PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE COUNCIL

FIFTY-EIGHTH PARLIAMENT

FIRST SESSION

Wednesday, 25 May 2016

(Extract from book 8)

Internet: www.parliament.vic.gov.au/downloadhansard

By authority of the Victorian Government Printer

HANSARD150

1866–2016

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

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

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

> As a preface to the first volume of "Parliamentary Debates" (new series), it is not inappropriate to state that prior to the Fifth Parliament of Victoria the newspapers of the day virtually supplied the only records of the debates of the Legislature.
>
> With the commencement of the Fifth Parliament, however, an independent report was furnished by a special staff of reporters, and issued in weekly parts.
>
> This volume contains the complete reports of the proceedings of both Houses during the past session.

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

The Governor

The Honourable LINDA DESSAU, AM

The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC, QC

The ministry

(to 22 May 2016)

Premier	The Hon. D. M. Andrews, MP
Deputy Premier and Minister for Education	The Hon. J. A. Merlino, MP
Treasurer	The Hon. T. H. Pallas, MP
Minister for Public Transport and Minister for Employment	The Hon. J. Allan, MP
Minister for Small Business, Innovation and Trade	The Hon. P. Dalidakis, MLC
Minister for Industry, and Minister for Energy and Resources	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 Emergency Services, and Minister for Consumer Affairs, Gaming and Liquor Regulation	The Hon. J. F. Garrett, MP
Minister for Health and Minister for Ambulance Services	The Hon. J. Hennessy, MP
Minister for Training and Skills	The Hon. S. R. Herbert, MLC
Minister for Local Government, Minister for Aboriginal Affairs and Minister for Industrial Relations	The Hon. N. M. Hutchins, MP
Special Minister of State	The Hon. G. Jennings, MLC
Minister for Families and Children, and Minister for Youth Affairs	The Hon. J. Mikakos, MLC
Minister for Environment, Climate Change and Water	The Hon. L. M. Neville, MP
Minister for Police and Minister for Corrections	The Hon. W. M. Noonan, MP
Attorney-General and Minister for Racing	The Hon. M. P. Pakula, MP
Minister for Agriculture and Minister for Regional Development	The Hon. J. L. Pulford, MLC
Minister for Women and Minister for the Prevention of Family Violence	The Hon. F. Richardson, MP
Minister for Finance and Minister for Multicultural Affairs	The Hon. R. D. Scott, MP
Minister for Planning	The Hon. R. W. Wynne, MP
Cabinet Secretary	Ms M. Kairouz, MP

The Governor

The Honourable LINDA DESSAU, AM

The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC, QC

The ministry

(from 23 May 2016)

Premier	The Hon. D. M. Andrews, MP
Deputy Premier and Minister for Education	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 Emergency Services, and Minister for Consumer Affairs, Gaming and Liquor Regulation	The Hon. J. F. Garrett, MP
Minister for Health and Minister for Ambulance Services	The Hon. J. Hennessy, MP
Minister for Training and Skills, Minister for International Education and Minister for Corrections	The Hon. S. R. Herbert, MLC
Minister for Local Government, Minister for Aboriginal Affairs and Minister for Industrial Relations	The Hon. N. M. Hutchins, MP
Special Minister of State	The Hon. G. Jennings, MLC
Minister for Families and Children, and Minister for Youth Affairs	The Hon. J. Mikakos, MLC
Minister for Police and Minister for Water	The Hon. L. M. Neville, MP
Minister for Industry and Employment, and Minister for Resources	The Hon. W. M. Noonan, MP
Attorney-General and Minister for Racing	The Hon. M. P. Pakula, MP
Minister for Agriculture and Minister for Regional Development	The Hon. J. L. Pulford, MLC
Minister for Women and Minister for the Prevention of Family Violence	The Hon. F. Richardson, MP
Minister for Finance and Minister for Multicultural Affairs	The Hon. R. D. Scott, MP
Minister for Planning	The Hon. R. W. Wynne, MP
Cabinet Secretary	Ms M. Kairouz, MP

Legislative Council committees

Privileges Committee — Ms Hartland, Mr Herbert, Ms Mikakos, Mr O'Donohue, Ms Pulford, Mr Purcell, Mr Rich-Phillips and Ms Wooldridge.

Procedure Committee — The President, Dr Carling-Jenkins, Mr Davis, Mr Jennings, Ms Pennicuik, Ms Pulford, Ms Tierney and Ms Wooldridge.

Legislative Council standing committees

Standing Committee on the Economy and Infrastructure — #Ms Dunn, Mr Eideh, Mr Elasmar, Mr Finn, Ms Hartland, Mr Leane, Mr Morris and Mr Ondarchie.

Standing Committee on the Environment and Planning — #Mr Barber, Ms Bath, #Mr Bourman, Mr Dalla-Riva, Mr Davis, Ms Dunn, #Ms Hartland, #Mr Purcell, #Mr Ramsay, Ms Shing, Mr Somyurek, Ms Tierney and Mr Young.

Standing Committee on Legal and Social Issues — Ms Fitzherbert, #Ms Hartland, Mr Melhem, Mr Mulino, Mr O'Donohue, Ms Patten, Mrs Peulich, #Mr Rich-Phillips, Ms Springle and Ms Symes.

participating members

Legislative Council select committees

Port of Melbourne Select Committee — Mr Barber, Mr Drum, Mr Mulino, Mr Ondarchie, Mr Purcell, Mr Rich-Phillips, Ms Shing and Ms Tierney.

Joint committees

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

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

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

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

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

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

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

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

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

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

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

Heads of parliamentary departments

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

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

Parliamentary Services — Secretary: Mr P. Lochert

MEMBERS OF THE LEGISLATIVE COUNCIL

FIFTY-EIGHTH PARLIAMENT — FIRST SESSION

President: The Hon. B. N. ATKINSON

Deputy President: Ms G. TIERNEY

Acting Presidents: Ms Dunn, Mr Eideh, Mr Elasmar, Mr Finn, Mr Morris, Ms Patten, Mr Ramsay

Leader of the Government:
The Hon. G. JENNINGS

Deputy Leader of the Government:
The Hon. J. L. PULFORD

Leader of the Opposition:
The Hon. M. WOOLDRIDGE

Deputy Leader of the Opposition:
The Hon. G. K. RICH-PHILLIPS

Leader of The Nationals:
The Hon. D. K. DRUM

Leader of the Greens:
Mr G. BARBER

Member	Region	Party	Member	Region	Party
Atkinson, Mr Bruce Norman	Eastern Metropolitan	LP	Mikakos, Ms Jenny	Northern Metropolitan	ALP
Barber, Mr Gregory John	Northern Metropolitan	Greens	Morris, Mr Joshua	Western Victoria	LP
Bath, Ms Melina [2]	Eastern Victoria	Nats	Mulino, Mr Daniel	Eastern Victoria	ALP
Bourman, Mr Jeffrey	Eastern Victoria	SFP	O'Brien, Mr Daniel David [1]	Eastern Victoria	Nats
Carling-Jenkins, Dr Rachel	Western Metropolitan	DLP	O'Donohue, Mr Edward John	Eastern Victoria	LP
Crozier, Ms Georgina Mary	Southern Metropolitan	LP	Ondarchie, Mr Craig Philip	Northern Metropolitan	LP
Dalidakis, Mr Philip	Southern Metropolitan	ALP	Patten, Ms Fiona	Northern Metropolitan	ASP
Dalla-Riva, Mr Richard Alex Gordon	Eastern Metropolitan	LP	Pennicuik, Ms Susan Margaret	Southern Metropolitan	Greens
Davis, Mr David McLean	Southern Metropolitan	LP	Peulich, Mrs Inga	South Eastern Metropolitan	LP
Drum, Mr Damian Kevin	Northern Victoria	Nats	Pulford, Ms Jaala Lee	Western Victoria	ALP
Dunn, Ms Samantha	Eastern Metropolitan	Greens	Purcell, Mr James	Western Victoria	V1LJ
Eideh, Mr Khalil M.	Western Metropolitan	ALP	Ramsay, Mr Simon	Western Victoria	LP
Elasmar, Mr Nazih	Northern Metropolitan	ALP	Rich-Phillips, Mr Gordon Kenneth	South Eastern Metropolitan	LP
Finn, Mr Bernard Thomas C.	Western Metropolitan	LP	Shing, Ms Harriet	Eastern Victoria	ALP
Fitzherbert, Ms Margaret	Southern Metropolitan	LP	Somyurek, Mr Adem	South Eastern Metropolitan	ALP
Hartland, Ms Colleen Mildred	Western Metropolitan	Greens	Springle, Ms Nina	South Eastern Metropolitan	Greens
Herbert, Mr Steven Ralph	Northern Victoria	ALP	Symes, Ms Jaclyn	Northern Victoria	ALP
Jennings, Mr Gavin Wayne	South Eastern Metropolitan	ALP	Tierney, Ms Gayle Anne	Western Victoria	ALP
Leane, Mr Shaun Leo	Eastern Metropolitan	ALP	Wooldridge, Ms Mary Louise Newling	Eastern Metropolitan	LP
Lovell, Ms Wendy Ann	Northern Victoria	LP	Young, Mr Daniel	Northern Victoria	SFP
Melhem, Mr Cesar	Western Metropolitan	ALP			

[1] Resigned 25 February 2015
[2] Appointed 15 April 2015

PARTY ABBREVIATIONS

ALP — Labor Party; ASP — Australian Sex Party;
DLP — Democratic Labour Party; Greens — Australian Greens;
LP — Liberal Party; Nats — The Nationals;
SFP — Shooters and Fishers Party; V1LJ — Vote 1 Local Jobs

CONTENTS

WEDNESDAY, 25 MAY 2016

Wednesday, 25 May 2016

The PRESIDENT (Hon. B. N. Atkinson) took the chair at 9.34 a.m. and read the prayer.

PETITIONS

Following petitions presented to house:

Abortion legislation

To the Legislative Council of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the house that because of the abortion legislation passed in Victoria in 2008:

abortions are allowed to be performed up to the point of birth;

babies in the womb who have reached the age of viability and older are being aborted;

it is not necessary for medical care to be provided to babies who have survived an abortion;

there is no obligation for medical professionals to facilitate the provision of access to appropriate services such as pregnancy support, counselling, housing, mental health and other such services for pregnant women experiencing physical or emotional distress.

The petitioners therefore request that the Legislative Council of Victoria support the Infant Viability Bill 2015 introduced by Dr Rachel Carling-Jenkins which will rectify the problems with current law outlined above.

By Dr CARLING-JENKINS (Western Metropolitan) (498 signatures).

Laid on table.

Elevated rail proposal

To the Honourable the President and members assembled in Parliament:

We, the undersigned citizens of Victoria, call on the Legislative Council of Victoria to note:

the Victorian government has announced plans to construct concrete pylon sky rails on long sections of the Dandenong–Pakenham lines as a cheaper alternative to traditional methods of delivering its level crossing removal election commitments;

that affected local communities were not properly consulted in the development of these plans, with reports that those residents most affected by the imposition of sky rail were purposefully excluded from what limited consultation actually occurred; and

that affected residents are completely opposed to the construction of sky rails along the Dandenong–Pakenham lines, with their inherent greatly increased visual impact and noise pollution and greatly reduced residential amenity and privacy.

We therefore demand the Andrews Labor government abandon its cheap and nasty sky rail plans and instead proceed with a rail under road solution to level crossing removals as has been so successfully implemented at Burke Road, Glen Iris.

By Mr DAVIS (Southern Metropolitan) (717 signatures).

Laid on table.

Sandringham Hospital

To the Legislative Council of Victoria:

The petition of the residents of Bayside, Kingston and metropolitan Melbourne draws to the attention of the Legislative Council the possible plans to cut back emergency department services at the Sandringham Hospital.

The petitioners therefore respectfully request that the Legislative Council of Victoria call on the Victorian government to maintain the vital 24-hour emergency department services at the Sandringham Hospital to meet the health needs of the local community and the southern region of Melbourne.

By Ms CROZIER (Southern Metropolitan) (79 signatures).

Laid on table.

Shire of Murrindindi rates

To the Legislative Council of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Council that the rates within the Murrindindi shire are not increased above CPI.

The petitioners therefore request that the rates remain at CPI.

By Ms LOVELL (Northern Victoria) (835 signatures).

Laid on table.

ENVIRONMENT PROTECTION AMENDMENT (BANNING PLASTIC BAGS, PACKAGING AND MICROBEADS) BILL 2016

Introduction and first reading

Ms SPRINGLE (South Eastern Metropolitan) introduced a bill for an act to amend the Environment Protection Act 1970 to restrict the supply and sale of plastic bags and plastic and polystyrene packaging and to prohibit the supply and sale of plastic microbeads and for other purposes.

Read first time.

PAPERS

Laid on table by Clerk:

Auditor-General's Reports on —

Monitoring Victoria's Water Resources, May 2016 *(Ordered to be published)*.

Reducing the Burden of Red Tape, May 2016 *(Ordered to be published)*.

Professional Standards Act 2003 — Queensland Law Society Professional Standards Scheme *(Gazette No. S134, 5 May 2016)*.

Statutory Rules under the following Acts of Parliament —

Magistrates' Court Act 1989 — No. 45.

Victims of Crime Assistance Act 1996 — No. 46.

Victorian Law Reform Commission — Use of Regulatory Regimes in Preventing the Infiltration of Organised Crime into Lawful Occupations and Industries, February 2016 *(Ordered to be published)*.

MINISTERS STATEMENTS

Family violence

Ms MIKAKOS (Minister for Families and Children) — I rise to inform the house of the Andrews Labor government's continued efforts to address the issue of family violence in our society. We know that bad outcomes for women start with bad attitudes towards women. We know that we need multiple approaches to early intervention, particularly when it comes to behaviour change. Currently men's behaviour change programs focus on a perpetrator's relationship with their partner, but yesterday I announced $575 000 for the Children's Protection Society to trial a new program called Caring Dads. The Caring Dads pilot is the first program in Australia to focus on a father's relationship with their child. It debunks the notion that you can be a great father and an abusive partner — it is just not possible. It is just as important that dads realise the impact of family violence on their children.

The program was first developed in Canada by Dr Katreena Scott at the University of Toronto, who also gave evidence during the public hearings of the Royal Commission into Family Violence. I had the pleasure of meeting Dr Scott when she was in Melbourne last month to learn more about this program. The program has been delivered in Canada, Ireland, the United Kingdom, Sweden, the Netherlands, Germany and the United States, with results from the British trial promising.

Voluntary group sessions will run over a number of weeks and will teach men to understand the impact of trauma on their children and the importance of respectful behaviour towards their children's mothers. The royal commission highlighted the need to intervene early and address the cycle of family violence by placing the child at the centre of that response, which is what Caring Dads aims to do. It also supports mothers to ensure they are informed about the program, are safe from harm and are able to benefit from the outcome. Around 60 men at risk of engaging in violent behaviour or who have experienced alcohol or other drug issues will be invited to participate in the program from July.

Ultimately we want men to engage in respectful, non-abusive co-parenting with their partners. Where they have exposed their children to violence in the past, they need to realise the impact of their actions. Through this pilot program we hope to give dads the tools to stop family violence before it happens.

Registered training organisations

Mr HERBERT (Minister for Training and Skills) — I rise to inform the house of a new Andrews government initiative that will further strengthen our continuing crackdown on unscrupulous or low-quality training providers. A new special investigations unit is now operating within the Department of Education and Training. This crack squad, headed by a former Victorian Ombudsman's principal investigator, will conduct targeted investigations into potential misconduct and help to restore student and industry confidence in the sector. The unit will strengthen our capacity to expose poor-quality providers and ensure qualifications are meeting industry standards. The new team will examine inappropriate, low-quality short course delivery; the quality of course delivery from training providers; whether fraud has occurred, for referral to the relevant authorities; the marketing practices of training providers; and the suitability of a qualification for students' expected job outcomes.

Victoria is leading the nation in purging the blight of low-quality training, which has weakened our industry's and community's confidence in Australia's training system. Our quality blitz, which was launched in July last year, is continuing to achieve strong results and with this new crack squad will achieve even stronger results. I commend this initiative to the house. It is a sign of my government's continuing crackdown and guarantee that it will reform and bring the training system back to the high status it enjoyed in past years.

MEMBERS STATEMENTS

Jenny Saulwick

Ms DUNN (Eastern Metropolitan) — Sadly I rise today to talk of the passing of one of the founding members of the Victorian Greens, Jenny Saulwick. Jenny passed away last week. Not only was Jenny instrumental in the foundation of the Victorian Greens, but she was an incredibly active community member as well. She played a pivotal role in setting up the Dandenong Ranges community art space, which is now known as Burrinja. The arts was one of her passions, but of course the environment was another passion. Her most recent project was around tackling the weed issue in the Dandenong Ranges. She was a powerhouse of energy in the community. She was very well known. In fact she was our first candidate for the Assembly seat of Monbulk 22-odd years ago, if my memory serves me correctly. She will be sorely missed in our community, and I pay tribute to her and pay respect to her family and friends.

Australian Deer Association

Mr BOURMAN (Eastern Victoria) — A couple of weeks ago I attended a hunter education course in Neerim run by the Australian Deer Association. The course has been running for 30 years now and has established a proud tradition. The course covered the different types of deer, where they live, the legal requirements in hunting deer and what I consider to be a very important subject — the best way of humanely killing a deer. One of the more interesting subjects was that of tracking the deer. It is amazing what can be discovered by the analysis of the tracks and other details once you know what to look for. It is also another way of paying attention to what is happening in the environment as you are actually looking at it and you notice the changes.

The course was not just about hunting the deer. The hunting part was only a small part of the course. Once the deer is harvested, the task of making sure that the least amount goes to waste is what the vast majority of hunters undertake. The venison collected is free range as the deer is living free when it is taken; that is unlike the meat that comes in plastic trays at supermarkets. A decent-sized sambar deer can yield as much as 80 kilograms of venison. Learning about the deer was as important as the hunting, and one message was constantly reinforced — respect for the deer. Respect in learning about them, respect by ensuring the hunt ends humanely and respect by taking as much of the animal as you can. The course is a credit to the Australian Deer Association, and I suggest that every deer hunter attends. Even some of the more experienced hunters said they learnt something, so it is not just for the beginners.

Melbourne Metro rail project

Ms FITZHERBERT (Southern Metropolitan) — I note that some images of the new Domain station have been released, which is part of the Melbourne Metro development. This is a major infrastructure, and it is very much needed. We were promised a consultation process about this particular station and in fact about the other stations that are part of the new Melbourne Metro development. I have been contacted by a range of residents who have concerns about this process so far. There has been insufficient information about specifics on the station. One example of this is that the Boer War memorial will be moved to make way for an opening, and it is not known where to at this stage.

There are also a lot of concerns about permanent road closures on St Kilda Road. The Minister for Roads and Road Safety has left this option open, but local government figures have been told that it will indeed happen. What I see with this is a sky rail-style consultation, where people are asking clear and direct questions and are not getting clear answers. They are being fobbed off with vague answers and 'Trust us; we'll fix it'. There is enormous concern being registered with my office about permanent road closures on St Kilda Road. This is clearly a backwards step. As one of my correspondents said, if the purpose is to put something underground, that means that you have minimal impact above ground, and that is the whole point. I call on the government to have an open, reasonable and clear consultation process instead of the sham that we are seeing at the moment.

Epping community services hub

Mr ELASMAR (Northern Metropolitan) — I was delighted to attend, along with my parliamentary colleagues from the other place Ms Bronwyn Halfpenny and the Honourable Natalie Hutchins, Minister for Local Government, the opening of the new community services hub in Epping. This was a very special event, and it marked the completion of a massive joint project between the state government and the Whittlesea City Council. We were warmly welcomed by the mayor, Cr Stevan Kozmevski, and his CEO, Michael Wootten, and then treated to a short tour of the new building facility. The newly renovated hub will provide a meeting place for the community to interact in many ways. The hub will also offer much-needed training opportunities for young people and support and counselling for families, together with

migrant settlement assistance. There will be something for everyone in the new hub, and I wish the community every success and joy in their new community facility.

Regional and rural kindergartens

Ms BATH (Eastern Victoria) — My members statement is in relation to changes to rural kinder funding. I have mentioned before the significant mismatch between the operational costs of running a rural kinder and the funding allocated by state government. In fact I have called on the minister twice to address this issue after I was approached by the Willow Grove Kindergarten committee in my electorate, which was frustrated with the funding model which has left it having to raise funds of an exorbitant amount in a small country town.

After lobbying by kinder committees such as Willow Grove and local members such as me and my colleagues in the Legislative Assembly Russell Northe and the member for Narracan, Gary Blackwood, this government has seen the sense in changing this funding model. The government's $4.4 million over four years to help kinders such as Willow Grove with a minimum base level of funding from 2017 is a good start. I hope to see more support for early childhood learning services in regional areas in the future. I am relieved to see that some of the pressure has been taken off rural and regional kinder committees and the hardworking parents who work tirelessly each year to raise funds so that their children can be assured of a quality education in rural locations.

Trades Hall

Ms PENNICUIK (Southern Metropolitan) — I am pleased to see that the state government has allocated $10 million to help repair and restore the Victorian Trades Hall building, one of Victoria's and Australia's most important heritage buildings. In 1856 Victorian workers were the first in the world to win the 8-hour day. That was 160 years ago. The Trades Hall building was first built in 1859 as a timber structure. It was built by unionists who won the 8-hour day. The building as we know it today was designed by architect Joseph Reed, who is responsible for many of Melbourne's grand buildings such as the Town Hall, the State Library of Victoria and the Exhibition Building. The current Trades Hall was constructed in stages between 1873 and 1926, which means this year marks 90 years since its completion. It is believed to be one of the world's oldest working trades hall buildings.

Trades Hall contains a number of community groups and hosts the Melbourne International Comedy Festival. It is a very important and dynamic building in Victoria today. I was privileged to work there as an employee of the Australian Council of Trade Unions (ACTU) when the ACTU assisted with repairs to the Lygon Street building. I worked there from late 1998 to 2000, when the executive and industrial staff moved there. Like working in this building, you are very steeped in the history of the place. People from all walks of life come in and out. I think this is a great initiative by the state government to help repair and restore this building.

Dairy industry

Mr MELHEM (Western Metropolitan) — I rise to speak in support of dairy farmers in Victoria, who are currently struggling due to the unscrupulous decision by Murray Goulburn to cut prices and the vicious attack by the big supermarkets, Coles and Woolworths, which have both continued to sell underpriced milk. This puts a lot of strain on these farmers. In this day and age we pay $1 for a litre of milk, which is far below what the cost price is, so I want to take this opportunity to voice my support for dairy farmers. I believe they will be demonstrating in front of Parliament this morning, and they deserve our support. I call on all Victorians to boycott Woolworths and Coles milk products — I am one — and start buying branded products, which actually pay fair prices. I think it is a worthwhile cause.

I want to congratulate the Andrews Labor government for providing support to dairy farmers. It is my understanding that this morning the federal government has also announced a significant package to support dairy farmers. I think it is important to support them. Some people in our community argue, 'They should be like any other industry. Why should we support them?'. People need to understand that dairy farmers supply food for our security and for export. I think these farmers are worth supporting, and I stand by them. I wish them all the best and every success.

Dairy industry

Mr DRUM (Northern Victoria) — Following on from the previous speaker, I would also like to acknowledge the package that has been put together by the federal government in relation to support for dairy farmers. It is nearly $600 million — in fact $555 million — in relation to dairy recovery concessional loans. That is going to be very, very helpful for those farmers that simply need to be able to refinance their loans. There is also some money, $20 million, for the Macalister irrigation district project, and a range of smaller amounts for financial rural counsellors and also the Tactics for Tight Times

program, as well as a whole range of other appointments throughout the Department of Health and Human Services for liaison officers and so forth.

It is an incredibly tough time that our dairy industry is going through. The briefing that we had yesterday with Minister Pulford and industry leaders was worthwhile. I want to acknowledge the bipartisan existence within the room, where everybody from Liberals, The Nationals and Labor was there to try to voice whatever concerns, whatever ideas, whatever thoughts they had, and how any opportunity from the Parliament of Victoria to assist with the dairy industry was put forward in a bipartisan way that you would never have seen previously, and you may not see it again. It was a great initiative by all parties to get together in one room, listen to the industry leaders and work out what it is that the Victorian Parliament can offer through the government, irrespective of who the government is. This package from the federal government will also be warmly accepted.

Abortion legislation

Dr CARLING-JENKINS (Western Metropolitan) — I rise to speak about the overwhelming support being shown across Victoria for the Infant Viability Bill 2015, with a movement around the bill which is running independently of my office and of my party. As a result of this movement, petitions have been tabled in both houses of Parliament, with tens of thousands of signatures, calling on the Parliament to support this bill. There has not been another cause in this Parliament for which people have cared to petition this Parliament to such an extent. There was also a very peaceful rally held on Saturday on the steps of Parliament House, which attracted 1500 people who wanted to send a very simple message — that every life deserves a lifetime. People from all over Victoria really do care about this issue. They came from Wodonga, from Gippsland, from Geelong and from the suburbs. Over the past six months I have been invited by various organisations, community groups, ethnic groups and faith-based groups throughout Victoria to speak about the bill. I hope this Parliament is paying close attention to the people it represents and will act accordingly to support both mothers and their pre-born children. The people of Victoria are watching, and the unborn are waiting.

Jackson School and St Albans Primary School

Mr EIDEH (Western Metropolitan) — I was pleased to hear that two primary schools in my electorate have received funding as part of the state government's Inclusive Schools Fund. Jackson School is a special school in St Albans for students with mild intellectual disability as well as other disabilities. This school will receive $46 000 to put towards playground equipment with the aim of promoting imaginative play amongst students. Students at this school have disabilities which require areas in playgrounds and classrooms that provide sensory stimulation. Studies have shown that children on the autism spectrum benefit from sensory stimulation and it provides positive effects on learning, social and emotional development.

St Albans Primary School, which is also in my electorate, has received a $20 000 grant to build a sensory area, including plants and tactile objects for students to touch. Students and the school council will participate in decision-making regarding the use of the new sensory area. This is a great step towards providing more interactive and inclusive play areas for students and will no doubt play a major role in helping students gain social, emotional and thinking skills. Providing all Victorian students with access to the best possible education regardless of age, language or disability is a key part of the Andrews government education policy. I congratulate both successful schools and hope this funding will provide their students with a more inclusive and engaging learning environment.

Trades Hall

Ms CROZIER (Southern Metropolitan) — Despite the history of Trades Hall, the $10 million of taxpayers money provided by the Andrews government certainly demonstrates the government's priorities. What a gross misuse of taxpayers money, I might add. The amount of money that the union movement provides to Labor and, can I say, also to the Greens via Construction, Forestry, Mining and Energy Union support was demonstrated at the last state election. During that campaign there was plenty of money for television ads, red T-shirts, fake fire trucks, fake uniforms, fake hospital beds and great big blackboards — all signed off by militant unions.

Ten million dollars is not an insignificant amount of money. It could be better used for a number of very worthy projects, including combating the increasing crime rate gripping our city. The Apex gang and other young thugs are out of control. We have got police asking for more resources to combat home invasions, carjackings and rioting on our streets. That is becoming a far too common occurrence. In the City of Glen Eira alone there is only one divisional van to manage this increasing problem in that area. This is the same amount of money that was allocated to kindergartens in growth areas in this year's budget. This is quite extraordinary, and it just demonstrates the priorities of

this Labor government. It is more intent on keeping its union mates happy by providing $10 million for renovations than giving back to the community what is desperately needed.

Apology for laws criminalising homosexuality and the harms caused

Ms SHING (Eastern Victoria) — I rise today to congratulate each and every person, family, organisation and group involved in the coordination of the apology for historical convictions for homosexual acts, conduct, thoughts and deeds. It has been a process of enormous upset and distress. Historical convictions have tainted and ruined the lives of so many people. They have resulted in lesser life quality, indignity, shame and so much pain, so it was great yesterday to see the Premier, the Leader of the Opposition in the Assembly, the Leader of the Greens and the leader of the Australian Sex Party stand in a joint sitting of the Parliament and, in the presence of almost all parliamentarians, acknowledge the hurt and pain and unconditionally and unreservedly apologise for that hurt and pain.

Their aim was to make sure that a new chapter begins in relation to healing, in relation to turning shame into pride and in relation to the capacity of those who were so subjected to indignity and suffering through historical conviction to be able to move on, to be able to live and hold their heads high, to be able to live as they are, to be able to enjoy the support of their families and their partners and to be able to live in a world that condemns and recognises the hurt involved in discrimination of the nature that we saw in Victoria previously.

Mooroolbark Library

Mr MULINO (Eastern Victoria) — I congratulate the Mooroolbark Library on completing its library connect project. Yarra Ranges Shire Council received $120 000 from the Living Libraries Infrastructure program for a fully accessible gateway, which is a joint project involving Yarra Ranges Shire Council and Eastern Regional Libraries. I had the pleasure of visiting this recently completed facility last week, along with Crs Terry Avery and Len Cox, who are long-time champions of the project and of libraries across the region.

Kilmore reserve

Mr MULINO — I would also like to pay tribute to an important project from the Growing Suburbs Fund, the Kilmore reserve. I visited this reserve last Tuesday with councillors from the Yarra Ranges Shire Council. The project received $500 000, which will see the development of an active living hub that includes skate elements, a ball sports area and an off-lead dog park.

Dairy industry

Mr MULINO — I would like to acknowledge that the dairy industry is facing very difficult times. There is no simple solution to complex problems like the situation the industry faces. The government is working hard to do what it can, and it has, quickly and in consultation with the industry, implemented a multipronged strategy. Farmers are showing great resolve and, as they always have, a willingness to adapt to new circumstances.

I would like to acknowledge the work that the Minister for Agriculture has undertaken with haste but also with great care and also, in my electorate, the very positive and proactive role played by my colleague Harriet Shing. This issue will take some time to work through, but the first steps have been encouraging.

PRODUCTION OF DOCUMENTS

Debate resumed from 13 April; motion of Ms WOOLDRIDGE (Eastern Metropolitan):

That this house —

(1) notes the continuing failure of the Leader of the Government, on behalf of the government, to comply, to the satisfaction of the Council, with the following resolutions of the Council requiring the Leader of the Government to table in the Council certain documents, specifically the resolutions of —

(a) 11 February 2015 in respect of port of Melbourne documents;

(b) 25 February 2015 in respect of West Gate distributor documents;

(c) 25 February 2015 in respect of Australian Formula One Grand Prix documents;

(d) 25 February 2015 in respect of Cranbourne-Pakenham rail corridor project documents;

(e) 10 June 2015 in respect of Advanced Lignite Demonstration Program documents; and

(f) 5 August 2015 in respect of Peter Mac Private hospital documents;

(2) notes the failure of the government to comply with the further resolution of the Council of 19 August 2015 reaffirming the requirement for the Leader of the Government to table in the Council the documents outlined in (1)(a) to (f);

(3) notes that the government's continuing failure to comply with the resolutions of the Council is inconsistent with the Andrews government's election commitment to proper accountability to Parliament by the executive;

(4) reaffirms the privileges, immunities and powers conferred on it by section 19 of the Constitution Act 1975, which includes the right to require the production of documents, and the power to make standing orders under section 43 of that act;

(5) regards its capacity to obtain information on any matter affecting the public interest as being fundamental to the reasonable exercise of its role and powers to scrutinise executive behaviour;

(6) regards it as essential that the rightful powers and principles of the Council be protected and that appropriate sanctions be imposed for any obstruction to the proper performance of its important functions;

(7) condemns the government for its apparent belief that it is not accountable to the people of Victoria through their elected representatives in the Parliament of Victoria;

(8) accordingly adjudges the Leader of the Government guilty of a contempt of the Council for his failure, on behalf of the government, to comply, to the satisfaction of the Council, with the resolutions of the Council outlined in (1)(a) to (f) and further resolution of 19 August 2015;

(9) suspends the Leader of the Government from the service of the Council from 12 noon on the next Tuesday the Council sits following the adoption of this resolution;

(10) in the event that the documents specified in the resolutions of the Council outlined in (1)(a) to (f) are subsequently lodged with the Clerk, a member may move at any time, providing there is no question before the Chair, 'That the suspension of the Leader of the Government be lifted';

(11) for the purposes of a motion moved in accordance with (10), standing orders are suspended to the extent necessary so as to provide for the motion —

(a) to be a procedural motion for the purposes of standing order 5.03;

(b) to take precedence over all other business;

(c) to be put without amendment; and

(d) in the event that it is negatived, to be put again on a subsequent sitting day;

(12) notwithstanding the terms of this resolution, a suspension of the Leader of the Government in accordance with (9) ceases to have effect on the day that is six months after the day such a suspension came into effect.

Ms SHING (Eastern Victoria) — I rise today to speak in relation to the motion before the house, which is something we have been debating for a very significant period of time now. The motion, which has occupied the notice paper for such a significant period, is one that seeks to unpack, unravel and redesign the notions of what it means to participate as a member of Parliament, what it means to take part in the parliamentary duties and functions of the Legislative Council, what it means to discharge the obligations and responsibilities that form an inherent part of the legislative process.

The motion put forward by Ms Wooldridge has a number of different components. It indicates a desire to note, at section (1):

> … the continuing failure of the Leader of the Government, on behalf of the government, to comply, to the satisfaction of the Council, with the following resolutions of the Council requiring the Leader of the Government to table in the Council certain documents, specifically —

a number of resolutions which are listed in subsections (a) through (f) inclusive. Those documents go to a number of major projects, of commercial transactions, of interactions, which the Andrews Labor government and others have had in seeking to improve community, to improve commercial and collective outcomes, to improve infrastructure, to make sure that election promises are delivered, are delivered properly and are delivered in full, with the requisite level of accountability to the ultimate group that funds such projects — the taxpayer.

Section (2) of this motion notes, and I quote:

> … the failure of the government to comply with the further resolution of the Council of 19 August 2015 reaffirming the requirement for the Leader of the Government to table in the Council the documents outlined in —

the earlier section. Those documents relate to port of Melbourne documents, the West Gate distributor documents, documents in relation to the Australian Formula One Grand Prix, documents in relation to the Cranbourne-Pakenham rail corridor, documents in relation to the Advanced Lignite Demonstration Program and, finally, documents in respect of the Peter MacCallum private hospital.

This is a very broad and very comprehensive list. It is a list which traverses a number of portfolios. It is a list which has a very significant history. It is a list which invites, and indeed necessitates, a proper and fulsome examination of not only the nature of these documents, not only the content and substance of these documents, but also the process by which these documents came to be, the process whereby government has done its work to fulfil election promises, to discharge obligations, to act in the public interest and to make sure that government continues to provide — not just for today,

but for generations to come — an overall improvement in the standard of living, in the amenity provided to our communities, both at a metropolitan and a regional level, in relation to our health care, in relation to services delivery and in relation to the way in which we attract and retain the best possible level of investment to our state.

This motion is somewhat of a behemoth. It is so vast as to require a disaggregation of each and every component of the motion in full in order to understand the nature of what is being sought. Section (3) of Ms Wooldridge's motion notes:

> … that the government's continuing failure to comply with the resolutions of the Council —

in providing said documents —

> is inconsistent with the Andrews government's election commitment to proper accountability to Parliament by the executive …

Within this particular section of the motion there are a number of serious considerations that again warrant a proper and fulsome examination. The notion of accountability is one which speaks to, again, the discharge obligations to the taxpayer and the Victorian community. It speaks of obligations to deliver on promises made. It speaks of obligations to act more broadly in compliance with and in support of the attainment of the public interest.

This public interest notion, however, should and must be appropriately tempered by the way in which it plays out regarding the delivery of documents referred to in subsections (a) through to (f) of section (1) and the corresponding dilution of a government's capacity to undertake its functions without comprising the nature of the very work that governments need to do to attract investment, to undertake and complete tender processes and to undertake and complete processes which may or may not be commercial-in-confidence and which may or may not be subject to privilege.

This notion of the need to strike a balance is at the very heart of this motion. The notion of the need to find this balance is at the very heart of the risks being posed by this particular motion. The motion seeks to prioritise a desire by Ms Wooldridge and by others who have spoken in relation to this motion for production of documents, notwithstanding the public interest.

In order to understand the context for this it is important to look at the way in which documents come to be. I am looking forward to going through each and every single component of section (1) of the motion — that is, (1)(a) through to (1)(f) — and the individual projects which are specified in the motion. I am looking forward to breaking down the requirements that government needs to meet in order to act in the public interest and the processes which underpin the need to conduct negotiations in a way which creates a model litigant, in a way that ensures that government acts in the best interests of taxpayers and in a way that ensures that the public interest is preserved, recognised and given the respect that it requires.

What we see here in the drafting of this motion is a desire to prioritise the improper purpose of seeking these documents over that of the public interest. It is something which is playing out in our contemporary political environment currently in the way in which the Australian Federal Police has recently conducted raids on premises where it is suspected that documents of a confidential or privileged nature have been held. We are now seeing a crackdown on the way in which documents are purported to have been released and purported to have been distributed from a government organisation for use in other arenas — political arenas — and for use in undermining a political discourse that happens to coincide with a caretaker period.

What we see now at a federal level is the direct opposite of what is being sought by this particular motion. What we see now is a series of approaches being taken to crack down on the perceived interference of a capacity of a government to run its own affairs on the basis that information has been shared which ought not to have been shared, which was confidential and which was the subject of a number of exercises by law enforcement officers to provide warrants on and to initiate proceedings on. What we see here in practical terms in the state of Victoria at the moment in relation to this motion, as contrasted with what is happening at a federal level, is a desire by those opposite and the drafters of this motion to in fact get the same outcome regarding disclosure as is currently being sought to be suppressed at a federal level.

This is not an exercise in the definition of irony; this is actually happening. This is not rain on your wedding day. This is not a free ride when you have already paid. This is not some sort of Alanis Morissette-style frolic into the way irony operates. This is actually happening. When we look at the comparison of this motion and what it seeks to achieve, what it seeks to uncover and the depths to which it desires to unpick the confidential nature of government doing the work it is charged to do as a consequence of being elected, this is ironic. It is ironic because we see those opposite seeking an outcome which is for all practical purposes exactly the opposite of what is being sought at a federal level by

those from within the very same coalition. Section (4) of the motion reaffirms:

> … the privileges, immunities and powers conferred —

upon the government —

> by section 19 of the Constitution Act 1975, which includes the right to require the production of documents, and the power to make standing orders under section 43 of that act …

What we see here is another breadcrumb laid in the trail of the coalition's invitation to extract the outcome from this motion that it desires.

The outcome sought from this motion is one which yet again, and as a consequence of the operation of this part of this section, seeks to remove a member of Parliament from the chamber in order to send a message that the non-production of documents, which, again, is the opposite to that which is occurring and unfolding at a federal level, is in fact of so serious a nature that the penalty sought to be imposed — the suspension, the duration of six months in the sin-bin — is not disproportionate to the non-production of the documents referred to in subsection (1), (a) through (f) inclusive.

There is a level of piety to the way in which this particular motion has been drafted. This motion seeks to establish a basis by which to conclude that the non-production of documents — despite that we have released as a government more documents than the former government ever did, despite that we have demonstrated by our actions and not by some flimsy procedural motion in the house better accessibility, better transparency and better accountability — is insufficient for the purposes being sought from across the chamber. Section (5), and I go again to this notion of piety, states that the resolutions are being sought in relation to the capacity of the house and the chamber:

> … to obtain information on any matter affecting the public interest as being fundamental to the reasonable exercise of its role and powers to scrutinise executive behaviour …

Again we come up against an inherent problem: the challenge of language. To scrutinise may in fact be an attempt not just to examine, not just to understand, not just to analyse but to forensically pull apart at the expense of the public interest the work being undertaken in the projects referred to in section (1) of the motion, subsections (a) through (f) inclusive.

The motion then goes on in section (6) to indicate that the house:

> regards it as essential that the rightful powers and principles of the Council be protected and that appropriate sanctions be imposed for any obstruction to the proper performance of its important functions …

There are a number of components in this particular part of the motion which again warrant careful consideration. The notion of what is essential to the discharge of executive functions is an area which has been traversed in a long history of jurisprudence and parliamentary procedure. We are talking about a penalty which seeks to effectively expel a member of the government — not just a member of the government but the Leader of the Government — from the service of the Council for a period of six months. This is something which has to be read subject to the nature of the public interest in the discharge of executive functions.

Section (7) of the motion calls upon the house to condemn:

> … the government for its apparent belief that it is not accountable to the people of Victoria through their elected representatives in the Parliament of Victoria …

Again, what we see here is an omnibus, a leviathan in relation to the way in which accountability and the corresponding obligations of accountability in government are met or not. This requires a value judgement; this requires something more than mere opposition politics. This requires something more objective than the loaded, pious language at the very heart of this motion.

Section (8) of the motion calls upon the house accordingly to adjudge:

> … the Leader of the Government guilty of a contempt of the Council for his failure, on behalf of the government, to comply, to the satisfaction of the Council, with the resolutions of the Council outlined in (1)(a) through (f) and further resolution of 19 August 2015 …

Again, this will necessitate an investigation of the chronology whereby documents have been sought from this government and whereby documents have been provided by this government. It is apposite and appropriate and indeed entirely necessary for the purpose of a good comprehensive debate around this motion that we compare and contrast what has occurred under the Andrews Labor government with the way in which such requests for information were responded to by those opposite when they occupied these benches in the house when they last governed. It is necessary to understand the number and the type of documents which were provided by the former coalition government in response to requests, not just from Labor members, not just from community organisations, not just from the crossbenchers, but from individuals whose

taxpayer dollars also went to achieving a public interest, albeit one under a Liberal-Nationals government.

Section (9) of the motion seeks to suspend:

> … the Leader of the Government from the service of the Council from 12 noon on the next Tuesday the Council sits following the adoption of this resolution …

In practical terms and given the way in which the legislative program needs to be discharged, this would mean that any and all subject matter currently the contemplation of the Leader of the Government in his role here on the frontbench and in the house would not be able to continue in the way in which it has for the last 18 months. It would mean a fundamental shift in the way in which this house conducts its business. It would mean a fundamental shift that strikes at the very heart of the discharge of our obligations as government insofar as the public interest is concerned.

Those opposite are not immune from, much as they would have us believe, the obligations that the public interest presents. Those obligations continue in a number of different ways — in public life, in the private sector and in the community sector. Heavens to Betsy, they even relate to the way in which union organisations and elected representatives undertake their roles in accordance with the federal legislation that governs industrial organisations. The way in which the public interest operates is something which we need to be very mindful of and which warrants respect. It ties into the immutable truth of the rule of law and of the way in which we take our duties seriously. It ties into the very reason that we are here. It ties into the respect with which we must treat our communities and the regard in which we must hold our constituents. That notion, amorphous or specific, translates itself every day into an assessment and an accountability of what we do as politicians.

It is very easy to stand here and to think about nothing more than the element of the notice paper which is currently being debated. It is very easy to narrow one's focus as a member of Parliament to the very thing on top of the to-do list at any given time. That is why it is incredibly important that periodically, regularly and assiduously we as politicians come back to the notion of the public interest — of acting in the public interest, of acting properly and appropriately, of acting to ensure that outcomes that are reached are consistent with those promises made, those commitments made and those objectives set out as being priorities.

We have a proud record of delivering on our promises. We have a proud record of being accountable to those who have given us this privilege and this responsibility. Nobody in the Andrews Labor government takes the responsibility of being in government nor the responsibility of being an elected member of Parliament in any flippant way. We take it seriously. We take it extraordinarily seriously because it deserves respect. It deserves respect because we are required to act in the interests of those who have brought us here. We are required to ensure that our actions and our decisions reflect the undertakings we have given. We are required to be accountable. The election process and the electoral cycle ensure that there is a level of accountability, but as they say in the classics, it can often be a long time between drinks — four years to exercise a right to endorse or to condemn the actions of an individual member of Parliament or a government or an opposition can be a very long time indeed.

What we do see, however, is the requirement to be accountable in our everyday lives, to demonstrate stamina in the exercise of integrity, to demonstrate accountability in the way in which we make our decisions and to provide outcomes which are not just defensible but in the public interest.

Section (10), to return to the motion, seeks to have this house endorse that in the event that the documents specified in the resolutions of the Council outlined in subsections (a) to (f) of section (1) are subsequently lodged with the Clerk, a member may move at any time, providing there is no question before the Chair, that the suspension of the Leader of the Government be lifted. What does this mean in practical terms? There are a number of ways to interpret this particular element of the motion, and the way in which that particular component of the motion may be interpreted means that there is a significant level of ambiguity attendant in this part of the motion being brought by the opposition. There is a level of assessment required as to the extent to which the delivery or production of any documents may satisfy the standard being imposed by this motion — the standard sought by the opposition to be imposed upon the production of documents.

The document motion that is before us seeks to overlay the justification of public interest for the seeking of these documents. It seeks to hide behind the lofty standard of the public interest in seeking documentation which has been created or which may have been created to deliver on our promises, to deliver on our obligations and our responsibilities to Victorians and to deliver on our obligations to govern in good faith and to govern for all Victorians. What we see here is the attempt to hold up as a standard, a banner, 'This is in the public interest, therefore you must provide it', and this, as I will get into later in my contribution, is a classic case of specious reasoning. It says that because

something is in the public interest it must be provided, whether or not there is any other privilege attached to these documents, whether or not there is any other notion of confidentiality that may in fact be warranted, be justified and be reasonable — that in fact holding up the notion of the public interest is enough to simply have these documents produced. Quite frankly, it is not enough. It is not enough to simply say that it is necessary in the public interest to produce documents and then to stand back and expect that that is actually going to satisfy the standard of an examination around what is or what is not in the public interest. Quite frankly, it is not enough. It is not enough to simply say that it is necessary in the public interest to produce documents and then to stand back and expect that that is actually going to satisfy the standard of an examination around what is or what is not in the public interest.

It is necessary and appropriate to look at not only what is being sought but also, just as importantly, why it is being sought. Those opposite would have us believe that this request for documents is being sought in order to give accountability, to lend transparency and to provide Victorians with a degree of comfort about what it is that the Andrews Labor government is doing in relation to the port of Melbourne, the West Gate distributor, the Australian Formula One Grand Prix, the Cranbourne-Pakenham rail corridor project, the Advanced Lignite Demonstration Program and the Peter Mac Private hospital documents.

Those opposite would have us believe that in fact it is necessary and appropriate for these documents to be provided because otherwise we will not have been acting in the public interest. It is a classic case of specious reasoning. It is a classic case of joining the dots on the most simplistic attempt at logic that we have seen in some time in the drafting of a motion before this house. What this motion seeks to do is to invite everyone to conclude that because these documents have not been provided in the way that those opposite desire that they be provided, the government has failed in its obligation to meet the public interest obligations, to discharge executive functions and to govern in a way that meets those fundamental promises made to Victorians prior to and after being elected in 2014.

Section 11 calls upon the house, for the purposes of a motion to be moved in accordance with section 10, to suspend the standing orders to the extent necessary so as to provide for the motion to be a procedural motion for the purposes of standing order 5.03, to take precedence over all other business, to be put without amendment and, in the event that it is negatived, to be put again on a subsequent sitting day.

Well, we have certainly seen the prioritising of this motion by those opposite — and again I do not accept that the logic follows that it is in the public interest simply because they say it is — in seeking that this motion be called upon time and time again and that this motion continue to be debated until such time as one or the other of the outcomes referred to in the motion is achieved at the expense of all of this debate and at the expense of the way in which this particular parliamentary motion has unfurled. Those opposite would seek to prioritise their own frolic over the business of this chamber.

They would seek — and they have achieved through their actions — to constipate the program of this house. They have interrupted the way in which this house conducts its business. They have, by their own actions in seeking an outcome which again is held up to arise ostensibly for that lofty reason of the public interest, created such blockages as to dislocate the way in which we go about doing what we do in the Legislative Council.

What we see here is a motion which is being used for purposes other than those for which it was potentially originally conceived. We see a motion which says, ‘We need each and every single document to be provided under the subsections set out at (1)(a) through (f) inclusive, and in the event that such documents are not forthcoming, you will not only have, firstly, failed to meet your obligations to act in the public interest but also, secondly, failed in your obligations around executive responsibility. In addition to that, you will have failed in your obligations to be fair, transparent and accountable to Victorians’.

The leaps in logic tendered in that reasoning are enormous. They warrant careful consideration and analysis, because we take our obligations seriously. We are asked to vote on a motion that seeks to remove the Leader of the Government for a period of six months because the government is doing its job — to attract and retain investment, to complete transactions which enable outcomes to be delivered in the best possible way for Victorians and to act in the public interest in a way that means that longevity and prosperity are preserved to the best extent possible for people in our metropolitan areas and in our regional areas. All of this occurs against the backdrop of this frolic, this fishing expedition, this desire by others to actually be able to uncover all of the detail — and this is not in the public interest — to be used for other purposes.

It is an interesting conundrum in which we find ourselves in examining a motion of this nature, because it calls upon every single member of this place to

properly understand, and to do the work necessary to understand, the interplay between public interest on the one hand and transparency and accountability on the other, and the extent to which those concepts overlap.

Again, as I referred to earlier in my contribution, this is an area of public law, public policy and government law which has been the subject of much consideration, not just in the Victorian jurisdiction but more broadly at a commonwealth level and internationally.

I look forward to being able to disaggregate the way in which these issues have been considered at a judicial and quasi-judicial level as well as in other parliaments. I look forward to making sure that this Parliament is fully aware of the way in which parliamentary practice has operated. I look forward to being able to break down the notions that are set out in references and publications such as *Erskine May* to be able to enable a fulsome understanding of the way in which this motion operates and the way in which this motion intends to undermine the very notion of public interest for cheap political purposes.

Section (12) of the motion calls upon the house 'notwithstanding the terms of this resolution' to suspend the 'Leader of the Government in accordance with (9)' and that that suspension 'ceases to have effect on the day that is six months after the day such a suspension came into effect'. This motion seeks to lift that suspension at the whim and the discretion of the house when some vague standard has been complied with and some level of production has in fact meant that public interest has been met according to the subjective views of someone in this chamber — and we would not know who because we have no process to determine the way in which that would be established. The motion implies that that would then be enough, that there is some standard of compliance which would apply that means that potentially the Leader of the Government might return if indeed documents were provided to the satisfaction of those opposite who have drafted the motion.

The motion itself in relation to the breadth, the scope and the contemplation of documents being sought across those relevant projects is enormous. This seeks every document relating to the port of Melbourne, relating to the West Gate distributor, relating to the Australian Formula One Grand Prix, relating to the Cranbourne-Pakenham rail corridor project, relating to the Advanced Lignite Demonstration Program and relating to the Peter Mac Private hospital to be produced. Ostensibly this is calling on the Leader of the Government to enable or facilitate the production of potentially any level of document irrespective of the extent to which privilege, confidentiality or commercial-in-confidence might apply.

Those opposite would seek to have us believe and to understand that the will of this house ought to in fact trump the public interest in relation to government's capacity to do its job. They would seek to have this house resolve that it is in fact more important to acquiesce to the frolic being proposed by this motion, to accede to the requests that are being put forward for an improper purpose, to subvert the public interest in order to conduct a fishing expedition to uncover the way in which documents and processes have been undertaken and to better use them for improper purposes and for political advantage.

There is no conspiracy here. There is no conspiracy in relation to the withholding of information on the basis that it in fact would enable people to pursue political purposes or arguments. I have not seen the documents, and I have not seen the documents because they are not mine to see. They are not mine to see because they are documents that may or may not have been prepared in the context of commercial-in-confidence negotiations, tender processes or due diligence processes — processes which are so essential to the functioning of government that they form part of its essential skeleton. They are the things from which policy can be implemented. They are the documents from which documents can flow and from which deals can be negotiated in accordance with commercial practice.

There is no shady deal that is sought to be uncovered here that would enable those opposite to enjoy a moment akin to Watergate. This is not something which would in fact lead to a Jenningsgate-style arrangement of exposure and uncovering of some vast conspiracy which stretches across the state and which goes into the reaches of commercial negotiations that would in fact imperil the viability of Victoria to conduct its affairs.

Mr Jennings — If only!

Ms SHING — Indeed, and I will take up that interjection at a later time. I am going to quote *Star Wars*, and I am going to quote *Star Wars* because it is relevant. 'These aren't the droids you're looking for', and by 'droids' I mean the documents referred to at 1(a) through (f). They are not what you are seeking because the opposition is not seeking these documents for something which relates to the discharge of public interest. It is not seeking these documents for a proper purpose.

Mr Jennings — It's an intergalactic frolic.

Ms SHING — It is an intergalactic frolic, to pick up the interjection. This is in fact a course of action being embarked upon for reasons which do not relate to a deep and abiding respect for the discharge of public office obligations or for the public interest more broadly. The motion itself, as I said, is significant in its breadth and in its scope as much as anything else.

If we turn to the way in which the motion has been drafted and examine the extent to which documents have already been provided, it is worth noting for the record, for the sake of clarity and to remove any doubt whatsoever that the Andrews Labor government has in fact already responded to 11 of the 13 orders for documents made so far by the Legislative Council. Again, those opposite would have us believe, and would have the community believe, that we have turned our backs on the obligation to be responsive around requests for information, when in fact we have released a total of 219 documents in part or in full, and we have, as I understand it, withheld only 45 documents. On that basis 264 documents have been requested or found and 219 documents have been released, and therefore 17 per cent have not been released and 83 per cent have been released in part or in full.

What we are looking at here is a case of do what I say and not what I do. If those opposite actually cared about disclosure, they would not have treated Victorians with contempt in the way in which — —

Mr Barber interjected.

Ms SHING — Sorry, Mr Barber, I am finding it very difficult to concentrate with the yelling across the chamber. If you could let me continue; we have got a lot to get through.

If those opposite actually cared about disclosure, they would not have treated Victorians with contempt in relation to the east–west link business case and the secret side letter which was revealed at the 11th hour of the election campaign in 2014. What we see here is a case of hypocrisy. What we see here, not just in relation to the irony I spoke about earlier — that free ride when you have already paid, that Alanis Morissette-style irony that goes beyond simply inconvenient outcomes and talks to the truth of people saying and seeking the opposite to that which they do, a blending of irony and hypocrisy — is that we have in fact sought previously to uncover, to find, to locate and to interrogate various documents of the former government, as have people from public organisations, as have individuals, as have interested parties, and that information has not been forthcoming. What we saw under the former government were promises and platitudes around freedom of information. What we saw under the former government were lofty promises around the way in which information would be disclosed. What we got in reality was a mare's nest of refusal, of obfuscation, of complication and of denial.

The chronology speaks for itself, and yet it is important to put it on the record; I intend to do exactly that. But, again, the production of documents, the production of 219 documents in response to 11 out of the 13 motions already put before this house, is significant, it is substantive and it counts for something. What it counts for is a discharge of obligations in accordance with our promises; what it counts for is accountability and transparency; and what it counts for is an abiding respect for the notion of public interest.

I would like to turn, to continue my preliminary and opening remarks, to section 1(a), which is in relation to the port of Melbourne documents. The resolution of 11 February 2015 sought a copy of the scoping study prepared by KPMG in 2014 for the privatisation of the port of Melbourne. This was part of an extensive process of requests for information, of ventilation of the competing and various positions on the port of Melbourne and of the way in which the Andrews Labor government discharges its obligations and has discharged its obligations in accordance with election promises to lease the port of Melbourne and various of its functions.

This is a process which, as those around the chamber and those listening in at home and obviously enjoying this debate, would appreciate was enormously complex. There is a long history in relation to the way in which the terms of the proposed lease of the port of Melbourne were put as a bill to the house last year. It related to the way in which the various functions of the Council and of the port would come together to understand and scrutinise the way in which a bill might properly discharge election promises around the lease. It should not be forgotten that in fact those opposite also wanted to lease the port of Melbourne and various of its functions. There was not so much between those opposite and the Labor government in relation to the terms upon which the lease of the port of Melbourne might take place. Those issues related, amongst other things, to the way in which rents and charges might be regulated, to the way in which capacity might continue to be expanded, to the way in which the terms of a lease might be subject to scrutiny and oversight around the development of a second container port and to the way in which stevedoring and other operations would continue to flourish upon the appointment of a lessee.

In essence the resolution sought a scoping study for the privatisation of the port of Melbourne which had been prepared by KPMG in 2014. The extensive history around the transaction and around the bill, which has now passed and whose terms are now being implemented and effected, is set out comprehensively in a report of the parliamentary committee, which examined the terms of the lease. I was fortunate to be part of the process which examined the nature of the proposed transaction. I know that there are others in this chamber who also took an active interest in relation to the way in which it would operate.

What we have seen in relation to the port itself is an examination of matters from reports in 2009 and again in 2011 and the way in which commercial and trade negotiations have continued during that time to grow the capacity of the port to make sure that the port of Melbourne has been able to retain and grow operations that best meet the needs of producers and exporters as far as first and last mile is concerned. We saw a rigorous series of contributions and debate following the provision of information, evidence and submissions to the inquiry in relation to the proposed lease of the port of Melbourne.

The motion put on 11 February sought a scoping study that had been part of broader discussions over an extensive period of time from governments of both colours. On 23 June last year, in response to the motion in respect of the port of Melbourne documents and a resolution sought for the production of a scoping study, the government responded by providing a copy of the scoping study, which had been prepared by the former coalition government. Let us understand the moment and the gravity of this for a second: this information, this scoping study, had been prepared by the previous government, and yet the resolution sought was for a copy of the scoping study for the privatisation of the port of Melbourne prepared by KPMG in 2014. This was a motion being sought of this government for documents which had been prepared for the previous government, and they were provided.

There was limited information withheld from release in the discharge of this document. That information — to be absolutely clear and to put it on the record and go beyond any doubt about what this was — related to financial and commercial content as well as material obtained in confidence. This again brings us back to how we begin our consideration of the competing priorities of the public interest on the one hand and of the commercial realities of negotiations, where governments need and must operate in a commercial environment and a world which is broader than the confines of this upholstered chamber and must derive best value for those to whom we are ultimately accountable.

I understand the information being withheld from release was so sensitive that it would stand parallel with other commercial negotiations of a similar nature. This request actually sought a document of the former Napthine government. These were documents which were prepared when we in the Andrews Labor government were not yet in government. The lease of the port of Melbourne is a very significant process, one which is ongoing, and the release of commercially sensitive material is something which has the potential to significantly impact upon the leasing process.

You would think that those opposite, with all of their purported commercial acumen and with their experience and understanding of the way in which industry operates, would understand the nature of commercial-in-confidence information. One would think, given that they had been at the helm at the time that the scoping study was prepared, they would have had more than a passing reference to the respect required to be given to commercial environments in which these matters are negotiated.

These are high-level negotiations, the outcomes of which have a profound and ongoing impact upon the public interest and upon the financial, social and community return delivered to communities as the lease is implemented, as we continue to develop capacity at the port of Melbourne and as we move to understand the projected increase in total container loads processed at the port and the need and time frames associated with the development of a second container port for Victoria.

As I indicated earlier, we withheld specific information that was of a financial and commercial nature as well as material obtained in confidence. Again, we see the rich irony of this now occurring at a federal level, where raids are being conducted and information is being sought to be recovered and used during a caretaker period. Information of this very same nature is being sought in this place by this motion.

Unlike Ms Wooldridge and others opposite, we only withheld limited information in relation to freedom of information when the coalition was in government until 2014. The same principles, it is important to note, outlined in the Freedom of Information Act 1982 that protect certain limited categories of documents should be applied consistently to documents sought in the Legislative Council. Those provisions ensure that documents that are protected would, and I am going to read through this because it is important to put it on the record:

(a) reveal, directly or indirectly, the deliberative processes of cabinet;

(b) reveal high-level confidential deliberative processes of the executive government, or would otherwise jeopardise the necessary relationship of confidence between a minister and the public service;

(c) reveal information obtained by the executive government on the basis that it would be kept confidential, including because the documents are subject to statutory confidentiality provisions. Example: section 10.1.30 of the Gambling Regulation Act 2003;

(d) reveal confidential legal advice to the executive government —

or —

(e) otherwise jeopardise the public interest —

I will say that again —

> otherwise jeopardise the public interest … in particular where disclosure would:
>
> (i) prejudice national security or public safety;
>
> (ii) prejudice law enforcement investigations;
>
> (iii) materially damage the state's financial or commercial interests (such as ongoing tender processes or changes in taxation policy) —

and again I will underscore 'ongoing tender processes' because that is directly relevant to the subject matter we are looking at in relation to the lease of the port of Melbourne and the context in which that study from KPMG, issued under the former Napthine government, now occurs and which must now appropriately be examined —

> (iv) prejudice intergovernmental and diplomatic relations; or
>
> (v) prejudice legal proceedings.

There is a lot in that, but at its heart these carve-outs seek to strike a balance between, again, the essential functions of government — operating as it does in a frequently commercial environment — in attracting industry and in making sure that negotiations are concluded in a way which enables investment to be attracted, which enables employment to be delivered, which enables infrastructure to be completed and which enables us to actually deliver on the things which we have promised to Victorians, which we must make good on, which any good government must deliver, because we need to be better than our word — we need to be as good as our deed.

That is where extracting the best benefit possible for Victorians in the course of commercial negotiations is at the very heart of protections of this nature as they are set out in the Freedom of Information Act 1982.

In responding to the requests that have been made what we have seen is a preparedness to make sure that information is released, and released in good faith. The way in which the motion has been drafted, however, is that there is a proposal to suspend the Leader of the Government for failing to comply with orders for documents 'to the satisfaction of the Council'. The motion, however, provides no guidance on what measures or standards would satisfactorily meet 'the satisfaction of the Council'.

How are we to determine when we have got there? There is no clear and objective finish line. What we see here is a potential for it never to be enough. What we see here is the potential for the Leader of the Government not to be allowed to return to the chamber to be on this front bench to acquit the obligations and the responsibilities that he has as a member of this government, as the leader here and as the leader's representative of this government in this place, because of a standard which is so subjective, which is so uncertain and which is so fraught with ambiguity — 'the satisfaction of the Council'.

It might mean — who would know? — that the satisfaction of the Council is achieved when one person sticks their hand up and says, 'You know what? I'm satisfied', or it might not. It might mean that a two-thirds majority is required. It might mean that an absolute majority is required. Satisfaction, in and of itself, is impossible to quantify because there is no framework within which we can assess the way in which this standard might be met. And without that, without that rigour, without that structure, this motion is impossible to uphold or to implement in any certain way.

The way in which we have seen this motion unfold is again something which everyone needs to take incredibly seriously. The government has made claims of executive privilege in just 45 of the total number of documents being sought. In responding to these requests I understand the government has released 523 documents in part or in full. The government may well in fact be prepared to consider the engagement of an independent process — a process which would in fact inject some certainty, some rigour, some objectivity, into what is a fraught, subjective and speculative motion.

Regarding the engagement of an independent legal arbiter to hear disputes relating to claims of executive privilege where disputed, the Legislative Council

standing orders might establish an arbiter to be engaged by the Clerk for evaluation and report within seven calendar days as to the validity of a claim, as to the validity of the dispute, of executive privilege. I refer in particular to standing order 11.03(2).

Importantly, we need to be live to the technical nature of the standing orders that we currently use and under which we currently operate. Those standing orders are currently silent on the grounds which an arbiter would use to determine the validity of any disputed claim of executive privilege. The standing orders are currently silent on the processes — not just the grounds, but the processes — which an arbiter would use to assess any disputed claim of executive privilege. And silence, whilst it may be golden, is hardly helpful.

In fact it is deeply unhelpful where we are looking at standing orders that provide no guidance about how we proceed with a motion of this magnitude and where it is not possible to determine what the satisfaction of the Council might be. It is imperative that we make sure that this is done in a proper way, as all things must be in Parliament and in this chamber in particular. We cannot run roughshod over procedure, and yet where there is no procedure, where there is no rigour and where there is no consistency or uniformity in the way in which matters of disputed executive claims of privilege are dealt with, we have no guidance. We have no guidance in standing orders as they are currently set out, and we have no guidance in relation to the way in which a canon is built up over time by which matters of this nature can be better understood, ventilated, examined and concluded.

To date the coalition and the Greens party have not, as I understand it, provided feedback on how these sorts of questions might be resolved or what process would result in an outcome that would be 'to the satisfaction of the Council'. The government is, as I understand it, supportive of the President of the Legislative Council convening a meeting of the Procedure Committee, a committee which is adequately equipped to begin to examine matters of this nature, prior to the next parliamentary sitting week to consider the current arbiter mechanisms as outlined in standing orders 11.03, 11.04 and 11.05. This is a way forward and it is a way forward which is substantive, which is able to be broadly and uniformly understood and which will in fact enable a conversation about the extent to which a claim of executive privilege may or may not in any given set of circumstances be maintained and/or upheld.

The government proposes that under the President's auspices the Procedure Committee would consider the currently unresolved questions relating to an independent arbiter with the objective of producing a resolution that is acceptable to all parties within the Legislative Council. Again this is something which we have by our actions continued to demonstrate a level of good faith around, which we continue to work hard in relation to and which is the subject of very earnest, very substantive and very good faith conversations. Again this speaks to the extent to which we take our obligations seriously and the extent to which we honour the obligations that come with the requirement to act in the public interest.

Nobody here is seeking to draw this out to an extent whereby it might be concluded that we on this side of the chamber are acting for an improper purpose. What we are seeking to do is to advance discussions — advance a set of positions and common objectives around what is being sought, why it is being sought and the extent to which there is a claim that it cannot be provided — and in addition to this find whether a process might be there in the standing orders to inject that level of certainty. As I indicated, the standing orders are silent, and as I indicated, silence involves the invitation of a number of different conclusions that may or may not be open to this chamber to reach. Silence involves the injection of all sorts of claims, not just around what but around why. Silence undermines the way in which we do our work. It is the job of a responsible legislature, it is the job of a responsible government and it is the job of responsible elected politicians to be able to make defensible decisions, accountable decisions, decisions which are in the public interest and decisions which strike the appropriate balance and equilibrium around competing interests.

What we see in this motion is an area of the administration of public law and of the delivery of promises and of parliamentary procedure which has no clear or predictable way forward. What we see in this motion is an attempt to unpick and undermine those things which are the subject of executive privilege and of claims that documents, being of an executively privileged nature, are not required to be produced, because to do so would be contrary to the public interest and to long-established conventions, rules and obligations around the way in which such privilege operates. It may in fact be necessary to go to the constructs around such privilege and the way in which they have arisen.

It is crucial that we understand why it is that we have come to this point, how it is that the standing orders have remained silent, what it is that is required to inject that level of certainty and how it is that, hopefully, with goodwill and preparedness on all sides of the chamber,

we can enter into discussions and continue discussions — to get beyond the silence, to get beyond catcalling and yelling, to get beyond political pointscoring — to establish a process that could continue, irrespective of the government sitting at the time or on the day, irrespective of the colour of the politics of those seeking the production of information and irrespective of the ideologies of those seeking to exercise a claim of executive privilege.

What we have seen in relation to the nature of balancing competing priorities under the Freedom of Information Act 1982 is an examination of the way in which positions from parties seeking information might be understood and in certain circumstances tempered, where it is appropriate to do so. In understanding the way in which that process of balancing different interests and of striking an equilibrium occurs, it is crucial that a principled approach is taken when considering the release of documents sought by the Legislative Council to ensure that the release of that information through the processes of Parliament is consistent with the principles governing the release of documents under the Freedom of Information Act 1982.

In government — as I referred to in some of my introductory remarks — Ms Wooldridge, the drafter of this particular motion, refused to respond to FOI requests because 'retrieving all of the requested documents would be onerous' — onerous! — 'and an improper diversion' of her office's resources. Again, to quote Alanis Morissette, 'Isn't it ironic?'. Isn't it ironic that we are looking at a motion that seeks to have documents produced for the port of Melbourne, the West Gate distributor, the Australian Formula One Grand Prix, the Cranbourne-Pakenham rail corridor, the Advanced Lignite Demonstration Program and the Peter Mac Private hospital that would not, by the words of Ms Wooldridge in the drafting of her motion, constitute an onerous and improper diversion of an office's resources?

In some cases, however, under the former government we were not making FOI requests which were responded to with a denial on the basis that such requests would be an onerous diversion of office's resources; we were looking at silence, yet again — a common theme of this particular motion. Under the former government, FOI requests were often ignored. In some cases they were ignored for up to six months. The corollary here is not lost on me. The poetry here is not lost on me. FOI requests were not responded to for up to six months — a very interesting correlation given that the period for which the opposition seeks to suspend the Leader of the Government from the Parliament is six months.

For Ms Wooldridge to come here with a motion seeking to suspend a member of the Parliament, seeking to suspend the Leader of the Government for not producing documents — to suspend the Leader of the Government! — for a period of six months, when she herself failed to respond when in government to FOI requests for up to six months at a time, beggars belief. There were no fewer occasions than 18 in Ms Wooldridge's first 12 months as a minister when in fact she was taken to the Victorian Civil and Administrative Tribunal so her FOI failures could be contested. The source in that regard can be found in various newspaper reports from the time.

In and around December 2012 Ms Wooldridge attracted significant public scrutiny for her failure, or refusal, to provide information. Ms Wooldridge was in fact the subject of legal proceedings for the very reason that she now seeks to have a member suspended — namely, that documents were not provided but in fact that obligations under the Freedom of Information Act had not been met. But maybe the then government was following the principle that FOI requests for documents sought by the Legislative Council should in fact operate along similar lines, because at the time, and after all, the previous Baillieu-Napthine government only produced responses to three orders for documents over the entire four years that it held office.

There were responses to three orders for documents over four years, and when we compare and contrast that with what we have done, we have in fact released 523 documents in part or in full. We have responded to 12 out of the 13 orders for production of documents made so far in the first 18 months. These numbers are important because they speak to our integrity in delivering on better accountability, in delivering on better access to information, in delivering with better transparency and in being better than the track record of the former government would indicate it was. It produced responses to three orders for documents over four years in government; that is what we are looking at in terms of the track record of the previous government and the track record of Ms Wooldridge, who has in fact put her name to this motion, which is seeking to remove the Leader of the Government for a period of six months. In fact three is probably a fairly similar number to the number of freedom of information requests that were dealt with properly and in compliance with the freedom of information legislation by the former minister's office.

In relation to the motion and to (1)(b) around a request on 25 February 2015 in respect of the West Gate distributor documents, the motion sought a copy of the following documents relating to the West Gate distributor: the business case; the interim or final traffic and traffic management studies, reports or briefings; environmental studies, reports or briefings, including historical studies, reports or briefings relating to Stony Creek; Aboriginal cultural heritage studies, reports or briefings; advice on compliance with the Hobsons Bay planning scheme and the Maribyrnong planning scheme and proposed consultation on required planning approvals; departmental advice and briefing documents; and evidence of consultation on the above. Because the resolution of 25 February 2015 sought all documents including, but not limited to, the seven specified categories of documents, the government identified approximately 23 000 documents which would need to be assessed just in order to respond to this motion.

Let us just park that for a moment and go back to what occurred under the former government, because the previous government, as I have indicated, only produced responses to three orders for documents over the entire four years it was in government. The previous government refused to provide information in response to FOI requests. The author of this motion refused to provide information in relation to FOI requests because 'retrieving all of the requested documents would be onerous and an improper diversion' of her office's resources'.

On the one hand we have 'onerous' and 'an improper diversion' from the author of the motion now before the house, and on the other we have in relation to one component of this motion — just one — approximately 23 000 documents that would be required to be assessed in order to respond to the resolution. This is one part of the motion that is before the chamber. This is, if nothing else, an onerous diversion of a kind that Ms Wooldridge could not properly have contemplated when her office authored a rejection of a request for information pursuant to the Freedom of Information Act 1982.

On 23 June 2015, however, in accordance with our responsibilities and the obligations which we take seriously in delivering a record number of documents to the public domain and in responding to requests for production, the government provided the following documents to the Legislative Council: 13 documents were released in full; 1 document was released in part, and that was with personal information removed from that document; and 24 documents were withheld in full because of the operation of cabinet in confidence. Documents which have been prepared, considered or changed as a consequence of a cabinet process enjoy a privilege which is undisputed and a longstanding convention, not just in this place but at law. It is enshrined and codified in statute, not just in Victoria, not just in Australia, but internationally. Cabinet in confidence is considered to be a crucial part of a government's capacity to undertake rigorous discussion and to understand consequences, whether they be unintended or otherwise, of any proposals of the way in which governmental obligations are discharged.

Those documents that were withheld due to cabinet-in-confidence information were not simply withheld on the basis that there was no other underpinning reason and that cabinet in confidence was enough; they were withheld on the basis that they would damage the state's financial or commercial interests and would otherwise jeopardise trust and confidence between ministers and officials. We are not talking about a conspiracy. What we are talking about is the preservation, conservation and protection of the state's capacity to act in the public interest and the state's capacity to maintain financial and commercial interests and to act in the best interests of Victorians.

These are obligations which I would hope are not confined to those in Labor. These are obligations which have in fact formed the heart of cabinet-in-confidence discussions over so many jurisdictions in governments of every persuasion for an extensive period of time. The jurisprudence and the canon around the way in which cabinet in confidence operates has continued to grow. It is a well-established principle. It is a well-established construct. It is an area where silence is not part of understanding the way in which cabinet in confidence operates as an exemption to the provision of information.

When those opposite were in government, in the 57th Parliament, as I indicated earlier in my contribution, the coalition provided documents to just three of the Labor opposition's requests for documents in the Legislative Council. They provided documents in relation to Morwell and the Wallace Street drainage works, the motion for which was moved by Mr Viney on 8 May 2013. They provided documents in relation to the planning advisory committee report, the motion for which was moved by Mr Tee on 20 February 2013, and they provided documents in relation to the Urban Growth Boundary Anomalies Advisory Committee report, the motion for which was moved by Mr Tee on 20 February 2013.

You would have to say on any reasonable assessment of it that in relation to the public interest and in relation

to the way in which governments are required to act in the interests of all Victorians the Wallace Street drainage works in Morwell, which is my part of the world, by the way, were probably not as significant in relation to their infrastructure consequences as a project of the magnitude, cost and scope of the West Gate distributor. There were three orders for documents in the last Legislative Council. Three orders for documents were responded to under the last government. Three orders for documents were responded to by those who now sit opposite and seek documents of such a magnitude that, as I indicated earlier, 23 000 documents would need to be analysed in order to understand the extent to which a response could be provided.

Under the former government what we saw was the author of this motion being taken time and time again to the Victorian Civil and Administrative Tribunal to contest decisions that had been taken around the non-provision of information requested under freedom of information legislation. What we see is a narrative from those opposite that says, 'Do what I say and not what I do'. Again, in order to contextualise this, it is imperative that we understand not just what is being sought but also why it is being sought.

In relation to subsection (c), that class of documents in respect of the Australian Formula One Grand Prix, the motion of 25 February 2015 sought, and I quote:

> … the contract, in full, signed by the Napthine government to host the F1 grand prix in Melbourne from 2016 to 2020.

That is right. Those opposite wanted the document signed by Dr Napthine when he was the coalition Premier. Those opposite, those coalition members, want a coalition document signed by a coalition Premier in relation to the period from 2016 to 2020 of the contract relating to the Australian Formula One Grand Prix. On 15 September 2015 the government responded, noting that six agreements had been identified and all were withheld in full. These documents were not withheld on a frolic. They were not withheld for reasons that related to diversion of an office's resources. They were not withheld in relation to a claim that to analyse documents and information would be onerous, as was the case for claims for information made under the former government — requests for information made to Ms Wooldridge before she authored this motion. These documents were withheld as they contained commercially sensitive information. If disclosed, this information would in fact materially damage the state's financial and commercial interests.

Again, the importance of understanding this decision cannot be understated. These documents were not provided, because they would jeopardise and/or materially damage the state's financial and commercial interests. The disclosure of such documents would not be in the public interest, because where taxpayers money is not in fact able to be put to best use, material outcomes might be jeopardised in the interface between government and the commercial world — the world of industry, the world in which we must all operate once we go outside this chamber, once we look to implement our program of promises, our program of commitments, our program of services, delivery and infrastructure, our program for which we were elected.

When we go beyond this chamber, we must act in the best interest of Victorians who put us here — in the best interest of those Victorians who have invested their trust in us to do the right thing and to act correspondingly in the public interest. Where commercially sensitive information is disclosed and might have the likely outcome of material damage to financial and commercial interests, this cannot on any reasonable reading of the standard be taken to comply with or to further the public interest. The release of those six agreements that were identified in the course of the search could in fact cause significant harm to the Australian Grand Prix Corporation's relationship with the Formula One Group, risking one of the key pillars of Victoria's major events calendar.

We have seen firsthand the revitalisation that occurs when investment is forthcoming and when projects are delivered that make and keep Victoria great. We have seen the way investments in everything from ecotourism and the Phillip Island Nature Parks, which is, again, in my part of the woods in Gippsland, return dollar for dollar enormous amounts of money to our state coffers, return dollar for dollar and investment for investment increases in employment and return a profile for Victoria on the international stage as far as tourism dollars are concerned. We have seen that this makes good commercial and economic sense. We have seen that a major events calendar has a significant impact, a lasting impact and a benefit on corresponding and related industries on jobs and on community activity. It puts us on the international stage. It keeps us on the international stage. It is in the public interest to make sure that a robust calendar of public events, of major events and of tourism, including sport, including cultural activities and including the arts, is maintained and that it gets the attention, the investment, the resources and the engagement that it so deserves.

This year's budget has in fact delivered a significant number of investments in this really important part of

our economy to make sure that the things that we enjoy as Victorians on a daily basis — whether it be going to the penguin parade, whether it be enjoying the superbikes, whether it be the grand prix that brings people from far and wide, whether it be enjoying festivals, whether it be enjoying White Night — are given the support that they deserve and warrant in order to be able to continue to keep us at the forefront of Australia's cities, to keep us vibrant and thriving and to keep us the envy of Sydney. It might be something as simple as our reputation for making coffee that is not only drinkable but fabulous, or it might be something significant as making sure that when people enjoy elements of our tourism, such as the Great Ocean Road, they are able to do so with the amenity, the comfort and the level of accessibility that we would all hope to see in our communities. In 2014 major events generated around $1.8 billion to Victoria's economy. This is no small change. It also provided 2617 full-time equivalent jobs. We are talking about real employment. We are talking about outcomes which make a substantive difference, which make a positive and enduring difference. We are talking about investments which in fact realise the very nature of public interest.

When those opposite, however, were in government, they failed to produce documents. They responded to three requests for documents in four years. When they were in government, again the mantra of onerous diversion of office resources was a reason for a refusal to provide information. When Mr Jennings, the subject of this particular motion, moved an order for documents relating to ambulance response times, that was ignored. When Mr Tarlamis, a former member for South Eastern Metropolitan Region, moved an order to produce documents relating to Patrick stevedores relocation from Webb Dock East, those opposite provided no documents. When Mr Tee, a former member for Eastern Metropolitan Region, moved an order to produce the east–west link business case, they only produced the glossy executive summary which contained none of the details of the project. There were so many elements of that business case, but none of them were in the document which ended up being debated at length in this place. It had prioritised pictures, graphics and triangles and resorted to all sorts of creative typographical licence in order to duck and weave and avoid full disclosure of something which resulted in an election which the former Prime Minister, Mr Abbott, referred to as 'a referendum on the east–west link' in 2014.

What we have seen, however, is a request from those opposite for documents which relate, amongst other things, to a class of documents that would require assessment and analysis of 27 000 documents in order to provide a response. If this is not again the definition of irony — and I am glad the Minister for Corrections is here because grammatical corrections must also appropriately form part of his new responsibilities — it goes far beyond dear Alanis Morissette's definition of irony. This is hypocrisy. This is 'Do as I say because it is in my interests to do so' from those opposite and from the opposition benches, and not 'Do as I do'.

It is all very well and good, and it is all very easy and convenient, to seek documents and information when you are in opposition and to hold those opposite to a higher standard — a standard which you never deigned to meet yourselves when you were in government, which you never gave the public the respect of complying with when you had the capacity to do so. You ran roughshod over the notion of the public interest. You refused, you cavilled, you delayed, you dodged, you ducked and you weaved. What you failed to do in doing so was to meet your obligations to deliver on the promises that you had made.

What we saw under the former government was the notion of being open, transparent and accountable. This was a very clever three-word slogan, and we are quite used to clever three-word slogans from those opposite. Clever three-word slogans tend to infect the way in which coalition business is done in opposition and in government. The trick is, though, that government is not nearly as easy as a three-word slogan, and nor should it be. Government is in fact an exercise in meeting obligations and responsibilities in the public interest. Government is an exercise in not just saying but in doing. Government is an exercise in the maintenance of integrity.

Those opposite know an awful lot about integrity, and I am looking forward to going through the way in which their integrity was so manifestly lacking in relation to requests put for information for the business case around the east–west link. I am looking forward to interrogating, to analysing and to making sure that those who are taking an interest in this particular line of hypocrisy from those who have drafted and supported the motion coming from the other side of the house are fully aware of the manifest failures of those people to set a standard which, if they had wanted any high ground when it came to debating this motion, if they had wanted to be able to stand in an ivory tower and scream down to Victorians that the Labor government was not delivering, ought properly to have set their standard by their own actions. And what have we seen? A refusal to comply with FOI requests for information on the basis that it would be too onerous and a diversion of an office's resources — a diversion. What we see here is 12 out of the 13 — —

Ms WOOLDRIDGE — President, in accordance with standing order 12.25, I move:

That the question be now put.

The PRESIDENT — Order! Pursuant to standing order 12.25, Ms Wooldridge has sought to move for the closure of debate. Under that standing order I am required to ask if there are six other members who are prepared to rise in their place in support of that motion. I ask members who wish to do so now to rise in their places to indicate their support for Ms Wooldridge's proposition.

Required number of members having risen:

The PRESIDENT — Order! There being at least six members who support the closure motion, I will put the motion forthwith without amendment or debate.

House divided on closure motion:

Ayes, 22

Atkinson, Mr	Lovell, Ms
Barber, Mr (*Teller*)	Morris, Mr
Bath, Ms	O'Donohue, Mr
Crozier, Ms	Ondarchie, Mr
Dalla-Riva, Mr	Pennicuik, Ms
Davis, Mr	Peulich, Mrs
Drum, Mr	Purcell, Mr
Dunn, Ms	Ramsay, Mr
Finn, Mr	Rich-Phillips, Mr (*Teller*)
Fitzherbert, Ms	Springle, Ms
Hartland, Ms	Wooldridge, Ms

Noes, 17

Bourman, Mr	Mulino, Mr
Dalidakis, Mr (*Teller*)	Patten, Ms
Eideh, Mr	Pulford, Ms
Elasmar, Mr	Shing, Ms
Herbert, Mr	Somyurek, Mr
Jennings, Mr	Symes, Ms (*Teller*)
Leane, Mr	Tierney, Ms
Melhem, Mr	Young, Mr
Mikakos, Ms	

Motion agreed to.

House divided on motion:

Ayes, 21

Atkinson, Mr	Lovell, Ms (*Teller*)
Barber, Mr	Morris, Mr
Bath, Ms	O'Donohue, Mr
Crozier, Ms	Ondarchie, Mr
Dalla-Riva, Mr	Pennicuik, Ms
Davis, Mr	Peulich, Mrs
Drum, Mr	Ramsay, Mr
Dunn, Ms	Rich-Phillips, Mr
Finn, Mr	Springle, Ms
Fitzherbert, Ms	Wooldridge, Ms
Hartland, Ms (*Teller*)	

Noes, 18

Bourman, Mr	Mulino, Mr
Dalidakis, Mr	Patten, Ms
Eideh, Mr	Pulford, Ms
Elasmar, Mr	Purcell, Mr
Herbert, Mr	Shing, Ms
Jennings, Mr	Somyurek, Mr
Leane, Mr (*Teller*)	Symes, Ms
Melhem, Mr	Tierney, Ms
Mikakos, Ms (*Teller*)	Young, Mr

Motion agreed to.

The PRESIDENT — Order! I request at this stage that Mr Dalidakis withdraw a comment that he made. I doubt that it was picked up by Hansard on the basis that it was made in the vote counting period; nonetheless I think that it was an inappropriate comment.

Mr Dalidakis — Withdrawn.

The PRESIDENT — I thank Mr Dalidakis.

Before I ask members to resume their seats, I indicate that the Chair was put in a very invidious position in this motion. This was a very serious motion. The length of the term of the suspension involved is, in my view, unprecedented, and I have concerns about that. I regret that a proposal that was put today by the Leader of the Government did not come earlier in the process. That might well have allowed a resolution of this matter by another means. I certainly would have been far more comfortable with that.

I just make the point that the Chair was put in a very invidious position in this matter because I regard it as my role to protect the entitlements of every member of this house and to try to ensure that every member of this house has the opportunity to fully represent their constituents and to participate fully in all the processes of this house. This motion will obviously prevent the Leader of the Government from participating from the next sitting week until the house is able to perhaps come to some accommodation through further negotiations with the government on the matters that are unresolved in the original production of documents motion. I hope there will be a speedy resolution that will allow the Leader of the Government to return to the house at an early date.

DISTINGUISHED VISITORS

The PRESIDENT — Order! I take this opportunity to welcome to the public gallery a former member and minister, Peter Hall. It is also my pleasure to welcome a delegation from the Board of Imams Victoria and the Islamic Council of Victoria, whose members are studying at Victoria University in a program — I think

it is the Sir Zelman Cowen program — and as part of their studies they are being introduced to the principles of Australian law and being given an appreciation of some of the legal aspects that we deal with in this place and that we set in place for our legal jurisdiction.

Business interrupted pursuant to sessional orders.

QUESTIONS WITHOUT NOTICE

Long-range acoustic devices

Ms PATTEN (Northern Metropolitan) — My question is to the Honourable Steve Herbert, representing our new Minister for Police. Recent reports by the ABC and other news outlets suggest that Victoria Police has purchased long-range acoustic devices (LRADs), or sound weapons. They can be used as tools for long-range communication but have also been used as weapons for crowd control. The devices were used against protesters in Pittsburgh, USA, during the G20 summit, leaving one protester with permanent hearing damage.

The use policy for these weapons is not publicly available through the Victoria Police manual, and news outlets have reported being denied permission to see the guidelines on the nature and circumstances of the LRAD deployment. Can the minister tell me: how many times in the last 12 months have these devices been used by Victoria Police?

Mr HERBERT (Minister for Training and Skills) — I thank Ms Patten. The Andrews government takes policing very seriously. That is why in this budget we have increased police resources by some $596 million in terms of the public safety package. This will enable the employment of hundreds more frontline police and support staff. This is necessary in terms of making sure that not only is Melbourne the most livable city but also Victoria is the safest state in this hemisphere.

On the particular issue that Ms Patten raised, I do not have that detail with me. I will have to take that on notice and get back to her.

Supplementary question

Ms PATTEN (Northern Metropolitan) — I thank the minister for his answer and look forward to that. Melbourne University sound and law expert James Parker says potential use of the long-range acoustic devices in Australia is deeply troubling, particularly if the principles of their use are kept secret. Regardless of whether these devices are intended to operate as tools for communication or as crowd control, it is vital that the guidelines for their use be accessible. Given that VicPol releases guidelines around the use of force associated with firearms, capsicum spray, batons, handcuffs and tasers, will the police minister, in the interests of transparency and accountability, give an undertaking to publicly release guidelines around Victoria Police's use of long-range acoustic devices?

Mr HERBERT (Minister for Training and Skills) — I thank Ms Patten. As I said, we take our law and order responsibilities seriously, and the police take their responsibility in terms of how they handle themselves and how they respond appropriately to different circumstances very seriously. I know that the chief commissioner certainly does. It is a balancing act sometimes with these things — having stronger requirements but also making sure that police are well trained and have the right regulatory framework.

On the particular issue, as I said, I will refer to the minister Ms Patten's request for information about what the training and the requirements will be. I am not familiar with these weapons, these tools, to be honest, but I am sure the minister knows about this issue and will get back to Ms Patten.

Dairy industry

Mr BOURMAN (Eastern Victoria) — My question today is for the Minister for Agriculture. Over the past 10 years milk production in Victoria has decreased by approximately 25 per cent, while milk production in other countries has about doubled over the same period. The main reason appears to be that Australia's farmers have been paid a price for their milk that is much lower than that received by farmers in other countries. At this rate Victoria will become a net importer of milk within a few years unless the current decline is reversed. The export component also will have disappeared.

Currently milk processors are able to dictate the price they pay to farmers, and they have increasingly placed priority on boosting shareholder dividends in the short term rather than ensuring the farmers' viability in the long term. So my question to the minister is: what new or old strategies are being considered by the government to assist the dairy industry to again become strong and profitable?

Ms PULFORD (Minister for Agriculture) — I thank Mr Bourman for his question and his concern for Victoria's dairy farmers. There are a number of things that the Victorian government is doing to support dairy farmers in this incredibly difficult time. The actions of two producers have caused the impacts of what is a global suppression of demand for dairy to be very

brutally felt in Victoria. The way in which our farmers have been required to repay so-called overpayments for the duration of this financial year and the time at which these decisions have been made have dealt them a very severe blow.

This decision, first by Murray Goulburn and followed a week later by Fonterra, was made only four weeks ago. So these are very early days for Victorian dairy farmers and indeed dairy farmers across the country, but 80 per cent of the Australian dairy industry is in Victoria so we are certainly at the centre of what is a very distressing time.

In the days following Murray Goulburn's decision I established a dairy industry task force which has had a very busy three weeks. The results of some of its early work I was able to announce yesterday: an $11.4 million package, which is $5.2 million from the dairy industry and $6.2 million from the Victorian government. This is very much focused on meeting the immediate needs of our dairy farmers, so there is a big focus on mental health support and a very big focus on extending some existing programs like Tactics for Tight Times that are run by Dairy Australia. These are programs that will enable whole day one-on-one on-farm consultations and discussions about the needs of individual businesses.

There are a number of processors in Victoria which have chosen not to make a decision about their price for this financial year, but those who are impacted by the decisions of the two processers that have made this decision represent about 80 per cent of our dairy farmers. Part of the government's contribution to the $11.4 million package that it announced yesterday includes a dairy community support fund, and over the next four weeks I will be having a lot of conversations with impacted farmers and with small businesses in those communities that have been impacted almost immediately as well, as cash dries up in these communities, about what is the best use of that funding.

We did have a good discussion at the members of Parliament briefing in this building yesterday, and I have had conversations with a number of members in this house and in the other place about some of the ideas that they have had put to them by impacted dairy farmers. Indeed Mr Ramsay and I had a conversation about a program that he is familiar with from his time at the Victorian Farmers Federation. So we will work collaboratively with anyone suggesting some measures that might provide some relief, but it is important to stress that these are early days in a really, really challenging set of circumstances, and also that a couple of important investigations are underway that need to run their course, one by the Australian Securities and Investments Commission (ASIC) and one by the Australian Competition and Consumer Commission (ACCC). I note also the federal government's announcement earlier today.

Supplementary question

Mr BOURMAN (Eastern Victoria) — I thank the minister for her response. After attending both a meeting in Terang and the briefing yesterday I realise this is a long-term problem, so I ask if the government will consider legislation to abolish unfair practices that have led us into this situation.

Ms PULFORD (Minister for Agriculture) — I thank Mr Bourman for his further question. There are many factors that have led to this situation. Some of them are subject to those investigations that I referred to in my substantive answer; the work of ASIC and the work of the ACCC is ongoing. Some of these factors are well beyond the control of the Victorian government or the Victorian Parliament — for instance, the decision to change our trading arrangements with Russia and the decision of European countries to lift their production quotas. So there are many of these things that are not within our control. All of the things that are within our control we will do and we will actively explore.

There are certainly some conversations and some advocacy around the question of market transparency and making sure that people are properly informed about some of the risks associated with contracts. Indeed some of these matters Mr Purcell raised with me in the house yesterday in question time.

Questions interrupted.

DISTINGUISHED VISITORS

The PRESIDENT — Order! I take this opportunity to welcome to the public gallery today Viniana Namosimalua, who is — as we would know her position — the Clerk of the Fijian Parliament, but her title there is actually Secretary-General to Parliament. As members would be aware, the Victorian Parliament has a relationship with the Fijian Parliament and has extended support to the re-establishment of that Parliament in the past year. We certainly on this occasion welcome the Secretary-General, who is spending a week with us to observe the processes and procedures that we use in our Parliament and to determine whether any of those are of use to Fiji as it builds its national Parliament. Welcome.

QUESTIONS WITHOUT NOTICE

Questions resumed.

Timber industry

Ms DUNN (Eastern Metropolitan) — My question is for the Minister for Agriculture. Is the minister aware that Ignite Energy, the advanced lignite development plant in Morwell, intends to use native forest wood as a fuel source in the development site as well as brown coal?

Ms PULFORD (Minister for Agriculture) — I thank Ms Dunn for her question. The project that she refers to is not one with which I am immediately familiar. I know that the Greens in their relentless pursuit of documents —

Mr Jennings — Insatiable.

Ms PULFORD — their insatiable, mad, crazy, dirty-deal pursuit of documents — have sought information from my colleague Minister D'Ambrosio on this matter. I note also some of the recent machinery of government changes. I undertake to seek that information from the relevant minister and to provide Ms Dunn with an answer.

Mrs Peulich — On a point of order, President, I believe that the minister has reflected on the chamber and a decision that was taken a little while ago, and I ask that she be asked to withdraw that reflection.

The PRESIDENT — Order! In regard to the point of order, I do not require the minister to withdraw her remarks, but I do suggest that they were extraordinarily provocative and did make it difficult for the Chair to maintain a level of decorum in the chamber, because clearly they invited significant rebuttal and interjection. Perhaps going forward the minister might contain some of her thinking in this respect, but I do not require a withdrawal of that statement.

Supplementary question

Ms DUNN (Eastern Metropolitan) — Will the minister rule out allowing Victoria's publicly owned forests to be turned into liquid fuel?

Ms PULFORD (Minister for Agriculture) — Again I point out to Ms Dunn that I am not the minister for energy. I am responsible for managing our timber resource. Ms Dunn does not like it, of course, as we all know. The management of our timber resource is something that the government takes incredibly seriously. We have in fact a task force working in the latter stages of its deliberations before making recommendations to government, and we look forward to that. It is very important to our government to ensure that our timber industry is on a sustainable footing, and in doing so our priorities are to protect the natural environment and to protect jobs in the industry.

Timber industry

Ms DUNN (Eastern Metropolitan) — My question is for the Minister for Agriculture, and it does relate to my initial question. If the Maryvale pulp mill onsells some of our publicly owned native forest trees to Ignite Energy, would this not breach the pulp mill's legislated agreement with the Victorian government for the supply of forests to make paper?

Ms PULFORD (Minister for Agriculture) — I thank Ms Dunn for her unrelenting pursuit of those who work at Australian Paper. The timber supplied to Australian Paper, a significant employer in the Latrobe Valley, supporting around 900 or 1000 direct jobs and many, many more indirect jobs, is a combination of a legislated agreement, to which the member has referred, and also contracts that are managed by VicForests that supplement that supply. The legislated agreement makes up the majority of the requirement to supply to Australian Paper, and the contracts supplement that.

Australian Paper, Ms Dunn might be unaware, makes a whole lot of things other than reams of paper. It makes products for our agricultural industries. It is engaged in advanced manufacturing of a type which we should be very proud of — in fact a type of manufacturing, highly skilled work, that the Latrobe Valley should be proud of. Ms Dunn will come in and no doubt find some obscure new angle to try to attack the workers at Australian Paper week in and week out, and I look forward to the supplementary.

Supplementary question

Ms DUNN (Eastern Metropolitan) — Will the minister rule out allowing VicForests to sell trees from East Gippsland's forests to Ignite Energy?

Ms PULFORD (Minister for Agriculture) — I remind the house that Ms Dunn has not taken up her opportunity to get in a room with VicForests. This constant pursuit completely fails to recognise that there is a very important body of work going on by the task force, representing people who work in the timber industry, representing the environmental non-government organisations and representing the timber industry, to seek to build a consensus and a meaningful and respectful conversation and some

recommendations to government about a sustainable future for the timber industry. This work has a number of weeks to run. Ms Dunn is I suppose free to continue to comment on it in between whatever discussions she is having with the Liberal Party.

The PRESIDENT — Order! Whilst I was not prepared to insist on a withdrawal of the comments made by Ms Pulford in her earlier response, I would remind the house that it is not appropriate for members to reflect on a decision of the house, unless by way of establishing a substantive motion seeking the repeal of that decision. That is clearly a course of action open to members of the house, but in terms of reflections on how members came to vote on a particular matter, it is not appropriate to reflect on the decisions of the house that have been made.

Dairy industry

Ms LOVELL (Northern Victoria) — My question is for the Minister for Agriculture. As part of the dairy task force examination of the dairy industry, has the minister's office examined the impact of the government's increased land tax of more than 28 per cent in the coming financial year and the effect that this will have on the financial position of key dairy processing companies like Murray Goulburn and Fonterra?

Ms PULFORD (Minister for Agriculture) — I thank Ms Lovell for her question and her interest in the issues affecting the dairy industry in Victoria at the moment. As Ms Lovell and I think all members would be aware, the government is undertaking analysis to properly inform not only the government's but indeed the Parliament's and the entire community's understanding about where the impacts of this are going to be most profoundly felt. There is modelling being undertaken across the three regions, but what we do know is that this is a significant issue impacting many thousands of Victorians and many small towns that derive the bulk of their income from the dairy industry, and we will work closely with them and we will support them through a difficult time.

Our focus over the last few weeks has been to put in place arrangements to ensure there is enhanced access to mental health services and enhanced access to the information that our farmers need to make these decisions. Having made that announcement yesterday we will now turn our mind to a much broader suite of issues, including — I would add — the announcements that the federal government has made today. They are, I am advised, also supported by the federal opposition and so will provide some additional certainty for farmers moving forward, so that will be the next focus of our task. The government will continue to support Victorian dairy farmers in every way that it can, but the analysis about the impact region by region and on individual businesses — that work is under way.

Supplementary question

Ms LOVELL (Northern Victoria) — I will take that as a no, as the minister particularly did not answer the very specific question about the government's increased land tax take of more than 28 per cent, so I assume that the government has not even considered this. I ask the minister: does she intend to persist in levying the increased land tax take on the dairy industry?

Ms PULFORD (Minister for Agriculture) — I thank Ms Lovell for her question. I will take the opportunity to refer that question to the Treasurer, who is responsible for land tax.

Mr Davis — On a point of order, President, the question seemed to me to be very specific about the impact on the dairy industry, and that is the minister's responsibility.

The PRESIDENT — Order! On the point of order raised by Mr Davis, I accept that the minister is quite entitled to refer the matter to the Treasurer as he is responsible for the land tax and that was a very specific question about the land tax.

Melbourne Metro rail project

Mr DAVIS (Southern Metropolitan) — My question is to the Leader of the Government, and I refer to the environment effects statement released on the Melbourne Metro by the government today and the announcement that the Fawkner Park tennis courts will be disrupted for years by the siting of tunnel boring machines at the courts. I therefore ask: what arrangements will the government put in place to ensure the availability of alternative courts and arrangements for club and private games during the period of construction?

Mr JENNINGS (Special Minister of State) — I thank Mr Davis for his question as it is a very important opportunity for me to make it very clear to him that the question he has asked is the responsibility of my colleague the Minister for Public Transport, and in accordance with our sessional orders and in accordance with your guidance, President, you will direct me to respond to this question within two days, and I will be happy to furnish the house with that response on the second day that I attend the chamber.

Honourable members interjecting.

Mrs Peulich — On a point of order, President, apart from the fact that Mr Dalidakis is also reflecting on the decisions of this chamber, the point of order that I wish to raise with you is: given that when a member is no longer available to the house I understand that there is a redistribution of responsibilities, which should not preclude the return of answers to questions that the member is obliged to provide to this chamber, I would imagine. Could you perhaps just shed some light on that?

The PRESIDENT — Order! There is, nonetheless, some validity in the point of order that has been raised. We are in uncharted waters in some respects with this matter, and I will give consideration to probably a number of processes of this chamber if indeed the suspension proceeds, and particularly over an extended length of time. I certainly believe that the government would be expected to appoint an acting leader in the process, and no doubt future requests that have been handled up to this point by the Special Minister of State might well be directed to that acting leader. Nonetheless these are matters that I will give some consideration to as we go forward.

Mr Leane — On a point of order, President, in respect of your ruling just then, I am not too sure if those decisions actually fall upon you, President — about portfolio distribution et cetera, as you mentioned.

The PRESIDENT — Order! Mr Leane is quite right. I am not running the government, so I am not making those decisions about what arrangements the government might report to the house on the basis of the motion carried. What I will do is consider those arrangements and how they might apply in regard to our standing orders and the expectations of the house.

Mr Davis — On a point of order, President, relating to the minister's answer and his decision not to respond to a question about the metro, he has in the past responded to these questions about the metro and specifically about Fawkner Park. It is not up to the minister to punt things off when it is inconvenient.

The PRESIDENT — Order! As Mr Davis knows, it is the action or convention of this house that where an answer involves a minister in another place it is my direction that there be two days for the response. The minister has indicated that he does not expect to be available on the second day and is therefore not in a position to provide that response. I will give consideration to whether or not that response ought to come to us through another representative of the government, but I think the minister's response was reflecting on the position as he saw it.

Supplementary question

Mr DAVIS (Southern Metropolitan) — In that context, President, I will seek some further information from the minister via whatever mechanism applies, and that is: what guarantees of restoration works will the government make and what steps will be put in place to ensure the full and complete restoration of the Fawkner Park tennis courts site and the precinct around it?

Mr JENNINGS (Special Minister of State) — In my response to the supplementary question I just want to comment on Mr Davis's interpretation of my previous behaviour in this chamber. I would actually like it to be tested against my willingness to provide answers and to be fulsome in my answers to this chamber over the 15 years of my parliamentary career and compare it with other members of this chamber. I would encourage the member — and other members — to reflect on whether in fact there is any encouragement for transparency, fulsomeness and responsiveness or whether there is discouragement from applying those standards. I think the message today from the chamber — not to overly reflect on the unprecedented circumstances the President has referred to — as I take it is that there is no encouragement for transparency and fulsomeness, and that is the way in which I will deal with matters into the future.

Police resources

Mr O'DONOHUE (Eastern Victoria) — My question is to the Minister for Corrections. I refer to advice provided to me by Corrections Victoria on 24 November 2014 that showed there were 89 prisoners in police cells on that day, consistent with the reduction of prisoners in cells during the latter months of 2014. I note the minister's advice yesterday that on 17 May this year there were 243 prisoners in police cells. Why has the number of prisoners in cells nearly tripled under the minister's government?

Mr HERBERT (Minister for Corrections) — Can I say that in terms of my government we have a very good record and a tremendous record in terms of the agenda.

Mr O'Donohue interjected.

Mr HERBERT — Well, we have. Let us look at it, right? We inherited a prison system with unprecedented growth. We had prisoners in bunks and in containers. We had recidivism soaring. We had the highest levels

in police cells in November 2013 — in fact there were 372 in 2013.

The facts are that we are doing an enormous amount of work in terms of reducing those numbers. They fluctuate, as we all know, but they have never fluctuated as gravely as they did under the previous government. They will fluctuate as we crack down on crime, as we arrest more people and as we implement new policies, but I can say that they have never fluctuated as high as under the previous government.

Supplementary question

Mr O'DONOHUE (Eastern Victoria) — I note the minister's advice that the number of prisoners in police cells does fluctuate. Given that the minister receives daily updates on police numbers, how many prisoners were held in police cells at 7.00 a.m. this morning?

Mr HERBERT (Minister for Corrections) — In fact I have not received the daily update today. When I do, I will answer the member's question.

Fulham Correctional Centre

Mr O'DONOHUE (Eastern Victoria) — I refer my question to the Minister for Corrections. I refer the minister to the recent escape of two prisoners from Fulham Correctional Centre and the comments from the then acting minister, who said the escape could potentially affect GEO's contract with Corrections Victoria and that there are serious ramifications within the contract for an escape. Can the minister advise the house of what, if any, monetary or other penalties have been brought against GEO?

The PRESIDENT — Order! The minister will have a bit of time to look this up, because I actually did not hear the question because of some of the interjection. I ask Mr O'Donohue to give me the question again, or did the minister hear it?

Mr HERBERT (Minister for Corrections) — Yes. The question is about the escape from Fulham prison and what action is being taken against GEO subsequent to that escape.

I thank the member for his question on this important issue. As I said yesterday, there was a major escalation under the previous government of escapes, certainly from minimum security prisons — unprecedented numbers. I do appreciate, though, that all governments do as much as they can with the resources they have to reduce the number of prison escapes, and we have increased resources substantially. But on this particular one on Friday, 8 April, we are talking about an escape from Fulham Correctional Centre where the two prisoners who escaped were in fact recaptured approximately 15 hours after their escape. One hour was not enough, 2 hours was not enough but in 15 hours they were done.

I am advised by the corrections commissioner that a detailed and independent investigation into this incident was begun by the Office of Correctional Services Review (OCSR). In the days following the incident the minister at the time issued a non-compliance notice to GEO under the contracted prison service agreement requiring a satisfactory cure plan, and we have required payment from GEO of the escape fee in the amount of $230 815. I hope that answers the question.

Supplementary question

Mr O'DONOHUE (Eastern Victoria) — I note the minister's advice that the OCSR has conducted a review. In the interests of transparency, will the minister release the review and can he confirm that the circumstances that led to the escape have been addressed so that it does not happen again?

Mr HERBERT (Minister for Corrections) — What I will say is that we expect GEO to run its facilities as secure prisons that keep the community safe. That is obviously paramount, no matter who is in government, and we will ensure that happens.

On the issue of releasing the information on the independent investigation of the incident, I will have to take that on advice. I am not sure whether there are security implications in terms of releasing that information, and I will seek advice from the office of correctional services as to what the protocols are in terms of that information.

Melbourne Assessment Prison

Mr O'DONOHUE (Eastern Victoria) — My question is to the Minister for Corrections. I refer to the maximum security Melbourne Assessment Prison, where on 28 April this year it was reported that up to 50 staff called in sick. Why did so many prison officers call in sick that day?

Mr HERBERT (Minister for Corrections) — I have learnt an awful lot in, I think, three or four days, but I have not learnt that one. I will have to take that on notice and get back to the member.

Supplementary question

Mr O'DONOHUE (Eastern Victoria) — I thank the minister. I look forward to his response to the

substantive question tomorrow. I ask by way of a supplementary: can the minister confirm that management of the prison has not been filling staff vacancies as a cost-saving measure, resulting in fewer prison officers managing the same number of maximum security prisoners, creating a potential safety risk for staff?

Mr Leane — On a point of order, President, the supplementary question had no direct correlation with the substantive question.

Mr O'Donohue — On the point of order, President, the supplementary question is directly related to the substantive question because it relates to prison staff absences.

Ms Shing — If you'd reversed the order, it would have been all right.

The PRESIDENT — Order! I support the point of order that has been raised by Mr Leane. The supplementary question actually ranged over matters that are quite different to the absences. I agree with Ms Shing that if the questions had been reversed, Mr O'Donohue would have got it, but not the way that they were put this time.

QUESTIONS ON NOTICE

Answers

Mr JENNINGS (Special Minister of State) — The government has provided the Legislative Council with written answers to the following questions on notice today: 4955–7, 5050, 5052, 5140–4, 5336.

QUESTIONS WITHOUT NOTICE

Written responses

The PRESIDENT — Order! In regard to today's questions, on Ms Patten's question to Mr Herbert, the first question of the day, the minister has undertaken to obtain further advice on both the substantive and supplementary questions. They were to a minister in another house, so that will be two days, and as I said that is for both the substantive and supplementary questions.

In regard to Ms Dunn's question to Ms Pulford in respect of the use of timber resources for fuel for an energy purpose, I would refer both the substantive and supplementary questions for a written response, which will involve a minister in another place, as Ms Pulford indicated to us, and therefore that is two days.

In regard to Ms Dunn's second question, both the substantive and supplementary questions, in regard to the impact on other agreements associated with any forestry activity for this energy purpose — and she particularly mentioned the paper agreement that was in place — again I think the minister is in a position to seek some further information on that, both the substantive and supplementary questions. I am not 100 per cent sure in making that reference, because we are talking about the Minister for Energy, Environment and Climate Change, whether or not that minister has a clear understanding of that impact, given that the paper decision would have been made in another ministry, perhaps even Ms Pulford's. But at any rate I will refer it, and Ms Pulford as minister will see what she can do to provide an answer to that.

In regard to Ms Lovell's question, I note that the minister did provide a responsive answer in respect of a number of programs that are currently under review or circumstances that are under review as a result of the difficulties of the dairy industry. I do note, though, that Ms Lovell's question was quite specific about land tax increases, and I would request a written response to both the substantive and supplementary question. They will be from the Treasurer, not from the minister, because it is my belief that the Treasurer is responsible for land tax, not our minister in this house, so I would seek a two-day response on that.

In regard to Mr Davis's questions to Mr Jennings on Fawkner Park, both the substantive and the supplementary questions, I would seek a written response on those questions, and that is also two days.

In regard to Mr O'Donohue's supplementary question on his second question, which was in regard to whether or not the report of the review might be released, the minister will consider whether or not there are confidentiality issues or commercial issues involved with that contract and whether or not it would be in the public interest, I dare say, to release that particular report publicly. I believe the minister will respond to that tomorrow.

In regard to Mr O'Donohue's question about absences on a particular day, 28 April, the minister has also undertaken that he will obtain that information, and again that will be tomorrow.

Mr O'Donohue — On a point of order, President, I seek your guidance in relation to the supplementary for the first question I posed to the minister, which was in relation to the number of prisoners in police cells this morning.

The PRESIDENT — Order! The minister did provide an answer to that. He said that he does not get those reports or that he has not had those reports to this stage, so in that sense I think that he did respond to that question.

Mr O'Donohue — On the point of order, President, my recollection is that the minister said he did not have that information but he would obtain it.

The PRESIDENT — Order! I am not sure that he did. Did the minister make such a comment?

Mr Herbert — I thought the question was relating to some figures and my opinion. This is the one about the numbers in police holding cells, is it?

The PRESIDENT — The question was: how many were in the cells at 7.00 a.m. this morning.

Mr Herbert — I said I do not have that information. I am happy to check *Hansard*, and if I said that I will get that information, of course I will.

The PRESIDENT — Order! I do not believe the minister actually did say that he was going to provide it. My recollection of that passage was that the minister said, 'I haven't had those numbers provided to me', so from that point of view I felt that that was dispatched.

CONSTITUENCY QUESTIONS

Southern Metropolitan Region

Mr DAVIS (Southern Metropolitan) — My constituency question today is for the Minister for Roads and Road Safety, and it concerns issues around Dandenong Road and a VicRoads plan to close the U-turn between Chapel Street and Hornby Street on Dandenong Road. Those familiar with Dandenong Road will know the reservation in the middle has a tram running down it, but it is clear that the community is very anxious about this, and again there does not appear to have been proper consultation. This is an ongoing theme. What I would ask the minister is: what consultation has been undertaken, and will he rule out the closure of three other intersections on the strip towards Orrong Road?

Northern Metropolitan Region

Mr BARBER (Northern Metropolitan) — My constituency question is for the Minister for Education. Residents of North Melbourne have expressed concern that several established trees at North Melbourne Primary School are being removed as a result of classroom works, with no obvious plan to rehouse them elsewhere. These trees are much loved by the school community and local residents. They provide much-needed play space, shade and amenity to North Melbourne Primary School. Can the minister advise me as to why these trees are being cut down and what plans the Department of Education and Training has to not lose play space, shade and amenity at the primary school and surrounding areas?

Western Metropolitan Region

Mr EIDEH (Western Metropolitan) — My constituency question today is for Minister Mikakos. My electorate includes the City of Hume and the City of Melton. These councils are averaging 43 and 55 births per week respectively. I was pleased to see that the 2016–17 state budget includes $10 million for new kinders in growth areas. The early years are critical, so this is a welcome investment in our growth suburbs. Can the minister provide me with information about how this funding will be allocated or how councils can apply for this funding?

Eastern Victoria Region

Ms BATH (Eastern Victoria) — My question is for the Minister for Health, and it is with regard to ambulance response times. A Traralgon constituent was recently in need of an ambulance after her husband complained of extreme pain due to abdominal issues, and he eventually passed out. My constituent states that approximately 5 minutes after her call to them, the ambulance officers phoned her, asking whether she could drive her husband to hospital as they could not attend in a short amount of time. Without a drivers licence, my constituent said she was not able to drive but could call a taxi, but she was told an ambulance would attend as soon as possible. After waiting another 15 minutes a taxi was called and the ambulance cancelled. Her husband was admitted to Latrobe Regional Hospital with a blocked bladder. My question is: what is this Labor government doing to increase regional resources and reduce ambulance response times, which seem to be blowing out in the country under this city-centric government?

The PRESIDENT — Order! Would Ms Bath rephrase the question so that it comes back to her actual constituency, rather than regional Victoria.

Ms BATH — My constituent has asked — —

The PRESIDENT — Order! No, the member's question needs to be about what the government is doing in her area.

Ms BATH — Yes, absolutely. In my area of Eastern Victoria Region, and specifically Latrobe Valley, what is happening?

Western Victoria Region

Ms TIERNEY (Western Victoria) — With the 100th anniversary of World War I and the 50th anniversary of the Battle of Long Tan this year, along with a number of other annual and one-off events, there is an unprecedented number of highly significant commemorative services that are set to take place during the remainder of this year and the next few years.

Recently many of us have had a lot to do with our RSLs. Indeed that has been the case with me, and recently I met with the Torquay RSL after we had provided a grant for $10 000. They explained that the financial challenges associated with all these additional commemorative services are testing their organisations, and a number of other smaller RSLs are indicating that with their declining membership they do not have much of a base to fulfil the financial needs associated with planning for these additional services.

My question is: what funding streams and assurances can be given to small rural and larger regional RSL organisations in my electorate to meet the costs of the unprecedented number of commemorations that will be taking place over the next few years?

Northern Metropolitan Region

Ms PATTEN (Northern Metropolitan) — My constituency question is for the Minister for Health. Last week it was really great to read that the Victoria Street Business Association had finally declared its support for safe injecting facilities. Since our inception the Australian Sex Party has been advocating for the implementation of such facilities, especially in Richmond, based on the evidence that they are an incredibly effective and proven harm reduction measure.

We have seen increased law enforcement, and turning a blind eye to the issue has led to nothing except for drug-related harm and deaths in the area as well as dangers not only to the users but also to the residents themselves. Now that both Yarra City Council and the traders support the facilities, I ask: will the health minister establish a safe injecting facility in the Richmond area immediately?

South Eastern Metropolitan Region

Mrs PEULICH (South Eastern Metropolitan) — My constituency question is for the Minister for Public Transport, and it is in relation to the current works underway to build the Southland station — now nearly 12 months overdue on the grounds that there had to be further consultation on the construction of a toilet — as well as the plans for the redevelopment of the Frankston station.

Given the likelihood of an elevated corridor level crossing solution — commonly known as sky rail — being applied to the south-east, there are concerns about the impact that that would have on the progress of the construction of Southland station as well as the progress of the reconstruction of the Frankston railway station. I ask the minister to provide me with some assurances that the current works, which were promised by the government when in opposition, on the Southland station and Frankston station will continue and that sky rail will not be the option adopted in that particular corridor.

Northern Metropolitan Region

Mr ONDARCHIE (Northern Metropolitan) — My constituency question is to the Minister for Police, and it is regarding the future of the Epping police station in my electorate of Northern Metropolitan Region. After much pressure from Matthew Guy in the Assembly and the coalition team, the government has now said that it will go to tender to start work on the Mernda police station. This is the police station about which it said it would not waste a day in getting going, and here, 18 months later, it has now asked for tenders for the Mernda police station. Victoria Police has not ruled out closing the Epping police station when the Mernda station starts to operate, which will apparently be in 2017. Given the police minister said the government would not close any police stations, I seek from her, on behalf of my constituents, a confirmation or a guarantee the Epping police station will not be closed.

Western Victoria Region

Mr MORRIS (Western Victoria) — My constituency question is for the Minister for Health, and it relates to the need for additional surgical suites at the Ballarat hospital. On 10 April the minister released a media release stating that patients in Ballarat will get the surgery they need sooner, with Australia's largest one-off investment to tackle elective surgery waiting lists in the 2016–17 Victorian budget. However, at the Public Accounts and Estimates Committee hearing on 11 May 2016 it was revealed that there are no

additional funds for operating theatres in Ballarat. Ballarat operating theatres are currently at capacity. The only way to lift capacity in Ballarat is to fund the existing 'ghost wing' of the Ballarat hospital to ensure that additional patients can be treated. My question is: has the minister misled the Ballarat community with regard to reducing the elective surgery waiting list in Ballarat?

Western Metropolitan Region

Mr FINN (Western Metropolitan) — My constituency question is to the Minister for Roads and Road Safety, and I refer the minister to the ongoing lobbying by the Delahey Action Group on the topic of Taylors Road, particularly west of Kings Road. Traffic on Taylors Road has grown exponentially over recent years, and VicRoads has not given it the attention it deserves. This is not the first time I have said this; in fact I think I have raised this matter a number of times in this house. The removal of the roundabout is very welcome indeed, but more attention is urgently needed. I ask: will the minister transfer responsibility for all of Taylors Road to VicRoads?

Sitting suspended 1.55 p.m. until 2.03 p.m.

INFANT VIABILITY BILL 2015

Second reading

Debate resumed from 13 April; motion of Dr CARLING-JENKINS (Western Metropolitan).

Ms PULFORD (Minister for Agriculture) — Tomorrow marks the 47th anniversary of the Menhennitt ruling, a decision in the Supreme Court of Victoria on 26 May 1969. It related to the case of Dr Charles Davidson, who was charged with offences under section 65 of the Crimes Act 1958, a provision derived from 19th century English statutes. The court found that abortion might be lawful if necessary to protect the physical or mental health of the woman, provided that the danger involved in the abortion did not outweigh the danger which the abortion was designed to prevent. For almost 40 years this common-law ruling served as the basis for access to abortion in Victoria.

In 2007 the then Labor government asked the Victorian Law Reform Commission for advice on how to clarify abortion law and decriminalise abortion, having regard to both clinical practice and community expectations. In 2008, after a year-long debate in the Victorian community and forensic consideration of legislation over many weeks in this place, abortion was decriminalised in Victoria. In doing so we rejected the notion that politicians are best placed to make clinical decisions for women and their babies.

Dr Carling-Jenkins has introduced for our consideration legislation that represents a significant change to the current laws. I will oppose this bill because I am pro-choice. Some people may assert that you can be pro-choice but with limits, but I disagree. We either accept that a woman ought be able to make decisions about her reproductive health, or we do not. If and when the Parliament imposes limits to abortion, then the Parliament sends a clear message to Victorian women, a message stating 'We know what is best for you'.

This bill seeks to wind back the abortion law reform of 2008. It seeks to undermine clinical decision-making in the most heartbreaking of circumstances, and it seeks to undermine a woman's right to make decisions about her reproductive health — a right I and many of my colleagues hold dearly. It does this in three ways. The bill requires practitioners to refer all women who are 24 weeks pregnant or more and experiencing distress to services for counselling, housing support and the like. It bans abortion after 24 weeks and introduces criminal penalties for practitioners performing such abortions. It also introduces a new requirement that practitioners must provide appropriate neonatal care to preserve children's lives and fetuses after 24 weeks.

Each of these three aspects of the bill are deeply concerning to me and indeed to many of my colleagues for reasons that I will now outline. Firstly, I refer to part 2, division 1, headed 'Holistic care'. Of course we are supportive of services being available to women when they require assistance. We have recently increased funding for a range of services for vulnerable women, including the Healthy Mothers, Healthy Babies program, as well as support for reproductive health services across the state. These services are already available for women who are having a 24-week-plus termination at our two public health services. While the full implications of these provisions are not clear, the bill's reference to holistic care is, at best, misconceived.

Our legal advice is that under this bill practitioners will be required to refer a woman for holistic care even where they specifically do not want to be referred. What is being proposed is access to services under compulsion. This challenges the autonomy of women to make decisions about their own health care. It has the potential to undermine a woman's right to medical privacy and to compromise the important relationship between doctor and patient. It is inconsistent with medical practitioners' current obligations and sits at

odds with requirements to ensure patient confidentiality and the principles of health privacy codified in the Australian Health Practitioner Regulation Agency (AHPRA) medical code of conduct recognising and respecting patients' rights to make their own decisions.

A second key feature of this bill is to seek to ban abortion after 24 weeks. This is part 3, division 1, of the bill. These questions on gestational limits were debated extensively in 2008 and settled. I do not believe the case for change has been made since then. We have rigorous laws in place to deal with this. Two doctors must hold the view that the abortion is appropriate in all circumstances, having regard to all medical circumstances and the woman's current and future psychological, physical and social circumstances. Only two public health services in Victoria perform abortions after 24 weeks, and they adhere to robust internal review processes before agreeing to perform a procedure. Each case is reviewed by multiple practitioners. Comprehensive counselling is provided to the woman, who is given an opportunity to discuss her options with a multidisciplinary team. These two health services perform a very small number of 24-week-plus abortions per year. They are performed for women whose babies in most cases have congenital abnormalities that cannot be diagnosed until very late in their pregnancy. In most cases the choice is one that is agonised over and made in conjunction with doctors, partners and families. This is a choice that is not ours to take away. It is my view that we should uphold the law made in 2008 and not amend this provision.

There are some aspects of this bill that have impact on people in rural and regional Victoria. In banning abortion after 24 weeks the bill would also prevent women in many settings from accessing the option in a medical emergency in order to preserve their life. The bill at clause 5 establishes a defence that premature labour may be induced where the woman's life is at risk but specifies that this labour must be performed in a neonatal setting. A practitioner would not be permitted to induce labour in a hospital without neonatal facilities. This would exclude a great many rural and regional locations, putting a woman in a medical emergency in a rural location at risk of death as a consequence of where she lives.

The bill also imposes significant penalties for health practitioners. Under this part of the bill practitioners who induce labour to save a woman's life would be at risk of imprisonment. The bill proposes five years imprisonment for any person performing a late-term abortion and also creates an offence for hospitals where the procedure is performed. The bill penalises doctors and nurses for doing their job and upholding their Hippocratic oath. Needless to say, this is opposed by both the medical and the nursing professions.

Finally, part 2, division 2 of the bill, 'Neonatal care': this part of the bill says doctors must do everything to preserve the life of a child born after 24 weeks. It seeks to legislate the choices that parents and doctors can make when there is a clinical reason to believe that the baby has a condition that will severely limit their life span and/or their quality of life. In doing so it seeks to place a terrible burden on doctors caring for very sick or dying babies — one that conflicts with their training, their professional obligations and their oath to do no harm. Even more significantly it seeks to place a tremendous burden on the parents of these babies. It presumes that the Parliament knows better than they do what is best for their children. It is not possible that we do.

The bill imposes a requirement that a registered health practitioner must take all reasonable steps to ensure a baby they have reason to believe is past 24 weeks gestation is provided with neonatal care to preserve the child's life. This represents a significant change from current clinical practice and takes away the ability of doctors to make clinically-based decisions with parents. Current clinical practice is such that if a doctor believes that death is inevitable, that a child has little or no chance of any quality of life or that ongoing treatment will cause more harm than good, they can move to palliation. The Royal Australasian College of Physicians guidelines say:

> The goal to preserve life must be tempered by the duty of not doing harm … that is not preserving life at all costs. If death is inevitable or if ongoing treatment will cause more harm than benefit, then the focus of care should shift along the continuum to the palliation of symptoms and relief of suffering.

The Infant Viability Bill 2015 would make this illegal. It would require health practitioners under threat of criminal sanctions to provide care to preserve a life that may have no quality. It will remove any ability for parents to make decisions about what they believe is best. They will be forced to watch their babies suffer treatments that may prolong suffering. It will deny parents the ability to spend precious days, hours or maybe only minutes, if indeed that is all they have, with their baby in their arms.

When we consider this, we think of that child at the end of its life and that child's parents, brothers, sisters, aunts, uncles and grandparents — a child that is known or a child that has not yet been met by its family but is much anticipated and loved — and we consider whether this Parliament or indeed any parliament is

competent to make this decision for parents. We do not have the competence to make these decisions for parents and nor do we have the right.

Debate interrupted.

DISTINGUISHED VISITORS

The DEPUTY PRESIDENT — Order! I acknowledge that in the gallery we have Mr Andrew Ronalds, who is a former member of the Legislative Council.

INFANT VIABILITY BILL 2015

Second reading

Debate resumed.

Ms CROZIER (Southern Metropolitan) — I am very pleased to be able to rise this afternoon to make a contribution to the private members bill that has been introduced by Dr Carling-Jenkins — the Infant Viability Bill 2015. As has been highlighted previously by speakers, the main purposes of this bill are to require that registered medical practitioners and certain other registered health practitioners refer pregnant women to appropriate support services, to require registered medical practitioners to take reasonable steps to preserve the life of a child born alive after 24 weeks gestation but before full term, to amend the Abortion Law Reform Act 2008 to limit the operation of that act to abortions at less than 24 weeks and to amend the Crimes Act 1958 to prohibit late-term abortions.

I was not in the Parliament in 2008 as Ms Pulford was. As she highlighted in her contribution, there was a very fulsome debate at that time in relation to the Abortion Law Reform Act 2008. At the time it was my understanding that the legislation was very well debated and deeply considered. A number of views were expressed during the course of that debate. Of course those views are representative of members of the community. I know that many of us have had correspondence from members of the community, and I have responded to as many as I can. I respect them having those views, but I also respect the right of all members of this place to be able to speak freely about the issues that we are in this place to legislate and decide upon. I am pleased that the coalition is able to have a free vote on this particular issue because that enables each member of the coalition to draw on their principles, their values and their experiences as guidelines for how they see this legislation and how they might decide to vote.

As someone who has worked within the healthcare industry, as someone who has been a midwife and as someone who has practised at the Royal Women's Hospital, this bill we are debating today is something that I am extremely interested in because of the issues that it raises. In my 10 years at the women's hospital I saw many women come through that facility, which provides the most terrific care to women and neonates. The clinicians at that hospital — everybody involved in the hospital — have only ever got the best interests of the people they are caring for at heart.

I believe that many areas in this bill and the issues they raise were addressed in the previous debate in 2008. Of course others will have a different view, and that might be based on their moral, legal, ethical or religious beliefs. Some people might think it is a women's issue. I think this issue is a health issue, and I have a very strong position on that.

I also want to make some points in relation to the issues around the first element of the bill, which requires medical practitioners and other registered health practitioners to refer pregnant women to appropriate support services. I think this part of the bill is actually flawed because from my experience, from what I know and from people I have spoken to, I believe that actually occurs already. I also have a real concern with any legal restrictions being put on clinical practice — that is, legislating clinical practice. I think that is a very dangerous element of what this bill is trying to achieve. Clinicians, experts in their fields and others undertake to look after sometimes the most complex of cases, such as women who come into tertiary-level facilities if their fetus has a congenital abnormality, which is what this bill largely refers to. We are talking about late-term abortions, and in most instances if a woman is referred for a late-term abortion, it is because of a congenital abnormality.

There are statistics that indicate that something like 96 per cent of abortions are done in early pregnancy — pregnancies of less than 12 weeks. That is not what this bill is addressing. It is addressing late-term abortions, and it is my understanding that those numbers are not huge. They are the result of the need for a late-term abortion, and they are based on a woman's decision, assisted by her medical practitioner, to have that abortion. As has been said by previous speakers, the clinicians who undertake these procedures are experts in their field. They only want the very best for the people they are caring for.

To understand what we are talking about, I need to quote those statistics because in an argument statistics can get very skewed and there can be debate around

them. From my understanding, since 2012 if a fetus is diagnosed as having a congenital abnormality, the woman is referred to a tertiary-level hospital such as the Monash Medical Centre or the Royal Women's Hospital, where they undergo extensive assessment by a range of clinicians. Sometimes that will mean undertaking chromosomal studies or more ultrasounds or scans to determine the degree of the abnormality, and then an assessment by a team of clinicians and highly specialised health professionals is made.

These decisions are not made lightly; they are made with, as I said, a team of people. What I am concerned about in relation to this bill is that some women who live in country or regional Victoria may through no fault of their own be caught up in a time frame where they present late. They may be near the cut-off point of getting a late scan at 20-plus weeks, there may be some concern about whether the fetus has an abnormality and they may require a referral to a tertiary-level centre. Those chromosomal studies can take up to 10 days, and as we know, gestational dates are not always accurate. The only true and accurate gestational date is with an IVF pregnancy; that gives a far more accurate date. But on gestational age there can be some variance at 20 weeks of plus or minus seven or eight days or so. So you have what is known as a grey zone. That is very clearly identified, and if a fetus has a risk of a congenital abnormality and needs to have further scans or chromosomal studies, my concern is that having this blanket 24 weeks could potentially cause the very thing that this bill is trying to avoid — that is, aborting a healthy fetus.

There are some concerns in relation to those areas, and I do not want to go into all the details about gestational age, but I do know that tertiary-level hospitals have frameworks and guidelines when they are working with somebody in this situation. After speaking to staff at the women's hospital — and this varies across jurisdictions both nationally and internationally — I found that there is a framework that they largely work within when caring for a woman and determining whether a woman's labour should be induced for any reason or whether she should have a preterm delivery.

At the Royal Women's Hospital the framework on borderline viability is: at less than 23 weeks active treatment will not be provided; between 23 weeks and 23 weeks and 6 days active treatment is not recommended; from 24 weeks there is a presumption of active treatment which follows consultation with the parents; from 25 weeks active treatment is recommended; and from 26 weeks active treatment will be provided. The reason I have provided this framework is that it is considered by clinicians when they are dealing with a woman and is predominantly what they see as being in her best interests when deciding whether to provide care at that 24-week gestation mark. If care is undertaken, then of course neonatal facilities are provided together with care and support, and the management and care is very well delivered. But it is up to the woman. Not everybody will decide that.

If a woman presents and there is a congenital abnormality, not everyone will decide to have a termination. They have options, and this is the important element of what I think we need to maintain. There need to be options in place for any woman who presents in such a situation. They might decide to carry on with the pregnancy. If there is a congenital abnormality like a cardiac abnormality and the gestation is at an appropriate age and weight where the baby can be operated on, the clinicians will then step in and provide the support, care and management for that particular individual and that family. To say that an automatic referral needs to be made, I think you cannot have a blanket ruling on this because every single situation is different.

I wholeheartedly support the position that the Royal Australian and New Zealand College of Obstetricians and Gynaecologists (RANZCOG) set out in a statement that it made just recently, which reads:

> RANZCOG recognises that termination of pregnancy is an important health issue and, as a medical procedure, should not form part of the criminal law.

This brings me to the final part of the bill, which I cannot support on any basis because I do not believe that abortion should be criminalised. I do not support that any medical practitioner or institution should be subject to the criminal law if they conduct such a procedure for very complex issues, such as a woman presenting with a very severe fetal abnormality.

The RANZCOG statement further states:

> Decisions around timing of termination of pregnancy may become more complex in the presence of some specific fetal conditions, multiple pregnancy, late recognition of pregnancy, advancing gestational age and pre-existing maternal disease. The college supports the availability of late termination of pregnancy in rare situations where both managing clinicians and the patient believe it to be the most suitable option, as well as supporting a multidisciplinary approach in assisting women in such circumstances.

I have tried to highlight that statement in my contribution from my understanding and from my experience.

I want to thank the people who have provided briefings and information. I thank Dr Carling-Jenkins for arranging for the clinicians to give information to coalition members. I think it has been incredibly important and helpful for all members to hear the various views regarding this debate. I do not believe there needs to be a change to the current law because I do believe it would lead to a degree of uncertainty, and that is not what we want to achieve in relation to the very complex decisions that need to be made around issues such as late-term abortions or fetal abnormalities.

I believe and I know that our health institutions provide an extraordinary service to the Victorian community. We are very fortunate to have the health system that we do in this state. To undermine that and to question clinicians' abilities in relation to the care that they undertake I think would be a retrograde step. To remove those safe and stable frameworks that hospitals have put in place to manage these very complex decisions I think would be not in the best interests of the provision of health care to women in this state. As I said, I cannot possibly support any element of criminalisation of abortion. For those reasons, I cannot support the bill.

Ms HARTLAND (Western Metropolitan) — The Greens will not be supporting this bill as we do not believe that it is necessary. We believe that this is a retrograde step in the way we think about women's reproductive rights. Women are smart, and they can make their own decisions about how they live their lives. They do not need the Parliament to tell them how they will live their lives. I was here for the 2008 debate when this Parliament decriminalised abortion. It was a long and difficult debate, and we covered all of this ground extensively. The Greens were in favour of the Abortion Law Reform Bill 2008 then, and we remain in favour of abortion law reform. We do not believe it needs to be amended, and we will continue to campaign against any attempts to take back the rights of women to make choices about their own lives.

I was briefed this week by Dr Christine Tippett, who is a past president of the Royal Australian and New Zealand College of Obstetricians and Gynaecologists. I will not list the rest of her CV because that would take at least 15 minutes. I suggest people google her so they can see the extreme amount of experience that she has had. In the briefing it was explained that this bill is inconsistent with good medical practice for the following reasons: it imposes an arbitrary definition of late term — 24 weeks — which is inconsistent with best medical practice; it attempts to legislate health care, and it will have many unintended consequences, including undermining the professional relationship between a patient and her doctor by requiring that the doctor do certain things even when those things are against his or her professional or ethical judgement; and it does not take into account the last decades of advances in the way all aspects of pregnancy, including premature births, are now dealt with.

Dr Tippett took us through how very premmie babies who require palliative care are cared for in hospitals. I have to say I found that part of the briefing quite difficult because the amount of care and consideration that was given to these tiny babies was quite clear. Having a friend who has suffered several miscarriages at around the 24-week mark, I know how the hospital supported her and took care of her very, very tiny babies. Dr Tippett said to us that it was very clear that there is a real lack of understanding in this bill of the care and compassion with which decisions around late-term abortions and unviable births are treated in our hospitals in Victoria.

The bill removes the decision about whether to end the pregnancy from the parents, and then parents are expected to cope with the aftermath.

Clause 10 is particularly serious as it criminalises doctors. While the bill does not directly criminalise women, it risks driving the very rare practice of late-term abortions underground — an obviously unnecessary risk to women's lives and health.

The current laws are working well. They provide enough legal certainty to allow doctors and hospitals to do what they do best, which is to support people through very difficult and often traumatic decisions. Let us remember that usually these pregnancies have started as being wanted — babies that were anticipated and babies that would have been loved — but these pregnancies are not successful.

The bill does not do what Dr Carling-Jenkins and her supporters believe it does. I have a number of points on this. In terms of holistic care, we are told that clause 4 of the bill facilitates the provision of holistic care to pregnant women in distress. That is actually not what clause 4 does. Clause 4 only requires a medical practitioner to refer a pregnant woman to one or more services, regardless of whether that service has capacity or even exists to help that woman. As Dr Carling-Jenkins concedes, this is an issue of policy and resourcing, not legislation.

The choice between the mother and the child: we are told that this bill will somehow mean that doctors will not have to choose between a pregnant woman and her unborn child. Actually what clause 5 appears to do is

force a doctor to choose the unborn child over the pregnant woman in all circumstances, although inconsistencies in this clause actually make it quite unclear. Every case is unique, and every decision to terminate or continue a pregnancy is one that must be left to medical staff and the pregnant woman in consultation with family, social workers, psychologists, psychiatrists and other appropriate medically trained people — not the Parliament. Clause 5 is an extraordinary clause that could introduce so much uncertainty that it would mean that time-sensitive medical decisions could get referred to courts so that lawyers could argue about them, regardless of the medical realities.

The Australian Medical Association (AMA) has made it very clear what its position is on this issue. Even though during the Greens briefing with Dr Carling-Jenkins she told us that this was not the AMA's position, it has reissued it twice, so I believe that it is quite factual. I want to read one particular section of it:

> 'The perinatal and neonatal care provided in Victoria is determined by doctors and their patients. It is world class, safe, legal and clinically appropriate. The Australian Medical Association (Victoria) strongly opposes the Infant Viability Bill', Dr Lorraine Baker, president of AMA Victoria, said …
>
> 'The bill suggests that the neonatal intensive care provided at the Royal Children's Hospital, the Royal Women's Hospital, Monash Medical Centre and Mercy Hospital for Women is inappropriate. This is insulting and wrong.
>
> By attempting to legislate medical care, this bill jeopardises good medical practice and decision-making on a case-by-case basis. AMA Victoria urges the Victorian Parliament to vote down this bill'…

That is exactly what the Greens will be doing. We believe that far from supporting women in difficult circumstances, this bill would make those times even more difficult and fraught by imposing the will of a small minority and by taking certain options, including certain life-preserving options, off the table. I actually believe this bill is an affront to the professionalism of medical and other hospital staff, the people we actually rely on to make these decisions with us — not the Parliament. Women and their families need care, compassion and professional advice in these incredibly difficult circumstances, not judgement from the Parliament. We do not need this bill, and the Greens will not vote for it.

Ms PATTEN (Northern Metropolitan) — In reflecting on trying to debate this bill in its entirety today, I probably had about 20 pages to contribute to the debate, but I do not intend on doing that today. I obviously do not intend on supporting the Infant Viability Bill 2015 either. I think my position on this issue has been pretty clear, and I have been pretty public about it, so I do not intend to repeat much of that. I also respect that Ms Crozier, Ms Hartland and Ms Pulford have covered a lot of the areas where we are all on common ground as to why we do not support this bill.

One of my concerns with this is, while I have read the second-reading speech and I have read the bill, I was not given the courtesy of a briefing from Dr Carling-Jenkins. In fact I was told that it was a courtesy, not an obligation, and that I would not be awarded that courtesy. So I did not have some of the information that other people in this chamber have had in order to really hear and investigate the reasons — and no doubt the thoughtful reasons — behind Dr Carling-Jenkins's intentions with this bill.

While I did not receive briefings from Dr Carling-Jenkins, I did receive briefings from medical professionals such as Dr Tippett, obviously, as mentioned by Ms Hartland, and I even spoke to people who perform premature deliveries and late-term abortions. I spoke to women who had actually undertaken late-term abortions, and I spoke to human rights experts and medical malpractice experts. Not a single one of them was ambiguous about their opposition to this bill; they could not find any area on which to support this bill.

For the people who say no to abortion, it is very easy to say no. If your beliefs are black and white, you do not have to think about this, because it is not under consideration. Many women who find out that there are significant abnormalities at that 20-week mark, as Ms Crozier touched on, will choose to go full term because it accords with their belief — their religious belief or strong personal belief — not to have an abortion. But for people like me, who may say yes in certain circumstances and may say no in other circumstances, that is a much more difficult thought process. That is a lot more difficult than just saying no. I am yes sometimes and no at other times, but it is up to me and it is with the advice of my doctor. I feel that women should all be awarded that opportunity to make that decision for themselves and not be told by legislation that they must say no or that their doctors must refuse them treatment when that treatment would be in the best interests of that woman.

As others have said, I find this bill difficult in the way that it has been constructed. I think many parts of it are poorly defined. That may be because I did not get a briefing, but I think conflating gestation with viability is very tricky. The bill suggests that all fetuses are

somehow viable at 24 weeks when we cannot even accurately find that gestation point. We recognise that it is an imprecise science and that you cannot say that at 24 weeks everything is good and everything is viable. It is just not true.

I also have concern about the notion of 'preborn child'. I have never heard this before. It is a brand-new term, and yet there is no definition within the bill for this term that appears to be the very crucial part of this bill — that is, the notion that a fetus has personhood prior to it being born — and I think this is very dangerous. I think there is ambiguity around holistic care and where the bill defines distress as 'distress'. I do not think that is an adequate definition of distress.

One of the hardest parts of this was thinking about some of the women who have had late-term abortions who, under this legislation, would have to have carried that fetus to full term knowing that that fetus was going to die. They would have to have been in a supermarket where people were saying, 'When's it due?', 'Is it a boy or a girl?', 'Have you painted the nursery?', 'Have you done this?'. It would just be torturous for someone knowing that they were carrying to full term possibly something that they had wanted so much but knowing that they were forced to carry it full term and it was not going to live, it was not viable. But this legislation, if it is successful, would insist that they carry it.

I promise not to go on long, but I do want to mention the European Court of Human Rights, which has put that the unborn child is not regarded as a person directly in article 2 of the European Convention on Human Rights, 'Right to life', and if the unborn do have a right to life, it is implicitly limited by the mother's rights and interests, including her rights to life, health and privacy. The European Court of Human Rights has put it very, very clearly, and forcing a woman to continue a pregnancy is inhumane and removes their right to bodily autonomy. It goes against our internationally established legal understandings of personhood and human rights. Many others have touched on, and I am sure others will touch on, a bill that criminalises doctors for doing what they think is best, and Ms Crozier spoke very well about this, as did Ms Hartland. So I am not going to cover that area.

I am going to finish by saying that I feel that this bill is imposing someone's set of religious ideology. It is someone that says this should be black and white, this should be yes or no, and it is not. And for people like me who are pro-choice it is a much harder question than just saying no. It is a much harder question. So I, along with medical professionals, legal experts and women's health specialists, will oppose this bill. And I think if we were truly pro-life, we would all oppose it.

Mr MULINO (Eastern Victoria) — The bill we debate today deals with one of the most sensitive, complex and contentious issues that this place will deal with during this term of Parliament. The key issue at stake is how abortion should be regulated by our society. My contribution will principally deal with this issue.

The sensitivity of regulating abortion arises from a number of factors, including that it involves life-and-death considerations, that it involves fundamental questions of liberty and in particular control over one's body and reproductive choices, that the manner in which it directly affects people differs based on gender and that for some people it relates to issues having a religious or spiritual dimension.

I wish to say from the outset that I find this to be a very difficult issue. While it is often portrayed in a binary, polarising manner, with people labelled as pro-life or pro-choice, I do not believe that this characterisation is either accurate or useful. There are many layers to this issue, and I believe there is more scope for consensus than a binary characterisation allows for.

Before setting out the reasons why I believe that a stronger restriction on late-term abortions than is currently in place would be appropriate, I wish to make the following observations. First, I do not believe that we should reverse the decriminalisation of abortion in the 2008 act. Second, I believe that a woman's right to control her own body and reproductive choices are of great importance. I am conscious that, unlike most bills that we consider, the controls contained in this bill will affect one gender directly — not mine.

I do not think that fact disqualifies me from considering and voting on this bill for reasons that I outline below. However, I do believe that the gender-specific nature of the impact of the restrictions being considered does place an onus on me to try to put myself in the position of the women who will be affected by this bill and to be as empathetic as possible to their perspective. Finally, I believe that my support for this bill is consistent with support for the broader agenda being prosecuted by this government that promotes women's interests and seeks to address discrimination.

In broad terms my argument comprises the following elements. Women have a right to control their own bodies and a right to privacy. At some point, fetuses acquire a right to existence. While I do not claim to be able to pinpoint precisely when that right arises, in the

later stage of pregnancy I believe that it exists and is appropriately of interest to the state. Given the existence of potentially competing rights, the harm principle is the best conceptual starting point for considering whether regulatory intervention is appropriate. Based on the application of that principle in this context, it is reasonable for there to be some protection for late-term fetuses.

It is generally accepted that laws should not unnecessarily limit how individuals exercise control over their own bodies. A broad entitlement to self-determination is generally seen to arise from a combination of widely accepted rights, including a right to liberty, a right to security of person and a right to privacy. These rights are included in the Victorian Charter of Human Rights and Responsibilities. They are also reflected in widely accepted documents going back centuries, including the French Declaration of the Rights of Man and of the Citizen and, more recently, the United Nations Universal Declaration of Human Rights. A right to control one's body and reproductive choices exists. However, for reasons that I will outline below, I do not believe that this entitlement is absolute.

I believe that, at some point, fetuses possess rights. Importantly, I do not think that it is necessary to know precisely when these rights arise in order to assess today's bill. For context, it is important to acknowledge that philosophers, theologians and experts in medicine have disagreed on this issue for centuries, indeed for millennia. Many developmental stages have been put forward as relevant, including but not limited to conception; the first movement, or quickening; viability; and birth. Even within certain longstanding strands of philosophical or religious thought the point at which human life is thought to begin has changed over the centuries. I do not propose to try to resolve this issue today. I believe that it is not necessary to pinpoint when life begins or rights arise in considering this bill, because it is reasonable to conclude that beyond the point of viability a fetus possesses at least some rights.

A fetus generally undergoes a process of development during the course of a pregnancy. This development includes a progression in terms of physical capability, sensory perception and the capacity to self-sustain. One of the key developmental milestones — one which has been the focus for many ethicists — is viability. Throughout its development a fetus typically becomes increasingly able to sustain itself outside the womb. As a concept viability itself is not easy to pin down. The capacity to survive outside the womb is not a threshold that a fetus achieves at a fixed point. Rather, the capacity to survive independently increases subtly and gradually from zero to a likelihood that at some point exceeds the balance of probabilities in most cases. For some fetuses near to full term, the likelihood of viability, should medicine intervene, could be close to a certainty.

Most ethical frameworks, be they secular, religious or spiritual, ascribe at least some positive rights to a fetus before birth as a result of this developmental trajectory. Many, although not all ethical frameworks, consider viability to be a critical juncture. A period around the beginning of the third trimester has often been identified as a sensible demarcation of viability since a high proportion of fetuses have a meaningful chance of survival at that point. I believe that a point in time at which fetuses will generally be viable is worthy of regulatory consideration, since at that time the fetus will generally have well-developed sensory capabilities, the fetus will generally not only be alive but be capable of independent life and the biological distinction with a newly live-born baby will, in many cases, be minimal.

At this point I will quote from *Roe v. Wade*, one of the most important jurisprudential considerations of this issue over the past 50 years. Clearly this judgement is not binding in this jurisdiction. It is, nonetheless, relevant and undoubtedly instructive. It is widely regarded to be a ruling that sets out a well-reasoned, broadly pro-choice framework for regulatory intervention within the context of the United States constitution. At the same time, I believe that it sets out a strand of reasoning that captures a potential middle ground on an issue that is at times unnecessarily polarised. Relevantly to the current contention, *Roe v. Wade* states:

> … appellant and some amici argue that the woman's right is absolute and that she is entitled to terminate her pregnancy at whatever time, in whatever way, and for whatever reason she alone chooses. With this we do not agree …
>
> We … conclude that the right of personal privacy … is not unqualified, and must be considered against important state interests in regulation.
>
> …
>
> … the right of privacy, however based, is broad enough to cover the abortion decision; that the right, nonetheless, is not absolute, and is subject to some limitations; and that, at some point, the state interests as to protection of health, medical standards, and prenatal life, become dominant. We agree with this approach.

Adopting a regulatory approach that distinguishes between early and late-term abortions is also, I believe, consistent with community attitudes. There have been many polls in Australia in relation to community attitudes to abortion over the past few decades. Methodological differences mean that it is difficult to

draw firm conclusions from this plethora of data. Of recent attempts to collate these varied results, I would make note of the 2008 report into abortion law by the Victorian Law Reform Commission, which completed a survey of community attitudes to abortion regulation. Consistent with this survey, I argue that two broad conclusions can be drawn from the surveys and polls undertaken in Australia over recent decades: firstly, that a majority of the community support the decriminalisation of abortion at the early stages of pregnancy; and secondly, that the proportion of the community that supports some degree of regulation of abortion increases the later in the pregnancy that the regulation applies.

As a result of the reasoning above, I believe that beyond the point of viability there are two important rights, neither of which is absolute, between which there could be a potential conflict. We often deal with conflicting rights in this place. It is one of the most difficult and most important responsibilities of any legislature. With most bills, we undertake this balancing of interests without explicitly expounding the intellectual framework informing our judgements. In this instance it is worth returning to first principles, since the two rights in question are both so fundamental.

A useful starting point for dealing with potentially competing rights in a liberal democracy is the harm principle espoused by John Stuart Mill in 1859 in *On Liberty*. Mill argued that:

> … the only purpose for which power can be rightfully exercised over any member of a civilised community, against his will, is to prevent harm to others.

This principle has philosophical antecedents dating back centuries. Mill echoes the *Declaration of the Rights of Man and Citizen* published in 1789. This document sets out human rights, but it also deals with the issue of how to deal with competing rights. Article IV states:

> Liberty consists of doing anything which does not harm others: thus, the exercise of the natural rights of each man has only those borders which assure other members of the society the enjoyment of these same rights.

The precursors of this declaration, in turn, can be found in centuries-old secular philosophical and jurisprudential traditions such as the Enlightenment and the common law and also in religious and spiritual traditions stressing the value of human life.

Our legal traditions rely heavily on this notion as a mechanism for resolving conflicting rights. The harm principle is broadly consistent with constitutional limits on legislative powers in the Westminster system. It underpins the common-law approach to many issues and, in my opinion, provides the rationale for much of our legislation. Of course the harm principle and related concepts are only a starting point. No single principle can answer the unique complexities of the complex trade-offs that we face on each issue, but it provides an important overarching framework.

When we consider laws potentially limiting the rights of individuals, many of us assert that we should not impose our morality on others, and in relation to social issues in particular, we paraphrase the broader principle by asserting that the state should get out of the bedroom. This approach, in my view, is consistent with the harm principle, and I agree that this should be our starting point when considering social policy. The state should not, by and large, regulate matters such as sexuality, social interactions or reproductive choices. But the present situation is different. Again, I believe that *Roe v. Wade* is instructive on this point. It states that:

> The pregnant woman cannot be isolated in her privacy. She carries an embryo and, later, a fetus, if one accepts the medical definitions … The situation therefore is inherently different from marital intimacy, or bedroom possession of obscene material, or marriage, or procreation, or education …

Some of the word choice in that judgement is a reflection of the times, but I agree with the overall sentiment.

In supporting this bill, I do not support the intrusion of the state into our bedrooms, and I do not seek to impose my moral world view on others any more than I do when I support other bills that constrain individual rights in a manner consistent with the harm principle. I believe that a reasonable balancing of the rights of the mother and a later term fetus warrants a degree of intervention by the state post-viability. I provide a final quote from *Roe v. Wade*:

> The court's decisions recognising a right of privacy also acknowledge that some state regulation in areas protected by that right is appropriate … At some point in pregnancy, these respective interests become sufficiently compelling to sustain regulation of the factors that govern the abortion decision.

Any restriction should acknowledge the mother's rights, and accordingly late-term abortion should be permissible only when it is justifiable given the joint interests of the mother and the fetus, based on expert medical advice. For example, a late-term abortion could clearly be justified in order to protect the mother's life or for other exceptional reasons. I do not believe that the current law affords sufficient protection to late-term fetuses and, therefore, does not strike the right balance.

While the number of abortions post-24 weeks is small in percentage terms, there is good reason to believe that at least some abortions are occurring post-viability for psychosocial reasons. I believe that it is possible to allow for choice while preventing this situation. At the very least, reporting arrangements need to be strengthened so that this Parliament can make a more informed judgement about such matters.

By limiting late-term abortions more stringently, a more appropriate outcome would be achieved since a woman would still be able to opt for a safe termination earlier in the pregnancy, and her rights would largely be preserved, and a fetus's rights would be protected after a point at which a key developmental milestone has been achieved that many medical practitioners, many ethicists and a majority in society more broadly consider to be important.

There are some technical aspects of this bill that warrant a brief comment. Concerns have been raised that the measures dealing with neonatal care may lead to inappropriate medical intervention that could potentially conflict with the mother's and family's wishes. I believe that the references to 'reasonableness' in the bill and 'appropriate in the circumstances' in the explanatory memorandum will ensure that this measure allows for current best practice to continue. I would support clarification of this provision if that were deemed to be appropriate.

Another serious concern relates to the inclusion of a criminal penalty. I share this concern and only support the bill on the basis that the maximum penalty would be applied on an exceptions basis. My expectation would be that much less severe deterrents would be appropriate in the majority of cases. Again, if clarification of this aspect would be useful, I would support that.

In conclusion, while abortion is an inherently polarising issue, I firmly believe that there is scope to improve upon current regulatory arrangements in a way that is acceptable to the majority in our society and which also appropriately respects the rights of all.

Interjections from gallery.

The DEPUTY PRESIDENT — Order! Visitors in the gallery are to desist from making any noise. I remind them that they are to watch in silence. That is the house rule.

Debate interrupted.

DISTINGUISHED VISITORS

The DEPUTY PRESIDENT — Order! Before we move on to the next speaker I acknowledge and welcome Ms Kay Setches, a former member of the Legislative Assembly, minister of the Crown and member for Ringwood from 1982 to 1992. Welcome.

INFANT VIABILITY BILL 2015

Second reading

Debate resumed.

Mr FINN (Western Metropolitan) — Rising to speak on the Infant Viability Bill 2015 this afternoon I have to say how disappointed I am that we have only dedicated a little over 2 hours to this legislation, because I think it is a very important bill — one of the most important bills that has come before this Parliament for a very long time. It is good legislation. It is designed to save babies, it is designed to help women, and I very warmly commend Dr Carling-Jenkins on her efforts in putting this bill together and bringing it before this house.

Saving babies and helping women — it is hard to believe that anybody could oppose concepts such as that, but as we have already heard today that is unfortunately the case. Certainly the majority of people in the general population are very much opposed to late-term abortions. Every poll that has ever been taken has shown that the majority of people are opposed to late-term abortions.

Ms Springle interjected.

Mr FINN — That is right, Ms Springle, they are.

Ms Springle interjected.

Mr FINN — Late term; yes, absolutely. Even in the United States, which Mr Mulino made reference to with *Roe v. Wade*, where they have had abortion on demand for 40-something years and 58 million dead babies as a result, the polls show that people are against late-term abortions.

This bill seeks to protect babies. I use the term 'babies' because my Latin at school was not all that flash and it still is not now, so I will use the word 'babies'. It seeks to protect them from 24 weeks. There is nobody — I do not care who you are; I do not care what you hide behind — who could deny that babies of this age are tiny living human beings. You just have to look at them. If they were born today, they would most probably live — almost certainly live — given the

appropriate care and attention. They have got little arms, they have got little legs, they have got little noses and eyes and ears — everything that you and I have got.

To quote something that is often thrown at me by the Greens, the science is settled. These babies are human beings. They are little people who are deserving of our protection, and we should make it very, very clear in the short time that I have to speak on this bill today that a vote against this bill is a vote for late-term abortion. It is a vote to kill a viable, live baby who would otherwise survive if born alive. It is a vote for the current situation of abortion until birth in this state, and that, I think, is barbaric and totally unacceptable.

Perhaps we should ask ourselves as members of this Parliament — as members of the human race maybe — under what circumstances should we kill a baby? Under what circumstances would we kill a baby? Some say, 'What about sick babies? What about babies with disabilities? Surely you have to have abortions for those?'. My view is that if somebody is sick, you treat them; you do not kill them. That is what abortion does: it kills them.

If a child has a disability — and I feel very strongly about this — you love that child. You bring that child into the world. You do not kill that child because that child has a disability. As the father of a child with a disability — and a severe disability — I regard it as subhuman to try to rip the humanity of a child of anybody away because they have a disability. Disability has no impact on the humanity of anybody at any time in their life. Unfortunately late-term abortion for the reasons of disability adds to the view of a lot of people in this society that people with disabilities are somewhat less than human, and that view unfortunately is a fact of life.

Babies are born alive, as we know, as a result of what the abortion industry calls a 'failed abortion'. Some of the stories we have heard about babies being killed after these failed abortions are truly horrific. This bill addresses this outrage against humanity.

We desperately need more support for women. Last Saturday afternoon at the rally out the front I met little baby Tobias. Little baby Tobias was about three or four months old, and he was listed to be another victim of the abortion industry, but his mother was given the support and help that she needed and that she did not know actually existed, and she was able to go on and have Tobias. Tobias today, let me tell you, is a very happy and a very healthy little boy. It was wonderful to meet him on Saturday.

Late-term abortion of course aggravates the trauma for mothers and the medical staff involved. We have already heard from the Royal Women's Hospital on that matter over the years. Abortion is not a gift to women. Indeed Planned Parenthood — hardly a pro-life organisation — refers to suicide as a side-effect of abortion. Wow — a side-effect! Professor Priscilla Coleman of the United States surveyed 260 000 women around the world, including Australia, and her conclusion is that 10 per cent of all depression in the world is caused by abortion. The impact of abortion on women is often long lasting. The later the abortion, the greater the impact. One day I am sure a future parliament will gather to apologise to generations of women for presenting abortion as a panacea to all their woes.

Late-term abortion is cruel. Babies can feel pain from 16 weeks. We know that for a medical fact. Indeed when babies are operated on in utero they are anaesthetised to prevent them from feeling the pain, so why would we assume that a baby from 24 weeks on would not feel the pain as they are cruelly killed in an abortion? Partial birth abortion is one of the most evil ways that man has invented to kill another human being. It is evil beyond words but legal in Victoria.

This is the first attempt to give Victorian babies the rights that they deserve and Victorian women the support that they need, but I assure you it will not be the last. Abortion until birth is a blight on Victoria. It is a stain on our state and it is a stain on its people. One day that stain will be removed. Let us begin that cleansing today. Win, lose or draw on this bill, the battle will continue and justice will one day prevail. Thousands, maybe millions, of babies lives depend on it, and we will fight for them.

Mrs PEULICH (South Eastern Metropolitan) — I must say that this bill brings me a lot of anguish because I actually voted against the 2008 bill proposing access to abortion to 24 weeks and also the removal of the right of conscientious objection from medical practitioners. I thought that 24 weeks was an arbitrary rule — which is now used to define late-term abortion. I am also vehemently opposed to forcing people to do something against their conscience, such as, for example, forcing medical practitioners to participate in or facilitate abortions.

But I am not an expert on abortion. I am not an expert on many of the issues that I want clarified here and need to know about. There is a lot of information and misinformation. I would like to know the facts rather than just voting on these very important issues of life

and death on hearsay, on information that I cannot assume is necessarily true or factual.

This bill is not about whether or not we believe in abortion, because it does not seek to change anything for those who access abortion up to 24 weeks. So it is about whether indeed this bill improves the regulation of abortion or whether it does not, and frankly, I do not know. I do not agree with or believe in partial-birth abortion. I do not believe that late-term abortion for flimsy reasons is acceptable, and perhaps there is not sufficient protection for fetuses post-24 weeks. I do not know.

I would have preferred this bill to have been referred to an all-party committee where experts could be summonsed, where information could be taken and documented and where some improvements to the flawed bill that I voted against last time could emerge. I understand Dr Carling-Jenkins's reluctance to refer this bill to an all-party committee of the Legislative Council, because it would be a referral to the legal and social issues committee, and there is a view that the philosophical and ideological predispositions of members of that committee are such that it would generate a particular outcome that would not facilitate the genuine wishes of Dr Carling-Jenkins, as are shared by a number of members in this chamber.

I would like to commend my colleague Mr Mulino's contribution, which was thoughtful. I echo and share many of his sentiments, but on this occasion I will use the sentiments that I have echoed as grounds for saying that I will not be voting against the bill and I will not be voting for the bill. If this chamber feels fit to refer this bill to an appropriate body for further work, I am happy to support that and I am happy to see it improved, but for me there are too many unknowns at the moment. I am not an expert, and these issues are too important to actually just vote on on instinct.

There is one particular difficulty for me. First of all I do believe that 24 weeks is too late. I believe that was not the right line in the sand. But given that and given whatever line in the sand is drawn, do I share the view that abortion post the line in the sand is to be prohibited in all circumstances, even in cases of incest, rape or severe fetal abnormalities? No, I am sorry, I cannot; I do not share that view. I do not think that people who have that view should impose their will on a woman to carry a fetus that may have been conceived as a result of incest or rape, may have no chance of survival or may suffer gross fetal abnormalities and to go through a pregnancy. Others have suggested a caesarean section. I do not know what the impact of that would be on those women.

So for me there are too many unknowns with the current bill. I have gone to two of the briefings that were made available. I would have been happy to have received more briefings. But at this stage I do not want to vote against the bill, because it would be endorsing the previous bill, which I think is deeply flawed, and at this stage I cannot vote for this bill, because there are for me many significant questions that need to be answered and clarifications that need to be made, and I do not believe I have them at this stage. I would certainly support the bill's referral to an all-party committee. I believe, however, that that is not an option that is being considered. So, if that is the case, I will be abstaining from voting on the bill.

Mr ONDARCHIE (Northern Metropolitan) — The Infant Viability Bill 2015 is a bill that I rise to speak to today. I start by saying blessed are our children. God has blessed me with five beautiful children, three born to us and two that we have brought into our home, and I am the luckiest dad in the world. I want to commend Dr Carling-Jenkins for her prayerful consideration and following her heart on this. I cannot quite see her from where I am standing, but good on her for bringing this forward.

I have prayed about this bill a lot and sought some guidance. People in this place know about my faith and now know about my thinking. Many of them also know that I am a former executive director of the Royal Women's Hospital. Every day I would visit the neonatal intensive care unit and have a look at our little babies. I still remember fondly meeting for the very first time Eli, who was 20 weeks old when he was born, and he was no bigger than the size of my palm. That beautiful little boy was so well looked after by the Royal Women's Hospital. He went on to live a very happy, productive life, and I understand that he is about to graduate grade 6 of primary school. God bless Eli.

I have received lots and lots of letters, emails, telephone calls and visits to my office about this very important decision we are being asked to deal with today. I do not support a notion that says babies can be terminated after 24 weeks, because they are beautiful and they are viable and they should be given the opportunity to live productive lives. But I have to say something, given my experiences, consistent with some of the things that have been said here, particularly by Ms Patten. People might not think that I would support something Ms Patten said, but surprisingly I am, because it is not a black-and-white argument.

Let me give the house an example. In my time at the Royal Women's Hospital there was a lady who was heavily pregnant, and she became unwell. The medical

professionals — who had far more expertise, experience, training and skill than I did in this matter — came to me and told me that the baby was releasing toxins into the mother's body and they had to make a choice: the mother or the baby. In fact it went a bit further: the baby probably would not have made it, according to their advice. So they said, 'If we do not terminate this pregnancy, we are going to lose the mother as well'.

That was a tough day for me, and unashamedly I tell you that I went home and cried about this. What do you do? We had to preserve life. So the decision was made by the hospital that the pregnancy had to be terminated. I cannot stand here before members and say we should legislate to never terminate pregnancies. I cannot say that, because in this case we would have lost the mother.

There are other complexities that the medical profession know much more about than I do, where they have to make decisions about life. So to say to me it is a black-and-white argument — it is either for abortion or not for abortion — is not a valid argument, because there is a lot of grey in this.

I want to continue where I started: blessed are our children. But here is the thing for me — and I have had a discussion with Dr Carling-Jenkins about this so it comes as no surprise to her — I absolutely support the fundamental elements of this bill, but I cannot support legislation that would see doctors and medical professionals put into jail. When there are sound, valid, well-thought-out, well-validated medical reasons why a pregnancy needs to be terminated, I cannot support a bill that legislates against that. I cannot do it, because I have seen it for myself.

I love my children and I cannot bear the thought of a pregnancy being terminated after 24 weeks, but sometimes there are valid reasons. It is for those two reasons, around locking up doctors and around medical reasons — good, solid, valid, well-thought-out, well-proven, evidence-based medical reasons why a pregnancy might have to be terminated — that I cannot support those two elements of the bill and blocking those out. It is for that reason that I commend Dr Carling-Jenkins for what she has done, but I cannot support the bill in its current form.

Mr JENNINGS (Special Minister of State) — In a way I can thank Mr Ondarchie for very much setting the tone with which I want to start and perhaps conclude my contribution to the debate on this bill today. I have the utmost respect for the range of views that have already been put on the public record today — the motivation, intent and integrity of those who have been passionate advocates for and against this bill.

Mr Ondarchie's contribution has been one of the outstanding ones. It tried to provide the right consideration of the gravity of the issues involved in this bill, including the value of human life and our obligations as a community to support equality of life for all of those who are born into our community. We have an obligation to provide great support to parents in the way in which they bring opportunity and hope to the lives of their families.

It is incumbent upon us to provide support to mothers at very critical points when they are forced to make painful decisions during the term of their pregnancy about whether to have an abortion or proceed with the pregnancy to see a life and a new baby enter into our community. Sometimes those decisions are extremely painful in terms of the social and emotional life and wellbeing of the mother. Sometimes those decisions are extremely painful in relation to the physical attributes and life expectancy of the new child. A disability may be evident during the gestation period which may make the decision of the parents — and the mother in particular — a disturbing one, and it may also be based on deeply held beliefs.

We have considered these matters as a Parliament. Sometimes — and I think today is one of those days — we have tried to tap into an appropriate degree of respect and consideration for one another's views as well as trying to understand the integrity of and motivation behind a piece of legislation and its second-reading speech. A number of people have recognised these in the case of this legislation even if they do not have an intention to vote for it. I am one of those people who will not be voting for this piece of legislation today.

One of the most deeply introspective times of my involvement in this Parliament was when I was involved in the removal of criminal sanctions for abortion from the Health Act 1958 in 2008. I was present in the committee stage of that piece of legislation for something like 12 hours to deal with the concerns raised by members of this chamber in relation to the quality of care and the decision-making process as well as the safeguards that are embedded in the current Victorian law and to try to make sure there was appropriate consideration of all the relevant facts. All of the relevant advice and support was placed into a structure around a woman's decision to proceed with an abortion, particularly in relation to abortions that occur after 24 weeks.

We discussed those issues at great length, and we as a government acknowledged that there was a great obligation on us to provide the best advice, the best support and the best safeguards and also an obligation for us to provide the best ongoing support. We should always be measured by that. Any government should always be measured by that. A community should expect that of its government, its agencies and its services, including the hospital care that is provided within that legislative framework. The health services that we provide should always be on notice in relation to the quality and the contribution of that support. If anybody has drawn attention to the fact that we need to be vigilant in that regard, I, as part of the government, accept that scrutiny and that obligation.

I also have to make a statement that is very sympathetic to Mr Finn's viewpoints on this issue. I did that in 2008, and I do it again today in relation to what might be judgement calls about the quality of life in relation to profound disabilities that may be evident in a newborn or during the course of the gestation period. I do not make any personal prejudgements about those matters. In fact for a period of time I was the Minister for Community Services, and it was one of the most enlightening and profoundly moving experiences of my public life to be responsible for providing opportunities for people with disabilities, many of them with profound disabilities. I do accept their right and the right of their families and loved ones to receive support and care each and every day of their lives to maximise their opportunities. I take that as a reminder of our obligation as a state to provide those opportunities to our citizens.

But I am returning to Mr Ondarchie's question about the viability of a precarious life, the circumstances where palliation may be appropriately given in relation to a life after 24 weeks and the choice that may be made by practitioners or parents to recognise that a life is not viable and that palliation should occur at that period of time. It is a very painful thing, but it is actually a decision that should be made between parents and their clinicians. That is the case currently; that should continue to be the case. The clinicians involved, and certainly the parents involved, should not have any of the threat of criminal sanction hanging over their heads at that point in time.

That is the profound difficulty that we in government have with this legislation, because we removed the criminality from the statute book in relation to this matter, and people rely on appropriate medical quality assurance support programs from the government. We are obliged to make sure that they meet the demands of mums, in particular, at those critical junctures before a decision is made in relation to whether an abortion is their preferred pathway and what the consequences if they decide to proceed to a birth after 24 weeks in the circumstances of vulnerability, as distinct from viability, that may be evident in a newborn after that time.

We accept our obligation to appropriately address these matters, and in that regard we are not defensive about Dr Carling-Jenkins raising these issues for the Parliament's scrutiny or for our consideration. But what we certainly do not feel is appropriate is to add a criminal sanction in relation to Victorian legislation which would rewind reforms that we introduced in 2008 with great care, consideration, great compassion and, I believe, great resolve to remove criminality from the statute book. For those reasons I will not be supporting this legislation today, notwithstanding many of the inherently difficult decisions that are made between parents, particularly mothers, and their clinical advisers at critical junctures in their decision-making. We hope that that advice and those actions are provided in the most supportive and appropriate fashion, and we rely on that occurring in Victoria in accordance with current Victorian law.

Mr DRUM (Northern Victoria) — I will only be very brief, but I will be supporting Dr Carling-Jenkins's Infant Viability Bill 2015. There are a whole range of aspects of the bill that I am unhappy about. I am unhappy about the criminality that is going to be put back onto doctors; I am unhappy about how that is going to be handled. I am unhappy about the fact that we will potentially be bringing children into the world without adequate support. To me, this is a bill that had to be supported by government. We need so much additional support.

The reasons why I am supporting this are quite simply that we give an unborn 20-week fetus, or a 23-week fetus or a 24-week fetus or a 26-week fetus, the status of a person. If it comes to it, in relation to their death, they are named and then they are buried. So they have this actual status as a person on one hand, but then we are saying if the parent wishes for them to be aborted, all of a sudden that status does not exist. So I think at the moment simply as a society we are having 50 cents each way on this, and we need some very, very clear guidelines. But I am unhappy about the fact that it has been put forward by a minor party without any of the support and resources.

Again it has been put to me — and I believe this — that a later stage abortion is just as traumatic. We may as well deliver a live baby and do our utmost to keep that baby alive as abort the baby and have that baby killed.

If it is just as traumatic on the mother and if the mother turns her back and does not want the baby, then it is society's obligation, in my opinion, to put the resources around that baby to give it a chance — any chance, the best chance. We afford this baby the status of life as a person on one hand, and then on the other hand we say, 'No, no. It's not a baby at all, not a person at all. It's just some thing, and we can choose whatever way we want to treat this thing'.

There are flaws in either way we go here, and many of my colleagues are opting to say, 'No, I can't support the bill because of the problems'. I can see all the problems, and I can see all the issues, but I am saying I want to support the bill but there are a whole raft of areas that need to be fixed up and addressed — namely, we need an incredible amount of support put around these mothers.

Whatever reason it is in a mother's life that she changes her mind, when at 12, 16, 18 or 20 weeks she was happy to go along and have the baby, whether it is severe abnormalities, whether it is something shocking that has happened in her personal life in relation to losing her husband or partner or abuse that has happened in her life and all of a sudden there is a realisation that she is going to be bringing a child into a horrendous environment — what those factors are that force a woman to change her mind, we cannot begin to imagine — if it is going to be just as traumatic physically to abort a late-term baby as it is to bring that baby into the world, why would society not put the recourses around that and let that happen? If the mother still wishes to walk away from this responsibility, fine, let her, but at least society has the opportunity to bring into the world a live child and give that child the respect in life that we would otherwise give it in death.

That is where I sit. As I say, it is far from complete. It is far from a clinical analysis and assessment of where I would like to be. However, I have to land somewhere on this bill, and I am doing my best to explain why I land as I do. With those few words, I will support this bill.

Ms BATH (Eastern Victoria) — I would like to start off this afternoon by saying that this bill has required quite a considerable amount of thought and investigation — and probably not sufficient, in truth. I think one could spend a long, long time on this, and I am not sure if one would come up with any better or different answer. I listened to Dr Carling-Jenkins's second-reading speech, and I attended her bill briefing at which a neonatal doctor and I believe a counsellor, an anaesthetist and another health professional were present and gave their opinion. I have also consulted and listened to Dr Tippett, and I thank Ms Crozier for enabling that to happen.

I have read many of the emails and letters I have received — not all of them, because there have been many — in relation to this bill. I have read both points of view, and there is an indication on both sides of the level of — 'interest' is too small a word — passion and consideration that people have for this, because we are talking about human beings and human lives and the impact on human lives.

I believe that my vote, as a free vote — it is a non-party vote — should not necessarily represent what I feel entirely. It should represent the views that the larger population or the larger majority in Gippsland in Eastern Victoria Region hold. What would most people say on this subject? That is where I am making my stand and giving my consideration.

I think in this debate we need to look at female health — the care of the woman both mentally and physically, and the wellbeing of the woman, which is a very, very important consideration — and what is possible for the unborn child. If I could just relate my story — it is awful, in one way, to get personal, but this is a very deep and important topic, and it is also hard to stay quite factual, so I will go into my personal story — I have two boys who are now 19 and 21. When I found out that I was pregnant with both of them I decided not to have an ultrasound. I thought that it was important that I deliver them as they were. Luckily I did that with a good deal of common sense. I was a very healthy mother. I went to the doctor and all of that, but I just refused to have an ultrasound. I thought, 'What happens is what happens'. They were born, and they are big, tall and beautiful.

I also want to relate that I have only recently learnt in my later years — we will call them that now — that when I was at university, doing a science degree and going off to classes, there were people in my college who had abortions. I felt heartbreak for them that they would have to make certain decisions, but they were their decisions to make, and I respect them for it. I only wish and hope that I was nice and kind to them in my normal daily life, because it would have been a difficult decision, and I was oblivious to this. This happens, I am sure, in all walks of life when people are making very big decisions. I think it is important, particularly when it comes to preterm, particularly before 24 weeks — no, across the whole gamut — that we do not judge women. It is important that we respect them and acknowledge that their bodies are important to them — they are their temple — and that they have the right to decide about their own wellbeing.

The bill before us today provides that an abortion would be available up until 24 weeks gestation. We have heard this, but I will just condense my comments on it here. After that period women who are pregnant and in distress will be provided with appropriate care and support. Babies who survive an abortion after that 24-week period will be given every practicable medical support to survive and will otherwise be cared for, including in a palliative care situation. Doctors who perform an abortion beyond the legal parameters within Victoria could be subject to criminal charges.

I will talk a little bit about the 24 weeks. It is reasonably recognised that at 24 weeks a fetus is viable. There is commentary around that date or that time period, but there seems to be a reasonable amount of scientific medical evidence that at that stage babies have a heartbeat and can breathe somewhat — that is debatable too, but they have capacity. Fetal development does exist on a continuum, and not everybody is going to develop at the same rate, but generally 24 weeks is considered viable. I have also heard in the course of discussions that at 24 weeks a baby that has been delivered can be intubated, which is where you insert tubes into the veins and administer care. Prior to that it is quite difficult.

Looking directly at the bill I note that division 1 is headed 'Holistic care'. When I was in the health food shop we used to call our services holistic care, so I have a bit of a different view of that term, but I get the general feeling of it and the general view of instruction and support given to the mother when she attends her registered medical healthcare practitioner. After 20 weeks it is reasonable that the mother gets support in terms of health services, mental health services, counselling, housing support et cetera. I think this is a reasonable approach. In fact I hope that it is the case now to a large degree that doctors would always consider giving counselling. A good practitioner would ensure that that would occur, but this is making it a requirement.

I would also trust, and it does not always occur, that up to 24 weeks there are options for ultrasounds and tests which can check and see. Most abortions occur before that 24-week period, but they do not always occur then, I understand. The other point I would like to make is that premature delivery after 24 weeks occurs in a medical emergency. I am reading a synopsis of the bill. If there is a substantial risk of death or serious injury and permanent physical impairment to the mother, a registered practitioner may deliver the baby in a hospital with neonatal facilities with the intention of preserving the life and protecting the life of both the child and the mother from serious physical impairment or death. Also at this point the registered healthcare professional who performs delivery of a child born alive must take all reasonable steps to make sure that this child is provided with appropriate neonatal care.

I will give an example: if a mother after 24 weeks has pre-eclampsia, she is in a compromised health situation so that labour is then induced and the baby is cared for. Whether it is delivered naturally or whether through a caesar section, however that baby is born, that is what occurs. The tertiary hospital has the right to look after that baby, whether it be in a palliative care state or whether it be to keep that baby alive. My comment on this particular part of the bill is that I support those two elements of the bill.

I have got 2 minutes left. This is important. I have wrestled considerably with the final part of the bill because I think it is very difficult to repeal the Abortion Law Reform Act 2008 and the Crimes Act 1958 to make a law that a doctor would be considered to be committing a crime.

I guess my ultimate argument in this is that after the 24-week requirement — the requirement that after 24 weeks the birth occur, whether it be naturally or whether it be through caesarean section — doctors hopefully would not have to perform abortions after that period of time.

I know as it stands at the minute there are many people involved in this choice and there are many consultations with neurologists, neonatal doctors, psychiatrists and the like. I know there are a lot of MRIs and ultrasounds done to make that decision and give information to the parent. But ultimately I guess I could almost say that for this part of the bill it is with a heavy heart that I am not happy with the fact that doctors would be charged. That does not sit well with me. But if post-24 weeks all babies were delivered in a natural state to the best of their ability, I could sit with that. I believe that many people in my community would also hold that view — that after 24 weeks the child is a baby and a human being, and that affords rights. There is my contribution.

Probably one thing that might also need to be said is that we may need to look at adoption laws within the state as well as facilitating adoption to a greater degree than we have. We did that last year in relation to same-sex adoption, which I voted for. With those words, I will sit down.

Ms LOVELL (Northern Victoria) — I rise to speak on this bill today, and in doing so I do congratulate Rachel Carling-Jenkins for bringing forward her

legislation. Opinions regarding terminations polarise our community. There are those who oppose terminations no matter what the circumstances, there are those who believe it is a woman's right to choose and there are those who are not exactly comfortable with the procedure but who recognise that in some circumstances it is necessary. We acknowledge and respect every member of the community's right to have their own opinion.

However, as a legislator I feel it is my obligation to ensure that any legal medical procedure is delivered in the safest possible medical environment, and termination of a pregnancy is a legal procedure. It has a Medicare item number. Therefore our role in this place is not to place our own morals or beliefs on those who seek these procedures or who perform these procedures but rather to ensure that they are performed in the safest possible medical environment. Prior to the Menhennitt ruling in 1969 many Victorian women died because terminations were not legal and yet women still sought the services of those who would perform them. Services were not always delivered in safe medical environments; they were in backyard facilities, and women died. When abortion law reform was passed in this house in 2008 it created a regulatory framework that put regulation around terminations, both pre and post-24 weeks gestation.

For terminations post-24 weeks there needs to be an opinion from at least two medical professionals that they are satisfied that there are sound medical reasons for why the termination should proceed. Doctors must be free to give their patients sound medical advice without the threat of a criminal sanction hanging over their heads. That is the situation that would be created by this legislation. I believe the 2008 legislation is balanced and appropriate for the regulation of terminations in Victoria.

I respect everybody's right to have an opinion on these matters. I actually admire those who have stood at the back gate of Parliament for many years peacefully protesting in the appropriate place — the place where the laws are made. I admire Dr Carling-Jenkins for her commitment to her beliefs in bringing this bill before the house, and I congratulate her on doing so. But at the end of the day, when I search my own conscience, no matter what my personal opinions may be, I cannot support the bill for two reasons. The first is that, as I said at the beginning, this is a legal medical procedure, and my role as a legislator is to ensure a legal medical procedure is delivered in the safest possible medical environment. The second reason is that I cannot support legislation that threatens medical professionals with criminal convictions.

Ms SPRINGLE (South Eastern Metropolitan) — I am not going to take a long time. As Ms Patten and perhaps others in the chamber have already pointed out, my views on this topic are widely and publicly known, so I do not think I need to unpack the substantive issue; it has been done already in the chamber. I agree with a lot of what has been said. What I would like to say just briefly is around the idea that there are all of these procedures — abortions — that are happening in Victoria for purely psychosocial reasons after 24 weeks. It is completely untrue.

A lot of people in the chamber already have said that they have had a briefing with Dr Tippett, as did the Greens. She is an enormously knowledgeable health practitioner who has been doing her job for decades. She was at one stage the president of the Royal Australian and New Zealand College of Obstetricians and Gynaecologists. She now works at Monash Health. This is her day job, this is what she does for a living — she looks after women who are pregnant, some of whom are having struggles with their pregnancies. When I asked her how many procedures she would do or how many procedures are done post-24 weeks in Victoria, she said to me, 'I don't know of any that happen'. What you would find, I think, as a consequence and as a logical progression from that piece of information is that, if not all, the vast majority of these procedures are done in cases where there are severe abnormalities and these fetuses will not survive anyway. If they do survive, once they are no longer in utero it will not be for very long because of their severe abnormalities.

I also asked Dr Tippett about the impact of that on the families and parents or on the women who are coming to her with these issues. She said to me that these women are from all walks of life. They are not from one demographic; they are not from one class of society. Some come from very disadvantaged backgrounds. Some have real issues with homelessness and poverty and all sorts of other disadvantages. She said that those families are equally as distressed and traumatised by what is going on in their lives as other families who are more advantaged. This is not a select group of women who are choosing to have abortions because they have just changed their mind for some reason. There are really valid reasons why this happens, and often it is highly personal and distressing for the family involved.

So from that perspective I say that not only should we as legislators not be meddling in the affairs of families and their doctors but we should not be criminalising medical procedure that is based on solid, evidence-based best practice — world's best practice.

This, with all due respect, appears to me to be an ideological bill, and therefore I felt it was really important that I bring that up today. Ms Hartland has put on the record the other reasons, in terms of the substance of the bill, why we will not be supporting it — the unintended consequences — but I think it is important for us to call it for what it is, and some of the issues this bill seeks to address simply are not there.

The other thing I would also like to say is that this bill talks a lot about services, and I think that this is, as a piece of legislation, the wrong mechanism for that. If there is a lack of services in Victoria for women and their reproductive health, then we should be lobbying for more services, not bringing in a bill to legislate services.

Mr RAMSAY (Western Victoria) — I am pleased to be able to make a very small contribution in relation to the bill before the house this afternoon. Firstly I congratulate Dr Rachel Carling-Jenkins on bringing this bill to the house, and it is no surprise to us that she would do so. In fact in her maiden speech she indicated that she would, and she has followed through and presented a private members bill to the house. I would also like to congratulate those who have made contributions to this debate. The easiest thing for me to do would be to not make a contribution at all, to stay silent and then to vote as I wish — our party has a conscience vote on this legislation — and then the world would go on. But I felt that at the least I owe some respect to the hundreds of people who emailed me providing their views and concerns in relation to the bill, both for and against, and I am making my contribution on that basis.

However, at the end of the day the decision I make will be my own decision based on how I personally feel about this bill and based on the contributions I have heard during the debate but also based on the briefings I attended, both for and against the bill. I have weighed up the rationale of those who are supporting the bill. There have been very passionate contributions by my friends here in the chamber, and I understand their positions and always have. Some members' views are very black and white, as Mr Ondarchie said, and always have been since they came to this Parliament. Others have more elaborately stated a case for why they have concerns with the bill, which does not actually mean they support late-term terminations; it is merely that some details of the bill have given them concern. I guess that is the position I am at with this bill.

I am not sure that I even have any authority to stand here and give advice to women and clinicians on what judgements are made in relation to the welfare and health of a woman who is going through the terrible ordeal of having to make a determination with her clinicians in relation to a late-term termination. I have no idea what that feels like.

I have been a strong supporter, as Ms Patten knows, of safe access zones. I supported that bill because I saw from firsthand experience what women go through when they have to access these facilities, particularly the East Melbourne fertility clinic. I have seen firsthand on many occasions what I felt was a degree of intimidation of those women who are under duress already through physical stress in relation to decisions they will have to make about their own body and the body they are carrying. I felt that they did not need any added hardship, pressure or stress in relation to just accessing the building, not to mention the information and guidance that clinicians would give at the clinic.

I have to say in respect of this bill that I am not convinced yet that late-term terminations are done on any other basis than with regard to the woman's health, the condition of the fetus and the advice of the clinicians. A bill that provides that doctors, if they take a course of action to protect a woman's health, would actually be criminalised is something that I could never support. My understanding was that this bill may well have been amended to remove some of the penalties and the criminalisation of doctors in relation to any advice they might give or procedures they might carry out in relation to late-term terminations, but that has not been the case.

As I understand it, there have been no complaints to the health services commissioner, who is responsible for oversighting late-term terminations, and there has been only a very small percentage, if any, and I am not convinced yet what numbers there are, in relation to late-term terminations, but I know they are only done on the basis of considerable discussion with both the woman and expert clinicians and a judgement on the ability of that fetus to be carried through to life form. It is on that basis that I cannot support this bill and will vote accordingly.

Ms FITZHERBERT (Southern Metropolitan) — This bill has made me think and reflect more than any other in the time I have been privileged to be here. Mrs Peulich used the word 'anguish' earlier, and to a large extent I share that. I want to acknowledge the work and commitment that Dr Carling-Jenkins has given to this bill. I know that she has put considerable time and effort into it, and it is based on fervently held views and I respect that. I am also conscious of the huge interest in this bill from those who want change to our current law on abortion. I have read their emails

and letters. I have also sought answers to questions I had regarding some of the issues that are part of the bill from medical experts. For me the threshold issue in this bill is returning abortion to being subject to criminal law. I believe that is a backward step. I do not support criminalising abortion.

This week the director of obstetrics at Monash Health, Professor Euan Wallace, articulated what has been my understanding of late-term abortion in Victoria. He said late terminations were only carried out when the fetus had a lethal congenital abnormality. The word he used was 'lethal'. It is not about disability or illness; it is about a situation where a fetus has such significant abnormalities that it will die, unfortunately, during or shortly after birth. It is a very unfortunate fact that many very serious congenital abnormalities are diagnosed later in pregnancy rather than earlier, and that is due to the normal development pattern of a fetus.

Fetal MRI is a relatively recent innovation, and it has become available only in the last few years. It is used well after the 20 weeks gestation point. The advice to me from one of Melbourne's major public hospitals is that when there is concern that there may be a very serious abnormality with a pregnancy, women will be advised to wait and get a clearer understanding of what may be happening through a fetal MRI. It would be very bad indeed if limiting the time at which an abortion may happen meant that more people took the option to get an abortion within the new legal limit rather than waiting for full diagnostic testing. Late-term abortion happens in the most tragic of circumstances, and of course it is often in the case of a pregnancy that is very much wanted and planned.

I have a range of concerns about aspects of the drafting of this bill, and I am conscious that we have some quite strict time limits. I am not going to go through these in detail, but I want to give a couple of examples. One that I know was raised earlier is that distress is defined as a variety of different kinds of distress. I think that lacks clarity and could be spelt out far more clearly, because it is something that doctors are going to need to assess and act on in very, very serious circumstances. I also note that if a medical emergency should occur somewhere where there are not neonatal care facilities, a doctor may be under risk of criminal sanctions if he or she proceeds with the delivery.

There are some vague aspects, I think, of how the stress or distress is to be quantified and how it is to be responded to. Again without going into this in detail, I do not mean to sound like I am being very, very picky about the detail when there are some broader themes of course that are to do with morality and values, but I think when we are discussing criminal sanctions for breaches of legislation, definitions and clarity are paramount.

Ms Bath spoke earlier about clause 6, which requires a registered health practitioner who performs, directs, authorises or supervises the delivery of a child born at 24 weeks to take all reasonable steps to ensure the child is provided with appropriate neonatal care to preserve the child's life. The explanatory note to the bill says that practitioners have discretion to determine what form of care will be appropriate in the circumstances and that palliative care may be appropriate for babies with life-shortening conditions. But this is not what the bill says, and it is not clear what the penalty would be if clause 6 were breached.

I listened with great interest to all the earlier contributions and in particular to the one made by Mrs Peulich, and I find myself agreeing with a range of the comments that she made. I note her concern, which I share, that we are not in agreement in this chamber on what the agreed facts are regarding abortion in this state, and it is regrettable that we do not have agreement when we are contemplating very, very serious changes with potentially criminal consequences to our legislation. I also share the concern that she expressed, and I hope I am reiterating this correctly, about banning late-term abortion in relation to extreme cases like rape, incest and severe fetal abnormality. My own view is that it should not be possible, without very exceptional circumstances of this kind, to terminate a pregnancy late in the term. However, I will finish as I started, which is to say that I simply cannot support a bill regarding abortion that returns abortion to the Criminal Code.

Mr DALLA-RIVA (Eastern Metropolitan) — I rise to make a very brief contribution because I am conscious of the time that we have left. In doing so, I thank, as others have, Dr Rachel Carling-Jenkins for the bill and those who put work into supporting it or opposing it. To those who have been sending emails et cetera, I express my appreciation. I will get back to each of you in due course.

Parliament is about legislation. We are legislators; we are the lawmakers. We make the laws, we test the laws and we change the laws. Anyone who is in the chamber can see that there is a whole range of legislation before the chamber, because no legislation is set in concrete. To those who think that once a law has been made and formed it remains the law forever, I say we would still be having cars with somebody at the front of them with a red light waving it as they are driving along. The reality is that laws do change, and it is for that reason

that Dr Rachel Carling-Jenkins has put forward the bill, because it is quite clear that there is a need for some levelling of the law as it stands.

In 2008 I was here. I am one of the few who were here in that debate, and that debate went for a very, very long time — did it not, Mr Finn? It is clear in politics that today the numbers are not there. Recently we had the example of the safe zones — the buffer zones. I drive past and see these buffer zones every morning on the way to Parliament. Some bright spark, whoever it is, has decided to mark out the footpath where the 150-metre mark is. I thought, 'Isn't it odd in a free society that we have laws that prevent people from stepping over a boundary by one foot because there is a blue dotted line'. Somebody has painted a blue dotted line to symbolise the loss of freedom in a democracy, and the democracy in this Parliament is formed by the election of its members from the community.

I go back to my earlier point that we are legislators, we make the law and we also change the law. Politics is eventually about numbers, and we are about to find that out again today. It is about numbers. The legislation will fail today, and we should be disappointed. It is not about whether everyone has a reason or an excuse. I was listening to the debate, and everyone has got a reason. In every piece of legislation that is on the table there is always a reason why it is not correct. That is why this house has a committee-of-the-whole process. That is why this house does not have time limits. That is why this house is the house of review — because it is meant to review legislation, not just to follow what the lower house says or what certain individuals think is the right thing at the time, as we saw yesterday with the apology.

I will finish up rather than going on for too long, because we need to get this to a vote — I inform the whip that I understand that — but I just point out to those who are listening and watching elsewhere and in the chamber that politics is about numbers. If you want to have legislators change the law, you have got to make sure that you get the right legislators here. People are focused too much on what happens once legislation is in here and not focused on trying to get the right legislators in so that if others want to change the law there is a better balance than what is currently in this chamber. I will be supporting the bill.

Dr CARLING-JENKINS (Western Metropolitan) — I appreciate the opportunity to exercise my right of reply on the Infant Viability Bill 2015. I am very conscious of time, so I will keep my comments brief. I cannot, because of time constraints, address each member's contribution, but I want to thank everyone in this house who has contributed this afternoon for stating their opinion and contributing to this debate. I also wish to acknowledge the interest in the gallery today, with representatives from both sides of the debate sitting through over 2 hours of debate now with patience and interest. I believe there are also people in Queens Hall listening and watching on the screen.

I would like to clear up a few issues that came out in the debate. I am a little concerned that some people have missed the intent of the bill. I think it is unfortunate that lead speakers such as Ms Pulford and Ms Crozier have missed the intent of the bill, and I am concerned that they did not perhaps read the bill along with the explanatory memorandum and the second-reading speech. I would like to correct the misinformation about this bill. Firstly, this bill does not compel multiple referrals but it does ensure that medical practitioners will provide the care and support that mothers need. Also the neonatal provisions in this bill do not require children to receive unnecessary care; in fact I have spoken often about the expansion of palliative care for neonates. I believe Ms Bath presented a very balanced view of the bill, and I appreciate the way she grappled with these elements of the bill and articulated them to the house.

I would also like to clarify that late-term abortions do not only occur in hospitals here in Victoria but can also occur within private practice. An *Age* article of last year says it costs $7500 to buy a late-term abortion here in Victoria in a private clinic. Unlike at the Royal Women's Hospital, there is no ethics committee within private practice. That is a fact that has been ignored within the debate this afternoon.

I would also like to address the case for change. The simple fact is that the community does not expect late-term abortions to occur. Galaxy Research polling in March this year showed that in Melbourne 63 per cent of the population were opposed to abortions after 20 weeks — not 24 weeks as per my bill, but even from 20 weeks — and 11 per cent simply did not know. In the regional area of Bendigo that was much higher — 73 per cent opposed late-term abortions, with 6 per cent not being sure. I point even to the opinion pieces that have been written by people who claim to be pro-choice. Rita Panahi, in a *Herald Sun* article in April, for example, stated that:

> It is possible to be pro-choice and still against late-term abortions.

She also said, and I agree:

> Only the most extreme pro-abortion ideologues would profess to have no issue with a healthy child being aborted when it is near full term.

I would like to remind the house that statistics from 2011, the latest statistics that we have available, clearly show that late-term abortions are occurring in almost equal numbers for fetal abnormalities and for psychosocial reasons. In 2011 a child was aborted at 37 weeks gestation — a perfectly healthy child. This was according to Consultative Council on Obstetric and Paediatric Mortality and Morbidity data. Unfortunately we do not have data beyond that point, and perhaps that is something that the government will take up and act on.

Regarding the criminalisation of abortion, which has been spoken to in a number of contributions, I would like to remind the Parliament that this is a cautionary penalty. At level 6, this is the same as for recklessly causing injury and hardly a severe penalty. I would also like to remind the Parliament that mothers are not criminalised under this bill.

Members from the Greens and the Sex Party have made contributions to this debate. I appreciate that they have kept them short, and I respect that their opinions have been clearly stated. Obviously the medical practitioners that they consulted were different from the ones that I consulted, and obviously there is an unawareness — and I do not have time to get into this in detail now — of the movement around the world to acknowledge the viability of children and to roll back abortions around the world to the point of 20 or 24 weeks. For example, 43 states in the US have laws like this, and there is now a federal push there.

I would also like to correct something around the circumstances regarding abortion. Ms Patten had an opinion piece published online last night, and she described it this way as well, saying that it is 'beyond cruel' to force women to carry a baby to term in circumstances where it will only live for a few hours. Ms Patten fails to recognise the human dignity of people with disabilities. She makes a judgement on their quality of life and fails to understand the humanity within all people. There is also a failure here to understand the compassionate concept of hospice in the womb, a palliative care approach for families facing the imminent death of a child, a concept which I have connected with this bill often.

I take offence when we seek to scare women with phrases such as 'force women to choose between terminating a pregnancy or risk a traumatising birth and subsequent loss'. I wish to remind the chamber that whether the baby is lost through an abortion or a palliatively supported death, the baby's life is still lost and the parents still grieve. The difference is that through palliation the parents and their baby are supported. Late-term abortions, however, are neither a supportive nor compassionate approach for anyone involved.

Then finally of course people in the chamber have fallen back on the defence that I am a religious ideologue. I am a Christian. I make no apology for this. I have as much right to be here and to express my opinion and the opinion of my base — that is, the people who vote for me — as anyone else here does. This is religious freedom. To continually use my religion in a derogatory light does not work for me. I am proud to be a Christian in politics; we need more Christians, more Catholics, more faith-filled and more spirit-filled people in politics. We stand in the gap for people who cannot, so I will take the oppositional description as described by Ms Springle and Ms Patten, who have a disdain for my beliefs, as a compliment, not a criticism.

I would also like to briefly take up the point about personhood and human rights and the question of when someone has personhood. I appreciate that Mr Drum pointed out the inconsistencies in the laws here in Victoria such that at 20 weeks gestation a baby who dies as a result of a car crash is counted towards the road toll, but we do not consider them to be a person when considering abortion. Mr Mulino set out clear bioethical arguments around competing rights of the mother and child, with protections for late-term fetuses, which I would name 'preborn children', and I want to thank Mr Mulino for articulating this argument for me. I will not expand on this, as it is unnecessary to do so, but I thank him for his outstanding contribution and encourage everyone to read it at home.

I cannot finish up my contribution without acknowledging Mr Finn. He often raises issues in this place that others do not or that others avoid, and he raised the points around dignity of children with disabilities — something that we passionately share. He raised the point about pain felt by children dying during abortion and about babies being born alive, and I thank him for bringing these issues to the Parliament and for his contribution. And I want to thank the MPs who supported the intent of this bill, such as Mr Drum and Mr Dalla-Riva. Unlike colleagues of theirs, who promised to vote for this bill and now in the chamber have stated a different point of view, I appreciate their honesty and their contributions.

Finally, regarding the issue of this debate being settled — for there are many of those in this chamber who have claimed that this debate is settled — I agree with Mr Dalla-Riva that this debate is not settled. It was not settled in 2008; it is not settled while the DLP holds a seat in this chamber. Peter Kavanagh made our position clear in 2008, and I will continue this fight. No bill is ever settled. Society changes, medical and scientific advances are made, legislation is not perfect and legislation changes.

In conclusion, as I set out in the second-reading speech, this bill is about supporting mothers and their viable children — children on the threshold of birth — and treating them with dignity and with respect. This bill celebrates the intrinsic value of each individual life, no matter how short or complicated or difficult. It is that simple. Babies of viable age have a natural right to life. Mothers have the right to be given the care and support they deserve. There should be no profit-making within the abortion industry. It is now time to bring this bill to a vote.

This is a conscience vote for both major parties, and I appreciate that, so I speak individually to members now. I have, through this bill, raised awareness in the Parliament on issues within our current healthcare system, a system which is letting both mothers and their preborn babies down. I have raised the need for a better developed system of hospice in the womb, a palliative care approach for families facing the imminent death of their child. And I have raised the incidence of late-term abortions, a type of abortion which many people in the community disagree with. In fact many people in the community were unaware of the legality of late-term abortions prior to this bill being introduced.

As members vote on this bill today, I ask them to keep in mind the intent of this bill. The community is watching their vote today. Are members going to vote for the continuation of late-term abortions and against a supportive, balanced approach to caring for mothers and their babies, or will members vote for a change, for an end to the unnecessary sacrifice of viable children and for a more supportive and balanced approach to health care? As we go to this vote today I wish to finish with the words of William Wilberforce: ‘You may choose to look the other way, but you can never say again that you did not know’. I commend this bill to the house.

House divided on motion:

Ayes, 11

Bath, Ms
Bourman, Mr
Finn, Mr
Mulino, Mr
Carling-Jenkins, Dr
Dalla-Riva, Mr
Drum, Mr
Elasmar, Mr
Rich-Phillips, Mr
Somyurek, Mr (*Teller*)
Young, Mr (*Teller*)

Noes, 27

Atkinson, Mr
Barber, Mr
Crozier, Ms
Dalidakis, Mr
Davis, Mr
Dunn, Ms (*Teller*)
Eideh, Mr
Fitzherbert, Ms
Hartland, Ms
Herbert, Mr
Jennings, Mr
Leane, Mr
Lovell, Ms
Mikakos, Ms
Morris, Mr (*Teller*)
O’Donohue, Mr
Ondarchie, Mr
Patten, Ms
Pennicuik, Ms
Pulford, Ms
Purcell, Mr
Ramsay, Mr
Shing, Ms
Springle, Ms
Symes, Ms
Tierney, Ms
Wooldridge, Ms

Motion negatived.

VALEDICTORY STATEMENTS

Mr Drum

Mr DRUM (Northern Victoria) — (*By leave*) I would like to thank all members of the house for their indulgence in allowing me to make a final and valedictory speech. After 14 years, it has been an amazing time in the Legislative Council. It has been a real honour to be in this place, but it has been an honour that I have not taken for granted. I am very thankful for the opportunities I have been given.

There really is something special about walking up the steps of this Parliament, especially when you know that you play a small role in the management of the Parliament. You are normally in a hurry to go somewhere, but every now and again you do get the opportunity to savour the moment and to realise the history associated with this place and the small role you play within it. These valedictory speeches give members on their way out a chance to reflect on their time in the Parliament and a chance to thank those who have enabled them to do the job that they have been sent here to do.

I must pass on to the chamber one of the first pieces of advice I received, actually before I got in here. On the day I announced I was going to run for North Western Province, I was getting some photos taken with the then Leader of The Nationals, Peter Ryan. He whispered out of the corner of his mouth to me, ‘I want you to remember what it is right now that you think of politicians’. I said to him, ‘Well, I can do that, but why would you want me to?’. He said, ‘If you get in, and when you get in, you are going to meet a whole heap of hardworking, decent, fantastic politicians, and you’re

going to change your view. And whilst you'll change your view of what politicians are like, the people that you're representing will be stuck in the view that you currently have now'. It was great advice, because the people we bump into every day have a different view of the collective of politicians and of what we do. We know the work that goes on behind the scenes, we know the character of the people in here and we know that the vast majority of politicians are in here to try to do the very, very best they can for their people.

Another similar piece of advice came to me via the former Premier, Denis Napthine. At a coalition conference Denis Napthine — he was not Premier at the time — took the floor and in a surprising sort of speech said to the assembled coalition members, 'The work you do in your role as an MP is incredibly important. The role that you play in your community is incredibly important. As leaders in the community, what you have to understand is that you are an incredibly important person'. And after about 10 seconds he said, 'And if you believe that, you are in real trouble!'. Again, brilliant advice.

Those are two really strong pieces of advice from two very strong leaders. Both will be remembered for their outstanding leadership of their parties. Peter Ryan and Denis Napthine had their feet firmly on the ground, and they were under no illusions as to what is important in this role.

I consider myself very lucky to have fallen into the lap of the National Party. To have 14 years in this place with a team around you that only wants you to be the best you can be, to not have to give one skerrick of thought about someone trying to up-end you, to not have to worry about trying to win various contests within your own party — there is just full support every day of the week. There are differences of opinion within The Nationals, yes, but there is full support every day of the week so that we can all get about doing our job. The team has an amazing dynamic, and I have been very proud, again, to play a very small part in it.

This working dynamic of The Nationals did not happen by accident, and it does not endure through luck. It is a combination of strong leadership, smart leadership and inclusive leadership. Whilst we are only a small party, the fact that we are so tight, that we never leak and that we support each other gives each of us a fantastic feeling of camaraderie. Even today, Peter Walsh and Steph Ryan in the Legislative Assembly are continually pushing the concept that you are only in here to be the voice of your people. You have to understand that it is the people first, it is the party or the team second and then the individual comes a very, very distant third. It is a great dynamic within which to work, and I hope that it continues that way for many, many years.

Turning to the colleagues that I started with in the Legislative Council — firstly, Bill Baxter, who was here forever — Bill was possibly the smartest person I have ever met. He could recall anything that had happened, probably because he was in the Parliament when it did. But you could to see him scribble a few key points on the back of an envelope and then deliver a speech of 15 minutes as if he had rewritten it five times over. He was just a brilliant orator and someone who had an incredible intellect and ethics.

Barry Bishop was what I would call a politician who was of the people. He was again a great mentor.

Peter Hall had a distinguished career in this place and ended with up with a great career as a minister. There is a lot of chatter that goes on in the political debate around TAFE colleges, and Peter Hall played an important role in that. There is a lot of political debate about what happened in relation to contestability, and what happened in relation to so-called cuts and what happened to the TAFE system at the time. All I know is that when you go out into the sector and you talk to people who have been in the TAFE sector for six, seven, eight or nine years, Peter Hall is held in honoured esteem because they know of his thoroughness, they know what he did and they know what he was forced to do within that sector. I just want to put on the record that Peter Hall is a great man and will be well remembered by those who understand the system.

I also had four years working with David O'Brien. No two days were ever the same when you worked with David O'Brien. There was a bit going on there. That man will be a success; whatever he chooses to do, he will be a success.

The other aspect of the National Party that I have to mention is the practical jokes. They are numerous and many. You learn to never leave your mobile phone lying around, because someone like Tim Bull or Russell Northe will pick it up and send a message to somebody on your behalf, and you might not find out until that person sends you a message back. At best you get away with it being a little bit embarrassing; at worst it is totally inappropriate. But at least it keeps us all on our toes and it is incredibly funny. Then there are the concepts of going to conferences and not being able to find your car because it has just gone for a walk somewhere or having your clothes stolen and put in different rooms.

The phones in Parliament can also be transferred. Tim Bull realised this with me and David O'Brien at one stage. If you just swap the phones over and our respective wives ring, they are actually ringing the wrong bloke. David was always picking up the phone and could not work out why Ros was ringing him all the time, and I got sick of David's wife ringing me. Maybe we are not all that smart, but it took us a couple of weeks to work out what he had actually done.

Also, on your laptops you can pull the letters off and put them somewhere else. 'M' and 'N' are next to each other, and it can really do your head in when you think you are typing 'M' but it continually comes up as 'N' because someone has just switched it over. I hope things are different in my future and I do not have to face this constant attack of friends trying to get one up on me.

I also want to thank my staff. When I first came into Parliament I was very, very lucky to employ Linda Barrow. Linda had been recommended to me by the previous member. Linda is an incredibly smart woman with a great nature. People who ring the offices of politicians normally have a problem. Linda was amazing at the front of the office. She did an amazing job and is still with me today, 14 years later.

After the first four years we were all given an extra staffer, and I was lucky enough to employ Linda's husband, Wayne, a 30-year veteran journalist and chief of staff, who is brilliant with press releases and research. I have been very lucky to have this husband and wife team to help me do my job. I thank them very much, and I certainly wish them well, particularly with Linda's health. If she has great health, that is all we can ever hope for, so good luck for your futures.

I would also like to take this opportunity to thank my children. Those of us who have this balancing act between being the mum or dad that you want to be and being the representative that you have to be will know that that is very difficult, and I do not think any of us ever get it quite right. To Corey, Gabriel, Alyce and Luke, I am sorry that I have not been around enough and I am sorry that when I have been around I have been in a hurry. I do apologise, and also to Josh and Sally as well. I love the kids; I am lucky I have great kids.

To Ros, my partner for the last 10 years, thank you for always challenging me on most issues and supporting me on every issue. That is a great thing to have in a partner. I remember we had a regional sitting in Bendigo, and I said to Ros, 'We need to have the team at home', so we did. We transformed the lounge room into a dining room and a restaurant, and we got some friends in and we cooked up. I was thinking about it, doing this speech, and I was thinking it was just such a non-issue. We were always going to do it because that is what you do when your friends, associates and colleagues come onto your patch: you bring them round for food, wine and beers. That is what you do. It was a lovely night. It is indicative of how I would like to see those friendships endure into the future. While I am in the process of thanking people: thank you, Ros, for your support and for your love.

I want to also thank the staff. Andrew, Richard and their teams have done a fantastic job to keep this place in check. To the chamber staff — Greg, Michael, Nick, Chris, Peter, Philip, Patrick and anyone else I have missed — thank you very much for your friendship. We are always very busy; we always think we are important, but you are always there to help. I am very appreciative of the continued help that everybody gives the politicians around this place. From the kitchen staff to the library staff to the papers office, it is amazing how many people are here just to help us. Sometimes we take that help for granted, but I want to thank you all.

I also want to thank the maintenance staff, because every now and again we have had to ring them up and ask them to come in and rewire the speakers to the offices. Sometimes things get broken on a Wednesday night — just little things — that need some maintenance work as well.

One of the things I am not proud of is that out of my 14 years here we have spent 10 years in opposition. Everybody knows that opposition is a horrible place to be in. Your inability to do what you are sent here to do and your inability to do what you want to do for the people you represent is incredibly frustrating. Therefore, I suppose, when we are given that time in government the pressure is on all of us to achieve in that time — achieve for our people, achieve for all of the people — because it is so much harder to do it from opposition.

But in the four years that we were in government I was incredibly proud to play a part in designing and helping roll out the Regional Growth Fund with Peter Ryan, the former Leader of The Nationals. It was a tremendous investment, and I just loved every piece of that. I know the Regional Living Expo has gone by the wayside now, but again, travelling to Brisbane to check out how they were doing it and bringing the best parts of their expo back here, being able to roll that out and having it operate for three years and then watching it survive one more year after our time in government was a highlight.

I was also pleased to play a role locally with the Ulumbarra Theatre, which is a theatre in a former jail in Bendigo. It was a $30 million project, and we were able to get that funding.

Thanks to the work that David Davis did on the $630 million hospital for Bendigo, it is now a generational life-changing hospital. It is just a tremendous investment for that city, which we were able to drive as hard as we possibly could. Again, I am proud to have been able to play a part in that in the past.

I am also very proud of the four years in which I was able to chair a committee from opposition. Gayle Tierney, Ms Darveniza — who is no longer with us in this chamber — and I had some very feisty times, because they sometimes did not like the direction we were going in, which was totally understandable. However, we conducted some really good inquiries into what our cities are going to look like in the future, what our tourism sector looks like and also where regional disadvantage is at in relation to the rest of the state.

I think we can make a statement that still we have an enormous amount of disadvantage in the regions and we still have to acknowledge that with our education rates continuing to go the wrong way when compared to our city cousins, we have got a lot of work to do in this space. The overarching aspect is that it does cost more to deliver services in the regions compared to what it costs to deliver those services in cities, just because of the sheer tyranny of distance.

I am also very proud of the very short time that I had as a minister. I had 9 to 10 months in that role. I remember it very fondly. I remember that on the very first night I went out to the eastern suburbs with a couple of colleagues to talk to a forum if maybe 200 or 300 sportspeople from community sporting groups. They smacked me between the eyes with this problem that they had about facilities. They wanted new facilities and they had the capacity to build those facilities themselves; however, councils in the city did not like the concept of counting in-kind contributions, they just wanted the cash, so if all these sporting clubs wanted to contribute, they had to contribute with cash.

I remember going back to my staff the next day — I had Darren Harris, Emma Staples and Shannon Gill there — and I said, 'We've got to change this. We've got to assist these community groups that have the capacity and the will to build their own facilities at a high level and a high quality. We've got to be able to work in and give them some assistance as a government'. I am very proud of the fact that we did come up with a small granting scheme that did exactly that, and Local Facilities for Local Clubs was born. We ended up getting about 78 projects done. It was, in my opinion, just a really nice snapshot of life.

If you liken the sporting clubs to individuals, you have these sporting clubs with a vision of what they want to achieve, but they cannot do it on their own; they need a bit of help. Just like individuals, the clubs know where they want to go in life, but they need some help. And as a government, if you are able to give them that help, providing that they are prepared to roll up their sleeves and work, you end up with some brilliant outcomes. That is why I am so proud of that little granting scheme through which we were able to assist all those clubs that had this capacity to do the work themselves.

I also learnt so much in a short time working with the veterans fraternity. Two people really stood out in this regard: former Premier Ted Baillieu and the great work that he has done with the commemoration of World War I, and also Major General David McLachlan (Retired), the president of the RSL. What a great man he is, and again he is someone who was able to give tremendous leadership. Governments of both persuasions, both colours of politics, look to the RSL for leadership on all of these commemorative events, and Ted Baillieu also was able to provide great leadership.

I went back and had a look at my inaugural speech that I made 14 years ago. I made one point then, and I did not know whether or not I was on the money, but I think I probably am now. I made the point that no side of politics has the mortgage on common sense or intelligence or the blueprint as to how to run this state — but we both tend to think that we do. Fourteen years later I do not think much has changed in that regard. We can all have a big dose of humility at some stage. Again, what we have are differences of opinion; none of us are right, none of us are wrong. When we clash, we clash over opinion, and I think we would all do well to continue to understand that there is so much talent and objectivity on the other side of the chamber, but we just have differences of opinion.

I leave this place in search of further public service as I contest the federal seat of Murray. It is going to be very exciting, but it is also incredibly daunting. As we have seen in recent days, there are enormous challenges in that part of the state, with dairy issues and water issues heading the list of things that need to be fixed up.

I am very proud of the fact that I am a true coalitionist. While I love The Nationals party, and that comes through very clearly, I also believe that in conjunction with the Liberals we actually make a fantastic team. I

am very honoured and very warmed by the support I have received from so many Liberals in this last month when it has become evident that I am going to be contesting a seat against them. That has been another humbling experience for me here.

President, I would just like to acknowledge another thing. Yesterday I was joking about you, but I think you truly are possibly the best President that this chamber has ever had.

An honourable member — Better with a wig.

Mr DRUM — You should put the wig back on.

Mrs Peulich — He's got one on.

Mr DRUM — That is possibly the funniest interjection you have ever made, Inga.

President, thank you. It is no secret that you and I have tended to clash more often than not, but that is a good thing also. It has been great to be able to come into this place knowing that the sessional orders and the way we go about our business are in solid and reliable hands. That is something that will leave this place in a better state than the way you found it, and I congratulate you for that.

To all members, I want to thank you for your friendship, and that goes across the entire chamber. I feel very honoured that it is so easy to stop and chat.

To all of my Labor opponents, we are tremendously warm when we need to be, away from Parliament, so I thank you all.

To the Greens, again we are politically miles apart, but it is amazing the amount of times that Greg and I are completely united on various issues. And again, with the team, Greg, you have done very, very well.

To the crossbench, again welcome. You have a lot of work to do in those small micro-parties, but it is good to see you all batting well above your average with your numbers. So congratulations to all of you.

This is the second time I have had a high-profile job, and it is great to be able to leave this one on my own terms. But there are many, many people that have helped me have this time here. I want to thank them all, and I really look forward to catching up with everybody that has helped me and has contested the parliament of ideas against me. That is great, and we will catch up in the future, I assure you. But again I just want to thank everybody for their support and their friendship. Whatever happens in a month's time will happen, and we will deal with it then. I want to finish off by again thanking my National Party colleagues. They are a special brand of people. I love them dearly, and I wish them all the best for the future. Thank you.

Honourable members applauded.

The PRESIDENT — Order! Not a bad speech, Mr Drum, but I was surprised you did not end it with a point of order. Can I also just indicate that if Murray does not work out, the Gold Coast is not a bad place to live.

An honourable member interjected.

The PRESIDENT — Well, Freo could be available again. What goes around comes around.

Mr JENNINGS (Special Minister of State) (*By leave*) — I want to pay some respect to Mr Drum, who is going out the door on the same day that I am going out the door. In fact I did not get one kiss as a consequence of my exit from the Parliament, but congratulations to you on getting many and on getting many slaps on the back.

Earlier in the day when I said that there may be a number of people who voted to kick me out of the Parliament who did not make eye contact, I noticed that you did, and I give you some credit for that, because over the course of our parliamentary careers I have watched and noticed your body language on a number of occasions, which is the mark of who you are. On one occasion, when you talked about your friend Mr Hall, I remember a very critical period in terms of Mr Hall's ministerial career when he was under the pump in relation to some TAFE decisions concerning budget outcomes. The opposition at the time, of which I was a part, was putting him under great pressure — calling on him to resign as a matter of honour. I looked at your face and I very much saw the face of a man who was very worried that that call was going to be responded to. I thought that was a great measure of your personal commitment to him and your team. I congratulated you for that at that time, and I congratulate you for it now.

You talked before about the family that is the National Party, and it is very obvious that there is a family of the National Party. The reason why you do not leak is that you are never out of one another's company; you are always together. Your enduring contribution to the dairy industry is the volume of ice-cream that has been consumed in the parliamentary dining room by the National Party over many, many years. You consume that ice-cream with great relish, and you do it together. In fact during the course of your contribution when you referred to Mr Baxter I tried to make eye contact with

you by doing this, and at no stage did you look my way to confirm that apart from his eloquence Mr Baxter's sartorial sense of self was that he had a penchant for his tie to end up somewhere north of his bellybutton, which was very evident to those of us who witnessed every one of those eloquent contributions.

For me the highlight of your ministerial career was when you reported to question time about your sheer joy and exhilaration at being a participant in a program that you had supported to assist people with disabilities on the ski fields. You were so enthusiastic about that, so excited about that, that it was palpable. In fact your description of the sense of exhilaration you felt going down the mountain with the people you had supported, after providing an opportunity that their life may not have otherwise afforded them, is something for which I will always have great regard for you and also a great fondness for you in terms of what you have achieved.

I will perhaps conclude by saying, in relation to the comfort that you can take from going out of this Parliament on your own terms after 14 years, that by implication you were not so happy about the circumstances in which you left your professional coaching career. However, can I suggest to you that you will take comfort in years to come that you and Ross Lyon will share the same number of premierships that have been achieved during both your tenures as coach of the Fremantle Football Club, and I think you have probably put the last 14 years to good use in the Parliament of Victoria.

Ms WOOLDRIDGE (Eastern Metropolitan) *(By leave)* — I am very pleased to be able to speak about my colleague and friend Damian Drum. In many ways it is a sad day for all of us today knowing that this is the last week that we will share this Parliament with you — although I wonder if the President also has a slight element of relief in that process, as well as the sadness that we all feel!

Damian, you have been a great parliamentarian, a great minister and a great friend in so many different ways. When I think about you as a parliamentarian — and certainly of course for most of your career I was in the other chamber and so watched from afar as opposed to directly, as I have more recently — the issue that actually springs to mind is your passion for banning smoking in cars, the work you did on that issue right around the state as well as in this place and then following it through to its conclusion where you achieved an outcome. That was done from opposition, not from government, and I think it is a reflection of you as a politician who is passionate and committed to making change that the barriers of opposition and government are not constraints to driving the change that you want to see. I think that is reflected in so many different ways in this place.

I think the other element of it, and Mr Jennings touched on this, is that while you are exceptionally passionate about rural and regional Victoria you have other passions as well. As shadow spokesperson for community services, and subsequently as a minister, your passion for the vulnerable, for people with disabilities and for people with a mental illness really stood out. We had so many conversations and so much engagement about both specific cases and broader issues because you were not confining yourself to the issues that you had portfolio responsibility for but were very passionately representing your community and wanting to see change more broadly. In that instance — and you mentioned it in your speech — it was not about seeking to say, 'Well, I have raised an issue; therefore it is concluded'; you actually wanted to solve the problems and genuinely get to the bottom of them in each and every case. I think we have all experienced that passion you have in so many ways, and it is a real credit to you and what you bring to your role as community representative.

As a minister, while it was brief it was certainly high impact as well, and you showed your obvious passion for sport. I think one of the things that will also be an enduring legacy is the role that you took with veterans and the centenary of World War I. We have over the last year all participated in so many activities. It is as a result of your work that we have actually participated in those activities, and it is not just us here but actually hundreds of thousands of Victorians who have participated. It has been lovely to see the tweets this week of the poppies over in England and what is happening there in terms of the flower show, the royal family and all of those sorts of things. Your work has left an enduring legacy for many and an engagement for Victorians, particularly young Victorians, that will hold them in good stead for many, many years to come.

As friends we have all enjoyed dinners, conversations, chats and a bit of to-ing and fro-ing with Damian in so many different ways. On a personal level, I have also had the opportunity to see Damian in his own community through the wonderful support that he has given the Otis Foundation, a Bendigo-based charity that he has supported consistently year in, year out, and that is done as a community member. Seeing his support has enabled me to see how well respected he is within his own community, how loved he is and how passionate he is about community organisations being successful, making a difference and having that impact.

Finally, Damian, you mentioned what a coalitionist you are, and I have got to say that over the last 18 months it has been a real pleasure as the Leader of the Liberal Party with you as the Leader of The Nationals in the upper house to be able to work together. We have worked together with respect, we have worked together with some humour, and I think in terms of the work of the coalition in this place it has been a very, very positive outcome.

I think the couple of words that characterise Drummy are: a conviction politician but a really great bloke, and the combination of those two is what we so much love about you, Damian. I want to thank you for your service to the Parliament and to the people of Victoria. I want to thank Ros and your family for what they have given up to enable you to be here with us and throughout the community. Most of all I congratulate you, and I am sure you will be very proud of the contribution you have made to the lives of so many Victorians.

Mr BARBER (Northern Metropolitan) *(By leave)* — In saying goodbye to Mr Drum from this place I do not want to try to define him politically or pass judgement on his political achievements, because it would not be my place to do so. Instead I will just talk about what sort of person he is from the way that I know him.

First of all, he is one of the most unstintingly friendly people in this Parliament. The first day on the job for three Greens: in order of seniority, of course, they sat us on the back bench of the crossbench, so we were staring at the backs of the heads of these two National Party MPs who thought we were the great Satan! We had no idea who they were. Were they country gents? Were they a couple of rednecks? A couple of footy players? They could have been Batman and Robin in their secret identities for all we knew of what to expect from these two people. Well, they were incredibly welcoming and friendly to us and helpful to us in that naturally friendly country way, taking everybody as they are in the first instance rather than seeking to form some kind of judgement about them. And that is the way it has continued the whole way through — that unrelenting friendliness that you get from Mr Drum every time you see him.

With that, and I think it is related in the same way, I think he is one of the most open people that you deal with around here. He is never about hiding his true intent behind some front or guile. What you see is what you get. It must absolutely drive his own party mad, because if you ask him a question, you will get a straight answer. You will have straight dealings with him. I have dealt with him on many, many issues many, many times, either opposing each other or even on quite a few occasions actually cooperating on a bunch of matters, because they were not in fact in coalition when we first arrived here in 2006. That coalition with the Liberal party came a bit later.

With that, I think, you might be able to say, at least from what I have seen of him in 10 of those 14 years, that perhaps he is one of the people who is least changed as a result of having been in this place. He is probably very much the same person now as he was when he first arrived, and that could very well be to do with those close links with his local community that everybody has talked about.

He has given us some of the greatest renditions of some of the worst jokes, I think, in history, either inside or outside of the parliamentary arena, but as we have heard, he is absolutely preoccupied with his people. Based on what I have seen of him and the times I have spent talking to him, the conversations have always been overwhelmingly about helping people rather than fighting people. His people, as he calls them, and his party must love him for it. On behalf of my Greens colleagues I would like to say we value greatly the time we have had with him.

The PRESIDENT — Order! I will join in and be brief, because I think each of the speakers has made some remarks that go right to the heart of Mr Drum's contribution to this place and to his electorate, which is home to the people of rural and regional Victoria and has become a very large electorate, obviously, in recent times. At my age I get to advise people, quite annoyingly, on what I think about some things, and one of the things that I often say to aspirants to politics is that you need to be authentic. If you are not authentic, people will find you out pretty quickly. As Mr Barber said in words that I would have also used, what you see is what you get with Mr Drum, and indeed he is authentic.

Mr Drum has made a significant contribution in this place and, as I said, in his electorate. I am not scarred by the points of order; neither is Mr Drum scarred by the rulings. I do not find any great sense of relief in Mr Drum's departure from this place, because indeed whilst the points that he made might have challenged some of my thinking or the decisions that I was seeking to arrive at on behalf of the best conduct of this place, I have always valued people who challenge. I have always valued people who ask questions and force me, and hopefully others, to rethink their position and make sure that they have some certainty about the position that they have taken. I think Mr Drum on many

occasions has brought a good measure of common sense to this place. As I said, he is authentic; what you see is what you get.

Whether or not the people of Murray choose to send Mr Drum to Canberra to represent them in the federal Parliament, I have little doubt that the public contribution of this man is not finished, irrespective. In other words, I am sure he will find, if not in the federal Parliament, other ways in which to represent his people in rural and regional Victoria and to stand up and advocate for them in one way or another.

Your career has been very much lived in the spotlight. Football does that. I am not sure what position Ms Bath played in, but nearly every National Party member had to be a footballer to get here. Certainly, as I said, it is high profile. You were a success in that field, notwithstanding your remarks about Fremantle. In fact you laid the foundations for the success of that club going forward. Indeed in this place you have also laid some foundations, I think, with some of the work that you have done both as a member and as a minister, and it has been appreciated. It is noted. We wish you well in the future. As somebody far more important than I once said, if you do get to Canberra, I think that Parliament will be much improved as a result of your authenticity and the fact that you can look people in the eye and you actually do tell it like it is. We wish you well.

Business interrupted pursuant to standing orders.

STATEMENTS ON REPORTS AND PAPERS

Environment, Natural Resources and Regional Development Committee: Country Fire Authority Fiskville training college

Mr RAMSAY (Western Victoria) — I wish to make a statement in relation to the inquiry into the Country Fire Authority (CFA) training college at Fiskville. In May of this year the Environment, Natural Resources and Regional Development Committee tabled its final report on this inquiry. I would like to congratulate the committee for the work it has put in over eight months to compile this report. I also thank the staff of the committee for their contribution to this document, which I noted when tabling the report. I would like to thank the many hundreds of submitters to the reports — there were over 300 submissions — and the witnesses who came to the hearings to give evidence to the committee. I would also like to thank the families of those volunteers who attended the many public hearings to listen to the stories of witnesses, particularly those who lived and trained at Fiskville and were seeking some answers in relation to past practices at the facility.

I note the chair's comments in press releases post the tabling of the report and concur that there was recognition by the CFA itself that in fact there was poor oversight and governance in relation to providing the appropriate safety standards for the training that went on at the campus at Fiskville. I also acknowledge the poor performance of our regulators — our environmental guardians, our work safety guardians at WorkSafe and the Environment Protection Authority Victoria — that did not follow good governance in relation to their roles as regulators to make sure that the training college at Fiskville was adhering to the appropriate WorkSafe and environmental standards that would be expected of them under legislation.

There is no doubt that the report indicates through minutes that were requested from the CFA board that there were inconsistencies in relation to what the board knew and understood in relation to directives that were made in relation to storage and safe use of chemicals and also in areas of water contamination and reticulation by using the pre-2010 three-dam system, as I call it, whereby there was a reticulation filtration methodology used for the re-use of water.

There is no doubt that those who trained at the college and those who worked at the college were impacted by the chain of events in relation to not only the use of water but the unsafe use of chemicals, and certainly the use of perfluorooctanesulfonic acid (PFOS) foam, which I might say was not only used at Fiskville but was used at many sites where firefighting training occurs — on defence sites, at airports, at training colleges and at fire stations right across Victoria.

I have to say, the committee was not really convinced that the CFA board recommendation to close the college on the basis of high testing samples or high levels of PFOS in fact would give a credible reason for the Fiskville closure. I think it was a whole chain of events going back to the 1970s, when there was poor governance, there were poor environmental controls and poor WorkSafe controls and there was a lack of regulatory requirement under legislation to impose the sorts of standards expected under legislation by our regulators, which brought about the decisions made in relation to the final closure of the college.

In the few remaining seconds I want to note that the government does have six months to respond to this report, but I do want to encourage the government to provide financial justice to the Lloyd family. This is still an outstanding matter — why compensation has

been paid for the livestock. They are still waiting for a final judgement in relation to the relocation of their farm and the financial compensation for the goodwill that was built up in that business and the costs associated with the transition of that business. I ask the government — —

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

Auditor-General: *Bullying and Harassment in the Health Sector*

Mr MELHEM (Western Metropolitan) — I rise to speak on the Victorian Auditor-General's report in relation to bullying and harassment in the health sector, which was issued in March 2016. The audit is the third in a series investigating occupational health and safety in the health sector. Its purpose was to examine whether public health services and Ambulance Victoria are effectively dealing with bullying and harassment in the workplace. The report highlights the importance of building and maintaining a positive workplace culture that effectively deals with bullying and harassment.

Though the prevalence of bullying and harassment in the health sector is not generally known, research suggests it is widespread. The Productivity Commission in 2010 estimated the total cost of workplace bullying to the Australian economy to be between $6 billion and $36 billion annually. Research further shows that bullying in the health sector can lead to high staff turnover, reduced productivity and the potential for significant legal costs and reputational damages. More importantly poor occupational health and safety does not only affect health workers; it negatively affects the patients they treat. Also, I think every worker in this country, including those in the health sector, should be able to go to work without being subjected to any bullying or harassment.

Special attention should be given by this place and by the government in relation to the health sector, as we are effectively the employer of these workers. I think it is important that we make sure we provide these workers with a safe and healthy workplace free of any bullying or harassment. When we find out that these sorts of things may be happening, corrective action needs to be taken immediately to deal with them.

The report made some findings. One of the findings was that the health sector agencies are failing to respond effectively. This includes weak current policies and procedures, ineffective early intervention, under-reporting and poor accountability. The report also talks about audited agencies not understanding the true extent, causes and impact of bullying and harassment in their respective organisations, nor are they adequately training the staff and managers to prevent inappropriate behaviour from escalating into serious bullying and harassment. Stronger leadership is needed to assist health sector agencies to effectively protect their staff.

There is poor collaboration between key sector-wide agencies — the Department of Health and Human Services (DHHS), the Victorian Public Sector Commission (VPSC) and WorkSafe. Despite this, the Auditor-General has found that the audited agencies have demonstrated a genuine will to tackle the issue more effectively, which is something that is pleasing to hear. The Auditor-General found that agencies are working towards improving workplace health and safety to make sure they are addressing these issues. As a result 12 recommendations were made to the health sector agencies and 4 to WorkSafe, VPSC and DHHS. Emphasis has been placed on preventing the issues from occurring and on responding to them quickly if they do occur. All recommendations in the report have been accepted by the relevant agencies. The Auditor-General notes that the recent launch of the Australian Medical Association Victoria's strategy to address bullying and harassment in the state's health system is encouraging and definitely a step in the right direction.

It is also important to note the commitment by the Andrews Labor government to invest in programs to stop bullying and harassment and assist people or employees who are actually experiencing that by educating the workforce and managers. Everyone at all levels from the lowest employment level to the highest and the executive has a common responsibility to make sure that when employees go to work, regardless of their level of responsibility, they are free of harassment and bullying and that when a case is found of someone who is being subjected to bullying or harassment we take that seriously and make sure we provide all the necessary support to stamp it out. I commend the report to the house.

Independent Broad-based Anti-corruption Commission: Operation Ord

Mrs PEULICH (South Eastern Metropolitan) — I wish to make some remarks on the Operation Ord report tabled last month by the Independent Broad-based Anti-corruption Commission. As a former employee of the department of education for 15 years and a passionate advocate of public education, I was absolutely appalled by what I read. I was absolutely appalled by what I read in terms of the level of serious

and systemic corruption within the Department of Education and Training that IBAC highlights in this report, the detrimental effects to the public sector and, more broadly, in the action that will now need to be taken by public bodies to prevent it.

I was astonished at the depth and extent of complicity in corruption, the grooming of principals and business managers by senior departmental officials to facilitate the payment, without due regard or due diligence of expenditures from banker schools for things such as the personal expenses of senior departmental officers, such as office furniture; computer equipment at private functions; bulk wine purchasing for functions, gifts or personal consumption; lunches and other functions; conferences at expensive resorts; and overseas and domestic travel. A lot of the time these payments appear to have been entirely unrelated to the department's activities and obviously are excessive and unjustified. Other departmental officials were too afraid to raise these matters as a result of concern that they were not going to be heard and that there would be adverse consequences for them.

I am very pleased to hear that the various departmental secretaries will consider the recommendations in the report and make sure that all of the recommendations — and there are six very serious recommendations being put forward by IBAC — will be followed through and that there is a reporting framework for their implementation. I understand there are other allegations that have been made to IBAC about corrupt and improper conduct in the education sector, and I welcome this as an opportunity to clean out a practice that has obviously been cultivated and growing over a period of time.

There are a number of serious things that emerged, but two that I would like to call on the Minister for Education to follow through. First and foremost, having served on school councils, school council members — and this is not to malign or to reflect on all school council members but on some, and I have seen it all too often — often place a lot of trust, excessive trust perhaps, in the school leadership, the business managers and school principals. What IBAC also reports on is how often these fake and inflated invoices were countersigned by members of school councils without having gone through the usual process of due diligence.

Clearly the governance of schools needs to improve and the process of electing school councils needs to be dramatically reconsidered. There needs to be greater emphasis on a mix of skills and, in my view, any cosy arrangements that occur where a principal may tap a friendly parent on the shoulder to suggest they nominate, or discourage somebody else from nominating, needs to end. All parents should have the opportunity of nominating and voting — a bit like a postal election — at an annual general meeting of the school council. They should have the opportunity of presenting their platform and being elected with full knowledge of the skills they bring to the table.

The second matter — and this is a matter of urgency — that I wish to raise with the minister is that a number of people who have been named in this report have been involved in other so-called independent reviews undertaken by the department. I call on the minister to instigate a review of those inquiries that have been undertaken by corrupt officials to ensure that those inquiries are not corrupted, that they stack up and that they afford justice to the people involved to ensure that, as I said, the cosy relationships that have existed between key players in the higher echelons of the department have not resulted in a greater number of victims than those exposed in the IBAC report that was tabled. I also commend IBAC on the quality of the report.

Auditor-General: *Administration of Parole*

Mr EIDEH (Western Metropolitan) — I rise to speak on the Auditor-General's report on *Administration of Parole*, which was tabled in the house in February this year. I thank those who contributed to this report, in particular Dallas Mischkulnig, Kristopher Waring, Matthew Irons, Vicky Delgos and Andrew Evans. This is a very important report as it highlights the advances that the parole system in Victoria has made since its review in 2013 under Justice Ian Callinan.

In recent years parole has been a controversial issue in Victoria, with a number of high-profile crimes committed by parolees, arguably none more so than that involving the tragic death of Jill Meagher. Her life was tragically ended by Adrian Ernest Bayley, who was on parole. Fundamentally the purpose of Victoria's parole system is to increase community safety through providing support and supervision to assist prisoners to reintegrate into the community. Whilst this is the overarching goal of the program, unfortunately there will always be the risk that some parolees will commit further offences while in the community. However, this risk is managed through ongoing monitoring and supervision by responsible authorities.

The parole system is also a tactful and useful tool to engage prisoners and act as an incentive for good behaviour in prison and encourages participation in

prison programs. The three agencies involved in Victoria's parole system play integral parts in ensuring parolees adhere to their conditions. They are the Adult Parole Board of Victoria, the Department of Justice and Regulation and Victoria Police.

Following the 2013 review, Justice Ian Callinan found that the adult parole board required urgent reform and that there was insufficient information sharing between agencies. He also found that the case loads of the community corrections officers were too high. As a result of these findings, there was an $84 million investment over four years to address these shortcomings.

Following this, the audit found that the investment has resulted in a better informed and resourced adult parole board, better trained and supported parole officers and better information sharing between the adult parole board and Victoria Police regarding parolee behaviour. In addition to this, parolee risk to the community is now enshrined in legislation as the key consideration in the adult parole board decision-making.

The conclusions drawn from this audit indicate that whilst it is very early to assess the impacts of the parole system reform program, there is an overall stronger focus on reducing the risk that parolees will commit further serious offences while on parole. However, some challenges still remain, in particular with ongoing implications for long-term community safety and the management of offenders. For example, fewer prisoners are being released on parole, and those who are not released on parole are not subject to parole officer supervision upon release and cannot be ordered to undertake the community-based programs offered by the Department of Justice and Regulation and other service providers.

The report has made a number of recommendations to the Department of Justice and Regulation. I hope that these recommendations are taken on board and implemented. I commend this report to the house.

Electoral Matters Committee: conduct of 2014 Victorian state election

Ms CROZIER (Southern Metropolitan) — I am pleased to rise and speak to the May 2016 report of the Electoral Matters Committee inquiry into the conduct of the 2014 Victorian state election. In the last sitting week, when I was giving notice that I was intending to make a statement on the report of this inquiry, the Minister for Families and Children interjected, stating that I harassed paramedics. I just want to go to that point because I was on the Bentleigh pre-poll for the last week of the lead-up to the 2014 election. That poll, as Mr Dalidakis, who is in the chamber, will attest, was a very busy, significant pre-poll, I think it is fair to say, because the then opposition Labor Party identified it as a seat that it wanted to win, and indeed it did. But there was a lot of union activity on that pre-poll from firefighters, paramedics, teachers, nurses and a lot of people from Trades Hall.

On the ground they made no effort to hide the fact that the material the unionists were handing out came directly out of Trades Hall. There were plastic buckets there with notices on them to say, 'Ring such and such at Trades Hall if you need more material'. So it was a very fraught, tense pre-poll, and I dispute the minister's claims. I know there was one particular paramedic who was fairly vocal and obviously knew my history of once being a union member whilst I was at the Alfred. At that point in time, following an intimidatory process undertaken by the union, I decided not to become a member and continued to work. Members in this house know the history of my doing so. Nevertheless, this paramedic and a number of other paramedics and a number of other unionists knew a lot of details about me, in particular the firefighters knew a lot of details about my family and my family members.

As members know, I am no shrinking violet and I was keen to get every vote for the then very good member for Bentleigh, Elizabeth Miller, that I could and to retain good government in this state. So I was willing to speak to a lot of voters along the line, and I was willing to try to defuse a lot of tense situations but also to combat and refute what the union members were saying, which was quite outrageous. What we saw were fire trucks which came very close to the polling booth with signage all over them, and of course we know what happened around the state with paramedics. This report goes to a lot of what I experienced firsthand at the Bentleigh pre-poll and at the Prahran pre-poll too in Chapel Street in the previous week.

There were a number of submissions made to this excellent committee and inquiry, and they are in this report. There are instances outside of Bentleigh where they talk about Country Fire Authority volunteers being impersonated by union firefighter members, and there is a very good recommendation by the committee that looks at the issue that I alluded to before about using public property such as fire trucks. The report states at page 145:

> It is implausible to claim that there was only one decommissioned fire truck used in the 2014 Victorian state election campaign, given the number of fire trucks seen all over the state.

The committee went on to recommend that:

> … the public sector code of conduct be amended to prohibit public sector workers using government property, such as ambulances, fire trucks and uniforms for political purposes and in election campaigns and that penalties be developed for a breach of this type.

I think that is the most significant recommendation out of this inquiry, because the messages on that public property such as ambulances was absolutely misleading and disingenuous. I thought it was an absolute disgrace. I said it at the pre-poll and I will say it again: defacing public property by using those ambulances as mobile billboards was inappropriate, and the union should be absolutely condemned for that behaviour. The union activity throughout the entire 2014 election campaign was quite shameful.

Department of Treasury and Finance: budget papers 2016–17

Mr MORRIS (Western Victoria) — I rise to make comment on the Victorian budget 2016–17. I want to make a particular reference to schools funding — that is, either in or not in the Victorian budget 2016–17. I do so on the basis that we have heard much from the Premier and from the Minister for Education about education in our state. We have heard it said that the Premier prior to coming to that office stated that he wanted Victoria to become the education state. While I say to the Premier that talk is cheap and action is required to fulfil this type of slogan, we have also heard the Minister for Education, Mr Merlino, say that you cannot receive a first-rate education in a second-rate classroom. Yet as I travel across the breadth of my electorate of Western Victoria Region, I am seeing plenty of second-rate classrooms that this government is doing nothing about.

I will begin in Ballarat with the government secondary colleges. They are great schools, great institutions, with fabulous teachers and great students who are trying very hard to do their very best without the support of this government. I will start with Mount Clear College. The college received just $2.1 million in funding in the Victorian state budget, in contrast to the $30 million which was committed by the Liberal Party prior to the 2014 election. I know Ms Lynita Taylor, the principal of the college, is working very hard and lobbying very hard for the very real need of her school community, as is Ms Jenny Bromley, the assistant principal. We have dedicated staff and dedicated students. We have a school community that is very strongly connected; however, the physical assets at Mount Clear College are quite clearly in need of upgrade.

I now go to Ballarat High School. I was fortunate to visit the school on Monday with Mr Gary Palmer, the principal, again a dedicated education professional who is working very hard for Ballarat High School, which is a great Ballarat institution. I was very pleased to be able to be there to support the commitment of $7.8 million which was made by the former coalition government to ensure that the facilities at the school are keeping up with the growing needs of that community. We certainly understand that Ballarat is growing, and Ballarat High School is servicing many of those growing suburbs in and around Lucas and Alfredton.

Alfredton is one of the fastest growing suburbs in Victoria, which is a shame because it means that Alfredton Primary School, as the primary school in the area that services that community, is absolutely packed to the rafters — absolutely jam-packed. Ms Laurel Donaldson, the principal of Alfredton Primary School, has been quoted in the media as saying that her school is bursting at the seams and that something needs to be done. She expressed disappointment that the government did not see fit to make a budget commitment to a new primary school in the suburb of Lucas, which is desperately needed.

The coalition also made a commitment to build a primary school in Lucas at the 2014 election. Indeed the Catholic Education Office has even committed to building a primary school in Lucas. So the Catholic Education Office and the former Liberal government understood the need of the growing community of Lucas for a primary school, yet this Labor government has turned a blind eye to that need.

We heard much rhetoric from the then Leader of the Opposition, Daniel Andrews, prior to the 2014 election about the importance of education in Victoria. I can certainly say that western Victoria is being left behind and Ballarat is being left behind. The Premier said he wanted Victoria to become the education state. All I can say is that talk is cheap — —

Mrs Peulich interjected.

Mr MORRIS — Talk is cheap, Mrs Peulich. Talk is very, very cheap, and it is action that is required to back up this rhetoric. Action is what is sorely lacking in the Victorian budget. We can only hope that Labor sees the error of its ways and sees fit to fix these glaring omissions in upcoming budgets.

ADJOURNMENT

Mr DALIDAKIS (Minister for Small Business, Innovation and Trade) — I move:

That the house do now adjourn.

Dairy industry

Ms LOVELL (Northern Victoria) — My adjournment matter is for the Minister for Agriculture, and it is regarding the crisis engulfing the dairy industry, especially the farming regions in my electorate of Northern Victoria Region, following the Fonterra and Murray Goulburn decisions to retrospectively cut farmgate milk prices. My request of the minister is that as a matter of utmost urgency and importance she work with other relevant ministers and departments and across all tiers of government to create a broader package of support measures for the dairy farming community to see our dairy farmers and communities through this crisis period and to rebuild the industry going forward.

The crisis that has exploded in the dairy industry is of extreme concern to dairy farmers, farming communities, regional Victoria and the state and country as a whole. Simply put, it has the capacity to wipe out many small dairy farms, destroying the livelihoods of some farmers and decimating small rural farming communities, and the flow-on effects will likely have long-term ramifications for the Victorian and Australian dairy industry and economy.

Last week the government announced a support package that was predominantly about mental health and wellbeing supports, and this week it announced a further package of on-farm supports jointly funded by the dairy industry. I wholeheartedly welcome this funding, but we need to see more done — and quickly. The week before last I wrote to the minister with some suggestions for support. This was by no means an exhaustive list, but it included a range of necessary support measures, some of which have been addressed through the two recent announcements. However, there is still more the state government can do to support farming families, farm workers and small businesses that directly service the dairy industry, including an off-farm employment program for dairy farmers and farm workers to ensure the labour force is supported and retained; business support packages for small businesses whose core business is to directly supply or service the dairy industry; and municipal rate relief.

Mental health can be further supported through a dedicated call centre for dairy farmers, as suggested by former Premier and beyondblue chair, Jeff Kennett. And of course the children must not be forgotten, so support such as free kindergarten and allocations from State Schools Relief and the Camps, Sports and Excursions Fund to ensure children do not miss out on important educational experiences should also be provided.

I have already spoken to the minister asking her to visit dairy farmers in my electorate so she can personally speak to farmers and community members to hear directly from them what assistance they need to survive the crisis, and she has given me an assurance that she will visit on Wednesday next week. My request of the minister is that as a matter of utmost urgency and importance she work with other relevant ministers and departments and across all tiers of government to create a broader package of support measures for the dairy farming community to see our dairy farmers and communities through this crisis period and to rebuild the industry going forward.

Bayswater level crossings

Mr LEANE (Eastern Metropolitan) — My adjournment matter is directed to the Minister for Public Transport, Jacinta Allan, and it concerns the Bayswater level crossing removal project and a letter I received last week from a Knox councillor, Cr Adam Gill. It is quite a detailed letter, which actually starts with his disappointment with the previous government around the removal of these two level crossings at Mountain Highway and Scoresby Road in Bayswater. He said there was a lot of talk by the previous government but it did not deliver, and he expressed his amazement that it even planned to leave boom gates on Mountain Highway for maintenance vehicles after the grade separation. I agree with Cr Gill that that was an amazing approach that the previous government took.

Moving forward, Cr Gill is very pleased that the work for the two level crossings in Bayswater is going ahead, but he wants the government to consider making some improvements to the project that the council hopes for. Some of these really fall within the council's responsibility, but I never blame someone for trying. There is one issue that Cr Gill has asked the government to consider — that if there is some VicRoads or VicTrack land available as a result of the two grade separations, it talk to the council about using it for a library and community hub.

I know that Cr Gill, ever since I have known him over the last close to a decade and as a councillor, has been pushing for a library and a community hub in this part of Bayswater for a long, long time. So I ask the minister if she could consider this request and engage with the

council at the appropriate time to see if this can be facilitated for the council's needs.

VicRoads relocation

Mr MORRIS (Western Victoria) — My adjournment matter this evening is for the attention of the Treasurer and relates to the VicRoads relocation. Members in the chamber have probably heard from me on numerous occasions that the previous government made a commitment to relocate VicRoads from Kew to Ballarat.

Indeed that is something that was met with much applause from the Ballarat community. There was much support from the Ballarat community, and both the business community and the council were very supportive. I know the mayor of the time was very supportive of the relocation of VicRoads to Ballarat, and it is something that continues to be a topic of discussion throughout the community. Commerce Ballarat, the Committee for Ballarat and many, many businesspeople that I speak to, as well as just average citizens, say that they know the importance of government service relocations to regional cities, such as the State Revenue Office, which relocated a number of years ago out to Mount Helen, which has been a great success for the City of Ballarat.

So we know what needs to happen. We know that VicRoads needs to move to Ballarat. We also understand that the Treasurer has said he is going to go through a process of finding out information and seeking advice from bureaucrats and the like about the need for a possible relocation and seeing if the numbers stack up, but I think it is very clear to all and sundry that this is a relocation that does need to happen and it needs to happen sooner rather than later. The action I seek is that the Treasurer relocate VicRoads headquarters to Ballarat as soon as practically possible.

Ridesharing regulation

Mr MELHEM (Western Metropolitan) — My adjournment matter is directed to my colleague in the other place the Minister for Public Transport, the Honourable Jacinta Allan, and the action I seek is for the minister to update me on progress in relation to regulating UberX in order to comply with the same regulations as the taxi industry in Victoria. I understand that the minister is doing good work on putting together a response to UberX operating in Victoria and making sure that the government takes into account all of the stakeholders and takes on board their issues to make sure we come up with an appropriate response.

In relation to that issue I note that the courts have decided recently to uphold a challenge by one of the Uber drivers, which now creates more complications for the taxi industry and the people who are actually using Uber services, whether they are drivers or passengers. Concerns have been raised with me by a number of constituents, in particular operators in the taxi industry who now find themselves under enormous pressure financially, which is putting a lot of stress on them because they have to comply with various regulations and pay licence fees et cetera while Uber does not have to meet the same regulations.

In my view the approach should be that either Uber complies with the same regulations, licence fees and safety requirements et cetera which currently apply to the taxi industry or otherwise it is declared illegal. Uber cannot have it both ways, and in my understanding it is not even paying its taxes.

I am starting to hear cases of Uber drivers getting ripped off as far as what they get paid. I think they started with 10 per cent, and now they have to pay 25 per cent to Uber. Yet they have to supply all the equipment and basically the only thing Uber supplies is an app. That is unfair to these drivers who use the service and unfair to the taxi industry, so I hope that the minister is able to finalise an appropriate response to Uber.

From my point of view I would be calling for Uber to have to meet the same requirements as are currently imposed on the taxi industry. There should be a proper level playing field to provide equity to taxi owners and drivers and ensure that citizens of Victoria enjoy the same levels of safety and competition.

Level crossings

Mr DAVIS (Southern Metropolitan) — My matter tonight is for the attention of the Minister for Public Transport in the other place, and it concerns the government's level crossing removal program. Particularly concerning are the rumours and other information emanating from sources within the bureaucracy that further sky rails are planned, including at the Toorak Road level crossing, which is on the government's list, and the Grange Road, Alphington, level crossing.

The government did not go to the election with a commitment to build sky rails; it never put this matter to the people of Victoria. It never put this matter to the people of Northcote. It never put this matter to the people of Hawthorn or the people of Malvern in those cases. It has also begun its consultation process on the

Frankston line, and belatedly it has inserted a version of a sky rail process in its discussions, although it is not what I would describe as a full sky rail proposal in those areas.

I also note that the City of Kingston voted strongly to oppose sky rail outright at a recent council meeting, and that is a very clear signal to the government that sky rail is not wanted on the Frankston line. What I want the Minister for Public Transport to do — and she also is responsible for level crossing removals — is to make a very clear public statement about where the sky rails will be and where they will not be. We need her to be quite specific with the community, to bring the community into her confidence and to be honest for once about the future of these level crossing removals.

The minister needs to be very clear about whether there will be a sky rail at Grange Road, Alphington. She needs to be clear about whether there will be a sky rail at the Toorak Road intersection — I guess Kooyong is the best description of where it is there, near the freeway, and she needs to be very clear with the community in coming weeks as to whether there will be a sky rail on the Frankston line for the eight level crossings that are intended to be removed on that line. What I am seeking specifically is a clear public statement in coming weeks so that the community will know where the government is intending to build these monstrous, noisy, unwanted sky rails that were not voted for.

School bullying

Mr FINN (Western Metropolitan) — I wish to raise a matter this evening for the attention of the Minister for Education. I am sure the minister is very much aware that bullying is a major problem within our schools, and I think it is safe to say that it has been a major problem in our schools for a very long time. It causes untold distress to children and to young people as they are growing up. Indeed it can lead to young people harming themselves, and that is something that we have to try to avoid, obviously, at all costs.

Something the minister might not be aware of is that children and young people are bullied for a number of reasons. It is not all for one reason. People who wear glasses are bullied, people who cannot play football are bullied, people who are too short are bullied and, indeed, if you ask the Premier, people who are too heavy are bullied. This is something that needs to be addressed. The last thing we need to have is a situation where these bullies grow up and gain positions of power themselves and express their bullying attitudes in those new positions. If you do not rectify the situation at school, you might have, for example — purely for example — the Premier of a state bullying those around them. This is something that really needs to be attended to, I believe, as a matter of urgency.

The state's current alleged antibullying program does not have the confidence of the people of Victoria, and it does not have the confidence of the parents of Victoria. What I am asking the minister to do is to develop an antibullying program that will cover all possibilities, not just one. As I said, people are bullied for a whole range of reasons. I think this is something that is long overdue. It is something that has probably been overdue for as long as I can remember — for 40 or 50 years perhaps. I ask the minister to take that on board, to direct his department to come up with an antibullying program with credibility, an antibullying program that caters for all children and young people who are being bullied for myriad reasons.

Elevated rail proposal

Mrs PEULICH (South Eastern Metropolitan) — The matter I wish to raise is also for the Minister for Public Transport, who is responsible for the level crossing removal program. Obviously there is very strong opposition to corridors of elevated rail, commonly known as sky rail, and there are a range of organised groups that are dedicated and devoted to this matter. Some of them have been strong Labor voters in the past and some of them have been Greens voters in the past, but they are all coming out of the woodwork and offering their assistance.

Regrettably some need more assistance than they have received, and in particular I would like to ask the minister if she would agree to meet with and visit the home of Mr Chris Papapavlou of Noble Park, along with representatives of the Level Crossing Removal Authority, including a case manager, and me, to discuss his very many concerns and his distress. The proposal of running the sky rail within metres of his home is having an impact on him now in terms of the distress he is experiencing. He has concerns for his elderly mother, who is currently away but will be returning shortly, and about how it is going to impact on her. He is also concerned about the safety of his mother's eight grandchildren, who visit her and play in the backyard.

Mr Papapavlou has sent me lots of messages expressing significant distress, including one where he said:

> Does Mr Andrews have any idea how many families he is displacing?

And another where he said:

> Daniel Andrews has no right to play with my family's life.

There are many more messages that are much more distressing than that, but basically around the Corrigan Road level crossing removal site there are two properties that are just 10 metres from the rail line. Because the sky rail construction could not occur above the existing line due to occupational health and safety risks related to live electrical wires, it would basically be on the back fence of those two properties; it could be located as close as 20 metres south of the strip between Lightwood Road and the existing track. There is the concern that should a section collapse — if this lunatic program is to proceed — and a train is derailed, the train would fall to the south rather than to the north, landing in Mr Papapavlou's backyard. There is very significant distress for the family, and I am asking Ms Allan, the minister responsible for the Level Crossing Removal Authority, to agree to a meeting at the earliest possible opportunity so that Mr Papapavlou can raise his concerns in person, look at whether the plans can be amended in any way and also hear of any additional support that can be given to him given his level of distress.

Responses

Mr DALIDAKIS (Minister for Small Business, Innovation and Trade) — We had an adjournment matter this evening from Ms Lovell for the Minister for Agriculture, regarding the dairy crisis, asking that the minister continue to work with other stakeholders and tiers of government in relation to the assistance package, which Ms Lovell acknowledged that Ms Pulford has already announced.

Mr Leane raised a matter with the Minister for Public Transport in relation to the Bayswater level crossing.

Mr Morris raised a matter with the Treasurer regarding VicRoads relocation to Ballarat as soon as possible.

Mr Melhem raised a matter with the Minister for Public Transport asking that Uber comply with existing legislation for the taxi industry.

Mr Davis raised a matter with the Minister for Public Transport asking that she make a clear public statement about where sky rail will be.

Mr Finn raised a matter with the Minister for Education in relation to a bullying program that he apparently accepts as being okay.

Mrs Peulich raised a matter with the Minister for Public Transport about arranging a meeting about sky rail for one of her constituents in Noble Park.

I also have written responses to adjournment debate matters raised by Ms Fitzherbert on 22 March of this year, Ms Bath on 12 April, Ms Hartland on 12 April, Mr Morris on 12 April, Ms Fitzherbert on 3 May, Mrs Peulich on 3 May, Mr Leane on 4 May and Ms Lovell on 5 May.

The PRESIDENT — Order! The house now stands adjourned until tomorrow.

House adjourned 6.08 p.m.