

**PARLIAMENT OF VICTORIA**

**PARLIAMENTARY DEBATES  
(HANSARD)**

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

**Tuesday, 28 November 2017**

**(Extract from book 16)**

**Internet: [www.parliament.vic.gov.au/downloadhansard](http://www.parliament.vic.gov.au/downloadhansard)**

**By authority of the Victorian Government Printer**



## **The Governor**

The Honourable LINDA DESSAU, AC

## **The Lieutenant-Governor**

The Honourable KEN LAY, AO, APM

## **The ministry**

(from 16 October 2017)

Premier . . . . .	The Hon. D. M. Andrews, MP
Deputy Premier, Minister for Education and Minister for Emergency Services . . . . .	The Hon. J. A. Merlino, MP
Treasurer and Minister for Resources . . . . .	The Hon. T. H. Pallas, MP
Minister for Public Transport and Minister for Major Projects . . . . .	The Hon. J. Allan, MP
Minister for Industry and Employment . . . . .	The Hon. B. A. Carroll, MP
Minister for Trade and Investment, Minister for Innovation and the Digital Economy, and Minister for Small Business . . . . .	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 Aboriginal Affairs, Minister for Industrial Relations, Minister for Women and Minister for the Prevention of Family Violence . . . . .	The Hon. N. M. Hutchins, MP
Special Minister of State . . . . .	The Hon. G. Jennings, MLC
Minister for Consumer Affairs, Gaming and Liquor Regulation, and Minister for Local Government . . . . .	The Hon. M. Kairouz, MP
Minister for Families and Children, Minister for Early Childhood Education and Minister for Youth Affairs . . . . .	The Hon. J. Mikakos, MLC
Minister for Police and Minister for Water . . . . .	The Hon. L. M. Neville, 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 Finance and Minister for Multicultural Affairs . . . . .	The Hon. R. D. Scott, MP
Minister for Training and Skills, and Minister for Corrections . . . . .	The Hon. G. A. Tierney, MLC
Minister for Planning . . . . .	The Hon. R. W. Wynne, MP
Cabinet Secretary . . . . .	Ms M. Thomas, MP

## **The Governor**

The Honourable LINDA DESSAU, AC

## **The Lieutenant-Governor**

The Honourable Justice MARILYN WARREN, AC, QC

## **The ministry**

(to 15 October 2017)

Premier .....	The Hon. D. M. Andrews, MP
Deputy Premier, Minister for Education and Minister for Emergency Services .....	The Hon. J. A. Merlino, MP
Treasurer .....	The Hon. T. H. Pallas, MP
Minister for Public Transport and Minister for Major Projects .....	The Hon. J. Allan, MP
Minister for Small Business, Innovation and Trade .....	The Hon. P. Dalidakis, MLC
Minister for Energy, Environment and Climate Change, and Minister for Suburban Development .....	The Hon. L. D'Ambrosio, MP
Minister for Roads and Road Safety, and Minister for Ports .....	The Hon. L. A. Donnellan, MP
Minister for Tourism and Major Events, Minister for Sport and Minister for Veterans .....	The Hon. J. H. Eren, MP
Minister for Housing, Disability and Ageing, Minister for Mental Health, Minister for Equality and Minister for Creative Industries .....	The Hon. M. P. Foley, MP
Minister for Health and Minister for Ambulance Services .....	The Hon. J. Hennessy, MP
Minister for Aboriginal Affairs, Minister for Industrial Relations, Minister for Women and Minister for the Prevention of Family Violence .....	The Hon. N. M. Hutchins, MP
Special Minister of State .....	The Hon. G. Jennings, MLC
Minister for Consumer Affairs, Gaming and Liquor Regulation and Minister for Local Government .....	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 Finance and Minister for Multicultural Affairs .....	The Hon. R. D. Scott, MP
Minister for Training and Skills, and Minister for Corrections .....	The Hon. G. A. Tierney, MLC
Minister for Planning .....	The Hon. R. W. Wynne, MP
Cabinet Secretary .....	Ms M. Thomas, MP

## **The Governor**

The Honourable LINDA DESSAU, AC

## **The Lieutenant-Governor**

The Honourable Justice MARILYN WARREN, AC, QC

## **The ministry**

(to 12 September 2017)

Premier . . . . .	The Hon. D. M. Andrews, MP
Deputy Premier, Minister for Education and Minister for Emergency Services . . . . .	The Hon. J. A. Merlino, MP
Treasurer . . . . .	The Hon. T. H. Pallas, MP
Minister for Public Transport and Minister for Major Projects . . . . .	The Hon. J. Allan, MP
Minister for Small Business, Innovation and Trade . . . . .	The Hon. P. Dalidakis, MLC
Minister for Energy, Environment and Climate Change, and Minister for Suburban Development . . . . .	The Hon. L. D'Ambrosio, MP
Minister for Roads and Road Safety, and Minister for Ports . . . . .	The Hon. L. A. Donnellan, MP
Minister for Tourism and Major Events, Minister for Sport and Minister for Veterans . . . . .	The Hon. J. H. Eren, MP
Minister for Housing, Disability and Ageing, Minister for Mental Health, Minister for Equality and Minister for Creative Industries . . . . .	The Hon. M. P. Foley, MP
Minister for Health and Minister for Ambulance Services . . . . .	The Hon. J. Hennessy, MP
Minister for 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 (until 23 August 2017) . . . . .	The Hon. F. Richardson, MP
Minister for Finance and Minister for Multicultural Affairs . . . . .	The Hon. R. D. Scott, MP
Minister for Training and Skills, and Minister for Corrections . . . . .	The Hon. G. A. Tierney, MLC
Minister for Planning . . . . .	The Hon. R. W. Wynne, MP
Cabinet Secretary . . . . .	Ms M. Thomas, MP

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

**Speaker**

The Hon. C. W. BROOKS (from 7 March 2017)

The Hon. TELMO LANGUILLER (to 25 February 2017)

**Deputy Speaker**

Ms J. MAREE EDWARDS (from 7 March 2017)

Mr D. A. NARDELLA (to 27 February 2017)

**Acting Speakers**

Ms Blandthorn, Mr Carbines, Ms Couzens, Mr Dimopoulos, Mr Edbrooke, Ms Graley, Ms Kilkenny, Ms Knight, Mr McGuire, Mr Pearson, Mr Richardson, Ms Spence, Ms Suleyman, Ms Thomson, Ms Ward and Ms Williams.

**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* — Acting Clerk of the Legislative Assembly: Ms Bridget Noonan

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

*Parliamentary Services* — Secretary: Mr P. Lochert

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

<b>Member</b>	<b>District</b>	<b>Party</b>	<b>Member</b>	<b>District</b>	<b>Party</b>
Allan, Ms Jacinta Marie	Bendigo East	ALP	McLeish, Ms Lucinda Gaye	Eildon	LP
Andrews, Mr Daniel Michael	Mulgrave	ALP	Merlino, Mr James Anthony	Monbulk	ALP
Angus, Mr Neil Andrew Warwick	Forest Hill	LP	Morris, Mr David Charles	Mornington	LP
Asher, Ms Louise	Brighton	LP	Mulder, Mr Terence Wynn <sup>2</sup>	Polwarth	LP
Battin, Mr Bradley William	Gembrook	LP	Naphthine, Dr Denis Vincent <sup>3</sup>	South-West Coast	LP
Blackwood, Mr Gary John	Narracan	LP	Nardella, Mr Donato Antonio <sup>4</sup>	Melton	Ind
Blandthorn, Ms Elizabeth Anne	Pascoe Vale	ALP	Neville, Ms Lisa Mary	Bellarine	ALP
Britnell, Ms Roma <sup>1</sup>	South-West Coast	LP	Noonan, Mr Wade Matthew	Williamstown	ALP
Brooks, Mr Colin William	Bundoora	ALP	Northe, Mr Russell John <sup>5</sup>	Morwell	Ind
Bull, Mr Joshua Michael	Sunbury	ALP	O'Brien, Mr Daniel David <sup>6</sup>	Gippsland South	Nats
Bull, Mr Timothy Owen	Gippsland East	Nats	O'Brien, Mr Michael Anthony	Malvern	LP
Burgess, Mr Neale Ronald	Hastings	LP	Pakula, Mr Martin Philip	Keysborough	ALP
Carbines, Mr Anthony Richard	Ivanhoe	ALP	Pallas, Mr Timothy Hugh	Werribee	ALP
Carroll, Mr Benjamin Alan	Niddrie	ALP	Paynter, Mr Brian Francis	Bass	LP
Clark, Mr Robert William	Box Hill	LP	Pearson, Mr Daniel James	Essendon	ALP
Couzens, Ms Christine Anne	Geelong	ALP	Perera, Mr Jude	Cranbourne	ALP
Crisp, Mr Peter Laurence	Mildura	Nats	Pesutto, Mr John	Hawthorn	LP
D'Ambrosio, Ms Liliana	Mill Park	ALP	Richardson, Mr Timothy Noel	Mordialloc	ALP
Dimopoulos, Mr Stephen	Oakleigh	ALP	Richardson, Ms Fiona Catherine Alison <sup>7</sup>	Northcote	ALP
Dixon, Mr Martin Francis	Nepean	LP	Riordan, Mr Richard <sup>8</sup>	Polwarth	LP
Donnellan, Mr Luke Anthony	Narre Warren North	ALP	Ryall, Ms Deanne Sharon	Ringwood	LP
Edbrooke, Mr Paul Andrew	Frankston	ALP	Ryan, Mr Peter Julian <sup>9</sup>	Gippsland South	Nats
Edwards, Ms Janice Maree	Bendigo West	ALP	Ryan, Ms Stephanie Maureen	Euroa	Nats
Eren, Mr John Hamdi	Lara	ALP	Sandell, Ms Ellen	Melbourne	Greens
Foley, Mr Martin Peter	Albert Park	ALP	Scott, Mr Robin David	Preston	ALP
Fyffe, Mrs Christine Anne	Evelyn	LP	Sheed, Ms Suzanna	Shepparton	Ind
Garrett, Ms Jane Furneaux	Brunswick	ALP	Smith, Mr Ryan	Warrandyte	LP
Gidley, Mr Michael Xavier Charles	Mount Waverley	LP	Smith, Mr Timothy Colin	Kew	LP
Graley, Ms Judith Ann	Narre Warren South	ALP	Southwick, Mr David James	Caulfield	LP
Green, Ms Danielle Louise	Yan Yean	ALP	Spence, Ms Rosalind Louise	Yuroke	ALP
Guy, Mr Matthew Jason	Bulleen	LP	Staikos, Mr Nicholas	Bentleigh	ALP
Halfpenny, Ms Bronwyn	Thomastown	ALP	Staley, Ms Louise Eileen	Ripon	LP
Hennessy, Ms Jill	Altona	ALP	Suleyman, Ms Natalie	St Albans	ALP
Hibbins, Mr Samuel Peter	Prahan	Greens	Thomas, Ms Mary-Anne	Macedon	ALP
Hodgett, Mr David John	Croydon	LP	Thompson, Mr Murray Hamilton Ross	Sandringham	LP
Howard, Mr Geoffrey Kemp	Buninyong	ALP	Thomson, Ms Marsha Rose	Footscray	ALP
Hutchins, Ms Natalie Maree Sykes	Sydenham	ALP	Thorpe, Ms Lidia Alma <sup>10</sup>	Northcote	Greens
Kairouz, Ms Marlene	Kororoit	ALP	Tilley, Mr William John	Benambra	LP
Katos, Mr Andrew	South Barwon	LP	Victoria, Ms Heidi	Bayswater	LP
Kealy, Ms Emma Jayne	Lowan	Nats	Wakeling, Mr Nicholas	Ferntree Gully	LP
Kilkenny, Ms Sonya	Carrum	ALP	Walsh, Mr Peter Lindsay	Murray Plains	Nats
Knight, Ms Sharon Patricia	Wendouree	ALP	Ward, Ms Vicki	Eltham	ALP
Languiller, Mr Telmo Ramon	Tarneit	ALP	Watt, Mr Graham Travis	Burwood	LP
Lim, Mr Muy Hong	Clarinda	ALP	Wells, Mr Kimberley Arthur	Rowville	LP
McCurdy, Mr Timothy Logan	Ovens Valley	Nats	Williams, Ms Gabrielle	Dandenong	ALP
McGuire, Mr Frank	Broadmeadows	ALP	Wynne, Mr Richard William	Richmond	ALP

<sup>1</sup> Elected 31 October 2015

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

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

<sup>4</sup> ALP until 7 March 2017

<sup>5</sup> Nats until 28 August 2017

<sup>6</sup> Elected 14 March 2015

<sup>7</sup> Died 23 August 2017

<sup>8</sup> Elected 31 October 2015

<sup>9</sup> Resigned 2 February 2015

<sup>10</sup> Elected 18 November 2017

**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 Carroll, Mr Clark, Ms Edwards, Mr Hibbins, Mr Hodggett, Ms Kairouz, Ms Ryan and Ms Sheed.

### **Legislative Assembly select committees**

**Penalty Rates and Fair Pay Select Committee** — Ms Blandthorn, Mr J. Bull, Mr Clark, Mr Hibbins, Ms Ryall, Ms Suleyman and Ms Williams.

### **Joint committees**

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

**Dispute Resolution Committee** — (*Assembly*): Ms Allan, Mr Clark, Ms Hutchins, Mr Merlino, Mr M. O’Brien, Mr Pakula 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, Ms Garrett and Ms Ryall. (*Council*): Mr Bourman, Mr Elasmarr and Mr Melhem.

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

**Environment, Natural Resources and Regional Development Committee** — (*Assembly*): Mr J. Bull, Ms Halfpenny, Mr Richardson and Mr Riordan. (*Council*): Mr O’Sullivan, Mr Ramsay and Mr Young.

**Family and Community Development Committee** — (*Assembly*): Ms Britnell, Ms Couzens, Mr Edbrooke, Ms Edwards and Ms McLeish. (*Council*): Dr Carling-Jenkins and 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 Gepp 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 Patten, Ms Pennicuik and Ms Shing.

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



# CONTENTS

## TUESDAY, 28 NOVEMBER 2017

ACKNOWLEDGEMENT OF COUNTRY .....	3985
SWEARING IN OF MEMBERS	
<i>Member for Northcote</i> .....	3985
DEPUTY CLERK OF THE LEGISLATIVE ASSEMBLY .....	3985
QUESTIONS WITHOUT NOTICE and MINISTERS STATEMENTS	
<i>North-east link</i> .....	3985, 3986, 3987, 3988
<i>Ministers statements: employment policy</i> .....	3986, 3987
<i>Ministers statements: rolling stock</i> .....	3989
<i>Pill testing</i> .....	3989, 3990
<i>Ministers statements: TAFE system</i> .....	3990
<i>Eastern Freeway</i> .....	3990, 3991
<i>Ministers statements: road infrastructure projects</i> .....	3991
DISTINGUISHED VISITORS .....	3986, 4005
CONSTITUENCY QUESTIONS	
<i>Benambra electorate</i> .....	3992
<i>Bendigo West electorate</i> .....	3992
<i>Ovens Valley electorate</i> .....	3993
<i>Pascoe Vale electorate</i> .....	3993
<i>Ringwood electorate</i> .....	3993
<i>Yan Yean electorate</i> .....	3993
<i>Shepparton electorate</i> .....	3993
<i>Carrum electorate</i> .....	3993
<i>Polwarth electorate</i> .....	3994
<i>Cranbourne electorate</i> .....	3994
RULINGS BY THE CHAIR	
<i>Unparliamentary language</i> .....	3994
FINANCIAL MANAGEMENT AND CONSTITUTION ACTS AMENDMENT BILL 2017	
<i>Introduction and first reading</i> .....	3995
RESIDENTIAL TENANCIES AMENDMENT (HOUSING STANDARDS) BILL 2017	
<i>Introduction</i> .....	3995
PRIMARY INDUSTRIES LEGISLATION AMENDMENT BILL 2017	
<i>Introduction and first reading</i> .....	3996
ABORIGINAL AFFAIRS	
<i>Victorian government report 2017</i> .....	3996
PRIVILEGES COMMITTEE	
<i>Right of reply: Professor Peter Coombes</i> .....	3996
SCRUTINY OF ACTS AND REGULATIONS COMMITTEE	
<i>Alert Digest No. 17</i> .....	3996
DOCUMENTS .....	3996
VOLUNTARY ASSISTED DYING BILL 2017	
<i>Council's amendments</i> .....	3997, 4034
ROYAL ASSENT .....	4000
APPROPRIATION MESSAGES .....	4000
PARLIAMENTARY PRIVILEGE	
<i>Member for Geelong</i> .....	4000
BUSINESS OF THE HOUSE	
<i>Standing and sessional orders</i> .....	4000
<i>Program</i> .....	4000

## MEMBERS STATEMENTS

<i>Roy Francis</i> .....	4005
<i>Victorian Health Promotion Foundation</i> .....	4006
<i>Gippsland South electorate employment</i> .....	4006
<i>Sale photographic exhibition</i> .....	4006
<i>Great Victorian Bike Ride</i> .....	4006
<i>Rosehill Secondary College</i> .....	4007
<i>Public sector employment</i> .....	4007
<i>Sandie de Wolf</i> .....	4007
<i>Rochford Wines</i> .....	4007
<i>Broadmeadows electorate</i> .....	4008
<i>TREE multicultural festival</i> .....	4008
<i>Mildura motorsport precinct</i> .....	4008
<i>White Ribbon walk</i> .....	4008
<i>When a Star Fell in Our Wheat Field</i> .....	4008
<i>John Gillam</i> .....	4008
<i>Glenne Gilbert</i> .....	4009
<i>Public housing</i> .....	4009
<i>Voluntary assisted dying</i> .....	4009
<i>Vermont South Cricket Club</i> .....	4010
<i>Forest Hill College</i> .....	4010
<i>North-east link</i> .....	4010
<i>Christian Dejanovic</i> .....	4010
<i>Western Health Singers</i> .....	4010
<i>Melbourne Airport rail link</i> .....	4010
<i>Camperdown Lions Club</i> .....	4011
<i>Colac Woodcrafters Guild</i> .....	4011
<i>Remembrance Day</i> .....	4011
<i>South-West Coast electorate beaches</i> .....	4011
<i>South-West Coast electorate roads</i> .....	4011
<i>Member for Northcote</i> .....	4012
<i>Government achievements</i> .....	4012
<i>Walk Against Family Violence</i> .....	4012
<i>Victoria Against Violence</i> .....	4012
<i>Boroondara planning scheme amendment</i> .....	4013
MAJOR EVENTS LEGISLATION AMENDMENT (TICKET SCALPING AND OTHER MATTERS) BILL 2017	
<i>Statement of compatibility</i> .....	4013
<i>Second reading</i> .....	4015
WATER AND CATCHMENT LEGISLATION AMENDMENT BILL 2017	
<i>Second reading</i> .....	4016
ADJOURNMENT	
<i>Sandringham electorate graffiti</i> .....	4061
<i>Breast screening</i> .....	4062
<i>Registered training organisations</i> .....	4062
<i>Peninsula Community Legal Centre</i> .....	4062
<i>Energy prices</i> .....	4063
<i>Brimbank Bicycle Education Centre</i> .....	4063
<i>Naroghid wind farm</i> .....	4064
<i>Footscray hospital</i> .....	4064
<i>Maroona-Glenthompson Road, Willaura</i> .....	4064
<i>Bonshaw Early Learning Centre</i> .....	4065
<i>Responses</i> .....	4065



**Tuesday, 28 November 2017**

**The SPEAKER (Hon. Colin Brooks) took the chair at 12.03 p.m. and read the prayer.**

**ACKNOWLEDGEMENT OF COUNTRY**

**The SPEAKER (12:04)** — 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 today.

**SWEARING IN OF MEMBERS****Member for Northcote**

**The SPEAKER announced the election of Ms Lidia Thorpe as member for the electoral district of Northcote, pursuant to writ issued on 21 September 2017.**

**Ms Thorpe introduced and affirmed.**

**DEPUTY CLERK OF THE LEGISLATIVE ASSEMBLY**

**The SPEAKER (12:06)** — Order! I wish to advise the house that under section 18 of the Parliamentary Administration Act 2005 the Acting Clerk of the Legislative Assembly has appointed Mr Robert McDonald to be Deputy Clerk following the appointment of Ms Bridget Noonan as Acting Clerk.

**QUESTIONS WITHOUT NOTICE and MINISTERS STATEMENTS****North-east link**

**Mr GUY (Leader of the Opposition) (12:06)** — My question is to the Minister for Roads and Road Safety. Mark Lawton and his family have lived in Kay Court, Yallambie, in the electorate of Ivanhoe for 14 years. Last Thursday night the residents of Kay Court had a knock at the door telling them their homes might be acquired by your government for the north-east link. These families have big mortgages. They are currently experiencing terrible distress. They cannot sell. They do not know if they will be compulsorily acquired or the value of their property will be dramatically and irretrievably damaged by these notices for the project. Minister, when will the Lawtons and all the other families of Kay Court know for certain exactly what your plans are for their homes?

**Mr DONNELLAN (Minister for Roads and Road Safety) (12:07)** — I thank the opposition leader for his question, and I note what a very positive response we have had from the community to this project. And let me be very clear: the North East Link Authority will obviously be case managing each of these people affected by the proposed route. I think that is the appropriate way to do it — face to face, individual case management to ensure that people are properly consulted on the opportunities in relation to the north-east link. As we know, the north-east link very much deals with the enormous level of congestion in the north-east of Melbourne, whether it be Bulleen Road, whether it be Fitzsimons Lane, whether it be Rosanna Road and removing —

**Mr Guy** — On a point of order, Speaker, on relevance, I asked the minister a specific question, not about Porter Street or Fitzsimons Lane but about Kay Court in Yallambie. I wonder if the minister could come back to answering the substantive question, which is around when those families in Kay Court, Yallambie, will have a clear understanding of what is going to happen to their home.

**The SPEAKER** — I uphold the point of order. I ask the minister to come back to answering the question.

**Mr DONNELLAN** — As I indicated to the Leader of the Opposition, we will be directly negotiating with people — individual case management. As we quietly work through to finalise the business case and the reference design, we will continue to work with these people as we look at how this project will affect their houses. I know it is incredibly distressing for people in the community and that it would be difficult to understand that this project is not going in a greenfield site — and unfortunately there is not an existing road reservation. But this project is desperately needed in the north-east. As I sat there last Friday on Rosanna Road, it was absolutely gridlocked.

I did note while we were doing the press conference that a gentleman in a truck was very specific with what he wanted us to do, and he indicated clearly three or four times at the traffic lights, 'Just get the project done'. Three times he indicated that we needed to get this project done to remove the congestion and —

**Mr Guy** — On a point of order, Speaker, again on relevance, I asked the minister for a specific time for the residents of Kay Court in Yallambie, about those families in a cul-de-sac who are waiting to know the future of their own homes. They have been handed a notice that says their homes might be compulsorily acquired. I am asking the minister directly again, via

point of order, to come back — if you could, please, Speaker, bring him back — to answering the question about when that timing will be.

**The SPEAKER** — Order! The minister was being responsive to the question, but he did stray. I ask the minister to come back to answering the question.

**Mr DONNELLAN** — Okay. Look, as we quietly work through this project we will be finalising the business case and finalising the reference design. One thing we know is that this business case will stack up. For every dollar we spend we will not lose 55 cents. But of course there is legislation which specifically deals with compensation in these issues, and we will individually case manage each individual affected by this project. I do accept it is distressing, but I can assure you we will not spend four years doing nothing and we will not ask for another four years to do nothing again. We will get on with these projects, and we will get these projects done.

*Supplementary question*

**Mr GUY** (Leader of the Opposition) (12:11) — One of the residents of Kay Court, who has three children, was made redundant last Wednesday, and on last Thursday he was told he might be losing his home because of you, Minister. Disgracefully, all the government has done for the residents of Kay Court is to hand them a letter of possible compulsory acquisition and then give them the phone number for Lifeline. Minister, how will you ensure that the mental health of these families is not further harmed by such callous lack of support?

*Honourable members interjecting.*

**The SPEAKER** — Order! I warn the member for Macedon, the member for Kew and the member for Warrandyte.

**Mr DONNELLAN** (Minister for Roads and Road Safety) (12:12) — I thank the Leader of the Opposition for his supplementary question. Obviously I feel sorry for the people and the individual family who have been made redundant. That is unfortunate. But I certainly would not use that as an opportunity to go and bag the government, carry on like a pork chop and scream like a pack of banshees. Let us be very clear: we will individually manage each of these individual families. We will individually deal with their cases and ensure they receive fair and proper compensation.

**Ministers statements: employment policy**

**Mr ANDREWS** (Premier) (12:13) — I am very pleased to update the house on the next wave of reforms that the government is putting in place in relation to putting Victorian jobs first. This morning I joined apprentices and other workers out at Downer, at the Newport railway yards — not somewhere those opposite would ever have visited, because they were going to get our trains made in Korea or India. That is what they were going to do.

*Honourable members interjecting.*

**Mr ANDREWS** — So keep interjecting all you want, and we will keep reminding people of what an appalling job you did.

But what we were able to talk about today was 80 strategic projects — eight-zero strategic projects — that are the subject of our industry participation policy and our job guarantee policy. How many similar projects do you think there were in the four years up to 2014? Don't be unkind; don't say zero. It was eight. Something to be very proud of if you are the Leader of the Opposition leading this mob —

**Mr Pakula** — That's two a year.

**Mr ANDREWS** — Two a year. The Attorney-General makes the point. Two a year — good on you, those opposite! That might be one of the many reasons why they find themselves on that side of the chamber.

We are going to add to an already strong procurement framework, making sure that things like personal protective equipment and uniforms are made in Victoria and are ethically made in Victoria. We are going to put a cop on the beat to make sure that every contractor delivers the local content requirements they have signed up to and the skills attainment that they have signed up to, and of course we will write into law our procurement policy. Our intentions are clear. Whether those opposite vote for those bills will be a test of them and their indolence.

**Questions and statements interrupted.**

**DISTINGUISHED VISITORS**

**The SPEAKER** (12:15) — Before calling the Deputy Leader of the Opposition I wish to acknowledge in the gallery the federal member for Corio, Richard Marles.

**QUESTIONS WITHOUT NOTICE and  
MINISTERS STATEMENTS**

**Questions and statements resumed.**

**North-east link**

**Mr HODGETT** (Croydon) (12:15) — My question is to the Minister for Roads and Road Safety. Two weeks ago government staff were visiting local businesses in Bulleen and Heidelberg along the option A route, advising them that they were likely to be acquired for the north-east link — two weeks before cabinet apparently signed off on the final route. Minister, your consultation was nothing but a sham. Why did you set out to mislead Ivanhoe, Macleod, Rosanna and Bulleen residents and small businesses by pretending there was more than one possible route, given you always intended to run this freeway along option A?

**Mr DONNELLAN** (Minister for Roads and Road Safety) (12:16) — I thank the deputy leader for his question. I think it is very appropriate we go out early to talk to people who are affected by this project. I think it is a matter of basic courtesy that we actually get out there and indicate to businesses and the like that they could be impacted by this particular project. Of course there is legislation which specifically covers compensation in relation to these matters and as we have indicated previously we will case manage each individual person or business affected by this project.

*Supplementary question*

**Mr HODGETT** (Croydon) (12:16) — Some weeks ago, the government gave Manningham and Banyule councils briefings on the project, speaking for 45 minutes on option A and less than 5 minutes on the remaining three options. Given that option A was a fait accompli weeks ago, there has been ample time to identify which properties are facing compulsory acquisition. Can you guarantee that the people who received compulsory acquisition notices last week are the only ones facing compulsory acquisition for this project — or will there be more?

**Mr DONNELLAN** (Minister for Roads and Road Safety) (12:17) — I thank the deputy opposition leader for his supplementary question and very much welcome the fact that the North East Link Authority was out there consulting with councils because obviously they will be affected by this and they would want to know about the 15 000 trucks taken off local streets and put onto higher order arterials — the freeways. These are benefits that the local community and the local councils

need to understand and it is very appropriate that we go out there early, we indicate to all —

**Mr Guy** — On a point of order, Speaker, on relevance again, the Deputy Leader of the Liberal Party's supplementary question was very clear about whether there will be more properties facing compulsory acquisition or whether the ones given a notice are the only ones facing compulsory acquisition. I just wonder if you would be able to bring the minister back to answering that specific supplementary.

**The SPEAKER** — Order! There was a long preamble to the question. The minister is being responsive to the question.

**Mr DONNELLAN** — As the Premier has indicated, there will be a lot of trucks in the north-east for a long time to come if we do not get this project completed. It is appropriate that we have done a very conservative estimate — probably gone a little bit wider than we expected — to make sure that we indicate very early to the community, very early to businesses and very early to councils how people will be or potentially be affected by this project. I think it would be better off to be a lot more conservative and make it very narrow than to have to go back and change our minds.

**Mr HODGETT** — On a point of order, Speaker, the question was about compulsory acquisition. I do not believe the minister was responsive to that question and I would ask you to seek a written answer from the minister.

**The SPEAKER** — I will consider that matter at the conclusion of question time.

**Ministers statements: employment policy**

**Mr CARROLL** (Minister for Industry and Employment) (12:19) — The Andrews government has completely rewritten the rule book on local jobs and local content. I was thrilled to join the Premier this morning at Downer Rail in Newport to announce our plans to enshrine in law our local jobs policies.

*Honourable members interjecting.*

**The SPEAKER** — The member for Ferntree Gully is warned.

**Mr CARROLL** — Victoria's local jobs first commissioner will keep businesses on track to deliver on their promised targets. We want to create the best possible environment for local businesses and workers to succeed on major government works. Whether it is road and rail projects, hospitals and schools or the

redevelopment of major icons like Melbourne Park, we are putting Victorians first.

**An honourable member** interjected.

**Mr CARROLL** — Yes, Melbourne Park. We are putting Victorians first.

The Victorian government is the largest procurer of goods and services and construction works in this state. We are committed to using local procurement power to develop local industries and create local jobs. As the Premier rightly said, under our Victorian Industry Participation Policy we have 80 projects underway versus their eight. Can anyone name any of their eight? It is a trivia question — no. That is how memorable that side were for one four-year term. They did nothing. Members on our side would like to note that they actually include the Bendigo Hospital. Could you believe that? The Bendigo Hospital, they claim.

With the Premier this morning we met many apprentices and many workers. We know the member for Kew is the master apprentice being led by the one-man band over here — three years of development and a traffic-light policy to get you to the next set of traffic lights a little bit quicker. We will always put Victorian jobs first. We are doing it fairly. We are doing it in the Labor way.

*Honourable members interjecting.*

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

**Mr CARROLL** — We will put Victorians first. As the Premier said: 80 projects over three years of the Andrews Labor government versus four years where those opposite delivered eight — including the Bendigo Hospital, which I think is a little bit debatable. We will always put Victorian jobs first, including local jobs.

*Honourable members interjecting.*

**The SPEAKER** — Order! Question time is a robust forum and members like to participate, but I do ask members to cease shouting across the chamber or I will remove members without warning.

### **North-east link**

**Mr GUY** (Leader of the Opposition) (12:21) — My question again is to the Minister for Roads and Road Safety. Simpson Barracks in Watsonia is a strategic national security site and is home to the 108th Signal Squadron in the 4th Brigade of the Australian Army. Is it a fact that there has been no formal contact with the

federal government about the state government acquiring any of this land to build upon it a new freeway?

**Mr DONNELLAN** (Minister for Roads and Road Safety) (12:22) — The government and the North East Link Authority have had extensive discussions to date, obviously also with the Department of Defence and others. But I do find it rather amusing —

*Honourable members interjecting.*

**The SPEAKER** — Order! I have warned members.

**Mr DONNELLAN** — The North East Link Authority has actually had discussions with those people at Simpson Barracks. The idea that somehow or other the Leader of the Opposition would use this opportunity to actually stop progress in the north-east is pretty disgraceful.

*Honourable members interjecting.*

**The SPEAKER** — Order! Members of the opposition and the Attorney-General will come to order.

### *Supplementary question*

**Mr GUY** (Leader of the Opposition) (12:23) — Noting that the federal government has stated that it will not be ceding any of Simpson Barracks to build a new freeway, Minister, can you therefore inform residents of Rosanna and Macleod what the alternative freeway route will be and as such how many more homes than you have currently declared will need to be compulsorily acquired?

**Ms Ward** interjected.

**The SPEAKER** — Order! The member for Eltham is warned.

**Mr DONNELLAN** (Minister for Roads and Road Safety) (12:23) — It is pretty obvious from the comments of Leader of the Opposition that he does not support progress in the north-east. He does not support removing the 15 000 trucks through the whole area around Rosanna Road and the like — 75 per cent of trucks off that road. Obviously the Leader of the Opposition has not —

**Mr Guy** — On a point of order, Speaker, on relevance, the supplementary question was very clear that given the federal government has stated that it will not be ceding any —

**Mr Pakula** interjected.

**The SPEAKER** — Order! The Attorney-General will leave the chamber for the period of 1 hour.

**Attorney-General withdrew from chamber.**

**Mr Guy** — Noting that the federal government stated that it will not be ceding any of a national strategic security site in Simpson Barracks to build any new state infrastructure, I have asked clearly: can the minister therefore inform residents how many more homes will need to be compulsorily acquired? He has not mentioned any of that in his supplementary answer, and I ask you to bring him back to answering that question.

**The SPEAKER** — Order! I ask the minister to come back to answering the question.

**Mr DONNELLAN** — Let us be very clear: no-one will want to live near the army barracks or in Rosanna if something is not done about the congestion in the north-east. It is pretty obvious that the member for Bulleen simply does not care about the congestion in the north-east.

**Mr Clark** — On a point of order, Speaker, the minister is defying your ruling. I ask you to instruct him to come back to answering the question.

**The SPEAKER** — I ask the minister to come back to answering the question.

**Mr DONNELLAN** — Obviously as I have indicated the reference design is proceeding, the business case is proceeding and, as I have indicated, when we actually do these assessments of how the project will affect individuals in their houses, we will be very conservative to ensure that we do not need to go back with the proposition and say, 'Unfortunately we missed you the first time around'. So we have had a very conservative assessment to ensure that we can let all those people who will be affected know.

### **Ministers statements: rolling stock**

**Ms ALLAN** (Minister for Public Transport) (12:26) — Today I am updating the house on the Andrews Labor government's record investment in our rolling stock industry — not the South Korean rolling stock industry, like those opposite wanted to invest in, the Victorian rolling stock industry. Speaker, \$4.3 billion has been invested by our government in the Victorian rolling stock industry. We are purchasing 65 new high-capacity trains, 19 new X'trapolis trains, 87 new VLocity rail cars and 80 E-class low-floor trams. They are made right here in Victoria — in Newport, in Ballarat, in Dandenong. Jobs for local Victorians — with our 50 per cent minimum local content requirement, this

is not just guaranteeing that these jobs stay here, it is also supporting the supply chain, those businesses right across Victoria that contribute component parts to help make our trains and trams.

If you look at the high-capacity Metro Trains contract alone, that is creating 1100 direct jobs and thousands more across the industry. These are exactly the sort of innovative, high-tech manufacturing jobs that we want to support right here in Victoria. Not only that, we are breathing new life into the industry, and we are bringing back into Victoria jobs and opportunities that were thought to be lost forever after those opposite decimated the rail industry in the 1990s. Jobs like at Hofmann in Bendigo, who are making the rail bogies; Dellner in New Gisborne, who are making couplers; and Austbreck in Hallam, who are making pantographs. We are bringing back these skills — skills that have been lost to our state for nearly 30 years. We know what the alternative is. When those opposite finally got around to thinking about rolling stock they were putting their bets on South Korea. We are putting our support into Victoria.

### **Pill testing**

**Ms SANDELL** (Melbourne) (12:28) — My question is for the Premier. One year ago I asked the Premier whether the government would introduce a trial of lab-grade pill testing of party drugs to save lives over the summer music festival season. His answer was no. Then last summer at least three people died and over 40 were hospitalised due to party drugs taken at nightclubs and at festivals. We are now going into another summer music festival season and experts fear that more young people will overdose or die due to party drugs which are increasingly contaminated with unknown substances. My question is: given the risks to young people's lives will the government now change its view and introduce a harm minimisation approach, and introduce a trial of pill testing at festivals this summer in order to save lives?

**Mr ANDREWS** (Premier) (12:29) — I thank the member for Melbourne for her question. She refers to an earlier question that she asked me and an answer I provided at that time. Can I remind her that the answer I provided at that time was based on the very clear advice of Victoria Police. The answer I will provide to her now is again based on very clear advice from Victoria Police, who do not support this sort of pill testing. While seasons may come and —

*Honourable members interjecting.*

**Mr ANDREWS** — Well, those opposite find fault with the advice of the chief commissioner. That is not a

surprise given that they spent every day in office undermining the chief commissioner. But as for the member for Melbourne's question, the consistent advice of Victoria Police remains that they do not support that sort of pill testing, and therefore neither does the government I lead.

*Supplementary question*

**Ms SANDELL** (Melbourne) (12:30) — I thank the Premier for his response. The government recently changed its view on a safe injecting room trial in North Richmond in light of the number of deaths from heroin overdose in this area, and we welcomed this as a sensible evidence-based approach to save lives. The coroner has recently reported that deaths from MDMA are increasing. Thirteen people died in 2016 compared to only five in 2015 and only one in 2010. So how can the government continue to justify its opposition to pill testing when clearly this approach — this 'say no to drugs' approach — regardless of who supports it, simply is not working to save lives?

*Honourable members interjecting.*

**Mr ANDREWS** (Premier) (12:31) — I thank the member for her supplementary question. I do not know that anyone ought to be laughing about a heroin death toll — 34 this year including a person —

*Honourable members interjecting.*

**Mr ANDREWS** — And the comments from those opposite are not only offensive to the 34 people who have died this year just in North Richmond. For heaven's sake, at the doorstep announcing that my policy setting on this was wrong and that we needed to change, with the support of Victoria Police — at the press conference where I made that announcement — someone within 50 metres of the doorstep actually collapsed from an overdose. So I am happy to concede that perhaps we ought to have made this change earlier, but we are making it, and I am happy to be criticised —

**Mr T. Smith** interjected.

**The SPEAKER** — Order! The member for Kew has been warned.

**Mr ANDREWS** — I am happy to be criticised for following the advice of Victoria Police and many experts who convinced me that I was wrong on a supervised injecting facility.

**Ministers statements: TAFE system**

**Mr MERLINO** (Minister for Education) (12:32) — I rise to update the house about the Andrews government's commitment to our TAFE system. Since being elected the Andrews government has focused —

*Honourable members interjecting.*

**The SPEAKER** — Order! I ask the Premier and the member for Warrandyte to cease shouting across the chamber.

**Mr MERLINO** — Since being elected the Andrews Labor government has focused on rescuing TAFE with initiatives like the \$320 million TAFE Rescue Fund, making sure every Victorian has access to the quality training they need to get a job. We have reopened Lilydale, we have reopened Greensborough and we have reopened Glenormiston TAFE campuses. We have stemmed the decline of apprentices. We have targeted and removed dodgy training providers.

To give the house some context, it is instructive to look at the TAFE employment figures over time and compare them to today. For example, in 2010 at South West Institute of TAFE there were over 322 full-time employees. By the end of 2014 this dropped to over 210 — a reduction of 35 per cent. Over 111 people lost their jobs under the previous Liberal government and their cuts to TAFE. At Box Hill Institute there were over 950 employees in 2010. By the end of 2014 there were just over 670 — a reduction of 270 full-time employees; 30 per cent. What an appalling record of those opposite when it came to TAFE!

I am pleased to inform the house that both these TAFEs are well on their way to recovery and now employ more staff — 24 per cent more at South West Institute, 11 per cent more at Box Hill Institute — staff who will support and teach our students, helping them to achieve their full potential and get the jobs that they want. That is our record in TAFE. Their record is job cuts and campus closures.

**Eastern Freeway**

**Mr M. O'BRIEN** (Malvern) (12:34) — My question is to the Minister for Roads and Road Safety. Minister, before the election you did not intend to pay \$1.3 billion to rip up the east-west link contracts, but you did. You did not intend to fund the West Gate distributor by extending tolls on CityLink, but you want to. And you did not intend to put traffic lights on freeways, but you are. So, Minister —

*Honourable members interjecting.*



**The SPEAKER** — Order! The Deputy Premier will come to order.

**Mr M. O'BRIEN** — Can you guarantee that no part of the Eastern Freeway, whether existing or upgraded, will be tolled in any way?

**Mr DONNELLAN** (Minister for Roads and Road Safety) (12:35) — No, we will not be tolling existing roads — that is our policy, and it is very clear — but we will certainly be expanding the capacity of the Eastern Freeway and providing a dedicated bus link right up the centre of the Eastern Freeway. Will we deal with the pinch points on Bulleen Road? Absolutely. Will we deal with the pinch points on Elgar Road? Absolutely. Will we be providing the extra capacity that the Liberal Party never did anything about? Yes, we will.

*Honourable members interjecting.*

**The SPEAKER** — Order! The member for Frankston and the member for Ringwood are warned.

*Supplementary question*

**Mr M. O'BRIEN** (Malvern) (12:36) — Noting the minister did not refer to upgraded roads and did not give any guarantee, I ask him: a year ago you costed the north-east link at \$6.9 billion, six months ago you costed it at \$10 billion, then it was \$13 billion, and now the price tag is apparently \$16.5 billion. Minister, your word on the cost of this road has proven worthless. After nearly \$10 billion in cost blowouts before a single shovel is in the ground, how can Victorians believe you when you say that \$16.5 billion is the final cost of this road?

**Mr DONNELLAN** (Minister for Roads and Road Safety) (12:37) — I thank the shadow Treasurer for his question. As the shadow Treasurer would be well aware, we are currently going through the process of developing a business case, which actually develops the costings and the like, and we —

*Honourable members interjecting.*

**The SPEAKER** — Order! The member for Kew will —

**Mr DONNELLAN** — Unlike the business case that was developed for a dud project, where you lost —

**The SPEAKER** — Order! The minister will resume his seat. The member for Kew will leave the chamber for the period of 1 hour.

**Honourable member for Kew withdrew from chamber.**

**Mr DONNELLAN** — As I have indicated, we are obviously developing a business case because we believe this project is a winner, unlike the business case that lost 55 cents for every dollar, which never went to the federal government for assessment. We are very comfortable with this project, we are very comfortable with the enhancements to the Eastern Freeway and we know the residents of the east will very much thank us for what we are going to do, but not only the east. Obviously —

**Mr M. O'Brien** — On a point of order, Speaker, in relation to relevance, the minister was asked the question: how can Victorians believe that \$16.5 billion will be the final cost of this road? Nothing in his answer has addressed why we should believe him that that is the final cost. I ask you to bring him back to it.

**The SPEAKER** — It was a very open-ended question. I ask the minister to continue.

**Mr DONNELLAN** — We are developing the business case, and we believe this project is very positive.

### **Ministers statements: road infrastructure projects**

**Mr DONNELLAN** (Minister for Roads and Road Safety) (12:39) — I want to update the house on the great work that the Andrews government is doing for Victorian business with the job opportunities that are being created through local content. This week we have obviously had the report back from the Minister for Planning on the West Gate tunnel, and what a great project that is. We know what we have mandated — that is, that 10 per cent of the hours worked on this project will include apprentices, trainees and cadets. More than 110 000 tonnes of steel will be used to build the two underground tunnels, bridges and other infrastructure, and 92 per cent of that steel will be locally made. What a marvellous job opportunity that actually creates. Overall the project will have 93 per cent local content. What a great effort. This is just one of those 80 projects that have mandated local content which deliver jobs for our local communities. If you look at the CityLink Tullamarine widening, that is a 95 per cent local content project, and the Ravenswood interchange is a 96 per cent local content project — so incredibly positive contributions to the community.

I had the opportunity to look at what other job-creating opportunities might be out there in the community. I noticed that the coalition field network was providing new job training opportunities for Young Liberals. Come and sell our road separation policy — sky left,

sky right, just hit another bloody traffic light. Hopeless, absolutely hopeless. What a lulu policy from a pack of absolute lalas. But there were jobs in Pakenham, there were jobs in Cranbourne, there were jobs in Mordialloc —

**Mr Clark** — On a point of order, Speaker, I think the minister is becoming overly excited and beginning to debate the issue. I ask you to bring him back to making a ministers statement.

**The SPEAKER** — I tend to agree. I uphold the point of order. I ask the minister to come back to making a ministers statement.

**Mr DONNELLAN** — I also noticed there were other opportunities for professional protesters with the duke from Kew. You could join the Dunn-Smith green dream team and get down and —

**Mr Clark** — On a point of order, Speaker, the minister is defying your ruling. I invite you to make permanent your instruction to sit down.

**The SPEAKER** — Order! I ask the minister to come back to making a ministers statement in the time he has remaining.

**Mr DONNELLAN** — I notice that the Ravenswood interchange, as I was saying, had a 96 per cent local content; the Chandler Highway, 92 per cent local content. So what we are doing is we are creating jobs for Victorians —

**The SPEAKER** — Order! The time for questions without notice and ministers statements has expired.

**Mr Watt** — I raise a point of order, Speaker, with regard to question on notice 13 218 of 17 October to the Minister for Roads and Road Safety. It was supposed to have been answered two weeks ago. I would ask that you get the minister to answer the question.

**The SPEAKER** — Thank you, I will follow that matter up.

**Mr Watt** — I raise a further point of order, Speaker, with regard to question on notice 13 219 of 17 October 2017. I asked the Minister for Roads and Road Safety a question on notice and that answer is currently outstanding. I ask that you get the minister to answer the question.

**The SPEAKER** — If the member for Burwood has further questions on notice he wishes to raise, I ask him to do it in one point of order.

**Mr Watt** — Thank you for your guidance, Speaker. I raise a point of order with regard to questions on notice 13 220, 13 228, 13 230 and 13 249, all of which are past the 30-day period in which the questions should have been answered. The questions are for the Minister for Local Government, the Treasurer, the Minister for Families and Children and the Minister for Roads and Road Safety. I ask that you direct the ministers to actually answer the questions as they are all two weeks overdue.

**The SPEAKER** — Thank you for the point of order. We will follow those matters up.

## CONSTITUENCY QUESTIONS

### Benambra electorate

**Mr TILLEY** (Benambra) (12:44) — (13 692) My question is to the Minister for Public Transport. Why did you ignore the wishes of young people who attended the regional network development plan workshop in Wodonga by refusing to support lowering the probationary age to 17. The recent all-of-government response to the recommendation to lower the P-plate age to 17 or to even allow exemptions for regional and rural teenagers stated that the present probationary driving age of 18 did not affect young people's employment, study or sport. It said that the regional network development plan for public transport launched in May last year was aimed at young people, that it would meet their needs and that they were targeted in workshops. This is almost laughable in my electorate. Regional public transport is underfunded and under the pump. I would like the minister to look into the eyes of the young people I have met in the electorate and with her hand on her heart repeat that statement. They do not feel included, they were not consulted and you are still not listening.

### Bendigo West electorate

**Ms EDWARDS** (Bendigo West) (12:45) — (13 693) My constituency question is for the Minister for Energy, Environment and Climate Change. I would like for the minister to provide information on the progress of the Renewable Newstead project on behalf of my community. There is growing interest in this not just in Newstead of course but across other regional communities who see this project as a model that could be implemented in their own communities. We know that renewable energy is the way forward, and this project in Newstead will be a significant step forward in the development of future projects in regional communities. Some time ago we funded the creation of a renewable energy action plan — \$200 000 — as part of

our renewable energy investment of \$20 million for the New Energy Jobs Fund. We want to keep working with the Newstead community to deliver this project, and I would ask the minister to provide that information.

### Ovens Valley electorate

**Mr McCURDY** (Ovens Valley) (12:46) — (13 694) My question is for the Minister for Education and is on behalf of Kellie Wiedemann of Oxley. I seek some information on bus travel arrangements for her son Hugh, who travels with his older brothers, Tom and Will, to St Bernard's Primary School in Wangaratta. We keep hearing that we live in the Education State, so I really need the minister to clarify why a family who want to live in regional Victoria and who want to raise three boys and send them to the same school must now be forced to pay for the youngest to join his older brothers at that same school.

### Pascoe Vale electorate

**Ms BLANDTHORN** (Pascoe Vale) (12:47) — (13 695) My constituency question is for the Minister for Roads and Road Safety. What was the outcome of the VicRoads community consultation session held in September regarding a number of proposed road safety measures, including the option of a 40-kilometre-an-hour speed limit on Bell Street and particularly at the Bell Street-Sydney Road precinct in Coburg? I understand that VicRoads has a comprehensive package of works to improve safety for pedestrians, cyclists and motorists in this busy precinct. I would like to know what the outcomes of the community consultation were in regard to that. The precinct around Bell Street and Sydney Road is home to local schools, businesses, a train station and a shared pedestrian and cyclist pathway, amongst many other pieces of connecting infrastructure. As the minister himself is aware, it is a particularly busy precinct for all concerned. I have been working with Coburg Primary School as well as the local community on road safety in this area for some time. I anticipate receiving the outcomes of the consultation.

### Ringwood electorate

**Ms RYALL** (Ringwood) (12:47) — (13 696) My constituency question is for the Minister for Families and Children. Is the minister going to fulfil her commitment to increase neighbourhood house coordination program funding for Mitcham Community House and Central Ringwood Community Centre as per her election commitment to them in 2014 — yes or no?

### Yan Yean electorate

**Ms GREEN** (Yan Yean) (12:48) — (13 697) My question is to the Minister for Sport. I understand there have been numerous applications from Diamond Valley and particularly the Shire of Nillumbik to the Growing Suburbs Fund. That is because there are such high rates of participation in sport in the area. We were delighted on Saturday to have the Minister for Local Government come out and announce a number of successful applications for project funding in that area, particularly applications from Diamond Valley. I ask: when will clubs in my electorate know the outcome of applications to the Community Sports Infrastructure Fund, particularly in relation to Marngrook Oval lights and the Diamond Valley Sports and Fitness Centre?

### Shepparton electorate

**Ms SHEED** (Shepparton) (12:49) — (13 698) My question is for the Minister for Roads and Road Safety. Minister, can you advise what action is being taken to address the safety concerns of the Strathmerton community regarding the traffic speed restrictions along their stretch of the Murray Valley Highway? Concerns have been raised about the inadequacy of the statewide 40-kilometre school zone period, which does not align with the school bus timetable, meaning children are navigating the highway with vehicles travelling at 80 kilometres an hour. There is also concern about the safety of other community members simply wishing to cross the highway to go about their day-to-day business.

VicRoads traffic monitoring shows this is a very busy highway with many trucks servicing the local agricultural community. Some of these trucks also face challenges turning onto the highway from Numurkah Road, unable to get up enough speed before the cars behind them advance on them.

Minister, the community has been working with the relevant authorities for some time, yet discussions seem to have stalled. I would ask that you make inquiries as to how this dangerous situation can be satisfactorily resolved.

### Carrum electorate

**Ms KILKENNY** (Carrum) (12:50) — (13 699) My constituency question is for the Minister for Energy, Environment and Climate Change. Seaford beach, in my electorate of Carrum, has been visited by a friendly seal nicknamed Arcto on a number of occasions in October and November this year. Arcto is known to rest on beaches in our local community, sometimes visiting

for several consecutive days. This weekend at Carrum we also had dolphins just off the beach. I know people would love to get up close to these beautiful animals, but it is important that we do all we can to protect Arcto and other marine animals from too much interference. Minister, what local protections are in place to safeguard Arcto and other marine animals at Seaford and the other beaches in my electorate?

### Polwarth electorate

**Mr RIORDAN** (Polwarth) (12:51:00) — (13 700)  
My question is for the Minister for Roads and Road Safety. Does the minister stand by his comments on Colac local radio station MIXX FM, 'I've never heard anything so silly in my life ... to be blunt', when criticising the Corangamite Shire Council's very public and well-supported roads campaign? The Corangamite shire has undertaken an innovative and proactive campaign to highlight to VicRoads and the minister the cost to their community of the chronic underfunding of roads in the south-west. VicRoads has been quick to find \$1 billion for a cobweb of wire rope barriers from one end of the Princes Highway west duplication to the other, which most people in the community are questioning. Yet the solution to road fail after road fail is to tell the Corangamite shire and my constituents that they have never had it so good and that they are being unrealistic in their campaign and desire for better and safer roads.

### Cranbourne electorate

**Mr PERERA** (Cranbourne) (12:51) — (13 701)  
My question is to the Minister for Education. In the 2016–17 state budget the Andrews Labor government committed \$9 million towards the modernisation of Cranbourne Secondary College. This commitment, together with \$1 million already allocated, was to assist the college to complete their much-needed rebuild. The rebuild will include an upgrade to the science and technology wing and the building of new classrooms. I ask the minister: what is being done to ensure that the development is delivered as promised by the Andrews Labor government?

## RULINGS BY THE CHAIR

### Unparliamentary language

**The SPEAKER** (12:52) — Order! Before moving to the introduction of bills, I wish to reply to a point of order taken by the member for Eildon. I warn members that this is a lengthy ruling, so bear with me. The member for Eildon raised a point of order in the last sitting week about when members can ask for offensive

words to be withdrawn. The member for South Barwon had also raised the matter with me outside the chamber. Several members spoke to the point of order, covering a number of issues. As the manager of opposition business suggested, I took the matter on notice so that I could return to the house with a considered ruling.

I do not intend to revisit previous decisions of Chairs who have directed members to withdraw remarks. However, the nub of the member for Eildon's issue is about the circumstances in which a member is entitled to seek a withdrawal of remarks, and I will address that. This can be a difficult issue for Chairs because offensiveness can be subjective. It is not the role of the Chair to assess whether a member is or is not offended or the level of their offence. The role of the Chair is to determine whether a member is, in the circumstances, entitled to ask for a withdrawal.

Debates in the house are given the protection of absolute parliamentary privilege by the freedom of speech that applies to proceedings. To ensure that freedom is exercised judiciously and debate conducted fairly, the house has imposed various rules on itself. The rule against using unparliamentary language, the prohibition on imputations and the sub judice convention, among others, work as a check on that power.

Standing order 119 states that members 'must not use offensive or unbecoming words in relation to another member'. If a Chair hears unparliamentary language, they may intervene and caution a member. Alternatively, members may take a point of order. Perhaps the example most frequently brought to the Chair's attention is when members refer to each other as liars. That is clearly unparliamentary language. It is potentially also an imputation and in breach of standing order 118, but as I am trying to keep those concepts separate I am not going to say anything further on imputations.

Standing order 120(2) sets out the process for when a member objects to words used in debate. Where the words relate to a member and the member finds them personally offensive, the member must take a point of order immediately. The member may ask that they be withdrawn. The member for Eildon's point of order is, essentially, what constitutes 'personally offensive' under standing order 120. There is no definition in the standing orders, and it is up to the Chair to determine. Various rulings over time have clarified that the comments must be made about a member individually, not collectively, and that the objection must come from that member directly. It is also not for the Chair to determine whether the member should or should not be offended, and I refer members to Speaker Delzoppo's

ruling, which points out that offence is subjective and members have different tolerances.

*House of Representatives Practice*, 6th edition, page 514, makes a useful distinction between things members find politically offensive and those that are personally offensive. The chamber is the place to air different views and consequently sometimes disagree. Debate can involve characterising the views or policies of our opponents as misguided or wrong. That is different from making disparaging comments about our opponents personally. We will sometimes find what other members have said to be inaccurate or a wrong interpretation of an issue.

That is a point in debate, rather than an infringement of standing order 120. *Odgers' Australian Senate Practice*, 14th edition, at page 269 says:

It is not for the chair to judge the accuracy or truthfulness of senators' statements. Statements by senators about matters of fact, including statements about persons protected by the standing orders, do not amount to offensive words merely on the basis that they are alleged to be false; that is a matter for refutation in debate, and not a question for the chair. Similarly, statements about the policies of parties which are alleged to be incorrect are matters for correction in debate, not subjects for ruling by the chair.

That does not mean that members can deliberately mislead the house, and there is a process for dealing with that. Rather, disagreeing with what someone says is not the same as being personally offended by it. Disagreement is part of debate, and questions of clarification, accuracy and balance are issues to refute in the course of debate. Therefore I ask members to consider the requirements of standing order 120(2) carefully when seeking a withdrawal of remarks, and for Chairs to actively assess whether remarks were made about the individual personally, or whether the comments were points in debate subsequently to be refuted or challenged. Members are entitled to seek a withdrawal of comments they find to be personally offensive, and this is an important protection.

There were two ancillary matters that came out of the debate on the point of order. I confirm that it is not in order to quote from a document simply in order to avoid the requirement to use parliamentary language and the other forms of the house. And finally, where a member does identify that something in the press, or words said about or by them in the house, are inaccurate, this should be addressed by a personal explanation to correct the record, and not dealt with as a point of order.

## FINANCIAL MANAGEMENT AND CONSTITUTION ACTS AMENDMENT BILL 2017

### *Introduction and first reading*

**Mr SCOTT** (Minister for Finance) — I move:

That I have leave to bring in a bill for an act to amend the Constitution Act 1975 and the Financial Management Act 1994 in order to provide that the Public Account, Consolidated Fund and Trust Fund are maintained under the Constitution Act 1975, to amend the Financial Management Act 1994 to provide for the funding of departments and the application of appropriations from the Consolidated Fund, to make consequential amendments to certain other acts and for other purposes.

**Mr CLARK** (Box Hill) — I would ask the minister to provide a brief explanation further to the long title.

**Mr SCOTT** (Minister for Finance) — I thank the member for an opportunity to make a brief explanation of the bill. The bill simplifies and refreshes Victoria's principal financial management legislation to modernise resource management, update reporting arrangements, refresh procurement provisions and improve financial governance.

**Motion agreed to.**

**Read first time.**

## RESIDENTIAL TENANCIES AMENDMENT (HOUSING STANDARDS) BILL 2017

### *Introduction*

**Ms SANDELL** (Melbourne) — I move:

That I have leave to bring in a bill for an act to amend the Residential Tenancies Act 1997 in relation to the imposition of certain minimum housing standards and for other purposes.

**House divided on motion:**

*Ayes, 40*

Angus, Mr	O'Brien, Mr D.
Asher, Ms	O'Brien, Mr M.
Battin, Mr	Paynter, Mr
Blackwood, Mr	Pesutto, Mr
Britnell, Ms	Riordan, Mr
Bull, Mr T.	Ryan, Ms
Burgess, Mr	Sandell, Ms
Clark, Mr	Sheed, Ms
Crisp, Mr	Smith, Mr R.
Dixon, Mr	Smith, Mr T.
Fyffe, Mrs	Southwick, Mr
Guy, Mr	Staley, Ms
Hibbins, Mr	Thompson, Mr
Hodgett, Mr	Thorpe, Ms
Katos, Mr	Tilley, Mr

Kealy, Ms  
McCurdy, Mr  
McLeish, Ms  
Morris, Mr  
Northe, Mr

Victoria, Ms  
Wakeling, Mr  
Walsh, Mr  
Watt, Mr  
Wells, Mr

*Noes, 42*

Allan, Ms  
Andrews, Mr  
Blandthorn, Ms  
Bull, Mr J.  
Carbines, Mr  
Carroll, Mr  
Couzens, Ms  
D'Ambrosio, Ms  
Dimopoulos, Mr  
Donnellan, Mr  
Edbrooke, Mr  
Edwards, Ms  
Eren, Mr  
Foley, Mr  
Garrett, Ms  
Graley, Ms  
Green, Ms  
Halfpenny, Ms  
Hennessy, Ms  
Howard, Mr  
Kairouz, Ms

Kilkenny, Ms  
Knight, Ms  
Languiller, Mr  
McGuire, Mr  
Merlino, Mr  
Nardella, Mr  
Neville, Ms  
Noonan, Mr  
Pakula, Mr  
Pearson, Mr  
Perera, Mr  
Richardson, Mr  
Scott, Mr  
Spence, Ms  
Staikos, Mr  
Suleyman, Ms  
Thomas, Ms  
Thomson, Ms  
Ward, Ms  
Williams, Ms  
Wynne, Mr

**Motion defeated.**

**PRIMARY INDUSTRIES LEGISLATION  
AMENDMENT BILL 2017**

*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 amend the Catchment and Land Protection Act 1994, the Dairy Act 2000, the Drugs, Poisons and Controlled Substances Act 1981, the Fisheries Act 1995, the Game Management Authority Act 2014, the Livestock Disease Control Act 1994, the Meat Industry Act 1993, the Melbourne Market Authority Act 1977, the Plant Biosecurity Act 2010, the Veterinary Practice Act 1997, the Wildlife Act 1975, and to make miscellaneous and consequential amendments to the Confiscation Act 1997, the Conservation, Forests and Lands Act 1987, the Crown Land (Reserves) Act 1978, the Environment Protection Act 1970, the Firearms Act 1996, the Land Act 1958 and to repeal the Livestock Disease Control Amendment Act 2007, the Broiler Chicken Industry Act 1978 and the Broiler Chicken Industry (Amendment) Act 1991 and for other purposes.

**Mr WALSH** (Murray Plains) — Could I ask the minister to give a brief explanation of all those different amendments?

**Ms ALLAN** (Minister for Public Transport) — That is a contradictory request, for me to provide a brief explanation of all the elements of this legislation that is being introduced on behalf of the Minister for Agriculture, so I will err on the side of being brief. As the

Leader of the National Party would know from previous history, the opportunity through a primary industries legislation amendment bill gives the government the chance to address a number of issues across the primary industries portfolio. The key objectives of this act, amongst others, are to repeal the Broiler Chicken Industry Act 1978, to make discrete amendments to 11 other acts within the agricultural portfolio and also to respond to emerging meat industry management issues and improve the efficiency and administration of Victoria's fisheries management framework.

**Motion agreed to.**

**Read first time.**

**ABORIGINAL AFFAIRS**

**Victorian government report 2017**

**Mr DONNELLAN** (Minister for Roads and Road Safety), by leave, presented report.

**Tabled.**

**PRIVILEGES COMMITTEE**

**Right of reply: Professor Peter Coombes**

**Ms NEVILLE** (Minister for Police) presented report on right of reply, together with appendices.

**Tabled.**

**Ordered to be published.**

**SCRUTINY OF ACTS AND REGULATIONS  
COMMITTEE**

*Alert Digest No. 17*

**Ms BLANDTHORN** (Pascoe Vale) presented *Alert Digest No. 17 of 2017* on:

**Health and Child Wellbeing Legislation  
Amendment Bill 2017**

**Road Safety Amendment (Automated Vehicles)  
Bill 2017**

**together with appendices.**

**Tabled.**

**Ordered to be published.**

**DOCUMENTS**

**Tabled by Acting Clerk:**

*Crown Land (Reserves) Act 1978:*

Order under s 17B granting a licence over Yellingbo Nature Conservation Reserve

Order under s 17D granting a lease over Flagstaff Gardens

Legal Services Council and Commissioner for Uniform Legal Services Regulation — Reports 2016–17

National Environment Protection Council — Report 2015–16

*Parliamentary Committees Act 2003* — Government response to the Public Accounts and Estimates Committee's Report on the 2015–16 Financial Performance Outcomes

*Planning and Environment Act 1987* — Notice of approval of an amendment to the Victoria Planning Provisions — VC141

Statutory Rules under the following Acts:

*County Court Act 1958* — SR 115

*Family Violence Protection Act 2008* — SR 112

*National Domestic Violence Order Scheme Act 2016* — SR 113

*Supreme Court Act 1986* — SR 114

*Retirement Villages Act 1986* — SR 116

*Road Safety Act 1986* — SR 117

*Subordinate Legislation Act 1994* — Documents under s 15 in relation to Statutory Rules 114, 115, 116, 117.

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

*Family Violence Protection Amendment Act 2017* — Parts 3, 4 and 5 — 16 November 2017; Division 2 of Part 9 — 25 November 2017 (*Gazette S388, 15 November 2017*)

*National Domestic Violence Order Scheme Act 2016* — Remaining provisions — 25 November 2017 (*Gazette S388, 15 November 2017*)

*Planning and Building Legislation Amendment (Housing Affordability and Other Matters) Act 2017* — Division 2 of Part 2 — 15 November 2017 (*Gazette S388, 15 November 2017*).

**VOLUNTARY ASSISTED DYING BILL 2017***Council's amendments***Returned from Council with message relating to amendments.**

**Ms ALLAN** (Minister for Public Transport) (13:10) — I move:

That the amendments be taken into consideration later this day.

**Mr CLARK** (Box Hill) (13:10) — On the question of time, the amendments before us have arrived at this house following one of the most disgraceful episodes that has occurred in the history of this Parliament. If there is to be any pretence of proper and careful process and consideration of what this house should do with the Council's amendments, those amendments should not be considered today or indeed any other day this week. We have seen members of the Legislative Council, just as with members of this house previously, forced to make decisions on matters of life and death in a state of sleep deprivation deliberately engineered by the proponents of this bill. We have seen debate in our house of review gagged more times in just one day than in the entire known history of the Legislative Council beforehand.

We have seen a Premier and a Minister for Health who, throughout this process, have been prepared to allow thousands of Victorians to continue to die in needless pain due to a lack of palliative care, suddenly decide to announce a hastily cobbled together and hopelessly inadequate package for Victorians dying in rural and regional areas in order to secure a vote for this bill from a regional member of the Legislative Council. We have seen a Premier and a Minister for Health tell us before the debate in our house that their bill was perfect and no amendments would be considered, and then in the Legislative Council we have seen a turmoil of amendments, counter-amendments, amendments substituted and amendments withdrawn. We have seen Legislative Council staff left so exhausted that the Council's amendments could not even be published until days later, giving members of this house little time to consider them.

The need for time — proper time — for reflection before we contemplate a final fateful step is made even more vital because of the entire contrived and distorted process that has brought us to this point. It has been a process that started with a Legal and Social Issues Committee report that reads more like a Dying with Dignity advocacy document than the report of an impartial and dispassionate parliamentary inquiry. Any committee that cites a euthanasia lobby group document as if it were the report of an official UK government commission, while failing even to mention official UK parliamentary reports and debates concluding against euthanasia, deserves no credence whatsoever.

We have seen the process continue with a hand-picked panel of partisans headed by a New South Wales neurosurgeon recruited for his advocacy and lobbying skills rather than for his medical expertise, along with two maverick palliative care practitioners brought in from interstate because no reputable Victorian palliative care doctor was prepared to support the panel's work.

This biased and unrepresentative panel then proceeded behind closed doors, failing even to publish the submissions it received on its discussion paper. This was followed by a bill developed in secret over months and then, instead of being released as an exposure draft for public comment, rushed into the Parliament and bulldozed through this house and the Council through the use of multiple all-night sittings — all for a bill that is not due to come into force until mid-2019.

If ever anyone wanted an example of how not to legislate on a complex and profound issue like this, Victoria has provided it. The process we have been dragged through more befits a two-bit banana republic than what purports to be a mature parliamentary democracy in the traditions of the Palace of Westminster. Indeed the process to date — and which looks set to continue — has been an embarrassment to our democracy and an appalling example to those emerging Westminster democracies who traditionally look to us to set an example that they can emulate. The process has been a charade. The resulting bill is a shambles not only of dangers but of flaws and anomalies. Any bill that requires a person's cause of death to be recorded as cancer after they have been killed in a car crash cannot be taken seriously.

In other Westminster jurisdictions around the world, time and time again as MPs have looked carefully and closely at what is involved in legalising the deliberate taking of lives they have done the responsible thing and rejected it. What is so special and different about Victoria? Do we Victorian MPs have superior wisdom and insights that mean we know better than anyone else? Regrettably and to our lasting shame it is nothing of the sort. We have arrived where we are because this has been a bill motivated from the start by politics — by the political objectives of a Premier seeking to reposition his party on the political spectrum and to revive his waning popularity, a Premier who has used every leverage at his disposal to induce and coerce his party's MPs to vote for the bill and a Premier whose faction has compelled its members to vote for it despite the rules of their party allowing a free vote.

In these circumstances this house needs all the time it can get before considering these amendments. I do not intend to divide on this issue of time because I know government MPs are not allowed a free vote on such procedural issues, but I urge all members to recognise the blind haste and folly of what is being done when considering how they will vote on the questions that will soon be before us.

**Ms HENNESSY** (Minister for Health) (13:15) — I thank the member for Box Hill for his contribution. His

passion in his opposition to this bill has been maintained in terms of his contribution; however, there are a number of points about which I fundamentally disagree. It is my very strong view that this is a bill that needs to be considered by this Parliament. This is a bill that has been the subject of two and a half years work. In fact I would make the argument — and, again, it is one that I have debated with the member for Box Hill on many occasions, and I accept that I am not likely to persuade him — that perhaps the genesis of this bill is in fact parliamentary democracy working extraordinarily well.

I remind the house that this is a bill that came out of the upper house parliamentary committee on legal and social issues. That committee did an extraordinary amount of work. That committee worked for in excess of a year taking public submissions, and it made a series of recommendations that were bipartisan in terms of the majority report and in terms of the minority report, which contained representatives from both the Liberal Party and the Labor Party. That report and its recommendations were the subject of government consideration. The government considered and accepted many of those recommendations in respect of other end-of-life care issues and in respect of recommendation 49, which was the subject of a ministerial advisory panel — again, the subject of detailed consideration, extraordinary levels of community consultation and stakeholder engagement — and that then led to the development and drafting of this bill.

On the issue of whether or not this Parliament has had sufficient time to consider this bill, I disagree with the member for Box Hill. I would again remind the house that in the course of the Legislative Assembly considering this matter the second-reading debate went for 16 hours 28 minutes and the consideration-in-detail process went for 20 hours 37 minutes, and when the Council came to consider this bill the second-reading debate went for 14 hours and the committee process went for a staggering 47 hours 27 minutes.

I simply make the point that I accept that the member for Box Hill and many others in this Parliament are opposed to this bill. I accept that they are likely to vote against this bill, but what I do not accept is the argument that this bill has not been the subject of adequate consideration. This bill has been the subject of extraordinary debate — deep consideration and debate — and while I respect the member for Box Hill's right to vote against it and to express his opposition so passionately, eloquently and, can I say, respectfully, the fundamental basis of his objection to these amendments being considered later this day is one



that I disagree with. Let us consider and debate these amendments, let us vote where we will on them, but let us not pretend that we can defer, avoid or delay this matter anymore.

**Mr CRISP** (Mildura) (13:18) — I rise to support the member for Box Hill's comments about delaying this debate. I want to also place on record the objections that I had to the way the bill was debated. There was, unfortunately, undue haste in the time we spent doing this, and that damages the Parliament's credibility. I have got no doubt that with a starting date of mid-2019 both the lower house and the Council could have gone about this in a way that did not put members' health at risk or risk their decisions being held to ransom because of exhaustion and the time factor.

I also want to support what the member for Box Hill said about palliative care. The government package is inadequate. I believe that people should have the opportunity to have quality palliative care, something that does need more work. To be rushing this legislation through is starting to place people in uncomfortable positions in relation to what decisions they need to make about their end-of-life care.

I think we have damaged our democracy by the method in which we have considered this bill. Much of what the member for Box Hill said about how we went about dealing with this particular bill is the bitter truth because it will not come into effect until 2019 and there would have been time to debate it in a way that would have given the Parliament and the end result credibility.

**Mr WATT** (Burwood) (13:20) — I rise to speak on the question of when we actually debate this bill and whether or not it is today. I fully support the member for Box Hill's contention around whether or not we should be debating it at all this week, and I use the examples that the minister has given herself. She made the point that the concept has been kicking around for two and half years. She also pointed out that the second-reading debate in this house went for 16 hours 26 minutes and the consideration-in-detail stage went for 20 hours 37 minutes. Through that entire debate the government told us that this bill was perfect. At no point did the government accept any contention that there was anything wrong with this bill.

If you then go to the second-reading debate in the upper house, we are talking about 14 hours, as the minister pointed out herself. We are talking about a committee stage that went for 47 hours 27 minutes. I have not had the time to go through all 47 hours of that debate. I have got to say that I was up until the early hours of the morning listening to much of it; I must say that I was

listening into the wee hours. But what I need to be able to do is to work out why it is that the answers of the Minister for Health or the Attorney-General in this place, who were answering or not answering some of the questions that I raised in this place, were contradictory to the answers that were given to members of the upper house. The minister at the table there made comments that appear on the face of it to be contradictory. Now, only a couple of days after the amendments have been released, we have them coming back to this house and I have not had the time to consider them. All members of Parliament are busy, and voluntary assisted dying is not the only thing we have to deal with.

The Voluntary Assisted Dying Bill 2017 has changed in essentially the last few days; it is not the same bill. The amendments that we have coming back before us were not part of the bill when we had the opportunity to debate it in detail for 20 hours. The minister made it very clear, as did the Attorney-General and the Premier, that the bill was perfect. If we are going to take a bill that was perfect and we are going to make it imperfect or faulty, then I should be able to examine why the minister is appearing to say that she is happy to have a faulty bill come before this house. I want to know that I have the opportunity to actually look through those amendments to see what the effects will be. I note that a number of the amendments coming through will actually be things that we argued for very strongly — I argued for them and I know the member for Box Hill argued for many of these things — and the minister told us a month ago that she disagreed. I need to know why it is she disagreed. I need to be able to have a look at what has happened in the last —

**Mr Pearson** — Look at *Hansard*.

**Mr WATT** — The member for Essendon says, 'Look at *Hansard*'. I do not know about the member for Essendon and whether he has had enough time in the last couple of days to read through 47 hours 27 minutes of *Hansard* — and that is just the committee stage of the upper house. I did not have the time over the last few days to read through or to watch 47 hours 27 minutes of the committee stage of the upper house debate to work out why the government have done a backflip, to work out what it is that the government are actually trying to do in this bill and whether or not they are actually accepting the amendments that I stood here arguing for some six weeks ago. I do not know whether these amendments actually reflect what I had asked for. I do not know why the government have done a backflip. There is not enough time in the day for members of Parliament to do our job, look through all these amendments and look

through *Hansard* for the other place and compare that to *Hansard* for this place to find out why the minister has done a backflip. It is completely contradictory.

Then there is also the issue around the things that have been missed. There are a number of things. The member for Box Hill pointed them out and was probably a little bit more eloquent than I was when I raised this issue when the bill was before the house. The member for Box Hill talked about being in a car accident. I talked about another form of death and whether or not you should be recorded as having cancer when you actually were in a car accident. These things need to be fleshed out. There needs to be time for us to look through these amendments and also to look through the debate to make sure that we get this thing right.

**Ms THOMSON** (Footscray) (13:25) — This debate has gone on now for what is probably closer to two years rather than the amount of time that members opposite might suggest. The amendments that were moved in the Assembly the first time during the lengthy debate we had in this chamber indicated that people on all sides of the house had gone through this bill at great length. Certainly in the debate in the upper house the bill has also been gone through at great length. There was a very long committee stage during which amendments were moved by the government and accepted. They are now before this chamber.

It is not hard to skim through *Hansard* to find where amendments have been passed and to have a look at what those amendments were, if you have not already had a chance to do that. The member for Burwood indicated that he listened to the debate at great length. I certainly did. I am aware of what amendments were passed in the Legislative Council, and it would not take much for a member to find out what those amendments are and what they mean to the actual legislation.

I support the Leader of the House in the moving of this motion. We should get on with dealing with this piece of legislation that has been before us for a great length of time. There has been great debate not just in this place but also in the community, and we owe it to the community to resolve it.

**Motion agreed to.**

## ROYAL ASSENT

**Message read advising royal assent on 22 November to Caulfield Racecourse Reserve Bill 2017.**

## APPROPRIATION MESSAGES

**Message read recommending appropriation for Road Safety Amendment (Automated Vehicles) Bill 2017.**

## PARLIAMENTARY PRIVILEGE

### Member for Geelong

**Mr KATOS** (South Barwon) (13:27) — I desire to move, by leave:

That the statements made by the member for Geelong on 15 November 2017 during the debate on the Drugs, Poisons and Controlled Substances Amendment (Medically Supervised Injecting Centre) Bill 2017 regarding the comments she made to the *Geelong Advertiser* about a drug injecting room for Geelong be referred to the Privileges Committee for examination and report.

**Leave refused.**

## BUSINESS OF THE HOUSE

### Standing and sessional orders

**Ms ALLAN** (Minister for Public Transport) (13:28) — I move:

That so much of standing and sessional orders be suspended on Wednesday, 29 November 2017, to allow the member for Northcote to make her inaugural speech for a maximum of 15 minutes immediately after the grievance debate.

**Motion agreed to.**

## BUSINESS OF THE HOUSE

### Program

**Ms ALLAN** (Minister for Public Transport) (13:28) — I move:

That, under standing order 94(2), the orders of the day, government business, relating to the following bills be considered and completed by 5.00 p.m. on Thursday, 30 November 2017:

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

Health and Child Wellbeing Legislation Amendment Bill 2017

Road Safety Amendment (Automated Vehicles) Bill 2017

Water and Catchment Legislation Amendment Bill 2017.

These four bills make up a considerable program because they canvass some critical, important and

detailed policy matters for the house to consider, and I expect great interest from members of the chamber in these bills.

I would particularly like to make reference to the Domestic Animals Amendment (Puppy Farms and Pet Shops) Bill 2016 and indicate to the house that the government has a number of house amendments that it will be circulating during that debate. The Minister for Agriculture has already flagged these publicly, and following extensive consultation with stakeholders those amendments will be moved in the Assembly.

I have also been advised by the manager of opposition business that he and the opposition would like to take this bill into consideration in detail this week. I signal to the opposition that the government is agreeable to that, time permitting. As has been our recent practice, that time will be made available on Thursday afternoon. However, I do say, time permitting, because we have got a couple of other features in our program this week. We have the inaugural speech from the new member for Northcote, which will be accommodated as part of the program. I appreciate the support of the house to deal with that matter in a very straightforward way.

I would also like to indicate to the house that it is the government's intention to bring on for debate this week the message that was just read from the Legislative Council regarding the voluntary assisted dying debate. I would like to flag to the house — and indeed it is repeating some of the points that we have just had in that procedural motion on the question of when this issue will be considered — that it is not the view of the government but indeed the view of the Parliament that this is a proposition that has support. It has significant majority support in the Legislative Assembly and majority support in the Legislative Council.

The will of both houses was clearly expressed after the considerable debates that were held on these matters. In this place — I cannot speak for the other place — during the course of the second-reading debate and consideration-in-detail process the government wanted to ensure that every member who wanted to speak and make a contribution on this debate could do so and could put their principled position on the record during the course of the second-reading debate. Indeed we had this as the only matter before the house during that sitting week.

All of us, I am sure, remember well that we had an extensive consideration-in-detail stage that went for many hours. Indeed it went for 20 hours and 37 minutes. That, combined with the experience we have just seen in the Legislative Council, has resulted in

this bill being thoroughly and deeply examined. Amendments have been considered. Some have been supported, and some have not been supported. That is the parliamentary procedure working at its best and at its most detailed.

I appreciate that there are some members of the parliamentary chamber who wish to pursue this every step of the way. I understand that there are people who oppose this and who want to ensure that their opposition is recorded throughout the passage of this process. We respect that, we understand that and we will make allowances for that. That also needs to be balanced out against the fact that the Parliament has spoken on this matter. The will of the Parliament has clearly been expressed in this matter, and it has been expressed after a long and vigorous debate in here and after an extensive process that has gone on outside of this place with the work that has gone on in the community. Indeed it goes back a couple of years in terms of the work that went on through the upper house committee inquiry.

So I do put it to those members of this place who wish to go back and re-examine these matters that we are wanting to see this matter dealt with this week. We are wanting this matter to be dealt with as expeditiously as possible. We respect that there are views on all sides of this debate. Those views have had significant opportunity to be amplified in here and to be examined in here, and there will be a further opportunity when this matter comes before the house for the amended bill to be examined once again. There will be the opportunity for that to be gone into in detail. There needs to come a point when this bill needs to be put, where the will of the house needs to be expressed. I would also like in the final seconds to put on the record that it is my expectation that the pairs arrangement that is in place for party matters will be put in place on this. We have two members who desired to be here but for personal reasons cannot be and we would expect those pairs to be respected.

**Mr CLARK** (Box Hill) (13:34) — The government business program proposes to deal with four bills. All of them raise different issues, some of them very complex issues. On one of them at least we understand the government has prodigious quantities of amendments that it wants to bring to the house, and those will need to be carefully evaluated. Another bill raises far-reaching implications, particularly for rural and regional Victoria but indeed for Victorians more generally, in relation to water management, which is always a very vexed topic. Further bills deal with the issue of vaccinations for children, and with the issue of

automated vehicles and driverless cars. Again, those matters will need careful and appropriate examination.

The Leader of the House referred to the government's intention to consider also during the course of this week the amendments from the Legislative Council in relation to the Voluntary Assisted Dying Bill 2017. She was perhaps a bit presumptuous in saying that Parliament has spoken on this because, as other members have pointed out, this house is yet to consider the amendments of the Legislative Council, and where those will end up will of course depend on what members of this house decide. They do deserve proper scrutiny for all the reasons I went into a few moments ago in relation to the inadequate scrutiny of this bill previously. It is all very well to talk about the hours that have been spent in examination of the bill, but the fact of the matter that is proper scrutiny has, both in this house and the other house, been worn down by the brute force expedient of forcing the house to sit non-stop until the process had been completed and the bill had been dealt with — in other words, the stifling of scrutiny by sheer exhaustion when there was absolutely no urgency whatsoever to do so.

The Leader of the House also referred to this being Parliament at its best, and I strongly disagree with that for the reasons that I went into earlier. It has been a disgraceful episode, a travesty of democracy and an example that other parliaments should shun and abhor if ever they should look at it. It is probably fairer to say that this debate has brought out the best and worst in individual members, and we all stand to be judged by the contributions that we have made. Each of us need to fervently hope that posterity will be kind to what we have said in this debate.

The opposition parties oppose the government business program because yet again it fails to deal with the serious allegations of rotting and abuse of office that remain against the former Speaker and the Deputy Speaker of this house, the members for Tarneit and Melton. I have said it over and over again that those matters need to be dealt with. This house cannot continue to pretend that these events have not occurred, cannot pretend that our democracy has not been tarnished by what has happened and cannot pretend that we have no responsibility to deal with it ourselves. If we had any regard for the traditions of Westminster democracy that we purport to uphold, we would recognise that we in this house have a responsibility to deal with these matters. We have a responsibility to deal with them alongside any criminal or other proceedings that may be instigated at some point or other or may currently be underway. There are points at

which we would defer to criminal proceedings, but those points have definitely not been reached.

We need only look at how this house dealt with the matters relating to the former member for Frankston in the previous Parliament to see that it is appropriate that these matters be referred either to the Privileges Committee or to a specially appointed select committee, given the fact that it was the Speaker and Deputy Speaker of this house who were the subject of these allegations — those who are charged with upholding the standards of this house rather than tarnishing them. For those reasons the opposition parties do oppose this government business program. A number of us also believe that inadequate time is being allowed for consideration of the amendments from the Legislative Council, and we certainly believe that the business program should be opposed.

**Mr CARBINES** (Ivanhoe) (13:39) — I am pleased to make a contribution on the government business program for this week. Disappointed as I am that the opposition have chosen not to support the government business program, we are certainly meeting our commitments to the electorate and also our election commitments to provide the opportunity for consideration in detail in relation to the Domestic Animals Amendment (Puppy Farms and Pet Shops) Bill 2016, as requested by those opposite. Time permitting, of course, that opportunity will be available to those opposite for consideration in detail of those matters.

There has been significant work done, particularly by the Minister for Agriculture, over a long period of time in relation to those matters. It has really struck a chord with the community in relation to domestic animals. I know a lot of hard work has been done there, so we look forward to an opportunity to discuss those matters in detail, as of course we have met our commitments on keeping livestock, particularly cows, out of the high country in another bill that stopped cattle grazing in national parks. We provided an opportunity for those opposite to contribute to the consideration-in-detail stage on that bill. And there have been very many other examples, particularly in the environment portfolio, where we have provided those opportunities as part of our election commitment for consideration in detail.

The Road Safety Amendment (Automated Vehicles) Bill 2017, particularly in its relationship to automated vehicles, is going to be significant. Certainly in my electorate of Ivanhoe and in the Banyule council area Cr Peter Castaldo and members of other parties in this place have had discussions and have attended meetings and met a number of stakeholders on matters related to

automated vehicles. I look forward to our discussion and debate on those matters.

There is also the Water and Catchment Legislation Amendment Bill 2017, which relates to some of our portfolio responsibilities in environment, water and climate change. I am particularly looking forward to making a contribution in relation to those matters.

Of course there will also be the inaugural speech from the new member for Northcote. I certainly take the opportunity to welcome her to the Assembly — to this place — as my southern neighbour on the Northcote-Ivanhoe boundary. I am sure there will be a number of projects that we will work together on in the interests of our communities, particularly on the Grange Road level crossing and the broader work that that includes on the Hurstbridge line in my electorate across Heidelberg and Rosanna. There is also of course the Chandler Highway bridge duplication works, which is a very significant project for people in the southern end of my electorate around East Ivanhoe, Ivanhoe and Heidelberg. There is also a range of works and investments — some \$18 million — in the Yarra-Darebin trail, and particularly the extension to the Farm Road connection, which is very significant for people in my electorate around East Ivanhoe, Ivanhoe and Heidelberg. That is why I know there will be several pieces of work that we will need to collaborate on to make sure those projects are successfully completed and that bureaucrats and others are held accountable for the delivery of those projects on time and to the satisfaction of our constituents. Obviously inaugural speeches are very much a touchstone for members — it is something to come back to to check on a member's progress — and I am looking forward to hearing her contribution tomorrow afternoon.

Can I say also that the opportunity to debate and discuss further the Voluntary Assisted Dying Bill 2017 and the amendments that have been proposed in the other place provides an opportunity for members to continue their contributions in this place on those matters. I think the way in which we have dealt with those matters is a credit to all members in the Assembly — the way in which we have debated those matters and considered them. Perhaps we have set an example of the standard that we expect of those in the other place. I think we will continue to deal with those matters in that way when we consider those amendments potentially this afternoon.

I certainly acknowledge the manager of opposition business's comments in relation to the opportunity for members to provide commentary, debate, discussion and examination of those amendments as put by the Council. That is the responsibility of members in this place. I

know we would do that to the best of our ability and perhaps provide a bit of education for those in the community to understand that it is not always smooth sailing from the Assembly to the Council. Sometimes matters do return to us for further review. I am sure we are all looking forward to the opportunity to do that.

I do commend the government business program. There are four bills plus the further review of the amendments on the Voluntary Assisted Dying Bill and the opportunity for consideration in detail of other matters.

**Mr HIBBINS** (Pahran) (13:44) — I rise to speak on behalf of the Greens on the government business program. There are four bills on the business program this week. I note there is the Domestic Animals Amendment (Puppy Farms and Pet Shops) Bill 2016, which has finally come back to this house, I understand, with a number of government amendments.

I am a bit disappointed that the government did not take up the opportunity to put another bill on the notice paper — the Greens bill that we attempted to first read. The bill ought to at least be on the notice paper. It is to provide for minimum standards for rental properties, and I just raise the point that we do not have general business or non-government members business time in this chamber, which I suspect would be an anomaly amongst Westminster lower houses across the world. Certainly I would make that point once again. We are very disappointed that the government was not even willing to have that bill first read onto the notice paper.

Again, the Greens are disappointed that a referral —

**An honourable member** — You're always disappointed.

**Mr HIBBINS** — Disappointed in you certainly.

The Greens are disappointed that the member for Melton and the member for Tarneit are not being referred to the Privileges Committee. Anyone would have thought that that would have been the most appropriate course of action. I suspect that it will now go on until the new year unless the government decides to change tack and change its view on that particular matter. It is completely ridiculous that what has occurred with those two members has not been referred to the Privileges Committee. It would then be up to the Privileges Committee to decide whether they wanted to take into consideration any other action — for example, police action — in regard to their investigation, but certainly the most appropriate course of action would be for them to investigate that matter and then come back to this house if they decided to recommend a sanction.

I note that the amendments to the Voluntary Assisted Dying Bill 2017 are coming back to this chamber, and I certainly think it is incumbent on this house to reflect the will of both this Parliament and certainly the wider community to make sure that these amendments pass and that that bill passes. I would encourage members to support those amendments and to make sure that bill finally passes.

I am also looking forward to the first speech of the newly elected member for Northcote. I will certainly be in here for it, and I am holding out for it. It is great that she will be able to make her first speech on Wednesday.

**Mr McGUIRE** (Broadmeadows) (13:47) — This is a historic week for the Victorian Parliament. The Voluntary Assisted Dying Bill 2017 is expected to be put to the final vote after further scrutiny and consideration of amendments from the other house. Views are strongly held, and have again been expressed in this chamber today. I just make the points that I did in my contribution:

This bill presents a choice, not between life and death, but between two ways of dying.

Earlier I had said:

It is irrational to blame any member of the public for a view sincerely held or any member of Parliament for a conscience vote.

So I call for a rational, calm and respectful debate, and I hope that that is what we get during this week to deliver a vote on this proposition.

Evidence eventually trumps dogma, and this is critical in the Health and Child Wellbeing Legislation Amendment Bill 2017, which will tighten and simplify immunisation regulations for enrolment in early childhood services or primary school. This is important because of the no jab, no play laws. I think this is a time when the Parliament can come together, and I would presume from the manager of opposition business's comments that the opposition will be supporting this bill. I think that it is important in the national interest and in the best interests of our children to make sure that diseases that we look like we have eradicated do not re-emerge.

The next proposition is the Road Safety Amendment (Automated Vehicles) Bill 2017 to provide a framework for the safe on-road testing and development of automated driving technology to enable the technology to be developed for local traffic conditions. This positions Victoria as a leader in automated driving technology, which will help create investment opportunities and generate more jobs. So

this is looking forward to how we address innovation. We cannot stop change. We need to be able to make change a friend, not an enemy. We need to be able to embrace new technologies and see how we can harness them to create new industries and jobs, so the bill has that significance in the public interest and in economic development as well.

Then we have the Domestic Animals Amendment (Puppy Farms and Pet Shops) Bill 2016 to reduce the risks to the welfare of breeding dogs and cats in Victoria and to improve consumer confidence in obtaining a pet dog or puppy or cat or kitten from a legitimate breeder or source. Again this is a bill that has had a lot of scrutiny and will be subject to further controversy in this chamber, but I think we need to work through it and get a result.

The other bill is the Water and Catchment Legislation Amendment Bill 2017, and that provides for the recognition and involvement of Aboriginal Victorians in the management and planning of waterways and catchments. Again this is an inclusive bill, and it is of significance particularly to rural and regional Victoria.

That brings us to the inaugural speech of the new member for Northcote, who is the first Indigenous woman to be elected to the Victorian Parliament, so this is a historic moment, no matter what your political persuasion is. I think that we have a wide range of issues of significance — from how we look at major social issues and how we see a historic event unfold to how we actually address the future of change, so I recommend the program to the house.

**Mr CRISP** (Mildura) (13:51) — I rise to speak on the government business program, and The Nationals in coalition are opposing the business program for the reasons outlined by both the member for Prahran and the member for Box Hill. I would also like to welcome the member for Northcote into the chamber, and I look forward to her inaugural speech tomorrow.

To the business program, we have a number of bills before us, one of which is the Water and Catchment Legislation Amendment Bill 2017. When it comes to country Victoria, water is one of those touchstone issues, and there are a number of Nationals members who are going to make contributions on that water bill. In particular I have an interest in the catchment and land protection section of that bill.

The Domestic Animals Amendment (Puppy Farms and Pet Shops) Bill 2016 has been a long time in the making. There are considerable issues with it, and these will be debated at length. Puppies or dogs have played a

part in my family and children growing up, and one of the concerns that I expect will be debated is: what will a puppy cost now and will some children go without that experience of a pet because of this legislation?

I expect there will be quite a number of people anxious to talk on the Road Safety Amendment (Automated Vehicles) Bill 2017. It is certainly an interesting future, and yes, the Parliament has to amend acts to take into account that future.

Then there is the Health and Child Wellbeing Legislation Amendment Bill 2017. Immunisation is certainly a very strongly debated issue and something that I support extremely strongly. Bringing our requirements into line with the commonwealth is, I think, extremely important. I know some people have varying views on immunisation, but having spent many years on a rural health board and having looked at some of the issues that arise when you drop out of the herd effect, as it is called, they are really, really concerning. I do think that a strong stance by the government, with the support of The Nationals, on immunisation is certainly well warranted.

Of course the amendments from the upper house to the Voluntary Assisted Dying Bill 2017 are with us and will need to be debated. The Leader of the House has made it quite clear that there will be adequate time for this debate. However, she failed to give the house an indication as to when this will happen. I think this is very important. As I said earlier in the house, I do not want us held to ransom by being kept back late at night or into the wee hours of the morning to debate this, and I do not think that our house or our views on this important issue should be held to ransom or that our time or our health and wellbeing should be held to ransom over this. I trust that the time will be made available within the normal sitting hours of house. So with that, The Nationals will be opposing the government business program.

#### House divided on motion:

*Ayes, 43*

Allan, Ms	Knight, Ms
Andrews, Mr	Languiller, Mr
Blandthorn, Ms	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	Perera, Mr
Edwards, Ms	Richardson, Mr
Eren, Mr	Scott, Mr

Foley, Mr  
Garrett, Ms  
Graley, Ms  
Green, Ms  
Halfpenny, Ms  
Hennessy, Ms  
Howard, Mr  
Kairouz, Ms  
Kilkenny, Ms

Spence, Ms  
Staikos, Mr  
Suleyman, Ms  
Thomas, Ms  
Thomson, Ms  
Ward, Ms  
Williams, Ms  
Wynne, Mr

*Noes, 40*

Angus, Mr  
Asher, Ms  
Battin, Mr  
Blackwood, Mr  
Britnell, Ms  
Bull, Mr T.  
Clark, Mr  
Crisp, Mr  
Dixon, Mr  
Fyffe, Mrs  
Gidley, Mr  
Guy, Mr  
Hibbins, Mr  
Hodgett, Mr  
Katos, Mr  
Kealy, Ms  
McCurdy, Mr  
McLeish, Ms  
Morris, Mr  
Northe, Mr

O'Brien, Mr D.  
O'Brien, Mr M.  
Pesutto, Mr  
Riordan, Mr  
Ryall, Ms  
Ryan, Ms  
Sandell, Ms  
Sheed, Ms  
Smith, Mr R.  
Smith, Mr T.  
Southwick, Mr  
Staley, Ms  
Thompson, Mr  
Thorpe, Ms  
Tilley, Mr  
Victoria, Ms  
Wakeling, Mr  
Walsh, Mr  
Watt, Mr  
Wells, Mr

**Motion agreed to.**

#### DISTINGUISHED VISITORS

**The SPEAKER** (13:58) — Order! I would like to welcome to the chamber the new Israeli ambassador to Australia, Mark Sofer.

#### MEMBERS STATEMENTS

##### Roy Francis

**Mr MORRIS** (Mornington) (14:01) — I rise this afternoon to recognise Roy Francis, who was recently named Victorian Senior of the Year. Roy is a long-term peninsula resident and has made a substantial contribution to his community. He has been active in many sporting and active living groups, including the National Seniors Australia Mornington group, the Mornington Croquet Club, the Balnarring Picnic Racing Club and the Bentons Square Community Centre. Notwithstanding his significant contribution locally, it is his work in the promotion of cancer awareness that is perhaps his greatest contribution.

In 2006 Roy was diagnosed with prostate cancer. As a survivor, he was determined to provide support for those undergoing a similar journey. He became the first prostate awareness volunteer ambassador, appointed by the Prostate Cancer Foundation of Australia. He founded

the Peninsula Prostate Cancer Support Group, he was appointed as the City of Frankston's bowel cancer community champion and he is a volunteer ambassador for the national Stroke Foundation and a Beyondblue ambassador. He currently spends much of his time travelling the state, making presentations on cancer awareness and promoting the bowel cancer program. As a result of his tireless work he was named Victorian Senior of the Year. The award was presented by the Governor of Victoria, the Honourable Linda Dessau, AC, at a ceremony at Government House in October.

I extend my congratulations to Roy on winning this important award, and I thank him on behalf of the peninsula community and on behalf of cancer sufferers across the state for his tremendous work on their behalf.

### **Victorian Health Promotion Foundation**

**Ms HENNESSY** (Minister for Health) (14:02) — The year 2017 marks three decades of VicHealth's work in promoting the health of Victorians across our great state. That work is incredibly evident in my wonderful seat of the Altona district. VicHealth emerged as part of the Tobacco Act 1987. It has paved the way for innovative new approaches to health and continues to make a positive impact on the lives of people across Victoria. The communities in Melbourne's west have certainly benefited from VicHealth's programs in many ways. My beloved football club, the Western Bulldogs, is supported by VicHealth programs. VicHealth supports both the club's Sons of the West program and now the Daughters of the West program, which provide free health and wellbeing advice to support residents across Melbourne's west.

Five of our schools in the Altona district have taken part in VicHealth's 2017 Walk to School program. Queen of Peace Parish Primary School, Altona Primary School, Point Cook College, Seaholme Primary School and Alamanda College have all participated. Altona Bowling Club has used new funding to deliver a new and inclusive program for disadvantaged people to encourage them to get involved with the bowls club. Altona Hockey Club will deliver a modified version of hockey to provide kids a positive experience of the game. Point Cook Football Club will establish a women's team after introducing an under-15s team. I thank VicHealth for all of the wonderful work it has been doing, and I wish it a very, very happy 30th birthday.

### **Gippsland South electorate employment**

**Mr D. O'BRIEN** (Gippsland South) (14:04) — Murray Goulburn's announcement that it will cut 52 jobs in Leongatha, five in Maffra and others elsewhere is devastating for those who will now be out of work. My thoughts are with them and their families. The Leongatha job cuts will be a hit to the town and the Gippsland South economy. Given the loss to milk production that Murray Goulburn has sustained over the past 12 months or so the production changes are perhaps no surprise, but that does not make it any easier for those impacted.

It is very disappointing that so many jobs will be lost. These workers are paying the price for some very bad decisions made by the previous Murray Goulburn management over the past couple of years. Although the loss of the co-op is a bitter blow for many dairy farmers and now these workers, the positive mood regarding the bid by Saputo is cause for optimism. Hopefully Saputo will be able to build Murray Goulburn back up to the powerhouse it once was. In the meantime the Andrews Labor government should be prepared to step in and provide support to the region as it copes with this significant loss of jobs.

### **Sale photographic exhibition**

**Mr D. O'BRIEN** — It was a pleasure to attend the launch of a photographic exhibition run by the Marley Street housing project in Sale last week. The project has been run by Quantum Support Services at the public housing estate and has helped build a sense of community in the complex and tackle isolation among residents. The photographic exhibition consisted of photos by the residents on the topic of isolation and homelessness. The project is coming to the end of its funding, and I hope the Andrews Labor government will support its extension.

### **Great Victorian Bike Ride**

**Mr D. O'BRIEN** — It is fantastic this week to have 3100 cyclists taking in the sights of the beautiful Gippsland landscape as part of the Great Victorian Bike Ride. Congratulations to all in my communities who have so far rolled out the welcome mat for the riders as they pedal through and make overnight stops at Wilsons Promontory, Foster, Yarram and Seaspray, before they move into the electorate of the member for Gippsland East.



## Rosehill Secondary College

**Mr CARROLL** (Minister for Industry and Employment) (14:05) — I rise to acknowledge the hard work and commitment of students and staff at Rosehill Secondary College in raising awareness for the Treaty on the Prohibition of Nuclear Weapons. After a recent trip to Hiroshima, Japan, students at Rosehill Secondary College were inspired to create and sign their own treaty calling for the rejection of nuclear weapons. Supported by their language teacher, Mr Takanori Hayakawa, student engagement leader Mr Michael Freedman and humanities teacher Mr Grant Martens, students set to work to create 1000 paper cranes to show their commitment to this very important cause. On Friday, 22 September, I was welcomed at Rosehill Secondary College and presented with the 1000 paper cranes crafted in keeping with Japanese tradition that if you fold 1000 paper cranes, you can make a wish. I am proud to have such a creative, compassionate and forward-thinking group of students in my community.

In particular I want to mention Mr Edan Sheridan, a year 11 student at the forefront of this initiative, as well as Andy Nguyen and Ryan Harper, who were lucky enough to make it into the local paper showcasing their magnificent cranes. Edan was quoted in the *Moonee Valley Leader* on 27 September as saying:

It is from the past that we must learn ...

Other students involved in creating the paper cranes were: Erica Papadogianni, Ryo Yamakura, Hannah Phayre, Natasha Amirsonis, Chelsea Henderson, Riley Isbister, Ashlee Bailey, Anya Cardenas-Hancock, Hayssam Kudssi, Cody Keep, Ojas Bhardwaj, Chloe Phan, Gillian Poparisut, Eva Chen, Francis Caparas, Billy Poparisut, Joshua Nadong, Bianca Garfi, Liam Dempster, Jordan Van, Misshelly Chen and Christie Giao. Good on you all.

## Public sector employment

**Ms ASHER** (Brighton) (14:07) — I wish to refer to a document tabled in the last sitting week from the Victorian Auditor-General's Office titled *Auditor-General's Report on the Annual Financial Report of the State of Victoria: 2016–17*, dated November 2017. There is one element in particular in this report that I find deeply disturbing — although not surprising, given the performance of Labor governments over many years. I refer to page 33 of the report, at 'Employee expenses'. The report refers to figure 4D, which is on page 34, which:

... shows that employee expenses have increased by 20.3 per cent over the last five financial years.

As I said, this is typical of Labor governments. Page 34 states:

At 30 June 2013, the public service workforce consisted of 213 557 full-time equivalent (FTE) employees, which was 4210 (1.9 per cent) lower than the prior year. Since then, there has been a steady increase in the number of FTE employees and, at 30 June 2017, there were 238 928.

What we have seen is a Victorian public sector workforce growing faster than the Victorian population. I would urge the government to take account of this report and act on it.

## Sandie de Wolf

**Mr NOONAN** (Williamstown) (14:08) — I rise to acknowledge the extraordinary contribution and leadership of Berry Street CEO Sandie de Wolf, who will retire from her position on 8 December after 26 years in the role. Sandie has committed her life to vulnerable children and families, commencing her career as a social worker in the early 1970s with the then Department of Human Services before progressing to senior management and policy roles. Sandie moved to the community sector in 1989 before being appointed CEO of Berry Street in 1994 when it merged with the then Sutherland Homes for Children. Whilst its core mission may not have changed in Sandie's time, the organisation has grown enormously from 80 staff and a \$3 million budget in 1994 to nearly 1200 staff and a \$104 million budget today. This makes Berry Street one of our largest independent child and family service organisations in Victoria.

Through Sandie's leadership Berry Street's programs work tirelessly to uphold the rights of all children to have a good childhood, and they support countless children, young people, women and families with the most complex of issues arising from their personal experiences of abuse, neglect or violence. Sandie has always demonstrated an unwavering commitment to improving life opportunities for some of the most vulnerable young people in our community. Never one to seek the limelight, Sandie's contribution was recognised in 2009 when she became a Member of the Order of Australia and in 2011 when she was inducted into the Victorian Honour Roll of Women. The Victorian Parliament thanks Sandie for her outstanding service.

## Rochford Wines

**Mrs FYFFE** (Evelyn) (14:10) — I congratulate Rochford Wines on its most recent accomplishment of representing Oceania at the upcoming 11.11 global shopping festival in China. John Bright will be delivering a keynote speech on the topic of online

shopping and wine. Rochford has become a showpiece of the Yarra Valley, widely acclaimed for its food and wine and its contribution to wine tourism.

The festival is hosted by the Alibaba Group. It will include a countdown gala produced by Emmy Award-winning Oscars producer David Hill, hosting a range of celebrities, performers and speakers that will be televised and streamed live across the globe to billions.

Rochford's involvement in the festival will shine a spotlight not only on the Rochford winery, but also on Yarra Valley tourism and the wine industry as a whole, and it will provide an amazing opportunity for Rochford and others to reach new global markets. Rochford, with its concerts, fine wine and delicious food, has made a great contribution to the growth and success of Yarra Valley tourism.

### **Broadmeadows electorate**

**Mr McGUIRE** (Broadmeadows) (14:11) — The need for a City Deal for Melbourne's north and for a Smart Cities and Suburbs collaboration for its designated capital, Broadmeadows, will again be highlighted this week with the second series of the TV program *Struggle Street*. A City Deal for a region that has four times the population of Geelong and that within two decades will match the current population of Adelaide is in the national interest. Converting some of our poorest communities confronting deindustrialisation into smart suburbs through technology is vital and urgent, and it is in the public interest. Given more than 1 million Australians are categorised as working poor, I hope *Struggle Street* helps change the federal government's view of Melbourne's north, which echoes the Thatcher government's managed decline strategy on England's north that led to social catastrophe.

According to a spokesman for the Special Broadcasting Service, *Struggle Street* profiles three residents in Broadmeadows and the daily trials people face confronting poverty and unemployment. While SBS claims its series is trying to counter negative stereotypes about poverty and unemployment, unfortunately it has stigmatised hardworking families in Broadmeadows. The statement SBS described as a throwaway line has become a headline. It is a false generalisation that SBS could not substantiate when challenged. It is wrong, sensational and unnecessary. My call is for an immediate remedy that is accurate, fair and balanced, not simply a panel discussion after the damage has been done.

I want to highlight that the Andrews government has established a new ministry for suburban development to take care of these sorts of issues.

### **TREE multicultural festival**

**Mr CRISP** (Mildura) (14:12) — I attended Robinvale's TREE multicultural festival on Saturday, 18 November. TREE stands for The Ripple Effect of Ethnicities. The event was hosted by Robinvale District Health Services with the aim of bringing together the vast number of cultural groups in the district. Hundreds of people attended to partake of the multicultural food and market stalls and to experience a number of performances. My congratulations to all those who brought this festival to life, and I look forward to next year's event.

### **Mildura motorsport precinct**

**Mr CRISP** — I would like to congratulate Mildura Rural City Council on their launch at Parliament House last week of the Mildura motorsport precinct. It was an impressive presentation, which was well-attended and which promoted how much Mildura has to offer to potential investors through this project. The council has worked very hard on this initiative, and the current state government should support this strong economic and job-creating project and provide the funding required to make it a reality in the future.

### **White Ribbon walk**

**Mr CRISP** — Mildura's White Ribbon walk took place last Friday with approximately 400 members of the community walking from the Langtree Mall to the riverfront to take a stand against domestic violence in our region. This is a clear message to the perpetrators of domestic violence in our community that their behaviour is unacceptable.

### ***When a Star Fell in Our Wheat Field***

**Mr CRISP** — On Friday night I attended *When a Star Fell in Our Wheat Field* in Patchewollock. The production combined digital content with live performances, and it aimed to capture an authentic glimpse of life in the Mallee through the eyes of Tempy Primary School students. Students created their own songs, dance moves, puppetry and animation and were directed via virtual technology by Anthony Crowley.

### **John Gillam**

**Mr PEARSON** (Essendon) (14:14) — Recently I attended the farewell dinner for the former CEO and managing director of Bunnings, John Gillam. John

Gillam, or JG as he is known, is an absolutely outstanding leader of corporate Australia and a man who holds the highest values and principles. In 2004, when JG was appointed to run Bunnings, earnings were \$335 million; last year the figure was \$1.2 billion. Back in 2004 the return on capital was 21 per cent; last year it was 32.7 per cent. The rate of growth in the business has been unbelievable, but for me what has been more impressive is JG's ability to bring these values into the business and onto the shop floor.

JG believed in ensuring that the business provided a good return to its shareholders, that its workers were fairly compensated and that the business contributed to charities at a local level. For JG it was not just about the business and the numbers; it was about people and building a better society. JG, you did that in spades and then some.

### Glenn Gilbert

**Mr PEARSON** — I rise today to remember a life well lived and to remember local ALP stalwart Glenn Gilbert. Glenn died suddenly last week. She had been a passionate and committed supporter of the ALP. In the words of Whitlam, she maintained her rage and her enthusiasm.

Glenn was an inveterate user of Facebook and Messenger, and she could be guaranteed to cheer you up with a limerick, which was always at the expense of the Liberal Party. Glenn's daughter Katharine wrote on Glenn's passing:

Here's to a wonderful woman, who loved her family, friends,  
red wine, the ALP and Essendon FC (not necessarily in that  
order),

Glenn never took a backward step or wavered in her support for progressive politics. When many other people ceased to follow politics, Glenn would be attending rallies or demonstrations, branch meetings or party functions with a passion and commitment that few could sustain. Glenn, with camera in tow, could always be guaranteed to be taking photos of everyone at an ALP function and would drop by the following week with a stack of photos. To quote Dylan Thomas, Glenn did not:

... go gentle into that good night,  
Old age should burn and rave at close of day;  
Rage, rage against the dying of the light.

Glenn, you did that and you made us all proud. I was fortunate to have you as a friend. Vale, Glenn Gilbert.

### Public housing

**Mr HIBBINS** (Pahran) (14:15) — I rise to oppose the government's sell-off of public housing land to private developers, including at Bangs Street in Pahran. We need more public housing and we need better public housing, not a sell-off plan that will only slightly increase the number of units, reduce capacity by reducing the number of bedrooms, and forever limit the amount of public housing that can be put on these estates by selling off around 70 per cent of the estate.

What we know about Bangs Street is that the proposal is for 350 to 450 units, which is around triple or four times what is already there, but only 132 of them will be public housing, an increase of just 12. This public housing renewal plan is straight out of the neoliberal economic playbook: run-down and underinvest in a public asset, then claim that privatisation is the only way to solve the problem. This is public land that should be used for public housing and for the public good, not sold off to make super profits for property developers. The real value of the land that this public housing is on is not the monetary value that can be gained from selling it off but the fact that public housing tenants can live in the inner city and can live close to public transport, close to services, close to jobs and close to communities that care about public housing tenants, like Pahran.

We were right to put the brakes on this proposal, and I would urge the government to rethink this privatisation of public housing and to work with us to increase public housing on these estates that fits within the existing planning scheme to address the massive homelessness problem and the public housing waiting list.

### Voluntary assisted dying

**Mr DIMOPOULOS** (Oakleigh) (14:17) — I rise to speak about a frightening letter that was received by my constituents recently. The letter begins:

This is a matter of life and death. The Andrews government's so-called Voluntary Assisted Dying Bill is a method of state-sanctioned killing.

I will not bother with the rest of it. Suffice to say that it spreads a range of mistruths in emotive language designed to scare vulnerable people. You would think that this letter has come from the fringes of society, those groups that we generally condemn as being totally loopy. It is something that you might find in the Bible Belt of America. But this letter was from that fellow in the other place by the name of David Davis. For a long time I thought he was just partisan, just a point scorer for his side of politics. But I was wrong. I

have come to the conclusion that David Davis, that Sheriff of Nottingham character, is nothing more than a wrecker, and an irresponsible one at that. When he is not out there frightening people, he is happily going on foul-mouthed rants or encouraging people to vandalise government offices.

For all our arguments in this place, we often work very productively with the opposition and we generally get along quite well. But I have it on good authority that even some of those on the opposite side are keen to cross the road when Mr Davis is coming. This man is not fit to serve as a member of Parliament, let alone as one of his party's senior spokespersons. The Leader of the Opposition should deal with him and pull him into line.

### **Vermont South Cricket Club**

**Mr ANGUS** (Forest Hill) (14:18) — I recently had the pleasure of attending the Vermont South Cricket Club's 40th anniversary celebration. It was a great evening and provided a tremendous opportunity for those involved in the club over the last 40 years, whether they were players, coaches, committee members or current and former club members, to reminisce and celebrate the achievements and memories of the club. It was also an opportunity to announce the teams of the decades. Congratulations to club president Simon Meade and all those who organised this outstanding event as well as to all those involved in the club over the last 40 years.

### **Forest Hill College**

**Mr ANGUS** — I was delighted to attend the opening of the Forest Hill College STEAM Centre recently. It was an amazing experience to observe the years 7 and 8 students working, using the new technology that is available in this fabulous centre. Whether it was designing a robot, programming a robot, building a robot, flying a drone, coding and programming other electronic devices or using the 3D printer, the students were actively and enthusiastically involved in their tasks. I thank principal David Rogers and the college leadership team for the invitation to attend this very significant event, and congratulate all those who have worked so hard to get this innovative, state-of-the-art centre operating, in particular innovation leader Greg Heaton.

### **North-east link**

**Mr ANGUS** — Last Friday Victorians could have been forgiven for thinking they were in a time warp. The announcement from the Premier regarding the

so-called construction of the north-east link was a case of *deja vu*. Victorians can cast their minds back to 8 December 2008 when the now Treasurer, then roads minister, announced the construction of the north-east link. Nine years later, including five years of Labor governments, the Premier has made the same announcement. The empty words of the now Treasurer all those years ago, when he said in relation to the north-east link and I quote, 'The Brumby government is taking action on transport', show just how worthless promises made by Labor ministers are. Friday's announcement was just more hot air from an increasingly desperate Premier trying to create the impression of doing something to fix the traffic chaos that he has created. The desperate Premier said six months ago the north-east —

**The ACTING SPEAKER (Mr Dimopoulos)** — Order! The member for St Albans.

### **Christian Dejanovic**

**Ms SULEYMAN** (St Albans) (14:20) — Earlier this month the late Christian Dejanovic received an Australian bravery award from the Governor of Victoria, ensuring that his legacy lives on. Christian tragically lost his life at the now removed level crossing at St Albans station while attempting to save the life of a young girl. Christian's actions were selfless and brave. This award recognises his courage and celebrates his life. Christian's mother, Dianne, accepted the award in his honour after tirelessly campaigning for the removal of the St Albans level crossing for many years.

### **Western Health Singers**

**Ms SULEYMAN** — On another matter, I would like to also thank the Western Health Singers choir that recently helped welcome the festive season with the Merry & Bright concert at the Deakin Edge theatre at Federation Square, conducted by local Dr Jonathon Welch, AM. The singers choir consists of Western Health hospital staff and volunteers, and community members from the west. They are fantastic people spreading joy around the festive season.

### **Melbourne Airport rail link**

**Ms SULEYMAN** — I would like to thank Premier Andrews and the Labor government for recently announcing the planning works for the new airport rail link, with a major transport hub for Sunshine in my electorate. This is exciting news for my electorate. This would see Sunshine benefit directly from easy access to Melbourne Airport and the city, and it would ease travel times for one of Melbourne's fastest

growing suburbs. We welcome this news and look forward to the future planning, together with the investment that has already been made towards Victoria University, TAFE and many others.

### **Camperdown Lions Club**

**Mr RIORDAN** (Polwarth) (14:21) — On Saturday just past, I was delighted to attend the unveiling of the Camperdown Lions Club history plaque. Camperdown is indeed a sparkling jewel in the Western District. While Mount Leura towers over the township as a symbol of past times, the current layout and built form of this beautiful town is there for all to see when driving along the Princes Highway. The members of the Lions Club of Camperdown have systematically and carefully laid out the history and stories of some 35 icons around the township, from the grand clock tower in the heart of the main street to the history of the early squatters. Indeed, community volunteers such as Jim O’Shea and Maree Belyea, who have ably led the Lions in the design, layout and much-needed research, are to be heartily congratulated.

### **Colac Woodcrafters Guild**

**Mr RIORDAN** — Also this past weekend, the Colac Woodcrafters Guild again hosted their regional showcase of impressive wooden creations, from stalls promoting the planting of high-value timbers to exhibits showing artisan skills in musical instruments, furniture, toys and items of whimsy. I again thank the active committee members, but especially Carl Karacsay, who sourced, cajoled and inspired many of the exhibitors to display their talents. Also a wonderful legacy of this group is the feedback I have received about how well they engage with the community, with the young and the old alike, and share both their skills and their know-how.

### **Remembrance Day**

**Ms SPENCE** (Yuroke) (14:23) — It was my honour to attend the first Remembrance Day service to take place at the new Craigieburn War Memorial. I have noted the new war memorial a number of times in this place, as it is such an important addition to the Yuroke community, located in the heart of Craigieburn and accessible to all residents, young and old. One of the veterans on hand to pay tribute to those who lost their lives in service to our country was 93-year-old World War II veteran and local resident Robert Stokes. Robert served throughout the war in New Guinea at Lae, New Britain and Jacquinot Bay, being discharged in 1946. It is a tribute to Robert that some 75 years after he was first called up for military duty, he still works to ensure

that the next generation remembers the sacrifices made by others.

A big thankyou to Kevin O’Callaghan and everyone involved in the Craigieburn War Memorial and Remembrance Committee for ensuring that this fitting mark of respect to our servicemen and women could take place. Committee vice-president John Lynch did an excellent job as MC in keeping the proceedings to precision timing.

I also wish to congratulate the over 150 local residents who attended and paid their respects to the fallen and showed their support for our veterans, as well as Maureen Reed and other volunteers from the Craigieburn Poppy Project, who provided dozens of crocheted poppies to adorn the gardens that surround the memorial. I am sure that our community will turn out again for next year’s 100th anniversary Remembrance Day service, and help build the community appreciation of our country’s history.

### **South-West Coast electorate beaches**

**Ms BRITNELL** (South-West Coast) (14:24) — Last week the people of South-West Coast learnt the word ‘nurdle’ after thousands of these tiny plastic objects began washing up on beaches around Warrnambool and Port Fairy. A nurdle is a very small pellet which serves as raw material in the manufacture of plastics. Last week locals began noticing them washed up on beaches in the Thunder Point Coastal Reserve after they were illegally disposed of through the Warrnambool sewage and trade waste system. Members of the community armed with sieves and buckets began clean-up efforts last week and they have enlisted the help of local primary schools and concerned residents. But the nurdles keep coming and have spread, being washed up on beaches within the Belfast Coastal Reserve and to Port Fairy.

The local water authority has reported to the Environment Protection Authority and an investigation has been launched to find where these tiny plastics come from. My community is doing all the heavy lifting but this government is giving no support or even acknowledging that this has the potential to be a major environmental disaster. Why won’t this government provide assistance to the clean-up effort, or will it be left up to these volunteers to do it all alone?

### **South-West Coast electorate roads**

**Ms BRITNELL** — I am pleased to see that the Law Reform, Road and Community Safety Committee are conducting an inquiry into VicRoads management of

country roads. I expect the committee will be flooded with submissions from South-West Coast, where it appears the roads are no longer able to cope with a few days of heat. They fall apart when it rains; they fall apart when it is hot. What the hell is going on and why can't we get a road to stick together when it has been fixed? I hope this inquiry makes the minister listen to the cries of my constituents, but I do not understand why he will not just get on with the job and listen to what has been said time and time again about our roads and just get them fixed.

### Member for Northcote

**Ms BRITNELL** — I would like to put on the record that I welcome the member for Northcote to the Parliament.

### Government achievements

**Mr STAIKOS** (Bentleigh) (14:26) — It has been three years since the last election, three years of passionately representing my local community, three years of strong delivery by the Andrews Labor government and three years of unprecedented activity in the electorate of Bentleigh. We have removed level crossings at Bentleigh, McKinnon and Ormond, and built three new stations. We have invested a record \$46 million to upgrade McKinnon Secondary College, Bentleigh Secondary College, Tucker Road Bentleigh Primary School, Valkstone Primary School, OLSH College, Bayside Special Developmental School, Berendale School and Southmoor Primary School, and funded improvements at McKinnon Primary School, East Bentleigh Primary School and Moorabbin Primary School. We are planning a new secondary school for East Bentleigh and we have built a new student hub at Holmesglen TAFE Moorabbin.

We have completed a \$16.2 million expansion of Moorabbin Hospital, giving 50 000 people more access to health care closer to home. We have funded upgrades to sporting facilities at Moorabbin Reserve, Bricker Reserve, Duncan Mackinnon Reserve, the King George reserve, Coatesville Bowling Club and Glen Eira McKinnon Bowls Club. We have deployed police custody officers at Moorabbin police station, playing a vital role in supporting our local police. We have improved our local bus services, and finally built Southland station.

I am proudly a member of the Andrews Labor government because we have spent every day putting people first, improving our community, giving people opportunity and making things fair.

### Walk Against Family Violence

**Ms WILLIAMS** (Dandenong) (14:27) — Last week I took part in the fifth annual Greater Dandenong Walk Against Family Violence. Local councillors, community organisations and services, faith-based organisations, family violence survivors and many of Dandenong's residents joined together to walk through central Dandenong, from the Dandenong Market to Harmony Square, in a united stand against family violence. We were also fortunate to have in attendance Kevin Sheedy, who spoke passionately about the role each of us has in ending violence against women and children and the work of the elite sporting fraternity in this endeavour.

Sadly, Dandenong and the neighbouring Casey municipality have among the highest reported rates of family violence in our state, but on a positive note, awareness of this issue has been increasing. This annual walk is an important part of continuing that campaign of awareness raising and sending a clear message about our community's expectations. Dandenong is the most diverse electorate in the state. Sixty per cent of our residents are born overseas, hailing from about 158 different nationalities. This diversity is our greatest strength but it also means we have to be innovative in how we communicate and how we provide services.

The circumstances in my community highlight why we need a multifaceted approach to addressing family violence, which is still seen as a purely domestic issue in many subsets of our community. Violence is not and should not be inevitable, and prevention is only effective when the whole community is involved in changing attitudes and behaviours. It is great to see this happening in Dandenong. The Walk Against Family Violence is a visible demonstration of this. I commend the City of Greater Dandenong for yet another successful Walk Against Family Violence and their commitment to showing meaningful leadership in this area.

### Victoria Against Violence

**Ms KILKENNY** (Carrum) (14:29) — Now in its third year, the Victoria Against Violence campaign is again underway. Victoria Against Violence is timed to coincide with the United Nations 16 Days of Activism Against Gender-based Violence campaign, commencing each year on November 25, the International Day for the Elimination of Violence against Women, and concluding on December 10, International Human Rights Day.

I was privileged and honoured to launch Victoria Against Violence at the Melbourne arts centre last

Friday. With these 16 days of activism we want to turn Victoria's attention to the devastating impact of family violence on our community and maintain the important message that every Victorian has a role to play in preventing family violence and violence against women. With this campaign we are calling on all Victorians to take action, to put up their hands to help end family violence.

I would like to acknowledge a couple of people from the launch. Michelle Gallaher, the Telstra Victorian Business Woman of the Year, spoke at the launch. In doing so she very bravely revealed for the first time her own personal story of family violence, reminding us all that family violence knows no boundaries. And Melbourne artist Alisa Tanaka-King, who communicates as beautifully with the spoken word as she does with her drawings, featured with her new exhibition called *The Bird Girls*. Seventy-four faceless portraits are exhibited in this body of work, one for each of the 73 women who were killed through acts of family violence in 2016 and one for all the women who died and did not get noticed.

In line with the UN campaign, Victoria Against Violence promotes the colour orange as symbolic of a future free from violence against women and girls. I encourage all members in this place to work with our communities to 'go orange'. Put up your hands to support Victoria Against Violence and help end family violence.

### **Boroondara planning scheme amendment**

**Mr WATT** (Burwood) (14:30) — Last sitting week in the Legislative Council we saw the disgraceful behaviour of the government. However, it is not the disgraceful behaviour of the government that I want to talk about today. What I actually want to talk about is the disgraceful behaviour and the disgraceful attitude of the Minister for Major Projects. Before the final revocation vote was taken in the Legislative Council I specifically asked the Minister for Major Projects to consult with my community around this particular project. My community found it disgraceful that the minister's response was:

The action that the member has asked for around properly consulting is not one that I agree with ...

My community understands this.

## **MAJOR EVENTS LEGISLATION AMENDMENT (TICKET SCALPING AND OTHER MATTERS) BILL 2017**

### *Statement of compatibility*

#### **Mr EREN (Minister for Tourism and Major Events) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:**

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006, (the charter), I make this statement of compatibility with respect to the Major Events Legislation Amendment (Ticket Scalping and Other Matters) Bill 2017 (the bill).

In my opinion, the bill, as introduced to the Legislative Assembly, is compatible with the human rights set out in the charter. I base my opinion on the reasons outlined in this statement.

#### **Overview**

The bill amends the Major Sporting Events Act 2009 (the principal act) in relation to ticket scalping to provide for controlling the secondary ticket market for major sporting and cultural events.

The bill extends the present application of the principal act to major events in addition to sporting events (such as cultural events including theatre productions, concerts, gallery exhibitions and festivals). To reflect this broader application, the principal act will be renamed the Major Events Act 2009. The bill also clarifies existing ticket scalping provisions in the principal act and extends existing relevant powers of police officers and authorised officers to a new category of 'authorised ticketing officers', as well as introduces some further powers for those officers.

The bill also repeals the Tourism Victoria Act 1992 in light of the creation of Visit Victoria in place of Tourism Victoria.

#### **Human rights issues**

##### *Property rights*

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

The bill raises this right in several of its provisions by providing for the seizure of tickets in certain circumstances.

The bill inserts a new part 9A into the principal act, within which new section 182F provides that a person who is not authorised to do so by a ticketed event organiser must not, without reasonable excuse, knowingly sell, advertise or offer to sell six or more tickets for a ticketed event at a price that exceeds the combined face value purchase price of those tickets by more than 10 per cent. Similarly, new section 182G provides that a person who is not authorised to do so by a ticketed event organiser must not, sell, advertise or offer to sell five or less tickets at a price which exceeds the combined

face value purchase price of those tickets by more than 10 per cent or, if it is just one ticket, the face value purchase price of that ticket by more than 10 per cent. These new offences, for which the penalties are different, only apply to tickets for events in respect of which a 'major event ticketing declaration' has been made by the minister. Under new section 182I, a police officer or an 'authorised ticketing officer' (a new category of authorised officer created under new section 183A) (together referred to as 'officers' for ease of reference) may serve an infringement notice on a person who the officer has reason to believe has committed an offence against section 182G. New section 182J then provides that if an officer believes on reasonable grounds that a person has committed, is committing or is about to commit an offence against sections 182F or 182G, or if the officer serves an infringement notice on a person for the corresponding infringement offence, the officer may seize any tickets to which the offence relates, from the alleged offender. Under new section 182L, a seized ticket may be retained by the officer for the purpose of the offence proceedings or the enforcement of the infringement offence, and must otherwise deal with the ticket in accordance with law. Under new section 182N, a seized ticket is taken to be forfeited to the Crown in the event of a person being found guilty of an offence or expiating an infringement offence by paying the relevant penalty.

Where practicable, if a police officer seizes a ticket, they must inform the person of the officer's name, rank and place of duty (in writing if requested), and produce their identification (if they are not in uniform). If an authorised ticketing officer seizes a ticket, they must inform the person of their name and that they are an authorised ticketing officer (in writing if requested), and produce their identification. The officers must also inform the person of the intended seizure of the ticket and their power to do so, and give the person a written receipt for any seized tickets, either immediately or as soon as is reasonably practicable.

These provisions raise the right to property as they provide for the seizure and potential forfeiture of tickets that are connected with new ticket scalping offences. However, in my view any deprivation of property in these circumstances is lawful and the right is therefore not limited. The offence provisions only apply to certain events, that is, those in relation to which the minister has issued a 'major event ticketing declaration', which must be published in the *Government Gazette* (new section 182C(6)), and the offences only prohibit the attempted or actual selling of a ticket at an unreasonably inflated price. The bill introduces a requirement (in new section 182E) that relevant event organisers must ensure that the face value purchase price of a ticket is displayed on that ticket, so that potential sellers are aware of the appropriate pricing parameters that apply. These provisions are therefore consistent with the objectives of the bill, which are to better regulate the secondary ticket market with respect to major events, to ensure fairness, accessibility and transparency, and which will in turn support the long-term development of cultural events industries. The circumstances in which the offences (and potential seizure of tickets) apply are confined and precise, and the information that a person must be provided by an officer at the time of seizure ensures full transparency. Further, in my view it is appropriate to seize relevant tickets while offence proceedings or infringement notices are on foot, and for those tickets to be forfeited upon a person being found guilty of an offence or expiating an infringement offence by paying the relevant penalty. To provide otherwise would undermine and

jeopardise the effectiveness of the scheme. Moreover, persons found not guilty may apply to the Magistrates Court for the return of a seized ticket (new section 182M) if the ticket has not already been returned in accordance with law.

Any deprivation of property authorised by the bill is therefore confined, transparent and precise, and in my view lawful within the meaning of section 20 of the charter.

I note that new section 182K provides that an officer may request that a person who has purchased, is purchasing or is about to purchase a ticket from a person suspected of contravening the scalping provisions, to surrender the relevant ticket for inspection. However, as the officer may not demand the surrender of the ticket, in my view this provision does not result in any interference with a purchaser's property rights.

### Privacy rights

Section 13(a) of the charter provides that a person has the right not to have their privacy, family, home or correspondence unlawfully or arbitrarily interfered with. An interference with privacy will not be 'unlawful' where it is permitted by a law which is precise and appropriately circumscribed. Interferences with privacy will not be 'arbitrary' provided they are reasonable in the particular circumstances, and just and proportionate to the end sought.

The bill inserts new section 186A into the principal act, which provides that an authorised ticketing officer may require a person to give their name and address if the officer believes on reasonable grounds that the person has committed a ticket scalping offence. Under new section 186B the officer may also request evidence of the person's name and address if the officer reasonably believes that the details provided may be false. It is an offence for a person to fail to comply with either request.

While the exercise of these powers may interfere with the right to privacy, any such interference will be lawful and not arbitrary. The power may only be exercised if the authorised ticketing officer believes on reasonable grounds that the person has committed a relevant offence. Before requiring a person to give their name and address, the officer must produce the authorised officer's identity card and inform the person that the officer believes that the person has committed a relevant offence. Further, the power to obtain accurate information about a person suspected of committing a relevant offence is necessary for the enforcement and effective control of the secondary ticket market for major sporting and cultural events.

The bill contains safeguards against the unauthorised disclosure of a person's information provided under new sections 186A and 186B. An authorised ticketing officer may only disclose information obtained in the course of their duties in certain, prescribed circumstances, such as for the purposes of legal proceedings. Any unauthorised disclosure is an offence.

In my view, any interference with the right to privacy occasioned by new sections 186A and 186B is therefore neither unlawful nor arbitrary and therefore compatible with the right.

### Presumption of innocence

Section 25(1) of the charter provides that a person charged with a criminal offence has the right to be presumed innocent



until proved guilty according to law. This right is relevant where a statutory provision shifts the burden of proof onto an accused in a criminal proceeding, so that the accused is required to prove matters to establish, or raise evidence to suggest, that they are not guilty of an offence.

Within new part 9A of the principal act, new section 182F, discussed above, requires an accused to raise evidence that they have a 'reasonable excuse' for selling six or more tickets above a certain price, in order to rely on that exception to the offence and thereby avoid conviction. Similarly, new section 186B, discussed above, makes it an offence for a person to fail to comply with a request to produce evidence of their name and address, without reasonable excuse. In so doing, these provisions impose an evidential onus on the accused. However, it does not transfer the legal burden of proof because, once they have adduced or pointed to some evidence that would establish the excuse on balance, the burden then shifts back to the prosecution to prove beyond reasonable doubt the absence of the excuse raised, as well as each element of the offence.

Courts in other jurisdictions have generally taken the approach that an evidential onus on an accused person to raise a defence or exception does not limit the presumption of innocence. Whether a person has a reasonable excuse will be within their knowledge (rather than that of the prosecution), and the purpose of the exception is to enable an accused to escape liability in circumstances of genuinely having a reasonable excuse. This reflects the need to minimise the risk that a person may be convicted of an offence when they are innocent of the conduct at which the offences are aimed. In my view, these provisions therefore do not limit the right to be presumed innocent.

The Hon. John Eren, MP  
Minister for Tourism and Major Events

### *Second reading*

**Mr EREN** (Minister for Tourism and Major Events) — I move:

That this bill be now read a second time.

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

Victoria is renowned for its major events calendar which is the envy of not just the rest of the nation, but of other countries as well. Generating \$1.8 billion annually for the economy, the importance of major events to the state is well recognised by the Victorian government and helps to drive Melbourne's international positioning and profile, tourism, branding and business links. Events are attracted to Victoria by its world-class facilities, cultural and sporting precincts, expert event management and tremendous patronage by passionate and knowledgeable audiences.

In 2009, the Brumby Labor government introduced the groundbreaking Major Sporting Events Act. This legislation was regarded as the most comprehensive sporting event-related legislation of its type anywhere at the time and led to it being copied by multiple other jurisdictions. The consolidation of the existing major sporting event legislation into the one act has proven to be most effective and

contributed to the successful staging and retention of Victoria's key sporting events.

With increasing domestic and international competition for major events and visitation, Victoria must develop new strategies and review existing tools for attracting event organisers in order to remain the major events capital. What better time than now to revisit the successes of the Major Sporting Events Act and consolidate them into a major events act?

Non-sporting major events, such as theatre events, concerts, gallery exhibitions and festivals, encounter the same complexities as major sporting events in their organisation and execution. An expansion of the scope of the act would ensure a more consistent approach to the management of other major events, affording them the same orderly operation which is enjoyed by major sporting events. Taking a similar approach to consolidate cultural events into the existing sporting events legislation will capitalise on this legislative setting and emulate its broad success.

The criteria that I will use to determine whether an event should be considered as a major event under the act, will be similar to what is contained in section 9 (1) and 2(a–g) of the Major Sporting Events Act. This includes such factors as:

- the size of the event;
- likely demand for tickets;
- exclusive global content;
- the likely media coverage of the event;
- the contribution to Victoria's international profile as a host of major events; and
- where requested by promoter or event organiser.

Please note these are not exhaustive categories.

#### Ticket scalping

A growing problem encountered by major cultural events involves the prevalence of ticket scalping. Ticket scalping is not a new phenomenon but the advent of secondary ticket markets appearing on websites has led to this problem becoming increasingly visible to the average consumer.

The internet has significantly enhanced the business of primary ticketing agents, causing sales to boom, and has been partly responsible for significant growth in the industry for live music events over the last five years. Concurrently, the growth of the internet has also brought a large increase in the amount of secondary selling. The internet has made it easier for people to obtain tickets but has also encouraged a thriving resale market.

I think most members of the house can relate to the frustration of not being able to purchase tickets to their favourite touring artist only to have a large number of tickets become quickly available for sale on secondary ticket websites, with large mark-ups on prices. I'm sure many of you have received similar feedback from your constituents.

Consumers are fed up with the practice of ticket scalping preventing them from attending major events by pricing them

out of the market, or causing them to pay exorbitant prices to attend shows.

The bill proposes changes which will expand the current ticket scalping provisions in the act, creating a major event ticketing declaration that may apply to major events other than sporting events. There will also be changes as to what constitutes ticket scalping and a simplification of the processes required for event organisers, making it more streamlined, less administratively burdensome and quicker to obtain.

The purpose of the bill is to extend anti-scalping provisions to cover non-sporting events as well as major sporting events. As the Minister for Tourism and Major Events, I will be able to declare a major event ticketing declaration which will mean that tickets are not able to be advertised for sale or be re-sold which exceed the face value purchase price of the ticket by more than 10 per cent. This 10 per cent fee is to cover any administration fees for the purchase of the original ticket and allow legitimate re-sellers to account for these costs.

The new category of ticket scalping provisions will only apply where I, as minister, declare the event. An event organiser may request that I make the declaration. It is not intended to apply to all events, only those considered major due to such factors as the size of the event, number of attendees, media coverage of the event, projected economic impact of the event and a range of other factors.

A new category of authorised officers known as authorised ticketing officers will be introduced who will be able to assist Victoria Police in the enforcement of the bill. These officers will be able to engage in monitoring of websites. They will have the same powers as police under the act for seizure, temporary surrender and retention of tickets to be able to issue infringement notices to offenders. Authorised ticketing officers will be able to commence court proceedings against major offenders if authorised by the Secretary of the Department of Economic Development, Jobs, Transport and Resources.

It will not be necessary for an event organiser to prepare a ticket scheme proposal. This is preferable for cultural events which often do not have a regular fixed venue, date or event organiser. Often a significant cultural major event such as a concert, theatre event, gallery exhibition or festival will be secured a few weeks or months before staging, which does not provide sufficient time to undertake the existing process under the act. In addition, ticket scheme proposals can be difficult to prepare for such events as staging or seating requirements are often modified quite close to the event.

It is not proposed to ban the secondary ticketing market outright as this would restrict legitimate patrons who are trying to re-sell a ticket that they are no longer able to use. The existence of a secondary market is justified by the need of consumers to pass on tickets bought for events that they can no longer use.

The aim of the bill is to regulate the secondary ticket market to ensure it operates in the interests of fans by providing for increased accessibility and transparency, and supports the long-term development of the live events and creative industries, in particular music and theatre. A range of other measures is also being considered to complement the legislation. A collaborative approach is sought with artists, promoters, venues, government, ticket agencies and

consumers all working together to reduce the problem of ticket scalping.

#### *Tourism Victoria Act 1992 repeal*

Visit Victoria was formed on 1 July 2016. Visit Victoria is Victoria's tourism marketing and events company, responsible for marketing to visitors from within the state, across Australia and around the world and attracting more sporting, cultural and business events to Victoria's world-class events calendar.

Its establishment followed a comprehensive review of Victoria's visitor economy commissioned by the Victorian government in March 2015 that recommended a unified governance and institutional arrangement to maximise the economic benefits of Victoria's visitor economy.

Visit Victoria brings together the functions of Tourism Victoria's marketing division, the Victorian Major Events Company and the Melbourne Convention Bureau to form a single, unified organisation dedicated to growing Victoria's visitor economy through tourism marketing and event acquisition.

Visit Victoria is committed to working in partnership with government, regional tourism organisations, industry and commercial partners to achieve the collective goals of delivering a distinctive, world-class visitor experience and growing the state's \$23.3 billion tourism and events industry.

With the formation of Visit Victoria, Tourism Victoria is no longer required to function and the Tourism Victoria Act 1992 is no longer required. This bill will repeal the act.

I commend the bill to the house.

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

**Debate adjourned until Tuesday, 12 December.**

## WATER AND CATCHMENT LEGISLATION AMENDMENT BILL 2017

### *Second reading*

**Debate resumed from 1 November; motion of Ms NEVILLE (Minister for Water).**

**Ms RYAN (Euroa) (14:33)** — It is a pleasure to rise today to speak on the Water and Catchment Legislation Amendment Bill 2017. The coalition has two primary concerns with this bill, the first being the decision by the government to delay the long-term water resource assessment for northern Victoria. Our second concern is the government's decision to legislate changes to the salinity impact charges in the Mallee region without conducting a regulatory impact statement. I will go into those two issues in more detail, but I do wish to advise that the Liberals and Nationals are moving a reasoned amendment to the effect that the bill should be withdrawn until those two issues are addressed.

I move:

That all the words after ‘That’ be omitted with the view of inserting in their place the words ‘this house refuses to read this bill a second time until there is a regulatory impact statement completed on the bill’s proposed regime for salinity impact, and until the government agrees to revert to the original time frame with respect to reviewing northern Victoria’s long-term water assessment plan for 2018’.

Firstly, I would like to address some of the context around this bill. I do note that this is the first bill within the water space in three years that the government has in fact brought forward. I certainly reflect on the fact that the Minister for Water has other portfolios and no doubt is quite busy, but I do think it reflects a real lack of emphasis or care from the Andrews government in addressing water issues. I do want in particular to acknowledge the departmental officials who took the time to brief me on the details of this bill. I appreciate the work and the effort that have gone into preparing this and preparing the government’s plan *Water for Victoria*.

It is perhaps particularly relevant to note that when the Liberals and Nationals were in government we undertook a complete rewrite of the Water Act 1989. It was a huge undertaking and one that was quite exhaustive. It was actually sitting there ready to go when the minister was first elected. I think it is somewhat disappointing that Labor actually shelved that work rather than bringing it forward, and as a consequence a lot of time and energy has been wasted. Essentially I think for three years we have not really been going anywhere.

Of course the government took a full two years to write its strategy *Water for Victoria*, which it released in October 2016, and it has taken more than a year from that point for us to actually see the first tranche of legislation be brought forward to implement its priorities. I understand that this is the first bill of several that will be seeking to implement the 69 actions that the government has identified under its *Water for Victoria* plan, but even then, when there is a debate raging, particularly in northern Victoria about the future of those communities and about the Murray-Darling Basin plan and its implementation, I would question the comparative importance of some of the issues that are being brought forward by the government in this bill.

I will give what I think is a tangible example of this: the recent coverage we have seen of water theft within the basin. On Saturday the Murray-Darling Basin Authority (MDBA) released its review into compliance within the basin, which was sparked by the *Four Corners* report back in July which revealed some awful practices in the upstream states, where people have illegally been

taking water. The minister has, I see in Monday’s *Australian*, flagged that she sees a need for tougher penalties. After the compliance review, the *Australian* reported that:

Victoria was found to have better compliance but insufficient penalties for those who break the rules. Tougher penalties are being drafted.

Given that the minister has flagged the need for tougher penalties, I would have thought that she would perhaps have considered going back to the vast amount of work that the Liberals and Nationals actually did in government around the rewrite of the Water Act, which in fact would have enforced a tougher compliance regime. If she had picked up that work upon coming to government, we would have already had a regime in place that addressed the substance of the issues in the compliance review.

I certainly note that the findings of the compliance review showed that Goulburn-Murray Water has a very strong commitment to compliance and that their compliance is underpinned by sound governance arrangements. The MDBA in particular pointed to the fact that within the Goulburn Murray irrigation district we are dealing largely with a networked system where water theft is not just something that I suppose an individual might be seen as committing against the state; it is actually seen as a crime against the neighbour because everybody relies so heavily on the resources within that networked system. So I do want to point out the fact that there was a stark difference between states within that compliance review. The MDBA noted that in 2016–17 New South Wales issued about 44 warning letters and notices, Queensland issued 14 and South Australia issued 355, but in Victoria there were 562 issued. So it is apparent that Victoria and Victorian irrigators are doing the work that is required, but I feel that our reputation has somewhat been unfairly tarnished because the actual penalties that are in place were criticised by the MDBA.

Had the minister actually picked up the review of the Water Act when she came to government, we would find that that enforcement regime and those penalties would in fact already be in place. Chapter 13 of that bill — we had gone through the process of undertaking the exposure draft for that bill; it was virtually ready for introduction into Parliament — would have introduced new remedial action notices and infringement notices which could apply to a broad range of offences under the bill and regulations as well as body corporate penalties.

Part 13.3 specified that an authority or an authorised water officer could serve a remedial action notice on an owner or occupier of land if there was a specified risk,

including, and I particularly note this, a risk of an adverse impact on the quality or availability of water, a risk of an adverse impact upon the environment or indeed a risk of damage to neighbouring properties. They are the very issues we have seen through that *Four Corners* report and the illegal theft of water in upstream states. So I do make the point that it has taken us a very long time, I think, to get to the point of having legislation in the space being brought forward. I think that the minister should be held to account for actually shelving that work for purely partisan reasons.

I do note that the government even in its plan, *Water for Victoria*, at page 129, actually acknowledges that Victoria's compliance and enforcement regime is outdated. Action 8.5 says quite a lot about consistency and best practice regulation, but it does not actually say a lot about what the government intends to do. So I think we have a situation now where the minister is in fact scrambling to catch up. That is disappointing, particularly for Victorian irrigators whose reputations have been affected by that.

One of the substantial aspects of this bill is the fact that it seeks to include Aboriginal values and knowledge in water resources and waterway planning. The bill includes specific requirements about how water authorities and the department actually go about consulting with Aboriginal Victorians in its water resource planning. That is done in a number of ways, depending on the instrument that is being prepared by the department or the water authority at the time. The bill requires that the minister give notice to a representative of relevant specified Aboriginal parties and invites written submissions when they are preparing a regional water strategy, which is set out in clause 45; when they are preparing a sustainable water strategy, which is set out in clauses 7 and 9; and when they are preparing a regional catchment strategy or a special plan, under clauses 85 and 86.

When the department is seeking to prepare a supply protection plan, the bill specifies that a consultative committee must include one person who represents all specified Aboriginal parties under clause 19 of the bill. Clauses 13 and 18 state that consultative committees must consist of one Aboriginal Victorian with knowledge or experience in water management when providing advice on either a sustainable water strategy or a long-term water resource assessment.

I can see how those consultation requirements could be of particular benefit in places like Kow Swamp. I remember visiting Kow Swamp a lot as a teenager. It is an off-stream water storage operated by Goulburn-Murray Water between Gunbower and

Leitchville, south of the Murray, which has been used as a water storage since 1900. It is an important part of the Torrumbarry system and it is of great value to Torrumbarry irrigators, particularly because as one of those mid-Murray storages it enables the timely delivery of water to the western part of the Goulburn-Murray irrigation district (GMID).

Delivery of water from the Hume Dam takes quite some time if you are in the western reaches of the GMID, and storages like Kow Swamp ensure that there is timely delivery and give flexibility to those irrigators. Over the years it has been modified significantly, particularly since the construction of Torrumbarry Weir where I spent many a summer waterskiing as a teenager. It is also very important to note that Kow Swamp has an important Aboriginal history as a sacred resting place for ancestors of the Yorta Yorta people. The remains there were discovered between 1968 and 1972. They are the remains of Pleistocene-era Aboriginal people and are believed to be more than 20 000 years old.

So there are sites within the water space of Victoria which remain important for Aboriginal people and I think it makes sense for them to have input into the management of a site such as Kow Swamp. I think that also needs to be balanced against the fact that water policy is incredibly complex. There are of course livelihoods that depend on the management of water and the primacy of entitlements must always be respected and managed accordingly. Those two things certainly need to be balanced, but I think the inclusion of Aboriginal people in determining and providing an input into those plans can be seen as a good thing in places like Kow Swamp, where there is a very strong interest in ensuring that those sites are preserved and their significance is recognised.

In terms of the Victorian environmental water holder, this bill adds a legislative obligation that they will also now be required to consider opportunities to provide for Aboriginal cultural values and the uses of waterways as well as social and recreational uses. That is the other major aspect of this bill — that water authorities will now have to recognise the recreational possibilities of the water they manage. I think that represents quite a major shift in how water is managed in Victoria. I do not doubt that there are some places where water can be managed more effectively. One that springs to mind for me is the pondage at Eildon, where there are tourism operators who certainly derive great value from the GMID asset there.

Whilst I think it is a good thing for our water authorities to be more public-facing in many ways, I think the

government needs to be very careful that it does not set a lot of our water authorities on a path of conflict in the longer term with communities. I can see that there is a potential for that to occur with some of these changes. The issue that perhaps comes to mind for me is Lake Eppalock, which is in my own electorate. In 2016 there were significant issues for the communities around Lake Eppalock, in particular Heathcote and Axedale, where the needs of tourism operators and indeed business owners in the town came into conflict with the environmental needs and the call that irrigators had for the water within that storage. There was an article published in the *Bendigo Advertiser* titled 'Dry Lake Eppalock spells trouble for traders' which told the story of Tracey Westhorpe. She described how she had moved from Melbourne and how Eppalock had been a great source of revenue for her with her store, particularly over the summer months, but when water was low in Eppalock that business disappeared.

There is a fundamental issue there, I think. It presents a very difficult problem for those communities, who are not always aware that the water that is held in storage, like at Lake Eppalock, is held under entitlement and is owned by people who do have the right to make a call on those entitlements. I acknowledge the fact that the government has addressed the fact that entitlements maintain their primacy, but there is a danger of encouraging tourism and encouraging business to grow around the recreational values of a lake or waterway when people do not always understand that that water may not be there. So I would certainly urge the government to think about how it goes about communicating that.

The other issue I have is that I think it runs the risk of dragging water authorities away from their core business, which is delivering water efficiently and at a low cost. We need to remember that livelihoods depend on the delivery of water. It is incumbent upon water authorities to maintain that firmly as their primary mission. By placing a whole new set of obligations on them we run the risk of them taking their eye off the ball.

I moved the reasoned amendment earlier in my contribution. As far as the long-term water resource assessments go, the bill extends the assessment for northern Victoria out to 2026. Clause 14 extends the time to conduct the assessment from 12 months to 18 months. I am not so fussed about the extension of time — I think it is important that we take the time to get that right — but the Water Act does specify that those resource assessments are required every 15 years. They are important because they take stock of our water resources and they are designed to use the best

available data to determine what the long-term availability of water is in those communities.

Presently that process is due to commence next year in both northern and southern Victoria, and the government's rationale for moving that assessment back is that the Murray-Darling Basin Authority (MDBA) is due to undertake its review of the southern basin in 2026. My concern about that is that we are kicking the can down the road on that assessment. I think that rather than simply accepting that the MDBA is not going to review the southern basin until 2026, we should in fact be positioning ourselves to have the best available data early and we should perhaps be acting in the interests of Victorians and calling for that review to be undertaken before 2026. My understanding of the act is that the review is required by 2026, but that does not mean it has to be pushed out for another eight years.

I have had conversations with irrigators across the southern basin, and many of them are calling for us to take stock of where we are at. I think we abrogate ourselves of our responsibility. Whilst it might be the politically easy option, we are taking our eyes off the ball if we just push that assessment out for another seven years. We are going through one of the greatest changes in the history of water in this country. We are implementing one of the most complex pieces of legislation, and we need to make sure it is done correctly. We need to make sure that we have the data that is required for us to position Victoria's interests and to ensure that we can make the socio-economic case for not losing more water from the basin. My concern is that if we simply say, 'Okay, MDBA are not going to undertake this review until 2026, and we'll push our assessment out until then as well', we disadvantage ourselves by effectively shutting our eyes and hoping that all will be well when the time comes for the MDBA to undertake that review. We need to know where we stand ahead of the evaluation of the southern basin.

The second major issue we have with this bill is the decision to legislate the salinity impact charges in the Mallee to allow those charges to be collected by the water authority or by the catchment management authority (CMA). *Water for Victoria* I see acknowledges the salinity issues in the Mallee, but it makes no mention of the amendment that the government has proposed to actually give the CMA or the water authority the power to collect those salinity impact charges on behalf of the minister.

The salinity impact zones were first set up in 1993. There was a Nyah to South Australian border salinity management plan that was implemented then, and it

was reviewed in 2002. But there is a lot that has changed within the lower reaches of the Murray in the Sunraysia district since those salinity impact zones were first created. There has been a vast amount of water that has moved downstream, and perhaps most significantly we now have environmental flows on a scale that was not there when those charges were first brought in. So I think it is somewhat short-sighted of the government to just legislate these charges into perpetuity. I think a better approach would be to stop and actually review the charges to ensure that they are current, are necessary and are doing what they were set up to do.

Primarily I think the government should be undertaking a regulatory impact statement (RIS) before it moves to legislate those charges. My understanding is that the department are not yet certain whether a RIS is required, but their advice was that they would seek to undertake a RIS should one be required after the bill passes. Fundamentally I think that is poor public policy. I think a RIS should be undertaken first and then that should be brought forward when we have a full understanding of what the impact of that might be. I do understand that the salinity impact zones already exist, but there is no sense in simply legislating that when there is so much that has changed in the Mallee in the last 10 years since those charges were reviewed in 2002.

In conclusion, I know that to the majority of people a lot of these changes might seem bureaucratic, but I think when it comes to the implementation of the basin plan we cannot afford to get it wrong. The basin is home to more than 2 million Australians. It produces 40 per cent of the nation's agricultural produce in dollar terms. It is a critical environment to much of our native flora and fauna, and it is incumbent upon us to address the health of the basin and to address the risks of climate change. Getting right the balance between that and the needs of our productive communities and the people who live within the basin is not always an easy thing to do, but I think that the best way for us to move forward is to undertake that water resource assessment according to our regional time frame. Perhaps that assessment will also consider the implementation of salinity charges as well. So there is the prospect, perhaps, that the government might kill two birds with one stone if it goes ahead and maintains the long-term water resource assessment in line with its original plan for 2019.

With those comments I urge those on the opposite side to give consideration to the reasoned amendment. I recognise that the Murray-Darling Basin is a long way from many of their electorates, but it is fundamentally an issue that is critical not just to the future of the

communities that live there but also to the future of our state and of our nation.

**Mr CARBINES** (Ivanhoe) (14:59) — I am pleased to make a contribution on the Water and Catchment Legislation Amendment Bill 2017, and given the array of speakers on the government side, although I am keen to advocate for the amendments to this bill, I will limit my contribution to allow some of my colleagues to speak. Just picking up on a couple of points, firstly I want to quote from a document released back in 2007 which relates to the water plan under the former Bracks government. *Our Water Our Future* was the government's plan back in 2004. In 2007 the next stage of the plan document said:

Climate change and drought are big challenges. Having a secure water supply will enable Victoria's economy and population to continue to grow.

That plan was released by Steve Bracks and John Thwaites, who pioneered a lot of work not only around water policy but also by ensuring that legislative rights for the environment in relation to water entitlements were upheld. Can I say that some things have not changed but a lot has been achieved by Labor governments in relation to drawing together agricultural needs, economic needs, environmental needs and tourism and job opportunities in relation to our water supply in Victoria. The member opposite was talking about Lake Eppalock, for example, and as someone who travels along the back roads, through Redesdale, to see the in-laws in Bendigo, I can certainly tell you that there is extra traffic on the road — the people with their boats head to Eppalock when there is water there. This is about governments having to work through the different dynamics of the tourism benefits and the job and economic benefits that are provided to local communities through water being available for those opportunities, also remembering the primary resolve as to why those water catchments are available, and that is particularly around agricultural use for regional Victorians.

What has been important and what we have sought to do as a government is to build on the opportunities through our water catchments and supply to make sure that there are ample opportunities to pursue for tourism, economic development and jobs growth for people in regional Victoria. That also includes the opportunities that come from environmental flows and what they bring to communities, while maintaining and advancing the interests of the agricultural community and the primary producers in regional Victoria. Can I say also that a key aspect of what the government has sought to do is around recreational rights and Aboriginal cultural water rights. What is critical in relation to those matters is that there are no better people than our first people to learn from in

relation to being custodians of the land. Understanding the connection between our first people, the environment and the land on which we live is critical. To affirm that in legislation, to acknowledge that under law, is particularly significant to traditional owners. The link between our water corporations, catchment management authorities, local government and traditional owners and the way in which we work together to advance not only the interests but the needs and desires of communities around water policy is very significant.

I want also to touch on the fact that some of the work that we have been able to achieve in that regard has provided job opportunities for Indigenous people in a range of communities in regional Victoria. We have put them at the centre of our government's policy and its implementation in these communities and provided long-term benefits for those communities. There are always going to be some competing tensions, but I notice also that, in touching on our water corporations and the way in which they work together, what has also been important is understanding that the water corporations in Victoria need to reflect the communities that they serve. That means they need to have boards that have a make-up of 50-50 in terms of male and female representation. We had a very clear understanding. We did not brook any argument. We made sure that those seeking to represent communities and advocate to maintain those resources of water in our catchments also had to have a very clear understanding of climate change and its effects on regional communities.

Those opposite would do well to note that you do not need to talk to farmers or educate them about matters of climate change; they understand them very clearly. But it is important to also make sure that our water corporations reflect those priorities, understand the challenges that our primary producers face and make sure that we are meeting their needs and their priorities. Also, understanding the great opportunities presented by environmental flows in relation to water, improvements in our catchments and their management, the engagement of traditional owners both under law and in the way in which our waterways are managed are all shown in aspects of the bill that I think speak volumes in the way in which we have progressed these issues.

Particularly I think under former ministers Thwaites and Holding and the leadership of premiers Bracks and Brumby and our current Premier in water policy over a long period of time we have worked consistently to pick up on what people identified more than a decade ago — that water policy needs to be at the heart of the environmental and economic development of not only

Melbourne but regional Victoria. In concluding my remarks, because I know there are many other speakers and we have limited time, I think that this bill goes very clearly to maintaining and advancing the interests of both water policy and those who rely on our water resources in Melbourne and regional Victoria. With those comments I commend the bill to the house.

**Ms McLEISH** (Eildon) (15:05) — I rise to speak on the Water and Catchment Legislation Amendment Bill 2017, and I find it very interesting for a bill that is hailed as having extreme importance and significance that the lead speaker for the government spoke for only 6 minutes. I find this quite disappointing, and it really shows a lack of respect for such a bill.

This bill as we know hinges on the government's statewide water plan, which is *Water for Victoria*. Plans have actions, and in this case there are 69 associated actions. The legislation before us is the first tranche to put those actions into play. There are several purposes of this bill. The first is around the inclusion of Aboriginal comments, the second one is about the recreational benefits, and we have also got water resource assessment and sustainable water strategies. Water, we know, is vitally important to all communities and has been for as long as we care to think. If we look at the Aboriginals, being the longest continuing race of some 40 000 years, water was the backbone of their communities, as it is the backbone of modern-day communities.

Certainly water is integral to my electorate. I have got the mighty Goulburn River, the Yarra River — which is probably known a lot better by people in the metropolitan area — the Broken River and many tributaries that drain north to the Murray River. I also have Lake Eildon as a centrepiece of my electorate. It is key for water storage and was put there in the first place for irrigation purposes so it would store that water. More recently I have noticed that Lake Eildon has been used for electricity generation. Hydroelectricity is something that has existed and can happen there. It had not really happened much at all, but at the moment with power prices rocketing beyond control because of the government's closure of Hazelwood we have seen the energy companies now taking their water entitlements out of Lake Eildon to make the most of the energy prices and get a good deal. Today I noticed that there had not been any power generated from this source.

One of the most important components of water in my electorate is obviously irrigation, but so too is the recreational use of Lake Eildon. I want to make some comments on that because it is particularly important. The bill before us today provides greater recognition and consideration of the recreational value of water for

communities. This has been happening for some time. The recreational value has certainly been there, and the water authorities have started to think about this more and more. I note that the current managing director of Goulburn-Murray Water has been very positive in this regard, liaising and engaging with a number of stakeholders in the area. The bill provides legislative obligation for water and waterway managers to consider recreational values in their management decisions.

If you have a think about a body of water such as Lake Eildon, there is swimming and boating — it might be kayaking, speedboats, skiing, jetskiing, houseboating or cruising. I do note that at Lake Eildon there is an extensive houseboat business that has been doing quite well. There is also fishing. It is a great place to fish. Whether it is off the back of a boat, from one of the camping grounds on the shoreline or at the pondage, you can catch rainbow trout, brown trout, Murray cod and golden perch. Towns around Lake Eildon that are reliant on this recreational value include Eildon, Taylor Bay, Bonnie Doon, Mansfield, Goughs Bay and Macs Cove.

Lake Eildon itself has an area of about 138 square kilometres. It is really quite large. It has a reservoir capacity of 3.4 million megalitres. We know how important this is to these communities. It probably hit us hardest in the time of drought when the Lake Eildon levels dropped to 15 per cent in 2006. That was absolutely devastating and catastrophic for the communities that had relied on it. The communities in the area do understand that first and foremost Lake Eildon was put there for water storage and irrigation purposes. We are lucky at the moment that the lake is at 72 per cent, which is a very positive sign for the upcoming summer season, but four years ago we had had a lot of water and it was at 99 per cent.

There are fluctuations in the lake, but it is extremely important that its recreational value is considered. The feedback I get constantly is about environmental flows because there is a very visible drop in the water level. There is also a rise in the Goulburn River from environmental flows and as water is being released for irrigation purposes. You can actually see how high the Goulburn River gets at Molesworth and Thornton particularly. I get constant calls from people asking, 'Why have they taken water out of the lake? What's going on? What are the reasons? Are they environmental flows or is it being used much further afield for irrigation purposes?'. That can be as far as Mildura. There is a lot of debate about the use of the water from Lake Eildon through the river system.

We know that the Murray-Darling Basin covers an enormous area, and I think 2000 Australians live in and

rely on that area. We have got people from New South Wales, Victoria and South Australia, and the Murray-Darling Basin does cause a degree of grief to various stakeholders. I am pleased to see that there are some real protections and considerations that are now being given to recreational purposes. We certainly see this with other lakes as well — for example, Lake Eppalock — and even the Murray River itself. On hot days and busy weekends the Northern Highway is jammed for kilometres and kilometres coming back to Melbourne after people have travelled to those areas.

The bill also provides a legislative obligation for water and waterway managers to ensure that these resources are managed in a way that considers Aboriginal cultural, social and recreational values in the use of the waterways. I think this is a similar theme to the Yarra River protections because, as I said, waterways are important to all cultures and civilisations and certainly the Aboriginal people used the waterways for many purposes. At gathering places you would see people sitting beside rivers fishing. I want to draw the house's attention to Bill Gammage's book *The Biggest Estate on Earth*. That has a series of sketches and paintings from colonial times which document the continued use and enjoyment of waterways by Aboriginal people. There are photos and pictures of them fishing, hunting and camping by the river. If you look at Bruce Pascoe's *Dark Emu* as well, it talks about how the Aborigines managed the waterways and created a series of channels to make life for them as fishermen so much easier, rather than the concept of them just being hunters and gatherers.

I do want to support the reasoned amendment that has been put forward by the member for Euroa because it is really important in introducing the notion of a regulatory impact statement on the bill's proposed regime for salinity impact. I think it is important that the government give consideration to this. We know that in quite a number of parts of Victoria — in the western and northern parts of the state and also in central Gippsland — salinity is a problem. It requires constant attention. If you drive through or you fly over that area heading towards Mildura, you will see the evidence of dryland salting whereby the evaporation of salt pans has left extensive amounts of salt there. I think it is important that you realise that with salting you get leaching into the waterways, and that has a big impact on the health of our waterways. It can impact not only on our drinking water and agricultural and irrigation land but also on the habitats of the plants and animals that are there. I think the government is quite remiss in not having a regulatory impact statement here.



I took some time to have a look at the *Victorian Guide to Regulation*, of which there was a new addition released in November 2016. It outlines a handbook for policymakers, and the Treasurer's message talks about the Andrews government being committed to 'best practice principles in regulatory design and policy' and says that this is a vital part of the Victorian legislative system. But clearly, as we know, what I say is not what I do, and I think it is really disappointing that they have not got that at this point. More importantly, I want to read why you do need to undertake an impact assessment from that document I was just mentioning:

Impact assessment is fundamentally good policymaking. To get the most value from impact assessment, build it into policy development from the outset, rather than treat it as an additional compliance exercise at the end.

That is what is being put forward here — that this will be something that will be considered later, after the bill has passed through Parliament — and I do not think that is good enough.

**Mr PEARSON** (Essendon) (15:15) — I am delighted to make a brief contribution on the Water and Catchment Legislation Amendment Bill 2017. This is a really important piece of legislation before the house. I am delighted that the government is introducing a bill that recognises the connection that Indigenous Victorians have with water and provides, or enshrines, in legislation the opportunity for Indigenous Victorians to have a say on water management practices. I think that is a mark of respect that the government is showing and demonstrating towards first Victorians and first Australians, and I think that it is a really important initiative.

When it comes to water policy, and if you go back to the 1980s, it is really only Labor governments that make these sorts of changes and these sorts of investments. The very first water trading scheme was pioneered, I believe, in Victoria back in the 1980s. That decoupled a water right from a land holding, and it enabled people to trade water so that it could be put to the highest purpose. As a consequence of that, we started to see an increase in high value-added agricultural exports because all of a sudden there was a realisation that you could use water for a higher purpose.

You can compare and contrast that with New South Wales, which tended to go down to products which may have had a higher gross margin but were low value-added. That is why, if you look at Deniliquin, there are very large rice farms. Rice really should not be grown in Australia because of the amount of water that it uses, similar to the way that cotton is grown in the Riverina. It is low value-added produce that uses up an

awful amount of water. The yields are quite high, so I can see why they are doing it, but actually if you look at a water basin as a national asset, it is really not in the national interest to do so.

So the water trading led to the rise of that highly value-added agricultural infrastructure. If you go back to the response by the Bracks government and the Brumby government to the millennium drought back in the mid-2000s, the response to that was to make a series of investments. I note that 19 March 2007 was indeed an important day, because that was the day when the former Leader of the Opposition, Ted Baillieu, said, 'We're going to run out of water in 60 days'. He reliably informed the community on 19 March 2007 that the Thomson Dam only had 60 days of water left. So you have got those opposite who, when they were in —

**Mr Riordan** — How's the desal going?

**Mr PEARSON** — 'How's the desal going?' the member for Polwarth says. Well, I would say: how would we have gone if the then Leader of the Opposition was right, we ran out of water and we did not have a water supply? How would we go then? How would we go if we had no water? I do not think that we would still be here, I would say to the member for Polwarth. So you have got those opposite, when they are in opposition, throwing these barbs at a Labor government or Labor administrations that have made those investments in water —

**Mr Riordan** — Why don't you run the desal water down the sky rail? It'd look like an aqueduct.

**Mr PEARSON** — Really? Sky rail? I have no idea what the member for Polwarth is really talking about. Truly, this man is just extraordinary.

So we are making the critical investments that are required to ensure that, as we have got a growing population, we have got the ability to make sure that there is adequate water for the population and that we have got the ability to produce high value-added agricultural products. I have no doubt that over the course of its life there will be those opposite who will be saying down the track, 'You know about that desal plant? Yeah, we got it wrong. We were wrong'. There will come a point in time when we will need that critical infrastructure, particularly if we end up having 8 million people living in Melbourne or in the state of Victoria. That is just a reality.

**Mr Katos** interjected.

**Mr PEARSON** — The alternative is of course that we go without water and then we will see how far that

gets us. It is a really important bill that is before the house, and it builds on the work of former Labor administrations. Again, what was the response by those opposite when they got into power? They just created the Office of Living Victoria, otherwise known as the Office of Living It Up. That is what they did. They made no investments in the way the former Labor government did. We invested around about \$1 billion to line the irrigation channels in the food bowl as a way of trying to address seepage and evaporation to create significant watered gains that could then be given back to the sector. It was a really important initiative, and this bill before the house builds on that. On that note, I commend the bill to the house.

**Mr RIORDAN** (Polwarth) (15:21) — I rise also to speak on the Water and Catchment Legislation Amendment Bill 2017. My colleagues before me have made mention of the many reasons why this bill is not suitable to be passed, but we can talk about the growing approach to water use and water storage needs, and that is around recreational water use. In my patch in Polwarth of course recreational water use is a big issue. We have some of the state's best and largest naturally occurring lakes: the magnificent Lake Corangamite, sitting there as the largest permanent body of water in the whole of Australia; Lake Colac, one of the largest naturally occurring freshwater lakes; then the marvellous lakes in and around Camperdown, volcanic maars which are wonderfully deep lakes that can be freshwater or saltwater; and of course the ones out at Beeac, which have recreational use also.

My electorate of Polwarth is renowned for its lakes. Water in those areas has great local recreational use, but there is also a very, very long history of Indigenous and Aboriginal knowledge of the way these waterways can be used, from the eel fisheries, which have since European settlement provided a valuable harvest, to back in presettlement days when the Aboriginal clans across the region constructed their own eel nets and eel hatcheries. We know that these lakes have great use. But sadly, in more recent times, the value from a recreational and Indigenous cultural history perspective has been somewhat overshadowed and overlooked in the quest to provide our growing metropolitan areas with water at the expense of country areas.

We have had a great debate in the Polwarth region for some time over borefield pumping, which has been used to keep an area such as Geelong in water. It is still cheaper to pump out of the ground, damage aquifers and deplete swamps and peat bogs at the expense of the local area in order to make sure that Geelong has its supply of water. It is important that there is greater thought given to how we manage our water, our

waterways, our rivers and our catchments. We need to take into account the effect that our footprint has on local communities. For example, questions are being asked in my electorate now about the possibility of building more off-river water storage on land that is currently degraded farmland. It could be used to store peak winter and spring flows, and something like that would have an enormous benefit for catchments such as the Barwon.

We saw during a dry spell in 2015 that the Barwon River, not renowned for drying up, was on the brink of drying up completely. Better water storage and water management could have helped overcome that by providing more flows. We see man-made catchments such as the Wurdee Boluc Reservoir, where we store the precious resources from the Otways, in what could only be described as a large evaporative pool. The question quite simply is: would storing that water source closer to its source near the Otways in deeper, cooler storage have greater value to the community and be able to provide more much-needed environmental flows?

Of course more access to and more intelligent use of water captured and stored from the Otways region, whether it is the Gellibrand River, the Barwon River or other sources across the Otways, would mean that we could put less stress on a river system such as the Moorabool River system, which currently has an incredible figure of in excess of 50 per cent of its overall catchment being harvested and used for agriculture and township supply. Clearly traditional farming enterprises need that water; it is the only water they have. A valuable waterway such as the Moorabool needs its winter, spring and summer flows where possible.

We have an opportunity to better use our precious water resources for Geelong by better managing our current resources. It saddens many people to think that it gets forgotten about because it is not in the eye of those sitting in Northcote and Brunswick and it is not trendy to tie yourself to water storage in the Otways. But of course the people who live in that community very much value their water resources and they would like to see them put to better and more productive use while at the same time improving environmental values.

In excess of 200 years of settlement has seen our natural landscapes and catchments change enormously. In the Polwarth region many of the creeks and rivers that we drive over today are in fact not naturally occurring creeks and rivers; they are what were once drainage areas, so the landscape that we deal with today is a very different one to what we had originally. While it is important that we respect and look to understand more fully our Indigenous and Aboriginal past and the

way that water was managed and looked after, it is also important that we accept the new reality that exists in many of our catchments. Our catchments today will naturally behave differently; their catchment quantities, river flows and water flows are all quite different. Regardless of arguments for or against climate change and the as yet undetermined long-term effects that climate change will have on our area, we have to accept that we have changed the physical environment very much — and irretrievably to a large extent.

Catchment management and water supply are important issues to rural communities. The vast majority of our businesses, industries and enterprises rely heavily on the water supply, water catchment and water resources that we have traditionally become used to. In the Polwarth region we rely heavily on good water supply for our strong and vibrant dairy industry. In our towns we rely on good, clean, fresh water supplies to further value-add to our industries, whether it is the dairy industry or the abattoirs or even to a lesser extent manufacturing.

The growing trend in rural and regional areas to develop recreational fishing in communities and townships is also another important use of water, and a pleasing element in this legislation is the reference to water authorities now taking part in that. I know in my own community of Colac there is a strong community push to have more recreational water available. In the great scheme of things the amount of recreational water required over a period of time is not excessive or unachievable. It is an amount of water that would go a long way to restoring the environmental qualities of Lake Colac, but of course it would add greatly to the vibe of the town and to the way that people think and feel about the lake that sits on their doorstep.

At nearly 80 000 megalitres, Lake Colac has a huge catchment. It has a huge supply of water that can really add value to the lifestyle and to recreational opportunities that might exist in a country town. It is now only 2 hours from Melbourne, and it would be a great economic boon to the local tourism industry, with angling, recreational fishing, sailing, boating, yachting and other pursuits adding a lot of value to a country town. It would be another string to its bow, if you like. But of course we need a government that is prepared to put recreational considerations into the mix in helping to determine and decide how water resources are used.

**Ms D'AMBROSIO** (Minister for Energy, Environment and Climate Change) (15:29) — I am really pleased to add my voice to those in favour of the Water and Catchment Legislation Amendment Bill 2017. I am very pleased for a number of different

reasons, which I will articulate. The bill addresses a number of actions in *Water for Victoria*, and I do want to congratulate my colleague the Minister for Water. She has delivered Victoria's first comprehensive statewide water plan in more than a decade, and that is a fantastic achievement. It is all about a vision for the future and making sure that we have the right policy settings to look after one of the most precious natural resources that we have responsibility for. It is an achievement strengthened by the introduction of this bill, one that will make sure that we deliver for communities right across our state. That is absolutely the hallmark of our government in everything that we do.

This bill looks after all Victorians and ensures that the greater involvement of traditional owners in particular are involved in the management of our waterways in a truly genuine partnership arrangement. Water corporations, catchment management authorities and the Victorian environmental water holder will need to include Aboriginal Victorians in consultative committees and incorporate traditional ecological knowledge in the management of our waterways and catchments.

I can personally attest to the fantastic outcomes that can be achieved when traditional methods are incorporated into land practices. In my own areas of responsibility — forest fire management — I have been working with the Dja Dja Wurrung traditional owners, undertaking traditional burns as part of the Safer Together planned burning program. Just in July this year I was blessed to join elders at a ceremony celebrating the historical return of traditional burning to the lands. At the time our government announced a targeted \$250 000 in seed funding to enable Victorian Aboriginal leaders to develop a statewide traditional burning strategy, and I am really pleased to say that that work is well and truly underway.

Recently Scott Falconer, one of the assistant chief fire officers with Forest Fire Management Victoria, was awarded a Churchill Fellowship to travel to the United States to explore Indigenous people's involvement in land and fire management. My department will also be funding a member of the Dja Dja Wurrung people to take part in this trip so that this important partnership can continue. I am sure my colleagues the members for Bendigo East and Bendigo West are just as proud as I am of this collaboration and of what it will bring to the Bendigo region and more broadly for Victoria. As we implement our collaborative approach to land management across Victoria we will improve outcomes for our waterways, fire management and Aboriginal Victorians.

This piece of legislation also addresses another area of responsibility for me, and that is climate change. The bill ensures that we are planning for future challenges and makes sure we have a healthy water system not just for today and tomorrow but for well into the future. On 1 November, I am pleased to remind the house, the Climate Change Act 2017 commenced. We have legislated for net zero emissions by 2050, with interim emissions reduction targets every five years, and we have invested \$25.4 million in the recent budget towards taking decisive action on climate change. Across the government we have taken a holistic approach in considering how we can best defend against rising temperatures and extreme weather events.

Unlike those opposite our government is taking tangible, practical steps to ensure our policies bring Victoria into a cleaner future. As the Minister for Water embarks on the first long-term assessment of Victoria's water resource, I am proud to see that climate change is one of the top priorities on that agenda. It is policies like this that will ensure Victoria is at the forefront of the global effort to tackle climate change, whilst the federal government of course lurches from crisis to crisis. I commend the Minister for Water for carefully considering and acting in the interests of the health of our state for generations to come.

We also know that Melbourne being named the most livable city for the seventh year running is an incredible achievement in itself, but it also means we are experiencing significant population growth in our suburbs as more and more people want to call our capital home. We are undertaking significant cross-portfolio policy work and widespread community consultation to ensure that we are delivering for our unique suburban communities. This bill recognises that we have diverse communities across Victoria and that we must tailor water management planning to address specific agricultural, environmental and recreational needs.

The minister is also about to commence a review of our sustainable water strategies, which will include community consultation on how best to balance and share the environmental, consumptive and community needs for water within the existing framework. I commend the minister again for empowering communities right across Victoria to help shape our response to our changing water needs.

At its heart this bill is about inclusion and achieving the best results for the Victorian community. It is this type of legislation that will ensure all Victorians enjoy the benefits of our wonderful waterways for decades to come. I commend this bill to the house.

**Mr CRISP (Mildura) (15:35)** — I rise to make a contribution on the Water and Catchment Legislation Amendment Bill 2017. The purpose of the bill is explained in it, and there are many purposes. The ones that I am going to focus on in my speech are at clause 1(a)(vi) and (vii), which provide for functions of the minister in relation to salinity mitigation and for salinity impact charges and to validate the imposition of salinity mitigation charges.

The shadow minister has moved a reasoned amendment, which I am going to support. The amendment proposes that this house refuse to read this bill a second time until there is a regulatory impact statement completed on the bill's proposed regime for salinity impact and until the government agrees to revert to the original time frame with respect to reviewing northern Victoria's long-term water assessment plan for 2018. In particular that water assessment plan is something that is extremely important to my region. I quote Mark Twain, although sometimes the member for Essendon is better at this than I. Mark Twain said a long time ago, 'Whiskey is for drinking and water is for fighting over', and there are certain aspects of this bill that can help to make the fight as fair as possible.

In 2026 the Murray-Darling Basin Authority will have completed its major review, and no doubt there will be changes that will come about as a result of that review. Delaying our long-term strategy and water assessment until that time leaves us at risk of being railroaded by the commonwealth. We need to be forearmed going forward with our water assessments so that we can very actively know what the impacts of the Murray-Darling Basin Authority plans will be. This is important for salinity in the area because salinity has been very much a focus of irrigation in the Mallee, which is where I am from.

Regarding the salinity impact charges, the bill provides for the determination of land in the Mallee region in salinity impact zones and gives the minister the power to fix charges for works and measures to mitigate or offset salinity impacts. The scheme currently exists, but the amendments will enable these functions to be delegated to the relevant water authorities and catchment management authorities. That is an aspect of this bill that I do support.

Perhaps now a little history as to why salinity is so important in the Mallee. In geological terms, the day before yesterday the Mallee was an inland sea. Thus there are deposits of salt and saline water in the soils. Over time and with rainfall and so on these salts have become mobile through aquifers, and in many cases they drain to the Murray River and progress to the sea.

To understand how all this works there has been a lot of geological work done. It is very interesting to see how salt moves through those aquifers and the various soil strata. Generally, close to the river, salt does move to the river. That makes it a high-impact zone, so what you do close to the river can impact on the entry of salt into the river. A little further away or where the geology is a little different, salt drains away from the river, and this is deemed a low-impact zone.

The management of salinity in the river is extremely important. Most of the horticultural crops we grow are very sensitive to salt, and therefore managing those impacts is extremely important. We also know that there is a capital city at the end of the Murray River and that we need to pass water along the Murray River to South Australia in a way that allows it to be drunk at the very end of the system.

Salinity is benchmarked in the Murray by taking readings at Morgan in South Australia, and then you work backwards from that. Over the years there has been a lot of work done on salinity in various shapes and forms. We have interception works, involving the points where aquifers enter the river, intercepting the salt with tube wells and, where possible, moving that water away to an evaporation basin in the low-impact zone so that the salt will not enter the river.

There has also been a lot of work done in prevention. Some of the issues with regard to salt were produced because 100 years ago in Mildura gravity was the only way to move water, and therefore flood irrigation was common. This meant that there was a connection between the irrigation water on the top layer of the Mallee soil and the hypersaline aquifers below. The salt starts to move upwards, and when you add hydraulic load the salt moves towards the river. Through better technologies it is now possible for horticultural activities on the top to have minimal impact on the salinity, particularly in the high-impact zone. Drip irrigation can also control the amount of water used.

When saline water is diverted it is not all bad — some good can become of it. I am sure many people have seen the pink Murray River salt, known as SunSalt, which is the result of a diversion scheme near Mildura that moves the intercepted saline water to an evaporation basin where the SunSalt company proceeds to mine and produce their salt. In recent times, because of environmental flows and decisions made in New South Wales, SunSalt's supply of saline water has diminished. They are extremely anxious to produce more of their product because it is selling extremely well. Their proposal is that they link the tube wells in Victorian by an underwater pipe to New South Wales

in order to move more saline water so they can employ more people, make more salt and continue to contribute to the economy. What I have just said sounds like a great idea, but try working with the commonwealth government and two state governments on this. I admire SunSalt's persistence. I am hoping that some of the changes being made through this legislation will free up the catchment management authorities and our local water authorities so that they can work with companies like SunSalt to turn what is a pollutant into something that is a positive. There is a real opportunity to do that.

I need to make a comment that salinity in the Mallee is a major problem, but one of the major contributors to Murray River salinity has been Barr Creek, which is between Echuca and Swan Hill. There is now ongoing management of that issue. There have been a number of prevention works over the years to manage the level of salt. The most recent one runs from Nyah to the border, which was done in 1993. It has provided us with a stable framework to address these salt issues. As a result of increasing the flow of environmental water the Murray-Darling Basin plan is in fact diluting the salt that is naturally entering the river and the salt that is entering as a result of irrigation.

In looking at how all this is structured, the role of Morgan as the base mark for the measurement of water is likely to change. I understand that New South Wales and to a certain extent Victoria are very keen to maintain Morgan as a key measuring place, and that is why New South Wales has chosen to reduce the number of its active salt bores that are used for diverting saline water, and that has produced issues for SunSalt. Environmental water is acting as a dilution factor for salt as well, which is changing and improving our river.

I will go back to where we began, which is the need to do this assessment before we get to 2026. If we arrive in 2026 and we are not forearmed, we are going to get done by the process. The Murray-Darling Basin is an extremely competitive process. If we are not there fully informed, fully aware and we do not have it all backed up, Victorians are not going to get the result that they deserve or need.

'Whiskey is for drinking and water is for fighting over' is a saying that is no less true than it has ever been. This is a valuable and vital economic resource for both Victoria and in particular for my electorate. This bill is extremely important with regard to how water is managed, and in particular with regard to issues concerning salt.

**Mr RICHARDSON** (Mordialloc) (15:45) — It is a pleasure to rise and make a brief contribution on the Water and Catchment Legislation Amendment Bill 2017. I acknowledge the reasoned amendment that has been moved by the member for Euroa. I heard that a reasoned amendment was on the agenda, and I half-suspected, given the political party that the member for Euroa comes from, that there would be a deferral of this bill until The Nationals work out whether climate change is real, whether it still exists, whether the earth is still flat, or until they get their house in order. What an extraordinary contribution from some of those opposite. I will acknowledge that there are more Liberal Party members who deny climate change, especially at the national level, than there are members of The Nationals. But you can only stop at the federal leader of The Nationals, who only 18 months ago denied the human impact on climate change. The third pillar of this bill is about how you mitigate the impact of climate change on water. Climate change is an absolutely real and present threat and an issue —

**Mr Katos** — Acting Speaker, I draw your attention to the state of the house.

#### **Quorum formed.**

**Mr RICHARDSON** — You talk about climate change with Liberals and The Nationals and people get a bit funny. They get a bit hot under the collar; they get a bit shaky.

**Mr Riordan** interjected.

**Mr RICHARDSON** — I was reflecting on the fact that it is an extraordinary thing for The Nationals to be talking about water management when a key clinch for water security in the future is responding to the ever-present concerns about climate change. It impacts on everything that we do, and it is absolutely an economic and environmental imperative that we take meaningful action. That is why you see the government looking to invest in a renewable energy target and to provide mitigation work. It is all part of a package of how we deal with some of those ever-pressing changes. This bill is looking at providing those, and some of the clear focuses of the bill around clear processes to plan for future challenges such as climate change, population growth and changing demands for water are absolutely paramount in the work that we are doing.

I have to take up the interjection of the member for Polwarth. We sit on a committee together. He is good company, but it is extraordinary that he is knocking things like the desalination plant, water security for our future, which governments in terms of parliaments to

come will look back on as setting up the insurance policy for our state. Longer term we need to address how we manage our water security. That is why the *Water for Victoria* plan announced by the Minister for Water minister was so critical. It has been 13 years since we have had a comprehensive plan. Some of that investment is critical to making sure that we have that resource for the future. It cannot be any more important than it is in our farming communities for agriculture, particularly with a dry continent like Australia.

The other thing about the reasoned amendment that I wanted to touch on is that it is extraordinary that the member for Euroa is looking at salinity impacts when this bill provides the necessary rigour. This bill provides a more robust system and a more robust legislative framework for the minister's role in undertaking salinity management works and measures, including the determination of salinity impact zones and the fixing and imposition of charges to pay for the works and measures. You have already got that. This makes it more robust with more protection. I wonder if the member for Euroa wants to reflect on what has been moved. Maybe she has had a similar approach to that of the Nats on climate change. She has not done the homework and has come in here and moved a reasoned amendment that does not really stack up with the work that is being undertaken through this bill.

Another critical element is the recognition of Indigenous Victorians in their role in and involvement with water values and environmental health, which are of critical importance. Anyone who has had the honour of being part of a welcome to country ceremony will know that the significance of waterways and the land is always put forward by Indigenous elders. It is something that all our schoolchildren and all our community groups should know because it is an amazing story of the longest running civilisation in the world and its respect for and connection with land and water. I am very proud that they are recognised, that those values are enshrined in this bill and that we will be working closely with our Indigenous Victorians on these matters.

The final thing is the importance of the recreational benefit of these waterways to our state. In my electorate we have just established on Department of Environment, Land, Water and Planning land the Melbourne Cable Park. People have as recreational options wakeboarding, waterskiing — the works. We even have drag boating down in our neck of the woods. Across different regions it is important that families have that recreational involvement and enjoyment, so I am glad to see that in this bill as well. I know that

others want to make a contribution, so I will leave it at that. I commend the bill to the house.

**Ms BRITNELL** (South-West Coast) (15:52) — It gives me great pleasure to rise to speak on the Water and Catchment Legislation Amendment Bill 2017. It is really quite astounding that we are three years in with this government and the word ‘water’ has not been mentioned by those on the opposite side, given that water is such an important —

**Mr Richardson** — You weren’t here for the first year!

**Ms BRITNELL** — No, I heard and my colleagues have said quite clearly that it has taken you this long to get organised. That is no surprise, given the member for Mordialloc’s lack of understanding of the issue. He talked so much about nothing for 6 minutes and he could not even fill the whole 10 minutes. That is not to mention your colleague the member for Essendon. Clearly neither of you have been outside the tram tracks. I would welcome your visit. Come and see the farms, come and see what we contribute and see how important water is to our communities.

**The ACTING SPEAKER** (Ms Kilkenny) — Through the Chair, please.

**Ms BRITNELL** — It gives me great pleasure to rise and speak on this bill. I understand the importance of water. We do need water so that we have got good agricultural communities which contribute to both the environmental importance of our state and the food needs of not only Victoria but the world. I support the reasoned amendment and I acknowledge the importance of what is happening in the north and the importance of having an impact statement, particularly an impact statement on salinity, before we go ahead and pass a bill. They are incredibly important issues and we should not pass bills before we have knowledge about them.

I might just bring the attention back to South-West Coast, my electorate. We have an abundance of water. It has been hydrologically tested and found that our region has good, safe water underground for use in agriculture. Of the 100 per cent that we have soundly environmentally available and capped, we are using only 35 per cent. We have spoken as a region to the department and proposed that the department help us and enable us to get another 10 per cent, still soundly environmentally used. That would improve the productivity of the region enormously.

If we increased the current 35 per cent by another 10 per cent, that would enable a \$55 million investment from increased productivity back into the region. That

is based on modelling of increasing grass production, which would then be turned into milk and which would then have a value of \$55 million. We already employ people in the dairy industry. Not only the dairy industry but also the wool industry, the sheep meat industry, the beef industry and the cropping industry can benefit from an increased irrigation capacity. In the dairy industry alone we employ over 10 000 people in South-West Coast. The value currently of that milk on farm is \$192 million, of which 80 per cent gets reinjected straight back into the community, which is a figure of \$153 million.

We currently have the legislation in place to be able to have that 10 per cent extra. We just need the minister to urge the department to actually get on and find ways of doing this. Those ways are actually already identified by the great work that the people in the food and fibre group, which I was very involved with before coming into this place, have done the modelling on. If we just get people in the department doing the job that they should be doing, then that \$55 million would equate to another 340 jobs. Every \$1 million that is produced in the dairy industry in South-West Coast creates 6.17 jobs. If you put another \$55 million in, that is another 340 jobs, so it is very significant.

That is just one of the things we need to do. We need to enable that extra 10 per cent. We could obviously do more and still do it very safely from an environmental perspective. We can also access the Dilwyn aquifer, which is about a kilometre underground. I have seen schemes in Canada and there are some across the world and even in Tasmania. For a small investment of around \$2 million you can enable three to 20 irrigators along a small scheme. There is a very insignificant ongoing cost to the government, but there is increased availability of water and therefore increased productivity.

We know that the world is going to face some challenges in producing enough food for a growing population, so I think we have a sense of responsibility to be able to export food the way we do to the world and to make sure we do it responsibly. The water exists and the studies are done and we can do it in a way that increases productivity very effectively.

There is also a third point I wanted to make about how we can do better in South-West Coast, and we have the ability there already to do it. That is to allow for what is known as winter run take. Rather than allocating water in the summer to farmers, allowing them to build dams on their properties and allowing the winter run to go into the dams is far better environmentally for the river. In summer there is no take-off because they have

already got the water stored, so it is far better for river health as well.

I think what we need to do is not just put a bill in that does very little but actually get our departments that have the capacity to do things doing them now. This is a case in point: I know the food and fibre group had a meeting with the minister just recently to put this case forward, so I urge the minister to take heed and think about how we can get this going already.

The bill also talks about the importance of the Aboriginal community having some input, and I think that is really good because in the South-West Coast electorate we have got the example of the Budj Bim project, which is a project in the area north of Portland and west of Warrnambool. What we see there is that for 6500 years the Aboriginal community were eeling and using a farming system very similar to what you see today in sheep farming or cattle farming whereby you fence and rotationally graze and have rest areas. This is what the Aboriginal community were doing back then, so clearly there was an affinity and understanding of intensive farming way back 6500 years ago. It is important to make sure we do the consultation with people who have investments, such as farmers who have been farming in the area for 150 years or 180 years and the Aboriginal community who — some of them — have been farming there for 6500 years.

I do see that we have some important elements to this bill, but I do think it is rather amusing that we have the other side, as mentioned already, standing up and talking for just a few minutes on a subject they have very little knowledge about. The lead speaker could not even fill the 10 minutes allocated to talk about the importance of such an important resource that we must do well and continue to do well to manage and one we know will be something we must allocate responsibly. I think we have got an opportunity to do that very, very well in the south-west, as we have been doing for a very long time and want to continue to do as an organised group of producers and community members working with the shires and councils, the farming community, research organisations such as WestVic Dairy and the United Dairyfarmers of Victoria — all working in a way that ensures we get the best out of the region, improve our productivity and profitability, create jobs and take part in the challenge the world has in front of it.

I have probably said this in this place before: we as an organised community worldwide in the next 50 years have to produce exactly the same amount of food as we have produced since we started organised farming some 500 years ago. Before that we were just subsistence

farmers. Given that we only have about 7 per cent of the world's surface to do that on and we have an increasing population — we are predicted to get to 10 billion people in the next few years — we have a real challenge on our hands. I think we have a social obligation, and people like the community of South-West Coast have the ability to produce more responsibly and reliably to do exactly that. Enabling communities to unlock latent capacity, I think, is what we really need to see our policies providing opportunity for.

I would rather see a lot more walking the walk. We know food is important. We talk about white papers for agriculture, but so far talking the talk is about as far as I can see it going. Here is an opportunity. The food and fibre community in South-West Coast have answers. The opportunity is there. This bill does not even need to pass for that to take place. I urge the minister to work closely with the food and fibre community of South-West Coast and to get the department to get on with servicing their customers, the consumer, enabling rather than standing in the way and making life challenging. I will leave it at that.

**Ms GREEN** (Yan Yean) (16:01) — I am always pleased to join debate on any water bills that are before this house, and I am pleased today to join the debate on the Water and Catchment Legislation Amendment Bill 2017. I say at the outset that we have been asked to curtail our contributions, so in the time that I have before me — it would be about half the normal 10 minutes speaking time — I do want to say that I speak in support of the bill but against the amendment proposed by the member for Euroa, which says that there must be a regulatory impact statement completed on the bill's proposed regime for salinity impact. In practice, water agencies have been dealing with the impact of salinity for I think now almost my youngest son's entire life — he is 27 — since certainly the early to mid-90s. To actually delay something along these lines I think would actually disadvantage those the National Party would purport to represent.

The second part of the amendment is saying that there should be a regulatory impact statement on salinity impact until the government agrees to revert to the original time frame for reviewing northern Victoria's long-term water assessment plan for 2018. The bill says that we should be aligning the date for the long-term water resource assessment for northern Victoria with the context of the commonwealth's review of the Murray-Darling Basin plan in 2026. I think the community has been engaged in that plan for some long period of time, and I think the community wants to see all three states — actually I think there might be four —



that are party to that plan and the commonwealth actually trying to get this right.

In relation to the substantive part of the bill, I am really pleased to see that it enshrines the involvement of Aboriginal people and other cultural values and uses of the waterways. The member for South-West Coast mentioned Budj Bim, which is just out of Macarthur and just out of Heywood. I was there about six or eight weeks ago, around the time of the regional partnership forum — the day after. At school, probably like the member for South-West Coast given that we went to the same school — I am not sure, she was a few years behind me —

**Ms Britnell** interjected.

**Ms GREEN** — Not that many — four or five. Our school used to have a school camp at what was called Mount Eccles in those days. I must say to see how that land and those waterways are being managed now is just so different. It is just so amazing with the return of the water there. There is 6600-year-old evidence of the world's longest continuous civilisation, the Australian Indigenous people, the Gunditjmarra. There is evidence that they were involved in aquaculture. There are stone structures of aquaculture for the farming of eels that date back to 6600 years ago. That is actually older than Stonehenge and older than the Pyramids.

I am really pleased that our government and the federal government are supporting an application for World Heritage listing for this location. There are also stone houses there. So that whole assumption since European colonisation that our Indigenous people were purely nomadic and had made little impact on the land could not be further from the truth in the south-west of the state. I really look forward to when the United Nations Educational, Scientific and Cultural Organization comes out to do that assessment. I think it will be an absolute game changer not just for tourism in this state, in this country, but worldwide. For those of us who are descendant of the colonising people over the last 200 or so years I think that it will really make a difference in connecting us to that culture and making reparations for what has occurred to Indigenous people over that time.

To see that Indigenous people are now involved in managing that country and managing those waterways in the ways that they would have done thousands of years ago is a bit similar to the Yarra River Protection (Wilip-gin Birrarung murrn) Bill 2017 we introduced. That was the first time that Indigenous people in the Wurundjeri-willam clan and other related parties in the Port Phillip region have actually spoken in this chamber in Wurundjeri language. The bill that was before the

house then involves our Indigenous people in managing the Yarra, Birrarung Marr. With the Plenty River and other tributaries — Darebin Creek and Merri Creek are tributaries of that river — across our state, I think that having Indigenous people managing those waterways and their connection to country is something we can only learn a lot from. So I think that is a really important part to have within this bill in giving effect to the Victorian water plan.

We are a government that is really about ensuring water security. In previous governments that I have had the privilege to serve in, we have really wanted to get ahead of the game with climate change and with cyclical droughts that are becoming more and more significant in our state. A water grid allows us to make the most of the scarce resources, to continue to have potable water for communities across Victoria and to have access for domestic use and also for commercial use because we need to have jobs growth in regional Victoria. But it is particularly important for agriculture that we have water across the state.

I commend the work of the Minister for Water. Like she does in every portfolio that she grabs hold of, she is incredibly diligent and makes sure she gets across the detail. This bill is another example of that attention to detail from this minister and is in stark contrast to those opposite, like the member for Murray Plains and Leader of The Nationals, and their approach to water. They might talk tough now and say that they actually care about farmers and the agricultural sector having access to decent water and a decent regime, but it was so different on their watch. All we saw was the Office of Living It Up. They were more interested in featherbedding for their National Party mates and staff members, as was found by independent inquiries and reports tabled in this Parliament. This side of politics would not have indulged in something as appalling as those opposite did with that complete misuse of money — the signing of agreements and tenders with no tender process, involving National Party mates and electorate officers who had no experience with water at all and who were making huge profits out of this sector. We will not do that on this side of the house. We will not be like the Leader of The Nationals and his indolent and wasteful Office of Living It Up. We will be more diligent and actually have a plan that connects to people in the community and looks to the future, not just simple featherbedding. I commend the bill to the house.

**Ms SHEED** (Shepparton) (16:11) — I rise to make a contribution in relation to the Water and Catchment Legislation Amendment Bill 2017. In doing so it was interesting to hear from a range of members across this house because of the geographical diversity of a

number of those who have spoken. Water means different things to different people in different parts of the state. In the north we are very dry, and irrigation is the lifeblood of our communities. That terminology is used very commonly up in our region. Water is an extremely complex issue and no more so than up our way, and with the overlay of the Murray-Darling Basin plan that complexity is even greater.

I must say that when there was a reshuffle in this government just a couple of years ago and our water minister was made the police minister, I was very pleased that she held onto the water portfolio, because for someone to come in cold and try to understand it would have been a very big challenge. I think the minister has been well received in our northern communities in relation to water issues. Her support for communities in relation to the Murray-Darling Basin plan and how that impacts on Victoria has been commendable to date. We urge her to continue on the path that she has taken, particularly as it relates to the 450 gigalitres of water that we are at risk of seeing come out of our communities to service South Australia's needs.

This is a bill that will amend the Water Act 1989 and the Catchment and Land Protection Act 1994 to provide recognition of the social and recreational value of waterways and catchments as well as the involvement of Aboriginal Victorians in their management and planning. From my observations, those things have been happening for a very long time; this legislation is really just embedding that notion in the legislation. I have noticed over many years with my involvement through various organisations that we seek to have Aboriginal input into many aspects of water management and land management. Indeed I think we would all be well aware that it is quite an impost on our Aboriginal communities to be able to service all the committees, boards and organisations that we have in our communities where we are wanting input from our Indigenous communities, so we need to recognise that as part of the burden that they bear in giving us information.

In relation to recreational matters, again sometimes I do think sometimes city people do not realise how important our waterways are to us in the country. We have something like 30 000 visitors to the Murray River on the Victorian side between Yarrowonga and Echuca. Correct me if I am wrong on those numbers, anyone, but it is huge. They go up there, they camp, they use the Murray and they enjoy the beaches that are created along the Murray during the summer. There was a year when environmental water was sent down the river by the Murray-Darling Basin Authority

(MDBA) during the summer, and of course all those beaches were under water. The river was flowing at such a height that it really affected tourism in the area and the numbers of people who came to our Murray River towns. Lessons were learned from that, and I understand they are doing things better.

Among other objectives, this legislation also aims to reset long-term water resource assessments and to push out the commencement date from 2018 to 2025 to coincide with the commonwealth review of the Murray-Darling Basin plan in 2026. I do not feel confident that that is an appropriate step. I would urge the government to go ahead with its assessment at the time that it intended to, at the time that is currently legislated for, rather than pushing it out, because I have very little confidence in the Murray-Darling Basin Authority being on task and undertaking the sort of review it is meant to do by 2026. Given the extraordinary disarray which exists throughout the Murray-Darling Basin currently, I see that as a really important issue for the government. Victoria needs to be doing its own assessment and understanding where it sits across the whole of Victoria, but no more so than in our northern communities.

The bill makes clear the role of the Victorian water minister to engage with irrigators and ensure measures to control salinity levels in the north of the state. We remember the serious salinity problems, probably of the 1980s and 90s, but in some ways it has been easy for us to forget that in the north for a while because of the millennium drought which sort of defrayed some of those concerns. In fact it is easy to forget a lot of things about water, but I well recall the time when there was a real possibility that Melbourne might one day be without water. The drought was such that it was so concerning and so very important that there be enough resource in the state for people to have enough just for human consumption. It is easy to forget these things, and when I hear the political banter between the parties about desalination and all of those things I often think, 'But do you remember that Melbourne could have run out of water had that drought gone on?'. I think it is very important that we acknowledge our history.

Victoria has a strong history of water reform over many years with emphasis on compliance demonstrated by its strict metering of water throughout Victoria and in particular northern Victoria, where the modernisation has been going on. I think we need more transparency in some respects, particularly in relation to the operation of the water register. Overall, Victoria has pulled its weight in relation to the Murray-Darling Basin plan, and it has often been said in our regional areas that our rural communities have done much of the

heavy lifting when it comes to the provision of water for the environment to date.

The Murray-Darling Basin Authority and the management around water is really at a crisis point as far as I can see, and to just highlight that I would like to draw this house's attention to the fact that there are numerous inquiries, reviews and indeed a royal commission now happening. On 24 July this year *Four Corners* ran a program in relation to the abuse of water resources, particularly in northern New South Wales. As a result of that the New South Wales government set up an independent inquiry, headed by Ken Matthews. He handed down an interim report on 11 September. It was damning and found that the state's water compliance and enforcement have been ineffectual and require significant and urgent improvements.

Following on from that *Four Corners* report the commonwealth initiated a Murray-Darling Basin Authority review of compliance in the basin and set up an independent panel to work side by side with that. That was released just on Saturday. Again, it was quite damning of many aspects of water management across particularly New South Wales and Queensland, with some observations about the other states. That is two. The third one is the Australian National Audit Office audit of the national partnership agreement. That also looks at issues around performance under the Murray-Darling Basin agreement. The fourth one is referrals of persons to the New South Wales Independent Commission Against Corruption, again arising out of the *Four Corners* report.

A Senate inquiry into the integrity of the water market, moved by Senator Hanson-Young, is currently underway. The Ernst & Young report is currently being undertaken and will be delivered to the ministerial council on 19 December looking at how the 450 gigalitres might be recovered. South Australia has established a royal commission into this matter. The New South Wales Ombudsman has delivered two reports in relation to water compliance in New South Wales, and the two of them have been buried. An interim one was tabled in Parliament just recently and raises very serious concerns about water management.

Don Blackmore chaired the expert panel which was set up by the ministers for water in New South Wales and Victoria. He raised a number of concerns about the Murray-Darling Basin plan's initial establishment, the lack of benchmarks, the lack of agreement across a range of things and a real lack of transparency in the MDBA. The Productivity Commission has looked at the issue of water, and it is understood that next year it

will be looking into the effectiveness of the Murray-Darling Basin Authority.

I think based on all of that we can see that water management is a shambles. Water management, as a result of many things but in particular the Murray-Darling Basin plan, the Murray-Darling Basin Authority's own issues, the behaviour of the state of New South Wales and the state of Queensland, and the demands of South Australia, leaves us in a position where we as communities in regional Victoria are extremely concerned. We believe that the Murray-Darling Basin plan should be put on pause: hit the pause button, let all these inquiries run their course and let us find out what has really been happening and what should really happen to properly manage our water resources.

**Mr HOWARD** (Buninyong) (16:21) — I am pleased to add my comments in regard to this important piece of legislation before the house, the Water and Catchment Legislation Amendment Bill 2017. As we know, and as others who have already spoken on this bill recognised, water is one of those resources that is so important to human life. It is important to community life and central to so much that we do in our communities and across this state.

We know that good governments recognise that we need to look ahead to keep tabs on our water resources and to ensure that we can plan ahead in terms of the water use that people want to take advantage of in the years ahead. We know of course that a potable water supply is important for drinking — for human and animal consumption and in industry. We know it is important when growing our crops in irrigation areas in particular but also in other areas, and we know it is important for recreation.

If we do not keep an eye on the water resources that are available to us, we can end up in dire circumstances. I am thoroughly aware of that in my electorate of Buninyong. I remember particularly my earlier time in government when we saw over a number of years below average rainfall. While people kept thinking, 'It will rain; we'll get the rain sooner or later', we had a period of 11 years of below-average rainfall until 2009. It was very important that the government had been watching these issues develop and had planned ahead.

A city like Ballarat would have been out of water by 2009 had the former Labor government not invested in the goldfields super-pipe that brought water to Bendigo and to Ballarat from central Victoria and recognised that we need to look at our water supplies over the whole of the state, to link them together as needed and

to make the best use of that water. The former Labor government of course also constructed most of the Wimmera–Mallee pipeline, which had seen irrigation water previously wasted or water running from the Grampians to other areas, to ensure that farming territory in the Wimmera and Mallee had water supply. We saw that so much of that was being wasted as it was running through poor-quality irrigation canals and into the sand before it ever got to its final destination.

A whole lot has happened under good government leadership to ensure that irrigation water is better used and that we keep water within pipes rather than in open irrigation channels. We know that within an urban setting — and we have educated our community so well in recent years — it is inappropriate to wash cars with hose water. We know it is important to manage water sensibly within our homes, using a range of sensible water-saving principles.

I was pleased to visit a school in my electorate, St James Parish School in Sebastopol, late last week. The students there had undertaken a range of sustainable practices, and one of them was to ensure that across their school community they were aware of their water usage. They put signage around their taps at the school to make sure people did not waste water, and they were getting that message out there.

It is important that no government takes this for granted, and that is why this government last year produced its *Water for Victoria* plan, which plans ahead for the next 10, 15 and 20 years and recognises that we need to continue to do regular assessments of our water supplies around the state and that we need to talk with our communities about the appropriate usage of water.

In this bill, as well as recognising the importance of water for irrigation and the importance of ensuring that we keep our potable water supplies maintained, we need to recognise that recreation is important and that a range of recreational uses need to be recognised within our legislation, just as we recognise that our Indigenous communities have had special historical associations with water and need to be included in consultation in regard to the best ways to use our water.

The other important thing in my community has been recognising that there are a number of stressed rivers. There are stressed rivers right across the state, but none are more stressed than those in the Leigh-Moorabool catchment area. So we have needed to recognise that we have to maintain environmental flows — that is, that we cannot retain all water just for human consumption, for industrial use and for irrigation. We need to ensure environmental flows. This bill attempts

to ensure that we get the balance right and that we do our regular assessments — not just for the north of the state, where we know there are certainly issues of water availability into the future, but for all of the state.

Of course I would have loved to have been able to talk for the full 10 minutes normally available to members, but I know that we have an important legislative program to continue with this week, so I want to commend the Minister for Water on the great work she has done and say that I am really pleased to be part of a government that recognises that we do need to keep looking ahead in terms of recognising the importance of our water usage. This bill is vitally important to keep moving on to see that we are planning for the next 10 or 15 years, and I commend this bill to the house.

**Debate adjourned on motion of Ms HALFPENNY (Thomastown).**

**Debate adjourned until later this day.**

## **VOLUNTARY ASSISTED DYING BILL 2017**

### *Council's amendments*

#### **Message from Council relating to following amendments considered:**

1. Clause 3, page 6, after line 4, insert—
 

*“mental illness* has the same meaning as in the **Mental Health Act 2014;**”.
2. Clause 3, page 7, after line 3 insert—
 

*“psychiatrist* means a person who is registered under the Health Practitioner Regulation National Law as a medical practitioner in the speciality of psychiatry (other than as a student);”.
3. Clause 9, line 9, omit “be”.
4. Clause 9, line 10, before “an” insert “be”.
5. Clause 9, line 12, omit all words and expressions on this line and insert—
 

“(ii) be ordinarily resident in Victoria; and

(iii) at the time of making a first request, have been ordinarily resident in Victoria for at least 12 months; and”.
6. Clause 9, line 22, omit “12 months” and insert “6 months”.
7. Clause 9, page 16, after line 4 insert—
 

“( ) Despite subsection (1)(d)(iii), if the person is diagnosed with a disease, illness or medical condition that is neurodegenerative, that

- disease, illness or medical condition must be expected to cause death within weeks or months, not exceeding 12 months.”.
8. Clause 18, lines 19 to 22, omit “the co-ordinating medical practitioner must refer the person to a registered health practitioner who has appropriate skills and training” and insert “for example, due to a past or current mental illness of the person, the co-ordinating medical practitioner must refer the person to a registered health practitioner who has appropriate skills and training, such as a psychiatrist in the case of mental illness”.
9. Clause 18, page 21, after line 7, insert—
- “( ) If the co-ordinating medical practitioner is able to determine that the person has a disease, illness or medical condition that is neurodegenerative in accordance with section 9(4) that—
- (a) will cause death; and
- (b) is expected to cause death between 6 and 12 months—
- the co-ordinating medical practitioner must refer the person to a specialist registered medical practitioner who has appropriate skills and training in that particular disease, illness or medical condition that is neurodegenerative, whether or not the co-ordinating medical practitioner had also made a referral under subsection (2).
- ( ) The specialist registered medical practitioner referred to in subsection (4) must—
- (a) determine whether the person has a disease, illness or medical condition that is neurodegenerative that—
- (i) will cause death; and
- (ii) is expected to cause death between 6 and 12 months; and
- (b) provide a clinical report to the co-ordinating medical practitioner that sets out the specialist registered medical practitioner’s determination.
- ( ) If the co-ordinating medical practitioner refers the person to a specialist registered medical practitioner under subsection (4), the co-ordinating medical practitioner must adopt the determination of the specialist registered medical practitioner in respect of the matter in relation to which the person was referred.”.
10. Clause 19, line 31 omit “process.” and insert “process;”.
11. Clause 19, after line 31 insert—
- “( ) that if the person is receiving ongoing health services from a registered medical practitioner other than the co-ordinating medical practitioner, the person is encouraged to inform the registered medical practitioner of the person’s request to access voluntary assisted dying.”.
12. Clause 19, page 21, before line 32 insert—
- “( ) In addition to the matters of which the co-ordinating medical practitioner must inform the person under subsection (1), the co-ordinating medical practitioner must, if the person consents, take all reasonable steps to fully explain to a member of the family of the person—
- (a) all relevant clinical guidelines; and
- (b) a plan in respect of the self-administration of a voluntary assisted dying substance for the purpose of causing death.”.
13. Clause 27, lines 22 to 24, omit “the consulting medical practitioner must refer the person to a registered health practitioner who has appropriate skills and training” and insert “, for example, due to a past or current mental illness of the person, the consulting medical practitioner must refer the person to a registered health practitioner who has appropriate skills and training, such as a psychiatrist in the case of mental illness”.
14. Clause 28, line 34 omit “process.” and insert “process;”.
15. Clause 28, after line 34 insert—
- “( ) that if the person is receiving ongoing health services from a registered medical practitioner other than the co-ordinating medical practitioner, the person is encouraged to inform the registered medical practitioner of the person’s request to access voluntary assisted dying.”.
16. Clause 39, line 30 omit “one month” and insert “15 days”.
17. Clause 45, line 19 omit “one month” and insert “15 days”.
18. Heading to clause 67, after “Registrar” insert “and Coroner”.
19. Clause 67, after line 34 insert—
- “( ) A registered medical practitioner who was responsible for a person’s medical care immediately before death, or who examines the body of a deceased person after death and reasonably believes or knows the person was the subject of a voluntary assisted dying permit must notify the Coroner of—
- (a) the registered medical practitioner’s reasonable belief or knowledge that the person—
- (i) was the subject of a voluntary assisted dying permit and the

voluntary assisted dying substance specified in the permit was not self-administered by the person or administered to the person; or

(ii) was the subject of a self-administration permit and accessed voluntary assisted dying by self-administering the voluntary assisted dying substance specified in the permit; or

(iii) was the subject of a practitioner administration permit and accessed voluntary assisted dying by being administered the voluntary assisted dying substance specified in the permit; and

(b) the disease, illness or medical condition that was the grounds for the person to access voluntary assisted dying.”

20. Clause 68, after line 9 insert—

“( ) was or was not ordinarily resident in Victoria for at least 12 months at the time of making a first request; or”.

21. Clause 68, after line 17 insert—

“( ) was or was not ordinarily resident in Victoria for at least 12 months at the time of making a first request; or”.

22. Clause 72, after line 34 insert—

“( ) a person was ordinarily resident in Victoria for at least 12 months at the time of making a first request; or

( ) a person was not ordinarily resident in Victoria for at least 12 months at the time of making a first request; or”.

23. Clause 89, line 26 omit “one month” and insert “15 days”.

24. Insert the following New Clause to follow clause 105—

**“AA Board to provide information to the contact person after the notification of the person’s death**

The Board must within 7 days of being notified by the Registrar of the registration of a person’s death in accordance with section 40A of the **Births, Deaths and Marriages Registration Act 1996** provide information to the contact person for the person that—

(a) sets out the requirement under section 45(c) to return any unused or remaining voluntary assisted dying substance to a pharmacist at the dispensing pharmacy; and

(b) outlines the support services available to assist the contact person with the performance of the requirement referred to in paragraph (a).”.

25. Insert the following New Clause to follow clause 115—

**“A Board to record, retain and make public statistical information**

(1) The Board must record and retain statistical information about—

(a) persons who have been issued with a voluntary assisted dying permit; and

(b) persons who have died after being administered or self-administering a voluntary assisted dying substance in accordance with this Act.

(2) The following statistical information must be recorded and retained in respect of the persons referred to in subsection (1)—

(a) the disease, illness or medical condition of the person that met the requirements of the eligibility criteria; and

(b) if the person has died after being administered or self-administering a voluntary assisted dying substance in accordance with this Act—the age of the person at the date of the person’s death.

(3) The Board must make the statistical information recorded and retained publicly available in a de-identified form on an Internet site maintained by the Board.”.

26. Clause 117, line 12 omit “records the cause of” and insert “records—”.

27. Clause 117, lines 13 to 15, omit all words and expressions on these lines and insert—

“(a) the cause of death as the disease, illness or medical condition that was the grounds for a person to access voluntary assisted dying; and

(b) in the case that the Registrar is notified in accordance with section 67(1)(a)(ii) or (iii), that—

(i) the person was the subject of a voluntary assisted dying permit, and accessed voluntary assisted dying by self-administering, or being administered by the person’s co-ordinating medical practitioner the voluntary assisted dying substance specified in the permit; and

(ii) voluntary assisted dying was the manner of death.”.

28. Clause 119, after line 11 insert—

**Note**

1. Section 14 includes a power for a coroner to investigate whether or not a death is a reportable death. If the death of a person is or may be due to the self-administration or administration of a voluntary assisted dying substance within the meaning of the **Voluntary Assisted Dying Act 2017** other than in accordance with that Act, the coroner could investigate the death under section 14.
2. Section 52(1) provides for a coroner to hold an inquest into any death that the coroner is investigating.”.

29. Schedule 1, Form 1, page 97, line 24, after “Victoria” insert “and was ordinarily resident in Victoria for at least 12 months at the time of making a first request”.

30. Schedule 1, Form 1, page 97, line 32 omit “12 months” and insert “6 months or, in the case of a disease, illness or medical condition that is neurodegenerative, not exceeding 12 months”.

31. Schedule 1, Form 1, page 98, after line 17 insert—

“Was a referral required for a specialist opinion in relation to whether the person’s disease, illness or medical condition was a disease, illness or medical condition that is neurodegenerative that would cause death and was expected to cause death between 6 and 12 months?

- Yes  
 No

If a referral was required, provide details of the referral and attach a clinical report from that specialist.”.

32. Schedule 1, Form 1, page 98, line 32 omit “process.” and insert “process;”.

33. Schedule 1, Form 1, page 98, after line 32 insert—

“(g) that if the person is receiving ongoing health services from a registered medical practitioner other than the co-ordinating medical practitioner, the person is encouraged to inform the registered medical practitioner of the person’s request to access voluntary assisted dying.

To the best of my knowledge the person informed the relevant registered medical practitioner of the person’s request to access voluntary assisted dying—

- Yes  
 No

If No, why not?

[Specify reasons]”.

34. Schedule 1, Form 1, page 98, after line 32 insert—

“I have, with the consent of the person, taken all reasonable steps to fully explain to a member of the family of the person, all relevant clinical guidelines; and a plan in respect of the self-administration of a voluntary assisted dying substance for the purpose of causing death.”.

35. Schedule 1, Form 2, page 102, line 18, after “Victoria” insert “and was ordinarily resident in Victoria for at least 12 months at the time of making a first request”.

36. Schedule 1, Form 2, page 102, line 26 omit “12 months” and insert “6 months or, in the case of a disease, illness or medical condition that is neurodegenerative, not exceeding 12 months”.

37. Schedule 1, Form 2, page 103, line 27 omit “process.” and insert “process;”.

38. Schedule 1, Form 2, page 103, after line 27 insert—

“(g) that if the person is receiving ongoing health services from a registered medical practitioner other than the co-ordinating medical practitioner, the person is encouraged to inform the registered medical practitioner of the person’s request to access voluntary assisted dying.

To the best of my knowledge the person informed the relevant registered medical practitioner of the person’s request to access voluntary assisted dying—

- Yes  
 No

If No, why not?

[Specify reasons]”.

39. Schedule 1, Form 4, page 111, line 25 omit “one month” and insert “15 days”.

**Ms HENNESSY** (Minister for Health) (16:28) — I move:

That the amendments be agreed to.

In speaking to my motion I would like to note and underscore the fact that the Voluntary Assisted Dying Bill 2017 was passed by the Legislative Council with a number of amendments. Whilst the government took the view when the bill was in this chamber that we would seek to pass it without amendment — and ultimately a majority of members of this chamber voted to that end — it is not something that I shy away from that a number of compromises were required in order to secure passage of the bill through the Legislative Council.

As a person who engaged with members of the Legislative Council to discuss possible amendments — our first and foremost priority was around protecting

the integrity of the bill and the framework that has been so meticulously debated and designed — I am very confident in providing advice to this chamber that that objective has been achieved. Those compromises provided sufficient comfort to members of the Legislative Council to support the bill, but very importantly did not undermine the integrity of the bill or the framework.

I will just briefly step through the amendments that have been outlined. The default eligibility for access to voluntary assisted dying was altered from being for people expected to die within weeks or months but no longer than 12 months down to 6 months, with an additional amendment, that was supported, that contains an exception for people with neurodegenerative disorders who will be able to request voluntary assisted dying when their death is expected within 12 months. In those cases an additional independent assessment will be required by a specialist with expertise in that person's disease.

One of the other amendments that has passed related to the concept of 'ordinarily a resident of Victoria', a matter that was a subject of great speculation and debate when it was in this chamber. There has been an amendment accepted that a person must have lived in Victoria for at least 12 months before being able to make a request for voluntary assisted dying. That requirement is now an express provision of the bill.

An additional amendment that passed the Council was that a person who has a mental illness must be referred to a psychiatrist for an assessment. I would make the argument that that was already an inherent requirement of the bill, but that was made explicit by virtue of an amendment insofar as it relates to mental illness and the potential impact that might have on decision-making capacity. Both assessing doctors must encourage the person to inform their regular doctor of their intention to access voluntary assisted dying.

If the assessing doctor is not the person's regular doctor then the outcome of that conversation must be recorded on the schedule was another amendment that passed the Legislative Council. Also that the contact person will be required to return any unused voluntary assisted dying substance within 15 days as opposed to the 30 days that was in the original bill, and that the Voluntary Assisted Dying Review Board be given a role to follow up with the contact person in order to advise on the safe return of any unused medication within the prescribed time.

We also had great debate in this chamber about the inherent jurisdiction of the coroner. A compromise

position in the Legislative Council that was struck was that a note be added to the bill that the coroner be informed of all voluntary assisted dying deaths, but the deaths still remain non-reportable; again it would be my argument that that was already inherent in the bill, but making that explicit really spoke to some of the concerns of some members of the Legislative Council.

The death certificate for people who have accessed voluntary assisted dying will now record the manner of death as voluntary assisted dying, but the cause of death will remain the underlying condition. Again, a reasonably contested debate has occurred on those very issues and I note that in our earlier debate about deferral of consideration of these amendments that was a matter of some concern to the member for Box Hill. Given his interest in that issue, I trust that goes some way to addressing his concerns. The doctor, with the consent of the person, will be required to explain to the family the process of voluntary assisted dying, and self-administration is an additional amendment. Finally, additional requirements for information to be collected by the Voluntary Assisted Dying Review Board will be provided to Parliament.

That is a summary of the amendments that were agreed upon and were the subject of a majority vote in the Legislative Council. I know there are some that will make the argument that, given that the government took the view that it did in respect of amendments when the bill was being considered in the Assembly, perhaps some of those amendments will go to addressing their concerns. I would make the observation that the house of review has done its job. The position of the government is that we have not accepted any amendments that would undermine the integrity of the bill, but we recognised that compromise was required if we were to secure the successful passage of the bill through the house.

This bill has been the subject of one of the longest debates ever in the Parliament of Victoria, a matter that all of us have felt at a physical, intellectual, political and emotional level. In acknowledging that I also want to use this opportunity to express my gratitude to the parliamentary staff, in particular to the office of parliamentary counsel that I know have worked tirelessly. As a person who has worked with them in respect of that I want to have Hansard record my gratitude to them as well.

In response to the member for Box Hill's earlier contribution when we were considering this issue from a procedural perspective, I made the point that the Legislative Assembly considered this bill at the second-reading stage for 16 hours and 28 minutes. It



considered it in detail for 20 hours and 37 minutes. When the matter went to the Legislative Council it considered it at second reading and was debated for 14 hours, and then the committee stage of the Legislative Council considered the bill for 47 hours and 27 minutes.

That is a significant period of time and it is certainly my view that the time for consideration and to vote on this bill including the amendments is now. This is a matter that had its genesis two and a half years ago with the upper house parliamentary committee, a matter that was the subject of great debate and consultation, as was the process used by the ministerial advisory panel — and I would like to again acknowledge the panel members, particularly the chair, Brian Owler, and express my gratitude to the members of the upper house committee as well.

This has been a long, contested, debated and consultative process. The Parliament in my view has done its job. It has expressed its will by virtue of majority votes in both the Assembly chamber and the Council chamber, and it is my contention to this chamber and to members of Parliament that it is now time for us to do our job.

Often in the course of this debate we have heard the argument that this bill does not come into effect until 2019, so what is a little more delay? My rejoinder to that is that the implementation work, if this bill is successfully passed, can only begin if this bill is passed. It would require the Governor's assent to the legal provisions in this bill for the implementation period to be activated. So I think referring to the 2019 date is a misnomer of an argument. I think it is a Trojan horse argument in which people have sought to delay and defer consideration of this bill. It is a bill that has been thoroughly considered and debated not only by this Parliament but by members of the community and by expert advice. For those who are suffering unbearable pain and unbearable suffering with terminal illnesses, I implore and beg of this Parliament for us to focus on their needs, to get on with doing our job and to not seek to delay or defer this bill anymore.

When I say that I wish this bill a speedy passage through the house, I cannot say it with any more passion, desire, ambition and hope than that. But I wish this bill a very speedy passage through the house.

**Mr CLARK (Box Hill) (16:38)** — As the debate on this bill has progressed, it has become increasingly clear that Victoria has a huge shortfall in the availability of palliative care. On a conservative estimate more than 10 000 Victorians are dying in needless pain each year

because they cannot get palliative care. While those who urge this bill upon us argue passionately that voluntary assisted dying (VAD) is needed to end the suffering of 150 Victorians a year, they intend to leave more than 60 times that number to continue to die in pain. This should be completely unacceptable to anyone. Whether you support VAD in principle or not, we should all be agreed that no Victorian should be forced to choose VAD because they cannot get access to palliative care that would ease their pain. I appeal to all members of this house not to allow this bill to proceed until that situation has been ended. For that reason I move:

That all the words after 'amendments' be omitted with the view of inserting in their place the words 'be deferred indefinitely'.

I ask that that amendment be circulated.

If this bill is passed, the well-off worried well, like the Andrew Dentons and the Brian Owlars of this world, may feel able to sleep more soundly in the belief that they will qualify, if needed, to take home a bottle of VAD substance to ease their fears of what may lie ahead. However, while they may sleep soundly in their new-found comfort, the marginalised, the impoverished, the disadvantaged and the rural battlers will continue to die with nights made sleepless not just by fears of the future, but by real, present and unrelenting pain.

It seems the Premier's slogan is now that equality is not negotiable except for palliative care. Suffering is not just a statistic; it is about real people. It is about the man who was left lying alone with an untreated maggot-infested tumour, unable to sleep for weeks due to the pain and receiving nothing but occasional wound dressing from his local GP's clinic. It is about the man who was sent home to rural Victoria from a major metropolitan hospital after five days of radiology with no access to palliative care and who eventually turned up at a small rural hospital with severe pain and shortness of breath despite having taken huge quantities of inappropriate pain medicines that would have soon killed him. It is about the daughter phoning around desperately seeking pain relief for her mother suffering from bone cancer after her oncologist and GP could do nothing to help and the community palliative care service was unable to see her for several days. It is about the 94-year-old woman sent from hospital to residential care while still suffering from severe stomach pain, whose visiting GP removed the pain patch because he thought it was causing constipation but gave her no alternative pain relief.

These are the gaps and inadequacies in palliative care in Victoria at the moment. That is the reality that we are

facing. They are a few examples of the thousands of Victorians who are being left to die in needless pain and who will continue to die in needless pain despite this bill. For all the sanctimonious talk of compassion, for month after month the Premier and the Minister for Health have ignored those needs. They pretended they did not even exist. Suddenly two weeks ago they scrambled to announce a hopelessly inadequate package — a package rushed out on a Tuesday with one set of item descriptions, and not until Thursday, two days later, was a press release issued with a completely reworked set of descriptions. The package that was announced two weeks ago provides just \$9 million a year in ongoing palliative care funding compared to the \$65 million a year minimum that Palliative Care Victoria estimates is needed. In other words, it will barely meet the needs of one Victorian in seven who cannot get palliative care. The other six out of seven dying Victorians can just continue to die in pain as far as the Premier and the Minister for Health are concerned.

Even the government admits this package will provide home-based palliative care for only 1215 dying patients a year across rural and regional Victoria. There are no additional inpatient palliative care beds whatsoever, while the extra funding for palliative care consultancy services provides less than one-third of the funding needed across Victoria, where 60 per cent of consultancy services are currently unable to meet demand. On top of that there is no funding in the package to ensure workforce availability nor for education for other health professionals in palliative care. That is despite the fact that ignorance amongst health professionals about modern pain relief techniques is one of the biggest contributors to needless pain for dying Victorians. This is something we learned from the many, many examples of painful deaths that were cited during the course of this debate — deaths where, on closer examination, pain could have been avoided with proper palliative care.

The package that was announced by the government two weeks ago was accompanied by an announcement of yet another review of palliative care services and their funding — a review that is required to be completed in just three months — and that is after the government has sat on its hands and done virtually nothing for two years since the Auditor-General recommended that the government review palliative care service provision as a priority to understand gaps in the system, to better forecast demand and to inform future service planning. It is also after the government has done virtually nothing since the end-of-life choices report in 2016 made 28 recommendations to improve palliative care.

Those rural members who were led to believe the government's package would meet the needs of their constituents have been cruelly deceived and let down, as have their electorates and all Victorians. Whether or not you support VAD in principle, how can anyone support VAD being rolled out until there is proper palliative care available as an alternative? If you offer VAD while denying palliative care, that is not kindness or compassion; it is callous inhumanity. It is saying to people, 'You're in terrible pain. I could end your pain, but I won't. However, I'm happy to help you kill yourself'. We have heard stories of heartless insurance companies in Oregon that will not pay for cancer drugs but will pay for VAD, and we think that cannot happen here. If we offer VAD but do not offer palliative care, we are doing exactly the same as those insurers.

Each of us may have different views about the merits of VAD, but surely we do not believe in a two-class world where some people are forced to choose VAD because they cannot get the palliative care they need to end their pain, while others who have the money or have the contacts can continue to spend their final days pain-free with friends or family. That is why I have moved the amendment that I have, so that if the amendment is agreed to, this bill will lapse. Whether you oppose VAD or support it, we should all insist that VAD should not start until Victorians have a genuine choice, and thousands of Victorians will not get that choice under what was announced two weeks ago.

The debates both in this house and in the Legislative Council and other recent events have not only highlighted the lack of true choice that Victorians would have, but they have also further exposed the many dangers and flaws of the bill. Even if you consider it could be possible to have a safe model for voluntary assisted dying, it is clear that this bill is not it.

Time and time again in the Legislative Council, Minister Jennings was forced to resort to repeating the untruths, the half-truths and the evasions that have characterised the spin-doctoring case for this bill. It was repeatedly claimed in the Legislative Council that the bill will not open a Pandora's box, that its limits will hold over time and that there is no such thing as a slippery slope. Yet within just days of this bill passing the Legislative Council, we are already seeing in our media calls for extensions of the operation of the bill and talk about the need for people to be allowed to authorise euthanasia by advance directive, something that Alzheimer's Australia was calling for even before the bill was introduced.

Ms Fiona Patten told the Legislative Council she did not see any mobile death vans when she visited the

Netherlands with the Legal and Social Issues Committee, but the UK *Guardian* newspaper of 9 November this year carries a detailed article about the Levensidekliniek death clinic in Amsterdam, which specialises in sending doctors and nurses to people's homes to dispatch patients whose own doctors consider they do not qualify, and which expects to end the lives of 720 patients this year alone. That follows on from Boudewijn Chabot, who was one of the leading early Dutch advocates for euthanasia on the grounds of existential distress, expressing alarm at the rate at which euthanasia is now taking place amongst demented and chronic psychiatric patients.

In Canada, within a year of their legislation being passed, there are calls for extensions of it for children, for mental illness and for advance directives. There have also been multiple extensions in the Netherlands and Belgium, both by legislation and by guidelines, despite the denials that we have heard.

Advocates point to Oregon as an alleged exception to the slippery slope phenomenon, but there have been multiple attempted extensions of the legislation there. The main reason they have failed to date is that euthanasia advocates themselves have opposed them because they do not want to create a slippery slope argument that could be used to oppose extensions of VAD to other US states. We have also heard Switzerland cited as an example, but in Switzerland euthanasia does not form part of the health system. Their laws simply provide that non-selfish assisted suicide is not an offence under their criminal code.

The fact is that once you cross the threshold of legitimising the intentional ending of life, attitudes towards other people come to involve a calculus of whether or not we think their life is worth living. If we think someone's life is worth living, we urge them not to kill themselves. If we think their life is not worth living, we give our endorsement to them taking their own life. Even worse than that, we seek to make and then to implement our own judgements when someone else is not in a position to decide for themselves.

Karen Hitchcock is a Melbourne doctor who has cared for hundreds of often elderly patients in hospitals around Australia. She sums it up powerfully in her essay in the *Monthly* magazine of December 2015, which I can commend to all honourable members to read if they read nothing else about this debate. In her essay 'The right to die or the right to kill' she says, and I quote:

Euthanasia is a cheap solution to the difficult and complex problem of caring for those dependent, suffering and dying. We search for a clear line beyond which we should agree:

Yes, your life is not worth living. The line is always arbitrary. And it is a cliff, not a line.

Any attempt to make death easy will inevitably expose those in the community who are vulnerable to untimely deaths, to feeling worthless and burdensome. No panel of doctors or booklet of rules, no ream of checks and balances, can prevent this invisible coercion based on new social norms. It is clinicians on the front line who see this invisible coercion in action: patients apologising for taking up beds, for being a burden, for finding themselves disgusting and so wishing they could die.

I can understand why killing might be framed as a humane response to your diminished function, physical suffering and mental anguish. But our responsibility is to help make your life bearable. I hope for a society with the values and the resources to allow us to say, don't be scared. We will attend to you, ease your pain, witness your anguish. No, we will not kill you.

Box Hill Hospital in my electorate has the motto 'Curanda vita' — life is to be cared for. Such a maxim ceases to be unconditional once we start regarding some lives as not worth living. The guiding principle becomes, 'We'll care for you if we think your life is worth it. If not, we'll get rid of you as quickly and humanely as possible'. In fact far too many health professionals in Victoria already have that attitude. Victoria is not at the top of a slippery slope with this legislation; we are already sliding down it at an increasing pace.

It was argued in the Legislative Council, for example, that this bill is acceptable because we already starve and dehydrate people to death. However, we should not be doing that either. We should not stop providing food and fluid for a comatose patient with the intention of causing their death. There can be times very close to death when nutrition and hydration are of no further benefit or can even be a burden, and at those times it can be appropriate to withdraw them. However, to withdraw nutrition and hydration for the purpose of ending the life of someone who will not die otherwise, or will not die quickly enough, is appalling. Those who are responsible for instigating the tragic taking of life that has occurred in this way in Victoria since 2003 have a lot to answer for.

Once we embark on the intentional ending of life rather than the ending of pain, we get into the mindset of making judgements about whose lives are worth living and whose lives are not, and these judgements tend to be exercised more and more freely as time goes on. It is no wonder that Liz Carr and other disability activists are alarmed at the direction in which VAD will take us and are fighting it every step of the way. Exactly how that is going to play out in a society that ceases to regard all life as worth living is going to depend on the particular culture and context of that society. Given Victoria's past

record, if we do not come to our senses I very much fear that we are likely to end up with death by VCAT, with this current bill being amended over time so that VCAT will be empowered to appoint a guardian to authorise someone's euthanasia on the grounds that they might have wanted it if they had but turned their minds to it before they lost the capacity to do so.

It was also repeatedly claimed in the Legislative Council that doctors and nurses are killing off patients anyway with overdoses of painkillers and that the bill will regulate this unregulated practice. However, the claim of regulating the unregulated is a complete falsehood. Cases where doctors or nurses allegedly finish off comatose patients in their final days are not cases that would qualify under the bill, and the bill creates no new offences and no new reporting obligations other than for misapplying the VAD law. In other words, there is nothing in the bill that regulates any improper or illegal conduct that is separate from VAD.

With modern palliative care practices there is no need for hastening the death of a patient in order to relieve pain or physical distress. As Dr Karen Hitchcock writes in her essay in the *Monthly*:

I have never seen a dying patient whose physical suffering was untreatable. The combination of morphine and midazolam is extremely powerful; it can be administered and titrated up very quickly. Barbiturates can render one unconscious in minutes.

Arguments about painkillers and double effect have no practical application with good palliative care. Those doctors or nurses who deliberately overdose, knowing it will kill off their patient, are either unscrupulously killing for their own ends or to comply with the wishes of relatives or else are doing so because of their ignorance or incompetence in not knowing how properly to administer pain relief. If some unscrupulous or incompetent doctors or nurses are killing off patients outside the law in this way already, they will continue to kill outside the law and the bill will do nothing to stop them. Indeed the unscrupulous are likely to be emboldened to kill off even more readily once deliberate killing is sanctioned by law, just as we have seen in the Netherlands.

Another issue that has been brought into sharp relief in recent days is that of dodgy doctors and doctor shopping. We have seen the Minister for Health announce a crackdown on dodgy anti-vax doctors while at the same time seeking to give open season to dodgy VAD doctors through unrestricted doctor shopping and the exclusion of any independent verification. Dodgy VAD doctors are not just a hypothetical risk. One prominent Victorian euthanasia advocate doctor has repeatedly made it clear

that he has not let the law stand in his way in the past and has pointedly refused to commit to respecting the law in the future even if this bill is passed.

We have had a covert euthanasia practitioner in Victoria promise a narcissistic patient that if he ended his life with Nembutal he would be a hero and his case would receive national publicity. We have had the same practitioner refuse to even respond to the request of another treating doctor to discuss the case of a patient whom he was advising on how to kill himself. Yet it is dodgy practitioners like this who think the end justifies the means who will be able to stretch and break the rules with impunity if this bill becomes law. All it is going to take is for a handful of like-minded practitioners who think they know better than the Parliament about who should and should not qualify for VAD being prepared to cross-refer to one another and to stretch the limits on capacity and prognosis. All they will have to worry about is getting the paperwork to look right, because they can know with confidence that there will not be anyone coming to verify the truth.

To make matters worse, the two assessing doctors can even be in the same clinic or other medical practice. Mr Jennings claimed in the Council that professional standards would stop this, that guidelines could regulate it and that the expertise and experience requirement would exclude it, but none of these claims is correct. Professional standards do not stop it, there is no power in the bill to make such guidelines and, despite Mr Jennings's protestations, the expertise and experience test seems open to be applied by the standards of two vocationally registered GPs, not by the standards of a specialist in the usual meaning of that term.

Furthermore, if a urologist, for example, has previously brought about the deaths of dozens of patients before this bill even becomes law, it would seem open for that urologist to say they have relevant expertise and experience in relation to any of the conditions they have already encountered in multiple patients and thus for that urologist and a like-minded GP to qualify to be the assessing doctors for any future patients with those conditions. Mr Jennings also tried to tell the Legislative Council that guidelines under the bill would stop clinics promoting VAD services. The only problem is that the bill provides no power to issue guidelines on that subject or on any other subject, and there is no power to stop a clinic promoting VAD services just as they can promote any other services.

Mr James Purcell in the Legislative Council recognised the dangers of doctor shopping and in his second-reading speech called for certification by a patient's GP that they were of sound mind and not

being coerced. Unfortunately instead of insisting on an amendment that might truly have protected Victorians from doctor shopping and dodgy doctors, Mr Purcell ended up accepting an inadequate government amendment that simply requires the coordinating doctor to inform the patient that the patient is encouraged to inform their treating doctors. However, if a depressed and determined patient, or a patient being induced by an exploitative relative, goes to a dodgy VAD doctor, the last thing the patient or the relative will want to do is to tell their regular treating doctor, who might try to dissuade them. On top of that, the last thing a dodgy VAD doctor will want is for a treating doctor to get in the way. In other words, this worthy call by Mr Purcell has been turned into yet another of the many sham safeguards in the legislation that can simply be sidestepped by anyone who wants to do so.

It is, of course, the vulnerable who will suffer from doctor shopping, from dodgy VAD doctors and from doctors whose views about autonomy or about lives not worth living blind them to what they are doing. The Andrew Dentons and Brian Owers of the world will be well informed and well connected enough to take care of themselves. As usual with radical social experiments, the miseries will cascade down to the disadvantaged and the marginalised. They will cascade down to the terminally ill family violence victim dependent on an abusive and belittling carer. They will cascade down to the nursing home resident spending day after day sitting in an armchair — one of the 40 per cent of nursing home residents who never receives a visitor, lonely and depressed — who is then told they have a terminal illness. And these miseries will cascade down to the elderly mother, devoted to her son and blind to his manipulations, who feels increasingly guilty when he repeatedly drops hints about the burden that caring for her is placing on her grandchildren.

We know that there are around 80 000 reported instances of family violence each year in Victoria. There are many other unreported instances of elder abuse as well. Yet despite this, we saw in the Legislative Council supporters of the bill voting down an amendment that would have required assessing doctors to rule out elder abuse before authorising assisted dying.

We also saw in the Legislative Council repeated claims that VAD is necessary to avoid terrible suicides by other means. This is despite the fact that the Coroners Court has already disclaimed the cogency of the studies that they provided to the end-of-life choices inquiry and despite the fact that it is clear that many such suicides are the result of inadequate pain relief over many years while others are an impetuous response to bad news by

despairing patients who are unlikely to wait to go through a VAD process. In fact there is no evidence that I am aware of from anywhere in the world that points to a reduction in other suicides as a result of VAD. If there are any VAD patients who would otherwise have taken their lives by other means, they are being more than outweighed by other suicides in the wake of the normalisation of suicide as a solution that inevitably follows from VAD.

If passed, this bill is going to make Victoria's VAD regime the most secretive regulatory model in the world. The bill's proponents have carefully and deliberately constructed it so that nothing will ordinarily come to the attention of the Voluntary Assisted Dying Review board or the departmental secretary other than what is in the paperwork filled out and filed by the assessing doctors. As well, the minister's hand-picked board and departmental secretary will have complete control over what information is made public. The guiding motto of Victoria's VAD regime is going to be hear no evil, see no evil, speak no evil. Find out nothing, investigate nothing, disclose nothing that could suggest anything other than that VAD is a complete and unblemished success.

If the paperwork looks in order, there is no intention for anyone to look behind it. Unlike almost any other regulatory regime one can imagine, this scheme relies almost entirely on self-reporting by those regulated, with no powers and no obligations for the regulator to look behind the paperwork, not even to conduct random audits. So long as the paperwork is in order, the reality does not matter a damn, as far as the proponents of this scheme are concerned. All that matters is that nothing can ever come to light that could adversely reflect on them or their beloved VAD.

So determined are the proponents of the legislation to prevent any external review they have even excluded the coroner from investigating any VAD death where the substance has been taken in accordance with the act. The patient could have been finished off with a pillow after taking the substance, yet the coroner is not permitted to investigate. The patient could have died writhing in agony due to issues with the substance, yet the coroner is not permitted to investigate. What sort of responsible democracy puts that sort of exclusion in its legislation? What sort of government puts concealing its failures ahead of protecting its citizens?

This risk of substance abuse is not just a theoretical one; it is a major and worrying consideration in orally administered VAD right around the world. In the absence of Nembutal, euthanasia advocates have repeatedly struggled to come up with a workable

substance. In Oregon the combination of phenobarbitone, chloral hydrate and morphine has been burning patients' throats, while the latest concoction of diazepam, digoxin, morphine and propranolol has been taking too long for patients to die.

Our government wants to come up with its very own dinky-di, homegrown Aussie death substance, but it still apparently intends to bypass all normal Therapeutic Goods Administration requirements before this unproven death substance starts being prescribed to patients. The risk of a VAD death going horribly wrong is a real one indeed, and yet the government has gone to extraordinary lengths to stop the coroner being able to investigate.

On top of that, of course, the bill prevents any ability for the coroner to undertake a systemic investigation of VAD deaths, even though a new regime such as VAD cries out for systemic investigation. The government's Legislative Council amendments regarding the coroner, which the Minister for Health referred to a short while ago, have done nothing to change that; in fact they have reinforced it. One amendment simply requires that the treating or examining doctor notify the coroner of a VAD death at the same time as notifying the Victorian Registry of Births, Deaths and Marriages. The other amendment adds a note to the Coroners Act 2008 that confirms what I have just described — namely, that the coroner is excluded from investigating any cases where the substance was administered in accordance with the act.

As if that is not bad enough, the bill does not even require the publication of proper statistical data based on the information received by the Voluntary Assisted Dying Review Board. The Legislative Council's amendment requires publication of nothing beyond bare numbers of cases. It requires nothing about the reasons for seeking VAD, nothing about the range and types of doctors doing VAD assessments, nothing about the age or other demographics of the patients, nothing about the circumstances of their deaths and nothing about any other matter than might shed light on how the regime is operating or whether there are any problems that need remedying. The Oregon regime is secretive enough itself, but our Victorian bill makes Oregon look open and transparent by comparison.

If any further demonstration is required of how flawed and discredited this bill is, we need only consider the absurdity of a law that will require the cause of death of any person who has been issued a substance permit to be recorded in the official death records of our state as being the medical condition that was the grounds for the permit

being issued even if the person has actually died from some entirely unrelated cause. This absurdity was pointed out starkly in the Assembly debate by me and by others, and yet when the government amended the relevant provisions in the Council, they retained exactly the same absurdity in the amended version of the bill. Thus, for example, if a person is issued with a permit to obtain a VAD substance on the grounds of cancer and then they are subsequently killed in a car crash, the bill will still require their cause of death to be listed as cancer. What sort of legislative lightweights would allow that to occur? After all the puffing and pomposity, after all the claims of careful and meticulous consideration, this is what we are reduced to.

That is not the only bungle in this supposedly carefully considered bill. For example, the bill has no separate provisions for dispensing, handling or recording a substance that is issued for practitioner administration. Thus the bill bizarrely requires a pharmacist to inform a doctor who collects a substance in order to administer it to a patient how the doctor should administer the substance to themselves. That is the shoddiness with which this bill has been put together. The bill has no requirements for the return to a pharmacy of an unused substance for practitioner administration, nor any provisions to document the time of return to a pharmacy any substance at all by a patient, a contact person or a practitioner.

Those around Australia or around the world who in future might look at the Victorian bill and ask themselves whether or not it could be a precedent worth following must surely conclude that we are a bunch of incompetent amateurs whose feeble efforts deserve no further attention. This is a shoddy bill, and it is a dangerous bill. It is a bill that purports to meet the needs of 150 Victorians a year while leaving more than 10 000 Victorians to continue to die in needless pain. It is not a sound and sensible health policy for the terminally ill. It fails to comprehend the nature and magnitude of the issue, it offers an inferior and limited solution, it creates serious unintended consequences and its design is hopelessly flawed.

I appeal to all members to shake off the spell of delusion that has been cast around this scheme, take heed of all that has come to light since this bill was last before us, stand up for the 10 000 Victorians left behind by this bill to die in needless pain each year and to vote at this final moment for the amendment that I have moved in order to halt this reckless and ill-considered bill.

**Mr PAKULA** (Attorney-General) (17:08) — I rise to support the motion moved by the Minister for Health and to speak against the amendment to that motion

moved by the manager of opposition business. It seems that the cloak of civility has been removed now. I would submit to the house that both the contribution and the amendment moved by the member for Box Hill is an exercise in refusing to accept the democratic will of this Parliament. None of the substance of the member for Box Hill's contribution was new. These are matters that have been ventilated in their entirety in the 98 hours of debate and consideration in detail that have been undertaken by this Parliament in both this place and the other place.

It is not the view of anyone on the yes side that those opposed to this bill were likely to be persuaded or assuaged by the amendments that have been passed in the other place, but it is the view of the government that for those who moved similar amendments in this place during the 16 hours of debate and the 25 hours of committee debate, if their own contributions during that debate are to be believed and accepted, the bill should now be in a form which, even though not acceptable to them, ought to be at least somewhat more acceptable to them. But it appears that the suspicion that many of us on the yes side have held all the way through this debate has been confirmed: even though many of those in the no camp moved dozens, if not 150 amendments, none of those amendments was ever designed to place this bill in a position where they would then support it.

The member for Box Hill has traversed many of the same arguments that he traversed during not just the second-reading debate but during the very extensive consideration-in-detail stage. His opposition to the bill remains in place and has not been changed by the amendments that have been moved in the Legislative Council. That should be of surprise to nobody because the member for Box Hill clearly, passionately opposes this bill. But the fact of the matter is that this bill passed this place after much debate and it passed the other place after even more debate, and it passed the other place after a number of amendments were moved.

As the Minister for Health has already pointed out, those amendments related to, for example, the reduction from 12 months to six months, other than for those with neurodegenerative disorders; amendments related to people having to be ordinarily resident in the state of Victoria for 12 months; amendments related to the return of substances; amendments related to the jurisdiction of the coroner; and those amendments related to the notations on the death certificate, amongst other things. Each and every one of those amendments, if not in the form moved by those who were opposed to this bill, traversed much of the same ground as amendments that were moved by those opposed to this

bill. On the occasions that those amendments were moved the speakers in favour of those amendments said, quite regularly in this place, 'Well, we don't support the bill but we can at least improve it a bit. We can at least make it better'.

So what do we have? We have a bill which has passed this place, despite the opposition of those against it; a bill which has passed the other place with at least some amendments that those opposed to the bill said in this place would improve it; and now the bill has come back to this place for us to either accept those amendments or reject those amendments.

It would seem to me that we have three choices. The first choice is that we accept those amendments and that those who support this bill, despite the fact that they would have preferred it to go through unamended, accept those amendments. Those who oppose the bill said in this place last time this bill was here that even though those amendments would not satisfy them they would cause them to believe the bill was better than it was upon first presentation. In those circumstances it would appear that the choice for this house is also clear: that we should accept the bill as amended by the other place.

But the member for Box Hill now throws up a third option, which is that we accept his amendment to the motion, that we simply refuse to consider the bill any further because of all of the concerns that he has outlined. I say that simply takes us back to where we began. It takes us back to the place where the member for Box Hill is simply using a new device to say, 'I do not support this bill. I do not think there should be a voluntary assisted dying regime in Victoria. Therefore, rather than accept the amendments which have been moved and carried in the other place, we should simply refuse to consider the bill any further'. That is simply, by another device, an attempt to prosecute the 98 hours of consideration that this Parliament has already been through.

*Honourable members interjecting.*

**Mr PAKULA** — I say to those who are interjecting and saying we voted against them —

*Honourable members interjecting.*

**Mr PAKULA** — I was not about to deny it. What I was about to say to those opposite is that the position of those in support of this bill has always been clear: it would have been our preference to pass a bill through this Parliament in the form in which it was initially introduced —

**An honourable member** interjected.

**Mr PAKULA** — That, I say to the member for Hastings, is one of the most unworthy comments that I have heard from a member in this place.

**An honourable member** interjected.

**Mr PAKULA** — Was it the member for Kew? I apologise to the member for Hastings, and I direct my displeasure to the member for Kew.

We always made it clear that our preference was for a bill that was unamended, but we equally made it clear that if it was required that the government accept amendments to ensure the passage of the bill through the other house, then that was something that we were prepared to do, provided that the fundamental integrity of the bill was not undermined. It is our clear view that that is what has occurred.

This house has considered this bill. A number of members in this place moved amendments which were at least in substance, if not in form, similar to the amendments that have been passed by the other place. The other place has considered the bill and passed it with amendments. To those who are opposed to this bill, I say: it is at least as acceptable as it was when it passed this place or, if your own logic and your own contributions are to be accepted, it should be somewhat more acceptable.

In any case this house has considered this bill extensively, the other house has considered this bill extensively. It has passed this house unamended, it has passed the other house with amendments. It is now time for our house to accept the amendments and the version passed by the Legislative Council, and to bring this long-awaited and heavily supported regime into effect for the people of Victoria.

**Ms STALEY** (Ripon) (17:17) — I rise to speak in favour of the amendments to the Voluntary Assisted Dying Bill 2017 adopted by the Legislative Council.

The Liberal Party has been my political home from the age of 18. I chose the Liberal Party and I remain a Liberal because only it can deliver sound government and recognition of personal freedom and autonomy. Only the Liberal Party is home for the economic and social classical liberal who sees a role for the state and her institutions in the great Burkean tradition but who also values liberty in the path of John Stuart Mill. I delight in the fact that Ripon has a town named Stuart Mill.

From these influences it is clear to me that this Parliament, the Victorian state Parliament, is the right place to decide this issue. It is the right place through its

sovereignty and explicit constitutional authority. It is wrongheaded for the Greens in the federal Parliament to seek to ride roughshod over state parliaments on the issue of voluntary assisted dying. It is the right place because we all come here as representatives. It is our job and our duty to be legislators. The existing situation has doctors and nurses deciding who gets the care that may have the side effect of hastening death and who does not receive it. We must set the rules over when death is lawful or not. Death is not a place for shades of grey in the law.

Also for me, from these philosophical influences, for those at the end of life with a terminal illness and in intolerable pain, the laws we make must show mercy. For me this is a matter of personal autonomy. The Parliament's mercy — including to stop the ongoing horrific suicides such as those detailed in the Coroner's Court of Victoria submission to the end-of-life choices inquiry of those with terminal illness whose pain, both physical and existential, cannot be salved — is the purpose of this bill. The decision to die must be for the patient alone, but we must allow them to have the legal means to have that choice.

I want to address the experience of being dependent. I do not mean feeling like a burden. That implies fear of what another person may or may not feel towards a situation. No, I mean being dependent: dependent to be fed, to be taken to the toilet, to be read to. That dependence is a real experience many people find intolerable. It is as real a suffering as physical pain. The loss of dignity is unbearable. I do not shy away from wanting to alleviate that pain. Clause 9(1)(d)(iv) says voluntary assisted dying will be available to those who meet the criteria and for whom his or her illness:

is causing suffering to the person that cannot be relieved in a manner that the person considers tolerable.

Loss of dignity, loss of autonomy caused by illness that cannot be alleviated by any amount of pain medication, yet the suffering so caused can be as intolerable as any physical pain — these are the reasons I vote the way I do.

I now want to speak briefly about the free vote on this bill. The Liberal Party has a real free vote. I am all too well aware that many colleagues did not and do not like my vote on this bill, but nobody has ever denied we are all free to make that choice. By contrast, the Greens had a party vote and the Premier's faction of the Labor Party, the Socialist Left, also had a whipped vote. Additionally, Liberals had free votes on all procedural motions whereas Labor forced their MPs opposed to the bill to vote for various procedural votes that moved it towards being passed.



The Liberal Party room vote for a free vote passed in the knowledge that, by granting it, the bill would likely pass. The opponents of this bill could have forced a whipped vote. I do not believe such an action was entertained by any Liberal MP. We are a broad church, but we are trenchant in defence of our freedoms. The parliamentary library, that ornament to the Parliament, has researched free votes by Liberal Party members since the formation of the party in 1944. There have been, I believe, 26 free votes, of which this is the fifth in the Assembly of the 58th Parliament. Free votes on matters as varied as abolishing the death penalty, IVF, abortion and religious freedoms in equal opportunity laws are part of the Liberal Party's DNA. The library also reminded me of a statement by the Honourable Bruce Chamberlain in 1988. He said a member of the Liberal Party is allowed to follow his or her conscience on any issue with no restrictions, and there is no requirement for any person's consent. The member is only required to notify the party of their intention to vote according to their conscience.

An allowance for a conscience vote on any bill is a core value of our party, one that sharply divides us from the Labor Party, where all members must pledge to vote with the caucus, on pain of expulsion. We must continue to nurture our traditions of free votes on life, death and religious freedom issues and a conscience vote for all issues. It is our cultural heritage, and it must be guarded fiercely against attack from those outside the parliamentary Liberal Party who do not understand or even seek to understand the value of free association. It would be a terrible day, and the end of the Liberal Party as most of us know it, if future free votes were not truly free. I commend the amendments and the amended bill to the house.

**Mr HIBBINS** (Pahran) (17:23) — I rise to speak in support of the amendments and hope that they do pass this house. We have had a very passionate and very extended debate on the legislation, and hopefully this house can now finalise these amendments and pass this bill. It is absolutely critical that this bill pass. It is far too important for the amendments to fail. I imagine that the bill would be sent back to the other house and that it would ping between the two houses for more extended debate, if that were to occur. So it is absolutely important that these amendments are accepted and this bill passes. It has the overwhelming support of the Victorian community. They are relying on us to get this done.

Over the last few weeks, even further from when the debate occurred, I have received much correspondence from many of my constituents who are very pleased that we supported this bill. It was very heartening to see the outpouring of emotion in the other place when the

bill passed in that place. Certainly it is the community's will that this legislation is passed.

I note that a number of amendments have come from the other place. I am confident that they do not undermine the integrity of what is being proposed. They are not necessarily amendments that I would have been supportive of, but I understand that in the spirit of compromise and the need to get this bill passed they have been put up. There is only one amendment that I raise concern about. It is changing the death certificates of people who are accessing voluntary assisted dying so that assisted dying will be recorded as the manner of death. I see that as, I guess, a compromise. The cause of death will still remain the underlying condition, but I see that acting as a barrier, really, to people accessing voluntary assisted dying, which we would not want to do. In the spirit of compromise and the fact that it does not undermine the integrity of the bill, we are happy to support these amendments in the hope that this legislation passes.

I would certainly implore all members to be supportive of these amendments and to get this bill passed for the reasons I put in my original speech — that we know that there are people who have a terminal illness and who are suffering at the end of their lives and their suffering cannot be addressed by even the best of palliative care, and that people are already taking matters into their own hands to hasten their death, whether that is to refuse treatment, which of course is perfectly legal, or to take some other steps which could lead to a terrifying and frightening death.

I am confident in the safeguards that are in this bill, with the oversight that will be provided by the Voluntary Assisted Dying Review Board. We have had a very long debate. I was disappointed because I think there was some filibustering, some attempts to delay, to defer and to defeat this bill. I am certainly happy to allow extensive debate again in terms of these amendments coming from the other place. I would take a dim view if there were any sort of procedures or filibustering or any tricks to again further prolong this debate. Certainly I will be urging members to be supporting these amendments.

Just in response to the member for Ripon, in terms of the Greens vote on this, yes, it is Greens party policy that we have voluntary assisted dying. I am very proud that we are the only party to have ever had voluntary assisted dying as a party policy. We took it to the last election. It has been our policy for many years. Colleen Hartland, our health spokesperson, 10 years ago introduced a private members bill for voluntary assisted dying. That bill was defeated, and it is incredibly

satisfying I think for her now 10 years later to see this bill having passed both houses and now on the cusp of being finally put into law.

So, yes, it is party policy, but I can certainly tell you all that my colleagues are personally in favour of that voluntary assisted dying legislation. I can tell you because all Greens, at every vote, are entitled to have a free vote or a conscience vote. If they are going to vote against party policy, they merely have to advise the party room and they are free to do so. There is a process for that to occur. There are certainly no restrictions on it, but no Greens member has made that call. There are eight of us now; I have spoken to them all. They are all personally in favour of it. I just clarify that fact in regard to the Greens party policy on voluntary assisted dying and the ability of members to have a free vote. I will not go on any further than to say it is absolutely incumbent on us — and I would certainly encourage all members — to support these amendments to get this bill passed. The community is expecting this. The community supports this legislation, and so I would support these amendments.

**Mr NOONAN** (Williamstown) (17:28) — I rise to support the motion, and I would say to those who do not and who are seeking to support the amendment being put by the member for Box Hill that I do think here today it would be an abuse of process to stand in the way of the passage of this legislation. I say that as a moderate voice in this debate because I think the Parliament has provided ample opportunity — in fact, as the Attorney-General said, almost 100 hours across the two houses — to patiently work through each of the amendments that have been put and for all those people who wanted to speak broadly on the legislation and indeed the various amendments to have that opportunity.

I agree with that speaker from the Greens; I believe that there was a level of filibustering that went on by those who opposed this bill. That is something that they have employed previously by way of a tactic. Let me say this: if you believe in the democratic institution of the Parliament and the process, you would oppose the amendment being put by the member for Box Hill today. The bill has been voted on in this house and indeed by the Council and in both places has passed with a majority of votes. Those who have been opposed to this bill have been given ample opportunity to put their arguments, and I do not believe today is an opportunity for them to relitigate those arguments. They have put those arguments, but they have failed to receive the majority support in order for this bill to be opposed — quite the contrary.

**Mr Watt** interjected.

**Mr NOONAN** — Through ample opportunity, hour after hour, people have had an opportunity to put those arguments, and today is not the opportunity, member for Burwood, for a person like you to come into this place and abuse the process of Parliament by speaking extensively and relitigating your argument. I believe it would be an abuse of process to now stand in the way of this legislation. It is now time to give those people who are looking for choice that very choice, and we as a Parliament today have that choice in order to pass this legislation. I support the motion that has been put by the Minister for Health, and I certainly will be opposing the amendments put by the member for Box Hill.

**Ms KEALY** (Lowan) (17:31) — I would like to raise some concerns that I have had around the process that has been implemented by the government in terms of looking at amendments to this bill, the consideration that they have given these amendments and some of the other elements which do concern me around the opportunity for members, in good faith, to make improvements to the safeguards or the access to voluntary assisted dying.

I sat through the entire debate in the Legislative Assembly, and I guess we came into that debate knowing that both the Premier and the Minister for Health had come out in the media that day saying, ‘The bill is perfect. We are not going to accept any amendments’. It was somewhat reassuring that during the debate the Attorney-General did make the comment — and I am paraphrasing here — that amendments would be considered in good faith. It became obvious throughout the debate, though, that no amendments were actually being properly considered by the government at the time. That was seen as something that was very much a political play during debate, and I think it disappointed a lot of people, myself included. Also people who were lobbyists, activists and advocates for voluntary assisted dying were deeply concerned that the government would not take on board contributions that would improve the bill.

Therefore we went through the process of it passing the Assembly and going to the Council, and we saw very similar amendments adopted and accepted in the Council in order to have the bill passed. For example, changing some of the time frames to six months from 12 months is something that was put forward during debate in the Legislative Assembly. I am really disappointed that the government did not take those amendments on board and consider them in good faith during the lower house debate. If that had been the case, we may not have seen ourselves in this situation today.

With all the amendments that were put by our side of Parliament and also by members of the government themselves, perhaps we would have had a more robust bill with improved safeguards that would have retained the accessibility that is so important for voluntary assisted dying and the government would not see themselves in this position now. Whereas beforehand they were debating that they had a perfect bill that did not require any amendments, now ironically they are debating that the amendments that have been accepted are somehow making this perfect bill more perfect, rather than saying that the bill originally was not perfect and giving credit around that in the first place.

I do take exception to some of the comments that I have heard within the chamber in this debate today around filibustering. As I said, I sat through the entire debate in the Legislative Assembly, and I think that there were absolutely reasonable points that were being put forward by individual members based on their concerns with the drafting of the bill. I think that those comments were certainly not filibustering; they were people trying to put their views forward and seek amendments to the bill, and they were doing that in good faith. I find it quite offensive that there is this accusation that this was in some way filibustering.

I think it is also deeply concerning that debate was gagged in the upper house. In 160 years of history in the Legislative Council on only three occasions has there been a gag of debate supported — twice in 2003 and once in 1951. To think that on five occasions in the upper house debate was gagged is absolutely terrible in my view. With the sleep deprivation that was going on at the time and the government moving against adjourning debate, if you put that in terms of what would happen in an ordinary workplace, to expect people to work for 26 or 28 hours is completely unacceptable. I am not talking about the members of Parliament, although in the context of that we are expected to make decisions with a clear mind. We are expected to properly assess information that is coming forward and make decisions about that and make a decision about how we will vote, which at the end of the day will result in whether people can access voluntary assisted dying in this state or not. I think that the government should have been adjourning the debate to ensure that the opportunity for proper sleep was available to members of Parliament and the fantastic staff we have in Parliament as well, who were absolutely exhausted by the end of the debate. It did not give due respect to the importance of voluntary assisted dying and how important it is that we get this right.

I do want to point out one more thing that absolutely disgusted me during the Legislative Assembly debate,

and that was when the member for Pascoe Vale sought leave to speak for a third occasion on an amendment. There had been a great amount of leeway and respect given throughout the voluntary assisted dying debate. When the member for Pascoe Vale sought leave to speak for a third time on an amendment, the Premier was in the chamber. The Premier, who we know is an absolute bully and only ever gets his way, otherwise it is the highway and you are gone, actually refused leave for the member for Pascoe Vale to have that third occasion to speak on that amendment. I think that is absolutely disgusting. It was not in the spirit of flexibility that was offered to other members on both sides of the chamber throughout the debate, and I just wanted to make sure that that was on the record — that it was the Premier who made that bullying decision to not allow the member for Pascoe Vale to have leave to put forward a very important point. I spoke to her after that occurred. I think it was wrong that that was done simply because he did not agree with what she had to say because she was going to cross the chamber. That is disgusting and was not what this whole debate has been about.

In summary I do not think that the government has handled this well. I think that the amendments should have been considered in good faith in the Legislative Assembly in the first place. The Legislative Council gagging debate is something that is absolutely unheard of in the 160 years of that house. Also, to refuse adjournment and the impact that that had on staff in particular I think is something that is simply not good enough.

*Honourable members interjecting.*

**Ms KEALY** — I note that members of the government are scoffing and laughing at that. You would think that if that was occurring within a union-based workplace, there would be absolute uproar and strife. We need to respect our staff. They do an absolutely fantastic job. Not adjourning debate at those times absolutely works against the spirit of the Legislative Council, the Legislative Assembly and the parliamentary process.

**Mr WYNNE** (Minister for Planning) (17:38) — I rise to oppose the amendment moved by the member for Box Hill and to support the bill as amended by the upper house, as moved by the Minister for Health. I wanted to respond to a couple of matters that have been raised in the debate today and to frankly set the record straight in relation to what has been alleged about the position of the Labor Party in relation to the Voluntary Assisted Dying Bill 2017. It is and remains a conscience vote. It is a conscience vote. The member for Ripon in her contribution made some lurid

suggestion that the Socialist Left of the Labor Party, of which I am a proud member, in some way bound their vote. That is simply untrue. It is simply untrue, and I want to assure the house that every member on this side of the house and indeed on the opposition side of the house has the opportunity to examine their conscience, as we all have done, in arriving at a position in relation to this incredibly important bill.

As I indicated in my contribution on the bill, we all come to this debate with our own personal experiences which of course frame our thinking about this most important piece of legislation. I do not seek to canvass my own personal circumstance except to again recognise that for me and for all of us this is a profound bill because it does provide a level of protection and support and compassion that has not been afforded to many people. It was certainly not afforded to my mother in her cruel and lonely death. I spoke in relation to my failure to recognise the father of the Premier, Bob Andrews, when I went past him coming out of St Vincent's Hospital as I was visiting one of my staff members who had had bypass surgery. I had seen a man who had withered away, and he was unrecognisable to me. A fine, proud, robust man whose life in such a terrible way had withered. Sadly, he of course passed away within a couple of days. I do regret the fact that I did not recognise Bob Andrews at that time and that I did not have the opportunity to provide him with a compassionate word at certainly one of his most vulnerable times.

In relation to the member for Lowan, to suggest that we have gagged debate is an absolutely extraordinary accusation. Let me remind the house that in the Legislative Assembly second-reading of this bill there were 16 hours 28 minutes worth of debate and in the consideration-in-detail stage, 20 hours 37 minutes, a total of roughly 37 hours of debate. To suggest that people did not have an opportunity and I think a respectful opportunity to not only put their views but to have their views heard in what I thought was a very meaningful way is, I say to the member for Lowan, simply wrong. You sat in the chamber for all of that debate and I was in there for a vast amount of that debate as well. This debate was held, I think, in a very sincere way and in a way where people were incredibly respectful of the various positions that members took.

I turn the attention of the house to the debate in the Legislative Council. The second-reading debate went for 14 hours —

**Ms Kealy** interjected.

**Mr WYNNE** — I repeat, in the Legislative Council the second-reading debate went for 14 hours and the committee stage of the debate, I remind the house, went for 47 hours 27 minutes. If people felt that that was gagging the debate, I find that an extraordinary accusation. It is an extraordinary accusation, and it is not borne out by what actually happened in the upper house: 47 hours 27 minutes to consider this matter in detail, I would submit to you, is by any measure an extraordinary amount of time for all members in both chambers to have to not only put their views but to have had, I think, a proper and reasoned debate about this incredibly important piece of legislation.

The Minister for Health has in fact agreed to a number of amendments which are of course before us now for consideration, including the default eligibility criteria which reduces from 12 months to six months. The residency status has been further clarified, and a person with a mental illness must be referred to a psychiatrist for an assessment. This was of course already part of the legislation but was made more explicit through the amendment. There was also a range of issues in relation to the return and safe storage of drugs.

From the point of view of the government, this matter has been canvassed as thoroughly as anybody would reasonably expect. Yes, this is a bill that evokes enormous emotions; it evokes enormous passion in people. That is why we put aside a very significant amount of the parliamentary debate to allow people to ventilate those issues, to be respectful of that debate, to understand that this is historic debate of a bill that is now before us. A state government for the first time in Australia will hopefully shortly move to support a bill that will provide extraordinary comfort for people who are at the latter stage of their life, people who are suffering from a terminal illness. These people, as we know from experience overseas, may not in fact seek to access the drugs but to know that the opportunity is readily available to them is, we know from experience, an enormous source of comfort to people in the latter stages of their life.

Who am I as a legislator to stand in the way of people at their most vulnerable? How dare I stand there and say, 'This is not legitimate', that, 'You ought not have that opportunity at that critical stage of your life when you are in insufferable pain from an illness. That opportunity ought not be made available to you'. From my perspective and indeed the perspective of many of my colleagues here, that would be very unfair and not the right thing for us to do.

This is a good bill. It is a bill that has been thoroughly debated in this Parliament. It is a bill that ultimately at

the end of the day when we reach within ourselves, when we reflect on our own particular circumstances, we can arrive at what I think has been a reasoned position where we, as a Parliament, can stand with a sense of nobility and know that we have done our duty to the people of Victoria. We have provided people — at their lowest time, at their darkest time, at a time when they have endured insufferable pain that they cannot any longer sustain — with the opportunity, with all the checks and balances that have been put in place, to die with a sense of nobility and with a sense of control. In that respect, I reject the amendment and I support the bill as amended by the Minister for Health.

**Mr WATT** (Burwood) (17:48) — I rise to speak on the Voluntary Assisted Dying Bill 2017. I want to first comment on the comments from the Attorney-General. The Attorney-General made the point that members who voted for amendments in the original passage of this bill through the Legislative Assembly should vote for the amendments now and this bill should pass. If he is to be taken at his word, then all of those members who voted against these exact amendments or something very similar six weeks ago did the right thing. They would all vote against them today because six weeks ago — by changing this bill and introducing some of these amendments — this bill was not going to be perfect, this bill was actually going to be faulty. But this bill was not allowed to be amended. This bill was perfect in the first place. So if the Attorney-General wants to say that I should get on board and get out of the way because these amendments are what I called for, I remind him that these amendments are what he said were no good. All of those members who voted no six weeks ago should actually vote no now.

I also make the point that the Minister for Planning talked about the fact that there was no gagging in the upper house. The member for Lowan made it very clear that in 160 years of Parliament — 160 years of the upper house — only three times have we had closure motions. In 160 years the upper house has gagged debate effectively three times, but on this particular bill the upper house gagged debate on five separate occasions. So it is quite disingenuous for the Minister for Planning to stand here and say, ‘No, there was no gagging in the upper house — no gagging at all — besides the five closure motions’.

I also make the point that the member for Prahran talked about the fact that these amendments do not undermine the integrity of the bill. So why did the member for Prahran vote against these amendments or very similar amendments six weeks ago? If they do not undermine the integrity of the bill or if they actually enhance the bill, why would you vote against them? I

can only say that it must have just been belligerence. When we talk about belligerence, we talk about the length of time that we were forced to stand in here and debate. We finished here at about 11.30 a.m., and I have got to say that I myself was ready to go for a lot longer because I had a lot more things that I wanted to point out. Hopefully I will get to some of those through this part of the process.

There has been bullying behaviour by the government, and their attitude has been shown even today. The member for Williamstown was just standing here saying, ‘Just get out of the way’. If I have a view, if the Parliament votes not to accept this bill or if the Parliament votes to accept the amendment put by the member for Box Hill, apparently that will be an abuse of process. If members on the opposite side who voted against these amendments six weeks ago follow through with that and once again vote against these amendments, then apparently that will be an abuse of process. I could not believe what I was hearing from the member for Williamstown.

I still have very serious concerns about things that are not addressed in these amendments. In his second-reading speech the Premier said:

One doctor provided an account of a paralysed patient on life support with an end-stage disease. He communicated with his eyes — eyes that would well with tears upon the mention of his home, his family and his pets. He endured this for months until his body shut down. ‘I can scarcely imagine what went through his mind —

That is the point. The Premier wants patients like this to be able to access voluntary euthanasia, but a doctor wrote he could scarcely imagine what went through his mind. The Premier continued his quote of the doctor:

... immobilised, staring at the ceiling for months, unable to say where he was hurting ... 24-hour machines and alarms, no hope of recovery, begging to end it all and finally an awful septic death’.

How does the Premier know that the person was begging to end it all? Was it because they were gesturing with their eyes, which would be allowed under the bill? If I look at subclause 64(3) of the bill — and this has not been addressed — it says:

The person may make the request verbally or by gesture or other means of communication available to the person.

A person could gesture with their eyes that they wanted to end it all. If I gestured with my eyes that I wanted to end it all, the Premier would find that acceptable. I do not find that acceptable. This is why I am going to support the amendment moved by the member for Box Hill. Even though many of the amendments that have

come before the house now are amendments that I argued for — not exactly in this form, but many I argued for — the reason I am going to support the amendment by the member for Box Hill is because I do not think, even with these amendments, that this bill satisfies my need to protect vulnerable Victorians.

I am a member of the Victorian Liberal Party, and the Victorian Liberal Party make it very clear on their website as part of their values that we believe in the protection of people who are vulnerable in ill health, in disadvantage or in need. That is the Liberal Party I stand for. While I listened to the member for Ripon and agree with her views around people in the Liberal Party being able to have a conscience vote on every issue and being able to make up their mind, this bill does not protect vulnerable Victorians. It does not protect the disadvantaged or those in need, and it should not be supported. I have said this before, and I will say it again: six weeks ago I stood here and called for some of these amendments, and I support them, but I do not support the bill, which is why I will vote for the amendment moved by the member for Box Hill.

There are a couple of things in the Legislative Council amendments that I specifically want to raise. I do want to raise amendment 27, which amends clause 117. I raised in quite a colourful fashion the circumstances where a person subject to voluntary assisted dying would go through the process. I actually talked about, as did the member for Box Hill, someone dying in their bed having nothing to do with voluntary assisted dying. While they qualified but did not actually take the substance, under this bill and this amendment their death certificate would actually have to have them dying of the underlying condition which qualified them for voluntary assisted dying.

Let us say I had cancer, I qualified under the bill and I went through all the processes — I went through this in the consideration-in-detail stage; I do not intend to go through all of the clauses that get me to this point — and I was at home in my bed and there was a home invader. We know that under the Andrews Labor government there is the capacity for this, because in my electorate we have this. Let us make this very clear: if there was a home invader and they murdered me, I would have died of cancer.

The member for Box Hill said something which was not quite so offensive to members on the opposite side, clearly. He talked about being in a car accident, but the end is the same: there is no correlation between your death and the underlying condition you had to qualify for voluntary assisted dying. But under this bill, and even with this amendment, there is no change to that.

You could still die in a car accident or be murdered in your bed in the middle of the night, and your death certificate would be required under this bill to say you died of cancer or motor neurone disease or whatever underlying condition you had. It is unbelievable. It has been pointed out that this is clearly a drafting error because no reasonable person would say that this is the intention. But that is what will happen under this bill.

I argued this six weeks ago. I will continue to argue this. I have yet to find a single person who, when I raise this with them, says it is acceptable and is what the bill should do. It is what the bill does, and it should not do that. This is one of the reasons I will support the amendment by the member for Box Hill, because even with these amendments from the Legislative Council these problems are still not fixed.

One of the other problems that I particularly raise is around clause 119, which is to do with the Coroners Act 2008. I remember having this very pertinent discussion. The Attorney-General and I had a discussion around reportable deaths. What this bill does around reportable deaths makes it a little bit more confusing. These amendments do not fix the problem that was identified six weeks ago; what they do is make it more confusing. They actually add after section 4(2) of the Coroners Act an interpretation which is not the same as section 14 of the Coroners Act. The interpretation is different and confusing and —

**The ACTING SPEAKER (Mr Pearson)** — The member's time has expired.

**Mr WATT** — I seek leave for a 5-minute extension.

**Leave refused.**

**Mr EDBROOKE (Frankston) (17:59)** — It is a pleasure to rise to speak for the amendments from the Legislative Council but of course against the amendments put forward by the shadow Attorney-General. The time to debate this bill is now. It is important legislation. Holding it up obviously has nothing to do with the mechanics of the bill itself. While I recognise that there has been passionate, dedicated and respectful debate from those opposite, I disagree strongly.

The shadow Attorney-General would have you believe that this bill is not about people but about politics and that it is a social experiment. The bill is about the people we in Parliament serve. The Parliament has had adequate time — 98 hours, in fact — of perseverance and, apparently, gagged debate. There have been 98 hours of debate about this bill, and it is time to decide on the legislation as per the normal process.

I would ask those opposite, ‘When did Parliament become elected by the will of the people but then turn around and decide that we would not operate for the vast majority of those people?’. It is obvious that the community want this bill to pass. The majority of the community want this legislated. This is about a government delivering on good legislation, and it has been as a catalyst from a parliamentary inquiry in fact. I think what I have got out of the debate this afternoon from the shadow Attorney-General for one, and the member for Burwood would be the second, is the emotional language that we have now had to get to, in order to put our opinions across. It is not about facts anymore. The shadow Attorney-General was talking about a lot of hypothetical issues: the cascading misery, the legislative lightweights and shaking off the spell of delusion. We have heard the member for Burwood talking about axe murderers. I can assure him that if I ever meet an axe murderer I will ask them how they would want the bill written up, or if I ever meet an axe murderer in my bed at night — I think that was the hypothetical situation — I will write a note before I die and let you know, just so you know.

I think today has lifted a veil from the fact that this debate is not so much about the bill itself but what a minority of people in this Parliament believe. We have seen people wanting us to legislate around their beliefs, which are hidden under a thin veil of speaking about palliative care. We have seen people approaching this debate as if it is about legislating around their beliefs, their religion, disguised under a veil of allegations regarding a somewhat slippery slope and scare tactics. I would like to make it clear that today is about a bill going through the proper procedures in Parliament and whether you deny our community their democracy. It is that simple. I think it is ironic to hear Liberals — and I respect the principles of the Liberal Party, founded in 1944 — speak about personal freedoms and about autonomy and how you value those tenets of being a Liberal Party member when you are actually denying people who are going through pain that we may never experience, and we are certainly not experiencing now, their personal freedoms and their autonomy to make decisions on when and where they actually end their life.

In summary I would like to appeal to those opposite who are voting against these amendments to look at the communities you represent — stop looking in the mirror. Whether you are opposed to this bill or not, there are people like you, your family, your friends, who will use this bill if it is legislated. They will use this law. They will take this option.

*Honourable members interjecting.*

**Mr EDBROOKE** — How can you say that? There are people — your family, your friends — who will use this choice, and they will be thankful for this choice. To not continue the democratic process today by delaying this process as per the shadow Attorney-General’s amendment is basically turning your back on the people who elected you and is an exercise in futility to undermine Parliament, I believe. Achieving good things is often very hard, and I would say let us get it done.

**Mr ANGUS** (Forest Hill) (18:03) — I rise to make a brief contribution in relation to the proposed amendments to the Voluntary Assisted Dying Bill 2017 and particularly to support the amendment as proposed by the member for Box Hill. We can all recall that we were debating this bill in this chamber just a few weeks ago. It was a bill that the government repeatedly told all of us in here, and certainly all Victorians as well, that it was a perfect bill and it did not need any amendments. Here we are, just a few weeks later, and we can see that the matters that were raised by so many members speaking against the original bill have been proven to be quite correct.

During the debate and also in the subsequent consideration in detail and committee stage that were held here and indeed in the other place, members opposed to this bill highlighted the numerous very serious deficiencies with the bill. I recall many times, with the matters that I raised during our all-night sitting here — when I raised matters, as did other colleagues opposing the bill, in relation to obvious deficiencies in the bill — the minister repeatedly said to all of us that there was no need for any amendments, that the bill was fine and there was nothing to see here. It is only as it has gone through the rigour of the upper house and has ended up coming back down to us that we can see, very clearly, that the words the minister said then were completely wrong, and that is obvious by the six and a half pages of amendments that we have now got before this chamber.

The point I really want to make out of all that is the fact that a number of the matters that we identified at the time the government have now addressed, but there are a number of them that they have not addressed and they fundamentally cannot address, because of the nature of the bill itself. That is what concerns me the most: the fact that the government swore black and blue in this chamber a few weeks ago that the bill was perfect and there was no need for any amendments. Here we are, a few weeks later, and they are saying, ‘No, it’s actually not perfect; it’s far from it. We are going to put up amendments’. I wonder how long it will be before the other matters that we raised, legitimately in my view, in this place some weeks ago in relation to the

fundamental flaws in the bill will be acknowledged by the government to indeed be fundamental flaws as well.

My concern is that at that stage it may well be too late for some people, because some people may have availed themselves of this particular bill and the outcomes of it by that stage. Then it is an irredeemable situation, obviously, for people in that situation. I think that there are still grave concerns, and certainly my community, as I said in my primary second-reading contribution, was feeding back to me very strongly what their views are in relation to this bill. Indeed they have continued to do so — that is, essentially raising the concerns that we have raised here but also other concerns as well.

There has been much said today by government members in relation to the time that has been given to debate this bill. My view in relation to that is, very clearly on a bill that is absolutely literally a life-and-death bill, it should be exhaustively debated, and that clearly did not happen in the other place.

**Mr Pakula** interjected.

**Mr ANGUS** — I hear the Attorney-General commenting on that now. We did have an extensive debate, but there were still other contributions that needed to be made. I think back again to my very last contribution in this chamber, which was truncated by the Deputy Speaker as I tried to extend my contribution. I think there is still more debate to be had in relation to the bill. The point on that particularly is the fact that the government has tried to use, and has used, essentially the tactics of attrition by making members work through the day and through the night just to try to wear down members for no apparent reason. Clearly with the commencement date of the new death system being proposed to be June 2019 there really is no rush, you would argue, in relation to that. It should be fully and exhaustively dealt with in the two chambers before we get to that point.

I also note, as I did in my second-reading contribution, that this bill was not taken to the people at the 2014 election. A number of members on the other side have said repeatedly that this is the will of the Victorian community. I would say, as I said then, that that should have been taken to the people and indeed, if the government still feels that strongly about it, it is not too late to withdraw the bill or to support the member for Box Hill's amendment and put it to the people at the election in 12 months time.

One matter that I did not get the opportunity to raise when we were in the consideration-in-detail stage in

this place was the contribution that came through from former Labor Prime Minister of Australia Paul Keating on 19 October. I was unable to read a couple of those passages into *Hansard* and I want to do that now. From his article of 19 October 2017, he said, and I quote:

Under this bill, conditions and safeguards are outlined that will allow physicians to terminate the life of patients and to assist patients to take their own life. This is a threshold moment for the country. No matter what justifications are offered for the bill, it constitutes an unacceptable departure in our approach to human existence and the irrevocable sanctity that should govern our understanding of what it means to be human.

The justifications offered by the bill's advocates — that the legal conditions are stringent or that the regime being authorised will be conservative — miss the point entirely. What matters is the core intention of the law. What matters is the ethical threshold being crossed. What matters is that under Victorian law there will be people whose lives we honour and those we believe are better off dead.

In both practical and moral terms, it is misleading to think allowing people to terminate their life is without consequence for the entire society. Too much of the Victorian debate has been about the details and conditions under which people can be terminated and too little about the golden principles that would be abandoned by our legislature.

One of the inevitable aspects of debates about euthanasia is the reluctance on the part of advocates to confront the essence of what they propose. In this case it means permitting physicians to intentionally kill patients or assisting patients in killing themselves. Understandably, the medical profession is gravely concerned by this venture.

As the member for Box Hill also very eloquently outlined in his contribution, as a rearguard action we have seen the government scrambling about, trying to cobble together some sort of palliative care package and put some additional funding towards palliative care a couple of weeks ago. But again that is very much an afterthought; it is very much a rearguard action to try to shore up a bit of support here and there, to recover some votes in relation to that.

But we can see that that is a gross underfunding. As the member for Box Hill cited, the funding offer from the government of around about \$9 million a year being proposed as opposed to Palliative Care Victoria's estimate of the need being \$65 million or so per annum just shows the complete gap there. Again, as I said in my second-reading speech, the \$140 million palliative care package that the coalition announced some weeks ago will go some way to alleviating that.

What we have got here, in conclusion, is the government's desperate attempt to make a bad bill less bad. The government remains, in my view, condemned for its behaviour regarding the bill. I think the member for Box Hill has got far greater vision than the minister



in relation to the downstream consequences of the bill, and he very well articulated those in both his second-reading speech and earlier today in his contribution when speaking on his amendment. I think this is a perilous time for the Parliament. I think, as I said previously, history will judge this Parliament in relation to this bill because this is literally a life-and-death bill. I trust members will consider that as we look at the amendment in a few moments.

**Ms GRALEY** (Narre Warren South) (18:13) — I rise to speak against the member for Box Hill's amendment and support the motion as put by the minister to make sure that this bill can pass this house soon. I would like to put on the record that all members of the Labor Party had a free vote on this bill. No-one from the Victorian Labor Party caucus asked me to vote one way or another. We have all had a free vote. I suggest that those who like to think that we did not think a little bit differently about this. We all had a free vote, and there is certainly not an argument for suggesting that this bill should be amended or delayed.

This is a very, very important bill. I was asked to vote for or against it. As a result of that, I made a decision and I came in and spoke in this house on that decision. I said in my second-reading speech that I asked myself, as the Premier had posed the question: who am I to stand in the way of this bill? I again ask this today: who are we now, after this bill has progressed through the Parliament with over 90 hours of debates and some pretty arduous debate, including some pretty taxing situations that we had to deal with, to stand in its way? Some people said things that should not have been said, and some people said things that needed to be said. I get all that, but I think we have had a fair hearing.

And in fact today when I am listening to people opposing what should be coming into law as compassionate, safe law, I am just hearing the same stuff I heard those few weeks ago. I am not hearing anything new. In fact the axe murderer just had a re-run. The car accident had a re-run. Even the member for Burwood trotted out the old thing about the cancer patient. I think we have heard some really good debate and we have heard some very poor debate. We certainly do not need to hear a re-run of the poor debate.

I would just like to say that if you look at some of these amendments this is exactly why we should pass this bill with amendments. It has been through a very, very deliberate, arduous, well-thought-out process. That is what these houses of Parliament are here for. I sent my decision to every member of the public who had sent me a letter saying, 'Vote this way' or 'Don't vote this way'. I have sent to every one of those constituents a copy of my

vote, the way the house voted and a copy of my speech. I have got to say that not one person has contacted me. There might be reasons for that that I may not be getting, but I think one of the reasons that people are mindful of in their thoughts about this legislation is that they want the house to deal with it. Actually on receiving my correspondence, they probably thought the house has dealt with it and that it has dealt with it in a way that most of us can accept. I do not see people demonstrating outside my office, saying, 'You did the wrong thing'. They accept the decision that their parliamentarian took and understand that the bill has been through another stage in the other house where these amendments have come from.

I must say that in particular I was very concerned about one of the amendments, and that was the reduction from 12 months to six months, because I was very concerned —

**Mr Watt** interjected.

**Ms GRALEY** — Let me speak, member for Burwood. You have had a fairly good go, and you have talked about yourself a lot. I am going to talk about patients. I am going to talk about patients and the people out there, the people we are supposed to represent — not your views on things.

I was very concerned about the reduction from 12 months to six months because I was very concerned that those patients who have neurodegenerative diseases would not be able to access voluntary assisted dying. I think that what we have in relation to that amendment in particular is the good work of the Parliament taking place. Those people who had concerns about people with other diseases have had their term reduced from 12 to six months, but those people who have neurodegenerative diseases will be able to request voluntary assisted dying within 12 months of death. Do you know why? Because they need that. This is a commonsense set of amendments in many respects if you look at that one in particular, and that is why we should accept it.

The process has been a good one. It has been the Parliament working together — both sides. Yes, we will disagree and we will probably disagree to our deaths about some of these issues, but the fact of the matter is that the amendments that have come down have been quite well formulated. They do tick off on some of the concerns that particular members of the houses have had, and they do not undermine some of the real concerns that people like myself had when we went to support this bill.

I have heard a lot of arguments made around the palliative care situation, and I have got to say the government was very aware that this was a decision that a lot of people were making on the basis that they could not access adequate palliative care services. The Minister for Health, during this time, has been working very hard to make sure that an expansion of palliative care services will be available to people, especially in regional areas. We have got an expansion of home-based palliative care in rural and regional Victoria, a statewide 24-hour phone advice service, palliative care consultancy services in regional Victoria, end-of-life care support services grants and five years of ongoing funding for these services. For people to suggest — I will throw this into the ring — this as a reason to oppose or to delay this bill is reckless, because these services need to be delivered.

I am going to finish up by saying that there are a lot of people who have been watching this debate. Both the best and the worst of us have been on display on occasions, but I certainly do believe that what people across the board from all parties, no matter where you live or your background, believe is that we are elected officials and it is our job to make decisions. It is our job to get it done. I think that in some of the concern that we see, this dismay that people have with the democratic process at the moment and the leadership in certain areas of our political ecosystem, they are really saying to us as leaders that we need to get on with the job of making decisions, governing and sticking to what we know to be our job — not acting as God because ‘I disagree with it’ but taking up the role of being a strong decision-maker, a decision-maker that has heard all the arguments.

This bill has gone through the process of the house, as I said, in very arduous and demanding circumstances but with a free debate available for all of us to contribute to. I personally am very, very glad to have been able to participate in such a landmark occasion, but I also think that it is time now for us all to say, ‘Let’s deal with it’. Who am I to make this decision on behalf of the people of the Narre Warren South electorate? I am their elected representative, and that is what we should be doing. We should be making a decision — not acting as gods, but making a decision — and getting on with it.

I oppose the amendment, and I support the bill as proposed by the Minister for Health. It is safe, it is compassionate and, I have got to say, as I said in my second-reading speech, it is time. It is time today. It was time a few weeks ago, and it is time today. The best we can do in this house is get on with the business of governing and get on with the business of making a decision. It is time.

**Mr CRISP (Mildura) (18:23)** — I rise to support the amendment proposed by the member for Box Hill. In doing so, like all of us, I am reflecting on the process that we have been through. When we deal with bills in this house, mostly we are amending existing acts — that is, we are adjusting for changes that have occurred in almost a minor way. We are tweaking various acts, and that allows for the accumulated knowledge, precedent and understanding in those acts to continue and to be useful in the areas of precedent. Now we have a new bill before us. When you have something completely new, and that is very rare in this day and age, then there does need to be a thorough and comprehensive debate on that bill, and that is what is occurring. I think that is part of the process of being thorough and doing our job.

We have learned much in the last week or so from the upper house debate, and the member for Box Hill raised many important issues. There is one issue that I want to raise in what will be a reasonably short contribution, and that is that the people who have come to my office have some lingering concerns. They believe this to be a bad bill, and with the amendments that are proposed they believe it will be less bad, but they still consider it to be bad. They made that quite clear to me. But their concern is over those end-of-life issues.

They had a very frank discussion with me as a small group about what their concern was. They know that aged care is expensive, and as older people they are feeling a self-imposed pressure to do what is best for their families or their children. In many cases they need to sell the family home to go to a nursing home for end-of-life care, yet at the same time they also concede that they know their families would never put pressure on them. But the elders feel that they are imposing that pressure on themselves, and I want them, and they feel they need, to have the confidence that they have a choice. That is where we need to arrive at a solution where we can provide some sort of choice for those elderly people who are feeling a self-imposed pressure, and that is where the role of palliative care comes in.

We can do much more with palliative care, and I support a better palliative care system that can and must offer better end-of-life options that include being able to die a pain-free death at home. That is what I was asked to bring back to the house — to talk about the things that concern them. Certainly being able to die at home is something that people do desire, as well as relief from those financial pressures, particularly when they are concerned about selling their home. With that, I will be supporting the amendment of the member for Box Hill.

**Mr THOMPSON** (Sandringham) (18:26) — I am pleased to support the amendment by the member for Box Hill and commend him on his application and focus on important features relating to legislation which will impact upon this state and perhaps the Australian nation in a number of ways. I had the privilege of listening to the brilliant Liz Carr, a British actor, lawyer and disability rights advocate, when she spoke in this Parliament earlier this year. She raised a number of concerns, but the one which I have stated in here previously is about when the right to die would become the duty to die. This particular point was amplified by a former Australian Prime Minister, Paul Keating, when he noted:

Once this bill is passed the expectations of patients and families will change. The culture of dying, despite certain and intense resistance, will gradually permeate into our medical, health, social and institutional arrangements. It stands for everything a truly civil society should stand against. A change of this kind will affect our entire community not just a small number of dying patients. It is fatuous to assert that patients will not feel under pressure once this bill becomes law to nominate themselves for termination.

John Daffy is a highly principled Melbourne physician, and he has focused upon this legislation for a long time. He grew up in country Victoria, pursued an amateur sporting career, was an outstanding Australian athlete and conducted his studies in this state where he practices at three Melbourne hospitals. He has made a number of statements:

A yes vote will enable state-assisted suicide for people with potentially treatable depression as well as our most vulnerable and socially isolated community members.

Yes voters, in good faith, think they are voting for the right to die for an individual in pain. If modern palliative care was available to all, we should all be having a pain-free death. We should be concentrating on providing the best possible palliative care and support to all Victorians who are not currently receiving it at this time.

The package that was proposed by the government is inadequate to meet the need as outlined by Palliative Care Victoria. Victorians therefore will continue to suffer while palliative care does not meet benchmark standards across the state — in inner Melbourne, in the east of Melbourne, in the west of Melbourne and in regional Victoria. John Daffy went on to say:

We will be voting for doctors to assist the suicide of patients, irrevocably altering the doctor-patient relationship. We are voting to turn back 2000 years of medical ethics.

I repeat:

We are voting to turn back 2000 years of medical ethics.

Dr Michael Gannon from the Australian Medical Association has stated on the record that 107 out of 109 national medical associations are opposed to euthanasia. John Daffy further said:

The international experience is clear. The threshold event is euthanasia's initial legalisation. From that point, the only debate is expanding the indications of the state-sponsored suicides.

...

A yes vote needs to fully own the collateral damage.

We are voting for a system which cannot be made safe for the most vulnerable in our community. That's why the English House of Commons recently rejected similar legislation (3 to 1) with the overwhelming opinion from that well-informed Parliament that you simply couldn't make it safe, no matter how many 'safeguards' you put in place.

I believe that this legislation is a political smokescreen and is detracting from the real debate which is that superior palliative care should be available to all Victorians. The real debate is significantly more expensive. We can't even get the trains to run on time. How can we possibly trust a government department to safely oversee a state-sanctioned suicide program for our fellow citizens. This course of action can never be made safe. The English House of Commons got it right when they said no to similar legislation. Hopefully our own state Parliament can show similar wisdom and leadership on this most difficult of issues.

I would like to finish by placing on record some remarks by Karen Hitchcock, who was quoted earlier:

Over the 12 years that I have worked as a doctor in large public hospitals, I have cared for hundreds of dying patients. No-one has ever died screaming or begging for me to kill them. Patients have told me they want to die. My response to this is 'Tell me why'. It is rarely because of pain, but it is often because of despair, loneliness, grief, the feeling of worthlessness, meaninglessness or being a burden. I have never seen a dying patient whose physical suffering was untreatable. The combination of morphine and midazolam is extremely powerful; it can be administered and titrated up very quickly. Barbiturates can render one unconscious in minutes. Palliative care practices have come a long way in the past decade.

Dr Hitchcock went on to note:

Euthanasia is a cheap solution to the difficult and complex problem of caring for those dependent, suffering and dying.

...

Any attempt to make death easy will inevitably expose those in the community who are vulnerable to untimely deaths, to feeling worthless and burdensome. No panel of doctors or booklet of rules, no ream of checks and balances, can prevent this invisible coercion based on new social norms. It is clinicians on the front line who see this invisible coercion in action: patients apologising for taking up beds, for being a burden, for finding themselves disgusting and so wishing they could die.

I can understand why killing might be framed as a humane response to your diminished function, physical suffering and mental anguish. But our responsibility is to help make your life bearable. I hope for a society with the values and the resources to allow us to say, don't be scared. We will attend to you, ease your pain, witness your anguish. No, we will not kill you.

**Mr PEARSON** (Essendon) (18:33) — I am delighted to make a few brief comments in relation to the Voluntary Assisted Dying Bill 2017 that is before the house. I rise to speak against the amendment moved by the member for Box Hill. This is a debate that has been extensive. It has lasted — as the Attorney-General, who is at the table, indicated — something like 60 hours. Both houses have enabled members to speak on the second reading, to vote on the second reading, to speak on the clauses of the bill during the course of the committee debate, to vote on amendments that have been put and then to finally vote on the third reading. The debate has been extensive, and it has been exhaustive.

It was not clear to me listening to the member for Box Hill's contribution earlier today that if we, for example, said, 'We'll allow not for 60 hours of debate, we'll allow for 120 hours of debate', that that would shift the manager of opposition business, the member for Box Hill, from his position. We could afford the member for Box Hill 600 hours of debate and I still think he would oppose the bill. This place and the other place could have voted for every single amendment put forward by the member for Box Hill, and I think that on the vote on the third reading the member for Box Hill would have opposed the bill. That is my sense. I respect the fact that the member for Box Hill is very firm and resolute in his commitments, but the Parliament has considered this bill at length in both houses along the principle that the chambers are separate but equal.

It has been a good debate. It has been a debate I have been proud to be associated with. I listened with great interest to a number of contributions that were made, both those in favour and those against. What became apparent to me very early on was that there are good people with good ideas on both sides of the debate, and I respect the fact that we come at this through different lenses and from different angles. You can sit here dispassionately during the debate, you can listen to a person who has got an opposing view, as I did, and you can respect the position that they arrived at. I respect the fact that when the bill was put before this place and when amendments were put to the bill, people had a diametrically opposed view to mine. I accept the fact that they reached those views through their own ways, through their own passage through life and through their own learned experience, as have I, and that they

have reached a fundamentally different perspective and point of view.

Ultimately it would come down to this. Ultimately it would come down to a vote on the second reading, a vote on amendments and a vote on the third reading in this place and the other place. It was always going to come down to this, and it was always going to come down to the numbers. It was always going to be either a case of the bill passing without amendments, the bill passing with amendments or the bill being defeated. What we saw as a consequence of extensive debate that went overnight in this place and on two separate occasions in the other place was the Parliament reach the conclusion that the bill should be supported with amendments. As a consequence of that extensive debate, the extensive examination, there is the opportunity now to accept those amendments from the other place and to pass the legislation.

I have sat through a few committee debates in my time. I sat through two lengthy committee debates in the other place back in the 1990s on changes to the Audit Act 1994 that were proposed by the Kennett government and changes that related to the abolition of common-law rights for seriously injured workers. It is a privileged position to have a committee debate, because as a member you can ask a question of the minister and the minister can provide a response to that question in the chamber, or they can seek advice from a senior departmental official. It enables a member who has got an issue with a bill to examine and explore that particular issue at great length. It allows people to try to ascertain and understand in a lot more detail why a particular clause is in a bill. It potentially allows members to allay their fears through that examination.

As we saw in this place, debate lasted for well over 20 hours, and in the other place it lasted for, I think, over 47 hours. So it did provide an enormous number of opportunities for members to explore, reflect and get on the public record, *Hansard*, their views on the bill and on specific issues related to it. It was quite a rich and lengthy debate, which was really important and really worthwhile and useful.

We have got to the point where we have done all that. I was listening to the contribution of the member for Box Hill earlier, and if you took on face value what the member said, it was almost like this bill just appeared out of nowhere one day and that it has been pushed through this house and the other place and is going to become law tomorrow. The reality is that the bill before the house is the result of extensive consultation and discussion. It has been explored at length. It is the product of an expert panel of people who have

considered this matter at length. Like other members, I read the report, I met with members of my community, I met with healthcare professionals, I met with local churches and I met with Professor Owler. I looked at the bill in great detail, I spoke during the second-reading debate in this place and I spoke a number of times during the consideration-in-detail stage. I am not putting myself out there as being any different from the majority of members of this place and the other place. I looked at this bill carefully, I looked at it closely, I consulted widely and I made my position clear based upon those discussions. I participated actively throughout the process.

During the sitting day on which we debated throughout the night I went home and had a couple of hours sleep and then went out to a function in my electorate, and people were amazed at the fact that Parliament had sat overnight and at length. People were incredibly supportive of the bill that had been passed by us that day. People were pleased and positive that we had done that. As a consequence of that we are now in the position where we have the bill back here with amendments, which I am very happy to support because I think this is a really important piece of legislation that is before the house.

We have done our duty; we have discharged our duty on behalf of our electorates. Our electorates tasked us to look at the bill, to read the report, to examine the issue thoroughly, to come here to make our contributions and to vote according to our conscience. We have done that, and I am really pleased and proud of being afforded this opportunity to do so. It is a great piece of legislation, and I am proud to support it. I commend the bill to the house and I oppose the amendment moved by the member for Box Hill.

**Mr GIDLEY** (Mount Waverley) (18:43) — I rise to support the amendment put by the member for Box Hill, and I do that principally because there is no question that if you are looking at this amendment in a fair-minded way, the Parliament is not ready to progress this bill further. It is not ready to progress this bill further for a number of reasons that I intend to outline. The first reason is the manner in which this debate has been conducted in the Parliament. A number of members have given each other a pat on the back and have celebrated how well the debate has been conducted. I do not agree. I think this has been one of the most disgraceful abuses of parliamentary process through the use of a gag that I have ever seen.

Regardless of the different views across this chamber, everybody should have the right to express their view on all aspects of a bill. If the Parliament and members

of Parliament do not have the opportunity to have their say on all aspects of a bill — to represent their electorate or to represent their region — the Parliament is not doing its job. When the government puts in place mechanisms in the Council, for example, which deny people the opportunity to put forward the contributions they seek to make simply because it does not like those views, I do not join in the backslapping and I do not join in the popping of champagne corks. In my view there is one place where those views should be able to be put, regardless of how people are approaching the debate, and that is in the Parliament of Victoria if they are elected. This government has not allowed that to happen. It has used the gag in the Council; that is a fact. It is not a debatable contest; that is a fact. It does not happen a lot in the Council, but under this government it has, and that is an absolutely shameful, unfortunate thing that has happened on a life-and-death issue.

But also, there is no question about it, members of Parliament in the Assembly have not had the opportunity to speak on behalf of their districts in the manner in which they would have liked. That was made very clear when some members had to leave the chamber because the government had marathon sessions that were not needed. The bill could have been debated at a more reasonable hour to ensure that elected members of Parliament had the opportunity to speak on amendments and to put amendments forward. Again that is not a contested concept. There are members in the Assembly who had to leave this chamber during the marathon debate, not because they wanted to and not because they did not have anything to say on behalf of their electorate, but because the government in the way it approached the parliamentary process said, ‘Sorry, you don’t have that right on a key life-and-death issue. We’re going to take that away from you’. I think that is just criminal. As I said, that is why I will not be indicating that the Parliament is ready to pass this bill.

The other thing that concerns me is that even over the weekend I met with a number of constituents at community events, and I met with one constituent in my office. We in this place have a great appreciation of the parliamentary process, but for many people outside of this place the concept of the different stages of a bill and the concept of where bills are at do not come as naturally as to some in this place who do it on a week-to-week basis. A number of those constituents put to me that they simply did not have the opportunity to see me, as their member of Parliament, and to go through what the amendments that had been accepted meant and what those that had not been accepted meant. The reason they did not have that opportunity is that nobody could go through the amendments that thoroughly, given the debate had only taken place last

week in the Legislative Council, given that it is not like the Council sat at reasonable hours, given that the scheme, if it comes in, is not going to come in until 2019 —

**Ms Ryall** interjected.

**Mr GIDLEY** — It was a complete rush. To say to residents in my district or other districts that over two or three days they should have the ability to look at what the Council has done, to see their elected representatives, to put those representations based on the amended bill and to have those members of Parliament then come in and debate and vote on this early the following week, is just nonsense.

Whether or not it is the historic applying of the gag to silence members of Parliament in the Legislative Council, whether or not it is putting in place a timetable in the Legislative Assembly that prevented people from having the opportunity to speak on different parts of the bill because of needing to leave the chamber and whether or not it is bringing this bill into the Assembly today and seeking a vote on it when residents who are not part of the parliamentary process and naturally will take more time to consider the amended bill that has come from the Council and then seek a meeting with their member of Parliament and have that opportunity refused, these are characteristics of this debate which do the government no credit, regardless of the position you are coming to on this debate. They do the government no credit, they do the Parliament no credit.

This debate should have been one where every member of Parliament had the opportunity to put amendments and speak on different areas. It should have been one where we celebrated the contest of ideas, where the gag was not applied. It should have been one where members of the public had the opportunity to see their elected members of Parliament following that rushed job in the other place and get a better understanding as to how that would impact them and their life.

That is crucial, given the government went out so hard and said to people in Victoria, 'We've got this right. We don't need any amendments. This bill is perfect in the Assembly. We don't need any amendments. We're not going to accept any amendments. It's all fine and dandy, even though it is a key life-and-death issue'. Then in the upper house to have a completely different bill with amendments passed come back to this chamber and say to the people of Victoria, 'Well, sorry about that. We said one thing one week, we've done another thing the next week, and if you want to see your elected members of Parliament on what we're actually proposing, well, that's tough' — that does not

work for residents in my district and it should not work for any residents across the state.

It also does not work when we had a key life-and-death issue here where there was not wriggle room up to the last election. There was not a commitment of, 'We'll look at euthanasia or physician-assisted dying — we might have a look at it'. It was unequivocal: 'We will not introduce or change euthanasia laws'. They were the words from the Premier of the state before the last state election. What have we had? We have had the Premier change his mind.

I do not criticise the Premier for changing his mind on a key life issue. I do not criticise him for doing that. He is entitled to do that based on different experiences. But as I said in my contribution, if on key life-and-death issues like euthanasia members of Parliament are going to go to the electorate when they are leading an alternative government, make a commitment of their position, get into government and then seek to change that position, they at least should have the courtesy to go back to the electorate — at least have that courtesy.

From all of those perspectives, from a leader of the government who said he would not change euthanasia laws before the last election, from the government that has gagged debate, from the government that has prevented members of Parliament in this place being able to put the amendments that they wanted because of the way that it rammed this through the Legislative Assembly, from a government that is taking away the rights of residents to speak and meet with their elected members of their district or region, all of those things, as well as the content of the debate, make it so important that we do not rush this.

It is so important that this Parliament does not debate and further progress this bill. This Parliament, the people of Victoria and this issue deserve so much more than what has been provided by this government, regardless of the views that have been put and how you come to a position on this issue. The people of Victoria deserve better. The Parliament deserves better. The whole state deserves better. I just say to members of the government that it is not too late, there is an opportunity; there is an amendment before the house moved by the member for Box Hill, who has so eloquently spoken in this debate, and I would urge members to support that.

**Ms THOMSON** (Footscray) (18:53) — I am opposing the member for Box Hill's amendment and supporting the Council's amendments to the legislation before the house. In doing so I want to say that I respect those people who have a different view about voluntary

assisted dying. I respect their right to think differently and to be opposed to this legislation, and I respect the vast majority of the people who participated in this debate in the lower house three weeks ago. But my concern is that we are now at a point where we can make a decision to either vote for or vote against the legislation. People know what they want to do. I do not believe that members in the Assembly do not understand the significance of the amendments that were passed in the Legislative Council. I think we are all aware of those amendments, what they mean and the impact that they have. I do not think, irrespective of what these amendments are, that it will change the vote of anyone from the last time we sat to the present time.

I say that because we have had over 100 hours of debate, plus the 2½ hours that we will have today and whatever we do tomorrow in relation to this. This will be the most debated piece of legislation that will have ever been before this Parliament. People may say that that is right, it deserves that, but there will come a point when the community will want us to call an end to this, to actually resolve this. We are now debating around and around in circles. There are no new arguments coming before the Parliament. They are the same arguments that have been put before the Parliament —

**Mr WATT** (Burwood) (18:55) — Under standing order 155, I move:

That the question be now put.

**The ACTING SPEAKER (Ms Couzens)** — As I am an acting speaker, I cannot accept the question. I call the member to continue.

**Mr Clark** — On a point of order, Acting Speaker, my understanding is that if a closure motion is put and the Speaker or Deputy Speaker is not in the chair, they should be summoned so they can rule on the motion that has been put. I submit that you should summon the Speaker or the Deputy Speaker accordingly.

**The SPEAKER** — Order! I call the member for Burwood.

**Mr WATT** (Burwood) (18:56) — Given the fact that the member for Footscray and many members on that side have said we are going around and around in circles, I move:

That the question be now put.

**Ms Allan** — On a point of order, Speaker —

**The SPEAKER** — Order! No points of order can be taken at this time. I am advised that the Independent members have not contributed to the debate, and until I

ascertain whether or not they wish to contribute to this debate, I will not allow the motion to be put at this time. Is there any other member who wishes to contribute to this debate?

**Mr Burgess** — On a point of order, Speaker, with great respect, it is not your decision to make whether somebody is going to debate or not. They are either in the house to rise to their feet in their place or they are not. You cannot be second-guessing members of this house on whether they want to contribute or not. We have asked for the question to be put. You can only decide on that. There is not a point of order to be taken.

**The SPEAKER** — Order! I understand the point the member is making. The standing order clearly sets out that the Chair must put the question immediately without amendment or debate unless he or she believes that one of three things is in occurrence. One of them is the denial of the rights of a minority. I was unwilling to put the question until I was sure that the Independent members of this place had had the opportunity to contribute to this debate on the amendments. I am going to call the member on a point of order — the member for Burwood first — but I caution the members that this is not a debate about my ruling. This will need to be a further point of order.

**Mr Watt** — On a further point of order, Speaker, are you saying that if the Independents do not turn up to this house, we are never going to put the question? Is it your contention that if the Independent members do not turn up to the house, we will never have the question put? The members opposite have made it very clear that we are going around in circles —

**The SPEAKER** — Order! The member shall resume his seat. With respect to the member for Burwood, in ruling on this matter I have made my point very clear that I would seek to ascertain from the Independent members whether they wish to participate in this debate.

**Business interrupted under sessional orders.**

## ADJOURNMENT

**The SPEAKER** — The question is:

That the house now adjourns.

### Sandringham electorate graffiti

**Mr THOMPSON** (Sandringham) (19:01) — (13 702) I have a matter to raise for the attention of the Minister for Police, and the action that I seek is for her or a senior police officer to work with the local

Sandringham community to address the rising scourge of graffiti within the Sandringham electorate. A keen-minded constituent by the name of Peter Stuart-Murray contacted my office recently advising of the concerns of many local residents regarding the amount of graffiti that is occurring in the streets.

There have been a number of people over my time as a local member who have taken on the responsibility of removing graffiti. Residents in Highett, Sandringham, Mentone and Cheltenham have often taken responsibility for clearing up graffiti on public infrastructure and along the railway corridors. Outstanding work has been done by a number of Hampton residents as well. In the case of Mr Stuart-Murray he has dedicated many hours of his own time cleaning up after the vandals strike, and he self-funds the tools and equipment to clear the graffiti. He noted that twice he has caught the vandals red-handed, and he has raised concerns regarding the regularity of the practice, on consecutive Friday or Saturday nights, of the defacing of public infrastructure. He is of the view that with good policing work and good surveillance work, people can be held to account for the damage that is being done to public infrastructure and motor vehicles.

On his behalf and on behalf of other residents in the Sandringham electorate who are concerned about the scourge of graffiti I seek, as I indicated, that the minister or a senior police officer establish a stronger working liaison to try and address the prevalence of graffiti. I note that two or three years ago there was a massive graffiti strike in Black Rock. The police did an outstanding job in allocating time and personnel, and the offender was caught and prosecuted. Likewise in Mentone the Friends of Mentone Station and Gardens have done an outstanding job under the leadership of Dorothy Booth to work with local police officers to clean up the local streetscape. This is what I seek through the meeting with the minister.

### **Breast screening**

**Mr PEARSON** (Essendon) (19:04) — (13 703) I direct my adjournment matter to the Minister for Health, and the action I seek is for the minister to convene a meeting between my office, members of my community, the City of Moonee Valley and the Department of Health and Human Services to discuss ways to increase the rate of breast screening amongst women in the state district of Essendon. Only 58 per cent of women in the electorate of Essendon have regular mammograms. This figure has not increased in the past two years, and women in my community would like to see the rate of testing increase.

### **Registered training organisations**

**Ms BRITNELL** (South-West Coast) (19:05) — (13 704) My adjournment matter is for the Minister for Training and Skills in the other place, and the action I seek is an urgent review of the departmental procedures relating to the distribution of information to registered training organisations (RTOs). Last week I met with a training provider who has no government funding and who is looking to close their business because they have been hampered by bureaucratic bungles. The training provider was told they would not qualify for funding because they do not deliver programs. When the business asked for a definition of 'program', they received advice from the Department of Education and Training. They then went about ensuring they could meet that definition, spending considerable time and money to ensure that they could meet the definition that had been provided as well as improve their course offering to attract more students with specialised equipment and facilities.

Some five months later they received another email saying the advice they had been given previously by the department was incorrect and that a new definition of 'program' would be sent to them shortly. As such the company has since withdrawn its application and is unsure if it will continue. This will equate to the loss of jobs in my electorate, which also happens to be in the minister's region, and will limit the number of places available for courses such as the certificate II in rail infrastructure, a qualification needed in our state.

Is this a case of the goalposts being moved to create a training monopoly to boost declining numbers at TAFEs, or is it that the left hand does not know what the right hand is doing because there are too many bureaucrats? This government has been hell-bent on tracking down dodgy and corrupt RTOs, and rightly so, but it is my fear that they have tarred everyone with the same brush and now every RTO is being viewed as dodgy. There are many RTOs that provide high-quality and valuable qualifications to people to help them get back into the workforce or improve their skill set. I would have thought a government that says it is committed to building an education state would be trying to have as many people qualified as possible, but that is not the case. It is hardworking small business people who are suffering because of this government's unfair and unbalanced playing field.

### **Peninsula Community Legal Centre**

**Mr EDBROOKE** (Frankston) (19:07) — (13 705) My adjournment matter is for the Attorney-General, and the action I seek is for the Attorney-General to



accompany me to the Peninsula Community Legal Centre (PCLC) to discuss the extraordinary amount of work that they do, the quality of that work and the future funding initiatives that could be available to them.

As the local member I am extremely proud of the staff at the PCLC and the initiatives they have put in place to serve my community. Two specific pilot programs at the PCLC that are relatively new to our community, widely used and very much valued are the family violence duty lawyer trial and the fines clinic. For many years PCLC has been delivering legal assistance services to our peninsula community, including people experiencing homelessness, family violence and disadvantage, and I look forward to many more years of their crucial service being supported by the state government. I look forward to the Attorney-General's response.

### Energy prices

**Mr TILLEY** (Benambra) (19:07) — (13 706) I wish to raise a matter for the attention of the Minister for Energy, Environment and Climate Change. The action I seek from the energy minister is that she provide me with details of government funding that can offset the cost of backup power supplies now being installed by industry and farmers in Benambra.

I do not think anyone in this place needs to be reminded of the warnings from the Australian Energy Market Operator (AEMO) for this summer. Just today AEMO have reported that Victorian taxpayers will be paying for the irresponsible policies of this Andrews Labor government. Not only has the Premier sold out the blue-collar workers in the regions in pursuit of Greens votes in the city, he has also overseen an agenda which has increased the risk of blackouts and made electricity more expensive.

Neither industry nor farmers can afford these outages, even less so at critical parts of the day. Take Tawonga dairy farmer Kevin Prime. He milks 250 cows twice a day, generally between 6.00 a.m. and 8.30 a.m. and then again between 4.00 p.m. and 6.30 p.m. I do not need to tell you that these times of peak energy demand are times when these outages are most likely to occur. Like most farmers, Mr Prime has had to plan ahead. He has recently invested in a diesel generator to overcome the potential loss of power mid-milking. That is a \$20 000 investment against a backdrop of depressed milk prices. He cannot afford it, but this Labor government's decision to push ahead with its ridiculously ambitious renewable energy target has forced his hand.

This is a farmer who is not averse to renewable energy — he has a solar system, but that alone cannot meet the demand of a full milking run. Mr Prime is not greedy and he is not about government handouts, but he asks what compensation can be provided to farmers in his predicament. Just last week he asked what he should do with his milk if the power goes out: 'Surely they don't want me to stink this valley out by dumping it into the effluent ponds', he said. I think he is right; I do not think Labor would want dairy farmers dumping spoiled milk with the risk of a stench leading all the way back to their ideological policies. I am pretty sure they would not want a class action from dairy farmers over the loss of production or over cattle suffering mastitis or left bellowing in the milking bays with full udders.

Mr Prime is not the only dairy farmer planning for these outages, nor is dairy the only industry. The *Weekly Times* last week highlighted the concerns of pig, egg and meat producers over the fact that power companies are urging farmers to stay off the grid. That is fine in theory but, as Mr Prime's case demonstrates, not always practical. We have major manufacturers and industry in the Benambra district who are reliant on a stable and reliable energy grid and who are now scrambling for alternative power supplies to get them through a government-created disaster. They are the collateral damage from this government's policy, and at the very least they deserve an explanation, if not compensation.

### Brimbank Bicycle Education Centre

**Ms SULEYMAN** (St Albans) (19:10) — (13 707) My adjournment matter is for the Minister for Public Transport, and the action I seek is that the minister provide an urgent update relating to the current request from the Brimbank Bicycle Education Centre (BBEC) to be granted access to a retired W-class tram, which are available for community use. The BBEC have requested this, and I have made representations for the community group to be permitted use of one of the retired trams. This tram will provide a number of community services at Green Gully Reserve, where the community group is located, including the establishment of a men's shed, education and training for children around bicycle safety and various other activities. This will be a great opportunity available at a community space accessible to not only the electorate of St Albans but also the northern end of the City of Brimbank.

I believe that there is already a W-class tram located at Copperfield College near Kings Park, and it would be fitting to have a second W-class tram located in Brimbank. What better way could there be for this group to be able to provide additional services,

including, as I previously said, a men's shed and various other activities not only for kids in relation to bicycle safety but also the ability to provide more services? Therefore I commend the group's request and wholeheartedly support the group's activities at Green Gully Reserve. I ask the minister to urgently provide an update on this matter to the community in St Albans.

### **Naroghid wind farm**

**Mr RIORDAN** (Polwarth) (19:12) — (13 708) My adjournment matter is to the Minister for Planning. The action I seek from the minister is an assurance that he will listen to the community of Cobden who believe the changes proposed for the Naroghid wind farm are in fact substantial changes and as a result need to go through a public planning process. The Naroghid wind farm is quoted as being a \$100 million investment. The project claims the farm will have a stated capacity of 43 megawatts, created by 12 Senvion 3.4-megawatt towers — they are seeking approval to go to a height in excess of 180 metres — and will power 37 000 homes.

Let us test some of that theory and supposed benefits for the Cobden community. If this farm goes ahead, the vital and much-supported Cobden airfield will be put at extreme risk. Pilots and the local community have told me the value of the airfield will be dramatically reduced. Cobden does not have an on-call doctor service, so an airfield capable of airlifting people to safety is important. Fire spotters and fire planes are an important service that can be based in Cobden. Cobden is also the closest airfield to the iconic Twelve Apostles and home to a vibrant aero club. Recent years have seen considerable upgrades at Cobden airfield, and it is one of the finest airfields in the Polwarth electorate.

If common sense does not prevail, what will the community get? Wind generation in Victoria at 11.00 a.m. today was producing 7 per cent of its stated capacity. That would mean that this wind farm would not be powering the 37 000 homes claimed and the benefit therein, but instead each \$8.3 million wind turbine would be generating 70 kilowatts of energy — enough to run not 3083 homes but 35 2-kilowatt hairdryers. This is not a good deal for Cobden, it is not a good deal for Victoria and it is not a good deal for safety in south-west Victoria. It is not a good deal for Cobden to lose its airport for this golden wind rush.

### **Footscray Hospital**

**Ms THOMSON** (Footscray) (19:14) — (13 709) My adjournment matter tonight is to the Minister for Health. With the finalisation of the site for the Footscray Hospital, I ask that she and I go down and

visit the site and engage with the community to find out what that will mean for the community. I ask this because I am so pleased that the state budget put money towards identifying the need to build a new Footscray Hospital, with the site to be determined after a short list is prepared, to ensure that the people of the inner west at Footscray and surrounds get the first-class hospital that they deserve.

It is only a Labor government that will put the money into ensuring that the people in the inner west get the medical and hospital services that they deserve and have been waiting for some time to receive. Again, I ask the Minister for Health if she would make the time, once those decisions have been made and we have a final site, to come out to that site with me to engage with the community over what that site will look like and what we are going to do to provide that hospital for the people of Footscray and the inner west.

### **Maroona-Glenthompson Road, Willaura**

**Ms KEALY** (Lowan) (19:16) — (13 710) I wish to raise an adjournment matter for the Minister for Roads and Road Safety. Maroona-Glenthompson Road is currently being used by a higher than usual number of trucks due to the closure of the alternate route at Rossbridge. Despite having more than a year to make sure Maroona-Glenthompson Road was in suitable condition to handle truck traffic, the road is just too narrow, with truck mirrors almost touching when passing vehicles travel in the opposite direction, and poor maintenance of the road has resulted in numerous potholes and significant drop-offs on the shoulders. The road is simply not safe for local residents or other users of the road.

Tragically my concerns regarding the safety of our country roads were realised last week when a truck driver sadly lost his life on Maroona-Glenthompson Road last Thursday. People attending the scene of the accident have told me it appears the truck went off the road into a 6-inch drop-off at the shoulder, which led to the driver losing control of the vehicle and, tragically, losing his life while just doing his job. I extend my sincere and heartfelt condolences to his family.

To highlight the issues with this road, another truck accident occurred this morning on this same road. Again it appears the driver travelled around the bend and hit a hole, causing the truck to roll. Fortunately in this instance the driver has survived, and I would like to acknowledge the Country Fire Authority volunteers from the Willaura brigade who attended both accidents.

Maroona-Glenhompson Road, like many roads in the Lowan electorate, is simply not at a standard to handle this level of truck traffic. It is simply not good enough that we have roads that have been so poorly maintained that people are putting their lives at risk when they are just doing the jobs they love, taking the kids to school or going to footy or netball training. Labor's cuts to the VicRoads asset management budget over the past three years and their scrapping of The Nationals' country roads and bridges program are taking their toll.

We do not need reduced speed limits on our country roads; we need roads that are safe for our people to use. I therefore ask the minister to take urgent and immediate action to review the suitability of our country roads to handle the trucks and other traffic they carry and to provide VicRoads with the budget that allows them to do their job and to fix up country roads to save country lives.

### Bonshaw Early Learning Centre

**Mr HOWARD** (Buninyong) (19:18) — (13 711) I raise an issue for the attention of the Minister for Families and Children. I ask the minister to visit Ballarat early next year to open the new Bonshaw Early Learning Centre. As the minister would know, \$1.6 million was allocated in the last budget to construct a new kindergarten and early learning centre in the Sebastopol West area to support a community that is growing in the number of houses that will be constructed on the site. The new kindergarten is being constructed off-site by ARKit construction, and I understand the kindergarten is now complete and ready to move on-site. I think that will happen this Friday, and I will be pleased to see it actually coming on-site. Afterwards of course it will be completed so that the kindergarten will be open for operation for the start of 2018.

Clearly this is very exciting for the people of Sebastopol. This kindergarten will replace the old Sebastopol West Kindergarten. I certainly know that the families will be very excited about this, so I look forward to the completion of this centre and to the minister formally opening it next year.

### Responses

**Mr WYNNE** (Minister for Planning) (19:19) — The member for Polwarth has raised with me a planning matter in relation to a wind farm at Cobden and the potential impact of that wind farm on the activities of the very important airport at Cobden. I am happy to take that matter on notice, and I will take up the matter with my office and provide advice to the member for Polwarth as to where the application is up

to. Obviously the protection of significant assets such as airports is very critical in country Victoria, and I am very aware of their importance, particularly in relation to medical evacuations and so forth. I can assure the member for Polwarth that I will take that matter up, and my office will be in touch on that application and where it is actually at in the process.

The member for Sandringham raised a matter for the Minister for Police in relation to the issue of graffiti in the Sandringham electorate, and the member for Essendon raised a matter for the Minister for Health on how to boost the rate of breast cancer screening in his electorate, a very important issue for all of us. I will make sure the minister is aware of that matter.

The member for South-West Coast raised a matter seeking the support of the Minister for Training and Skills to assist one of her training organisations to get themselves accredited, and I will make sure the minister is aware of that matter.

The member for Frankston raised a matter with the Attorney-General in relation to visiting his very active community legal centre in Frankston. We know just how important these legal centres are to our community, and I will make sure the Attorney-General is aware of that.

The member for Benambra raised a matter for the Minister for Energy, Environment and Climate Change in relation to the question of potential compensation for what he regards as an unreliable electricity supply for a particular dairy farmer, and I will make that matter known to the minister.

The member for St Albans raised a matter for the Minister for Public Transport, seeking an update on the Brimbank Bicycle Education Centre's use of W-class trams that are no longer in service, and I am sure the minister is aware of that.

The member for Footscray raised a matter for the Minister for Health, seeking that the minister visit the potential site of the new Footscray Hospital, an excellent investment by the government. I will make sure the minister is aware of that matter.

The member for Lowan raised a matter for the Minister for Roads and Road Safety in relation to maintenance of Maroona-Glenhompson Road just south of Ararat, where a tragic accident occurred only very recently. I will make sure the minister is made aware of that.

The member for Buninyong raised a matter for the Minister for Families and Children, asking her to visit the new kindergarten in Sebastopol, which is a great

community asset as well. I will make sure those matters are all brought to the attention of the relevant ministers.

**The DEPUTY SPEAKER** — Order! The house now stands adjourned until tomorrow.

**House adjourned 7.23 p.m.**