

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

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

Tuesday, 13 September 2016

(Extract from book 12)

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HANSARD¹⁵⁰



1866–2016

Following a select committee investigation, Victorian Hansard was conceived when the following amended motion was passed by the Legislative Assembly on 23 June 1865:

That in the opinion of this house, provision should be made to secure a more accurate report of the debates in Parliament, in the form of *Hansard*.

The sessional volume for the first sitting period of the Fifth Parliament, from 12 February to 10 April 1866, contains the following preface dated 11 April:

As a preface to the first volume of “Parliamentary Debates” (new series), it is not inappropriate to state that prior to the Fifth Parliament of Victoria the newspapers of the day virtually supplied the only records of the debates of the Legislature.

With the commencement of the Fifth Parliament, however, an independent report was furnished by a special staff of reporters, and issued in weekly parts.

This volume contains the complete reports of the proceedings of both Houses during the past session.

In 2016 the Hansard Unit of the Department of Parliamentary Services continues the work begun 150 years ago of providing an accurate and complete report of the proceedings of both houses of the Victorian Parliament.

The Governor

The Honourable LINDA DESSAU, AM

The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC, QC

The ministry

(from 20 June 2016)

| | |
|--|------------------------------|
| Premier | The Hon. D. M. Andrews, MP |
| Deputy Premier and Minister for Education, and Minister for Emergency Services (from 10 June 2016) [Minister for Consumer Affairs, Gaming and Liquor Regulation 10 June to 20 June 2016] | The Hon. J. A. Merlino, MP |
| Treasurer | The Hon. T. H. Pallas, MP |
| Minister for Public Transport and Minister for Major Projects | The Hon. J. Allan, MP |
| Minister for Small Business, Innovation and Trade | The Hon. P. Dalidakis, MLC |
| Minister for Energy, Environment and Climate Change, and Minister for Suburban Development | The Hon. L. D'Ambrosio, MP |
| Minister for Roads and Road Safety, and Minister for Ports | The Hon. L. A. Donnellan, MP |
| Minister for Tourism and Major Events, Minister for Sport and Minister for Veterans | The Hon. J. H. Eren, MP |
| Minister for Housing, Disability and Ageing, Minister for Mental Health, Minister for Equality and Minister for Creative Industries | The Hon. M. P. Foley, MP |
| Minister for Health and Minister for Ambulance Services | The Hon. J. Hennessy, MP |
| Minister for Training and Skills, Minister for International Education and Minister for Corrections | The Hon. S. R. Herbert, MLC |
| Minister for Local Government, Minister for Aboriginal Affairs and Minister for Industrial Relations | The Hon. N. M. Hutchins, MP |
| Special Minister of State | The Hon. G. Jennings, MLC |
| Minister for Consumer Affairs, Gaming and Liquor Regulation | The Hon. M. Kairouz, MP |
| Minister for Families and Children, and Minister for Youth Affairs | The Hon. J. Mikakos, MLC |
| Minister for Police and Minister for Water | The Hon. L. M. Neville, MP |
| Minister for Industry and Employment, and Minister for Resources | The Hon. W. M. Noonan, MP |
| Attorney-General and Minister for Racing | The Hon. M. P. Pakula, MP |
| Minister for Agriculture and Minister for Regional Development | The Hon. J. L. Pulford, MLC |
| Minister for Women and Minister for the Prevention of Family Violence | The Hon. F. Richardson, MP |
| Minister for Finance and Minister for Multicultural Affairs | The Hon. R. D. Scott, MP |
| Minister for Planning | The Hon. R. W. Wynne, MP |
| Cabinet Secretary | Ms G. A. Tierney, MLC |

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

Speaker:

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

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FIFTY-EIGHTH PARLIAMENT — FIRST SESSION

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| 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 |
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| Battin, Mr Bradley William | Gembrook | LP | Naphine, Dr Denis Vincent ³ | South-West Coast | LP |
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| McCurdy, Mr Timothy Logan | Ovens Valley | Nats | Wynne, Mr Richard William | Richmond | ALP |
| McGuire, Mr Frank | Broadmeadows | ALP | | | |

¹ Elected 31 October 2015

² Resigned 3 September 2015

³ Resigned 3 September 2015

⁴ Elected 14 March 2015

⁵ Elected 31 October 2015

⁶ 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, Mr Clark, 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 and Ms McLeish. (*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*): Ms Pennicuik and Ms Shing.

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

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Tuesday, 13 September 2016

The SPEAKER (Hon. Telmo Languiller) took the chair at 12.03 p.m. and read the prayer.

ACKNOWLEDGEMENT OF COUNTRY

The SPEAKER — Order! We acknowledge the traditional Aboriginal owners of the land on which we are meeting. We pay our respects to them, their culture, their elders past, present and future, and elders from other communities who may be here with us.

CONDOLENCES

Joan Heywood Chambers

The SPEAKER — Order! I advise the house of the death of Joan Heywood Chambers, member of the Legislative Assembly for the electoral district of Ballarat South from 1979 to 1982.

I ask members to rise in their places as a mark of respect to the memory of the deceased.

Honourable members stood in their places.

The SPEAKER — Order! I shall convey a message of sympathy from the house to the relatives of the late Joan Heywood Chambers.

ABSENCE OF MINISTER

Mr ANDREWS (Premier) — I am very pleased to inform all honourable members that the Minister for Sport is making a full recovery after a heart attack. I am sure I speak on behalf of all honourable members when I wish him, Geraldine and their family all the very best at this challenging time. As a result he will be absent from question time for the foreseeable future, and the Minister for Creative Industries will answer questions in his place.

QUESTIONS WITHOUT NOTICE and MINISTERS STATEMENTS

Metropolitan Fire Brigade enterprise bargaining agreement

Mr GUY (Leader of the Opposition) — My question is to the Deputy Premier, the Minister for Emergency Services. At last week's upper house inquiry the Metropolitan Fire Brigade's (MFB) acting chief fire officer, Paul Stacchino, reiterated comments made by Peter Rau describing the United Firefighters Union's (UFU) proposed MFB enterprise bargaining

agreement (EBA) as unworkable in the context of operating the fire services and pointed out that the UFU would have an effective veto on all matters the MFB is obliged to consult on. Minister, will you now rule out supporting the UFU's proposed MFB EBA, which would, as Mr Stacchino says, totally undermine the operational integrity of the MFB's chain of command?

Mr MERLINO (Minister for Emergency Services) — I thank the Leader of the Opposition for his question, and the Leader of the Opposition would know, or he should know, that these matters are before the independent umpire, the Fair Work Commission.

Honourable members interjecting.

The SPEAKER — Order! Opposition members asked the question through the Leader of the Opposition and will allow the Deputy Premier to respond in silence. Government members will come to order.

Mr MERLINO — If the Leader of the Opposition bothered to read the full transcript of the hearing which he has quoted from, the acting chief officer, Paul Stacchino, said, and I quote:

The MFB has a proposal in front of it, and the MFB is giving due consideration as required under the Fair Work Act.

That is what happens. They do not understand. They spent their time in government — —

Mr Guy — On a point of order, Speaker, by way of relevance, I did not ask about the MFB's position; I asked about the government's position. My question was: will the minister rule out supporting the UFU's proposed MFB EBA? It is a simple question. I ask you to bring him back to it.

Ms Allan — On the point of order, Speaker, the question went clearly to matters to do with — —

Honourable members interjecting.

The SPEAKER — Order! The Leader of the Opposition and the Premier will come to order. The Leader of the House is entitled to silence.

Ms Allan — I know they are still a bit excited over there after the visit from John Howard this morning, but we need to deal with the substance of the issues.

Honourable members interjecting.

The SPEAKER — Order! The member for Kew and the member for Essendon are warned!

Ms Allan — It must have been a great lecture on feminist politics over there. The question very clearly went to matters relating to the MFB EBA and it mentioned issues to do with the union, and the minister was more than appropriately being relevant to the question that was asked and should be ruled in order.

The SPEAKER — Order! The Chair does not uphold the point of order at this point. The Deputy Premier will continue.

Mr MERLINO — These are matters before the independent umpire, the Fair Work Commission, as has been acknowledged by the acting chief officer of the MFB. Those opposite would not know a thing about negotiating because they never did it. They never did it. They went to war.

Honourable members interjecting.

The SPEAKER — Order! The Leader of the Opposition will allow the manager of opposition business to make a point of order in silence.

Mr Clark — On a point of order, Speaker, the Deputy Premier is now debating the issue, and I ask you to bring him back to answering the question.

The SPEAKER — Order! I do ask the Deputy Premier to come back to answering the question.

Mr MERLINO — What we have also seen over recent years is an exceptionally poor relationship between management and firefighters. That is something that was clearly pointed out in the fire services review, and as Jim Higgins, the chief executive officer of the MFB, said at the hearing as well, and I quote:

... our intention is to fully reflect on the observations made in the fire services review and all of the previous history that exists in this environment. Our MFB plan ... makes very clear our commitment to working in a constructive way in full consultation with our employees to ensure that the safety of our operations is paramount and that we are able to deliver a world-class service ...

In that I support the management of the MFB and I support the continued negotiations and the work of the independent umpire, the Fair Work Commission.

Supplementary question

Mr GUY (Leader of the Opposition) — In June Peter Rau wrote that the UFU's proposed MFB EBA is 'unworkable and undermines community safety', comments that the Deputy Premier dismissed as 'alarmist, irresponsible and reckless'. I ask: Minister, why are you ignoring your own experts who are telling

you that this EBA will give veto powers to the UFU that will dramatically undermine the MFB's ability to respond to emergencies and to save lives?

Mr MERLINO (Minister for Emergency Services) — I thank the Leader of the Opposition for his question, and if he actually read exactly what I said in regard to Peter Rau's comments, my comments in relation to being 'reckless' and 'alarmist' were the comments the chief officer made in regard to terrorism and the preparedness of Victoria Police and our emergency services to respond to terrorism, and I do not back down at all. In regard to the ability of the chief officer to respond to emergencies and to direct firefighters, I refer the Leader of the Opposition to comments from the chief fire officer of the Country Fire Authority, who said there is nothing that stops him directing firefighters in his service.

Ministers statements: high-capacity trains

Mr ANDREWS (Premier) — I am very pleased to inform the house that yesterday I along with the Minister for Public Transport and the Minister for Industry and Employment visited the Downer Newport railway workshops to make a very significant announcement for public transport, for jobs and for local skills. We announced a \$2 billion tender to make sure that the 65 brand-new high-capacity trains that we need for Victoria will be made by Victorians. This is a project that will deliver 1100 jobs, value for taxpayers' investment and a huge capacity boost of some 42 per cent. When you combine the removal of those nine congested and deadly level crossings on our busiest train line with these high-capacity trains, that is a 42 per cent increase in capacity on our busiest train line.

This is all about the power of the government's purchase and the power of the government's determination from day one to deliver a better public transport system and a stronger economy. That is what we have delivered from the very moment that we received this great gift from the people of Victoria, and that is why we are leading our nation in employment growth. It is why we are leading our nation in economic growth, and it is why we have got the biggest public works program in the history of this state. It is not on pamphlets or painted on the ground down at Southern Cross station; it is real investment, creating real jobs and real prosperity for the future. I thank all involved. Those workshops have 130 years of history and a very strong future because of this government.

Country Fire Authority enterprise bargaining agreement

Mr GUY (Leader of the Opposition) — My question is to the Premier. In April this year I asked the Premier in question time whether he would guarantee not to sack the Country Fire Authority's CEO, management or board. You said that was a ridiculous question and that you were about supporting these people, not sacking them. Premier, can you inform the house how many of these people remain in their jobs today?

Mr ANDREWS (Premier) — As wounded as I am, I will try to summon — I do not know from where — the courage to answer this tough question. That is what the morning was spent organising, drafting that one. Goodness me, a ridiculous question from someone who proves himself completely irrelevant — —

Honourable members interjecting.

The SPEAKER — Order! The Chair is unable to hear the Premier. The Premier is entitled to silence, and he shall continue in silence.

Honourable members interjecting.

The SPEAKER — Order! The Premier will continue, through the Chair.

Mr ANDREWS — Through you of course, Speaker. I am still summoning up the courage to answer this attacking question. I was so thrown off balance by this line of questioning — a ridiculous question from someone who is completely irrelevant to keeping this state safe, and that is the answer that it deserves.

Supplementary question

Mr GUY (Leader of the Opposition) — I would not have thought that sacking the CFA's CEO, management or board would elicit a flippant answer from the Premier.

Mr Richardson interjected.

The SPEAKER — Order! The member for Mordialloc!

Honourable members interjecting.

The SPEAKER — Order! The Chair is unable to hear the Leader of the Opposition. I warn the member for Mordialloc. The Leader of the Opposition, in silence.

Mr GUY — This goes to community safety, so I ask: how can the Metropolitan Fire Brigade's CEO, chief fire officer and board have any confidence in the Premier's or Deputy Premier's guarantees that their jobs are not also under threat?

Honourable members interjecting.

The SPEAKER — Order! The Leader of the Opposition put a question to the Premier. He will allow the Premier to respond to the supplementary question. The Premier, to be heard in silence.

Mr ANDREWS (Premier) — Thank you so much, Speaker, and through you, if only some people had got that angry when they were cutting the budget of every fire service.

Mr Guy interjected.

Mr ANDREWS — Well, if only you had got quite so shouty when you were cutting their budget. If only you had found your voice while you were sitting at the cabinet table. You were sitting in the corner, were you, when the budget was cut? It had nothing to do with the Leader of the Opposition, no, the greatest friend the fire service has ever had — if you count cutting their budget every — —

Honourable members interjecting.

The SPEAKER — Order! The Chair is on his feet. The Chair could withdraw members, as we all know, given that all members embraced a very important standing order: when the Chair is on his feet, all members shall remain silent. The Premier to continue, in silence.

Mr ANDREWS — This government will continue to provide the financial and other support that our fire services need. We will not be offering up those shouty, angry political games that seem to be the only offering of those opposite. It may be one reason why they are sitting over there.

Ministers statements: high-capacity trains

Ms ALLAN (Minister for Public Transport) — I am very pleased to advise the house on how this government is, through its investment in public transport, both building the trains we need and of course creating jobs for our state. In the past six years it has been the best of times and it has been the worst of times in this area. For four long, dark years those opposite dithered and wasted their time, then with an election on the horizon trains from South Korea were summoned but with no local content and no local jobs,

and at the same time not 1 single kilometre of train track was built on our metropolitan network.

Today it is a different story. The metro tunnel is back on track, level crossings are gone and yesterday there was that terrific announcement of 65 high-capacity metropolitan trains for our network. A proud history of rail manufacturing in this state's past is being given a strong future by this government, with a 60 per cent local content outcome as part of this contract. It is a proud, proud future for the Newport workshops and for the supply chain. Of course there are another 9 trains on order from the Alstom workshops at Ballarat, bringing to 19 the number of trains ordered in the past 18 months. Added to that is the work that is going on at Bombardier, with regional trains and trams for our metropolitan system. We are cementing Victoria's place as the centre for the rolling stock industry in Australia.

A quote was said yesterday about this investment:

You know, order all the new trains you like, you could build metro tunnel, you can do all this stuff — remove level crossings — it is not going to help the livability of the city ...

That is the recipe of those opposite. The Leader of the Opposition made this claim on radio yesterday, and on that basis they would continue to do nothing.

Country Fire Authority enterprise bargaining agreement

Mr BATTIN (Gembrook) — My question is to the Minister for Emergency Services. Last week Lucinda Nolan broke her silence about being forced out as CEO of the Country Fire Authority (CFA), stating under oath:

I was given a clear alternative — sign the EBA or leave the organisation.

This follows your bullying comments to John Peberdy: 'Unless you do this on a certain day, you will be sacked'. Minister, after bullying John Peberdy out, why did you then proceed to give a decorated former deputy police commissioner and the government's own hand-picked CEO of the CFA just two options when it comes to the enterprise bargaining agreement (EBA): sell out or get out?

Mr MERLINO (Minister for Emergency Services) — I thank the member for Gembrook for the opportunity to clarify a few errors in his question. Firstly, in regard to my discussion with John Peberdy, the acting chair of the CFA board, I indicated to the chair the position that the cabinet had reached was to accept the recommendations of the independent umpire,

the Fair Work Commission. I asked him to indicate to me whether the board was willing to end the dispute. The acting chair came back to me and quite clearly said that the board were unwilling to end the dispute. This is a dispute — —

Honourable members interjecting.

The SPEAKER — Order! The Deputy Premier is entitled to silence. The member for Gembrook put a question to the Deputy Premier. All members should hear the Deputy Premier.

Mr MERLINO — This is a dispute that had gone on for three years. The former board — —

Honourable members interjecting.

Mr MERLINO — Do you want an answer? The former board — —

Honourable members interjecting.

The SPEAKER — Order! The member for Hastings is warned.

Mr MERLINO — The former board were incapable and unwilling to end the dispute, and on that basis I exercised — —

Mr T. Smith interjected.

The SPEAKER — Order! The member for Kew is warned.

Mr MERLINO — On that basis I exercised my responsibility and authority as Minister for Education.

Mr Paynter interjected.

The SPEAKER — Order! The member for Bass is warned.

Mr MERLINO — In regard to Lucinda Nolan, as Lucinda Nolan quite clearly outlined at the hearing last week, Lucinda Nolan resigned as CEO, and she confirmed during the hearing that she was not bullied, so let the record note that those opposite — —

Honourable members interjecting.

The SPEAKER — Order! The Leader of the Opposition! The member for Kew will not be warned again.

Mr MERLINO — Let the record note that those opposite are laughing at the comments of Lucinda Nolan. The cheek of those opposite to talk about Lucinda Nolan's former role in police command. Those

opposite spent four years undermining police command when they were last in government. They were undermining the chief commissioner.

Honourable members interjecting.

The SPEAKER — Order! The Chair is unable to hear the Deputy Premier. The Deputy Premier to continue, in silence.

Mr MERLINO — They were undermining the former police commissioner and undermining police command; that is their record. They went to war with paramedics, they went to war — —

Mr M. O'Brien interjected.

The SPEAKER — Order! The member for Malvern is warned.

Mr MERLINO — They went to war with paramedics, they went to war with the nurses, they went to war with teachers, they went to war with firefighters.

Mr Clark — On a point of order, Speaker, the Deputy Premier is now debating the issue. I ask you to bring him back to answering the question about the forced resignation of the deputy commissioner of Victoria Police and the government's own hand-picked CFA CEO.

The SPEAKER — Order! The Chair upholds the point of order. The Deputy Premier to come back to answering the question.

Mr MERLINO — The former board were incapable and unwilling to end this dispute. Those opposite need a lesson in enterprise negotiation. The parties have reached agreement. Only those opposite want the war to continue.

Supplementary question

Mr BATTIN (Gembrook) — Given your success at ending this EBA so far, Deputy Premier, and given that this was your justification — —

Honourable members interjecting.

The SPEAKER — Order! The Chair is unable to hear the member for Gembrook. Government members and opposition members will allow the member for Gembrook to put a supplementary question, in silence, to the Deputy Premier.

Mr BATTIN — I will start again. Given your success so far in ending this EBA debate — —

Mr Carroll interjected.

The SPEAKER — Order! The member for is Niddrie warned.

Mr BATTIN — Given this was your justification to get rid of Ms Nolan — —

The SPEAKER — Order! The member for Gembrook, through the Chair.

Mr BATTIN — Given the Deputy Premier's success so far in ending this EBA and his using this as a reason to get rid of Ms Nolan — to use the Premier's words, 'This dispute had to come to an end, and I ended it' — will he now apologise to Ms Nolan for forcing her out of the CFA, given we are approaching 100 days since this was going to be the end of this dispute?

Mr Andrews interjected.

Mr BATTIN — On a point of order, Speaker, I take offence at the comment from the Premier as he yelled across the table, and I ask him to withdraw.

Mr Andrews — On the point of order, Speaker, I am happy to withdraw. I am unaware what I am withdrawing, but I withdraw. A thousand days, I said; 1000 days — that is all I said.

The SPEAKER — Order! The Premier has withdrawn. The Premier will resume his seat. The Chair thanks the Premier.

Mr MERLINO (Minister for Emergency Services) — I thank the member for Gembrook for his question. I just reiterate the comment that the Premier made: this has been going on for a thousand days, and if it was up to those opposite, it would go on for a thousand more.

Honourable members interjecting.

The SPEAKER — Order! The member for Gembrook is warned. The Chair is on his feet. The Minister for Emergency Services is entitled to silence. A question was put and the minister is responding.

Mr MERLINO — If it was up to those opposite, it would go on for a thousand days more because that is all they understand. All they understand is industrial warfare. The member for Gembrook needs a lesson in enterprise agreements and process. The parties have reached an agreement. The CFA and the United Firefighters Union, representing firefighters, have reached an agreement. Only those opposite and the leadership of Volunteer Fire Brigades Victoria want to see this dispute continue.

Ministers statements: high-capacity trains

Mr NOONAN (Minister for Industry and Employment) — I am delighted to follow both the Premier and the Minister for Public Transport in relation to the new high-capacity metro trains and make clear the importance of local content and jobs. As the Premier indicated, every single one of these 65 trains will be built in Victoria, with a minimum local content of 60 per cent. We understand the importance of using the government’s purchasing power to support our local industry and jobs, and we are proud of our approach.

By contrast, the New South Wales Liberal government’s last two train orders, in 2014 and 2016, have both been offshored to South Korea and India with just 10 and 15 per cent local content. This job-killing approach is not just limited to New South Wales. The previous Liberal government in Queensland took exactly the same path, sending their train order to India with just 20 per cent local content. Those opposite also wanted to send Victorian train-building jobs to South Korea when they were in government. Those opposite viewed local content as nothing more than aspirational, and industry knew it. We do not stand for that. Since this government came to office we have strengthened Victoria’s industry participation policy to put local jobs first.

I am also delighted to inform the house that 15 per cent of the workforce for this contract will be reserved for apprentices, trainees and cadets as well as disadvantaged workers. Once again this outcome is a direct result of Labor’s policy to give young people a start through our pipeline of major projects. The Evolution Rail consortium has also committed, very importantly, to retrain retrenched auto workers from Toyota through a partnership with Swinburne University of Technology and Chisholm Institute. Labor will always put local jobs first. It is good industry policy, and it is the right thing for Victorian jobs.

Political donations

Mr HIBBINS (Pahran) — My question is to the Premier. I refer to the June 2016 Ombudsman’s *Report on Recommendations*, which states the following Ombudsman’s recommendation:

That the Victorian government consider ...

- a. whether there should be restrictions on donations to candidates and political parties by property developers;
- b. whether details of all donations to a candidate or political party should be required to be published

on a publicly available register within 30 days of the relevant election —

is under consideration. So I ask: has the government considered those recommendations, and if so, what is its response?

Mr ANDREWS (Premier) — I thank the honourable member for Prahran for his question. It has long been my view that a nationally consistent approach to political donations is the best way to get transparency and certainty into our political process and to, if you like, defend our democratic system from undue influence. That is how you get probity, that is how you get integrity. That is why both as a minister of the Crown and a member of this place, and indeed before entering this place as a registered officer of Australia’s oldest political party, the great Australian Labor Party, I was always very conscious of my duties and the obligations I had and have now. All donations should be disclosed in full accordance with the commonwealth law.

Now I note that there are some discussions going on in the normal public debate — some of those are occurring in Canberra — around ways in which we might improve the campaign finance laws, donation reform. All of us, I think, ought to be involved in that sort of discussion. All of us will have lots of different views. I believe that the current arrangements are adequate. That is not to say that they could not be improved at some point in the future. The Ombudsman has directed us to a number of different issues. There will be a response from the government in due course. I do not have that report in front of me. But I would just say: it is important to be consistent in these matters, and throughout my public life and before then I have always sought to do that. There are others who would perhaps hold — well, hold others to standards they might struggle to meet themselves — —

Honourable members interjecting.

The SPEAKER — Order!

Mr ANDREWS — These matters should not be issues of partisan debate and rancour. We ought to be able to — —

Ms Sandell interjected.

Mr ANDREWS — Well, the member for Melbourne interjects. She may not know what I am referring to. There are certain online gambling tycoons donating very large amounts of money and certain dotcom millionaires making the very biggest donation in Australian political history. There are two examples

of saying one thing and perhaps doing another. But look — —

Honourable members interjecting.

The SPEAKER — Order!

Mr ANDREWS — I come back to the key point here that we ought not argue about these matters. Instead, in a spirit of bipartisanship, and with no doubt commentary from the Greens, we might be able to improve these arrangements for the future. But they ought to be part of a nationally consistent arrangement. Otherwise you might have all manner of very perverse, unintended consequences.

Supplementary question

Mr HIBBINS (Pahran) — I refer to another report, and it is the Electoral Matters Committee 2009 *Inquiry into political donations and disclosure*. It recommended, as the Premier suggested:

The Victorian and commonwealth governments consider how best to harmonise political finance laws to ensure a uniform and consistent approach.

This was seven years and two elections ago, and our political donations system remains weak and inadequate and lacks transparency. Is it not time that you showed leadership on this issue and committed to reforming Victoria's political donation laws rather than waiting for the federal government or other states to act?

Mr ANDREWS (Premier) — I do thank the member for Pahran for his supplementary question. Seeing as we are quoting from reports, and all honourable members know how fond I am of quoting from the *Herald Sun*, let me just quote from that newspaper:

Greens party took \$500 000 from high-roller gambler.

That is what it says. Of course it is accurate; I would not quote it if it was not. Again, a nationally consistent approach — let us just pause on that word 'consistent'. A consistent approach — that is to say, have a position, stick to it, fight for it and then deliver on it. That would be something that everyone on this side of the house knows one or two things about — being consistent and delivering things. I think there is a bit of a learning curve for the Greens on that one.

Ministers statements: high-capacity trains

Mr PALLAS (Treasurer) — I am delighted to inform the house of the Andrews Labor government's

sustained investment in rolling stock and infrastructure that is creating jobs for Victorians. Thanks to the efforts of the Andrews Labor government, the single biggest order of trains in the state's history will be built here and delivered here in Victoria. In fact 1100 Victorians will be employed as a result of the rolling stock investment we are making in the rolling stock capital of the nation.

We have achieved 60 per cent local content, which is double the 30 per cent that the previous Liberal government achieved. This is particularly important because it reflects the government's commitment to Victorian jobs, Victorian business and of course Victorian skills. That means that Victoria is the fastest growing state economy in this nation. It is easy to attribute this stellar performance to the fact that for every day the member for Malvern has spent on the opposition benches more than 200 jobs have been added to the Victorian economy. He is doing a great service to Victoria. It comes from having a government focused on bringing investment and jobs to Victoria.

In stark contrast the Leader of the Opposition believes that ordering new trains, building Melbourne Metro and removing level crossings is not going to improve the livability of Melbourne; it is just stuff. It is a Dark Ages approach. It is Liberals leading by lethargy. He seems to think that a 1950s approach to state-building works. The Andrews Labor government is not wasting a single day. We are getting on with it.

Water policy

Mr WALSH (Murray Plains) — My question is to the Minister for Water. Minister, given your government's desire to turn on the desalination plant at any cost to Victorians and with dam levels already rising during what is predicted to be a very wet spring, is it not a fact that you will have to open the floodgates to release millions of litres down the Yarra River from Melbourne's dams in order to have the space to put desal water into those dams?

Ms NEVILLE (Minister for Water) — I will start by being very clear as to the answer to this question: no; absolutely not. Again we had a minister who thought, 'Oh, it has rained. We've got no issues. A bit of rain and we've got no issues'. That is what happened in 2011. There was a bit of a flood, and the former minister over here did nothing. In fact what he did was wreck the biggest infrastructure project in the country, which was the connections project, and set up the Office of Living Victoria, which ripped off millions of Victorians. That is what he did.

Seriously, Speaker, I am not going to take lectures from the previous Minister for Water who, when he was there, did absolutely nothing. We are planning —

Honourable members interjecting.

The SPEAKER — Order! The Minister for Water, in silence.

Mr Katos interjected.

The SPEAKER — Order! The member for South Barwon is warned.

Ms NEVILLE — Let us look at some facts. Right now, as of today, our storage level is sitting at 67.1 per cent in Melbourne. Let us look at what it was this time last year; it was 73.8 per cent. Let us look at the year before, in 2014. Let us have a look at what it was then — it was 80 per cent in 2014. We are currently getting less water in our water storages than we have had over the 30-year average. We are less than last year and we are way less than the year before. The desalination order, the 50 gigalitres of water, is about providing a buffer zone for Melbourne.

In the last two months Melburnians have consumed 57 gigalitres. In summertime we consume about 50 gigalitres in about a four-week period, so this is a small buffer to ensure that Melbourne's economy and its community can rely on water security over what will be another hot and dry summer.

We do not operate on the basis that it is raining outside. Thank goodness it is raining, because this is when we need our rain — in our winter and our spring periods. But we are still below last year's rainfall and storage level and we are below the 2014 levels, so this order is critical to the future of water security in Victoria.

Supplementary question

Mr WALSH (Murray Plains) — Minister, with Maroondah at 94.7 per cent, O'Shannassy at 100 per cent and Sugarloaf at 98.9 per cent, how do you propose to avoid water from those dams having to overflow down the Yarra instead of going to Cardinia and still have room for 50 000 megalitres of your desalination water?

Ms NEVILLE (Minister for Water) — Thank you for the question. I will just remind the member that storages currently sit in Melbourne at 67.1 per cent, below the levels they were last year — over 73.8 per cent — and below 2014's 80.1 per cent. The Cardinia reservoir is currently sitting at 63.9 per cent, again lower than it was in 2014.

Honourable members interjecting.

The SPEAKER — Order! The member for Warrandyte and the Leader of the Opposition will come to order.

Ms NEVILLE — Okay, let us go through them all. Do you want to go through them all? I am happy to go through them all. Sugarloaf — 98.8. Guess what? It was 97 in 2014.

Honourable members interjecting.

Mr Andrews — On a point of order, Speaker, can I respectfully put it to you that no minister, no member, ought to have to put up with that wall of noise coming from across there —

Honourable members interjecting.

The SPEAKER — Order! The Premier will bring himself to making the point of order.

Mr Andrews — Speaker, I think I have made the point.

Mr Merlino interjected.

The SPEAKER — Order! The Deputy Premier!

Mr Guy — On the point of order, Speaker, I would hope the Premier's point of order also relates to his own side when they make my point for me.

The SPEAKER — Order! The Chair at this point will not uphold the point of order. It happens to be Tuesday, but I can assure members that the Chair will be much more disciplined tomorrow. The minister is entitled to silence, and the minister will continue in silence.

Ms NEVILLE — Two key points, Speaker: we have had less rainfall now than we had last year and the year before, and we are well below the 20 and 30-year averages.

Ministers statements: high-capacity trains

Mr MERLINO (Minister for Education) — I rise to update the house about matters relating to the higher education portfolio. As ministers have mentioned today, 1100 new highly skilled local jobs will be created from the Andrews Labor government's order of trains to be built here in Victoria, but as Minister for Education I am especially pleased about the fact that 15 per cent of those jobs will be Victorian apprentices, trainees and cadets.

Partnerships with Toyota, Chisholm Institute and Swinburne University will help transition automotive manufacturing workers on to the project. The Andrews government has delivered on its election commitment to apprentices through the major projects skills guarantee —

Mr R. Smith interjected.

The SPEAKER — Order! The member for Warrandyte!

Mr MERLINO — which mandates minimum apprenticeship requirements for all publicly funded major projects.

Mr R. Smith interjected.

Questions and statements interrupted.

SUSPENSION OF MEMBER

Member for Warrandyte

The SPEAKER — Order! The member for Warrandyte will leave the house for half an hour.

Honourable member for Warrandyte withdrew from chamber.

QUESTIONS WITHOUT NOTICE and MINISTERS STATEMENTS

Ministers statements: high-capacity trains

Questions and statements resumed.

Mr MERLINO (Minister for Education) — This announcement takes us well beyond that, from 10 per cent to 15 per cent. This gives young jobseekers and workers looking to reskill the experience and opportunities they need to kickstart their careers.

The Andrews government supports apprentices and people in vocational training and higher education — unlike those opposite, who shut down 22 TAFE campuses and facilities and sacked thousands of workers. The Leader of the Opposition said he would prefer to live in the 1950s.

Honourable members interjecting.

The SPEAKER — Order! Government members, including the Leader of the House, will come to order. The manager of opposition business is entitled to silence.

Honourable members interjecting.

The SPEAKER — Order! The Leader of the Opposition and the Leader of the House! The manager of opposition business is endeavouring to make a point of order. He is entitled to silence, and all members will come to silence.

Mr Clark — On a point of order, Speaker, I draw your attention to sessional order 5, which requires ministers statements to advise the house about matters relevant to their portfolio. The Deputy Premier is now departing from that and debating the issue, and I ask you to bring him back to compliance with sessional order 5.

The SPEAKER — Order! The Deputy Premier and Minister for Education will come back to making a ministers statement.

Mr MERLINO — Around 165 apprentices, trainees and cadets — another example of how the Andrews Labor government is investing in people and in education. It would not be possible if those trains were built in South Korea, which is what happens when the coalition is in government.

RULINGS BY THE CHAIR

Constituency questions

The DEPUTY SPEAKER — Order! Before I call the honourable member for Brighton, I will give the following statement on behalf of the Speaker. On 18 August 2016 the member for South Barwon took a point of order regarding the constituency question asked by the member for Frankston that day. The point of order centred on whether the question sought information or requested action of the Minister for Public Transport. The Speaker has reviewed the member's question and ruled it out of order. In posing the question the member invited the minister to an event in his electorate. This essentially asked the minister to undertake an action — attend the event — and so the Speaker has ruled it out of order.

CONSTITUENCY QUESTIONS

Brighton electorate

Ms ASHER (Brighton) — (11 646) The constituency question I have is for the Minister for Public Transport, and the context of my question is that I recently met with the mayor and deputy mayor of Bayside City Council in relation to increased car parking along the Sandringham line. My question for the minister is: when will she provide significant

additional car parking spots, in particular at the Hampton station redevelopment?

Members of this house may be aware that Hampton station is undergoing significant redevelopment; however, council advises me that the government is saying there will be no net loss of car parking at Hampton. Even though there will be additional temporary car parking spots as part of that development, the government's position is that there will be no net loss. This is a lost opportunity. There is real potential to use the government's car parking fund and to use the existence of this redevelopment at Hampton to increase car parking spots.

Dandenong electorate

Ms WILLIAMS (Dandenong) — (11 647) My constituency question is to the Minister for Major Projects, and I ask: what are the latest developments in the revitalising central Dandenong project? The Andrews government continues the work of the former Bracks government to rejuvenate Dandenong's city centre. This vision and the platform of the Bracks government plan is continuing to be rolled out and enhanced by this government to maintain Dandenong's status as the capital of Melbourne's growing south-east region.

Only this morning I joined the Greater Dandenong City Council mayor, Heang Tak, and fellow councillors to mark the beginning of construction of the new Allan Street bridge. This is another project to better connect the residents of Dandenong South to our city centre. The project has been long awaited, and news of the start of construction works has been warmly welcomed. The project is now being delivered by Places Victoria with the City of Greater Dandenong and is another fine example of different levels of government working together to achieve the best for our community.

My constituents in Dandenong are keen to hear more about how the Revitalising Central Dandenong project is progressing and what developments are taking place to improve the livability of our city.

Ovens Valley electorate

Mr McCURDY (Ovens Valley) — (11 648) My constituency question is to the Minister for Ambulance Services. My question is for her to please explain to Neville Handcock and the people of Myrree and Moyhu, which is only 27 minutes from Wangaratta, why on earth when an ambulance is called it is dispatched from Mansfield, which is 1 hour and 27 minutes away. Furthermore, when the patient is

collected, logically the ambulance goes to Wangaratta hospital, so why is the ambulance not dispatched from Wangaratta? There have been a few accidents out that way. Certainly Neville Handcock has had a few, but luckily they have not been life threatening. When the 000 call taker dispatches an ambulance from Mansfield it takes an ambulance about 1 hour and 27 minutes to travel from Mansfield to his property, whereas if it were dispatched from Wangaratta, it would take under 30 minutes. When the Mansfield ambulance arrives it could transport the patient to Wangaratta. That means the Mansfield ambulance is 2 hours out of its daily zone, whereas a Wangaratta ambulance would do it in 30 minutes or so. If Mr Handcock makes a call, the ambulance is dispatched from Mansfield, but his neighbours who live 3 kilometres away are attended by a Wangaratta ambulance.

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

Bundoora electorate

Mr BROOKS (Bundoora) — (11 649) My question is to the Minister for Roads and Road Safety. In October 2012 I raised a serious matter in this place for the then Liberal Minister for Roads in relation to a dangerous intersection in my electorate. Significant development around the intersection of Flintoff and Grimshaw streets in Greensborough has seen pedestrians crossing in this area in unsafe conditions. Needless to say, the Liberals did nothing to fix this problem. I have worked with the local council to develop plans for a signalised pedestrian crossing project that requires state government funding and I have had very constructive discussions with the current minister, and I ask: when will the Andrews government be in a position to fund this important project in my local community?

Rowville electorate

Mr WELLS (Rowville) — (11 650) The constituency question I wish to raise is directed to the Treasurer and is on behalf of concerned residents and taxpayers in my electorate of Rowville. Treasurer, I refer you to recent comments made by the new Labor-appointed Country Fire Authority (CFA) CEO, Ms Frances Diver, where she failed when directly asked to support the Premier and this government's claims that the CFA enterprise bargaining agreement (EBA) would only cost \$160 million by stating:

... we're still talking to government about that ah and um, we expect to be able to um put that to our board shortly.

Having regard to this seeming reluctance by Ms Diver to support the Premier and the government's previous \$160 million Department of Treasury and Finance-supplied costing of the EBA, I ask: Treasurer, now that Ms Diver has failed to support the Premier with her comments, does this mean that she will be next in line — it is a long line — to feel the wrath of the Premier — —

The DEPUTY SPEAKER — Order! The honourable member's time has expired. I remind honourable members that they really need to ask their questions at the beginning. The honourable member for Rowville ran out of time to ask his question.

Yan Yean electorate

Ms GREEN (Yan Yean) — (11 651) My question is to the Minister for Public Transport. What are the time lines for the Level Crossing Removal Authority's investigation and planning for duplication of the Hurstbridge rail line beyond Greensborough? As the minister knows, many of my constituents use the Hurstbridge line to and from the city each day. Recent action by the Andrews government to duplicate the track between Rosanna and Heidelberg and the removal of dangerous level crossings at Grange Road and Lower Plenty Road are very welcome and will improve services and reduce congestion. The new train link bus service to begin next year between Greensborough, Diamond Creek, Wattle Glen and Hurstbridge stations will also improve service levels. Further Hurstbridge line improvements beyond Greensborough are highly anticipated in Melbourne's north-east, and more information regarding the planning process and progress will be much appreciated by my constituents.

Ringwood electorate

Ms RYALL (Ringwood) — (11 652) My constituency question is for the Minister for Education, and my question is: will the minister provide the children of Eastwood Primary School with the \$50 000 needed to ensure there is evaporative airflow during summer in two of the remaining pods in their new school or not? I raised the issue in an adjournment debate recently and got a standard letter back that did not address the specifics. The duct work is laid and is in place. They only need a unit for the remaining two pods. The school has had to spend an additional \$40 000 on the teachers' car park due to underground water seepage, so they do not have the funds for the remaining two pods. I would prefer to have a yes or no to my constituency question for the parents and the children of the school so that I can advise them of the outcome, which will preferably not be an

uncomfortable summer for the students in two of the pods at the school while they are trying to learn.

Yuroke electorate

Ms SPENCE (Yuroke) — (11 653) My constituency question is to the Minister for the Prevention of Family Violence. What advice or guidance can the minister provide to members of the Yuroke Youth Advisory Council who are currently preparing to run an anti-violence campaign in the community? The Yuroke Youth Advisory Council (YAC) comprises secondary students from the Yuroke electorate who discuss and advise me on matters of importance to youth in our community. Earlier this year the YAC decided to run an anti-violence campaign intended to coincide with Victorians Against Violence month in November and White Ribbon Day on 25 November. As the minister knows, family violence is of particular concern in the Hume area. In the period between April 2015 and March 2016 there were 3030 recorded incidents, a figure which has sadly only risen with each new reporting period since 2011. I, along with YAC members Flora, Brittany, Jet, Alex, Lizzy, Sidney, Carly, James and Alicia, look forward to any advice the minister can provide on this matter.

Polwarth electorate

Mr RIORDAN (Polwarth) — (11 654) My question is to the Minister for Water. Can the minister please provide the business case to my community that Barwon Water has used to justify the selling of its future water storage site at Barwon Downs? Much has been made about the need for water security. In fact this government has deemed water security such an issue that it has fast-tracked \$15 million worth of interconnecting pipework to Colac to make sure more people can access the highly expensive water that will be made available through the Wonthaggi desalination plant. In fact the \$15 million will, in the first instance, ensure even more pressure will be put on the now already stressed Gerangamete bore field, which local farmers, residents and environmental activists are all keen to protect. Over recent dry years the Geelong water supply has continued to rely on significant pumping of underground water, which everyone except the government and Barwon Water is prepared to concede is having a detrimental effect on Boundary Creek and the Gerangamete bog. Ratepayers of Barwon Water want to know why a potentially productive dam site that has been owned for nearly 30 years, a site that is cleared, well sited and enables a variety of water catchment — —

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

Mr Pearson — On a point of order, Deputy Speaker, I think the member's constituency question related to asking the minister to provide a report, which would be an action, so I think that would be more appropriate to raise as an adjournment matter rather than a constituency question. I ask that the question be ruled out of order.

The DEPUTY SPEAKER — Order! I tend to agree. On the basis of rulings that have been made by the Speaker on this matter, I uphold the point of order.

Pascoe Vale electorate

Ms BLANDTHORN (Pascoe Vale) — (11 655) My constituency question is for the Minister for Roads and Road Safety. What state government funding is available for cycling infrastructure projects in the area of Pascoe Vale? Many Pascoe Vale constituents use cycling as their main mode of transport, and indeed it should be noted that many of the cyclists who are using the Upfield bike path and the Sydney Road route into the CBD are actually coming from Pascoe Vale and Coburg in particular. Many constituents are also cycling due to the added health and wellbeing benefits that it obviously provides. However, one of the major impediments to greater cycling participation rates is concern over safety. Time and again people are telling me that they would be more inclined to cycle if they felt safer on our roads and particularly on Sydney Road. This means that if it is not safe to ride, people are not riding. It is important that cycling infrastructure provides physical separation from motorised traffic. This way people can jump on a bike, secure in the knowledge that they will not have to be on constant alert for the unexpected behaviour of motorists.

ALPINE RESORTS LEGISLATION AMENDMENT BILL 2016

Introduction and first reading

Ms D'AMBROSIO (Minister for Energy, Environment and Climate Change) — I move:

That I have leave to bring in a bill for an act to amend the Alpine Resorts Act 1983 and the Alpine Resorts (Management) Act 1997 and for other purposes.

Mr CLARK (Box Hill) — I ask the minister to provide a brief explanation of the bill.

Ms D'AMBROSIO (Minister for Energy, Environment and Climate Change) — The Alpine

Resorts Legislation Amendment Bill 2016 provides for the amalgamation of the Lake Mountain and Mount Baw Baw alpine resort management boards into a single board, and to make some minor amendments around those matters and including several others.

Motion agreed to.

Read first time.

CHILD WELLBEING AND SAFETY AMENDMENT (OVERSIGHT AND ENFORCEMENT OF CHILD SAFE STANDARDS) BILL 2016

Introduction and first reading

Mr FOLEY (Minister for Housing, Disability and Ageing) — I move:

That I have leave to bring in a bill for an act to amend the Child Wellbeing and Safety Act 2005 to provide for the oversight and enforcement of compliance by certain entities with standards in relation to child safety, to amend the Commission for Children and Young People Act 2012 in relation to review and reporting obligations under that act, to amend the Children, Youth and Families Act 2005 to provide for the publication of certain information and for other purposes.

Mr CLARK (Box Hill) — I ask the minister to provide a brief explanation of the bill.

Mr FOLEY (Minister for Housing, Disability and Ageing) — This is a bill to provide the Commission for Children and Young People with appropriate functions and powers to assist organisations to prevent child abuse and appropriately respond to allegations of child abuse, and it is also to meet an election commitment to implement recommendations of a parliamentary inquiry into the handling of child abuse by religious and other non-government organisations, more commonly known as the *Betrayal of Trust* inquiry, and for other measures.

Motion agreed to.

Read first time.

LORD MAYOR'S CHARITABLE FOUNDATION BILL 2016

Introduction and first reading

Ms HENNESSY (Minister for Health) — I move:

That I have leave to bring in a bill for an act to repeal the Lord Mayor's Charitable Fund Act 1996 and re-enact with amendments the law relating to the Lord Mayor's Charitable Fund and for other purposes.

Mr CLARK (Box Hill) — I ask the minister to provide a brief explanation of the bill.

Ms HENNESSY (Minister for Health) — This is a bill that effectively reforms the governance and functions of the Lord Mayor’s charitable trust. These are amendments that come at the behest of the foundation.

Motion agreed to.

Read first time.

MEDICAL TREATMENT PLANNING AND DECISIONS BILL 2016

Introduction and first reading

Ms HENNESSY (Minister for Health) introduced a bill for an act to provide for a scheme of medical treatment planning, to provide for the making of medical treatment decisions on behalf of, and the administration of medical research procedures to, persons who do not have medical decision-making capacity, to repeal the Medical Treatment Act 1988, to amend the Mental Health Act 2014 in relation to approval procedures for electroconvulsive treatment of adults who do not have capacity, to make consequential amendments to that and other acts and for other purposes.

Read first time.

VICTORIAN FISHERIES AUTHORITY BILL 2016

Introduction and first reading

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

That I have leave to bring in a bill for an act to establish the Victorian Fisheries Authority, to make amendments to the Fisheries Act 1995 to enable the Victorian Fisheries Authority and its chief executive officer to perform or exercise regulatory functions or powers under that act, to make further consequential amendments to the Conservation, Forests and Lands Act 1987, the Fisheries Act 1995 and other acts and for other purposes.

Mr CLARK (Box Hill) — I ask the minister to provide a brief explanation of the bill.

Ms ALLAN (Minister for Public Transport) — I am delighted to provide a brief explanation for this bill because this is one of our terrific election commitments that we took to the November 2014 election — to establish Fisheries Victoria as a standalone statutory authority with a skills-based board and a CEO. This

was a policy piece that I confess, Deputy Speaker, I had a bit to do with during our time in opposition, and it is all part of our government’s commitment of Target One Million, a plan to get more people fishing more often. We have seen the Minister for Agriculture already making great strides in implementing this policy. The establishment of Fisheries Victoria as a statutory agency is about recognising that fishing makes a great contribution to our state in economic terms and in recreational terms, and the leadership that Fisheries Victoria will provide is critical to the ongoing success of Victoria being the home of fishing in Australia.

Motion agreed to.

Read first time.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Alert Digest No. 12

Ms BLANDTHORN (Pascoe Vale) presented *Alert Digest No. 12* of 2016 on:

- Births, Deaths and Marriages Registration Amendment Bill 2016**
- Corrections Legislation Amendment Bill 2016**
- Crimes Amendment (Carjacking and Home Invasion) Bill 2016**
- Equal Opportunity Amendment (Religious Exceptions) Bill 2016**
- Estate Agents Amendment (Underquoting) Bill 2016**
- Freedom of Information Amendment (Office of the Victorian Information Commissioner) Bill 2016**
- National Domestic Violence Order Scheme Bill 2016**
- Police and Justice Legislation Amendment (Miscellaneous) Bill 2016**
- Primary Industries Legislation Amendment Bill 2016**
- Traditional Owner Settlement Amendment Bill 2016**

together with appendices.

Tabled.

Ordered to be published.

DOCUMENTS**Tabled by Clerk:**

Ombudsman — Investigation into the management of complex workers compensation claims and WorkSafe oversight — Ordered to be published

Planning and Environment Act 1987 — Notices of approval of amendments to the following Planning Schemes:

Ballarat — C198

Boroondara — C242

Brimbank — C173 Part 1

Casey — C189

Greater Shepparton — C98 Part 2

Hume — C200

Indigo — C72

Maribymong — C135

Melbourne — C297

Pyrenees — C39

Warrnambool — C100

Road Safety Camera Commissioner — Report 2015–16

Statutory Rules under the following Acts:

Confiscation Act 1997 — SR 110

Gambling Regulation Act 2003 — SR 111

Residential Tenancies Act 1997 — SR 112

Supreme Court Act 1986 — SRs 105, 106, 107, 108, 109

Victorian Civil and Administrative Tribunal Act 1998 — SR 113

Subordinate Legislation Act 1994:

Documents under s 15 in relation to Statutory Rules 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 112, 113

Documents under s 16B in relation to the *Retail Leases Act 2003* — Ministerial Determination: Tenants of Premises that are not Retail Premises

Surveillance Devices Act 1999 — Reports of the Victorian Inspectorate under s 30Q (five documents).

The following proclamations fixing operative dates were tabled by the Clerk in accordance with an order of the House dated 24 February 2015:

Confiscation and Other Matters Amendment Act 2016 — Remaining provisions — 1 September 2016 (*Gazette S270 30 August 2016*)

Justice Legislation (Evidence and Other Acts) Amendment Act 2016 — Whole Act (except Part 3) — 12 September 2016 (*Gazette S278 6 September 2016*)

National Parks and Victorian Environmental Assessment Council Acts Amendment Act 2016 — Whole Act — 7 September 2016 (*Gazette S278 6 September 2016*).

ROYAL ASSENT

Message read advising royal assent on 6 September to:

**Crimes Amendment (Sexual Offences) Bill 2016
Primary Industries Legislation Amendment Bill 2016.**

BUSINESS OF THE HOUSE**Program**

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

That, under standing order 94(2), the orders of the day, government business, relating to the following items be considered and completed by 5.00 p.m. on Thursday, 15 September 2016:

Births, Deaths and Marriages Registration Amendment Bill 2016

Corrections Legislation Amendment Bill 2016

Crimes Amendment (Carjacking and Home Invasion) Bill 2016

Equal Opportunity Amendment (Religious Exceptions) Bill 2016

Estate Agents Amendment (Underquoting) Bill 2016

Take-note motion on the parliamentary apology for laws criminalising homosexuality and the harms caused.

Deputy Speaker, as you can hear, my voice is not as strong as it normally is, so I will only make a few brief comments on the government business program. As you can see, there are five important bills, significant bills, that I am sure members of the house will enjoy the opportunity to get stuck into and have debate on over the course of the sitting week.

The only other observation I wish to make on the program that I presented to the house is the addition of the take-note motion on the parliamentary apology for laws criminalising homosexuality and the harms caused. That has been an item on our notice paper for some time now, and there is an opportunity to discharge that motion, but I did not want to do so before giving members every opportunity to speak on that item, so if there are members who are wishing to speak on that

motion before it is discharged at 5.00 p.m. on Thursday afternoon, we would certainly be willing to commit to accommodating that in the course of the program over the course of this week. With those few comments and observations I commend the motion to the house.

Mr CLARK (Box Hill) — The opposition opposes this government business program, in particular because there is one crucial item that does not appear on it and about which the Leader of the House has given no indication as to the government's intentions. Of course the matter of which I speak is the message from the Legislative Council proposing that a joint sitting be held to fill the vacancy that currently exists in the Legislative Council for a member for Northern Victoria Region.

I have made the point on numerous previous occasions that the government is acting illegally and defying the constitution in failing to make arrangements to fill this vacancy. The constitution of this state is very clear that a joint sitting must be held, yet ministers and other members on the government side of the house are continuing to refuse to do so, continuing to block efforts to do so and refusing to address the issue, in breach of their constitutional obligations and in breach of what I would have thought would be a fundamental tenet of democracy. In doing so they are setting an appalling precedent.

This is a matter that has now been going on for some time. The government initially said they wanted some opportunity to consider the message that had been sent from the Legislative Council. Having said that and adjourned the matter off, they have refused to bring it back on either to agree to the original proposal, which has now probably been superseded in relation to time, or to propose a new time. Either way the bottom line is very clear: this house and the Legislative Council should be meeting together in joint sitting to fill that vacancy, and the government seems determined not to allow that to occur. In our view, this is a matter that should be dealt with expeditiously. As everybody knows, it would take about 15 minutes of time of this house and of the other place to do so. It should be arranged and proceed forthwith, before this house proceeds to deal with the other matters that are on the government business program.

There are certainly many complex and controversial matters that are on the government business program. I separately observe the Leader of the House has given no indication yet again of any intention of the government to allow these complex and potentially far-reaching matters to be considered in detail in this house, but over and above that longstanding concern of

the opposition side of the house is the fact that we should be meeting in joint sitting to fill the casual vacancy in the Legislative Council. It is an affront to democracy and it is an affront to the values that those on the other side of the house purport to uphold that they are refusing to comply with their legal and democratic obligations and are preventing a casual vacancy being filled. It is an affront to residents of Northern Victoria Region that this is happening and that they are being deprived of their full representation in this Parliament.

The government is setting the precedent that any party or group of parties that happens to have a majority in either chamber of this Parliament can in future refuse to allow a vacancy to be filled if the person who would fill that vacancy is not of their side of politics or if they have got some other grievance and they want to use the vacancy to pursue that grievance. That is a precedent that should not be allowed to be set, either for this Parliament for vacancies in the Legislative Council or for the Australian Senate, where, as we all know, the balance of numbers can be extremely fine. If one side or other of this house in Victoria decided for whatever reason to refuse to fill such a vacancy or to delay filling that vacancy on some pretext of a grievance — real or imagined — that would have very far-reaching consequences indeed. Yet those on the other side of the house seem to be oblivious to the precedent that they are setting and to its dangers for democracy both in Victoria and in Canberra.

I reiterate the point that we on this side of the house believe that this is an extraordinarily pressing item of business and it ought to be dealt with. It is not on the government business program. It should be on the government business program, or even better, it should be dealt with ahead of the government business program being commenced. Until there are commitments from the government that that is what is going to happen, we on this side of the house will continue to oppose the government's business program.

Mr CARBINES (Ivanhoe) — I am pleased to make a contribution in support of the government business program. In particular can I say there are some substantial matters before the Assembly this week, particularly in relation to the Estate Agents Amendment (Underquoting) Bill 2016, and I am looking forward to making a contribution with regard to the Crimes Amendment (Carjacking and Home Invasion) Bill 2016 in relation to carjacking. In relation to constituents in my electorate, there are some very personal matters that I will be putting before the house in support of the bill. So it is disappointing that the opposition again is refusing to support what is a very substantial

government business program. I commend the Leader of the House for the further opportunity for members to make contributions on the parliamentary apology for laws criminalising homosexuality and the harms caused.

Can I say also that in relation to the matters raised by the manager of opposition business, the member for Box Hill, who at least has been consistent in raising his matters in relation to the joint sitting in this Parliament, that the government's position remains unchanged — that is, the joint sitting motion will be put by the Leader of the Government in the Legislative Council when he returns to that chamber. That is a matter that the opposition can make an arrangement for at any time of their choosing. This side of the house is not going to be lectured to on parliamentary standards and is not going to be lectured to about the constitution by a party that threw the constitution and the conventions of the Parliament out the window back in 1975 in Canberra and who certainly have continued to go down that path in the way in which they have carried on over the past couple of months.

To try and draw some standards and some sort of consistency that the actions of the Parliament in determining not to proceed with the joint sitting until the Leader of the Government, by convention, practice and standards, is able to move that motion himself upon his return to the Legislative Council — which is purely, utterly and absolutely a matter for the Council to determine — and to try and draw some precedent or link about some standard that is now going to be applied arbitrarily in the Parliament to any other casual vacancies that arise in the Council is just a figment of the manager of opposition business's imagination.

It is a worrying concern to me, and to every member of Parliament I would have thought, that the member for Box Hill is putting forward the view that any casual vacancy that arises potentially will be thwarted or stymied by those opposite for no other reason than to somehow draw some political vengeance or cruel motivations, when the very point that makes this different and on which the government states its case is that the Leader of the Government in the Legislative Council is the person who will move that that joint sitting occur. To try to claim arbitrarily that any casual vacancy will succumb to what has gone before this Parliament at the moment is just not true, unless of course there is not going to be a Leader of the Government able to perform their duties on behalf of the Parliament, the government and their constituents because of some vengeful use of a political majority in another place by those opposite.

I reject absolutely and utterly that somehow this sets some standard or arbitrary practice that there will be risk or delays in opportunities for joint sittings for casual vacancies and other occurrences, because quite clearly that would only be the case if the Leader of the Government was not available in the upper house to bring forward that joint sitting motion. So the position of the government remains very clear, and the position of the Parliament is very clear in relation to how that joint sitting will occur and who will drive that process. The Leader of the Government will do that in the Legislative Council as soon as he is able to return to that place, and that is a matter for the Council; it is not a matter for the Assembly. I would encourage those opposite who have the capacity to act on those matters, who are stymieing the will of the constituency of the people of South Eastern Metropolitan Region — where the Leader of the Government in the other place resides — and who are stymieing progress of one of their members to take their place in this Parliament, to act. It is a very simple matter, and perhaps that should have been a matter they thought through more carefully and more diligently before acting irrationally and intemperately, as they did some months ago, being too clever by half.

In relation to matters of consideration in detail, that is a commitment that this government under the Premier has given. It is a commitment that we have delivered, particularly in the portfolios of Minister D'Ambrosio, and before her Minister Neville, and we will look to do that again in the future.

Mr HIBBINS (Pahran) — I rise to speak on the government business program. The Greens will not be supporting the government business program in this instance for two reasons. Firstly, I do have amendments to the Equal Opportunity Amendment (Religious Exceptions) Bill 2016. I have provided those amendments to the relevant ministers, I have also indicated that I do have some questions regarding that bill and I have submitted a request to go into consideration in detail.

As I indicated in previous weeks, we have been accommodating of the government business program and we have not had amendments or sought to go into consideration in detail. But in this instance I do have amendments and I do have questions for the minister, and I think it is only fair that that bill progresses into the consideration-in-detail stage. I have not had a response to suggest that is going to occur, so in this instance I feel it is not appropriate that we have the government's program but rather that each bill is voted and decided on as we proceed throughout the week.

At the end of the day if we really wanted to, we could properly pass some bills today. Unfortunately, I think, it is an unnecessary convention of this house that we adjourn all bills off even though the speaking lists have been exhausted and we simply wait until 5.00 p.m. on Thursday to vote on them all. Then when amendments have been put, there is no opportunity for them to be voted on. We will not be supporting the government business program on these grounds. I think it is reasonable, as the Victorian Greens LGBTI equality spokesperson, to be able to put questions to the minister. We have actually got two ministers who have carriage of this bill: the Attorney-General and the Minister for Equality. I think it is only reasonable that I be able to put my questions to them and for the house to vote on my amendments.

The other reason for opposing the government business program, of course, is this unfilled vacancy in the upper house. This has really dragged on too long. I think there are some very convoluted arguments from the government as to why this is not occurring. The other house has resolved to have a joint sitting. The ball is now in this house's court. I think it would be wise for this house to agree to the joint sitting, to fulfil what is required of us by the constitution, to fill that upper house vacancy. So we will be opposing the government business program in this instance.

It was the government's commitment to make consideration in detail a standard feature of bills. We have, I think, been accommodating, and we have only sought really to go into that stage when we have amendments or questions. We are doing so in this instance, but I have not received assurances that we will be able to do that on the Equal Opportunity Amendment (Religious Exceptions) Bill, so we will be opposing the government business program.

Mr PEARSON (Essendon) — Yet another debate on the government business program and yet another similar contribution from the member for Box Hill. When the member for Box Hill leaves this place, I think he will look back on the spring session of 2016 and the title of this chapter of his life will be named, 'When *Groundhog Day* met *There's Something About Mary*', because every Tuesday afternoon of a sitting week he comes in here trying to clean up the mess that Ms Wooldridge made in the other place — every week, week after week.

The reality is the member for Box Hill is demonstrating once again that he is the only member of the Liberal Party who is prepared to be the National Party's beast of burden. That is what he is: the member for Box Hill is the National Party's beast of burden. He is the only

one, the only member of the Liberal Party, who is prepared to roll up his sleeves and do the dirty work of the National Party. No-one else will. No-one else from the Liberal Party will put themselves out there and do the work; it is only the member for Box Hill. I feel for the member for the Box Hill because he has to clean up other people's mess. He has had to clean up Ms Wooldridge's mess — this outrageous affront of democracy — where Ms Wooldridge in a fit of pique, a fit of madness, decided it would be a smart idea to kick out the Leader of the Government for six months.

Mr Clark — On a point of order, Deputy Speaker, I draw your attention to standing order 118, which declares that imputations of improper motives and personal reflections on, amongst other people, members of the Legislative Council are disorderly. The member for Essendon is infringing that standing order, and I ask you to bring him back to compliance.

The DEPUTY SPEAKER — Order! I do uphold the point of order. I ask the honourable member for Essendon not to impugn the reputation of members of the other house.

Mr PEARSON — Thank you for your guidance, Deputy Speaker. The reality is that the member for Box Hill talked about precedent. On this side of the house we will not be lectured on the matter of precedent by those opposite. They tore up the rule book when it came to these matters, when they decided that it would make sense to remove the Leader of the Government in the other place for six months. You cannot allow a situation where a duly elected member is evicted from the other place for a period of six months.

I listened with interest to the member for Prahran's contribution when he indicated that this has dragged on for too long. Well, it is clearly not long enough. Clearly he thinks that the matter of a joint sitting has dragged on for too long but that it is fair and reasonable for the Leader of the Government to be kicked out for six months. This is just pathetic, and we are going to cop this every Tuesday from now on until this matter is resolved, given those opposite have no interest in actually trying to resolve the issue of the joint sitting and no interest in trying to get to the nub of the issue in terms of what documents should or should not be produced. There is no interest from those opposite to actually try and find a sensible solution.

The reality is the Leader of the Government has now been away from serving his community in the other place for a period of probably three months — that would be my guess, thereabouts. That is far longer than any other person has been evicted from the Legislative

Council, yet week after week we are going to have to sit through these tiring debates that go on for an interminable period of time just because those opposite thought it was a fair and reasonable response to remove the Leader of the Government for a period of six months.

We will have a joint sitting and Mr O'Sullivan will take his place in the Legislative Council, but the Leader of the Government will move that motion to have the joint sitting. When the Leader of the Government is back in his rightful place on the Treasury bench in the other place is when that motion will be moved. When it is moved I will look forward to having the joint sitting, as all of us on this side of the house will look forward to having a joint sitting. We just want our Leader of the Government in the other place back. Is it too much to ask? We just want him back. The people want him back. The people of Southern Metropolitan Region want him back. We want him back. He is a great member. He is an important member of our team, and we want him back. Just bring him back.

I am happy to stand here every Tuesday saying, 'Give me back my leader; I want my leader back', and I will say it every Tuesday now in response to the member for Box Hill's contribution. I want him back. He is a great member of our team, he is an important contributor and he does a great job representing the interests of Southern Metropolitan Region.

Mr J. Bull — Hard worker.

Mr PEARSON — As the member for Sunbury said, he is a hard worker. He is getting on with it after four long dark years. We want him back. We will have that joint sitting. Just give me back my leader. I want him back. He deserves to be back. This is just again games and shenanigans from those opposite, and we will not be derailed from the important business of getting on with it.

Mr CRISP (Mildura) — I rise to speak on the government business program, and The Nationals in coalition are opposing the program. The program has five bills and a take-note motion, which will be discharged. The bills on the program this week are: the Estate Agents Amendment (Underquoting) Bill 2016; the Births, Deaths and Marriages Registration Amendment Bill 2016; the Equal Opportunity Amendment (Religious Exceptions) Bill 2016; the Corrections Legislation Amendment Bill 2016; and the Crimes Amendment (Carjacking and Home Invasion) Bill 2016. All of these bills are of interest to members, but in particular I think there are growing concerns around carjackings and home invasions. Even in my

electorate there is genuine fear amongst the mums and dads who are residing safely in their homes. They are now living in fear of what might happen. So I think this is a bill that is overdue and an issue that is overdue for debating in this house.

We will also of course have a message from the Council. We have one on the notice paper, and no doubt we will be getting another one. This matter continues to be of concern. As was said by the member for Box Hill, the government is breaching convention and the constitution in failing to fill the casual vacancy in the upper house. I again remind the government about the precedent that it is setting, and there are concerns.

However, let us look at the debate that we have had so far. There have been some interesting comments. On 16 August the member for Essendon stated that this is really a matter for those in the other place and that it should be those in the other place who sit down and work out amongst themselves when they feel it would be appropriate for a new member for Northern Victoria Region to take his place. The member for Essendon said that this is a matter for the other house to resolve and that this house should appoint a joint sitting and deal with those matters differently. Yet having said that this is a matter for the upper house, the government continues to vote against the motion to have a joint sitting with the upper house.

On 17 August the Leader of the House indicated that she believed that this was certainly not a matter for our consideration. She said:

This is not about denying him his opportunity to serve the people of northern Victoria. That is not what this is about. This is about demonstrating the rank hypocrisy of those opposite.

I think this is again reflecting badly on the government. If the government says this is not about the people, then it must be about something else for the government, which is political games. Certainly that is what this is beginning to deteriorate into — a farce about political games.

The Leader of the House went on to say that:

There should not be a difference if that member represents the National Party or the Labor Party — the process should be fair and reasonable ...

Again we have got some of this hypocrisy coming through. The Greens have already stated in the debate on this government business program that they believe this motion should be supported and that Mr O'Sullivan should take his seat.

Finally, the member for Essendon has stated on a number of occasions, 'Give me my leader', perhaps revealing who is really in charge of the government. If it is not here in the lower house, it must be somewhere else. Clearly this refusal to have a joint sitting is really about a smokescreen over documents. As has been noted, this can be resolved if the government accepts the offer to have the documents independently assessed, which is something that has been washed away in this process.

Also in today's debate the member for Ivanhoe, in his contribution, cast aside precedent only to replace it with what appeared to be whim. I think that is a very dangerous precedent for this Parliament to be setting. It will make democracy very unworkable.

The member for Essendon has now turned to insult, which will continue to create good material for *Hansard* which we can quote on this issue. We should accept the motion from the upper house for a sitting to allow — —

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

House divided on motion:

Ayes, 44

| | |
|-----------------|----------------|
| Allan, Ms | Kilkenny, Ms |
| Andrews, Mr | Knight, Ms |
| Blandthorn, Ms | Lim, Mr |
| Brooks, Mr | McGuire, Mr |
| Bull, Mr J. | Merlino, Mr |
| Carbines, Mr | Nardella, Mr |
| Carroll, Mr | Neville, Ms |
| Couzens, Ms | Noonan, Mr |
| D' Ambrosio, Ms | Pakula, Mr |
| Dimopoulos, Mr | Pallas, Mr |
| Donnellan, Mr | Pearson, Mr |
| Edbrooke, Mr | Richardson, Mr |
| Edwards, Ms | Richardson, Ms |
| Foley, Mr | Scott, Mr |
| Garrett, Ms | Spence, Ms |
| Graley, Ms | Staikos, Mr |
| Green, Ms | Suleyman, Ms |
| Halfpenny, Ms | Thomas, Ms |
| Hennessy, Ms | Thomson, Ms |
| Howard, Mr | Ward, Ms |
| Hutchins, Ms | Williams, Ms |
| Kairouz, Ms | Wynne, Mr |

Noes, 39

| | |
|---------------|----------------|
| Angus, Mr | Northe, Mr |
| Asher, Ms | O'Brien, Mr D. |
| Battin, Mr | O'Brien, Mr M. |
| Blackwood, Mr | Paynter, Mr |
| Britnell, Ms | Riordan, Mr |
| Bull, Mr T. | Ryall, Ms |
| Burgess, Mr | Ryan, Ms |
| Clark, Mr | Sandell, Ms |
| Crisp, Mr | Sheed, Ms |

Dixon, Mr
Fyffe, Mrs
Gidley, Mr
Guy, Mr
Hibbins, Mr
Hodgett, Mr
Katos, Mr
Kealy, Ms
McCurdy, Mr
McLeish, Ms
Morris, Mr

Smith, Mr R.
Southwick, Mr
Staley, Ms
Thompson, Mr
Tilley, Mr
Victoria, Ms
Wakeling, Mr
Walsh, Mr
Watt, Mr
Wells, Mr

Motion agreed to.

MEMBERS STATEMENTS

Barbara Hinsley

Mr BROOKS (Bundoora) — I rise today to pay tribute to the outgoing principal of Kingsbury Primary School, Barbara Hinsley, who announced her retirement at the start of this school term following the loss of a dear friend which, in her words, made her stop and take stock.

Barb took on the role of principal 10 years ago and has made an enormous contribution to the school community of Kingsbury Primary School during her time. One of her notable achievements has been to foster a sense of pride in the school's connection to Bruce Kingsbury, a Victoria Cross recipient from the 2/14th battalion after whom the suburb and the school were named. She forged a strong relationship with the 2/14th Battalion Association, which now sponsors a community spirit award each year and has become involved in many other aspects of the school's life. Barb's most recent achievements have been the successful grant application for a safe sanctuary garden, funded through the Andrews government's Inclusive Schools Fund, and a disability access ramp, also funded by this government.

I have always enjoyed my catch-ups with Barb and her insights not only on issues the school faced but also on broader issues in education. Her priority has always been the children at her school. Barb will retire with the knowledge that she has left the school in a better place than when she arrived and that she has had a positive impact on many young lives. The school's future leadership have a great legacy to build upon. On behalf of my local community, and in particular the residents of Kingsbury, I wish to thank Barb for her commitment and her efforts over the years. I am sure that she will take some very special memories with her.

Baby Makes 3

Mr CLARK (Box Hill) — I am concerned about the delays that are occurring in decisions within

government on funding for family violence prevention programs such as Baby Makes 3. Baby Makes 3 operates through maternal and child health services to assist couples with their first child in handling the stresses and changes of a new arrival that unfortunately can trigger family violence. Baby Makes 3 was pioneered by Carrington Health, based in Box Hill, and has been taken up by other agencies across Victoria. The program was funded for three years in 2012 under the previous coalition government as a crime prevention initiative, but that funding concluded in December 2015 and was not renewed, meaning that Carrington Health has had to cease providing the program. Carrington Health has been hopeful for a long time that the government would renew funding for Baby Makes 3, but month after month has passed and nothing has happened.

My understanding is that the government recognises the program is an excellent one, so that is not the problem. The problem seems to be with the continuing delays within government simply in making decisions on family violence matters. The current government halted many of the family violence prevention measures underway when the coalition left office in 2014 on the grounds that it wanted to wait for the royal commission's report. The royal commission has now reported, yet much is still not happening while the harms of family violence continue. The government needs to move from talking about what it is going to do to actually getting things done in a timely manner. Baby Makes 3 has lost valuable momentum and staff skills while waiting for a decision month after month, and it is not alone in this. Many at the front line of preventing family violence are becoming increasingly concerned about the delays and dysfunction that seem to be growing within government in this area.

Olivia Newton-John Cancer and Wellness Centre

Mr CARBINES (Ivanhoe) — I quote from the website of the Olivia Newton-John Cancer and Wellness Centre regarding the Wellness Walk and Research Run:

What a wonderful day it was for the Wellness Walk and Research Run 2016!

Held in the beautiful grounds of La Trobe University, the day was filled with an amazing community spirit, sunshine, and with the incredible support from you, Olivia Newton-John, Bindi Irwin and Steve Moneghetti, together we raised over \$200 000 to help people live better with cancer and defeat it.

In a thank you message on the website, centre patron, Olivia Newton-John, says:

Yesterday was a very special day. I walked with over 1000 people around the grounds of the beautiful La Trobe University to raise money for my ONJ Cancer Wellness and Research Centre in Melbourne, Australia.

We raised over \$200 000 and I am so grateful to everyone who took their Sunday to join us to run towards the cure and walk to wellness! A special thanks to four-time Olympian Steve Moneghetti who led over 300 runners for the first-ever research run, and to Bindi Irwin from Australia Zoo for giving their time to help my centre.

The people who shared their stories with me on the walk touched my heart forever. Thank you. I believe we will see an end to cancer in my lifetime!

With love and gratitude,
Olivia

Former Premiers Ted Baillieu and John Brumby in particular have been great advocates and supporters in a bipartisan way to ensure the funding to build and work with our community partners for the Olivia Newton-John Cancer and Wellness Centre at Austin Health. Other funds from that project have been able to rebuild the emergency department at Austin Health, which is now being completed. I think continuing to work together with many families, our great research partners at La Trobe University and Ivanhoe traders, we will continue to fight cancer.

Yarrowonga Football Netball Club

Mr McCURDY (Ovens Valley) — Yarrowonga football and netball players took out the prestigious Ovens and Murray league's highest individual honours last night. Pigeons star Tyler Bonat shared the honour by polling 23 votes to share the Morris Medal. In netball, Yarrowonga superstar goalkeeper Hannah Symes completed a great night for the club, winning the Toni Wilson Medal for netball. Symes polled 28 votes and is the seventh Yarrowonga netballer since 1993 to win the medal. Good luck to Hannah and her A-grade teammates this Saturday.

Moyhu Football and Netball Club

Mr McCURDY — It was a proud day for the Moyhu Football and Netball Club on Saturday as life memberships were presented at the Ovens and King football league grand final day breakfast. Four members of the Moyhu club were awarded life memberships. Congratulations to Sue Witham, Helen Judd, Bernadette O'Brien and Peter Sullivan. Moyhu are a fantastic family country club. These are dedicated Moyhu club people, who thoroughly deserve the honour. Well done!

Glenrowan Football and Netball Club

Mr McCURDY — Congratulations to the Glenrowan football club on winning the Ovens and King premiership on Saturday, the club's third straight grand final victory. The Kelly Tigers become just the fourth club to win three straight premierships in a row in O and K football. Glenrowan, the flag favourites, beat Tarrawingee by 64 points.

King Valley United Football Netball Club

Mr McCURDY — Congratulations also go to King Valley in the netball, with the A-grade side beating Milawa by a single goal, 40 to 39. It was a cracking game. The win was the second straight premiership for the Roos.

Fran Wallace

Ms SPENCE (Yuroke) — Today I would like to respectfully acknowledge the life of Fran Wallace, who passed away on 10 September, aged 83. Fran was a proud member of the Sunbury branch after joining the Australian Labor Party in 1953. A highly respected life member of the party, Fran held various branch executive roles over many years. She joined the party in New South Wales, where she held the position of St George federal electorate assembly secretary. After moving to Sunbury in 1994 she remained active, including working hard for the election of my predecessor, Liz Beattie, in her successful campaign for Tullamarine in 1999.

It is fair to say that Fran was probably destined to be a life member of the party, given her extensive family legacy. Fran's grandmother Elizabeth Remington was a founding member of the ALP, and her parents, Jack and Rita Wallace, were also recipients of life membership.

Throughout Fran's years as a member there were many moments of great pride. These included her work on many election campaigns, such as campaigning for the election of the Whitlam government in 1972. However, no campaign was more special for Fran than working for and seeing her daughter, Ann Potter, elected to Hume City Council in 2000. She also saw Ann's three successful elections since then and Ann's election by her peers as Hume City Council's first female mayor in 2002.

My deepest condolences to my friend Ann Potter and to Fran's much-loved grandchildren, Jarrod and Riley. May Fran now rest in peace.

The DEPUTY SPEAKER — Order! Before calling the honourable member for Gembrook, I also pass on

my condolences to Fran Wallace's family and friends, as I knew her as well.

Kerri Bolch

Mr BATTIN (Gembrook) — The shadow cabinet met in Pakenham last week, and I am thankful to Kerri Bolch from Berwick College. As a former student at Berwick College, I know the influence this school had on my life, and with the passion Kerri brought to the meeting, the entire Liberal and National teams left understanding the challenges faced in the area, particularly around mental health. Kerri is passionate about funding for a health and wellbeing centre, and I am pleased to be working directly with her to see this centre become a reality in the future.

Berwick College

Mr BATTIN — On another important topic regarding Berwick College, I had the privilege to attend this year's Flynn house Battle of the Bands. Again, it did not let me down, with some really top class acts. All the students who participated should be proud, and I look forward to going along next year.

Outlook

Mr BATTIN — Outlook is an amazing place; if you ever want to define 'community', please feel free to visit Anne and the team. You see, at Outlook they are real when they say, 'Everybody is important no matter their ability and is part of our greater community'. They live and work by this. They work with people with a disability and give them the support and, more importantly, the confidence that they can achieve what they want to in our community.

Outlook will soon begin a new operation, with the Tony Fitzgerald Park to open in Officer. Proudly funded by the Liberal Party when in government, this new social enterprise will have positive outcomes for our environment and create opportunities for workers requiring support to work locally.

Each and every person who works at Outlook receives a minimum wage, no matter the support they require. We enjoy working with Outlook. I wish Outlook all the best as they move forward with their goal of making sure every person in our community can have the opportunity to achieve their goals.

Fran Wallace

Mr J. BULL (Sunbury) — I rise today to give my condolences to a truly remarkable woman. Fran Wallace was known for many things — her generosity,

her kind heart, her spirited nature, her love of all things Labor and, of course, her Sydney Swans.

Whilst Fran officially joined the Labor party 63 years ago, in 1953, she grew up with Labor in her veins. Her grandmother Elizabeth Remington was a founding member of the ALP, and her parents, Jack and Rita Wallace, were ALP life members. It was inevitable that the core Labor values of equality and justice were never far from the front of Fran's mind.

Over the years Fran met, supported and campaigned for some of our greatest leaders. She worked hard on many key elections, campaigning for the Whitlam government in 1972 and Victoria's own Liz Beattie in 1999.

Fran was very proud of her daughter Ann, to whom she passed her great love of both Labor and the Swans. When Ann became a Hume City councillor, Fran was overjoyed, never more so than when Ann was elected as mayor.

Fran loved her family very much. She felt great pride in all their successes and nurtured them through the tough times. Sadly, in recent years Fran's health began to deteriorate, but she never lost her fighting spirit.

Fran leaves a big hole in the Sunbury community that she gave so much to. Whilst there is great sadness at present, she will ultimately be remembered with much love, joy and happiness, which was exactly how she lived.

Country Fire Authority enterprise bargaining agreement

Mr WELLS (Rowville) — This statement is to congratulate the Legislative Council's Standing Committee on the Environment and Planning for its continuing good work on its inquiry into fire season preparedness and in getting to the bottom of the Country Fire Authority (CFA) enterprise bargaining agreement (EBA) fiasco. Recent testimony given by key witnesses before the committee points to a mounting body of evidence that overwhelmingly suggests that, if enacted, the new EBA will seriously undermine the rights of volunteers and will hinder and threaten the CFA's fire season preparedness.

Last Tuesday the committee took testimony from two critical and highly respected witnesses in former CFA CEO Lucinda Nolan and former CFA chief officer Joe Buffone. In a highly damaging hearing for the Premier and his 'sack, conquer and it'll all be okay' strategy, Lucinda Nolan stated that she did not sign the EBA 'because it was destructive and divisive' and would

destroy the CFA organisation. In earlier testimony to the committee former CFA board chair, John Peberdy, who was sacked by the Andrews government along with other board members, confirmed that the true cost of the EBA deal was between \$600 million and 700 million, not the \$160 million Department of Treasury and Finance figure quoted by the Premier.

And all for what? So the Premier can pay back his close union mate, Peter Marshall, and the United Firefighters Union for their devious, disgraceful and highly misleading campaign behaviour to help Victorian Labor to victory at the 2014 state election. The Premier should hang his head in shame at his treatment of so many fine, respected CFA people during this entire EBA fiasco.

Whittington Primary School

Ms COUZENS (Geelong) — I was delighted to be principal for a day at Whittington Primary School last week. I started the day at 7.30 a.m. attending the regional principals' breakfast with principal Barrie Speight. From there we headed to the school to transport children to a sporting event, then back to the school where I visited each classroom to visit students and teachers. At lunchtime I enjoyed a barbecue with the parents, teachers and students, and then spent a wonderful afternoon with parents watching each class perform in a play about ancient Greece. It was a great day and I want to thank Barrie and the teachers, students and parents for the opportunity to spend the day at Whittington Primary School.

Dementia Awareness Month

Ms COUZENS — On Sunday I participated in the opening of the third Alzheimer's Australia Memory Walk & Jog in Geelong. September is Dementia Awareness Month, run by Alzheimer's Australia. There are an estimated 81 000 people living with dementia in Victoria and 342 000 throughout Australia. This was my third walk, and the participation rate gets better each year, with hundreds of carers and family members raising much-needed research funds. I took along a team to do the walk along the Barwon River, which we did with ease. I want to acknowledge the work of the organising team, who do an amazing job. I particularly want to congratulate Christine Bolt for her hard work and commitment to this event. Loss of social networks leaves people with dementia and their carers more vulnerable to loneliness. The message is to reach out to friends and family living with dementia to stay connected and improve community wellbeing.

Coleraine and Casterton floods

Ms KEALY (Lowan) — The State Emergency Service (SES) have been absolutely fabulous throughout the recent flood event in the Coleraine and Casterton region. The contribution to support and protect our flood-affected communities has been outstanding, including doorknocking, evacuating and assisting people to escape from floodwaters, sandbagging properties and helping with clean-up activities. Sincere thanks for your time, effort and hard work.

It is devastating for our community to face the loss of community assets through flood. It is essential that the Andrews Labor government provide immediate funding to local councils, sporting clubs and community organisations to ensure these assets can be replaced as soon as possible.

Following extensive rain our roads have deteriorated to an absolutely dangerous state. Rains have washed away large sections of road, edges of roads are crumbling away and many roads, including the Glenelg Highway, have more potholes than bitumen. For the safety of our people it is essential that the Andrews Labor government provides VicRoads with immediate funding and reverses its drastic cuts of hundreds of millions of dollars from the road asset management budget.

I would like to thank Lions Club International Australia for their generous donation of \$10 000 for distribution through the Coleraine Lions Club, which will make an enormous difference to those people impacted by flood. Thank you to Stephen Field, Annie Hateley, the local cricket community and Cricket Victoria for taking prompt action to replace cricket gear lost due to flood damage in Casterton, Wando Vale and other flood-affected areas.

Our country communities come into their own during a crisis. The support offered by the police, the SES, the Country Fire Authority, service and sporting clubs, local businesses and individuals following the Casterton and Coleraine floods has been outstanding. I am extremely proud of the ongoing support and care that our people have provided to one another during a very difficult time. I thank you all. And I would like to take this opportunity to wish my communities very, very well. We have got more rain events expected over this afternoon and the next two days, and I do hope that our people are not severely impacted but are properly prepared, and I wish them all the best.

The Babes Project

Mr EDBROOKE (Frankston) — I recently visited the brand-new Frankston location of The Babes Project. Helen and the staff from The Babes Project have made it their priority to ensure that every space in their new pregnancy support centre is a warm, friendly and safe environment for women. I was amazed that as soon as you walk in the door there is a homely feel, with a pram station at the entrance, continuing on to a waiting room with fresh flowers and positive images of mothers and their children.

One of my favourite rooms was the nursery. It is most likely the smallest room they have but what they have done is incredible. The room serves two purposes. Firstly, the nursery is the perfect setting to model some of the practical parts of parenting such as changing a nappy, safe sleeping and wrapping. Secondly, it is a way of showing people that they do not need to spend large amounts of cash to create a beautiful space for their baby. The entire nursery was created for under \$400 and they have got all the products in a brochure on where to source them from.

There are many examples of why these are not your typical parenting classes or pregnancy support services. This different approach is an inviting environment for vulnerable expecting mothers. They can message through Facebook for appointments or seek advice. They feel welcome in a non-clinical environment. They are encouraged to interact with others of the same age or with the same lived experiences, and the outcomes are incredible. But do not just take my word for it. As client Mel said:

The practical support that The Babes Project has given me has just been amazing. And I felt reassured that there was always people I could ask questions from if needed. I was also provided with clothes and supplies for myself and my baby that was invaluable when I gave birth.

Grand Final Friday

Mrs FYFFE (Evelyn) — A year ago I spoke on the grand final public holiday and said:

Victorians are proud, we are competitive, we like to be first and we want to be no. 1. However, to be no. 1 in having the highest number of public holidays in this country is not a position I want to hold.

A year later we are approaching the grand final public holiday and it is hurting businesses. Hospitality is a major employer in the Yarra Valley. Many restaurants and hotels have told me they will be closing on Grand Final Friday. A level 1 kitchen attendant is paid \$22.76 per hour, and with a 6-hour shift they would earn

\$136.56 on a non-public holiday Friday. That same kitchen attendant on a public holiday is paid \$50.08 an hour, with the 6-hour shift earning them \$300.48. Every extra dollar in staffing costs comes off the bottom line. If they open their doors on Grand Final Friday, most owners of restaurants, hotels, cafes and pubs — thanks to this government — will be working for nothing on this public holiday this state does not need.

Flemington public housing estate

Mr PEARSON (Essendon) — I was delighted to have the Minister for Housing, Disability and Ageing visit the Flemington public housing estate last week, where the Andrews Labor government announced a \$30 million commitment to kickstart the redevelopment of this estate with the demolition of the walk-up flats. These flats were built in the late 1950s and early 1960s, and they are well and truly past their use-by date. This is a once-in-a-generation opportunity to redevelop this estate. We will not make the mistakes of the past, where the old housing commission used to impose outcomes on communities that did not reflect the needs of the community. Instead we will be working with the residents, the City of Moonee Valley and the Flemington Association to get the best possible outcome for the community.

The people of Flemington have waited far too long for quality housing, and it is only a Labor government that is providing it. The Greens political party have been nothing more than commentators. The federal member for Melbourne, Adam Bandt, has been the local member for six years, and in six years he has not delivered a single public housing dwelling for the people of the Flemington public housing estate.

Aberfeldie Jets

Mr PEARSON — Congratulations to the Aberfeldie Jets under-10 girls side, who made it through to the grand final but sadly lost to the Sydenham Saints on the weekend. Congratulations to coach Julian Wilson on his outstanding efforts throughout the season and to the girls: Abbey Cooper, Aimee Christie, Aurelia Wilson, Charlotte Marshall-Pearson, Holly Gardner, Jessica Donohoe, Mavi Yesilyurt-Desensi, Ruby Anderson and Ruby Perrin.

Hem 27

Mr PEARSON — Finally, a big shout out to the Hem 27 Vietnamese noodle soup kitchen in Flemington for 'best cheap eat' in *The Age Good Food Guide 2017* awards. It is a great new institution in Flemington, and I

look forward to going there with the member for Eltham.

Bunyip Primary School

Mr BLACKWOOD (Narracan) — Last Thursday I had the pleasure of being principal for a day at Bunyip Primary School. It was a fantastic experience. The acting principal, Dale Hendrick, his staff and the students all made me feel very welcome. The school has a tremendous feel about it, and the program being delivered by the hardworking and dedicated staff is obviously having a significant positive impact on the students.

I spent time with the student representative council and groups of students from years 3, 4, 5 and 6. The interaction with the students and the questions asked and suggestions made were very sensible. In fact one young female student suggested that we should introduce a law that lowers the speed limit when the roads are wet, and I commend her suggestion to the Minister for Roads and Road Safety for his consideration. This is just an example of the quality of the discussion with this fantastic cohort of students at Bunyip Primary School.

Country Fire Authority Darnum Ellinbank brigade

Mr BLACKWOOD — Next Sunday I will be attending the 70th anniversary celebrations of the Darnum Ellinbank Country Fire Authority (CFA). At this event a book written by Caroline Turner detailing the proud 70-year history of the brigade will be launched. It is extremely important that we have the history of the brigade recorded so that it can be passed on to future generations and, importantly, remind us all of the amazing dedication and commitment of all members of the Darnum Ellinbank CFA over 70 years that still continues today.

It is a disgrace that the Premier has chosen to kick dirt in the face of our volunteers rather than stand up to Peter Marshall.

Equal Pay Day

Ms KILKENNY (Carrum) — Last Thursday, 8 September, was Equal Pay Day. This represents the 70 extra days from 30 June that women must work to earn the same as men. It is not okay to pay women less, yet at the moment the national gender pay gap is sitting at 16.2 per cent for full-time workers.

I visited Carrum Downs Secondary College last week to talk with young women from grades 7 to 12 about a

whole range of issues, including gender inequality. More than half were not aware of the gender pay gap, but when asked they thought it was grossly unfair that women should get paid less. I asked them why this is happening. Their answers were illuminating: ‘We are seen as weaker than men’, ‘People think we are not as good as men’ and, ‘We are portrayed in the media as objects’.

I asked these young women to challenge the assumptions, to challenge the gender discrimination and to challenge the negative attitudes about women. I asked them to think about being role models for even younger girls. I told them about the work the Andrews government is doing to end gender inequality — from developing the first ever gender equality strategy to making sure that at least 50 per cent of all future paid government board members are women and making sure that 50 per cent of all judicial appointments are women.

I know some of those young women from Carrum Downs Secondary College will take up the challenge — some are already doing it — from pushing themselves to speak up in physics class, where they are only one of three girls in the class, to questioning why the local papers disproportionately cover men’s sports or working with local sporting clubs to try to increase girls’ participation in local sports like football and soccer. These young women are our future. They absolutely deserve to get paid the same as their male counterparts.

Country Fire Authority enterprise bargaining agreement

Ms STALEY (Ripon) — This is a letter from district council no. 16 of the Volunteer Fire Brigades Victoria (VFBV), dated 12 September 2016, to the Premier. It reads:

Vote of no confidence in Premier and emergency services minister

At the August 2016 meeting of VFBV district council no. 16 concern was voiced at the continued interference by the Premier and minister in the United Firefighters Union enterprise bargaining agreement and blatant disregard of CFA volunteers’ genuine concerns that the proposed agreement, in its current form, shall:

undermine the powers and authority of the chief officer;

give power of veto to the union over matters affecting volunteers with regard to organisation, operations and direct support to volunteers and volunteer brigades;

contravene clauses of the CFA act; and

see frontline first-response volunteer firefighters treated as second-class responders in their own communities.

The members of VFBV district council no. 16, comprising 64 brigades and six groups and approximately 3600 volunteers, are outraged that yourself and the minister should choose to ignore the CFA volunteer charter and continue to refuse to engage in meaningful discussion and consultation with the VFBV as laid out in that charter and enshrined in the legislation of the CFA act. The members are also disgusted at the lies and innuendo that you choose to perpetuate in the media to attack those who do not share your opinions.

It is signed by Peter Hannan, the president of VFBV district council no. 16, on behalf of over 40 Ripon brigades plus many other brigades.

Matthew Agostinelli

Ms WARD (Eltham) — Congratulations to Matthew Agostinelli from Eltham North, who recently won the pre-accredited learner excellence award at this year’s Victorian Learn Local Awards. Matt has worked hard over the last four years to go from battling to walk through the front door of his Learn Local, the Diamond Valley Learning Centre (DVLC), to being not only a fantastic learner but a volunteer at the DVLC. In his acceptance speech Matt spoke of thinking his life was over at 14, when he had a serious mental health condition diagnosed. At 15 he came to DVLC, and five years later there he was on stage accepting his award.

This award is testament to Matt’s perseverance and determination as well as the terrific work that happens at the Diamond Valley Learning Centre. In the words of DVLC’s youth programs manager, Katrina Sawyer, Matt has ‘a full life and is a fantastic volunteer’. There are so many wonderful staff and volunteers at DVLC, and their work in helping kids like Matt is so terribly important, as is the ongoing support Learn Locals need from all levels of government. Congratulations on achieving this award, Matt — you well deserve it.

Eltham East Primary School

Ms WARD — Last night the Robert Blackwood Hall at Monash University was full of music, colour and dance with the fabulous Eltham East Primary School concert. I am sure everyone in this place knows about the amazing skills of the Eltham East choir and the wonderful Anne Williams, who has honed the vocal skills of thousands of Eltham East primary school children over decades.

Last night they showed off not only their great dancing skills but their acting skills and strong engagement with knowledge and inclusion. Alyssa and Rowan took the audience on an exploration of their school, using the

vehicle of Alyssa being a visitor from Thailand. They embraced the differences between the two countries and had fun with the similarities. It was wonderful to see the children having so much fun, and like the many parents, grandparents and friends in the audience, Nillumbik councillor Helen Coleman and I were very proud of our Eltham East kids too.

World Lymphoma Awareness Day

Ms BRITNELL (South-West Coast) — I am wearing a lime ribbon to put lymphoma in the limelight. September is lymphoma month and Thursday is World Lymphoma Awareness Day.

The incidence of lymphoma is rising significantly. So many people in my region are affected by this life-threatening disease, and too many more are diagnosed every day. I am a lymphoma survivor, and this time last year I was completing my final round of radiation treatment. I am well due to the good work of a team of medical professionals led by the hardworking Dr John Hounsell, a specialist on the south-west coast whose workload is well overcommitted. To support doctors and teams like the one John leads, we need more funding for research into this disease and for lymphoma care nurses.

South-West Coast electorate floods

Ms BRITNELL — In the last week heavy rain has caused widespread flooding across my electorate. In some areas up to 72 millimetres of rain fell in 48 hours, turning paddocks into inland seas. More rain is predicted this week. This rain, as predicted, will cause further damage to our roads, which this government refuses to fund properly.

I thank the State Emergency Service volunteers who have been working tirelessly over the weekend in an effort to reduce potential impacts. After the recent rainfall it seems absolutely farcical to start up the desalination plant. This government has jumped the gun and tried to create a crisis, and now taxpayers are going to be left with the bill.

Dairy industry

Ms BRITNELL — I have been made aware of a number of schools across the state that have milk in schools programs supported by the state government, and the only thing is that the milk they are using is being imported from New Zealand. Surely this government could encourage buying local to help locals. This government is intent on telling the concerned community that it is helping local dairy

farmers when in fact the bulk of farmers are getting no benefit from this state government's actions.

Yarra View Nursery

Ms WILLIAMS (Dandenong) — Recently I had the great pleasure of joining my upper house colleague Daniel Mulino on a visit to the Yarra View wholesale nursery in Mount Evelyn. Yarra View is a social enterprise run by Knoxbrooke Incorporated. It employs about 100 people, most of whom have intellectual disabilities. Yarra View is an inclusive workplace and training provider that provides opportunities for people with a disability to engage in meaningful employment. But apart from this, Yarra View is a highly regarded business supplying high-quality plants to some of Australia's largest plant retailers. Many of these retailers may not know that Yarra View is a social enterprise, and I think the team at Yarra View like it this way because they know they have been selected as a supplier for no other reason than the quality of their product.

The Andrews government is in the process of holding consultations around Victoria to inform its first-ever social enterprise strategy. It has been my pleasure to assist the Minister for Industry and Employment in this work. As part of my education in this space, I thought it would be a good idea to see some enterprises first hand, and Yarra View came highly recommended. Walking around the nursery I saw people hard at work planting cuttings, watering, monitoring the greenhouses, making kindling, preparing plants with great care for shipment to the retail nurseries, and more. Many of the workers are participating in horticulture training, and their skills are top notch. I met a few of the workers, including Nick, who is undertaking some training in cleaning and in between his cleaning duties conducts tours of the nursery, stopping at each work station to explain the tasks being undertaken. Thanks to Krystian Dauncey, CEO of Knoxbrooke, for taking the time to explain the Yarra View operations and introduce us to the workers. Krystian's pride in this operation and in the standards it maintains is electric and absolutely warranted. Yarra View is a fine example of what social enterprises give back to our community.

Glen Eira College

Mr DIMOPOULOS (Oakleigh) — This never gets boring. Yet again I rise to speak about this government's passion for education and delivering on commitments. Members might recall Labor's key pledge to Glen Eira College before the election for a \$9.5 million upgrade. It was long overdue and ignored by the previous government. In our first budget we

provided a \$950 000 down payment to start planning, and this year we have provided the remaining funding in full. Last Wednesday the Minister for Education and I, together with the captain and some of the students, helped turn the first sod for construction — promised, delivered and underway. But our commitment to Glen Eira does not stop there. Over the weekend I informed the fantastic principal, Sheereen Kindler, about an added pledge of \$600 000 to bring the gym up to competition standard. That is a total of \$10.1 million for Glen Eira College. Thanks go to Sheereen, staff, parents and the hardworking school council team, including Rhonda, Ruth, Jonathon, and the junior captains, Sean and Sierra, for looking after us on the day.

Monash Children's Hospital

Mr DIMOPOULOS — On Sunday, at the Monash Children's Hospital in Clayton, I and many of my colleagues whose electorates will benefit from this new hospital joined the Premier, the Minister for Health and the Minister for Education to announce a brand-new school, the Monash Children's Hospital school. We have delivered a new \$3.8 million helipad and provided nearly \$14 million for the early-in-life mental health service, and now there is a \$6.8 million new school so sick kids can stay engaged and not fall behind in their studies. That is an amazing result for education for the Oakleigh electorate and beyond, and I know there is more to come.

Moreland Primary School

Ms GARRETT (Brunswick) — It was a pleasure on Thursday to be principal for a day at the outstanding Moreland Primary School. It is a school that is a culturally diverse and innovative place. I spent the time with the principal, John Williams, who took me through the project-based learning that the school has embraced, which is all about making sure that the students are working in small teams on projects to increase their learning capacity and their social interaction. It is an outstanding success, and I want to thank the school for the opportunity.

ESTATE AGENTS AMENDMENT (UNDERQUOTING) BILL 2016

Second reading

Debate resumed from 30 August; motion of Ms KAIROUZ (Minister for Consumer Affairs, Gaming and Liquor Regulation).

Mr NORTHE (Morwell) — I rise this afternoon to speak on the Estate Agents Amendment

(Underquoting) Bill 2016. The bill amends the Estate Agents Act 1980 to introduce measures to address underquoting in the sale of residential property and for other purposes. First off, buying a home — a house — is one of the most important things that we will do in our lives, and it is absolutely imperative that we have processes and systems in place and integrity in the systems whereby those who are seeking to purchase a property are not being sold out but are provided with as accurate and correct information as is feasibly possible, because there has been enormous attention paid to this particular issue of underquoting over a period of time. What it can do is have a significant impact upon a person or persons, whether that be financial or in terms of time consumption or otherwise. There are many unfortunate stories that have been conveyed over a period of time about the frustration of many people in their endeavours to purchase a residential property.

I suppose, first off, it is important to understand what is underquoting. When one looks at the Consumer Affairs Victoria website, under the heading of 'Underquoting' it says:

Underquoting is when an agent misleads a prospective buyer about the likely selling price of a property for sale.

It goes on to give some examples. Underquoting might be when a property is advertised or quoted to a prospective buyer at a price that might be less than the seller's asking price or auction reserve price, it might be less than the agent's estimate of the selling price or it might be less than a genuine offer or expression of interest. Over a period of time, if you are seeking to buy a property in the market, it can be an enormous source of frustration to attend an auction or try to buy a property if the eventual price it sells for is markedly higher than the advertised price or the price that has been provided by an agent.

The bill itself certainly provides a number of different measures to deal with underquoting. The bill provides for how real estate agents are to determine estimated selling prices for a residential property that they are engaged or appointed to sell. It provides for a revision of those estimates. It also requires real estate agents to produce statements of information for residential properties that they have been engaged or appointed to sell. It creates new offences in relation to stating selling prices in the marketing of residential property. The bill also enables the director of Consumer Affairs Victoria to give notices to estate agents requiring them to provide the director with information or documents, and it also enables courts to require estate agents to pay commission received as a result of the new offences to the Victorian Property Fund.

There have been, as I say, a number of media articles over a period of time, and certainly the coalition has received substantial feedback from real estate agents with concerns about the legislation. I will articulate those during the course of my contribution to the debate. I must at this point in time thank the minister's office and the department for their briefing and information with respect to the bill.

If we move to clauses of the bill, we see under clause 4, which is headed 'Definitions', a description of what a residential property is. It states:

"residential property means real estate that is used, or intended to be used, for residential purposes but does not include real estate that is used primarily for the purposes of industry, commerce or primary production;"

Some of the feedback that we have had from real estate agents and those involved with the industry is about the interpretation of 'residential properties' that pertain to industry or commerce or primary production. It could well be that there is still some confusion about how that might be interpreted through the practical application of the bill, but nonetheless those are the types of concerns that have been raised.

On clause 5, new section 47A is headed 'Seller must be given estimated selling price'. This is probably a key component of the government's bill where they are requiring agents to provide an estimated selling price, and there are a number of different criteria that apply with regard to that. Part of the description of a seller giving an estimated selling price is that they have to express that price as a single amount or a price range where the difference between the upper and lower limits of the range does not exceed 10 per cent of the amount of the lower limit of that particular range. So essentially, if you want to advertise a property at \$700 000, the upper limit would be at \$770 000, for example. Again, some concerns and feedback we have had from some agencies is about whether that is a sensible range. Some suggest maybe it should be more. Others suggest otherwise.

New section 47A(2) states:

Nothing in this section requires the estimate of a selling price and the seller's reserve price to be the same amount.

I will talk more about that later in my contribution, particularly because it is very important to understand how that applies to auctions. When we look at new section 47AC inserted by the bill, new subsection (1) talks about how that estimated selling price is determined. There are a number of factors that have to be given regard to. One of those is that if you are in the metropolitan Melbourne area, you would have to take

into account three comparable properties that have been sold over the preceding six months within a 2-kilometre radius. The alternative is if you are outside of the metropolitan Melbourne area, you would have to provide details of three comparable properties sold over the preceding 18 months within a 5-kilometre area.

One of the issues again that has been highlighted to us with regard to the bill is the definition of the metropolitan Melbourne area. At the briefing we were advised that bill indicates that the director of Consumer Affairs Victoria would ultimately determine what the definition of the metropolitan Melbourne area is, but as we debate the bill now we do not have any description of what that might be.

Feedback from some real estate agents has been on the 10 per cent threshold, if you like, for the advertised selling price. Markets can fluctuate very quickly in a very short space of time, so in a practical sense I think there is some nervousness amongst real estate agents. If I use the example of a \$700 000 to \$770 000 property and advertising in that 10 per cent range in a short period of time, if you are comparing properties from 18 months ago, all of a sudden you advance to the here and now where properties might be worth \$850 000, and I think there is some nervousness from the agents with respect to what they do in terms of providing that information on an estimated selling price when they have only got properties that are in that \$700 000 to \$770 000 range, for example. The practical application certainly raises concerns from within the ranks of some real estate agents.

New section 47AE refers to the revision of an estimated selling price. It says:

If an estate agent or agent's representative knows, or could reasonably be expected to know, that an estimate contained in an engagement or appointment to sell residential property has ceased to be a reasonable estimate of the selling price of the residential property, the agent or representative must notify the seller, in writing —

and there are further provisions that fall under this clause. That is fair enough. Again, the feedback I have had from a number of people is about how this might work in a practical sense, and I will talk more about the practical application when it particularly comes to auctions. Obviously there is only a very short time frame within which agents are able to not only amend their statement of information but also advertise the fact that the estimated price may have changed for a variety of reasons which might be applicable under the proposed legislation.

I will just refer to the statements of information — a provision of the bill under new section 47AF. A statement of information would contain a number of

different pieces of information, including the indicative selling price for a residential property. That might be expressed as a single amount or it might be expressed as a price range within 10 per cent, which I have discussed previously. It would include the median selling price for residential property in the same suburb in which that particular residential property is located and that was sold during the period of not less than 3 consecutive months and not more than 12 consecutive months ending not more than 6 months before the information statement is prepared. It must specify the type of residential property to which the median selling price included in the statement relates, plus a number of different provisions as well.

In summary, there are a number of provisions that this bill seeks to implement, and it is interesting to read some of the media and feedback that we have had from a number of different stakeholders with regard to this bill. If one goes back to the *Herald Sun* on 11 August last year, an article headed 'Quote low, sell high on housing' by Matt Johnston, commences with:

A highly paid real estate agent emailed me last week with a property 'quote' that turned out to be \$200 000 lower than what the vendor actually wanted.

'At this stage of the campaign we are expecting buyer (sic) in the vicinity of \$750 000', the agent wrote.

The article goes on to say:

Despite the good location of the small two-bedroom house, and a hot property market, it failed to sell at auction and is now listed online at \$950 000 ...

This is not only well outside of the writer's budget but \$200 000 above what the agent was quoting at the time they expected the property to sell for. That article goes on to say:

A friend also treading water in the househunting game was told — unprompted — that a vendor had lowered an apartment price to between \$590 000 and \$640 000.

On auction day, the house failed to go under the hammer after a bid of \$675 000, and was eventually sold for \$690 000.

'I went to the expense of getting a conveyancer to go through the contract; I wasted a lot of time', my friend said.

I think that is the experience, unfortunately, of a lot of prospective buyers in the market, where there is an enormous amount of frustration when people spend time and effort thinking about and turning up to sales of properties that they might be in the market for in a particular price range. They might have gone and sourced a number of different building inspections with respect to the house in understanding the property and making sure that it is safe and insured and that the building is sound. So there is the engagement and costs

of a lot of different people to ensure that they can purchase a property that they might have their heart set on with some confidence. However, they do not have that confidence in being able to turn up to an auction or sale of a property because all of a sudden their experience is that the actual price of the property is substantially higher than what they were quoted. Then that frustration certainly sets in.

There have been a number of different articles. I will not go through them in great detail, but again in the *Herald Sun* there is an article from 10 January of this year headed 'High price of underquoting'. That particular article states that Consumer Affairs Victoria had received a number of complaints:

... 1676 formal complaints about real estate agents in the past two years, with underquoting among common consumer grievances.

In the *Sunbury & Macedon Ranges Star Weekly* on 15 March this year there was an article headed 'Underquoting laws "don't go far enough"', and this was around the same time that the government announced they were going to make some changes to underquoting. The article reads:

Proposed changes designed to stamp out the underquoting of estimated auction results do not go far enough, former Real Estate Institute of Victoria ethics committee chairman John Keating claims.

As reported by *Star Weekly*, the Woodend-based Keatings Real Estate director —

you might know him, Acting Speaker Thomas —

believes major reform is needed to stop rogue agents misleading potential buyers by underquoting house price estimates by tens of thousands of dollars.

The article goes on to quote Mr Keating as saying:

The fundamental problem hasn't been addressed ... As long as the vendor has the right to change their mind any time up until they sign a contract, agents will still be able to conceal the prices vendors are really looking for.

The requirement for three comparable sales is going to be very difficult to actively police because agents will give sales that might purport to be comparable, but are not.

Mr Keating goes on to say that he wants:

... agents to be required to publish the vendor's reserve price in all advertising.

The *Mildura Weekly* in April of this year, in its article with regard to the proposed new legislation we are debating today, states:

Roccisano Property Group director, Tony Roccisano, described the state government's move as 'unnecessary' — especially in regional centres.

'The real estate industry is unnecessarily over-regulated as it is', he said. 'The industry is so over-regulated it's becoming a nightmare to police and control'.

This is the feedback I have had from a number of regional communities, and I am sure the member for Polwarth and others who speak on this will say the same thing. But the reality is, as Mr Roccisano says:

Underquoting is not an issue we have a problem with here in Mildura — it's an issue more centred on the metropolitan areas.

In regional areas this type of change is overkill. While we might see some fluctuations in prices, it's nowhere near as severe as what you might see in some areas of Melbourne, for example.

The article goes on to outline some more criticism from Mr Roccisano. The feedback I have had from regional real estate agents is that underquoting generally is not an issue in those communities. But all of a sudden we now have these additional obligations and requirements of us, which is time consuming. It adds cost to what we do and eventually, for those selling their property or buying a property, it actually does have an undue influence on the market in some of those areas. I think that is a genuine concern that has been raised by some of the agents.

There are a whole host of other media articles — for example, an *Australian Financial Review* article in March 2016 headed 'Underquoting agents face \$30 000 fine'. As part of that, if you look in that article, there are some comments from realAs chief executive Josh Rowe. Mr Rowe said:

Victoria is the underquoting capital of Australia, it's a cancer on the industry that must be fixed ...

The article goes on to say:

But Mr Rowe warned there were numerous grey areas in the proposed legislation that gave room for rogue agents to continue to underquote.

Mr Rowe said:

For example, the proposed laws are silent on what price is quoted to prospective homebuyers versus what is in the agreement with vendors. This allows rogue agents to only nominate the official reserve price on the day of the auction ...

There is more and more commentary with respect to that. The point I raise is that there are a wide range of different views and opinions with respect to this legislation. I do not necessarily like the description of 'rogue real estate agents' because I think that generalises too much. Unfortunately in any vocation or industry there are people who manipulate the system and who do the wrong thing, and they deserve to be

weeded out. I do not think anybody disagrees with that. I think that on the whole real estate agents do a great job. I know many of them personally in my local community. They are not only good agents but they are damned good people who are genuine about not only helping people to sell their home but also helping people to buy a home. I think to be categorised negatively like that is unfair for the bulk of agents.

As I said, those who are doing the wrong thing absolutely deserve to be penalised and held to account. Indeed there are number of agents who are in the firing line at the moment with regard to that. I know there is a more recent media article, which I do not have at the moment, that outlines this. In April of this year the *Herald Sun* talked about a number of real estate agents who were under investigation. I know one of those investigations is currently before the Federal Court. This particular article of April this year referred to legal action against one Melbourne agency — namely, Hocking Stuart Richmond. That was in regard to proceedings relating to the marketing of 11 properties in Richmond and Kew. As I said, that is before the Federal Court at the moment. It will be interesting to see how that ultimately resolves itself and what penalties may apply in that particular ruling. Again, I make the point that there are some fantastic real estate agents who do a great job in finding family homes for people and who also do the right thing in making sure that they sell properties for sellers. It is an important job.

I would just like to read some of the feedback that I have had, as you do when legislation comes to the Parliament. You take it to different stakeholders and industry groups and get their feedback on what they think about the proposed legislation. Some of the feedback that I have had is — in their own words, not mine — that the legislation before us is bureaucratic, it is complex and it is unworkable. One response I had from an agent relates to some concerns about smaller and local townships, particularly in regional Victoria but even some coastal towns, and how the legislation might work. I will read out part of the correspondence that I received from this particular agent. They said:

I have two concerns that relate to homes outside of Melbourne metro areas particularly small and local townships in regional Victoria.

... and general concerns related to agents and sellers working together when the seller wants to list their property well over the agent's estimated price.

The general concern is a seller can ask whatever price they want for a property in a private sale and the new legislation neither considers such and has added a whole lot of red tape.

This person said:

We have regular approaches from buyers who ask us to find a home in a specific area. They comment they would pay whatever it takes. This often occurs as an off-market sale where we represent the seller and we negotiate a price that has no comparison and the need to follow such new legislation for these off-market sales is redundant and onerous with no net benefit. There should be some waiver for off-market sales so the agent does not have to comply with a price representation to a buyer in this new legislation.

The second concern from this agent primarily related to small towns. In relation to new section 47AC, which I spoke about previously, and the determination of estimated selling price, this person believed that smaller rural towns and communities should be exempt from that, because obviously it is very difficult for them to consider comparable properties. Therefore the person subsequently suggested that maybe smaller towns and communities should be exempted from the obligation of a statement of information and/or have a higher price range in which you could advertise your property, not 10 per cent as proposed by this legislation but potentially somewhere in the area of 15 per cent.

Another real estate agent who I received some correspondence from, who I will quote, basically said:

In regard to the 'advertising', I fully support it but there is one point that needs clarification; what constitutes an offer in writing?

Again, this is a constant theme I have had from a number of people about what does constitute an offer in writing. When an agent receives an offer they therefore have to go and make some changes to the statement of information and ensure that the consumer is aware of that offer, but legally what is that offer in writing? I think that needs some clarification from the government and the minister.

The agent went on to say:

There should be no compulsion on an agent or vendor to amend advertising if the 'offer' was not made in the correct, 'legally binding' format; it's a nonsense. For example, any person with access to a mobile phone could SMS an offer to an agent, without any genuine intent, and then withdraw their offer when accepted.

He also said:

In regard to the 'estimated selling price and statement of information', this is poorly constructed and inevitably places the agent in a compromised position when acting for his client, the vendor.

...

The 'statement of information' should be opposed as it contradicts every premise of good agency practice, may unfairly impact on the vendor's price and unfairly imposes a

burden on the agent by attempting to shift the burden of 'caveat emptor' away from the buyer and onto the agent.

Again, they are not my words — that is from an agent. Another issue which I received some feedback on was agents' concerns about the revising of the estimated selling price. The statement of information also concerns a number of agents.

In summary, whilst I understand the government might have the intention to introduce this legislation to try and resolve some issues that pertain to underquoting from the consumer's point of view, on the other side of the fence some enormous concerns have been raised by those who deal within the industry — the agents — with regard to the legislation. I call upon the government and the minister to give some of these concerns the regard they are due, because if we are going to look at improving this area through legislation, we have to ensure that the changes work effectively for real estate agents across Victoria.

Some of the concerns that have been expressed include a concern about the definition of 'Melbourne metropolitan area'. What is the absolute definition of 'residential property', when does it apply and how does it apply to farms, primary production and commerce? We are concerned about the additional red tape that will be imposed upon many real estate agents, particularly those in regional Victoria. Underquoting is generally not seen as an issue in regional communities.

We are concerned about how auctions might operate. I think that concern has been put to me by every single stakeholder who has provided feedback to me. A practical example is if we are having an auction this coming Saturday, the real estate agent is obliged to create an estimated price by going through the process of looking at comparable properties and then advertising the property within the limited range of 10 per cent. They are also required to make sure that their statement of information has the relevant information as required under this legislation. But a real-life example can happen whereby on the Friday before the auction the seller of that property goes to the agent and says, 'Right, we have this property listed between \$700 000 and \$770 000. My reserve price is now \$850 000'. There is nothing stopping the seller doing this. What happens then from a practical point of view? That is a real concern for many agents. Do they proceed with the auction? Do they try and fumble their way through by quickly changing the statement of information and their online advertising? Are they really able to do that in a short period of time? Or do they ignore it and hope for the best and that they will not be penalised?

I have not talked much about the penalties within the legislation, but significant penalties apply for non-compliance. They are the real, practical application of this legislation — how it might apply and how difficult that might be. I think on that particular point alone further regard needs to be given by the government and the minister to how the legislation might better work in a practical sense, because each and every single person who has provided feedback to me on this legislation has said the same thing: we just do not know how this is going to work when we come to an auction. Potentially on the day the seller might go to the agent and say, ‘You know what — my high end of the range might be 770, but by gee, we’re getting a lot of people through the door inspecting the property. I’m really confident we can get 850 — maybe even higher’. So all of a sudden the agents then do not look good when the reserve price is set at a price higher than the listed and advertised range.

We believe that a few anomalies exist in this bill. They have been put to us by a number of agents right across Victoria, including regional Victoria. I really do think the government needs to further consider some of the provisions within the bill to make sure that if it is to eradicate some of the problems of underquoting, the practical applications of the bill that occur, particularly from a real estate agent perspective, are improved and enhanced before this legislation is passed.

Ms WILLIAMS (Dandenong) — It is my pleasure to rise in support of the Estate Agents Amendment (Underquoting) Bill 2016. At the outset I will note the comments by the previous speaker, the member for Morwell, which went to the fact that most real estate agents do the right thing, are good at what they do and seek to get the best outcomes for their clients. That had me reflecting on my own experience with real estate agents. Having only purchased two properties in my life so far, I think I have got a 50-50 rate — one really good experience and one really awful experience. The awful experience involved the misappropriation of funds from a deposit by an unscrupulous real estate agent, which promptly found its way into the media. I think he had stolen about \$2 million of deposits and put them into his own accounts, and I understand he is currently doing time in prison for his efforts.

That has not tarnished my view of real estate agents overall, though. I maintain that most of them do the right thing, and I think this bill, which amends the Estate Agents Act 1980, is a very important part of ensuring that our real estate agents act as properly as they possibly can in advising potential buyers as to price. We know these new measures address the

problem of underquoting by estate agents in the sale of residential property in particular.

I thought I would start with a definition of what constitutes underquoting. Underquoting is when an estate agent or agent’s representative misleads a prospective buyer to believe that the likely selling price for a property is lower than it actually is. This can include advertising or quoting in any way a price that is below the amount that the agent genuinely believes the property will sell for, or advertising below an amount that the seller will not accept, such as an asking price or an auction reserve price or an offer that the seller has already rejected.

For most of us it is fair to say that a property — a house — will be the single biggest investment we make in our lives. I think it is fair to say that for most of us it is a pretty nerve-racking experience, and it can be a financial stretch at the best of times. Underquoting is an area that most of us are familiar with, I think. Indeed many of us will have experienced it to some degree ourselves. I have spoken to local residents in my community who have felt quite dejected, after months of househunting, to watch properties go way beyond what they were listed at. This is not always an issue of underquoting — sometimes there are unexpected results in the market — but I know that many of my constituents at different times have raised the frustration that it happens so frequently that at least some cases must involve underquoting. They often express feelings that it is unfair and that the odds are stacked against them. They express that frustration of getting your hopes up only to have them crushed by what could well be unfair practices.

We also know that underquoting is an area that has attracted significant complaint. I was really interested to look at the recent statistics of Consumer Affairs Victoria (CAV) in terms of the number of complaints they have received. We know that in the financial year 2015–16 they received 339 complaints in relation to underquoting. This is notably higher than in previous years, and in part this is due to Consumer Affairs Victoria’s highly publicised compliance and enforcement activities. To give you a sense of the difference, there were 339 complaints in 2015–16, 120 the year prior, 120 the year prior to that and 80 the year prior to that, so we did see quite a steep jump in the number of complaints.

As I have outlined, underquoting causes great emotional distress, but it also potentially causes quite substantial financial distress for potential buyers through househunters spending money on prepurchase costs, which could be building and pest inspections,

legal advice or any number of due diligence checks you get done before you purchase a property. You could do all those checks and pay the money to have them done for a property that in reality you had no chance of ever being able to obtain. In that sense it is inherently unfair.

The relevant section of the law as it currently stands is section 47A of the Estate Agents Act, which requires estate agents to determine an estimated selling price that must be the amount the agent believes, based on his or her experience, skills and knowledge, that a willing but not anxious buyer would pay for the real estate. The estimate must be a single price or a range of up to 10 per cent and must be included in the sale authority signed by the seller. Section 47C prohibits advertising below this estimate. Then there are a couple of key provisions of the Australian Consumer Law which operate in this space as well. Section 18 prevents misleading and deceptive conduct, and section 31 prohibits false or misleading representations. That gives us a snapshot of what the law currently says.

The changes being outlined in the bill before the house today are as follows. This bill requires estate agents to determine an estimated selling price that is reasonable and takes into the account the sale price of three properties that the agent reasonably considers to be the most comparable to the property for sale. The estimated selling price must be a single price — for example, \$400 000 — or a range of not more than 10 per cent — for example, \$400 000 to \$440 000. The estimate must be included in the sale authority, and if the estimate ceases to be reasonable, it must be revised and the authority amended. There are ongoing updates to ensure that that information is always accurate, which I think for the consumer is a really valuable service.

To be comparable a property must be of a similar standard or condition to the property for sale. It must have been sold in the previous 6 months, or 18 months if outside the Melbourne metropolitan area, and be within 2 kilometres of the property for sale, or 5 kilometres if it is outside the Melbourne metropolitan area. In choosing properties an agent must take into account the standard and condition of the properties, the location of the properties, the date the properties were sold and guidelines issued by the director of Consumer Affairs Victoria. The bill will require agents to provide prospective buyers with a statement that includes the full details of the three comparable properties, an indicative selling price for the property and the median price for the suburb. The indicative selling price must not be less than the agent's estimated selling price, any asking price advised by the seller or the amount of any rejected written offer. A statement of information must be provided at property inspections, with online

advertising and on the request of a purchaser within two business days.

In terms of advertising, the bill restricts agents to advertising with a single price or a range of not more than 10 per cent. The use of qualifying words or symbols such as 'offers above', 'from' or 'plus', which we often see in ads for properties, will now be banned. Agents will be prohibited from advertising below their estimated selling price or below the amount of a written offer rejected on the basis of price. If the agent's estimate changes or a higher written offer is rejected, all internet advertising must be updated within one business day and all other advertising updated as soon as practicable.

The previous speaker alluded to there being some pretty harsh penalties for non-compliance with these conditions, and I think that is quite a fair assessment. The penalty for each offence in the bill is 200 penalty units, which equates to about \$31 000. In some cases this represents a doubling of existing penalties. For the most serious offences — for example, advertising below the agent's estimate — courts will now have the ability to order the forfeiture of an agent's commission to the Victorian Property Fund. The director of CAV will now have powers to require agents to substantiate the reasonableness of various matters, including their estimated selling prices and choice of comparable properties.

It is important to note, given some of the feedback that has come from some quarters, that this bill does not require sellers to reveal their reserve price. Firstly, a reserve price disclosure is not currently required in any Australian jurisdiction, and I think there are sound reasons for that. There is the possibility for it to distort the market or interfere with the rights of the seller to sell at a price of their choosing. I think these are things we should be mindful of. We do not want to disadvantage sellers in a competitive market, but I think the measures that I outlined previously go a significant way to ensuring fairness in the process without compromising the rights of the seller.

As the previous speaker outlined, there has been on the whole quite positive feedback about these changes. The Real Estate Institute of Victoria has been supportive of the bill. The Consumer Action Law Centre welcomed the changes although was keen to see the reserve price revealed. I have given reason as to why we should not and will not do that. The Law Institute of Victoria has been supportive of the policy proposal outlined in this bill. On that note, I commend the bill to the house.

Mr RIORDAN (Polwarth) — I rise to contribute to the Estate Agents Amendment (Underquoting) Bill 2016. I rise because I have got great concern about how far government needs to begin to involve itself in the day-to-day operations of the market and, more importantly, in the way people go about doing fair business in a system and with a method that has been tried and tested and undertaken for a very long time.

We have heard much today about the disappointment, the angst, the heartache, the upset and the emotional trauma people suffer when they go to an auction and do not win. It is a bit like when your five-year-old is running in the athletics at school and they really want to come first and they do not. This is an unnecessary burden that is being put on to manage people's disappointment and heartache when they do not get that kitchen that they have seen in the brochure or the picket fence out the front. What it is going to do is have a cavalcade of consequences that will flow right through the way people deal in property and the way people go forward. It might be about an elderly couple selling their family home and really wanting the best price possible on the day so that they can set up their retirement. It might be about small-time investors who have had a property on the market and are wanting to sell it so that they can provide a better future for their children.

We have had a property boom, and we have been very lucky here in Victoria with a strong property market for quite some time and with prices going up. As a result we have ended up with people who feel disappointed and let down because they did not get the house of their dreams. How will this all work when we are in another cycle and property is going down and people do not get the prices they want? Are we going to change this legislation and have disappointment legislation for those trying to sell their house and not getting as much as what they want? This is a nonsense, nanny state-type policy act of Parliament that is really getting in the way of people going about their business.

Let us take, very simply, the example of the average householder going to buy a new dishwasher or washing machine — a simple purchase of a thousand dollars or so. Most families and households do their research. They know what washing machine they want to buy; they know the brand and the model. They know what components they want. But most importantly families do know how much they are going to pay for it. They have done the research. They will know if Harvey Norman is charging too much or the Good Guys are charging too much and who has got the best price.

The same goes for property. The one thing that we must remember in this debate is that when real estate agents are selling a property they are not acting on behalf of the buyer; they are acting on behalf of the seller. It is the seller who pays the money. It is the seller who sits there with their heart in their mouth, thinking, 'This is my beloved home. I have been in it a long time. It has lots of memories, and I am selling it'. There is all sorts of emotion wound up in that. It is not just a simple matter of a real estate agent coming up with a price at the end of the day; it is the market that comes up with the price at the end of the day. Anyone who has been involved in a property sale knows that there is a vast array of reasons as to why a property will sell for one price and not another.

It can be as simple as it is the family next door who wishes to buy the adjacent house and they are prepared to pay well above the odds for that property because they may want to put a family member in it or they may want to expand their own property portfolio. There are a variety of reasons. To think that the Parliament can begin to interfere in setting a figure as small as 10 per cent on variations as to how pricing should unfold and turn out in the market is really quite an unnecessary interference.

Considering that this underquoting problem has become a bit fashionable on *Today Tonight* and in inner suburban media, let us consider that there is a lot more to the state of Victoria than just the inner suburbs, where Bronnie, Barry, Brenda and company, who are living in Brunswick or wherever they live, are complaining that they cannot buy their first home for \$600 000 or \$700 000, just like everybody else in Australia probably cannot buy their first home for that either.

What we are talking about is right across Victoria, where there are going to be increased and unnecessary costs put on the sale of homes that are at much more modest pricing. If you look at your average country community, where houses are still selling for below \$200 000, and at the real estate agents who are working in that environment, you see that these extra costs are going to be thrown onto those people and that the real estate agent is going to be saying, 'Oh, sorry, Mr and Mrs Smith, we are going to have to charge you an extra \$2000 or \$3000 because that has been what the grand state of Victoria has decided. We do not want to upset people and have people feeling disappointed in Melbourne because they are missing out on the house of their dreams so we are going to charge you for all these extra services that we know you do not need. We know that the people who are buying your house do not really need them either, because if they had had enough

common sense to just go out and do a bit of research to see what the market is paying for your house, they would know what that was anyway’.

This is one of the things that we need to remember. As we have said, real estate agents are not acting for the buyer. If the buyer has not done the research, if the buyer has not done the market review of the neighbourhood or the suburb they are wanting to buy into, they are more than welcome to engage a buyers advocate; they are more than welcome to pay somebody. There are plenty of people in the market who will do the research for them to give them an idea. But the concept that people are feeling disappointed because they have missed out on a house by \$50 000, \$60 000, \$70 000, \$80 000 or \$200 000 really shows a lack of insight into what that property is actually worth in the neighbourhood they are looking to buy into.

This is not about solving housing affordability. This is not about making houses and homes more accessible for people. This is about a Labor government that has become quite insistent on interfering in all sorts of things that Victorians take for granted and that should be just the normal way of going about business. If we are really serious about housing affordability and making housing more accessible for families, we would be investing in and putting more time into making more land available. We would be making sure that when small-time property developers, who are perhaps trying to do a 60 or 70-house subdivision, with minimal resources —

Mr Richardson — In Fishermans Bend?

Mr RIORDAN — No, we are talking about where average people live, out in the suburbs, and then they try to communicate with Telstra and their local water authorities and all the various agencies the state has some control over, who mess them around and cause tens of thousands of dollars in delays and extra times and costs. That is what makes housing unaffordable for young families and people wanting to get into the property market for the first time. Setting about trying to put limits on what people can reasonably expect to receive for their property when they put it onto the market after years of ownership really is quite a crazy and not particularly intelligent way to go about solving the problem.

We have talked about the costs We are also talking about the unnecessary burden and worry that this will put onto real estate agents doing their business with the seller, because at the end of the day it is the seller who is selling the house and they have every right and every

entitlement to maximise the value of their property for their own return.

Do we want a situation that could potentially arise from this where a real estate agent could knock down a property at auction for less than what he knows he could achieve for that seller on the day just because he has a fear of going 10 per cent over the prices that he has quoted on the day? Is that really a sensible outcome? As I said, are we going to have a situation where the legislation on this turns around and we have home sellers complaining that the new law now prevents them from maximising the price they wanted on the day?

While this legislation has attempted to deal with issues of underquoting, many in the industry have made it very clear that as a responsible industry they do not approve of agents who actively go out and underquote. I would counter that argument by saying that it would be evident if any agent consistently put out prices that the buyers knew were just not within the ballpark. There is nothing wrong with naming and shaming; there is nothing wrong with the real estate columns making much of the fact that this agent obviously does not know one end of a horse from the other when it comes to coming up with prices for homes. That is a more than adequate way of dealing with real estate agents who do not have their act together.

But at the end of the day this is using a sledgehammer to crack a walnut. It is bringing in an unnecessary layer of complication. It is overriding acts and provisions that already exist to manage the way companies and people deal with underquoting or dishonest behaviour by real estate agents. That is another entirely separate issue. This act, in what it is going to do — and I am sure the government did not intend this to happen — is going to severely limit the potential of honest people who want the best price on the day for their property and to gain the value that they richly deserve. There should not be legislation brought in that would in any way inhibit someone’s ability to maximise their value.

Mr McGUIRE (Broadmeadows) — The opposition is split on this bill. The shadow spokesman had half an hour to put the position. He was mute on this point. He did not say whether the coalition would support the bill or oppose the bill. He raised some criticisms. Fair enough —

Ms Thomas — He has not decided.

Mr McGUIRE — They have not decided because they cannot. The member for Polwarth has revealed a split. He does not want it. He is clearly opposed to it,

but he did not actually voice the words. Here we have an ideological split in the coalition. There it is. This is what we have now seen.

The member for Polwarth made a comparison between this bill and a five-year-old being disappointed at school sports for not coming first. I mean, seriously? This is about Victorian homebuyers who are struggling to get into the market being protected from underquoting by real estate agents. That is the key point from the government's perspective; that is what it is about. Yet we have the member for Polwarth saying, 'It's nonsense; it's a nanny state act'. We heard all those old clichés. So they are ideologically riven on this issue.

The shadow minister, a member of The Nationals, probably in his heart sees this as a commonsense thing to do. Here we have the member for Polwarth just saying, 'Well, hang on here; we are not going to state our opposition, but here is my view on it' — and they are ideologically riven. Let us actually see how it comes out on the vote; we will see the split in the coalition on this piece of legislation. We will find out later this week.

What is the Andrews government's intent here? The new laws are part of the Labor government's work to make the real estate industry fairer. That is what it is about. The government has consulted with the Real Estate Institute of Victoria (REIV), which has backed the reforms. Consumer Affairs Victoria's Task Force Vesta was established in mid-2015 and has examined around 1400 sales files, with 13 investigations underway and 1 matter before the court. So the Andrews government is cracking down on underquoting advertising, where an agent misleads a prospective buyer about the likely sale price of a property, under major reforms to the Estate Agents Act 1980.

Under the new laws what is going to happen? Agents must provide prospective buyers with a comprehensive analysis, including three recent comparable sales, an indicative selling price and the median price for the suburb. The new laws will also mean that the practice of advertising price ranges of more than 10 per cent will be banned; the use of words or symbols in advertising such as 'offers above', 'from' or 'plus' will be banned; advertising will have to be promptly updated if a seller rejects a written offer to purchase or the agent's price estimate changes; agents found guilty of underquoting could lose their sales commission; and agents will have to prove on request from Consumer Affairs Victoria how they arrived at the estimated price. So real estate agents caught underquoting will face hefty fines, with

new offences with penalties of more than \$31 000. Those are the key propositions in this piece of legislation.

What do the key stakeholders actually think about this? In an article headed 'New legislation to create consistency and benefit buyers' of 18 August this year, the Real Estate Institute of Victoria supported the proposed new laws, stating that the changes, and I quote, 'are a significant step forward and will greatly benefit those looking to buy real estate in Victoria'. There you have it.

Mr Geoff White, the chief executive officer of REIV, was quoted as saying that 'the changes will create a more transparent market, providing clear information to all stakeholders', and that 'the reforms would be effective in a variety of market conditions, and for all stakeholders in property transactions'. He also said, 'The changes will provide consistency in the pricing of property and the information provided to both vendors and buyers'.

Ms Graley — So it's not a nanny state proposition.

Mr McGuire — It is not a nanny state proposition. It is about transparency and it is about openness, and the reforms were the result of a collaborative approach by the Real Estate Institute of Victoria and the Minister for Consumer Affairs, Gaming and Liquor Regulation. There you have it: they were consulted during the drafting of the bill.

The Consumer Affairs Law Centre in a public submission to the Consumer Property Law Review stated:

We ... welcome the recent announcement of reforms to curb underquoting of property sale prices in Victoria, which were developed in response to the broader problem of underquoting. We anticipate that the intended reforms would be a significant improvement for consumers compared with the current guidelines for agents. These laws could be improved if there was a stronger obligation for sellers to inform their agents of a reserve price, and for agents not to be allowed to advertise a property below that reserve price.

That was their submission of 11 March this year to the Consumer Property Law Review, issues paper 1. These comments were made in response to the government's March 2016 announcement, which set out the broad details of the policy.

The Law Institute of Victoria, in a public submission to the Consumer Property Law Review, said:

The LIV observes that there appears to be an issue with agents 'underquoting' the likely selling price of properties. The LIV welcomes proposed reforms recently announced by

the state government to be made to the Estate Agents Act 1980 (Vic.) regarding underquoting.

That was a submission dated 17 May this year. Again these were comments made in response to the government's March 2016 announcement, which set out the broad details of the policy proposals.

Then we turn to the Property Investment Professionals of Australia chair Mr Ben Kingsley. In an article in *Your Investment Property* magazine of 22 August 2016 headed 'Victorian government announces underquoting crackdown', Mr Kingsley was quoted as saying the changes are a 'step in the right direction'. He said the 'quote it low and watch it go' mentality will become very difficult under these changes. The 'quote it low and watch it go' strategy — that is what this is about; it is about getting some fairness and getting some transparency. If you are doing the right thing, if you are making the assessments according to the facts of the matter, you will not be caught up in this. That goes to the critical points. Just going back to Mr Kingsley, he supports 'the idea of comparable sales in terms of giving evidence of where they see the property lying and letting the market determine it'. However, he noted that buyers need to realise that 'some people will pay above what many would consider an accurate price for a property' and that there needs to be wider reforms particularly in the property advice sector.

That is the overview of the propositions in this bill. Estate agents will be required to determine a reasonable estimate of the selling price for properties they are engaged or appointed to sell and they must take into account the selling prices of the three properties that the agent reasonably believes to be most comparable to the property for sale. The agent will be required to prepare an information statement for prospective buyers, which will include details of the three comparable properties, along with other important information in relation to the property for sale. The information statement provided must be displayed at inspection, included within internet advertising and provided to prospective buyers on request within two business days.

This is not onerous. This is a commonsense proposition that you would think would garner common cause. It will be interesting to see the underlying criticisms and the rift that has occurred and been exposed — the split in the coalition that we now see. Let us actually hear that proposition. As I said, the lead speaker was mute on this. We still do not know where the opposition sits on this. They cannot be straddling the barbed wire fence. They cannot take the proverbial Joh Bjelke-Petersen position on this. We had the first speaker on behalf of the Liberal Party saying that he is

totally opposed to everything but the keywords. So it comes down to a yes or no: are you for it — for transparency, for a fairer go for people and for taking care of this in the public interest? That is the question.

Ms RYAN (Euroa) — I also rise today to make a contribution to the Estate Agents Amendment (Underquoting) Bill 2016, which proposes a series of measures that amend the Estate Agents Act 1980 to address the practice of underquoting.

I must say at the outset that I had to have a bit of a chuckle when listening to the member for Broadmeadows attempting to reveal a great split within the coalition. I would suggest that he have a look at his colleagues if he is looking for a split, because I can assure you, Acting Speaker, that there is none on this side. We are quite capable of articulating a broad range of perspectives on this side of the house and remaining unified — believe it or not. It might come as a surprise to those opposite.

From the outset I have to say that I do agree with the motivation behind this legislation, but I do have quite serious concerns about how it will operate in practice. We have all heard anecdotal evidence about buyers being misled about the likely selling price of a property. I have friends who were involved in the property market and recently bought a house in Melbourne. They have found it an exceedingly frustrating process. It seemed that they turned up Saturday morning after Saturday morning in order to try to buy a property but would always find that it would be \$100 000 to \$150 000 out of the price range that they were quoted.

I think certainly this is an issue within parts of metropolitan Melbourne in particular, but I do think it is a much bigger issue in the city than it is in the country. The shadow minister for consumer affairs, the member for Morwell, pointed out during his contribution some comments from Tony Roccisano, the director of Roccisano Property Group in Mildura. He was quoted in the *Mildura Weekly* back in April, where he said that he did not really think that it was an issue in regional centres, and I quote:

The real estate industry is an necessarily over-regulated as it is ... The industry is so over-regulated it's becoming a nightmare to police and control.

Underquoting isn't an issue we have a problem with here in Mildura — it's an issue more centred on the larger metropolitan areas.

In regional areas this type of change is overkill. While we might see some fluctuation in prices, it's nowhere near as severe as what you might see in some areas of Melbourne for example.

I would have to say that that was my experience in buying a property in regional Victoria. I did not find that the quoted prices were greatly outside the price range of the property that I ended up purchasing. Tony went on to say that the government's changes will 'mean more work and increased costs for local real estate agents', which is something that the member for Polwarth, I think, very adequately pointed out.

There are mixed views in my electorate. I note that different real estate agents had varying opinions when I consulted them. There is a real estate agent in Benalla who has been there for some 20 years and he too, I suppose, agrees with Tony in Mildura that the real estate industry is becoming over-regulated. He has several concerns about the operation of these changes and in particular the fact that a vendor often instructs an agent as to the value of the property.

One of the key changes in this bill, as others have outlined, is that it will require estate agents to produce a statement of information for a residential property that includes an estimated selling price. Agents will need to provide prospective buyers with a comprehensive analysis of the property, including three recent comparable sales, an indicative selling price and also the median price of a suburb — or I would say a community in regional Victoria because suburbs are not overly applicable. I think that this actually has potential to create a number of problems. Firstly, there will be instances where a vendor sets a reserve price during an auction that actually exceeds the estimated selling price. Vendors, as we know, are often reluctant — for their own interests, and rightly so — to tell agents what a reserve price is until a hammer is actually about to fall in an auction process.

This bill requires agents to give an estimated price within a 10 per cent range, but it could actually result in a situation where if a vendor changes their reserve price or simply informs an agent, I suppose, too late in the process, that agent may not have sufficient time to advertise a new estimated price. I think it does have the potential to leave agents in a position where they have done the right thing according to law but if a vendor changes their price at the last minute, then an agent may look like they have underquoted. Effectively they will be the meat in the sandwich.

Secondly, I can see some problems arising from the requirement that agents set an estimated price by comparing three other properties. In metropolitan Melbourne, under the bill, these properties would have to have been sold within the preceding six months within a 2-kilometre radius, and outside of metropolitan Melbourne it would be in the preceding 18 months

within a 5-kilometre radius. I have some concerns about the ambiguity of what is a comparable property. I understand that agents need to compare the standard, the condition and the location of different properties, but I think there are many other things that can sometimes determine the value of a property.

For example, you might have a situation, particularly in a metropolitan area, where a developer has bought the neighbouring property and they are bidding in a particular sale in order to be able to redevelop it. That is going to perhaps artificially change the price of a property, and therefore I think that does lead to some questions around how effective that actual process of having three comparable properties is. I also point out that in some country areas I do not know that it is overly realistic to find three comparable properties that have sold within 18 months in a 5-kilometre radius. I bought a rural property that is actually in a farming zone but it is still a residential property. There would not have been three properties to compare it with that had been sold in an 18-month period within a 5-kilometre radius around my property. That just would not have been possible.

The member for Morwell also raised concerns that metropolitan Melbourne has not been defined by this legislation and that there is some uncertainty about the definition of a residential property and how that applies to farms and primary producers. Again, I can see that that would have impacted on my personal situation as well.

In conclusion, there are some mixed views about this bill. In my mind there is no doubt that the issue of underquoting does need to be addressed, and I think there are agents in my area who are supportive of doing that. Another agent in my area has said, and I quote from an email he sent me a few days ago:

Having been a licensed real estate in Victoria for 35 years and running a very successful business I have seen underquoting by some agents which is very bad.

... we are very much against this continuing in Victoria by inexperienced and devious agents ...

There are many agents out there who are doing a great job and who do not want dodgy agents in the market because they give everybody a bad name, but there are still some very substantial issues in this bill which I do not feel have been adequately addressed by the government, and I urge the government to have a look at them before the bill proceeds to the upper house.

Ms THOMAS (Macedon) — It is a pleasure to rise today to speak on the Estate Agents Amendment (Underquoting) Bill 2016. We have had some

discussion this afternoon about the image and the reputation of real estate agents. I note that the Roy Morgan Image of Professions Survey 2016 has indicated that real estate agents' reputation has increased by 1 percentage point, up from 9 per cent to 10 per cent, so they do, I have to say, as a whole have something of a reputational issue — one that perhaps is in some way influenced, it would seem to me, by the propensity of failed Liberal Party members of this place to take up careers, after their time here, as real estate agents. Of course I refer to a former member for Carrum, a former member for Bentleigh and a former member for Northern Victoria Region in the other place, Donna Petrovich, all of whom, having failed in this place, have taken up the role of real estate agent. That being said, of course there are many very good real estate agents, and I will talk about one in particular a little later.

What I want to do firstly is outline the important reasons for bringing this bill to the house. Specifically, if we look at some of the data from Consumer Affairs Victoria, what we will see is that there has been a steady increase in the number of complaints about underquoting over time. While the number of complaints alone does not indicate the full extent of community concern around underquoting — because we know that many consumers will not take the step of contacting Consumer Affairs Victoria — what we can take from that is that the number, as high as it is, does not reflect the full extent of the problem. In 2015–16 Consumer Affairs Victoria received 339 complaints in relation to underquoting.

I did want to pick up again on a point that the member for Polwarth has made. The member for Polwarth said that this is a bill designed to deal with people who are disappointed when they do not get their dream home. He made what I thought was a pretty contemptuous analogy by referring to it as the disappointment that one might feel at one's five-year-old not winning a race. I suggest that the member for Polwarth needs to talk to some young families out there, young families in my community, but in particular young families in the growth suburbs of this state who spend Saturday after Saturday after Saturday and Wednesday evening and Thursday evening out looking for homes. They have got a budget, they have got a tight budget, they cannot go over that budget, but they are trying to realise the Australian dream of owning a home, and they do not have time to be messed about by real estate agents who are toying with them in the hopes of, firstly, gaining the business by leading vendors down the path by suggesting that their property is worth more than it might be, and secondly, by taking would-be purchasers

of real estate on a merry dance by leading them on with the suggestion that they are in the market.

This is a really important reform, and I think that some of the frivolous contributions we have had from the other side really do those members a disservice and suggest once again how out of touch so many members of the Liberal Party are with the hopes and aspirations of ordinary people who are trying to realise that great Australian dream of owning a home, because let us not forget that this is the single greatest investment that most people will ever make in their entire lives. To compare it with whether or not your child wins a race at primary school is frankly outrageous. This is the single biggest investment that most people will ever make in their lives, and we need to do all we can to ensure that people are making that investment with the best information available to them to ensure, frankly, that they are not being ripped off, and that indeed is what this bill is about.

Under this bill estate agents will be required to determine a reasonable estimate of the selling price for the property they are engaged or appointed to sell and must take into account the selling prices of three properties that the agent reasonably believes to be most comparable to the property for sale. The agent will be required to prepare an information statement for prospective buyers which will include details of the three comparable properties along with other important information in relation to the property for sale. The information statement must be displayed at any inspection, included with any internet advertising and provided to prospective buyers on request within two business days.

The bill will also create greater certainty about the way properties are advertised and quoted by prohibiting advertising with qualifying words or symbols and advertising with a range greater than 10 per cent. Agents will also have a specific obligation to update advertised prices to reflect any change in the agent's estimate or where an offer is rejected by the seller, and penalties for underquoting will be increased, including providing for the forfeiture of commissions or fees for the most serious offences. The bill will also strengthen the requirements for agents to substantiate their estimates and choice of comparable properties.

As I said before, I do want to talk about a highly reputable real estate agent, and that is indeed John Keating of Keatings Real Estate in Woodend, in my electorate. I have had many opportunities for many long conversations with John about his aspirations for a real estate industry that operates with integrity, and as others have noted, John has said that this bill does not go far

enough. He would very clearly like to see that the reserve price is published, and indeed John's advice in his submission to the Consumer Property Law Review was:

The best way to fix quoting problems would be for the government to legislate that vendors and their agents publish either a reserve price or an estimated selling price range where the lower figure must be the reserve price.

If reserve prices were required to be published, then purchasers would not waste their time at inspections or their money on building, pest and legal reports et cetera, if the reserve was out of their price range.

While this bill obviously does not do that, I did want to acknowledge the campaign that John Keating has been running for more than a decade to ensure greater transparency and greater honesty and integrity in the real estate industry so that perhaps we could see that reputation index increase.

I must say it is very disappointing for me in this house to hear the member for Polwarth claim that this is nonsense, nanny state legislation when in fact this is legislation that is trying to protect the greatest single purchase that anyone is likely to make in their lifetime. It has the support of the industry group, the Real Estate Institute of Victoria, and in the words of John Keating, it does not go far enough. Again I suggest to you that the Liberal Party is completely out of touch. We are still unclear about whether they are supporting or opposing the bill. That has not been made clear yet, and perhaps they are still making up their mind as they speak.

This is an important bill. It is part of a reform journey that we are on in the real estate industry. I think that there is opportunity for there to be greater reform, and it is certainly something I will continue to talk to the minister about, but I would like to commend the minister for the action that she has taken in introducing this bill to the house and ensuring that we are doing everything that we can so that people, when they are out looking to purchase a home, are equipped with the very best information, that their time is not being wasted, that their money is not being wasted and that our auction system is operating with well-informed purchasers and vendors in a way that supports and promotes integrity from all parties. This is an important bill. It is part of a reform process, a reform journey, and on that note I commend the bill to the house.

Mr SOUTHWICK (Caulfield) — I just wish to rise to make some comments about the Estate Agents Amendment (Underquoting) Bill 2016. The purpose of the bill is to amend the Estate Agents Act 1980 to introduce measures to address underquoting in the sale of residential properties and for other purposes.

We have heard already today a number of examples of people that have had situations in their electorate where there have been circumstances of underquoting and also the issue of housing affordability. That is certainly true of my electorate of Caulfield. We face quite an unusual set of circumstances in our electorate in that we have an escalating price rise for housing, largely due to the fact that many of the constituents that live in Caulfield, particularly around Caulfield North, Elsternwick, Ormond and Caulfield South, are living there for religious purposes, close to synagogues and schools and what have you. Particularly those of the Orthodox community need to live around the area. What that does is it further pushes prices up around the electorate, and when talking to many people within my electorate, particularly young people wanting to move where their family is for similar sorts of situations, housing affordability is probably the no. 1 issue that I hear all the time. So whatever we can do to assist those young people in buying, certainly in my electorate and I am sure many others, we should be looking at doing that.

However, this alone does not fix the problem, and I think certainly many members on my side have in fact said that there needs to be a whole range of different things, including ensuring that there is enough stock coming onto the market and that we are clearing up a lot of the regulations and red tape so that, again, costs are not passed on ultimately to the purchaser.

There have been a number of circumstances in which there has been underquoting, and certainly when there is a person going to an auction, doing their research, hoping to buy within a certain bracket and always being pipped at the post, then we can see many examples of people that would sense that frustration. The previous government looked at this to ensure that there was more transparency. This is trying to tackle that further.

There are a number of concerns around this legislation, as many have pointed out — areas of concern such as that the Melbourne metropolitan area will not be defined until the legislation is passed to the director of Consumer Affairs Victoria. There is some uncertainty with respect to the definition of residential property and also how the legislation applies to farms and primary production residential properties, and there is a time frame for making changes to the advertised estimated price should the price alter.

There was an article in the *Herald Sun* earlier this year that spoke about certain areas in which there were complaints made to Consumer Affairs Victoria. In fact a total of 340 recent property sales have been pored over for signs of unethical pricing behaviour. Out of those there were a number of situations in which

complaints were lodged. Consumers lodged 1676 formal complaints with Consumer Affairs Victoria about real estate agents in the past two years, and within those complaints there were a number that were from the City of Port Phillip — which is part of my constituency — and also from neighbouring areas such as the City of Glen Eira. So there certainly have been situations in which there have been practices which have been in question. To try and clear that up and ensure that there is transparency is important, but we have got to make sure that we are not just creating a whole lot of regulation and red tape that is not fixing the problem, and there are some questions in terms of all of that.

I did want to, in the time remaining, just talk about the fact that the market is a pretty important indicator for a lot of these sorts of things. We have got a very competitive market within the area of real estate agents, many of which do a fantastic job not only in terms of representing their clients but also in what they give back to the community. I think a lot of that goes unnoticed, but if I were to drive around my electorate at any given time, there would be numbers of real estate boards that are donated to many of the charities trying to raise funds for their organisations. I do not know how many events I have been to where you will have an auctioneer that is again from a real estate company that is there raising funds for a charity, giving their time to assist as well.

As I said, with the market being a good indicator, many of those real estate agents — and we have heard from the Real Estate Institute of Victoria, which welcomes changes in this area — want to make sure that they are operating in a fair and reasonable marketplace, and that is really, really important in doing that. So in many instances the marketplace will certainly take care of a lot of that. We have got buyers advocates as well that will work in this instance, so it is important to have that level playing field, particularly when we, like in my area and in my electorate, do whatever we can to assist young people to get into the marketplace, which is very important.

I think we also sometimes overplay the role of government when there are a number of variables that government cannot influence. You can have a look at the moment at the very low interest rates. The low interest rates mean that there is more ability to borrow money, which means that there are more people in the market that are able to be there than before. So, again, in many instances we are getting more people and buyers than we have sellers, and of course that is pushing up the price as well. But it is about stock, it is about ensuring that in the areas where we can grow we

do grow, and it is about ensuring that there is proper infrastructure in place in those areas. That is where government can assist, and that is where government can get involved, but we have seen this government fall short in many instances where they are not providing the certainty and they are not providing the infrastructure and planning to ensure that people are able to move into these areas and purchase in these areas.

I think it would be fair to say that if you talk to the property market in terms of a whole range of different taxation and other elements that this government has introduced, you will hear that there is a lot of uncertainty and there is not the boldness that there was before in terms of getting out there and putting good property developments together to get young people and first home buyers into the market. So that is where government can make a real difference in terms of freeing up some of the laws and freeing up some of the regulations so it can attract more people into the marketplace. That is where this government has failed in terms of over-regulating, having a whole lot of red tape and thinking that they can fix everything. They cannot, and we have got to make sure that we do have that opportunity to do that.

I really do sympathise with the many people that come into my electorate looking for affordable housing. It is the market that will do that, but again we do not want to be over-regulating to the point where we cannot get the market involved in building some good stock that then enables many of those people to buy their first homes.

Mr PEARSON (Essendon) — I am delighted to make a contribution in relation to the Estate Agents Amendment (Underquoting) Bill 2016. We have brought this bill into the Parliament partly to honour an election commitment, but more deeply than that, it is about recognising that there is market failure. Where you have instances and examples of where there is market failure those on this side of the house particularly recognise and believe there is an appropriate role for the state to intervene to correct and address that. In its broadest sense we must intervene because of the high cost of housing that we are currently experiencing in this country. Part of the reason that is occurring is that if you look at Victoria, particularly Melbourne, you see that we are growing at around 100 000 people per annum.

Those opposite have talked about whether there is sufficient housing stock. I think the reality is that there is. I caught up recently with Michael Buxton. If you look at the urban growth boundary on the fringe, you see there is a significant volume of land that is being developed, and you also have a set of circumstances

where about \$7 billion worth of high-rise developments have been approved by the Minister for Planning since the election. Part of the issue we have got is probably a mismatch between buyers and the motivations of purchasers. The fact is that some people are trying to remove their capital from a country like China; they are looking for a safe harbour. They are not necessarily looking for a return; they are looking for a safe harbour for their investment, and that therefore means a difference in motivation compared to that of an owner-occupier or other investors.

The reality is that we are living in very challenging times. The Grattan Institute found that since 1999 home prices have grown by 7.3 per cent per annum. At the same time inflation has grown at 2.8 per cent. If you compare that to the share market, you see that since March 2000 the share market has witnessed a 3.3 per cent year-on-year growth. What we are seeing is that many people want and aspire to buy a home and increasingly they are being priced out of the market, so the ability to purchase is limited.

It was interesting listening to the member for Polwarth's contribution. In the member for Polwarth's world I think all information is free flowing: all of us have complete access to all the information, we are all rational at every moment in time and real estate agents are motivated by good. Therefore there is nothing to see here, move along. The reality is that is just not how it works. Some of us are more knowledgeable and have greater access to information than others.

If you arrived in this country 20 years ago from war-torn Somalia, you might have lived in public housing and driven a taxi. You might not read and write in Somali, let alone in English, and you would be trying to purchase a home for your family. It is a nonsense to think that that person is going to have the same access to information and the ability to understand what is going on out there compared to someone who is tertiary educated, someone who has English as their first language and someone who has lived in that market their entire lives. It was a fallacious argument that was being advocated. The reality is that information is not free flowing and people do have barriers to accessing information, which makes it harder for people to make a decision.

The other point to make is that we are looking at higher levels of part-time employment. George Megalogenis reported in a recent *Quarterly Essay* that more than 30 per cent of Australia's workforce work part time. From an employment perspective you are finding probably greater levels of vulnerability in the market for people, and their ability to earn significant incomes is similarly compromised. At the same time

Megalogenis found that household debt is running at 185 per cent of gross household income. We are looking at a set of circumstances and events where people who have got access to information, who invested in property earlier — say pre-1999 — and who might be on high incomes are clearly more advantaged and are in a stronger position to make these sorts of investments than people who do not have those levels of benefits.

The Grattan Institute also found, for example, in their very good paper on negative gearing that almost 40 per cent of capital gains are earned by the top 10 per cent of income earners and another quarter — so another 25 per cent — have a low taxable income. They are probably likely to be people who are retirees or self-funded retirees. If you are looking at it from the argument of capital gains, you are seeing that most of the wealth is being concentrated probably at the top two-thirds of the community.

The other point to note if you look at some of the recent studies, is that the typical cost of housing in Australia is 5.6 times the median household income. It is interesting that if it is a ratio of 3 or less, it is affordable. A typical Australian housing cost is 5.6 times that. In Sydney, it is 12.2. In Melbourne, it is 9.7, and Melbourne is the fourth most expensive city in the world. We are in a set of circumstances where we are seeing massive wealth being generated in property and massive wealth being concentrated in the hands of the few. What I say to the member for Polwarth is that this is a clear example of market failure, and there is a need to intervene in the market to make sure that people who are on more modest incomes and more humble means have the ability to access housing.

It is also interesting to note an article by Peter Martin that was published in the *Age* in March of this year. He quotes a particular person who said:

Some have said we are on track to becoming a kingdom where the lords own all the land and the biggest lord will be king and the enslaved serf tenant is paying rent to the lord to become wealthier ... Is that an over-dramatisation or is it very, very close to the truth?

It was not the general secretary of the Communist Party of Australia who said that. It was not Bill Shorten who said it, nor was it the Premier of Victoria. No, it was John Alexander, the federal Liberal member for Bennelong, commenting as a consequence of a committee inquiry that he chaired in relation to the affordability of housing. We must intervene in relation to this because, again, Peter Martin in his article said:

Back before the explosion of negative gearing around the turn of the century, 52 per cent of Australians aged in their

mid-20s to mid-30s actually owned their home. At the most recent census in 2011 it was 47 per cent.

Acting Speaker Kilkenny, like you, I will be quite interested to see what the 2016 census reveals. The article goes on:

Before the turn of the century, 70 per cent of Australians aged in their mid-30s to mid-40s owned their own home. It's now 64 per cent.

We are clearly seeing an example where people who have access to information and access to capital are creating most of the wealth. They are pocketing it for themselves, and to some extent they might just be very savvy. They might be very lucky or they might have worked extremely hard. They may well be very deserving. I do not begrudge anyone. If they have worked in small business, gone out, had a go, worked 80 hours a week and made some quite savvy investment decisions and have created real wealth for themselves, that is fantastic. But the reality is that we are here as legislators to make sure that we address market failure where it exists.

We on this side of the house particularly believe that there is a role for the state in making sure that we create an equitable society. We do not want a situation such as that outlined in Thomas Picketty's recent book, *Capital in the Twenty First Century*, where most of the wealth will be created by capital as opposed to labour so those who were happy enough to have invested early on create most of that wealth for themselves and capture that wealth at the expense of labour. Every 1 per cent gained in capital is 1 per cent lost by labour. That is just the reality — you cannot escape that.

This bill is important because we are trying to ensure that the teacher, the nurse, the copper, the person who left school early but has worked incredibly hard, and the person who comes from a culturally and linguistically diverse background has the opportunity to create real wealth for themselves. This bill is restoring the balance. I commend the bill to the house.

Ms KEALY (Lowan) — I rise to make my contribution to the Estate Agents Amendment (Underquoting) Bill 2016. It is very good to hear some of the contributions today, particularly those from my National Party colleagues who have put forward a really strong case for why we have concerns about how this bill will impact on the real estate market in rural and regional Victoria. The Nationals are quite proud that we are the people who listen to and stand up for country Victorians, and we do that every day, whether it is through our contributions on any of the bills in Parliament or in our day-to-day workings in our

electorates. I just wanted to mention some of the work that we have been doing in western Victoria recently. We have got floods, which have affected great areas of my electorate, down south in Coleraine and Casterton. Now we see the Wimmera River looking very, very full today around Horsham. I just wanted to make mention of all of the great work that is being done, particularly by the volunteer organisations that are doing a great job trying to manage that today at an extremely difficult time.

In regard to this bill, I did want to make a few comments and particularly outline areas of concern that we have in relation to how this bill has been drafted and some of its impacts on regional Victoria in particular as well as the unnecessary increase in red tape it creates, driving up costs and the cost of living for our local people.

There is no doubt that we do need to do something about underquoting in the real estate market, but we need to target those measures to ensure that we are addressing the individuals who are underquoting without unnecessarily holding back the entire industry. We also need to make sure that we put this into perspective. Real estate agents are engaged by the vendor of a property and they have a duty to act in the best interests of the vendor. It is their responsibility to do so. In fact there are legislative requirements for them to do so.

We also need to make sure that we understand that property is only worth what somebody is willing to pay for it. You can put any price you like on a piece of property, whether it is a house, whether it is land, whether it is a car or whether it is a toaster, but if people are not prepared to pay the price, then it is not worth that price. That is something that we really do need to keep in front of our minds when we look at how this bill may impact the cost of housing in Victoria and particularly in Melbourne.

I particularly refer to the member for Essendon's comments that this bill will somehow make housing more affordable for people in Victoria who are on lower incomes. I do question that there will be a direct impact on housing prices in Victoria as a result of this bill. It may cut out some of the underquoting, but it may also increase some of the costs associated with selling a home, and therefore it may put an additional cost on houses, which we certainly do not need in this state.

There are three issues that I wanted to go through, section by section. One is around underquoting in regional Victoria and whether it is an issue or not. I would like to refer to an article which was published in

the *Mildura Weekly* earlier this year. Tony Roccisano from Mildura made comments, which I will quote:

The real estate industry is unnecessarily over-regulated as it is ... The industry is so over-regulated it's becoming a nightmare to police and control.

Underquoting isn't an issue we have a problem with here in Mildura — it's an issue more centred on larger metropolitan areas.

In regional areas this type of change is overkill. While we might see some fluctuations in prices, it's nowhere near as severe as what you might see in some areas of Melbourne for example.

We have got this situation where we are going to have real estate agents in areas of country Victoria who are getting tied into this unnecessary bureaucracy — more red tape, more costs — because we are trying to fix a problem that is occurring in Melbourne. That is not what we need to do as a Parliament, and certainly a government should not be doing this. We should not be putting in so many levels of red tape that we strangle the market and do not allow it to function properly.

Secondly, I wanted to refer to some of the comments from the minister's own second-reading speech. This is around the increase in red tape and in costs for the real estate industry and the fact that there is a level of duplication between this bill and the Australian Consumer Law (ACL). I will refer to the minister's second-reading speech, which states:

As well as the Estate Agents Act, estate agents and agents' representatives are also required to comply with the Australian Consumer Law (ACL) and other laws in the marketing and sale of land. The bill does not in any way limit or deviate from the effect and scope of the ACL or any other law.

So I do question whether this bill will address any significant issues in the industry, particularly when the minister has said that there is an overlap with the Australian Consumer Law already.

If this bill is about introducing legislative changes, I would like to know how it will be monitored and policed. There is no detail at all about an increase to the budget for Consumer Affairs Victoria (CAV), which I assume would be the monitoring agency. If there is this expectation that we are going to have a lot of work picked up by CAV in trying to address underquoting in this state, then surely there would have been a commensurate increase in the CAV budget, and we certainly have not seen that at this point in time.

The third element that I wanted to refer to is around flaws in the bill's drafting. The Real Estate Institute of Victoria have made the statement that it is an

exceptionally poorly drafted bill. I actually sought some comments in reference to this bill from Wes Davidson, who is the managing director and principal of PRDnationwide Horsham. Wes is an entirely reputable estate agent. In fact I purchased my own home in Horsham from Wes and his team, and they did a fantastic job. They certainly have an excellent reputation in terms of looking after real estate transactions in our local region.

Wes's first concern was really around what is meant in terms of an 'offer in writing', which is referred to, and how we can differentiate between a legally binding offer versus an offer. For example, an offer under the law of contract differs from a legally binding offer under the Sale of Land Act 1962. For an offer to be legally binding under the Sale of Land Act the purchaser must complete the offer in writing on a prescribed form along with a duly signed vendors statement to be countersigned and exchanged by the vendor. If you had an offer which was via text or email or another piece of paper that was not on the contract itself, it could not be held as being a legally binding offer.

As Wes points out, there could be an unusual situation where somebody could scurrilously text through an offer on a property which is outside of the advertised expectation of the price for the property, therefore pushing it out of range, or it could be done by a competitor real estate agent, potentially sabotaging any marketing campaign, and that of course would be at the cost of an unsuspecting vendor. There is not enough detail in this bill to understand what the difference is between an offer and a legally binding offer. Given that it is already outlined, the legally binding offer, within the Sale of Land Act, I question whether there are going to be some issues that arise in the future. I really would like this to be revised by the government, preferably before it goes to the upper house for the next stage, which I assume it will get to.

There is also an issue around the advertised estimated price, and that is around the timing of how an estimated price range for a property can be advertised well before a reserve for a property is given. There is that opportunity where a vendor, one or two days out from auction, could say, 'This is my reserve for the property, which is higher than the advertised price'. The agent has acted to the best of his knowledge in putting a reference range for what he expects the property to go for, but for whatever reason the vendor sets the reserve at a higher level than that because they believe it will get that price. The estate agent has to act in the best interests of their vendor. We could have a situation therefore where the agent has done their very best to

ensure that all advertising is done according to their understanding of the local market, but because of the vendor's own decision the agent is put at risk by the legislative limitations within this bill.

As outlined, I did just want to highlight in my concluding points some of my concerns with this bill. Yes, we do need to make sure that we manage underquoting in the real estate industry and weed out those unscrupulous agents that are out there, but there are not many of them, and we do need to make sure that we do not unnecessarily burden the real estate industry with unnecessary red tape and costs, particularly when it appears not to be an issue in rural and regional Victoria.

Ms SULEYMAN (St Albans) — I rise to speak on the Estate Agents Amendment (Underquoting) Bill 2016. Of course we have heard from speakers on this side of the house that property prices are on the rise. It is becoming more and more difficult for the average person or a first home buyer to be able to break into the property market. I know from firsthand experience, representing the electorate of St Albans and living in St Albans, that it is extremely difficult and challenging for first home buyers when it comes to purchasing a home. There are the challenges, first of all, of obtaining a secure job to be able to save for your deposit, of choosing the appropriate loan and of choosing the appropriate bank as well. There are challenges in the banking sector when it comes to choosing the appropriate home loan. These are the issues that one faces before actually even considering going to an auction and bidding. You have got all these factors at play.

There is nothing more difficult than making sure that we are able to crack into the market. We place a lot of trust in the banks and we place trust in real estate agents to do the right thing by us when we are buying a home. Buying a home is a life commitment for most Victorians, and in particular for people in my electorate in the west, where a house becomes not really an investment but a place where one raises one's family and of course a home. We want to make sure that the best interests are always at heart when we are dealing with lifelong commitments.

Going to this bill, underquoting is totally unfair. It is unfortunate that some real estate agents use this tactic for prospective buyers. It is more about the selling price of a property and making sure there is a higher result for sellers, and unfortunately buyers in a sense are drawn into paying much more than the expected price of the property at market. You turn up to an auction and you are already extremely nervous, particularly if it is

your first time and you are trying to buy that home. You are doing the calculations and working out how much you are required to have for the deposit. These sorts of tactics are being used with people that are trying to make it into the property market. It makes it much more difficult for people of non-English-speaking backgrounds who do not understand what takes place in an auction. I think this bill addresses some of the unfair experiences that some buyers are unfortunately having.

We have heard a lot of stories today in relation to the underquoting of property. Just last year in Brunswick there was an auctioneer who rejected a \$1000 rise on auction day. The auctioneer was asked why he did not take the rise of \$1000 when the price was in the quoting range, but he still refused to take it, instead accepting a \$5000 rise from one of the two other bidding parties. The home was marketed with a \$700 000 to \$770 000 price range; however, the reserve was set at \$835 000. On the day the reserve was not met, and the house passed in at \$805 000. This is a typical example of the underquoting that goes on at auctions every weekend in Victoria. It shows just how negatively this practice can affect homebuyers. It can affect homebuyers in a lasting manner. As I have said, and just to repeat, there are already added pressures when it comes to buying your first home: there are the challenges of making sure that your deposit, your loan and everything have received a big tick before you get to the auction. When you see these sorts of practices, it does have a very lasting, negative emotional effect on homebuyers.

I myself purchased one of my first homes in St Albans, and I know how difficult it was. It is extremely challenging to be at an auction day and to put your trust in real estate agents. I was quite fortunate. There are real estate agents who are doing the right thing, but unfortunately there are real estate agents who are not. That is why we need to introduce this bill. We need to make sure that real estate agents in this sector understand that there are penalties that will come into place if they break the law.

This bill makes sure that the current standards are toughened up and, most importantly, stamps out underquoting in the real estate market to give everybody a fair go in our community. Everybody wants to be able to own their first home. We should be able to provide every opportunity to people in our community to purchase a home in a good faith manner and in a way that means you can trust the banks and the agents that you are dealing with. As I said, these are life commitments that one makes and takes on when one purchases a home or a property.

This bill creates greater certainty about the way that prices are quoted and advertised. It follows similar reforms which were introduced in New South Wales at the beginning of this year. As I previously stated, this bill will make sure the current standards are toughened for dishonest agents. If a dishonest agent breaks any of these standards, they risk fines of up to \$30 000 and the loss of their sales commissions, which usually total around \$14 000 and upwards. These are fairly tough fines and fees that this bill is introducing, but again this is about a practice that needs to be stamped out in Victoria once and for all.

I would also like to state that the Estate Agents Amendment (Underquoting) Bill 2016 will strengthen the laws, making sure that unfair property prices and practices are stamped out across Victoria. It is good for our community, it is good for first home buyers in particular, it is good for other people to get into the property market and it is good for certainty. It will make sure that agents have standards and it will require that those standards be kept.

I fully support the bill. I also thank the minister for bringing in this positive bill that will enhance, I believe, opportunity, good faith and certainty when purchasing property in our communities. Most importantly, this is about making sure that our property market in Victoria is healthy, it is honest and that everybody knows what to expect when they turn up to an auction on a Saturday. I commend the bill to the house.

Ms WARD (Eltham) — I rise in support of this bill. I have to say that I have been interested to hear the chatter from those opposite and the things that they have had to say about this bill and the difficulties that they can see it could pose. I also note that the member for Euroa may not realise that she is in quite a privileged position, being someone who, I assume at the time, would have been under 30 when she owned her first home.

It is incredibly difficult for many people to save up to own their own home. I know in my own electorate there are a lot of people in their late 20s and early 30s who are still living at home or who have moved back home with their parents while they save to own their own home. I know they move out to Yan Yean — and the very good member for Yan Yean is in the house today — and they struggle hard to buy those houses there. A lot of that member's constituents are the children of my constituents who have moved out there to buy their first homes, and they find things difficult. They are not living in their own community; these are satellite suburbs. They want to be in my community and they cannot afford it. Knowing how much things

cost makes it easier for them to understand and it makes the playing field fairer.

Melbourne is one of the least affordable cities in the world. First home buyers have to save for years to borrow to get their deposit let alone pay for their loan. It can involve a lot of hours to plan for your first home. It can involve a lot of research. It can involve a lot of expensive time with banks as they work out how much they are going to lend you and do property evaluations on your behalf. Building inspections are expensive, pest inspections are expensive and legal advice is very expensive. Can you only imagine then, after doing all this work, how disappointing it is to turn up to an auction and learn when you get there that the starting price is already above what your budget is? This is what is happening on Saturday after Saturday after Saturday in our city and across our state. People who think they are in with a chance, who think they might be able to get a house they have looked at, hoped for, dreamt of, turn up to a crowd of people and find the starting price is already beyond what they know they can pay and beyond what was quoted as the range.

Here are some examples from last Saturday that demonstrate why this bill is needed. At 4 Addison Street in Moonee Ponds a house sold for \$1.53 million; the range quoted was \$1.2 million to \$1.3 million, so it was nearly \$200 000 over reserve. At 47 Hudson Street, Spotswood, a house sold for \$1.08 million — \$208 000 over the reserve. A house at 17 Myrtle Street, Clifton Hill, sold for \$1.35 million; the range quoted was \$1.1 million to \$1.2 million, so \$165 000 over reserve. In Northcote the reserve for a house was \$850 000 and it sold for over \$1 million. In Box Hill we had a house that was sold for \$966 000; the range quoted was between \$820 000 and \$860 000. I can only imagine how many people walked away from those auctions devastated that they had not even been able to participate because the price was nowhere near what they were quoted; it was nowhere near what they thought they were going to pay for that house.

Underquoting is an issue and we need to fix it. This does not mean that all estate agents engage in this activity, and this bill reflects that. In my community of Eltham my estate agents are some of the best. They are highly regarded; they do not overquote, but they are still within a 10 per cent margin of error. This is a challenge for people who really want to know how much they are going to be paying for a house and how much they can afford.

We have an annual growth in the housing price rate of 11 per cent. We need to have accurate reporting by our estate agents so that people understand how much

houses are going to cost. People's lives are incredibly busy. They spend lot of time looking after kids and working, they struggle to make ends meet and they do a lot of day-to-day activities. To engage all of your time trying to work out how you can buy a house that, unbeknownst to you, you cannot even afford is shocking. It is awful and it is a practice that cannot be supported or condoned.

For the 10 worst places in this state for overquoting, the numbers are 26.2 and 30 per cent above the quoted price. This is outrageous. How do you bid for a house that goes for 30 per cent above the quoted price? Especially when you are looking at houses in this city now, as we are, where they are over \$1 million in the inner city — 30 per cent on top of that is a lot of money.

In 2002 the Bracks government established the Estate Agents Resolution Service. Early on the Labor Party recognised that there was a need for action, that there was a need to hold estate agents accountable and to ensure that there would be a level playing field. In its first year it received 8700 calls and 900 written complaints about underquoting and dummy bidding, and we did something about it. However, in 2014–15, 9700 calls were received, up 600 on the year before. Keep in mind that these figures are at a time when people are emailing and when people are making online submissions, so for these phone calls to be at the height they are shows the depths of despair and outrage that so many people who are trying to buy houses across the state have. They want there to be action and they want there to be fairness in the way they go to their auctions to purchase what they hope is their dream home.

This bill is important because it is really hard for first home owners to get into the market. It is incredibly hard. People are living at home for longer. They are working longer hours. They are delaying when they are having children because it is so expensive in this state to buy a house. People are moving further and further out to find affordable housing. This bill will make it easier for people to understand the market and to recognise where the affordable suburbs are and where the suburbs are that they have got a chance of moving into and of bidding for a house.

The wealth of 25 to 34-year-old householders in 2014 was just 3.2 per cent more than their equivalents in 2002, whereas today's seniors on average have 61 per cent more wealth than did over-65s back in 2002. While I will, as an aside, congratulate Paul Keating for the terrific work he did on superannuation, the fact is that 25 to 34-year-olds do not have more money than they had 10 years ago, yet housing prices are just so

much more. They are astronomical in what they cost compared to what this age group is actually bringing in. This is a challenge. This is the age group who do need houses. This is the age group who are getting married, who are having their first children and who want a permanent place to stay, and they want to be able to buy somewhere that has got good services and good facilities. We need to be able to create a map for people to be able to follow so that they are not wasting their time and so that they are actually able to buy in areas that they can afford.

The rate of adults owning a home has dropped from 64.4 per cent in 2002 to under 60 per cent in 2014. This is an illustration of how challenging the housing market is becoming. The International Monetary Fund reports that Australia is in the top 10 countries in the world for price-to-income ratio for housing. This is a real challenge, and this is a challenge that a Labor government wants to address. We are doing this a number of ways. This is just one of the steps we are following. So for all of the bellyaching we are having adjacent to us on that side around the limitations and how it is more red tape and it makes things harder, this is not a nanny state. Helping people to own their own home is incredibly important. This is something that Australians really value. This is a thing that Australians understand, and for the vast majority of people their home is their only wealth. It is their only indicator of what they have.

Mr J. Bull interjected.

Ms WARD — It is their castle, member for Sunbury. You are absolutely right. We are able to make it easier for people to enter into the housing market, to understand the housing market and to recognise what it is that they will need to pay that does not waste their time, that does not suck up their resources and that does not suck up what spare cash they have in pointless property inspections and other things for properties they have no chance of actually being able to win the bid on because they have been 30 per cent overquoted. As I said, it does not happen with every estate agent, but it does happen, and it needs to be regulated and it needs to be addressed.

To sit on our hands and talk about a nanny state is ridiculous and it is negligent, and it just shows how little those opposite care about people doing it tough. I commend the bill.

Mr J. BULL (Sunbury) — I am also very pleased to be given the opportunity to contribute to the debate on the Estate Agents Amendment (Underquoting) Bill 2016. This is a government that stands for a stronger, safer and fairer Victoria. We are government

committed to getting on with it and delivering for each and every Victorian.

This is a very important bill before the house about fairness and better regulation, and I just wanted to briefly pick up on the comments made earlier today by the member for Polwarth, describing this as a nonsense piece of legislation, a nanny state bill. He said the market would do what it wanted to do, and the market would be what it wanted to be. How insensitive are these comments from the member for Polwarth.

This bill is not about telling people how much they can sell their homes for. It is not about restricting house prices. It is about putting some fairness and some safeguards into play and protecting prospective buyers from turning up and being completely blown out of the water by prices they simply cannot afford. I certainly agree with all of the comments, very important comments, from the member for Eltham.

What we have also seen this afternoon is a significant split from those on the other side. The shadow spokesman gave us 30 minutes of his very best stuff. He identified a few flaws in the bill. He did not strictly oppose the bill. Then we had the member for Polwarth get up and for 10 minutes explain why he did not support the bill. Really what you saw was a great division and a great split.

This is a good bill for buyers. It is an important measure for integrity and an important measure for real estate in this state. The bill especially helps protect first home buyers by disallowing agents from creating false hope by significantly underquoting the value of a house. We are a government that is committed to a fair go and ensuring people are protected when it comes to these market forces, and I will speak about those market forces a little bit later on.

We know that this bill arises from strong community concern around unfair practices that have developed over time. We know that underquoting sees estate agents or agents' representatives mislead a prospective buyer to believe that the likely selling price of a property is lower than it actually goes for. I have heard a number of speakers this afternoon talk about a boom in property prices. We are seeing that right across metropolitan Melbourne, and we are not seeing that slow down. Certainly within the regions and within country areas there are different things happening.

If we look at Domain.com, I wanted to note some quotes from Domain:

They say property doubles in value every decade, but Mont Albert homeowners Ken and Denise Cooper are set to watch their home at least triple at auction next month.

Across Melbourne, 115 suburbs have held to the double-up theory in the past decade, while median prices in St Kilda West and Mont Albert have more than tripled, Domain Group data shows.

In 2005, the median price of a house in the small leafy pocket of Mont Albert was \$561 500. Fast-forward to 2015 and buyers were forking out for houses, with a June median price of \$1.7 million — a 203 per cent increase in 10 years.

We have seen significant increases in housing prices that are certainly showing no indication of slowing down. These massive increases that we are seeing right across metropolitan Melbourne make it extremely difficult for those on low and medium incomes to be able to buy into the market. Certainly if you look at factors of travel, the time it takes to get in and out of the CBD, and then issues with growth areas such as my area in Sunbury, in Craigieburn and in the west, we are seeing the pressures right across the outer fringe.

We know there have been many complaints received by Consumer Affairs Victoria, and a number of members have spoken about those this afternoon. These figures are certainly concerning and another reason why the bill needs to be before the house today. Consumer Affairs Victoria received approximately 120 complaints in the 2014–15 period and 120 complaints in the 2013–14 period, so the same numbers but up from 2012–13 when it was 80. In the 2011–12 period it received just 20. We have seen a significant increase in these complaints and hence, as I mentioned, it is another very important reason that the bill is before the house this afternoon.

Buyers who are misled about prices can spend hundreds or even thousands on prepurchase costs such as building inspections, pest inspections and legal advice for properties that they could never realistically afford. You get a situation where a couple or an individual spends a considerable amount of money when looking at a place but cannot even get a look-in when it comes to the sale of the property.

The bill will strengthen the Estate Agents Act 1980 to improve the transparency of agents' estimated selling prices, give more information to consumers and create certainty about the way prices are quoted and advertised. This is an important bill. It is a bill that will toughen penalties for agents who breach the law, including providing a significant restriction on sale conditions. The new laws aim to help buyers confidently participate in the property market, as we have talked about, and there are a number of changes to the Estate Agents Act 1980 that will essentially create the fairness that we are speaking about today.

Estate agents will be required to determine a reasonable estimate of the selling price for properties they are

engaged or appointed to sell and must take into account the selling prices of three properties that the agent reasonably believes to be the most comparable to the property for sale. The agent will also be required to prepare an information statement which will include the details of three comparable properties along with other important information in relation to the property sale itself. Further to this, and I think this is certainly a good practical measure within the legislation before the house, the bill will create greater certainty about the way properties are advertised and quoted for by prohibiting advertising with qualifying words or symbols and advertising with a range greater than 10 per cent.

Agents will also have a specific obligation to update advertised prices to reflect any change in the agent's estimate or when an offer is rejected by a seller. If you see a price of \$400 000 on the market and the property is advertised for \$400 000-plus or for offers above \$400 000, that certainly is one of those restricted terms. It is going to mean that there is greater transparency and fairness within the framework around the sale of houses.

I have heard a number of members mention the important 10 per cent rule. The new laws will mean advertising price ranges of more than 10 per cent, say \$400 000 to \$440 000 or \$500 000 to \$550 000 and so forth; and words or symbols, as I have mentioned, such as offers above, from or over, will be banned. Agents found guilty of underquoting could lose their sales commissions, as we have mentioned. We certainly know that Consumer Affairs Victoria, through that complaints process, has highlighted many of these concerns.

In the time I have remaining I just want to highlight the fact that this government is committed to seeing all Victorians get a fair go under the law. We are a government that stands for a stronger, safer and fairer Victoria. Underquoting house prices to try to lure unsuspecting buyers, while driving up prices, is wrong and must end, and this bill will work to ensure that happens. I want to take the opportunity to thank and commend the Minister for Consumer Affairs, Gaming and Liquor Regulation, her office and the department on their work in bringing this bill forward.

I refer back to some remarks by the member for Polwarth. In his contribution he really got stuck into the merits of this bill, and I could not disagree more. There are numerous examples right through the statute book of the many safeguards and protections that work with market forces to protect buyers. Those people who earn their money each and every day, who work hard to earn

their money and save their money, should be entitled to spend that money with confidence, knowing that there are safeguards and protections around the sale of a house. I think it is a very important measure. It is a good bill before the house, and I commend it to the house.

Debate adjourned on motion of Ms HENNESSY (Minister for Health).

Debate adjourned until later this day.

BIRTHS, DEATHS AND MARRIAGES REGISTRATION AMENDMENT BILL 2016

Second reading

Debate resumed from 30 August; motion of Mr PAKULA (Attorney-General).

Mr PESUTTO (Hawthorn) — I am pleased to speak on behalf of the coalition parties this afternoon on the Births, Deaths and Marriages Registration Amendment Bill 2016. It is an important matter. In fact it is a matter which engages very serious questions about who we are and what we want to be, not just individually but as a society.

I can say at the outset that the coalition parties have considered the matter, and we have heard respectfully from all sides of the debate. I wish to place on the record my recognition that those who have consulted with us have done so in good faith, motivated by their deep beliefs and passions. I should also say at the outset that the coalition parties will oppose the bill, and I will proceed to explain why over the coming minutes. As I said, this is a significant matter, and it brings very serious questions for the Parliament to consider about how we all approach questions of gender and sexuality. I respect that there are differences of opinion, and I respect those differences of opinion.

This bill is based on a principle which the government characterises as making gender fluid based on the proposition that it is up to each individual in our society to self-declare their gender for the purposes of the recording of their sex on their birth certificate. As I said, this is a serious issue and it is not an easy one for anybody. We recognise that we live in a world of great diversity and that there are people who approach their own sexuality and gender in all sorts of ways.

Whilst the coalition parties recognise that the government took a position to the last election, we do not believe that the government, in short compass I should say, has taken the opportunity to fully engage and consult with the Victorian people on such a

profound change. That is not to say they should not do it. They said in their policy statement that that is what they proposed to do in terms of change, but if we go to the policy statement of 2014, we see what the government said was its commitment:

Remove barriers to new birth certificates for transgender and intersex Victorians and address the discriminatory automatic divorce consequence for transgender Victorians.

Fair enough; I recognise that that was in their statement prior to the last election. However, the bill before the house addresses this matter in great detail. My first reaction on reading the bill when it was second read only 13 days ago was to think: maybe it would have been far better for the government to have at least released an exposure draft of the bill so that the community could read it, digest it and understand what it will mean for them. As a result of my consultations with many people — and they are coming to the debate from different perspectives, even if I put to one side those who are passionately for and those who are passionately against any kind of change — what was clear to me was that there were people of very good faith who needed time to consider whether they supported the changes, and even if they do, consider what it means for them. I will come to some of those organisations in a short time.

As I said, we have only had this bill for some 13 days. Given the issues it engages, it is the coalition's view that the bill should not be supported at this stage. In 2004, when the current provisions were introduced, they were introduced with bipartisan support — that is, the current provisions which are before us. Even the then Attorney-General, the Honourable Rob Hulls, a former member of this place, spoke at some length in his second-reading speech, and in his reply, on the reasons for including the current provisions, and I will come to those in a moment. Matters like this have previously attracted bipartisan support in this place, but the 13 days that we have been given to work through the detail and then decide our position is not nearly sufficient.

If we look at the current provisions of the regime which governs the way in which a person will or can apply to change the record of sex on their birth certificate, we note that it is relatively straightforward under the current provisions. They are simply that a person has to be unmarried, has to be 18 years or over, has to be somebody whose birth is registered in Victoria and who has undergone a sex affirmation procedure — and under Victorian legislation that is a surgical procedure. Those are the current provisions. The new provisions do change these in very significant ways, and if we look

at those and work through them, we can see how significant they are.

The provisions in the bill before this house will, first of all, remove the unmarried requirement provision. I am not going to comment on whether one ought or ought not support the idea of same-sex marriage. What I do want to note is the comment of the then Attorney-General who moved the provision in 2004. On the rationale for the unmarried requirement, he talked about it creating an inconsistency with commonwealth law. I will quote from his remarks:

If this legislation —

that is, the 2004 legislation —

in Victoria did allow a person to be married before transitioning and changing their birth certificate it may be open to a legal challenge on the basis of inconsistency with the commonwealth Marriage Act.

Again, at the risk of repeating myself, I do want to make it clear that I am not commenting on whether one should or should not support the idea of same-sex marriage, but the rationale behind the then Attorney-General's remarks in favour of the unmarried requirement was about the uncertainty.

The parliamentary research service also included in its materials for members a short paper from lawyers, Lander & Rogers, which talks about the possibility of uncertainty with commonwealth law. It has been put to me, I think from the Human Rights Law Centre, that the commonwealth government does not regard it as problematic if two people remain in a marriage, one having altered his or her sex on their record — and I do note that for the record — but it does not completely dispel the possibility that there is uncertainty around the implications that flow from removing the unmarried requirement.

In addition to that, of course, the bill removes the age limit. That is a significant change. Again, in fairness to the record, other jurisdictions throughout Australia do allow for children to change their sex, and they have roughly similar procedures for that. On what is proposed in this bill, I will come to that in a moment in terms of what is required there. We do have some concerns about consent — and I will address that in a moment — and also the supporting material around that.

Just going through the remainder of the provisions that certainly affect adults, the removal of the unmarried requirement I have mentioned. The applicant who is applying to the registrar of births, deaths and marriages must believe the person's sex to be as nominated in the

application, and the record of the person's sex must not have been altered within the 12 months preceding the date of the application. The applicant is to nominate a sex descriptor in the application, and the application requires the support of another individual aged 18 or over who has known the applicant for at least 12 months.

There are just a few things to note in here. The first thing is the question of the term 'sex descriptor'. This goes very much to the issue I raised at the outset, which is just the profound nature of the changes for many Victorians to come to terms with — the idea that a person's sex for the purposes of their birth certificate can be anything that person nominates except for a prohibited sex descriptor. The term 'prohibited sex descriptor' is defined in the bill, and it would mean a sex descriptor that is obscene or offensive or that could not practicably be established by repute or usage because it is either too long or includes symbols without phonetic significance or for some other reason. 'Sex descriptor' is also defined in the bill to include — it is not an exhaustive definition — male, female or any other sex.

When I said before that these are profound proposals, I think Victorians deserve to be consulted on this and engaged in a conversation about whether these changes should proceed as they are proposed or whether the government, were it to proceed with such a process, ought to restrict the types of definitions that might constitute a sex descriptor for the purposes of the act. Certainly in the consultations I have had, not so much with those parties and stakeholders who obviously very passionately support the government's bill but those who are either undecided or have concerns about it, the idea or proposition that your sex can be anything you choose it to be, subject to what is really a fairly narrow range of prohibitions, is very challenging and confronting for people.

It does not mean that people will necessarily oppose it after a period of consultation and engagement, but it certainly means that it is something they need time to consider, digest and reflect on because the changes that this bill will introduce, as much as they will have an immediate effect on, for example, a transgender person, will affect all of us, both as a society and individually as well. So that sex descriptor issue is a matter of concern, and it ought to be something that should go to the Victorian people, whether it is an exposure draft or some other process that gives people a chance to reflect on and consider.

In relation to children and applications made, I do want to put on the record that we understand these are

exceedingly sensitive, delicate and in many cases tragic instances. We know that children can suffer. We know that their families, particularly their parents, can suffer very much. But we need to make sure that whatever changes come through represent a fair reflection of the underlying and enduring nature of our society and that the provisions are best equipped to deal with the complexities that may arise.

One of the issues that I would like to note in relation to children is that there are consent provisions, and perhaps it is best if I go to those. The key provision is in proposed section 30B in the bill. I will not address for the moment cases where people are applying where their births have been registered in another jurisdiction — they roughly follow in parallel the provisions for people whose births are registered in Victoria — but for children, the child's sex on his or her birth certificate can be changed if the child's birth is registered in Victoria, the child consents to the alteration of the sex descriptor, the parents believe on reasonable grounds that the alteration is in the best interests of the child and the record of the child's sex has not been altered within the 12 months preceding the date of the making of the application. Similarly with adults, the applicants, who will normally be parents or guardians, must nominate the sex descriptor in the application.

Just on that, I have noted in my discussions with stakeholders that although I would assume that in every case or just about every case — I cannot conceive of a case where it would not be so — the parents or guardians of any child in such a situation will of course have their best interests at heart, I do note just as a matter of procedural integrity that the registrar does not hear directly from the child. For the purposes of the application, the consent is expressed through the parents or guardians. To some extent I can understand that, but I do think there is a serious question around whether there should be in any event, and in all cases unless there is some reason there cannot be, a mechanism for consent to be considered by the registrar directly from the child concerned.

I did want to address the issue of a supporting statement in relation to children. It is slightly different. As with adults, there is a supporting statement from an individual who has known the applicant for 12 months or more. In the case of the child, the supporting statement must come from a relevant person who is of the opinion that the alteration of the record of the child's sex is in the best interests of the child and, if the child is under 16 years of age, that the child has the capacity to consent to the alteration of the record of the child's sex. I do note that the bill does treat children

who are 16 or 17 differently to those who are under 16. The capacity to consent is assumed, or presumed, in the case of 16 and 17-year-olds. For those who are 15 or younger, the applicants have to effectively declare the capacity of that child to consent.

I did want to address the issue of who a relevant person might be, because it has arisen in conversations that I have had with stakeholders and various persons. A relevant person in the bill is defined as a doctor or a person registered under the Health Practitioner Regulation National Law to practice in the psychology profession other than as a student or a person who is a member of a prescribed class of persons. Now, we know that under section 59 of the principal act it is a matter for the Governor in Council to prescribe matters under the act. Our concern is that new section 30B(5)(c) would enable the government to simply prescribe any class of persons it considered should be in a position to provide supporting statements in respect of children. That might not be a doctor, and it might not be a psychologist, psychiatrist or any other person with a professional clinical background; it could be anyone who is prescribed. That again is a matter of concern.

With respect to the removal of the sex affirmation surgery provision, I just note for the record that all other jurisdictions require some form of clinical support for any application or assessment. Even the ACT, which probably represents the most liberal of the jurisdictions, still requires that an applicant have undergone or obtained appropriate clinical treatment. Those are the words that the ACT regime uses. I just note that for the record.

In relation to the large part of the bill that deals with the Corrections Act 1986 and the Serious Sex Offenders (Detention and Supervision) Act 2009, I just wish to note some concerns that we have about those provisions. I understand what the government is saying in its supporting materials and in its second-reading speech, that the provisions include additional administrative hurdles before a prisoner, parolee or registered sex offender can apply to first get the permission of either the secretary or the Adult Parole Board of Victoria for a change by way of an application to the registrar, but it is important to place in context that at the moment it is not practicably open to a prisoner — and I think it is true to say also in relation to parolees — to secure the services of a medical provider to satisfy the current provisions. So what the current provisions will in effect mean is that prisoners, parolees or registered sex offenders can first apply to the secretary or the adult parole board, as the case may be, and assuming that approval to proceed is given, then

they will be as free as any other person to apply to the registrar to change their record of sex.

I note that the government in this bill does try to replicate for applications to alter the recorded sex of a prisoner or parolee the provisions in relation to such persons when they apply to change their name, but I do not think we should see this in the same context, not nearly so. This is a matter of some import, and the net effect of the changes to the Corrections Act and to the Serious Sex Offenders (Detention and Supervision) Act is that you will see, I expect, a large number of prisoners or parolees over time seeking approval to proceed with those applications. So we have a great deal of concern around what this might mean for the corrections system, and I will come to those in a moment.

I have already dealt with some of the substantive matters that have been changed. In terms of the procedural matters it obviously is a relaxed regime. In terms of adults you go from an application with supporting statements of two doctors to essentially an application from you and a statutory declaration from somebody who knows you. I have dealt with the procedural steps in terms of children, but on both substantive and procedural grounds obviously there is a far simpler process for applicants.

I did want to note, and again it goes to some of the deeper questions that I think Victorians need time to consider and reflect upon as a community, the proposition that it is open to an applicant to make any application, so long as they have not made one in the preceding 12 months. This does connote the concept that gender is so fluid that you may take more than one over time. Now, I am not here to say whether that is a good thing or a bad thing necessarily. All I really want to point out now in support of my opening remarks is that this is such a profoundly significant matter for the Victorian people that those types of issues really ought to go to them for deeper consideration and reflection, because that idea will for many people with the best of intentions be quite challenging and confronting. As I said in some earlier comments, it may well be that in some cases people will decide they agree with it, but in other cases they may reflect on it in good faith and decide that no, it is not how we should approach these issues.

I have spoken about the relatively unlimited nature of what a sex descriptor might be and the uncertainty around what we might see should this regime commence, and I think that is a matter of some import which deserves, as I said, deeper consideration.

I should just point out one matter relating to access to amended records. This is a matter that the Scrutiny of Acts and Regulations Committee reported on, and it is the matter of whether a person such as a child can access the record to ascertain whether his or her parent or relative has previously had a record of sex different to the one that the applicant might have known, for more information. It is a matter which we think is at odds with the other jurisdictions. Certainly it is one that if, despite our opposition, this bill does proceed, the government might want to think seriously about, because I think it is readily conceivable that there will be people who would have a good reason for wanting to access the record.

I have dealt with a lot of detail in terms of the bill — the existing provisions and how the bill changes them. The deeper existential question, I guess, for us here but also Victorians generally is what all of this means. As I said, with such momentous amendments it is not inconceivable that individuals across the state and organisations that are very well meaning and of good faith will be wondering what this means for them. There will be, for example, single-sex schools that go to great lengths now to provide support for students that need to understand what this will mean for them.

I have talked about the effect on our corrections system. What does all of this mean then? Because at the moment, as a matter of practicality, we do not have any or many inmates or parolees applying to the registrar, certainly as far as I am advised. These changes will see that change over time. What does it mean? I do not presuppose the answer. I put the question: what does it mean? If a prisoner, a person who has been male throughout his life, makes an application to change his gender, what will that mean for Corrections Victoria? Even with all of the so-called safeguards which the government has put in the bill around getting the prior written approval of either the registrar or the adult parole board, these questions need to be worked through and considered. For a whole range of organisations in our community and in our state these sorts of questions are very real. They do not necessarily come at them with any predetermined views; they just do not know. There is a need to take a step back. If the government, as it obviously does, wants to proceed, it should look at something which is a bit more engaging than just a bill that has been on this table for, in effect, two weeks.

It is to be noted that should the bill proceed through both houses and become law, Victoria will be very different to other jurisdictions. It is hard to ascertain whether those other jurisdictions will move in either no direction or some direction — and if they do move, to

what extent — but we certainly think that if the government were to proceed, it should be working with other states and the commonwealth around systems which are roughly in keeping with each other. This legislation will put Victoria at a great difference. I know some people feel very strongly and would love to see that; there are others who have a different view.

I think, given the extent and the profound nature of this bill, there is a strong case for the government to take it off the table and go through a process that engages the Victorian people. It may well be that that is a long period, of a number of months or of possibly even a year or so, to work through the extent of these changes. It is important because the government should trust the Victorian people to have this discussion. It is very important that people on all sides be temperate and respectful, as I think I have been. I have gone out of my way to show respect for everybody who has come to see me, people with very different views. That respect means that neither side of the debate should be denigrating the other side, using intemperate language or assuming that any disagreement means that you are motivated by discriminatory animus.

I want to point out that it is possible for people of the best will, people who are eminently responsible and distinguished in their fields, to disagree. I just do not want to see a debate that is impeded because people do not feel they can express what it is that concerns them. If their concerns are real and genuine, then the best thing the government can do is elicit that from members of our community so that we can have a temperate discussion to try and understand all sides of the debate. I finish where I began, which is to say that I do understand, and my colleagues understand, how seriously these issues affect children, adults, parents, siblings, families and the community — we know that. But the question is: has the government consulted and engaged the Victorian community as it should?

Mr FOLEY (Minister for Equality) — Yes, this bill raises deep questions for us to reflect upon, as the honourable member for Hawthorn indicated. It raises deep existential questions that the member for Hawthorn reflected upon. The most important of those is: how does the Liberal Party opposition bridge the clear internal divisions that it has in trying to bring forward the debate here? In terms of the very issues that the member for Hawthorn reflected upon, the one he missed here is that the position of the Liberal Party to now seemingly oppose this bill reflects deep existential divisions in their own ranks — not on this side of government. Those divisions are not within the Victorian government and not among the Victorian people.

Honourable members interjecting.

Mr FOLEY — With the greatest of respect, we heard opposition members in silence and respectfully appreciated their arguments. I ask through you, Acting Speaker Pearson, that that same courtesy be shown to this side of the house.

All we get is this derision from those opposite every time we point to the realities of their internal divisions on these important social issues.

Despite what the member for Hawthorn might wish, this is not a bill that we will be withdrawing. We will be pursuing this bill because, as the honourable member for Hawthorn pointed to in his own submission, this bill has gone through a process that democratic, parliamentary governments say is how we make laws in this state. We took this position to the last election, something which the honourable member for Hawthorn acknowledges. We set up a whole-of-government consultative process and a specific reference process through the justice working group of that LGBTI task force. That group consulted widely. It consulted extensively. It consulted many of the groups that the honourable member for Hawthorn pointed to. It consulted not just with the LGBTI community. I pay due deference to many of them who are here in the gallery with us today, including Mishael McNamara, Erik Ly, Brenda Appleton, Emma Halliday and also Paige Phoenix, who has been at this for a very long time. Ten years ago I think was the first time I had the opportunity to discuss these issues with Paige. And indeed the parents of trans kids, including Jo Hirst, Karyn Walker and other trans parents, have also been consulted.

We have consulted with faith-based groups. We have consulted through the education working group on this. We have consulted with Corrections Victoria. This has been a model of how Westminster parliaments make important public policy decisions and reflect those in laws. It is not a proposition that those opposite can in all good faith pretend has been other than rigorous, because it delivers on our election commitment — because this government believes that all Victorians, especially those Victorians who are same-sex attracted and gender diverse, should have the support to be who they are and to be recognised as such in the institutional frameworks of how governments operate and in the architecture of those records such as those in Births, Deaths and Marriages Victoria. This is a welcome measure by this side of the Parliament, especially for our trans and intersex community, whose identity and prospects of participating in Victorian society are made unnecessarily difficult by the current nature of our

births, deaths and marriages recording framework and its focus on binary gender frameworks in our laws and regulations.

This bill reflects similar moves that we are increasingly seeing throughout not just the commonwealth and comparable jurisdictions in Australia but indeed globally. I am particularly pleased to see that this bill places us at the leading edge of that debate, as I think the honourable member for Hawthorn identified. The bill, as the Attorney-General has set out in his second-reading speech, will amend the Births, Deaths and Marriages Registration Act 1996, and as he points out, adults will be able to apply to alter the sex marker record on their registration and therefore their birth certificate. That is a document that goes so far in defining your identity in our society. Also, children will have access to that recorded sex altered status. Such markers will be able to be identified variously as male or female or gender diverse non-binary descriptors as specified by that person and as reflected in their identity of who they see themselves to be.

This bill will remove the cruel sex change divorce provisions, which until now have required people to have both undergone expensive and sometimes frankly dangerous sex affirmation surgery and to be unmarried before being able to alter the sex record on their birth certificate. This is unnecessary and discriminatory, and we will seek to remove it. It is in fact, as the honourable member for Hawthorn recognised, a position that causes no offence to the commonwealth in the current application of the Marriage Act 1961, leaving aside moves for a plebiscite or otherwise for same-sex marriage recognition.

The removal of the prerequisite of medicalisation of what is fundamentally a social identity issue is a feature in the bill that has been warmly welcomed by many in the community, not just the LGBTI community, and it is a distinguishing feature of the bill that places the procedure that the registrar requires to have demonstrated as a prerequisite as a thoroughly appropriate and modern one.

In regard to children, which the honourable member for Hawthorn put some emphasis on, it is particularly important to acknowledge the reassurance this bill will bring to hundreds of families right across our state. Ten years ago no child in Victoria sought the assistance of the Royal Children's Hospital on the issue of seeking the resolution of their gender status. This year so far 170 children have sought assistance from the Royal Children's Hospital gender dysphoria unit. In 2012 that figure was 18. In 2014 that figure was 104. In 2015 that figure was 170. This figure is increasing exponentially

because this issue is exponentially increasing in Victorian society. Hundreds of families right across our state, I suspect from every honourable member's constituency in this place, are seeking with their children to resolve fundamental issues of identity and to do that in a way that is appropriate and is reflected in modern regulatory frameworks.

Can I use this opportunity therefore to particularly thank Dr Michelle Telfer and her team for their international best practice leadership in this space and their continued advocacy for precisely these kinds of reforms. Can I indicate to the house that this bill will transform the lives of gender diverse, trans and intersex people in particular and it will do so for the better. The consultations with LGBTI people and their organisations have shown strong support for this bill. People who have been too long marginalised, stigmatised and discriminated against for being brave enough to be who they are support this bill. Stories that are the most powerful come from those people themselves. The transformative power of what we can do here as legislators to make lives better for these people allows us the opportunity, if we are brave enough as a Parliament, to reflect the reality of people's lives in the institutional frameworks that governments bring. It is about building not just a stronger and more inclusive Victoria but one that makes us all better off — one that makes us all stronger.

If I can I will close my contribution to this debate by reflecting on stories from a number of people, but these in particular. A seven-year-old girl, whose circumstances we will keep anonymous, has sought to have the sex descriptor on her birth certificate changed. With the support of her parents, who know about this bill and her wellbeing, she has sought to remove barriers that result from her birth certificate not reflecting her gender. Even her private sector school — her single-sex private sector school — has been very supportive of her in her transition in these arrangements. That is the reality for at least 170 children so far in this state this year and indeed, as we expect we will see, an increasing number of adults in Victoria — for instance, the young man whose story has been made available to me. He is a trans man who will see, through this change to his life, the importance that he pointed out to me of being recognised on his birth certificate as a man for the first time, of avoiding the risk of surgery and of avoiding the costs of surgery. Having his social recognition reflected in the legislative and programmatic support of our institution of births, deaths and marriages is what this bill is all about. It is about decency.

Mr WALSH (Murray Plains) — I rise to make my contribution on the Births, Deaths and Marriages Registration Amendment Bill 2016. I suppose in starting off I should say that I was very disappointed in the minister's tone at the start of his contribution. These sorts of debates are best carried out in this place with respect, and the comments he made about the member for Hawthorn just reinforce the view that what this government currently wants to do with some of this social agenda is divide rather than unite. I think the way that the Parliament has best handled these issues in the past has been when there has been a sharing of knowledge and a good understanding of what has been proposed. The member for Hawthorn talked about the process that former Attorney-General Rob Hulls went through with those particular processes back in 2004.

This bill has been in this place for 13 days. Although the minister has spoken about consultation with particular sectors of the community here in Victoria, from someone who represents one of the electorates in northern Victoria, I do not think anyone in my electorate really knew anything about this bill until it hit the table. Sure, the minister wants to play politics, the minister wants to divide, the minister wants to be divisive. That is his right; he is the minister, and they are the government. But that is not the way to actually get the best outcome in society when you are making major changes. I am very disappointed in how he has gone about that, but I am not surprised, given the minister's performance on those particular issues in the past.

As I said, this bill has only been before this place for 13 days. The member for Hawthorn talked about the process of having an exposure draft for these sorts of matters, which may have been a better way to go about this. It would mean people could get a very good understanding of the legislation and could ask the questions that we all — and no doubt that includes you, Acting Speaker Pearson — have had lots of emails about in terms of how particular issues can be handled if this bill becomes legislation into the future.

The Births, Deaths and Marriages Registration Amendment Bill 2016 amends the Births, Deaths and Marriages Registration Act 1996 to remove the requirement for a person to have undergone sex affirmation surgery and to be unmarried to allow for an application to alter the birth certificate on behalf of children. It inserts a new provision enabling a person to alter the record of their sex without the person having to undergo sex affirmation surgery, as I said, and the need for them to be unmarried. I think people need to understand what those particular issues mean. From my point of view I do not have any problem with those

particular changes. The issue is about making sure that the community understands the ramifications in the future as people go through these particular processes and as they actually nominate their sex descriptor on their birth certificate in the future.

The questions that are being constantly asked in the correspondence that I have received relate to how it is going to be managed in the future for the single-sex schools, which I think the member for Hawthorn mentioned; how it will be handled from the perspective of sporting clubs and clubs that play gender-specific sports; and how it will be handled by service providers that provide particular services for either male or female patrons. They are the sorts of questions that a lot of people are asking as they send correspondence and emails in to us around this particular issue.

For an organisation that provides specific services to women around domestic violence and around the sorts of gender-specific issues regarding women's health, how do they actually handle someone who comes in and now describes themselves as a woman? They are the questions that have been sent to quite a few of us as members of Parliament. They are the things that need to be answered. If this house and this process are going to work well, they are the sorts of things that there should be answers for now. They should not just be raised as part of this debate now, with people left wondering. The wider community in particular is left wondering what this means for them. We have all had the emails, but there is one particular email from Tessa Anne, who asks a whole range of those questions that I have just talked about. She asks how the bill will affect those particular organisations that deliver services — from her point of view she is talking about women — such as women-only gyms. She asks how it will affect the recruitment of — —

Ms Thomas — Women go to women-only gyms.

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

Ms Ward interjected.

Mr WALSH — That is not necessarily so, as I would understand it. There are issues there that need to be addressed. As the member for Hawthorn said, the Liberal-National coalition party will be opposing this legislation. Those on the other side might like to be derisive of the fact that we are opposing it. That is our right as a party and as members of Parliament. It is interesting that they talk about respect. Government members say they want respect from those on the other

side, but they are not prepared to give it to the other side if they have a different view from the government's view on whatever issues happen to be being discussed at the time.

We respectfully oppose this legislation. As the member for Hawthorn said, a much better way forward would have been to have spent more time on this particular issue and to have released, as I have already said, an exposure draft that allowed all the issues that are being raised now to be played out in the community.

One of the things that I personally believe and I think people on this side of the house believe is that people have a right to live their life the way they want to live their life, as long as it does not impact on other people in any adverse way. For those people from the LGBTI community, I believe 100 per cent that that is the way life should be lived in the future, but we need, and I need personally in my role in this place, answers to the questions that have been raised by a whole heap of people about what the ramifications will be for those organisations, those groups and those services out there that feel that they do not know what will happen in the future when they get to deal with people who have changed their birth certificate.

This issue about having a descriptor that is not necessarily gender based but which effectively, as I understand it, can be any name you want to put on it, as long as it is not offensive, raises some real challenges for the wider society. People obviously want to change their birth certificates to reflect their gender, but we need our birth certificates when making applications for a whole range of things, so we need to be very careful about how this proceeds into the future. I struggle in my own mind with how having a descriptor on your birth certificate that does not necessarily reflect any gender at all is going to function in the future.

To finish off my contribution to this debate, I suppose the other thing I have concerns with is the issue around children and the fact that the process needs some more checks and balances before there are changes made to the gender of young children. We all know that some people go through phases in their life where they question those sorts of things. I would hate to see decisions made in haste which people then regret or have to undo in some way in the future.

As I said at the start, in getting to where we have got today I think this process could have been handled a lot better. As I said, the Parliament works a lot better when there is wider understanding from the community of what we are trying to achieve. It is the minister's right and the government's right if they want to be divisive

about these particular issues, if they want to play politics with these particular issues, but I think we all have a responsibility here on behalf of all Victorians to try to get the best outcome possible, and I do not believe the government has gone about this in a way to achieve that or have ownership of what changes may be made in the future by the wider community.

Mr DIMOPOULOS (Oakleigh) — It gives me great pleasure to speak on the Births, Deaths and Marriages Registration Amendment Bill 2016. It is a great pleasure because of the hard-fought fight of many of the people in the gallery who the minister mentioned, transgender and gender diverse Victorians. If this bill passes Parliament, it is their victory for having to put up with an uncompromising bureaucratic system that does not reflect their humanity. It has been essentially putting a square peg in a round hole, so it gives me great pleasure to speak on this bill. It also gives me great pleasure because it is another election commitment that the Andrews Labor government is delivering on, and by doing that we are keeping faith with the community that we represent.

As the Minister for Equality has said, the bill basically removes barriers that are currently in place. Currently, as we have heard, somebody has to have sex affirmation surgery and be unmarried. Who would have ever thought of that? Why have that? Before there was government, there were people. Why is it government's role to be interfering in people's personal lives to that extent? Why is it government's job to tell me whether I am a male or a female or to feel however I feel? That is, in my view, a complete overreach of the role of the state. This is, thank goodness, a bill that restores the focus on the humanity of each of us and what we feel, not what a bureaucrat in Collins Street or in a public hospital in Melbourne tells us we should feel. For children it is even worse because they have no option. Adults have an option, but it is an option that is very difficult; it is an option that is really, to some extent, not an option for many people.

This bill repeals the requirement for an adult to meet those onerous requirements of sex affirmation surgery or be unmarried. It sets out a new process. As the minister described, the bill will allow an adult to apply to the registrar to alter the sex recorded in their Victorian birth registration, and therefore what is shown on their birth certificate, by way of a statutory declaration if that person believes that their sex is as nominated in the application and the application is accompanied by a supporting statement from an adult who has known the applicant for at least 12 months.

The bill will allow the applicant to nominate the description of the sex shown on the birth record, which may be male, female or any additional descriptor chosen by the applicant to recognise their gender diverse or non-binary identity. A person can only alter the record of their sex once every 12 months. That is an appropriate response to this very, very important issue. It is essentially two people — the applicant and someone who has known the applicant for 12 months — making that change. That is all it should be. You should not be forced to go through horrendous processes to prove who you are. That is for adults.

For children the bill inserts a new application process to allow a child's birth registration to be altered with appropriate safeguards. An application for a child must be made on behalf of the child by their parents or guardian and must include a statutory declaration from the parent or guardian that the parent or guardian believes the application is in the best interests of the child. In addition, the application cannot be made unless the child consents and the application must be accompanied by a supporting statement from a doctor or registered psychologist stating that in their opinion the application is in the child's best interest. The bill has additional provisions if a child is under 16 years of age. Again, I think it is a very good balance to provide a pathway for children and adults.

This is a really good bill. It is good because, as we have heard from the minister and we have heard in the press and from the community, some members of which are represented here in the gallery of Parliament today, people have suffered because a birth certificate is a primary document; you need it for almost everything. It is not something that you can just pull out once in your lifetime from the bottom drawer and pretend nobody notices. This is a document that is as close as we come in this country to an identity card, and it is so important for transacting business every day of your life.

I just want to quote from the Attorney-General's second-reading speech. It states:

Many trans, gender diverse and intersex people face barriers in daily life because they are unable to alter the sex recorded in their birth registration, and therefore what is shown on their birth certificate. As a result, organisations and institutions may query the person's sex by asking inappropriate and intrusive questions, for example when providing a service or amending documentation such as bank accounts, insurance details, credit cards, university records et cetera. In some circumstances where there is a lack of understanding, it may lead to appropriate care and services not being provided.

All of that misery and pain for a decision that was made for you when you were born and that you had no role in. Also, the people who made it at that point in time

did not have the full consciousness of how you would develop later as a human being. I am so pleased that we are pulling this back. It has been a burden borne for far too long by these beautiful Victorians and beautiful Australians.

I am also pleased, as the minister said, that we are not being restricted by what other states have done; we are setting our own path. We are being a leader in terms of the equality priorities we have as a government and real civil liberties, fundamentally —

Mr Wynne — Equality and fairness.

Mr DIMOPOULOS — It is absolutely about equality and fairness.

Ms Ward — And respect.

Mr DIMOPOULOS — And respect. I note some of the concerns raised by the opposition but I think fundamentally those concerns really pale into insignificance compared to what this bill will actually achieve if it passes the Parliament. The people who are most affected, as I think the minister said, are the people who have been consulted in the development of this bill. They are the ones who should drive the agenda; it is their personal, private humanity that we are talking about. It reminds me of the plebiscite argument that the federal government has been running in relation to marriage equality. My strong view is that it is not everyone's business. This is the business of those people it impacts, and that is it. This is what this government is doing. We are putting those people front and centre.

Acting Speaker, if you will just indulge me, I am really proud to say that this is one thing in a long list. This is just a 1-minute brainstorm that I had a moment ago. There is the inherent requirements test for the employment of staff in religious schools or institutions; the Safe Schools program, and the Premier stood proud as a leader for the whole of Australia in relation to retaining that good program; the adoption equality decision; the bill we are debating at the moment; the federal Labor Party's policy on marriage equality —

Mr Wynne — The spent convictions.

Mr DIMOPOULOS — The member for Richmond reminds me of the spent convictions. On that front I do note that that was one of the things the member for Box Hill also supported, but that is about the only thing, to be frank, on which the opposition has lent support to the LGBTI community. We have had the announcement of the pride centre. We had the first Premier ever in Victoria's history to not only attend but

march at the front of the Pride March as well as probably half of the government MPs on this side —

Ms Ward — A great day.

Mr DIMOPOULOS — It was a fantastic day, as the member for Eltham says. We brought our children and our families. Of course there is a whole range of other things, including funding through the Minister for Multicultural Affairs for culturally and linguistically diverse communities to tackle homophobia. The Greek community got funding out of that, as did other communities. We are breaking down barriers, we are creating a better Victoria and we are creating a better life for every citizen, not just for those who conform to a particular standard.

In terms of a couple of the things that the member for Hawthorn said about the 13 days notice, that is pretty standard parliamentary procedure with bills. This is a long time coming. It was an election commitment. I do not think that is an issue of concern.

I also note the Leader of The Nationals said something akin to if you disagree with this bill, it does not make you a homophobe. Perhaps not, but I think if you look at the long list of achievements of the Andrews Labor government, we are not even on the same level as being homophobes. What we are saying through that list of achievements, that list of bills and initiatives, is that we stand with the LGBTI community every step of the way. We stand with you every step of the way. We stand with my community and we stand with the community behind me in the gallery, and we will not be turned away by concerns that really, in my view, are insignificant compared to the virtue.

Mr HIBBINS (Pahran) — I rise to speak on behalf of the Greens on the Births, Deaths and Marriages Registration Amendment Bill 2016, which amends the Births, Deaths and Marriages Act 1996 to provide for the self-determination of sex on a person's birth certificate and to remove the requirements for sex affirmation surgery and being unmarried. The Greens fully support this bill as it is consistent with the Greens policy that we took to the last election and the commitment to ensure that intersex and transgender people are able to easily alter their sex on all official documents so it is consistent with how they live and how they identify irrespective of their marital status.

We do understand that the government has consulted widely and extensively on this bill, and we are very pleased to see that this very important, positive reform has been introduced into this Parliament. I am very concerned, having heard that the coalition intends to

oppose this bill. I believe it has been widely consulted. To be fair, the Labor Party did take this policy to the last election, and the Greens took this policy to the last election. It is one thing to say the bill has only been on the notice paper or been out for 13 days, but anyone could have seen this coming. This is not a sudden surprise, and if the opposition had taken the time to develop a policy, we would not be having this issue of its members asking all these various questions.

I mean, there are some concerns over technical aspects. I think there are some moral aspects and some unanswered questions, and I would just compare them to the problems that exist now because we have these requirements for changing one's birth certificate. Think of the problems that exist now and the benefits of passing this legislation. I would suggest to the coalition that if they are intending to vote against this bill in the lower house, the next sitting week is in about three weeks time and bipartisanship takes a bit of effort from both sides. I would say to the coalition: do the work to get yourselves into a position where you are comfortable either supporting this bill or giving your members a free vote. Because it would be an absolute travesty for this bill to be defeated. I feel sick in the guts thinking of that, after all the work that has been put into it and the importance that it will have out there for so many people in our community. I would put it back to the coalition: do the work to get yourselves into a position where this bill can pass.

It is important because many Australians take our gender and identity on official documents for granted, but for a person that wants to change the sex marker on their birth certificate the current laws are unjust and they are impractical. Changing sex on a drivers licence or in a passport has been made easier in recent years but not a person's birth certificate, which is really the primary and central identification document.

We have had changes that have been made in the ACT. We have had changes that have been made in other countries that remove the need for surgery and provide for self-determination, and for a person to have a birth certificate and all other documents that reflect their identity should not be underestimated. It provides empowerment and affirmation, it engenders respect and it avoids all those difficult situations for gender diverse people when they are required to produce their birth certificate, whether it be for work, for school or for myriad other reasons. So it is incredibly important that we have a process where someone can alter their birth certificate to reflect their gender identity, not one that creates the significant and unjust barriers that the current process in Victoria does.

We know that many agencies and organisations have different administrative practices when changing the sex marker, leading to people having different experiences and varying degrees of frustration, but having public documentation such as a birth certificate that reflects a person's gender is absolutely crucial to a person's sense of identity and recognition.

In relation to the aspect of removing this need for surgery — this need to have gone through sex assignment surgery — getting rid of this is absolutely critical because we know a person's gender identity is not necessarily defined by their physical body. We know that this medicalisation of gender identity delegitimises the experiences of people who cannot or choose not to have surgery as part of their gender affirmation. Surgery is simply something that many people do not want to do or cannot do. It is not a requirement for someone to transition gender, and it is not something the government should be using to determine a person's sex.

Allowing Victorians to self-determine the sex recorded on their birth certificate will ensure the law is in line with how people live their lives, as is removing this need for a person to be unmarried. In 2004, when this original legislation was brought before this Parliament, it required people to be unmarried, and at the time the argument was that if legislation was brought in Victoria that did allow a person to be married before transitioning and changing their birth certificate, it may be open to a legal challenge on the basis of inconsistency with the commonwealth Marriage Act 1961.

This in itself is an unjust situation and has created the new problem of forced divorce for transgender people, whereby people who have chosen to undergo surgery would then be forced to divorce their wife or husband. I think of the story of my colleague the Victorian Greens Senator Janet Rice and her long-term partner Penny. After many years of marriage Penny transitioned and faced that unenviable choice of whether or not to divorce before she could change her birth certificate. They and many others will benefit from this legislation. I also point out that the ACT have had this provision and have not faced any legal challenge to their law.

There are so many people with so many powerful stories who have transitioned, and the difficulties and the challenges they face are evident. That is why we need laws like this to affirm and support gender diverse people, not to hinder them. Also, these laws will have a positive impact on intersex Victorians, who will particularly welcome the removal of the need for

surgery and the provision for a non-binary description of sex, which reflects how many people identify.

The process in detail, as has been discussed by other members, is that the application for adults simply requires that a person is 18 years or over. To make an application they nominate a sex descriptor — male, female or any other sex. The application must include a statutory declaration. We rely on statutory declarations for so many important things in our lives, particularly legal matters, and of course to make a false statutory declaration can lead to a charge of perjury. This is no light document. A statutory declaration is not something that should just be considered as lightly included in the legislation. This also must be accompanied by a supporting statement made by an adult who has known the person for at least 12 months.

It is extremely important that children are covered by this bill because not having the expression of their gender through their birth certificate can lead to an incredibly difficult time and undermine their self-worth. It could prevent them from enrolling in a school or filling out a particular job application, and certainly there have been instances of children having to change schools in order to live their affirmed gender because they cannot change their birth certificate. This is unjust, and so in this bill the parents may nominate a sex descriptor, the child must consent to the alteration of the record of the child's sex to the sex descriptor nominated in the application, the parent must believe on reasonable grounds that the alteration is in the best interests of the child and there must be a supporting statement from a relevant person such as a doctor or registered psychologist that the relevant person's opinion is that the alteration of the record of the child's sex is in the best interests of the child. I also understand that for children under 16 years of age there must be a statement in terms of the child having the capacity to consent to the alteration.

There are provisions in the bill to provide for where there is a difference of opinion between parents, and I believe that is a referral to the County Court, which can make that decision. We have been assured in our discussions with the government that there will be funding and resources put in place for a peak body or advocacy group to be able to provide legal representation for children in these matters.

There are provisions for applications by prisoners where approval must be supported by the Department of Justice and Regulation. We do note, however, that in the case of a person under parole it is the parole board which is required to give that approval. We ask why it is the parole board and not the secretary in that instance.

We believe the secretary still has responsibility for that prisoner even when they are under parole, so that is a question we need answered. But overwhelmingly it is absolutely critical that this bill passes, and I hope the coalition will do the work to ensure that the bill passes the upper house.

I acknowledge all those who have worked so hard on behalf of their communities to bring about this change. That hard work should be rewarded by members in this place for all the work you do not just on this legislation but all the work you do supporting the members of your community. I certainly commend the government for listening to the community and getting this legislation right.

I also feel there are further reforms that we do need to take in this area, particularly in regard to the Equal Opportunity Act 2010 and removing the exemptions in that act that still allow for discrimination on the basis of someone's gender identity. There is a bill before Parliament this week that makes some changes to the application of the inherent requirements test — and I will speak further to that bill when it arises — but I believe that legislation can go further and I will be moving amendments to do that. We certainly need to be updating the definition of gender identity in the Equal Opportunity Act, which is somewhat outdated and inaccurate, and we also need to include intersex as one of the protected attributes for which people cannot be discriminated against.

Another issue that I have been made aware of during the campaigning of Senator Janet Rice, our federal Greens LGBTI spokesperson, is the need for reform so young people are not forced to go to the Family Court in order to get stage 2 hormone treatment, which is costly and a time-consuming process and which puts the mental health of children at risk. So there is further work to do, but we certainly support the bill. We have supported the self-determination of birth certificates going into this Parliament, we congratulate all those who have worked to get this bill to this Parliament and now I feel the onus is on the members of this Parliament — given all the hard work that has gone on out in the community to come to this point — to do the hard work to make sure the bill passes this house and the other house and becomes reality.

Mr CARBINES (Ivanhoe) — I am very pleased to contribute to the Births, Deaths and Marriages Registration Amendment Bill 2016. I commend the contribution of the member for Prahran, and in particular I acknowledge the previous member for Prahran, who chaired the Law Reform Committee that I was pleased to serve on in the last term of the

Parliament along with the member for Brunswick, the member for Morwell and a former member in the other place, Donna Petrovich.

The Victorian Registry of Births, Deaths and Marriages came up many times in relation to the way we dealt with access to information for donor-conceived people, particularly in the 2012 parliamentary inquiry into access by donor-conceived people to information about donors. During those hearings there were not many affirming contributions from witnesses in relation to their engagement with the registry of births, deaths and marriages and the way in which registration worked. Anyone in Melbourne who has been near the registry of births, deaths and marriages would have seen the queues of people who hang out outside the office. It helps us understand what a degrading experience it is, and it is also an indication of the lack of resourcing and priorities put into that department in its exercising of its responsibilities to people. Anyone who has been past would have seen the queues outside the registry of births, deaths and marriages at any time of the day, which is an indication of the lack of priority that people give to everyone in that queue as well as the priority that those people themselves put into why they are there.

Every person matters and every inquiry matters, and the chair of the Law Reform Committee at the time, Clem Newton-Brown, did some great work and oversaw changes to the law today which reflect the priorities and the importance of people standing in that queue, having that discussion with that public body, and what they seek to achieve. Can I say also that in relation to the parliamentary apology for laws criminalising homosexuality and harms caused, which is on the program this week, the former member for Prahran played a critical role in leading the charge to bring that before the Parliament.

There has been a lot of discussion from those opposite on their opposition to this bill, but of course what the Andrews government seeks to pursue is an affirmation from the Victorian community on what it took to the election. We have an obligation to make sure that we deliver on the commitments we made when we went to the election and which were affirmed by Victorians. Ultimately that is the result of an election. We have an obligation to bring those matters before the Parliament, to discuss them here and to make sure that the affirmation of the Victorian community on what we took to the election is delivered on in this Parliament. That is what we seek to do in relation to this bill today.

Importantly, as people would be aware, particularly in relation to what the Attorney mentioned in his media

release of 18 August 2016, the bill ensures that couples will no longer be forced to divorce if one partner wishes to apply to change the sex recorded on their birth registration. They will be able to apply to alter the sex recorded on their Victorian birth registration and birth certificate. Under the changes an applicant will be able to nominate the sex descriptor in their birth registration as male, female or specify a gender diverse or non-binary descriptor. The registry of births, deaths and marriages will be able to refuse to register an amending descriptor that is obscene or offensive or if it is not reasonably established as a sex descriptor.

As the Attorney said in a statement on 18 August:

Nobody should be forced to undergo major surgery or choose between maintaining a legal relationship with their spouse just to get a birth certificate that reflects who they are.

As the Minister for Equality said:

In making this important change, we're not only delivering on our commitment, but removing another barrier for trans, gender diverse and intersex Victorians.

and:

This shows once again that in Victoria, equality is not negotiable.

That has been my experience in relation to the previous Parliament and the work of the then Law Reform Committee in relation to donor-conceived people and their interactions with the registry of births, deaths and marriages and the way in which they were treated as Victorian citizens, as human beings and as people who have an entitlement, who have a vote and who have a determination about the way they should be regarded, respected and treated in Victoria.

I do feel that a lot of what is put forward in this bill by the Attorney relates very much to the values that the previous speaker, the member for Prahran, and his predecessor in that seat, Clem Newton-Brown, as chair of the then Law Reform Committee, spoke about in terms of the way the registry of births, deaths and marriages engages citizens. The way it is meant to respect people is all driven of course by what the Parliament sets as its parameters. It is very important that we make sure that in broadening the context of what the registry's responsibilities are through this bill and in broadening our expectations of the Victorian community on how the registry deals with citizens of the state that again we are expecting them to do more to accept Victorian citizens and to deliver a better outcome for them.

It is disappointing that more often than not I have had people come to me in my electorate to talk about their

engagement with the registry on a range of different issues, and I think the performance of the registry of births, deaths and marriages has been poor. We should be satisfied with the way in which it engages Victorian citizens, and while I absolutely and utterly support the bill before the house, I think it is incumbent on the registry of births, deaths and marriages to demonstrate their capacity and their resourcing to treat citizens in this state with a greater level of respect than they do and to understand absolutely and clearly their obligation to everyone who stands in a queue outside the registry. Anyone who walks past the registry of births, deaths and marriages will see that there is always a queue. There are always people waiting and seeking support, affirmation and advice on their rights and obligations as citizens. They deserve respect and support, and they deserve people's time.

To anyone who works in a service industry, whether it be Centrelink or in another government organisation — and it might be the registry of birth deaths and marriages — my complaint is not with the staff. It is not with those who commit themselves every day to do their best for the citizens of Victoria. However, I believe that there is a disconnect between the values that we seek to affirm as legislation in this place and the role and capacity of the registry of births, deaths and marriages to deliver on the aspirations of the Parliament and the commitments it makes.

This is legislation that was affirmed by Victorians at the election and that the Andrews government sought support for. It has that support from the Victorian community, and that is why we are debating it in this place. The opposition should reflect on that in this place and in the other place. Whether it is in relation to this bill or other acts of Parliament that come into play as a result of the work and the leadership of the previous member for Prahran in relation to donor-conceived people and their interaction as citizens with the registry of births, deaths and marriages, I believe that the registry has an obligation to treat citizens equally and with respect in a timely and efficient manner. If they feel they cannot do that, then they need to bring those matters to the attention of government.

I commend this bill. I place the registry of births, deaths and marriages on notice: when we get this bill through the Parliament we will be watching and expecting them to give the same due credit and respect that the Parliament is giving to everyone who queues up to see them.

Mr CLARK (Box Hill) — The supporters of this bill propose in effect that a person should be free to change their sex as recorded in the births register in a

similar manner to changing their name. Subject to some procedural safeguards against abuse, people, they argue, should be able to nominate whatever sex descriptor they believe to be appropriate, as they can already nominate whatever name they believe to be appropriate. This proposal raises profound issues at many levels. What does sex or gender consist of? What are the purposes of the births register and birth certificates? What consequences will follow if the bill becomes law?

At its heart this proposal is based on a novel and radical view or theory about sex or gender, a theory that, in the words of the Attorney-General in his second-reading speech, people can be of whatever sex description is appropriate and meaningful to them. This is of course contrary to the view that as far as I am aware has held at most, if not all, times throughout human history to date — that is, with possible limited exceptions, a person's sex is either male or female and that is determined by their biology.

At best this theory is a new and far-reaching insight on which the bulk of the community is not yet persuaded. At worst it is a misguided idea with dangerous consequences for people's understanding of themselves and others and how they relate to other people. Radical ideas like this should not be imposed on the community by stealth. I fear that the advocates of these ideas, or at least some of them, are proceeding with this bill rather than persuading others to their views because they believe that if they can change this law, the change to the law can be used to impose and require other changes in other areas and to reinforce ideas that have already been mandated to be taught in Victoria's government schools without parents or the community knowing about them or agreeing to them.

Be that as it may, the issues raised by advocates of this bill will not be addressed simply by changing birth certificate laws, nor does it make sense for society to change those laws ahead of knowing where that will lead. If birth certificate laws are changed, that will channel consequential changes in a particular direction. That may well be what the advocates of this change are seeking, but it is not a proper way for the community to reach a sensible decision. It is trying to lock the rest of the community into a particular direction without the community understanding what is happening.

Far-reaching social change on matters like this should not be imposed by stealth. If the proponents of these new theories are right, they need to argue those theories openly and persuade by discussion, evidence and debate. That is the benefit of public debate. Radical new theories like this can be tested and scrutinised. If

they are flawed, they can be exposed and the idea can either be modified or abandoned before grave harm is done. On the other hand, if new ideas withstand that public scrutiny, they have been established and can be taken further.

It is one thing to provide for a small number of persons who for chromosomal or other objectively assessable reasons do not fit into the categories of male or female or who do not fit in with the sex originally recorded on their birth certificate, and that is something the law already provides for, as Attorney-General Hulls made clear in 2004 and which the High Court has confirmed applies to corresponding legislation in New South Wales. However, it is another thing to say you can list your gender or sex as whatever you wish it to be, which, for whatever it may matter, is not something that the High Court has held.

In considering the case for the changes proposed by this bill, we also need to go back to basic questions and ask ourselves why it is that we have a register and certificates of birth in the first place. What are the benefits or purposes for which they exist, and do the changes being made by this bill add to those benefits or better achieve those purposes? The primary reason for having a register and certificates of birth is in the public interest and in the interest of individuals, of having a record of who was born within a jurisdiction and the key particulars about them, including matters such as time and place of birth, parents, sex and name.

It is important for most, if not for all public purposes, that the information contained in the register is verifiable and authoritative and has historical accuracy. That is important not just for an individual at a point in time but for the purpose of social and public records and history, including for descendants and other relatives of the individual concerned. One has to ask whether, if the theory is correct that a person's sex is wholly subjective and changeable, there would be any point in recording a person's sex in the register at all. If the theories underpinning the call for this bill are correct, would we not just conclude that sex is not a sufficiently objective or stable criterion or consideration to be appropriate to be recorded on registers or birth certificates? What would be the social purpose of recording a person's sex if it is in fact something that is subjective to an individual and is changeable?

While there may be different views about the exact range of circumstances in which a person may depart from their apparent biological sex at birth, the established view of the vast majority of persons is that those circumstances are limited and are based on objectively verifiable criteria. What is recorded on the

register and in the certificates is not just about the individual, it is about who each person is in relation to society and in relation to future generations. One may argue that because a person is free, so long as they act bona fide, to change their name to whatever they believe is appropriate, why should they not be able to change the record of their sex to whatever they believe is appropriate. However, changing the sex recorded on the register is not just like changing your name because if you change your name in good faith, it does not have an effect on legal rights in the way that changing your recorded sex is very likely to have an effect on your legal rights.

If, for example, for some reason the rights attaching to persons with surnames starting with A to M were different to the rights attaching to people with surnames from N to Z, then of course you would have far more limitations on and checks about the bona fides of changing names because that would have legal consequences, yet changing the sex recorded on the register and thus in a certificate does have legal consequences and those legal consequences affect not only the person concerned but the whole of society.

What would be the consequences if this bill is enacted? In some ways the most concerning consequence, if the bill were to become law, is that an unestablished and possibly dangerously wrong new theory about sex and gender will be seen to have the imprimatur of law and hence be urged or mandated on others in a wide range of contexts, some of which may not even be apparent to us at that time. That in turn will affect how people view themselves and their relationships with others, and if those views are based on flawed theories about the world — which is something that is yet untested because these theories have not been debated and established within our community — that has the potential to do serious harm to individuals and their relationships with others.

There do seem to be consequences of this bill in many different areas of life which have either not been thought through or, if they have been thought through by someone, have certainly not been enunciated to the community. Some of those examples have been raised already in relation to implications for single-sex schools, for prisons, for sporting competitions and for issues about access to changing rooms, toilets and other facilities. And, of course, what will be the flow-through implications for countless pieces of legislation on the statute book, either here in Victoria or at a commonwealth level?

For the reasons I have given I think the criteria and the safeguards in relation to registering a change of sex

need to be much more rigorous than those in relation to a change of name. Yet, as the government itself has admitted, the provisions of this bill are very much drawn from the provisions in the existing act that relate to change of name. There are wide discretions given to the registrar. There is a limited amount of corroborative evidence being required to avoid abuse. The safeguards in many areas are very limited indeed, including in relation to children. It is said the registrar can refuse to register a change, and that is true, but there is no obligation on the registrar to be satisfied to any particular level. They may refuse, but it does not say they must refuse unless satisfied. Any one adult can certify in many circumstances. Again, there is very limited verification. It has been said, and it may well be said, that those who genuinely and sincerely consider themselves of one gender will not abuse the law by using facilities or capabilities or rights assigned to another gender, but as is often the case, it is not the genuine who are the problem but those who seek to abuse and misuse.

In conclusion, therefore if there are problems with the existing law, this bill is not the answer. The bill is badly flawed. There has been hopelessly inadequate attention given to practical consequences and hopelessly inadequate protection against the risk of abuse. Over and above that, the community has not been taken along with this bill. The bill should either be withdrawn and a new bill brought back that resolves the issues that have been raised or we should await further public consideration of the far-reaching changes proposed by the legislation.

Ms THOMAS (Macedon) — I stand here wearing the pride badge that I got when I attended the AFL Pride Game recently between St Kilda and Sydney. It is very easy for me to attend the pride game. It is very easy for me to march in the Pride March. It is very easy for me to attend the ChillOut Festival in Daylesford. All of these things are easy to do, but they mean nothing unless I come into this place and take action, stand up and stand beside and in solidarity with LGBTI Victorians. That is what this bill is about. This bill is about our commitment that we made heading into the 2014 election to ensure that LGBTI Victorians were treated with respect and with dignity and that their right to be treated as equals was affirmed in this place. That is what this bill is about.

Some of the conversation and debate that we have had this afternoon has talked about whether or not this is a profound bill or whether this is a radical bill. I put it to you that while I understand why people might argue that, in my mind it is neither of those things. To have a birth certificate that reflects your gender, your identity

and who you are — what is radical about that? What is profound about that? To me it speaks to common sense. It is something that I have; my birth certificate reflects who I am, and I do not know why this should not be a right that is accorded to other Victorians. Indeed it is because of this that we are introducing this bill to the house.

I also want to speak to you today as the Parliamentary Secretary for Health. It really has been my great honour to co-chair an LGBTI health task force, and doing so has given me the opportunity to understand things that I previously had very little knowledge of. I wanted to share with you some of the findings of *Private Lives 2*, which is the second national survey of the health and wellbeing of LGBTI Australians. I might note that it was launched by the then Minister for Mental Health, Mary Wooldridge, now a member of the other place, in April 2012. It is very easy for parliamentarians to stand up and launch reports; that is the easy bit. The hard bit is taking action in this place, and that is what this bill is about.

I will tell you why it is so important that we take action. If we look at mental health and wellbeing, the mean score for women in the national sample across Australia is 73.5, but if you look at trans women, that is 60.47. We are dealing with some really stubborn mental health challenges in our trans communities, and I might also point out that in terms of overall mental health and wellbeing but specifically in relation to anxiety and depression, the rates of anxiety and depression reported by both trans women and trans men are much higher than they those reported by lesbian women and gay men or indeed the population more broadly. So we have some very significant and important mental health challenges that we need to address.

Can I suggest this to you, Acting Speaker: is it any wonder that members of our trans community experience these mental health challenges when something as fundamental as their gender identity is constantly being challenged or indeed, as the case may be, when they need to make a choice? We know — and we have many examples of this — that they need to choose between either their birth certificate or staying married to the partner to whom they were married before they transitioned. This is a real and live issue.

I will go back to that discussion about whether this is a radical proposal or the degree to which consultation has taken place. There has been plenty of consultation, but do you know what? The more I have learnt, the more resolute I am that the only consultation that I am concerned with is the consultation with the people who are directly impacted.

At this point I want to pay tribute to those in the gallery today and the activists across the LGBTI community, but particularly trans activists. It has been my great pleasure to get to know Brenda Appleton in the time that I have been a member of this place, and what an extraordinary person she is. As I said, when I was at the pride game I also had the opportunity to sit next to and meet for the first time Tony Briffa. What an amazing story Tony has to tell and continues to tell.

This is a very important bill because we are talking about people's mental health and wellbeing. We are talking about a change to the law that enables people to have that primary identity document reflect who they absolutely are. I noticed before that Starlady was in the house, but she is no longer here. Starlady is a person I have had the opportunity to meet also in my electorate of Macedon, and Starlady has done some amazing work with the young pride group in Kyneton. Kyneton is a small country town. I grew up in a small country community, and while this was not my experience I know that the experience for young LGBTI people in small country towns can be really harsh. It can be really harsh. It has gotten better, but it can be really harsh. I want to call out and acknowledge the work of Starlady and other activists who are out there working to support young LGBTI people in regional Victoria.

The other point that I wanted to make before I talk about the actual bill is that the federal government has today announced a date for the plebiscite. Again I have to say that as a person who has been free to marry and free to divorce, same-sex marriage is not an issue where I see that I need to express a particular opinion. If people in our lesbian and gay communities — same-sex attracted people — want to get married, that is absolutely their right. What we need to do in this place, in state Parliament, and in the federal Parliament is show some leadership. That is what this government is doing. We are bringing these bills to the house, and we are saying we will make these decisions in this place.

I call on the federal government to show leadership. Stop the plebiscite and legislate marriage equality in the House of Representatives. That could be Malcolm Turnbull's legacy. He has the opportunity, as I said, to show some leadership and deliver what LGBTI communities have been advocating for many years now. The announcement today that we are going to publicly fund both a yes campaign and a no campaign fills me with dread. We know exactly what is going to happen. We saw the experience in Ireland.

Young people in my community are very concerned about the impact that the funding of the no campaign will have, again particularly for people in regional

Victoria. I am so proud of many people in my community from the local shire and the local community health services. They will be standing in solidarity with our LGBTI community opposing the plebiscite and advocating for marriage equality. I know that they would stand here today in support of this bill that is in the house today.

People on this side of the house have outlined in some detail what this bill seeks to do — as I note the member for Prahran has also done — but at its core it is about the right of every Victorian to have that primary identity certificate, their birth certificate, reflect who they are, how they live and how they want to be responded to in our community. So again I take up the point made by the member for Oakleigh. This is a bill that belongs to those trans activists, many of whom are here today in the gallery. This is a bill that belongs to them and is for all of their hard work over many, many years. I am proud to be part of a government that is delivering on our commitment to equality.

Ms STALEY (Ripon) — I rise to speak on the Births, Deaths and Marriages Registration Amendment Bill 2016 before the house. I oppose this bill. This bill goes too far. This government is in thrall to highly contested gender theories. This is the sort of post-modernist mumbo jumbo we have come to expect from the Andrews Labor government. This government ruthlessly accuses anyone who opposes any of its LGBTI agenda as homophobic or, now, transphobic. This government has lost touch with the mainstream and in so doing is now actively creating a backlash against the very community it is seeking to advance.

It is also important to place on the record that the LGBTI community is itself very divided on the whole identity of trans people. There is a significant cohort of radical lesbian feminists troubled by men identifying as women. Similarly there are significant groups of gay men and lesbians who explicitly and politically reject any notions of particular gendered behaviours or appearance as denoting their sexuality.

There are two main areas of concern to me; firstly, the broadening of the eligibility to amend the listed sex on a birth certificate to include pre or non-surgery reassigned transgender people; secondly, the marriage registration provisions. My objection to pre-operative transgender people being able to change their birth certificates is feminist and practical. I ask the house to reflect on what we are doing when we allow a man — and the statistics show most transgender people are born male — who has male chromosomes and who naturally has the right to enjoy the privileges we as a society still give to men, such as earning more and

dominating business and politics, to choose to be recognised by the state as a woman because he feels like a sex he biologically is not and cannot by definition actually ever experience. I cannot help feel that such men are engaging in a radical form of mansplaining, telling women what really makes one a woman.

The whole transgender argument is hotly contested within feminist circles. I would note at this point I am indebted to Sheila Jeffreys, particularly her book *Gender Hurt — A Feminist Analysis of the Politics of Transgenderism*, which brought to bear a far more coherent and structured approach to these issues than I could muster alone. Jeffreys writes:

Transgender theory and practice contradict the very basis of feminism, since feminism is a political movement based on the experience of persons who are women, born female and raised in the female sex caste.

Or as a Tasmanian feminist collective puts it, women and girls experience systemic discrimination and social oppression on the basis of their sex — that is, their physical bodies — not because they identify as female or have a gender identity of female. The feminist in me objects strongly to a man changing his birth certificate to female because he feels enough of a woman to identify as one but not enough to take the step of permanently doing so. Quite simply, I think the test is wrong.

I also object for very practical reasons to preoperative transgender people changing their birth certificates. There is a reason most sports are segregated: the higher presence of testosterone and the greater muscle mass found in men makes them in general stronger and faster. Some sort of sorting mechanism has to exist. This legislation sets the bar too low. Similarly, including preoperative transgender people will cause community disharmony. Our society has many clubs and associations, schools and government programs open only to one gender. It is a fundamental freedom of association to allow private organisations to choose who to admit and to set the criteria for that choosing. There are also women-only spaces, services, shelters et cetera that explicitly exclude men for feminist or safety reasons. Allowing preoperative transgender people to join these bodies — especially, I may add, to make political points or to pursue activism — will at some point cause great distress to all involved. Let us be very clear here: it is the state that determines our gender via our birth certificate, so those organisations which are currently allowed to discriminate on the basis of gender will not be able to exclude a person who has self-identified as the appropriate gender.

As is often the case, the parliamentary library has produced an excellent research note on this bill. I refer to page 5, table 1, and I note that if this bill is passed, Victoria will be out of step with every other state in Australia. Even the Australian Capital Territory, which has the most liberal or radical laws on this, still has a ban on marriage, which brings me to the final part of my contribution.

I now turn to the sections which will allow currently married couples to remain married even if one person transitions. If the commonwealth had not defined marriage as being between a man and a woman, I would find nothing at all objectionable about these clauses. I would support them as their omission forces divorce in the case of gender transition. But this is not the Australia we live in. Same-sex marriage is not recognised in this country at the federal level. There is therefore a live legal question that this clause is unconstitutional or, at the very least, incompatible with the Family Law Act 1975, and it may lead to an inability of that court to divide property in the case of a relationship breakdown.

One of my more conservative colleagues asserted the other day that by the time I am 70 I will be as conservative as he is. I still think that is unlikely. However, this government is working very hard to hive off the mainstream middle. Today it is doing so with this transgender legislation that allows a person to simply identify as the sex opposite to the one they were assigned at birth, not in accordance with their biology, and to have that accepted officially as the truth. This legislation creates a category of same-sex marriage for a tiny cohort in open defiance of commonwealth legislation, and primarily it seems to trumpet how in favour of same-sex marriage this government is.

This is not mainstream legislation. It is not in accordance with community mores. It deliberately goes too far for base political purposes: to fend off the Greens on the left and to attempt to skewer the Liberals as supposed transphobic troglodytes. As I noted in my contribution opposing same-sex adoption for similarly going too far:

The LGBTI community needs to understand that they are being used as a stalking horse ...

With adoption, it was the attack on religious belief, and with this bill it is the enshrining of radical queer gender theory at odds with society's basic ideas of what makes a woman a woman or a man a man.

Had this legislation simply allowed postoperative trans people to get their birth certificate changed, I would have supported it; it would have been fine. I think the

legislation as it is now with a few additional points would have been great. In seeking to embrace every permutation of gender identity, this bill creates other problems and is out of step with the community. I therefore oppose the bill.

Ms KNIGHT (Wendouree) — To those in the gallery, I cannot even imagine what that was like to sit through. I really apologise.

I rise to speak on the Births, Deaths and Marriages Registration Amendment Bill 2016, and I am very, very proud to do so. The Andrews Labor government is all about equity and fairness. This bill represents both of these great values, but it is also a reflection of something that is incredibly important and significant, and that is truth. This bill will allow everyone to be identified as to who they truly are. When you boil life down to what actually matters, I reckon that has to be pretty much top of the hit parade: to be able to live as you truly are, to be able to love as you truly are, to be able to be identified as you truly are, and to be acknowledged, valued and accepted as you truly are. It is incumbent upon us as parliamentarians to make sure that the legislation that comes to this place is fair and just, that it keeps people safe and that it makes people's lives better. This is what this bill does: it makes people's lives better.

I am really proud that I am a member of an Andrews Labor government which is embracing this task and grabbing it with both hands. I note that the opposition is opposing this bill. I also note that the member for Hawthorn said that this is not an easy issue. You know what? It really is for me. The member for Hawthorn said that the opposition has only had 13 days to consider this bill. I do not need 13 days; I do not need 13 hours or even 13 seconds to determine where I stand on this bill.

I absolutely stand in favour of this bill, and that is because I stand for truth. I stand for the truth as determined by the person who is living that truth. As the member for Macedon — who is now in the chair — said: we can live ours. Our truth is reflected on our birth certificates, and I want that to be allowed for everyone. I want that to be reflected on the birth certificate of every single person — the truth that they live, as it is reflected on the birth certificates of those in this place.

This bill will allow a person to describe their sex in a way that reflects their identity. What a really simple, simple sentence to say. It just trips off the tongue. What a profound way to live when you have not had the opportunity to be described legally in a way that truthfully describes who you are.

I will just go through some of the technicalities of this bill. This bill will amend the Births, Deaths and Marriages Registration Act 1996 to do the following: remove unnecessary barriers for an adult to apply to the registrar of births, deaths and marriages to alter the sex recorded in their birth registration and therefore what is shown in their birth certificate; introduce a new process for children to have their recorded sex altered; and allow a person to nominate the description of the sex in their birth registration, which may be male, female or a gender diverse or non-binary descriptor specified by the person.

I also want to quote from the second-reading speech, and I would encourage everyone who has not read it to read it:

The purpose of the bill is to remove barriers for trans, gender diverse and intersex Victorians to apply for new birth certificates. It enables more adults who want to alter their recorded sex to do so without having to undergo invasive surgery or forsake their legal relationship with their spouse, and enables children to have a birth certificate that reflects their affirmed gender identity. At the same time, the bill maintains the integrity of the register of births. Together these amendments promote the right to equality and privacy in the Charter of Human Rights and Responsibilities. The bill recognises the inherent dignity and autonomy of a person applying for a new birth certificate that is most appropriate and meaningful to them.

I think this is an incredibly important bill, because as I said before, this is about people being who they are. Unfortunately and sadly and tragically we know what happens when laws and cultures throw up barriers — legal barriers; cultural barriers; so-called invisible, structural barriers — that prevent people from being who they are.

I am the member for Wendouree — very proudly so — and I am a member of a regional city. I talk a lot and spend a lot of time with the LGBTIQ community in Ballarat, including trans people, and I am really saddened when I hear that their friends are no longer with us. I talk to people at headspace and see an over-representation of a group of people who want to live their lives the way they are. So I absolutely support this bill, I absolutely welcome this bill, and I am very proud to stand here as a regional member and say I wish this bill a speedy, speedy passage through this chamber.

Mr GIDLEY (Mount Waverley) — I rise to contribute to the debate on the Births, Deaths and Marriages Registration Amendment Bill 2016. A core aspect of this bill is to put forward the view that a person's sex can be fluid so it is able to be changed through self-identification on many occasions, so long as there has been a period of 12 months or more since

any previous application to change sex on a birth certificate has been made. It does this in a range of ways, including removing a barrier for a person to apply to the Victorian Registry of Births, Deaths and Marriages to alter the sex recorded in their birth registration through the removal of some of the requirements, including the requirement for a person to have undergone sex affirmation surgery and, in addition to that, removing the exclusion of married persons.

I do not support such a view that under Victorian law a person's sex can be so fluid that it is able to be changed through self-identification on multiple occasions so long as there has been a period of 12 months or more since any previous application to change sex on a birth certificate has been made. Indeed that is one of the fundamental questions with this bill, taking away some of the technical amendments that I have concerns with. It is one of the key elements of the bill which I oppose and which the Liberal-Nationals in Victoria oppose. One of the key reasons for our opposition are the far-reaching consequences not only for people seeking to change the sex on the birth certificate through self-identification on multiple occasions but also for the whole community.

A number of members of the government have asked: 'Why is it anybody else's business if this bill becomes law?' The answer is very simple: because it does have fundamental impacts not only on the person or persons who may seek to change their sex on their birth certificate but also on the community as a whole. The Parliament and those who have been given the privilege of being elected to the Parliament have an obligation to consider all consequences of law changes, not only on one person but on the whole community.

I just want to touch on a few parts of the lives of residents in my district, in the suburbs of Glen Waverley and Mount Waverley, which will be impacted if this proposal becomes law. As I mentioned, there is no question that in society, and in the district that I represent, there are a number of norms or customs that will be impacted — in particular in those areas where we have sex segregation. That will be a dramatic impact, including to things such as sporting facilities, whether or not they are sporting facilities provided by local council or funded by the commonwealth or the state.

This proposal to allow people to self-identify their sex under this particular proposed law will have a massive impact not only on those people but also on the whole community. It may also affect sporting competitions. It has been noted in the chamber previously that a number of sporting competitions are sex segregated for a range

of reasons. This proposal being put forward that would allow people to self-identify their sex on multiple occasions as long as they have not sought a change in the last 12 months will have an impact on local sport in Glen Waverley and in Mount Waverley. It will also have an impact in other sex-segregated facilities such as public toilets, whether they are in Glen Waverley or Mount Waverley and whether they are in sporting facilities. Sex-segregated public showers at sporting facilities are another example. There are sex-segregated schools and sex-segregated aged-care services. The list goes on and on. To those from the government who are asking the question, 'Why would people have a concern about how this impacts on the community?', the answer is very simple: because it does impact on the whole community, not just those who may be seeking to apply to change their sex based on self-identification.

I am very concerned at how this proposal, if it becomes law, will impact on the exemptions that a number of organisations have received under the equal opportunity laws. Those exemptions are often longstanding, hard-fought exemptions which have stood for a long period of time. There is no question that some things, whether they are services or whether they are other activities that have this equal opportunity exemption, will be profoundly impacted by somebody who is seeking to change their sex through self-identification on a number of occasions. To date I have not seen the government coming to the district that I represent and outlining to the community clearly how those services that have an equal opportunity exemption are going to be affected.

I have not heard of a minister or a member of the government coming to Glen Waverley or Mount Waverley, attending my sex-segregated schools and telling them how this will impact on them. I have not seen any member of the government coming to the district, whether that is the suburbs of Glen Waverley or Mount Waverley, and speaking to sporting clubs about how the capacity for people to change their sex based on self-identification under this particular law will impact them. There is no question that this is a concern that not only I have but that a number of groups have, including strong women's groups, which have put that view forward. They have put forward that concern that there are longstanding equal opportunity exemptions that exist for good reasons that are going to be impacted on. I have had not had any response from the government in relation to those legitimate concerns. People may use whatever terminology they wish to characterise people who have those legitimate concerns, but nobody from the government as far as I know has come to my district to answer them.

In addition to that, there is no question that if this bill were to become law, my community would seek much greater consultation on its impact in a number of areas. I also have a concern in relation to the certainty of this proposal if it became law. It is very clear that there is a conflict with the commonwealth Marriage Act 1961, and whilst that may not have been tested as thoroughly as it should have been, there is no question that this proposal, if it is passed, will create a conflict and therefore create a greater level of uncertainty.

From the core position of a person being able to change their sex by self-identification on multiple occasions, as long as they have not done it in the last 12-month period, I do not support that aspect of the bill and that crux of the bill. I put further questions as to how this will impact my district, if it becomes law, in terms of longstanding sex-segregated practices, whether they be health services, sporting facilities, sporting competitions, aged-care facilities or other aspects.

I also again put on the record my concern in relation to the commonwealth Marriage Act and the inconsistency that this creates. I note the comments of former Attorney-General Rob Hulls, who I think was right in his commentary at the time to raise that and recognise that, regardless of the views on the particular issue of changing the definition of marriage, it is a commonwealth act, and therefore those who are privileged to be elected to the commonwealth Parliament have a responsibility to undertake that, not the state Parliament. Therefore I do not support this bill before the house.

Ms GREEN (Yan Yean) — Sometimes it is easy to speak in this place. Sometimes it is not. Sometimes when you follow someone that is younger than you and has the most aged and archaic views, it is really, really hard. I join the debate on the Births, Deaths and Marriages Registration Amendment Bill 2016 — —

Mr Gidley — On a point of order, Acting Speaker, I take offence at those comments, which were clearly aimed at myself as the previous speaker. I ask for them to be withdrawn and for respect for different views to be put back into the debate.

Ms GREEN — I withdraw calling the member archaic. I believe it is archaic that in the 21st century we have a piece of law on the statute books that requires a person who wants to change their sex to have surgery. Are we kidding? Are we seriously kidding? Currently under this act an adult is required to have undergone sex affirmation surgery and be unmarried before being able to alter the sex recorded on their birth certificate. For those opposite who are so concerned about what

this fundamental change will mean, this will actually mean fundamental fairness for GLBTIQ people, especially for young people who do have confusion.

Let me tell you, I have been in this place since 2002, and I would think there are very few members in this place who have had a constituent come to them and say, ‘Danielle, I need help, and I need you not to judge me. You will be really shocked by what I am about to tell you. As a young person just turned 18 I had sex-change surgery, and I realised some years later that I had made a mistake and that I was not adequately counselled’. I was just gobsmacked at that. He said, ‘And there are two other people in your constituency who are in the same boat as me, Danielle’. I could not imagine how appalling that must be. We have a piece of legislation that says to someone if they want to identify as the other sex and have it recorded so they do not have to speak about it each time they fill in a form, we require them to mutilate their bodies. We require them to do that. I find it unfathomable.

I know so many of those on the other side have tried to dress this up and say that any of those who are speaking in support of this are unreasonable and are about social engineering. I challenge every person in this place: to be a true representative of those who you represent you actually have to put your own stuff beside the door. You actually have to walk in the shoes of the other.

To be a true representative of the whole of your community you must be able to walk in someone else’s shoes. If you are a man, you must be able to try to imagine what it would be like to walk in the shoes of a female. I need to be able to imagine what it must be like to walk in the shoes of a male. I need to be able to imagine as a legislator when we have bills before this house that refer to older people or younger people or people of a different religious view to me or people with no religious view what that must be like; I am required to do that. I have had to examine my own prejudices and views and the way that I have been brought up throughout my life no more than when I have been a representative in this place.

I have heard too many stories that make me absolutely support this bill. I know of a mother in Whittlesea, a mum just like me. She has three children and is going through absolute turmoil at the moment because one of her teenagers identifies as the opposite sex. This teenager is constantly feeling suicidal and confused. This legislation before the house would assist them, it would assist this mother and it would assist this family and allow her or him to live however they want.

I also want to tell the story of Les, a man in his 80s who is living in Canberra. I have had the privilege of knowing Les and being married into his family for a long time. Les is a very enlightened man. He had a very happy marriage. He had three children of his own. He said to me, 'You know what, Danielle? I want to tell you something. I worked in the mines and I met this fabulous woman. I wanted to marry her'. He was very direct with me. He said, 'We had had no intimate relationship'. He said — old school — 'But she said "No, because I can't have children"'. I said, 'That's sad. Did you still want to marry her?', and he said, 'Yes, I did'. He said, 'Danielle, she was a hermaphrodite; she could not identify one way or another. She said, "I want you to have a happy life", and so she just left the relationship', whereas Les said, 'I would have continued'. I just thought, 'What an enlightened man'. This man is still alive; he is in his 80s and living in a retirement community in Canberra. How can it be that a man who was born and raised in western Queensland can be so enlightened, so non-judgemental and so loving, yet those on the other side can bring up spurious issues like toilets and sporting clubs?

To those on the other side who are going to speak after me, I say: really examine what you are going to say. Do you think someone is going to identify as the opposite gender so that they can use a bathroom? I mean, seriously! Sometimes when the women's toilets have been in disrepair I have had to go to the men's toilets. Trust me, no-one is going to change gender so that they can go into those things. No-one! For those evil men who might be sex offenders there is nothing stopping them now from dressing up as a woman and going in and committing bad acts. It is just nonsensical that people would change their sex in order to access women's private spaces like change rooms and toilets. It is just implausible and it is offensive.

I want to refer my own son. My son Blake is gay. I have spoken about him many times in this place. He has never had concerns about whether he is a male or a female. He is simply gay; he loves other men. But he is non-judgemental of others. I have seen the changes that have happened in his life and the improvements in his mental health and his stress levels the more that this place has legislated in support of him and others like him. I have heard his pain. When we were debating the Relationships Amendment Bill 2015 Blake came into this Parliament because he was proud that his mother was speaking on it. He was traumatised when he heard the speeches of those on the other side who were demonising him and people like him.

I know the Leader of The Nationals in opposing this bill today kept himself in check more than he usually

does, but I will not forget his contribution on the relationships bill. He denigrated gay people for the fact that they might want to go and be with their loved ones in their last hours. If a family member said that a gay person's partner could not come in and be with them in their dying moments, he failed to understand that. I call on those on the other side: walk in the shoes of the other. This is not a huge change. Actually, I take that back. It is a huge change. It means that people who want to identify as the other do not have to mutilate themselves through surgery; they can make a choice through legislation.

Mr ANGUS (Forest Hill) — I rise to make a brief contribution in relation to the Births, Deaths and Marriages Registration Amendment Bill 2016, which I note at the outset is a very innocuous name for a bill that has extremely far-reaching consequences for our society. As our lead speaker noted, the opposition opposes this bill.

Clause 1 of the bill outlines its 10 purposes. They are to amend the Births, Deaths and Marriages Act 1996 and a range of other acts, particularly to remove the requirements for a person to have undergone sex affirmation surgery and to be unmarried and to allow for applications to alter birth certificates on behalf of children.

Returning to the main provisions of the bill, we see that clause 8 inserts a new process for a person to alter the record of their sex without the person, as I said, having to undergo sex affirmation surgery or be unmarried. The applicant need only make a statutory declaration nominating the sex to be recorded in their birth registration. Applications must include a statement from another adult who has known the applicant for 12 months or more who believes that the application is made in good faith and who supports the application.

The applicant can nominate a sex descriptor of their choice to describe the sex on their birth record. The sex descriptor may be male, female or any other descriptor chosen by the applicant to recognise their gender diverse or non-binary identity. Sex descriptors are not limited and allow applicants to describe their sex in any way that reflects their identity. The bill only excludes from the term 'sex descriptor' descriptors that are obscene or offensive or which cannot be practicably established by reputable usage.

The bill also permits applications for a child's record of sex to be altered in their birth registration. As with adults, children are not required to undergo treatment and the sex descriptor of their choice must be nominated in the application.

I note too that there is a cohort of our community for which this is a very real issue. I harken back to one of my wife's uncles, who was a professor at the Royal Children's Hospital. One of his roles in the work he did there was to be involved in the very difficult and complex process of helping to determine the gender of babies when their gender was unclear or indeterminate at the time of birth. That was a very real issue at that early stage of certain people's lives.

Other contributors on this side have raised a whole range of issues. Despite the comments of the previous speaker in relation to trying to minimise some of those implications and consequences, there are certainly issues that need to be addressed. They are in relation to single-sex schools, sporting clubs and facilities, changing rooms and bathrooms and, for example, in female-only gyms. The implications for those areas in a bill of this nature I absolutely do not think the government has made a case for having addressed. The member for Mount Waverley eloquently outlined the concerns that he shared in relation to those issues and the fact that none of them had been addressed by the government.

I have discussed this bill with many of my constituents to seek their views and feedback. To say that they were surprised and concerned would be quite an understatement. They particularly raised the basic issue of protections for our broader community. In relation to that, they were particularly concerned about the non-genuine people, if you like, who could potentially abuse the easy process in relation to changing your sex identity by getting a couple of statutory declarations signed; that could be easily abused by certain members of the community with ulterior motives. For them, and indeed for me, that is an area of great importance that certainly cannot be overlooked. As regulators in this state we have got a responsibility to protect the broader community, so we need to have thoroughly considered and addressed matters of this nature that will inevitably come up as a result of a bill like this.

I asked in the bill briefing what the protections would be in relation to, for example, female changing rooms, and the answer was, as I said, that apart from having someone who has known you for more than 12 months signing a stat dec and you signing one, there would be no real protection. So that was then and remains now an area of significant concern to me and to the members of my community I have spoken to about it.

Further concerns have been raised by others in other places as well. There was a very interesting piece of correspondence received by a number of members of Parliament from a women's organisation in Tasmania.

They noted a number of things in their particular email to members. I will quote it in part. It states:

This change would allow any person to self-identify a sex which is not truly their sex, with far-reaching legal ramifications.

The proposed change would practically limit the protections afforded to women and girls under the Sex Discrimination Act 1984 ... which implements Australia's international obligations regarding the protection of women's rights ...

It goes on:

For example, women would be forced to allow access to males who have self-identified their sex as 'female' into women's only services, such as domestic violence shelters and women's support groups. Women's clubs (such as gyms) and events (such as festivals and awards ceremonies) will also be similarly affected.

It also goes on and notes:

The ability of women to exclude such males from competitive sporting activity, as explicitly provided for —

under other legislation —

will become practically void if males become legally indistinguishable from females.

Despite what has been proposed by the other side in arguing that some of these matters are frivolous in nature, they are not frivolous; they are genuine issues that the government has failed to address and certainly has failed in this debate to go anywhere near addressing. They are areas of very real concern in my community, as I have said, for the reasons that the member for Mount Waverley outlined in relation to his own community — that there had been no case mounted in relation to a radical change like this and what the consequences downstream for various members of our community will be.

Business interrupted under sessional orders.

ADJOURNMENT

The DEPUTY SPEAKER — Order! The question is:

That the house now adjourns.

Public transport accessibility

Mr T. SMITH (Kew) — (11 656) My adjournment matter this evening is directed to the Minister for Public Transport. The action I seek is that the minister explore options around providing tram access for disabled and elderly commuters in the Kew and Kew East areas.

A constituent of mine, Steve Bailey, has a son with cerebral palsy. Connor Bailey has difficulty riding the 48 tram due to the lack of stops with suitable access. I have met with Mr Bailey, and I am sympathetic to his cause. I have also received representations from other constituents on the same matter. With no accessible stops between Balwyn North and Hawthorn West, a trip on the 48 tram is almost impossible for Connor and other commuters who need assistance.

I am aware of several types of accessible tram stops. Some of these stops infringe on the road to the detriment of other vehicles. However, some allow car and tram traffic to run alongside each other with minimal disruption. I would be keen for the minister to see if appropriate arrangements could be made which allow accessibility for disabled and elderly passengers while ensuring traffic flows are not impeded. I believe this is the situation on some tram routes around the heavily congested roads of Richmond, particularly Bridge Road, which Mr Bailey has spoken about.

The issue of accessibility for elderly and disabled passengers is an important one for my constituents more broadly. Our population is ageing and, happily, the older members of our society are more mobile and able to ride public transport. Also, advances in the care of disabled people mean that they too are frequently commuters on our trams, trains and buses. This is all occurring while governments are trying to increase the number of people taking public transport. I would again call on the Minister for Public Transport to see what options are available to address this matter, and I invite her to meet with me and Mr Bailey.

Acacia Avenue Preschool

Mr RICHARDSON (Mordialloc) — (11 657) My adjournment matter this evening is for the Minister for Families and Children, and the action I seek is for the minister to consider the funding application put forward by the Kingston City Council to the Victorian government's children's facilities capital works grants for the relocation of Acacia Avenue Preschool to the Mentone Park Primary School site.

It would be remiss of me in mentioning Mentone Park Primary School not to acknowledge the contribution of Kendra Parker, the former principal who is now located at Lysterfield Primary School. She served fantastically for a number of years at Mentone Park Primary School, and I wish her well. One of her visions was to improve and develop the educational outcomes for children in Mentone. At the same time Acacia Avenue Preschool has served our community for decades, and some of its facilities have become run down. It is a one-room

kinder facility, and it is time it gets the improvements that it needs.

We know that the co-location of early childhood education with primary school education gets fantastic outcomes, and that is evident in one project that is underway in my local community, with the co-location of Chelsea Kindergarten to the Chelsea Primary School site. This will deliver fantastic educational outcomes and link children into that foundation from four-year-old kindergarten.

The City of Kingston has put forward this application, and I want to acknowledge the importance of this investment in early childhood education. I also want to acknowledge the Acacia Avenue committee. Rebecca Hitchcock, the president, and Kate Solomon, the secretary, have led this community well, and Yolande Moulton, who is the preschool director and educational leader, has served our local community for some time.

In conclusion, the action I seek is for the Minister for Families and Children to consider the funding application that has been put forward by the City of Kingston and the great outcomes that it would deliver for my community.

Healesville-Koo Wee Rup Road

Mr PAYNTER (Bass) — (11 658) My adjournment matter is for the Minister for Roads and Road Safety, and the action I seek is that the minister meet with the Treasurer, the Cardinia Shire Council and a VicRoads representative to commence duplication of Healesville-Koo Wee Rup Road from the Pakenham bypass through to the South Gippsland Highway.

The Healesville-Koo Wee Rup Road is a declared road under the state's road network. Cardinia Shire has been lobbying for many years to have the section of this road between the Koo Wee Rup bypass and the Pakenham bypass constructed at a minimum to a duplicated road standard to improve safety and cater for the ever-increasing traffic volumes, in particular commercial vehicles. Cardinia, along with other interface councils, has been working with VicRoads senior management to prioritise arterial roads in the outer suburbs that require urgent upgrading.

VicRoads have included the Healesville-Koo Wee Rup Road for upgrading on their strategic road development program. However, no timelines have been designated for these works. Due to the poor condition of the road, speed limits have been reduced in an endeavour to minimise the rate of deterioration of the road pavement, which is substandard for the function this state arterial

road performs. Due to the significant cost associated with upgrading the Healesville-Koo Wee Rup Road, the council has requested VicRoads to consider staged development of the road by improving intersections and duplicating the worst sections of road to improve safety and minimise congestion.

The Cardinia shire will continue to lobby both the state and federal governments for funding for the urgent upgrading of this important arterial road. The staging strategy and estimated costs in the fact sheet were prepared by VicRoads in 2014. The accident statistics for the last six years total 36 crashes, including two fatalities. The accident rate is increasing as the volume of traffic increases.

I recently attended a community forum, and the residents are genuinely concerned for their safety when using the road. The road provides an interregional function, linking the Princes Freeway and the South Gippsland Highway. This section will provide an alternative route to the South Gippsland Highway, rather than motorists having to travel through the congested Cranbourne corridor. An upgraded road will provide better access to the South Gippsland and Bass Coast attractions, including Phillip Island and Wilsons Promontory.

In seeking this action I am asking the minister to recognise the significance of this road not only to the local residents but to the thousands of people using it to access our state's major tourist destinations. Planning for the duplication should commence immediately and funds allocated from the outer suburban roads fund or from the sale of the port of Melbourne when this transaction has been completed.

Castlemaine Men's Shed

Ms EDWARDS (Bendigo West) — (11 659) My adjournment matter tonight is for the Minister for Families and Children, and the action I seek is that the minister fund the new Castlemaine Men's Shed. Castlemaine Men's Shed is a community-based, not-for-profit organisation that is accessible to all men. The primary purpose is the provision of a safe and friendly environment where men are able to work on meaningful projects.

There are several reasons for a new purpose-built Castlemaine Men's Shed, which will be located on land adjacent to the Castlemaine Golf Club. A memorandum of understanding has been signed with the Castlemaine Golf Club, and the Department of Land, Environment, Water and Planning has been supportive of the arrangement, as has the Shire of Mount Alexander, the

Country Fire Authority and the RSL. Castlemaine is presently experiencing a 20 per cent population growth and this is expected to increase to 25 per cent by 2031.

The Castlemaine Men's Shed requires purpose-built spaces to continue to deliver quality programs that meet the needs of its members and the requests for membership, which are continually growing. Currently the Castlemaine Men's Shed is based in a small shed at the Windarring disability services, which is shared by both. This space is unsuitable for the ongoing programs. Membership of the Castlemaine Men's Shed has rapidly outgrown the small space available at the current location. Membership now cannot grow due to the constraints of the current location, despite significant requests for membership.

Many other smaller towns within the Shire of Mount Alexander have men's sheds which are larger than Castlemaine's and are fit for purpose — for example, Maldon and Newstead. As I said, there is enormous community support for the wonderful men in Castlemaine, who are very much looking forward to getting a new shed. They have done the hard yards, and I hope the minister will look favourably upon their application.

Eastfield Cricket Club

Mr HODGETT (Croydon) — (11 660) I rise today to call on the Minister for Sport to visit the Eastfield Cricket Club to meet with club representatives, view the current facilities and listen to a proposal for a much-needed upgrade to the pavilion at Benson Oval in Eastfield Road, South Croydon.

At the outset, I wish the minister a speedy recovery from his heart attack. I offer my best wishes to John and his family at this time, and I wish him a full and speedy recovery so that we can get him down and welcome him to the Eastfield Cricket Club.

The Eastfield Cricket Club is a member of the Ringwood District Cricket Association. Established in 1973, the club is situated at the picturesque Benson Oval in Eastfield Park, South Croydon. By way of background, Eastfield Cricket Club has expressed its concerns about the poor condition and standard of the facilities at Benson Oval. In particular, the clubrooms and facilities are completely inadequate for today's use, with an outdated clubroom layout offering very poor functionality. For example, there is only the one change room area for all sporting participants, the single women's toilet opens directly out into the central change room area, the canteen is substandard and general space and storage is lacking.

I have had ongoing discussions with the president, Mr Dallas Leeming, the senior coach, Mr Nick Bole-Brown, and representatives of the club about the need to upgrade and expand the clubrooms for modern day use.

Recently representatives from the clubs met on site and viewed the pavilion with the mayor and officers from the Maroondah City Council and a representative from the office of the federal member for Deakin, Mr Michael Sukkar. The consensus view was that the pavilion is in need of a major upgrade and that all stakeholders should work together to develop plans for an upgrade and redevelopment of the building. In time this will require funding assistance from all levels of government, and I would like the minister to explore possible funding opportunities that the club and the council can apply for at an appropriate future time.

Eastfield Cricket Club is supported by its friendly and family-orientated off-field atmosphere as well as its appeal to people from all walks of life. The club continues to grow, develop and field teams in under-10s, under-12s, seniors and veterans over 40, along with the entry-level Milo In2Cricket and T20 Blast programs. It is a terrific club led by a great president, a hardworking and dedicated committee and a fun group of players and supporters. I will continue to work with the Eastfield Cricket Club as it looks to build on recent successes both on and off the field and continues to be a strong, successful club. Again I call on the Minister for Sport to visit Eastfield Cricket Club to meet with club representatives, view the current facilities and listen to a proposal for a much-needed upgrade of the pavilion at Benson Oval.

Chris Lane memorial baseball field

Mr PEARSON (Essendon) — (11 661) I direct my adjournment to the Acting Minister for Sport, the Minister for Housing, Disability and Ageing, and the action I seek is for a meeting to occur between the City of Moonee Valley, Sport and Recreation Victoria and the family of Chris Lane to discuss the creation of the Chris Lane memorial little league baseball field at Boeing Reserve in Strathmore Heights. Chris Lane, as many would know, was the young Australian who was killed in Oklahoma as he was pursuing a baseball career. He played for the Essendon Baseball Club. The baseball major league in America has raised some funds to go towards this great project. I have had some great feedback to date from the City of Moonee Valley, and it would be wonderful to sit down and meet with Sport and Recreation Victoria to see how this great project can be progressed.

Warrnambool rail services

Ms BRITNELL (South-West Coast) — (11 662) My adjournment matter is for the Minister for Public Transport, and the action I seek is that she order a review into poor punctuality on the Warrnambool rail line. Last week the Warrnambool *Standard* reported that the Warrnambool line has had the slowest regional services in Victoria for six consecutive months. It also revealed that trains on the line have not met punctuality targets since the end of 2014. Put simply, this is not good enough. My constituents, who rely on this service, deserve better. A delayed train into Warrnambool means an even longer trip for people in Portland, Hamilton and Mount Gambier, who use coach connections to complete their journey. A day trip to see a doctor, for example, takes over 19 hours for these people.

It just continues the trend of Labor forgetting that there is life beyond the tram tracks, like this week's announcement of the new high-capacity trains for metropolitan lines. While they may bring benefits for commuters in the city, as long as the imported content is up to the task, once again the country has been forgotten. Some of the rolling stock on the Warrnambool line was built in the 1950s. It is old and uncomfortable and has inadequate facilities, but there has been no mention of new trains and carriages for long-haul journeys like the Warrnambool line.

Transport networks in my electorate are failing. The roads are in terrible condition, which means it is dangerous to drive on many of them, and our trains cannot be relied on. The people of South-West Coast and beyond deserve better than this. At the moment the Warrnambool trains stop at every station in the Geelong region, then at Lara, Wyndham Vale, Tarneit, Footscray and sometimes Sunshine. I ask: why? There are services to Geelong every hour that pass through these stations providing links for people living in those areas. The four Warrnambool trains need to run express from Geelong to Southern Cross. It would save many minutes.

There are 100 000 people coming into Victoria every year, the majority living in Melbourne. That is not sustainable. Regional areas offer a great lifestyle — wide open spaces, clean living, clean air, fishing, surfing, beautiful beaches, affordable housing, quality education and health services, a relaxed atmosphere and a growing arts culture. There are jobs to be filled in my region. I have spoken in this house about one employer that needs to fill 58 positions, the Porthaul company, and a further 550 positions need to be filled in another industry by the end of the year, the timber industry —

but people are turned off by the distance to Melbourne. The poor roads and second-rate rail service do nothing to improve that perception. The only way to do that is to bring the regions closer to the city with better and more efficient transport networks.

I note that community consultation will take place in Warrnambool over the coming weeks, and while it is vital that community opinions are taken into account, the government has a job to run an efficient service. There are obvious improvements that any efficient business operator could see. They need to be implemented now.

School bullying

Ms KILKENNY (Carrum) — (11 663) My adjournment matter is for the Minister for Education, and the action I seek is for the minister to update my constituency on what measures this government is taking to ensure all secondary schools in my electorate are safe and free from bullying, discrimination and harassment. In light of those opposite and their mates in Canberra, who are pushing a \$160 million plebiscite on marriage equality that the far right of the federal Liberal caucus will not even be bound by, it is more important than ever that this state Labor government stands up for the wellbeing of LGBTI young people in our state. Many LGBTI advocates have opposed the plebiscite on the basis that it would allow a campaign of hatred and homophobia that will be damaging to LGBTI people, especially young people who are perhaps yet to come to terms with their sexuality or gender.

Our young people will be stronger and more likely to reach their full potential if they are educated and supported in schools that uphold and practise the principle that every person has the right to a life free from discrimination or harassment because of their gender, gender diversity or sexuality. To ensure our children and young people are able to thrive and reach their best at school and in life, Victorian schools need to be safe and inclusive environments for all students. I know that many students, parents and teachers in my electorate are looking forward to receiving an update from the minister, and I ask him to provide that update.

Lakes Entrance police resources

Mr T. BULL (Gippsland East) — (11 664) My adjournment matter is for the Minister for Police, who is at the table, and I am pleased to see her here. The action I seek is for more police resources to be provided at Lakes Entrance police station over the upcoming holiday periods. We are on the cusp of the September school holidays, which are coming up within a week or

two. We have large populations of tourists coming not only from across the border but also from the metropolitan areas into Lakes Entrance. The population of the township swells from 6500 to around 60 000 people in peak holiday times. The population explosion is quite extraordinary. We have a situation where we have a roster of 17 police at Lakes Entrance to cater for the regular population of 6500, who are then expected to cover and cater for this massive population explosion that occurs over the holiday period.

Over the Christmas school holidays earlier this year we had some extraordinary situations where on a Saturday, with 60 000 people in the town, the police station was closed for very long periods — almost daily, but certainly on weekends. One complaint I had was when a gentleman contacted me by email about his lost wallet. He went to the police station to see if his wallet had been handed in, and if not, to report it stolen. He went to the police station three times on the Saturday afternoon, and there was a note on the door advising to dial 000. He certainly was not going to dial 000 for a lost wallet. Quite rightly he had an expectation that with that number of people in the town the police station would be open on a Saturday in the holiday period.

I did notice that the minister was very proactive at intervening in Waurin Ponds when there were staffing-related issues there, and while I do not know the circumstances behind that, being well out of my electorate, I am sure that the minister made a good call in that case. What I would like to see is the same intervention being afforded to the people of Lakes Entrance over the peak holiday period. It is concerning to a number of business and tourism operators in the town that our staffing levels are completely stretched during that period. The action I seek is for the minister to take a really close look at our situation in Lakes Entrance, and other tourist areas around the state, and assure the local communities that additional resources will be provided or at least raise it with the Chief Commissioner of Police to make sure that our local force is well catered for.

South African Soldiers Memorial

Ms BLANDTHORN (Pascoe Vale) — (11 665) I appreciate the opportunity to raise a matter for the attention of the Minister for Public Transport. The action I seek is that the Minister for Public Transport meet with representatives of Boer War associations to discuss the impact construction of the Melbourne Metro rail project may have on the South African Soldiers Memorial. The first Victorians to go to war went to the Boer War — my great-grandfather, William Allan, was one of them — the first woman to go to war went to the

Boer War and the first Australian to die in war died in the Boer War. The Boer War has a very important place in Victorian history and in Australian history, and it is important that the contribution of Victorians and of Australians in the Boer War is appropriately recognised. As part of this recognition there is a South African Soldiers Memorial situated within the triangular park on the corner of Albert and St Kilda roads. It is expected that the memorial will need to be relocated to facilitate the construction of the new Domain railway station.

The Melbourne Metro rail project will have considerable benefits to all Victorians. It will unlock congestion in the city loop and enable more frequent services to operate through the train network, including on the Upfield and Craigieburn lines, which run through the Pascoe Vale district. However, it is absolutely crucial that in the construction of the metro rail the government provides for the appropriate relocation of the memorial to the Victorians who went to the Boer War.

Responses

Ms NEVILLE (Minister for Police) — I thank the member for Gippsland East for raising this issue. I will make two points quickly in response. I am sure the member is aware that even though the Lakes Entrance station is not a 24-hour police station and has not ever been a 24-hour police station, there is a 24-hour response that is provided to the local community. I will take on board the issues that he has raised, and I will certainly pass on to the Chief Commissioner of Police the need to ensure that the community of Lakes Entrance and the visitors that come to Lakes Entrance during the holiday period are confident in the policing service that is available.

On other matters, a number of members have raised a range of issues, and I will pass those issues on to the various ministers.

The DEPUTY SPEAKER — Order! The house is now adjourned.

House adjourned 7.21 p.m.