PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE ASSEMBLY

FIFTY-FOURTH PARLIAMENT

FIRST SESSION

29 August 2000

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Leigh, Mr Geoffrey Graeme	Mordialloc	LP	Wynne, Mr Richard William	Richmond	ALP

[1] Resigned 3 November 1999
[2] Elected 11 December 1999
[3] Resigned 12 April 2000
[4] Elected 13 May 2000

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TUESDAY, 29 AUGUST 2000

Tuesday, 29 August 2000

The SPEAKER (Hon. Alex Andrianopoulos) took the chair at 2.05 p.m. and read the prayer.

QUESTIONS WITHOUT NOTICE

Industrial relations: Campaign 2000

Dr NAPTHINE (Leader of the Opposition) — My question without notice is directed to the Premier. Given the savage increase in industrial disputation in Victoria since the election of the Labor government, I ask what specific action the government is now taking to ensure the union-inspired Campaign 2000 does not further damage Victoria's manufacturing industry and our investment reputation?

Mr BRACKS (Premier) — I hope I can get some support from the Leader of the Opposition for the action we are proposing. We are about to receive a report, as I understand it, which will recommend that the state have mediation powers — that is, powers by consent from the employers and the employees to consent to a mediation which is binding on both parties — binding, therefore, on settlement and binding on an arbitrated outcome. It is an instrument which will be very useful for the state of Victoria and one which I would hope the opposition would support. Yet just last week instructions were issued to the opposition by the federal workplace relations minister, Mr Reith, who was urging, as reported in the *Age*, that Liberal Party members on that side of the house and in the upper house reject any proposed legislation to support mediation and settlement of disputes.

This will be a reasonable, sensible way of ensuring we have continuity of employment and settlement of those current matters. I look forward to support for this sensible power that we are seeking to introduce to resolve these matters — a power, I might say, which was given away by that side so that there is no capacity to resolve. I hope and pray that the Liberal Party is different from what it was 12 months ago, and I hope its members do not heed the call from Mr Reith. I know they like taking instructions and they have been instructed, but I hope this time they buck and say, 'We need this industrial relations power in the state'.

Roads: funding

Mr STEGGALL (Swan Hill) — The Minister for Transport recently requested the federal government in his national highway strategy to declare the Scoresby freeway a road of national importance. Given the government's commitment to building infrastructure in country Victoria and that both the Calder Highway and the Scoresby freeway are state government roads, will the minister inform the house which is his priority for roads of national importance funding — the Calder Highway or the Scoresby freeway?

Mr BATCHELOR (Minister for Transport) — It is interesting that this sort of question should come from the National Party. The answer is very clear, very obvious and unambiguous, and I will come to that. Here they are having had seven years to try to deal with these important infrastructure projects, both in metropolitan Melbourne and country Victoria, and they failed to grapple with it. In fact, the National Party sat mute for seven years being told what to do and say and when to say it, and it appears they are still trying to do the same thing in opposition. They were hopeless then and they are hopeless now.

The government is committed to improving regional infrastructure and has already allocated money in the budget to the Calder Highway, unlike the attitude the federal government has taken on this road of national importance — it has withdrawn funding and delayed it further. It is absolutely disgraceful. That was done by the former federal Deputy Leader of the National Party, the colleague of the Deputy Leader of the National Party in Victoria, the honourable member for Swan Hill. He adopted a position that undermined the funding process for the Calder Highway. That is not the position of the Labor Party in Victoria.

The government wants to build this important highway to Bendigo. Unlike the honourable member for Swan Hill, whose constituents would benefit from it, the government wants the Calder Highway to go ahead and has made a commitment to try to have it constructed by 2006. The answer is obvious, the government has already — —

Honourable members interjecting.

Mr BATCHELOR — They ask by interjection, 'Which one?'. There is only one Calder Highway, and that is the one that the government has put funding into.

Honourable members interjecting.

Mr BATCHELOR — That's right, the Calder Highway heads out and goes up to Bendigo. I am sure when he drives up to Swan Hill he has been on it many times. That is the Calder Highway we are talking about. It is the one the government wants to fund and the one it wants the federal National Party to fund. I want to get the National Party members here — and if you won't do it, perhaps those up the back will do it. Perhaps they

ought to be deputy leaders of the National Party, because they would do a better job.

Mr Perton — On a point of order, Mr Speaker, the minister is clearly debating the question. I ask you to bring him back to order.

The SPEAKER — Order! I uphold the point of order and ask the minister to cease debating the question and come back to answering it.

Mr BATCHELOR — Thank you, Mr Speaker. I am terribly chastened by that point of order raised by the honourable member for Doncaster, who is leaping to the defence of his former coalition partners. It appears that the split is only superficial.

The government has already allocated funding for the Calder Highway. That clearly indicates its preference.

Austin and Repatriation Medical Centre

Mr LANGDON (Ivanhoe) — I refer the Premier to the government's commitment to build a better health system. Will he inform the house of details of the government's plan for the redevelopment of the Austin and Repatriation Medical Centre?

Mr BRACKS (Premier) — I thank the honourable member for Ivanhoe for his question and for his continuing interest in the issue. This morning at the Austin venue I learnt that the honourable member for Ivanhoe holds the meetings of the hospital auxiliary in his office to plan fundraising for the hospital. I congratulate him on that. Those I spoke with were very complimentary.

Mr Speaker, as you know the government came to power with a commitment to rebuild Victoria's health infrastructure, to turn back the privatisation model of the previous government and to commit $155 million in funding for the Austin and Repatriation Medical Centre. I am very happy to say that the government has stopped the privatisation of the Austin in its tracks. It is no longer, as was proposed by the previous government, to be a project that was to be handed over to the private sector on the build-own-operate system with an operational subsidy from the state — something that would never work. That was something committed to by the previous government that it could not realise on. The government has stopped that.

Over and above the commitment made in Labor's financial statement of $155 million to redevelop the Austin and Repatriation Medical Centre, together with the Minister for Health, I announced today a public sector capital project of more than $320 million to redevelop that centre and relocate the Mercy Hospital for Women to Heidelberg. I congratulate the staff and administration of the Austin and Repatriation Medical Centre as well as — —

Mr Doyle interjected.

The SPEAKER — Order! The honourable member for Malvern shall cease interjecting.

Mr BRACKS — It is extraordinary. The previous government was due to complete the project two years ago but it was not started because it bungled the privatisation. Opposition members know it is true. The redevelopment — —

Opposition members interjecting.

The SPEAKER — Order! I ask the house to come to order to enable the Premier to finish answering the question.

Mr BRACKS — The state's capital contribution on the Austin and Repatriation Medical Centre site alone will be $255 million. I congratulate the Mercy Hospital for Women on its cooperation with the government to ensure a smooth transition of the hospital to the site.

The project will deliver improved patient and visitor services in new, better-equipped wards together with better clinic care with new theatre, emergency and radiology services. It will improve patient safety through the co-location of acute services close to specialised support services. It will provide better access for patients and visitors with many more car parking spaces. As most honourable members would know the car parking has been an enormous issue in the area, and adequate car parking for staff and patients will be provided. The project will also ensure there is an integrated service on the site where currently it is hard to access areas.

I congratulate the staff of the two hospitals. They have done a sterling job while living under the uncertainty of the previous government's privatisation model. The Labor government is pleased to commit to this new project. It is the biggest single capital works project for any one hospital in Victoria's history and is a result of the government's policies. It is committed to reinvigorating the public sector and investing in it with public funds, not simply handing it over and selling it under privatisation. Together with the health community at the Austin and Repatriation Medical Centre I am pleased with today's announcement. I congratulate the Department of Human Services, the Minister for Health and the local member on their contributions.

Education: consultancies

Mr HONEYWOOD (Warrandyte) — I refer the Minister for Education to her statement on radio 3AW on 21 August when she stated:

> This is the only consultancy that I am aware of in terms of education.

Will the minister confirm that the Lyndsay Connors consultancy is the only consultancy that has been entered into since she became minister?

Ms DELAHUNTY (Minister for Education) — I thank the honourable member for his question and for raising once again the government's attention to the best quality public education that can be achieved. It has been particularly fortunate to employ Ms Lyndsay Connors, one of Australia's leading educators.

The honourable member raised the question of consultancies. It is a bit like the pot calling the kettle black. Since the Labor government came to power, it has spent over $1 million less on consultancies than the previous government did in the same period of time.

Honourable members interjecting.

Ms DELAHUNTY — It has not spent any further money on consultancies for a failed Liberal candidate who received more than half a million dollars from the public purse!

The government has examined some of the costs over the past few years, in particular those associated with setting up the self-governing schools process.

Dr Napthine — On a point of order, Mr Speaker, the minister is debating the question, which was quite specific. She was referred to a statement made on 3AW and its accuracy was being questioned. She has now admitted she misled the people who were listening to 3AW. She needs to — —

The SPEAKER — Order! I have heard sufficient on the point of order raised by the Leader of the Opposition. I am of the opinion that the minister was not debating the question, but providing the house with information about consultancies that her ministry had undertaken. I do not uphold the point of order.

Ms DELAHUNTY — If the Leader of the Opposition wishes to ask me a question I shall be happy to take it — but he can't take a point of order!

Part of the answer to the question is that in the past eight months the government has spent more than $1 million less in education department consultancies than did the previous government. The government will also further reduce the amounts spent by the Kennett government in setting up 51 self-governing schools. The former government paid accountants $84 000 to set prices for services devoted to self-governing schools and also allocated $22 000 for risk management of self-governing schools.

Opposition members interjecting.

Ms DELAHUNTY — No, they don't want to hear it.

Mr Honeywood — On a point of order, Mr Speaker, we are used to hearing the minister debate questions in her answers. The government raised the high jump; it said it would not employ consultancies. The question is about the future.

The SPEAKER — Order! There is no point of order.

Ms DELAHUNTY — The honourable member for Warrandyte asked about consultancies, and I will attempt to answer him, once again. Some $92 000 was paid to develop a strategic plan for outsourcing and some $24 000 was provided to produce materials to be used for multipurposes on key elements of proposals for autonomous schools. The former government got it wrong on education, but it spent an awful lot of money getting it wrong. In 1996–97 the Kennett government conducted market research — —

The SPEAKER — Order! I have allowed the minister some leniency in providing historical information about consultancies to the house, but I ask her to come back to answering the question and to desist debating issues that occurred in the past.

Ms DELAHUNTY — A series of consultancies were conducted by the former government, many of which are ongoing, including a consultancy for a science project that cost $1.7 million. The government is conducting a series of reviews, most of which are internal.

Mr Rowe — On a point of order, Mr Speaker, obviously the minister is referring to the typewritten notes in her hand. I ask her to table those typewritten notes for the information of the house.

The SPEAKER — Order! Is the minister quoting from typewritten notes?

Ms DELAHUNTY — Yes, Mr Speaker, and I am happy to table them. The document is a list of all the consultancies — —

The SPEAKER — Order! I ask the minister to make the document available to the house.

Ms DELAHUNTY — Certainly, I am happy to table it. The document shows that the previous government spent $360 000 when getting it wrong on education.

Dr Napthine interjected.

Ms DELAHUNTY — Settle down. Ask the question yourself.

The government will continue to employ the best people possible from Victoria and around Australia, so it can get the best advice on improving the quality of education in this state.

Mercy Hospital for Women

Mrs MADDIGAN (Essendon) — I refer the Minister for Health to today's announcement on the new development for the Mercy Hospital for Women, and I ask him to inform the house of the impact that development will have on service delivery.

Mr THWAITES (Minister for Health) — The announcement made today by the Premier is fantastic. Not only is this government doing what the opposition could not do during its seven years in government — that is, rebuilding the Austin and Repatriation Medical Centre — but it is also relocating the Mercy Hospital for Women to a new $65 million facility. The Leader of the Opposition said the plan has come about as a result of a decision made by the previous government. It was a decision of the previous government, but it never delivered on the promise!

I have had a look at the previous government's policies. The plan for the Mercy hospital released by the previous government in 1996 states the then government would commence the building of the new Mercy hospital in the middle of 1998! The opposition was in government for seven years, but it did nothing.

I am happy to provide the honourable member for Essendon with the details on what will be achieved by this new $65 million facility. The new facility will be a state-of-the-art facility for women in the northern and north-eastern suburbs of Melbourne, women who until now have not had adequate facilities. It will include 128 new adult beds; 60 neonatal cots; 17 birthing suites; a 10-bed assessment unit; 4 operating theatres; and a full range of birthing services. It will have the capacity for 5000 births a year — a tremendous boost for the northern suburbs. It will also provide gynaecology and oncology services for women, which will be important for female veterans and war widows, who have not had those services in the past.

The Mercy Hospital for Women will be coordinated with the new Austin and Repatriation Medical Centre in a $320 million development — the largest hospital development in Victoria's history. It will mean that women who use the services at the Mercy hospital will be able, if necessary, to also gain access to the services provided at the Austin and Repatriation Medical Centre. Those services include emergency and critical services, which unfortunately are needed from time to time. Having the facility in one place will also attract the best staff. Currently, the facilities at the Mercy Hospital for Women are not up to today's standards. The government will provide the staff at the Mercy hospital with what they need: government and public support for a world-class hospital.

Gaming: employee licences

Mr SAVAGE (Mildura) — The current requirement for people employed in gaming areas to be fingerprinted in Melbourne clearly discriminates against country residents. Will the Minister for Gaming advise the house what is to be done to remove this discriminatory practice by enabling country residents to be fingerprinted locally?

Mr PANDAZOPOULOS (Minister for Gaming) — I thank the honourable member for Mildura for raising an important issue to do with employment opportunities for people in country and regional Victoria.

Honourable members interjecting.

Mr PANDAZOPOULOS — Some interesting interjections are coming from people on the other side. They are saying, 'Oh, this is really important!'.

It is necessary for prospective employees to be fingerprinted in order for them to obtain a gaming venue licence and become eligible for a job. Every year about 2000 country and regional Victorians, many of whom are casual or part-time workers, must come all the way to Melbourne from places such as Mildura to obtain gaming venue licences. That is extremely unfair on country and regional Victorians.

The honourable member for Mildura has been speaking with his own constituents about the matter. Late in May I received a letter from Mr Kevin Clarke of Clarke Creative Training Consultants, who are the only providers in the Mildura region of courses in the responsible serving of gaming. Mr Clarke raised with me the issue of the number of Victorians who each year

unfairly have to travel into Melbourne to be fingerprinted to get gaming venue licences. Perhaps it was part of the strategy of the previous Minister for Tourism to get people to come to Melbourne, because many of those people would incur the additional expense of staying overnight in Melbourne for a procedure that takes no more than 5 minutes.

Equity issues exist for country and regional Victorians. I have taken the advice of the honourable member for Mildura and Mr Clarke of Mildura and discovered a way to assist. The government asked the Victorian Casino and Gaming Authority to hold discussions with the Victoria Police to see whether the requirement for people to come to central Melbourne to be fingerprinted could be removed. I am pleased to advise the house that the police and the authority have reached in-principle agreement to commence a new procedure in October whereby country and regional Victorians will no longer have to come to Melbourne but will be offered other locations.

It is most interesting that in his letter to me dated 23 May Mr Clarke states:

> Early last year, we had discussions with the previous minister with regard to the ludicrous situation of people from Mildura having to travel to Melbourne to have fingerprints done in order to gain a gaming licence.

Did the previous government do anything? No! The issue was raised with the current government in May. By October a new system will be in place that is fair for country and regional Victorians who want casual and part-time work in gaming venues.

Education: consultancies

Mr HONEYWOOD (Warrandyte) — I refer the Minister for Education to her previous answer, which confirmed that her statements on 3AW on 21 August were incorrect and misleading. Will she now advise the house of the details of other consultancies, including the names of the consultants and the costs incurred?

Ms DELAHUNTY (Minister for Education) — I will be happy to answer the question in detail when the department advises me of that information. As I said in my previous answer, the figures the department has given me clearly show that since the Bracks Labor government came to office spending on consultancies in the Department of Education, Employment and Training has been $1 million less than that spent in the previous year under the last government. If the honourable member would like a listing of those, I am sure the government would be able to provide it.

Dr Napthine — On a point of order, Mr Speaker, the minister seems to have a list of previous consultancies, all of which seem to be able to be supplied to her by her department. It seems ridiculous that she does not have a list of consultancies since she has been the minister.

The SPEAKER — Order! There is no point of order. The minister has concluded her answer.

Schools: funding

Mr TREZISE (Geelong) — My question is also to the Minister for Education.

Opposition members interjecting.

The SPEAKER — Order! The opposition benches will come to order. The honourable member for Geelong is entitled to ask his question in silence.

Mr TREZISE — As National Literacy Week begins, will the minister advise the house on steps initiated by the Bracks Labor government to ensure the best possible learning environments for students and teachers and greater transparency in school capital works funding?

Ms DELAHUNTY (Minister for Education) — I thank the honourable member for his question, because his is the first real question asked on education today. National Literacy Week is an interesting week, and the Bracks government is very serious about improving the standards of literacy in the state. It has already invested $47.5 million into the early years literacy programs to bring down class sizes and will be building new spaces to ensure a vastly improved teacher–student ratio, which will improve the quality of learning.

The government wants to ensure the best possible learning environment it possibly can after seven years of savage cutting of education, when the former government spent money on consultancies for failed Liberal candidates but did not spend on building schools. It has gone on for too long. I am constantly hearing that from those on the other side of the house as they come to the office day after day saying, ‘Please fix the facilities at my school’. They did not say it before — for seven years they were silenced on education, but now they are knocking on the door.

The state has seen an outdated, inflexible and fairly dubious set of rules that have determined or pretended to determine the management of the department’s $284 million annual school building program. I give honourable members an example of the lunacy that existed. Schools wishing to receive maintenance

funding of more than $100 000 had firstly to fill out the dreaded B1 form, otherwise known as a resource agreement. However, before they could sign it they had to read no less than 18 different manuals!

I will give honourable members another example of how the government is trying to improve the facilities on the schedule. A few weeks ago at Lang Lang Primary School in Gippsland I met with the students, teachers and parents in a hall built of corrugated iron. It had not been supplied by the previous government; it had been supplied by the fundraising efforts of a local school community. What happened under the last government when members of the school community created this public space for their children? They did not get a 'Well done!' or a 'Good on you!'. No. Instead the school was dropped down the priorities list for maintenance and facilities.

Honourable members interjecting.

The SPEAKER — Order! The honourable member for Footscray!

Ms DELAHUNTY — Another example is Moreland City College. That school was told by the previous government that it had teachers in excess. We heard that sort of thing a lot.

Dr Dean — On a point of order, Mr Speaker, I realise it is difficult for the minister to answer the question of what the government is doing, but it is quite clear that the minister is again collapsing back into talk of previous policies and about what the previous government did or did not do — according to her. She is debating the question. I ask you to bring her back to the question.

The SPEAKER — Order! I do not uphold the point of order raised by the honourable member for Berwick. The question asked for information about the transparency of capital works funding from the minister's department. She was providing information in that area, and I will continue to hear her.

Ms DELAHUNTY — I have a few more examples so you can see what the government had to do to make the facilities schedule more comprehensible, more transparent and more flexible — —

Mrs Peulich — On a point of order, Mr Speaker, I listened very attentively to the question, which was about the government's initiatives in the area of literacy. Barely anything the minister has said to date has related to the question of literacy. I ask you to bring her back to the question.

The SPEAKER — Order! As the Chair recalls the question from the honourable member for Geelong, he made passing reference in his question to National Literacy Week and then proceeded to ask a question that required the minister to respond about greater transparency of the capital works funding program. I do not uphold the point of order raised by the honourable member for Bentleigh.

Ms DELAHUNTY — Thank you for that, Mr Speaker. I was asked by the honourable member for Geelong about the best possible learning environment.

We now have several examples of absurdities relating to the facilities schedules. We have even had examples of schools that had to justify why they needed lights in their classrooms. That was B4.

Today, on behalf of the Bracks government, I announce that the government will rewrite the facilities schedule so that there will be greater transparency, flexibility and commonsense applying to the expenditure of public funds in our schools. Two school principals and two teachers will work with a senior finance official from the Department of Education, Employment and Training — —

Mr Cooper — On a point of order, I have been observing the minister answering her question and have noticed that she is now on either page 2 or page 3 of the notes that have been supplied to her. Clearly she is reading a written response. I ask if the minister would be kind enough to table her answer for the information of the house.

The SPEAKER — Order! Is the honourable member quoting from a document?

The minister had indicated that she is not quoting from a document. Therefore, she does not have to make a document available.

Ms DELAHUNTY — To the great relief of schools around the state the government will now rewrite the facilities schedule so that it is comprehensible to schools and, in particular, to school councils.

A senior member of the finance section of the Department of Education, Employment and Training will work with two school principals and two teachers. The review will be of the facilities schedule and will be cost neutral.

From now on every school and every member that comes knocking on the door asking the government to fix the facilities problems in a school will have a comprehensible facilities schedule.

Australian Workers Union: judge's statements

Dr DEAN (Berwick) — I refer to the Attorney-General the outrageous slur of bias directed at Justice Beach by the Australian Workers Union and also the Federal Court's unanimous decision on 22 August that the allegation had no grounds. Will the Attorney-General now do his job and publicly back Justice Beach, or will he continue to compromise his role as Attorney-General and back the union?

Mr HULLS (Attorney-General) — The house will be aware that recently a written complaint about a Supreme Court judge was sent to my office. Not surprisingly, I immediately referred the complaint to the Chief Justice of the Supreme Court for his information and consideration, in line with that court's complaints protocol. I have a copy of the protocol with me and I am more than happy to table it, particularly point 1, which states:

> Complaints against judges and masters, however initially received, are to be conveyed without delay to the Chief Justice. Unless there are special circumstances, the Chief Justice will only receive complaints in writing.

I received a complaint and immediately referred it to the Chief Justice pursuant to the Supreme Court protocols.

Dr Dean interjected.

Mr HULLS — Following that, the shadow Attorney-General, who is blabbering away, issued a press release which states:

> … if reports in today's newspapers were accurate … Mr Hulls should resign.

Honourable members interjecting.

The SPEAKER — Order! I ask both sides of the house to come to order.

Mr HULLS — The shadow Attorney-General said I should resign over adhering to the Supreme Court protocols! Having raised the high-jump bar to that level, I wonder whether he will bring back the gallows!

Dr Dean — On a point of order, Mr Speaker, the question was in no way related to protocols. The simple question was: does the Attorney-General back Justice Beach or does he not? The minister has answered every other question he can possibly think of, but he has not yet answered the question I asked: as Attorney-General, does he back the judge of the Supreme Court, Justice Beach — yes or no?

Honourable members interjecting.

The SPEAKER — Order! The obligation of the Chair is to ensure that ministers are relevant in their answers. The minister was being relevant in his answer and I will continue to hear him. There is no point of order.

Mr HULLS — Firstly, it is crucial that the shadow Attorney-General understand the concept of the separation of powers. Secondly, he needs to understand that there are in place protocols to be followed when complaints are made against Supreme Court judges. I adhered to those protocols. I fully support every member of the judiciary in the state.

Mr Rowe — Mr Speaker, on a point of order I raise for your attention my request of the Minister for Education that she table the documents she referred to in her answer on consultancies.

At the time I drew attention to the minister's referring to two typewritten pages that were stapled together. The tabled document has clearly been cut off or ripped off, because the last line in the document says:

> Ms Connors was —

you cannot read the next word —

> … by the government on the following terms …

It is only a half-page document — —

The SPEAKER — Order! I ask the honourable member to make his point of order clear. Is he saying the correct document was not presented by the Minister for Education? I will take advice from the Clerk.

The advice provided to me is that the minister gave the Clerk the document referred to in her notes. However, to make it absolutely clear, I will ask the minister whether she was referring to any other document or notes. If so, she is required to make that available as well.

Ms Delahunty — Mr Speaker, at the time I was asked whether I would table a document I had one piece of paper, which I have given to you.

Honourable members interjecting.

The SPEAKER — Order! The Chair has inquired of the minister and she has indicated that the document she was quoting from has been presented to the house. There is no point of order.

Mrs Peulich — On a further point of order, Mr Speaker, previous Speakers have defined a document as pieces of paper stapled together.

I distinctly remember the minister dramatically turning the pages of a stapled document. The photocopy we have is an excerpt of one paragraph that ends in a colon, implying that a list follows. That clearly indicates that it is not a complete single page, let alone the two pages the minister was referring to. I ask you to rule that she has not submitted the entire document.

The SPEAKER — Order! On this occasion the obligation of an honourable member to make a document available to the house when requested to do so has been complied with.

The Chair inquired of the minister whether she had provided the document, and the minister indicated that she had. The Chair cannot do much more in resolving this matter.

Mrs Peulich interjected.

The SPEAKER — Order! It is true that if the documents members are referring to are attached to other documents or are part of a file, the complete document or file must be made available.

However, on this occasion it appears the document referred to has been provided, so the minister has complied with the requirements of the house. I will hear no further on the issue.

Whistleblowers: protection

Ms GILLETT (Werribee) — I refer the Attorney-General to the government's ongoing commitment to open and accountable government and I ask will he inform the house of the steps the government will take to protect whistleblowers?

Mr HULLS (Attorney-General) — As honourable members know, whistleblowers play an important role in a democratic society.

We are all aware that the previous government turned Victoria into a secret state and freedom of information became freedom from information. It was 12 months ago that the former Premier gagged his members of Parliament, particularly those who wanted to speak out against the administration. Things have certainly changed over the past 12 months.

Mr McIntosh interjected.

The SPEAKER — Order! I warn the honourable member for Kew.

Mr HULLS — Since the election the government has restored freedom of information as well as the independence of the Director of Public Prosecutions and the Auditor-General.

As part of its policy the government is committed to protecting whistleblowers in Victoria, a commitment on which we are about to deliver. Shortly we will be introducing a bill that will provide comprehensive protection to genuine whistleblowers in Victoria. It will allow any member of the public who believes on reasonable grounds that a public officer or public body has engaged in improper conduct, which includes corrupt conduct or substantial misuse of public resources, to make a disclosure to the Ombudsman or to the relevant public body.

Public officers against whom complaints can be made will include members of Parliament, councillors, members of public bodies, university staff, teachers, police and others. Genuine whistleblowers will be protected from criminal and civil liability and disciplinary action.

The bill will make it a criminal offence punishable by two years imprisonment to take detrimental action against a person in reprisal for a protected disclosure.

The bill will also give whistleblowers access to a range of civil remedies, including a right to sue for damages, the power to apply to the Supreme Court for an injunction to stop reprisal occurring and protection from defamation proceedings.

The bill is unique and will give the Ombudsman the power to decide at an early stage whether disclosure is protected. It will give whistleblowers up-front certainty about eligibility for protection from recrimination and vilification. Those strong protections for whistleblowers are balanced by the requirement that disclosures must be significantly serious and well founded to be protected. Penalties will apply for knowingly providing false information. The government will be careful to ensure that only disclosures about serious wrongdoing will be protected.

Accordingly, improper conduct is defined as corrupt conduct, substantial mismanagement of public resources, conduct involving substantial risk to public health and conduct involving substantial risk to the environment.

This is important legislation. It is landmark legislation in Victoria that will show the Bracks government has a commitment to open, honest and accountable government. In recent times I have been encouraged to learn that our commitment to being open and accountable has spread to some Liberal Party members.

Some whistleblowers have told the truth about the incompetence of the frontbench.

Mr Perton — On a point of order, Mr Speaker, the Attorney-General has now been speaking for 5 minutes, which is your guideline. It is clear that he intends to debate rather than answer the question. I ask you to either sit him down or bring him back to order.

The SPEAKER — Order! I uphold the first part of the point of order raised by the honourable member for Doncaster regarding the need for the Attorney-General to be succinct. The Attorney-General has been speaking for 5 minutes, and I ask him to conclude his answer.

Mr HULLS — In conclusion, I repeat that this is landmark legislation. I hope the whistleblowers in the Liberal Party who have made it clear that the frontbench is a joke — that its members are lazy and incompetent — support this legislation. They are the real whistleblowers, and they should not be demeaned, they should be promoted.

Dr Napthine — On a point of order, Mr Speaker, I am reluctant to raise a further point of order on an issue on which you have already ruled, however, it is appropriate that the house give the Minister for Education the opportunity to make available the full document she was quoting from, which she said she would table. I distinctly saw her with a two-page document, stapled, and only one page has been tabled.

The SPEAKER — Order! A number of points of order were raised on that issue and the Chair has already ruled upon all of them. I do not uphold the point of order raised by the Leader of the Opposition.

The time set down for questions without notice has expired. A minimum number of questions has been asked and answered.

NOTICES OF MOTION

The SPEAKER — Order! Are there any notices of motion?

Notices of motion given.

Minister for Education: conduct

Mr ROWE (Cranbourne) — I desire to give notice that tomorrow I will move:

> That this house condemns the Minister for Education for dishonouring the traditions of the house today by deliberately refusing to make a whole document available after agreeing to do so and then lying in her response to the Speaker when asked if she had made the whole document available.

Ms Delahunty — On a point of order, Mr Speaker, that statement is inaccurate and offensive. I ask that it be withdrawn.

The SPEAKER — Order! There is no point of order. The honourable member for Cranbourne is giving notice of a motion and such an item will be listed on the notice paper under general business. It is a substantive motion and therefore is in order.

Mr Cooper interjected.

The SPEAKER — Order! I warn the honourable member for Mornington!

PETITIONS

The Clerk — I have received the following petitions for presentation to Parliament:

Preschools: funding

> To the Honourable the Speaker and members of the Legislative Assembly in Parliament assembled:
>
> That the Victorian government immediately invest more substantially in preschool education for the benefit of Victoria's young children and their future. That the Victorian government increase funding to preschools to at least equivalent to the national average in order to ensure:
>
> > a reduction in fees paid by parents and the removal of the barrier to participation for children;
> >
> > reduction in group sizes to educationally appropriate levels consistent with those established by government for P–2 classes in primary schools;
> >
> > teachers are paid appropriately and in line with Victorian school teachers and preschool teachers interstate;
> >
> > critical staff shortages for both permanent and relief staff are alleviated;
> >
> > the excessive workloads of teachers and parent committees of management are addressed.
>
> And your petitioners, as in duty bound, will ever pray.

By Mrs ELLIOTT (Mooroolbark) (61 signatures), Mrs FYFFE (Evelyn) (1351 signatures) and Mr MILDENHALL (Footscray) (574 signatures)

Preschools: volunteers

> To the Honourable the Speaker and members of the Legislative Assembly in Parliament assembled:
>
> The humble petition of the undersigned citizens of the state of Victoria sheweth that the Parliament immediately acknowledge the important role played by volunteer parents on their local preschool committees and recognise the significant contribution that preschools and their committees make to their local communities.

Your petitioners therefore pray that immediate additional support is provided so that volunteer committees can receive targeted financial assistance for administrative support in managing their preschools.

And your petitioners, as in duty bound, will ever pray.

By Mrs ELLIOTT (Mooroolbark) (46 signatures)

Laid on table.

BLF CUSTODIAN

48th report

The SPEAKER presented report given to him pursuant to section 7A of BLF (De-recognition) Act 1985 by the custodian appointed under section 7(1) of that act.

Laid on table.

Ordered to be printed.

PAPERS

Laid on table by Clerk:

Anderson's Creek Cemetery Trust — Report for the year 1999

Ballaarat General Cemeteries Trust — Report for the year 1999

Bendigo Cemeteries Trust — Report for the year 1999

Building Act 1993:

Building Code of Australia 1996 — Amendment 6

Notice of making the Amendment (*Government Gazette No G33, 17 August 2000*)

Cheltenham and Regional Cemeteries Trust — Report for the year 1999

Fawkner Crematorium and Memorial Park — Report for the year 1999

Geelong Cemeteries Trust — Report for the year 1999

Keilor Cemetery Trust — Report for the year 1999

Lilydale Memorial Park and Cemetery Trust — Report for the year 1999

Memorial Park (Altona) — Report for the year 1999

Melbourne City Link Act 1995:

Statement of Variation No. 5/2000: Detailed Tolling Strategy

Mildura Cemetery Trust — Report for the year 1999

Mt Baw Baw Alpine Resort Management Board — Report for the year ended 31 October 1999

Necropolis Springvale — Report for the year 1999

Preston Cemetery Trust — Report for the year 1999

Prince Henry's Institute of Medical Research — Report for the year 1999

Statutory Rules under the following Acts:

Dangerous Goods Act 1985 — SR No 82

Forests Act 1958 — SR No 81

Templestowe Cemetery Trust — Report for the year 1999

Wyndham Cemeteries Trust — Report for the year 1999.

BUSINESS OF THE HOUSE

Program

Mr BATCHELOR (Minister for Transport) — I move:

That, pursuant to sessional order 6(3), the orders of the day, government business, relating to the following bills be considered and completed by 4.00 p.m. on Thursday, 31 August 2000:

Equal Opportunity (Gender Identity and Sexual Orientation) Bill

Constitution (Amendment) Bill.

This motion identifies those bills on which we require debate to be completed by 4.00 p.m. on Thursday. From the indications we have received it is likely that these bills will require either amendments or lengthy debate — amendments in relation to the equal opportunity bill and lengthy debate in relation to the Constitution (Amendment) Bill.

Members will recall that the opposition asked the government not to subject the Constitution (Amendment) Bill to the guillotine in the last sitting week and to make additional time available for debate on it. The government has acceded to that request; not only did we make additional time available in the last sitting week for a bill that has been on the table for some considerable time but we also adjourned debate on it for further consideration this week. We will be providing substantial time to debate this important piece of legislation on constitutional reform. We hope by this motion not only to provide the time for adequate debate during the course of this week but also to provide a mechanism for transferring this bill, which deals with four-year terms, to the upper house.

In addition, we will be providing time during this week to commence debate on another bill, the Drugs, Poisons and Controlled Substances (Injecting Facilities Trial) Bill.

Although the bill is not incorporated in its business program, the government intends to start the debate on the matter. The opposition has indicated many speakers are likely to join in the debate. To accommodate the opposition's views the bill will be brought on for debate both this week and next week. In that context the government has brought forward the two bills referred to in the motion to enable them to be passed in this chamber by Thursday at 4.00 p.m. and then proceed to the upper house.

Mr McARTHUR (Monbulk) — The opposition does not oppose the government's business program, but I wish to make a couple of comments. As was the case during the last sitting week, this week only two bills are included on the government's business program. That is in stark contrast to the final two weeks of the autumn sessional period, which the house is in dire jeopardy of repeating. I will return to that later.

The reason for only two bills being before the house is simple — the government has no legislation. It is not ready. The Attorney-General, the Premier, the Minister for Transport and the Minister for Environment and Conservation were all asleep in the chair last Tuesday and forgot to give notice to bring in bills. The Attorney-General has given notice this week, as has the Minister for Environment and Conservation, so they are learning, albeit slowly.

The new legislation will not be debated until 3 October at the earliest, when only five weeks of the spring sessional period will remain. A logjam in the final two weeks is looming, which could lead to inadequate scrutiny of bills in the Legislative Assembly. That is what happened in the final weeks of the autumn sessional period. The opposition said then that that situation was unacceptable and that it would not be so easily convinced to cooperate during this sessional period.

Despite a winter lay off of three months the government has again failed to introduce bills. If the opposition has insufficient time to properly scrutinise legislation in the Legislative Assembly, in the public interest it will have to examine how it can provide an opportunity for proper scrutiny in the Legislative Council.

As the Leader of the House said, the chamber will this week start to debate the Drugs, Poisons and Controlled Substances (Injecting Facilities Trial) Bill in spite of a public statement by the Premier a few weeks ago that debate on the bill would not commence until October, following the second report of the Penington committee. When the opposition met on this matter and made a decision because it had received no official confirmation from the government that the legislation had been delayed until October, it was criticised for jumping the gun. Both the Premier and the Deputy Premier were critical of the opposition for making a premature decision.

However, the opposition made a wise decision because the bill is now to come on for debate this week. Had the opposition waited until October the debate would have commenced today or tomorrow without any opportunity for consideration of it in the party room, which would have created a problem for members on this side. Despite the public statement by the government that there would be no debate until October, it is now to start this week. Why? Because it has no other legislation to go on with. Legislation is not ready — it has not been drafted or approved, and the amendments are not ready. The government's legislative program is in disarray.

There is one other matter. The Leader of the House and I have had discussions about the order of bills before the house this week. I understand the house was to proceed with the Equal Opportunity (Gender Identity and Sexual Orientation) Bill after the second readings. However, I have just heard from the Leader of the National Party that his party would like some time to consider the amendments that apparently are being introduced. If the Leader of the House is happy to allow the National Party time to consider the amendments, the Liberal Party is happy to agree to that.

Mr RYAN (Leader of the National Party) — The National Party does not oppose the government business program, but I flag to the house that the National Party requests additional time to consider the amendments on the Equal Opportunity (Gender Identity and Sexual Orientation) Bill handed to me during question time. National Party members do not intend to frustrate the government business program; they are happy to progress today and to participate in the debate.

However, as the National Party lead speaker on the legislation, and having just been handed the government's amendments and a further amendment to be moved by the honourable member for Mildura, I believe that if in the interests of fairness the government could see fit to do the second-reading speeches and then debate the Constitution (Amendment) Bill for an hour or so and start debate on the Equal Opportunity (Gender Identity and Sexual Orientation) Bill at about 6 o'clock, that would certainly suffice. I have just been handed this material and I ask that favourable consideration be given to my request.

Mr HULLS (Attorney-General) — I thank the Leader of the National Party for his contribution. I will clarify a number of issues. It is true that the government's amendments on the bill were formally handed to the Leader of the National Party during question time. However, I understand substantial negotiations have been held about the amendments in their draft form. I understand a draft was given to the National Party two weeks ago.

Mr Ryan — No.

Mr HULLS — I stand corrected; that is what I was advised. However, I advise the house about the previous protocol. I know the house is not debating previous protocol, but I remember that when I sat on the other side of the house as shadow Attorney-General, time and again amendments were handed across the table when the bill was being debated. Regardless of any objection I might have taken at that time, the bill proceeded.

The government is keen to facilitate the National Party and any queries the Liberal Party might have on the bill. It is important legislation and substantial negotiation has taken place on it. Obviously the government is not keen for the bill to be held up. If a short period of discussion will facilitate the process I am sure the government can satisfactorily respond to that request.

Motion agreed to.

MEMBERS STATEMENTS

CFA: funding

Mr WELLS (Wantirna) — I refer to the sincerity of the Minister for Police and Emergency Services, the honourable member for Yan Yean, regarding his commitment to the Country Fire Authority. Following a thorough search of *Hansard* I discovered that in seven years as opposition spokesman for the CFA, the minister never raised an issue about a CFA brigade in his electorate. One can only conclude from that that he was happy with the way the brigades in his electorate were being funded under the former government.

I also challenge the minister's commitment, because when he was asked in this house to name the brigades in his electorate, he failed that test as well. In his response he forgot to include the brigades of Research, Kangaroo Ground, Doreen, Greenvale and St Andrews. That would be considered a joke in rural Victoria. If that represents the minister's dismal knowledge of his own CFA region, it is an indication that his commitment to the CFA is also in question. Over the weekend he also demonstrated his lack of knowledge of the Metropolitan Fire Brigade and its $650 000 Workcover shortfall. The minister's complete lack of understanding of the MFB's budgetary procedures raises questions about his commitment to the two fire services in this state.

Essendon Airport

Mr STEGGALL (Swan Hill) — Today I presented to the Premier a petition that has not been worded correctly for presentation to Parliament. However, the petition reads:

> We the undersigned being residents of Hopetoun and district are concerned over the decision to close Essendon Airport, which provides vital air access to the major metropolitan hospitals from the north-west of the state.

The petition, which bears 504 signatures, was organised by Mrs Beverley Cook, OAM, JP, from Nandaly. The letter accompanying the petition states:

> We feel as isolated communities in the Mallee that this closure will deprive us of vital access in the least possible time to major hospitals. On many occasions [it involves] life-threatening procedures due to road trauma, heart conditions, work-related accidents and probably most important children's accidents.
>
> Any alternative in our opinion is completely out of the question.
>
> The essential services that use the airport, e.g. police, fire brigade, are also an important part of access to rural Victoria.
>
> Secondly, an important part for the advancement of rural Victoria is the use of the airport by businessmen, and I would have thought that this would be encouraged for the betterment of all constituents throughout the state.
>
> We can't always assess the value of such a facility in dollar terms, and I would ask that this be stressed when presenting this petition to Parliament.

And I so stress it. The letter continues:

> As for the wording used in petitions, I don't feel the need to beg, surely in the day and age that wording is not necessary — —

The SPEAKER — Order! The honourable member's time has expired.

Austin and Repatriation Medical Centre

Mr LANGDON (Ivanhoe) — On behalf of the electors of Ivanhoe I commend the Minister for Health, John Thwaites, for his commitment to the Austin and Repatriation Medical Centre. He has made up for the

failures of the previous government and the previous minister, who endeavoured to privatise the entire hospital.

In fulfilling its commitment the Bracks government is putting $320 million into the medical centre, including $255 million for the Austin site. It is also honouring the wishes of Mrs Austin, who wanted the site kept for the hospital for all time. The government is also doing its bit to honour its commitment to the repatriation centre — for example, by keeping all the memorial gardens there.

The government is both honouring Mrs Austin's testament and keeping the commitment it gave to the Returned and Services League. It is a grand plan, and I congratulate the minister and the government on behalf of my electorate, which is pleased to have a Bracks Labor government in office.

Workcover: premiums

Mr LUPTON (Knox) — Recently I visited a disability services centre in Ferntree Gully that caters for approximately 112 clients and has 75 adult training support service trainees. The organisation has just incurred an increase in its Workcover premium of $193 000, or 20.7 per cent.

I wonder what that will do to the services that organisations like it offer. How can the centre come up with another $193 000 when it is already paying out $935 000? Roughly $1 million will have to come out of the centre's budget to pay its Workcover costs. Does that mean its services will have to be reduced? If the services have to be reduced — because of the mismanagement of this incompetent minister — will the government make up the shortfall to assist the centre's clients, who are disadvantaged?

There is no way that this organisation can continue the support services it offers with its cash-flow problems. An amount of $194 000 a year is too much to take out of any one organisation. I ask this incompetent minister to consider reviewing the situation so that clients are not disadvantaged.

The SPEAKER — Order! The honourable member's time has expired.

Industrial Deaths Support and Advocacy

Mr LANGUILLER (Sunshine) — I take this opportunity to commend the Industrial Deaths Support and Advocacy group on its outstanding work. The group, which was formed in 1995, comprises voluntary organisations and individuals. It helps families that experience industrial deaths. It also helps bereaved workmates, employers and industrial organisations. The group, which is the first of its kind in the world, has achieved international recognition. It currently has around 3000 members in Australia and 50 internationally. It has offices in Melbourne, Geelong, and Queensland, and it operates 24 hours a day, seven days a week.

The group has produced two major works on workplace deaths — one is the book entitled *Till Death Us Do Part*, and the other is the video launched by the Minister for Workcover this year entitled *Mary's Message*. Mary is the wife of John Papa, who died in a workplace accident in 1997. The video provides a unique insight into the legacy of workplace tragedy and the impact on the family left behind.

I encourage all honourable members to pay attention to both works. I also place on record the fact that this government has contributed significantly towards the prevention of industrial deaths by giving health and safety officers real powers.

Darlimurla: community hall

Ms DAVIES (Gippsland West) — I wish to offer a statement of thanks to and a promise of support for the good people of Darlimurla. Darlimurla is in South Gippsland rather than in my electorate, but it is enough of my country for me to feel a great attachment to it. My parents lived in that little town and I grew up with stories about Darlimurla.

The people of Darlimurla need a meeting place. Their current community hall is a small room with louvre windows, a slat door, a makeshift sink and an open fire. But it is theirs, built many years ago with funds raised from selling spuds and peas on land donated by a local. Now the hall is going to be demolished. The council has given them the means to demolish the building, but nobody has found the funds needed to rebuild.

I will work hard to help the people of Darlimurla get that small meeting place they want and deserve. I hope some facilities can even be included close to the hall for walkers on the nearby Mirboo North to Boolarra rail trail. I will ask the government for assistance in this matter. I also sincerely thank the people of Darlimurla for their warmth, friendship and hospitality on a cold night in August when that kindness was much needed and appreciated.

Leslie Cunliffe

Mr PATERSON (South Barwon) — I refer to the house a letter I have written to the Director of Public Prosecutions, which reads in part:

> On Friday, 18 August 2000, in the Court of Appeal, Leslie Neil Cunliffe was successful in having his 20-year sentence reduced by five years.
>
> Cunliffe last year pleaded guilty to kidnap and rape and other offences after taking a young woman hostage and imprisoning her in a shed in Belmont.
>
> The incident shocked the Geelong community.
>
> The reduction in sentence has now outraged the community.
>
> I would appreciate your comments on the decision, in particular, whether you believe changes are required, legislative or otherwise, to ensure such an outcome cannot happen in the future.

I also asked the DPP whether he is aware of any avenues which may be pursued to have the original sentence reimposed.

An article in the *Geelong Advertiser* reporting on the court case said that in less than 10 minutes Cunliffe had a quarter of his sentence erased. Last year Cunliffe had pleaded guilty in the Supreme Court to eight charges, including false imprisonment, kidnap, rape — —

The SPEAKER — Order! The honourable member's time has expired.

Former Premier: wager

Mr ROBINSON (Mitcham) — I raise a very serious matter which deals with the reputation and goes to the honour of a former Liberal Premier of this state, Mr Jeff Kennett. In May 1998 I entered into a wager or agreement with the then Premier for the purposes of charity, as is recorded in *Hansard* of 15 May 1998. The wager was based on my belief that he would leave this place before the then Leader of the Opposition, the honourable member for Broadmeadows. The then Premier put on the record the following:

> I could not think of a better bet. I will be here until at least the year 2010.

The former Premier not only lost that bet; he lost the election. In the time that has passed since the last state election he has failed to pay up.

Mr Doyle interjected.

Mr ROBINSON — It is a bet for $1000. I note that the honourable member for Malvern, who is at the table, has offered to assist. I note also that members opposite are always pleased to talk up the reputation and the record of the former Premier. I am inviting them to put their money where their mouth is and I am seeking their assistance in redeeming the honour of the former Premier by seeing satisfaction of that debt.

The SPEAKER — Order! The honourable member's time has expired.

Rangebank Primary School

Mr ROWE (Cranbourne) — Rangebank Primary School is a great little primary school in my electorate. Prior to the last election the then government committed to replacing the school's portable classrooms with permanent classrooms. Unfortunately, the current Minister for Education has seen fit to ditch Rangebank Primary School and has failed to acknowledge the need for replacement of their classrooms in the capital works budget which was announced recently.

The matter is raised by 449 families represented at the Rangebank Primary School, which provides education in humanities and not just the usual disciplines in education. Recently it represented the state of Victoria in the callisthenics championships in South Australia and came third, and that is the third time it has done so.

I call on the minister to visit the school with me and to ensure that the portable classrooms are replaced with permanent classrooms.

Ballarat Fire Brigade

Mr HOWARD (Ballarat East) — Recently I attended a function run by the Ballarat Fire Brigade to honour several of its volunteers. The Ballarat Fire Brigade has a great history in Ballarat, having operated from its current site since the gold rush days of 1856. It has clearly come a long way since that time in providing a very professional service to protect the residents of Ballarat.

At the function I refer to, the Minister for Police and Emergency Services was present and along with myself was able to see the presentation to six members of that brigade of awards for attaining special milestones of service. Firefighter Michael Shannon was presented with the national medal, which recognises more than 15 years of exceptional service. Two other members, Russell Lyons and Russell Harris, were presented with national medal clasps, while Andrew Day and Ian Beattie received their long service awards for completing 12 years service. Firefighter Barry Brooks was recognised for completing 40 years of service.

I commend those members for the great work they have done over the many years, as I do the whole Ballarat Fire Brigade, which last year had 593 callouts.

The SPEAKER — Order! The honourable member's time has expired. The time set down for members statements has also expired.

STATUTE LAW REVISION BILL

Second reading

Mr BRACKS (Premier) — I move:

That this bill be now read a second time.

The bill before the house, the Statute Law Revision Bill 2000, is, essentially, a housekeeping measure. While apparently mundane, such bills are vital to orderly management of the state and of the statute book.

The bill performs three important tasks. It repeals redundant acts. Members will note that the bill repeals over 100 acts. Those acts are acts identified by the Chief Parliamentary Counsel as being redundant. The vast majority of those acts are amending acts which, having performed their amending task, are spent and serve no further purpose other than occupying space in the statute book. The other acts are interim appropriation acts which are also spent.

It codifies administrative arrangement orders. As members also would be aware, orders are made under the Administrative Arrangements Act 1983 to construe references to departments, ministers and officers to mean other departments, ministers and officers. As those orders do not amend the acts concerned, a large number of acts contain references which are now outdated and which cause considerable confusion when provisions are being interpreted. In 1998, the Public Sector Reform (Miscellaneous Amendments) Bill remedied that confusion by codifying more than 150 of the orders made since 1983. The bill before the house continues that approach by codifying the orders made since 1998.

Finally, the bill corrects a number of ambiguities or omissions found in acts to ensure that the meaning is clear and reflects the intention of the parliament.

I commend the bill to the house.

Debate adjourned on motion of Mr DOYLE (Malvern).

Debate adjourned until Tuesday, 12 September.

Referral to committee

Mr BRACKS (Premier) — As has been the custom and practice in the past for this type of bill, my intention is to refer the bill to the Scrutiny of Acts and Regulations Committee. Therefore, by leave I move:

That the proposals contained in the Statute Law Revision Bill be referred to the Scrutiny of Acts and Regulations Committee for inquiry, consideration and report.

Motion agreed to.

Ordered that message be sent to Council seeking concurrence with resolution.

PROJECT DEVELOPMENT AND CONSTRUCTION MANAGEMENT (AMENDMENT) BILL

Second reading

Mr THWAITES (Minister for Planning) — I move:

That this bill be now read a second time.

The main purpose of this bill is to amend the Project Development and Construction Management Act 1994 to establish the secretary to the Department of State and Regional Development as a body corporate and to provide for its powers and functions.

As part of the government's ministerial arrangements, the new ministerial portfolio of major projects and tourism has been created. An important focus of major projects is the implementation of the government's commitment to growing the whole state and enhancing the growth capabilities of Victoria. As part of this commitment, the state government's major construction and development projects are designed to provide Victoria with significant long-term benefits.

To underpin this policy focus on major projects for all of the state, the functions of major projects — policy and implementation, together with the employees who are necessary to carry out these functions in the Office of Major Projects — have been transferred from the Department of Infrastructure to the Department of State and Regional Development.

The Office of Major Projects currently manages a number of large construction and property development projects on behalf of the government. The director and staff of the office have entered into such arrangements as delegates of the secretary to the Department of Infrastructure (as constituted as a body corporate under section 35 of the Project Development and Construction Management Act 1994).

This bill will ensure that staff of the Office of Major Projects are fully accountable under the Project Development and Construction Management Act 1994, through the secretary to the Department of State and Regional Development, to the Minister for Major Projects and Tourism for their role in managing the government's interests in key strategic construction and development projects.

This bill will ensure that the director and staff of the Office of Major Projects enter into and progress project development arrangements as delegates of the secretary to the Department of State and Regional Development. To this end the bill establishes the secretary to the Department of State and Regional Development as a body corporate under the Project Development and Construction Management Act 1994, with appropriate functions and powers (including delegation powers) to facilitate major construction projects.

Specifically, clause 9 of the bill will amend the Project Development and Construction Management Act 1994 to introduce a new part 5A in that act. The new part will establish the secretary to the Department of State and Regional Development as a separate body corporate with the necessary functions and powers under the act. In addition, clause 12 will amend the act to introduce a new part 8 into the act. This part will set out the transitional arrangements required to transfer assets and liabilities relating to major projects undertaken by the Office of Major Projects from the secretary to the Department of Infrastructure, constituted as a body corporate to the new body corporate constituted by the secretary to the Department of State and Regional Development.

I commend the bill to the house.

Debate adjourned on motion of Mr CLARK (Box Hill).

Debate adjourned until Tuesday, 12 September.

TERTIARY EDUCATION (AMENDMENT) BILL

Second reading

Ms KOSKY (Minister for Post Compulsory Education, Training and Employment) — I move:

That this bill be now read a second time.

Tertiary education institutions have a very important role in providing the skills and knowledge required by young people for effective participation in the work force and in a wide range of professions.

However, their role goes well beyond their direct education and training responsibilities.

The institutions provide a number of important cultural, sporting and social experiences which together make the experience of education on a university or institute campus a significant part of students' development.

Responsibility for the provision of student services and these wider cultural activities rests with the governing bodies of the institutions, and there are variations in how these are managed as a consequence of the decisions of these bodies.

However, it has been common practice for many years for the institutions to arrange for student organisations to provide a number of the services.

This is appropriate as a means of arranging the services and has been very effective, but it has the additional benefit of giving students opportunities for planning, organising and assessing and responding to the needs of their fellow students.

The dual benefit of providing access to a service for the general student body, and experience in organising and providing that service, applies to a wide range of activities carried out by student organisations.

It applies, for example, to the publication of student newspapers, which are an important source of information and a medium for the exchange of ideas about a wide range of issues. Importantly, such activity also provides a mechanism for those involved to gain experience in investigating and reporting on matters likely to be of interest to the general student community.

It applies to the role of student organisations in representing the interests of students on policy-making committees within the organisation, in canvassing the opinions of students about the issues involved and in conducting research to ensure that student members are fully informed.

This contributes to the quality of decisions made, but also provides valuable experience in the process of investigating and representing positions in the deliberative process.

Regrettably the current voluntary student unionism (VSU) provisions of the Tertiary Education Act preclude the funding through student fees of both of these activities on the grounds that they are not considered to be of value to students or the institution, and remove the discretion of a university or institute council to make the judgment that they are a

worthwhile part of the educational experience for students.

The government's concern is not just with the specific list of items set out in section 12F(3) of the act, which it believes is much too narrow, but also with the principle of pre-empting the decision of the governing bodies of the institutions about what activities have significant educational value.

Consequently the problem cannot be satisfactorily addressed by simply extending the list of items through regulation, though this option is under consideration as a partial remedy.

The concern about voluntary student unionism and associated issues relating to charging of fees for services, which are commonly provided by student organisations, appears to be at least partly due to confusion about the nature of student organisations in tertiary institutions. From this perspective the term 'student union' may be misleading.

Student organisations are very different from industrial unions, which have a key role in negotiating remuneration and employment conditions on behalf of their members, though in many cases they also provide a range of other services.

In many respects the student organisations are more closely analogous to local government where rate paying is compulsory, where all citizens have a right to vote for representatives, and where a range of services are provided for the community.

Therefore this bill deletes all reference to the term student unionism and refers only to an organisation of students.

Because of the importance of student organisations as service providers and their importance as a medium for developing skills required in a responsive democratic community, it is not unreasonable that a university or TAFE council charged with the responsibility for the governance of an educational institution, should not be unduly impeded in determining the most suitable arrangement for providing important non-academic services to students.

This bill will not make membership compulsory; it will simply remove the imposition by government of a constraint on the councils' prerogative.

This is consistent with the principle of subsidiarity — that is, that authority to make determinations should rest with the most local jurisdiction possible. In this instance, the university or institute council.

In making this change the government is stepping back from unnecessary interference and leaving the responsibility to determine organisational policies for the institution with the university and institute councils which operate at the local level

The bill does not repeal section 12H of the act, which makes it an offence to persuade or attempt to persuade another person to become a member of a student organisation by threats, intimidation or deception. The intent of the original act was to have effect in situations where membership is voluntary to prevent criminal or inappropriate pressure being applied to manipulate students into becoming members if they did not wish to do so. This intention remains. However, the government's objective with this bill is not to prevent a council requiring students to be members, and if necessary enforcing that requirement if they believe requiring membership to be desirable.

Student organisations in tertiary institutions have the dual roles of providing services and representing the interests of students within the institution. The benefits they seek to obtain through their representations are not in salaries or employment conditions, but in improvements in the quality of education. This is also the central objective of the institutions themselves, and the student organisations provide a perspective which is extremely important in the policy deliberations of the institutions.

This is one of the reasons why the government made a policy commitment to repeal the VSU provisions of the act, and this bill is a direct response to that commitment

In considering the service activities of student organisations, their representational responsibilities have dual benefits.

The first benefit is in the quality of decision making, which is improved by the participation of students who have the backing of an organisation with the capacity to canvass opinions, to undertake research and to consult with colleagues, and who are responsible to a wider constituency through election processes.

The second major benefit for those who are directly involved is in the experience of seeking endorsement through election, in carrying out representational responsibilities and in undertaking the opinion gathering and research which is necessary to carry out their task.

These are essential skills for a democratic society, and student participation on campus, despite occasional discomfort to administrators or policy opponents,

provides an important training ground for future leaders in our society.

The amendments proposed in this bill would remove the provisions which prevent governing bodies from requiring students to be members of a student organisation and repeal the sections limiting the range of services which can be supported from compulsory non-academic fees.

The provisions which require that money collected for student organisations be passed on to those organisations, and which require audited statements of the uses of revenue from compulsory fees are retained. Also retained is section 12H which makes it an offence to persuade or attempt to persuade a person to be a member of an organisation by threats, intimidation, or deception.

The amendments do not impose a political agenda; they support the role of councils in determining for themselves what arrangements are of benefit to the institution or students at the institution, and rely on councils, in cooperation with student organisations, to manage the provision of services required.

Clause 1 of the bill defines the purposes of the act.

Clause 2 provides for its commencement.

Clause 3 repeals the sections preventing councils determining appropriate local arrangements and limiting the range of services which can be supported from compulsory fees, and the section providing a power to amend that list.

Clause 4 makes a transitional provision removing constraints on uses of money which has already been collected.

Clause 5 makes a statute law revision correcting a reference to a college, which should be to an institution.

The bill is a direct response to a specific commitment made by the government in the policy statements on which it was elected to office.

I commend the bill to the house.

Debate adjourned on motion of Mr BAILLIEU (Hawthorn).

Debate adjourned until Tuesday, 12 September.

Mrs Peulich — On a point of order, Mr Speaker, somewhat belatedly I draw your attention to the fact that during the course of the second reading of the previous bill a number of people in the gallery were wearing masks. It is my understanding from previous rulings that holding up or wearing any symbol or placard is disorderly and appropriate action should be taken by the protective services officers. I ask you to take up the matter with the protective services officers to ensure that any attempts to intimidate speakers in debates in this Parliament do not occur.

The SPEAKER — Order! I do not uphold the point of order raised by the honourable member for Bentleigh. I was vigilant in noticing from the chair what was occurring in the public gallery. In my view a number of people sitting in the gallery may have been deemed to be wearing inappropriate headgear. Other than that, I saw nothing wrong with their behaviour. Certainly, there was no disruption to the proceedings in the house. There is no point of order.

INTERPRETATION OF LEGISLATION (AMENDMENT) BILL

Second reading

Mr HULLS (Attorney-General) — I move:

That this bill be now read a second time.

The Interpretation of Legislation Act 1984 (the principal act) governs the interpretation of legislation in Victoria. Its long title states that it provides for the construction and operation of, and the shortening of language used in, acts of Parliament and subordinate instruments.

Chief Parliamentary Counsel has requested a number of minor amendments to the principal act.

The bill will allow acts and subordinate instruments to be organised into chapters. Some acts and subordinate instruments, especially large and diverse ones, would benefit from being organised into chapters. Using chapters in large and complex pieces of legislation will help people find their way through that legislation, thus aiding comprehension. Chapters would add a level of organisation above parts. The commonwealth and some other states provide for chapters.

Section 32 of the principal act requires commonwealth acts or statutory rules incorporated in Victorian subordinate instruments to be tabled in both houses of Parliament. This requirement is designed to ensure that any commonwealth acts or statutory rules incorporated into Victorian law are available for all to see. However, given the widespread availability of commonwealth acts and statutory rules in both paper and electronic forms, their tabling in Parliament when they are

incorporated into Victorian subordinate instruments is considered redundant.

Currently, headings to sections in an act or a subordinate instrument are not part of that act or subordinate instrument. It is proposed to amend the principal act to make these headings form part of the act or subordinate instrument in which they are found. The policy behind this reform is that all text in the body of legislation should be interpreted as part of that legislation. It is also proposed that the principal act be amended to make it clear that examples and notes in the body of legislation form part of that legislation. These changes will only apply to acts and subordinate instruments passed after the commencement of the bill. Headings are considered to be part of legislation in Queensland and the Australian Capital Territory, and can be used in interpreting legislation in New Zealand.

A number of other minor amendments regarding the status of punctuation, endnotes and indices are proposed. Following the policy that all text in the body of an act should be part of that act, punctuation in acts or inserted by amending acts after the commencement of the act will be considered part of the act. The bill will also make it clear that endnotes and indices do not form part of an act — and nor should they.

The principal act does not define 'territory'. The bill defines 'Australia' when used in a geographic context, 'territory', 'internal territory', 'external territory' and 'Jervis Bay territory'. These definitions are all similar to definitions in the commonwealth Acts Interpretation Act 1901.

The body formerly known as the Standards Association of Australia is now called Standards Australia. It is proposed to correct this definition in the principal act.

I commend this bill to the house.

Debate adjourned on motion of Dr DEAN (Berwick).

Debate adjourned until Tuesday, 12 September.

ANGLICAN TRUSTS CORPORATIONS (AMENDMENT) BILL

Second reading

Mr HULLS (Attorney-General) — I move:

That this bill now be read a second time.

The Anglican Trusts Corporations (Amendment) Bill amends act no. 797. Act no. 797 was passed in 1884 and did not have a short title. One of the amendments contained in this bill will give act no. 797 a short title to make it easier to identify. The short title is the Anglican Trusts Corporations Act 1884.

It is not often that those of us in this house deal with an act that was passed 17 years before Federation. Queen Victoria, for whom this state was named, was more than halfway through her reign in 1884. In Victoria, the population was approximately 500 000.

It was a rough and ready time. Life expectancy in Australia was 47 years for males and 50 years for females. It was a time of bushrangers. Ned Kelly was hanged in 1880.

But it was also a time of prosperity in Victoria. Melbourne and Sydney were linked by rail in 1883. Trams began operating in Melbourne in 1885. As the *Oxford Companion to Australian History* notes, Victoria 'boasted a varied economy grounded on goldmining, woolgrowing and a strong agricultural sector. State socialism — the provision of roads, railways and water supply, a system of secular primary schools and a network of subsidised mechanics institutes and schools of mines — was a significant contributor to this prosperity and sense of wellbeing. The blend of private enterprise and state assistance was not uniquely Victorian, but in some respects Victoria had led the Australian colonies'.

As the Minister for Racing I would also like to note that the 1884 Melbourne Cup winner was Malua, in a time of 3 minutes 31.5 seconds, carrying a weight of 9.9 stone.

In the 1880s, approximately half of Australia was nominally Anglican. Although the percentage of Australians that are Anglican has declined over time the Anglican Church continues to be a positive force within the community. I point to the valuable work of the Mission to Streets and Lanes and the work of Anglicare.

The Anglican Trusts Corporations Act 1884 provides for the legal structure under which most Anglican Church property in the various dioceses in Victoria is held and managed. The act enabled each diocese to establish a corporate body of trustees in accordance with the act and provided for the transfer of church property that had been held by many separate groups of non-corporate trustees to the corporate body.

The aim of the main amendments contained in this bill is to enable the dioceses to improve the management of diocesan property.

Under the 1884 act, the number of trustees is determined by the number of trustees that were initially appointed when the diocesan trusts corporation was first established in accordance with the act. The number differs in the dioceses and varies between five and seven, with some ex officio and some appointed members. It has proved difficult in some cases for the trusts corporations to function efficiently with a restricted number of members.

The bill amends that act to enable a diocese, through its synod, to alter the composition, including the number, of members of its trusts corporation.

There have been occasions when a diocese has entered into arrangements with another denomination for the sharing of facilities, particularly in country areas. The Anglican Church in New South Wales and the Uniting Church in Victoria, in their acts regulating trusts corporations, have power to use trust property for joint arrangements between churches. The Anglican trusts corporations are not so empowered. It has proved difficult to make satisfactory arrangements with other denominations where Anglican property is sought to be used on a joint basis.

This bill amends the act to enable diocesan synods to approve the joint use of church property in appropriate circumstances.

The bill also makes a small number of minor amendments to the act to correct outdated references.

I commend the bill to the house.

Debate adjourned on motion of Dr DEAN (Berwick).

Debate adjourned until Tuesday, 12 September.

CHILDREN AND YOUNG PERSONS (RECIPROCAL ARRANGEMENTS) BILL

Second reading

Ms CAMPBELL (Minister for Community Services) — I move:

That this bill be now read a second time.

I am proud to present this bill which assists children and young people who are in need of protection and move to or from Victoria.

The bill is part of this government's commitment to protect children's rights and promote their welfare.

The bill is also part of a collective response by New Zealand and the Australian states and territories to jurisdictional problems that arise in child protection due to movement across state, territory and national borders. New Zealand and all of the other states and territories of Australia will enact, or have enacted, corresponding legislation.

Background

This bill principally addresses the current inability to effectively transfer most child protection orders or transfer any child protection proceedings between Victoria and other states and territories of Australia and between Victoria and New Zealand.

The inability to effectively transfer most child protection orders means that children may be subject to Victorian child protection orders but are permanently placed interstate. Such orders are difficult to administer or supervise. In these situations it may be difficult for the Department of Human Services to provide the child with an appropriate level of support and assistance.

The inability to effectively transfer child protection proceedings means that the Children's Court often cannot appropriately address matters where a child is only temporarily in Victoria and a child protection proceeding is before the Children's Court in this state. In these situations, the court may be unable to adequately protect a child.

The bill also addresses other jurisdictional problems that arise in Victoria in relation to child protection.

First, it can be difficult to legally transfer confidential information which is needed by interstate departments responsible for child protection.

Second, it is not sufficiently clear that the Children's Court has jurisdiction to grant child protection orders if the harm to the children which the application is based on occurred interstate or the placement is interstate.

Third, whilst it is an offence for a parent to remove a child from a court ordered placement when the child is placed in Victoria, it is unclear whether it is an offence for a parent to remove a child who is placed interstate but on a Victorian child protection order.

These issues are of course more acute in regional Victorian communities that are near the New South Wales or South Australian borders. Furthermore, interstate placement of children is likely to grow in future as a result of the increased emphasis on placing children with relatives for both temporary and longer

periods of time if they are not able to remain in the care of their immediate family.

Overview of transferring child protection orders and proceedings

The bill provides for administrative and judicial transfers of child protection orders.

An administrative transfer involves the secretary to the Department of Human Services transferring a child protection order interstate or to New Zealand. The bill restricts when the secretary can transfer the order, including a requirement that the secretary in the receiving state must consent to the transfer of the order and there must be an equivalent order in the receiving state. Depending on the child protection order, the secretary may not be able to transfer the order without the consent of a parent.

When deciding whether to administratively transfer a child protection order, the bill emphasises that the welfare and interests of the child must be given paramount consideration. The bill also emphasises that the child and his or her family must be encouraged to fully participate in the decision about the transfer of the child protection order, except to the extent that such involvement would be detrimental to the safety or well-being of the child.

The secretary may also apply to the court for a judicial transfer of a child protection order. The secretary could make such an application if he or she is unable to transfer the order administratively, or the secretary wanted to obtain an order in the receiving state which is not similar to the current order; or the secretary otherwise believed it would be more appropriate to apply to the Children's Court.

The court would determine what the order would become in the receiving state. If it is in the interests of the child, the order could be different to the order that exists at the time of the application to transfer.

The court may specify an order which is different to the order that exists at the time of the transfer application in various situations. First, there may be an appropriate order in the receiving state which is not available in the sending state. Second, transferring the order interstate may mean that a different type of order is more appropriate to the proposed circumstances of the child and family in the receiving state. And third, circumstances may have changed since the original order was made and the transferred order should be a different type of order to reflect these changes.

The bill also provides that the secretary may apply to the Children's Court seeking the transfer of child protection proceedings. If the court transferred a child protection proceeding, the court could grant an interim order which determines the powers and responsibilities of the parties on an interim basis.

For instance, a parent in Albury may assault his or her child and the child could be flown to the Royal Children's Hospital in Melbourne. In order to ensure the immediate protection of the child, the secretary to the Department of Human Services could initiate child protection proceedings in Victoria. The bill provides that this proceeding could be transferred to Albury and the child protection application could be determined in New South Wales. This would enable the needs of a child to be addressed in the court which is located in the state where the child and his or her parents reside.

Australian–New Zealand agreement and the model bill

The bill is based on a model bill which was approved by the Australian-New Zealand community services ministerial council in August 1999. The model bill contained some mandatory provisions that each jurisdiction was required to implement and there were other provisions that were optional and at the discretion of each jurisdiction.

The Victorian government supports most of the provisions that were contained in the model bill. However, there are two areas where the government proposes taking a slightly different approach.

First, the Victorian bill provides for a practical method for a child to oppose an administrative decision to transfer a child protection order.

Second, the Victorian government believes that parents and children should be able to apply to the court for the transfer of a child protection order or proceeding.

Children opposing administrative transfers of a child protection order

The government has ensured that the bill contains a simple method for a child to oppose an administrative decision to transfer a child protection order.

The bill provides that if the secretary decides to administratively transfer the child protection order for a child of at least seven years of age, the child must be given notice of the decision and an outline of how to challenge it. The child must also have the opportunity to seek legal advice in relation to the proposed transfer

of the order. The order cannot be administratively transferred if the child opposes the transfer.

The reference to seven years reflects the practice in the family division of the Children's Court where children are generally legally represented if they are of at least seven years of age. Specifying an age ensures that it is clear when such notice must be provided.

If the child opposed the administrative transfer of the child protection order, the secretary to the Department of Human Services would need to decide whether it was appropriate to apply to the Children's Court for a judicial transfer of the child protection order. If the secretary applied to the Children's Court, the court would decide whether it would be in the interests of the child to have the order transferred interstate.

Parents and children applying for a transfer of an order or proceeding

In 1998, the Australian-New Zealand community services ministerial council agreed that all jurisdictions must have legislative provisions that a court can only transfer a child protection order or proceeding if the secretary (or his or her equivalent) in the sending state sought such a transfer.

The government believes parents and children should be able to apply for the transfer of a child protection order and proceeding. However, the Victorian government also believes that national cooperation in child protection is imperative and that national agreements in this field should be respected.

Accordingly, in July of this year, I advised the Australian-New Zealand community services ministerial council that Victoria believes children and parents should have standing to apply for the transfer of a child protection order or proceeding. This matter will be debated at the meeting of the Australian-New Zealand community services ministerial council in July 2001.

At this stage it is therefore appropriate to comply with the national agreement and the bill provides that only the secretary can apply for the transfer of a child protection order or proceeding.

New Zealand–Australian protocol

The bill relies on the cooperation of child protection departments from New Zealand and the Australian states and territories. A child protection order or proceeding can only be transferred if the secretary (or his or her equivalent) in the receiving state consents to the proposed transfer.

A protocol entitled the 'Protocol for the Transfer of Child Protection Orders and Proceedings and Interstate Assistance' contains an agreed process to address the transfer of child protection orders and proceedings. The protocol also stresses the need for the careful planning of transfers and thorough cooperation between the states.

Section 85 statement and limiting appeals to the Supreme Court

I now wish to make a statement under section 85 of the Constitution Act 1975.

Clause 7(7) of the bill inserts a new section 279A(5) in the Children and Young Persons Act 1989.
Section 279A(5) provides that it is the intention of clauses 7, 13 and 18 of schedule 2 to the Children and Young Persons Act 1989 to alter or vary section 85 of the Constitution Act 1975.

The bill inserts clause 7 into schedule 2 to the Children and Young Persons Act 1989. Clause 7 limits the time during which a person can seek judicial review of a decision of the secretary to transfer a child protection order under schedule 2.

The bill also inserts clauses 13 and 18 into schedule 2 to the Children and Young Persons Act 1989.
Clauses 13 and 18 limit the time during which a person can appeal to the Supreme Court from a decision of the Children's Court regarding the transfer of either a child protection order or proceeding.

These clauses reflect the view that there would be significant problems if an order or proceeding could be registered in the receiving state and then subject to an appeal in the sending state. If this occurred, there could be:

- confusion regarding which court has jurisdiction in the case;
- confusion regarding the responsibilities of the respective departments; and
- instability for the child and the carers of the child.

The bill addresses this concern in two ways.

First, the bill provides that a child protection order or proceeding cannot be transferred interstate whilst a person could appeal against the transfer of the child protection order or proceeding.

Second, the bill limits the time during which an appeal can be initiated against the transfer of a child protection order or proceeding. The appeal period is shorter for

transfers of child protection proceedings because it is essential that transfers of child protection proceedings are expeditiously dealt with by the courts.

I commend the bill to the house.

Debate adjourned on motion of Mrs ELLIOTT (Mooroolbark).

Debate adjourned until Tuesday, 12 September.

PLANT HEALTH AND PLANT PRODUCTS (AMENDMENT) BILL

Second reading

Mr HAMILTON (Minister for Agriculture) — I move:

That this bill be now read a second time.

This proposal will amend the Plant Health and Plant Products Act 1995 to bring it in line with contemporary commercial and enforcement requirements.

The amendments will aid the interstate movement of produce, ensure effective and safe recycling of used packages for fresh produce and improve offence provisions.

I shall now provide background on each of the areas where amendments are proposed.

Operation of interstate certification assurance schemes

The bill proposes to amend the Plant Health and Plant Products Act 1995 to administer the interstate certification assurance scheme, known as the ICA scheme, for certifying the disease status of plant material to be moved to other states or within Victoria.

The ICA scheme was developed on a national basis following the outbreak of papaya fruit fly in Queensland in 1994 and it allows growers and packers to be accredited to issue ICA assurance certificates under procedures that are subject to audit by the accreditation authority.

The ICA scheme is now operational in most quarantine jurisdictions, including Victoria. It has resulted in considerable cost savings to industry because it allows operational flexibility for both the importer and exporter.

National guidelines set out the basis of this quality assurance scheme, which the states and territories have undertaken to comply with under agreement by a memorandum of understanding.

The next step in the development of the scheme is for each state to establish mechanisms to give effect to the agreement by providing a basis on which the ICA scheme can operate.

The bill makes new provisions for the Secretary of the Department of Natural Resources and Environment to accredit Victorian growers and packers to issue ICA assurance certificates for produce grown, packed or treated within Victoria for transport to other states or within Victoria — for example, delivery from regional Victoria to the Melbourne markets. This means that producers need not rely on government inspectors to have produce examined and certified for its disease status.

For produce coming into Victoria, the current legislation only recognises plant health certificates issued by a government inspector or plant health (grower) declarations issued by approved growers for the import of prescribed material. Amendments will allow for mutual recognition of ICA assurance certificates issued in other states or territories.

These amendments will allow greater flexibility for producers who will be able to consign produce with assurance certificates under the ICA scheme in addition to the current plant health certificates or grower declarations.

It is proposed that assurance certificates under the stricter ICA protocols will replace grower declarations for high-risk situations such as fruit fly host material, and grower declarations will only be allowed for low-risk situations.

New provisions under section 43 will require the secretary to keep a register of current accreditations. Other amendments will allow the register and other relevant information to be provided to other quarantine jurisdictions.

Amendment to section 51 will allow inspection agents to audit the business operations of accredited persons to ensure effective operation and compliance with the conditions of the scheme. The new arrangements are expected to be less expensive and more convenient to growers, especially those in remote areas.

Reconditioning of used packages

Whilst recycling is to be encouraged, it is essential that the increased risk associated with the use of second-hand packages for fresh produce be managed

effectively to minimise food safety problems and to reduce the spread of pests and diseases.

Some sectors of the fresh produce industry have been concerned about the use of unhygienic used packaging for wholesale produce. The current legislation requires that packaging be 'new' or reconditioned to appear 'as new'. It is difficult to obtain objective agreement about what this standard actually means.

An amendment to section 34 of the act will enable regulations to be made to set standards for the reconditioning of packages.

Enforcement provisions

Powers of inspection under the current legislation are deficient. Further, if a person denies the existence of documents that could provide evidence of non-compliance with the act, inspectors have no power to access those documents.

The act currently allows inspectors to enter and search a place where plants, plant produce and used packages are kept for 'propagation, sale, storage, delivery, treatment, packaging or preparation for sale'. However, recent experience has shown that the legislation does not empower inspectors to enter a place kept for the 'growing' of plants such as an orchard. An amendment is proposed to section 52 to remedy this situation.

Section 52(1)(e) currently allows an inspector to require a person to produce any document and, once produced, can examine or remove the document to make copies. However, where this request is not complied with the inspector has no powers of entry, inspection or seizure.

Powers to deal with such circumstances already exist under the animal health and animal welfare legislation. New sections 52A to 52E have been added to allow an inspector, after obtaining a search warrant, to enter any premises to inspect for documentary evidence and to seize, examine, make copies or extracts of such documents. These provisions are modelled on the Fair Trading Act 1999.

Offences

New provisions make it an offence for a person other than an accredited person to issue assurance certificates. It will also be an offence to knowingly make false statements in any certificate or declaration or to alter these documents without the approval of the person who originally issued them.

The amendments proposed in this bill reflect the need to respond to a changing commercial environment where there is increasing movement of produce between major interstate markets and where industry requires greater flexibility to provide pest and disease certification. It also addresses inadequacies in the current legislation which hamper the enforcement of the act.

I commend the bill to the house.

Debate adjourned on motion of Mr McARTHUR (Monbulk).

Debate adjourned until Tuesday, 12 September.

EQUAL OPPORTUNITY (GENDER IDENTITY AND SEXUAL ORIENTATION) BILL

Government amendments circulated by Mr HULLS (Attorney-General) pursuant to sessional orders.

Independent amendments circulated by Mr SAVAGE (Mildura) pursuant to sessional orders.

Second reading

Debate resumed from 13 April; motion of Mr HULLS (Attorney-General).

Dr DEAN (Berwick) — The Equal Opportunity (Gender Identity and Sexual Orientation) Bill has had an interesting trip into, out of and around the house. I would like to talk about procedure, because this is not the first time we have had what could be called a mess-up with legislation. To be aware of that you would only have to go back and look at the constitutional bills that came in and went out — now you see them, now you don't. At one stage there were three bills in the house, two of which conflicted with each other.

This bill is another example of the government not knowing where it is going. The bill came into the house — —

Government members interjecting.

Dr DEAN — Let me go over what I am sure the government would agree is the appropriate legislative procedure. It starts with what the government wants. Presumably the government does have a view of what it wants, although one starts to get the feeling that this government may not have much of an idea of that. Let us assume that it has a view and a decision is made to go in that direction.

Presumably the government then consults with the community, listens to what community members have to say and decides whether its original decision should be altered as a consequence of what it has heard. Following that decision it puts together legislation that encapsulates both its original position and any changes it may come to through consultation. A bill is introduced to the house and debated, with the government holding its line all the way through and hopefully a majority of members of Parliament agreeing with the government.

However, that is certainly not the way this government seems to be operating. It seems to start off with an idea of where it wants to go and it then goes straight to legislation and bungs it into the house. When it finds out the Independents or someone else in the community has a different view, all of a sudden — shock and horror — it realises it has a piece of legislation in the house that should not be there, so it has to do something about it.

Ms Davies interjected.

Dr DEAN — I know I should not take up interjections, but there is a difference between having consultations before introducing legislation and having consultations after introducing legislation. One of the problems with having consultations afterwards is that the government looks like a total idiot when it has to withdraw legislation, as happened with the constitutional bills and with the proposed legislation in this case.

The bill was introduced before consultation had taken place. The opposition had conversations with the Attorney-General and reached agreement in the party room.

Mr Hulls — What did the Nationals do?

Dr DEAN — They were in coalition and it was a total agreement.

There was no problem at all; they were ready to roll. The Attorney-General said, 'The government wants to debate the matter on Wednesday', to which the opposition replied, 'Hang on a minute, we want to debate it on Thursday after a party meeting'. However, the Attorney-General said, 'No, the government wants to debate it on Wednesday'. The opposition had a quick party meeting that night to ensure it could abide by that decision, but it then got a message saying that rather than the matter being debated on Wednesday, it would now be debated on Thursday. Confusion was created, discussions were held with the Independents, and the Premier had discussions with the Attorney-General. The government then moved a motion to alter the timetable so that the matter would not be debated but would be left hanging. So it was that week after week it sat there. Why did it sit there?

Mr Hulls — Parliament was not sitting.

Dr DEAN — No, week after week when Parliament was sitting — and you know that to be the case — it sat there because you were under instructions to change — —

The ACTING SPEAKER (Mr Plowman) — Order! The honourable member for Berwick should address his remarks through the Chair.

Dr DEAN — Thank you, Mr Acting Speaker. The Premier applied political pressure and instructed the Attorney-General to change what both parties had agreed to as being the right approach. No matter that agreement had been reached with the transgender community and the exemptions had been examined and found to give total protection, the Attorney-General had to get around what the Premier said to him.

Mr Savage interjected.

Dr DEAN — I will come to the amendments in a moment. It is true that during the process that caused this sudden shudder — this screech of brakes, where the legislation suddenly went out of the chamber or hovered above it somewhere — a set of amendments was moved by the Independents. I know that the honourable member for Mildura is not happy that the coalition as it then was, and now the Liberal Party, did not agree with his amendments. I can understand that. He spoke in the house and a long conversation took place afterwards. I hope he remembers both that conversation and what he said. There was no intention to do him harm in any way or put him in a difficult position. The opposition was advised of the proposed amendments. They were taken to the party room, where it was understood where they were coming from.

Mr Savage interjected.

Dr DEAN — The opposition went to the party room with the amendments of the honourable member for Mildura. It came to the conclusion that the exemptions that were already in the bill were okay — I know that was also the view of the Attorney-General — and that the amendments of the honourable member for Mildura were not necessary. Nevertheless, the Attorney-General had to back off. That is the difference. You either go for leadership, stand up to the Premier and say, 'This is what I want. This is what I have agreed to with the

transgender community. This is what happens', or you do not, and you accept amendments.

Mr Wynne interjected.

Dr DEAN — I will come to what the transgender community thinks in a moment. That was the process. I think the Attorney-General was shocked because he was of the view, as are a number of his colleagues, that the Liberal Party does not look at social change or social interaction issues in any way other than as a conservative party.

Mr Hulls — You had seven years to do that in government.

Dr DEAN — I will come to that. The Attorney-General looked across the table at me and said, 'I am going to enjoy seeing what you do with this', because he thought the coalition was cornered and would stumble. However, the Liberal Party in its true traditions, which I will go into in a moment — —

Mr Hulls interjected.

Dr DEAN — The traditions of the Liberal Party in government are 45 years, and I think the Attorney-General's party is running at 10 or 15 years in that time.

Mr Hulls — Yes, but 15 good years.

Dr DEAN — The traditions of the Liberal Party are probably not too bad! Putting that aside, the Attorney-General did not expect it to go through the coalition rooms and thereby thought his difficulty would be removed. He did not expect that the amendments of the honourable member for Mildura would be looked at on their face in an intelligent and appropriate way and that a mature and intelligent decision would be made. I have no doubt that the Attorney-General was facing the same questions in his party room as I faced in mine, although I will not go into what those questions were.

Mr Viney interjected.

Dr DEAN — You can always tell when a government is feeling embarrassed because the embarrassment comes out in interjections and aggression in trying to stop whatever it is the other party is saying.

Honourable members interjecting.

Dr DEAN — They are very sensitive on that side, Mr Acting Speaker. The questions put to both party rooms were answered. I know in my own heart that the Attorney-General would like to have answered those questions by saying there were several exemptions in the bill concerning schools, employment and care of children — exemptions covering the concerns raised — but he could not say those things because the Premier had put his foot down and said for political reasons that the bill would not go that far.

The Attorney-General has got himself into one hell of a mess. He came roaring into the house and, not realising that he had not done the consultation, put down for all to see where he stood, only to suddenly find that for political reasons the pressure was on him and he backed off — but the opposition did not back off.

I know the honourable member for Mildura has put a lot of thought into the amendments he has circulated and that he believes passionately in them. But that is what politics is all about: people want to make up their own minds about what they do.

Ms Davies — Only if you're an Independent!

Dr DEAN — It is all right for members of Parliament over there to say they believe this is heartfelt and that they are doing what they think is right. However, when the Liberal Party, or the coalition as it then was, said, 'This is what we believe and this is what we will not buckle under to, even under pressure', they did not believe our position was bona fide or heartfelt.

The Independent amendments were debated comprehensively throughout the party room. Every single issue of concern was raised, and in the end the party made a responsible, proper, compassionate and appropriate decision. It is pretty tough to suggest we did not do that or that somehow we have treated the honourable member for Mildura unfairly. The opposition could not have given more consideration to his amendments — it is just that we do not agree with them.

Mr Savage — Why did you leak them to the *Age* before you had even talked to me?

Dr DEAN — It is amazing that you can discuss the whole thing with the honourable member for Mildura, after which he says, 'I understand totally what you say', only to have him come back into the house and act as though he has forgotten the discussion.

I explained in detail what happened on a confidential basis. I also told him that I greatly regretted what happened. The opposition has tried to be honest about it. If the honourable member for Mildura wants to use our honesty against us and appear upset about it, I should point out that in this place honourable members

have to come to grips with the fact that not everyone will agree with them.

Honourable members interjecting.

Dr DEAN — I am sorry, but it should not be taken personally — and if the honourable member for Mildura is taking it personally, I regret that. This is not political. It might have been politically easier for us to go down the path the government followed. But if someone disagrees with you and you want to stand up for the difference, it should not be assumed that you have a personal vendetta against somebody. Believe in something passionately if you want to, but do not engage in personal vendettas and do not take things personally.

The procedure followed in drafting and introducing the legislation represents a complete reversal of the consultation process. The bill came first and political pressure was applied afterwards — but it gets worse. One would think that after the political pressure was applied something would change and that the outcome would be dealt with by the house. However, it was only then that the real consultation took place. Because he was under pressure as a result of the Independent amendments, the Attorney-General had to put together a committee that included members of the transgender community to get them to backtrack on a couple of issues so he could draft amendments that would show the Independents he was trying to do the right thing by them — while ensuring that what they were saying was correct.

A representative of the transgender community came to the opposition and said, 'Look, this is what we have agreed to'. In my view the transgender community was pressured into that agreement. Instead of going through the process of consultation, allowing people to say what they want and then introducing legislation, the bill was introduced first, political pressure was brought to bear and community consultation went out the window as the government tried to do a deal. I suspect the members of the transgender community were told that if they did not do something to help the Attorney-General ameliorate some of the problems the legislation would not go through and they would have a problem.

Mr Hulls interjected.

Dr DEAN — It may be that the Attorney-General is accepting that analysis, because he is saying he ought to resign. I am not asking him to resign.

Mr Hulls — You did last week. You've changed your mind.

The ACTING SPEAKER (Mr Plowman) — Order! The Attorney-General will come to order. The honourable member for Berwick, without assistance.

Dr DEAN — The reasons why the former coalition government was happy to adopt the position it did — it was clearly the Attorney-General's position as well, until he had to start back pedalling — are contained in the Equal Opportunity Act, which was introduced by the previous government.

The previous government believed, and it is still my view, that the legislation, and the amendments to be made to it, makes sure that these areas are covered. The opposition has always believed that the principal act covers those areas, and it is happy to ensure by legislation that it does. But the Attorney-General asks, 'Why didn't you do this before?'. The answer is that we believe the provisions of the act that prohibit discrimination are broad enough to cover these matters.

Mr Hulls interjected.

Dr DEAN — The Attorney-General now says, 'That is not true. You're just making that up. We do not believe these matters are covered at all'. The Scrutiny of Acts and Regulations Committee wrote to the Attorney-General advising him of its concerns about the retrospective provisions of one of the clauses. The committee said, 'However, we have been assured by the Attorney-General that those provisions will not have any retrospective impact because they' — that is, the provisions relating to discrimination and protection — 'are already in the act'. Therefore, the Attorney-General's answer to the committee's concerns about retrospectivity was to say that the government was just putting in provisions that were already in the act.

Even in his second-reading speech the Attorney-General says that one of the amendments relating to sexual orientation is already in the act. It does him no good to point the finger at the Liberal Party when the previous government — of which it was a coalition partner — introduced legislation that it believed went absolutely far enough with exemptions. The Attorney-General says the previous government did not make those amendments — yet he is now amending his original bill to wind back the exemptions! Because of the deal he has done he is trying to go back further than we did in our original legislation. I do not believe he has any basis whatsoever for pointing the finger at the previous government.

There is no doubt that one of the absolute tenets of Liberal Party philosophy is that you stand up for the

individual and that you give individuals the capacity to reach their full potential.

Sometimes it is suggested, particularly by opponents of the Liberal Party, that that particular philosophy can be translated into something different. They say things like, 'Oh, you're in league with the capitalists', or 'You believe in capitalism and that's where you come from', or 'You're a conservative group of people who don't believe in social change'.

Two things can be said about that. Firstly, protecting the individual and ensuring that people reach their full potential goes right across the board. It is true that members of the Liberal Party are great supporters of small business and private enterprise. We say that those individuals have taken a risk, put in some capital and tried to reach their full potential and as a consequence they take the rest of us with them. I will not go now to the trickle-down effect and all those other things that are relevant to economic issues but I will come back to them some time.

On the social front, the same policy and view exists that was put forward by then Prime Minister Menzies and which is at the heart of Liberal philosophy. That is, on social issues people should be able to reach their potential without discrimination and without being left out or degraded.

Members of the Liberal Party also hold that position about education. The reason the former government pushed so hard to make state schools more independent and more flexible is because we disagree with the one-size-fits-all philosophy. Our philosophy is to have a solid education system; for those who are finding it difficult, you put in resources to try to give them an opportunity; and for those who can excel you make sure you do not hold them back but enable them to reach their full potential. Members can argue about that philosophy as much as they like — I do not mind that — but they should not try to say it is not Liberal philosophy, whether it is on the social, welfare, employment, business or arts front.

In arts we have exactly the same view: if individuals have potential and so forth, you do what you can to support them to reach their peak. We say that because the whole community benefits from that outcome. So it was not a huge step for members of the Liberal Party to say, 'We agree with the proposals, so long as we are happy that the exemptions in the bill are protective of the various problems that may arise'. It is our philosophy that we do not want people to be discriminated against so that they cannot reach their full potential. We do not them to be treated better or worse but to be treated equally and to be able to reach their potential because when they do we all benefit from the product of the realisation of their great potential.

It is beyond doubt that the transgender community has been discriminated against for the oldest reason in the world. The reason that discrimination has existed for a long time in all sorts of areas is basically a lack of understanding. I was going to say 'ignorance' but ignorance is the start of taking the position of the chardonnay socialist set. One thing I cannot stand is people who say 'Because I have superior knowledge I can also say I understand why people should not be discriminated against. I am not ignorant but everybody is because they have that problem and I feel totally superior as a consequence of that'. There are more people on that side of the house who have that view than on this side.

I understand why people behave as they do now and have over the generations. They do so for a lot of reasons. I understand why racism occurs. It is a consequence of a lack of understanding, or of not having the issue debated and so forth. People get scared of things that are different. It is as simple as that. At school, where there are lots of young kids who have not reached an understanding of difference, guess who is picked on? Anybody who is different. Members of the Liberal Party understand that. Hopefully the processes of education work very hard so that people get that understanding and discrimination stops.

I do not say that those who want to discriminate on that basis are evil people. They need better education and to achieve better understanding, which it is for governments to provide in part through the Equal Opportunity Act.

I acknowledge that many people say that legislation introduced for educative purposes is a very blunt weapon — and it is. It is not how proper education should be undertaken. However, it has the benefit — a bit like the .05 legislation — that even if it does not catch everybody involved and stop it happening, it draws an official line in the sand. Parliament is saying, in effect, 'Officially this is the line we have'. People start looking to that line and saying, 'That is what is appropriate', and 'That is what is not appropriate'.

I take this opportunity of thanking the Honourable Andrew Olexander in another place for assisting me with many of the facts and figures on the discrimination that has been and is being suffered by the transgender community.

The first thing to note in the whole process of understanding — as can been seen from the wording of the bill — is that the proposed measure is about people who have a psychological or biological trauma. They feel effectively trapped in the wrong body or they simply do not know what they are, as they do not see themselves as male or female. It is not something that comes out of the sky; people do not just say, 'Oh, gee, I think I'll take this point of view'. Given the trauma that that group has suffered, one would not expect anyone to take that position voluntarily in addition to one's normal life. The proposed legislation is not for people who might change their dress for the sake of it, or whatever, in a flippant manner.

The bill addresses issues faced by people who suffer a gender identity crisis. I admit my ignorance on the subject. I did not understand all the terms and the full impact of it, and that is why I want to thank Andrew Olexander for explaining to me and showing me — he did not just come up and say, 'Look, this is what the truth is'; he said, 'Look at this document, look at the various medical journals, look at the scientific research that is done, and you will see that this is a very difficult problem'.

The bill addresses issues affecting people who undertake hormone treatment or surgery because they may have a chromosomal variation, a hormone sensitivity or imbalance or even indeterminate genitalia or a complete psychological inability to cope with their skin and gender. Their decision to take the sort of action that they do — whether it is hormonal or surgical treatment, or even just going through the processes of change — must be excruciating. It must be unbelievably difficult, because, as a small group, they have been and will be picked on.

Roberta Perkins, a masters student at Melbourne University, did some research into and prepared a report on the subject. She found that the majority — some 90 per cent — of people in the transgender community who underwent that change ended up without a job.

An Honourable Member — Ninety-five.

Dr DEAN — Ninety-five per cent ended up without a job. That cannot be allowed to continue. It does not matter how uncomfortable honourable members feel or what they think about the process, one cannot let a fellow human being undergo such discrimination without doing something about it to enable people to be protected and to reach their full potential. Roberta Perkins found that one-third of people in the transgender community had attempted suicide and that half of the transgender community felt isolated.

Even if she has greatly exaggerated her report or the basis of the report could be faulted — I do not know whether it can — one cannot ignore that sort of reaction about a group of people in the community.

Other states have taken this step — Western Australia, New South Wales, Australian Capital Territory — and have examined the issue. Although the government knows the original act provided protection, the opposition is happy to have legislation that spells it out. As a lawyer one tries to avoid situations like this, because if legislation is amended too often it ends up being very complex. Basically legislation is general and it is hoped it will cover everything, because if one starts getting specific each time an incident comes up, or is not sure whether it does or it does not, one ends up with legislation like the taxation act. That is not something one normally does. In these circumstances, particularly as a consequence of the trauma the group in question has suffered, the opposition is happy not to oppose the legislation in any way.

In relation to the proposed amendments — and I was going to say, 'If I were the Attorney-General', but I will say instead, 'If I am lucky enough to be chosen as the Attorney-General on the change of government at the next election' — and if I were in the position of the Attorney-General I would not think these particular changes were required.

The house has been told that the transgender community has discussed this issue with the government and has said, 'Yes, we will do it'. I suspect that pressure has been brought — —

An Honourable Member — It's not true.

Dr DEAN — I want to make this clear. It was said by interjection, 'It's not true', and I hope it isn't. I hope the transgender community said, 'Yes, we just think this is an extra benefit'.

If I am wrong about this, and I accept from what has been said on the other side that it was simply an agreement and pressure was not brought to bear — I must say it looks suspicious — the opposition will support that. To the extent that it expands provisions in some areas, for example, in respect of the term 'bona fide', my view would be that the court would interpret it as meaning bona fide. It would be strange for a court to read a definition and say, 'No, this includes people who are not bona fide in this position', so one just assumes that happened. Perhaps the expansion makes it

clearer. Apparently the transgender community is happy with the provision.

The exception in relation to employment already exists. The former government put it there to cover this process. The exemption in section 24 of the Equal Opportunity Act states:

> An employer may set and enforce standards of dress, appearance and behaviour for employees that are reasonable having regard to the nature and circumstances of the employment.

Section 23 states:

> An employer may set reasonable terms or requirements of employment, or make reasonable variations to those terms or requirements, to take into account …

And it refers to a whole range of factors — special matters and genuine concerns about his business. Quite clearly that is the case, but the government has seen fit to amend the legislation, probably because of smoke and mirrors and politics. I am sorry that has happened but I think it is endemic in the government. Putting that aside, the opposition will not oppose those amendments. They will stand, and the same can be said in relation to other aspects of the act.

It is important to discuss the amendment proposed by the honourable member for Mildura. I understand why he has proposed it. I also thank him for the assistance I got from his staff. I spoke to a member of his staff on the telephone this morning. When I asked what the situation was he kindly told me that although the honourable member for Mildura had not yet arrived there was a possibility of XYZ, and that has turned out to be correct. He said he could not verify what would happen but was very helpful.

First of all, although we have had a private conversation outside the chamber, I say to the honourable member for Mildura that there was no intention by me or anyone in the parliamentary Liberal Party to in any way try to hurt him in relation to his amendments. The Liberal Party struggled with the amendments and the last thing it would do is make it more difficult for itself or the honourable member for Mildura. There was no such intention and to the extent that he is unhappy about that I apologise for any area of concern that may have arisen but should not have arisen.

The Liberal Party has considered the circulated amendment, and the reason it has not been accepted is simple. The opposition believes the exemptions in the original act are sufficient. The honourable member cannot ask why the opposition does not accept further restrictions to the act developed by the previous government; it believes this area of discrimination is already covered in that act. The exemptions were already in place to ensure there would be no problems and everyone could move a step forward without an enormous punch-up. The honourable member's amendment will effectively wind back the provisions in the act, and it should not come as enormous shock that the opposition does not agree with it.

The Liberal Party is a different party now. That is what I have said previously when honourable members have jumped up saying the Liberal Party now says things that are contrary to what the coalition government did under Jeff Kennett. The Liberal Party is a new and different party now, and it makes its own standards. It is not beholden to things that happened previously. In its discussions and policies there will be some areas where it agrees with what went before and some where it does not. Many opposition members were responsible for formulating the act, putting it before the Parliament and having it passed. Therefore it should not come as an enormous shock when the opposition disagrees with an amendment that says the exemptions are not wide enough and need expanding.

I am pleased that the honourable member for Mildura will not move all the amendments he earlier proposed. They went too far and did something that is against the heart of Liberal Party philosophy. That is the same reason it will disagree with the amendment. The honourable member for Mildura has a passionate belief in his amendment, but he should not take personally the opposition's disagreement with it.

Having considered his amendment in detail, I will argue the case about why the opposition thinks it is inappropriate. It is important that there are no knee-jerk reactions, because the bill is too difficult. The community is still struggling to understand what transgender means. I did not fully understand the difficulties encountered by people in the transgender group. I did not realise they were being discriminated against, and I am happy to admit that.

I do not want the honourable member for Mildura to think that the Liberal Party's decision to reject his amendment was easy or flippant. I do not want him to think that the Independents put the Labor Party into government and therefore the Liberal Party will hate their amendments. I imagine the opposition will sometimes agree with amendments proposed by the Independents and maybe the Independents will sometimes vote with the opposition.

As a mark of respect for the work that has gone into considering the amendment, I will now explain. It is

extraordinary, Mr Acting Speaker: just as I have said I will give a detailed explanation of why the opposition rejects the amendment, the mover of it has left the chamber!

Ms Davies — He'll be back in a minute. Don't fret!

Dr DEAN — I withdraw my comment and take what the honourable members says as correct. I was disappointed because I wanted him to hear what I had to say. However, he can read it in *Hansard*. The exemption in relation to education that is already in the act states:

> 25(1) Nothing in section 13 or 14 applies to discrimination by an employer against an employee or prospective employee if —
>
> (a) the employment involves the care, instruction or supervision of children; and
>
> (b) the employer genuinely believes that the discrimination is necessary to protect the physical, psychological or emotional wellbeing of children; and
>
> (c) having regard to all the relevant circumstances, including, if applicable, the conduct of the employee or prospective employee, the employer has a rational basis for that belief.

The exemption in the principal act that covers the area of concern of the honourable member for Mildura states that the provisions of the act do not apply to the care of children, which are children aged 18 years or under, so it definitely covers schools. The opposition believes employers must have beliefs that are genuine and rational, but, interestingly, the exemption does not even refer to reasonableness. Under the act a person could have an unreasonable belief provided that it was genuine and rational. That is a broad exemption.

It would be contrary to Liberal Party philosophy to suggest that allegations of discrimination can be withdrawn without also having a safeguard in place to ensure that exemptions are based on beliefs that are genuine or rational. The exemption will not cover discrimination by people whose belief is not genuine — in other words, discrimination by people who are making it up — or is irrational.

I do not want the honourable member for Mildura to take what I say personally — and I am sure he has not intended it — but his amendment suggests that all discrimination apart from that against people who have received medical intervention, which I will refer to later, including discrimination involving the care of children, is irrational. Having irrationality in a school, the whole purpose of which is to teach rationalism, is not a good start. Even if an employer's belief is not genuine, or is a completely made-up story by a person who is pretending or misleading everyone or is being deceitful by saying something he or she does not genuinely believe, the employer is still able to discriminate.

I want the honourable member for Mildura to understand the opposition could not go down that road, because it believes an exemption from discrimination provisions must only be granted if the belief is genuine and rational. In most cases, the belief should also be reasonable. The exemption is extremely wide.

The definition of gender identity in clause 4 of the bill refers to medical intervention. It states:

> '"gender identity" means —
>
> (a) the identification by a person by one sex as a member of the other sex (whether or not the person is recognised as such) —
>
> (i) by assuming characteristics of the other sex, whether by means of medical intervention, style of dressing or otherwise; or
>
> (ii) by living, or seeking to live, as a member of the other sex …

That clause draws a boundary around those people who will be covered by the legislation. That boundary will be applicable to persons covered by most of the act, but the proposed amendment will not apply to people suffering discrimination in schools, because those people will be limited to whether they have received medical intervention. That will throw a spotlight on the term 'medical intervention'. If people fall within the exemption they must be able to say that they have not received medical intervention. We need to define medical intervention. The bill provides a nice, convenient package by stating that gender identity means assuming characteristics of the other sex by medical intervention, style of dressing or by living or seeking to live as a member of the other sex, but defining medical intervention will be extraordinarily difficult. I have no idea how it can be done.

If a person goes to the doctor and says, 'Doctor, I have concerns because I am finding it difficult to understand my gender', and the doctor says, 'Okay, let's talk this through', and the person talks it through, goes away, never sees a doctor again and is completely satisfied, is that medical intervention? I think it probably is. If a person goes to a doctor, gets an opinion and responds to the opinion, is that medical intervention? If that is the case, the protection that is inserted in the act that this exemption will not apply to people who have undergone medical intervention, that protection is

almost non-existent because the term is so broad without the whole package that almost anyone who has just seen a doctor will fall within it.

The honourable member for Mildura should understand that this opinion has been put on a genuine basis. There is a problem with the amendment, because the isolation of the term medical intervention from the original definition, which the honourable member accepts in other parts of the act, will cause extreme problems.

Now that the honourable member is again in the house, I repeat that the reason it is not possible for the Liberal Party to accept the amendment is because the exemption I have just read out requires a rational and genuine basis and the opposition believes it should be a proper and appropriate part of the limitation that people who are not genuine or who are irrational about what they are doing should not be included in the exemption. In this case, because it is an absolutely rock solid and complete exemption, people who are not genuine and people who are irrational would be able to discriminate in schools.

As I understand it, a change of gender occurred in at least one school, and it was done with the understanding of the whole school. Again, this is hearsay; there are others who know more about this than I do, and I shall rely on them to talk about it. I understand that the person concerned was told to leave the school and there was an enormous outcry. The parents of those who had been taught by the person, who were fully conversant with what was happening and understood it, were outraged and demanded that the teacher return. That sort of thing may not happen in all situations, but if it happened at all it would be a great shame.

What happened in those circumstances was that everybody, including the children, had been brought along the education path, because it happened in front of their eyes to someone they knew. Because they trusted, knew, understood and liked that person, and had it all explained to them in absolute detail, they were taken down an education path that most would kill for, because it is a path that many of us have not been taken down, and I include myself in that. I understand that if you have not gone down that education path you have concerns — great concerns, immediate knee-jerk concerns — about kids at school, and so forth.

There is no way that members of the Liberal Party, or presumably the Labor Party, would introduce legislation that would put kids in danger or difficulty in any way, or would cause such great concern that the whole purpose of bringing in the legislation would be destroyed. The Liberal Party would not do that.

In this process there are situations — they may be rare but they are there — where right from the start the kids understand that this is a genuine, traumatic process that they can follow all the way through and can understand. When those children go out into the community they will not discriminate unfairly or inappropriately against the transgender community.

I believe that legislation of that nature, although not meant to be an educative tool, starts us down a line. I have many letters from people who say, ‘Look, this should be a matter of education, not legislation. If you start legislating these sorts of things you are doing an affirmative action thing. What about other groups in similar situations? Shouldn’t we have special discrimination for them?’. I understand that point of view, because the best way of getting through discrimination is to educate people in the community about the whole process so they know what is true and what is not. That is always the way to go. However, there are circumstances where drawing a line in the sand stimulates debate, and debate about the transgender community has been stimulated in a way that would never have happened had there not been a process.

I cannot tell honourable members the trouble the former government had when it introduced the Equal Opportunity Act. I cannot describe the furore it created when it put in all those areas — age, impairment, industrial activity, lawful sexual activity, marital status, physical features, political beliefs or activity, pregnancy, race, religion or activities, sex, parental status or status as a career. But, by golly, it was discussed in the community and the truth came out. Where there were problems people understood the problems, and where they were completely making a huge mistake they found out about that in many cases. That is where we are in the legislation.

I hope the honourable member for Mildura understands that by not accepting this change the opposition members are expressing a genuine belief. As Liberals we have to stick to our beliefs in the way we approach these matters. We have to stand by what we felt at the time we put the Equal Opportunity Act together.

In conclusion, I say again that at some stage the government will have to get a grip on how it introduces and moves through its legislative program, if it has one. If it continues to go down the path of introducing legislation only to find it should not have been introduced or that it should have been changed because

the talking that should have been done beforehand had not been done, it will show itself to be unprofessional and will lose the support of the community. I believe this is yet another example of that lack of professionalism.

Having said all that, I will be interested in the many speeches that will be made on the issue. As a matter of social policy, I am pleased to have had the opportunity to speak on the bill.

Mr RYAN (Leader of the National Party) — I join the debate and commence my comments where the honourable member for Berwick left off.

In 1994–95 the former government conducted an extensive review into then prevailing equal opportunity legislation, and it fell to the lot of the then Attorney-General's bills committee, of which I was a member and which was chaired by the Honourable James Guest, a former member of the upper house, to examine that legislation. In his own inimitable fashion Mr Guest did a marvellous job in the course of committee's conduct of that review. The committee canvassed opinion widely, consulted broadly and the legislation was put out for public comment.

The legislation was developed after what I think can fairly be said in parliamentary terms to have been an absolutely tortuous process. I cannot remember the content of all meetings, but there must have been a dozen or more of them. I would be surprised if we spent less than around 30 hours in the review of the various aspects of the legislation and in informing the then opposition, the now Labor government, of the provisions contained in the Equal Opportunity Act.

I make those comments because I think it is important to put this discussion into that context, bearing in mind that so many of the issues that are the subject of the legislation under consideration were visited at that time. There was exhaustive discussion of the principal intention in the bill, which is set out in the purposes clause, and which is to prohibit discrimination on the basis of gender identity or sexual orientation, particularly the latter. It is therefore pertinent that when one considers the proposed amendment relating to sexual orientation one has regard to the amendment to the 1995 act that introduced the term 'lawful sexual activity'.

The former Attorney-General, the Honourable Jan Wade, stated in her second-reading speech:

> Discrimination which is based on a person's lawful sexual activity or imputed activity is prohibited under this bill. Many homosexual members of our community suffer discrimination on a daily basis, whether in employment or when trying to gain access to goods and services or accommodation. This new ground of prohibited discrimination is intended to protect homosexuals, lesbians and heterosexuals or people perceived to fall into a particular category from discriminatory actions and provide an avenue of redress when such discrimination does occur. Lawful sexual activity does not include paedophilia or bestiality.

Those difficult issues dealing with sensitive areas of communal activity were dealt with in great detail at the time of the 1995 legislation.

The 1995 second-reading speech by the former Attorney-General also offers one reason why the bill is before the house. Apparently the homosexual community has expressed the view that the provisions contained in the 1995 legislation are not sufficiently extensive. It seems that the notion of sexual orientation has been incorporated into the bill after discussion with that group, and the existing term 'lawful sexual activity' is to be retained.

As mentioned by the honourable member for Berwick, apparently the government, with the best will in the world, is happy to satisfy a concern expressed to it by one section of the community. That sort of action establishes the principle of allowing a sectional group to exert a ridiculous amount of influence on the drafting of legislation. The government will have to be very careful about that as a precedent.

It cannot be said that the 1995 legislation does not preserve the rights and remedies available to people within that section of our community. No-one has missed out on rights just because the act does not define things in the way he or she prefers them to be defined. On the contrary, the amendment dealing with that point reflects only the fact that those people are unhappy with the terminology in the existing legislation. They say it should be changed because it does not suit them and because they would prefer a different form of words. The government must be careful about agreeing to amendments that do not change the rights and remedies enjoyed by a section of the community — even if that sectional group voices a view on the matter. The National Party is, for that reason, concerned about inclusion of that amendment in the legislation.

The bill also deals with gender identity. As I remarked earlier during the discussion on the government's legislative program, the legislation before us has not materialised in an orderly fashion. First, the bill was introduced in the latter part of last sessional period and was laid over. The honourable member for Mildura then proposed some quite extensive amendments and the government had extensive discussions with him. Next, the government brought back to the house a

refined version of the draft legislation incorporating some of the proposals suggested by the honourable member. Finally, a house amendment, to be moved by the Attorney-General, proposes to insert section 27B dealing with an exception available to employers to do with gender identity.

That process has resulted in aspects of the original proposals of the honourable member for Mildura being incorporated into house amendments now being proposed by the government; and apart from that, the honourable member for Mildura is proposing a further amendment to do with school councils. Material on that proposed amendment came to me during question time today, which was about 3 hours ago.

Bringing legislation into the house in that haphazard fashion does not assist the proper conduct of debate. I do not wish to be patronising, but if good outcomes are to be achieved, parliamentarians should get the process right.

Clause 4 adds definitions of 'sexual orientation', to which I have already referred, and 'gender identity'.

The clause says 'gender identity' means:

> (a) the identification by a person of one sex as a member of the other sex (whether or not the person is recognised as such) —
>
> (i) by assuming characteristics of the other sex, whether by means of medical intervention, style of dressing or otherwise; or
>
> (ii) by living, or seeking to live, as a member of the other sex; or
>
> (b) the identification by a person of indeterminate sex as a member of a particular sex (whether or not the person is recognised as such) —
>
> (i) by assuming characteristics of that sex, whether by means of medical intervention, style of dressing or otherwise; or
>
> (ii) by living, or seeking to live, as a member of that sex;'

The house amendments add the extra words 'on a bona fide basis' to the opening lines of subclauses (a) and (b). Subclause (a) would then read:

> The identification by a person of one sex on a bona fide basis as a member of the other sex …

Subclause (b) would then read:

> The identification by a person of indeterminate sex, on a bona fide basis as a member of a particular sex …

The inclusion of the concept of gender identity seems to have come from the review by the Law Reform Commission of the Equal Opportunity Act, the findings of which appear in the commission's report no. 36 of October 1990.

Under the heading 'Transsexuality' the following appears in clause 73 on page 26 of the report:

> The discussion papers proposed that the ground of sexuality should include transsexuality. No submission opposed this. However, transsexuality is a matter of gender identity rather than sexuality. The commission therefore recommends that it be prohibited as a discrete ground (cl. 201).

Clause 201 lists a number of prohibited grounds of discrimination and makes reference to matters discussed earlier in reference to clause 36. There is nothing in it that adds to the general notions contained in clause 73.

The report was produced when the previous Labor government occupied the Treasury benches. In the period between 1990 and 1992 nothing happened about implementing the report. Following the government's assuming office in October last year the issue arose again, which is why it is now the subject of the bill before the house.

One of the National Party's concerns about the notions being advanced by the government involves medical intervention, which the honourable member for Berwick has also touched on. What is 'medical intervention' supposed to mean? Does it mean an actual procedure by way of surgery or, at the other end of the scale, does it simply mean a prescriptive tablet?

It is an example of the vagaries inherent in the drafting of the bill. I will return to some of those in speaking to the amendments to be moved by the Attorney-General.

Clause 5 will add the three categories 'gender identity', 'parental status or status as a carer' and 'sexual orientation' to those that appear in section 6. Clause 6, which is headed 'Discrimination in competitive sporting activities', amends section 66(1) of the principal act by adding the words 'or with a gender identity' after the word 'sex', so that it will now read:

> A person may exclude people of one sex or with a gender identity from participating in a competitive sporting activity in which the strength, stamina or physique of competitors is relevant.

The esteemed Scrutiny of Acts and Regulations Committee, which I had the honour and pleasure of chairing during the previous Parliament, raised several concerns about the proposed amendment to section 66.

On 2 May the committee wrote to the Attorney-General posing the following questions:

1. Would a hotel contravene the Act if it excludes a trans-gender person from the ladies toilet?

2. Would a hospital contravene the Act if it refuses to admit a trans-gender person into a female ward?

3. Would the state contravene the Act if it refused a trans-gender offender sentenced to a term of imprisonment, a demand or request by the offender to be incarcerated in a female prison?

The Attorney-General's response to the committee is also reproduced in *Alert Digest* No. 7. He said that the need for additional exemptions was considered during the drafting of the bill and he outlined the considerations that went into it. I shall quote some of his comments as noted in the digest, and I would recommend that they be read by all honourable members:

> This means —

he is talking about the current provisions —

> that it is not unlawful to provide services that meet the safety, privacy and other needs of women such as women-only toilets or hospital wards or prisons.
>
> Therefore all people who are not women can be legally excluded from such services.

He goes on to say:

> However, under the law transgender people will still be considered either male or female. It would not be unlawful to exclude a transgender person who is a man from services designed to meet the special needs of women …
>
> The common-law test for determining the sex of a person is not changed by this bill.

He responded to the three examples raised by the committee by saying that there would be a problem 'only if the transgender person is a woman for the purposes of Victorian law'. Honourable members can find comfort for their concerns about the impact of this legislation by referring to the Attorney-General's response to the committee.

The transitional provisions in clause 7 are to apply only to the amendment that relates to sexual orientation. The amendment relating to gender identity does not come within the ambit of the transitional provisions. Again the Attorney-General was asked about this issue by SARC. Once more I would commend reading his response to all honourable members. He said:

> Clause 7 is not intended to give rise to any retrospective liability. It is based on the fact that the current ground of lawful sexual activity prohibits discrimination against people on the basis of their sexuality. This was made clear in the second-reading speech that accompanied the Equal Opportunity Act 1995 and has been the meaning applied in cases that have considered the attribute.
>
> Clause 7 was inserted to avoid the situation where a person who is discriminated against on the basis of his or her sexuality prior to the bill coming into operation would be forced to lodge a complaint of lawful sexual activity discrimination even though the ground of sexual orientation had been included in the Equal Opportunity Act.

He concluded by saying:

> The committee should note that clause 7 only relates to complaints of sexual orientation discrimination. Gender identity discrimination will only be unlawful from the date of proclamation of the act. It appears from your letter that the committee may believe that the new ground of gender identity will relate to some aspects of the current ground of sex. This is not the intention of the legislation.

It is important to look at the existing act and its provisions as they relate to the amendments to be moved by the Attorney-General. Amendment 3 proposes the insertion of a section 27B, which states:

> An employer may discriminate against another person on the basis of gender identity in any of the areas specified in section 13 or 14 if —

and it then moves to the circumstances where that may occur.

Section 13 of the principal act relates to discrimination against job applicants and section 14 relates to discrimination against employees. Therefore, discrimination will be permitted if:

> (a) the person does not give the employer adequate notice of the person's gender identity —

The courts are going to have a lot of fun with what is contemplated by the expression 'adequate notice'. Is adequate notice going to be some hours, some days or some weeks? Is the notice supposed to be telephoned or written? How is it to be given? In what form is it to appear? Interpretations will have to be applied to 'adequate notice'.

The proposed section goes on to say that discrimination will also be permitted if:

> (b) the person gives the employer adequate notice of the person's gender identity but it is unreasonable in the circumstances for the employer not to discriminate against the person.

It then sets out half a dozen items that are the basis for deciding whether it is reasonable or unreasonable for the employer to discriminate against a person and all the relevant facts and circumstances that must be considered — namely:

(a) the cost to the employer of not discriminating;

(b) the feasibility of the employer not discriminating;

(c) the financial impact on the employer of not discriminating;

(d) the financial circumstances of the employer …

Isn't that going to be the cause of a lot of fun? How in the heaven's name is a court going to be able to give any justifiable interpretation to a provision that talks about allowing all this to happen subject to the financial circumstances of the employer!

Proposed section 27B(2) continues:

(e) the impact of the proposed discrimination on the person;

(f) any other relevant factors.

A catch-all applies there. The legislation will create a hotbed of discontent in the commission as people grapple with what it is all supposed to mean. I reiterate my comment that it will be difficult to make sense out of the bill in a meaningful and practical way. It is unfortunate that the process that has occurred over the past few months has given rise to an amendment at this late stage.

When the Equal Opportunity Act was redrawn in 1995 care was taken in section 17 to provide for appropriate employment defences, and exceptions for small business are contained in section 21. The former government went to great trouble — and this is pertinent to the point I wish to move to concerning the amendment moved by the honourable member for Mildura — to put a complete structure in place to ensure a proper balance between the rights of people facing the prospect of discrimination and the accommodation of those individuals and groups in the community who were subject to discrimination, and ensuring there were appropriate defences for discrimination on reasonable grounds. The National Party has an overriding concern that in tinkering with the legislation as is proposed by the Attorney-General's amendment 3 there is a risk of unravelling the act.

Similarly, I move to the amendment notice of which will be given by the honourable member for Mildura and which refers to discrimination by school councils on the basis of gender identity. The National Party shares the concern of all honourable members, including the honourable member for Mildura, to ensure that children are properly protected in all respects, particularly in the educational environment. When the act was drawn in 1995 care was taken to deal with that issue and section 25 contains a widely drawn exception relating to the care of children. It states:

(1) Nothing in section 13 or 14 applies to discrimination by an employer against an employee or prospective employee if —

(a) the employment involves the care, instruction or supervision of children; and

(b) the employer genuinely believes that the discrimination is necessary to protect the physical, psychological or emotional wellbeing of the children; and

(c) having regard to all the relevant circumstances, including, if applicable, the conduct of the employee or prospective employee, the employer has a rational basis for that belief.

Those defences were built into the act with the overriding intention of ensuring that in the case of schools and the care of children by school councils or in respect of any activity that occurred around the schools, including work done by groundsmen or by volunteers who would not be subject to employment contracts, there was a broad capacity for discrimination to occur if it were genuinely believed to be appropriate and a rational basis existed for that belief.

To highlight that point, it is important that the two elements travel together. Many people have a genuine but completely misconstrued understanding that running with the notion of genuine belief there must be a basis for it to be rational. Many people, present company exempted, genuinely believe the world is flat.

Mr Helper interjected.

Mr RYAN — I was prepared to grant the exemption to the government benches, but I hear the interjection, which contradicts me. However, with the best will in the world I take it in the spirit in which it was intended. There is no rational basis for that understanding, so the two concepts need to run together. That is why in relation to the care of children section 25 was carefully built on a wide basis — to allow sufficient compass to protect children in the school environment.

Section 38 of the act deals with educational institutions for particular groups. Section 39 contains an exemption that applies to special services or facilities, which again has relevance to educational authorities. Section 40 contains exceptions for educational authorities concerning standards of dress and behaviour. In the drafting of the 1995 provisions all the elements that comprise school communities in all their forms were painstakingly looked at to ensure that protections were available to school councils and school communities at large and that children were not at risk over any of the issues contemplated by the act.

The same situation applies to the proposed legislation. The National Party believes the act has built into it a strong defence for school councils and school communities to employ against whatever might flow from the implementation of the gender identity amendment.

The National Party shares with the honourable member for Mildura the concern — to put it bluntly — that our children face the prospect of being taught by a transsexual or a cross-dresser, or however you want to term it. However, we believe the Equal Opportunity Act already contains a defence against that. National Party members are concerned that if you tinker and tamper with the act there is the prospect that, with the best will in the world, you may open it up to interpretation and therefore weaken it.

Also, there seems to be a contradiction in definitions. The bill contains the broad definition of gender identity, which, as I said before, deals with a person of one sex identifying him or herself as a member of the other sex — and it is supposed to be on a bona fide basis — by assuming characteristics of that other sex, whether by means of medical intervention, style of dressing or otherwise.

The amendment to be moved by the honourable member for Mildura seeks to ensure that if an individual who would otherwise be subject to discrimination has undergone medical intervention, that discrimination should not occur. That is because, as I follow it, that person would have completely gone through the process of change and it could therefore not be legitimately asserted about such an individual that the important element of genuineness was absent.

My concern is that there is an inconsistency between the definition of 'gender identity' in the bill and the different definition in the amendment proposed by the honourable member for Mildura. I repeat that the position that applies under section 25 is very strong: school communities and school councils should certainly be empowered to ensure that schoolchildren are properly protected against what might flow from any contact with persons whom we would not choose to have in front of our classes or otherwise associated with our children in any way, shape or form. However, members of the National Party believe section 25 is strong enough as it is. We have serious reservations about the amendment proposed by the honourable member for Mildura. However, I assure the house that we accept without qualification the fundamentally genuine intent behind it. The National Party will be interested to hear the honourable member for Mildura explain the point of view that underlies his amendment.

Transgender identity provisions such as those contained in the bill apply in all states and jurisdictions in Australia except Victoria and Queensland. They apply in New South Wales, Tasmania, South Australia, Western Australia, the Northern Territory and the Australian Capital Territory. I suppose there is an element of catch-up in this for Victoria. The issue of indeterminate sex has been accommodated only in New South Wales and not in the other jurisdictions.

The National Party is concerned that in moving these amendments the government is enabling particular interest groups to influence the passage of legislation through Parliament in a way that people at large may well have reservations about. Other members of the National Party and I have received an enormous amount of correspondence about the bill, a significant component of which has been against what is contemplated by the bill.

I warn the government about the need to pay appropriate heed to the needs of the population at large before framing the legislation it brings to the house. The government must be careful about introducing legislation that can be seen as pandering to certain groups in the community in circumstances in which it cannot be justified.

Mr SAVAGE (Mildura) — I desire to strike a balance between the government's aims and those of the wider community. It is difficult to cross that channel or build a bridge from one side to the other. This is an important debate, and its subject matter needs to be well and truly debated, consulted about and analysed.

I congratulate the Bracks government on deferring debate on the bill so we could have this meaningful legislative process. I commend the honourable member for Richmond on the manner in which he has assisted in some of the amendments that have been placed in the bill. The amendment that relates to bona fide sexual identity is most appropriate. My concern is that people who are not committed to changing their sexual identity could, on a whim, cause disruption in their employment, in public toilets or in other public places. We all know there are plenty of people in our society who will grab an opportunity like that and do such things.

I also congratulate the government on its employment amendment, proposed section 27B, which is appropriate and timely. It will not totally exclude a person who wishes to change his or her sexual identity, but it will give some protections to his or her employer. Without the amendment I could envisage what would happen in a country hardware store that employed a

person who had a genuine commitment to changing his or her sexual identity. I can assure the house that in a country community you would have an adverse effect on a person's business if you turned up for work dressed as a woman one day after having been a man!

We must be realistic. We cannot just say we will consider the bill on the basis that we will end all discrimination. That would be a fallacious statement, anyway, because we will never achieve that. We can minimise it, but we certainly cannot remove it altogether.

I am concerned that anybody who expresses a contrary view on these issues is described as homophobic and usually receives a barrage of vitriolic criticism just because he or she has dared to speak out. The same occurs with racism. It is sometimes difficult to have a healthy debate about racism because people become emotional about it, and if one takes a contrary view one is often considered to be a troglodyte.

The Equal Opportunity Act contains many inconsistencies. It is amazing to note that the exemptions extend from section 16 to section 84. There are so many exemptions that one wonders why the attempt was made to enact the legislation in the first place. However, I am a newcomer here, so I had best not go down that path.

One of the interesting exemptions for employment is that political parties and members of Parliament can discriminate against people on the basis of their philosophical beliefs. I question that because I would have thought anyone fit to do the job should have the opportunity of doing it. I guess if honourable members draft the legislation we can have first call on the categories of exemptions.

My concern is that one realistic outcome is that the bill could create superior rights for a very small group, to the detriment of the wider community. Therefore, I am pleased to see some of the amendments to the original bill although I am unhappy that some others were not made or are not proposed.

I question whether many conservatives are left in this Parliament, given how we have arrived at the contents of the bill. I note the comments of the honourable member for Berwick and make it quite clear that my earlier suggestion was not that he had leaked a confidential letter to the *Age*; it was done by a member of the Liberal Party administration. That was prior to any negotiation or discussion on those amendments. I did not have any discussion with any member of the Liberal Party on the amendments before debate on the bill was adjourned. I am disappointed because I would have thought that members of the Liberal Party would have had some discussion, conducted some analysis or at least decided on some position in the party room on this point. I was given that advice by the Attorney-General, I think.

I also note that members of the Liberal Party now support the amendment made by the Bracks government to the employment provisions in the original bill. However, there is some inconsistency in the Liberal Party, because in a letter dated 24 May an honourable member for Chelsea Province in the other place, Mr Cameron Boardman, states:

> The state opposition has decided not to oppose this bill. Although this means the bill will be passed, it does not mean that the opposition supports its content.

I know he likes racing, but that is really having five bob each way. His letter continues:

> We acknowledge the government has a mandate to implement its legislative program and as such, as a result of weighing up community support — or otherwise — and the ramifications of the bill, it was decided to let the bill pass.

That was a bit premature.

An interesting postscript is that I have in my possession an article published in the *Melbourne Star Observer*. It has a picture of the Leader of the Opposition and quotes him as saying that I am a 'reactionary'. I was not sure what he meant by that, so I looked it up and discovered that it means a person opposed to change. The article states:

> Russell Savage is a 'reactionary' who is pandering to conservative voters in his Mildura seat.

That is good observation and astute analysis. Most of them are people who elected me to this Parliament. I imagine a similar group of conservative people voted for him — although at the last election he came very close to losing his seat! Maybe next time the outcome will be different. The article states also:

> Napthine rejected Savage's concerns that cross-dressing shop assistants could present some small rural businesses with costly legal battles if taken to the court for discrimination.

Does the Leader of the Opposition not consider that his local businesses might have a problem if a person dresses as a member of one sex one day and the opposite sex the next? Surely that would have an impact on a small country business. Has he consulted any members of his community in that electorate? I do not think so.

The article quotes the Leader of the Opposition as saying:

> The opposition would vote against the bill if the government included the Savage amendments. This would defeat the bill in the upper house.
>
> If the government does an extraordinary backflip and supports Russell Savage's amendments in the lower house let me give you an assurance that before the bill was debated in the upper house we would go back to the gay and lesbian community and consult with the community about how they believe the bill should be best dealt with …

That is a complete reversal. Has the Leader of the Opposition consulted with anybody other than the gay and lesbian group or lobby groups? The important thing is that, as I understand it, he is now supporting the amendment on employment that has been included in the bill as a direct result of meaningful consultation by the Independents and the Bracks Labor government.

There is an element of hypocrisy here. This is an important issue. I would like to know exactly what consultation the Liberal Party has had with anybody other than Transgender Victoria. Have its members consulted their branches? Was this an issue on the state conference agenda? There was support for the bill being passed promptly, and much anxiety has been expressed about the bill being deferred.

That is called good government — that is, talking to people and listening to them and changing things because there are differing views. Jamming it through on the voices so that members of the opposition can slink out of here and pretend they did not vote for it is not the way to do things!

An honourable member interjected.

Mr SAVAGE — It is the same amendment that I proposed when debate on the bill was adjourned. There are some exceptions to that. The Leader of the Opposition probably never thought that I would read the *Melbourne Star Observer*. It might surprise him to learn that it is being quite widely circulated in this place.

The amendment that I propose relates to protection of employment in schools of people of transgender sexual identity. It states specifically that there cannot be discrimination against:

> (a) a person of one sex who has assumed the characteristics of the other sex; or
>
> (b) a person of indeterminate sex who has assumed the characteristics of a particular sex —
>
> by means of medical intervention.

That is a pretty generous definition. It does not include everybody who is a cross-dresser or those who have some difficulty with their sexual identity; it is quite specific.

As a parent I expect the schools my children attend to have a certain standard. I do not want my children to be taught by people who are going through some emotional trauma in not knowing what sex they are. If that is a discriminatory position, so be it. If every parent in this state were asked about the matter, the same conclusion would be reached. Parents are entitled to know that the people who teach our children are not going through some emotional trauma that could have an impact on the children they teach. We have a sacrosanct responsibility and I cannot imagine any teacher or parent in the wider community disagreeing with that position.

The same could be said about condom machines. School councils were given the right to decide whether they would have condom machines in their schools. No matter whether that is right or wrong, the school councils now determine that.

If, under section 25, a principal had the role of discriminating against a transgender person, someone with a sexual identity problem or a cross-dresser who may be causing difficulty with employment, that principal would have a great deal of political difficulty because he or she has a career path. A school council can take that decision making role from the principal and if a decision is made in conjunction with the two a reasonable outcome would be achieved.

Anyone who considered what happened at Rosebud High School could come to a conclusion that already there has been a problem in our schools with a person who changed sex from male to female — that is, the case of Don Upfill, who now is called Ms Lee Oliver. I quote from an article by Kay O'Sullivan published in the *Herald Sun* of 17 October 1996:

> Adolescence is a time of confusion for many, and transsexuality is a complex issue that few of us, even the most mature, fully understand. For that reason I believe there is no benefit being confronted with such an issue at an early age and stage of sexual development. There are too many other issues to be confronted, and indeed need confronting, without trying to grapple with something as complex as a person changing from one sex to another.
>
> In other words, a year 9 schoolroom is neither the time nor the place for a teacher to undergo the process of changing sex.

I agree with what Ms O'Sullivan says in that article.

Even the former Premier, with whom I did not agree on many occasions, bought into this argument, and I have

to agree wholeheartedly with him. Speaking on 3AW on 18 October 1996, he said:

> If an individual is going through emotional change, psychological change, that must in some way impact upon their ability to relate to the children and to the primary purpose of what they are doing …

It relates to the fact that I am trying to get an amendment on schools. I know the honourable member has some difficulty grasping that.

An honourable member interjected.

Mr SAVAGE — We are talking about having some protection for school councils, and I know you don't like that because we have exposed your little agenda.

I refer to another issue that relates to schools. Some honourable members would have received a letter from the Muslim Council of Victoria expressing real concerns that it may not have the ability to discriminate against people it fundamentally believes are in conflict with the religious beliefs of its members. I will quote one paragraph of a letter from Yasser Soliman:

> As we understand it, one practical effect of the current equal opportunity draft legislation, if passed, would be to remove the right of Muslim employers and community leaders, including those in charge of Islamic schools and youth organisations, to deny employment in and access to our institutions of persons on the basis of their assuming characteristics of the other sex or by living as a member of that sex.

Everyone has to be considered in this equation. School councils should have some role in the process.

I will complete my remarks by saying I am happy that the government has introduced the amendment on employment. It is a refreshing and appropriate amendment that allays some of my fears. I emphasise that school councils need to be protected.

This is a difficult legislative process. It is obvious from looking at the Equal Opportunity Act that the government has opened up a minefield of difficulties and it is almost impossible to cover every angle. The legislation will probably cause more difficulties than it will solve. As a consequence of what has occurred from the start to the finish of this bill, I am convinced that my decision in October 1999 was the correct one, because I have almost completely lost faith in some aspects of the conservative side of politics. I commend the amendments to the house.

Mr WYNNE (Richmond) — I am delighted to support the Equal Opportunity (Gender Identity and Sexual Orientation) Bill. The Bracks government is fulfilling another important commitment to the community — that is, to ensure Victoria has a legislative framework that protects all members of the community.

Over a number of years I have had an opportunity to deal with members of the transgender community. During a former life working for the Honourable Barry Pullen, a former minister and member of the upper house, for a number of years I had dealings with a person who was undergoing the very difficult path of changing gender, in that case from male to female. I witnessed that person's extraordinarily difficult situation. The path that person had to travel brought into sharp relief the importance of having this legislation debated today. I am pleased to say that the bill will be passed with the support of the opposition parties.

A few weeks ago the Attorney-General launched *Enough is Enough*, a report on the discrimination and abuse experienced by lesbians, gay men, bisexuals and transgender people in Victoria. I strongly recommend that honourable members take the opportunity to read that sobering report.

I shall refer to a couple of examples of victimisation in the transgender community. In the past five years in excess of 90 per cent of transgender people experienced verbal abuse, 63 per cent suffered physical threats and more than 20 per cent suffered physical abuse. More than any other, this community experiences massive and systemic discrimination. Through this legislation the Bracks government is seeking to right a significant wrong to that community.

In his second-reading speech the Attorney-General asked about the view of the former government on the issue during the past seven years. I am delighted that the honourable member for Berwick said there has been a change of heart and honourable members are looking at a new Liberal Party that, in the spirit of liberalism and harking back to the Menzies era, is now a broad and inclusive party. There has been a reformation on the road to Damascus and this significant social policy is being supported by the Liberal Party. The government is pleased to see that.

A number of points concerning the bill and the flagged amendment need to be considered. The honourable member for Berwick referred to a committee set up to negotiate the government's amendments. That is false. It is extraordinary to criticise the government for consulting. What is wrong with consultation? The government has a charter with the Independents and it is delighted that the honourable member for Mildura entered into negotiations in a thoughtful way. Concerns

were expressed but the government made it clear from the day the charter was developed that it would treat the charter seriously and it has done so. It has entered into proper negotiations with the Independents.

Two matters have been agreed upon. One that fundamentally has not been agreed upon relates to schools. It is the nature of negotiations and shows a mature relationship between the government and the Independents.

The Attorney-General briefed me to enter the negotiations and ensure that the bill introduced was measured and attempted to listen to the concerns expressed, particularly those of the honourable member for Mildura. Where possible his concerns were to be addressed and accommodated without watering down the intent of the bill. Negotiations also took place with relevant interest groups, most particularly Transgender Victoria, which endorsed the recommendations.

The ACTING SPEAKER (Mr Phillips) — Order! The time has come to suspend the sitting. Before doing so I welcome students from one of my local schools, Eltham East Primary School, who will entertain Parliament during the break. I also welcome their teachers and parents.

Sitting suspended 6.30 p.m. until 8.02 p.m.

Mr WYNNE — As I was saying before the dinner adjournment, people who seek to change their sexual orientation do not do so on a whim. This is a major, life-changing course of action for the people who take it and it involves an extraordinary struggle on their part. As I indicated, the level of victimisation of people in the transgender community is quite phenomenal; it would be fair to say that they are one of the most victimised sectors of our community. The report *Enough is Enough* indicates a level of verbal abuse well over 90 per cent over the past five years, of threats of violence over 60 per cent, and actual physical abuse more than 20 per cent. This level of discrimination is intolerable and absolutely outrageous in this community.

In turning to a number of the contributions made earlier this evening I want to touch in particular on the one from the member for Berwick. He indicated in his contribution that the transgender community may have been pressured by the government during negotiations.

The ACTING SPEAKER (Ms Barker) — Order! Would those members wishing to carry on conversations please leave the chamber.

Mr WYNNE — Thank you, Madam Acting Speaker. The honourable member for Berwick suggested that the transgender community had felt that it was under some pressure during the negotiations held with the government over the past few weeks, but nothing could be further from the truth. They were open and free negotiations with the Independents and the transgender community. I am pleased to say that the two government amendments before the house for debate tonight were endorsed by the transgender community. Indeed, Transgender Victoria pointed out that in the shaping of the legislation it proposed the first amendment which relates to the question of a change to the definition to further clarify it by the insertion of the expression ‘bona fide’.

The second amendment relating to the employment provisions was picked up by the government as it was a concern expressed by the member for Mildura. We believe it strikes a responsible balance between the legitimate concerns of small business in the community and providing adequate safeguards for the transgender community. That amendment has been supported by Transgender Victoria.

The government cannot and will not agree to the amendment proposed by the honourable member for Mildura concerning schools. The government believes if the amendment were accepted it would set a potentially dangerous precedent. It runs the risk of engaging school councils in litigation and would unnecessarily burden them with employment matters. The Department of Education, Employment and Training is the employer of full-time teachers. School councils are not involved in the employment of teachers, but they make recommendations to the secretary of the department for the appointments of principals. The proposed amendment would create a new role for councils that would override the position of the department as the employer of teachers and principals. It would set a dangerous precedent and, as I said earlier, the government cannot accept it.

The Equal Opportunity (Gender Identity and Sexual Orientation) Bill will amend section 6 of the principal act, which lists the attributes on which it is unlawful to base discrimination against members of our community. As honourable members would be aware, the list includes age, marital status, race and various others attributes, to which will be added sexual orientation and gender identity.

There are two main amendments. The first amendment provides for the inclusion of the term ‘sexual orientation’ in the list of attributes. The term ‘lawful sexual activity’ has been criticised. Members of the gay

and lesbian community find the term to be offensive because it is believed that it focuses on sexual practices to attract redress under the act and implies that homosexual people are more likely to engage in unlawful or immoral sexual activity. The new term 'sexual orientation' will not increase the level of protection afforded under the act, because the term 'lawful sexual activity' already prohibits discrimination on the basis of a person's sexuality.

However, the amendment will mean that the act states clearly that discrimination on the basis of a person's sexuality is illegal. The term 'sexual orientation' is defined as homosexuality, including lesbianism, bisexuality or heterosexuality. The term 'lawful sexual identity', which refers to a person's private life beyond his or her sexual orientation, will remain in the act to protect against discrimination on that basis.

The second inclusion in the list of attributes is the term 'gender identity'. That inclusion will make it unlawful to discriminate against a range of people whose gender identity does not match their birth sex, including hermaphrodites. Currently the Equal Opportunity Act does not prohibit discrimination on the basis of a person's gender identity. That omission is particularly relevant to the transgender community. As the Leader of the National Party said, every state of Australia except Queensland prohibits discrimination against transsexuals. It is about time Victoria debated the issue and got up to speed with the other states, except Queensland. People whose gender identity does not match their birth sex are subject to the most extreme forms of discrimination in their public lives. The inclusion of that provision is a fundamental move towards preventing that level of discrimination.

I wish to touch on a couple of points made by previous speakers in the debate. In particular the Leader of the National Party raised the matter of medical intervention and asked for a definition. Clearly medical intervention in this context is more than merely going to a doctor for a consultation. The path of medical intervention is significant for a person seeking to change his or her gender. It involves extensive psychological counselling and, of course, medical treatment, including hormone therapy and quite invasive medical techniques.

Significant costly medical intervention is required. I would have thought the meaning of the term 'medical intervention' is clear.

The Leader of the National Party suggested that some aspects of the government's amendments could be open to challenge. I am advised by the Equal Opportunity Commission that it will be undertaking an extensive education program throughout the community, which is a natural flow-on of the passing of the legislation. It will be developing guidelines to assist both the commission and potential litigants who seek to take matters forward on the ground of discrimination. It is important that that framework be established by the commission so the question can be clarified.

Some contributions tonight have suggested that the government is pandering to sections of the community. That is fundamentally wrong. Anybody who has read the report *Enough is Enough* would know that the government is recognising a group in the community that is victimised and discriminated against. Any reforming government and reforming Attorney-General would put the matter on the agenda. The government seeks to eliminate that discrimination, and that is why the bill was debated this evening.

On the issue of schools, a matter raised by the honourable member for Mildura, it is clear to the government that it cannot support the amendment. The government believes section 25 of the Equal Opportunity Act amply covers the questions raised by the honourable member for Mildura. Adequate protection is provided under that section for students. In negotiations with the Independents the government has said it puts into sharp relief the relationship between a teacher in a school and a school council. The government believes that is a potentially dangerous path for any government to tread and sees it as an inappropriate role for a school council. As the contribution from the honourable member for Berwick revealed, the government is satisfied that section 25 of the Equal Opportunity Act provides adequate cover for students in schools, and in that context the government cannot support the amendment.

In accordance with the charter established between the Bracks government and the Independents, an open and consultative arrangement is in place. There will be occasions when amendments moved by the Independents cannot be agreed to, and this is one such occasion. The government believes its two amendments are reasonable and go a long way towards assuaging any concerns the Independents may have.

In that context I am delighted to support the legislation. It is an important day for the transgender community of Victoria. The government is not pandering to certain sections of the community; it is addressing a fundamental discrimination. I commend the legislation to the house.

Ms BURKE (Prahran) — I, too, am pleased to debate the Equal Opportunity (Gender Identity and

Sexual Orientation) Bill. Previous speakers, particularly the honourable member for Berwick and the Leader of the National Party, have discussed the amendments to some degree, so I will simply touch on that aspect before moving on to the rest of the bill.

The opposition has agreed not to oppose the government's amendment, and I turn to touch on the amendment of the honourable member for Mildura. I do not think anyone in our society would really not want to protect children against those who wish to harm them, but when looking into government work and government policy it is interesting to consider one's beliefs about human behaviour. So far as I can see there is no evidence of mass mistreatment of children by the transgender community. Although the honourable member for Mildura talks about conservatives — and there are no Conservatives in this Parliament — let me remind him that conservatives are about considered, fair and responsible change.

Society discriminates against people who break the law through the criminal justice system, and discriminates for people who are truly in need. That does not mean uninformed, arbitrary or simply unfair discrimination. However, to even move the amendment proposed by the honourable member for Mildura demonstrates complete discrimination to an extent I cannot comprehend. It is a statement that people in the transgender community are automatically people who would harm children. There is no evidence to prove that is the case.

I will move on. One of the most difficult things for the transgender community, members of which make up part of our constituencies, is that many people have not recognised them or understood their plight in the way that many of us in this house have done, over the past few years in particular. Some of the basic facts about the transgender community have been completely overlooked by the broader community, and good, constructive and open debate in this house will open up the subject.

In one way I welcome the attitude of the honourable member for Mildura. His attitude is uninformed and broad, and I hope debate on it and the bill will change the attitudes of most Victorians and help them to understand the appalling discrimination the community at large has directed towards members of the transgender community. They have been abused for centuries. They have been mocked. They have been treated entirely differently. I have seen them in my community. I have seen them as neighbours. I have seen them hauled up by inspectors just because they looked different. I have seen them ridiculed because their minds did not match their bodies. Medical science has proved their condition is real and it now has a status — their operation is even covered under Medicare — yet some honourable members have the nerve not to see that. I understand it is important to have this debate, but it is also important for honourable members to understand the discrimination that exists in the community.

I would have hoped that today's civilised society would have learnt by its mistakes and that there would be an understanding that the policies here are sound and truly needed. The term 'transgender' covers a broad section of people — transsexuals, intersexuals and even cross-dressers — but many people confuse those who are involved in theatre and dressing up with people who have a medical problem. Transgender people were once called transvestites, but we no longer use that term. 'Transgender' is now the appropriate terminology.

Transgender identity disorder is an internationally recognised medical condition, as contained in the United States diagnosis service manual no. 4. Generally people with a gender identity disorder do not feel that the role society assigned to them at birth is appropriate. They have genuine and deeply felt concerns about self-identity. They are not flippantly exercising a choice to have a bit of fun by changing their sexual identity for the time being; they are seeking to adopt an entirely new gender role. Transsexuals in particular identify as being trapped in the wrong body, which I think is a beautiful description.

Research at the Melbourne Gender Identity Disorder Clinic at Monash Medical Centre concludes that there is evidence that gender identity disorder is biologically caused. Most physical changes are achieved through hormone therapy rather than surgery — and you can understand how people would prefer to do that. It is in that transition time when many people have difficulties, making an emphasis on surgery as the test of bona fides both inaccurate and problematic. Intersex people are born with physical medical issues, such as indeterminate genitalia. Genuine cross-dressers are not drag queens, who are entirely different and should never be confused with transgender people. Drag queens are entirely different and have an entirely different sense of it. For them it is not a problem; it is more about entertainment or theatre. Transgender people have entirely different problems.

It is staggering to read the *Enough is Enough* report by the Victorian Gay and Lesbian Rights Lobby. It contains some amazing statistics that every single member of this house knows in his or her heart to be true. We can put on the political uniform out in the

community and be politically correct because of those who are uninformed, but we know in our hearts that these people have been truly discriminated against. Just look at the case of Adele Bailey, who was found at the bottom of a well on a farm. Follow her life back and see what happened to that poor woman as a transgender person.

In her 1994 Australia-wide report *HIV/AIDS Needs of Transgender People* Roberta Perkins, a masters degree student from New South Wales, concluded that 95 per cent of transgender people lose their jobs upon transferring and having the operation — and we know that is true. A former minister in the last government supported a transgender person throughout the transition. That is a fine example to others.

The report also concluded that 38 per cent of transgender people attempt suicide — what a horrific thought, that nearly 40 per cent try to commit suicide; that 52 per cent of transgender people become completely isolated and have very few people to talk to; and that 27 per cent of transgender people have moved out of Victoria into other jurisdictions. Many of them have talked to me about having to leave Victoria because the laws here did not protect them from being discriminated against by others. What a terrible thought, that there has been protection in other states but not in Victoria. I think Tasmania and Queensland are the only other exceptions.

The Equal Opportunity (Gender Identity and Sexual Orientation) Bill sends a clear and unambiguous message to the community that discrimination is not accepted in our society today.

I will now run through some of the provisions of the bill. Clause 1 deals with the purpose of the bill. I have been working on this issue with my transgender and gay and lesbian communities for some time. They have been very unhappy with the terms used in the Equal Opportunity Act, particularly those relating to gender identity. Clause 2 provides that if this bill has not been enacted by 1 January 2001 it will come into force on that day. Thank goodness. It is probably centuries late, but at last these people will have some freedom from discrimination.

Clause 3 refers to the Equal Opportunity Act as the principal act. Clause 4 talks about gender identity and sexual orientation. The gay and lesbian community has not been happy with the terminology of the existing legislation. Clause 5 makes technical amendments to tidy up the principal act, and clauses 6 and 7 are extremely important.

Clause 6 addresses the issue of sport. I am amazed at the way transsexuals accept issues that arise in the sporting arena. For example, transsexual females might be stronger than their counterparts, so issues like that have to be dealt with in legislation — so the transsexuals said they will stay out of such decisions.

Clause 7 is very important, and it is good that the shadow minister and the National Party Leader spoke fully on that clause.

Parliament is extremely late getting the bill before the house. The Honourable Jan Wade and I, however, worked on the bill for quite some time. True, we were slow, and I would like to have seen the legislation passed more quickly. Nevertheless, it is now before the house, and that is the important thing. All parties are acting to expedite the legislation so that the people concerned can be given as much protection as possible.

As a society we should be showing leadership and setting a path towards a more inclusive and mutually respectable society — as we have done for so many years in other areas — instead of contributing to the problems transgender people confront every day.

Women, ethnic groups, gay men, lesbians and bisexuals are all trying to take part in our society. It is time for us to give the clear message that all members of our community are respected and should be allowed to take part in the society with freedom of association and freedom to enjoy a full and fulfilling life.

The bill is welcome. Many other members wish to speak on the bill, so I will be brief. I look forward to working with transgender community members and hope the bill will improve their quality of life and their standard of living.

Mr LANGUILLER (Sunshine) — I rise to speak on this important bill, which I fully support. Members on this side of the house are particularly happy to see that it has gone through a comprehensive consultation process among political parties, the wider community and the transgender community. Neither the government nor the Attorney-General can be criticised for not having presented the proposed legislation to the Parliament before now.

The bill is a turning point for Victoria in a number of ways. Its purpose is to amend the Equal Opportunity Act to prohibit discrimination on the basis of sexual orientation or gender identity. The Labor Party announced before the election that in government it would do everything possible to eliminate all avenues of discrimination against people. Today the government is delivering on that pre-election commitment.

The government is strongly committed to ensuring also that the Equal Opportunity Commission will work without government interference. That body, like others such as the new and independent Law Reform Commission re-established by the Attorney-General and the government, represents another step back onto the track of civil rights and human rights — issues of great concern to communities such as those of Australia and Victoria.

It is not the intent of the bill to interfere with people's private matters. Rather, it seeks to ensure that no citizen is discriminated against for reasons of private behaviour. It is the responsibility of government to protect all members of society. Indeed, it is the measure of the strength of a good and democratic society that it protects not only the majorities — the bulk of the community — but the minorities too.

As the Acting Speaker and everyone in Parliament knows, I belong to a minority of a different type. I have experienced discrimination: I have experienced the same name calling and other issues that are experienced by members of other minorities in our society. I assure honourable members that I have no doubt in my mind that we need to deal with discrimination. I understand concerns that have been expressed by my parliamentary colleagues, and they need to be dealt with. We must ensure that every possible provision is made to protect every citizen and every minority.

The bill introduces the attribute of gender identity into the Equal Opportunity Act and extends the protection afforded by the act against discrimination to people whose gender identity does not match their physical sex at birth. It is an important step forward and we needed to come to this situation. The previous government introduced the act, but I welcome the amendments to the act. It is a step the government and the Parliament needed to take.

The umbrella term 'transgender' is commonly used to describe a range of people such as those who have undergone gender reassignment surgery, those who have not undergone surgery but seek to live as a member of the other sex, and those who temporarily adopt the characteristics of the other sex, such as cross-dressers. The term 'gender identity' is used in the bill, however, because the amendment is designed to protect not only transgender people, but also people born of indeterminate sex who seek to live as members of a particular sex.

The amendment to the act refers to people who are without a doubt bona fide. There is no intention in the act, and certainly not in the contributions of any honourable member, to protect people who are not bona fide: who do not, as per commonly accepted definitions, have gender identity and/or transgender issues. It is true that there are occasions when some individuals may well abuse legislation or abuse an act of Parliament, but that concern does not and should not relate exclusively to the amendment in the bill or to the debate. I have seen abuse of all types of legislation and acts of Parliament across the board, and I cannot see why we should be particularly concerned with abuse of this legislation.

I refer to a number of important exemptions. Proposed section 27B as set out in the Attorney-General's amendment states that:

> (1) An employer may discriminate against another person on the basis of gender identity in any of the areas specified in section 13 or 14, if:
>
> (a) the person does not give the employer adequate notice of the person's gender identity; or
>
> (b) the person gives the employer adequate notice of the person's gender identity but it is unreasonable in the circumstances for the employer not to discriminate against the person.

The Parliament and the government are about striking a balance to ensure that minorities are protected. At the same time, particularly when we have bipartisan support — when all the parties in the Parliament are in agreement — we think we can confidently protect and ensure that every community has a fair go.

Employers have expressed their concerns, and they have been consulted. The Parliamentary Secretary for Justice and the Attorney-General have had numerous discussions with all the groups who expressed concerns, and those concerns have been worked through. I commend those involved because the process has been undertaken within a consultative and democratic framework.

That consultation is in stark contrast to the approach of the previous government, which would have rammed the bill through just as it rammed through legislation in the previous Parliament. That is why it is in opposition today.

Proposed section 27B also states:

> (2) In determining whether or not it is unreasonable for the employer not to discriminate against the person, all relevant facts and circumstances must be considered including —
>
> (a) the cost to the employer of not discriminating;
>
> (b) the feasibility of the employer not discriminating;

(c) the financial impact on the employer of not discriminating;

(d) the financial circumstances of the employer;

(e) the impact of the proposed discrimination on the person;

(f) and any other relevant factors.

The provision gives the business community sufficient protection while addressing its concerns.

The introduction of the legislation shows that democracy in Victoria is strong. It is an indication of the strength of the Parliament, the government and the wider society that we can afford to protect not only the so-called ample majority but also the minorities. That reflects well on the traditions of social justice, equity and equal opportunity that apply in Victoria and Australia. I have embraced those traditions, and all citizens should be proud of them. Democracy has not been diminished; on the contrary, it has been enhanced and strengthened.

I confess that I was not knowledgable on the subject. If we have learnt anything during the course of the debate it is that many of us were not fully aware of the issues affecting the transgender community, including those who face other gender identity issues. However, I already knew one thing: I should not and could not tolerate discrimination. I knew I had to be on the side of ensuring that minorities have a fair go.

I am astonished and saddened by the contents of the reports commented on by parliamentary colleagues on both sides. Those reports show that 95 per cent of people with gender identity issues lose their jobs; half of them feel terribly isolated; and one-third of them attempt suicide. There should be no doubt in our minds that we need to do everything we can to protect people who are genuine and to discourage any abuse of the legislation by people who are not, who do not face gender identity issues and who may wish to abuse it.

Like other members in the house I have received an enormous amount of correspondence, the bulk of which has been against the legislation.

It is for that reason that I say in the most respectful manner to the people who have lobbied me and my colleagues that the amendment needs to be passed to strengthen the principal act. All honourable members should work in a bipartisan way.

I similarly say with respect to the leaders of various religious groups — I deliberately will not mention those religions, because that is not the point — that I grew up among Catholics, particularly Jesuits and Salesians, and I do not remember hearing from those congregations or from the teachings I received at that time anything that would justify any one group in society being discriminated against or, worse still, the suggestion that no effort should be made to protect those individuals. I am certain that I was taught that all people should be protected.

I say to those men and women of God that they should consider that many people who belong to minority groups are members of religions that are not part of the so-called mainstream religions. I appeal to them to understand that this amendment is not about meddling with people's affairs or telling people what they should or should not do, as if only they had a choice. This provision is about ensuring that people are not discriminated against. The bill does not condone or promote any so-called sexual preference; it is about protecting people, which is why I support the amendment.

I now refer to issues regarding lifestyle choices. The proposed amendment may be opposed by some people who have different views, but we need to assure them that the provision is about protecting minority groups and their human rights. I again appeal to all people to support the proposed amendment.

I commend the Attorney-General for the introduction of this provision and the Parliamentary Secretary for Justice, the honourable member for Richmond, who I know has done an enormous amount of work in this area, as he has done in other areas, because of his strong commitment to the issue. I also commend the Attorney-General's department for introducing the amendments and the community for having the conviction and the courage to debate these proposals.

This issue is important not just for Victorians and for Victoria, but for the Asia–Pacific region and, indeed, the world. Recently I visited Mexico, as some of my parliamentary colleagues may know, and was terribly shocked to hear that in that society every month two people are killed because their sexual preference is different from that of the mainstream society.

As I said, I was absolutely shocked. During my visit I commented on this bill and on our antidiscrimination and independent reform commissions. I also spoke about the many pieces of legislation that have been introduced into Australian parliaments by not only Labor governments but also governments of other persuasions. As a society we can certainly be proud of having the conviction and the courage to pursue this legislation and lead the world.

Australia is about all of those things in this area of legislation. Australians should continue to send those messages and be proud of the fact that every time they remove an obstacle from the field of discrimination they are a step closer to, if you like, winning a gold medal. Every time something positive is done about removing discrimination it is beneficial not only for the many coexisting minority groups but also for mainstream society.

The bill is about supporting diversity, giving people a fair go and going back into the history of Australia and the Irish tradition of social justice. It is also about access, equity and equal opportunity in life and showing that everyone is protected.

I commend my parliamentary colleagues for their bipartisan support of this bill.

Mr INGRAM (Gippsland East) — I rise to speak briefly on the Equal Opportunity (Gender Identity and Sexual Orientation) Bill. I have listened with great interest to the honourable members who have spoken before me.

In particular I noted the observations of the honourable member for Berwick on the process leading to the introduction of the bill and the fact that it has taken until now to arrive in the Parliament for debate. Many bills are rushed into this house at very short notice and without adequate consultation between members of Parliament and individuals who are likely to be affected by them. At least on this occasion individuals who had an interest in the bill were given the opportunity to have an input and take part in a discussion with the wider community.

The honourable member for Berwick also talked at length about both the house amendments and the amendments to be proposed by the honourable member for Mildura. I was interested in both his comments and those of the Leader of the National Party, both of whom are of the view that the proposed amendments and the bill are unnecessary because the principal act already covers what the bill aims to do.

The honourable member for Mildura circulated an amendment relating to the protection of students in schools. Both the government and the opposition appear not to be supporting that amendment, claiming that there is adequate protection in the original legislation. I hope both the government and the opposition are right on that matter because constituents in country areas would have great concern if that were not the case.

Under the existing legislation responsibility in the education system is with the employer. I understand that to mean a principal, who acts on behalf of the government through the Department of Education. The amendment circulated by the honourable member for Mildura seeks to enable a school council to share in that responsibility.

As some honourable members have mentioned, there is significant community concern about the bill. There has also been a large amount of lobbying of both sides of politics on this bill. A number of petitions have been presented to me. The original petition had more than 2000 signatures from people all over Victoria. Unfortunately, the petitions do not have the right wording to be presented to the house. That is disappointing. People who are opposed to the bill have obtained a large number of signatures from others who are opposed to the bill's introduction, and I believe they should have had the opportunity to present those signatures to Parliament. Unfortunately, they did not understand the parliamentary procedures for the presentation of petitions, so the petitions cannot be presented to the house and recorded in *Hansard*.

However, the petitions have been signed by people from right across the state, including some from my electorate in Gippsland, some from Springvale, and some from Korumburra in the electorate of the honourable member for Gippsland West. They also contain signatures of people from the Gippsland South electorate of the Leader of the National Party. Copies of the petitions have been presented to the Leader of the Opposition, the Leader of the National Party, and the Attorney-General. I would like them to be noted when honourable members take part in the debate. A large number of people from across the state have written to me about the bill, and I am sure other members of Parliament have also received many letters.

I read with interest the current act, the Equal Opportunity Act, and in particular the sections that refer to discrimination in employment. Those sections basically deal with discrimination against job applicants, employees, and contract workers. They contain a number of exceptions, and one in particular that I noted with interest explains the hypocrisy of some of the debate in the house. Section 18 is headed 'Exception — political employment'. Politicians are allowed to choose their staff and to discriminate against anyone applying for those positions. That explains why people sometimes have fairly low expectations of members of Parliament.

I also note the low number of speakers on the bill, in particular members from country seats. Not many

honourable members representing country electorates have preceded me in the debate, the exceptions being my Independent colleague and the Leader of the National Party. The amount of time and the number of speakers allocated to the debate today have been limited. If the time for other debates had been cut short like this one has been today, there would have been an uproar from the opposition.

Mr Leigh interjected.

Mr INGRAM — Perhaps the honourable member should be, too.

It is interesting that the guillotining of debate in this house would normally cause a large amount of angst among opposition members.

The real test of the bill and its amendments will be judged through the legal system. I hope in its wisdom Parliament gets it right. Many people in my area have discussed with me their major concerns about the issue. I hope adequate safeguards are put in place, particularly for small business and schools, so they will not be affected by the passage of the bill. Students have much stress placed on them and do not need further pressure.

I encourage all honourable members to consider their positions carefully on this crucial debate. I hope that following speakers consider what I have said, and particularly what has been put forward in some of the letters and petitions I have received.

Mr THWAITES (Minister for Health) — I support the Equal Opportunity (Gender Identity and Sexual Orientation) Bill. In doing so I congratulate both the Attorney-General and the government for introducing the legislation.

The bill makes real improvements to the Equal Opportunity Act. When changes were made to the act in 1997 I expressed my concern particularly at the use of the words 'lawful sexual activity' to protect gays and lesbians from discrimination. The reason I raised my concerns is the very reason the legislation is now being introduced. The phrase had an underlying assumption that is offensive — that is, it assumed that gays and lesbians were less likely to be lawful in their activities than other members of the community, which is false. The phrase is also impractical because it is used only as the basis for discrimination against sexual activity, which is inappropriate. There are many cases of discrimination not against a person's activity but against his or her particular sexual orientation or a view about a person's sexual orientation. For many gays and lesbians that has led to serious and sometimes tragic cases of discrimination.

I served on the parliamentary committee that investigated those matters and made recommendations on the Equal Opportunity Act. Members on the former government side did not share the views of the then opposition given the way the legislation was finally implemented. I have no wish to embarrass honourable members who held those views, but unfortunately the Kennett government failed to follow the views of all sensible people that discrimination against people on the basis of their sexual orientation should be outlawed. It is as simple as that.

Much has been said about education, and the committee heard about cases of severe and unfair discrimination in that area. There were many cases of good teachers whose students would not have known their sexual orientation but who when their orientation was discovered by other staff members were vilified and suffered severe discrimination. Everyone on the committee, including me, thought that was inappropriate. The honourable member for Mordialloc makes snide and discriminating remarks about the gay community.

Mr Leigh — I have children in primary school. You do not know what you are talking about!

Mr THWAITES — The honourable member for Mordialloc makes snide remarks about the gay community and boasts that he has children in primary school. So what! Does that give you a right to be discriminatory or a right to be a bigot?

The ACTING SPEAKER (Ms Barker) — Order! The Deputy Premier should address his remarks through the Chair.

Mr THWAITES — Unfortunately, the honourable member for Mordialloc is displaying the type of boofheadedness for which he is renowned on both sides of the house.

The other provision relates to the transgender community, which has also suffered discrimination at the hands of people who have little understanding of or real sympathy for decent human values. The legislation is being introduced for good reason.

Many people in the community — there are a number in my electorate — are of transgender orientation and continue to suffer discrimination. One of the factors the Attorney-General has pointed to is the large percentage of people who change their gender and then suffer severe discrimination at work or lose their jobs. An estimated 95 per cent of those who make the transition from one sex to the other lose their jobs as a result of the transition.

That is a substantial area of discrimination that the Attorney-General is attacking by introducing legislation that is aimed at removing it. By the same token he has circulated amendments that meet concerns raised by some honourable members. They will settle any concerns members may have had. They are part of a package the house should, and I am sure will, support — even if the honourable member for Mordialloc has great trouble in supporting it!

Mr McINTOSH (Kew) — The Equal Opportunity (Gender Identity and Sexual Orientation) Bill introduces two new characteristics of discrimination. The first is sexual orientation, and the provision addresses some form of offence that was taken in the gay and lesbian community at the use of the words 'lawful sexual activity'.

It is important to note that when we were given a briefing on the bill by officers of the Department of Justice we asked whether there was any legal difference between lawful sexual activity and sexual orientation. The answer was that, in application, there was no legal difference between the two. We then asked them to name one particular circumstance where there was discriminatory behaviour that was not caught by the words 'lawful sexual activity'. The answer was, 'We can't give you one'. The sole example was in relation to a defence to an exemption under the act by a religious school where there was an allegation that the school would not permit a lesbian to teach at the school. The fact that she was not sexually active was apparently a defence to that exemption. That was the sole example that was paraded out.

Importantly, even the Attorney-General in his second-reading speech indicated that the amendment to the principal act is being made because of the offence created in the gay and lesbian community.

I have no difficulty with that. Nobody is suggesting that a bill such as this or an act such as the Equal Opportunity Act should include ill-chosen words that could in any way create offence or potential discrimination. Therefore, the Attorney-General has sought not only to delete the words 'lawful sexual activity' but also to add the words 'sexual orientation', so that is a new characteristic. Also, it will apply retrospectively.

At the time of the briefing, and perhaps to assuage some of our concerns about the provision being applied retrospectively, opposition members were informed that there could be no practical consequence of its operating to the detriment of an employer or a school council. We were also told that there was nothing before the antidiscrimination tribunals or any other organisations for which the inclusion of the provision could have any practical consequence. It is there solely to address the offence to the gay and lesbian community caused by the use of the words 'lawful sexual activity'. I believe that is a crucial point. So there is no practical consequence — it is just about the creation of the offence.

Another part of the bill deals with the new characteristic of gender identity. Although I have no difficulty with the two clear exemptions in the bill, I find it remarkable that there are people in this community who are being discriminated against not because they have chosen to dress like or assume the characteristics of a member of the opposite sex or even undergo a medical operation to assume those characteristics but by dint of birth. The matter may fall within paragraph (b) of the definition of 'gender identity', which deals with the situation faced by people of indeterminate sex who desire to assume the characteristics of one sex or another.

However, I am reliably informed that there is a very small minority of people of indeterminate sex — probably the most discriminated against, the most sensitive and the most vulnerable group in the community — who choose not to assume the characteristics of one sex or the other. We have heard nothing from the Attorney-General or other speakers about that group of vulnerable people. That is a glaring error in the bill, and we would all hope it will be addressed in the near future.

I will also deal with the amendments that have been proposed, firstly by the Attorney-General. I return to my opening remarks about the desire in a bill such as this to address the offence caused by the use of certain words. The bill reflects the desire to protect members of the transgender community.

The use of the term 'bona fide basis' raises two major concerns that I hope the Attorney-General will address. The first is legal. I stand to be corrected, but I am not aware of the words 'bona fide basis' appearing anywhere in any other act that I know of — although 'bona fide' certainly appears elsewhere. I have no idea what 'bona fide basis' means in this context. It means absolutely nothing to me. Nobody has been able to say, 'It is about this particular group of people' — although mention has been made of cross-dressers and drag queens.

Importantly, a court that is examining the legislation will ask itself, 'What did Parliament mean by "bona fide basis"?'. Presumably if you are mala fides you are not caught by the act. It would not apply

anyway: if someone sought to use the provision with mala fides, he or she would not be able to rely on the protection of the act. As I said, I have no idea why the words 'bona fide basis' have been included.

Another significant matter is that, because of the offence created, the words 'lawful sexual activity' have been watered down to 'sexual orientation'. If I were a member of that community, I would be utterly offended by those words because now you have to prove to a court that you are bona fide, not mala fide. That will be very hard to do because there is no category; it will be very hard to gauge in the particular circumstances. It is incredible that those words are included. If the words 'lawful sexual activity' cause offence amongst gay and lesbian communities, what will the use of the words 'bona fide basis' create in Transgender Victoria? As I understand it, that sort of difficulty is already starting to bubble to the surface.

It has been represented to me that members of the transgender community were prepared to accept that amendment as the price of having the bill passed. The price the government will have to pay will be constant criticism of the offensive use of the words 'bona fide basis'.

Another aspect of the use of those words, together with the secondary matter set out in the amendments relating to employment, is that they will create a major disincentive to use the legislation for those who genuinely and legitimately claim that they are discriminated against. Essentially, their bona fides will be on trial in a court of law, no matter whether they believe or assume it. I imagine that will be a huge disincentive for anybody to bring a proceeding under the act.

Another thing I find incredible is something that apparently just appeared out of the ether because it was thought about a bit more. A person entitled to major exemptions will have an extended exemption. What does it mean? The Leader of the National Party raised the crucial point when he asked: what does 'adequate' notice mean? Is it one day, two days, a week, a month or six months? I have seen a letter about a person who underwent medical treatment that lasted some six months. Is that adequate notice? No-one is able to tell me what appropriate or adequate notice will be. If it shifts or changes, that will be a major disincentive to people who want to use that section of the act in a proceeding in court. They will have to prove by a complicated process that perhaps two weeks was okay in one circumstance but not in another. It will make the law even more complicated.

I agree also with what the Leader of the National Party said about the gobbledygook that appears under proposed new section 27B(2). It is absurd to refer to all the different financial impacts, the cost to the employer, and the financial circumstances. Again those terms are not defined. The government has lifted a provision that appears in a disability act and included it in a discrimination act. It is absurd and will act as a major disincentive to bring a proceeding under the act.

Finally, I turn to the amendment proposed by you, Mr Acting Speaker, and I say this with the utmost respect: what disturbs me about it is the use of certain words. My note of the words you used is that you do not believe that the emotional trauma of people who are making a decision about which sex they are should be visited upon our children. Of course we do not want emotional trauma to be experienced by any child, but it is incredible to suggest that everybody going through that particular change or making a decision either to alter their sex medically or to assume the characteristics of a particular sex is experiencing emotional trauma. It demonstrates a belief that everybody undertaking that particular activity will be emotionally disturbed by it. It is discriminatory to assume that everybody in those circumstances will be suffering emotional distress.

It is also beyond belief that it is proposed that a school council will be able to discriminate against a person. Section 25 of the current act provides that anybody — it does not matter whether it is a school council — who is involved in the care, instruction and supervision of children can discriminate. Therefore, sections 13 and 14 of the act do not apply so long as they hold two things. Firstly, they must hold a genuine belief that in a particular circumstance the emotional stress visited upon the children may be too much. Secondly, that must be a legitimate belief, not just held on an absurd basis, and there must be some material evidence that can suggest it. All the protection of a school, a kindergarten or other institution where people are involved in the care and instruction or supervision of children is there. The proposed amendment would wind back the clock, and therefore it should be opposed.

In conclusion, Mr Acting Speaker, in my contribution I have not supported either the bill or the amendments proposed by the government, but raised the legitimate concerns expressed to me on behalf of many members of Transgender Victoria. They include concerns about the use of the words 'bona fide basis' and concerns about those at perhaps the bottom of the whole issue — that is, those people of indeterminate sex who choose not to assume the characteristics of one sex or the other.

Accordingly, I cannot support the bill in its current form and, with respect, Mr Acting Speaker, I will be forced to oppose your proposed amendment.

Ms GILLETT (Werribee) — It gives me great pleasure to support the Equal Opportunity (Gender Identity and Sexual Orientation) Bill and the amendments before the house in the name of the Attorney-General.

In many ways the bill and its creation, negotiation, presentation to the house and passage represent all that is different between this government and the government that preceded it. I say that because I note that in the material on the bill I have before me the first is a letter written by me to the Attorney-General in my capacity as chair of the Scrutiny of Acts and Regulations Committee. I might let the chamber know that, in the bad old days when the Kennett government was in power, although the Scrutiny of Acts and Regulations Committee was chaired very well by the honourable member for Gippsland South, now the Leader of the National Party, it was relatively rare for the committee to write to ministers expressing their concerns that bills that were coming before them for scrutiny may be trespassing on the rights and freedoms of individuals or groups in the community. However, that is not unusual for this government or this Parliament.

On 2 May I wrote to the Attorney-General expressing some concerns that members of the Scrutiny of Acts and Regulations Committee had with a couple of clauses in the bill. As to clause 6, we asked the Attorney-General to advise us about three issues which were examples. We asked the Attorney-General to let us know whether the act would be contravened if a transgender person sought access to services in the hospitality industry, hospitals and corrections.

Much to my pleasure, and in direct contrast with my experience of serving on the committee under the previous government, the committee got a prompt, logical, sensible and appropriate response. The Attorney-General replied quickly, stating that the issues the committee had raised had been considered, and indicating further that as a result of some of those issues the amendments that are before the house today had been put together. However, the Scrutiny of Acts and Regulations Committee cannot possibly claim, through the Attorney-General, all of the credit for the proposed amendments that are being debated today.

Another feature of the government that makes me proud to be a member of it is that when a bill is introduced and read a first time it is genuinely available for negotiation. The Attorney-General takes his responsibilities to be open, transparent and accountable seriously, as does the Parliamentary Secretary for Justice, the honourable member for Richmond, who works closely with the minister. In this case both did something that would have been unusual in the last government — they listened not only to what the communities affected by the proposed legislation had to say but also to those who were in favour of and those who were against the proposed legislation. They worked just as hard with the people in the gay, lesbian, transsexual and transgender communities as they did with people in communities that were concerned about what they perceived to be the possible adverse impacts of the bill on themselves and on the operation of their businesses and communities.

I am proud to be part of a government that is able to operate not on machismo — not on how far you can puff your chest out and how fast you can ram things through — but on how well you can listen, how well you can think and how sensitively you can consider in a caring fashion all of the people affected by proposed legislation, even when they are coming at you from directly opposite points of view — 180 degree opposing views. It was possible for the government's representatives, the Attorney-General and his parliamentary secretary, to sit down with those who had opposing views and come to a conclusion that sorted out the vast majority of the difficulties for both groups. It makes me extraordinarily proud to be part of a government that can take the time and has the talent, sensitivity and depth to do that.

I tend to agree in large part with the contribution of the honourable member for Prahran, who made a passionate, well informed and extremely competent speech. The one issue on which I take issue with her is not that her government did not do a lot of work or that she and the previous Attorney-General were not committed to legislation like this, but with the fact that she did not say thank you and acknowledge with gratitude that the current government had the will, time, capacity, energy, patience and sensitivity to work through all of the really difficult bits that meant the last government could not bring this legislation to the point it is at today.

The reason the legislation is needed is fairly simple and straightforward and has been acknowledged by most honourable members on both sides of the house. Discrimination in whatever form is not acceptable in the view of the community at large, even though at times it can be misinterpreted as something that is normal and necessary.

To discriminate against a person on the basis of their gender is wrong. Equally it should be wrong and understood to be wrong to discriminate against someone on the basis of their gender identity. Although this has been a problem for many years it is not one that has been spoken about openly or honestly because, relatively speaking, there may be few people affected by it. But the need for the bill is as real today as it was 50, 60 or 70 years ago when perhaps fewer people were affected. Possibly at that time they would have been badly affected by even worse discrimination because they were so rare.

It is important that the bill proceed. It is part of a number of government commitments made to the gay, lesbian and transgender communities prior to the last election. The amendments in the bill, together with the previous breastfeeding amendment, form the government's concrete commitments.

Other amendments to the act are planned. They involve reviewing its operation together with other matters, and that will occur at a later time. To combat discrimination, the gender identity amendment must proceed now to protect transgender people and others. It makes me proud to be a part of the government when I see the time and patience it has devoted to the bill, including the way it was created and negotiated. It is another step forward, even for a small minority of people, to let them know that they do not have to be silenced, or make excuses for who they are, what they feel or how they behave in the community. It will let people know they are part of the wider community.

One of the government's statements is that it is growing all of Victoria, a statement that is often understood to apply to the economy. It also applies to the community. The government is growing the community of Victoria in its understanding; ignorance is being replaced with information and fear with compassion. The bill serves the purpose of growing the community of Victoria and I commend it to the house.

Ms McCALL (Frankston) — This Parliament is made up of people of all shapes, sizes and descriptions. It represents a very diverse community, and within that community all of us would believe that discrimination is wrong whether it is discrimination based on gender or gender identity or on race, colour or religion; there is no question about that. However, in the midst of all that let us also recognise that members of Parliament and the communities we represent are also made up of biases, prejudices and different beliefs. That means that many people have polarised ideas when an issue like this arrives in the Parliament. It sometimes brings out the rednecks, and it also brings out the biases and prejudices in all of us. It brings many of us in the Parliament out of our comfort zones because we have to face, discuss and debate issues about which we may not be well informed, and we may feel a little uncomfortable.

It is interesting that a couple of previous speakers have tried to accuse this side of the house of not consulting or listening to those groups involved and most affected by the legislation in the chamber tonight. Let me reassure honourable members that I and the members of my committee on this side of the house met with representatives of Transgender Victoria. We were very grateful that they were prepared to spend quite a lot of time with us and to honestly and openly discuss issues that many of us had never had to face or discuss, or perhaps we had run in the opposite direction when the topic came up. I place on the record my gratitude to those members of Transgender Victoria who were so honest and open in the discussions they had with members of the committee.

During the course of those discussions a number of issues surfaced. One was the clarification of what a gender identity or crisis in this instance may or may not be. Having spent some of my previous life in the work force I was very interested to listen to the issues these people raised and the concerns they had about seeking and retaining employment. I would like to focus this evening on those issues within this legislation. Whether we like it or not we do not cease to be individuals when we become recruiters, employers or members of the work force, and it is very easy for us to allow our prejudices and biases to govern any decision we make. I do not agree with many of these biases and prejudices, but it would be unrealistic of us in this chamber not to say that we should be aware of them. The members of Transgender Victoria who spoke with us explained in no uncertain terms that up to 95 per cent of them have suffered discrimination in one form or another, most noticeably within employment.

I would like to spend some time putting a scenario to the chamber of how this situation would be were we employers, recruiters and members of a work force and to see if we can begin to understand some of the traumas that these people go through when they are trying to establish the most appropriate identity for themselves. It is very easy for those of us who might be sitting here, comfortable in whatever appearance or outer skin we might have. As I said when I met with Transgender Victoria, it is easy for us to say, 'There but by the grace of God go we'. It would be unsympathetic of us not to understand some of these issues.

There has been some publicity about this, but imagine if for most of your life you have felt that you were something other than what your family told you you were and what society has accepted you as being and — probably not suddenly — you feel the inner strength and ability to make the decision to make that transition. It is easy for those who have never faced that decision to say that that is ridiculous and that it does not happen like that. Let me reassure members that the people I spoke with were very sincere. The decision to go through that process is never lightly taken and the assistance that is given is never lightly given. The transition is slow and painful. Those individuals have the right to expect to receive support and understanding from the people around them.

If they are employed and they are doing a good job and to all intents and purposes they should not be discriminated against on the basis of ability, the fact that they are facing a transition and a trauma in their lives should no bear no relation to their ability and acceptance in their place of employment. We have heard all the strange stories like, 'We employed Mary as a receptionist because Mary looked like Mary, but on Monday morning she was called Jim. What are we supposed to do, because we need a receptionist?'. That is a very trite, trivial and unfair way to judge a human being who goes through the trauma that these people do.

Therefore, it is a measure of understanding of this Parliament that this piece of legislation has been introduced. This morning I met with Jan Wade, the former Attorney-General. Given the nature of the person and having worked with her for quite some time, I do not believe for one moment that when the original Equal Opportunity Act was amended there was ever an intention that this discrimination would exist against this small percentage of the Victorian population. Therefore, the fact that the legislation has come forward is good, but I have some concerns, with due deference to you, Mr Acting Speaker, about the amendment in relation to this small percentage of people and their interaction with children.

No-one in this chamber would for one moment condone any behaviour that could jeopardise our children. Our children are the future of Victoria, and it is incumbent on members of Parliament to ensure they are as well protected as possible. However, we have to be careful that we do not allow ourselves to overreact to matters that perhaps we do not know or understand a great deal about. Therefore, I am comfortable with the fact that the government has sought to clarify the principal act to address an apparent misunderstanding. We are in this chamber to debate legislation to protect a percentage of the community who have been severely wronged.

It would, nonetheless, be totally inappropriate to produce legislation that discriminated positively in favour of one group against another. As a woman, a member of Parliament and a migrant I am pleased that legislation has been introduced in this Parliament to give equal rights to a difficult and troubled percentage of the community.

I take this opportunity to wish Transgender Victoria and the people associated with it the best of success in the future and to convey my admiration to each and every one of them for their difficult transition.

Ms BEATTIE (Tullamarine) — Henry Herbert, the second Earl of Pembroke, said:

> A Parliament can do anything but make a man a woman, and a woman a man.

Henry Herbert was wise. We are not debating changing the sex of human beings; that is not what the bill is about. We are debating amendments to the Equal Opportunity Act to prohibit discrimination on the basis of sexual orientation or gender identity.

Most people, including those in this chamber, are affected in some way by what I call the isms in life. We all have sexist and racist feelings, but it is how we control those prejudices that marks us as a civilised society. I did not have any meetings with Transgender Victoria, because I did not need to; I do not have to meet with people to understand that discrimination is wrong. The Bracks government is committed to governing for all Victorians, and the bill is fundamental to achieving that aim.

Victorians, regardless of their sexual orientation or preference, have a right to live happily and peacefully in the knowledge that they will not be discriminated against because of matters that are by and large private. Despite having said that those matters are private, protection against discrimination on those grounds should still be provided under government legislation. To ensure that protection is given, the Equal Opportunity Commission must be truly independent of government. The Bracks government will review the Equal Opportunity Act and introduce amendments to it during the spring parliamentary session. The government will also review other Victorian legislation that has the effect of discriminating against same-sex couples.

The bill prohibits discrimination on the basis of a person's lawful sexual activity. Even the words 'lawful

sexual activity' can be offensive to some people. There are absolutely no grounds for believing homosexual, lesbian, bisexual or transgender people are more likely to be involved in immoral or unlawful behaviour or sexual activity than heterosexual people. That nonsense has been debunked time and again, and that sort of moral crusading has been a cause of much angst in our society.

Many people in the Tullamarine electorate are employed in the airline industry. They are attracted to that industry because they have a desire to travel and after a qualifying period they are offered staff concessional travel. Until the early 1990s such travel was available only to married people or de facto couples who had spent more than one year in a heterosexual relationship. Back in the early 1990s, unions — I refer to unions of the industrial kind — recognised that form of discrimination against same-sex couples and fought a campaign to achieve concessional travel for same-sex partners. The campaign was led by the then Federated Clerks Union under the leadership of Lindsay Tanner, who is now a federal member of Parliament. The campaign led the way for groundbreaking achievements for same-sex couples, and back in the 1990s it really was a groundbreaking industrial campaign. Today that recognition is taken for granted.

The bill also introduces the attribute of gender identity into the Equal Opportunity Act and extends protection against discrimination afforded by the act to people whose gender identity does not match their physical sex at birth. The term 'transgender' is commonly used to describe such people. However, it is an overarching term used to describe many people: those who have had gender reassignment surgery; those who, while not having had surgery, live as members of the other sex; and those who temporarily adopt the characteristics of the other sex, such as cross-dressers. The bill protects individuals who are of indeterminate sex but seek to live as members of a particular sex.

Many parliamentarians, as is the case with other members of the community, may have relatives, friends or acquaintances who are homosexual, lesbian or transgender. We have seen the discrimination against them — the vicious jokes, the silly lisps and the hurtful barbs. Not so long ago we would have also seen discrimination against those groups by banks and building societies, which did not recognise homosexuals as two-income families. Do any of us really believe that AIDS research would be as underfunded on a worldwide basis if AIDS had been recognised as a heterosexual disease? Many people believe that AIDS is a punishment of homosexuals sent by God and that so long as it is seen as a gay disease we should not worry too much about it. In early publicity about AIDS and HIV, sufferers were portrayed as almost deserving of their terrible plight because of their sexuality.

It is estimated that approximately 95 per cent of people who make the transition from one sex to the other lose their jobs because of that transition. Others might be harassed by both employers and employees when it becomes known they are transgender. Figures also indicate they are victims of physical and verbal abuse.

The only exception in the bill is sporting activity. The Attorney-General might need to consider other matters that have been raised at hearings of the Scrutiny of Acts and Regulations Committee. For example, would a hotel contravene the act if it excluded a transgender person from the ladies toilet? Can a hospital refuse to admit a transgender person to a female ward? Those issues were canvassed at hearings of the Scrutiny of Acts and Regulations Committee and no conclusions were reached. However, the bill takes us in the right direction.

Tonight I have heard honourable members talk about the transgender, lesbian and gay communities. They are our communities. We are as one and we should not discriminate against people on the basis of their sexuality.

I congratulate the Attorney-General on his fine work on the bill. I also congratulate the Parliamentary Secretary for Justice for doing a fine job in negotiating the passage of the bill. I wish the bill a speedy passage, and I wish all members of the community well when the bill has been passed.

Mr THOMPSON (Sandringham) — In embarking on research on this piece of legislation in my capacity as a member of the shadow Attorney-General's bill committee, I looked at comparable legislation that had been enacted in other states and jurisdictions.

It is notable that a couple of years ago the West Australian Attorney-General, Mr Peter Foss, in his second-reading speech on a West Australian gender reassignment bill in 1997, which was debated a couple of years thereafter, noted that one of the objectives in the bill was to provide protection from discrimination on the ground of gender identity for a person who had undergone reassignment procedures. It was further noted that gender reassignment legislation had been enacted in South Australia in 1988, in the Australian Capital Territory, in New South Wales and in the Northern Territory, and that similar legislation exists in

other countries, including Germany, Greece, Italy, Holland and at least 25 jurisdictions in the United States that allow for the issue of new birth certificates, as do a number of Canadian provinces.

Other speakers have referred to the backgrounds of those who may wish to take advantage of the legislation as being a group of people within the community who may start by being of a non-specific gender status. The literature and medical science of Western civilisation records other classifications of people, from those who might have hermaphrodite or androgynous qualities — that is, the qualities incorporating both sexes in their physical make-up and characteristics — through to a range of other people in respect of whom the issues are not quite as readily apparent or obvious.

In undertaking further research I took the opportunity of meeting with a constituent who had written to me asking for my support for the legislation. The person commenced life as a female and then undertook reassignment surgery in her later 40s to assume the identity of a male person. The person had lived in my electorate throughout her, and later his, life and was at that time living on the family property in a separate unit. The person had been educated locally, had undertaken work in a religious order for five years, had worked in the wider work force, and had undertaken tertiary study at university, completing an arts degree with a major in psychology. He was able to amplify what her, and subsequently his, interest was in the legislation and the benefits that would accrue to a person in his circumstance.

I found an example of another person who sought legal advice more than a decade ago about reassignment procedures being undertaken through the Monash Medical Centre. That person outlined difficulties encountered when seeking housing and employment and in dealing with different agencies and institutions. Clearly some people have been adversely affected by the operation of the law and through no fault of their own have found themselves in circumstances where their legal needs were not being addressed by the law as it stood.

The bill notes that the purpose of the act is to amend the Equal Opportunity Act and to prohibit discrimination on the basis of gender identity or sexual orientation. The principal act contains a number of protections that have been the product of legislative reviews undertaken in Victoria since the first Equal Opportunity Act was passed.

At this stage I would like to briefly refer to those provisions, as other speakers have expressed concern. Under section 21 of the principal act there is an exception in relation to small business and under section 25 there are some exceptions in relation to the care of children.

I hasten to add that from my observation and dealings with the two people with whom I have met on this issue they had a high regard for the welfare of other people and were constructive and contributing members of the community and responsible citizens.

I draw to the attention of the house an example in Canada of a person who had been born as a boy but at whose birth there had been some difficulties. If my recall is correct, an inappropriate procedure was carried out shortly after birth which led to the likely prospect that the person would have had some difficulties living as a male. According to the report the doctor at the time made a unilateral decision to reassign his gender to female. The person spoke to the reporters when she was in her late 20s and described some of the difficulties she had encountered in her life. That is a further example of a situation in which a person would benefit from the provisions of this legislation.

In general terms there are a number of other background features to the bill. I would like to draw attention to some issues raised by a member of the West Australian Parliament, Mrs Holmes, who stated in Parliament that when that state's bill was enacted it would provide legal recognition of the status of a gender reassigned person who lives in Western Australia. She is reported as saying:

> They will be able to function as a person of their reassigned gender status without having to provide sensitive information, which other persons of a non-gender reassigned status do not have to. They will be able to fulfil their day-to-day functions and get a passport, driver's licence —

and a number of government-related cards.

She further said it would provide a means of addressing discrimination in the workplace when filling in forms and when attending a range of educational institutions, clubs and so on. She said it would provide a number of other reforms that might more specifically relate to the circumstances in Western Australia.

A further provision of the bill I would like to allude to is that which defines gender identity as:

> (a) the identification by a person of one sex as a member of the other sex (whether or not the person is recognised as such) —
>
> (i) by assuming characteristics of the other sex, whether by means of medical intervention, style of dressing or otherwise; or

(ii) by living, or seeking to live, as a member of the other sex; or

(b) the identification by a person of indeterminate sex as a member of a particular sex (whether or not the person is recognised as such) —

(i) by assuming characteristics of that sex, whether by means of medical intervention, style of dressing or otherwise; or

(ii) by living, or seeking to live, as a member of that sex;'.

Evidence has been presented to members of Parliament and the various committees that have been responsible for the drafting of this legislation to the effect that there is a group of people who through no fault of their own have suffered difficulties in a range of areas, including dealing with government departments, housing and employment, and on an interpersonal basis. The bill will certainly advance the interests of one resident of my electorate. It is for those reasons that I comment on the bill tonight.

Before concluding, I emphasise that the proposed legislation has received careful and detailed consideration by a number of honourable members on both sides of the house.

It was estimated that in Western Australia between 80 and 150 people had undertaken reassignment surgery. Members on both sides of the Western Australian Parliament were prepared to raise those people's concerns, and their work led to successful legislative reform in that state.

An agency known as Transgender Victoria has actively apprised members of Parliament of the concerns of its members. I am grateful to the honourable member for Evelyn for her competent and thorough research in the cause of transgender people, and especially for her interest in advancing the interests of transgender people. The honourable members for Evelyn and Bayswater met with a number of members of the transgender community to gain a first-hand insight into and understanding of the relevant issues and the concerns they had raised.

Members of Transgender Victoria, in their newsletter dated 25 July — which is addressed to members of Parliament — took the opportunity to advise honourable members of relevant issues directly and indirectly affecting them. The newsletter includes the comment that the term 'transgender' is an umbrella term covering a range of people including transsexuals, intersex people and cross-dressers. It also notes that being transgender is not a new condition, since it has occurred throughout history and in various cultures, as shown by such terms as the Samoan 'fa'faline'. The newsletter states that now, after several decades of Western medical management, there are accepted medical procedures for managing the condition in the context of Western society. Claims of so-called cures for transgenderism are, it declares, no more credible than similar claims made about cures for other people in non-mainstream circumstances.

The newsletter also includes the comment that in 1999 an American public health association urged health care workers and researchers to treat transgender people with dignity and respect, and to refer to them by the gender they identified as.

Debate on this legislation requires consideration of some wider issues. If we are to build a strong society where people are accorded tolerance and respect in the circumstances in which they find themselves, it is important that debate on the issue be informed. The interests of the individuals themselves should be advanced, and the rights and concerns of other people should be responded to and addressed.

Extensive work on the bill has been undertaken by members of the opposition, including the shadow Attorney-General, the honourable member for Berwick and the honourable member for Kew. They have worked through relevant issues to see that the interests of all Victorians are advanced.

Other interest groups within the community have legitimate interests to advance relating to their own views of the world. I have outlined my personal views on that issue in previous contributions in the house. It is important that, where there is no fault, there be no basis for discrimination against people in workplaces, in housing and in other areas of life.

Debate interrupted pursuant to sessional orders.

The ACTING SPEAKER (Mr Savage) — Order! The time appointed under sessional orders has arrived for the business of the house to be interrupted.

Mr CAMERON (Minister for Local Government) — I move:

That the sitting be continued.

Mr McARTHUR (Monbulk) — I am surprised at this motion coming from the government, particularly tonight, because when the Leader of the House moved the motion setting the government business program earlier today we discovered that there are only two items of business that the house must consider and finalise by 4 o'clock on Thursday afternoon.

Historically, that is a low level of business for the house to consider. It is only matched by the appalling performance during the last sitting week. If one compares that with the situation the house faced in the final two weeks of the autumn sessional period, when we considered about 22 bills in the two weeks, 13 of them in one week, one sees there can be no reason to extend a sitting in a week when we are required to debate only two pieces of legislation.

If the government is keen to extend this sitting, let it explain why. We are happy to have — —

Mr Batchelor interjected.

Mr McARTHUR — That is typical of the bullying attitude of the honourable member for Thomastown, the Leader of the House. He threatens honourable members and tells them to sit down and be quiet. That is the attitude of the Bracks government: if you can't get your way, you bully for it.

What are the possible reasons for extending this session? Could it be that the government wants to allow full debate on the bill? Fine, I am happy to agree to that. There is plenty of time left this week in normal business hours to fully debate the Equal Opportunity (Gender Identity and Sexual Orientation) Bill. There will be ample opportunity for all honourable members to debate the bill. There is ample time in normal business hours for the bill to go into committee, for the government's amendments to be fully considered and for the amendments of the honourable member for Mildura to be properly considered. The house has that time available to it. There is no log jam or reason of pressing business or urgency to do this. If there were, the government could have debated the bill in the first week.

However, the government is not arguing that there is an urgent matter. It is not arguing that debate on the bill must be finished so the house can proceed to another one tomorrow morning and pass that because there is a time limit.

The ACTING SPEAKER (Mr Savage) — Order! Under sessional orders the question must be put without debate.

Mr Perton — Which sessional order is that?

The ACTING SPEAKER (Mr Savage) — Order! Sessional order 5, on the adjournment of the house.

House divided on motion:

Ayes, 45

Allan, Ms	Langdon, Mr (*Teller*)
Allen, Ms	Languiller, Mr
Barker, Ms	Leighton, Mr
Batchelor, Mr	Lenders, Mr
Beattie, Ms	Lim, Mr
Bracks, Mr	Lindell, Ms
Cameron, Mr	Loney, Mr
Campbell, Ms	Maddigan, Mrs
Carli, Mr	Maxfield, Mr
Davies, Ms	Mildenhall, Mr
Delahunty, Ms	Nardella, Mr
Duncan, Ms	Overington, Ms
Garbutt, Ms	Pandazopoulos, Mr
Gillett, Ms	Pike, Ms
Haermeyer, Mr	Robinson, Mr
Hamilton, Mr	Savage, Mr
Hardman, Mr	Seitz, Mr
Helper, Mr (*Teller*)	Stensholt, Mr
Holding, Mr	Thwaites, Mr
Howard, Mr	Trezise, Mr
Hulls, Mr	Viney, Mr
Ingram, Mr	Wynne, Mr
Kosky, Ms	

Noes, 40

Asher, Ms	Maclellan, Mr
Ashley, Mr	Maughan, Mr (*Teller*)
Baillieu, Mr	Mulder, Mr
Burke, Ms	Napthine, Dr
Clark, Mr	Paterson, Mr
Cooper, Mr	Perton, Mr
Dean, Dr	Peulich, Mrs
Delahunty, Mr	Phillips, Mr
Dixon, Mr	Plowman, Mr
Doyle, Mr	Richardson, Mr
Elliott, Mrs	Rowe, Mr
Fyffe, Mrs	Ryan, Mr
Honeywood, Mr	Shardey, Mrs
Jasper, Mr	Smith, Mr (*Teller*)
Kilgour, Mr	Spry, Mr
Kotsiras, Mr	Steggall, Mr
Leigh, Mr	Thompson, Mr
Lupton, Mr	Vogels, Mr
McArthur, Mr	Wells, Mr
McCall, Ms	Wilson, Mr

Motion agreed to.

Debate resumed.

Mr THOMPSON (Sandringham) — I make a number of further brief points about the proposed amendments. Correspondence I received from a constituent states:

> I am writing to you about the Equal Opportunity (Gender Identity and Sexual Orientation) Bill. I am transgender myself and know many other transgender people, and I am of the opinion that this bill is a necessary and vital piece of legislation for the wellbeing of all transgender people.
>
> The intent of this bill is to protect one of the most disadvantaged and discriminated groups in Victoria and allow

> them to participate to their fullest potential in Victorian society and the economy. It is so important to the wellbeing of these Victorians that it should be debated and voted on in a state of dignity, without becoming a matter for political point scoring.

A group of Victorians, through no fault of their own, have found themselves in circumstances where they are discriminated against. In a wider life sense a person's destiny is determined in accordance with his or her view of the world and ultimately his or her individual relationship with their Creator. In the context of the bill some provisions will serve to protect the interests of a group in the community who at present suffer levels of discrimination in employment, housing and other areas.

Mr HOWARD (Ballarat East) — It is with pleasure that I address the house on the Equal Opportunity (Gender Identity and Sexual Orientation) Bill. I am relieved that the sitting has been extended so that I can add my comments to this important debate.

The crux of the bill relates to equal opportunities and the government's recognition of the fact that it has not only a right but also a responsibility to support people in the community who are unjustly treated.

Ideally one would hope that a government could act in a positive way to promote greater understanding across a community and a deeper appreciation of the issues that have caused some groups to label and prejudge others. An educational program would help treat the issue in a positive manner. As a former teacher I believe it is important to educate communities to understand other groups within society. Better understanding will create a less divisive community.

Of course, a government also needs to recognise realities and to support positive actions that will ensure an opportunity to seek redress for those who have been treated unjustly. The bill attempts to do that, and its concepts are generally supported across the community by people who believe it is appropriate that all people are treated equally. However, as we have heard from previous speakers and as we have experienced in our own electorates, some people are opposed to the bill. They perhaps do not have an understanding of the issues that are involved and may not recognise the importance of the bill.

All people should be recognised as individuals. It is inappropriate to label people in one way or another according to their sex, racial background, age, marital status, disabilities, and so on. It is improper to prejudge and put them into a box and say that people with a particular label respond in a particular way and should not be, for example, teachers in schools. A range of views have been ascribed to people on the basis of labels.

People should be treated as individuals, recognised for their personal abilities and shortcomings and dealt with on the basis of their individuality. It is always totally unacceptable for people to be discriminated against simply because somebody else has ascribed a label to them.

The bill adds two important areas to the Equal Opportunity Act. The first relates to changing the terminology from 'lawful sexual activity' to 'sexual orientation'. That shows a greater understanding towards members of the gay and lesbian community who quite rightly felt uncomfortable with the term 'lawful sexual activity'. The term 'sexual orientation' accepts their position and the way they act, but does not try to ascribe any value.

It is entirely appropriate that we recognise the views that have been put to many of us by members of the gay and lesbian community. The government respects those views and is now acting on them with the introduction of the bill.

The second addition is 'gender identity'. The house heard an impassioned speech from the honourable member for Prahran, who, as the honourable member for Richmond did, outlined the many challenges that transgender people experience as a result of their transgender status. I have also spoken to transgender people, and it is clear that they face many difficulties in life. It is up to government to be understanding of that, to promote understanding in the community and to recognise that transgender people should be included under the equal opportunity legislation and supported as much as possible to enable them to live normal lives. The bill will do that.

It is alarming to hear the many stories coming from transgender members of the community about the way they are treated, and even to hear the comments that have been made in the house tonight.

It is alarming to hear comments that appear to try to throw weight behind the view that it may not be appropriate for transgender people to be dealing with children in schools. As the honourable member for Prahran said in her contribution, there is no basis for that view. Transgender people should be treated as individuals. Their individual characteristics make them little different from most other members of the community, and they deserve to be treated in the same way as those people.

Following the successful carriage of the bill the government will clearly have a greater role to play in the community — that is, to break down some of the barriers that have been created, especially in country communities. As a representative of a regional Victorian electorate, I am well aware of some of the views held in many pockets of the country community, probably as a result of limited interaction by those communities with members of the transgender community. As has been seen in so many other ways in the community, discrimination often results from a lack of understanding, which in turn results from individuals not interacting with people from different racial, religious or other groupings within the community.

I suspect that most Victorians interact with members of the gay and lesbian community regularly, often without being aware of it, because nothing identifies those people as being different. Occasionally when people find out that someone they have known is a member of the gay or lesbian community, they are horrified. However, the fact that they were unaware of a particular label being attached to a person should reinforce the view that they can interact with that person in a perfectly natural and normal way. The government has an additional task beyond the carriage of the bill — that is, to ensure wherever possible that it promotes a greater sense of understanding and breaks down the barriers in our community that cause discrimination to be enshrined and even enhanced.

I have had numerous discussions both within and outside my electorate with members of the gay and lesbian and transgender communities, who have told me of their many concerns and their aspirations for the Labor Party on coming to government. Some of those people referred to the issues the government is overcoming with the bill. However, as might be expected, many of the issues they raised with me relate to their concern for improved health and education standards across the community, as well as other general improvements which the Labor government has been able to put into action.

The bill is not the only issue of concern to members of the gay and lesbian and transgender communities. They are concerned about many other social issues, and I am proud that we in the Bracks Labor government have been able to address those issues for their benefit and for the benefit of the general community.

Honourable members have raised a number of issues about the amendments and have referred to complications where there are none — for example, seeking clarification about what the term ‘bona fide’ means and about how other issues associated with the amendments may be addressed. Clearly, following the passage of the bill and following consultation, the Equal Opportunity Commission will be required to develop standards by which those issues may be measured. I am confident that workable standards will be developed to assist the success of the legislation.

Earlier speakers, especially those on the other side, have expressed a range of views. The honourable members for Prahran and Frankston, have expressed their understanding of the issues. However, many honourable members on the other side have failed in their understanding of the issues central to the bill — that any unjustly treated or unjustly labelled community group should have the support of any government in seeking redress for unjust treatment and in seeking accommodation, employment or a range of other services. It is important to address those issues.

Honourable members interjecting.

The DEPUTY SPEAKER — Order! I seek the cooperation of opposition members in allowing the debate to continue.

Mr HOWARD — After that disturbance I have lost my track, Madam Deputy Speaker, and will need to go back a little. I think I covered the unfair treatment aspect. Many community members deserve government support. I am pleased that the Equal Opportunity Act is already in place. Although many aspects of the act should be applauded and supported, the bill attempts to further that legislation. As was outlined by the honourable member for Werribee, the government is examining many ways of enhancing the bill. The matter of breastfeeding has already been raised and will now be included in the bill to ensure people affected are fully supported. Changes to the act will continue to be made to reflect areas overlooked in the past and those that will need to be addressed in the future.

The bill corrects the terminology relating to sexual orientation and adds the transgender community as a group worthy of support. I have pleasure in commending the bill to the house.

Mr LENDERS (Dandenong North) — I am proud to join the debate on the Equal Opportunity (Gender Identity and Sexual Orientation) Bill and the amendments. As earlier speakers have said, the bill is one of a series of bills that have dealt with the Equal Opportunity Act over time.

I will spend some of the limited time available to me going through the history of the act and examining

where the present legislation fits into the proud record of the Victorian community's stand on this issue.

I shall go through the history of the Equal Opportunity Act and what it means to us as a civilised society — issues raised by opposition members, who skirted around matters of process that affect Parliament today — and then recount particular experiences.

I shall begin with process. I was elected to Parliament on 8 September last year, and being a new member who has watched and observed political process for many years I am fascinated by it. Coming from a Labor Party perspective, my colleagues and I often spoke about process and saw it as one of the defining differences between a civilised party and a party run by a dictatorial leader. Process is an issue on which the election was fought, although it is not one that my constituents in Dandenong North would leap up at when I walked down Menzies Avenue or Birch Avenue or the Princes Highway or when I was at railway stations. They would not chant 'Process', but they were concerned about what the previous government had done about process — for example, nobbling the Auditor-General and closing schools without consultation. They were important issues over which the election was fought.

Throughout debate on the Equal Opportunity (Gender Identity and Sexual Orientation) Bill process has been thrown at the government by opposition members, as it was in the debate on the Constitution (Amendment) Bill and the Constitution (Proportional Representation) Bill. I know I run a risk under standing orders of being considered to be pre-empting debate, but the matter of process is important.

Members opposite, particularly the honourable member for Berwick and the Leader of the National Party, probably have to be taken step by step through what process means. The honourable member for Malvern is also one who could learn, because process and consultation are part of the reason that the Bracks majority Labor government is in power. Process is important because we as a party take pride in consulting with our constituency.

Mr Perton — On a point of order, Madam Deputy Speaker, it is clear the Labor Party is trying to talk out this bill, but even in these circumstances a member's comments are required to be relevant. If the honourable member were speaking on a procedural motion his comments would be valid. Greater latitude is given to the first speaker in a debate, but in this debate the honourable member must talk precisely about the bill and its contents.

It is clear to anyone who has listened to his speech, as I have, Madam Deputy Speaker, that it is one that would be appropriately made on the address-in-reply or in some other general debate, but this is debate on a bill on equal opportunity. Madam Deputy Speaker, you should require the honourable member to speak on the bill.

Mr Viney — On the point of order, Madam Deputy Speaker, in his opening remarks the honourable member for Berwick discussed matters of process at length. In my view the opposition raised the matter of process and it is relevant that the honourable member for Dandenong North should address his remarks to matters raised by the opposition in this debate.

Mr Haermeyer — Madam Deputy Speaker, the point of order raised by the honourable member for Doncaster is frivolous. He did not indicate in what way he believed the honourable member for Dandenong North was not being relevant. I find it rather amazing that the honourable member for Doncaster, who has traditionally draped himself in the clothes of a small-l liberal, would raise this pedantic point of order and try to stifle debate on equality of opportunity.

If the honourable member for Doncaster wishes to make a point about relevance he needs to show where the honourable member was not being relevant. I believe the honourable member for Dandenong North has at all stages been relevant to the bill, especially given that he has been on his feet for only a short time.

Mr Doyle — I do not wish to make this an acrimonious point of order, but the Minister for Police and Emergency Services has raised the point of relevance, which the honourable member for Doncaster also raised. The point was made that after 5 minutes the honourable member had clearly strayed from speaking on a precise bill with a narrow ambit.

In attempting to justify a fairly rambling speech, the honourable member for Frankston East mentioned the word 'process', as if the honourable member for Berwick had not confined his remarks to the process of this bill, whereas the honourable member for Dandenong North had extended the definition of the process to include the entire political history of the past 18 months. I would have thought the definition of 'process' in the one instance is different from the specious definition given by the honourable member for Frankston East in the other.

I come back to the point of relevance quite properly raised by the honourable member for Doncaster. Honourable members have listened to most of what the honourable member for Dandenong North has said in

good heart. But when it gets to the point of rambling, one has to bring the speaker back to the bill at hand so we can debate this serious issue seriously and not in a frivolous manner.

The DEPUTY SPEAKER — Order! I uphold the point of order. The honourable member for Dandenong North may speak about the process relating to this bill, but he may not speak about it as a general subject.

Mr LENDERS — Thank you, Madam Deputy Speaker. With that I conclude my remarks!

Mr HULLS (Attorney-General) — In summing up, I thank all those who contributed to the debate: the honourable member for Berwick, the Leader of the National Party, the honourable member for Mildura, the honourable member for Richmond — my erstwhile parliamentary secretary, whom I thank once again for the enormous amount of work he has done on the bill — and the honourable members for Kew, Ballarat East, Dandenong North, Sunshine, Werribee and Gippsland East.

The honourable member for Sunshine observed that the debate on the bill has shown that democracy is alive and well. Honourable members have expressed differing views of the bill, but all of them have shown an enormous amount of goodwill in debating what some might describe as a difficult piece of legislation.

You can have one of two views of the gay and lesbian and transgender members of our community. One is that these people are a bit off tap — they are not the norm — so it is okay to discriminate against them. The other view is the one I believe all members of the house have: that the transgender and gay and lesbian members of our community are just that — members of our community — and should not be discriminated against. The goodwill displayed by the house makes it clear that we want to embrace all members of our community. Ours is a democratic society, and we take the view that people should not be discriminated against, regardless of their sexual orientation or status.

I acknowledge that the bill has had a substantial gestation. A range of other reforms need to be introduced to address the discrimination experienced by the gay and lesbian community. There has been substantial consultation on the bill. Indeed, when the bill was introduced earlier this year the honourable member for Mildura expressed some concerns about its form.

In the spirit of consultation it was agreed that there would be further consultation with the honourable member for Mildura and with the transgender community to see if the concerns could be addressed. The amendments made to the bill will go a long way to addressing the concerns of the honourable member for Mildura and satisfying members of the transgender community. Of course no-one will be totally satisfied with all aspects of the bill. However, the bill will protect members of the transgender community from the frightful and dreadful discrimination that they have undergone for years.

The amendments also correct an anomaly in the bill in relation to sexual orientation. Gay and lesbian members of our community could not be discriminated against because of any lawful sexual activity that they undertook, but that did not address the real issue. Therefore the amendment relating to sexual orientation is crucial.

I am pleased that the opposition supports the bill and the government's amendments. The government cannot support the amendment proposed by the honourable member for Mildura. He is aware that the government is of the view that the bill satisfies his bona fide concerns, which I understand. The bill addresses those concerns. The government believes it would be a dangerous precedent to allow school councils to be put in a situation where, for instance, legal action could be taken against them if they unfairly discriminated against a teacher because of the transgender status or sexual orientation of that teacher. The last thing that the government — and, I am sure, members of school councils — would want is that they be subject to legal action.

The government believes the bill strikes an appropriate balance. It is long overdue. In the spirit of goodwill, I will not mention the fact that the current opposition when in government had the opportunity to introduce such legislation. That opportunity has now gone and was missed during the seven years the current opposition was in government. As I said, the government is pleased that the opposition is supporting the legislation.

As I said also, the bill shows that democracy is alive and well. I hope that the bill will to a large degree end the discrimination that is faced by gay and lesbian and transgender members of our community.

The bill is not the end. There is more to do. The legislation will be monitored. In due course a whole range of things need to be addressed, such as property law rights, wills, probate, superannuation, stamp duty and other issues. As I said, the bill is a good piece of legislation. I thank all honourable members for the

goodwill they have shown to a very important piece of legislation.

Motion agreed to.

Committed.

Committee

Clauses 1 to 3 agreed to.

Clause 4

Mr HULLS (Attorney-General) — I move:

1. Clause 4, line 14, after "identification" insert "on a bona fide basis".

2. Clause 4, line 24, after "identification" insert "on a bona fide basis".

Amendment agreed to; amended clause agreed to; clauses 5 to 7 agreed to.

New clause AA

Mr HULLS (Attorney-General) — I move:

3. Insert the following new clause to follow clause 5 —

'**AA.** ***New section 27B inserted***

After section 27A of the Principal Act **insert** —

"**27B.** ***Exception — gender identity***

(1) An employer may discriminate against another person on the basis of gender identity in any of the areas specified in section 13 or 14 if —

(a) the person does not give the employer adequate notice of the person's gender identity; or

(b) the person gives the employer adequate notice of the person's gender identity but it is unreasonable in the circumstances for the employer not to discriminate against the person.

(2) In determining whether or not it is unreasonable for the employer not to discriminate against the person, all relevant facts and circumstances must be considered, including —

(a) the cost to the employer of not discriminating;

(b) the feasibility of the employer not discriminating;

(c) the financial impact on the employer of not discriminating;

(d) the financial circumstances of the employer;

(e) the impact of the proposed discrimination on the person

(f) any other relevant factors.".'.

New clause agreed to.

New clause A

Mr SAVAGE (Mildura) — I move:

Insert the following new clause to follow clause 6 —

'**A.** ***New section 77A inserted***

After section 77 of the Principal Act **insert** —

"**77A** ***Discrimination by school councils on the basis of gender identity***

(1) Nothing in Part 3 applies to discrimination on the basis of gender identity by a school council within the meaning of the **Education Act 1958** in the course of exercising its powers or discharging its duties.

(2) Sub-section (1) does not apply to discrimination against —

(a) a person of one sex who has assumed the characteristics of the other sex; or

(b) a person of indeterminate sex who has assumed the characteristics of a particular sex —

by means of medical intervention.".'.

Mr HULLS (Attorney-General) — The honourable member for Mildura has been advised of the reasons why the government does not support the new clause proposed by him to be inserted in the bill.

The proposed amendment attempts to create a further exemption that would permit school councils to discriminate against transgender people in the course of exercising their powers or discharging their duties. That would mean that school councils would effectively be given the power to veto decisions to employ or terminate the employment of transgender people.

The Department of Education, Employment and Training (DEET) has provided advice that the proposed amendment would create a power for school councils that currently does not exist. It would also override the position of the department as the employer of teachers and principals. The government believes that would set an inappropriate precedent. The government also believes that the proposal would have the potential to

create liability for litigation against school councils, which is a matter to which I have already referred.

In addition, the department advises that it currently has complaints processes in place which enable parents to make complaints about teachers; and complaints about transgender teachers would be treated in the same way that any complaint about a teacher would be dealt with.

In light of the advice that has been provided by DEET, the government does not believe the amendment relating to school councils is either appropriate or necessary. There are already sufficient protections for precisely the issues that the honourable member for Mildura has raised, both in the legislation and in the operation of the school system by DEET.

As I said, the government opposes the amendment moved by the honourable member for Mildura. We believe the current legislation adequately addresses his concerns.

Dr DEAN (Berwick) — I have said a fair amount about why members of the Liberal Party, after a great deal of consideration and discussion, decided not to support the amendments circulated by the honourable for Mildura, including the amendment he moved. Our position has not changed. I have also said in this house that I understand that the honourable member for Mildura feels passionately about his amendments, as I am sure anyone would if they moved an amendment such as the one currently being debated. However, he must also understand that we also have looked at it very closely and considered it very carefully, and there are a number of reasons why we cannot accept it.

The amendment proposes that the whole of part 3 will not apply in respect of discrimination on the basis of gender identity, so that discrimination and protection against discrimination will not apply except where there has been a medical intervention.

Section 25, in part 3 of the principal act, is removed by this amendment insofar as gender identity is concerned, because it provides that the whole of part 3 would not apply. Section 25 was put in for the same reason the honourable member for Mildura is moving his amendment — to make it clear that in relation to the care and instruction of children the discrimination sections within the Equal Opportunity Act do not apply. However, there were limitations to that exemption, the important one being that the exemption that covered all discrimination would not apply unless the person who discriminated was genuine and had a rational belief.

The Liberal Party has decided not to accept the amendment because its view is that if you are going to have an exemption and allow someone effectively to discriminate in certain circumstances, the very least you should do is ensure that the belief is genuine — that there is nothing deliberately and deceptively misleading about what a person really thinks — and that the discrimination is on a rational basis.

If it is suggested to school councils that they can make decisions that are not made on a rational basis in relation to discrimination then the very heart of the school system and the whole point of schools, which is to try to teach and engender an understanding of what is rational and what is not rational, will be affected. It is most important that decisions made by school councils be made on a rational basis. That is why the Liberal Party believes that section 25, which was inserted by the previous government, is good enough to do the job and will enable the community to be sure that the proposed amendment will not cause problems further down the line.

As I mentioned earlier, the other point of difficulty is the definition of the term ‘medical intervention’. If it is true that the capacity to discriminate will apply if a person has had medical intervention and that is the only basis, one has to ask just how wide the capacity to use the provision will be, because ‘medical intervention’ is clearly an incredibly broad term. It could mean that someone going to a doctor and saying, ‘Doctor, can you give me some advice?’, the doctor giving advice and the person leaving the doctor and never seeking any medical help or assistance again could be defined as medical intervention.

I know the amendment is a genuine attempt by the honourable member for Mildura — I am not suggesting he is in any way not being genuine in what he is doing — but if that is the breadth of that term it would effectively mean as a point of law that any discrimination by a school council could take place and even people who had had the very slightest medical intervention would get caught up in it. The courts would be stuck with the need to try to define medical intervention, which would cause enormous difficulty.

The change is not necessary. It is also not in line with the fact that the honourable member for Mildura has accepted the definition of gender identity in respect of the rest of the act, which goes beyond medical intervention into lifestyle, and so forth. Having accepted that in relation to everything but schools, it does not sit well that it is not accepted in relation to schools and that it is only medical intervention that provides the limitation.

The honourable member for Mildura is entirely genuine in limiting it that way but I hope he will understand that the opposition does not believe his amendment works from that point of view. It will cause great trouble, is inconsistent with the rest of the act and in particular allows councils to make irrational and non-genuine decisions.

Mr SAVAGE (Mildura) — The amendment will empower school councils to deal with potential difficulties. Rosebud High School is an example where a teacher going through a sexual identity change caused significant distraction to the school process and unnecessary and adverse publicity about the school.

The shadow Attorney-General is wrong in his definition. It is far more extensive and covers a person of one sex who has assumed the characteristics of the other, not just the medical intervention. There are two categories that are quite generous so the discrimination cannot be applied to those two people. I suggest he look at the amendment again. It is wrong to discriminate against a person who has the commitment and has made the change. Not everybody can have medical intervention.

The amendment covers the people who are going through the process. Imagine if one were dealing with children in dressing rooms, toilets and on school camps. There are a host of reasons where one would have difficulty.

I suggest the amendment be supported on the basis that school councils need to be empowered with some degree of control over who teaches the children.

New clause negatived.

Reported to house with amendments.

Remaining stages

Passed remaining stages.

PERSONAL EXPLANATION

Ms DELAHUNTY (Minister for Education) — Earlier today — —

Honourable members interjecting.

The SPEAKER — Order! I remind the house that personal explanations are serious statements and should be heard in silence.

Ms DELAHUNTY — Earlier today in question time I agreed to table a paper I was reading from, a half-page which contained 1996–97 to 1998–99 Kennett government consultancy figures with a total of $360 000. I agreed to table literally what I was reading from at the time it was requested. Another sheet listed other Kennett government consultancies which I had referred to earlier, interrupted by numerous points of order. It is my recollection that during the course of the answer I separated the two sheets of paper, one of which was the half-page I was referring to at the time of the request.

While I cannot be certain of the precise time I detached the paper there was no intention to mislead the house or conceal any document from the house. So that there is no misunderstanding I am more than happy to provide the house with the other sheet which, for the information of members, contained more examples of Kennett government consultancies — —

Honourable members interjecting.

The SPEAKER — Order! I have warned the honourable member for Doncaster.

Ms DELAHUNTY — The other sheet contained more examples of Kennett government consultancies — consultancies that I had already read into the *Hansard* record.

Dr Napthine — On a point of order, I understand that personal explanations are a very important issue for the house. I also understand that misleading the house is a very important issue. I have had the fortunate experience of being able to review the videotape of question time today. That videotape shows the Minister for Education answering a question asked of her by the honourable member for Warrandyte with respect to this issue, and it clearly shows that she had in her hand a two-page paper which was stapled. At one stage during the answer to that question she turned from one page to the other page.

Honourable members interjecting.

The SPEAKER — Order! Would the honourable member come to his point of order.

Dr Napthine — Clearly the Minister for Education had not separated those two pages while she was answering that question. Those two pages were stapled together when she was answering the question and they were stapled when she returned to her seat. The minister was given not one, not two but three opportunities on points of order to table both those pieces of paper.

Honourable members interjecting.

The SPEAKER — Order! The honourable member for Narracan!

Dr Napthine — You, Mr Speaker, provided clear advice to the minister that the precedent in this house is that when documents are stapled together or a paperclip is used to attach a file, all of the file should be tabled in the house. The minister was given that advice clearly and distinctly by you, Mr Speaker. She was given three opportunities to table the pages in the house at the time. She has now been caught out and she comes in here with a personal explanation to try to obfuscate her position rather than being honest and open to the Parliament.

Honourable members interjecting.

The SPEAKER — Order! I gave the Leader of the Opposition every opportunity to raise his point of order but it has become clear to the Chair that the Leader of the Opposition is using the raising of a point of order to debate the issue. I will not continue to hear him if he persists in going down that track. He should come back and indicate to the Chair his point of order.

Dr Napthine — My point of order is that I ask you, Mr Speaker, to view the videotape and review the circumstances before the house today.

Honourable members interjecting.

The SPEAKER — Order! The Attorney-General shall cease interjecting.

Dr Napthine — Because, Mr Speaker, unfortunately it would appear that the personal explanation given by the Minister for Education is inadequate and contrary to the facts as I and many other members saw them this afternoon.

The SPEAKER — Order! The Leader of the Opposition is correct in saying that during question time today, in response to numerous points of order, I explained to the house the procedures required for making documents available to the house. That was done to the satisfaction of the Chair at that point.

Subsequently, the Minister for Education approached me in chambers and asked for the record to be corrected about her answer during question time and the tabling of the document. The Chair has afforded the minister the opportunity, as it would any honourable member who wishes to make a personal explanation, to correct a previous statement made in the house. There is no point of order.

BUSINESS OF THE HOUSE

Postponement

Mr BATCHELOR (Minister for Transport) — I move:

That the consideration of remaining business be postponed.

Honourable members interjecting.

The SPEAKER — Order! The Chair has called the Leader of the House, who has moved that remaining business be postponed. I advise the honourable member for Monbulk that I will allow him to raise a further point of order immediately after I have put the motion.

Honourable members interjecting.

The SPEAKER — Order! The house should be aware that an honourable member may raise a point of order at any time.

Motion agreed to.

Mr McArthur — On a point of order, Mr Speaker, I draw to your attention a further matter concerning the personal explanation given by the Minister for Education. You, Sir, are well aware of the importance and seriousness of personal explanations. Most honourable members would be aware that it is normal for the Speaker to approve the text or generality of a particular personal explanation, so I am assuming that the Minister for Education has discussed with you or presented to you her intended personal explanation. From my recollection of her personal explanation, the minister said that she was quoting from a portion of a page that referred to Kennett government consultancies and that she tabled that page. She also said that another part of her answer referred to other pages that contained lists of Kennett government consultancies.

I refer you, Mr Speaker, to the document the minister tabled. The document, which is clearly typewritten, refers to the consultancy of Ms Connors. The minister proudly proclaimed that it is a Bracks government consultancy that she was proud to sign up to and that Ms Connors was a consultant of the highest order in the country. If the minister's personal explanation is to be believed the document referred to only Kennett government consultancies, but the text of the document she tabled shows her personal explanation to be wrong and misleading. I have done a reasonable amount of research on this matter, and I can say there is a precedent established by *May's Parliamentary Practice* — —

Government members interjecting.

The SPEAKER — Order! I ask government members to cease interjecting. To be able to rule on the point of order, the Chair needs to hear what the honourable member for Monbulk is saying.

Mr McArthur — A clear precedent is established by *May*. I refer the house to page 111 of the 22nd edition of *May* under the heading 'Members deliberately misleading the House', which states:

> The Commons may treat the making of a deliberately misleading statement as a contempt. In 1963 the house resolved that in making a personal statement which contained words which he later admitted not to be true, a former member had been guilty of a grave contempt.

In 1963 the former member of the British House of Commons was John Profumo. I suggest that Mr Speaker should examine both the text of the personal explanation of the Minister for Education and the wording of the document the minister tabled to check the accuracy of the minister's personal explanation.

Mr Batchelor — On the point of order, Mr Speaker, the opposition has used a point of order to cast an outrageous slur on the Minister for Education.

Honourable members interjecting.

The SPEAKER — Order! The honourable member for Mordialloc shall cease interjecting forthwith.

Mr Batchelor — The opposition has abused the process of points of order to debate issues. I put to the house that if honourable members opposite wish to raise these matters they have the opportunity to do so under other procedures such as privilege, and they should be instructed to do so.

Mrs Peulich — Mr Speaker, in support of the point of order raised by the manager of opposition business I shall quote the line that has been obscured by the photocopying and cutting of the document. It states:

> Ms Connors was engaged by the government on the following terms:

It is quite evident that the portion of the document that outlined the terms under which Ms Connors was engaged by the government is the portion of the document that has been obscured and cut off. It appears from the minister's subsequent personal explanation to the house that it may have been substituted with additional examples of the former government's consultancies. I consider that to be a serious breach — —

Honourable members interjecting.

The SPEAKER — Order! I will not allow the honourable member for Bentleigh to continue on the track she is taking with her point of order. She is clearly trying to prosecute a case with regard to the document made available to the house. On the point of order raised by the honourable member for Monbulk, he correctly quoted the 22nd edition of *May* with regard to deliberately misleading the house. However, as the honourable member is well aware, should he wish to pursue that avenue he may not do so by taking a point of order. There is no point of order.

Dr Dean — On a further point of order that is quite different but intimately connected, Sir, you have said to the house on a number of occasions that when dealing with a personal explanation your duty goes to reviewing the personal explanation and seeing whether it accords with the forms of the house and is appropriate, not necessarily to the truth of the personal explanation.

However, the opinion I would ask you to investigate is this: if a member of the house comes to you and puts before you a personal explanation which that member states is the truth and which you accept as such, look at the form in which it is made and allow it to go ahead, and it turns out from your own knowledge, research and so forth, that you have been given a document that is untrue — —

Honourable members interjecting.

Dr Dean — If any member of Parliament believes that there has been a breach of the rules of the house or that your own position has been put in some sort of jeopardy, that member has a right to ask you to investigate whether you believe that to be the case, because if your position is put in jeopardy then the whole house is put in jeopardy. If it appears, for example, that as a result of video evidence displayed on the news that is seen by the entire public of Victoria a personal explanation has been put to you which on its face you realise is incorrect, then I put it to you that you must make some decision about it, because you are the protector of public image of the house.

If the public image of the house is lessened because something has been put to you which you in all genuine belief allowed to be put before the house as a personal statement and which you then find to be incorrect, it is up to you to then at least request an apology from the member concerned because the house's reputation has been put at risk.

I ask you, Mr Speaker, to please ascertain whether you now have to take some action to ask the honourable

member to apologise as a consequence of something that has been put to you which in all genuine belief you allowed to be put as a personal explanation before the house but which has now, as a consequence of the video tape shown on the news, opened the house to ridicule.

Mr Hulls — On the point of order, Mr Speaker, to be as succinct as possible, what the house has just heard is hypothetical nonsense. It was all about 'What if?'. What if, for instance, Carlton had won on the weekend? Honourable members have heard yet again an attempt by the opposition to use points of order to prosecute a case. The house has heard only hypotheticals from the shadow Attorney-General, which you, Sir, are expected to address. I ask you to rule the point of order out of order.

The SPEAKER — Order! On the point of order raised by the honourable member for Berwick, let me make it perfectly clear to the house that personal explanations are covered in chapter 26 of *Rulings from the Chair 1920–2000*, which states:

> Purposes and procedure. The purposes for which personal explanations are allowed are as follows:
>
> (a) to correct a statement where the member may have inadvertently misled the House;

Paragraphs (b) and (c) follow. It further states —

> Personal Explanations
>
> (a) are made prior to consultation with and the approval of the Chair;
>
> (b) must be brief and constitute a simple statement of fact;
>
> (c) must not be debated;
>
> (d) must not simply engage in argument on differences of opinion; and
>
> (e) may be made only when there is no question before the Chair, normally after question time or at any change of business …

I assure the house that the Chair has undertaken and examined the minister's personal explanation using the guidance that is contained in that ruling.

In regard to the questions that have been raised by the honourable member for Berwick as to the accuracy of the personal explanation, the Chair is not in a position to determine on that matter. I indicate to any member of the house who might have a difference of opinion with the personal explanation that there is an avenue of moving a substantive motion along those lines. There is no point of order.

Dr Napthine — On a further point of order, Mr Speaker, in your ruling you referred to personal explanations being made on the basis of an honourable member making an inadvertent error or mistake and seeking to correct that inadvertent error or mistake. I seek clarification, Sir: is your determination therefore that the minister's actions this afternoon were inadvertent?

The SPEAKER — Order! The Leader of the Opposition cannot raise a point of order that seeks the Speaker's opinion on a particular honourable member's actions. It is totally inappropriate to do so in the house. He well knows that if he wants to raise allegations of that kind he must put them in writing for the Speaker to consider.

ADJOURNMENT

Mr BATCHELOR (Minister for Transport) — I move:

> That the house do now adjourn.

Workcover: premiums

Mr COOPER (Mornington) — I ask the Minister for Workcover what action he is prepared to take to assist two organisations in my electorate that provide services to the disabled, both of which have been hit with huge rises in Workcover premiums.

The first organisation provides services to young developmentally disabled children and their families. In the past financial year the organisation paid a Workcover premium of $6096 for a salary budget of $272 669, and this year it has paid a Workcover premium of $9272 for predicted salaries of approximately $316 650. While the salary costs have increased by roughly 14 per cent, the Workcover premium has increased by 50 per cent.

In real terms the extra $3000 the organisation is now required to pay would buy it about 100 hours of therapy or teaching time, which equates to a further 2.5 hours a week of the current therapy or teaching time during the school term. The organisation advises me that that time is desperately needed for the developmentally disabled children and their families. It is clear that unless the minister can do something about the Workcover premiums his actions have imposed on the organisation, it will have to cut services, raise its fees, or in some other way impact upon the community and the families that use its services. The minister must urgently do something about this issue.

The other organisation is a respite care service in Mornington that is managed by a voluntary committee and has a contract with the Department of Human Services. It has money for 4 permanent part-time staff and up to 18 casuals, plus some additional funds for capital expenditure from time to time. It has been hit with a 92.5 per cent increase in its Workcover premiums. While it is true that its rateable remuneration, including salaries, has gone up by 40 per cent, that still leaves an increase in Workcover premiums that is well above the 15 per cent the Minister for Workcover claimed as the increase that would apply this year.

The organisation has made no claims in the last 10 years but will be hit so hard it will have to raise client charges or engage in fundraising — —

The DEPUTY SPEAKER — Order! The honourable member's time has expired.

Disability services: rural Victoria

Ms OVERINGTON (Ballarat West) — I seek the assistance of the Minister for Community Services in building strong services in rural and regional communities for people with disabilities and their families.

Unfortunately, for many people with disabilities and their families, life in rural communities can be very difficult. Some have limited access to community infrastructure and specialist support services, so their choices are reduced — and the more severe the disability, the more reduced the choices are. In some areas, despite the expansion of services designed to include those people, people with disabilities still have very limited opportunities to participate in their local communities. We have not moved far enough along the road to inclusivity. We have not made community infrastructure as available to people with disabilities as it is to people in the broad community. That is a sad fact of our society today.

We need to develop strong networks that will help rebuild a sense of community in rural areas. In some rural communities the number of people with disabilities can be quite low, and the principal carers may well be family members. Also, being few in number, disabled people are sometimes given a low priority at the local level, and that leads to further isolation both of the person with the disability and of the family.

Given that the Bracks Labor government has made a commitment to all Victorians on the matter, can the minister assure the families who have contacted me that the government understands their isolation and will actively work to resource their communities?

Some of the people who have raised their concerns with me have said that in some areas the only contact they have with the outside world is by telephone. I know the telephone is a very valuable service in rural areas, but the government must provide more elaborate grassroots services within the community — —

The DEPUTY SPEAKER — Order! The honourable member's time has expired.

Minister for Environment and Conservation: electorate staff

Mr KILGOUR (Shepparton) — I raise with the Minister for Environment and Conservation the misuse of electorate offices. About four weeks ago a local constituent who is an irrigation farmer inquired with my office about whether it would be possible for local irrigators' representatives to meet with local members of Parliament to discuss the debts incurred by local water service committees as a result of deriving known revenue from sales of water over the previous three seasons. The local members were, of course, very happy to agree to a meeting. It was not a briefing but a meeting with our constituents. However, we tried to do the right thing.

We were further advised that the ministerial adviser wished to attend a meeting with our constituents to spy on what was going on. We agreed the ministerial adviser could attend the meeting at 1 o'clock on the Wednesday. However, we were then advised the ministerial adviser could not make it at that time and asked if we could change the time of the meeting. That was not possible as all four of us had things to do later in the afternoon. We advised the ministerial adviser that we could not meet, but that she was welcome to attend at 1 o'clock.

However, at midday on that day the four members of Parliament were advised that the minister's adviser could not attend the meeting but that the minister would be sending an electorate officer from the office of the honourable member for Benalla, which is the absolute wrong thing to do. Electorate officers are employed by the Parliament and not to do ministerial advisers' work. We abandoned the meeting. We were not prepared to have spies from an electorate office in Benalla come to a meeting at which they had no right to be present.

I ask the minister to advise what action she will take to ensure that the electorate office staff employed by the Parliament will not be used blatantly in a political

manner to sit at meetings in place of a political adviser. It was an absolute disgrace and I hope we never see it happen again. If this is what open and accountable government is, we do not want it.

Housing: Seymour homeless

Mr HARDMAN (Seymour) — I refer the Minister for Housing to homelessness in the Seymour electorate. Recently the Premier visited Seymour and launched the newly combined offices of the transitional housing manager, which is the Rural Housing Network, and also Progress House, which is run by the Salvation Army in Seymour. I was pleased to have the Premier visit my electorate, especially at the new offices of the Rural Housing Network and Progress House. I believe this was a genuine effort by the Premier to get to know my community in a very low-profile way. His support gave great encouragement to those two excellent organisations for the work they do with housing issues within my electorate. They work closely with the homeless and people at risk of being homeless in the Seymour and Broadford districts.

At the launch of the new offices the Premier spoke about the merits of such agencies co-locating and praised their work in arranging the new shop-front service location in the Seymour shopping district. In rural and regional areas people tend to have a range of different homelessness issues and reasons for the cause of homelessness. I spent some time discussing those issues with Grace from Progress House and Grete from the Rural Housing Network. I made an effort to listen to their clients' situations and how they came to be homeless.

Unfortunately, homelessness is far more common than we like to think. At the beginning of August, 32 people were waiting for transitional housing just in the township of Seymour. One of the families I met lived in a caravan that was damp and leaking. They had been there for more than six months and were paying over $100 a week rent and could not get out of the situation. I can report that a temporary house became available about the time I visited them, but they were in that housing a long time.

Needless to say, those people have feelings of homelessness that grow as they become trapped in that cycle. They cannot get private rental, their families and friends can only take them in for so long, and their lives become filled with expectations of rejection. In some cases they end up in this cycle through no fault of their own. Decisions are made to move to Seymour, or any other town, without any knowledge of the lack of accommodation available there.

I commend the minister and the government for the work done to date on this issue. I encourage the minister to ensure that people from areas such as Seymour and Healesville in my electorate are listened to in the development of facilities for homeless people. I ask the minister to advise of the rationale behind the co-location of those services in Seymour and to indicate what other actions the government is taking to provide additional assistance to homeless people and people at risk of homelessness in the Seymour area.

Workcover: premiums

Mr THOMPSON (Sandringham) — I raise a matter for the attention of the Minister for Workcover. When the former coalition government came into office, the unfunded liability for Workcover amounted to $2 billion. Workcover payments represented some 3 per cent of payroll and were significantly above the levels applied in other states. Victoria had become uncompetitive in attracting investment and industry, and providing employment and growth opportunities. Over its seven years in office the previous government managed to reduce the charges in a range of areas including electricity, local government and Workcover.

Recently a constituent wrote to me to express serious concern — with the intensity that the honourable member for Shepparton showed tonight — in regard to an increased impost of 58 per cent on a small business that services the industrial electronics area. The business services processing equipment that is also allied to the export market. It employs eight people.

I have received the following correspondence from the account manager:

> As I continue to administrate the company's obligations I am more than disillusioned with how we can cope with the ever increasing time and money wasted to comply with taxation legislation. The company has received a 58 per cent increase on our Workcover premium. I have contacted our insurer and received a 'Nothing we can do' response.
>
> Small business cannot bear the ever increasing taxes … I see no incentive to open my own small business …

I ask the minister to see what can be done to take into account the circumstances of small businesses such as this, in which the Workcover premium has increased from $6000 to $10 000. For a small business employing eight people, struggling in a competitive economy against interstate and overseas suppliers, the increase represents a significant difficulty.

I remind the house that when the former coalition came into office in 1992 unemployment in this state was around 11.3 per cent, and then there was an increased

level of economic activity where people had real jobs. By the time of the last state election the unemployment rate was reduced to about 6.5 per cent.

It is important to address the burdens on small business while recognising the rights of workers who might be injured in the workplace. On that front, it was noted by my constituent that she had to wait for six months for payment from the relevant insurer for reimbursement for a protective mat required to assist an employee in his return to work.

Gippsland: unemployment

Mr MAXFIELD (Narracan) — I refer the Minister for Post Compulsory Education, Training and Employment to the issue of unemployment in my electorate of Narracan.

My electorate includes the towns of Warragul, Moe, Newborough and Trafalgar. Unemployment is higher in rural and regional Victoria than in metropolitan Melbourne but is particularly high in Gippsland, hitting 17.9 per cent under the previous disgraceful government. Dairying is a major industry in my electorate and the area is well known for its fine cheeses, manufacturing, timber production and other important industries.

Creating job opportunities for young people is particularly important to me and critical to the revitalisation of country Victoria. The people of Gippsland were disturbed by the findings published in the *Ministerial Review of Post Compulsory Education and Training Pathways* that showed that 43 per cent of boys and 24 per cent of girls in government schools in Gippsland were leaving school before completing year 12. It is a damning indictment of the previous government.

The high dropout rate has a direct correlation with unemployment levels. Young people who leave school early are more likely to join the ranks of the unemployed than those who complete their secondary schooling. I am pleased to see that the government is taking these issues seriously.

I look forward to seeing the government response to the Kirby report. People in my community want to get behind government initiatives that will create real skills and opportunities for young people and give them a chance to continue to work and train where they live.

Access to apprenticeships and traineeships is vital for young people in my electorate because it will ensure that our industries will have the skilled labour force they need now and into the future.

I ask the minister to take action to ensure that training and job opportunities are available, particularly for young people in my electorate and the Gippsland region as a whole. It is unfortunate that opposition members are not interested in this issue. All they want to do is talk.

The former government presided over a horrendous situation. The level of unemployment went up and up as the former government's interest in the region went down and down. For example, the introduction of poker machines meant that money was funnelled from the Gippsland region to the city of Melbourne. Poker machines were used as a giant vacuum cleaner to suck up money from the Gippsland region to spend on pet projects in Melbourne. Members of the former government wanted beautiful buildings at the top of which they could sit and laugh at the people of Gippsland.

The DEPUTY SPEAKER — Order! The honourable member's time has expired.

Workcover: premiums

Mr SMITH (Glen Waverley) — I direct a matter concerning Workcover premiums to the attention of the Minister for Workcover. I join with my colleagues in condemning the Bracks government for the disastrous effect Workcover premium increases have had on businesses in my electorate and throughout Victoria.

I have received many calls from employers in the Glen Waverley area who have been hit by massive premium rises which they say will force them to either lay off staff or not employ new workers. The calls to my office indicate that the increase in premiums is well in excess of the government's forecast 17 per cent.

I refer the minister to St Barnabas Anglican Church, Glen Waverley, whose premiums have increased 83 per cent.

Mr Cooper — It is a very dangerous industry!

Mr SMITH — Yes, it is a very dangerous industry! I am a member of the church so I have a vested interest in this issue. The honorary treasurer of the church, Ros Clowes, has provided me with some documentation, and I want to ensure that there is some form of justice for the church and its parishioners. In anticipation of the increased premium the church has had to reduce the contract for the soon-to-be-appointed youth minister by one day per week. In 1999–2000 the premium was $1980, but in 2000–01 the premium will be $3639, an increase of $1659. An 83 per cent increase is outrageous.

Mr Cooper — Ask the minister whether he cares.

Mr SMITH — The minister does not care about anything. He does not understand what he is about. The minister is out of his depth and clearly does not understand how Workcover operates and how business is affected by increased premiums, but to get stuck into a church, where premium increases should be minimal, is outrageous.

Mr Cooper — It is an easy target.

Mr SMITH — Of course it is. I ask the minister to put in place genuine measures that will reduce the burden of the massive premium increases he has imposed on employers such as the Glen Waverley Anglican Church. Unless the minister takes himself to task the whole state will be in flames because businesses, including the Glen Waverley Anglican Church, are in jeopardy. Unless action is taken programs such as Sunday school picnics and other works will be cancelled.

Major events: tickets

Mr SEITZ (Keilor) — I raise a matter for the attention of the Minister for Major Projects and Tourism. As we are all aware, a major event will be taking place next weekend — the Australian Football League Grand Final. Half the constituents of my electorate are strong supporters of the Essendon Football Club and the other half support the Western Bulldogs Football Club. That is and always has been a peculiarity of my electorate.

While some Essendon supporters in my electorate have been able to purchase grand final tickets for a reasonable price, I am concerned about the scalping that is taking place and the fiasco in issuing tickets that has also led to high prices. As we read newspaper articles and listen to talkback radio programs we hear about the outrageous amounts for which tickets are advertised. It is un-Australian and un-Victorian for a sporting organisation not to have a better ticket distribution system, particularly for supporters who have been loyal club members.

I ask the minister to examine what steps he can take to assist in discouraging scalping. It is a totally unacceptable activity and it will not help Victoria's reputation with the forthcoming Olympic Games. After all, the first Olympic event, soccer, will take place in Melbourne. I request the minister's intervention to prevent those sorts of activities taking place, because they will otherwise deny the young people of my electorate the opportunity to see the game in real life rather than on television.

Lyndoch-Warrnambool

Mr VOGELS (Warrnambool) — I ask the Minister for Aged Care to take action to ensure that Lyndoch-Warrnambool is placed on the capital development list. I need to reinforce the parlous situation it is facing and its desperate need to be rebuilt and refurbished in order to stay in the business of providing residential care to elderly citizens.

Lyndoch-Warrnambool is a large aged care service provider, with 213 high and low-care bed licences complemented by a broad range of community-based services. It has served the south-west of the state with quality aged care services for more than 45 years.

In 1997 the Lyndoch nursing home failed commonwealth certification. On appeal, certification was achieved; however, the certification identified major deficits in fire safety and privacy, which if unaddressed would result in certain failure of any future certification inspection. As the member for Warrnambool I am proud to say that the Lyndoch board has resolved to take immediate action to address the concerns now — not at some time in the future when state government funding may possibly be available.

The master plan for the redevelopment of Lyndoch has been costed at $14.6 million over a five-year rebuilding program. To maintain the project's momentum and ensure that residents receive care in appropriate facilities the Lyndoch board advised the government that it will self-fund stage 1 of the redevelopment at an estimated cost of nearly $6 million. Stage 1 will address many of the major deficits that have been identified by the Department of Human Services. A brand-new, 45-bed facility that will incorporate a 35-bed dementia nursing home and a discrete 10-bed psychogeriatric unit will be built in 2001.

The Lyndoch board, the Department of Human Services and the commonwealth all recognise that urgent action is needed. I am aware that Lyndoch has made representations to the government and has sought meetings with the Minister for Aged Care, the Minister for Health and the Minister for State and Regional Development. Lyndoch-Warrnambool is prepared to put up the first $6 million and will fund stage 1 next year.

It is now time for the government to publicly accept some responsibility in this matter — beyond the bureaucratic statement of in-principle support. It would also send a clear message of support for a regional centre that has experienced a major downturn in recent months with the loss of 200 jobs.

In conclusion, the broader regional community of south-west Victoria will rightfully applaud the Lyndoch board for its lone achievements, and I ask the government to help fund the project over stages 2 and 3.

Falls Creek: Kangaroo Hoppett

Ms ALLEN (Benalla) — I refer the Minister for Major Projects and Tourism to the fact that this year Falls Creek, Mount Hotham and Mount Buller have had the best snow season they have had for many years.

Mr Perton interjected.

Ms ALLEN — Absolutely. I could say it is because Benalla now has a Labor member, but I am too shy to say something like that.

Last weekend Falls Creek held what is known as Kangaroo Hoppett, which is fast becoming an internationally known event. Some 1500 people attended the event, many of them from overseas. The event is becoming very popular with both national and overseas skiers because it has 7-kilometre, 12-kilometre and 40-kilometre runs.

This year the government contributed $150 000 towards a ski plough for Falls Creek. The event will continue to be prosperous if it has continued funding. Will the minister advise the house what ongoing support he will provide to ensure that the event continues to grow and become a world-class event?

Responses

Ms PIKE (Minister for Housing) — The honourable member for Seymour raised the agreement between Progress House and the Rural Housing Network, a joint venture that was encouraged by the government. The government also acknowledges the benefits of working with such agencies to facilitate clients having access to both transitional housing and appropriate support services together in the one building.

The agreement came about because both agencies had a commitment and a philosophy oriented towards serving clients in a holistic way. They recognise that housing is one dimension of people's needs, but that those people have a range of issues that need to be addressed if they are to maintain long-term and affordable housing and have the capacity to move into other rental accommodation offered by the Office of Housing.

The project the Premier was pleased to launch is but one of a number of projects the government is developing with funds totalling $17.2 million to address homelessness over the next four years, in particular through the supported accommodation assistance program. That has been the first real increase in funding for homelessness services in the state in the past five years.

In July the Premier also launched the Victorian homelessness strategy. The government is working with the ministerial advisory committee, a range of agencies and an interdepartmental committee which is looking at a cross-portfolio response to homelessness. I certainly hope that will provide a further enhancement of services to vulnerable Victorians.

The honourable member for Warrnambool raised with me as Minister for Housing the future of Lyndoch, which provides excellent aged and rehabilitation services to the city of Warrnambool and to the south-western subregion in Victoria. In 1997, Lyndoch received a certification score of 62.8 for low care and 51.39 for high care; however, that was raised to 61.14, and the aged care standards agency has advised Lyndoch that it has been granted accreditation for the next three years for all its residential aged care beds.

I congratulate Lyndoch on achieving accreditation. Both the Department of Human Services and the government generally are aware of Lyndoch's capital redevelopment plans. The Minister for Health received a letter from Lyndoch this month advising him that the estimated cost of redevelopment was $14.645 million. The government commends the facility for its initiative in self-funding the project in the sum of $5.7 million in the first instance. Stage 1 will take some 18 months to complete and will address the work with the highest priority. Both the Minister for Health and I are working with Lyndoch to look further at its redevelopment plans.

I am looking forward to meeting with people from the facility in the near future to discuss the plans and to look at the facility. The government will consider Lyndoch's proposal in light of its commitment to ensure that state residential aged care services meet commonwealth certification and accreditation standards.

Some $47.5 million has been allocated over the next three years to assist public sector residential aged care facilities to meet required certification standards. The government is showing its commitment in that area.

Mr PANDAZOPOULOS (Minister for Major Projects and Tourism) — The honourable member for Keilor raised with me the scalping of tickets for this year's Australian Football League Grand Final and the

impact on football fans. The problem recurs every year — more so in recent years — and particularly since the Liberal and National parties when last in opposition opposed the introduction by the then Labor government of legislation to ban ticket scalping. Today's *Herald Sun* contains half a page of classified advertisements by people trying to sell tickets. Prices range from $3000 for four seats to $700 each for two seats, $1000 each for two seats and $1400 each for two seats. Yet some honourable members on the other side continue to say that scalping is not an issue.

The government does not believe its attitude to ticket scalping will discourage interstate tourists from visiting Victoria, because they have access to different packaging arrangements. The government is concerned about people who somehow obtain tickets in bulk and then advertise them for sale at inflated prices. That is a major concern of the Bracks government. Some people see it as an opportunity for a small amount of profiteering, but there are real equity issues for many people, including people from country Victoria who would like to spend time in Melbourne and have access to tickets. There must be a better and fairer way to allocate tickets for events such as the grand final.

The honourable member for Keilor was right when he said not only that people in his area are affected but that the state's reputation can also be affected. Victoria has a great reputation for staging events and must ensure that scalping is minimised to give people fair access to AFL games, particularly fans who attend matches every week and whose teams are in the finals.

I am pleased that the Minister for Sport and Recreation in the other place is implementing the policy I put in place as the shadow minister, which focused strongly on ticket scalping, and has announced a review of scalping. I advise the house that tomorrow a scalping ticketing hotline will be set up so that members of the public can ring in and report scalping.

Newspaper advertisements offering to sell tickets will be audited. The focus is on selling tickets well above their face value. I am not talking about people who have bought tickets and cannot attend a match for personal reasons, I am talking about people who have tickets and are profiteering within a matter of days. The government is reviewing ticket scalping and wants information from the public to find out the extent of the problem. The government is committed to dealing with these issues.

The honourable member for Benalla continues to raise tourism-related issues because her electorate is one of the great tourism destinations in Victoria, be that destination the snowfields or the activity areas around Eildon. The honourable member referred to the Kangaroo Hoppett and asked what the government can do to provide financial certainty for the event. In the past there has been bipartisan support for the event, but funding for it has been uncertain. This financial year the event received only $10 000.

The government has allocated an extra $500 000 for regional events and is undertaking a review of those events with a view to increasing their number and giving ongoing funding certainty to some of the events.

Last weekend I had the pleasure of opening the Kangaroo Hoppett, at which a spectacular crowd attended. I was impressed with the number of international and interstate visitors. It is a great event for the local community, with approximately 1500 people regularly attending, including some 135 overseas visitors. It is the only meet in the Southern Hemisphere where Loppett events take place. I met with the chairman of the World Loppett. The government is working with that body in a bid for the FIS World Cup, which we hope will be successful and hosted at Falls Creek.

The work that has been undertaken for the Kangaroo Hoppett is important. I assure the honourable member for Benalla that the event will receive ongoing funding. Now that the event is over the Hoppett organisation has been asked to meet with Tourism Victoria to work out the financial details of the amount the government can provide, and over what period.

I thank the honourable member for being supportive of her entire region, including Falls Creek, which is outside her electorate. It is pleasing that she supports events in and around her electorate.

Ms GARBUTT (Minister for Environment and Conservation) — I take up the matter raised by the honourable member for Shepparton, and I shall correct some distortions and simple untruths. It must be a memory lapse because he could not possibly be misleading the house!

I stress that at no time did I or anyone from my office say the meeting to which he referred could not go ahead. Opposition members simply refused to observe the normal Westminster protocols, spat the dummy and cancelled the meeting. We were trying to facilitate the meeting, and we are still happy for such a meeting to go ahead. We faxed our expression of that intention and suggested that it be rearranged for another date, but the Honourable Bill Baxter in another place has refused that offer. I will make the offer again.

I want to correct some of the distortions expressed by the honourable member for Shepparton. Firstly, he presented it as a meeting his constituents sought from him. I have a fax here from Goulburn-Murray Water — I have written some notes from the fax — that was sent to my office from the corporate secretary, who said to me on 16 August, before the meeting — —

Mr Perton interjected.

Ms GARBUTT — These are my handwritten notes; I am not making them available. The secretary said the meeting had been initiated by Don Kilgour, the honourable member for Shepparton.

Mr Perton — On a point of order, Madam Deputy Speaker, the minister is clearly reading from a document.

Ms GARBUTT — They are my notes.

Mr Perton — The minister is clearly reading from a document. The standing orders provide that on request she must make it available.

The DEPUTY SPEAKER — Order! Is the minister quoting from a document or using notes?

Ms GARBUTT — I am reading from my notes.

The DEPUTY SPEAKER — Order! As the minister is reading from her notes, there is no point of order.

Mr Perton — On a point of order, Madam Deputy Speaker, the rules of the house provide that members may not read their speeches. The rules also clearly state that if an honourable member is quoting from a document, that document must be made available to the house. The minister stated that she was reading from a document. It does not matter whether they are notes or otherwise — if she reads from a document she must make it available.

The DEPUTY SPEAKER — Order! The honourable member for Doncaster is repeating the point of order he raised a moment ago. The minister is not reading a speech. She has been referring to the notes she has made, which she is using to respond to the matter.

Ms GARBUTT — On the first point it is clear that Goulburn-Murray Water has obviously contradicted the claim made by the honourable member for Shepparton that the request came from his constituents. In fact, the water authority advised that it was initiated by the honourable member.

The second claim the honourable member made was that it was a meeting of constituents. That is not true. It was a meeting with the water services committee of Goulburn-Murray Water, for which I have responsibility. The honourable member himself sent me a fax — I am happy to give the honourable member a copy of his own fax if he wants it — to say he was meeting with the water services committee. Therefore, this was not a simple meeting with constituents but a meeting with an authority for which I am responsible.

The meeting was about a range of issues that are clearly important across the region. For that reason I thought the other honourable member who represents the region, my colleague the honourable member for Benalla, would also be interested in receiving a briefing from a statutory authority in her electorate. The fact that the honourable member for Shepparton chose to cancel that meeting makes me wonder what he thought would be discussed.

I want to set the record straight. The initiator was the honourable member for Shepparton, and it was about meeting with the water services committee of Goulburn-Murray Water.

Mr CAMERON (Minister for Workcover) — The honourable members for Mornington, Sandringham and Glen Waverley raised issues concerning Workcover. As you will be aware, Madam Acting Speaker, irrespective of who they are, employers have to meet their Workcover obligations, just as they have to meet their obligations pursuant to awards, certified agreements and the like.

Honourable members opposite have selective memories. They forget that Victoria has an experience rating system which was established six years ago and based on which the Workcover authority makes calculations each year.

The way the system works is if a particular industry has a high risk on its recent experience — that is, over the past three financial years — then the industry rate goes up. Likewise, if that particular industry has a lower risk, the rate goes down. In this financial year the rates for 29 per cent of businesses went down. Members of the opposition know that system only too well but they forget about it. In addition, there was an average increase of 15 per cent to ensure that the costs of the scheme were covered. Madam Deputy Speaker, you will be aware that in the last two years of the previous government there was a massive $300 million loss.

Honourable members interjecting.

Mr CAMERON — Members of the opposition are saying, 'Oh, oh, oh'. They brush aside those massive losses, but they were years when there were enormous investment returns. Without them, the losses would not have been just massive but hugely, hugely, hugely massive! In addition, there had to be a 12 per cent increase as a result of the GST — that is, 10 per cent for the bare GST plus 2 per cent additional cost. Did we hear any members opposite speaking out against the GST? No, we did not!

In Victoria we have an average premium rate of 2.18 per cent, plus the GST. That is the second lowest premium rate paid by employers in any state.

Honourable members interjecting.

Mr CAMERON — Go to the north, south or west, and you pay a much higher rate!

Honourable members interjecting.

The DEPUTY SPEAKER — Order! The honourable member for Sandringham!

Mr CAMERON — There he was, cheering on massive losses — but there you have it.

Honourable members interjecting.

The DEPUTY SPEAKER — Order! The honourable member for Mornington!

Mr CAMERON — Under the experience rating system, the maximum that the rate for a small or medium-sized business can go up is 20 per cent. When the honourable member for Glen Waverley talks about the rate for his local church going up 80 per cent, the biggest component of that must be payroll, which must be higher. If they have a dispute about their payroll figure, I suggest they take it up with their agent because that is the biggest factor.

It is absolutely outrageous to have the honourable member for Glen Waverley drag a church into this gutter debate! It is totally false to suggest that the church's premium rate has gone up by that amount! I am sure that members of the church do not agree with what has been said. When they look at the bare premium rate and take out the payroll, they will see who was honest. I suggest that the church does not want to be dishonest. I am alarmed that the honourable member for Glen Waverley wants to drag the church into the debate. I am sure the church will be disappointed, just as I am sure the church is aware that earlier in the year the honourable member for Glen Waverley voted for the legislation and for the increases and that this is his experience rating system and his GST.

Ms CAMPBELL (Minister for Community Services) — I thank the honourable member for Ballarat West, a Western Bulldogs fan, for raising a matter on the adjournment. I congratulate Shane Woewodin and Scott West for a great performance — particularly Shane Woewodin, and I look forward to cheering him on to another victory on Saturday.

The DEPUTY SPEAKER — Order! The Minister for Community Services should respond to the matter raised by the honourable member for Ballarat West.

Ms CAMPBELL — On the particular matter the honourable member for Ballarat West raised, I am delighted to inform her, the house and her constituents about community building for people with disabilities. The government is committed to rebuilding a sense of community, and will work to ensure that people with disabilities are included in the community in a way that they have not been previously.

Often access for people with disabilities to basic community activities and infrastructure is diminished, particularly in rural and regional Victoria. In that context the government is working to ensure new initiatives in rural and regional Victoria which will introduce a range of strategies for people, not only in the honourable member for Ballarat West's electorate but also in other country seats throughout Victoria.

One initiative I am pleased to inform the honourable member and this house about is a rural initiative of the Department of Human Services that will be undertaken in the Grampians region. The initiative will build and strengthen the capacity of rural and regional communities to enhance the lives of people with disabilities and their families. That initiative will begin in 2001 and will be informed by international best practice. It is hoped that the pilot in the Grampians region will be the model for other services throughout Victoria.

The new initiatives will increase a range of opportunities for people with disabilities through the development of a framework for integrated and coordinated planning in their local communities. They will involve partnerships and ensure that there is collaboration between people with disabilities, their families, carers and the wider stakeholders in the community.

The government will also be engaged in the provision of direct assistance to families and individuals to improve their access to relevant services and supports,

and in the development of strategies for enhancing the quality and range of disability support in local areas. That will be proactive and will ensure that the initiative piloted in the Grampians with the support of the honourable member for Ballarat West and other keen and interested people in the Grampians region can be used as a model in other areas

Ms KOSKY (Minister for Post Compulsory Education, Training and Employment) — The honourable member for Narracan raised with me high unemployment in rural and regional Victoria, in particular in his electorate. He also raised the issue of access to skills training, particularly for young people.

I am pleased to inform the house that Victoria is leading the charge in skills training and employment opportunities around Australia. Around 30 per cent of the nation's apprentices and trainees are undertaking their training in Victoria — that is, we have 30 per cent of the nation's apprentices and trainees, which is clearly well above our population share.

In the budget the government committed $177 million for training, and I am pleased to report that part of that money will support the 1918 apprentices and trainees who this year have commenced their training across Gippsland. That is an increase of 390 on the same period last year, so that is good news for the electorate of the honourable member for Narracan. I am also delighted that seven of these new places for apprentices are at the Tarago cheese factory. On my recent visit to Neerim South I bought some Tarago cheese. I can attest to the work they do, and I am sure there is support and training for the apprentices.

That good news comes on top of good unemployment rates for regional Victoria. For the second month in a row, regional unemployment was under 10 per cent in every region across Victoria. Unemployment in Gippsland is currently at 9.4 per cent, which is too high, and the government is conscious of the need to have targeted employment strategies, which have been announced over the past few months. There are a number of different projects, in particular in the member's electorate.

Recently I visited the Yallourn campus of Central Gippsland Institute of TAFE where I announced an additional $4 million for that TAFE to ensure its ongoing financial viability — something which the previous government should have done and was not prepared to do and which really undermined the services that were previously provided at that TAFE institute. They are now happy with the additional funds.

In addition, there is $5 million in capital works funding for the Yallourn Campus of the Central Gippsland Institute of TAFE, and I recently announced $30 000 for the establishment of the Latrobe Valley community education cluster.

There are good reasons for the good news from the government — the unemployment level has been far too high and retention rates in schools have been far too low. The government knows it needs to target strategies to make a difference for young people. It is making sure those strategies are in place and that there is funding to go with them.

Motion agreed to.

House adjourned 12.20 a.m. (Wednesday).