

**PARLIAMENT OF VICTORIA**

**PARLIAMENTARY DEBATES  
(HANSARD)**

**LEGISLATIVE ASSEMBLY  
FIFTY-EIGHTH PARLIAMENT  
FIRST SESSION**

**Thursday, 22 October 2015**

**(Extract from book 15)**

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**OFFICE-HOLDERS OF THE LEGISLATIVE ASSEMBLY  
FIFTY-EIGHTH PARLIAMENT — FIRST SESSION**

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The Hon. TELMO LANGUILLER

**Deputy Speaker:**

Mr D. A. NARDELLA

**Acting Speakers:**

Mr Angus, Mr Blackwood, Ms Blandthorn, Mr Carbines, Mr Crisp, Mr Dixon, Ms Edwards, Ms Halfpenny,  
Ms Kilkenny, Mr McCurdy, Mr McGuire, Ms McLeish, Mr Pearson, Ms Ryall, Ms Thomas,  
Mr Thompson, Ms Thomson, Ms Ward and Mr Watt.

**Leader of the Parliamentary Labor Party and Premier:**

The Hon. D. M. ANDREWS

**Deputy Leader of the Parliamentary Labor Party and Deputy Premier:**

The Hon. J. A. MERLINO

**Leader of the Parliamentary Liberal Party and Leader of the Opposition:**

The Hon. M. J. GUY

**Deputy Leader of the Parliamentary Liberal Party and Deputy Leader of the Opposition:**

The Hon. D. J. HODGETT

**Leader of The Nationals:**

The Hon. P. L. WALSH

**Deputy Leader of The Nationals:**

Ms S. RYAN

**Heads of parliamentary departments**

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

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

*Parliamentary Services* — Secretary: Mr P. Lochert

**MEMBERS OF THE LEGISLATIVE ASSEMBLY**  
**FIFTY-EIGHTH PARLIAMENT — FIRST SESSION**

<b>Member</b>	<b>District</b>	<b>Party</b>	<b>Member</b>	<b>District</b>	<b>Party</b>
Allan, Ms Jacinta Marie	Bendigo East	ALP	McLeish, Ms Lucinda Gaye	Eildon	LP
Andrews, Mr Daniel Michael	Mulgrave	ALP	Merlino, Mr James Anthony	Monbulk	ALP
Angus, Mr Neil Andrew Warwick	Forest Hill	LP	Morris, Mr David Charles	Mornington	LP
Asher, Ms Louise	Brighton	LP	Mulder, Mr Terence Wynn <sup>1</sup>	Polwarth	LP
Battin, Mr Bradley William	Gembrook	LP	Naphthine, Dr Denis Vincent <sup>2</sup>	South-West Coast	LP
Blackwood, Mr Gary John	Narracan	LP	Nardella, Mr Donato Antonio	Melton	ALP
Blandthorn, Ms Elizabeth Anne	Pascoe Vale	ALP	Neville, Ms Lisa Mary	Bellarine	ALP
Brooks, Mr Colin William	Bundoora	ALP	Noonan, Mr Wade Matthew	Williamstown	ALP
Bull, Mr Joshua Michael	Sunbury	ALP	Northe, Mr Russell John	Morwell	Nats
Bull, Mr Timothy Owen	Gippsland East	Nats	O'Brien, Mr Daniel David <sup>3</sup>	Gippsland South	Nats
Burgess, Mr Neale Ronald	Hastings	LP	O'Brien, Mr Michael Anthony	Malvern	LP
Carbines, Mr Anthony Richard	Ivanhoe	ALP	Pakula, Mr Martin Philip	Keysborough	ALP
Carroll, Mr Benjamin Alan	Niddrie	ALP	Pallas, Mr Timothy Hugh	Werribee	ALP
Clark, Mr Robert William	Box Hill	LP	Paynter, Mr Brian Francis	Bass	LP
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Crisp, Mr Peter Laurence	Mildura	Nats	Perera, Mr Jude	Cranbourne	ALP
D'Ambrosio, Ms Liliana	Mill Park	ALP	Pesutto, Mr John	Hawthorn	LP
Dimopoulos, Mr Stephen	Oakleigh	ALP	Richardson, Mr Timothy Noel	Mordialloc	ALP
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Donnellan, Mr Luke Anthony	Narre Warren North	ALP	Ryall, Ms Deanne Sharon	Ringwood	LP
Edbrooke, Mr Paul Andrew	Frankston	ALP	Ryan, Mr Peter Julian <sup>4</sup>	Gippsland South	Nats
Edwards, Ms Janice Maree	Bendigo West	ALP	Ryan, Ms Stephanie Maureen	Euroa	Nats
Eren, Mr John Hamdi	Lara	ALP	Sandell, Ms Ellen	Melbourne	Greens
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Fyffe, Mrs Christine Anne	Evelyn	LP	Sheed, Ms Suzanna	Shepparton	Ind
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Graley, Ms Judith Ann	Narre Warren South	ALP	Southwick, Mr David James	Caulfield	LP
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Guy, Mr Matthew Jason	Bulleen	LP	Staikos, Mr Nicholas	Bentleigh	ALP
Halfpenny, Ms Bronwyn	Thomastown	ALP	Staley, Ms Louise Eileen	Ripon	LP
Hennessy, Ms Jill	Altona	ALP	Suleyman, Ms Natalie	St Albans	ALP
Hibbins, Mr Samuel Peter	Prahran	Greens	Thomas, Ms Mary-Anne	Macedon	ALP
Hodgett, Mr David John	Croydon	LP	Thompson, Mr Murray Hamilton Ross	Sandringham	LP
Howard, Mr Geoffrey Kemp	Buninyong	ALP	Thomson, Ms Marsha Rose	Footscray	ALP
Hutchins, Ms Natalie Maree Sykes	Sydenham	ALP	Tilley, Mr William John	Benambra	LP
Kairouz, Ms Marlene	Kororoit	ALP	Victoria, Ms Heidi	Bayswater	LP
Katos, Mr Andrew	South Barwon	LP	Wakeling, Mr Nicholas	Ferntree Gully	LP
Kealy, Ms Emma Jayne	Lowan	Nats	Walsh, Mr Peter Lindsay	Murray Plains	Nats
Kilkenny, Ms Sonya	Carrum	ALP	Ward, Ms Vicki	Eltham	ALP
Knight, Ms Sharon Patricia	Wendouree	ALP	Watt, Mr Graham Travis	Burwood	LP
Languiller, Mr Telmo Ramon	Tarneit	ALP	Wells, Mr Kimberley Arthur	Rowville	LP
Lim, Mr Muy Hong	Clarinda	ALP	Williams, Ms Gabrielle	Dandenong	ALP
McCurdy, Mr Timothy Logan	Ovens Valley	Nats	Wynne, Mr Richard William	Richmond	ALP
McGuire, Mr Frank	Broadmeadows	ALP			

<sup>1</sup> Resigned 3 September 2015

<sup>2</sup> Resigned 3 September 2015

<sup>3</sup> Elected 14 March 2015

<sup>4</sup> Resigned 2 February 2015

**PARTY ABBREVIATIONS**

ALP — Labor Party; Greens — The Greens;  
Ind — Independent; LP — Liberal Party; Nats — The Nationals.

## Legislative Assembly committees

**Privileges Committee** — Ms Allan, Ms D’Ambrosio, Mr Morris, Ms Neville, Ms Ryan, Ms Sandell, Mr Scott and Mr Wells.

**Standing Orders Committee** — The Speaker, Ms Allan, Ms Asher, Mr Brooks, Mr Clark, Mr Hibbins, Mr Hodgett, Ms Kairouz, Mr Nardella, Ms Ryan and Ms Sheed.

## Joint committees

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

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

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

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

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

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

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

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

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

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

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



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**Thursday, 22 October 2015**

**The SPEAKER (Hon. Telmo Languiller) took the chair at 9.33 a.m. and read the prayer.**

**DISTINGUISHED VISITORS**

**The SPEAKER** — Order! I welcome to the gallery this morning Mr John Richardson, director of the Victorian state office of the Department of Foreign Affairs and Trade. You are welcome.

**UNITED NATIONS DAY**

**The SPEAKER** — Order! This Saturday, 24 October, the world unites again to celebrate the 70th anniversary of the United Nations. On this historic day, Parliament House will be illuminated in a blue light — the official colour of the United Nations. Today the work of the United Nations continues and is needed as much as it was in 1945. It delivers humanitarian assistance to 90 million people. It vaccinates 58 per cent of the world's children. It provides 120 000 peacekeepers across the globe. As it has throughout its history, the United Nations seeks solutions to problems that require global cooperation. Australians have always shared in the ideals of the United Nations, and we have demonstrated our commitment in many ways. Today let us salute those Australians who have worn the UN blue in the service of our world.

I would also like to take this moment to pay tribute to Dr Herbert Evatt, who, from 1948 to 1949, was the third president of the United Nations General Assembly. He played a critical role in drafting the United Nations Universal Declaration of Human Rights and was the first chairman of the United Nations Atomic Energy Commission. This United Nations Day I encourage members and their communities to spread images of Melbourne's landmarks in blue across the world on social media so that we connect with the global celebrations.

**FISHERIES AMENDMENT BILL 2015***Introduction and first reading*

**Ms ALLAN (Minister for Public Transport) introduced a bill for an act to amend the Fisheries Act 1995 to establish a scheme to phase out commercial net fishing in Port Phillip Bay, to provide for a limited non-net fishery to operate there on and after 1 April 2022 and to compensate persons whose fishery licences are surrendered**

**under or affected by the scheme and for other purposes.**

**Read first time; by leave, ordered to be read second time later this day.**

**PETITIONS**

**Following petitions presented to house:**

**Special religious instruction**

To the Legislative Assembly of Victoria:

The petition of residents in the Murray Plains electorate draws to the attention of the house:

That the government has scrapped special religious instruction (SRI) in Victorian government schools during school hours.

Prior to the last election, Daniel Andrews and Labor said they would not scrap SRI during school hours in Victorian government schools. Daniel Andrews and James Merlino have announced that next year they will break their promise and will only allow SRI to occur outside of school hours or during lunch breaks.

The petitioners therefore request that the Legislative Assembly of Victoria ensure that the Andrews government reverses its broken promise and allows students attending government schools to attend SRI during school hours.

**By Mr WALSH (Murray Plains) (163 signatures).**

**Special religious instruction**

To the Legislative Assembly of Victoria:

This petition of residents in the Narracan electorate draws to the attention of the house

That the government has scrapped special religious instruction (SRI) in Victorian government schools during school hours.

Prior to the last election, Daniel Andrews and Labor said they would not scrap SRI during school hours in Victorian government schools. Daniel Andrews and James Merlino have announced that next year they will break their promise and will only allow SRI to occur outside of school hours or during lunch breaks.

The petitioners therefore request that the Legislative Assembly of Victoria ensure that the Victorian Labor government reverses its broken promise and allows students attending government schools to attend SRI during school hours.

**By Mr BLACKWOOD (Narracan) (63 signatures).**

**Tabled.**

**Ordered that petition presented by honourable member for Murray Plains be considered next day on motion of Mr WALSH (Murray Plains).**

**Ordered that petition presented by honourable member for Narracan be considered next day on motion of Mr BLACKWOOD (Narracan).**

## DOCUMENTS

### Tabled by Clerk:

Australian Grand Prix Corporation — Report 2014–15

Bass Coast Health — Report 2014–15

CenITex — Report 2014–15

*Financial Management Act 1994:*

Reports from the Minister for Environment, Climate Change and Water that she had received the reports 2014–15 of the:

Barwon South West Waste and Resource Recovery Group

Commissioner for Environmental Sustainability

Gippsland Waste and Resource Recovery Group

Grampians Central West Waste and Resource Recovery Group

Loddon Mallee Waste and Resource Recovery Group

North East Waste and Resource Recovery Group

Game Management Authority — Report 2014–15

*Interpretation of Legislation Act 1984* — Notice under s 32(3)(a)(iii) in relation to Statutory Rule 85 (*Gazette G41, 15 October 2015*)

Melbourne Market Authority — Report 2014–15

*Parliamentary Committees Act 2003* — Government response to the Rural and Regional Committee's Report on the Inquiry into the Opportunities for Increasing Exports of Goods and Services from Regional Victoria

Port of Melbourne Corporation — Report 2014–15

Public Prosecutions, Office of — Report 2014–15

*Subordinate Legislation Act 1994* — Documents under s 15 in relation to Statutory Rule 115

Victorian Electoral Commission — Report 2014–15

Victorian Inspectorate — Report 2014–15

Victorian Responsible Gambling Foundation — Report 2014–15

West Gippsland Healthcare Group — Report 2014–15.

## BUSINESS OF THE HOUSE

### Adjournment

**Ms ALLAN** (Minister for Public Transport) — I move:

That the house, at its rising, adjourns until Tuesday, 10 November 2015.

**Motion agreed to.**

## MEMBERS STATEMENTS

### Chandler Highway bridge

**Ms RICHARDSON** (Minister for Women) — Two significant projects for my community took a leap forward last week. The first, fixing the bottleneck that is the Chandler Highway bridge, has been a key priority for me and for Labor, and, sadly, it is one that sat on the backburner over the four do-nothing years of the former Liberal government. We have now moved into the community consultation phase of the design of the project, with draft options put before residents at VicRoads forums last week. It was clear from these sessions that the VicRoads preferred option — a western alignment — is not at all welcomed by residents living immediately alongside the proposed route. Moreover, the eastern route looks good on paper but impacts on the Guide Dogs Victoria building and on a heritage-listed industrial building. I have asked VicRoads to address all the questions and concerns raised by residents and added a few of my own. CEO John Merritt has also agreed to look at all suggested alternative designs and options.

### Northcote High School

**Ms RICHARDSON** — On another important Labor project, Kerstin Thompson Architects have been appointed for the Northcote High School's master plan development. The project will deliver a first-class arts hub, again thanks to a \$3 million investment by the Andrews Labor government.

The Chandler Highway bridge and development of the Northcote High School are two great Labor projects that will deliver significant outcomes for my community.

### Felicitations

**Ms RICHARDSON** — On a personal note, congratulations to my sister Kris Newnham and her wonderful partner, Nick Darcy, who overnight welcomed our clan's newest baby — a wee girl

fabulously named Matilda. We have waited so long for this day, and truly we will need to be restrained from spoiling her too much. Well done. You have made the Newnham-Richardson-Darcy family so happy and proud.

### **Bulleen electorate sporting clubs**

**Mr GUY** (Leader of the Opposition) — Bulleen is the greatest electorate in the state, so I want to place on the record my congratulations to the committee of the Templestowe United Football Club, a new and emerging soccer team playing at Bulleen Park. It was my honour to secure funding, under the Liberal-Nationals government, which was matched by the council, to see the team build its first clubrooms. I want to acknowledge Cr Jim Grivokostopoulos of Manningham City Council, who was the mayor at the time, and the council's CEO, Joe Carbone, who both worked closely with me to see that this new club would get the facilities it needed for the first time. It means that kids and parents will no longer operate out of the back of cars or two bus shelters; they have rooms, a kitchen and storage facilities. I was proud to be at the opening and proud to help the outstanding team of parents who are leading this club for the enjoyment of so many local kids.

I also pass on my congratulations to the Doncaster Sharks football team, which won the Eastern Football League division 2 grand final. The Donny Sharks is a great club. The team had strong competitors in Doncaster East, as the member for Warrandyte would attest, and together both teams performed well on the day and did Doncaster proud. The Eastern Football League division 2 grand final was well attended, which underlines the importance of football to the eastern suburbs. It has been my absolute pleasure to get to know both clubs, particularly the Sharks, very well over the last nearly two years and to secure funding under the Liberal-Nationals government for the Sharks, particularly for them to upgrade their scoreboard. Congratulations to the Sharks on their win. Well done also to Doncaster East. Congratulations to both of them for the work they have done in securing funding, through myself and the member for Warrandyte, to upgrade their facilities.

### **Kate McLeod and Simone Carroll**

**Mr NOONAN** (Minister for Police) — Victorians value highly the crucial service our police perform in protecting the community. The community understands that the role of a police officer can be complex and at times dangerous. This week we have sadly farewelled

two serving policewomen, lost in the prime of their lives, never to be returned to their families.

On Monday, we remembered Senior Constable Kate McLeod; I attended her funeral with the member for Gippsland East. Kate was tragically killed on her way to work in a road accident. She was a valued member of the Gippsland police family and was stationed at Sale at the time of her death. Among her many achievements was that Kate had received a regional commendation for courage after she rescued a suicidal man. Our condolences are extended to her long-time partner, Lisa, and extended family, friends and colleagues.

On Tuesday, I attended the funeral of Leading Senior Constable Simone Carroll. Simone had been a member of Victoria Police for 13 years, and she was awarded the Victoria Police Service Medal in 2012. Her loss has left an immeasurable hole in the lives of her three sons, her mother, Jan, stepfather, John, and the rest of her family, who together with colleagues and friends packed the police chapel at the academy. It was clear from those who spoke of Simone's life on Tuesday that she was a loving and devoted mother, a professional police officer and a loyal friend. Our thoughts and condolences, as a Parliament, will remain firmly with her family.

We thank these two officers for their service to the Victorian community.

### **Lowan electorate drought assistance**

**Ms KEALY** (Lowan) — I have raised concerns in this place on a number of occasions over the past months about the impact of the dry seasonal conditions on our food producers. Unfortunately the season has been worse than expected, with low rainfall coupled with unseasonably high temperatures devastating our crops and reducing water supplies on farms. When speaking to the people of my electorate, I have noted their deep concerns that the government is not doing enough to support our people and communities during this difficult period.

I urge the Labor government to immediately release drought-concessional loan funds so that our local food producers have some peace of mind that financial support is available. I also ask the government to consider the impacts of the season on the wider community, such as schools, local businesses and community organisations, and to ensure the appropriate support is provided to our people as soon as possible.

### Wimmera Highway

**Ms KEALY** — The undulating surface of the section of the Wimmera Highway between Mount Arapiles and Horsham has earned it the nickname of the ‘roller-coaster road’. The community are desperate for the road to be repaired. I urge the Minister for Roads and Road Safety to immediately confirm whether this section of the Wimmera Highway will be repaired and upgraded this financial year.

### Regional and rural roads

**Ms KEALY** — Local councils are being hit hard by this Labor government. With the removal of the country roads and bridges program each and every council is losing \$1 million every year, which would have been allocated to repairs of extensive road networks that our rural councils manage. With this government’s rate capping policy reducing the ability of councils to raise revenue, the need for state government support is higher than ever. I urge the government to reconsider providing direct funding to rural councils so that they can appropriately manage their country road networks.

### Woodbine cabaret

**Ms KEALY** — Congratulations to the team at Woodbine and Rural Northwest Health for running the annual Woodbine cabaret. This fabulous event was enjoyed by the Warracknabeal community, with special invited guests from Woodbine. It is a great example of how a community can build on the theory that we all enjoy a good night out to break down the barriers for people with a disability.

### Rural City of Horsham

**Ms KEALY** — Congratulations to Horsham on winning the title of Victoria’s tidiest town. Well done to Don Johns and the committee on this great achievement for the community.

### Don Chambers

**Ms NEVILLE** (Minister for Environment, Climate Change and Water) — I take this opportunity to note the recent passing of Don Chambers, who amongst many things was a much-respected environmental leader and advocate.

Don was born in Rutherglen into a farming family and spent a lifetime contributing to his hometown and the wider region. He was serving his fourth term as councillor on the Indigo Shire Council and served as mayor in 1999 and 2000. Don was the chair of the

North East Waste and Resource Recovery Group and its predecessor organisation, and he was a passionate contributor to state government waste management policy.

Through his role as councillor, Don joined Keep Australia Beautiful, and through his commitment to the organisation he went on to become its national chairman for 10 years. It was in this role that Don made his mark nationally as an environmentalist. Philip Robinson, CEO of Keep Australia Beautiful, said of Don:

All those who knew and worked with Don were touched by his energy and contagious passion for the environment.

Other organisations Don was involved with include EcoRecycle Victoria, Sustainability Victoria and North East Water. He was also a member of the water and Landcare advisory committee of the North East Catchment Management Authority.

Personally, I had a huge amount of respect for Don, and I appreciated his kind counsel on a number of issues. He was a man who contributed enormously to the health of our environment. I express my sincere condolences to Don’s family and friends. Vale, Don Chambers.

### Government performance

**Mr R. SMITH** (Warrandyte) — Who can forget the Premier’s solemn promise to Victorians on 28 November 2014. When asked by Peter Mitchell of Channel 7 news, ‘Do you promise Victorians here tonight that you will not increase taxes or introduce any new taxes?’, the Premier answered, ‘I make that promise, Peter, to every single Victorian’.

Victorians in my electorate know just how little the Premier’s promises are worth. Residents in North Warrandyte faced a whopping 12.1 per cent average increase in their fire services property levy this year in a major hit to the family budget. This alone shows the Premier’s promises were just words that were to be forgotten after he won the people’s votes.

But it did not stop there. The Premier also made the firm promise that Victorian Labor would force councils to cap their rates at CPI. With CPI calculated at 1.1 per cent, North Warrandyte residents were shocked to see their rates increase by 5.5 per cent this year. Victorians took the Premier at his word when he said no compensation would be payable for breaking the east–west link contract, which cost Victorians \$1 billion; that he would maintain current budget surpluses, which he slashed by 50 per cent; and that he

would not raise taxes. Empty promises may have got the Premier elected once, but Victorians will not be fooled by his lies a second time.

### **Olympic Village Child and Family Centre**

**Mr CARBINES** (Ivanhoe) — I am pleased to make a contribution and thank the members of the Heidelberg West community for the work they have done that has seen the opening of the Olympic Village Child and Family Centre just the other week. It is a project that I have had a long association and connection with. I was a Banyule city councillor when back in 2007–08 we secured \$750 000 as a contribution towards that project. I opened the facility on behalf of Jenny Mikakos, the Minister for Families and Children, who has done a great job in children's services since coming to government. The project cost more than \$2 million in total, with a contribution of \$500 000 from the state government through the Department of Health and Human Services partly for community building and renewal.

This project was originally announced by the previous government back in May 2012, and our daughter, Ava, was born that very week. It took three and a half years to get the building constructed and opened under Labor, after holding the previous government to account after it had made announcements some three and a half years ago but never delivered on the project. It was only under Labor that we were able to get that project opened and make sure it is of benefit to Heidelberg West families. Members of the previous government dragged their heels and were condemned for it by the people of Heidelberg West.

### **Portland Bay School**

**Mr WAKELING** (Ferntree Gully) — Firstly I wish to raise a matter on behalf of the Portland Bay special school students and their parents in regard to the future of the school. The government was pushed into a position where it had to commission a report, and it guaranteed to members of the school community that the report would be provided to them at the end of term 3. Up to the last couple of days they had not yet received the report. This is certainly not good enough. The community members are expecting the report to be handed down. It will outline the future of the school. I call upon the government to deliver on its commitment to provide a copy of the report to the Portland Bay School community.

### **Vietnam Veterans Association of Australia**

**Mr WAKELING** — I was very pleased to join the member for Bayswater and the federal member for Aston at the Outer Eastern Melbourne sub-branch of the Vietnam Veterans Association for the association's 20th anniversary celebrations. Congratulations to Aff Binnoore, the committee and the members. They provide a wonderful support for our Vietnam veterans community, particularly for those dealing with the challenges of the Vietnam War. I congratulate everyone involved.

### **McDonald's Ferntree Gully**

**Mr WAKELING** — Congratulations to Howard Armytage and the staff at the Ferntree Gully McDonald's. Like many other members of Parliament, I was very pleased to join them recently for McHappy Day. I know it raises much-needed money for Ronald McDonald charities. I congratulate them for all the work that they do.

### **Regency Park Primary School**

**Mr WAKELING** — Thank you to Carolyn Drinkwater, the principal, and all the students at Regency Park Primary School. I was very pleased to recently join them for principal for a day. It is a great school in Wantirna, and I was very pleased to see the great work that is being done by the teachers. I say thank you again.

### **Balibo Five**

**Ms GRALEY** (Narre Warren South) — The Balibo Five — Greg Shackleton, Gary Cunningham, Tony Stewart, Brian Peters and Malcolm Rennie, who were Channel 7 and Channel 9 journalists and cameramen — were killed in East Timor on 16 October 1975. Last Friday, 40 years on, a large crowd gathered at Victoria University to commemorate their tragic deaths, to vow to continue to remember them and in their names to extend our support for and build friendships between the people of Timor-Leste and Australia. Shirley Shackleton, widow of the charismatic Greg, reiterated her quest, now 40 years long, for truth and justice. Mal Walden, the familiar voice of *Channel 7 News*, delivered a powerful speech that was deeply affecting, recalling the toss of the coin that sent his fellow journos and adventurous friends to East Timor. He called on us all to not forget them. The Media Entertainment and Arts Alliance has set up a permanent scholarship to develop East Timorese journalists, the Balibo Five-Roger East Scholarship.

Thank you to Terry Bracks, Rob Hudson, Damien Kingsbury, Monica Ferrie, Shirley Shackleton and John Milkins. We all appreciated John sharing with us his Dad's last letter home; it evoked tears. And, yes, we will keep asking questions. The restoration of the Balibo Flag House and the establishment of the Balibo Fort Hotel and now the Balibo Dental Clinic is outstanding work. It is much appreciated, and it represents 12 years of progress on the part of the Balibo House Trust.

Shirley Shackleton told us about Greg's last report, which is a must watch and was done in one take, such was his professionalism. He signed off:

Greg Shackleton, at an unnamed village which we'll remember forever in Portuguese Timor.

Forty years later, we remember them.

### Shepparton Agricultural Show

**Ms SHEED** (Shepparton) — It was great to attend the Shepparton Agricultural Show, which took place on 9 and 10 October. The Shepparton Agricultural Society was formed in 1877, and it held its first show in that year. Events of the current year's show included a celebrity milk-off, an attempt to achieve a Guinness world record for the largest number of hand-painted cows and the decorated novelty cake competition. The All Aboard Shepparton campaign took pride of place in this cake section, where 14 train cakes were entered in the bake-off, including one from the year 5 and 6 students of Congupna Primary School. V/Line contributed a voucher for travel for a family of four that went to the winner of the competition.

I would like to thank all of those who participated in the competition. I also thank the Shepparton Agricultural Show and V/Line for the help provided in continuing to promote our campaign for better rail services for the Shepparton district, which is so strongly supported in our community. Country shows are an important part of the fabric of our community, and the committee of the Shepparton Agricultural Show is to be congratulated on the job it did in presenting this event.

### St Vincent de Paul Society

**Ms SHEED** — I was honoured to attend the Victoria festival celebration lunch of the Goulburn Valley regional council of the St Vincent de Paul Society in Tatura on 11 October. There are approximately 300 groups of St Vincent de Paul Society members, known as conferences, operating across Victoria, with 10 operating within the Goulburn Valley region. The society relies primarily on funds

generated by the Vinnies centres, of which there are six in the region. I spoke about areas of disadvantage in our community. I was pleased to be able to congratulate all the St Vincent's volunteers on the great work that they do in our community.

### Trevor Sinclair

**Mr CARROLL** (Niddrie) — I rise to celebrate the life of Trevor Donald Sinclair, 27 January 1944 to 6 October 2015. He was a community champion, trusted friend and mentor. I first met Trevor at a community barbecue on the banks of the Maribyrnong River, organised in support of good people like Trevor for the then upcoming council elections in 1997. This was the beginning of our wonderful friendship.

As history shows, Trevor went on to win his spot on Moonee Valley City Council, serving his community for nine years, including as mayor in 2000. Upon his election he was immediately busy, leading the campaign to save the Niddrie quarry from becoming a toxic waste site. Over a five-year period, Trevor and like-minded supporters fought the proposal every step of the way, with people power eventually winning the day when the Kennett government abandoned its plans. The former Niddrie quarry site is now a new housing estate, Valley Lake, and natural wetland, with the old crater beautified and having become Niddrie Lake. Trevor was so proud of that campaign; his favourite piece of clothing was his 'Niddrie Lake — Whatever it takes' jumper. Twenty years on he was still wearing it proudly.

I was honoured to pay tribute to Trevor at his service at the Keilor East RSL, a place Trevor loved and where we celebrated his 70th birthday. A true believer and a life member of the ALP, Trevor would be proud of the 250 people who came to pay their respects, including federal Labor leader Bill Shorten, current and former state members of Parliament and community leaders. Trevor's legacy to the community is profound, and we are all the beneficiaries.

I would like to conclude with the beautiful words of his beloved wife, Morag, in the *Herald Sun* of 9 October:

A wonderful man to his family and tireless worker to the community will be missed by many people for his good works. He lived for his family and was my Rock. Your busy hands are at rest. You fought so hard to stay with us. Rest peacefully with Aileen. Stay with me always until I come to you and Aileen, your Morag.

Rest in peace, comrade. The legacy you have left is incredibly humbling. You were a wonderful man and a community champion. You have left a legacy to the

people of Moonee Valley and the broader Victorian community. You will be missed but not forgotten.

### **VicRoads relocation**

**Mr BURGESS** (Hastings) — On 14 October I joined the member for Ripon in Ballarat to speak to small businesses about the urgency of relocating VicRoads headquarters to Ballarat. The relocation of VicRoads to the civic hall site in Ballarat was instituted by the coalition government in March last year. It will involve employing 600 people and inject \$60 million into the local economy. Ballarat business owners are urging the Andrews government to get on with it. Ballarat has been deliberately misled by the Premier, who had been denying that any work had been done by the coalition in readiness for this relocation until an embarrassing leak from his own government revealed he had been covering up the significant preparatory work that had been completed.

### **Police resources**

**Mr BURGESS** — A newspaper article appearing earlier this week reported that in keeping with its new method of policing, Victoria Police has added yet another police station to its growing list of fully or partially closed police stations. The article should have also run a warning to all Victorian communities — that their police stations are under threat from this soft-on-crime government. Of course the minister claims to know nothing of this policy to close stations, as he says these are operational matters. However, the serious flaw in the minister's claim is that these closures have been ordered by the new Chief Commissioner of Police according to his belief that police stations are only used for having statutory declarations signed and in line with what he calls his new method of policing. Surely a responsible minister would have done his due diligence and agreed with his new chief commissioner's policing approach.

### **Coastal Villages Art Group**

**Mr BURGESS** — Last Friday evening I was pleased to attend the opening night of another wonderful Coastal Villages Art Group exhibition at the Warneet Motor Yacht Club. This year was the fifth exhibition; it was called Coastal Kaleidoscope. A new section was introduced this year for young artists in the 9 to 17-year-old age group, and next year will see the introduction of a section for people with a disability.

### **Breast Cancer Awareness Month**

**Ms KAIROUZ** (Kororoit) — I rise today to speak about Breast Cancer Awareness Month. As many of us in this place are aware, October is Breast Cancer Awareness Month. This month gives us a chance to pause and reflect on the impact that breast cancer can have on those we love and on our community as well as raising awareness about this terrible disease.

So many of us in this community have been touched by cancer, either personally or by supporting a family member or a friend through this difficult time. We know the pain of losing our friends and loved ones. According to the Australian government breast cancer is still the most common cancer among Australian women. Early detection provides the best chance of surviving this disease. Because of the prominence of national campaigns such as Breast Cancer Awareness Month survival rates from this disease continue to improve in Australia, with 89 out of every 100 women diagnosed with breast cancer now surviving five or more years beyond diagnosis. The advancement in the survival rates of breast cancer in Australia is wonderful; however, it is important that we continue to encourage early diagnosis of this disease within our local community.

Breast Cancer Awareness Month promotes that you do not need to be an expert to check your breasts. If a woman notices any changes to the size or shape of her breasts, new lumps, changes to the skin or unusual pain that does not go away, she is encouraged to see their doctor. You are also encouraged to see your doctor if you have a family history of the disease. I encourage everyone to get involved in this campaign. It is important that you discuss the signs and symptoms of breast cancer and your family history with your family and friends to ensure that early detection is possible. I encourage everybody to get involved in this wonderful campaign.

### **Lucy Mertens**

**Mr D. O'BRIEN** (Gippsland South) — I rise to congratulate the wonderful Lucy May Mertens, who was the former owner of Lucy May's cafe in Korumburra and was a finalist in the Young Business Women's Award at the Telstra Business Women's Awards held at Crown on Tuesday night. Lucy opened her cafe at just 21 years of age, and it quickly became a local and tourist favourite, with everything sold having been produced on site. Lucy also played a strong role in revitalising the Korumburra Business Association this year, bringing great energy and ideas to the local business community. Unfortunately for Korumburra

Lucy has now sold the cafe and moved away, a move we all hope will be temporary.

### **Port Welshpool coastguard**

**Mr D. O'BRIEN** — I also want to pay tribute to Sid and Wendy Hurley who happen to hail from Morwell but who have volunteered with the Port Welshpool coastguard for over 35 years. The Port Welshpool flotilla's new rescue craft has been named the *SW Hurley* in their honour. The new boat is the former police boat from Paynesville which, thanks to the efforts of the member for Rowville as the former police minister, has been gifted by the police to Port Welshpool. Congratulations to Rocky Maruzza and all the volunteers of the flotilla on their new boat. It is certainly a great asset to the region.

### **Bruce Cox**

**Mr D. O'BRIEN** — Well done also to the community of Loch Sport and cyclists from around Wellington shire, who turned out to raise funds for motor neurone disease research in honour of local man Bruce Cox, who is suffering from this debilitating condition. Coxy is a local legend, having been secretary of the Sale Football Club for many years and heavily involved in local sport. He also happens to have won the 1965 Stawell Gift. Well done to all the community for their efforts, and our thoughts and prayers are with you, Coxy, as you fight this fight.

### **Sensitive Santa program**

**Ms WARD** (Eltham) — As we approach the end of the year I rise to bring to the attention of the house one of my constituents who makes Christmas special for some in our community who do not always have an opportunity to enjoy it. For kids on the autism spectrum, visiting Santa can be a very stressful experience. Large crowds, bright lights, loud noises and having to stand in a queue can make a visit to Santa impossible for these children. My cute, funny and cheeky nephew Cooper has Fragile X and autism, and I know what a challenge it can be for him to go to places with loud noises, flashing lights and bright colours. Too much stimulation only leads to many autistic children having a terrible experience and creates a very stressful situation for parents.

Stephen Fox, who is involved in the Sensitive Santa program, brings the joy of Christmas to kids with autism spectrum disorders in a friendly, reassuring, sensitive way. Families can book times with Santa so there is no rushing or standing in line, and there are not the bright colourful displays associated with shopping

centre Christmas lights. Instead the lights and music are low and there are very few other sensory distractions. This experience gives families absolute joy and a beautiful memory. It gives them an experience they would otherwise miss out on if these wonderful volunteers were not there to gently and quietly give these children time with someone they believe to be kind and magical.

Childhood is a very special time, and I thank Stephen Fox and the other Sensitive Santas for helping autistic children to have such a special experience that most families take for granted. As someone who loves somebody with autism, I am grateful for the work of Stephen and all Sensitive Santas. I commend Stephen on his wonderful work in making a joyful experience accessible to families and kids who might otherwise be excluded.

### **Twelve program**

**Mr SOUTHWICK** (Caulfield) — When we hear negative reports attacking Israel and the Jewish community, it is great to share some positive news about great initiatives run by the Jewish community assisting Victorians predominately outside the community. One great example is Twelve, which is a unique hands-on volunteering program for bat mitzvah girls and their parents to complete a year of kindness. This program was the brainchild of Moran Dvir, Amanda Miller and Natalie Hershen, who wanted to give their girls a special experience of volunteering and helping the broader community. I also acknowledge Natalie Lewit, Lindy Susskind, Romy Katz, Bianca Janover and Jason Cohen for providing valuable assistance on the committee.

In the space of several months, Twelve has snowballed into a large-scale program with 100 participants from 10 different schools. My daughter, Paige, also participated in the program's events this year, which included helping charities like KOALA Kids at the Royal Children's Hospital, McAuley Community Services for Women, Whitelion, Ardoch Youth Foundation, The Alannah and Madeline Foundation, Melbourne Aboriginal Youth Sport and Recreation Cooperative, and Mums Supporting Families in Need. Activities included running bookstalls for kids, making fleecy scarves for the homeless, visiting sick kids and planting a vege garden in a shelter for homeless women. The group will be running a Thirteen program for boys next year, and I look forward to the program's ongoing success. Kol hakavod.

### Israel stabbings

**Mr SOUTHWICK** — Our thoughts are with the citizens of Israel in this difficult time of stabbings that they are seeing on their streets. I encourage everyone to stand up and show support for Israel at this difficult time.

### Geelong drug and alcohol management trial

**Ms COUZENS** (Geelong) — I recently attended the launch of an Australian-first drug and alcohol management program trial created by the Building Industry Group and Brookfield Multiplex at the new Epworth hospital in Geelong. This trial will see 10 per cent of an approximately 550-strong workforce on the site tested, as well as management, safety representatives and union officials. It is the first of three trials to be conducted on the site. I congratulate the Construction, Forestry, Mining and Energy Union (CFMEU), the Electrical Trade Union (ETU), the plumbers union and Multiplex for participating in this Australian-first innovative drug and alcohol management program trial. The trial emphasises the benefits of a collaborative approach to managing the complicated issues around drug and alcohol impairment on building sites and is based on the principles of education, support, counselling and rehabilitation.

John Setka, the secretary of the CFMEU, spoke about the issue of ice and how it can have shocking effects on friends and family. He highlighted that the trial marks a real turning point in the construction sector and demonstrates that the construction unions are serious about a mature and responsive approach to prevention and treatment of those with drug and alcohol dependency issues. Troy Gray from the ETU explained that the collaborative approach being taken has the confidence of all parties and said that this is the only way to deal with getting the balance right between ensuring a safe workplace and protecting the rights and privacy of workers. Earl Setches of the plumbers union said that he fully supports the important trial. The policy of self-testing works to encourage employees to test themselves for drugs and alcohol prior to beginning work for the day, anonymously and without fear of retribution.

### Graeme Nicholls

**Ms RYALL** (Ringwood) — On 6 October our community and the Liberal Party lost an incredible man. Graeme Nicholls was born on 15 May 1948 and passed away on 6 October. He was an incredible man who fought a valiant battle for many years against lymphoma — and he overcame the odds time and

again. Subsequently melanoma was the cancer that took his life. Graeme was a wonderful friend, and he was a stalwart of the Liberal Party — an incredible supporter. He was a man who did anything he could to support me, whether it be hanging a frame in my office or volunteering to assist me in any way he could, and for that I am forever grateful. Graeme was a loving husband to Robyn. He was a wonderful father to Ruth, Peter and Andrew. They are an incredible family. He was a champion race walker, and to this day records still stand that Graeme achieved in his youth. He was still doing marathons in his 60s, and indeed while he was undergoing chemotherapy, such was the strength of his determination. Graeme was an unsung hero, and I appreciate his life.

### Khodayar Amini

**Ms WILLIAMS** (Dandenong) — I rise to acknowledge the sad death of Khodayar Amini, who was a member of the Dandenong Afghan Hazara community. Last Sunday Mr Amini took his own life in the most tragic of circumstances, setting himself on fire at a park in Dandenong. Mr Amini was a 30-year-old Afghan asylum seeker, and the best years of his life should have been ahead of him. The Hazara community in Dandenong is a tight-knit community who have been shocked by the passing of Mr Amini. On Tuesday members of the community gathered to lay flowers and pay their respects to a friend they had lost.

Of course such acts of tragedy are often linked to the circumstances and challenges being faced by the individual. In this instance the strain on Mr Amini was the uncertainty imposed on him by the current federal immigration regime and its treatment of asylum seekers. Mr Amini had been released from the Yongah Hill immigration detention centre in Western Australia on a bridging visa and had been living in Sydney before arriving in Dandenong.

It has been suggested by many in the community that the uncertainty of Mr Amini's situation and the fear of being returned to immigration detention and sent back to Afghanistan drove him to take this extreme action. In light of this tragedy and others like it, the federal government should re-examine its approach to detention, processing and the support it provides to asylum seekers. The cruelty of the current regime is having a disastrous impact on the health and wellbeing of many asylum seekers, whose aim is simply to build a better life for themselves and their loved ones. The impact is being felt deeply in many communities in Dandenong.

My thoughts go out to Mr Amini's friends and family in the Hazara community of Dandenong as they mourn the loss of someone close. Let us hope that from tragedy real change can be made to prevent this from happening again and those fleeing harm and fear in their homeland are afforded the compassion and opportunity they deserve.

### **St James the Less Anglican Church**

**Mr MORRIS** (Mornington) — Last Sunday I had the great pleasure of attending a service to mark the 150th anniversary of the foundation of St James the Less Anglican Church in Mount Eliza. The service was in the new church, but the little church, as it is known, is attached to the new church and was a tangible reminder of an earlier time.

Anglican Archbishop Philip Freier and his wife attended the service conducted by Vicar Shane Hübner, which marked the culmination of 10 days of celebratory events. The large crowd present celebrated not only the anniversary but the work of the parish in the wider community, both in a historic and ongoing sense. That work was and remains substantial.

I congratulate the parish and all associated with the celebration, and I particularly congratulate the chair of the anniversary committee, Di Horscroft, who worked tirelessly to create a celebratory program which will be long remembered. The morning tea was certainly something special. Congratulations to all involved in this significant event.

## **BUSINESS OF THE HOUSE**

### **Standing and sessional orders**

**Ms ALLAN** (Minister for Public Transport) — I move:

That so much of standing and sessional orders be suspended on Wednesday, 11 November 2015, to allow the sitting to start at 2.00 p.m. and the order of business to be:

question time (2.00 p.m.)

formal business

statements by members

statements on parliamentary committee reports

government business

adjournment debate (7.00 p.m.).

In making a few short comments on the detail behind the need to move this motion, I indicate that this is being done to accommodate the important and

significant date of Remembrance Day on the calendar. It is a very important day. A range of events are obviously held around 11.00 a.m. on that day, the largest of those being at the Shrine of Remembrance here in the centre of Melbourne, but there are also events held in many locations across the state.

From my experience in this place, it is not for the first time that the sitting calendar has been put in place in a way that sees the Parliament sitting on Remembrance Day, and in line with previous practice, the sessional orders have been changed when this has been the case. The sessional orders that are being proposed will change the format of what is a traditional Wednesday to allow the house to start at 2.00 p.m., with question time as the first order of business and the rest of the agenda to proceed. As I said, this is consistent with what has happened in the past when this circumstance has also arisen.

I appreciate that for members who live some distance away it will not necessarily mean they are able to get to events in their electorates, and as a country member of Parliament I have great sympathy with that view. There are many events that happen during parliamentary sittings that we cannot get to because of distance, but this will enable a significant number of members who wish to attend the ceremony at the shrine or attend other ceremonies around the city and in our regional areas to attend those ceremonies and be back in Parliament by 2.00 p.m. for question time at the start of the sitting day.

In going through the suggested program — and I thank the clerks for their assistance in preparing this motion for consideration by the house today — it may have escaped the notice of opposition members that what normally happens on a Wednesday is debate on a matter of public importance, and the rotation meant that it was to be the government's matter of public importance dealt with on the day. We have therefore decided not to include that matter in this program because we want to maximise the time that is available for legislation.

As members will see from the notice paper, we have introduced a number of bills this week, and we will be keen to see a number of them progressed during the next sitting week. We understand there are some quite significant bills on that program, and we will want to maximise the time available for debate. This program does that. It maximises the time for debate on legislation, and as such the government is forgoing the matter of public importance that had been scheduled for that day.

I hope the motion is supported by all members of Parliament in recognition that Remembrance Day is, as I said earlier, a very important day to acknowledge the service and sacrifice of men and women over many decades who have served this country. We will pay them due respect on this very important day.

**Mr WALSH** (Murray Plains) — I rise to speak on the motion of the member for Bendigo East. As any member of this house would know, Remembrance Day is celebrated at the 11th hour of the 11th day of the 11th month to show respect for the signing of the armistice that occurred 97 years ago, at the end of World War I, when the guns of the Western Front fell silent after four years of war. Services are held right across Victoria in all communities because a lot of people served in that war and a lot of people paid the ultimate sacrifice in that war so that we could enjoy the democracy we do in this country today. We all owe respect to those people who did that.

One of the things that the then Leader of the Opposition, Ted Baillieu, did the last time this became an issue, when Parliament was sitting on Remembrance Day, was to give a commitment that if we were elected to government, we would structure the sitting week such that we would not sit on Remembrance Day. For the four years we were in government we did that, because the very issue we have before us today was an issue in one of the years of the previous government.

In compiling the sitting program for this year the government has listed a sitting week that falls when Remembrance Day is occurring. In discussions with the RSL it has been keen to ensure that Remembrance Day does not become a political issue, and I do not believe it should be one. Everyone in the community should show respect for those people who served this country in previous wars, but I am afraid the motion of the member for Bendigo East has made it a political issue. Whether we like it or not, it has now become a political issue because the member's motion forms two classes of MPs in the house. We have a class of MP, whose electorate is less than 2 hours from Melbourne, who can go and attend a community service and lay a wreath on Remembrance Day, and we have a class of MP, who represent electorates more than 2 hours from Melbourne, who cannot do that and be in this place at 2 o'clock for question time. It is an absolute shame on this government that it is setting up two classes of MPs — some who can attend services in their community and others who cannot because of the sheer physical difference. That is something the government needs to reconsider over that particular time.

The RSL holds those services. We play an important role in a lot of these events where, as the community representative, you go along and lay a wreath. Country MPs who are more than 2 hours from Melbourne will not be able to do that in their communities, and I think that shows a total lack of respect for country Victoria by the Labor Party, by the Labor government and particularly by the member for Bendigo East, who has moved this motion. We will not be able to show that respect for those people who served in World War I and in other conflicts into the future.

This discriminates against country MPs. The Labor Party may not think country Victoria exists, but country Victoria does exist. It is important to Victoria. I think it is important as country MPs that we can go back to our communities, the same as a city MP can, but also fulfil our roles as parliamentarians in this place.

Unfortunately the sitting program has been set. What we have here is exactly the same situation we had under the previous Labor government whereby the house was sitting later so that city MPs could go back to their electorates — but country MPs could not. I think it is an absolute shame. I note that the Minister for Veterans is the minister at the table, and I would like him to take on notice that country MPs are not happy about this particular situation and our communities are not happy about this particular situation. They expect us to attend services. We should have the same rights as any city MP and any Labor Party MP and be able to get back to our electorates but fulfil our roles as parliamentarians as well.

I ask the member for Bendigo East, as the mover of this motion, perhaps to reconsider the situation so that we can attend services in our communities, because this motion just shows a total lack of respect for country Victoria, for country MPs and, more importantly, for the RSL branches in our communities.

**Mr EREN** (Minister for Veterans) — I obviously support the motion moved by the Leader of the House, which will allow Victorian parliamentarians to pay their respects to veterans on Remembrance Day, 11 November. The 11th hour of the 11th day of the 11th month is a significant moment, and I am sure that those MPs who want to pay their respects can do so. As we can appreciate, the wheels of democracy keep moving, and there are lots of bits of legislation that come through this house as part of our democracy that will improve the lot of Victorian communities. We need to be mindful of that as well, and clearly there is a set agenda in terms of legislation. There is some very important legislation going through, and some of those bits of legislation, I am sure most people would agree,

need to go through this place and be enacted. This is the first time, as the Leader of the House has indicated, that Parliament is not sitting through at this particular time.

I pick up on the comments made by the member for Murray Plains, which I appreciate. As the Minister for Veterans I have appointed former Premier Ted Baillieu to continue as chair of the Victorian Anzac Centenary Committee because it is an important role, politics aside. I have done that deliberately because I think he is the right person for the job — and he is doing a great job — and because I think it is inappropriate to act politically in an environment where we are talking about veterans. I certainly agree that traditionally we take a bipartisan approach to matters that pertain to veterans.

I will just put some context around all the things that are happening in the veterans area. Only the other day in relation to the poppies project, it was intended that 120 poppies be made, knitted or sewn, then the number grew to 5000 and now we have over 350 000 poppies. We have just announced that we will send our wonderful representatives to the Chelsea Flower Show to lay out 250 000 of the poppies that have been sewn or knitted by Victorians to showcase them to the whole world.

There are lots of wonderful projects, and I know it is now front and centre for many communities to have recognition of veterans — all of the service men and women who have done so much and sacrificed so much for us. That is growing, and there is no denying that, which is a great thing, especially when you see all the parades that take place. I look forward to the 50th anniversary of the Battle of Long Tan next year. When we commemorate that particular occasion, for the first time ever we will be recognising Vietnam veterans. We are allocating \$1 million for them so that they can proudly be part of a parade.

Clearly it is one of those issues where we want to have maximum exposure for all the events that will happen throughout this year and next year, particularly for the centenary year. To that end, I support the motion and I take on board some of the comments that have already been made in relation to this particular occasion. Of course this is the first time, as I have indicated, that we have done this as a Parliament. I know that the previous government was intending not to sit on the day, but it never got around to organising it, so what we have done — —

*Honourable members interjecting.*

**The ACTING SPEAKER (Mr Carbines)** — Order!

**Mr Walsh** — You are misleading the house.

**Mr EREN** — The member for Murray Plains is recorded in *Hansard* as saying that the former government had intentions of eventually getting around to having the day — —

**Mr Walsh** interjected.

**Mr EREN** — I do not want to engage in these frivolous arguments across the chamber. You are frivolous, member for Murray Plains, you are frivolous!

**The ACTING SPEAKER (Mr Carbines)** — Order! Members should speak through the Chair.

**Mr Walsh** — On a point of order, Acting Speaker, the minister is calling Remembrance Day frivolous, and I ask him to withdraw. I take offence at that.

**Mr EREN** — On the point of order, Acting Speaker, the member for Murray Plains clearly knows that I called him frivolous. I would never, ever make any accusations of that sort in relation to veterans, and he knows it. I ask him to withdraw what he accused me of saying.

*Honourable members interjecting.*

**The ACTING SPEAKER (Mr Carbines)** — Order! I do not believe there is any point of order to be upheld at this time. I ask the minister to continue.

**Mr EREN** — As I have indicated, I support the motion before the house. I think we all should pay our respects. It is a good opportunity for some of those members who have not been to the shrine to attend the services at the shrine on this occasion, and for those members who want to go to a service on 11 November, they can actually go to a service if they want to.

**Ms Kealy** interjected.

**Mr EREN** — I am not going to respond to interjections. We have the motion before the house, and obviously I encourage everybody in the community to pay their respects at the 11th hour of the 11th day of the 11th month for that significant event.

**Mr T. SMITH (Kew)** — I rise to speak on the motion moved by the Minister for Public Transport. The 11th of November is a vitally important day not only in Australia but across the world. I note the comments by the minister with regard to the practising of our democracy, and I suspect this is one day when

there is only one thing more important than the practising of our democracy — and that is remembering all those who have given everything for the very presence of our democracy.

One hundred thousand Australians have perished in all wars. On Remembrance Day we remember those who perished in World War I, but we remember all those who perished in subsequent wars who have safeguarded our freedoms and our liberties and our democracy. Given that we have troops in the field at the moment, I would have thought that it is entirely inappropriate for the rancour of party political debate to occur on that day. I will feel most uncomfortable on that afternoon fronting up here and engaging in the usual processes of parliamentary democracy, when in actual fact we should be in our local communities remembering those who have allowed us to do what we do here on a daily basis.

My friend the member for Benambra, for example, who was the vice-president of the Wodonga RSL and an ex-servicemen, will not be able to get to Parliament that day because he will be with his local community in Wodonga, remembering those who have fallen. I agree that we do not want to make this a political issue, but when you have a good number of country members who simply will not be able to get to Parliament, the whole purpose of the day seems to be lost. Members should be able to spend Remembrance Day in their electorates remembering all those who have given their lives for our great country. It is a day of quiet reflection. It carries equal weight to Anzac Day, and Parliament would never sit on Anzac Day.

I make the observation that in this country we have two great days of remembrance: Anzac Day and Remembrance Day. Australia and New Zealand are a bit different to the rest of the English-speaking world, which considers 11 November its primary day of remembrance. I would find it extremely unusual for the British Parliament to sit on 11 November. It is unheard of. I simply say to the government that, going forward, we should not sit on Remembrance Day for the good of country members and for the simple fact that it is a day of heightened respect. We really do not want to engage in the rancour of political debate when we ought to be remembering those who have given their lives for our democracy.

**Mr HIBBINS (Pahran)** — I will briefly speak in support of this motion. It is very important to enable some members to attend Remembrance Day services in their electorates. Others may be able to attend in the CBD, but I am cognisant of the fact that it is very important for members to attend services in their

electorates. I echo the sentiment of other members that the government should give thought in future to not sitting on Remembrance Day.

These days are important for our communities and a focal point for our RSLs. As a patron of my local Prahran RSL Club, I always enjoy going down there, speaking with everyone and being with the community. Remembrance Day gives not only the local community a lift but gives our local RSLs a lift too. It is a strong and thriving RSL in Prahran. It has recently upgraded the cenotaph in Victoria Gardens. What was just a flagpole and modest garden has been turned into a fitting memorial honouring Australians who have served in all conflicts. It was an honour to be able to speak there on Anzac Day.

Remembrance Day is an important day on which the presence of members in their electorates is vital. I support this motion, and I reiterate that the government should give very strong consideration to not sitting on Remembrance Day in future years.

**Motion agreed to.**

## FISHERIES AMENDMENT BILL 2015

### *Statement of compatibility*

**Mr PAKULA (Attorney-General)** — I note that having denied leave for this bill to be brought on earlier this day, the member for Melbourne is no longer in the chamber, after that disgraceful performance. Can I say — —

**Mr Walsh** interjected.

**Mr PAKULA** — If the Leader of The Nationals were aware of the circumstances, he would not be saying what he has just said.

In accordance with the Charter of Human Rights and Responsibilities Act 2006, I table a statement of compatibility in relation to the Fisheries Amendment Bill 2015:

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006, (the charter), I make this statement of compatibility with respect to the Fisheries Amendment Bill 2015.

In my opinion, the Fisheries Amendment Bill 2015, as introduced to the Legislative Assembly, is compatible with the human rights protected by the charter. I base my opinion on the reasons outlined in this statement.

#### **1. Overview of the bill**

The purpose of this bill is to amend the Fisheries Act 1995 (the act) to establish a scheme to phase out commercial net

fishing in Port Phillip Bay, to provide for a limited non-net fishery to operate in Port Phillip Bay from 1 April 2022, and to compensate persons whose fishery licences are surrendered under, or affected by, the scheme.

As part of the scheme's implementation, the bill sets out the process by which affected licence-holders will have the option of accepting a compensation package to either:

- surrender their licence and exit the fishery within seven years; or
- retain their vessel and authorisation to commercially fish in the non-net fishery in Port Phillip Bay when it commences on 1 April 2022.

The scheme only allows for a maximum of eight licence-holders to remain in the non-net fishery. In the event that there are more than eight licence-holders who elect to retain their licence, the bill prescribes the process and criteria by which the secretary will determine, before 1 April 2016, which of those licence-holders is successful, and the process for cancelling any remaining licences in 2022.

## 2. Human rights issues

Section 20 of the charter provides that a person must not be deprived of his or her property other than in accordance with law. This right requires that powers which authorise the deprivation of property are conferred by legislation or common law, are confined and structured rather than unclear, are accessible to the public and are formulated precisely.

Statutory rights are inherently subject to change and, for this reason, are less likely to be found to be proprietary than other rights. This conclusion is even more likely where what is being considered is a statutory licence, where the nature of the right is such that the licence-holder did not have a reasonable expectation of its lasting nature. The existing provisions in division 4 of part 2 of the act make it clear that licences are granted under the act on the basis that they can be suspended, cancelled, varied or have conditions imposed upon them, and are therefore inherently contingent. In these circumstances, I am of the opinion that the cancellation or alteration of a licence will not amount to a deprivation of property.

Even if the statutory licences under the act were considered proprietary in nature and a decision by the secretary to cancel licences therefore resulted in the deprivation of that property, it is clear that the process for cancelling or varying licences is precisely set out in the bill and is not arbitrary in nature.

For example, the bill sets out in clear detail the process by which the minister must give licence-holders notice of the requirement to elect to retain or surrender their licence, and the process by which those licence-holders may make that election. The bill also sets out clearly what compensation a licence-holder will be entitled to in each scenario. Although the secretary has the power to determine which eight licence-holders will retain their authorisation to carry on non-net commercial fishing in Port Phillip Bay, the objective criteria on which that decision is made is provided in part 1 of the new schedule 4 (namely the eight highest ranked licence-holders according to their non-net catch recorded between 1 April 2009 and 31 March 2014). Remaining licences will only be cancelled after these processes have been implemented. The bill therefore does not provide the secretary with a discretion that is capable of being exercised arbitrarily or selectively.

Given the above, and the fact that the clauses of the bill clearly and precisely formulate the circumstances in which any deprivation of property will occur, in my view there is no limitation of the property right under section 20 of the charter because any deprivation of property would be in accordance with law.

Hon. Jacinta Allan, MP  
Minister for Public Transport

### *Second reading*

**Mr PAKULA (Attorney-General) — I move:**

That this bill be now read a second time.

### **Speech as follows incorporated into *Hansard* under sessional orders:**

The Fisheries Act 1995 is the principal legislation for the management, development and conservation of Victorian fisheries.

Fishing is one of Victoria's most popular recreational pursuits, being home to an estimated 721 000 recreational fishers. Victoria's bays, inlets, oceans and inland waters support productive fisheries and provide quality recreational fishing experiences.

It has been estimated that recreational fishing contributes around \$2.3 billion to Victoria's social and economic wellbeing, particularly in rural and regional Victoria. It encourages kids and families to get outdoors and learn more about our environment. Recreational fishing contributes to a healthy lifestyle for many Victorians.

The Andrews government's Target One Million plan — the largest injection of funds into fisheries in 30 years — will help to grow recreational fishing in Victoria by encouraging more families to get outdoors and enjoy fishing.

I will now turn to the particulars of the Fisheries Amendment Bill 2015.

This bill will deliver on the government's 2014 Target One Million election commitment to remove all commercial netting from Port Phillip Bay by 31 March 2022 in order to grow recreational fishing in Victoria.

Commercial fishing has a long history in Port Phillip Bay with many of the current licence-holders having a direct multigenerational family connection to fishing in Port Phillip Bay.

The government recognises that this decision impacts on people's livelihoods and that fishing is more than a just a business or workplace. For many operators fishing in the bay is a lifestyle and something they have a strong and passionate connection to.

The removal of netting from Port Phillip Bay is expected to increase catch rates and size of fish for the recreational fishing sector, and reduce spatial competition. This will enhance recreational fishing opportunities in the bay for many Victorians, with the potential to attract more visitors from outside of Victoria to fish in Port Phillip Bay.

The bill will provide commercial fishers currently netting in Port Phillip Bay with a fair and clear exit strategy over seven years.

The bill establishes a scheme to phase-out commercial net fishing in Port Phillip Bay by 2022, to provide for a limited non-net fishery to continue to operate in the bay and to compensate persons whose fishery licences are surrendered or restricted by the scheme. The scheme also includes a prohibition on commercial net fishing in Corio Bay from 1 April 2018.

The bill provides for two types of compensation packages to be offered to licence-holders. A surrender package for those exiting the fishery and an adjustment package for up to eight fishers eligible to remain in the non-net fishery after 1 April 2022. The first surrender packages will be paid on 1 April 2016.

The non-net fishery will be established as an 88-tonne quota-managed longline snapper fishery, with each eligible fisher allocated quota units equal to 11 tonnes of snapper on 1 April 2022.

The election commitment was to provide \$20 million for the removal of netting from the bay. Based on consultation and review of the scheme, the proposal will now provide up to \$27 million for compensation, depending on when fishers exit the fishery. This compensation will provide a fairer and better recognition of individual investment and loss of income to licensees.

The bill establishes a process whereby, in the first year of the scheme, licence-holders will be able to elect to remain in the non-net fishery that will operate from 1 April 2022. If more than eight fishers nominate, then the eight licences with the highest average non-net catch per kilogram of all species over the five-year period from 1 April 2009 to 31 March 2014 will be successful. Successful nominations in this process will not be eligible for a surrender package but will be paid the adjustment package on 1 April 2022.

The bill provides for an annual election process, commencing in early 2016, in which fishers may nominate to surrender their licence and accept a compensation package. Licences will be cancelled upon surrender. The bill includes a provision that provides that any licences remaining in the last year of the scheme before 1 April 2022 will be cancelled by the secretary.

The surrender package will consist of compensation for the assessed market value of the licence, assessed by the valuer-general at \$310 000, plus an allowance of \$75 000 for commercial fishing equipment such as vessels and nets to account for the reduced market value of such specialised gear given the prohibition on netting. The surrender package will also include an amount to provide compensation for loss of income based on three times the total average annual catch value taken over the five fishing years from 1 April 2009 to 31 March 2014 under the licence. The package available in any one year will be reduced in value by 10 per cent per year over the seven years of the phase-out in recognition of the fact that fishers are able to continue to generate an income whilst they remain in the fishery.

The adjustment packages for commercial fishing licence-holders who will remain in the non-net fishery from 1 April 2022 will consist of 50 per cent of the assessed market

value of the licence, in recognition of the reduced utility and earning capacity of the licence without the authority to use nets, plus an allowance of \$50 000 to account for the reduced market value of specialised gear given the prohibition on netting. This package will not be subject to a 10 per cent reduction in value, and will be payable on 1 April 2022.

Key stakeholders such as Port Phillip Bay commercial fishers and the commercial fishing representative body, Seafood Industry Victoria, have been consulted on the intention to remove netting and some of the potential characteristics of the non-net fishery.

I commend the bill to the house.

**Debate adjourned on motion of Mr WALSH (Murray Plains).**

**Debate adjourned until Thursday, 5 November.**

## JUSTICE LEGISLATION FURTHER AMENDMENT BILL 2015

### *Statement of compatibility*

**Mr PAKULA (Attorney-General) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:**

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006 (the charter), I make this statement of compatibility with respect to the Justice Legislation Further Amendment Bill 2015.

In my opinion, the Justice Legislation Further Amendment Bill 2015, as introduced to the Legislative Assembly, is compatible with human rights as set out in the charter. I base my opinion on the reasons outlined in this statement.

### **Human rights issues**

#### ***Human rights protected by the charter that are relevant to the bill***

##### *Fair hearing*

The right to a fair hearing, as outlined in section 24 of the charter, is relevant to the bill. Section 24(1) provides for the right to a fair hearing from a 'competent, independent and impartial court or tribunal'.

The bill protects and enhances judicial independence by ensuring that superannuation for magistrates, reserve magistrates, coroners, and judicial registrars, has a clear legislative framework. Adequate and secure remuneration, including entitlements, is a key component of judicial independence.

The right to a fair hearing may also be relevant to the expungement scheme amendment, in expanding the pool of qualified VCAT members able to hear appeals in relation to the scheme. This amendment will enhance section 24(1), as it will reduce potential delay in deciding appeals.

The Hon. Martin Pakula, MP  
Attorney-General

*Second reading*

**Mr PAKULA** (Attorney-General) — I move:

That this bill be now read a second time.

**Speech as follows incorporated into *Hansard* under sessional orders:**

The Justice Legislation Further Amendment Bill will improve the operation of the courts and tribunals and increase the speed of execution of warrants throughout Victoria.

The bill will provide a clear legislative basis for the superannuation entitlements of magistrates, reserve magistrates and coroners and validate past payments of superannuation to those officers as well as judicial registrars. It will provide that a person appointed as chief judge or Chief Magistrate must also be appointed as a judge of the higher court.

**Electronic transfer of warrants**

Victoria Police's existing processes for executing a copy of a warrant to arrest involves a number of manual steps and can result in delays and errors. This is primarily due to section 57(9) of the Magistrates' Court Act 1989, which provides that the execution copy of a warrant must be in writing and must be signed or otherwise authenticated by the person issuing it. The average time under the existing process, from court issue to availability to update the Victoria Police law enforcement assistance program (LEAP) system, is between two and four days. Such delays can have tragic consequences for the community, where there is a need to arrest an offender quickly, especially an offender accused of committing violent offences.

The State Coroner recently recommended in the findings into the death of Luke Geoffrey Batty that all warrants issued in relation to family violence-related incidents be executed with high priority and entered onto the Victoria Police LEAP system within 24 hours of issue.

The bill will significantly streamline the warrant process by enabling magistrates and registrars in the Magistrates and Children's courts to transfer the warrant information electronically to Victoria Police's LEAP system via the court's information technology system, known as Courtlink. This is not currently possible, because if Victoria Police print their own version of the warrant from the LEAP system, the printed version will not have been signed or authenticated by the issuing magistrate or registrar and may therefore be unenforceable.

The bill will therefore provide that a warrant directed to a police officer under section 57(1) of the Magistrates' Court Act may be issued by the court entering the prescribed particulars and transmitting the warrant electronically to Victoria Police.

The capacity to use the manual process will remain, in order to ensure that a backup to the electronic process is available. The bill will also enable execution copies of warrants, and copies of affidavits in support of warrants to arrest and search warrants, to be transmitted by other electronic means, as well as by facsimile. This will ensure that the courts are able to utilise technology to facilitate the effective operation of the justice system.

These important reforms regarding electronic warrants will help protect the community by reducing the average time from court issue to availability and visibility to Victoria Police.

**Appointment of Koori Court elders and respected persons**

Court Services Victoria was established last year in order to provide administrative support to the courts and VCAT. The bill will enable the chief executive officer of Court Services Victoria, instead of the Secretary to the Department of Justice and Regulation, to appoint and manage the terms of Aboriginal elders and respected persons for the purposes of performing functions in relation to the Koori Court. Given the role of Court Services Victoria, it is more appropriate for these functions to be performed by Court Services Victoria.

**Removal of requirement for a statutory declaration to make an application to VOCAT where a police report has been made**

The Victims of Crime Assistance Tribunal (VOCAT) is currently working to introduce an online form for applications to make the process more accessible to victims and their support networks and to create efficiencies for the tribunal's registry by linking this information automatically with its case management system. The current requirement in section 26(e) of the Victims of Crime Assistance Act 1996 to submit a statutory declaration to verify an application is hindering the development of an online process, due to the requirement for a witness to sign and verify the application.

A statutory declaration was originally required to verify an applicant's identity and impose a penalty for perjury. However, the act already imposes penalties for fraud and providing false and misleading information. The bill will remove the requirement to have a statutory declaration, provided the matter has been reported to the police. The bill will retain the requirement for a statutory declaration if an alleged act of violence is not reported to the police.

These reforms will make the compensatory process more efficient and responsive to the needs of victims of crime.

**Clarifying the definition of 'coronial brief' in the Coroners Act**

Coronial briefs are frequently released by the Coroners Court to families and others involved in coronial matters. Section 115(7) of the Coroners Act 2008 currently defines the term 'coronial brief' to be a brief of evidence that is prepared for an inquest and containing specified material. However, in practice a coronial brief is typically prepared for a coronial investigation, which does not necessarily lead to an inquest.

The current definition may lead some persons to whom coronial briefs are released to incorrectly but not unreasonably conclude that an inquest is to be held. The bill will therefore replace the term 'inquest' with 'coronial investigation'. The new definition will avoid potential distress for persons involved in coronial matters.

**Hearing appeals regarding expungement of historical homosexual convictions at VCAT**

The Sentencing Amendment (Historical Homosexual Convictions Expungement) Act 2014 was passed in October 2014 with bipartisan support, and commenced on

1 September 2015. This important legislation establishes a process that allows people to apply to have historical homosexual convictions expunged.

Under the scheme, a person who has been found guilty or convicted of an offence which is described in the act as being a 'historical homosexual offence', may apply to have that finding of guilt or conviction expunged if the Secretary to the Department of Justice and Regulation is satisfied that the conduct in question would not be an offence under current law. The secretary's decision can be appealed to VCAT.

In the course of preparing for the commencement for this important reform, VCAT suggested that the act be amended so that members of the tribunal other than the president or a vice-president could hear appeals. VCAT was concerned that the limited availability of the president and vice-presidents could mean that appellants would wait too long for a hearing.

The bill will amend the act to allow the president, vice-presidents, deputy presidents, and senior members to hear these matters and will provide greater flexibility to VCAT. This will expand the pool of suitably qualified people who can hear appeals under the act, and reduce delay for appellants.

#### **Amendment to the VCAT Act fee reimbursement provisions**

In 2014, the Victorian Civil and Administrative Tribunal Act 1998 was amended to introduce a presumption in certain civil proceedings that a party who has substantially succeeded against another party is entitled to be reimbursed by the unsuccessful party for any fee paid in the proceeding, unless VCAT orders otherwise. The amendment provided for the fee reimbursement presumption to apply to a proceeding under the Residential Tenancies Act 1997, other than a proceeding in which the director of housing is a party.

Given the nature of landlord-tenant proceedings, tenants are being unfairly disadvantaged by the fee reimbursement provisions. The overwhelming majority of proceedings under the Residential Tenancies Act are brought by landlords against tenants, many of whom are economically disadvantaged. Only 20 per cent of tenants attend Residential Tenancies Act proceedings. In addition, as respondents, tenants are not able to seek a fee waiver on financial hardship grounds.

Accordingly, in the interests of fairness and equity, the bill will remove proceedings under the Residential Tenancies Act from the operation of the fee reimbursement presumption. A fee reimbursement order will continue to be available in relation to VCAT proceedings under the Residential Tenancies Act, but in making an order for the reimbursement or payment of fees, VCAT will be required to have regard to:

- the nature of, and issues involved in, the proceeding;
- the conduct of the parties; and
- the result of the proceeding, if it has been reached.

The amendment will result in an appropriate balance between the interests of landlords and tenants.

#### **Superannuation**

The bill makes amendments to the Magistrates' Court Act 1989 and the Supreme Court Act 1986 regarding the superannuation entitlements of magistrates, reserve magistrates, non-magistrate coroners and judicial registrars.

For more than 20 years, magistrates have been paid superannuation based on their full salary. However, the legal basis for such payments has not been clear, and arguably relied on implied contractual terms. This level of uncertainty is not appropriate for the remuneration of judicial officers.

It is important that all judicial entitlements are authorised, certain, and clear. The bill will achieve these aims by:

- validating past payments of superannuation to magistrates, reserve magistrates and non-magistrate coroners which may have been made without legislative authority; and

- providing a statutory basis for the payment of superannuation contributions to magistrates, reserve magistrates and non-magistrate coroners.

Commonwealth superannuation legislation encourages employers to provide a minimum level of superannuation to employees. Superannuation is to be paid on the salary of each employee, up to a capped salary amount known as the maximum contribution base. Employers and employees may agree that superannuation payments will be calculated by reference to full salary rather than to the maximum contribution base.

The bill provides that, consistent with longstanding practice, magistrates and coroners are entitled to superannuation contributions which are calculated by reference to their full salary, not merely the maximum contribution base. Currently, superannuation contributions are calculated at 9.5 per cent of salary. This percentage is scheduled to increase over time according to the commonwealth superannuation legislation. The bill provides for the relevant judicial officers to receive the benefit of those increases.

For judicial registrars of all courts, superannuation is determined by the Governor in Council rather than by legislation. Following the passage of this bill, it is intended that changes will be made to the instruments of appointment of judicial registrars, which provide that those officers are entitled to superannuation on their full salary.

The bill also validates past payments of superannuation contributions made to magistrates, judicial registrars and coroners which were made at a time when the legal basis for the payment of superannuation contributions on behalf of those officers, including the amount of the contributions, was unclear.

A small number of magistrates and judicial registrars are members of statutory defined benefit schemes. Those officers are not affected by this bill. Judges and associate judges of the Supreme and County courts, and the Chief Magistrate, are eligible for a judicial pension and are also unaffected.

**Dual commissions**

The bill will require that:

a person appointed as chief judge must also be appointed as a judge of the Supreme Court; and

a person appointed as Chief Magistrate must also be appointed as a judge of the County Court.

This reform, which was announced by the government at the time that it announced the appointment of Chief Judge Peter Kidd, will help improve the interconnection of the three largest Victorian courts. It will promote cooperation between the respective courts and facilitate sharing of resources and ideas.

It is important for Victoria's judicial system to operate in a cohesive manner, with the courts working together as effectively as possible.

The bill makes clear that the primary responsibility of the person will be as the head of jurisdiction.

At the same time, membership of the higher court will not be nominal or in name only. The head of jurisdiction will sit as a judge in the higher court. Workload issues would be agreed between the jurisdictions in the same cooperative manner that applies to the President of the Children's Court, the State Coroner, and the President of VCAT.

These reforms build on Victoria's existing judicial system where the heads of three of the jurisdictions are members of either the County or Supreme court:

the State Coroner, who is the head of the Coroners Court, is a County Court judge;

the President of the Children's Court is a County Court judge; and

the President of VCAT is a Supreme Court judge.

In closing, I note that the range of reforms in this bill will promote the safety of Victorians and help build a modern and integrated judicial system for Victoria.

I commend the bill to the house.

**Debate adjourned on motion of Mr CLARK (Box Hill).****Debate adjourned until Thursday, 5 November.**

**PUBLIC HEALTH AND WELLBEING  
AMENDMENT (SAFE ACCESS ZONES)  
BILL 2015**

*Statement of compatibility*

**Ms HENNESSY (Minister for Health) tabled  
following statement in accordance with Charter of  
Human Rights and Responsibilities Act 2006:**

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006 (the 'charter act'), I make this

statement of compatibility with respect to the Public Health and Wellbeing Amendment (Safe Access Zones) Bill 2015.

In my opinion, the Public Health and Wellbeing Amendment (Safe Access Zones) Bill, as introduced to the Legislative Assembly, is compatible with the human rights protected by the charter act. I base my opinion on the reasons outlined in this statement.

**Overview of bill**

The bill makes a number of amendments to the Public Health and Wellbeing Act 2008, including:

providing for safe access zones around premises at which abortions are provided;

prohibiting the publication or distribution of recordings of persons accessing, attempting to access, or leaving premises at which abortions are provided; and

providing for search warrants in relation to the offences which involve recording, publishing or distributing.

**Human rights issues**

In Victoria, premises at which abortions are performed under the Abortion Law Reform Act 2008, as well as staff members and persons accessing the premises, have become the focus of activities by persons who oppose abortions. The bill will result in some restrictions upon those activities.

*Safe access zones*

Clause 5 of the bill inserts a new part 9A into the Public Health and Wellbeing Act. Part 9A provides for a safe access zone of 150 metres around premises at which abortions are provided. New section 185D prohibits certain behaviour within the safe access zone, namely:

- (a) in relation to a person accessing, attempting to access, or leaving premises at which abortions are provided, besetting, harassing, intimidating, interfering with, threatening, hindering, obstructing or impeding that person by any means; or
- (b) communicating within a safe access zone by any means in relation to abortions in a manner that is able to be seen or heard by a person accessing, attempting to access, or leaving premises at which abortions are provided, that is reasonably likely to cause distress or anxiety; or
- (c) interfering with or impeding a footpath, road or vehicle in relation to premises at which abortions are provided, without reasonable excuse; or
- (d) intentionally recording by any means, without reasonable excuse, another person accessing, attempting to access, or leaving premises at which abortions are provided, without that other person's consent; or
- (e) any other prescribed behaviour.

As set out in new section 185A, the purpose of the safe access zones is to protect the safety and wellbeing of people accessing services provided at the premises, and employees and other persons who need to access the premises in the course of their duties and responsibilities. As set out in new section 185C(2) the public, employees and others who need

to access premises at which abortions are provided should be able to enter and leave such premises without interference and in a manner which protects the person's safety and wellbeing and respects the person's privacy and dignity.

Section 13 of the charter provides that every person has the right not to have his or her privacy, family, home or correspondence unlawfully or arbitrarily interfered with. Section 12 of the charter also protects freedom of movement. In Victoria, abortion is legal in the circumstances prescribed in the Abortion Law Reform Act. A woman's decision to undergo an abortion is an intensely personal one. Such a decision falls within the sphere of private life and personal autonomy recognised by the right to privacy in section 13 of the charter. Persons who work in such premises are entitled to be and feel safe accessing their workplace.

On the other hand, section 15 of the charter protects freedom of expression and section 16 of the charter protects peaceful assembly. Abortion is an issue upon which people hold many different views, including those who strongly disagree with the provisions of the Abortion Law Reform Act and with the decisions of women who seek to access health services provided for in that act.

Section 15 of the charter provides that 'special duties and responsibilities' are attached to the right to freedom of expression and that the right may be subject to lawful restrictions reasonably necessary to respect the rights and reputation of other persons or for the protection of national security, public order, public health or public morality. Further, the rights in sections 15 and 16 of the charter may be subject to reasonable limitations pursuant to s 7(2) of the charter. Unfortunately, in the case of abortion, there is a long history and many instances of persons purporting to exercise their right to free expression in ways that do not respect the rights or reputation of others and which impact upon the public order around clinics.

Women accessing legal abortion services are entitled to have their privacy respected, to feel safe and to be treated with dignity. However, there have been numerous incidents of women and their support people being confronted by persons outside clinics seeking to denounce their decision. This extends to harassing and intimidatory conduct, following people to and from their private vehicles or public transport, forcing written material upon them despite a clear unwillingness to receive that information, and verbal abuse. Women and their support people have reported that they have found such conduct very distressing and in many cases psychologically harmful. This is compounded by the fact that many women seeking abortion services are highly vulnerable to psychological harm by reason of the circumstances that have contributed to their decision to undergo an abortion.

In addition to the impact upon women accessing abortion services, staff of abortion clinics have experienced sustained harassment and verbal abuse over many years, often being followed to or from the premises, or being physically blocked from entering the premises. This has resulted in significant psychological damage and stress for some staff. The impact of such conduct as well as otherwise peaceful protests around premises that perform abortions, needs to be understood against the background of the most extreme cases, such as the fatal shooting of a security guard inside the East Melbourne Fertility Control Clinic in July 2001. The offender had in fact planned a massacre of people present at the clinic. This, and other similar events internationally, create an environment in

which even peaceful protest activity can have a more harmful effect upon the wellbeing of staff and visitors to premises than might ordinarily be the case.

The prohibited behaviour extends beyond conduct that is actually intimidating, harassing or threatening, or which impedes access to premises. The bill prohibits communicating, inside the zone, by any means in relation to abortions in a manner that is able to be seen or heard by a person accessing, attempting to access, or leaving premises at which abortions are provided, that is reasonably likely to cause distress or anxiety. I consider that this is necessary to properly protect the rights and interests of women and other persons who access the premises. There is an exception in relation to communicating, which applies to all employees and contractors who provide services to the premises. This will ensure employees or contractors who may need to communicate with a patient or other staff in relation to abortion inside the safe access zone will not be committing an offence.

Provisions that only prohibit intimidating, harassing or threatening conduct, or conduct which impedes access to premises are inadequate for a number of reasons, including:

- (a) They can only be enforced after the harmful conduct has occurred and there are significant difficulties in enforcing such laws. This is particularly the case in relation to conduct directed toward women accessing legal abortion services. Although such conduct has often extended to criminal conduct, women and their support persons are generally unwilling to report the conduct to police or assist in a prosecution which would expose them to the stress and possible publicity of a criminal proceeding. The intensely private nature of the decision that the protesters seek to denounce, effectively operates to protect the protesters from prosecution for criminal conduct.
- (b) It will not fully protect staff members and others from the harmful effect of the otherwise peaceful protests given their sustained nature and the background of extreme conduct against which they occur. Staff and members of the public are entitled to be safe and to feel safe in undertaking their lawful work activities and accessing lawful health services.

I consider that it is necessary to create a safe access zone around premises at which abortions are provided, and prohibit certain communications in relation to abortions within that zone, in order to prevent the harm and not just to respond to inappropriate conduct when it occurs.

I also consider that statutory criminal offences are the most appropriate mechanism in order to protect these rights. The recent litigation in the Supreme Court has highlighted the limited options currently available under the law. While clinics might have an ability to obtain civil orders from the courts, those avenues are limited. It also relies upon private organisations to take action to protect the rights of members of the public. I consider that, in circumstances where abortion is legal in Victoria, it is appropriate to ensure that there are protections in place to ensure that such services can be accessed and provided for in a manner that respects the dignity of those seeking and providing those services.

A safe access zone of 150 metres has been determined to be appropriate because it provides a reasonable area to enable

women and their support people to access premises at which abortions are provided without being subjected to such communication. As I have explained, the conduct has included following women and their support persons to and from their private vehicles and public transport. There have also been many instances of staff being followed to local shops and services, and subjected to verbal abuse. Such conduct has often occurred well beyond 150 metres. However, I consider that 150 metres is a reasonable area that is necessary to enable women and their support persons to access premises, safely and in a manner that respects their privacy and dignity. While such conduct has occurred beyond 150 metres of some abortion services, having a clear safe access zone of 150 metres will enable abortion services to advise women of how they can best access the premises without the risk of such conduct, such as where they can park their vehicles or use public transport.

Accordingly, to the extent that the provisions limit freedom of expression and peaceful assembly, those limits are reasonable and necessary to protect the rights and interests of persons accessing or working in premises in which lawful abortion services are provided. Less restrictive means will not be as effective in achieving those purposes.

Section 14 of the charter protects freedom of thought, conscience and religion. Views about abortion can be strongly connected with religious beliefs. While the bill will not impact upon a person's ability to hold such beliefs, some people wish to demonstrate or express those views through religious practices such as public prayer. Such conduct has the potential to fall within the freedom in s 14(1)(b) of the charter to demonstrate his or her religion or belief in worship, observance, practice and teaching, either individually or as part of a community, in public or in private. The bill will have the effect of prohibiting that conduct within a safe access zone if, and only if, it involves communicating about abortion in a manner that is able to be seen or heard by a person accessing, attempting to access, or leaving premises at which abortions are provided and that is reasonably likely to cause distress or anxiety. The fact that such communication occurs in the form of a religious practice does not diminish the impact upon the rights of persons accessing lawful abortion services or the stress and harm they may experience. To the extent that such conduct is limited within the safe access zones, for the reasons explained above, I consider that it is reasonable and necessary in order to protect the rights of persons accessing lawful abortion services.

#### *Recording and publishing restrictions*

The bill also prohibits and provides for offences in relation to recording or publishing persons accessing, attempting to access or leaving premises at which abortions are provided. The prohibition against recording applies within the safe access zone (see s 185D and the definition of prohibited behaviour in s 185B). The prohibition against publishing or distributing recordings in s 185E extends to recordings taken from outside the safe access zone. The prohibitions only apply to recordings made or published without the person's consent, and provides for an exception of reasonable excuse.

The purposes of the prohibitions are to protect the privacy of persons accessing premises at which abortions are provided and to protect them from the intimidatory conduct currently engaged in by some persons through taking recordings with the explicit or implicit threat of publicly exposing individuals who access lawful abortions or provide those health services.

They are limited to recordings of persons accessing, attempting to access or leaving premises at which abortions are provided, and only where those persons have not consented to such recording or publication. Although the provisions involve restrictions upon free expression, I consider they are necessary to respect the rights and reputation of people who access premises at which abortions are provided.

The bill provides for search, by warrant, and seizure of things which may be evidence of the commission of an offence under new part 9A that involves recording, publishing or distributing. The exercise of these powers has the potential, in some circumstances, to impact upon privacy of individuals. However, the powers are subject to judicial supervision through the warrant process and, accordingly, any interference with privacy is neither unlawful nor arbitrary. To the extent that seizure involves a deprivation of property, any such deprivation occurs in accordance with law and accordingly is compatible with the right to property in s 20 of the charter.

#### *Presumption of innocence*

A number of the offence provisions provide for an exception of 'reasonable excuse'. Where this is the case the accused will bear the onus of adducing or pointing to evidence capable of establishing the existence of a reasonable excuse. Once that is done, however, the burden lies with the prosecution to prove the absence of the reasonable excuse beyond reasonable doubt. I consider that, to the extent that an evidential onus limits the presumption of innocence, it is a reasonable limit. There are many different reasonable excuses that may apply to the offences. It is reasonable to expect that an accused who claims to have a reasonable excuse bear an onus of pointing to or adducing evidence sufficient to raise the existence of that excuse. It will be reasonably easy for an accused to do so, but very difficult for the prosecution to establish an accused had no reasonable excuse given the vast range of potential reasonable excuses that could apply. Accordingly, I consider that the provisions are compatible with the right to be presumed innocent in s 25(1) of the charter.

Hon. Minister Jill Hennessy, MP  
Minister for Health

#### *Second reading*

**Ms HENNESSY** (Minister for Health) — I move:

That this bill be now read a second time.

#### **Speech as follows incorporated into *Hansard* under sessional orders:**

This bill is designed to support women's reproductive health choices by ensuring that all women can access health services that provide abortions without fear, intimidation, harassment or obstruction.

In 2008, the Parliament took the historic step of passing the Abortion Law Reform Act to decriminalise abortion and modernise the law so that it was unambiguous, widely understood and reflected general community standards. The act implemented the recommendations of the Victorian Law Reform Commission's 2008 final report on the law of abortion. That report also discussed the issue of safe access

zones around hospitals and clinics that provide abortion services.

The Law Reform Commission commented that, during its consultations, several people raised the issue of protection outside abortion clinics, citing concerns that the safety and wellbeing of patients and staff were jeopardised because of the intimidation and harassment by anti-abortion protesters. Although the commission did not make a formal recommendation on this issue, which fell outside the commission's terms of reference, it encouraged the then Attorney-General to consider options for a legislative response.

At the time, the government preferred to adopt a wait-and-see approach; to assess whether the decriminalisation of abortion would lead to an abatement of the protests, obstruction and harassment of women and staff accessing abortion services.

Unfortunately it has not, so I bring this important bill before the house.

This bill acknowledges that Victorian women have a right to access legal reproductive services without fear, intimidation or harassment. Women also have a right to access these services without having their privacy compromised.

Staff who work at places where abortions are performed have a right to enter and leave their workplace safely, every day, without being obstructed, interfered with, hindered or harassed.

By providing for safe access zones around premises that perform abortions, this bill will ensure that women and staff can access these premises safely, without experiencing the stress, fear and anxiety that can occur when they encounter anti-abortion groups outside these premises.

Some members of our community have deeply held views about abortion. This is their right, and they are free to express their views. The bill does not seek to prevent people from holding or expressing their views.

However, Parliament has clearly mandated that abortion services are legal health services. Expressing deeply held views does not carry with it a right to subject others to fear and intimidation.

It is unreasonable for anti-abortion groups to target women at the very time and place when they are seeking to access a health service, or to target health service staff. The impact of such actions on these women must be understood within the context of their personal circumstances. Many are already feeling distressed, anxious and fearful about an unplanned pregnancy, or a procedure that they are about to undergo. To be confronted by anti-abortion groups at this time is likely to exacerbate these feelings. It is intimidating and demeaning for women to have to run the gauntlet of anti-abortion groups outside health services.

Targeting health services in this way can also have impacts on women's health and wellbeing. For example, health services have reported that some patients are too afraid to attend clinics when anti-abortion groups are out the front, or to return for follow-up appointments because of their experience when previously accessing the clinic.

The general aim of anti-abortion groups is to deter women from accessing abortion services. In recent consultations on the proposed bill, health services have reported that their activities are having an impact.

A 2011 study in relation to one Victorian clinic where abortions are performed found that 85 per cent of women surveyed reported seeing protesters outside the clinic, 74 per cent reported seeing anti-abortion displays such as posters and props, 55 per cent reported that protesters had said things to them, 60 per cent reported that protesters had tried to hand them anti-abortion information and 20 per cent had someone attempt to block their entry to the clinic.

Health services have reported that staff of clinics that have been targeted by anti-abortion groups have also been severely affected by the daily harassment they endure. Facing this day after day, year after year, has had a negative impact on their mental health. This affects their working life to the point that some staff members are too afraid to leave their office to get a coffee unless a security guard is present.

A recent Supreme Court decision considered whether the City of Melbourne had an obligation to enforce the nuisance provisions of the Public Health and Wellbeing Act against a group harassing and intimidating people at a clinic that provides reproductive health services, including abortions. The court refused to make an order requiring the council to take specified action, but found that the council's advice to the clinic to refer the matter to police and have it dealt with as a private nuisance was not effective. The case illustrates that current laws are unsatisfactory, and that women and staff are not adequately protected from harassment in the circumstances I have outlined.

The rights to freedom of expression and freedom of thought, conscience, religion and belief are fundamental to a democratic society and are protected in Victoria under the Charter of Human Rights and Responsibilities Act.

However, the rights to express, communicate or demonstrate one's views or beliefs are not absolute. They do not create a right to harass and intimidate a person providing or accessing a legal health service.

Both patients and staff of abortion services have a right to privacy and must be allowed to access health services and to work in an environment free of fear, harassment and abuse. Behaviour that seeks to or has the effect of dissuading, frightening or intimidating patients or staff of health services is not, in my view, acceptable, respectful or consistent with the intention of the charter.

This bill has been carefully designed to strike an appropriate balance between various rights and freedoms that are fundamental to a democratic society. It is targeted specifically at conduct that can cause fear, anxiety and intimidation and is restricted in its scope and reach so as not to unjustifiably impact on the rights of people to freedom of expression.

There are precedents for these laws. Broadly similar laws to protect women who are seeking abortions and clinic staff from harassment and intimidation have been enacted in Tasmania, Canada and various North American states, although the provisions of these laws may vary, reflecting diverse circumstances in different jurisdictions.

This bill is in line with general community views. A 2013 Newspoll survey of Victorians commissioned by the Public

Health Association of Victoria found that over 80 per cent of Victorians surveyed supported safe access zones around abortion clinics.

Mr Speaker, I now turn to the provisions of the bill.

The bill inserts a new part 9A into the Public Health and Wellbeing Act to provide for a safe access zone of 150 metres around premises at which abortions are carried out. Its purposes are to:

protect the safety, wellbeing and privacy and dignity of people accessing the health services provided at those premises, and of staff and other persons who need to access the premises in the course of their duties and responsibilities; and

prohibit publication and distribution of certain recordings that could identify people accessing those premises.

A zone of 150 metres was chosen after consultation with a wide range of stakeholders. Hospitals and clinics provided examples of the activities of anti-abortion groups and the places where they confronted patients and staff. This included waiting at places where patients parked their cars and at public transport stops. Some health services asked for a much larger zone, but after careful consideration it was determined that a zone of 150 metres would be sufficient to protect people accessing premises.

Within the safe access zone it will be an offence to engage in 'prohibited behaviour' which is defined in the bill to include:

besetting, harassing, intimidating, threatening, impeding or obstructing a person by any means, where the behaviour relates to a person accessing or leaving premises at which abortions are provided;

communicating in relation to abortions in a manner that could possibly be seen or heard by a person accessing or leaving premises at which abortions are provided where the communication is reasonably likely to lead a person to suffer distress, upset or anxiety;

impeding a footpath, road or vehicle without a reasonable excuse;

intentionally recording a person accessing or leaving premises at which abortions are performed, without that person's consent, and without a reasonable excuse.

The offence of communicating in relation to abortions in a manner that would be reasonably likely to lead a person to suffer distress, upset or anxiety must be read in the context of the purpose and guiding principles outlined in the bill. It is intended to cover the diverse range of activities that are undertaken on a regular basis by the people who have persistently stationed themselves outside abortion clinics and have handed out upsetting materials, displayed distressing and sometimes graphic images and props to upset and dissuade women from obtaining abortions. Health services have reported that protesters sometimes engage in acts of disturbing theatre; for example, displaying a doll in a pram spattered with fake blood or standing silently with their mouths taped shut. Therapeutic communications by health service providers will not be prohibited.

This offence does not require that an individual who is accessing or leaving such premises must actually see or hear the activity. The purpose of the provision is to ensure that this behaviour does not take place inside the zone in a manner that is visible or audible to those entering or leaving the premises. A sermon about abortions conducted inside a church that falls within a safe access zone that cannot be heard outside the church would not be captured by these laws.

People engaging in prohibited activities may have a variety of different motives for their actions. They may be seeking to protest about abortion, or may genuinely believe that they are helping women in need, saving lives, providing alternatives to abortion or educating people about abortion and its impacts, among other reasons. Nonetheless, when this conduct takes place directly outside health services providing abortions, it has the effect of intimidating, and causing anxiety to, many patients and health service staff.

In two cases, the bill provides that prohibited behaviour inside the safe access zone is not an offence where there is a reasonable excuse.

Impeding a footpath, road or vehicle outside a clinic for a legitimate purpose (for example, to undertake construction or maintenance works or because emergency services personnel require diversion of pedestrians or traffic for public safety reasons), will not be an offence.

Similarly, recording a person seeking to access premises where abortions are provided is only an offence where it occurs without the person's consent, and without a reasonable excuse. Examples of a reasonable excuse would include the recording by security cameras installed by a company contracted by a health service, legitimate recording undertaken by Victoria Police in gathering evidence for enforcement purposes, or legitimate news reporting by a media organisation outside a hospital. This offence will be limited to circumstances where the recording could identify an individual and which identifies a person as a person accessing premises at which abortions are performed.

The offences in the bill are summary offences that attract a maximum penalty of 120 penalty units or up to 12 months imprisonment. These penalty levels recognise the seriousness of the offences in question and the impact a breach would have on women wanting to safely and privately access a health service where abortions are performed.

The 150-metre safe access zone relates to premises at which both medical and surgical abortions are performed. The measurement will be defined from the external perimeter of the premises. Pharmacies that merely supply drugs that may induce an abortion are not covered.

The bill provides that these new provisions of the Public Health and Wellbeing Act will be enforced by Victoria Police. Victoria Police currently enforce the Summary Offences Act, which contains a range of similar offences, for example, relating to trespassing, public order and threatening behaviour. Given their experience, skills and capabilities, Victoria Police are best placed to enforce the new offences.

While police will generally exercise their discretion and issue warnings to move people to a location outside the safe access zone, the bill will enable police officers to apply to a Magistrates Court for a search warrant where required to obtain evidence of the commission of the offences in the bill

relating to recording, publishing or distributing a recording. The bill ensures police can collect evidence of such an offence, but requires a warrant to ensure that there is external scrutiny and no undue interference with the privacy of citizens.

Victoria has a proud history of activism and peaceful protests and this bill does not change that. The offence provisions have been carefully developed to target specific behaviours that are aimed at deterring people from accessing or providing legal medical services. Individuals can still protest and express their views about abortions outside safe access zones.

Mr Speaker, standing on the street outside an abortion clinic with the aim or effect of shaming or stigmatising women who are trying to access a legitimate reproductive health service, or staff who work there, is not acceptable to this government.

In the development of this bill the Victorian government has consulted with many important stakeholders within our community. These include public and private hospitals and day procedure centres and their representative bodies, women's groups, the Human Rights Law Centre, the Law Institute of Victoria, Liberty Victoria, unions, health groups and community groups.

I would like to take this opportunity to thank each of these stakeholders for their active engagement in discussing this important policy initiative with the Victorian government. I am pleased to say the overwhelming majority of these stakeholders are in step with the Victorian community on this issue, and are overwhelmingly supportive of the proposed legislation.

I also wish to acknowledge and pay tribute to the work of Fiona Patten, a member of the Legislative Council, who took the initiative of developing a private members bill to address this longstanding problem.

In conclusion, patients, their support persons and staff accessing abortion clinics have a right to privacy. People have a right to access legal health services without being frightened by harassing and intimidating behaviour. Vulnerable people, such as pregnant women seeking access to legal medical services, should be protected from undue interference.

Mr Speaker, they deserve better.

This bill entitles women and those accompanying them to access these services in a safe and confidential manner, and without the threat of harassment. It enables staff to access their workplace without being verbally abused, obstructed or threatened.

I commend the bill to the house.

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

**Debate adjourned until Thursday, 5 November.**

## ADOPTION AMENDMENT (ADOPTION BY SAME-SEX COUPLES) BILL 2015

*Second reading*

**Debate resumed from 7 October; motion of Mr FOLEY (Minister for Equality).**

**Opposition amendments circulated by Ms RYAN (Euroa) under standing orders.**

Ms RYAN (Euroa) — I rise today to lead the debate on behalf of the Liberal Party and The Nationals on the Adoption Amendment (Adoption by Same-Sex Couples) Bill 2015. I should state from the outset that members of both coalition parties have a free vote on the substance of this bill, which is to change those provisions within the Adoption Act 1984 that prevent same-sex couples from adopting, based on their marital status and their sexual orientation. To that end, I anticipate that there will be a wide range of views expressed on this legislation.

The bill further seeks to amend the Equal Opportunity Act 2010 by removing the exception to the prohibition to discriminate in relation to religious bodies providing adoption services and for other purposes.

On behalf of the coalition parties, I have circulated amendments to the bill in light of concerns from CatholicCare, which is opposed to providing adoption services to which it has a conscientious objection. Those amendments seek to omit clause 17 from the bill. It is the view of the coalition that religious views should be respected and, as most adoption service providers have agreed to provide services to same-sex couples, removing this clause strikes the most appropriate balance in maintaining the current exemptions afforded to religious organisations under the Equal Opportunity Act. I will allow other members on this side of the house to go into further detail about those amendments during the course of the debate.

Within the scope of the free vote agreed to by both parties on this side of the house, it is my intention to support the bill. I acknowledge that my constituents also have varied views on this issue, but my decision to support the bill is one which is reinforced by our party membership. At its state conference this year, the Victorian Nationals passed a motion supporting efforts to review Victoria's adoption laws, with a view to making adoptions more accessible.

In weighing the merits of this amendment, the rights of the child are, without doubt, the most important consideration. In my view, the interests of the child are best served by removing the discrimination which

currently exists in adoption law as a barrier to legal recognition of family relationships. We must clarify the legal uncertainty which faces hundreds of children living in same-sex parented families in Victoria. I hope that equality under law will also go some way towards ending the stigma children in same-sex families face and will improve the wellbeing of people within the LGBTI community.

In 2011, a study by beyondblue found that lesbian, gay and bisexual Australians are twice as likely to have a high to very high level of psychological distress as their heterosexual peers. Same-sex attracted Australians have up to 14 times higher rates of suicide attempts than their heterosexual peers. As a member of Parliament who represents rural Victoria, it concerns me that LGBTI young people living in rural areas in particular are at high risk of suicide. The study was clear that this elevated risk of mental ill-health and suicidality among the LGBTI community is not a result of sexuality, sex or gender identity in itself, but rather a result of discrimination and exclusion. It is commonly referred to as minority stress. These are statistics which I am sure concern all members of this house. I hope the changes before the house send a message to same-sex attracted and gender diverse people in our communities that they are equal under law.

There is no doubt that much of today's debate will focus on how this bill impacts on stranger adoptions, but we should also consider the impact of this bill on the children who are already living in a diverse range of families, and I will go into further detail on that later in my contribution. As the law currently applies in Victoria, only couples in heterosexual relationships are permitted to make a joint application to adopt. These adoption orders may be made in favour of a man and a woman who are married; a man and a woman who have been living together for no less than two years and whose relationship is recognised as a traditional marriage by an Aboriginal community or an Aboriginal group to which they belong; a man and a woman who are living in a de facto relationship; or a man and a woman who have been living with each other in any combination of the relationships I just mentioned.

The law also enables adoption orders to be made in favour of one person where the court is satisfied that special circumstances exist in relation to the child which make it desirable to do so. Eamonn Moran's legislative review of adoption by same-sex couples, commissioned by the government, made it clear that while this provision has enabled a same-sex person as an individual to adopt, it still prevents a same-sex couple from applying for an adoption order.

This is not the case, however, for the granting of permanent care orders. While the Adoption Act 1984 expressly refers to a man and a woman when a couple seeks an adoption order, under the Children, Youth and Families Act 2005 there is no such specification for the making of permanent care orders. The legislation before the house resolves these inconsistencies. As Mr Moran's review highlights, while same-sex couples can currently become permanent carers for children, they are not recognised on the child's birth certificate as parents and those children, therefore, do not have the same inheritance rights as they would if they were adopted. Furthermore, there are limitations to recognising parental responsibilities under permanent care orders, given those orders expire when a child turns 18.

Victoria is now one of the few states in Australia which does not allow same-sex couples to adopt children. Same-sex couples have been allowed to adopt in Western Australia since 2002, in the ACT since 2004 and in New South Wales since 2010. Tasmania has also passed legislation to this end.

The legislation before the house proposes to change the Adoption Act to remove gender-specific terminology when referring to who may adopt, by replacing references to a man or a woman with the word 'person'. It replaces the term 'de facto relationship' with the term 'domestic relationship', which is defined in the bill as:

... a relationship between 2 persons who are living together as a couple on a genuine domestic basis (irrespective of sex or gender) and who are neither married to each other nor in a registered domestic relationship with each other...

The bill also replaces the term 'de facto spouse' with the term 'domestic partner', which is defined as the partner, irrespective of sex or gender, of a person with whom they are in a domestic relationship. Further, it introduces the term 'registered domestic relationship' and gives it, in the context of the Adoption Act, the same status as a married relationship.

As I outlined earlier, people seeking adoption orders under the current requirements of the Adoption Act must be married or in a de facto relationship. Those in a de facto relationship must further prove that they have lived together for two years. It is proposed that these requirements also apply to a registered domestic relationship under which same-sex couples would be able to adopt. I believe this is a sensible course of action to ensure there is stability in a relationship, heterosexual or same-sex, prior to an adoption order being made.

As the act currently stands, adoption agencies are required to consider the wishes of the relinquishing

parents with respect to religion, ethnicity and race of the adopting family when placing a child. The government has chosen not to include the relationship status of prospective adopted parents in this list of possible considerations. I highlight the inconsistency of the government's decision to allow a child's natural parents to express a wish on grounds such as race but not on relationship status. I feel a more appropriate way of addressing this would be by adopting the provisions used for the making of permanent care orders which instead refer to 'the capacity of the person or persons to provide appropriate support to the maintenance of a child's cultural identity and religious faith, if any'.

The changes outlined in this bill to legalise adoption by same-sex couples are supported, with the exception of CatholicCare, by the state's adoption agencies, including Anglicare, Connections UnitingCare and Child and Family Services Ballarat. The primary intent of this legislation is about providing children with safe and loving homes and affording them the same rights under law as children born into or adopted by in heterosexual families. This is a view supported by the state's adoption agencies.

I note the comments of Paul McDonald, the chief executive of Anglicare, who, when this issue was raised earlier this year, said:

The bottom line for us isn't about gender, race, religion or sexual preference. It's about the ability to provide a loving and caring home for the child.

Much of the public opposition to this bill has been focused around the impact of this legislation on stranger adoptions. It should be noted that they make up a relatively small number. Last year there were just 48 adoptions in Victoria, of which 20 were stranger adoptions. The main function of this bill is to provide a mechanism for known parent adoptions by same-sex couples — that is, where a relationship already exists between a child and an adoptive parent. This could be for a child cared for by same-sex couples as foster parents or on an ongoing basis under permanent care orders. It could be for a child born to same-sex parents through surrogacy arrangements or a child with one legal parent whose same-sex partner wishes to adopt the child.

As I referred to earlier, while parenting orders can be put in place, once a child turns 18 and those orders expire, the legal relationship between the parent and the child no longer exists. The rights of those children, who live in a stable and happy family but who fall within a grey area of the law, must be considered. They should not be denied the security of legal recognition and all that flows from that. This includes the right to

automatically inherit, the right for a non-biological parent to make decisions in the event of a medical emergency, or the right to move house without the permission of a birth parent or a court order.

This bill does not change the requirement of the act to consider the welfare and interests of the child as paramount when making an adoption order. The rights of the child have been raised by some as an argument against same-sex adoption. In my view this contention fails to acknowledge those children who are currently living in same-sex families. It presupposes that all heterosexual families are perfect while same-sex relationships are flawed and it undermines the value of the stability and the loving homes that many same-sex couples have provided for years to children as foster carers. I have many friends in same-sex relationships whose capacity to provide a loving home I would never doubt.

In terms of academic performance of children raised in same-sex families, research by the Australian Institute of Family Studies in 2013 found that children of same-sex-parented families performed as well as or better than children raised in heterosexual-parented families. It also found little difference on a range of social, psychological and educational variables, that children raised by same-sex parents generally reported good social networks and friendships, and that peer relationships followed typical patterns.

Victoria's gender and sexuality commissioner, Rowena Allen, lives in Violet Town in my electorate with her partner Kaye and their seven-year-old daughter Alex. For two decades now, she has been encouraging people to embrace diversity. That has not always been an easy road, but in this small country town over the years they have been embraced as valued members of the local community. As Rowena said recently, 'You change hearts and minds when you share stories, when you make it real'.

Labor is not the only party in this house whose members have acted to remove discrimination against LGBTI communities. I am proud of the achievements of members of the last coalition government. We on this side have a very strong record. One of the most important changes we made was the introduction of legislation to expunge the criminal records of people who had been prosecuted for engaging in consensual homosexual sex. Credit is due to the former Attorney-General, the member for Box Hill, who is at the table. He sought to right that wrong. When introducing the sentencing amendment legislation he told Parliament:

While we cannot turn back the clock and undo what occurred in previous decades, we can act to ensure that Victorians do not have to continue to suffer from the legal consequences of what occurred.

As Minister for Mental Health, Mary Wooldridge, a member for Eastern Metropolitan Region in the other place, oversaw youth suicide prevention initiatives to help eliminate stigma and discrimination. As Minister for Health, David Davis, a member for Southern Metropolitan Region in the Council, was responsible for introducing a community-based rapid HIV-testing trial in Victoria, with the aim of encouraging more frequent testing to improve the long-term health and quality of life of people living with HIV.

I will end where I began. The changes outlined in this bill are important because they provide stability and recognition for children who already live in gender-diverse families. They also go some way to removing a stigma and sending a signal that children in same-sex families are equal under the law. That is important, particularly in rural and regional communities, where it is fair to say that community views have changed more slowly. I commend the bill to the house.

**Mr DIMOPOULOS** (Oakleigh) — It gives me great pleasure to speak on the Adoption Amendment (Adoption by Same-Sex Couples) Bill 2015. Adoption is naturally a complex matter. While this bill is the start of a process, there will be a fair bit of work to be done in implementing the new arrangements. From conversations I have had with the Minister for Equality, I know that he will ensure that the regulations and administrative arrangements that underpin this bill and that will naturally follow it will be made in the full spirit of the bill, in that they will genuinely and fully enable same-sex couples to adopt children.

I want to start by addressing the rights of children. I agree that the most fundamental principle at stake here is what we term ‘the best interests of the child’. Not one person disagrees with that, and that is where I want to start my contribution today. The act of adoption arises because a child is in need of stable and permanent parenting; it does not commence with a need of adults wanting or choosing to be parents. While there are naturally two parties to an adoption, it is the child’s need for parenting that gives rise to the very reason for adoption, not the adults’ desire to adopt, which comes second.

While we all agree with the principle that the rights and interests of the child are paramount, we have differences of opinion about how those interests are protected. I have heard well-meaning colleagues on the

other side of the house in private conversations say that the best interests of the child are served by the child having his or her biological parents, both male and female, in their lives. That makes intrinsic sense, but the reality is that that is a shortcut way of saying that the interests of a child are best served by having unconditional love, support and guidance. It is just intrinsic to feel that a biological parent or parents provide that unconditional love, support and guidance, so the concepts of biological parents and unconditional love have become intertwined as one. However, I think it is time to unpack them.

Lived experience has shown all of us that all too often biological parents are unable or unwilling to provide unconditional love, support and guidance. We then provide a legal and administrative framework to provide those children with that love, support and guidance through other human beings. We do that all the time for more than 6000 children in Victoria who receive foster care, some of whom are living in permanent care arrangements. I have been informed by people in the Department of Health and Human Services that many same-sex couples feature prominently in those arrangements for providing care for the most needy and vulnerable children. If it is okay for same-sex couples to provide care for vulnerable children in the most critical times, why is it not okay for them to adopt the same children? The answer is that it is okay.

The reason we have discrepancy and discrimination in our laws is that many years ago people sitting in this very chamber and making those laws, explicitly or implicitly, said, ‘Being gay, being lesbian, being bisexual, being transgender, being intersex, not identifying with a gender’ — in other words, being human — ‘is not okay’. Today the Victorian Labor government is saying, ‘That policy, that law, is not okay. Your sexuality has nothing to do with your capacity to love or be a fit and proper parent’. The existing law is not okay, because it does not serve the interests of children. As the Minister for Equality said in his second-reading speech:

By restricting the pool of eligible adoption applicants, a child in need may potentially be deprived of the opportunity to be placed with the most suitable carers.

The existing law is not okay because it does not serve the interests of those children who live in same-sex families, as many children already do. As the minister also said:

The Victorian government has a vision of a community where children in same-sex families suffer no harms because of

discriminatory attitudes and behaviours from their peers at school or in any other part of their lives.

More important than even those reasons is that this discriminatory law is not okay because it sends a message to many children in Victoria now and in the future that the law of their land will allow them only qualified equality. The law is about us saying to all children, straight or gay, 'There are some things about your humanity that you have no choice about that we do not condone, so you'd better conform. Today it is about your sexuality; tomorrow it could be about any number of elements of your humanity'. With the existing law we are telling gay children specifically that there is something disgusting, something unnatural and something to hide about their true humanity and we are telling them that when they look in the mirror they should not have love in their hearts and that when they walk outside the house into the playground, onto the sporting field or into any public space, they should continue to wear a mask, because they are indecent.

We have lost too many young people through this awful message. I do not want any child or young person to feel that who they are is to be hidden or despised. I have felt that for too long, which makes me even prouder to stand up in the Victorian Parliament to speak on this important legislation. Children and all human beings are innately beautiful and true in their authentic humanity. We should not seek to impose unnatural limits on genuine human expression. Laws are powerful in setting or changing human behaviours and thoughts.

**The SPEAKER** — Order! I apologise for interrupting the member for Oakleigh. The member will be able to resume his contribution when this item is next before the house.

**Business interrupted under sessional orders.**

## QUESTIONS WITHOUT NOTICE and MINISTERS STATEMENTS

### Infrastructure Victoria

**Mr R. SMITH** (Warrandyte) — My question is to the Premier. In addition to the three of seven members of Infrastructure Victoria's board who are departmental secretaries reporting directly to the Premier, can he confirm that three other board members, Margaret Gardner, former Keating adviser and unionist Ann Sherry, and Maria Wilton, have strong Labor links, so strong that Margaret Gardner even appeared in Labor Party campaign material?

**Mr ANDREWS** (Premier) — Thank you, Speaker. I will not bother thanking the honourable member for his question because it does him no credit at all. I tell you what: Margaret Gardner has forgotten more than the member for Warrandyte will ever know. It is an absolutely disgraceful question. Ms Gardner is vice-chancellor of Monash University, the president of the Museums Board of Victoria and someone who has an outstanding track record.

The absent-minded member for Warrandyte must have forgotten that he was at the cabinet table when she was appointed to a number of important roles. He does not know the youth unemployment rate and does not know what day it is. The only thing this joker knows is that there is a world, and he is in it. What a disgraceful question.

Infrastructure Victoria will provide leadership, guidance and advice, and I am not surprised that those opposite are opposed to Infrastructure Victoria, because Infrastructure Victoria will ensure that we will never again finish up with the lies, the deceit and the fraud that we saw in relation to the botched and rushed east-west link, the business case for which had to be released by this government — —

*Honourable members interjecting.*

**The SPEAKER** — Order! The Premier will resume his seat. The Premier is entitled to be heard in silence.

**Mr ANDREWS** — Infrastructure Victoria, a proud Labor initiative, will deliver — —

*Honourable members interjecting.*

**Mr ANDREWS** — That is right.

**Mr Guy** interjected.

**The SPEAKER** — Order! The Leader of the Opposition! The Premier will continue and will be heard in silence.

**Mr ANDREWS** — It took a Labor government — —

*Honourable members interjecting.*

**Mr ANDREWS** — While passed by the Parliament — —

*Honourable members interjecting.*

**Mr ANDREWS** — Those opposite would much prefer to be putting forward infrastructure plans that deliver 45 cents in the dollar, keeping secret business cases, signing side letters and backing up the truck and

paying multinational companies whatever they wanted days before an election. That is their approach.

This Labor government has put in place Infrastructure Victoria through legislation, and the members who have been appointed to it are fine outstanding Australians. It does the member for Warrandyte no credit at all to be attacking fine Victorians who will do fine service for this great state.

**Mr Hodgett** interjected.

**The SPEAKER** — Order! The Deputy Leader of the Opposition! I can hear the member!

*Supplementary question*

**Mr R. SMITH** (Warrandyte) — With six of the seven members of Infrastructure Victoria's board either directly reporting to the Premier or obvious Labor Party supporters, how can Victorians possibly believe that this board will give independent advice?

**Mr ANDREWS** (Premier) — The member for Warrandyte is simply wrong in relation to those who have been appointed to this important body. This reform has been delivered only by a Labor government, not by this lot over here. I notice the Leader of the Opposition did not ask this question. He did not have the courage to get up there and call Margaret Gardner a stooge — to call these people, who are fine and outstanding Victorians — —

*Honourable members interjecting.*

**Mr ANDREWS** — These are appointments that will do this state great credit. This is a body that will do this Parliament great credit, because we will never again see a situation where a government, too embarrassed to submit a business case to Infrastructure Australia, lies, deceives and misleads all Victorians on infrastructure priorities.

**The SPEAKER** — Order! The Serjeant-at-Arms will have the document produced by the member removed from the table.

**Ministers statements: *Plan Melbourne***

**Mr WYNNE** (Minister for Planning) — Today I launched the upgrade of *Plan Melbourne*, the overarching, long-term strategic plan for our great city and state. I did something out of school with *Plan Melbourne*; I did not scrap the previous government's document. And why would I, when there were 450 submissions and more than 10 000 Victorians had input? But it needed a serious update. The previous

planning minister disregarded the original draft document, the vision, expert advice and public input. The now opposition leader took a similar approach to the one he took to his botched Fishermans Bend rezoning. He made brash, snap decisions, leaving the community out of — —

**Mr Clark** — On a point of order, Speaker, the minister is now engaging in debate. I ask you to bring him back to compliance with sessional order 7.

**Ms Allan** — On the point of order, Speaker, I ask that you rule the point of order out of order. The minister was quite clearly outlining the new government initiative that he announced today regarding *Plan Melbourne* and to do so he had to put it into a very relevant context. Those opposite might not like to hear about the failure of the former planning minister but it is entirely relevant to the minister's statement to the house.

**The SPEAKER** — Order! The minister will continue. He is entitled to provide a context, and I am sure he will come back to making a statement once he has finished providing that context.

**Mr WYNNE** — I have released a discussion paper and report to bring back the public's voice. Labor's *Plan Melbourne* update will address climate change — because we believe in it — and housing affordability, which were left out of the former Liberal government's version. The updated plan will reflect the Andrews Labor government's commitment to level crossing removal and the city-shaping Melbourne Metro rail project. The failed east-west link has been deleted.

*Plan Melbourne* will provide future governments with a vision. By 2051, Melbourne's population will be approaching 8 million people. Smart planning is vital to maintain and enhance the city's livability and economic strengths. Planning is about people, and the community was ignored in the Liberal's version of *Plan Melbourne*. Only the Labor government is prepared to tackle housing affordability and climate change. Only the Labor government is ready to meet the responsibilities we have to all Victorians. A livable city is a planned city. A livable state is a planned state.

**Infrastructure Victoria**

**Mr R. SMITH** (Warrandyte) — My question is to the Premier. The Premier's press release of 7 October states that Infrastructure Victoria will take the politics out of infrastructure. Given that the Infrastructure Victoria board is clearly stacked with a majority of directors beholden to the Premier, how does appointing

Labor Party stooges and people answerable directly to him take the politics out of infrastructure?

**Mr ANDREWS** (Premier) — I will thank the member for Warrandyte for this question. Jim Miller, the chair, was an executive director of Macquarie Capital between 1994 to 2015. He has extensive experience in the infrastructure sector. He is also currently the deputy chair of the independent research group Infrastructure Partnerships Australia. He is apparently a stooge. Now we go to Maria Wilton. Maria Wilton is the deputy chair. She is managing director of Franklin Templeton Investments Australia and a director of the Financial Services Council of Australia. She is also a member of the National Breast Cancer Foundation. She is apparently a stooge.

Then we go to Margaret Gardner, a person of integrity and capacity; someone who is without peer in the higher education sector. Ann Sherry runs the leading cruise ship operator in Australia. She is a former CEO of Westpac New Zealand, as well as being a former CEO of the Bank of Melbourne. Might I submit to the member for Warrandyte that the only one who looks like a stooge out of these questions is him.

*Honourable members interjecting.*

*Supplementary question*

**Mr R. SMITH** (Warrandyte) — Noting again the Premier's statement on 7 October that Infrastructure Victoria will take the politics out of infrastructure, can the Premier inform the house whether the independent Infrastructure Victoria board will provide advice, costings, assessments and modelling on infrastructure projects referred to it by all members of Parliament?

**Mr ANDREWS** (Premier) — I thank the member for Warrandyte for his question. I refer him to the act. It is one he voted for; you would think that he might have read it. Apparently he is confused. Those opposite put forward in the last Parliament a flawed — but I do think they remain committed to a much better one — version of a parliamentary budget office. The function he is talking about is exactly one that would be conducted by a parliamentary budget office. It is quite amazing that the member for Warrandyte is suddenly interested in infrastructure. He did not lift a shovel for four years, but he is doing plenty of digging in question time this morning.

**Mr R. Smith** — On a point of order, Speaker, the question did not refer to the parliamentary budget office at all. In fact —

**An honourable member** interjected.

**Mr R. Smith** — Gee, he's a statesman, isn't he?

**The SPEAKER** — Order! The member for Warrandyte will speak through the Chair and will make his point of order.

**Mr R. Smith** — If the Premier claims that Infrastructure Victoria is independent, then members of Parliament should be able to have work done by Infrastructure Victoria for the betterment of Victoria.

**The SPEAKER** — Order! I do not uphold the point of order.

**Mr ANDREWS** — Infrastructure Victoria will discharge its functions under an act of this Parliament, which the member voted for. His ignorance is quite breathtaking. It will produce 5-year plans, with a 30-year vision. Again, the member needs to read the act that he voted for, rather than asking these ridiculous questions. Again the only stooge in this is the member for Warrandyte.

### **Ministers statements: Fishermans Bend development**

**Mr MERLINO** (Minister for Education) — Today the Minister for Planning launched a refresh of *Plan Melbourne*, and I want to talk about its implications for education provision. As the *Plan Melbourne* advisory committee has stated:

Local services such as schools ... need to be provided at an early stage in a neighbourhood's development. Lags in the delivery of community services, especially health and education, can result in social isolation, lower VCE participation rates and health-related issues.

A Places Victoria report in 2012 examined the infrastructure needs, including schools, for the new Fishermans Bend precinct. The report showed that the Fishermans Bend precinct could require up to five primary schools and two new secondary schools, catering for up to almost 5000 students. The former planning minister wanted 80 000 people to live in Fishermans Bend, but he ignored the fact that their children would need to go to school. The overnight rezoning of Fishermans Bend lined the pockets of landowners and developers, while effectively slapping a new tax on future residents and future governments.

**Mr Clark** — On a point of order, Speaker, sessional order 7 provides for ministers statements to inform the house of new government initiatives, projects and achievements. The minister has ceased to do that, and I ask you to bring him back to compliance.

**Mr MERLINO** — On the point of order, Speaker, on the refresh of *Plan Melbourne*, one of its focuses is addressing the need of school provision and enrolment growth. To talk about that in a ministers statement, I need to put in context the neglect of the former government in providing for one primary school for a population of 80 000 people. You know — happy to support the white shoe brigade.

**The SPEAKER** — Order! That is not a point of order. I ask the minister to come back to making his statement.

**Mr MERLINO** — We are addressing the overcrowding in schools in the area of the inner city by concurrently building both a primary school at Ferrars Street and at South Melbourne Park. These schools will cater for the current growth in demand. But due to the woeful neglect by those opposite, we are faced with the costly task of trying to find space for new schools right across Fishermans Bend at a cost, I am advised by the department, of up to \$180 million — the legacy of the failed planning minister in the former government.

#### **Electorate office staff**

**Mr GUY** (Leader of the Opposition) — I am surprised you got the report given it was emailed to you.

**The SPEAKER** — Order! The Leader of the Opposition will put his question.

**Mr GUY** — My question is to the Premier. The Premier has now had advice from the Presiding Officers and their department for over four weeks clearly stating that Labor's \$1.4 million spend on casual staff in associated non-parliamentary use would not stand up to audit scrutiny, so I ask: what actions has the Premier taken to prevent continued Labor roting of taxpayer funds given that he has had this advice for more than one month?

**Mr ANDREWS** (Premier) — I thank the Leader of the Opposition for his question. He has clearly run out of other issues to ask about. As you well know, if you want to find out what the bottom of the barrel is like, just ask this little one over here, because he is in it. He knows what the bottom of the barrel is like because that is where he lives. The issues — —

*Honourable members interjecting.*

**The SPEAKER** — Order! The Premier will resume his seat.

**Mr Hodgett** — The roting member for Mulgrave.

**The SPEAKER** — Order! The Deputy Leader of the Opposition again! I warn him.

**Mr Guy** — On a point of order, Speaker, on relevance, the answer to my question is not a forum for the Premier — who wants to be a statesman — to engage in low-barrel personal abuse. It is a serious question about \$1.4 million that has been rorted, and I want to know what he has done about it.

**The SPEAKER** — Order! The Premier will continue. I do not uphold the point of order.

**Mr ANDREWS** — I thank the Leader of the Opposition for his lecture on being a statesman. Have you got your white shoes on over there? The Presiding Officers are reviewing these matters to appropriately — —

*Honourable members interjecting.*

**The SPEAKER** — Order! The Premier will resume his seat. I do not require advice from opposition members. The members for Warrandyte and Hawthorn will allow the Leader of the Opposition to raise his point of order and to be heard in silence.

**Mr Guy** — On a point of order, Speaker, I ask again, on the issue of relevance, this is a serious matter, and I ask you to bring the Premier back to what is a serious matter, a serious question, on which the people opposite clearly have got something to hide.

*Honourable members interjecting.*

**The SPEAKER** — Order! The Premier will resume his seat. I warn the Leader of the Opposition. The Premier was being responsive. The Chair cannot direct the Premier to respond in any particular way, but the Chair can determine if the Premier was being responsive. The Chair determines the Premier was being responsive.

**Mr ANDREWS** — As I was saying before a spurious point of order was taken, as you well know, Speaker, and as I would have thought the opposition knew — —

**Mr Guy** interjected.

**The SPEAKER** — Order! The Leader of the Opposition. The Premier will continue in silence.

**Mr ANDREWS** — As I was indicating to all honourable members, or at least those who were not shouting — they are very angry over there — the Presiding Officers are reviewing all of these matters, and it is appropriate that every member of Parliament

cooperate with that review. We commit as a government to do just that.

*Supplementary question*

**Mr GUY** (Leader of the Opposition) — I ask: why is the Premier willing to take advice from the public service when it comes to the office capability of ministers he does not like but not when it comes to the systematic rorting of electoral allowances?

**Mr ANDREWS** (Premier) — I thank the Leader of the Opposition for his question. Again he has fallen into that trap where he just asserts something and therefore it is true. If he gets angry enough, if he stamps his foot enough, it will be true. Well, he is wrong. He is wrong. He is simply wrong in the assertions made in his question, and I reject the assertions made by the Leader of the Opposition. He is, in so many ways, completely and utterly wrong.

**Ministers statements: Fishermans Bend development**

**Ms GARRETT** (Minister for Emergency Services) — I rise to inform the house that I have instructed my department to provide a report on the impact on emergency services by the former planning minister's appalling failures with respect to rezoning Fishermans Bend.

This government, and indeed any government that has the privilege of holding these seats, should be committed to providing world-class emergency services to our community. Yet here we are, once again, on this side of the house, having to pick up the pieces after another rushed planning commitment from a minister who had the biggest case of white line fever when it came to rezoning that we have ever seen in this state.

Our community, quite frankly, is horrified by the lack of standards of those opposite. It is breathtaking that a minister of the Crown would be so reckless in doing an overnight zoning of such a significant — —

**Mr Clark** — On a point of order, Speaker, the purpose of sessional order 7 is for the minister to advise the house of new government initiatives, projects and achievements. The minister is not entitled to tell the house that she is launching some review or other and then devote the remainder of her 2 minutes to an attack on the opposition. It makes a travesty of sessional order 7, and I ask you to bring her back to compliance.

**The SPEAKER** — Order! The minister will come back to making a statement.

**Mr Guy** interjected.

**Ms GARRETT** — Really? The outrageous, stupid slurs coming from those very small people opposite — —

*Honourable members interjecting.*

**The SPEAKER** — Order! The minister to continue in silence.

**Ms GARRETT** — These are serious matters that this house must take into consideration because the former failed planning minister is costing the state some \$340 million, by best estimates, by failing to provide proper planning — —

**Mr Clark** — Speaker, I renew my previous point of order. Yesterday you cautioned ministers and advised them to give closer adherence to the requirements of sessional order 7. I ask you to ask that of the minister.

**Ms Allan** — On the point of order, Speaker, it is entirely relevant as the minister is giving new information about the costs of the failures of the former government. Those opposite may not like it, but it is fact, and it is entirely appropriate for the minister to put facts on the table. Those opposite might want to shout and scream and stamp their feet, and they might not like what they are being told, but we are prepared to put these facts on the record, no matter how much those opposite try to shout and scream about it.

**The SPEAKER** — Order! I ask the minister to come back to making the statement.

**Ms GARRETT** — It is vital for the 40 000 to 80 000 people who will be at Fishermans Bend that they are able to have access to emergency services, that roads provide the capacity for fire trucks to get in and that where stations are needed they are provided. Unfortunately we have to clean up their mess again.

**Electorate office staff**

**Mr GUY** (Leader of the Opposition) — My question is again to the Premier. Given that the Premier has told this house he takes responsibility for the actions of the Labor Party under his leadership and further that the Premier has always maintained that no rules have been broken by his party on the hiring of casual parliamentary staff, I ask: why has his government given a list of former and current casual staff to Slater and Gordon in order for them to coach witnesses and hinder the police investigation?

**The SPEAKER** — Order! I ask the Leader of the Opposition to rephrase his question and to indicate in what way this is government business.

**Mr GUY** — Given that the Premier is responsible for the act which governs parliamentary staff, I ask: why has the Premier allowed his government to give a list of former and current casual staff to Slater and Gordon in order for them to coach witnesses and hinder the police investigation into his government?

**Mr ANDREWS** (Premier) — I thank the Leader of the Opposition for his question. The government has done no such thing, no such thing. That dispatches this quite ridiculous question.

**Ms Ward** interjected.

**The SPEAKER** — Order! The member for Eltham and the member for Gippsland South are both warned.

*Supplementary question*

**Mr GUY** (Leader of the Opposition) — On the substantive question asked by way of supplementary, can the Premier advise the house whether any of the staff currently or previously employed in his joint electorate office are recipients of Slater and Gordon's witness coaching?

**Mr ANDREWS** (Premier) — The question again does what the Leader of the Opposition so often does — he makes an allegation and he thinks if he says it often enough, it will become true. I reject the question. It is littered with errors and nothing but accusations.

*Honourable members interjecting.*

**Questions and statements interrupted**

**SUSPENSION OF MEMBERS**

**Members for Eltham and Nepean**

**The SPEAKER** — Order! The member for Eltham will withdraw from the house for a period of half an hour — and so will the member for Nepean.

**Honourable members for Eltham and Nepean withdrew from chamber.**

**QUESTIONS WITHOUT NOTICE and MINISTERS STATEMENTS**

**Electorate office staff**

**Questions and statements resumed.**

**Mr Guy** — On a point of order on relevance, Speaker, it was a very simple and straightforward question that did not elicit any form of abuse from the Premier. It is just a simple question: is his staff in receipt of advice and witness coaching from Slater and Gordon, yes or no?

**The SPEAKER** — Order! I do not uphold the point of order. The Premier will continue. The Premier was being responsive.

**Mr ANDREWS** — No amount of angry points of order from the Leader of the Opposition will make the false claims and allegations he has just aired in his question true, no matter how angry he gets. I reject the question, which was littered with errors and assertions, none of which are based in fact.

**Ministers statements: Fishermans Bend development**

**Ms NEVILLE** (Minister for Environment, Climate Change and Water) — I rise to inform the house of the work that I am doing with the Minister for Planning to ensure that Victoria's largest urban renewal project has open space and has parklands and a proper plan to deal with major contamination issues. The planning minister is attempting to get this project back on track to ensure that Fishermans Bend is a livable part of the most livable part of our city. You would think that open space would be central to any plan of this nature but apparently not, and nor is dealing with contamination issues a critical part of a plan.

Back in 2013, if we look at the community infrastructure needs assessment, it identified exactly where open space needed to go — that it was going to be a critical part of that development. But a year later the then planning minister rezoned the land for housing development overnight by mistake, so all the open space disappeared. Now we have to buy back; now we have to use taxpayers money to ensure that there is open space there — and I can only hope that it was only an error and it was not about supporting his development friends at the expense of Victorian taxpayers.

**Mr Clark** — On a point of order, Speaker, I raise with you sessional order 7. I have been listening as closely as possible to what the minister has been saying

and as far as I can make out she has not made any attempt to inform the house about government initiatives, projects or achievements. She is also in breach of standing order 118, and I ask you to bring her back to order.

**Ms Allan** — On the point of order, Speaker, again the opposition might not like the information that the government is putting to the house but there are facts about what has been going on at Fishermans Bend that are entirely the responsibility of the relevant minister. The Minister for Environment, Climate Change and Water was talking about providing open space at Fishermans Bend — a critically important issue in her portfolio responsibilities. It is entirely relevant that she be allowed to put the context around this. No amount of shouting and screaming of those opposite is going to stop this house being —

**The SPEAKER** — Order! I have heard sufficient on the point of order. I do not uphold the point of order at this point, but I do ask the minister to come back to making her statement.

**Ms NEVILLE** — The minister and I are absolutely committed to making sure that open space is delivered in this community. On top of that, we are also committed to ensuring that we have a strategy to deal with contaminated land. Unfortunately those opposite offered no contamination strategy at all, and in fact the former Minister for the Environment and Climate Change took a quarter of the staff out of the Environment Protection Authority — a so-called environment minister! We are committed to this community, we are committed to ensuring that open space is there and we are not going to allow the error of the opposition leader to cost taxpayers further money.

### **Electorate office staff**

**Mr GUY** (Leader of the Opposition) — My question is to the Minister for Sport, who is also the Minister for Tourism and Major Events. Given that the rules of the Parliament clearly state that electorate officers are employees of the Parliament of Victoria and are directly accountable to the member in whose electorate office they work, these positions are provided to support the member in their parliamentary and electorate duties and the member does not fund positions to support the members' political parties or duties, I ask: can the minister explain his statement to this house on 6 October when he said when employing casual staff:

I have followed the rules and guidelines that were set out by the Parliament.

**Mr EREN** (Minister for Tourism and Major Events) — This is again a nonsense question. I stand by my answer — just read *Hansard*.

### *Supplementary question*

**Mr GUY** (Leader of the Opposition) — By way of supplementary question, I think the point is that we have been reading *Hansard*. Noting that the minister actually told this house, in *Hansard*, 'I have followed the rules and guidelines that were set out by the Parliament', I ask: can the minister also explain about how having a member of his parliamentary paid staff as a field organiser in Bellarine fits within those rules?

**Mr EREN** (Minister for Tourism and Major Events) — The member can ask this question a hundred different ways, but the answer remains the same: refer to *Hansard*. I have answered these questions before.

**Mr Hodgett** interjected.

**The SPEAKER** — Order! The Deputy Leader of the Opposition is warned, I will not warn the Deputy Leader of the Opposition again.

### **Ministers statements: Fishermans Bend development**

**Mr PALLAS** (Treasurer) — I rise to update the house on the infrastructure needs of new communities. I was recently provided with a report entitled *Fisherman's Bend Preliminary Community Infrastructure Needs Assessment*. I have requested and received advice about the normal cost of providing facilities for such communities. The report shows that in an area of about 30 000 new dwellings, the community infrastructure required would be 6 indoor recreation centres or courts, 1 council aquatic leisure centre, 24 outdoor tennis courts and 4 kindergarten rooms. Ordinarily this would cost about \$50 million. It is not cheap. But things start getting very expensive when you have to buy back capital city blocks to build vital infrastructure.

It is very difficult to say exactly how expensive because nobody in their right mind would approve the creation of a 30 000 household community without first putting aside enough land to accommodate these crucial facilities. But the Leader of the Opposition was clearly not in his right mind. We are considering the report and we are developing a planning strategy that will involve doing some actual planning along the way. The Andrews Labor government will not be lining the pockets of property speculators at the direct expense of the Victorian taxpayer.

Kerry Packer famously once said, ‘You only get one Alan Bond in your life, and I have had mine’. The property development community has just had its Alan Bond. The most generous interpretation is that the Leader of the Opposition was simply incompetent. Only time and rigorous inquiry will tell.

### School bullying

**Mr MERLINO** (Minister for Education) (*By leave*) — Yesterday in question time the Leader of the Opposition raised a serious issue regarding a student at Torquay P-6 College. I gave an undertaking to the house to investigate the matter immediately.

I can inform the house that I was first contacted by the family by email on 6 October. Given the gravity of the issue, my office instructed the department on 8 October to make urgent contact with the family and report back. On 9 October the department contacted the family and has been in ongoing communication since. The department continues to work closely with the families and the school to seek a resolution.

These are serious, sensitive and complex issues for all the parties involved. As such, it would be inappropriate to make any further comments in the house. However, I would be happy to provide a detailed briefing for the shadow Minister for Education.

**The SPEAKER** — Order! The time for questions and statements has expired.

**Mr R. Smith** — On a point of order, Speaker, I refer you to sessional order 12 and advise that the Minister for Roads and Road Safety has still neglected to reply to questions on notice that are quite past the due date. Those questions are: 1014, 1010, 1013, 1009, 1011, 1008, 1006, 1007, 994, 999, 995, 1000, 1002, 1001, 998, 1003, 996, 1005 — —

**The SPEAKER** — Order! If the member does not mind, I can enlighten him.

**Mr R. Smith** — There are 397 of these questions.

**The SPEAKER** — I advise the member that my office has received the responses from the Minister for Roads and Road Safety. My office has not been able to process them as yet, but I have been advised by the Clerk that the answers have now been received. These matters will be dealt with by the office as soon as possible.

**Mr R. Smith** — I thank you, Speaker, for your attention.

**Ms McLeish** — On a point of order, Speaker, I draw your attention to question 442, directed to the Minister for Planning on 28 August, which remains unanswered. It is two months overdue now. I also draw your attention to question 880, lodged on 16 September, to the Minister for Consumer Affairs, Gaming and Liquor Regulation, which is also outstanding. I note that both of these ministers were particularly righteous during question time. It would be nice if they were as righteous and diligent with their responses.

**The SPEAKER** — Order! The chair will follow these matters through for the member for Eildon.

## CONSTITUENCY QUESTIONS

### Evelyn electorate

**Mrs FYFFE** (Evelyn) — (Question 3887) My question is to the Minister for Education on behalf of a number of constituents who asked for clarification following the announcement by the minister on Monday that Box Hill TAFE is purchasing the former Swinburne Lilydale site. These constituents were part of the educational precinct group which advocated strongly for the reopening of the site to education. They are asking for clarity in relation to how the courses to be offered as listed in the opening statement, such as child care, agriculture, animal husbandry and some science subjects, will lead to degrees, and if they do, will students have to travel to Deakin at Burwood for the second and subsequent years, or is Deakin going to be offering degrees at the Lilydale site?

### Bundoora electorate

**Mr BROOKS** (Bundoora) — (Question 3888) My question is to the Minister for Housing, Disability and Ageing. I refer to an excellent parliamentary internship report prepared by Harvey Duckett and titled *As Safe as Houses — Providing Low-Income Victorians with Accessible and Affordable Home Contents Insurance*. The report found that underinsurance and non-insurance are ongoing problems for low-income Victorians. Further, it found that more research was required in order to better understand why this is the case. I ask the minister if he can organise for this research to be undertaken.

### Lowan electorate

**Ms KEALY** (Lowan) — (Question 3889) I direct my constituency question to the Minister for Agriculture. Judy Smith of Shannon Glen Berries is an organic berry grower based in Mumbannar. Judy sells

her delicious organic berries in Victoria and South Australia. Due to fruit fly restrictions in South Australia, Judy must provide evidence that her product is free of fruit fly. This is achieved by setting fruit fly traps, which must be checked periodically to ensure that there are no breeding fruit flies in her produce.

Currently the only mechanism for Judy to have these fly traps checked is for her to pay a Department of Environment, Land, Water and Planning inspector from Ballarat to attend her property. As Ballarat is located some 300 kilometres from Judy's property, this imposes a significant and unacceptable additional cost to her business. In effect, Judy's business is being unfairly penalised simply because of the distance of her business from a centralised government agency.

I have spoken to representatives from Primary Industries and Regions South Australia, who have agreed it would be acceptable for Judy's fruit fly traps to be checked by any government employee. I therefore ask the minister to arrange for a local departmental employee to inspect these fruit fly traps to support agricultural businesses in remote south-western Victoria.

### **Pascoe Vale electorate**

**Ms BLANDTHORN** (Pascoe Vale) — (Question 3890) My constituency question is to the Minister for Health. I have previously spoken in this house about the prevalence of hepatitis B and hepatitis C in the Victorian community. Measured against other states and territories, Victoria has the highest prevalence of hepatitis B and the second-highest prevalence of hepatitis C. Research also reveals that hepatitis is particularly common in migrant communities. It is estimated that in the district of Pascoe Vale, which is obviously a very multicultural area, 2 per cent of people are suffering the debilitating condition.

The Labor Minister for Health has recognised that this is a serious health issue for Victoria, and I congratulate her on the commitment she made as part of World Hepatitis Day to a stand-alone viral hepatitis strategy in Victoria. This was considered a major win by Hepatitis Victoria and community advocates. I ask the minister to provide me with an update as to how the strategy will assist local communities, as well as to give advice as to when the formal announcement from the minister confirming commitment of the strategy will be provided to the relevant stakeholders.

### **Ripon electorate**

**Ms STALEY** (Ripon) — (Question 3891) My question is to the Minister for Energy and Resources. There are concerns within the Stawell community regarding air quality due to dust from the tailings dam and emissions from underground mine vents in residential areas, particularly the vent immediately north of McLellan Street. I have been informed that there was a serious irregularity with one of the groundwater monitoring bores discovered last week. I am also informed that neither the earth industry inspector nor the Environment Protection Authority investigated the breach.

I am very concerned that some members of my electorate may be experiencing dust pollution from the Stawell goldmine via personal inhalation of toxic dust and also into their drinking water tanks and farm dams. Can the minister provide the Parliament with her department's plans to independently monitor in real-time the airborne toxic metal pollution from the Stawell goldmine, including a copy of her plan to independently test the drinking water tanks and farm dams within a 10 kilometres radius of the mine for toxic heavy metal elements?

### **Mordialloc electorate**

**Mr RICHARDSON** (Mordialloc) — (Question 3892) My constituency question is to the Minister for Police, and it relates to the ongoing issues surrounding graffiti in our community. We have some community representatives from my electorate in here today, and I would like to acknowledge them. The City of Kingston, and particularly the suburbs along Port Phillip Bay in my electorate, running from Chelsea through to Cheltenham, will be a hive of activity as we go into the warmer months. Cafes and other businesses will see significant trade as people enter the community to use the local beaches. We need to ensure that we keep our community beautiful during this time and into the future, and we need to assist communities and local councils to respond in a timely manner where there are elements of property damage and graffiti to continue to make sure our communities remain beautiful. I ask the Minister for Police to tell me and my constituents what the government is doing to support local communities and local councils to address these challenges.

### **Shepparton electorate**

**Ms SHEED** (Shepparton) — (Question 3893) My question is to the Minister for Public Transport. The timetable for Shepparton trains on the grand final eve public holiday was the same as Sundays — that is,

heavily reduced services, with only two trains to Melbourne and two trains returning. Given that one of the stated purposes of this public holiday was to increase visitation to regional areas, and indeed give people living in regional areas the opportunity to attend the grand final parade, a timetable such as this does nothing to promote those opportunities. Will the Minister for Public Transport review regional train timetables, in particular Shepparton, for all public holidays with a view to maintaining them on a normal weekday timetable, thereby enabling a customer-focused transport system?

### **Bendigo West electorate**

**Ms EDWARDS** (Bendigo West) — (Question 3894) My constituency question is also to the Minister for Police regarding graffiti. It is illegal in Victoria to mark graffiti on property without the owner's consent, and graffiti vandalism not only affects the visual appearance of neighbourhoods and influences perceptions of public safety, but is also costly for communities and property owners to prevent and remove. In my electorate, and across the Bendigo region, graffiti continues to be a problem. The Victorian Graffiti Prevention Act 2007 creates a range of graffiti-related offences, gives police powers to investigate suspected graffiti offences and give councils power to remove graffiti from private property. In light of this, I ask the minister to inform my electorate of what the government is doing to prevent graffiti, including antigraffiti initiatives, community education and graffiti removal measures.

### **South Barwon electorate**

**Mr KATOS** (South Barwon) — (Question 3895) My constituency question is to the Minister for Planning. I refer the minister to Victorian Civil and Administrative Tribunal (VCAT) matter P1763/2015, the adventure park at Bellbrae. A significant number of members of the local community have contacted me with concerns about the size and scale of this development, traffic management issues and possible detrimental impacts on the environment and local amenity. This matter was unanimously rejected by the Surf Coast Shire Council. Most residents are not totally opposed to the development per se but want to see a smaller scale project that takes into consideration the views of the local community. The question I have for the minister is: will the minister consider intervening and calling in this planning matter from VCAT to enable the views of the local community and the Surf Coast shire to be fully taken into account?

### **Niddrie electorate**

**Mr CARROLL** (Niddrie) — (Question 3896) My constituency question is to the Minister for Local Government. I ask: how will the Fair Go rates system, to be delivered in time for the 2016–17 financial year, benefit ratepayers with greater value for money while ensuring that councils in the Niddrie electorate, including the City of Moonee Valley and the City of Brimbank, remain financially sustainable and continue to provide essential services and facilities in our local community?

## **ADOPTION AMENDMENT (ADOPTION BY SAME-SEX COUPLES) BILL 2015**

### *Second reading*

### **Debate resumed.**

**Mr DIMOPOULOS** (Oakleigh) — Laws are powerful in setting or changing human behaviours and thoughts. I am immensely proud of the Premier and the Minister for Equality for their steadfast championing of equality. I am proud of all those brave men and women — human beings — who over the years and decades have fought for equality for the LGBTI communities. This legislation would not be before the Parliament if not for the struggles of so many who have gone before. It has never been more true that if we have seen further, it is because we have stood on the shoulders of giants.

I take my hat off to all gay men and women and the LGBTI communities of Victoria over the last 150 years. I take my hat off to their parents, children, families and loved ones, who have endured the stigma, rumours and innuendo for too long, all the while knowing the beauty and authenticity of the person or people they have loved and cared for. I say to them: you have a government on your side. You have a government on the side of your children and grandchildren and on the side of your full expression as a complete human being. There is nothing wrong with you, and there never has been.

In 50 years people will scratch their heads and think, 'Was all this necessary? Surely this should not have been an issue or a debate'. At worst they may think it is embarrassing for society that this did not happen earlier, just as we now think about women and Aboriginal Australians having the right to vote. We are not honouring gay people with this legislation. They already have honour. Today we honour ourselves, all of us, for doing the right thing. I commend the bill to the house.

**Mr CLARK** (Box Hill) — I oppose this bill, the Adoption Amendment (Adoption by Same-Sex Couples) Bill 2015, because of its consequences for children and because of its attack on people of faith and on our respectful, open and harmonious way of life. In my view, children do best with both male and female parental role models in their lives — ideally their biological mother and father, but when that is not possible, with others filling those parental roles. We have seen throughout history that often, through death, separation or other tragedy, this has not been possible. Those who bring up children in such circumstances often work very hard to overcome the disadvantages they face. They often achieve remarkable results for the children in their care, often with great personal sacrifice. However, it is one thing for that to occur as the best possible response to circumstances beyond someone's control; it is another thing for it to occur as a deliberate result of public policy choice.

This bill will give legislative sanction to children deliberately being brought up, by operation of law, without the role of a mother or without the role of a father in their lives. I do not believe that is desirable public policy. People may well act with goodwill and in the sincere belief that they are providing a good family for their child, and I in no way wish to detract from the goodwill and good intent of those who hold those views or what they achieve for the children in their care. However, in making policy decisions it is ultimately not goodwill and good intentions that are the decisive factors. It is what the consequences are likely to turn out to be for the children concerned, not only in the typical case but also in relation to the number and the nature of cases where problems are likely to arise as time passes.

We also have to always remember that these are very long-term decisions we are making. The full consequences of the decisions we make today may not become apparent for many years, after which, if they are found to be harmful, it may take many more years to remedy, and only after many difficulties in the meantime.

The second reason I oppose this bill is its attack on people of faith and on the values our community holds dear. This is not some inadvertent and unintended side effect. It is part of a concerted and deliberate agenda by sections within the Labor Party and within the community to curtail freedom of belief and persecute anyone who holds different views to them. Tolerance and respect for those of different views has been one of the most difficult concepts for humans to grasp over the centuries of slow and painful development of human civilization. It has only been over the course of many

years that humans have learnt to respect differences of view held in good faith, to respect others of different backgrounds and beliefs and to seek to win people over by argument, persuasion and example rather than by coercion or destruction.

It has been only in the last few hundred years that our civilisation has generally come to respect the maxim attributed to Voltaire: 'I disapprove of what you say, but I will defend to the death your right to say it'. It has only been in the last few hundred years that religious persecution and exclusion by law have ended under the Westminster tradition. We have been fortunate that in Australia, and in Victoria, our respect for the views and freedoms of others has been reinforced by the Aussie sense of a fair go for all — 'You do your thing; we'll do our thing'. Places of faith and worship of multiple denominations sprang up in cities and towns across our land, and people of all denominations were able to live and work in freedom together.

The last thing we want to do is throw all that away, replace respect with intolerance and replace freedom with persecution. Yet that is the agenda that some in the government and some in the community want to pursue — an agenda to crush and destroy anyone or any institution that has different views to them. We have seen it with the recent special religious instruction changes, we have seen it with the policy to prevent faith-based organisations employing people who share their values and we are seeing it here with the prohibition against faith-based adoption agencies. Each and every one of those measures sends a message that people of faith are not welcome.

The attempt to force the closure of Catholic adoption services in this state is unnecessary and vindictive. The adoption agency involved provides only a handful of adoptions a year. Whether or not it remains open or is forced to close makes no practical difference to the availability of adoption services to any eligible person. It makes no practical difference to achieving the objectives of this bill, yet rather than respect alternative points of view, those behind this bill want to force that agency to surrender its faith or to drive it out the state.

This is not about some law stopping violence or destruction in the misguided name of some religion; it is about coercing people to engage in proactive conduct contrary to their beliefs. It is easy to say that this is just an attack on one small agency in respect of one small part of its operations, but one at a time is often the way of tyranny, and if people of goodwill who cherish freedom, openness and respect do not take a stand when tyranny comes for the first of its victims, who will be left when tyranny comes for them? The agenda of those

behind this attack on freedom of faith have now put Victoria at a crossroads. Do we continue as the open, welcoming, respectful, multicultural, multifaith community that we know and love, or do we allow those driving this attack to send the message that people of faith are not welcome in Victoria?

Multiculturalism is about more than spicy foods and colourful costumes; it is about respecting the diversity of views and beliefs amongst people of goodwill from many different faiths and backgrounds. You cannot celebrate diversity and repress freedom of belief; you have to choose. You cannot appeal for tolerance and respect, then launch your own attack on people of faith; you have to choose. You cannot be pro-multiculturalism and antifaith at the same time; you have to choose.

So I hope fair-minded Labor MPs and party members will see what is at stake, call a halt to this agenda of persecution and choose to join with other fair-minded Victorians in standing up for a Victoria that respects freedom of belief, welcomes people of goodwill from diverse backgrounds, promotes religious harmony and supports engagement and debate rather than coercion.

**Ms RICHARDSON** (Minister for Women) — I am very pleased to rise to speak in wholehearted support of the bill before the house, the Adoption Amendment (Adoption by Same-Sex Couples) Bill 2015. I am very privileged to be part of the debate that will remove discrimination against same-sex couples and their children in relation to adoption. I know there are a great many people on our side of the house who wish to rise to speak in support of this important legislation so I will try to be brief, but there are some issues that I want to touch upon as part of this debate.

In particular I would like to highlight that for very many parents in my community this is a very important and significant piece of legislation. Ending discrimination and delivering equality for all Victorians is a key priority for Labor, and I am so very proud to be part of a Labor government that has, once again — and which has in fact time and again — delivered such important leadership on these kinds of issues. Unlike the Liberals, and the Greens over there on bicycles, it is of course Labor that delivers on these important issues.

Delivering on this issue is not just of significance to lesbian, gay, bisexual, transgender and intersex (LGBTI) people; it is about delivering for each and every one of us — our whole community — because it says something about us if we allow discrimination to continue. No matter how we want to wrap it up, no matter how much we want to explain it away, it says

something about us if we as a community allow this kind of discrimination to continue.

Members opposite will no doubt talk about what is in the best interests of the child. I also want to talk about what is in the best interests of the child but I want to do that in a way that focuses not on our internal bias or perhaps our cultural bias but on what the evidence actually shows with respect to what is in the best interests of the child. A great amount of evidence shows that time and again children raised in same-sex families are raised in a way that shows no discernible difference from the way children are raised in other families. In fact there is also some research which shows that children raised in these families actually fare better than children raised by heterosexual couples in traditional arrangements. That must be an uncomfortable bit of research for some members opposite to understand and embrace, but when we are talking about what is in the best interests of the child I think we need to keep that front and centre.

In the context of the speaker just before me, the former Attorney-General of this state, I want to talk about a bit of hypocrisy that exists in this space. In my community we know that there is a great deal of dependence on the LGBTI community when it comes to foster parenting. In fact we advertise within a variety of LGBTI newsletters and the like calling on these families to take the most vulnerable children into their homes, and they have stepped up time and time again to deliver for the state and for these most vulnerable children.

Yet it is interesting that the former Attorney-General, as the most powerful law officer and legislator when it came to the law in this state, did nothing to move legislation with respect to foster children. He did not step up at the time and say, 'Actually, no, we won't fix the legislation and stop LGBTI families from adopting foster children'. He did not actually take that step. Yet he stands here today and says, 'No, it's not going to be reasonable for these families to adopt children'. There is so much hypocrisy in his position. I think he should explain to the house in some way, shape or form why it is he thought it was reasonable for these families to foster children but not reasonable for them to adopt them.

I have LGBTI families fostering children right now across my community, and it is fair and reasonable for those children to be adopted by these very good and sound parents. I hope the former Attorney-General reflects upon his current position and upon what it is that religious organisations are saying about this. I say to him that the vast majority of religious organisations are saying, 'We welcome this legislation, and we will

comply with it. Do you know why? Because we have been fostering out children to these families; we have been part of the state's call on these families to foster these children for a considerable period of time'. I say to people in those religious organisations: you are the true Christians in this state.

It is the true Christians who say, 'We will not support discrimination under any circumstances'. I applaud those religious organisations on the position they are taking. To wrap up the discrimination and bias against the LGBTI community as some members opposite have is, I think, purely shameful. I would encourage those members to actually go and meet with these families, many of whom, as I say, live in my community and electorate. These are good people who deserve our support, not to be treated in the way they have been treated by this Parliament and by some members opposite.

I very much commend the bill before the house and look forward to it progressing through it. I look forward to seeing the LGBTI community and in particular their children supported by this legislation.

**Mr HIBBINS (Prahran)** — I rise to speak on the Adoption Amendment (Adoption by Same-Sex Couples) Bill 2015. This is a long overdue landmark bill which the Victorian Greens wholeheartedly support. It is a bill that will strengthen families of all kinds across Victoria by giving children of same-sex couples the same protections under the law that others enjoy by ending discrimination against same-sex couples who wish to adopt.

The bill is also at the heart of a wider issue of ending discrimination against lesbian, gay, bisexual, transgender and intersex (LGBTI) people. Ending discrimination against LGBTI people is happening across the world and this bill will make significant progress to take Victoria from being a lagger to a leader. A great many have fought long for these changes. I commend those activists who have worked so hard to bring this issue to the fore. I let them know that the Victorian Greens have been standing with them every step of the way.

This bill amends the Adoption Act 1984 to enable the adoption of children by same-sex couples. It amends the Equal Opportunity Act 2010 to remove the exemption to the prohibition on discrimination in relation to religious bodies providing adoption services. I know this bill does not enjoy the support of all members of Parliament and that a conscience vote has been declared on the opposition side of the house. Many might still be making up their minds on this

issue. However, this is a bill that, if passed, will have a positive effect on so many — on families, on children and on the broader community.

I will now outline my reasons that it should be supported. There are currently thousands of same-sex couples with children in Victoria. The statistics show that around 33 per cent of lesbian women and 11 per cent of gay men have children. This can be where one parent is the biological parent, who is the only one recognised by law as the parent, leaving the other parent with no legal parenting rights and a child whose relationship with one of their parents is not legally recognised. This leaves them in a legally disadvantaged circumstance, which would particularly come to the fore if something terrible were to befall their biological parent.

Some are seeking to adopt children that they have raised or fostered over many years. We know that foster care agencies like Berry Street actively seek out same-sex parents to ensure that vulnerable children are placed in caring and suitable families, but once the child turns 18 they will not be afforded the same legal rights of having their guardians recognised as legal parents. It is in the best interests of the child that, when appropriate, they are able to be adopted by the family that has cared for them. Some are mixed families, where there are children from previous relationships and a broad range of parenting arrangements. These children are living with fewer rights than the children of heterosexual couples, and the shadow of discrimination hangs over them.

The legal recognition of parents cannot be underestimated. It relates to a range of issues — inheritance, medical treatment, where a child can live and other legal rights and responsibilities. Not only does the law set out the rights of children and parents but in many circumstances it also sets out the responsibilities of parents. Of course there is also the issue of stigma and discrimination against children and families by not recognising them equally with heterosexual couples.

There is an overwhelming need to end the discrimination against people based on their sexuality. The LGBTI movement, which has for so long been fighting so hard, is an extension of the civil rights movement, where minorities and women who had been discriminated against for so long worked to gain rights that others had enjoyed that had long been denied to them. We accept now that there should be no discrimination in laws against people on the basis of their ethnicity, religion or gender and that such laws have no place in today's society, and so it should be

with laws discriminating against people on the basis of their sexuality or gender status. There is much work to be done, both legislatively and out in our community.

The issue of stranger adoption has been opened up by this bill. It will allow same-sex couples to adopt children through adoption agencies just like heterosexual couples, and will end discrimination against same-sex couples, and that will be in the best interests of the children involved. We have heard arguments that it is in the best interests of a child to be raised by a mother and a father, but this is just discrimination in the making of a value judgement against homosexuality by another means. There is nothing to suggest that children of same-sex couples are in any way worse off. Studies have shown that the children of same-sex couples do just as well emotionally, socially and educationally as children of heterosexual couples. The only negative factors are the bullying and discrimination they face, and that is something we can stamp out by supporting equality in our schools and in our communities.

As is outlined in the Victorian Law Reform Commission final report on assisted reproductive technology and adoption:

It is in the best interests of children to have the maximum range of prospective parents available ...

That includes same-sex parents. We need to move beyond this idea that there is a natural or traditional type of family that is best. Much goes into raising children and a good family — love, commitment, communication and support — but gender and sexuality are not factors. It is perfectly natural for there to be same-sex couples with children and for there to be various parenting arrangements.

Now I want to deal with the issue of religious exemptions. The opposition has circulated an amendment that we will not be supporting. The idea that religious agencies should be able to exclude same-sex couples from adoption through their agencies goes to the wider issue beyond adoption agencies that lesbian, gay, bisexual, transgender and intersex people can be legally discriminated against by religious organisations that run services such as schools, health services, aged-care services and other services.

This bill makes changes to the provisions of the Equal Opportunity Act that allow for religious organisations to discriminate on the basis of not only sexuality and gender status but also marital status, pregnancy and others. I make this point about why this is not appropriate: when a religious organisation is offering services to the wider community, whether it is adoption

services, whether it is social services, whether it is aged-care services or whether it is education services, they should operate within the laws that everyone else operates under. We should not have a dual service delivery model where some agencies can operate under different rules from others and discriminate against same-sex families or LGBTI Victorians.

When I worked in the community sector, there was saying that there should be no wrong door for clients to enter. There should be no wrong door when it comes to any service offered in Victoria where potentially there is discrimination behind it. We have heard the argument that not allowing exemptions impinges on religious freedom. When did running a service for the wider community and discriminating against gay and lesbian people become an expression of religious freedom? When did this become ground zero for the argument on religious freedom? Why should a service provider be able to refuse access on the grounds of sexuality to services that it would happily provide to others?

I absolutely challenge the idea that discrimination against LGBTI Victorians is inexorably linked to religious freedom. I say this because so many religious agencies have already said they do not need to discriminate. We have heard from Anglicare that:

The bottom line for us isn't about gender, race, religion or sexual preference. It's about the ability to provide a loving and caring home for the child ...

Groups like the Australian Christian Lobby purport to speak for the entire Christian faith or other religious organisations, but it is simply not the case. From meeting with religious schools, religious organisations or religious people who embrace diversity, I know this is not the case. We have freedom of religion. People are free to follow any religion, but when it is a case of offering services to the wider community and potentially receiving government funding, then it is not a case of religious freedom but rather a case of there being no wrong door and their operating under the same standards that are expected of any agency and any organisation. We have seen this in aged-care services, where exemptions to discriminate have been removed, and so it should be with adoption agencies and other agencies.

I am on the record as wanting to scrap the provisions for exemptions in the Equal Opportunity Act altogether, and this is a good first step because those exemptions that legalise discrimination in this state are inappropriate and getting rid of them is at the heart of the duty of care we have to people. We know the damage discrimination does, and we know it is linked to increased instances of mental health issues and

suicide amongst the LGBTI population. Therefore no Victorian, whether they are a student at school realising their sexuality, a person accessing health services or a family wanting to adopt through an adoption agency, should face discrimination, particularly when there is no requirement for any agency that wishes to discriminate to state that they will use the provisions in the Equal Opportunity Act.

I welcome the commitment from the government to implement the recommendations in the report into this legislation to deal with the regulations to ensure that adoptive parents are fully and appropriately recognised on the child's birth certificate. I would add that with the implementation of this bill there will need to be support for the agencies and community groups that are on the front line to ensure that they understand these changes, they understand their rights and responsibilities and they have assistance to navigate the adoption process. We need to make sure that community groups, which are often very poorly funded and operating on the smell of an oily rag, as has been noted, are adequately resourced. It is important that they have support to back up this significant legislative change.

I conclude by saying that this bill means so much to so many. It will have a profound effect on the lives of families across Victoria and on the wider community. It will protect children, strengthen families and recognise that all families are equal. Ending state-sanctioned discrimination of the LGBTI community in Victoria is something we should all be aiming for. This is a landmark bill that this Parliament should pass. It is a bill on which so many have worked so hard to get to this point, and I honour all those who have campaigned and worked on this issue. I commend the government on its work and for bringing the bill before this house. I commend this bill to the house and urge all members to support the bill in full.

**Ms GREEN** (Yan Yean) — It is with great pride that I join the debate on the Adoption Amendment (Adoption by Same-Sex Couples) Bill 2015. This bill delivers on a profound election commitment made by Labor before being elected to government. It is incumbent upon all of us as members in this place to be objective not only when we are debating legislation but also as human beings, because sometimes the legislation can have a profound impact on your own family and your own life and there can be a tendency to be subjective.

I will be absolutely up-front and say that this bill will have a deep impact on my family. I have two much-loved adult sons, and I hope they both get to be parents one day. I am on the record publicly as

supporting changes to the Marriage Act 1958, and I urge members of the federal Parliament to change their ways and support marriage equality. As a mother, I want to be able to attend the weddings of both of my sons. My youngest son was married in a beautiful ceremony just before Christmas last year to the love of his life, Becerra, and I see no reason why Blake, my older son, should not be able to declare his love, should he meet the love of his life, before his friends and family. If both of my sons want to be parents and want to be recognised as such, their sexuality should have nothing to do with it.

There is an often-repeated saying, 'It takes a village to raise a child', and before we had smaller families that was the case. I am fortunate in that I come from a very loving extended family. I have lots of uncles, aunts and cousins whom I regard more as brothers and sisters in the way I do my own siblings, and so in their rearing my sons have had the benefit of being influenced by our extended family. That is something everyone in the community should strive for.

I want to commend members of the LGBTI community on how willing they have been to foster and support children in our community who do not have two parents. Agencies that are charged with finding loving homes, whether through fostering or respite support, actively seek out those in the LGBTI community because they are trusted with the care of children. They actively attend LGBTI community events because they are trusted to be parents. Many same-sex couples come about when one enters a relationship with another who already has children, and it beggars belief that anyone could oppose those relationships and say they are antifamily. For a person who is a loving partner and has entered a relationship with a person who already has children not to be able, by law, to be recognised as a parent and not to be able to seek medical or dental treatment for those children during their illness, should something terrible befall the birth parent, I think is misguided.

We as a community in Australia have been able to overcome many hurdles and confront our discriminatory history from the time of Federation. We removed the right of our Indigenous people to recognition and to vote; we were able to recognise that we did the wrong thing by our Indigenous people and we rectified that in my lifetime, when I was three years old. We were able to recognise that the law was wrong when we changed legislation that ensured that women were paid less than men. We have been able to remove other discriminatory provisions against LGBTI people. This bill is just the next important step in that anti-discriminatory behaviour.

The biggest threat to our cohesiveness in this country is where people do not feel welcome and part of this community, whether for religious reasons, the colour of their skin, their ethnicity or their sexual preference. We should have no discrimination in those ways.

We should also not have laws that commodify children. I respect that the members of the Australian Christian Lobby and churches should be able to have their say, but they do not have sway here in determining the law. I have met Dan Flynn on a couple of occasions, and I have found him to be a pleasant and respectful fellow to deal with. However, I must say that I was absolutely horrified when I heard him in an interview on ABC radio say that if we took away the ability for adoption agencies to discriminate on the basis of religion, it might impact on the market for children, the adoption market. I absolutely decry that, and I hope that Dan Flynn will apologise to adopted people and to anyone who has been involved in adoption. The adoption of children is not undertaken in a marketplace.

I can speak of adoption from personal experience, not just because I have two children. I had personal dealings with Centacare and CatholicCare when I was pregnant in 1982. I had discussions with people at those organisations when I went through a decision-making process as a single mother determining whether I would keep or relinquish my child. I thank them for their support and advice to me then. I also thank Father Ernie Smith from the Sacred Heart Mission, who gave me great advice then. I decided to keep my son and raise him, and I am proud of him as a 32-year-old.

I do not support that agency whose representative is now saying we need to discriminate. It will not distort the market. There is no market for children. There should be only love and loving families. As legislators we should do absolutely everything in our power to support laws and regulations that mean that children can be raised in a loving home, no matter the sexuality of the parents — or of the children, for that matter.

I urge those members who are tempted to support the amendment proposed by those on the other side not to do so. I hope that they will see the error of their ways. Such an amendment will not improve the lot of children or parents in Victoria or strengthen the family. Pope Francis, like the Dalai Lama, is becoming one of the most respected church leaders internationally. Even he has said we must soften our views about people with LGBTI backgrounds. I urge those in adoption agencies — who have charge of very few children to be adopted in any year, not in a market — not to support this amendment. It is not necessary.

I urge everyone in this house to support this bill. I urge Dan Flynn to reflect on his unfortunate remarks about the adoption market. I want to be a grandparent to children who might be raised by either of my sons — and I want that for every parent or grandparent. I commend the Andrews Labor government for keeping its election commitment. I hope that this bill will have a speedy passage through this chamber and the one across the way.

**Mr PESUTTO** (Hawthorn) — I am pleased to be able to rise today to speak on the Adoption Amendment (Adoption by Same-Sex Couples) Bill 2015. To the extent that this bill will amend section 11 of the Adoption Act 1984 to allow same-sex couples to apply for adoption and like all other couples, if it is in the interests of the child, to become the adoptive parents of such children, I support that change. It is a change that is due, and it is a natural extension of where the law has been for a long time. As members know, under the Children, Youth and Families Act 2005 it is possible for same-sex couples to be given permanent care orders, which have some limitations compared with adoption orders. Members know also that under the Family Law Act 1975 parenting orders can be made in favour of same-sex couples. I support the change as it reflects where our community is at, and I am pleased to be able to say that.

The member for Euroa and other members on both sides of the chamber have explained why this reform is so important. I will not spend a lot of my time dealing with those reasons, because I accept and adopt the comments of a number of opposition members, particularly those of the member for Euroa, who spoke very eloquently.

I want to spend some time talking about the proposed amendment to clause 17 and why it is important. I support the amendment and what I will say in the next few minutes takes nothing away from my comments about the need for a reform that would allow same-sex couples to apply for adoption orders in the cases I mention.

Why is the amendment important? Freedom of religion, which is tied to freedom of speech, has long been part of our law and our culture. It is something which stems from the individual right to express one's opinion in a democracy and to do it without fear of persecution, retribution or punishment in any way by authorities or other individuals. It is a longstanding right. It is reflected in the Equal Opportunity Act, section 82 of which is headed 'Religious bodies'. I will come to that in a moment. Section 83 is headed 'Religious schools'

and section 84 is headed 'Religious beliefs or principles'.

Freedom of religion has a basis in, amongst other things, the Charter of Human Rights and Responsibilities Act. Section 14 of the act is headed 'Freedom of thought, conscience, religion and belief' and, amongst other things, it provides that:

Every person has the right to freedom of thought, conscience, religion and belief, including —

amongst other things —

...

the freedom to demonstrate his or her religion or belief in worship ...

It is also important and worth noting that section 8 of the charter act recognises the human right to equality before the law, which is the source of all reforms designed to eliminate discrimination.

All these rights are important. Whilst we may not in some circumstances agree with one person's expression, that does not mean that we ignore the charter and its application to protect those rights. It is often said that one of the reasons clause 17 of the bill should proceed is that all it does is extinguish the right of a religious body. The corollary of that argument is that a religious body does not have a human right. Technically I would agree with that proposition, but let us look at another charter right by way of comparison.

Section 16 of the charter act is headed 'Peaceful assembly and freedom of association' and subsection (2) provides:

Every person has the right to freedom of association with others, including the right to form and join trade unions.

I agree with that. If this Parliament were to enact a law that extinguished the right of a trade union to exist and operate, would we not say that that was a direct assault on the individual rights of people who wish to be a part of that union? Of course we would. Even though it might be said that the charter does not apply to the union as an entity because it is not a natural person, we would not argue that it does not have an impact on individual members. Of course it does.

The argument that you can extinguish the right to religious freedom in relation to the religious doctrines and beliefs of a religious institution or faith-based organisation, whether you agree with it or not, is in the same way going to have an impact on the individual rights of the adherents, the observers and the parishioners who wish to be a party to that faith and that

church. Can we say that such people have no protection under section 14 of the charter, which expressly says they have a right to freedom of religion? Of course we would not say that. The argument, therefore, that we can extinguish the right of a religious institution because it has no charter right ignores the individual impacts on people.

In terms of the amendment, we should note that the charter also recognises and acknowledges that public authorities are not in breach of the charter where they are responding to or implementing decisions or actions that relate to religious bodies. That is contained in section 38(4) of the charter. Our own existing laws then, including the charter, confirm the importance of the right to religious freedom. Again, whether you agree with it or not is not to the point. It is not up to us to say whether we agree with a person's right. In my view our duty as legislators is to look at how the enactments we pass affect people.

I turn to section 15 of the Adoption Act, which contains a provision which requires a court, before making an adoption order, to consider the wishes — not the requirements but the wishes — of relinquishing parents who can, amongst other things, express wishes as to the race, ethnic background or religious background of potential adoptive parents. Those provisions have long been a part of the Adoption Act, and my concern with the bill, and in particular with clause 17, is that by effectively repealing section 82(2) of the Equal Opportunity Act 2010 in the case of adoption agencies, this legislation would deprive, through the operation of the law, any relinquishing parent — and I do not know whether there would be any — of the ability to express a wish as to the status of potential adoptive parents in terms of their religious beliefs.

That is important. Again, I cannot imagine that if I ever had to relinquish one of my children, I would ever care to express a wish. I do not think I ever would. It would not matter to me. I would just want the best interests of my child to be promoted, and they would remain paramount. It is not a question of what I want; it is a question of whether somebody who genuinely holds those religious views wants to express a view. As a result of the insertion of section 82(3) into the Equal Opportunity Act, an adoption agency — and again I do not know that there would be many or any — that was given an expression of an interest by a relinquishing parent would not be able to act on it in those circumstances. For me, that engages that person's — the relinquishing parent's — human right, which is recognised under our charter of human rights. That is why it is important.

This was a matter that Eamonn Moran talked about in his report. He recommended that there be no recognition of the wishes of a relinquishing parent. As much as the Moran report contains very helpful material, I looked for some analysis in it of the impacts of section 15 and the relevance of section 14 of the charter and section 16 in terms of collective rights — because often the individual rights we possess are exercised collectively — but unfortunately the Moran report did not go into those matters. That is important, because the interaction between equality before the law and religious freedom cannot be denied. We need to address both; in my view it is our duty as parliamentarians.

The report of the Scrutiny of Acts and Regulations Committee, a bipartisan committee of this Parliament, recognised these very points, pointing out, amongst other things:

The committee considers that clause 17 may engage the right of a child's parent to be free to demonstrate his or her religion or belief in practice, as part of a community in public or in private ...

That is a very worthy observation.

I hope the government gives consideration to and accepts the amendment, because I think we need to ensure that the bringing in of a long overdue reform, one I support — the ability of same-sex couples to apply for adoption just as other couples can — needs also to be balanced with the right to religious freedom. It is not acceptable that we can simply brush that issue aside by saying that religious entities are collective organisations and do not enjoy individual rights under the charter. As I have pointed out, individuals often act as much collectively as they do individually.

**Ms KNIGHT** (Wendouree) — I am very pleased to have a chance to speak in favour of the Adoption Amendment (Adoption by Same-Sex Couples) Bill 2015, and I speak about this bill with every fibre of my being and with all my heart. I am pleased to speak on this bill, because it reflects one of my very closely held values — that same-sex couples and indeed same-sex attracted people generally should not be discriminated against. Acting Speaker, if you were to walk into the reception area of my electorate office, you would see a rainbow-flag sticker sitting at the desk. That is a sign too that LGBTI people are welcome in my office — that they can feel safe and know they will not be discriminated against. I look at that sticker and know I have a responsibility to do whatever I can to help end discrimination against LGBTI people in our state. I know that by supporting this bill today, by speaking in favour of inclusion and in opposition to discrimination,

I am helping to end one of the forms of discrimination faced by same-sex couples.

The bill before us removes discrimination against same-sex couples in relation to adopting a child. It will make same-sex couples equal with others when it comes to adoption. As I said before, this bill has my wholehearted support, which comes from a genuine belief that equality is not negotiable.

Around 11 months ago the Premier, as the then Leader of the Opposition, said Labor would put equality back on the agenda, and he has absolutely kept his word. This bill takes a further step in achieving equality in our state. Anyone who is a parent knows that being a parent can be a very difficult job and that there are challenges each and every day. One thing I am certain of is that a same-sex couple is as well equipped to tackle those challenges as any other couple.

A same-sex couple is able to make decisions in the interests of a child as well as any other couple. But more important than these decisions is the love that parents have for a child. That is the most important thing. All kids deserve to grow up in the care of a loving family, and something I know for certain is that all love is equal. I know that gay and lesbian couples have the same love for each other as straight couples. I know that gay and lesbian couples have the same capacity to love a child as straight couples. I know that all love is equal. The federal government should recognise this fact and open up marriage to same-sex couples too. I am confident this will happen in Australia one day — and that day cannot come soon enough.

There are of course many considerations when determining if a couple can adopt a child. These considerations will all remain the same except that a same-sex couple will not be denied the chance to provide a loving home to a child through adoption and a child will not be denied the chance of having a loving home to go to. I acknowledge the leadership of the Premier in putting equality back on the agenda. I also acknowledge the work and commitment of the Minister for Equality. Their dedication and commitment to tackling discrimination is making Victoria a better place for all Victorians. I wish the bill a speedy passage through this house and the other place.

**Mr R. SMITH** (Warrandyte) — It gives me pleasure to rise to speak on the Adoption Amendment (Adoption by Same-Sex Couples) Bill 2015 and in support of the member for Euroa's proposed amendment. At the outset I say that despite the rough and tumble of Parliament, when we debate issues like this, certainly in the time that I have been here, it has

always been a very respectful place. It is a credit to the Victorian Parliament that on these matters that is the way these debates are conducted.

Having said that, I support the amendment for a number of reasons. It highlights the fact that we have a diverse community with very diverse values, and we should respect those values. Those values are certainly respected throughout Australia. When other jurisdictions have brought in legislation containing similar provisions they have kept the exemptions for religious organisations. Across the four jurisdictions that have introduced similar legislation, one such debate, which was conducted in New South Wales, highlighted some of the issues. I will quote former New South Wales Premier Kristina Keneally, who by way of not criticism but contrast gave her Labor MPs a free vote on similar legislation. In the debate she said:

I support an exemption for faith-based organisations from the provisions in the Anti-Discrimination Act regarding adoption services. I still support this because it represents the important contribution these organisations make to our community, and the belief that underpins their great work.

I support those comments wholeheartedly, because in recognising they have certain beliefs that underpin their great work we recognise that people have those diverse values.

The disappointing comments from the Archbishop of Melbourne that CatholicCare may close as a result of this legislation puts paid to the services it has offered Victoria since 1935. The fact that the organisation feels so strongly about these values should not be something that we legislate against. My firm view is that tolerance works both ways. I fear that we are coming to a time when tolerance, instead of being a respectful disagreement, has become a forced agreement, where those who hold different opinions to others are labelled as bigots or homophobic or given other labels just because they do not hold the same views as those who would seek to put those labels on them. That is not tolerance in this state or in this country; it is bullying. People should be entitled to have their views, and I do not think this house can legislate against those views in the manner that clause 17 does.

While we should pass the substantive part of the bill, I firmly believe the government has muddied the waters by including this amendment, particularly given there is a review of the Equal Opportunity Act 2010 on foot by the government, and it would be quite easy to address this issue, as set out in clause 17, under that review, and any subsequent changes to the act that the government decided to do post that review could have been looked at then. It would have given members of this house an

opportunity to comment, debate and vote on those issues separately.

In closing, and understanding that a lot of members want to speak on this bill, I appreciate the last few weeks I have had to talk to my colleagues and my staff who have given me very firm, considered and logical opinions about the way I should conduct myself during this debate and the way I should vote. I very much appreciate their efforts and their words. I want them to know that they were certainly taken on board.

**Ms WILLIAMS (Dandenong)** — Today I rise proudly in support of this very important bill — a bill that impacts on the lives of many friends, and most importantly a bill that rights a wrong and corrects an injustice. Like so many bills the government has put through this place in the short time it has been in office, this bill delivers on an Andrews Labor government election commitment to review the Adoption Act 1984. More broadly it delivers on a more general commitment to provide a fairer and safer Victoria for all Victorians, including LGBTI and gender-diverse Victorians, who sadly have been the victims of structural discrimination in a number of areas.

We strive to confront discrimination wherever it exists and respect the diversity of the Victorian community in all its forms. The exclusion of same-sex couples from having the right to adopt children and thereby providing the certainty of a loving home with the same rights and responsibilities as heterosexual parents is an inexcusable inequality that will be eliminated through the bill. Same-sex couples will have the legal right to add to their families through adoption just as heterosexual couples are able to do. In doing this we are making a distinction between a person's sexual orientation or gender identity and their ability to be a loving, caring parent who is able to provide a safe, nurturing environment for a child. One's sexuality has no bearing whatsoever on one's ability to parent, and it is important our law reflects this fact.

Under our current laws only a man and a woman can adopt a child in Victoria. As such there are some notable exclusions, including same-sex couples, where one or both partners do not identify with a specific gender, step-parents who are in same-sex relationships, and couples where either partner does not identify with a specific gender. In my view, this is not a satisfactory state of affairs.

Currently only one parent in a same-sex relationship is recognised as a parent in the context of an adoption. They have not been able to jointly adopt children. The day-to-day issues this sometimes raises are significant.

Simple things become more complex, like being able to legally sign a child's consent form so that the child may go on a school excursion, or approving medical treatment for a child. These are things most parents take for granted, but they may become a difficulty in a family with same-sex parents where only one parent is able to legally do these things.

In drawing up the bill the Andrews government has followed recommendations made in the Victorian Law Reform Commission report, *Assisted Reproductive Technology & Adoption*, to expand the eligibility criteria for adoption to allow for equality for applicants, regardless of sexual orientation. The commission identified an important problem with the existing law — that is, if we restrict the pool of eligible applicants, we are in danger of eliminating the most suitable parents for a particular child. What is best for a child should always be at the fore of our minds.

It is important to note that other states, including New South Wales, Western Australia, Tasmania and the ACT have for some time had adoption equality, so Victoria is merely catching up through the introduction of this bill. The Adoption Act states that the welfare and interests of a child shall be the paramount consideration, and that will not change under this bill. Existing safeguards which require applicants to be fit and proper persons will still be in place. I think this an important point to emphasise in light of some comments I have read by opponents of the legislation: The interests of the child are paramount, which is exactly why we want to broaden the pool of loving parents who are willing and able to care for them. These children deserve a loving family, and whether a couple can provide this is totally unrelated to their sexuality. Nothing will convince me otherwise.

Under the bill a couple must be in a marriage or registered domestic relationship for at least two years before they are eligible to adopt or they will need to have been living with their partner for at least two years. Changes to the Equal Opportunity Act 2010 will ensure that discrimination on grounds of religion will no longer be allowable. Religious-based adoption agencies will no longer be able to rely on religion as a defence or reason to exclude same-sex applicants. By retaining that exception to exclude applicants on religious grounds we would be defeating the purpose of the bill — that is, to remove discrimination against same-sex couples and their children in relation to adoption.

According to the Australian Institute of Family Studies:

... research ... considerably challenges the point of view that same-sex parented families are harmful to children. Children

in such families do as well emotionally, socially and educationally as their peers from heterosexual couple families.

The 2011 census data tells us that at that time there were 8722 same-sex couples living in Victoria and 2699 children and young people under 25 years living in same-sex couple homes. They may be stepchildren, foster children or biological children. The cold, hard facts are that same-sex couples are already rearing Victorian children. Some same-sex foster parents are taking on some of the most challenging cases and dealing with the most vulnerable children in our community, yet we are discriminating against them by denying them the rights that heterosexual couples enjoy and we are disadvantaging the children in their care by denying them the security of a clearly defined legal connection with their parents.

This bill will give more security and certainty to the children in the care of same-sex parents. Very importantly for the children involved, legal recognition of their families will help to remove the stigma. These children will no longer face discrimination because they happen to be part of a different family. This legal recognition, as enjoyed by other families, will provide security and certainty to all.

This is a great and much-needed step forward, and for the most part our community and legal groups welcome the changes it will bring. However, we know that certain religious organisations will take issue with this bill, particularly Catholic-based organisations. For the record, I am a Catholic, and the values I learnt during 13 years of Catholic education focused on respect, tolerance, justice and love. To my mind, ending any form of discrimination should and does embody all of these values. I often think of a teaching many of us in this place will be familiar with: 'Love thy neighbour as thyself'. It disappoints me that some church-based institutions sometimes fail to see this, although I know many Catholics do embrace these values and the progressive measures that give them life.

This bill gives me yet another reason to be proud to be part of this government. As the Minister for Equality, Martin Foley, stated:

Equality is not negotiable for the Andrews Labor government.

I commend the bill to the house.

**Mr WALSH** (Murray Plains) — I rise to make a contribution to the debate on the Adoption Amendment (Adoption by Same-Sex Couples) Bill 2015. I start off by congratulating the member for Euroa on her excellent contribution as the lead speaker for the

opposition on this legislation. When it comes to the amendments that are moved in her name to omit clause 17 from the bill, I say from the start that I support that amendment. I believe the government has made a mistake by rolling these two issues together in the one piece of legislation. As previous speakers have already said, there is a review of the Equal Opportunity Act 2010 underway. Why did the government not leave it to that review and have a sensible debate around the issue of same-sex adoption without including clause 17 as part of this bill?

A range of views are expressed around the chamber on these sorts of pieces of legislation. I have listened to the contributions to this debate, and respect has been shown to everyone. It would be good if the gallery was full when we had these types of debates rather than at question time, because this is actually when the house is at its best.

I also put on the record my thanks to all the people in my electorate who contacted me about this piece of legislation, particularly those who made the effort to make a personal contribution rather than just forwarding on a chain email. As members of this house all know, on certain campaigns we get a substantial number of chain emails. I always appreciate it, particularly on issues like this, when people make the effort to write their own thoughts down rather than just forwarding an email that someone else has put in place. I thank all the people of Murray Plains who sent me their thoughts on this piece of legislation, and I hope I reflect the views that were put to me both in this contribution and when I vote on the bill later on.

As has already been said, from the opposition's point of view, on the actual bill itself there will be a free vote. As a party we are supporting the amendment moved by the member for Euroa to omit clause 17. When it comes to the free vote, as the bill stands at the moment I put on the public record that I cannot support it and the overwhelming majority of people in my electorate who have contacted me do not believe that I, as their member, should support the legislation. Again I think the government has made a mistake by rolling these two issues together.

There have been many contributions from members around the issue of what is in the best interests of the child with this legislation. There would not be any disagreement from anyone in this chamber about the fact that we are all interested in good outcomes in the legislation we enact, and in this case whatever is done should be in the best interests of the child. I do not think there is any debate about that from members of this chamber. Children are something so special that we

should always be doing things in this place that are in their best interests. But I firmly believe in freedom of religion, and clause 17 impinges on those freedoms. I do not believe that my views should be forced on anyone else or that other people should force their views onto me. Clause 17 does that with the Catholic Church, and that is why I would like to see the opposition amendments supported.

As we all know, the government is in control of the business program in this house, and no doubt we will not get an opportunity to vote on that clause. It will be disappointing if the bill goes to the guillotine and we just vote on the substantive bill and not the amendments. I put on the record that I will not be supporting the legislation as it is before the house.

**Sitting suspended 1.00 p.m. until 2.02 p.m.**

**Mr NOONAN** (Minister for Police) — I am very pleased to rise to speak in favour of the Adoption Amendment (Adoption by Same-Sex Couples) Bill 2015. Having listened to various contributors on both sides of the chamber today, I respect that members will bring different perspectives to this particular bill, and I want to compliment members on the way in which they have made their contributions.

I am proud to be a member of the Labor Party today. I commend Victoria's first Minister for Equality, the member for Albert Park, and the Premier, for bringing this bill to the house. Nothing speaks more to the Labor Party's values of fairness and equality than the simple recognition that same-sex families are just as capable of providing a loving and caring environment as any other. In balancing the various views that come to a debate such as this I believe love, rather than faith, should be the strongest factor in determining support for this particular bill. Same-sex families already exist; that is true. They already provide loving and nurturing homes for children, and they experience what I experience as a parent — the pure joy of watching their children grow and develop into young adults.

There is no more important task we have as adults and parents than to raise our children to live meaningful, respectful and ultimately productive lives. I want everyone to experience what I experience, regardless of whether they are in a same-sex relationship or not, but under the law as it stands today in Victoria, same-sex couples cannot legally adopt a child as a couple, and in my view that is wrong. Over many years residents from all parts of my electorate, together with organisations such as the Rainbow Families Council, have been working to achieve this exact outcome, because they know, as we do, that the simple change proposed by

this bill will bring equality of treatment, freedom from discrimination and legal certainty for children in same-sex families, which today they currently lack. It is a credit to the hard work of these advocates and their commitment to equality that we are now debating this bill in the Parliament.

Victoria's adoption laws are designed to ensure that the best interests of the child remain paramount throughout the adoption process. The prerequisites for applicants under the law are clear: you must have been in a stable relationship for two or more years; you must have a proven capacity to provide a stable, secure, supportive and ultimately beneficial environment for an adopted child; and, finally, you must be deemed in law to be a fit and proper person. By limiting these provisions to heterosexual couples there is a tacit acceptance in the law as it stands that same-sex parents are incapable of meeting these requirements. In my view that is simply unacceptable.

At the heart of this debate is a misguided belief in the minds of some that same-sex parents are incapable of providing a supportive family environment necessary for the healthy development of a child. The simple truth, which is supported by extensive academic research on the subject, is that this belief is without basis. Research has always shown that there is no difference in the cognitive or psychological development of children in same-sex families compared to heterosexual families. There is simply no evidence to suggest that same-sex parents are incapable of providing a loving, nurturing and supportive environment for their children. What is true is that children of same-sex parents are more likely to experience bullying, and by changing the law we can help end the discrimination that leads to that bullying. Laws are a reflection of our common values. In my view it is time — in fact it is overdue — that the Adoption Act 1984 reflects those values.

I know there are many people who will want to speak on this particular bill today, so I am going to limit my contribution to 5 minutes to allow others to speak. I conclude by saying that there will be different, sometimes very passionate, views expressed in contributions by members of this place. Whether you agree with their contributions or not, it is hard not to have a level of respect for the fact that members will bring those contributions to this place and argue them in a respectful way. As the member for Williamstown, I am very proud to speak on behalf of many of my constituents who have been waiting a long time to see a bill like this introduced to the Parliament and have been seeking change.

All families deserve to have legal certainty, and all people have the right to be free from such unnecessary discrimination. It may be a small change in law, but it will make a world of difference. I commend our Premier and the Minister for Equality. I certainly look forward to this bill moving through the Parliament in a speedy way, and once again I say with great pride that the bill reflects Labor's values of inclusion and equality rather than discrimination.

**Mr GIDLEY** (Mount Waverley) — I commence my contribution to the debate on the Adoption Amendment (Adoption by Same-Sex Couples) Bill 2015 by highlighting my disappointment that the Victorian Labor government has provided such a short time frame for the Parliament to debate this matter, given the significance of the proposed changes to adoption laws in Victoria. Regardless of members' views on this issue, the government should have allowed members to represent their districts in this house by allowing adequate time for debate on the bill. Clearly, leaving the debate until the very last sitting day of the week is not going to allow for adequate debate time. Consequently I have no alternative but to make a shorter contribution to the debate on the bill, given that many other members are seeking to speak after me.

The bill represents yet another attack on the inalienable right of citizens to freedom of religion, freedom of conscience and freedom of speech. It does this by removing faith-based exemptions for adoption services. A number of longstanding faith-based adoption organisations have made it very clear that they will not be able to deliver adoption services in the best interests of children — with their view of the best interests of children being guided by the values and principles of their faith — if this bill is passed in its current form, and that is a direct attack on freedom of religion and freedom of conscience.

We know from overseas experiences, where there have not been exemptions for faith-based charities, such as the US organisation Catholic Charities in Massachusetts and Illinois, they have had to cease their adoption services. Catholic Care in the UK, after a long court battle, is one of several adoption agencies that has also been forced to close. Unfortunately this bill is different to those of other Australian and overseas jurisdictions that have made changes to adoption laws but respected freedom of conscience and freedom of religion by allowing for faith-based exemptions.

The bill also refuses to provide any regard to the relationship status wishes of parents who may be seeking to adopt out their child to an environment that is consistent with their beliefs, such as having regard to

domestic living arrangements in a household. This is just extraordinary, given that the government is prepared to continue to allow parents adopting out their children to have regard to other characteristics of the adopting parents, including religion and ethnic heritage, which is quite inconsistent with its campaign of so-called equality — and I note that for the debate.

Consistent with the bill, it is clear that many in the government are determined to remove a parent's right to have their children educated at a faith-based school where that school can employ all staff with reference to their school's faith, values and beliefs. Instead, a government-selected bureaucracy will determine what reference faith-based schools can apply to the selection of their staff. At its core this bill and indeed many in the government simply are not prepared to accept the fundamental human rights of freedom of religion and freedom of conscience, let alone modern tolerance for different points of view. Rather, it is life on their terms in Victoria, regardless of the fact that they are washing away centuries of personal freedom-based principles which have served humanity well.

The cornerstone and central aspect of adoption services should always be the best interests of children, and I note that that is in the United Nations Convention on the Rights of the Child, which states in article 3:

In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.

For the debate, I also note that the convention later repeats this principle specifically in the context of adoption. The principle is also reflected in Australian law. The Family Law Act 1975 states that in situations involving children, the best interests of the child is considered to be 'the paramount consideration'.

I approach this debate without fear or favour, representing the interests of my district on this basis and remaining resolute that the interests of children must always come first. It is with that in mind that I note the weight of social science research suggests that as a starting point and wherever possible, it is ideal if children can be raised by their mother and father. This is not to say that life has, does or will always work out as ideal in any aspect of life. Indeed since the dawn of time, whether it be through misfortune, misadventure, severe economic depressions, world wars, health or other factors, children have received loving and supportive parenting without that ideal starting point being present throughout their lives, and I note that for the debate. But that does not alter the Parliament's

responsibility to retain a starting point that puts the best interests of children first.

It is well recognised that mothers and fathers bring different characteristics to the life of a child, which is not surprising, given that men and women are different. This is also recognised across the world, where legislators, governments and public policy advocates are all seeking to address the importance of the influence of both fathers and mothers in the lives of children, whether in the US, the UK or elsewhere. That is why in cases where it is not possible for parents to raise their children and children are offered for adoption, unless there are exceptional circumstances, I remain of the view that the interests of children are best served when adopted by a mother and a father who can provide them with the different characteristics that a man and a woman bring to the life of a child. It is for these reasons that I oppose the adoption amendment bill before the house.

**Ms WARD (Eltham)** — Today we are talking about love, or at least I am. I am talking about love and expanding on legally recognising the love that same-sex couples have for the children in their homes or the children who may come into their homes. I am very glad to be speaking about love in this place, and I wish we spoke about love and respect more often. We have all seen the hashtag #LoveIsLove. Some may think it pithy, but I think it sums up this legislation and my own view on marriage equality very easily, for love is love; it is nothing less. I find it deeply offensive that people can think that someone can love less or be a better parent because of who they love as an adult. I think it is deeply hurtful and offensive to think that a same-sex couple cannot love a child and cannot give a child the home they deserve solely because they love each other. I cannot understand that.

I have been contacted by a few people who have urged me not to support this bill in the interests of children, and I support this bill for exactly that reason. I support it for the interests of children having access to loving and safe homes. Any person who is willing to get up throughout the night to children, who takes them to sport at 9.00 a.m. on a Sunday, 60 kilometres from their home, who sits over them as they do their homework, who volunteers in the school tuckshop, who teaches them how to drive and who helps them to be the best person they can has the right to be legally recognised as a parent, and that child has the right to have that person, that parent, legally recognised as their parent. Children have the right to that security, and they have the right to be loved.

Every child has the right to be loved, and my greatest hope is that every child is loved and lives in a supportive, loving and safe environment. This is why I will now read out some of the messages I have received. This one is from my friend Hutch:

This legislation represents greater security and protection for children currently being cared for by same-sex families. It builds on Rob Hulls' reforms which recognised non-birth parents/partners on birth certificates and gave them legal protections and will do similar for adoptive parents. This legislation is both symbolically and practically transformative in its recognition of these families being equal and just as valid as other families.

Good luck, and great to see the Labor Party making life better and not wasting any moment of its time in government in making our society more just and equitable.

This one is from Isobel, a constituent:

It seems logical and equitable that, if same-sex individuals can legally reproduce using IVF services in Victoria (and other Australian states and territories); and same-sex individuals are a highly regarded target group of many foster agencies; then adoption should, without question, be available to same-sex couples. All the same screening checks would apply, just as they do with IVF. It is ludicrous and offensive that same-sex couples are discriminated against when it comes to adoption.

My partner and I are acknowledged as being excellent parents of our two very happy, healthy, intelligent two-year-olds. We tick all the boxes as parents and homemakers. If we could not be parents via IVF, we would have loved to have opened our home and hearts to adopting children in need of a loving, safe, caring, nurturing and financially secure family.

At the end of the day it is the children in need of loving families who are ultimately being discriminated against by not giving them access to all possible adoptive family options.

From Lee:

There are approximately 17 900 000 ... orphans having lost both parents in the world today, requiring love, care, and a safe environment to live in with an opportunity for real education that only a family can provide.

Is the government of Australia so inconsiderate, so failing in compassion to those children to prohibit the care and love same-sex couples are prepared and willing to give? The GLBTI community are not race conscious; they are loving, well prepared and eager to parent. These couples are not falling pregnant by accident; they are dedicated and have planned and are eager to become parents.

Australians used to be compassionate people. GLBTI communities and the general Australian public are sick and tired of transactional leadership while you blindly follow what you are told is popular opinion and accepting funding from the mining and fanatical religious campaign contributors —

these are her words —

a groundswell of Australians are eagerly awaiting the next Gough Whitlam. It's time for change! Who is going to lead us back to compassion?

These are families who are affected by this kind of legislation. These are families who are looking after their children. These are families who are providing safe, secure and loving environments. They are bringing up good children, who are learning lessons from their parents, regardless of their gender. I disagree with the premise that we parent differently because of our gender; we parent differently because we are all individuals and we all do things differently. We all have different life experiences that allow us to parent and be ourselves in our own individual and different ways. My approach to parenting is not the same as my partner's, but that does not mean it is because I am a woman and he is a man; it means we have had different experiences and we are in fact different people. It is not based on our gender; it is based on who we are.

To think that someone who is in a relationship cannot parent solely because of who they love is not right. They can parent, and they are good parents — and we have evidence that they are good parents. What empirical evidence actually suggests is that children who are loved thrive. Children who have secure supportive families thrive. It does not matter whether it is single parents, whether it is same-sex parents, whether you are male or female or an aunt or uncle. There is a whole variety of people who find themselves becoming parents. It does not matter what you look like as a parent; it matters who you are in yourself and how you parent in yourself. If you are a conscious, caring, loving parent, then you have the right to be a parent and you have the right to be legally recognised as the parent of the child for whom you are caring. I support this bill and I commend it to the house. I wish the bill a swift, peaceful and loving transition.

**Ms ASHER** (Brighton) — I am delighted to have an opportunity, albeit a brief one, to make a few comments on the Adoption Amendment (Adoption by Same-Sex Couples) Bill 2015. The purposes of the bill have been adequately spelt out by a range of speakers in the debate. However, I wish to set out my main objection to this bill, which lies in the amendment to the Equal Opportunity Act 2010. I believe strongly in the rights of individuals to have religious freedom and I believe fundamentally that is one of the basic tenets of our society in which we live, so the fact that the government wishes to remove the religious exemption for adoption in this case is one that causes me some concern.

I am aided by the Scrutiny of Acts and Regulations Committee *Alert Digest* 13 of 2015. The committee

makes reference to section 15 of the Adoption Act 1984, which now allows a relinquishing parent to express a preference in relation to the religion, race or ethnic background of the proposed adoptive parents. I think that is a very important right in this debate. The committee goes on to say at page 4:

The committee observes that the effect of clause 17 may be to bar an approved agency from acting on the wishes of the parent of a child as to the sex, sexual orientation, lawful sexual activity, marital status, parental status or gender identity of the proposed adoptive parents.

For me, that is a very important consideration. I am also indebted to the Scrutiny of Acts and Regulations Committee for including the Australian Christian Lobby's objection to this particular bill and for pointing out that in New South Wales the Labor Party allowed for a faith-based organisation to be excluded from the bill. Linda Burney, the then New South Wales Labor Minister for Community Services, said:

Examples in the United Kingdom show negative outcomes where faith-based organisations were not provided with an automatic exemption.

Likewise in the appendices lies the submission from the Catholic archdiocese of Melbourne:

In the absence of an appropriate amendment to the Equal Opportunity Act or the Adoption Act, it is possible that CatholicCare would be forced to cease providing adoption services as it could not do so without the risk of breaching the Equal Opportunity Act.

For me, the fundamental objection to the bill before the house is the refusal by the government to allow faith-based organisations to be exempted from the provisions of the bill.

I move on to the issue of same-sex adoption itself. I would like to thank a constituent of mine, Dr Simon Crouch, who has provided me with a number of studies in relation to what actually occurs in parenting with same-sex parents. I refer to an article headed 'An evidence-based approach to same-sex parent adoption', which says:

A significant number of studies are widely accepted to show that there are few, if any, differences between children raised by same-sex attracted parents and children raised by heterosexual parents. When differences do occur they are often linked to the stigma that same-sex parent families face. Critics of this research cite a number of limitations in the methodologies of this early work.

Dr Crouch has provided me with other significant articles which express the same theme. However, from my perspective there are two categories of adoption. There are known adoptions — and members of the house have spoken extensively about a whole range of

circumstances in which I would favour same-sex adoptions — and there are also a range of what are called stranger adoptions. The figures given to me indicate that there were 48 known adoptions and 20 stranger adoptions last year in Victoria. One of the problems with this bill is that it treats both those adoption procedures the same. As I said, I would have no objection to a same-sex adoption where one person adopts their partner's child. But that is not the bill that we are voting on, so given that I have extreme concerns over the religious exemption, and I think the government has been too broad in its approach, I will therefore be voting against the bill.

**Mr PEARSON** (Essendon) — I rise to join the Adoption Amendment (Adoption by Same-Sex Couples) Bill 2015 debate. I would like to start my contribution by discussing a couple of technical matters. Firstly, in relation to foreign adoption, it is important to note that international surrogacy arrangements are essentially a commonwealth matter; however, it is anticipated that the current standards and rules that apply to heterosexual couples will apply to all couples.

I would also like to talk a little bit about the regulations, which will complement the bill should it become an act of Parliament. Regulations are implemented in the spirit in which the legislation is introduced, but I will just run through three key points. A range of amendments will be made to update the terminology in the regulations to use gender neutral language and reflect the new categories of people who are able to adopt. The regulations will also amend, to facilitate the choice by same-sex parents, how relationships to adopted children are reflected on children's birth certificates. This will allow the birth certificate to display descriptions of 'father' and 'father/mother' and 'mother or parent' and 'parent'. It is also important to note that regulation 35 will outline the requirements to be satisfied by applicants, regardless of sexuality or gender, for approval as fit and proper persons to adopt a child.

On a more personal note, I would like to talk about when Shelley met Mandy. Shelley is my wife's oldest friend; they have known each other since they were five. Shelley was a professional softball player, and she came out in her 20s. She was playing in Italy six months a year and coming to Australia regularly to catch up. She had a few relationships along the way, and in her early 30s she met Mandy. Mandy was then, and is still now, a very senior executive for a major financial institution.

Like Shel, Mandy is at the top of her performance professionally. She works extremely hard, she is very

bright and she is very well rewarded. She works really, really hard, as did Shelley. As often happens, they fell in love, and they decided that they would have children. Shelley went through in-vitro fertilisation, and they now have two daughters, Indigo and Eden. It is a beautiful relationship. It is a loving, caring, nurturing relationship. We were round at their place a couple of weeks ago for Eden's birthday party. It was a joyous occasion. There was a celebration, and there was a lot of love in the room. It was just like any other family occasion or family event.

This legislation is important because it recognises that Shelley and Mandy's relationship has the same value and legitimacy as the relationship that I have with my wife. It is important that their children, Indigo and Eden, are treated in the same way and with the same love and respect as my children are. That is what this bill is about; that is what we are trying to do with this legislation.

I am delighted to belong to a government that recognises that we need to right this wrong. We need to make sure that same-sex parents are treated with the dignity and respect they deserve. I particularly look to subclauses (6) and (7) of clause 7, which amend sections 11(5) and (6) of the principal act to allow for applications by the spouse or domestic partner of a parent of a child to apply to adopt that child.

This bill, should it become an act, will enable Mandy to adopt her children. That is what this is about, and she should be given that right. She has earned that right, but she is denied that right under the law of this state. This bill will right this wrong. I commend the bill to the house.

**Mr D. O'BRIEN** (Gippsland South) — I come to this discussion, as I hope all members of the Parliament do, with the interests of the child at heart. I do believe that having a mother and father is the best, most ideal environment for the raising of a child, but unfortunately we do not live in an ideal world. There are many different types of families in our society, and the member for Essendon has just outlined one. There are de facto parents, there are single parents, there are same-sex parents, there are foster parents and there are adoptive parents. We also have kinship carers. There are all sorts of situations, and unfortunately there are situations where grandparents are called on to look after their grandchildren as well.

I appreciate the view of some members in the house, and also some of the people who have written to me on this bill, that although these families exist — that is, those where children are not raised by a mother and a

father — the government should not endorse a legal position that promotes non-mother-and-father parenting. Unfortunately, the problem with that is that I see by extension we would move as a government to take children away from single parents, for example. We would not allow divorce. So it is a principle that could well lead to worse outcomes for children, such as those living in households where domestic violence is, sadly, commonplace.

Also we already allow, under law, a single person to adopt, so it is a matter of consistency. Whilst I do believe that a mother and a father is the best and most ideal household for a child, that is not what the law currently says nor is it the situation we face.

As I said, I come to this bill with the interests of the child at heart. There are a number of reasons why I will be supporting the bill. The first is, if a couple wishes to go to the trouble of formally adopting a child, loving it and raising it to be a good young Australian, then I am not going to stop them, irrespective of their sexuality.

As some members know, my wife and I unfortunately lost two baby sons some years ago. For a time after that devastation, it seemed possible we might not have more children. Luckily, we now have a beautiful boy and a beautiful girl. During that time, it broke our hearts to see too often harrowing stories of neglect, child abuse and the murder of children by their parents. It was during that time that I guess I formed my view on this matter.

The laws of nature do not allow same-sex couples to have children, but the laws of nature allow some truly evil people to become parents. We have seen too many awful cases of child abuse by many different types of parents to stand in any form of judgement on parenting based on sexuality. There are names that reverberate, like Jaidyn Leskie, Daniel Valerio and unfortunately more recently Mildura toddler Nikki Francis-Coslovich.

I want children to be protected and loved. If someone is prepared to love and nurture a child, I do not see what their sexuality has to do with it. I reiterate that I believe a mother and father is the ideal family unit for children, but love and care for a child comes first.

I note in that context that this bill does nothing to change the fundamentals of our Adoption Act 1984, including that the welfare and interests of the child shall be paramount and that anyone adopting must pass a fit and proper person test. I am also a pragmatist. As has been pointed out by other speakers, this bill is really about allowing the adoption of children who are already in same-sex households — so-called 'known parent

adoptions'. There are 8722 same-sex couples in Victoria according to the census, and probably many more, and about 2700 children or young people are already living in same-sex households. Other members have highlighted that some of these couples will be eager to take advantage of this bill and adopt the children they are already caring for. Last year only 48 adoptions went through in Victoria, 20 of which were stranger adoptions. It should reassure people who have a concern about a wholesale change to the adoption statistics that in practice it will have a very minimal impact because it is a small number of children.

Consistency is another reason to make these amendments. Gay couples can already foster a child. Lesbians and single women can access assisted reproductive technology. The law already allows same-sex couples to raise children. There is little point in my view in not allowing them to adopt.

Although The Nationals have been granted a free vote on this bill, the party did pass this motion at its most recent conference:

That this conference supports current efforts to review Victoria's open adoption processes, with a view to making adoptions more accessible.

That was carried very strongly, with I think only two votes against. However, clause 17 is a concern for me, and I do not support it. I will support, if given the opportunity, the amendments put by the member for Euroa. This aspect of the bill is an attack on religious freedom in my view, and I do not believe it should go through. I am concerned that the government has deliberately put this clause in the bill to make it very difficult for people like me, who want to support same-sex adoptions but are worried about religious freedom, to support the legislation. I think it is a deliberate ploy on the part of the government, and not a good one.

In addition to that, not allowing this chamber to debate the bill in detail and to move and vote on that amendment is very disappointing. Notwithstanding that, I will be voting in favour of the bill. I hope the Legislative Council has better luck in making the amendment I believe is necessary to protect religious freedom.

**Ms KILKENNY** (Carrum) — I am extremely proud to have this opportunity to contribute to the debate on the Adoption Amendment (Adoption by Same-Sex Couples) Bill 2015. The introduction of this bill fulfils yet another election commitment by the Andrews Labor government. It is also part and parcel of our broader

equality agenda. I am very proud of that agenda, and the tremendous work that is being done by our Premier and the first ever Minister for Equality.

At the outset I put on the record my disappointment that those opposite are not all supporting this bill, and that they are not, unlike all of my colleagues on this side of the house, putting an end to inequality and discrimination towards our lesbian, gay, bisexual, transgender and intersex community. I acknowledge those members opposite who are voting in favour of the bill, and I commend them for that.

To achieve equality, we must first recognise the bias and discrimination that exists in our communities. Laws permitting heterosexual couples but not same-sex couples to adopt children are obviously discriminatory. Thankfully we have a government, led by our committed Premier, that is going to put an end to this discrimination. The leadership on this side is clear and unequivocal. Equality is not negotiable — not for our LGBTI community, not for women, not for anyone.

We know that in Australia there are thousands of children being raised by same-sex couples. I have got many friends, as well as family members, who are raising children, and raising those children as absolutely committed, loving and caring parents. I am ashamed that our current laws prohibit them being recognised as the caring and loving parents they are. I am very proud that this bill will right that wrong. We are saying to those same-sex couples, and to the children of those same-sex couples, this: finally you will be equal before the law, and finally we are recognising that your family is as good as any other family in Victoria.

We have heard that the bill amends the Adoption Act 1984 by substituting for references to 'a man and a woman' the gender-neutral term 'person'. It will also substitute for current references to de facto relationships the term 'domestic relationship'. But this bill does more than that. Clause 17 will amend the Equal Opportunity Act 2010 so that religious bodies that provide adoption services will no longer be able to rely on any exemption to discrimination in the provision of those services.

Whilst we know there is overwhelming support for this bill, there is also opposition and criticism that has been levelled at it, principally at clause 17. I want to focus on that opposition in the remaining minutes I have in which to speak today. The opposition to clause 17 tends to follow a common thread, and it goes something like this: faith-based organisations should be able to discriminate in relation to the provision of adoption services. Faith-based organisations should be able to place children for adoption into homes that share their

religious views and beliefs. Faith-based organisations should be able to refuse to place children for adoption with same-sex couples. It is in the best interests of the child that faith-based organisations should be able to discriminate. I ask why? Why should faith-based organisations be allowed to discriminate? How is this kind of discrimination good for equality and diversity? How is this kind of discrimination good for tolerance and respect in our society? What kind of message is it sending? Finally, how is any of this in the best interests of the child?

I am an open person, and I have really tried to understand the so-called freedom of religion arguments and look at it from their point of view. I have received and read their submissions. I have read, for example, submissions from the Victorian director of the Australian Christian Lobby. He argues that faith-based welfare agencies should have the right to refuse to place children in the care of same-sex couples, and he gives us a reason: same-sex couples will not suffer any harm if we remove the proposed amendment to the Equal Opportunity Act because same-sex couples will still be able to access adoption services from other agencies. I query that. How can the director of the Australian Christian Lobby say that they will not suffer any harm? With respect, I think the director is incorrect and misinformed.

So long as we have faith-based exemptions, same-sex couples will continue to suffer harm and the children of same-sex parents will continue to suffer harm, because whatever way you unpack that argument, the end result is always going to be the same. There is bias, discrimination, prejudice and intolerance towards same-sex couples and to the children of same-sex couples. When people and organisations say that they should have the right to discriminate, what they are saying is, 'Same-sex parents are not like us, they are different', and the underlying message is, 'We do not like same-sex parents, they are not like us; same-sex parents are not as good as heterosexual parents; a child should be brought up by a mother and a father; a child with same-sex parents will be disadvantaged; and a child with same-sex parents will not receive the love and care they deserve because same-sex couples are not capable of providing that love and care for the child'.

These messages only perpetuate discrimination towards our LGBTI community. These messages are wholly inimical to this government's broader equality agenda, and these messages are just not true. I am not making this up. I read today a constituent's email to me that says he has 'deep objections to such experimental changes to the family structure of society'. I found this offensive. According to the Australian Bureau of

Statistics census of 2011 there were more than 33 000 same-sex couples in Australia. I am sure that number is even larger today. Of those people who say it is in the best interests of the child that a child is brought up by an mother and a father, I ask: where is your evidence? There is no evidence.

Study after study comparing same-sex families with heterosexual families and the now considerable body of international literature on this find overwhelmingly that there are no differences. But I will tell you where the differences lie. Children raised in same-sex parented families are known to worry about being teased, harassed or bullied, particularly by peers in the school environment, and have a fear of either losing friends because of parental sexuality or being judged negatively by others. What a very sad state of affairs this is. This is discrimination at work, and surely this can never, ever be in the best interests of the child. That is why we on this side of the house are working hard to end this discrimination with the introduction of this bill in its entirety. That means including clause 17 of this bill to end the exemption to discrimination which religious adoption bodies currently enjoy because no child should ever be bullied for being raised in a same-sex parented family. No-one has the right to tell a child of same-sex parents that they are different, that they are not normal and that they are not as good as the children of heterosexual parents.

This is why it is wrong to say that no-one will suffer any harm if we just allow faith-based exemptions to continue. Same-sex parents will suffer harm and, most relevantly, the children of the same-sex parents will continue to suffer harm. Discrimination against our LGBTI community must stop. To the member for Hawthorn, who spoke about the charter of human rights in Victoria, I say that that charter is designed to protect the rights of individuals, not the rights of agencies. To other members opposite and to those who oppose clause 17 of this bill I say that article 7 of the of the Universal Declaration of Human Rights says:

All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this declaration and against any incitement to such discrimination.

A person's sexual orientation does not determine the kind of parent they will be. A person's sexual orientation does not determine a person's capacity to be a loving, caring, guiding and attentive parent. It is love, and only love, which defines a family. I am extremely proud to commend this bill to the house.

**Mr ANGUS** (Forest Hill) — I rise today to speak on the Adoption Amendment (Adoption by Same-Sex Couples) Bill 2015. The two-fold purpose of this bill, as noted in clause 1, is to amend the Adoption Act 1984 to enable the adoption of children by same-sex couples and the Equal Opportunity Act 2010 to remove the exception to the prohibition to discriminate in relation to religious bodies providing adoption services.

This bill raises a number of very fundamental and very important issues that I will briefly address in my contribution. The brevity of my contribution is due to this debate only being brought on on a Thursday and a lack of time being allowed for this debate by the government. These issues include the rights of the adopted child, the rights of faith-based adoption agencies and the rights of the parent or parents of the adopted child.

Much has been said in relation to this bill by the minister about discrimination, but a closer examination reveals that this bill introduces further discrimination against certain elements of the community, in particular, faith-based organisations. Clause 17 of the bill is a direct and pernicious attack on faith-based organisations, which is totally unnecessary and unwarranted.

I want to preface my detailed comments by stating that there are many same-sex couples who care for children and who are committed to loving and doing their best for those children. However, two women or two men cannot provide a mother and a father to a child.

Let me turn to the rights of the adopted child. Section 9 of the Adoption Act 1984 states:

In the administration of this act, the welfare and interests of the child concerned shall be regarded as the paramount consideration.

Section 15(1)(d) of the Adoption Act 1984 states that no court order shall be made unless the court is satisfied that the welfare and interests of the child will be promoted by the adoption. The UN Convention on the Rights of the Child states in article 3(1):

In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.

History, together with the weight of social science research over a long period of time, shows that the best interests of children are best served by ensuring that, wherever possible, they are raised by a mother and a father.

It is interesting to note that in 2009 the then state Labor government, as part of its commitment to provide support for parents through its *Blueprint for Education and Early Childhood Development*, commissioned a report by the Parenting Research Centre. The title of this report, which was commended by the then Minister for Children and Early Childhood Development, Maxine Morand, was entitled *Fathers Matter*. At page 3 of the report the centre notes that ‘Fathers are just as important as mothers’. I again note that in making these comments I am not saying that same-sex couples and single-parent families, whether through death or relationship breakdown where children may have limited or no contact with one parent in the relationship with children, cannot provide love and support for their children. I am saying that ideally it is best for a child to have love and input from both its father and mother.

Acting Speaker, you and I, like all members in this place, have a view on these matters. However, our view is largely theoretical and potentially uninformed. I think it is instructive for the house to look at comments not from people with theories such as parliamentarians, journalists and academics but rather from those with real-life experiences arising from the circumstances we are debating today.

It is instructive to hear what people who have been raised in same-sex relationships have to say about their experiences. For example, we can look at what Millie Fontana, a 23-year-old woman who was raised by two lesbians, said at a meeting in Melbourne on 20 August 2015. She said:

Growing up, I wanted a father. I felt it within me that I was missing a father before I could even articulate what a father was. I knew I loved both of my parents, but I could not place my finger on what it is I was missing inside myself . . . I was lied to throughout school; I was told I didn’t have a father, or that perhaps they didn’t know who he was.

I encourage members to read this powerful and compelling account of a young woman who has struggled in many areas of her life as a result of her upbringing in a lesbian relationship. In my extensive research for my contribution on this bill, I read many accounts of now adult children raised by same-sex couples, and the comments I noted from Millie above are often repeated reflections from such children.

The importance of the role of a father is reflected elsewhere also with United States President Barack Obama, who grew up without a father, commenting on 13 July 2008 that there is:

... a particular problem when more than half of African-American children are growing up without a father in the house and often times not even knowing their father.

I next want to address the rights of faith-based adoption agencies. Clause 17 of the bill is a direct ideological attack on religious freedom here in Victoria. It has nothing to do with same-sex couples adopting. It does not restrict their ability to adopt should this legislation be passed without clause 17 being included.

It is very informative to this debate to note that in New South Wales in 2010 under the previous state Labor government the then Minister for Community Services, the Honourable Linda Burney, stated in regard to same-sex adoptions:

I believe what is required in this debate is to find a balance between law and conscience and between equality and freedom ... Does the exemption for faith-based organisations, as included in the proposed bill, result in the religious beliefs of faith-based adoption service providers prevailing over the rights and the ability of same-sex couples to adopt a child in New South Wales? The answer is no. Gay couples will have full and equal access to adoption through New South Wales Community Services and Barnardos. Examples in the United Kingdom show negative outcomes where faith-based organisations were not provided with an automatic exemption.

Consequently, the New South Wales Parliament achieved a safeguard for freedom of conscience, freedom of religion and preserving the rights of both relinquishing parents and faith-based adoption agencies by introducing appropriate amendments. In other words, it can be done if the government of the day wants it done.

I now turn to the rights of the parents or parent of the adopted child. Section 15(1)(b) of the Adoption Act 1984 states that no court order shall be made unless the court is satisfied that: the Secretary or principal officer has given consideration to any wishes expressed by a parent of the child in relation to the religion, race or ethnic background of the proposed adoptive parent or adoptive parents of the child.

This bill will disregard the rights of the relinquishing parent or parents, contrary to the current situation. This, in my view, is an unacceptable breach of the rights of those parents.

In conclusion, I note that I have been contacted by numerous residents of my electorate of Forest Hill about this bill, and I thank them for their contact. They have expressed some or all of the concerns that I have raised in my contribution and urged me to vote against this bill. They saw the rights of the children as the most important rights to be considered in this debate, as I

also do. For this reason and the other reasons I have outlined in my contribution, I do not support the bill.

**Ms BLANDTHORN** (Pascoe Vale) — I appreciate the opportunity to make a contribution on the Adoption Amendment (Adoption by Same-Sex Couples) Bill 2015. This bill is an important step in the evolution of adoption policy and practice in Victoria. It gives effect to Labor's election commitment to ensure equality in adoption policy and practice in Victoria, and I support this objective.

I support this objective not because I believe an adult, whatever their gender or sexuality, has the right to be a parent, but because I believe that every child has the right to a fulfilling life and love and that all types of families can and already do provide children with these fundamental rights. Indeed, these rights could be considered the cornerstone of the United Nations Convention on the Rights of the Child. The preamble to the convention states:

Recalling that, in the Universal Declaration of Human Rights, the United Nations has proclaimed that childhood is entitled to special care and assistance,

Convinced that the family, as the fundamental group of society and the natural environment for the growth and wellbeing of all its members and particularly children, should be afforded the necessary protection and assistance so that it can fully assume its responsibilities within the community,

Recognizing that the child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding ...

The United Nations Convention on the Rights of the Child also sets out the right of every child to their identity. Articles 7, 8 and 9 respectively provide that children have the right to a legally registered name and nationality, to know their parents and as far as possible to be cared for by them; that governments should respect a child's right to a name, a nationality and family ties; and that children should not be separated from their parents unless it is for their own good.

From the Indigenous stolen generation to children born to relinquishing mothers to babies born through unidentified sperm donation, we know that in the past a loss of identity has had severe physical and psychological impacts on children. Every child, raised by their biological parents or otherwise, whatever that otherwise might mean — step-parents, foster parents, adoptive parents, grandparents of whatever gender or sexuality — has the right to know where they come from.

Whilst nothing can right the wrongs or make up for lost opportunities, this Parliament has already sought, and will continue to seek, to make amends for the proven

physical and psychological impact of the loss of identity caused by inadequate adoption practice and policy in the past. We must learn from past mistakes, and we must not let today's policies become tomorrow's apologies. I trust that this government will seek to ensure that all adoption policy and practice going forward incorporates past learnings and protects the identity of our children.

By way of example, one such learning I am sure will be addressed is the importance of birth certificates recording the names of biological parents and being made easily available to children. We know that inadequate certification and the process of accessing any certification has always been the stumbling block for children who have unsuccessfully sought information about their identity in the past.

The Adoption Act 1984 provides for the permanent care of children, and as such it must first and foremost be about what is in the best interests of the child. Unquestionably that is why this government is amending the Adoption Act. However, whilst the Adoption Act is and should be principally about children, it is important to consider that legislative change such as that which we are debating today is also an important part of this government delivering on a broader equality agenda.

We are amending the Adoption Act in a way that recognises that heterosexual families do not have the monopoly on providing children with the right to a fulfilling life and love. We are amending the act in a way that recognises that same-sex families do already, and will continue to, provide secure and loving family environments in which children thrive. This recognition is an important part of achieving equality for same-sex couples and families in Victoria, and this objective is crucial in achieving a genuinely fair and equal Victorian society. I wholeheartedly support the government in this endeavour, and that that is why I will vote for this bill.

I do, however, remain concerned that whilst this bill will achieve a more equal society, some aspects of it call into question other fundamental human rights. I fear that in a legitimate and important attempt to achieve equality in adoption practice and policy the bill unnecessarily calls into question freedom of religion and freedom of conscience. The Victorian Charter of Human Rights and Responsibilities provides that:

- (1) Every person has the right to freedom of thought, conscience, religion and belief, including —

...

- (b) the freedom to demonstrate his or her religion or belief in ... observance, practice and teaching, either individually or as part of a community, in public or in private.

This bill would compel communities and individuals who are, or are part of, a currently accredited religious adoption agency to act contrary to the right to freedom of thought, conscience and belief contained in the Victorian charter of human rights. This bill leaves a religious adoption agency exposed to the choice of complying with the law and acting against their religious or conscientious beliefs or removing themselves from any and all involvement in the provision of adoption services. This includes not only the adoptions themselves but also other adoption services such as support services and record keeping.

By way of example, CatholicCare, which is an accredited adoption agency, may have provided for only four adoptions in the past 12 months but it also provides other adoption services such as extensive support — more than 600 hours of support — mostly at its own expense, for families who adopt children with complex special needs. Also by way of example, CatholicCare maintains the records of the adoptions of thousands of babies of relinquishing mothers. There is an increased demand for these records and a responsibility to offer counselling and other services when these records are provided.

I fear that this bill will prevent religious agencies not just from being involved in the adoptions themselves but also in these other services that go with adoptions. I do, however, have confidence that the government does not actually want to see religious adoption agencies vacate this space entirely and is therefore committed to finding a way through these issues.

Across Australia, and particularly in New South Wales, a comparable jurisdiction, adoption equality has been achieved whilst also ensuring that the right to freedom of thought, conscience and belief — a fundamental pillar of a cohesive democracy — is protected. I have every confidence that this is also achievable in Victoria. We do not have to choose between two rights. We can balance both.

In closing, I commend the relevant ministers for their attempt to bring about adoption equality, an important election commitment which I support. It is an election commitment I support in the good faith that the best interests of the child are paramount. It is an election commitment I support in the good faith that the rights of all children to their identity, as set out in the United Nations Convention on the Rights of the Child, are equally protected in the adoption process. It is an

election commitment which I support as an important measure in a suite of measures designed to achieve equality for same-sex couples and families in Victoria.

**Ms STALEY** (Ripon) — I rise to speak in the debate on the Adoption Amendment (Adoption by Same-Sex Couples) Bill 2015. I support same-sex adoption. Adoption by currently intact two-parent families so that both same-sex partners are legally recognised as parents of their child is the right thing to do for their children. These are children already living in same-sex families, and anything we can do to strengthen those families, to bring them closer together, to tie legal and societal bands around them, will be in the best interests of their children. I say to those in this place and the other, as well as to the broader community: if you say you support the rights of the family and the interests of the child, you should support same-sex adoption for currently intact same-sex families. These families are right here right now, and their children deserve the certainty that if anything happens to one parent, their other parent has the automatic right to continue to look after them as their adoptive parent. Allowing this type of adoption is a restatement of the unity of these families. As I say, I support this. I also support the right of same-sex parents to adopt a stranger's child.

I now turn to part 3 of the bill and particularly to clause 17, the amendment to the Equal Opportunity Act 2010 and the explicit removal of the existing right of religious adoption agencies to be exempt from the operations of this act. These provisions apply only to stranger adoptions, not adoptions by known same-sex families which I have just spoken about.

In Victoria there are five adoption agencies. However, only CatholicCare is opposed to offering same-sex adoption. CatholicCare facilitated five adoptions last year of the 20 across Victoria. The Australian Bureau of Statistics in July 2013 estimated that 1 per cent of couples are same-sex couples. This means that on average one adoption every 20 years would be expected by CatholicCare for a same-sex couple. Other agencies exist to facilitate adoption.

The clear conclusion is that removing the religious exemption in the Equal Opportunity Act 2010 is only a principle; it has no practical effect whatsoever. No same-sex couple need ever be discriminated against. Non-religious options exist.

The LGBTI community needs to understand that they are being used as a stalking horse to attack religious belief, because the whole of section 17 could be

removed without creating a single case of a child being denied to a same-sex couple.

The government, in proposing this amendment to the Equal Opportunity Act, is saying that its members can decide religious doctrine — that is, they can decide what matters to the churches in terms of their doctrine. Until now the act has been clear that that is not possible. The law says explicitly that if discrimination by a religious body is because it conforms with the church's doctrines, it is allowable. The church gets to define what are its doctrines. It is not up to the state to say, 'Oh, we don't think that's really your doctrine', or, 'We will override your doctrine'. To do so is to interfere in religious freedom.

The Catholic Church has thought about doctrine in relation to adoption, both within heterosexual marriage and for same-sex couples. The Catholic Church rejects adoption for same-sex couples. It does so on the basis that it violates Catholic Church doctrines. It is not our business as legislators to interrogate those doctrines and to determine if they seem reasonable. We are not the keeper of the Catholic or any other faith.

The Premier has said discrimination is non-negotiable as his reason for overriding religious belief, but the act is clear in permitting the churches to decide to discriminate in all sorts of other ways, including when using state funds or resources. This is a new attack from a Premier who I suspect has no idea of what he is doing here. The slogan sounds nice. Too bad that the millennial history of governments interfering in what churches are allowed to define as doctrine has ended badly — very badly. Not to put too fine a point on it, people have to be allowed to believe what they want to believe. You do not have to believe, I do not have to believe, but faith is a fundamental human right.

I quote from the Universal Declaration of Human Rights. Today, close to the anniversary of the founding of the United Nations, I remember the role of Doc Evatt in drafting this:

Everyone has the right to freedom of thought, conscience and religion ...

We have a clause that is for all practical intent unnecessary. It will not enable a single adoption by same-sex couples. The clause makes a new, unwelcome and dangerous incursion into religious freedom. I normally reject slippery slope arguments, but in this case I cannot escape the conclusion that the government is opening a new front on its multiple attacks on religion in Victoria.

The freedom to believe is a bedrock principle for me. What goes on inside our own heads has to be for ourselves alone. The state should never tell us what is acceptable doctrine. It is for our own belief. Clause 17 of this bill does this, and while it stands part of the bill, I cannot support it.

**Mr J. BULL** (Sunbury) — It gives me great pleasure to contribute to the debate on this landmark Adoption Amendment (Adoption by Same-Sex Couples) Bill 2015. This is a bill that legislates for and recognises same-sex couples as partners, same-sex couples who love one another and who, despite still not being able to legally marry in Australia, have the right to adopt and be recognised as a partnership.

This bill will remove discrimination against children and parents in same-sex families. Members know that currently same-sex couples who have adopted children have only one parent recognised by the state. This in my view is simply wrong. A good, hardworking government is one that uses its time in office to get on with doing the things its members promised, the things Victorians voted for and, above all, the things that change our state to make it safer, fairer and stronger. I could not be prouder than to be standing here today to contribute to the debate on this very important bill.

Before I go to the bill, I want to reflect personally on adoption, as my older brother and oldest sister in our Bull family of four were both adopted. In preparing for this bill I asked my parents to reflect on their adoption story. I quote my parents' story:

In 1970 we married, and being in our early 20s we were able to work hard and save for our first home. After a few years we then decided to try and have the children that we had always wished for. We both came from loving families and were keen to carry on the tradition of being a happy family unit. After trying to conceive over a number of years with no result and no medical reason as to why we could not conceive, we decided we would inquire about adoption. We discussed this with our parents and immediate family members and they gave us their blessing.

We then began the very long process of adoption through the then-named Department of Social Services. This was very intense, with many interviews both together and alone. This also included a number of visits to our home by the social worker. Of course the adoption agency needed to ensure they were placing these babies into safe and loving homes for the good of the child. We found the process very exhausting and stressful, but the thought of knowing that at the end of it all we would hopefully be approved for the adoption of a baby made it all worthwhile. After about 18 months we finally received the long-awaited phone call we had been hoping for.

The agency then required us to meet the baby, this was to ensure we felt comfortable that we would be able to provide the love and affection needed to bring up a child in —

the home. It continues:

Of course it was love at first sight, and we brought home our first son.

Two years later we applied to the agency for a second baby, the sex of the child was irrelevant. We were approved and were lucky enough to get a baby girl.

Our two children were lovingly accepted by us, and our extended family and we thought our family unit was complete.

A few months after the adoption of our daughter we were amazed to discover that we were having a baby of our own, a daughter, and then three years later another son.

*Honourable members interjecting.*

**Mr J. BULL** — I am not sure I was a planned one! My parents' story continues:

The four children were all raised happily as a family together, all were made aware from a very young age that the eldest two had been adopted and the younger two had been conceived by us.

They have all grown up in a secure and loving environment and have always been treated as equals in our family.

I know my siblings would all completely agree with that. What really stood out from my parents story was the complexity of adoption and the personal impacts adoption can have. I can only imagine how tough it must be for a same-sex couple, feeling as though you are not accepted, not supported and not recognised by the institutions that govern us and govern you.

I want to take the time to commend the Minister for Equality on his passion in this area — a passion that is clearly born from a deep desire to see people treated under the law fairly, equally and free from prejudice. As the minister has been reported as stating:

There are thousands of people in same-sex relationships who have children but the law only recognises one parent ...

I also wish to commend the Premier, who has an unflinching determination to see equality across Victoria. Members in this debate have noted that Western Australia was the first state in the country to enact legislation enabling same-sex couples to be eligible to adopt children. New South Wales, the ACT and Tasmania have since also passed legislation that enables same-sex couples to apply to adopt.

It must be heartbreaking to wake every day knowing that despite who you are and who you love there is some greater body, some higher authority, that says, 'Sorry, you are not who we define as an appropriate couple, therefore you will not have the same rights as a heterosexual couple'. This government believes that it

is your values and your actions that define you, not your sexuality or the sexuality of your partner. This is a bill about fairness and a bill about equality.

Relationships are built on love, trust, kindness, decency and fairness. Parents, regardless of their choice of partner, have an obligation to raise their children in fair, safe, loving, warm, compassionate environments.

We must aim to have children raised with a sound education, with access to great health care and free from violence, threats and intimidation. It is not, however, the role of the state to exclude parents because of their choice of partner and therefore discriminate against them. It is for this reason that I support this bill without question. I urge all members in this place and in the other place to support this bill, and I very proudly commend the bill to the house.

**Ms KEALY** (Lowan) — I rise today with great pride in the privilege that I have, as the member for Lowan, to speak on the Adoption Amendment (Adoption by Same-Sex Couples) Bill 2015. The purpose of this bill is to amend the Adoption Act 1984 to enable the adoption of children by same-sex and gender non-specific couples.

The bill also seeks to amend the Equal Opportunity Act 2010 to remove the exception to the prohibition to discriminate in relation to religious bodies providing adoption services. An amendment to this bill has been circulated by the Deputy Leader of The Nationals, which I support in full. This amendment is entirely consistent with the government's bill and would enable the adoption of children by same-sex couples; however, the amended bill removes clause 17 from the government's bill, which has the effect of retaining the right of religious bodies providing adoption services to adhere to and exercise their legitimate religious beliefs.

I note that The Nationals have agreed to allow a free vote on this bill. The highly emotive nature of the content of this bill, in addition to potential conflict with individual members' personal and religious beliefs, means that a free vote will allow all Nationals members to exercise their individual will when deciding how to vote. The Nationals are to be commended for supporting a free vote on this issue, and I am very proud to be associated with a party which has such respect for its members that it allows a free vote rather than a binding vote on this sensitive matter.

In deciding my free vote, I have taken into account the views of my constituents and The Nationals party membership, and I sincerely thank everybody who has contacted my office to raise and share their views about this matter.

In relation to the core purpose of this bill, which allows same-sex couples to adopt, I must first refer to a motion raised at this year's Nationals Victoria state conference. Mr Zachary Relouw, a local member of The Nationals Horsham branch and Lowan Assembly electorate district council raised a motion for debate at the state conference. The motion was:

That this conference supports current efforts to review Victoria's open adoption processes, with a view to making adoptions more accessible.

The motion was put at state conference, with debate focused on same-sex adoptions. I am very proud of our party for passing the motion almost unanimously. I am also very proud that our party has the maturity to debate this topic, which can be highly charged with emotion, and to form a position that challenges the way people traditionally perceive the party. I am incredibly proud of The Nationals for supporting this view, and I think that it goes to show that The Nationals are evolving, as are the country people and communities that we represent. It is also a sound example of why The Nationals are a true political party of the people. That a motion from a grassroots member can be adopted to guide party policy is something that sets The Nationals apart from all other political parties.

I have received many comments from my local constituents regarding this bill. Whether they are in support of or opposed to the intent and intended outcome of this bill, the consistent theme is that the best interests of the child should be paramount. I strongly endorse these views and have used this intent to guide my vote today.

It should be noted at the outset that the number of adoptions in Victoria is exceptionally low. Between 1 July 2014 and 30 April 2015 there were only 48 adoptions in Victoria. Of those 48 adoptions, only 20 were stranger adoptions. This low adoption rate is typical across Australia. This bill will remove a number of inconsistencies in current law in relation to a child's legal relationship to parents who are same-sex attracted. There are many legal inconsistencies in relation to the ability for same-sex individuals and couples to care for children, to foster children and to adopt.

For example, while a single same-sex attracted individual may legally adopt a child, a same-sex couple may not. Further, while a same-sex couple may foster a child, they may not adopt a child. I find it very difficult to comprehend why a same-sex couple are deemed acceptable in terms of becoming foster parents and raising our most vulnerable children, yet the child is not able to enter into an ongoing legally recognised

relationship with these people, who they deem their parents in every way.

There are many examples of children currently living in a family unit with parents who are in a same-sex relationship. In fact there are almost 2700 children living in this type of family unit today. Under the current legislation these children have no legal ability to recognise their relationship with the adults that they love and respect as parents. The bill resolves these inconsistencies, and provides children with their rightful legal relationship to adults that provide the love, security, care and support that we expect of any parent. This is the right of the child, and it is in the best interests of children already living in these family units. I therefore support this element of the bill.

I do not support clause 17, which removes the exemption to the prohibition to discriminate in relation to religious bodies providing adoption services. Freedom of religion and religious belief is an important foundation of Australian society. I do not believe it is the role of the Parliament to dictate to religious bodies what their beliefs should be when those beliefs are legitimate. Most adoption service providers support the bill and will provide adoption services to same-sex couples. It is the coalition's view that legitimate religious views should be respected and, given that a number of service providers have indicated they will provide this service, the best balance is struck in maintaining the current exemption in the Equal Opportunity Act 2010.

It would be extremely disappointing if the government did not allow a vote on the amendments circulated today by the member for Euroa. The amendments are sensible and will deliver the same outcomes to children currently living in family units which include a same-sex or gender non-specific couple. To allow a vote on the amendments circulated today would be a sensible and rational approach, and I urge the government to allow this vote to occur.

**Mr Morris** — On a point of order, Acting Speaker, throughout most of this debate the demeanour of the house has been respectful and quiet. I found it very difficult to hear the member for Lowan in the later stages of her contribution. I ask you to ask the house to lower the volume.

**The ACTING SPEAKER (Mr McCurdy)** — Order! I uphold the point of order. Certainly respect has been shown by both sides, but I had difficulty hearing the last speaker as well. I request the same respect from both sides.

**Ms GRALEY (Narre Warren South)** — I want to make a brief contribution this afternoon on the Adoption Amendment (Adoption by Same-Sex Couples) Bill 2015. I begin by commending many of the contributions made by previous speakers. I would especially like to thank the member for Sunbury for his personal story about the gratitude his family felt having adopted children as part of their loving family. I highlight the Minister for Women's contribution. She said that many couples in her electorate of Northcote provide incredible foster care, but, because they are gay couples, they are denied the right to adopt the children who they care for and love and who they want to see as members of their family under the law. I am very proud to support this legislation.

As I have heard many people say, we should see this legislation as putting the child first. It is not about us as adults; it is about putting the child first. What every child needs and deserves, as so many speakers have said, is a loving family, and every family deserves a supportive community. I am very proud to be on this side of the house where we are all supporting the bill, because we are committed to supporting families and the community and to having a caring government that is committed to human rights, confronting discrimination and having real respect.

That is what the legislation is about, having real respect for the diversity of the people who live amongst us. As other speakers have also said, this fulfils an election commitment. It is about putting equality back into the political lexicon. It is about putting up in lights that as a government we are committed to equal rights and to ending discrimination based on sexuality so that all families are equal and no child, irrespective of the family unit, is discriminated against and does not have the same rights as every other child.

My thoughts on this were determined very early in my political career when a well-mannered and well-spoken young lady turned up at my electorate office. She was visiting me on behalf of her brother. He was in a gay relationship and wanted to adopt a child. The couple had been living in another country where this was possible, but they wanted to come back to Australia. She was really fearful that this beautiful child, who was coming into a very loving and caring unit, would somehow not be accepted here because our laws were so behind the times. I note other states have got ahead of us in this matter. I was a little bit reluctant when I first heard her speaking. I had grown up in a mother-father household, hearing Baptist Church Sunday school stories. The mother-father paradigm was very strong in my upbringing. But after spending some time with the young lady I could not think of a luckier

child in the world to be coming into this family, including the extended family, and as her representative in the Parliament I raised this issue with the then Attorney-General, Rob Hulls.

The winds of change have swept through the Parliament and brought this bill here. This is a contemporary piece of legislation. Many of our children have gay friends. They bring them home, and they are now starting to bring home their foster children and the children who have been born through all sorts of different means, I have to say. We look a bit like fuddy-duddies in that in 2015 we are just coming to terms with the things that our children accept; they take them for granted. As Susie O'Brien said in the *Herald Sun*, it is about time this legislation came before the Parliament.

Recently friends of ours went to Fiji to get engaged. They already have a newborn child. The mother of one member of the very happily engaged couple said, 'When are you going to get married?'. She was told, 'We'll get married when everybody else in Australia can get married'. That is the attitude of young people today, and that is the attitude this Parliament should represent.

Finally, to those people who have sent me very negative emails about the bill and to the critics and protesters at the back gate, I say thank you for your contribution, but I am not going to be taking much notice of it. I have some tips for them. There is lots of God's work out there that they could be doing. They could give \$50 to World Vision to sponsor a child. I hope they pray fervently for the people of Syria who will soon be arriving in our state and open their doors and bedrooms to them. They should educate themselves about this issue. I will finish by quoting from 1 Corinthians 13.13:

And now these three remain: faith, hope and love. But the greatest of these is love.

This bill is essentially about recognising that same-sex couples can love each other and provide a loving relationship for their children, and that their children can grow up in a loving family. As the Beatles sang, 'All you need is love'.

**Mr MORRIS** (Mornington) — The reform proposed by the bill is overdue, and some might say a very long time overdue. I am certainly pleased to see that the matter is now before the house. However, I am not pleased — in fact I am absolutely disgusted — by the form in which the Premier and his Minister for Equality have prepared the bill for the house to consider. The government has brought together two

initiatives that are entirely contradictory in nature, not for legitimate policy outcomes and certainly not in the spirit of genuine reform. The government has brought to the house a bill which, in my view, is constructed solely for its own base political purposes. This is not a bill about equality. It is a bill of deceit. I am somewhat encouraged, however, because in the long, dark tunnel down which the government has dragged the house, there is a faint glimmer of light, and that light is the prospect of a successful amendment to the bill with the removal of clause 17.

This is a bill of two distinct parts, and in fact two entirely contradictory parts. Part 2, clauses 4 to 16, amends the Adoption Act 1984, and part 3, clause 17, amends the Equal Opportunity Act 2010. While the words of the parts are not in conflict, the outcomes certainly will be. I do not propose to go into the detail of the bill, largely because I am very much aware of the time pressures imposed on the house — and others have referred to that — time pressures undoubtedly intended to stifle debate and prevent the house from considering the bill in detail.

If this government had any respect for the democratic process, it would not subject the bill to the guillotine and it would allow the proper parliamentary process to unfold. In that regard, I contrast the manner in which former Premier John Brumby oversaw contentious bills like this one with the way the current Premier is conducting himself. The current Premier does not fare well in that comparison.

We have all been inundated by emails — and checking my phone I notice that they have continued this afternoon — many of them making claims that are simply untrue. The reality is if part 2 is agreed to by the Parliament, the existing limitations of sexual preference or attraction that currently exist in the Adoption Act will be removed — no more, no less. Despite claims to the contrary — and they are claims by people outside the house, not inside the house — this bill does not rewrite the Adoption Act. The bill does not remove section 9 of the principal act — the requirement for the welfare and interests of the child to be paramount. It does not remove section 14, which requires counselling for the child, and, as far as practicable, that the wishes of the child be ascertained and considered; and it does not remove section 15(b), which requires the consideration of any wishes expressed by a relinquishing parent in relation to the religion, race or ethnic background of the proposed adoptive parent or parents.

In 2008, during the debate on the Relationships Bill, I made the following observation:

There are of course people who are loud and proud heterosexuals, and there are people who are similarly enthusiastic about the alternative, and that is certainly the right of both groups. But most people simply want to get on with their lives in a stable and monogamous relationship, irrespective of their sexual preference.

I still hold firmly to that view. Similarly, in the context of this debate, I believe it is the right of every child to grow up embraced by the love of parents who are in a stable and monogamous relationship — in other words, in a family, whatever form that family may take. Part 2 of this bill, if it is implemented, will achieve that outcome, and on that basis I believe it is worthy of support.

But sadly, as I have noted, this is a bill of two distinct parts, and in that regard while part 2 is worthy of support, the changes proposed by part 3 of the bill are quite simply odious. They are an attack on a fundamental right: the right to freedom of religion. For centuries, and in some instances for millennia, communities have fought for their religious freedom, and when it is attained, they have jealously and rightly guarded it. And let us not forget, religious freedom includes the freedom to not be religious at all. It is indeed a hard-earned right, and this bill is a direct attack on it.

As the current commonwealth Attorney-General, Senator George Brandis, told the Senate in his shadow capacity back in June 2013:

You cannot have freedom of religion if you also have legislation which requires, which imposes by statutory obligation, an obligation upon a church or religious institution to conduct its affairs at variance with the tenets of its teachings. If we were to accept that proposition, then we would have a position in which the state tells a church or adherents to a religious faith what they may or may not believe, and that is just wrong ...

I cannot put it any better — clause 17 is just wrong. While I totally support the intent and the likely outcome of part 2 of the bill, I will never support the type of change proposed by part 3. It is my intention to abstain from voting on this bill, but I want to make it clear that if it does come back to the house with clause 17 removed, it will have my unequivocal support.

**Mr EDBROOKE** (Frankston) — It is my pleasure to rise to speak on the Adoption Amendment (Adoption by Same-Sex Couples) Bill 2015. This government is committed to putting equality back on the agenda — it made that very plain from the start — particularly for lesbian, gay, bisexual, transgender and intersex Victorians. We want to create an inclusive Victoria that strives for equality, fairness and decency in our community, and this bill is one such tool that does that.

A person's sexual orientation is distinct from their capacity to provide a loving environment and be a caring parent, and by restricting the pool of eligible adoption applicants, a child in need may potentially be deprived of the opportunity to be placed with the most suitable carers.

Before I go on, I want to say that I respect what has been said today by all speakers in this house — and potentially in the other house — but I will not support discrimination. We just heard from the member for Mornington that this bill is not about equality. I am dumbfounded at that statement. We heard from the Leader of The Nationals, and he said he was reflecting the wishes of his community by not supporting this bill. I had a phone call from one person and their family from the member's electorate of Murray Plains who want me to pass on their disappointment that he has not reflected their views. They want to know if he remembers the television show *Little Britain* — there is more than one gay in the village. The member for Murray Plains needs to reflect his diverse community and their wishes.

The shadow Attorney-General would have us believe that the agencies in question will be discriminated against under the Charter of Human Rights and Responsibilities Act 2006. That is not exactly correct; the charter of human rights protects individuals, not these agencies, so there are some fallacies there from the start. It is clear that it is time to update our laws to reflect our diverse society and to ensure that same-sex families, and most importantly the children within them, are not disadvantaged. I fully believe it is what the majority of our Victorian community expects. I take this bill personally, and I support adoption equality. Same-sex adoption is effectively already happening. We are just making it legal so that the names of both parents are on the birth certificate, and that is fair.

In broad terms, the question is not about why we should not have adoption equality, although that seems to be the focus of some of the emails I have received from lobby groups outside the Frankston electorate. Their reasons reflect bigoted, discriminatory and unfounded opinions, and they use the excuse that it is not in the child's best interests. They are based on homophobia; some are based on anatomy lessons. They are based on the notion that a man cannot take on a woman's role and a woman cannot take on a man's role, but I know there are plenty of single-parent families that are doing a great job. The reasons are also based on religious belief. My parents are very religious and they have no issue with this bill. They preach love, tolerance and family values, which I think embraces Christianity quite well. I also received an email that said it is a

scientific fact that single-sex parents pose a higher risk for the child of sexual abuse, which is just crazy.

The question should actually be about why adoption equality is a good thing. There are many reasons why it is good, including the most important, which is having a loving family that is up to the challenge of raising a child and having professional, responsible couples willing to help their communities. Studies show that the stereotypical father and mother roles are far less important than two stable, supportive, caring, decent role models. From the perspective of a father and a former teacher, I know that the argument against same-sex marriage is baseless. How many children have the people who have written these emails adopted? I would like to ask them that. I am tipping the answer is none. I would say to some of these people, 'If you can't put up, shut up'.

We have been through similar evolutions in society before. That is something about our societies and communities; they keep moving on; it is individuals that stay in the one place. Arguing against marriage equality is baseless, and I will tell members why. Mark my words, it will not be long before people who stood up against the civil right of adoption equality will be looked on as being just as outdated as James F. Blake, who was the bus driver in Montgomery, Alabama, who ordered Rosa Parks to give up her seat to a white passenger in 1955. The arguments against marriage equality are just like the baseless arguments put forward against giving women the vote. I think that is part of the evolution that communities go through.

The community expects that this bill will go through the Parliament unimpeded; a bill based on the community showing us an empirical base of data in contrast to the generally held historical beliefs that are based on deep-rooted ideologies that render other groups inferior. That is what this is about; it is about discrimination.

We cannot keep turning our backs on people in our community in same-sex relationships. Generations before us have fought too hard and too long against discrimination based on race, colour and gender not to stand up against discrimination based on sexual orientation. To those who oppose this bill I say: if you want to live in the 1950s, that is fine, but do not drag me and other progressive people in our community back there. It is not about sexual preference; it is not about faith; it is about love. I commend the Premier and the Minister for Equality for their strong and enduring passion in this area. I strongly commend this bill to the house and wish it unimpeded passage.

**Ms VICTORIA** (Bayswater) — The key purpose of the Adoption Amendment (Adoption by Same-Sex Couples) Bill 2015 is said to be the removal of discrimination against same-sex couples wishing to adopt children in Victoria. Clause 7 of the bill amends section 11 of the Adoption Act 1984 to allow partners in a domestic relationship, regardless of the sex or gender identity of the partners, to have adoption orders made in their favour. Let me state very clearly that I do not have an issue with that. However, I take issue when a measure designed supposedly to remove discrimination from one group leads to discrimination against another. Let me explain why.

Clause 17 of the bill inserts a new section 82(3) into part 5 of the Equal Opportunity Act 2010 to remove the exception to the prohibition to discriminate in relation to religious bodies providing adoption services. We know that some relinquishing parents choose to use a religion-based adoption agency as they feel they share common values.

In my view, there are several important factors which should be taken into consideration before any adoption can occur. The first is that the relinquishing parent's wishes should be respected. Equally, the adopting person or persons should have the capacity and will to be the best possible parent or parents for that child. Legislation in other states does not disregard the wishes of the relinquishing parent and neither should ours in Victoria. This overzealous approach is typical of the current and former Labor governments in this state. It is clause 17 that I object to, and should it stand part of the bill and not be deleted or amended, I will regrettably not be able to vote in favour of the passing of this bill.

**Mr HOWARD** (Buninyong) — I am pleased to add my comments in regard to this very significant bill, the Adoption Amendment (Adoption by Same-Sex Couples) Bill 2015. Can I note that sometimes when bills are debated in this house it is hard to get inspired because the comments are repetitive and do not reveal much of the MPs as people. However, this is a bill in relation to which I have been inspired by many of the comments and contributions made by members in this house, because they have shared their personal experiences and personal philosophies. It says a lot about the nature of this bill.

We know that the core of this bill relates to equality and the fact that no-one should be ruled off or put on a list because of a label that is placed upon them. They should all be regarded as individuals and judged upon their merits, upon the character of the person and so on. Couples seeking to adopt should be assessed on the qualities they will bring as parents. It is a central notion

of this bill that just because people happen to be gay or from the LGBTI community, that should in no way mean a label is put on them that would rule them out of being able to apply for adoption and be judged in the same way as any other couple seeking adoption.

The effect of this bill in some ways will not be great because there are so few adoptions available in this state each year. Very few couples are successful in adopting, as we know, so very few gay couples will be successful in adopting. But under this bill they will be treated equally with all of those other couples who seek adoption, and I think that is a great thing.

Over my years I have seen so many examples of gay couples being wonderful, loving parents who have cared for their children so impressively. An example I can think of is that of a young gay male couple whom I have known for a number of years. Not many years ago they were able to adopt or have in their care a young girl whom they just love. They are terrific parents of that child, and it is great to see how devoted they are to their baby daughter and what great parents they clearly are.

I have a number of women friends in relationships who are bringing up children and doing an absolutely fantastic job with that. I remember another constituent who came to see me a couple of years ago, a very impressive young woman who is a doctor and who is in a relationship with another woman. She was pregnant at the time and was looking forward to becoming a parent in their relationship. She clearly impressed me in how devoted she was going to be as a mother.

The issue she raised with me, though, which I am pleased to see covered in this bill, is that for couples in such relationships who are caring for young children, often only one of them is recognised as the legal guardian of the child. The other has no rights. Whether it be for school issues, health issues or other matters, the other partner does not have rights. I am very pleased to see that this bill removes the wording 'de facto spouse' from the legislation and recognises 'domestic partners' in relationships so that the domestic partner will be officially recognised in the relationship. I think that is of great benefit.

Lastly, I just want to share one of the observations I have made most closely within my family. I want to talk about my nephews, two wonderful young men who are now in their 30s. Early on in their life their parents' relationship — the relationship between my brother and his wife — broke up and for the majority of their childhood those children grew up with their mother and her new partner, who happened to be a woman. Those

children grew up really well, with their mother and their new additional parent looking after them incredibly well. While they still often had time with my brother, they grew up really well, and I am so proud of them. Now in their 30s, they are married, with two children each, and they are being great parents themselves.

Whenever I have seen same-sex couples bringing up children I have seen positives nearly all the way. We certainly know of a number of situations where we have seen children with heterosexual parents where that was not necessarily the case. Clearly the issue with this bill is that people should be judged on their merits, not labelled in regard to their sexuality or for any other purpose.

Great leadership is being shown by Premier and the Labor Party in bringing this bill forward. It will ensure that some of these issues of inequality that have existed in legislation are put aside so that we can celebrate equality and move forward and so that people who have been discriminated against in the past because they have been in a gay relationship or such will be treated equally when they seek adoption. This bill is a great move forward, and I am very proud of the government.

**Mr CRISP (Mildura)** — I rise to make a contribution to the debate on the Adoption Amendment (Adoption by Same-Sex Couples) Bill 2015 and to support the amendments circulated in the name of the member for Euroa. I acknowledge the contribution by the member for Euroa in leading this debate and also that by the member for Hawthorn, who spoke on the extinguishment of rights.

I have researched this bill, I have listened to commentary and opinion on this bill and I have thought long and hard about it. There are elements of this bill I am in agreement with. I do believe that a child in a same-sex family has a right to two legally recognised parents. When reflecting on this bill I do not believe it is my place to deny this for a child. For example, in a lesbian relationship where a child already exists with two mothers, only the birth mother has any legal rights. Should a school form need signing, only the birth mother can sign it. In the case of an emergency or accident, it is only the birth mother who has rights, and should the birth mother be injured, or worse, then the child is left an orphan.

However, this bill is in two parts, and it is unfortunate that those opposite were unwilling to consider the coalition's amendments — amendments that mean that the bill would not discriminate against the human right of freedom of religion.

The rights of someone relinquishing a child for adoption are spelt out in the Adoption Act 1984. That act requires that:

... the Secretary or principal officer has given consideration to any wishes expressed by a parent of the child in relation to the religion, race or ethnic background of the proposed adoptive parent or adoptive parents of the child ...

I note that the Scrutiny of Acts and Regulations Committee (SARC) observed that clause 17 may have the effect of barring an approved agency from acting on the wishes of the parent of a child as to the sex, sexual orientation, lawful sexual activity, marital status, parental status or gender identity of the proposed adopting parents. SARC went on to say that clause 17 may engage the right of a child's parents to be free to demonstrate his or her religion or belief in practice, as part of a community in public or private, insofar as the parent's religion or belief informs his or her wishes about the proposed adoptive parents of his or her child.

We claim to allow diversity and preach tolerance but appear to be promoting more and more intolerance. In clause 17 of this bill we are removing a right and demonstrating intolerance. The Parliament of Victoria needs to address complex issues, and we can do better than clause 17 when balancing community views. I note that no other state that has reformed its adoption laws has sought to remove an exemption under its equal opportunity act. I also know that the Victorian Equal Opportunity Act 2010 is being reviewed, and this issue could be and should be a part of that review.

I cannot support a bill that extinguishes the right of religious conscience or freedom.

**Ms THOMAS** (Macedon) — I am very proud today to speak in support of the Adoption Amendment (Adoption by Same-Sex Couples) Bill 2015. This bill is a key plank of the Andrews Labor government's comprehensive equality agenda. As our Premier has said, equality is not negotiable. Where this government sees that existing laws are discriminatory and out of step with community attitudes and practice, it will be taking steps to amend them.

This legislation recognises the many parents currently living with their children who, because of their same-sex relationship, are not legally recognised as the child's parent, despite their fulfilling this role. Currently in Australia 11 per cent of gay men and 33 per cent of lesbians have children. This bill removes the legal impediments to these mothers, fathers and parents being recognised as such.

Like others before me, I have taken time to consider the arguments of those in our community and in this place who have opposed the bill. It seems to me that the key plank of opposition rests on what is in the best interests of children. I have thought a lot about this as I, like I am sure the rest of my colleagues here, take my responsibility to legislate in the best interests of children very seriously indeed. I am confident that this bill does nothing to disadvantage children. Indeed to the contrary, it supports the best interests of children by enabling legal recognition of the parents with whom the children of same-sex couples live.

Research in the field of family studies shows that the most important influence on children is family functioning — that is, what goes on within a family rather than family structure — which is the number and gender of the parents. The research in this regard is unequivocal. This certainly reflects my experience, not only in my own family but also of the children and families I have known as a teacher, as an MP and as a parent observing my own child's development and that of her friends. I have observed families in all their diversity navigate the challenges that come their way, regardless of their structure. However, there is one challenge that children of same-sex couples face that is not experienced by the children of heterosexual or single-parent families, and that is discrimination because of their parents sexuality.

In addition the children of same-sex families have to live with the discrimination, harassment and violence that is directed at their parents. As co-chair of the LGBTI working group on health, advising the Minister for Health on equality, I have been shocked to learn of the extent of mental health challenges in Victoria's LGBTI community that are experienced as a direct consequence of discrimination in our community. The prevalence of violence and harassment directed at LGBTI Victorians is similarly shocking.

This bill is one step toward ending discrimination in our community. The best interests of children are supported by each and every one of us doing all we can to end the discrimination against LGBTI Victorians, to stop the harassment, to stop the violence and to give appropriate recognition to the thousands of same-sex families in our community. I commend the bill to the house.

**Mrs FYFFE** (Evelyn) — I am pleased to rise to make a brief contribution to the debate on the Adoption Amendment (Adoption by Same-Sex Couples) Bill 2015. I have given this bill much thought. I have met with and listened to many people, some of whom have been well informed and some of whom have been ill informed. I have read various articles about adoption by

same-sex couples, and I have tried to separate my own opinions from those of my constituents. I do not oppose same-sex adoption, but I do have problems with clause 17. The right to freedom of choice of religion is paramount to our civilisation. This clause is removing that. The rights of the relinquishing mother or father and the rights of the child have to be paramount. Whether a child is born from surrogacy, sperm donation or a heterosexual relationship, they have more than one parent and those parents should and must have their wishes for the future of their child given paramount consideration.

I know several children who are living in same-sex families. To me they are no worse or better than children of traditional heterosexual couples or single-parent families. The children still give the same joys and present the same problems: two-year-olds still throw tantrums, and teenagers and early adolescents still have the ability to drive their parents to distraction as they challenge anything and everything. They still have the same hassles with getting homework done, getting schooling done, the use of computers and TV and the same joy in athletic and academic successes. They have the same hassles with food that everyone else has. There seems to me to be no difference in the children that I know who have grown up in same-sex families from those who have grown up in single-parent families or with heterosexual couples.

Many same-sex couples have taken into their homes and fostered children, and they have done so successfully. I have probably had more experience than anyone in this house with children who have been taken into care and often placed in institutional-type homes because of the lack of foster parents. I worked with children under the age of 5 and then for a period with 12 to 18-year-olds. If we could have placed more children into foster homes, their lives then and into the future would have been so much better, so I want to acknowledge those who have fostered and given stability and love. In particular, there is one couple — two women I will not name because of their privacy — who have raised three foster children. Those children are now developing into the most loving, caring children I have ever known, and they are beautiful. This couple has given them so much, after their traumatised start in life. I have no problems with same-sex couples raising children. As I said, I wish them well through those teenage years — and I wish I could have afforded boarding school for two of mine, because it would have made life much easier!

However, I do have problems with clause 17, and although I support same-sex adoption, I cannot support clause 17. To me it goes against everything that I stand

for — for freedom. People have said that only four children were placed by the Catholic adoption services, but that is four children, that is four lives of four children, and I cannot support this bill if clause 17 is left intact.

**Mr LIM (Clarinda)** — I have a dilemma after listening to so many speakers on both sides, simply because of where I come from, where we have so much tolerance. I am amazed because the former king, who just passed away three years ago, King Norodom Sihanouk, gave his blessing to same-sex couples. When you have a royal blessing, you are invited into the royal palace and given a full ceremony as if you were a royal couple. This is to tell the whole world that Cambodia is very tolerant when it comes to same-sex couples and therefore adoption by same-sex couples is very normal. Therefore I am bemused sometimes to hear so much drama exhibited by many people.

In a way Cambodia is somewhat backwards, but the limitation on the quality of life of same-sex couples or heterosexual couples is only because of the degree of poverty there. When it comes to acceptance, tolerance, engagement and embracing people of the same gender when they fall in love, I think people in Cambodia are progressive — and members have probably heard a lot about Thailand also, and people in same-sex relationships prospering there. This goes back to a long tradition in that part of the world of being very tolerant and very embracing. It is part of the Buddhist teaching that everyone is born equal, and that how you behave and how you conduct yourself builds up your karma, and you have to deal with your karma when it comes time to have to deal with it.

I had prepared a setpiece speech, which I do not think I am going to present to the house, because it would be very much like the comments made by many of my colleagues on this side of the chamber. There is one comment that was made by the member for Mornington that I took offence to. He tried to diminish what the Premier is trying to do. I think our Premier is a unique Premier, he is a very progressive Premier and he is a visionary Premier. He has achieved a long list of firsts in this country. We should remember that he led the Pride March early this year. He also appointed the first female Governor of this state, and he has achieved many other things.

I will never forget an article that was published in the *Age* just recently that portrayed the Premier as a 21st century Premier: he leads and pulls this community up and into the 21st century. Let us wake up and be part of the 21st century, and be proud of it. I have not got much more to say, but I am very proud to

be part of this very progressive, advanced and visionary government.

**Ms SHEED** (Shepparton) — I rise to support this bill. It is legislation that is designed to enshrine equality in our adoption laws. A number of other state Parliaments have already done this. I understand that this is the last piece of legislation in Victoria that actually discriminates on the basis of sexual orientation.

Adoption occurs very infrequently in this state, and whether the passage of this legislation will change that I am not sure, but in all my years as a family law specialist I recall only doing one adoption, and that was in very exceptional circumstances. That is really because there are three avenues in this state whereby parental responsibility is given to people. The first is under the Adoption Act 1984, the second is through the permanent care orders that are made pursuant to the Children, Youth and Families Act 2005, and the third is through a parenting order under the Family Law Act 1975.

The commonality of those three pieces of legislation is that the requirement always is for the court to consider what is in the best interests of the children. But the difference between those three pieces of legislation is that the Adoption Act is the only piece of legislation of those three that discriminates by not allowing same-sex parties to be engaged in the process and, in this case, to adopt. The legislation in those three options arises in different circumstances. While I was going to go into them, I will not, because I am aware that many speakers want to speak, and that we need to be brief today.

The reality is that most orders in relation to the parenting of children occur under the Family Law Act. As I said earlier, adoption has been very infrequent. The Adoption Act requires that a court will only make an order for adoption if the making of an order in relation to guardianship and custody of children cannot be made under the Family Law Act, because it would not necessarily be the appropriate avenue to do it. The legislation that has been used for many years in that context of family law relates only to children under the age of 18 years, and similarly that is the case with the Adoption Act.

The reason I raise these various methods is really to point out that there are a number of mechanisms whereby the state enables parents to be responsible and to care for their children in a legal sense. By providing equality within this legislation, we are opening it up to all families in our community to enjoy the benefits of this legislation in this state. With that comes the rights

and responsibilities in relation to children that all families know so well.

There is a process in relation to adoption, and it is a rigorous process. It puts the interests of the children at the heart of the considerations of the court, and it requires that a court is satisfied that the adoptive parents are fit and proper people. It takes into account the wishes of the child, and where appropriate that is taken into account from an age perspective, so where children are of an age where they can have a say, they will be consulted. It requires that the parties go through counselling, and at the end of the day it requires the court to make a really careful and considered decision.

This is not opening up something in a random way. The rules will continue to apply in the same way to everyone who is considered under this legislation, whether they be heterosexual or same-sex couples. Where adoption occurs, it will often extinguish the rights of a biological parent, and a court will also have to take that into account. Again, these are serious issues that a court has to consider.

I live in, and represent, a diverse community. Over 30 languages are spoken throughout my electorate. There are people of many religious beliefs. There are many things that I have had to weigh up in coming to the decision that I have in relation to this, but the overwhelming thing that guides me is that I believe that equality needs to be the paramount consideration, and I formed the view that I will support this legislation on that basis.

**Ms HALFPENNY** (Thomastown) — I rise to speak in support of this proposed amendment to the Adoption Act 1984. My contribution will be brief, but I believe it is important that all members of Parliament stand up and have their views recorded and counted on this issue. In the Thomastown electorate the last census recorded that more than half of the residents identified as Catholic, although only a handful have written to me about this issue expressing any concern.

Equality, fairness and humanitarianism are what the Australian Labor Party is about, and this bill is an expression of those values. To me, it ensures that all families and relationships are recognised equally. It will expand provisions in the Adoption Act to allow same-sex couples to adopt children in the same circumstances as heterosexual couples. What is important for children is that they have a loving, nurturing environment in which to grow up and develop. That is not determined by whether it is a single-parent family, a same-sex family or a

heterosexual family. Those are not the things that determine how well a child is looked after.

The time has come to do away with laws based on prejudice and bigotry. This bill removes old prejudices about what is acceptable and not acceptable. For far too long too many bad laws have continued to uphold prejudice, often influenced by religious organisations and narrow-mindedness. We do not have to look back far to see policy and legislation that forcibly removed children from unmarried mothers. Not too long ago there was the stolen generation, when the state took children away from Aboriginal mothers and families. We now live with the consequences. All of us see the consequences of those awful laws based on prejudice.

I fully support and am very proud to be part of the Andrews Labor government, which is removing yet another inequality within our legal system. I support the ability of all people to adopt children. I support the rights of children to have their families, whatever their make-up, recognised, and to have the respect and equality we all deserve. I fully support this legislation. No organisation should be exempt from it. It is the state that has responsibility for the welfare of children. Adoption is a state matter. In some ways we contract out these responsibilities to other organisations, and if they want to continue working in this space they should follow the law.

**Mr T. BULL** (Gippsland East) — It is a pleasure to rise to make a contribution on the Adoption Amendment (Adoption by Same-Sex Couples) Bill 2015. I want to speak in favour of the amendments that were circulated by the Deputy Leader of The Nationals at the start of this debate. Given a number of adoption agencies will provide services to same-sex couples, I believe it is appropriate to maintain the current exemption for religious entities that conscientiously object. If the amendments are not considered, it presents a difficult situation for some of us. Should those of us who believe this religious exemption should remain in place vote against this bill; or should we put this view on the record but then vote for the bill because we also believe a person's sexual orientation has no impact on their ability to be a loving and caring parent?

We already have a number of children and young people living in same-sex couple households. The 2011 Australian Bureau of Statistics figures put the total at 2700. Studies have shown children of same-sex parented families perform just as well as, or better than, children raised in heterosexual families on a range of social, psychological and educational variables. At present people of same-sex orientation are able to

adopt; that currently takes place. But joint applications are not permitted, so only one same-sex parent can be recognised. I have received a number of emails this week, particularly in the last 48 hours, saying this bill will allow for same-sex adoption. That is wrong. Same-sex adoption occurs now. This is simply about same-sex couples being jointly recognised, as heterosexual couples are.

The most important question for me personally on this issue is whether parents have the capacity to provide stability, love and care in the life of the person they adopt. In line with this, I note the comments of the chief executive officer of Anglicare Victoria, who said:

The bottom line for us isn't about gender, race, religion or sexual preference. It's about the ability to provide a loving and caring home for the child.

I completely agree with that view. The fact is that same-sex couples are already providing very nurturing and caring environments for the people they adopt.

I will say I am opposed to the way this bill has been framed. It compromises those of us who are not opposed to same-sex adoption but do not want to vote for a bill that removes the right to conscientious objection on religious grounds. While I believe the traditional family structure is the best environment in which to raise a child, I support the bill for the reasons I have outlined. But I want to put very clearly on the record my support for an amendment to allow religious organisations exemptions on grounds of conscientious objection.

**Mr WYNNE** (Minister for Planning) — I rise to make a contribution on the Adoption Amendment (Adoption by Same-Sex Couples) Bill 2015. In doing so, I hark back to some of the extraordinary reforms that have been made by Labor governments since 2001, when the then Attorney-General, Rob Hulls, to whom I had the honour of being the parliamentary secretary, undertook a sweeping set of reforms to end discrimination against people on the basis of their gender or sexuality.

Reflecting on those days, I think it was an extraordinary commitment by the then Attorney-General to end many kinds of unfair discrimination directed against people living in same-sex relationships. It went to some of the most basic rights that we who live in heterosexual relationships have enjoyed forever, including things like access to a partner in hospital. In the past if there were circumstances where someone required acute care, a same-sex partner was effectively excluded from providing direction to the hospital about their partner's care. When it goes to such a fundamental thing as this,

it is a deeply troubling and unfair society in which we live.

So I am immensely proud of the work that was done by then Attorney-General Hulls throughout his whole career in ensuring that if you were living in a same-sex relationship, you enjoyed the same set of rights in every single aspect of life that I enjoy as someone living in a heterosexual relationship.

Frankly, it goes to the question of fairness; it is simply a question of fairness to ensure that we as a society, and indeed we as a Parliament, sweep away any form of discrimination that stands in the way of any person in our community. That is why so many members of this Parliament stand unambiguously in support of the recommendations of the Adoption Amendment (Adoption by Same-Sex Couples) Bill 2015. We argue that equality, frankly, is non-negotiable. We vowed as part of our election commitments, which we were voted in on, to put equality back on the agenda.

Having looked at the backdrop of those extraordinary reforms undertaken by previous Labor governments, let us now look at this government and the reforms it has already put in place.

We have the first-ever shadow Minister for Equality, and we are glad to see that the Greens political party and the Liberals have followed our lead and appointed their own shadow ministers for equality; that is a very good thing. We have the first ever Minister for Equality anywhere in the country. The Safe Schools Coalition will be rolled out across all government schools. This will be critically important in supporting those young people who are trying to deal with gender issues in school, which is a very tough environment for them.

We have delivered on our promise to appoint a gender and sexuality commissioner. We have delivered on our promise to deliver an LGBTI task force to support the government's efforts to put equality on the agenda. Indeed only very recently our Premier, in what I think was an outstanding contribution, called out the New South Wales Liberal government for banning schools from showing *Gayby Baby*, a film that depicts the lives of normal, diverse families. This is a proud record of support by this government.

The bill before the house will enable the ultimate legal recognition of existing family arrangements by enabling same-sex step-parents and long-term carers to adopt and to ensure that a child in need is given the opportunity to be placed with the most suitable parent. Is this not ultimately what this has to be about? Ultimately it has to be about the best interests of the

child. That has to be the lens through which we must judge these matters.

I have many friends and colleagues in same-sex relationships, and I have very close family associations with a number of same-sex families. You could not hope for more caring and loving environments. Ultimately that is what this has to be about — the recognition that the loving environment in which a child is raised is absolutely fundamental to their development and their long-term care, regardless of their parents' sexuality. This bill is about us as a Parliament recognising and putting the child at the centre of our considerations.

It is very important that we as a Parliament show leadership and say that we will not stand for discrimination in any form and that children who are living in same-sex families ought to enjoy the legal framework that is available to those of us who live in heterosexual relationships. I deeply commend this bill to the house.

**Mr KATOS** (South Barwon) — I rise this afternoon to make a brief contribution to debate on the Adoption Amendment (Adoption by Same-Sex Couples) Bill 2015. At the outset I would like to commend the Leader of the Parliamentary Liberal Party, the member for Bulleen, for allowing Liberal Party members in this chamber to have a free vote on this bill.

One thing I will say is that there has not been sufficient time spent debating this bill. The Victorian Energy Efficiency Target Amendment (Saving Energy, Growing Jobs) Bill 2015, which was hastily added to the government business program this week, was not time critical; it could quite easily have been debated in the next sitting week to have allowed more debate time on Adoption Amendment (Adoption by Same-Sex Couples) Bill 2015. I believe, as the member for Mornington said earlier, this was a deliberate strategy by the government to stifle debate on this bill.

I very much believe in the ethos of 'to each their own'. I have no issue with the bill providing for the adoption of children by same-sex couples; I have no problem with that at all. However, clause 17 of the bill, which removes the exception to the prohibition to discriminate in relation to religious bodies providing adoption services, is of concern to me. I believe this is an attack on religious freedom, which unfortunately has been all too evident under this government. You need only look at Labor's removal of special religious instruction from schools despite it having made a solemn promise that that would not be done.

The Minister for Planning just said in his contribution that equality is not negotiable, but under this bill religious freedom is. As this bill stands, I am being asked to choose between equality at the expense of religious freedom, and that is something I am simply not prepared to do. If clause 17 of the bill was to be removed, as per the amendments of the member for Euroa, I would be happy to support this bill. However, as the bill stands at present, I cannot support it.

**Ms THOMSON** (Footscray) — I rise as the last speaker on this side of the house to speak on this bill. I am proud to be able to stand up and contribute to debate on the Adoption Amendment (Adoption by Same-Sex Couples) Bill 2015 and give it my wholehearted support.

Whilst I respect the means and intent of the amendment before the house and the reason why members opposite might feel it is important, I want to put on the record the reason why I think opposing it is more important, which is that you cannot be somewhat equal — you are either equal or you are not. When we create laws, we should create laws that ensure that everyone is equal, and that is why I will not support the amendment and why I do not think we should.

I am proud that we are finally tackling the issue of adoption, because I know from my constituents and my friends how hard it is when you have children for whom one partner is recognised as the parent and the other, who is also truly a parent, is not. I know just how difficult that makes it for those parents to deal with health issues for that child, including who can make decisions for that child if they are in hospital. It can also affect how that child is treated by their school and which parent can be contacted and which cannot.

In some relationships I know, one partner is the mother of one child and the other is the mother of another child. Those children are still very much brothers in a family unit, and they should be treated as such.

I am so pleased to see legislation in the house that finally recognises, once and for all, that in Victoria our families all look very different. The one ingredient that is so important to families, no matter their colour, creed or sexuality — whatever it might be — is that they are loving and that children feel secure in them. The bill we have brought before the Parliament, and which we will hopefully pass today, will make sure these kids feel secure, because they are already loved.

Let us remember that not every household has children living in it who feel safe and secure. We have seen many people get to their feet today to talk about the role

that the LGBTI community has played in looking after these very kids, the role that it has played to make sure they feel secure and that they feel safe and in fact that they are safe and in the loving environment provided for them. Why can they not provide for their own children? Why can they not ensure that they have families that have the law on their side that recognises their rights as parents and recognises their children's right to two parents irrespective of the fact that they are of the same sex?

I am not going to be long on my feet today. I am proud to be part of a party that has brought this bill into the house. I am proud of this government for meeting its election commitments. I wholeheartedly support this bill, and I urge people to remember that we are a community that should be based on equality, irrespective of background and irrespective of sexuality, and this bill recognises that.

**Mr THOMPSON** (Sandringham) — I am pleased to contribute to the debate on the Adoption Amendment (Adoption by Same-Sex Couples) Bill 2015. In 2010 the then New South Wales Minister for Community Services, the Honourable Linda Burney, stated:

I believe what is required in this debate is to find a balance between law and conscience and between equality and freedom.

What happened in New South Wales is that faith-based organisations were allowed to continue to operate as they had for the duration of their operation. I note also the commentary by a young lady who made a speech in August along the lines:

... I am a donor-conceived child of lesbian parents. I stand here with support from all three of my parents. This is a testimony that is, safe to say, unheard of, because nobody wants to hear about the other side of the rainbow; the side that is not catered for, that don't grow up happy and grow up with a dissenting idea of what a family structure should be.

Growing up, I wanted a father. I felt it within me that I was missing a father before I could even articulate what a father was ... I was lied to throughout school, I was told I didn't have a father, or that perhaps they didn't know who he was. It was very difficult for me to affirm a stable identity because of this and my behavioural and emotional stability suffered greatly because of it.

I stand here before you raised atheist with no religious affiliations.

But she felt the support of Christians as she endeavoured to work through her family context. She acknowledged at the conclusion of her contribution that she loved all her three parents equally.

Within the parliamentary precinct there are a number of symbols of our heritage. One is the statue of Sir

Douglas Nicholls in the northern parliamentary gardens, a Church of Christ pastor who served the Indigenous community of Fitzroy and later served as Governor of South Australia. On the other side of Gisborne Street in MacArthur Street there is a plaque which honours the contribution of Caroline Chisholm, who was guided by her Christian faith and who cared for women coming to the colony and children in the precinct. In St Peter's Eastern Hill, to the north of where we are, there are a number of memorials, one to Sophie La Trobe, the widow of Charles La Trobe, and also one with the La Trobe name as a founding member of the church. It was Charles's father, Ignatius La Trobe who informed William Wilberforce in 1807 of the plight of the West Indian slaves. The contribution of the Christian faith and Christian tradition has been outstanding in the development of the Australian nation.

On the basis of those comments and with much more that I could say I will be strongly opposing clause 17. My comments on adoption, while respecting the rights and freedoms of individuals, are delineated in other parliamentary contributions I have made in this house.

**Mr WATT** (Burwood) — I rise to speak on the Adoption Amendment (Adoption by Same-Sex Couples) Bill 2015. I am only going to make a brief contribution, but I want to put on the record that I am disappointed at the fact that I am only going to be able to make a short contribution, which is not going to reflect my true feelings across the whole debate.

However, I will make a couple of points. My niece and her partner have rights in Western Australia that she would not have if she and her girlfriend were in Victoria. That is not right and that should be fixed. I put that on the record. I have friends in Victoria who are homosexuals. I have no personal issue with whomever people may choose as a partner. But let me make the point that I do have an issue with the government curtailing debate in here. I also have issues with the government actually turning around and saying that equality is not negotiable but religious freedom is.

Clause 17 of this bill is a disgrace. I have previously been a member of the Scrutiny of Acts and Regulations Committee (SARC), which is a government-dominated committee of which you, Acting Speaker, are a member. SARC has made as critical a report as it could have of a government bill. Given that it is a government-dominated committee, it could not be more critical of the bill. Clearly every member of SARC has supported the report because there is no minority report. All members of SARC clearly have said that clause 17 is a disgrace, which I believe to be the case as well.

I listened to the contribution of the member for Pascoe Vale intently, and I agreed with most of what she said, but I find it disappointing that it appears to me as though she is not able to vote in the way she believes she should. Perhaps I am putting words into her mouth, but I am sure she does not like clause 17. I note also that the government is not allowing members on its side a free vote on this bill. Members say equality is not negotiable, yet you still get a free vote on same-sex marriage in the federal Parliament. You cannot have it both ways — you cannot say it is not negotiable and then accept federally that it is.

There are three points I would like to make. Religious freedoms are respected in all the other states that have introduced bills along these lines; it is just here in Victoria that the Labor Party is trying to trample on religious freedoms. Many people have mentioned article 18 of the UN Universal Declaration of Human Rights, which states:

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

It is in the Charter of Human Rights and Responsibilities and was put there by the Labor Party. It is a disgrace, quite frankly, that I do not have enough time to continue to talk about my feelings on this. I cannot, will not, support a bill that tramples on religious freedoms, and I hope that other members on the other side will stand up for religious freedoms, as I know many of them believe they should.

**Ms NEVILLE** (Minister for Environment, Climate Change and Water) — I want to make a very brief contribution to the debate on the Adoption Amendment (Adoption by Same-Sex Couples) Bill 2015 before the house today. As a former Minister for Community Services, I was aware of the extent to which same-sex couples provided an incredible service as foster carers in our community, including through religious organisations, because most of the organisations that do foster care arrangements are in fact religious organisations. Through that process they enabled, facilitated and supported same-sex couples in doing foster caring and permanent-care arrangements. I suppose the reason they supported and enabled that is that they knew they were providing incredibly caring relationships for those children who needed foster carers. There is no evidence — absolutely no evidence — of poorer outcomes or higher levels of abuse or neglect in same-sex families than in other families in our community. That is why back when I was minister I supported changes to access to assisted

reproductive technology for same-sex couples. That is why this Parliament did — because we know there is absolutely no evidence that there is any cause for concern about same-sex couples and their love and care of children.

We do not have many adoptions in Victoria. We do not have many adoptions around Australia anymore. Often these are adoptions that occur where a family member has died and they leave a child, or a child with a disability is at the centre of this when the biological parents are unable to manage and cope and the child is adopted out. And it is often children potentially also in that foster-care, permanent-care arrangement who may also as a result of other circumstances be adopted. I do not think it is fair enough to say that as a state and as a community we support same-sex couples foster caring our children and through religious organisations — and religious organisations enable that to happen — while we do not trust them to adopt children. I just think that discrimination is at the centre of that policy. There is no call for that on any basis other than ideology. I think only one religious organisation has a concern about this, and that organisation just will not participate in adoption services, but it fosters. Those organisations all foster children to same-sex couples — so, again, how can you say at one level, ‘We will trust them as foster carers or permanent carers but they cannot adopt children’?

The final thing I would say about religious organisations is that — and the former federal government went down this path — if an organisation is receiving taxpayer money, it is not appropriate for it to be able to discriminate. It has a choice not to do that; it does not have to participate in delivery of taxpayer-funded services. But if it does it has a broader obligation to our community to uphold the values that this Parliament sets. On that note, I strongly support this legislation. It is long overdue and I think it rights a wrong.

**Mr PAYNTER** (Bass) — I appreciate the opportunity to rise to speak on the Adoption Amendment (Adoption by Same-Sex Couples) Bill 2015. As lawmakers, the best interests of the child must always be our key focus. In Victoria there are currently thousands of children being raised by same-sex couples who do not have a clear legal connection to one or both parents.

In my view, it is important to recognise Victorian families in the many and varied forms they take. Adoption by same-sex couples is all about identity. It is about recognising parents as parents, and their children as their children. It is about permitting parents to do

basic things like sign school forms and approve emergency medical treatment. It is about recognising the love between a parent and child. As lawmakers we are in a unique position to remove the discrimination against sections of our community to ensure that children — all children — are not weighed down by self-esteem and identity issues which have been caused by a legislative regime which for so long has failed to uphold their basic human rights and those of their families.

I note a recent statement by Anglicare which reads:

People from all walks of life can become foster carers. It doesn't matter whether you are married, single, older, younger, with or without kids or in a same-sex relationship — everyone can make a positive difference in a child's life.

More importantly I note a comment made by the chief executive of Anglicare, Paul McDonald, who said:

The bottom line for us isn't about gender, race, religion or sexual preference. It's about the ability to provide a loving and caring home for the child.

Whilst I do not know the happiness scale for children living with same-sex couples, what I do know is that children can be happy or equally unhappy in families with a mother and a father, a single parent, a de facto couple or a same-sex couple. One size simply does not fit all. There is no one way to raise a family. This bill gives both parents of an adopted child the legal right to be recognised as the parents regardless of their sex. Therefore I support the amendment in clause 7 of the bill.

Whilst I have the right to express my own thoughts, my views and my beliefs and act accordingly, I do not have the right to force others to act a certain way. Whilst I encourage faith-based institutions to broaden their views on same-sex adoption, I cannot support clause 17 of this bill which forces faith-based religious groups to act against their religious beliefs.

**Ms RYALL** (Ringwood) — I rise to speak on the Adoption Amendment (Adoption by Same-Sex Couples) Bill 2015. I, too, as eloquently expressed by some other members, have concerns about this bill, particularly clause 17, which takes away the fundamental right of religious organisations and the individuals within them to conscientiously object when they are forced to provide services that are contrary to their beliefs. In addition, the Scrutiny of Acts and Regulations Committee report on this bill identifies concerns about clause 17, of which I think we all need to be cognisant.

Under existing adoption practices, relinquishing parents are able to specify preferences as to race, religion and cultural factors in the adopting parents. This bill, however, does not allow for the wishes of biological parents or a parent in specifying their preferences about the domestic relationship of the adopting parents to whom they are relinquishing their child. This discriminates against the rights of the relinquishing parent, who may wish to remain in their child's life, in favour of the rights of the adopting parents. We introduce discrimination in that instance.

I know that the Adoption Act 1984 is essentially about the rights and needs of the children and I believe those rights also apply to gender equality in parenting. Children are the product of both male and female genders. We cannot say that we are removing inequality between adults and then introduce inequality between adults and children. I believe the rights of the child, through this bill, are made less equal to the rights of adults who would like to adopt.

I do not think anybody disputes the ability of same-sex couples to provide a loving home environment. I know that many foster carers, including same-sex foster carers, provide a loving and safe environment for children. In an ideal world biological parents would parent their children in a loving environment, but we do not live in an ideal world. I believe that an environment as close as possible to this one, where a child's rights can be expressed, is best. In the event that a same-sex couple or partner in a same-sex relationship wishes to adopt a child, the child should be given the right to say what they do or do not want when they are at an age where they can make an informed decision about that adoption.

**Ms McLEISH** (Eildon) — I rise to make a contribution to debate on the Adoption Amendment (Adoption by Same-Sex Couples) Bill 2015. As we all know, this bill amends two separate acts: the Adoption Act 1984 and the Equal Opportunity Act 2010. In doing so, we are bringing two initiatives together and unfairly denying the opportunity for proper parliamentary process because this type of legislation and the issues that are raised deserve much more scrutiny. We have inadequate time to debate the matter and consider the bill in detail, especially given the amendments moved today by the member for Euroa. I certainly support the amendment to omit clause 17.

With regard to the Adoption Act, I have no problem with a child growing up in a same-sex household, and to a large degree we know that that happens already. I know many families where that does happen and there is no intense need to adopt.

The amendments to the Adoption Act reflect where society is at or is moving towards. Members know that traditionally families have been based around a mother and a father. Whilst this may be ideal, it has not always been the case due to death or relationship breakdown or because there are single parents. A whole lot of factors contribute to people growing up outside what is seen as the traditional family unit.

I have heard comments that in single mother households, for example, often boys would benefit from having a male role model around. I have also seen situations where a good family friend or relative has stepped in and has been quite proactive in that role. I have also very sadly seen an increase in the number of grandparents looking after young children because their parent or parents are not around or are not capable.

Members know also that there are many different views on this matter. The member for Forest Hill outlined the feelings of an adult growing up without a father. She was raised by two women and missed not having a father. That is a particularly valid point. But equally I have seen children living in such dysfunctional families that they have been left on their own, neglected and left to starve, while drug-affected parents have been too busy with their own agenda. We have all seen reports of those awful matters of abuse and death in heterosexual families and other relationships. For me the most important thing is a stable family unit with unwavering love and support. I think that is the best outcome for protecting and nurturing any child. For many this is Mum and Dad, but for me it can equally be Mum and Mum or Dad and Dad.

On the amendment by clause 17 to the Equal Opportunity Act, I certainly do not agree with putting aside the exception. Given that there is a review of the Equal Opportunity Act afoot you would think that that would be message enough to leave this component out of the bill. Unwisely the government has tried to tangle together the amendments to two bills. Members of the Scrutiny of Acts and Regulations Committee, a government-dominated committee, raised concerns about clause 17, reflecting on the attack on religious freedoms. The government has been exceptionally unfair in bundling together the amendments to two acts. Whereas I support wholly and fully the amendments to the Adoption Act, I do not support the amendment to the Equal Opportunity Act.

**Mr SOUTHWICK** (Caulfield) — I rise to make a few comments on the Adoption Amendment (Adoption by Same-Sex Couples) Bill 2015. In doing so, I acknowledge that today great contributions have been made by members on all sides of the chamber on the

issue of equality. I certainly support equality on the basis of race, religion and sexual preference. I think it is important to state that the interests of the child should be first and absolutely paramount when it comes to dealing with matters of this nature. Children really should be brought up in a safe, loving and stable household.

I want to make the point particularly that in an ideal world it would be great to see children being brought up in the biological family into which they were born, but there are situations that do not allow that. Members will have seen examples of many instances where same-sex couples have raised children very successfully through foster care and by other arrangements. The changes made by this bill will allow them to legally adopt their children and will take away some of the stigma that currently exists with that. I certainly have no issue with the intent of the bill.

What I do have an issue with is clause 17 of the bill. I support the coalition's proposed amendment to clause 17 to exclude it from the main part of the bill. I do so for a number of reasons but the key reason is that it has been very convenient for a number of speakers, particularly on the government side, to connect clause 17 with discrimination. Absolutely the contrary is the fact when considering religious freedom. Religious freedom is something that we are very proud to have had here in Australia over centuries. When we attack those freedoms and rights of individuals, it is very easy for people to lump in equality and talk about religious freedoms but at the same time throw in a change to the law, as we have in this part of the bill. This clause is about an exception. The same exception applies in New South Wales, Queensland and other states.

If members are serious about what we are doing here, they should not be trying to play the religion card, but should be focusing specifically on the intent of the bill, which is to allow same-sex couples to adopt. We should not be trying to have a dig at religion, which appears to be the case. We have seen that with the attack on special religious instruction in schools and other things. Hopefully that will not continue to happen, as I consider it to be absolutely paramount that the rights of religious organisations also exist.

**Mr NORTHE** (Morwell) — I am pleased to rise this afternoon to speak on the Adoption Amendment (Adoption by Same-Sex Couples) Bill 2015. I commend all members of the house who have contributed to this fantastic debate. They have done so in a most respectful manner. I commend particularly the

lead speaker for the coalition, the member for Euroa, for her contribution.

There is no doubt that the issues addressed by the bill are sensitive and that there are a diverse range of views and opinions on them. In her contribution the member for Euroa spoke about the bill from a Nationals point of view. At our most recent state conference one of the motions led to a discussion on adoption from a broad point of view, making sure that there is better access to adoption services in Victoria. It was ultimately supported by Nationals members, and it is something that I am very proud of.

I have gleaned one constant from the debate, conversations, emails and other correspondence: there certainly does not appear to be any dispute, and neither should there be, that same-sex parents are good, decent people who have the child's or children's interests at heart. That should be the case primarily. I think all members of the chamber would appreciate that we want to ensure that the child's interests are best looked after.

The member for Gippsland South, who is not in the chamber at the moment, always makes me cry when he talks about his circumstance. It is very emotional when he talks about the loss of a child and then contemplating access to adoption services. We know and understand that unfortunately there are some awful parents in this world who do not look after their children. It is an awful thing to contemplate, particularly when at the same time people are trying to adopt a child, because we know there is no doubt that that child would be loved and nurtured.

On the bill, already there are many same-sex couples in Victoria who are undertaking parenting duties. On that particular element, it does make sense that we would support any improvements in that area for same-sex couples to adopt. As the member for Bass said, there is broad support, as provided by clause 7, for allowing partners in a same-sex domestic relationship to have adoption orders made in their favour. Again, I do not think there is any argument about that from any member of Parliament who has made a contribution to the debate today.

From a local point of view, I refer to the Morwell branch of The Nationals. I am absolutely thrilled that in the past 12 months we have had a same-sex couple, Anthony and Grant, join our party. It makes me feel really good that they see our party as one that is evolving and contemporary and one that they want to be involved in. I do not know if they want to be parents, but I could not attest to anybody being more loving, caring parents than those two guys. They would be

great parents, and if they wished to be and they were able to access adoption services, that is certainly something I would be in favour of.

However, along with many speakers on this side of the chamber, I strongly support the amendment to clause 17 proposed by the member for Euroa. It is a shame that although the bill has a significant positive aspect in the same-sex adoption provisions that we are talking about there is also this discriminatory element against religious groups and organisations. It puts all of us in an invidious position, regardless of whether we are on the government side of the house or on the opposition side of the house.

The options available to us now, if clause 17 remains part of the bill, are to support the bill with the inclusion of clause 17, to abstain from voting or to vote against the bill. That is a position I do not think any member of Parliament should be in. We wish the government would separate out the provision concerned; nonetheless, we have what we have — and that is applicable to both sides of the house.

**Mr McCURDY** (Ovens Valley) — I rise to make a very brief contribution to the debate on this bill. I am pleased that the coalition has agreed to a free vote rather than gagging individuals, as has happened for those on the government benches. I am disappointed that clause 17, which certainly mixes legislation and religious beliefs, was included. I am disappointed that has been done, and I support the member for Euroa's amendment to remove clause 17. As has been mentioned in the house today, The Nationals at a recent conference voted to make adoption easier. I support the vote we had at conference, and this bill goes a long way towards adopting that.

This government thrives on wedging individuals and compromising their views. There are parts of the bill that I can support, but, as I said earlier, I cannot support clause 17. As has been mentioned in the house earlier today, faith is a universal right. I take a strong view against mixing religion and legislation in this manner. An enormous amount of interest in this bill has been expressed to me by people throughout my electorate, but at the end of the day it is the interests of the child that come first. I think many of us in this house agree with that. We do not agree with the way the bill has been put together, but it is the interests of the child that become first and foremost. With that, I will end my comments.

**Mr M. O'BRIEN** (Malvern) — I support removing discrimination against same-sex couples who wish to adopt children. Personally, I know a number of

same-sex couples who are outstanding parents. I am proud to count them as friends. They cherish and nurture their children with the same love and care that I have for my own children. I do not believe that enabling same-sex couples to have legal access to adoption will be detrimental to the best interests of the child. Children grow up in a variety of different family units, sometimes by choice and often by circumstance. These family units include mums and dads, single-parent households and same-sex parent households. They are all capable of providing a stable, loving and nurturing family environment. It is the provision of such an environment — a stable, loving and nurturing environment — that is in the best interests of any child.

In the manner by which it seeks to remove discrimination against same-sex couples in the area of adoption, however, the Andrews Labor government is curtailing freedom of conscience, freedom of belief and freedom of religion in Victoria. Clause 17 of the bill effectively operates to require some agencies providing adoption services in Victoria to act in a manner inconsistent with the conscience, the beliefs and the religion of those agencies and the individual Victorians who work within them. There is no justification for the Andrews Labor government to diminish certain rights while enhancing other rights.

Other states in Australia, notably New South Wales, have supported same-sex adoption while respecting the conscientious beliefs of those who have a different position. Given that those adoption agencies that have expressed conscientious or religious objections to same-sex adoption do not have a monopoly on providing adoption services, the removal of the exemption that it is intended clause 17 would remove is not necessary to enable same-sex adoption to operate in Victoria. In these circumstances, clause 17 operates as an unnecessary imposition on the freedom of conscience, freedom of belief and freedom of religion of those Victorians who retain deeply held concerns about same-sex adoption. For this reason, while supporting the principle of the bill, I cannot support the bill itself while clause 17 stands part of it.

**Mr NARDELLA** (Melton) — I stand here to support the bill before the house. I want to say just a few words about the unique situation we find ourselves in, in that the Parliament is debating a bill where honourable members have a conscience vote on a matter before the house. I have been around this place for a few months! It is very rare that you have these opportunities where members have to make their own decision. They have to think about what they believe and take into account the views of their constituencies,

their life experiences and the voices of people around them. I think this is where this Parliament really does some fantastic work. You can have a look at the Scrutiny of Acts and Regulations Committee report, you can have a look at all the emails flowing through your inbox at the moment, and then as a member of Parliament you make your own decision.

The thing about this legislation is that it is getting rid of all forms of discrimination in this particular area. It is not enshrining in this legislation the removal of virtually all discrimination only to keep a little bit of discrimination and a little bit of inequality in it. As we look at the aims of the legislation and what is being done here, it is really important to see that in this day and age, in the 21st century, no form of discrimination in this area is acceptable.

One can use whatever words one wants for ‘freedom of religion’. This does not attack freedom of religion. If one wants to go to church or to pray to one’s God or one’s maker, this legislation will not stop them from doing that. It does stop an adoption agency discriminating by making decisions based purely and solely on its own belief. If an adoption agency wants to do that or does not want to do that, then it does not need to. We should not be enshrining discrimination in legislation in this day and age, because we then go to other forms of discrimination that could be incorporated into legislation, and I do not think we want to go there.

The legislation is about what is best for children, their carers and their parents. Parents are paramount in making sure that children are cared for but also paramount in terms of making sure they are in a safe and in a loving family, as honourable members have said throughout this debate. That should be the paramount issue here and not what the philosophy or view of an adoption agency or religious organisation might be. Ultimately it is about what is best for the child and how we make sure they are nurtured and protected and their future and their life chances are the best we can give them. You do not want to start a family relationship based on discrimination; you want to start a family relationship, an adoption, through love and equality. That is why I do not believe people should reject this legislation because of clause 17. I think kids and families are much more important than that.

**The SPEAKER** — Order! The time set down for consideration of items on the government business program has expired, and I am required to interrupt business. The question is:

That this bill be now read a second time.

All in favour say aye. All against say no. I think the ayes have it. Is a division required? I ask the Clerk to ring the bells.

### Bells rung.

### Members having assembled in chamber:

**The SPEAKER** — Order! Members will divide on the question that the bill be read a second time. As I have received prior advice of a conscience vote, the division will be conducted as a personal vote.

### House divided on motion:

#### Ayes, 54

Allan, Ms	Knight, Ms
Andrews, Mr	Lim, Mr
Blandthorn, Ms	McCurdy, Mr
Brooks, Mr	McGuire, Mr
Bull, Mr J.	Merlino, Mr
Bull, Mr T.	Nardella, Mr
Carbines, Mr ( <i>Teller</i> )	Neville, Ms
Carroll, Mr	Noonan, Mr
Couzens, Ms	Northe, Mr
D’Ambrosio, Ms	O’Brien, Mr D.
Dimopoulos, Mr	Pakula, Mr
Donnellan, Mr	Pallas, Mr
Edbrooke, Mr	Pearson, Mr
Edwards, Ms	Perera, Mr
Eren, Mr	Richardson, Mr
Foley, Mr	Richardson, Ms
Garrett, Ms	Ryan, Ms
Graley, Ms	Sandell, Ms
Green, Ms	Sheed, Ms
Halfpenny, Ms	Spence, Ms ( <i>Teller</i> )
Hennessy, Ms	Staikos, Mr
Hibbins, Mr	Suleyman, Ms
Howard, Mr	Thomas, Ms
Hutchins, Ms	Thomson, Ms
Kairouz, Ms	Ward, Ms
Kealy, Ms	Williams, Ms
Kilkenny, Ms	Wynne, Mr

#### Noes, 26

Angus, Mr	O’Brien, Mr M.
Asher, Ms	Paynter, Mr
Battin, Mr	Pesutto, Mr
Blackwood, Mr	Ryall, Ms
Clark, Mr	Smith, Mr R.
Crisp, Mr ( <i>Teller</i> )	Smith, Mr T.
Dixon, Mr	Staley, Ms
Fyffe, Mrs	Thompson, Mr
Gidley, Mr	Tilley, Mr
Guy, Mr	Wakeling, Mr
Hodgett, Mr	Walsh, Mr
Katos, Mr ( <i>Teller</i> )	Watt, Mr
McLeish, Ms	Wells, Mr

### Motion agreed to.

### Read second time.

*Third reading*

**Motion agreed to.**

**Read third time.**

**JUSTICE LEGISLATION AMENDMENT  
(POLICE CUSTODY OFFICERS) BILL 2015**

*Second reading*

**Debate resumed from 21 October; motion of  
Mr NOONAN (Minister for Police).**

**Motion agreed to.**

**Read second time.**

*Third reading*

**Motion agreed to.**

**Read third time.**

**GAMBLING LEGISLATION AMENDMENT  
BILL 2015**

*Second reading*

**Debate resumed from 20 October; motion of  
Ms GARRETT (Minister for Consumer Affairs,  
Gaming and Liquor Regulation).**

**Motion agreed to.**

**Read second time.**

*Third reading*

**The SPEAKER** — Order! As the required statement of intention has been made under section 85(5)(c) of the Constitution Act 1975, the third reading of the bill must be passed by an absolute majority.

**Motion agreed to by absolute majority.**

**Read third time.**

**CHILDREN, YOUTH AND FAMILIES  
AMENDMENT (ABORIGINAL PRINCIPAL  
OFFICERS) BILL 2015**

*Second reading*

**Debate resumed from 21 October; motion of  
Ms HUTCHINS (Minister for Aboriginal Affairs).**

**Motion agreed to.**

**Read second time.**

*Third reading*

**Motion agreed to.**

**Read third time.**

**VICTORIAN ENERGY EFFICIENCY  
TARGET AMENDMENT (SAVING  
ENERGY, GROWING JOBS) BILL 2015**

*Second reading*

**Debate resumed from 21 October; motion of  
Ms D'AMBROSIO (Minister for Energy and  
Resources).**

**Motion agreed to.**

**Read second time.**

*Third reading*

**Motion agreed to.**

**Read third time.**

**ADJOURNMENT**

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

That the house now adjourns.

**Koonung Secondary College**

**Mr CLARK** (Box Hill) — I raise with the Minister for Education the situation of Koonung Secondary College, and I ask the minister to commit to providing Koonung Secondary College in next year's state budget with funding of \$8.8 million, which the coalition government committed to provide but which the Labor government has refused to provide to date. Koonung Secondary College is a great school with terrific teachers, innovative programs and strong results, but its classrooms and facilities are increasingly out of date, and a huge number of classes need to be held in

relocatables. The school's last major state government funding was in the 1990s under the Kennett government. Under the former Labor government the school was recognised as needing a major redevelopment and was taken through the master planning process, but it was never actually given the funds.

The Napthine government, after fixing the black holes it inherited from the Brumby government, after dealing with the falling share of GST that Victoria was receiving and after restoring the state's finances, committed funds for substantial improvements to schools across the state, including a commitment of \$8.8 million for Koonung Secondary College. However, on coming to office Labor cut the state's infrastructure budget by 24 per cent in order to pay for its recurrent spending increases, and schools such as Koonung Secondary College have paid the price.

I asked the minister in a constituency question in this house in February this year whether the government would proceed with the school's much-needed upgrade, but when he replied to my question in April all the minister did was refer to the \$1.2 million of capital works for the school provided by the coalition government last year. I now ask the minister to acknowledge the school's strong and long overdue case for an upgrade, and provide the school with the upgrade it needs.

### **Carrum electorate community forum**

**Ms KILKENNY** (Carrum) — My adjournment matter is for the Minister for Families and Children. The action I seek is for the minister to join me in hosting a community youth services forum in Carrum Downs in my electorate. On 23 September the Carrum Downs community was overcome with grief following the tragic accident and subsequent death of local nurse and mum, Andrea Lehane. As well as the minister, I am asking the community's youth services workers, police, teachers, parents and the broader community to share their thoughts on what can be done to make Carrum Downs an even better place. We need to make sure that this tragedy is never repeated. We need to do all we can to make sure that our young people are supported, engaged, educated and mentored to help them make good decisions, reach their full potential and become positive role models and contributing members of our local communities. I look forward to the minister's response and hosting her in Carrum Downs in the near future.

### **Dendy Street Beach, Brighton**

**Ms ASHER** (Brighton) — My adjournment matter is directed to the Minister for Sport, who is also the Minister for Tourism and Major Events. The action I seek is that the minister fund the Dendy Street Beach project. This is a joint project of the Brighton Life Saving Club and the Bayside City Council. The project involves rebuilding the clubhouse on the existing footprint to include new visitor and lifesaving facilities. For those members who are not familiar with the Dendy Street Beach, it is of course the beach which has the Brighton bathing boxes and the quite spectacular views of Melbourne.

A significant number of tourists travel to Brighton, get off at Brighton Beach station, visit the bathing boxes, take a couple of photos and then go back to their hotels in Melbourne. The suburb of Brighton is gaining no economic benefit from all of this visitation. I can relay to the house, as someone who, now that I am no longer on that side of the house and on the front bench, walks regularly along that beach, that I see a number of Chinese tourists in particular who come to Brighton, take a photo and return to the city. This is a lost economic opportunity as the shops and restaurants are all located around Middle Brighton railway station not Brighton Beach railway station.

This is a \$6 million project. An application for almost \$1 million has been made to the federal government's National Stronger Regions Fund, and of course the council and the lifesaving club will contribute funding to the project. The minister can decide whether the requested funding should come out of the tourism budget because of its tourism visitation benefits — and I am aware that he has additional funding from the federal government for tourism — or whether the money should come from funding for Life Saving Victoria from the sport side of his portfolio.

As I said, significant contributions will come locally from the lifesaving club and from council. My request of the minister is to fund this very important project, which will deliver visitation and economic benefits to and also improve lifesaving facilities in Brighton.

### **Greater Geelong workplace culture**

**Ms COUZENS** (Geelong) — My adjournment matter is for the Minister for Local Government. I ask the minister to advise what action will be taken in light of the allegations of bullying in the City of Greater Geelong. The results of the workplace culture reviews undertaken by former Australian human rights commissioner, Susan Halliday, and the organisational

health check undertaken by independent consultants EY Sweeney were made public on Friday. Many people took the opportunity to contribute their experiences, and they ranged from current employees, former employees, councillors, businesspeople and professional practitioners to members of the broader community. The findings of the reviews are outrageous and unacceptable. Language describing councillors included aggressive, threatening, disempowering, sexist, bombastic, arrogant, rude, spiteful, frightening, demeaning, belittling, exploitive, humiliating and intimidating. Not one person is named in the reviews.

The mayor, Darryn Lyons, responded that this culture had developed over 10 years, and this may be true. However, he has been mayor for almost two years now and has been very much aware of these issues. I ask: why has he not done anything about it? For the mayor to claim no responsibility is just unbelievable. He is quoted in the *Geelong Advertiser* when asked about these damning reviews as saying that the issues predated his tenure. I ask the Minister for Local Government to advise what action she will take to deal with this matter.

I congratulate the two former employees who fronted the mayor during question time at Tuesday night's council meeting. It must have been very difficult for them to do that. It is of real concern that there are past employees who have experienced appalling treatment. What closure will be offered to them? The reviews showed that 173 employees of the City of Greater Geelong felt that they had been bullied in the past 12 months and that 53 employees were still enduring this unacceptable treatment. The response by council at its meeting this week has not given the Geelong community any confidence that this matter will be dealt with in an appropriate and expedient manner. Employees of the City of Greater Geelong and the people of Geelong deserve better than this. This scandalous report requires immediate action.

**The DEPUTY SPEAKER** — Order! Before the member sits down, could she clarify what action she is seeking? 'To advise what action the minister will take' is not an action. What action does she want of the minister?

**Ms COUZENS** — That the minister investigate the outcomes of the report.

### Goulburn Options

**Ms RYAN** (Euroa) — I raise a matter tonight for the Treasurer. The action I seek is that the Treasurer enter into negotiations with Goulburn Options Inc., a

disability support services provider in Seymour, to enable it to take on the site of the former Seymour East Primary School. The site has been vacant since 2010, when Seymour East Primary School merged with Seymour Technical High School, Seymour Primary School and Seymour Special School and relocated to one campus at Seymour College. Since then the Seymour East Primary School site has been left unused.

Several weeks ago I visited the site and was shocked at what I discovered. The school hall has been extensively damaged, there is rubbish lying around the school and there are broken windows. I believe there may even be people living at the school. Local residents are concerned that the site has become a haven for people using drugs.

To date we have had no direction from the government about its intentions for that site. Goulburn Options, the local disability service provider, is out of room at its current site, and it would dearly love to talk to the government about how it might be able to take on the Seymour East Primary School site in order to expand its services and ensure that the community is well catered for.

It is my request that the Treasurer enter into negotiations with Goulburn Options and that he declare that land surplus to requirements so that it can be used, instead of being an eyesore and a safety concern to the community.

### Oakleigh Primary School and Kindergarten

**Mr DIMOPOULOS** (Oakleigh) — I wish to raise a matter for the attention of the Minister for Education. The action I seek is for the minister to investigate options and provide me with an update on possible funding for the needs of Oakleigh Primary School; this includes the need for new fencing to improve the presentation of the school. These matters have been raised with me by staff, parents and students.

Oakleigh Primary School is one of the oldest continuously running schools in Victoria, having been established in 1875. That means it is 140 this year. It might be an old school, but its teaching methods and approach to education are entirely modern.

Led by its passionate principal, Jack Fisher, council president Jimmy Mastrandonakis and a dedicated team of staff and parents, Oakleigh primary is well known in the south-east as a really great school. But as many schools have told me, there is always more to do, particularly to redress the neglect of educational facilities by the previous government.

We need to be prepared to listen and act on the very specific needs of schools. Sometimes these needs are not the big buildings, new classrooms or more sports facilities, important as they are. Often these needs are about improving the aesthetics and presentation of the school and general maintenance issues — things like painting rooms and landscaping, or fixing pipes, guttering and drains. Oakleigh primary could be an even better school with an injection of some funds to deal with maintenance and other facility issues that come up from time to time, like new gates and fencing.

I would like to personally acknowledge the minister, who has presided over the biggest investment in education in Victoria's history. I have had the pleasure of being able to work closely with the minister on education issues in and around the Oakleigh electorate, like the \$5.7 million upgrade to Amsleigh Park Primary School and the over \$9 million that will go to Glen Eira College in this term of government.

I look forward to continuing to meet regularly with the minister to update him on the specific needs of local schools in the electorate of Oakleigh. I thank him in advance for his consideration of the needs, in this instance, of Oakleigh Primary School.

### **Prahran electorate secondary school**

**Mr HIBBINS** (Prahran) — My adjournment matter is for the Minister for Education, and the action I seek is for the minister to meet with the State High School for Prahran community group. This is a newly formed group of parents who are championing the idea of a new state secondary school for the Prahran electorate.

Following a round table that I organised of local parents and educators, the State High School for Prahran group was formed by members of the local community as the best way to take carriage of this critical issue. There is so much passion in the Prahran community for this school, and my constituents want to know that the government shares that passion.

Parents want the government to take them into their confidence regarding the school. There is a lack of information out there in the community regarding the school, and disappointingly now even misinformation is being spread. It would be of immense value to the Prahran families if the minister could meet with this group, provide an update on the progress of the school, hear about their aspirations for the new school and answer their questions.

My determination is to work with the local community to ensure that Prahran children and families can access

a high-quality public education. This should not be a political issue but a community issue. That is why it is so important that the minister meet with the local community group and give local families confidence that they can plan for their futures in Prahran.

### **Yarrabah School**

**Mr RICHARDSON** (Mordialloc) — I raise a matter for the Minister for Housing, Disability and Ageing. The action I seek is for the minister to visit Yarrabah School in Aspendale and to provide an update on the rollout of the national disability insurance scheme (NDIS) across Victoria and its interaction with the school.

The NDIS is a once-in-a-generation policy which will support an estimated 105 000 Victorians. This vital policy has bipartisan support and illustrates what we can achieve when we act together in the best interests of our community.

I was so pleased when the Victorian government signed a historic bilateral agreement with the commonwealth government in the last month, providing a pathway for the rollout of the national disability insurance scheme in Victoria over the next three years.

I have mentioned a few times in this place the important role that Yarrabah School plays in my community in educating and caring for children and adolescents with disabilities. The motto of Yarrabah School is 'The small school with a big heart', and the school is renowned in our community for its care, its support and its nurturing environment, and it has a special place in the hearts and minds of local residents.

Yarrabah is an exceptional example of a school giving all students with special needs and disabilities the best possible outcomes. It caters for the needs of children aged 2 through to 18 with intellectual, physical or multiple disabilities.

Yarrabah has experienced exponential growth in student numbers. In 1990 a total of 19 students went to the school, and that has expanded to more than 150 today — that is a 700 per cent increase in student numbers over the past two decades. Enrolments will edge towards 200 in next few years.

Yarrabah provides early childhood education to over 60 children, with 90 staff supporting the considerable personal needs of the students who attend the school. The school's services are wide ranging, supporting the students' physical and curriculum needs.

One key priority for Yarrabah is supporting students who are reaching the age of 18 years in their transition out of the school environment. A key question and priority for families is how they access a range of support services and, for some, how they might be able to access the NDIS and source the care and support they desperately need.

By 1 July 2019 the NDIS will provide that personal care and support for people with a disability across Victoria. Once the full rollout of the NDIS is widespread, these families in our community will have certainty.

I take this opportunity to put on the record my thanks for and acknowledgement of the work of Yarrabah's principal, Matthew Harris, and the team there, who do a wonderful job in advocating for their school and its students.

In conclusion, the action I seek is for the Minister for Housing, Disability and Ageing to visit Yarrabah School and provide an update on the rollout of the NDIS across Victoria and how that relates to the school community.

### **Yea Primary School**

**Ms McLEISH** (Eildon) — My adjournment matter tonight is directed to the Minister for Roads and Road Safety, and the action I seek is for the minister to arrange for the installation of electronic 40-kilometre-per-hour school speed signs at the Yea Primary School on Melba Highway, which at that point is also known as Station Street. There is signage at the site at the moment, but it is proving to be not very effective. It is not highly visible, and traffic certainly does not always slow down.

For some time the school has been trying to deal with VicRoads on this matter, with little success. Representatives of the school feel like they are constantly blocked, and they are particularly frustrated as a result. I have spoken to the school principal, Debbie George, on numerous occasions about this matter. Debbie is leading the charge, because she cares greatly about her school community.

The common response by VicRoads to a request like this is to conduct a traffic count. In this situation traffic counts are only part of the equation. They are fine, but typically what happens, because country roads and country schools often do not have the same traffic volume as some of the city schools, is that the response comes back that it is not a worthwhile project or it is not a high priority.

The road at this point carries quite a lot of traffic. It is the entrance to town coming from the south. Not only does it carry cars but it also carries buses and trucks. When you get a response that is just about the traffic counts, it ignores the bigger picture. It is not just about how many vehicles pass by or whether they are cars, trucks or buses, there are also a lot of environmental factors.

For those who do not know, Yea gets a little bit foggy, and sometimes the fog does not lift all day — believe me, this is something I know well. On days of full fog it is near impossible to see the signs, and it is equally impossible to see the crossing supervisors. I have received calls from many members of the school community on days like this who want to see the change because they know how dangerous the situation is. Unfortunately it is difficult to capture this in a photo because the flash usually kicks in.

As I said, I know how difficult it is to see the signs and the supervisors, and I do not think it is fair that supervisors are placed at unnecessary risk in doing their job. They have a right to workplace safety. The flashing lights will help motorists see the sign, slow the traffic down, improve safety for the students and certainly provide a better and safer system.

The minister knows that every job is worth saving, and as such every life is also worth saving. I know he subscribes to this, because he would be aware of the VicRoads Towards Zero deaths and serious injuries campaign. This dovetails very nicely with that. The cost of around \$60 000 is only a fraction of the cost being put into the demonstration project on the Melba Highway — it comes in at about 17 per cent of that cost, and it comes in at 3 per cent of the project on the Goulburn Valley Highway between Yea and Molesworth.

I know the school community and the supervisors — Rachael, Sue and Sarah — would greatly appreciate this.

### **Youth employment**

**Mr EDBROOKE** (Frankston) — My adjournment matter is for the attention of the Minister for Training and Skills, and my query is: what is the government doing to help address youth unemployment in Frankston and help my constituents get back into further learning or earning? Under the former government, shamefully, youth unemployment across Victoria skyrocketed, and my electorate of Frankston was also affected. I wish to thank the minister for the work he has done in this area. The \$50 million TAFE

Back to Work Fund was well received by many of my constituents and indeed the local TAFE in my community.

Frankston is also fortunate to be supported by many great organisations that aim to support our disengaged youth, such as the Brotherhood of St Laurence, which I have visited several times, and I know it does so much good work in the sector. I also take the opportunity to welcome the announcement by the minister in relation to skills and job centres across Victoria. I look forward to hearing more about these in the coming weeks.

**The DEPUTY SPEAKER** — Order! Before the honourable member sits down, I advise honourable members again that they have to ask for an action, otherwise the adjournment matter will not be dealt with whatsoever. I ask the member to stand, because unless he asks for an appropriate action, the matter will not be dealt with.

**Mr EDBROOKE** — The action I seek is for the minister to visit my electorate and tell us about what he is doing to address youth unemployment in Frankston.

### Responses

**Mr PAKULA** (Attorney-General) — The member for Box Hill raised a matter for the Minister for Education regarding funding for Koonung Secondary College.

The member for Carrum raised a matter for the Minister for Families and Children regarding the hosting of a community youth services forum in Carrum Downs.

The member for Brighton raised a matter for the Minister for Sport regarding funding of the Dendy Street beach project.

The member for Geelong raised a matter for the Minister for Local Government regarding bullying allegations at the City of Geelong, seeking an investigation.

The member for Euroa raised a matter for the Treasurer regarding entering into negotiations with Goulburn Options in Seymour to allow it to take over Seymour East Primary School. I indicate to the member that it is possible that is actually a matter for the Minister for Finance, but it may be that the Treasurer conveys that to the Minister for Finance for a response.

The member for Oakleigh raised a matter for the Minister for Education regarding funding for Oakley Primary School.

The member for Prahran raised a matter for the Minister for Education regarding meeting with the State High School for Prahran community group.

The member for Mordialloc raised a matter for the Minister for Housing, Disability and Ageing regarding a visit to Yarrabah School and providing information about the rollout of the national disability insurance scheme.

The member for Eildon raised a matter for the Minister for Roads and Road Safety regarding an electronic 40-kilometre-an-hour sign at Yea Primary School.

The member for Frankston raised a matter for the Minister for Training and Skills regarding a visit to his electorate to advise on what will be done about youth unemployment.

I will pass all of those matters on to the relevant ministers.

**The DEPUTY SPEAKER** — Order! The house is now adjourned.

**House adjourned 5.35 p.m. until Tuesday, 10 November.**

**WRITTEN RESPONSES TO QUESTIONS WITHOUT NOTICE**

*Responses are incorporated in the form provided to Hansard*

**Police resources**

**Question asked by:** Ms Staley  
**Directed to:** Minister for Police  
**Asked on:** 21 October 2015

**RESPONSE TO SUPPLEMENTARY QUESTION:**

The Member for Ripon's supplementary question is inaccurate on several accounts.

Firstly, this Government has funded more than 600 additional police personnel, including sworn and unsworn officers. She is simply wrong on this matter.

Secondly, I am advised by Victoria Police that Stawell police station serves the public 24 hours a day, seven days a week. The officers are either at the station or on patrol.

Victoria Police advise not to specify further operational details such as van numbers for security reasons.

I am sure the Member will agree that the safety of our police and our community is paramount and that the police are best placed to provide advice on such matters.

I would be disappointed if Members began undermining the safety of police and their communities for the sake of political pointscoreing.