in our lives.

This bill does not support gay marriage. If it did, I would not support it. I see traditional marriage remaining at the core of our society. It is for the benefit of raising and nurturing children. It should be remembered that marriage is the cornerstone of a civilised, stable society, and demonstrates the clear Christian values that our society has been successfully living under for many hundreds of years. If this bill passes tonight, I do not see that it will undermine this and the tradition of heterosexual marriage. Marriages will continue. Some will be successful and some may not endure. This is the nature of all relationships. This is no substitute or replacement for marriage — there is no substitute for traditional marriage.

What this bill seeks to do is alleviate some of the difficulties around property, inheritance, superannuation and in the case of illness or emergency the opportunity for that partnership to be recognised so that a partner can be with their loved one in their time of greatest need. These are all things that many of us take for granted, things that heterosexual couples take for granted.

Opponents of this bill have stated that it will in some way undermine our society and the way it functions. I am saddened that in our community there are members who still have difficulty being open about their sexuality because of community prejudice and the pressure this places on them, particularly young members of our society who may be struggling with their identity or coming to grips with their sexuality. These issues which we are able to speak about in this place should be reflective of community views, and some of the more difficult issues confronting our community should be discussed in this house and within the community. If we do not do that, we will

never overcome the struggles facing some of our community members. If this bill alleviates some of the pressure on those individuals, it is a good thing.

In 1980 the Hamer Liberal government introduced and passed the Crimes (Sexual Offences) Act. This decriminalised homosexuality between consenting adults. The Liberal Party recognises the right of individuals in our community to make choices about their private lives, and to do so without government interference. The Liberal Party allows for a free vote on issues such as this, which I think is important. Many diverse and wide-ranging views have been expressed in this chamber today, and this reflects the wide-ranging and diverse views on this subject in the community. This is reflective of our party's approach to dealing with issues of this nature. It is important to remember with issues such as these that all views should be respected, just as those individuals in our community who are affected by these matters should be respected. I commend the bill to the house.

**Mr LEANE** (Eastern Metropolitan) — It is a privilege for me to be able to speak in favour of this bill today. I would like to thank the many people, both from inside and outside my electorate, who have contacted me through letters and emails to pass on their thoughts and concerns on this bill. This correspondence has included a lot of arguments in favour of the bill being passed and a lot of arguments against it being passed.

I will outline some of the reasons why I support the bill. One of the reasons is that the great majority of our society clearly believes it is unacceptable to discriminate against a person because of their sexual preference. In many areas, including employment opportunities, it is illegal to discriminate against someone because of their sexual preference. On top of that, it should be illegal to discriminate against a couple who are in a domestic relationship but who are not married. Therefore, supporting this bill is a no-brainer for me. It gives committed domestic partners, regardless of their gender, the opportunity to legally register their relationship with the registrar of births, deaths and marriages if they wish to do so.

It is a fact that we live in a community where fewer people are getting married. We live in a community where more and more people are choosing to live in de facto relationships, whether they be heterosexual or homosexual relationships. This is a reality we live in, and as legislators we have to legislate for all the community within the reality we live in. We cannot legislate on the basis of false notions of what some people think our society should be. There is no point in

our being here if we are not relevant to what is happening out there in our cities and in our suburbs.

Some people have lobbied me to vote against this bill because they believe passing it would be an attack on the family unit. I do not agree with that. I had an interesting conversation with a Family First volunteer while we handed out how-to-vote cards next to each other two federal elections ago. I was handing out ALP how-to-vote cards, not Family First ones! We had quite an interesting conversation, which I initiated by asking, 'What's your mob all about?', seeing that at that time Family First was a relatively new political party. 'Can you tell me what Family First is all about?', I asked.

She answered, 'Our party stands for what is good for the family. Anything good for the family is what we will be representing'. That led me to ask further, 'What families?'. The answer was 'All families'. I said, 'That is great. In saying that you mean all types of families, which include families with single mothers, families with single fathers, rich families, poor families and families with parents who are in de facto relationships?'. After a bit of thought the woman responded, 'No, it is not exactly right. We just stand for what is good for families'. That led me to believe that her view of what families are was quite different from what I view the family unit to be now.

In my view the family unit takes in a multitude of different combinations. As I outlined to my handing-out-how-to-vote-card acquaintance, families now are not necessarily based on a man and a woman being married and having the 2.3 children in the ensuing years — and not before.

**Mrs Peulich** — Two point seven.

**Mr LEANE** — Two point seven? I stand corrected. Thousands and thousands of families have chosen to exist happily without this base of being a married couple for decades. If the people who have written to me along this line are urging me to defend what they see as the only acceptable family unit, even if I wanted to defend their position I would see no point in taking up their fight, because the way I see it their quest was lost decades ago.

Our society has changed. Committed relationships in our society do not exist only between married partners. It is important that a couple whose members have committed to a domestic relationship can register their relationship if they choose to. Registration of relationships will also be very important in enabling couples who so wish to enter into a relationship agreement covering property and maintenance to

protect all parties, including children, if there is a breakdown in the relationship. It is important not to discriminate against these couples if they are not married or for that matter if they are not heterosexual. I commend this bill to the house.

**Mr GUY** (Northern Metropolitan) — I am pleased to make a short contribution to debate on the Relationships Bill 2007, and I note that the Liberal Party has provided its members with the opportunity of a free vote, which is something that a number of our members have said we are very proud of. The Relationships Bill will have a profound impact on and be of profound importance to many people in our community. It will have an impact upon many people's lives if it is passed here tonight. It is a bill that will give formal recognition — not on the same level as marriage, but nonetheless formal recognition — to relationships that are neither de facto nor legal marriage.

As we all know, this bill has drawn much debate among many people in our community over recent weeks. I have had a very large amount of feedback, as no doubt have other members, particularly from the Christian churches. I want to pass on my appreciation of the Catholic Church, the Presbyterian Church and a range of other Christian churches and organisations for taking the time to inform me of their points of view. Further, I want to pass on my thanks to members of my own party, particularly Jan Kronberg, a member for Eastern Metropolitan Region, who took the time to pass on information from other religious leaders in Victoria whose input is valued and always very worthwhile.

I have thought long and hard about this bill, about its impact on society after its possible passing in this chamber tonight, about the views of those who oppose it and about the views of those who support it. Further I have noted with some interest and a little bit of sadness that the debate on this bill appears in some respects, particularly in the other chamber, suited to a routine piece of government legislation rather than a bill that may bring a profound social change for many people within our community.

The bill will provide a legal framework for couples other than those who are legally married. It will apply to de facto and same-sex couples and even to couples where one or both partners provide domestic care to each other. The bill is very broad and wide ranging.

I believe no-one in society has a monopoly on love. No-one's opinion is right or wrong when it comes to what a couple believes to be their expression of love, what that expression is for them and what it means to

them. While I do have some concerns about the elements of this bill, as far as I can see it simply seeks to recognise any genuine, loving, caring relationships within the protection of a legal framework. As I see it the bill seeks to provide that legal protection to people who choose to recognise their relationships within the framework of the law without seeking or having access to the legal protection of marriage. I do not view those aims as offensive, immoral or wrong.

The bill undeniably has a very strong impact upon the many people in our community who are in same-sex relationships. From much of the correspondence I have received it seems that some associate this bill with the recognition of short-term, promiscuous homosexual relationships. This argument has confused me, as it is obvious to me that promiscuity is not a trait wholly owned by partners in same-sex relationships. A trip to any bar or nightclub in Melbourne on a Friday night may alert people with that concern to the fact that short terms and promiscuity exist within many heterosexual relationships as well.

On a personal note, I am very good friends with a number of same-sex couples who are in long-term, loving relationships and have been for many years. It is frankly my view that their relationships are their business. I believe no-one has the right to tell them that their relationships are of a lesser value than anyone else's, and I believe they have every right to expect that the society in which they live will provide legal protection of their relationship should that need arise.

In short, I do not fear the intentions of this bill. I think it is one that can allow our society to contemporise and to provide legal protection for any couple while protecting the sanctity of marriage; therefore the bill will receive my support.

**Mr VINEY** (Eastern Victoria) — I am very pleased to be able to speak in support of the Relationships Bill 2007 and want to pick up briefly on some of the points and issues that have been raised by others in this debate.

I concur with the view expressed by the previous speaker, Mr Guy, that the relationships formed by people in a same-sex relationship are frankly their business and no-one else's. In fact I would extend that and say that any relationship between consenting adults is their business and we ought to provide a framework for people in any relationship to be able to register that relationship so that it is recognised in law.

I differ a little from Mr Guy in that I get the sense that if this bill is passed tonight, or on Thursday if the

speaking list is not concluded tonight, on the next day things will not be much different to the way they are today. The passing of this legislation is not in fact going to create more or less relationships of any kind; relationships between adults are formed purely as relationships between adults. Whilst I am proud that this legislation is groundbreaking in Victoria, I have to say that in the overall scheme of the development of society this bill is catch-up. This bill is catch-up in the context that it is absolutely proper and appropriate and beyond time that people in a relationship should be able to register that relationship whether or not they have entered into a formal marriage. They ought to be able to ensure that the care and love they have, however expressed between them, ought to be recognised under the law.

With those few words I express pride in being a member of a government that is bringing this legislation forward in recognition that it is absolutely time that people in relationships ought to be able to register those relationships and have them appropriately recognised in law.

**Mr ATKINSON** (Eastern Metropolitan) — It is an interesting thing about bills and proposals like this that they are confronting. Even where you might have a fairly solid personal opinion that goes one way or the other, the reality is that when a piece of legislation or a public debate such as this is presented it is incumbent upon us as legislators and as people who are responsible for public policy to go out and seek the opinions of people to validate our personal positions or to enlighten ourselves on aspects that we might not previously have considered. To not take that step is a dereliction of our responsibilities as members of Parliament and people responsible for public policy.

There is no doubt that this legislation has generated a great deal of correspondence from many people in the community, some of whom have very fixed positions and some of whom have fairly considered positions where, like us, they have had to address some of the technical aspects of the legislation and to arrive at a position. In my case I wrote to all of the churches, most community organisations and a great many individuals in my electorate to inquire about their position in regard to this legislation. I even extended the envelope a bit by writing to a number of organisations that I knew did not have a political agenda or a particular interest in getting involved in political matters, such as Probus clubs and senior citizens clubs. The reality is that quite a number of those clubs did respond, some of them conventionally, saying, 'No, this is not our area'. But interestingly enough very often the person who would respond would say, 'This is not our area, but as an

individual within this club and as somebody who perhaps has talked to a few other people in this club, this is what I think'. In other words, people in the community had an interest in engaging in the debate and considering it earnestly with a great deal of empathy with others in the community whose experience in life is quite different from their own.

In terms of this legislation, I am supporting the bill. This legislation worries me a little bit. I guess the easy option for someone like me might have been to say, 'There are some detailed matters in this legislation that allow me to cop out, to vote against it even though in principle I might support it'. One of the most fundamental areas that I have a concern about in this legislation is to do with a number — the number 28 — because I find it rather difficult that we should be prescriptive and say that 28 days determines whether somebody is in a committed relationship. I find the 28 days in this legislation as a measurement across the total community an extraordinarily short period of time in which to establish a committed relationship. It is possible that some people might well enter into a committed relationship within that period of time, effectively a month, but in my experience the measurement of most committed relationships, irrespective of the people who enter those relationships in terms of gender, age, experience, ethnicity — whatever — tends to be considerably longer than 28 days. I am not sure that the prescriptive figure in this legislation is entirely helpful.

I am also mindful of points that have been made by a number of other members that in some ways this legislation has some Clayton's aspects to it. Clayton's, of course, is the drink you have when you are not having a drink; it became very popular in folklore as a measurement of situations which were not quite what they appeared to be. In some ways there is a certain Clayton's aspect to some of this legislation in that the rhetoric of the second-reading speech and what has been suggested by a number of people is — and I think this was in the contribution to debate that I listened to earlier today by Ms Tierney — that this bill introduces a number of rights that are not there at the moment. I must say that I have some agreement with those people who have suggested that in many ways this bill does not go a lot further than the 2001 legislation and does not introduce a great many additional rights or even make more legible some of the rights that were available to people in 2001. To that extent there is a certain element of a Clayton's nature about this bill. I am sure some people in the community will also be dissatisfied with this and will very much see it as a Clayton's piece of legislation in the context that it does not deliver the civil union that some people would have

advocated and that at one stage one of our colleagues in the upper house sought to achieve by way of a private member's bill in this place.

From my point of view, while acknowledging that in all honesty I am not sure that this legislation goes terribly much further than the 2001 legislation, I certainly do not see anything untoward in this legislation that would undermine the institution of marriage or other aspects of our society and the way people engage with and approach one another and respect and recognise other people's circumstances, including, as Mr Leane said in his recent contribution to this debate, quite different family groupings to what we might have held as a traditional nuclear family in years gone by.

I also do not intend my contribution to be long, but another point that is important in a debate like this is that there has been a fair amount of discussion of rights and entitlements in the context of debate. One of the things that concerns me is that perhaps there has been too little comment on responsibilities. One of the things we have to think about a lot in life is not just what society, what other people, what governments, what employers and what friends and family owe us, but also what we owe them. The fact is that this is not all about entitlements and rights but is also about responsibilities. It is about what you put back. It is about what you are prepared to trade off in terms of your contribution as an individual for what you might expect to get back as a right.

The reality is that I also do not think this legislation will undermine marriage. I have received a great many submissions and I have to say that as far as establishing a political position, none of them were very helpful. If I were to hold them up, they would probably be of almost equal weight in terms of support and opposition.

**Hon. T. C. Theophanous** — Is that how you make up your mind?

**Mr ATKINSON** — I think Mr Theophanous is well aware that that is not how I make up my mind. I am suggesting that this was a fairly divided issue among the people who put pen to paper. I am not sure of the number of people who put pen to paper, and I think other members have referred to this too. In his recent contribution I think Mr Leane referred to the fact that the people who might have made representations to us perhaps do not necessarily represent in a proportional sense the broader views of the community. I think that is true, but I certainly do not disparage those people who have made an effort to make a contribution to this debate. I deliberately went out — as no doubt other members did — to seek input on this particular issue,

and some people hold very earnest views and quite strong religious positions about this sort of legislation, but the reality is that we live in a society where we need to recognise that relationships are no longer just all about nuclear families.

However, there is a very important point that some of those people allude to — that is, that we need to be careful about not establishing what I would call a McDonald's society, a fast-food society, where we do things in a hurry and hang the consequences, and where we do not recognise our responsibilities. I am alarmed, as I am sure most members here are, about the very high divorce rates and the number of relationship breakdowns in our society, and they are not statistics that apply necessarily to heterosexual or homosexual couples, or even people across generations within families.

Relationship breakdowns, particularly marriage breakdowns, are sadly not just of import to those people who are involved — obviously it is very traumatic for them and I do not want to be dismissive of the trauma that people go through in relationship breakdowns — but there are also significant implications for us as government and as society when relationships break down. One of the things we have to do a lot more of as far as public policy is concerned is to look at opportunities to encourage and support enduring relationships in this community. We have to look at a lot more initiatives that we can take to help people to maintain, service, nurture and grow their relationships and get over the speed humps along the way in their lives, because there is a very significant community cost, just as there is a very significant personal cost.

Like other members I thank those people who have had an input to this debate. As I said, I believe their input has been earnest, considered, genuine and, in many cases, heartfelt. I have looked at the legislation and, as I said, I am not sure that it takes us a great deal further than the 2001 legislation in some instances. In other areas from my point of view it is perhaps a bit too prescriptive, such as the 28 days provision. I am not sure that is helpful. I think the bill is deficient, as the government has effectively acknowledged in that it has not considered a range of other relationships that perhaps ought to have been part of this bill, particularly those relationships in which there is a caring aspect. That that issue will be visited at another time is unfortunate. It would have been much better if it were part of a composite debate at this time and that we simply got the legislation right to begin with rather than having to come back and revisit it later with further tinkering.

Nonetheless, on balance I believe this legislation is worthy of my support at this time. I just hope that we do not think that passing bills like this will simply fix a lot of problems for people and will, by a factor of recognition, absolve government from doing what it needs to do in supporting people with better public policy. There is a whole range of areas that we might address, including alcohol abuse, drug abuse, domestic violence, financial pressures on families and work-life balance. I know that many government members pay some heed to those issues and address them at various times. I agree with advocates of those sorts of issues that as public policy makers we need to do a lot more to ensure that there is more support for and less pressure on families, and not just families in the conventional sense but relationships more broadly in the community. Perhaps to that extent this legislation is a small step in the right direction.

**Mr THORNLEY** (Southern Metropolitan) — Our side of the house has long been, for 100 years or more, a coalition of people of faith and people of secular humanist values, and we are united in a common view about human dignity and how it is promoted. There has been some criticism from some of those opposite that there is no free vote on this side of the house. That would be a valid criticism if there were people on this side of the house who would like to vote against this bill, but there are not.

There are not because this bill seeks to do one simple thing. Much of what has been said, particularly against the bill, claims a whole world of change would result from the bill, which is self-evidently nonsense. This bill will not change a single person's decision about what type of relationship they are in. The last time I checked, people did not make decisions about who they love and how they wish to love them on the basis of what some group of legislators might or might not have said about insurance or other consequences.

As I said, this bill will not change one person's decision about the type of relationship they are in. It will not create one relationship and it will not destroy one relationship. The only thing this bill will do is remove an anomalous situation where those in certain types of relationships are currently prevented from having some simple and basic rights in terms of the way their property is determined and the way they interact with the medical and insurance systems and ensure that all people, regardless of the types of relationships they choose to be in, will have equal rights on these issues. That is all this bill seeks to do.

I am a heterosexual married person. I have been in a monogamous heterosexual relationship for several

decades. I am a father of three children and I am a practising Christian. There is absolutely nothing in this bill which threatens any of those elements of my identity, my family's identity, my children's identity or anybody else's identity. There is nothing in the bill which threatens anybody's identity. There is nothing in this bill which attacks families, there is nothing in this bill which attacks marriage and there is nothing in this bill which attacks children. All that is in the bill is the right of all people to continue to choose whichever relationships they have already chosen and not to have some of the basic legal, administrative and financial consequences of those choices adversely affected by the nature of those choices.

To be pro-family does not require you to be anti-gay. In the words of Jim Wallis, the author of the great book *God's Politics*, the question is not whether God is on our side but whether we are on God's side. For people of faith, that is a simple question, and anybody trying to bring God down on one side or another of the legislative debate should do so with great care. I choose not to do that, but I do choose to stand up as a person of faith and say that there is nothing in this bill which contradicts or attacks anything I believe in.

I have been trying to understand, through the course of this debate, why there has been such strong and passionate opposition. I have tried to listen to the arguments made against the bill. One is that the bill is the thin end of the wedge, with a range of possible ends of that wedge, depending on who is putting the argument forward. I find that argument completely non-compelling, as I did in the stem cell debate. We are here to debate this piece of legislation and its consequences. If somebody wants to bring forward a different piece of legislation with different consequences, this Parliament will have the same opportunity to debate that legislation at that time. An argument that any piece of legislation will, ipso facto, lead to some future piece of legislation is logical nonsense.

Secondly, the argument was made that this bill recognises only people in a sexual relationship or requires that there be a sexual relationship. I went back through the bill and I checked with those who have drafted it. That is simply not true. This bill does not anywhere require that there be any form of sexual relationship. This bill specifies certain sets of relationships that will have the benefits of the types of changes we have described. It has been flagged by the government, and welcomed by others, that additional relationships such as carer relationships are likely to have further legislative support some time later this year. So that argument also is false.

The third, and I think the most disingenuous, argument has been that the bill is unnecessary, that of course everybody really supports the rights of all the people in all these types of relationships and nobody is really arguing with that. The argument is that if you get a bit of string and bailing wire and tack together a medical power of attorney over here with a legal power of attorney over there and some other set of things, and if you do them in the right order, then everything will be okay and so all these rights already exist. That is just nonsense. It is simply not true. Even if that were true, it is hard to see why somebody would be so violently opposed to simplifying the process so that people in some types of relationships could have the same basic protections as people in other types of relationships.

The primary argument that I have heard both in this house and in the other place has been that this bill is an attack on marriage and families. I am struggling to understand how one could arrive at that conclusion. It is not because that is not an important concern. I share the concerns of people on both sides of this house that for multiple decades our society and many other Western societies have been experiencing an epidemic of family breakdown. In many cases the consequences of that epidemic of family breakdown have been devastating to many individuals, families and communities, and they have caused great suffering in our society as a whole.

I grew up in a sole-parent family. It was not a choice I would have preferred, but I have friends who grew up in sole-parent families and could not have been happier with their upbringing. There is nothing in this bill which will do anything, unfortunately, for or against the epidemic of family breakdown, because the epidemic of family breakdown is not driven by who is allowed to make medical decisions on behalf of the people they love. The epidemic of family breakdown is not driven by what the settlement of somebody's superannuation or property might be when their partner dies. They are not the issues that cause an epidemic of family breakdown.

If people want to move bills that address those issues — and I would like to think that we move quite a lot of them quite frequently — I will be the first person to stand up and support any measure that helps alleviate that epidemic of family breakdown. If people want to find things that support the cause of love over the cause of materialism, then I will support those things. If people want to support the cause of love in families over violence and domestic violence which breaks up families, I support that cause. If people want to support the cause of love over selfishness, I will support that cause. If people wish to support the cause of love and fidelity in marriage over infidelity and promiscuity, I

will support that cause. If they wish to support the cause of love over hatred, I will support it. If they want to support the cause of love over the sort of economic pressure that is devastating families — and we had some many debates on it in relation to the issues in industrial relations — then I will support families there too.

I will support families and the cause of love against the neglect of children and the failure to teach them of love — how to give it and how to be part of it. I will support the cause of families against the ravages of alcohol and drug abuse. There are many, many things which are challenging and in some cases destroying families in our society that we should be concerned about. None of those things relate to superannuation or property settlements or the health management of people and the people that they love.

Some have argued that this bill is somehow against the Christian tradition, Christian society and Christian values. They are entitled to make that argument, but they do not do so in my name or in the names of many other Christians and other people of faith. I read some of the arguments made by various members in the other chamber that seem to suggest seriously that the reasonably pedestrian purposes of this bill were calculated to oppose Christian values and marriage. I look at the words of people like the member for Box Hill in the other place, who contended:

Social cohesion will of course suffer if family instability becomes increasingly common, and that will lead to greater disadvantage, particularly amongst children growing up in non-maritally based families.

How that has anything to do with the content of this bill eludes me. He then went on later to talk about the importance of children having a mother and a father.

**Mrs Peulich** — On a point of order, President, I am just seeking your guidance. I am not sure but I thought it was against standing orders to be quoting from *Hansard* of the same session. I am not sure whether it applies across chambers. I wonder whether you could make a ruling in relation to that.

**The PRESIDENT** — Order! My inclination is that Mrs Peulich is correct, but I will just wait until I get confirmation of that from the Clerk. Rather than hold up the house whilst the Clerk is struggling, I will err on the side of caution and suggest that Mr Thornley does not read from any contribution to debate on this bill in the other place. If I am wrong, I will apologise later.

**Mr THORNLEY** — Thank you, President, for your guidance. In that case I will spare the house a recitation

of the wide range of alleged ills that, according to people who have spoken in previous debates, this bill is purported to bring against the interests of families, marriage and Christian doctrine. That whole position reflects a view that I profoundly disagree with. I spoke about it in my inaugural speech, and I will no doubt speak about it many times in the course of my involvement in this chamber and this business — that is, the idea that to give something of value to someone must somehow cause a diminution of value to others. That is essentially the argument being put forward here by those who claim that this bill somehow degrades the institution of marriage. I do not understand how the rights of my next-door neighbour to have certainty in their property, superannuation or medical situation as a result of their relationship could possibly degrade my marriage, my family or my children. That is a dangerous argument, and it is one that those who seek to support it on the basis of Christian doctrine should be troubled by.

There is a very clear passage in the Bible that confronts that doctrine and argues against it. It is the passage in Matthew 20 about the vineyard workers. People were hired to do a day's work for a certain pay. Later on people were hired to do the remainder of that day's work at the same rate of pay and the folk who got the original deal were upset that they did not get a better deal. In that parable it was put to them pretty clearly that what happens to those other folk does not impact on what happened to them if they are comfortable with what they did. So it is for me. Nothing that happens in the lives of my next-door neighbours or those somewhere else — in my street, my suburb, my city, my state or my nation — that supports their right to the simple clarity that I have on those issues in any way derogates from my rights or the rights of any other married person or any other family and particularly not — and disgracefully this has been falsely suggested — from the rights of children.

I note also that some people have sought to bring biblical justification to their opposition to same-sex relationships and therefore somehow argue that this bill is against Christian principles. The passage they usually cite is Romans 1:26. Even a casual glance at that particular doctrine would then lead you some three or four verses later to Romans 2:1, which says:

Therefore you have no excuse or defence or justification ... whoever you are who judges and condemns another. For in posing as judge and passing sentence on another, you condemn yourself, because you who judge are habitually practising the very same things —

that you censure and denounce.

That is the thing to me about the New Testament: it was a new deal. It was a simple deal and had only two rules: love the Lord your God with all your heart and all your soul and all your mind, and love your neighbour as yourself. That is all. That was the entire law and the prophets, according to Christ. If somebody wants to argue that it is against Christian doctrine to give people in these relationships the same certainty as I have in my marriage, then I would like to see how it violates that simple biblical principle — that new deal, that new covenant, that New Testament — upon which, as I understand it, the Christian faith is based.

If I may, I want to read into *Hansard* just a short passage which I think summarises the view that I have tried to put forward. This is also from Jim Wallis's book, *God's Politics*, so members will forgive the American bias to it. It reads as follows:

Today, family break-ups, broken promises, marital infidelity, bad parenting, child abuse, male domination, violence against women, lack of living family wages, and the choice of material over family values are all combining to make the family norm in America more and more unhealthy. A critical mass of healthy families is absolutely essential to the wellbeing of any society. That should be clear to us by now, especially neighbourhoods where intact families have all but disappeared.

But the right has seized upon this agenda and turned it into a mean-spirited crusade. To say gay and lesbian people are responsible for the breakdown for the heterosexual family is simply wrong. That breakdown is causing a great social crisis that affects us all, but it is hardly the fault of gays and lesbians.

I do not think anyone could be thinking more clearly than Jim Wallis on this matter, and I agree with him entirely.

That leads me to the difficult question of whose conspiracy theory is in play here. Some of those who have argued against this bill have contended that it is unnecessary and that all the rights provided for by the bill are already provided. They have therefore led the chamber to believe that the only possible reason that anyone would have to support this bill is because of some perverse or bizarre desire to degrade marriage, attack the family and harm children.

I would have thought that fails, in the normal criminal process, for lack of motive. Why in heaven's name would somebody be seeking to attack marriage, attack families or harm the rights of children? It is a kind of bizarre conspiracy theory, but it is the only narrative that explains a position that says, 'Everything that is sought to be protected in this bill is already protected; therefore this bill should be opposed because apparently

it causes a range of other ills, presumably deliberately on the part of those who drafted it'.

The alternative explanation is that those who oppose this bill oppose it because they have a problem with homosexual relationships or they seek to pander to those who do. No matter how often they protest that that is not the case, it is difficult to otherwise explain the opposition to this bill and its content. Most reasonable thinking people who are observing this debate and who are asked which of those two perverse motivations they believe is likely to be in play here, are more likely to suspect the latter than the former. There is a heck of a lot of form on that one; there is not a lot of form on the idea that there is a group of people out there who are secretly and silently trying to attack marriage, families and children.

This bill will not impact on any one person's decision about their relationship. It will simply impact the legal consequences of that relationship. This bill seeks to ensure that everybody has the same basic capacity to deal with issues like superannuation, property and health care in their relationships, regardless of the type of relationship. That is a reasonably commonplace purpose, but it has brought surprising opposition for a range of reasons that I have outlined. I believe the only sensible course is to support the bill. I commend the members on both sides who are choosing to do so.

**The PRESIDENT** — Order! In reference to my earlier ruling that I would err on the side of caution, I am pleased to inform the house that I was in fact correct. Standing order 12.17 headed 'Reference to debates in the Assembly' confirms that. It states:

No member will quote from any debate on a bill or substantive motion in the Assembly during the previous six months of the same session.

**Mr P. DAVIS** (Eastern Victoria) — I rise to speak on the Relationships Bill 2007. By way of preamble I will set out some principles to put my subsequent comments into context.

Firstly, I believe that relationships are a matter for individuals, not for parliaments. What occurs between consenting adults in private is their own affair, not that of law-makers. This bill assumes a moral justification to legally sanction certain relationships but not others. I believe fundamentally that only people can determine the form of their relationships.

Legislation that this Parliament passed in 2001 to amend a large number of existing laws conferred recognition on the rights and obligations of partners in domestic relationships — that is, all domestic

relationships irrespective of gender. In essence the bill now before us establishes the legal status of domestic partners with respect to all committed couples who wish to register their relationship. The register will provide proof of a relationship between domestic partners who are not married, irrespective of their gender. It provides a proper legal avenue to settle financial and property matters in the event of a relationship breakdown.

Existing law recognises domestic relationships, but this proposed legislation extends the concept a step further with the introduction of a formal register. Same-sex relationships have been the focal point of the debate around this bill, but while it will give them recognition it is important to note that it does not extend to marriage which is covered by commonwealth law and which excludes same-sex couples. Registration of a relationship should require a statutory declaration from each applicant that establishes a bona fide domestic relationship in which the partners provide personal financial commitment and domestic support for the benefit of each other even in cases where they may not be living together.

The jurisdiction of this Parliament is confined to the state of Victoria. Therefore registration applies and is enforceable only while a couple resides in this state. Much as is the case with marriage, registration of a relationship can be revoked on application to the registrar of births, deaths and marriages, which will have carriage of the administration of the registration process. The property provisions of the bill are also the same as those applying in marriage.

The Liberal and National parties have determined that members should be free to cast a conscience vote on this bill. A large number of organisations and people in the community hold strong views on the matter of legalising relationships that are beyond the traditional view of the family and fall outside the scope of the commonwealth Marriage Act 1961. I need to make the point at this juncture that all of the unsolicited representations I have received have been opposed to this bill. There have been many and in fact I have reviewed all of those again today.

Some see it as a reflection of our modern demographic make-up and as an important step to removing a form of discrimination against a sector of the community, particularly people in same-sex relationships. Others regard it as a move that will undermine the foundation of our notion of family, that it will have negative implications for social structure and for the care and wellbeing of children. I would assess these divergent views to be in equal proportions, notwithstanding, as I

have indicated, that the representations made to me — that is the unsolicited representations — have been opposed to the bill. This would reflect the vote in the Senate last June to reject a move to overturn the federal ban on civil union laws in the Australian Capital Territory. Senators divided 32 to 30 on that motion.

It is clear that national uniformity would be preferable in matters of this nature. Should the legislation be passed, it will apply only in Victoria and therefore couples will be registered only so long as they continue to live in Victoria.

I recognise that one reason — and it is, admittedly, a secondary reason — for the introduction of this legislation is to provide a consistent approach across the state because of the situation in which a number of councils have initiated relationship registers. Because the legislation deals with a common issue for the whole of Australia, it would have made common sense for the states and territories to have arrived at and enacted a uniform legal framework. Alternatively, using their new found cooperative federalism as a basis, the states and territory governments could have persuaded the commonwealth government to introduce legislation nationally to amend the Marriage Act, although frankly, while this would have been a convenient mechanism, I personally would be opposed to it because the Marriage Act has quite a specific purpose — which I will deal with later.

The primary objection to this bill concerns the implications for the family as the base unit of our society and for the institution of marriage on which the traditional family has been based. But the question becomes this: what do we mean when we talk about the issues of family and marriage? If we take them in reverse, there is a law governing marriage which sets out eligibility and defines the legal aspects of marriage between a male and a female. By definition marriage is deemed to be for life, yet the liberalisation of the divorce laws makes that unenforceable. The fact is that the provision in this bill for a registered relationship to be terminated upon 90-days notice equates to about the same time as it takes for a divorce to take effect from when an application is made — that is, if everything goes according to plan.

There remains the question of defining what constitutes a family. That question could be put in terms of both its structure and its characteristics. The argument has been put that the answer is found in article 16 of the Universal Declaration of Human Rights. It reads:

- (3) The family is the natural and fundamental group unit of society and is entitled to protection by society and the state.

Yet if, as in Genesis, we begin at article 1 of the declaration, we find that:

All human beings are born free and equal in dignity and rights.

Firstly, the declaration affirms the freedom and right to association of humankind as a fundamental principle of equality. The family comes within this context but is by no means the sole consideration of human rights.

The declaration was introduced under the auspices of the United Nations in 1948 and remains in force in its original form. While obviously we are generations removed from that time, the declaration stands because in its setting out of inalienable rights it is not static but allows for the generational change we have seen in our lifetimes.

Secondly, while article 16 implies that a family comprises a man and a woman in marriage, it is not a definitive description of a family and cannot be interpreted to mean the family is the only group unit of society. Here we are coming to the basis of the case for this legislation, to the notion of the family in today's world. In pursuit of this entity, I discovered that the United States-based National Association of Social Workers — the largest such organisation in the world — defines 'family' as two or more people who assume obligations and responsibilities generally conducive to family life. Divorced, separated, or unmarried parents who have individual or shared responsibility for children now factor into the familial makeup. So do grandparents caring for grandchildren, gay and lesbian couples with child responsibilities, and adoptive parents of foster children.

To take a statistician's view, the ABS (Australian Bureau of Statistics) defines a family as:

two or more persons ... who are related by blood, marriage (registered or de facto) adoption, step or fostering, and who are usually resident in the same household.

The ABS further comments that:

One area which has been the subject of some discussion is whether or not a same-sex couple relationship should be regarded as the basis for the formation of a family. The ABS makes no judgements about such relationships, but aims to provide an accurate statistical picture of the structures of society to be used as the basis for informed decision making.

The ABS says its view is consistent with the recommendations in relation to the diversity of Australian families contained in the final report of the National Council for the International Year of the Family in 1994. To enable a more accurate depiction of the national demographic, the ABS also takes into

account households, which are defined as people who reside in the same dwelling. Some ABS figures will give us a pointer at least to its inference of diversity. The 2006 census recorded some 5.2 million families in Australia and yet there were more than 8.4 million private sector dwellings, not including public housing. I do not have a breakdown, but it can be said with certainty that not all of those 5.2 million families were traditional families as we might perceive them. Of the other more than 3 million households, unquestionably there would be a proportion in which people were also living in non-traditional relationships.

The family unit, a married couple with children, was at its strongest point as the fundamental unit of our society in the immediate period after World War II. Since then our society has evolved into a substantially more diverse make-up. Increasing numbers of people are delaying marriage, not marrying or are living together, and the fertility rate has been falling. We have come to recognise and accept that increasing numbers of people are living as partners in same-sex relationships. The critics will argue that a law that formalises domestic and same-sex relationships will open the floodgates. They see it as not merely recognising a more diverse moral spectrum, but as giving approval to moral states that threaten the social structure and, in their eyes, encourage immorality. For them it would be better that it were left out of sight. We should therefore pose the question: what will happen if this bill becomes law? The answer is that this legislation will recognise and give legal status to a situation that already exists but in the absence of a necessary formality.

Arguments in the same vein were put forward in advance of the introduction of the Family Law Act 1975 which liberalised the country's divorce laws. There were many vocal people who saw this as the end of certainty and security in marriage. Their fears proved unfounded. Initially the divorce rate spiked, as it did in similar circumstances in the United States and New Zealand. It is generally accepted that this was the result of a pool of failed marriages that could not be terminated under the previous restrictive laws.

Studies of divorce rates in Australia and the US reported several years ago found the legislation was responsible for very minor changes in the divorce rates. The rates have increased, but as a result of broad social, cultural and religious change, not changes in legislation.

We find ourselves in a similar situation in respect of this legislation, which brings me back to my contention that it is in itself reasonable and a fair reflection of change and not a catalyst for unwanted change. However, as has been demonstrated today during the

course of debate, by amendments proposed by the Greens, by other amendments that have been foreshadowed but not yet revealed by the government and by a statement that this bill is not the end of the matter, I now have significant and serious reservations about my ability to give my total support to the bill. As can be seen from what I have contributed, in preparing for the debate it was taken as a given assumption on my part that this was a reasonable legislative framework for a modest step in contemporising the laws of the state. However, I am now in an invidious position, having started out with what I would have thought was a conventional liberal view of society — that relationships are a matter for individuals and not for parliamentarians — I am now confronted with a truth. The truth is that the argument the opponents to the legislation have run consistently now for nearly six months — that is, that this is an attempt by the government in the state of Victoria to develop a parallel imitation of the commonwealth Marriage Act — is in fact correct. The amendment specifically proposed by the Greens today is the light, the revelation, for me in relation to this. That is why I am confounded as to my position.

The position the Greens have led is that there should be a formal ceremony, with a capacity for that formal ceremony to be conducted under the aegis of the registrar. I would have thought that if what we were trying to achieve with this bill in the Parliament was to give legal effect to a better way of people administering their own private and personal affairs, including their financial and other mutual obligations to one another, then this bill provides a reasonable framework for that because in many ways it is reflective of the obligations of marriage. I accept that, and I was happy conceptually to support it. However, I have never been comfortable about the notion that we should be creating an alternative status of the recognition of a relationship that is akin to marriage by another name. I fundamentally believe the cornerstone of our society is marriage as the legal recognition of a relationship which is formed to nurture children. That is the cornerstone of the success of all societies, not just for the procreation of succeeding generations but for the proper rearing of those children.

I am therefore now in a position where some minor tinkering — in parliamentary terms described as the amendments now proposed by the Greens — has demonstrated to me in a way that none of the representations made to me was able to convince me of, that this is exactly what the opponents of the bill have said it is: it is simply by stealth a way of the state of Victoria creating a de facto parallel Victorian-state-based marriage act. I cannot accept the

amendments proposed by the Greens, and it seems to me that, if I am to oppose those amendments — given the simplicity with which this bill could be further amended by the government, notwithstanding that we have not heard a great deal about what the government's future proposed amendments are — I cannot support the bill before the house.

It is with some regret that I have come to that position, and it is a position I have arrived at only today. I reinforce the point that I think it is not unreasonable that the financial, organisational and administrative affairs and of course the health and other mutual obligations of people in relationships, however they are to be defined, should be simplified and recognised more effectively at law. However, I now do not believe the way this bill is presented to the Parliament satisfactorily achieves that without inducing further action to be taken by the legislators that would significantly diminish the relationship that we recognise in Australia as being pre-eminent as a relationship, and that is marriage.

In conclusion I want to touch on another point. I would have been much happier with this bill when it was introduced had it included proper recognition of relationships outside those that have been generally described as a relationship between couples. There are other relationships, and I speak particularly of relationships of a caring nature which I believe should have been included in the legislation before us. I confess that I am watching the smoke signals coming from the government benches via the Greens and taking into account the contribution of the Greens reflecting conversations that have occurred apparently outside the chamber between the Greens and the government about what the government's future intentions are.

Candidly, I really do not know what the legislation will look like when the government, the Greens and everyone else who wants to have a go at it stop amending it. I think it would be a great improvement, in the event that the government wanted to introduce legislation formally recognising relationships, if relationships that are not of a sexual nature but are of a caring nature could be equally regarded as important and be recognised before the law. In fact in my view that is a priority.

In any event I sum up by saying that it is with some regret that I have spoken on this bill in the way that I have because until today it had been my expectation that it would have been a reasonable action for the Parliament to take to assist those people who are in relationships outside marriage to further improve access to the simplicity of the law so as to administer their own interpersonal affairs. The Greens have done a

mighty fine job of pointing out the deficiency of this bill, and therefore I oppose the bill.

**Ms HARTLAND** (Western Metropolitan) — I intend to speak only very briefly, as my colleague Ms Pennicuik has covered the technical details of the bill quite well.

I want to speak very personally. I have been with my husband for 28 years and for 18 of those years we have been married. I have many friends who are gay or lesbian, and I simply do not understand why anybody thinks those people should not have the same rights as I enjoy.

I also want to relate the story of a friend I met up with at the weekend whose partner died a month ago after a 30-year relationship. Paul nursed him through the last months of his life. They had had an exceptionally close relationship, but one of the things that gave Paul a great deal of comfort was that when the death certificate arrived he was listed as ‘partner’. The way he expressed it to me was that his relationship of some 30 years with Tim had been recognised on a number of levels by his name being on the death certificate. I do not see how anybody can think that just because you are a gay or lesbian couple you do not have the same rights as heterosexual couples.

**Mr DALLA-RIVA** (Eastern Metropolitan) — I wish to bring my views on this bill to the chamber. It is great that the Liberal Party is allowing a free vote on the bill. Listening to the debate from those on this side of the chamber it has been refreshing that we have been able to engage in discussion across various issues. We have been able to explore various concerns and debate them amongst ourselves. That is in opposition to what members of the Labor Party have done, which has been to follow the Labor Party line. It is also interesting to note what happened in the other place. When it came to the vote, a lot of members decided that they would perhaps go for a coffee — —

**Mrs Peulich** — Do we know who they are?

**Mr DALLA-RIVA** — We do know who they are. It would be interesting to note what their views were on that occasion. It will be interesting to see who in this chamber decides to attend and who decides to abstain from the vote, because that will reflect where they stand. Do they support the bill or have they been instructed to support it? Members of the Liberal Party are being allowed a free vote, and we have heard from various members on this side. I thank them for their thoughts and their emotions in respect to the bill.

I will go straight to what I consider to be the crux of the bill. The process and machinery aspects of the bill have been debated. As one of the speakers near the end of the debate, it is apparent to me that we need to look at some of the main issues. Clause 5 in part 2.1 on page 3 of the bill provides for the registration of domestic relationships. It relates to any:

... relationship between two adult persons who are not married to each other but are a couple where one or each of the persons in the relationship provides personal or financial commitment and support of a domestic nature for the material benefit of the other, irrespective of their genders and whether or not they are living under the same roof ...

In my view it applies to all persons across the board. An example has been provided to me of two elderly women who decide at the end of their lives — after their husbands have moved on — to enter into a registrable relationship. That affords them protection in terms of their legal rights and obligations, any property holdings and the like. I think that is a fair and reasonable application. If the legislation extends to same-sex couples who are in a sexual relationship, then so be it. I see no issue in that being the case as the legislation is presented.

Clause 35 in part 3.2 on page 21 of the bill defines domestic relationship. Again it is non-specific. We have heard from this side of the chamber, and certainly in contributions to the debate from those on the other side, about couples who are of the same sex. They do not have to be in a sexual relationship; they could be a couple of the same sex. The bill affords some protection for those who wish to be in that type of relationship, and I support that. I also support the bill not including people who are in a relationship in which they provide domestic support and care for a fee or reward et cetera. That is common sense. Those are the two issues I wish to explore. On that basis, I will be supporting the bill.

The Greens amendment 1 seeks to omit clause 6 and is a test for the insertion of a new clause before clause 7. I agree with the overarching view of the Greens. If a person in a relationship is domiciled or ordinarily resident in another state, I do not see any reason why we should restrict that relationship, just as we would not restrict any other similar relationship where the partners were of different sexes. I will be supporting amendments 1 and 3.

Amendment 2 relates to the conduct of a ceremony. I agree with Philip Davis’s arguments for rejecting that clause, and I will reject that clause when we vote on it.

**Mr DRUM** (Northern Victoria) — I rise to speak on the Relationships Bill, and I do so with a degree of

trepidation. I do not believe the bill has the intent of making it much easier for same-sex couples in relationships to split superannuation or settle property or access health benefits when that right would be associated with a traditional relationship or a remaining partner in a traditional relationship where those rights are afforded. I think the predominant intent of this legislation is to pass on those types of rights to same-sex couples, and I have no real issue with that.

My issue is simply based on the fact that that is not what we are doing here, but it is where we are heading. I disagree with Mr Thornley when he says you cannot argue that this is the thin edge of the wedge. That is exactly what I am arguing, because on nearly all these issues where this side of the house allows a free vote — a conscience vote — on ethical dilemma-type legislation we tend to come back on an annual or biannual basis to slightly alter the legislation. We talked about relationships in 2001. We are back again seven years later. It is a long time, but we are seeing a gradual change in our stance on relationships.

The argument is: if the legislation before you is not suitable or what you consider to be fitting for the times, then we will knock it back; if the legislation goes too far, we will knock it back. The reality is that as we relax the laws slightly that in turn changes community expectations. Community expectations then change parliamentarians' views on how legislation should be shaped. We relax the law to suit community views and community expectations, and community expectations change every time we relax the law. That is why I have trouble with this bill. I am indeed concerned about the slippery slope.

I am concerned that once we have legal relationships on the register we will be moving closer to a legal ceremony. We will be back here in a couple of years giving the ceremony — whether it be a legal ceremony or a formal or an informal ceremony — its rightful status. Then we will be back a few years after that and we will be giving it the word 'marriage'. We will be back here and we will be giving these relationships the title of marriage. There is no doubt about that. Once we have done that, once we have same-sex couples being able to be married, we will be back a few years later and will be offering all the rights then available to traditional married families. We will be giving them access to in-vitro fertilisation, and we will be giving them access to adoption. We will be doing all of that. We cannot kid ourselves that we are only going to go a fraction of the way with this legislation. By relaxing the law slightly it is my view, and it is only my view, that we will be moving community views, moving community expectations a fraction, and they in turn will

move parliamentarians to introduce additional and more relaxing legislation.

What are the main views from the people in this Parliament today who have been supporting this legislation? I have written down about five of them. They are along the lines of this common thread: the only important thing in relationships is that the two people truly love each other. Someone else said, 'The right of individuals to choose what type of relationship they live in is all that is important'. Another said, 'What occurs between consenting adults is their own business, it is no-one else's'. I am sure we have heard that many times. I agree with a large part of that, with the exception of the example described in an article that appeared in the *Herald Sun* today about a father and a daughter who have a sexual relationship and who had a child seven years ago who died of congenital diseases and who now have a second child who is nine months old.

**An honourable member** — It's against the law.

**Mr DRUM** — I hear the cry from the opposition that it is against the law. What did a judge do? A judge brought them in, gave them a \$500 fine, said 'Don't do it again' and sent them off to live together. Here we have a situation in Australia where an incestuous relationship is effectively being given the green light by our legal system. That is going to change community views a little bit more. I know the last thing on the minds of members of the Parliament here tonight, in saying what they have said, was to be promoting an incestuous relationship between a father and a daughter. It just reinforces the fact that we need to set parameters, otherwise it is extremely hard. We cannot make broadbrush relationship statements like, 'The only important thing is that we love each other' and 'What two consenting adults do is their own business', because I am sure this father and daughter and their daughter — or is it her sister? — love each other.

We need to put in place some guidelines and set some boundaries. We as parliamentarians need to be very strong. We need to understand that what we do in here in fact changes public and community expectations, and those expectations in turn come back to change our views on what we should do as parliamentarians.

**Mrs PEULICH** (South Eastern Metropolitan) — I would like to make a few comments on the Relationships Bill 2007. The purpose of the bill is to establish a relationships register in Victoria for the registration of domestic relationships, to provide for relationship agreements, to provide for adjustment of property interests between domestic partners and the

rights of domestic partners to maintenance, and to make a number of other consequential amendments. Essentially it is about a register that will be held by the registrar of births, deaths and marriages. The bill provides yet another status of relationship. It enables heterosexual as well as same-sex relationships to be registered provided they comply with certain criteria.

The Tasmanian model includes carers as well as conjugal or sexually based relationships. The Victorian legislation does not. The Attorney-General has gone to great lengths to avoid the use of the terms 'marriage' or 'civil union', or talking about symbolic ceremonies, predominantly because to do so would be to make an incursion into the domain of commonwealth law. Under the constitution the commonwealth makes laws regarding marriage. If there were provision for some sort of symbolic ceremony, I believe the bill could be constitutionally challenged as an incursion into commonwealth powers. If the Labor Party was determined to find a regime that elevated same-sex relationships to the same level as others, it could take a federal approach and change the commonwealth Marriage Act so that the union was no longer just a union of a man and woman to the exclusion of others, voluntarily entered into for life, but allowed for same-sex relationships.

This is a strong argument against the amendments proposed by the Greens. I believe those amendments would strengthen the case for a constitutional challenge, in particular the attempt to unify laws across states. I believe that proposal would strengthen that case.

This is a very vexed and complex issue. I would first of all like to respond to Ms Hartland's very brief contribution based on her personal experience. Policy setting, unfortunately, is not just about personal experiences. It is about shaping the key institutions of our society and the sorts of institutions that we want to exist into the future. Yes, individuals impact on those institutions; conversely, institutions impact on individuals. That is, I guess, where I am coming from. I share the views of Gordon Rich-Phillips, who I thought put up a very competent, thorough and comprehensive case outlining why he is opposing the bill. I thought Mr Kavanagh's contribution was most interesting. He talked about alternative mechanisms that could be used to address the needs that this piece of legislation is supposedly attempting to meet — that is, to ensure that people in same-sex relationships do not experience discrimination at various and difficult points in their lives, whether it is the breakdown of relationships and the need to disperse property, access to benefits, superannuation or inheritance, or the treatment they get when they are dealing with the health system.

Mr Kavanagh's alternative is not predicated on a couple or a sexual relationship, and I think that is a very interesting proposal. It is a very interesting one for me because I believe that, despite the definition in the commonwealth act, a ceremony is not a crucial and defining characteristic of marriage. I was married in a registry office. It was very routine. It was only after a few days that we had a wedding in a church. The first experience did not involve any sort of symbolic action. It did not involve any ceremony.

**Ms Pennicuik** — The second one did.

**Mrs PEULICH** — The second one did, and it was a personal choice. It was the Bosnian party. It was a very cheap wedding, let me say, and we will be celebrating 25 years this year.

I understand that families take very complex shapes and forms, but for me the chief function of marriage and family is the nurturing and upbringing of children. That to me is the most important consideration. I personally probably would never have even got married had I not intended to have children. To me that is the purpose of marriage, and I think marriage is the unit that is the most effective in delivering a whole range of services that otherwise society would not be able to pay for.

I take a functional approach. These institutions exist because they perform functions that meet common goals of our society. Generally speaking, the Labor Party takes a more conflict-based theoretical approach — if we are talking sociology 101 — where you change the traditional institutions of society because they are deemed to be somehow unjust or unfair or because they replicate the patriarchal nature of our society that needs to be overthrown. The Greens typically take a phenomenological approach where you create your own reality. I am unashamedly functional.

For me this bill is unfortunately the thin end of the wedge. I have been around this Parliament for long enough to have seen a range of legislative changes to accommodate the needs of people who live with same-sex partners. Some of those I have abstained from voting on, and some of them I have supported. In many ways my attitude has softened over time. Most of us know people who are in same-sex relationships. My view, or my contribution, is not a strike against them or an expression of how I treat them or what I think of their relationships. It does not mean I do not respect them; I do. What it means is that I think we as legislators and parliamentarians — as people who make the decisions that shape our society — have to approach these things very carefully.

I have watched this government take what is very much a salami approach to bringing about change to important pieces of social legislation. The salami approach means that the government gives you a slice now; a few months later it will give you another slice; before you know it, you have had the whole stick of salami — to use a very simple metaphor. My concern is that these incremental legislative changes will lead to the logical claim for same-sex couples to have access to in-vitro fertilisation and adoption rights. For many, children are the paramount consideration. I believe families and marriage need to be protected as a vehicle for rearing future generations of society. Yes, social institutions will change, but I think there are periods of time when we need to draw a line.

I would like to thank all of those who made representations to me as they did to other members of Parliament, including the Law Institute of Victoria, which holds a different view; the Victorian Bar Council; the Victorian Gay and Lesbian Rights Lobby; Civil Union Action!; the Australian Christian Lobby; the Islamic Council of Victoria; the Uniting Church; the Anglican Church; the Catholic Church, in particular Archbishop Hart; the Australian Family Association; the Festival of Light; the Salt Shakers; the Catholic Women's League Australia; the Women's Electoral Lobby; and the Institute of Judaism and Civilisation.

I would like to refer to a little booklet I received — and I am sure all other members of Parliament received — published by the Institute for Judaism and Civilisation, entitled *Universal, Traditional Values and Legislative Redefinition of Marriage and Parenthood*. It was produced by an ad hoc interfaith committee that comprised Dr Nicholas Tonti-Filippini, who has had a lifelong involvement in ethical debate and so forth; Rabbi Dr Shimon Cowen, representing the Jewish community; Imam Riad Galil, representing the Islamic community; Dr Denise Cooper-Clarke, an Anglican; Reverend Ross Carter, of the Uniting Church; and Reverend David Palmer of the Presbyterian Church.

Although these people are religious people, my argument is not essentially a religious one; it is a practical one. I must say I was most annoyed by Mr Thornley's contribution, because all other contributions in this chamber were essentially respectful of other people's views. The views differed, but the members offering them did not put others down for holding their views. In that regard Mr Thornley's contribution made stark contrast to everyone else's — which, I confess, was the reason I took the point of order.

I will just quote very briefly, in coming to a conclusion, from this booklet to show what this particular ad hoc interfaith committee said:

We are living in times in which, in the midst of affluence for many and libertarian social policies, there has been a profound shift and breakdown in human relationships — as historically framed by family, community and tradition. The language of 'rights', choice and material satisfaction has silenced that of obligations, responsibility and value commitments. An ad hoc interfaith committee has formed to express views on contemporary proposed Victorian legislation, which symbolises this current crisis.

The committee went on to summarise some of its concerns. On page 7 of the booklet it stated:

We support the need to make provision for people in interdependent relationships in the Australian community —

as has been demonstrated by the fact that we have amended something like 60 pieces of legislation to do so —

in relation to matters such as financial and work-related entitlements, carer's leave to look after the other during illness, access to the Medicare and PBS —

that is, pharmaceutical benefits scheme —

safety nets, tax concessions, access to superannuation accumulations and workers compensation death benefits, pension entitlements and access to aged care.

However we are concerned that in the effort to provide flexibility to accommodate the needs and wishes of people in a range of interdependent relationships, harm is not also done to the institution of marriage which serves as a basic unit of society, 'the union of a man and a woman to the exclusion of all others, voluntarily entered into for life' ...

The ad hoc committee went on to say:

When people develop a caring relationship of a mutually dependent and supportive nature, then they ought not be deprived of benefits —

and I think that is a view that has been universally shared by members making a contribution in this chamber.

However, the ad hoc committee concluded by making some recommendations. The committee stated on page 11:

This group of persons of several different faiths expresses the concern that in attempting to make provision to accommodate the needs and wishes of people in a range of interdependent relationships, the Relationships Bill 2007 to establish a relationships register for the registration of domestic relationships in Victoria, and the related bill, the Constitution Amendment (Judicial Pensions) Bill —

a bill that has not yet been considered by this house —

... do much more than was envisioned by the Department of Justice in May 2007 and in doing so they create provisions for a status for de facto and same-sex relationships that is much more marriage like than was indicated. In so doing they diminish the meaning of ... marriage held by the majority of Australians.

It is not so much that I am a traditionalist when it comes to marriage as that I believe it is the institution that is the most desirable context for the raising of children. Yes, same-sex couples can have children as a result of relationships that have split, but I have a firm view that every child is entitled to an ideal start. Although we may stray and fall far from those ideals, we should never stop striving for them. With those few words, I will be voting against the bill.

**Mr KOCH** (Western Victoria) — In rising to speak to this bill I indicate that I will be speaking against the bill and voting accordingly. Firstly, I believe it is important we have the opportunity to have a conscience vote on this side of the house in relation to this Relationships Bill. As mentioned earlier, I think it would be very interesting to see where the government would be on this if its members were given the same opportunity. I will endeavour to be brief in my contribution because I think the debate this afternoon and this evening has covered the bill quite adequately.

I am a great believer in the sanctity of marriage and family and the surety that they offer to the greater wellbeing of individuals, the wider community and our nation as a whole. Marriage continues to have major benefits for our society for both men and women and more importantly for children within those marriages.

The bill will endeavour to introduce a new type of relationship, a legal relationship known as a registered relationship that may be entered into by male and female couples and by de facto couples and it is more so one that is sought by the same-sex lobby. Interestingly I have not found any evidence of this being sought by groups other than the gay community. I am not a supporter of same-sex couples forming a sexual relationship, and to date it has not been demonstrated that it would strengthen our society — in fact to the contrary. As evidence would indicate, many children are now raised in broken, single-parent families, usually fatherless. In my opinion this is not often the best outcome either from an educational achievement point of view or from the point of view of work ethic or later relationships — be it in the sports arena or socially. Many even suggest that criminal activity over recent generations may well have been contributed to by increasing family unit breakdown.

I am the first to admit that I am not a social engineer, unlike many in this chamber who have a strong belief that they are social engineers. This bill is far more about offering better family outcomes, especially in the raising of children and the financial benefits afforded to those who elect to pursue these registered relationships. I do not like the bill. I have never supported what it endeavours to achieve. The many letters and calls to my office, both general and personal, from all sections of the community, faiths and walks of life have indicated the same. I have not had one constituent in my region come forward to support this legislation.

In my opinion this bill is not sensible, sound or progressive and is unfortunately the work of minority groups that are continually prepared to tear at the edges of our society. I oppose the bill and everything it represents.

**Mr FINN** (Western Metropolitan) — Firstly, I would like to offer my sympathy, if that is the right word, to members opposite who have not been given the opportunity to cast a conscience vote on this issue. Despite what Mr Thornley told us a little earlier, I know for a fact that there are some government members who would have voted differently if given the opportunity. I am very pleased that on this occasion I am a member of a party which respects conscience and the rights of individual members to make up their minds on these vitally important issues.

I have to say that when I first read this bill there was not a lot that I could find wrong with it. It was confusing and convoluted, but there did not appear to be a lot wrong with it. It surprised some when some months ago I indicated that it was my inclination to support this bill. It might surprise some today to hear me say that. I thought about this bill very deeply. I took account of the many representations from across the board, mostly against I have to say, and eventually I took a longer term view of this issue. Listening to the debate today my revised opinion has been vindicated. I think possibly the best contribution we have heard today was from Mr Kavanagh, who earlier this afternoon put the argument very well indeed.

This bill is about far more than what we read in the legislation. It is about far more than the words that are before us. This is about a far wider social agenda being pushed by the Attorney-General of the state, an agenda which I believe makes him the most dangerous politician in Australia.

Mr Leane made a very good point earlier this evening. He said, 'Society has changed', and it has. There is no question about the fact that society has changed, but I

ask, 'Has that change been for the better?'. In many instances I think members would agree with me that the answer is no. Whilst having no great immediate impact, this bill will no doubt hasten that change. It is my firm belief that marriage is the foundation stone of our society, and I think many years, decades and indeed centuries have proven this. It protects us, it builds us and it nurtures the next generation. Marriage is by definition a union between a man and a woman. It can be no other way.

This bill, however, is another move toward the Attorney-General's ultimate intention: to break that bedrock of our society. This bill is another step toward gay marriage. We are seeing another move toward gay marriage — gay marriage by stealth, as Philip Davis pointed out earlier. If members wish to know my views on — as Mrs Peulich said — the salami policies presented by the government, they should read Mr Drum's contribution, because he summed it up extremely well.

Ms Pennicuik was open in her support for gay marriage. She was up-front; she was honest. Her proposed amendments are also up-front and honest. Whilst I will not be supporting them, I cannot help but commend her for her openness and conviction. The same cannot be said for the government. If the Attorney-General wants gay marriage — and he does; there is no doubt about that — let him bring a bill to this Parliament, and let us debate it. Let the Attorney-General be up-front, open, honest and accountable — as he claims to be — and let us debate the issue in a way that this Parliament should.

I have to point out to the house that I am not anti-gay. I have had many friends over many years who have been and are gay. Coming from the media, as I do, could it be any other way? In fact last year the partner of 30 years of a dear friend of mine tragically died in a freak accident. I delivered the eulogy at his memorial service. It was a very moving memorial service; they were a great couple. Two great blokes, and they spent over 30 years together. I never want to go back to the days when homosexuals were persecuted for their sexuality. In a nutshell, my basic belief is: live and let live. But in conclusion I have to say that anything which seeks to degrade an institution upon which society's future depends is unacceptable. The dangerous social experimentation must stop — and it must stop now. On that basis I oppose this bill.

**Mr D. DAVIS** (Southern Metropolitan) — I am pleased to make a contribution on the Relationships Bill 2007. I would like to compliment most of those in the chamber who managed to keep a succinct focus on

what is at hand here. At this point I indicate — and I am conscious of the hour — that I will support this bill. I do so after having consulted widely in my electorate and, independently of that, having had many representations made to me from a wide variety of people.

This is one of those issues about which many people have sincere and divergent views, and that is as it should be. As has been pointed out, these are foundational issues of human relationships and society's strength. I will support the bill because on balance it recognises some significant human attitudes and there is a need to provide for that in a legislative framework. I believe this is the right time to give such a recognition to the wide variety of relationships in our community, but in doing so it in no way weakens the institutions that are the bedrock of our society and the provision for future generations.

Proposed amendments have been mooted today, and they will be dealt with in committee at a later point. I reserve my position on those amendments until I have heard the individual points that will be made at the committee stage about each of them. At this time the introduction of this bill is appropriate.

I believe the relationship registers that have been established both at municipal level and in other states and jurisdictions have added something of value for those who have been able to register their relationships. However, I have concerns about some parts of this bill. I will not enumerate them at length, but there are aspects of the bill that make me somewhat uneasy. Having said that, the bill is on balance worthy of support.

#### House divided on motion:

##### *Ayes, 29*

Atkinson, Mr	Madden, Mr
Barber, Mr	Mikakos, Ms
Broad, Ms	O'Donohue, Mr
Coote, Mrs	Pakula, Mr
Dalla-Riva, Mr	Pennicuik, Ms ( <i>Teller</i> )
Darveniza, Ms	Petrovich, Mrs
Davis, Mr D.	Scheffer, Mr
Eideh, Mr	Smith, Mr
Elasmar, Mr	Somyurek, Mr
Guy, Mr	Tee, Mr
Hartland, Ms	Theophanous, Mr
Jennings, Mr	Thornley, Mr ( <i>Teller</i> )
Leane, Mr	Tierney, Ms
Lenders, Mr	Viney, Mr
Lovell, Ms	

##### *Noes, 10*

Davis, Mr P.	Koch, Mr
Drum, Mr	Kronberg, Mrs ( <i>Teller</i> )

Finn, Mr  
Hall, Mr  
Kavanagh, Mr

Peulich, Mrs  
Rich-Phillips, Mr (*Teller*)  
Vogels, Mr

is really needed is a strategy for the next 50 to 100 years.

**Motion agreed to.**

**Read second time.**

**Ordered to be committed next day.**

## CO-OPERATIVES AND PRIVATE SECURITY ACTS AMENDMENT BILL

*Introduction and first reading*

**Received from Assembly.**

**Read first time for Hon. J. M. MADDEN (Minister for Planning) on motion of Mr Lenders.**

**Business interrupted pursuant to standing orders.**

### ADJOURNMENT

**The PRESIDENT** — Order! The question is:

That the house do now adjourn.

### Transport: Bendigo study

**Ms LOVELL** (Northern Victoria) — The matter I wish to raise is for the Minister for Roads and Ports in the other place, Mr Tim Pallas, and the action I seek from the minister is to ensure that VicRoads completes the Bendigo transportation study as a matter of urgency and implements its findings as a priority. VicRoads began the study in August 2006 with the aim of discovering Bendigo's traffic infrastructure needs for the next 20 years. This was due to be completed within a year, by August 2007, but it is currently not expected to be finished until some time in 2009 — more than 12 months and possibly 24 months behind schedule.

With Bendigo's population expected to hit 100 000 within six months and with the completion of the Calder Freeway duplication, there are concerns about severe traffic congestion in Bendigo. Traffic entering from the Calder is already congested at the Kangaroo Flat bottleneck, and this is expected to worsen with the completion of the freeway, which will bring more trucks and heavy vehicles into the Bendigo CBD (central business district). The community has known for the past 20 years that there would be a problem, but there has been a reluctance by the authorities to address the city's future transportation needs. By the time the strategy is completed it may even be out of date. What

Currently the inner city is choked with traffic, including B-doubles and tankers travelling through the CBD. The inner and outer box strategies will still not address the need to remove this traffic from Bendigo's streets. The inner box, due to be completed soon, is a strategy that was developed 35 years ago, and all this heavy vehicle traffic will be diverted down Barnard Street, straight past the Bendigo Hospital. The outer box strategy is 10 to 12 years old and will not be a reality for some time.

Community groups such as Bendigo +25 and the Bendigo Chamber of Commerce and Industries have expressed the need to urgently complete the study so that planning for work to address the city's traffic problems can advance. Bendigo should have three voices at the cabinet table fighting to improve Bendigo's traffic woes, and yet these three voices are silent. The former federal member for Bendigo and current Victorian Premier, John Brumby, the member for Bendigo East, Jacinta Allan, and the member for Bendigo West, Bob Cameron, have all turned their backs on the issue. I urge the minister to instruct VicRoads to complete the Bendigo transportation study as a matter of urgency so that planning for a solution to Bendigo's traffic problems can progress.

### VicForests: firewood contracts

**Mr HALL** (Eastern Victoria) — Tonight I wish to raise a matter for the attention of the Treasurer and it concerns firewood supplies in Gippsland. I raise it with the Treasurer in his capacity as minister responsible for VicForests, as VicForests controls all the harvesting and sale of forest products in eastern Victoria. Firewood is the only viable and affordable option for many people in rural areas for the purposes of heating, and is therefore regarded pretty much as an essential commodity. Last winter the supplies of firewood were desperately short right across the Gippsland region, and I am afraid the outlook for this winter appears to be no better. The problem arises from the fact that VicForests is a commercially driven public enterprise, focused on sawlog and pulpwood operations. Firewood is a poor cousin to these operations, and it appears that there is a less than satisfactory process in place to enable ready access by both commercial and private collectors of firewood.

Whereas in the past commercial firewood operators were allocated a coupe for the purposes of collecting firewood or they undertook thinning operations or at times they undertook salvage operations from coupes

harvested for sawlog operations, this does not seem to be the case now. VicForests is now insisting on door sales — that is, product is being delivered directly to the door of the commercial firewood cutters, and they do not have the same access to coupes in the forest.

What is wrong with that, you might ask? People will say, on the performance of VicForests in its provision of sawlogs, that its supply is irregular, unreliable and at least four times the price paid by those who obtain commercial firewood from Department of Sustainability and Environment (DSE) operations in other parts of the state. The example of the frustrations that these commercial firewood operators are experiencing comes from my constituent Mr Jeff Coster of Newry. He is undertaking some thinning operations and for that purpose is using commercial firewood. He was guaranteed only a three-year operation within the thinning component and could be given no guarantees beyond that. This was an exceptional case, as stated in writing by the DSE when that particular arrangement was negotiated in June 2006. In June of next year he will be in the same situation as all other commercial firewood operators — it will depend on the supply available through VicForests, at the door.

My request to the Treasurer tonight is that he ensure that eastern Victorians have access to sufficient, regular and affordable supplies of firewood. I ask the Treasurer to ensure that VicForests reviews its firewood procedures and appropriate practices to ensure ready availability of firewood for both commercial and private collectors.

### **Brimbank: sporting facilities**

**Mr PAKULA** (Western Metropolitan) — Tonight I wish to raise a matter for the attention of the Minister for Sport, Recreation and Youth Affairs concerning a submission by Brimbank council for warm season grass funding under the drought relief fund guidelines.

Some 18 months ago Brimbank City Council released its draft environment strategy and for the past 12 months or so it has been rolling out projects to drought-proof sporting grounds in the municipality. On this occasion Brimbank has made an application to the government totalling approximately \$75 000. The application by council is in support of projects to plant Santa Ana couch grass in a number of sporting fields within the municipality. With regard to soccer fields the application relates to Keilor Lodge Reserve, Keilor Park Recreation Reserve, Larissa Reserve, Ralph Reserve, and Green Gully Reserve Ground 4. With regard to baseball fields it relates to Barclay Reserve,

and regarding cricket fields it is for Green Gully Reserve and Keilor Park Recreation Reserve.

According to the Brimbank council submission, once that Santa Ana couch grass becomes established — and that, of course, needs water, but the council is well on the way to establishing it on other grounds — those fields will use 30 per cent less water than they do with the existing turf. To quantify that in terms of actual water savings, the estimate by council is that once the Santa Ana couch is established there will be water savings of approximately 11.5 million litres per year. They are the kinds of projects that the fund has been designed to support. The action I seek from Minister Merlino is simply that he support the projects I have referred to and that he do so by allocating the funding as requested by Brimbank council in its submission.

### **Greater Geelong: electoral review**

**Mr KOCH** (Western Victoria) — My matter is for the Minister for Local Government in the other place and concerns the electoral representation review by the Victorian Electoral Council (VEC) that is currently under way for the Greater Geelong City Council. The terms of reference for the review are principally restricted to making recommendations on the number of councillors and whether the municipality should be unsubdivided or divided into wards. Greater Geelong is currently subdivided into 12 single-councillor wards and has 160 000 voters. As we know, it is the second largest municipality in Victoria after Casey.

Disappointingly, in response to the call for public submissions, only 18 were received by the closing date of 25 February 2008. Half of those were politically motivated and, not surprisingly, came from the Greens supporters who were supporting the call for the retention of 12 councillors from four multi-member wards. In its preliminary report, the VEC's preferred option is for the retention of 12 councillors but for them to come from six, two-councillor wards. The VEC has simply made recommendations based on the size of the municipality. This should not be the prime criterion for determining the number of councillors. As Geelong has over 2000 full-time staff, there is no need for the maximum number of councillors currently in Geelong.

The claims that due to the large number of voters 12 ward councillors are needed as they know their wards and are more responsive to local issues are unsubstantiated. The local government restructure in the mid-1990s confirmed that this is outdated thinking and that councils are now major business operations, not small community groups. Instead of being locked into parochially divided wards, councillors need to be

working for everyone within the municipality. Council resources are not allocated by ward, and the vast majority of councillor work relates to developing public policies for the betterment of the whole municipality.

There are calls from within the Geelong community for no more than nine councillors coming from an unsubdivided municipality to bring a corporate view to the council table. Better quality decisions are generally made in municipalities with fewer councillors, and if Geelong had a popularly elected mayor serving the full term of the council, tough decisions would be made without the fear of being thrown out after the first 12-month period.

A golden opportunity has been lost for Geelong. The VEC's terms of reference should have been expanded to review policy structures to deliver the best outcome for voters. My request is for the minister to address the significant shortfalls in the reference used by the VEC to gain the best outcome for local government electoral representation across Victoria, rather than embarking on further and costly periodic reviews.

### **Emergency services: telephone alert**

**Ms HARTLAND** (Western Metropolitan) — My adjournment matter tonight is for the Minister for Police and Emergency Services in the other place, Mr Cameron. Before I start I would also like to support Mr Leane's comments earlier today extending condolences to the family of the electrical worker who was killed last week.

Residents across the state obviously experienced major blackouts after last Wednesday's storm. They include residents of Bute Street, Seddon, whose power was out from Wednesday until Friday night. During the power outage, Bute Street residents were not able to contact AGL to make sure that the company was aware of the power outage, as AGL's number was constantly engaged. They were not able to tell AGL that their power was out, and they were not able to find out how long it would be before power was restored. The radio was not very useful as an emergency alerting system as the problem was varied and localised. Stephanie, a Bute Street resident, told me that the most frustrating thing was not knowing whether to make short-term or long-term arrangements for essential tasks, such as sterilising baby bottles.

These issues reinforce the need for an emergency alerting system, whether that be by a free-call telephone information line such as the one used during floods or fires, or a telephone alerting system, such as the one I

raised in my parliamentary motion following the Tottenham chlorine fire emergency.

This emergency has highlighted again that the government is not able to deal with residents in crisis during floods, fire, chemical disasters or storms. The Premier stated on the day after the storm last week that because of climate change we can expect to see more adverse weather conditions. To be prepared for that we need an emergency alerting system. A telephone information line or an alerting system is a cost-effective way for government services to send recorded messages to multiple homes, including to individual streets. If the system had been in place last week, people would have had information, been able to find out what was happening and known when they could expect their power to be restored.

My request to the minister is to commit funding for emergency telephone information lines as part of an telephone alerting system in Victoria to deal with multiple emergency situations.

### **Information and communications technology: broadband access**

**Mr P. DAVIS** (Eastern Victoria) — The Victorian government, particularly the Minister for Information and Communication Technology, to whom I direct this matter, regularly talks up Victoria's broadband services. In fact the government gives the impression it alone is responsible for broadband capacity and reach in Victoria — that is, until it faces a specific issue; then it shifts the onus to the commonwealth and says the rollout of communications infrastructure is out of Victoria's hands.

I know of a specific case involving a small rural community quite close to Melbourne, which, to its considerable disadvantage, finds itself beyond the reach of broadband. Leongatha South, in the middle of a diamond that has Leongatha, Inverloch, Kongwak and Korumburra at its points, is just 80 miles from the Melbourne central business district, and yet it has no online broadband service. I use the measurement of miles deliberately because we must be living in the past for this to be the situation.

Ms Ro Masters, who lives adjacent to the Leongatha South golf club, is endeavouring to start up a small business to provide self-contained accommodation for club visitors, and her partner would like to operate an IT business from their home, but their plans are in jeopardy because of the lack of broadband. They only have access to dial-up internet — I remember that; it was back in the Stone Age — which is inadequate, or

wireless broadband, which is too expensive. Telstra has told them there is no current plan to upgrade the Leongatha South exchange to cater for broadband. Three neighbouring centres all have an asymmetric digital subscriber line (ADSL) broadband service.

The government makes a number of expansive claims about its broadband credentials as part of a plan called Broadband Framework. The framework sets out six strategies for action, some of which focus on assisting local businesses and communities to get up to broadband speed, and it claims it will advocate in their interests. Specifically the government boasts it is making broadband happen for the Gippsland region, but we have that blind spot at Leongatha South, just 80 miles from where we stand.

It seems anomalous in the circumstances that this government's parent organisation in Canberra is talking about delivering a VDSL — that is, very high speed digital subscriber line — service to the nation. I direct the minister's attention to the announcement he made on 4 March that the government has allocated \$2.1 million for broadband projects in country Victoria and that under this program projects to improve the uptake of broadband and information and communications technology service delivery in country areas will be implemented with the input of the Municipal Association of Victoria and local councils. Further I have been advised that Telstra is keen to cooperate in a project to deliver broadband to black spot areas, such as Leongatha South.

Therefore the issue for the minister is: will he ensure that there is an ADSL broadband service for the Leongatha South community and in the process enable a new small business to begin operating there, and will he do so expeditiously?

### **Police: Glen Eira**

**Mrs COOTE** (Southern Metropolitan) — My adjournment matter tonight is for the Minister for Police and Emergency Services in the other place in regard to the issue of police numbers on the beat in Glen Eira. Today we saw 3000 police demonstrating outside Parliament House. Many of them said that the police are underresourced, and indeed that relates to what I have to say tonight. I believe the police in Glen Eira do a fantastic job. They have limited resources and they do an excellent job, but I am concerned that they are not sufficiently well resourced.

Customers and shopkeepers in the Glen Huntly Road area near the Elsternwick station fear for their safety. Businesses are suffering because customers are scared,

and the shopkeepers complain of witnessing bashings, vandalism and shoplifting. One shopkeeper said, 'The way things are going, we are going to be prisoners in our own premises'. Shopkeepers say that they call the police but the culprits are gone by the time the police actually get there. The police have acknowledged that the area is a major concern, saying, 'It is on our tasking sheet every day'. The most recent Glen Eira crime statistics reveal that there are some alarming increases in crime in that area.

The people of Glen Eira are most concerned, feel intimidated and are very worried. They too acknowledge that the police do the best they possibly can do, but they are concerned that the police are not well enough resourced. The action I am seeking from the minister is, as a matter of priority, to ensure that additional funding is provided so that more police can be allocated to patrolling the streets of the city of Glen Eira.

### **Insurance: fire services levy**

**Mrs PETROVICH** (Northern Victoria) — My adjournment matter is for the Minister for Police and Emergency Services in the other place. Some five years ago the royal commission report on the failure of the HIH Insurance Group recommended that the states that had not already done so should abolish fire services levies on insurers. To this day Victoria has failed to act on this recommendation. Instead, this inequitable tax not only continues to be charged, but the rate has continued to increase. The latest round of increases has brought the levy in rural Victoria up to 52 per cent for commercial operators and 22 per cent for residential insurers. Once again rural communities are being discriminated against, as the levy on the metropolitan area is lower and Melburnians have not received the recent hike.

The fundamental problem with the fire services levy is that only those who bother to take out insurance pay the levy, but those who are underinsured or totally uninsured still get the services of the Country Fire Authority (CFA) or the Metropolitan Fire Brigade in the event of a fire. Therefore those members of our community who decide to insure are effectively subsidising those who choose not to insure.

The effect of the fire services levy plus GST plus stamp duty — in other words, taxes on taxes — gives Victoria the unenviable reputation of having the highest tax on insurance in the world. One of the flow-on effects of these high rates of tax on insurance premiums is that insurance then becomes unaffordable to the many in

rural Victoria who have suffered the financial devastation of a 10-year drought.

For some time the industry has been calling on the government to provide a more efficient and transparent scheme based on a user-pays formula where all property owners who have access to either the services of the CFA or the Metropolitan Fire Brigade contribute to their operating costs. To date Queensland, South Australia and Western Australia have successfully abolished these insurance levies, and it is about time Victoria looked for a better system. The action I seek from the Minister for Police and Emergency Services in the other place is to provide a breakdown of how much more money the insurance industry will collect on behalf of the government as a result of this latest rise and to explain whether this will be spent on essential equipment desperately needed by the CFA.

### **Rail: Lakeside station**

**Mr O'DONOHUE** (Eastern Victoria) — I raise a matter this evening for the attention of the Minister for Public Transport in the other house. On 4 March the Premier announced the establishment of the new urban growth zone (UGZ). The Premier's press release of the same date states that the new UGZ will 'cut the time it takes to prepare land for development by more than 12 months'. This announcement and the introduction of the UGZ are clearly a response to the unexpected population growth being experienced in Victoria. Time will tell whether the UGZ will accelerate the development process as much as is being claimed, but what the announcement does demonstrate is that the designated growth corridors will continue to see significant population growth into the future.

In the Officer–Pakenham growth corridor the Arena estate on the corner of Cardinia Road and the Princes Highway has started construction and the Lakeside estate is now home to over 3500 residents. Eventually the Cardinia Road precinct will house nearly 50 000 people. Sadly this population growth has not been matched with the provision of proper public transport infrastructure. I have previously raised the need for a new railway station at Lakeside with the government.

In earlier responses the government said that a new station would be built sometime after 2011, but with the unexpected population growth and the promised acceleration of development in the growth corridors including that Cardinia Road precinct, 2011 is just not good enough. Therefore the action I seek from the minister in light of the anticipated accelerated population growth is to commit to the construction of

the Lakeside railway station as an absolute priority so that the people of the fast-growing Cardinia Road precinct have access to proper public transport services to Melbourne, Gippsland and elsewhere via the metropolitan rail network.

### **Lake Purrumbete: boat ramp**

**Mr VOGELS** (Western Victoria) — I raise an issue for the Minister for Agriculture in the other place in relation to recreational fishing and boating access to Lake Purrumbete in south-western Victoria. Lake Purrumbete was once Victoria's premier trout fishing lake and is a vitally important community venue utilised by many local residents, tourists and holidaymakers who use the caravan park and the recreation reserve.

The current dry conditions have reduced the water level so that the boat ramp cannot be used, preventing boating access to the 500 hectares of the lake that is still there and is actually 25 metres deep. The distance from the boat ramp to the water is 80 metres or more, and the boats just cannot get there. As I said before, the recreational fishing species is basically trout, with which the state government has stocked the lake. The lake is still being stocked as part of a regular program.

Lake Purrumbete is important to the tourism industry in Corangamite. The lake formerly brought approximately \$6 million per annum into the region. However, in the last 12 months or so no boats have been able to access the lake. Corangamite Shire Council, the angling club and the caravan park of Lake Purrumbete, Parks Victoria and the Department of Sustainability and Environment are all in agreement that urgent action is required if we want to save an important icon which is used by a community.

Various options about how to best address access to the lake have been explored. In my humble opinion upgrading the infrastructure — that is, the boat ramp that exists at the moment — would be ideal. That would cost a lot of money. Dredging, excavating et cetera would be needed, but it should be the no. 1 priority. With all the relevant authorities working towards a common goal, Lake Purrumbete can continue to provide the community with environmental benefits for many years to come. Being an optimist, I believe climate conditions will change and return to normal.

In the meantime the action I seek from the minister is to work closely with all relevant stakeholders to ensure that boating access can once again be gained to this wonderful asset in south-west Victoria. This will mean

a financial commitment which can and will be well and truly justified for all the right reasons.

### **School buses: Heatherwood School**

**Mr ATKINSON** (Eastern Metropolitan) — I have a matter which I would like to address to the Minister for Education in the other place in regard to bus transport for special education services.

On this occasion I raise this issue in respect of the Heatherwood School, which deals with students who have a mild intellectual disability. The minister at the table, the Treasurer, Mr Lenders, may recognise that I previously mentioned a similar issue in terms of bus transport for disabled deaf students attending the Eastwood Primary School in Ringwood. Heatherwood School is located on Springvale Road in Donvale. It has approximately 250 enrolled students, and the majority of them travel to school on buses, which are operated by Crown and Quince's bus companies. The school has students travelling from places as far away as Healesville, Chum Creek, Millgrove, Seville, Yellingbo and Cockatoo.

The most pressing issue for many of these students, and it concerns the school community, its teachers and the parents, is the sheer amount of time the students are required to spend travelling to school. The school says that the actual face-to-face teaching time is only 4 hours and 30 minutes, but in many instances the travel time to and from the school is approaching that period. Some of the students actually do not arrive at the school until 9.30 a.m., despite the 9.00 a.m. start, because of transport problems that include dropping off junior students at a special school in Vermont South. That school is not too far from Heatherwood.

This issue of students with a disability having to be transported considerable distances is a serious one. The school mentions that on many occasions students arrive at the school distressed and agitated. Some of those students are consistently in buses for very long periods travelling to and from school. The school tells me that it has approached the minister and has sought some indication of what is going on regarding travel arrangements for the school and its students. At this point they have not received any indication as to what the government may have in mind.

My request to the minister is for some information and for consideration of a review of transport services, particularly in the context of Heatherwood School, to ensure that students do not continue to face a situation where their learning abilities are compromised by intolerable travel times.

### **Police: Frankston**

**Mr RICH-PHILLIPS** (South Eastern Metropolitan) — I wish to raise a matter for the attention of the Minister for Police and Emergency Services in the other place. Last Friday I was contacted by a constituent in Frankston regarding an experience she had earlier in the week: she returned to her home in central Frankston late in the afternoon to discover it had been burgled. A front window had been broken and the burglar had entered the place, ransacked the house and turned over drawers and cupboards. Obviously that was quite a distressing experience for a lady who lives by herself in a home in an isolated area of central Frankston.

When this lady attempted to contact the Frankston police on a local telephone number, she was unable to do so. After a number of attempts, the telephone simply rang out; there was no answer at the Frankston police station. Then she contacted the 000 number to request police assistance. She was advised by the 000 operator that a response from Frankston police would not be possible within 2 hours. This was obviously a matter of great distress to her because it was late in the afternoon and it was getting dark. She did not know what time the burglary had occurred, whether she had arrived home just after the burglar had left or if the burglar was still in the area. It was of considerable concern that there was a delay. As advised by the 000 operator, the police attended approximately 2 hours after the lady had made the call to 000.

In conversation with the police who attended her house she was advised that in their estimation the region is short of something of the order of 200 police officers. That was the reason why their attendance at her home was delayed for the period that it was and why, when she attempted to contact the station directly, there was no-one there to respond.

I ask the Minister for Police and Emergency Services to clearly review the level of resources in Frankston and, more particularly, in the south-eastern region in regard to the issues like the one which was raised with me last week concerning 2-hour delays in police attendance and of a lack of police resources to respond to issues. There is clearly a problem with the allocation by the government of resources to Victoria Police. We hear the government say that the distribution of police members is a matter for police command, but ultimately the conduct and efficiency of Victoria Police is the government's responsibility to the Victorian Parliament.

I ask the Minister for Police and Emergency Services to ensure police in the south-east and in Frankston in particular are adequately resourced so that ladies like my constituent do not have to wait 2 hours for a response to a burglary incident such as happened last week.

**The PRESIDENT** — Order! While

Mr Rich-Phillips ran a good argument regarding the capacity to ask the Minister for Police and Emergency Services in the other place to adequately resource Frankston in particular, I do not believe it is a matter for the minister but one for police command, and as such I rule that out.

### **K Road, Werribee: cliff fencing**

**Mr FINN** (Western Metropolitan) — I raise a matter for the attention of the Minister for Environment and Climate Change. I refer the minister to cliffs in K Road, Werribee, rather imaginatively known as the K Road cliffs. One can imagine the enormous intellectual rigour that went into finding a name for that. The cliffs are on the boundary of the Werribee Park Golf Club, which is, as I have previously mentioned in the house, one of the most beautiful golf courses in Australia. These cliffs are heritage listed and are magnificent to the eye, overlooking the Werribee River as they do. They are also under the control of the Department of Sustainability and Environment (DSE). These cliffs are things of beauty but hold very real hidden dangers.

On 14 December 2001 a report was produced which warned of the great dangers of these cliffs; erosion that has made them a potential death trap. For almost four years nothing happened. On 17 October 2005 the Werribee Park Golf Club wrote to the Department of Sustainability and Environment pointing out the dangers posed by the cliffs. That letter was acknowledged on 20 October 2005, but still no action was taken. A DSE officer attended in December of that year.

Two years later something was finally done when a few signs and somewhat inadequate fencing were erected in an attempt to stop the hundreds of fishermen accessing the river via the cliffs, mostly after dark. I am sure the minister can see disaster just around the corner with such a situation. If something is not done a life or lives will be lost as the cliff edge crumbles under the feet of some poor unsuspecting soul.

I ask the minister to instruct his department to erect fencing which will prevent access to the cliffs, not just by the aforementioned fishermen but by couples

standing on the cliffs having their wedding photos taken and passing dignitaries such as the mayor who like to go down there and have publicity shots taken. I am sure the minister can see the dangers that we are talking about and I ask him to instruct his department to erect fencing to prevent what is currently an inevitable catastrophe.

### **Port Phillip Bay: monitoring project**

**Mr D. DAVIS** (Southern Metropolitan) — My matter is for the attention of the Minister for Environment and Climate Change and concerns the need to maintain high-quality water arrangements in Port Phillip Bay. The Australian Conservation Foundation has a bay monitoring project which it has put to the government. This project would be jointly administered by the ACF, Waterkeepers Australia and Environment Victoria. A voluntary advisory committee would be formed, and the bay monitoring project would monitor Port Phillip Bay.

As we know, the Port of Melbourne Corporation is undertaking a major project at the government's request — namely, the channel deepening project that has recently been the subject of considerable debate in this chamber. As the minister will be aware, Ted Baillieu, the Leader of the Opposition in the other place, sought to move in the lower house a monitoring approach involving web-supplied information, but he was unsuccessful. We passed a bill in this chamber to improve monitoring of the dredging project. Equally there are a range of matters other than the dredging process that deserve greater monitoring and greater involvement with the community.

A number of those matters have been singled out for the bay monitoring project as outlined by the Australian Conservation Foundation in a paper and a briefing provided to me and others. They include water quality, not only the turbidity, as much of the government monitoring focuses on turbidity, and the impact zone of the toxic sediment dredge and disposal, as well as the relationship between turbidity and light attenuation, the base flow of the Yarra and Maribyrnong rivers and the impact of flood events in those rivers, seagrass modelling to examine the health of seagrass, and the impact on specific habitats of interest or concern.

The estimated cost of the bay monitoring project as set out in the annual budget would be \$215 000, which includes boat costs, monitoring equipment, monitoring staff and laboratory work, and assessment, as well as an administrative cost. It is a modest cost given the tourism and environmental significance of Port Phillip Bay.

While I do not think this project is the last word in everything to do with monitoring, I think it is a project that is worthy of consideration by the government. My request to the minister is to examine this and develop a way of improving monitoring.

### Responses

**Mr LENDERS** (Treasurer) — President, 13 items were raised in the adjournment debate which you have permitted to go forward and I will speak to them in reverse order. I note that most of these items are budget bids where ministers are being asked to do things for which they do not have the authority and only Parliament does. I will go through these particular ones.

Firstly, David Davis sought action from the Minister for Environment and Climate Change on a range of issues dealing with the bay monitoring project and a range of other areas. I will refer that to the minister for his response and he can respond directly to Mr Davis on the issues he raised.

Mr Finn again raised for the Minister for Environment and Climate Change an issue regarding the cliffs at K Road, Werribee. He outlined a series of issues that he wanted addressed and asked the minister to instruct the Department of Sustainability and Environment to build fences. I will refer that to the minister for his attention and the minister can respond on whether it is an appropriate use of his authority to instruct a department to build fences, but he will undoubtedly respond.

Mr Atkinson raised an issue for the Minister for Education in the other house regarding the Heatherwood School and bus transport for disabled students. In essence he requested that the minister receive information. I can assure Mr Atkinson that the minister will receive information. I have probably discharged that matter, but I will refer it on the basis that I am sure the minister will receive the information; there will not be any issue from that. Obviously he seeks some action from the minister.

Mr Vogels raised an issue for the Minister for Agriculture in the other house essentially seeking support. He outlined the issues at Lake Purrumbete concerning the trout stock and the tourism industry, and his request to the minister was that he work more closely with stakeholders. I can assure Mr Vogels that the minister will work closely with stakeholders, and I regard that item as discharged. I will pass the comments of Mr Vogels on to the minister.

Mr O'Donohue raised an issue with the Minister for Public Transport in the other house regarding the

funding of a railway station in his constituency, and he requested the minister commit to that funding. It is a worthy request from Mr O'Donohue, but the funding of railway stations is an issue that needs to go through the state budget. It is an issue that would be done more appropriately through the budget papers. I can assure Mr O'Donohue that his request is noted by the government in this area and it will be considered within government. I regard the issue as discharged because it will obviously come back to the Parliament in the form of the budget.

Mrs Petrovich raised an issue with the Minister for Police and Emergency Services in the other house regarding the fire services levy. I can assure Mrs Petrovich that the fire services levy is nowhere near as simple a proposal as she presents.

Mrs Petrovich used exactly the same arguments that the Insurance Council of Australia has used, and exactly the same arguments that governments representing the majority of Australian citizens have rejected. What Mrs Petrovich failed to note is that the states she mentioned — being Western Australia, Queensland and South Australia — have all put a taxation burden on their citizens, whether it be property levies, ambulance levies, or whatever the form of levy is. I assure Mrs Petrovich that this is simply a charge the insurance industry puts on premiums to help fund the fire services, whether they be metropolitan or regional.

Mrs Petrovich's question was about whether the levy would be going into funding equipment in regional areas, and my answer is an unequivocal yes, because the budget of the Country Fire Authority is based on both a contribution from government and the fire services levy, which is a levy on the insurance industry which it then apportions across premiums. It is not a discrimination against rural areas. It is a charge put on by the Insurance Council of Australia to recover that portion which actually funds the fire brigades that assist those with property. If Mrs Petrovich read the report that was tabled a couple of years ago, she would find that the areas she raised regarding emissions and people who do not pay insurance premiums and the like are addressed in detail in that report. I regard that particular issue as discharged.

Mrs Coote raised an issue for the Minister for Police and Emergency Services in the other house, which again was a budget bid for greater numbers in the city of Glen Eira. I remind Mrs Coote that the current government in the 1999–2002 Parliament, in the 2002–06 Parliament and again in the current Parliament, committed to and delivered increased police numbers after inheriting a situation where a previous government — which I will not name on the basis of being apolitical — slashed the

police force by 10 per cent. I can assure Mrs Coote that the increased numbers in the police force, which are at the disposal of the Chief Commissioner of Police, will be allocated by the chief commissioner operationally to the areas she sees as the hot spots. I regard the issue as discharged in a formal sense, but I inform Mrs Coote that these are issues on which the community will be directly liaising with the police force.

Philip Davis raised an issue for the Minister for Information and Communication Technology regarding broadband services, and in particular in regard to a blind spot, as he described it, in Leongatha South. I will refer that issue to the minister for his attention.

Ms Hartland raised an issue for the Minister for Police and Emergency Services in the other house regarding Seddon residents who were without power. While the request is a budget bid for an alerting system, I will refer the matter to the minister for his direct response to Ms Hartland.

Mr Koch raised an issue for the Minister for Local Government in the other house regarding Victorian Electoral Commission reviews, particularly in the city of Greater Geelong. He was disappointed at the outcomes, the lack of submissions and a range of issues, but the substantive response to Mr Koch is that the government has made a policy decision that electoral reviews are matters for the VEC to undertake. The government does not have a view that they should be initiated by the minister. That is why the electoral commission — an independent body — makes the prime determination. I regard that matter as discharged.

Mr Pakula raised an issue for the Minister for Sport, Recreation and Youth Affairs in the other house regarding a proposal from the Brimbank council for drought-proofing sportsgrounds, and seeking his support for that project. I will pass that on to the minister for his response.

**Mr Atkinson** — On a point of order, President, I draw your attention to a contradiction in the minister's handling of these matters. The matter he has just reported to the house on is to be referred to the minister on the basis that it was a request that money be spent. However, with earlier matters where members had raised issues the minister dismissed them and said they were discharged because they were matters that related to the budget. The reality is that so too does the matter he has just commented on, which he has allowed to go to the minister.

We need a consistent position from the minister in terms of what he is discharging, and in particular where

he draws a distinction with matters that relate to the budget rather than matters that ought be considered by the minister.

**The PRESIDENT** — Order! Firstly, Mr Atkinson is now debating the matter. Secondly, the manner in which the minister chooses to answer is a matter for himself, and it is not for me to adjudicate on it. Therefore there is no point of order.

**Mr LENDERS** — Mr Hall raised an issue for me as the minister responsible for VicForests regarding firewood supplies in Gippsland, and in particular seeking a review on VicForests firewood procedures. In a sense I am reluctant to commit to any sort of formal review on these matters. There is ongoing dialogue between VicForests and many of its stakeholders, but I certainly commit to having ongoing dialogue with Mr Hall as to whether there are more effective ways for this to be done, and I would welcome ongoing discussion with him and with the stakeholders he referred to on this issue.

The final adjournment matter was from Ms Lovell and was for the Minister for Roads and Ports in the other house regarding the Bendigo transportation study. I will refer to the minister the issues Ms Lovell raised, but note that her cheap shot about three silent voices around the cabinet table on any Bendigo matter rings a tad hollow when the party she represents also had a Bendigo cabinet minister during the time of that 35-year plan. She was saying that this plan is tardy. I do not wish to speak ill of the late member. I would also have thought that, if that is how she measures the outcomes, it is a reflection on herself, on Mrs Petrovich and on Mr Drum as other members for Northern Victoria Region. Certainly it is a serious issue she raises about the Bendigo transport study, and I will refer it to the Minister for Roads and Ports for his response.

In addition, I wish to formally advise the house that there are 20 responses to adjournment matters for the period from 5 February to 12 March that will be incorporated into *Hansard* as required under the new sessional orders as follows: Mr Drum on 5 February; Mr D. Davis on 5 February; Mr Finn on 5 February; Mr Hall on 5 February; Mr Hall on 6 February; Mr Barber on 6 February; Mrs Petrovich on 6 February; Mr Rich-Phillips on 7 February; Mrs Coote on 7 February; Mr Guy on 7 February; Mr D. Davis on 7 February; Mr Eideh on 7 February; Ms Tierney on 7 February; Mr O'Donohue on 7 February; Mr Thornley on 7 February; Ms Pennicuik on 27 February; Mr P. Davis on 28 February; Mr Rich-Phillips on 28 February; Mr P. Davis on 11 March; and Ms Lovell on 12 March.

ADJOURNMENT

Tuesday, 8 April 2008

COUNCIL

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**The PRESIDENT** — Order! The house now stands adjourned.

**House adjourned 10.54 p.m.**

**ADJOURNMENT**