PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE ASSEMBLY

FIFTY-FOURTH PARLIAMENT

FIRST SESSION

17 October 2001

(extract from Book 6)

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By authority of the Victorian Government Printer

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JOHN LANDY, AC, MBE

The Lieutenant-Governor

Lady SOUTHEY, AM

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FIFTY-FOURTH PARLIAMENT — FIRST SESSION

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Deputy Leader of the Parliamentary Labor Party and Deputy Premier:
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Mr P. J. RYAN

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Jasper, Mr Kenneth Stephen	Murray Valley	NP	Thompson, Mr Murray Hamilton	Sandringham	LP
Kennett, Mr Jeffrey Gibb [1]	Burwood	LP	Thwaites, Mr Johnstone William	Albert Park	ALP
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Kosky, Ms Lynne Janice	Altona	ALP	Viney, Mr Matthew Shaw	Frankston East	ALP
Kotsiras, Mr Nicholas	Bulleen	LP	Vogels, Mr John Adrian	Warrnambool	LP
Langdon, Mr Craig Anthony Cuffe	Ivanhoe	ALP	Wells, Mr Kimberley Arthur	Wantirna	LP
Languiller, Mr Telmo	Sunshine	ALP	Wilson, Mr Ronald Charles	Bennettswood	LP
Leigh, Mr Geoffrey Graeme	Mordialloc	LP	Wynne, Mr Richard William	Richmond	ALP

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

CONTENTS

WEDNESDAY, 17 OCTOBER 2001

Wednesday, 17 October 2001

The SPEAKER (Hon. Alex Andrianopoulos) took the chair at 9.35 a.m. and read the prayer.

PETITION

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

Libraries: funding

To the Honourable the Speaker and members of the Legislative Assembly in Parliament assembled:

The humble petition of the undersigned citizens of the state of Victoria respectfully requests:

that the Victorian government immediately invest substantially more in public library services for the benefit of all Victorians;

that the Victorian government increase funding to public libraries for the purchase of books;

that the Victorian government increase funding for the purchase and maintenance of mobile library services to ensure the removal of the barrier to access by Victorians in rural and remote areas.

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

By Ms BURKE (Prahran) (517 signatures)

Laid on table.

Ordered that petition be considered next day on motion of Ms BURKE (Prahran).

PAPERS

Laid on table by Clerk:

Subordinate Legislation Act 1994 — Minister's exception certificates in relation to Statutory Rule Nos 99, 100, 101, 102, 103

Tricontinental Holdings Limited — Report for the year 2000.

MEMBERS STATEMENTS

Duffields Road–Great Ocean Road, Torquay: traffic control

Mr PATERSON (South Barwon) — The Bracks government is forcing mums and dads driving their children to the new Torquay Primary School to play Russian roulette with the traffic on the Great Ocean Road at Jan Juc.

This hopeless Labor government has been caught out with the opening of the new school by failing to upgrade the Duffields Road intersection in time for the school's first day. The Premier and his lazy transport minister have left the people of Jan Juc to fend for themselves. It is about time they left the comfort of their offices and saw for themselves the dangers confronting worried motorists as they tackle the traffic. All the transport minister can say is that he is waiting for a departmental strategy to be completed for the entire 250 kilometre length of the Great Ocean Road. The proposed upgrade of the nearby Hoylake Avenue has not even been completed, and it completely ignores the chaos elsewhere through Jan Juc.

The Liberal government funded a study designed to propose improvements to this stretch of road, but Labor, in typical fashion, simply put it on the backburner. Jan Juc residents need some action, not more waffle from this useless Labor government.

New Oak Ford

Ms BARKER (Oakleigh) — I congratulate New Oak Ford for being the first car dealership business in Australia to gain independent certification under ISO 14001 of an environmental management system, an internationally agreed set of management standards that reduces companies' environmental risk.

Not only has New Oak Ford taken the lead in Australia by gaining its EMS, it has taken the lead world wide in obtaining accreditation through a revolutionary Web-based software system, Oxegen, developed and recently released in Australia by International Environmental Systems, a Melbourne-based technology company.

New Oak Ford deserves the highest praise. It has taken the lead in the implementation of an EMS by a car dealership, and it has shown innovative thinking in its approach to the new Oxegen Web-based ISO system. Within five weeks of its preliminary certification it achieved full certification status, which is a record-setting time.

I commend John Byrne, the dealer principal at New Oak Ford; David Guilieri, who leads the management team; and members of the management team on their significant commitment to environmental management and on their leadership on this very important quality and environmental management system. The certification is an Australian and world first, and I congratulate New Oak Ford on its leadership, innovation, new technology, quality assurance and environmental management.

North East Regional Sports Assembly

Mr JASPER (Murray Valley) — I express concern about the collapse of the North East Regional Sports Assembly and the debts owed to a number of businesses in north-eastern Victoria. Earlier this year the management of the sports assembly was aware of the financial crisis yet continued arranging functions and incurring debts. One such debt was for a function conducted at Wangaratta's Gateway motel and convention centre, which cost almost $1500.

I remind the house that sports assemblies are funded by the Victorian government, and the government has an obligation to stand behind them and honour its commitments. The responses to my representations to the Minister for Sport and Recreation have been less than satisfactory. His letter to me, which confirms the debt, states in part:

> As you would appreciate, the management of that incorporated association is subject to its own rules. In particular, it must exercise its independent powers to resolve its business commitments …
>
> I have been advised that to date, there is no record of a special resolution in relation to the winding up of the NERSA.

Why should the Gateway motel at Wangaratta and other creditors be faced with debts and this financial crisis? I call on the government to urgently review the debt situation of the North East Regional Sports Assembly, to restructure its management, and importantly to pay the genuine accounts for services that have been rendered to the sports assembly.

Manningham: high country exhibition

Mr MILDENHALL (Footscray) — On 3 October I had the rare pleasure of assisting the City of Manningham in opening a high country culture exhibition at the shire's municipal offices on behalf of the Minister for the Arts.

The exhibition consisted of arts and cultural works from the Shire of Towong, which is around Tallangatta in the high country. The art works were brought from that wonderful area — I spent a few days holidaying there over summer; it is a beautiful part of Victoria — and put on display for some weeks in the City of Manningham. The range of works and the gallery, which is close to the entrance to the shire offices, were impressive. I am sure the exhibition will inspire many residents and enhance what appears to be a growing and very constructive sister-city relationship between the City of Manningham and the Shire of Towong.

I particularly congratulate Cr Julie Eisenbise, mayor of the City of Manningham, and Cr Mary Fraser, president of the Shire of Towong. I am sure the exhibition will enhance our appreciation of the culture of that area.

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

Bellarine Peninsula: church youth services

Mr SPRY (Bellarine) — I wish to acknowledge the work of the combined churches of Ocean Grove in an initiative which is tackling youth issues on the Bellarine Peninsula. On Saturday night my wife and I attended a dinner at the Clifton Springs Golf Club to celebrate the churches' achievement and to draw attention to the challenges they face.

Ocean Grove and Drysdale are two of the fastest growing districts in the region. The adjoining Clifton Springs and Collendina developments of the 1950s and 1960s were designed along American country club lines for a retired demographic. They failed to attract much enthusiasm from that age group, but the cheap land was snapped up by growing young families in the 1980s with the advent of the original first home owner scheme introduced by the federal Liberal government. However, the result was that the facilities for children and teenagers were non-existent. That situation remains substantially unchanged and must be addressed by state and local government as a matter of urgency.

In the vacuum the combined churches are doing valiant work against the odds in addressing youth needs, abuse of alcohol and drugs, and 'sleeping around', as one youth worker put it on Saturday night. These volunteer organisers and paid youth workers calling themselves Out There are achieving wonderful results. The dedication and commitment of people such as Robyn Casey and volunteers Rene Rutherford, Russell Abram, Richard Gregorio, Mark Johnstone and many others deserve acknowledgment at the highest level. It is my privilege to pay these people this brief tribute in the house this morning.

Greater Geelong: service centres

Mr LONEY (Geelong North) — I raise today the proposal by the Liberal Party mayor of the City of Greater Geelong, Cr Kontelj, to close all the customer service centres across the Geelong region, including the Corio customer service centre. The closure of the Corio customer service centre will be just another example of the community infrastructure asset stripping that is going on under this Liberal-dominated council in Geelong. The councillors have been at it in our northern

suburbs since they were elected, and I could give example after example. It is about time they stopped their attack on Geelong's northern suburbs and guaranteed what the Kennett government said it would do at the time of amalgamation — that is, continue local contact. It is about time they set up the local advisory committees as well.

The council intends to take this customer service centre out of an area where many people rely on what can best be described as an inconvenient public transport system. Why? I suggest the reason is to fit in with another grand plan of the mayor — that is, to build a monolithic Taj Mahal costing millions of dollars of ratepayers' money in the centre of Geelong.

Roads: Mornington Peninsula

Ms McCALL (Frankston) — Welcome to Victoria — the place to be involved in a car accident, particularly if you live on the Mornington Peninsula. For the past two years the contribution of the Minister for Transport and Vicroads to the rejigging of transport infrastructure on the Mornington Peninsula has been zilch — or, if not zilch, pretty pathetic.

We have no traffic lights at the two intersections, at Robinsons Road and McClelland Drive; we have had no traffic lights at Mile Bridge; we are recording double the number of road accidents and road deaths ever recorded on the Mornington Peninsula; and we are losing young people — in particular, young male single drivers — who are driving into trees on bad corners with bad road conditions.

This minister has to wake up to the fact that it is no good to just have another review. He has to make a decision, and he has to spend some money. He has to do something, otherwise an entire generation of young people will be killed on the Mornington Peninsula roads. It is about time this Minister for Transport signed a couple of cheques to allow the people of the Mornington Peninsula to drive on their roads safely, confident that they have a minister who no longer wants any more deaths or serious accidents on his conscience.

East Ivanhoe Bowling Club

Mr LANGDON (Ivanhoe) — Last Friday, 12 October, I had the pleasure of attending the East Ivanhoe Bowling Club's golden jubilee. In attendance were Arnold O'Brien, president of the Royal Victorian Bowls Association; Ms Pat Hyde, representing the president of the Victorian Ladies Bowls Association; Jenny Macklin, federal member for Jagajaga, who spoke at the event; the Honourable Carlo Furletti, a member for Templestowe Province in the other place; and Cr Jenny Mulholland of the City of Banyule, who officially turned on the lights.

The first meeting of the club was held on 12 October 1951. It was convened by F. Dickinson, D. Mawson and R. McMullin, and it was attended by 12 other persons. One of those 12 members, Mr Reg Veitch, was present at the dinner and gave us a run-down of the history of his 50 years of continuous membership. Dave Geddes and Bob Bishop, who are also founding members, were also present. Many life members of the club were present at the function as well.

A fully leather-bound club history compiled by Les Allen and Peter Jones containing 120 pages and 80 coloured photographs was presented at the dinner. A generous benefactor paid for the whole production. It was a fantastic night and a tribute to the club for its 50 years of history and 50 years of volunteerism. In the International Year of Volunteers it is a fine example of what people can do when working together for the benefit of the elderly and the young and for sport.

Business: VECCI survey

Mr WILSON (Bennettswood) — I bring to the attention of the house the findings of the most recent September quarterly survey by the Victorian Employers Chamber of Commerce and Industry (VECCI) entitled 'Survey of business trends and prospects'. The most disturbing fact to bring to the attention of honourable members is that 48 per cent of respondents believe the performance of the Victorian economy over the next 12 months will be weaker. In the survey 39 per cent of respondents said that the economic outlook would be about the same. Only 13 per cent said that the Victorian economy would be stronger, which is down from 31 per cent holding that viewpoint in the previous survey.

No-one — I repeat, no-one — said that the Victorian economy would be much stronger. The only industry where a significant number of respondents believe the Victorian economy will be stronger is the building and construction sector. Why is this so? Let me quote from page 16 of the report:

> … the effects of the homebuyers grant and lower interest rates continue to underpin increased affordability in this important sector of the economy.

Who do we have to thank for the home buyers grant and lower interest rates? The answer is the Howard government. It has nothing to do with the Bracks government.

In contrast to the building and construction industry, many other sectors of the business community anticipate a weakening Victorian economy. I refer in particular to transport and storage, 67 per cent; finance, property and business services, 64 per cent; agriculture, forestry and fishing, 63 per cent, and recreation and personal services, 53 per cent.

If ever the Bracks government had a wake-up call it is contained in VECCI's September quarterly performance and outlook report.

Volunteers: certificates

Mr TREZISE (Geelong) — I take this opportunity to congratulate the Premier and the Minister for Community Services for their initiative on producing volunteer certificates, which recognise the work of individual volunteers across Victoria in the International Year of Volunteers.

I recently hosted 16 morning and afternoon teas recognising in a small way the work of hundreds of volunteers and dozens of community organisations throughout my electorate. The idea for the morning and afternoon teas was born out of the initiative of the government certificates. The functions were well attended, and recipients of the certificates were appreciative of the recognition. Although it must be said that volunteers by their nature do not seek recognition because they are about other people and not themselves, as I said, the small token of recognition was appreciated by all.

Organisations and volunteers who attended the morning and afternoon teas were diverse. They covered various community sectors and included hospice, Red Cross, St Vincent's, mental health fellowship, Adcare, Athletics Geelong, University of the Third Age, Christ Church food services, Geelong maritime museum, Geelong Environment Council, Geelong volunteer resource centre, Special Olympics, and MacKillop Family Services.

Once again I congratulate all volunteers in my electorate for the wonderful work they carry out. I commend the Premier and the Minister for Community Services on their initiative of issuing the volunteer certificates.

MATTER OF PUBLIC IMPORTANCE

Aged care: funding

The SPEAKER — Order! I have accepted the following matter of public importance submitted by the Minister for Aged Care for debate today:

> That this house notes that Victoria receives less commonwealth aged care funding for its population aged 70 and over compared to any other state and condemns the ongoing failure of the federal government to properly resource Victoria's aged care sector.

Mr McArthur — I raise a point of order, Mr Speaker, in relation to the appropriateness of this matter of public importance (MPI). In doing so I ask you to consider whether the house should consider this matter today. I point out that this decision will guide the house for the life of the sessional orders, which probably means for the life of this Parliament and possibly extends to future parliaments, because this issue has never been tested before.

It is a serious matter. I do not seek to trivialise the matter of public importance, but what I seek is clear guidance about the rules that should apply in the house about matters of public importance so that all members are aware how they should proceed.

In raising this point of order I suggest to you, Mr Speaker, that the matter is very much the same as the matter of public importance raised by the honourable member for Frankston East on 30 May this year. I will go into the issue of similarity later to demonstrate that it is substantially the same.

In making a decision on this point of order, given that this will set a precedent, I suggest to you, Mr Speaker, that there are two possible sources of advice.

The first of those of course is the bible of the Parliament, *May's Parliamentary Practice*. If you care to consult the 22nd edition of *May* in relation to the same-question rule, you will see that on page 334 *May* advises that a question which has not been definitely decided may be raised again. Thus a motion or an amendment which has been withdrawn or on which the Chair has declared the question not decided may be brought before the house again. This applies to the House of Commons, of course; in that case fewer than 40 members had taken part in the division, and therefore there was not a quorum.

It is clear from *May* that the issue for consideration of the Chair must be whether or not the matter has been decided before. Further on, on page 368, *May* goes to the issue of recision motions and the advisability of a

Parliament being able to change a decision which had been made at some time in the past. The Commons has to deal with several hundred years of previous decisions and therefore must from time to time come up against a decision which was made at some time in the past and which is no longer appropriate to current circumstances.

It seems that *May* is very clear that the issue must be definite and must have been decided by resolution of the house, the question being put and decided on the voices or by a division. That clearly does not apply to a matter of public importance, because that is not voted on by the house. It is simply considered by the house; the question is never put. Nevertheless, I suggest to you, Sir, that *May* provides some advice and guidance on how matters which are in essence the same as matters which have been discussed before should be considered and dealt with.

The other source of guidance, Sir, is the guidelines you yourself issued to this house earlier in this session after the introduction of debates on matters of public importance. They were introduced, as all honourable members will remember, when new sessional orders were adopted shortly after the 54th Parliament commenced in October 1999. The guidelines listed on page 96 of the *Rulings from the Chair — 1920–2000* list a number of issues that the Chair must consider in making a decision about whether or not a matter of public importance is admissible. I refer you to paragraph (f), which says:

> in considering a matter which is the same in substance as any question which has been resolved during the same session the Chair will consider whether new, different or extenuating circumstances exist and therefore whether it is still a matter of public importance.

I put it to you, Sir, that this matter of public importance is in fact the 'same in substance' as the matter of public importance that was dealt with by the house on 30 May. Not only do I suggest to you that it is the same in substance as that matter, but I also put it to you that given that the Minister for Aged Care took part in that debate she must have been aware of the issues discussed in that debate. She could not possibly have been ignorant either of the matter that was dealt with or the issues that were canvassed in that debate.

In relation to the Chair deciding whether this matter is the same in substance there are a number of tests, and the Chair must consider the detail and the various ingredients of the matter before the house. In deciding whether paragraph (f) applies — that is, the second test of whether there are new, different or extenuating circumstances — the Chair has to consider what other things have arisen in relation to that matter which may have changed since the first discussion of the issue.

Let us look at the current proposal for an MPI. It deals with aged care funding; it deals with federal funding for Victoria's aged care services; and it criticises the federal government for that level of funding.

The previous MPI in the name of the honourable member for Frankston East dealt with aged care funding; it criticised the level of federal funding for Victoria's aged care beds; it noted the impact on Victoria's aged care facilities; and it noted the impact on Victoria's public health system. That MPI covered every issue which is canvassed by the MPI in the name of the Minister for Aged Care, and the earlier MPI went even further because it covered the impact on the health care system.

I put it to you, Mr Speaker, that there is no question that the matter raised by the Minister for Aged Care is substantially the same as that which was before the house on 30 May. It covers no new ground, it brings in no new issues, it covers no new circumstances. If that is established then the Chair has to decide whether new, different or extenuating circumstances exist.

I put it to you, Sir, that in deciding that the test should apply only to the proposed matter, the new or extenuating circumstances should not be those issues that are extraneous to aged care and aged care funding and the impact that that might have on Victoria's aged care clients, and that it is not enough for the Minister for Aged Care or the government to argue there are some new issues that are outside the realm of aged care which have arisen and that therefore this matter should be dealt with.

I suggest that nothing has changed. First up, this matter deals with the aged care funding Victoria receives from the federal government. The formula for that has not changed since 30 May; the quantum of that has not changed since 30 May, and the impact of that has not changed since 30 May. The eligibility criteria for entry into the aged care system have not changed, and neither has the population which might seek entry into that aged care system. We have substantially the same number of elderly people in Victoria now as we had on 30 May.

I put it to you, Sir, that there are no new circumstances around this issue that may provide some extenuation and relief to the Minister for Aged Care. I think on any measure of the test applied under your rulings that this matter of public importance should fail.

That being the case, the issue before the Chair highlights a deficiency in the current sessional orders because they do not provide for a circumstance where the Chair rules out a proposed matter of public importance. The Chair has the option of ruling it in or ruling it out, but the sessional orders do not say what should happen if the Chair rules it out. There is no alternative mechanism or alternative matter to go on to next in the business program. That is a substantial difference from what occurred under the standing orders, where an honourable member could move an adjournment motion under standing order 26 and if that adjournment motion failed then the house simply got on with the business program for the day. The current sessional orders do not provide an automatic option for that to happen.

There are by inference in the sessional orders two possible courses of action open to the house if this matter should fail. The government could under sessional order 9(8) move that the business of the day be called on. I am not absolutely certain whether that is allowable given that the matter has not yet started, and it is a moot point. Perhaps that option is available; perhaps it is not.

Under sessional order 14 a government member may move that general business be called on, but that would require a motion that the house decides on. Those avenues are possibly available to the house if this matter is ruled out of order.

Nevertheless, there is a clear deficiency in the sessional orders. Something needs to be done to provide guidance to the house and to the Chair about what should happen in the future if this issue should come up again and if a matter be ruled out of order.

This puts the Chair in a particularly difficult position, because the sessional orders provide for the Chair to consider a proposal for a matter of public importance in chambers and without any external advice as to whether or not it breaches the guidelines. All the Chair has to rely on in deciding whether a matter is in order are the requests of the honourable member proposing the matter and the Chair's own memory and experience. This, in effect, is an ex parte motion, and there is no possibility for the Chair under these procedures to hear argument from the other side or any other side who may say, 'This is not appropriate and here are the reasons why it's not appropriate'.

That being the case — you, Sir, have decided in chambers that this was allowable — it puts the Chair in a difficult position because we are in effect asking you to overturn your earlier decision. That may be difficult, but it should not be impossible and should not be something the Chair steps away from. For the Chair to say, 'I can never overrule an earlier decision of the Chair' imposes an enormous burden on all occupants of the chair, a burden that the popes themselves are seeking to step away from — that is, the burden of infallibility. In essence, it says that once the Chair has made a decision it can never be revisited.

That is an extraordinary burden to place on the Chair and an unduly hard one for the house to expect the Chair to accept. Nevertheless it is a serious issue and puts the house in a difficult position. The matter has been caused by the government, in that having adopted the sessional orders it proposed it has sought to move a matter of public importance which seems in clear breach of the guidelines the Chair has offered. Since it is the government's doing it is the government that will have to resolve the issue in the longer term. That is about a longer term result, but a decision must be made today about whether this is an admissible matter because for the Chair to not decide — to say, 'I will consider this in chambers and then advise the house later on' — would mean that the matter will proceed and will be decided by inference. That is not satisfactory for the future.

You are therefore, Sir, in the tough position of potentially overruling your own earlier decision. I suggest that in consideration of this matter and after hearing a response from the government, the opposition would be prepared to consider a by-leave process whereby the Minister for Aged Care altered or amended the matter she has proposed so that it does not breach the guidelines you have issued and does not breach the same-question rule. Then the Chair will not be in the invidious position you now find yourself in.

Ms Pike — On the point of order, Mr Speaker, the import of the matters that have been raised by the honourable member for Monbulk go to the question of the substance of this matter of public importance (MPI) debate. I would argue that the substance of this MPI differs substantially from the substance of the previous MPI raised in May. The matter raised in May concerned the impact of federal government funding on the residential aged care system, the funding of age care beds and its impact at that time on the Victorian public hospital system and Victoria's aged care facilities.

The substance of the MPI we bring to the house today runs the whole gamut of funding the commonwealth provides to the state, not only for residential aged care but also, and more significantly for today's debate, in the joint funding for the home and community care program. Rather than focusing on the existing impact

on our hospitals and our public health system it really goes to future directions that are proposed by the commonwealth for funding of our overall aged care sector. These matters are new and different, and there are extenuating circumstances. There is substantial new and additional material to be presented today in this debate on the matter of public importance that will underpin the overall concerns we have regarding funding from the commonwealth for aged care in Victoria.

We have recent advice from the federal aged care minister, which I will table today and which indicates the future directions of aged care funding in home and community care, and a new report that has given us a very comprehensive analysis of the overall funding system for aged care in Victoria. The funding system affects not only our public health system but citizens of Victoria who have not yet even encountered our public hospital system. We also have recent advice from the federal minister's department which substantiates other reports, and indeed goes further and gives us additional information.

I request that you rule the honourable member for Monbulk's point of order out of order because on all counts — on substance and on new, different and extenuating circumstances — this matter of public importance will contribute a lot of new and additional material and is an important debate for the Victorian public.

Mr Maughan — I support the point of order raised by the honourable member for Monbulk. I have listened with a great deal of interest to the arguments put forward by the minister in seeking to justify why the debate should proceed today, but I fail to be convinced by her arguments. What she said is probably true, but it is not reflected in the matter before the Chair.

The one issue I wish to discuss is whether the wording of the matter proposed today is substantially different from the wording of the matter put forward by the honourable member for Frankston East on 30 May or whether it is in effect the same. I submit to you, Sir, that it is essentially the same matter. The one debated on 30 May talked about aged care beds, the federal government and Victoria's aged care facilities. The matter proposed today puts forward aged care funding and mentions the failure of the federal government to properly resource Victoria's aged care sector. So a number of words and phrases are precisely the same as the those in the previous motion that has been already been debated in this house.

The questions are: what has changed; why is it important today; and what new factor is there that should raise this as a matter of public importance (MPI)? I refer to *Rulings from the Chair — 1920–2000*, page 96, chapter 20A, paragraph (f), which provides:

> in considering a matter which is the same in substance —

and I submit that the matter that has been put forward for debate today is exactly the same in substance as the previous matter —

> as any question which has been resolved during the same session —

and clearly the matter debated on 30 May has been evolved during the same session —

> will consider whether new, different or extenuating circumstances exist …

I submit that the government, and particularly the Minister for Aged Care, have not provided evidence that:

> … new, different or extenuating circumstances exist and therefore whether it still a matter of public importance.

I submit that it is still essentially the same matter, and the same arguments are being put as were run on 30 May. Nothing has changed substantially since that date, or there is no evidence before the Chair that that is the case. Therefore the matter put forward for debate today should be rejected by the Chair.

I notice that in her comments the Minister for Aged Care said that the substance differs, and she mentioned home and community care. If that is so, that should have been in the wording of the MPI. There is absolutely no mention of home and community care in it, nor is there any mention of substantial new material which the Minister for Aged Care referred to. If there is substantial new material and she does want to talk about home and community care, one would expect that that would have been in the text of the MPI.

I submit that this matter of public importance is precisely the same as the one submitted by the honourable member for Frankston East on 30 May and therefore should be rejected today.

Mr Batchelor — On the point of order, there is a certain sense of irony in the debate that is taking place today. I remember the days when standing order 26, special adjournment motions, triggered these sorts of debates. It was the intention of the government in bringing on these sessional orders to prevent these types of debates taking place. It is a wonderful irony that some things change but others remain the same. I ask

you to enjoy that sense of irony, Mr Speaker; I am sure others will also.

Mr Maclellan — And rule accordingly.

The SPEAKER — Order!

Mr Batchelor — The procedure that is now provided under sessional orders is substantially different in intent and outcome from standing order 26 on adjournment motions. It was designed to do away with all this mumbo jumbo, but apparently it is the desire of the opposition to drag this parliamentary device back into that sort of procedural debate. That is not appropriate.

A number of important issues need to be addressed. Honourable members have just heard a very eloquent dissertation from the honourable member for Monbulk — but really, eloquence never stands up to substance. Honourable members need to understand that this matter of public importance is very clearly different in intent and substance from the matter of public importance (MPI) that was debated by this house in May of this year. Today's MPI deals with Victoria's aged care sector and the ongoing failure of the federal government to properly meet the needs of that sector. There are a number of elements to aged care funding, of which home and community care is an important component.

In framing and structuring any motion it is not possible to put all the arguments that will be put during the debate. That is a ludicrous proposition. The opposition or any party is entitled to raise matters in Parliament, particularly in light of your earlier guidelines, Mr Speaker, as we are entitled to defend and counter those arguments in a debate such as this.

The Minister for Aged Care has already indicated that there are new, different and extenuating circumstances that she intends to put when responding to the debate on the matter of public importance. It will not be, as the MPI in May was, a debate purely and simply about beds in the Victorian public hospital system; it will be about the whole funding regime, and home and community care (HACC) will be an important part of the argument. There are also unambiguously new and different matters that the minister will refer to. There is the report entitled *Underfunding Aged Care* by Anna Howe, an esteemed academic. This is a new report that contains new and different information that the minister will be referring to in her contribution.

Additionally, the minister has access to and will be referring to letters received from the federal Minister for Aged Care that address the issue of extenuating circumstances. In those letters the federal minister has indicated the intention of the federal government to lower HACC funding over time.

I put it that the substance and intent of the MPI is very different from the matter of public importance debated in May. Mr Speaker, the government asks that you rule it in order and allow the debate to commence. If you were not to rule as the government suggests but in favour of what the honourable member for Monbulk suggested and against the MPI proposition, the government submits that under sessional orders, given that this matter of public importance has been called on, the debate would have been stymied and not be able to continue. The government argues that under sessional order 9(8) the house would move on to orders of the day, government business. The uncertainty of where the house would go from here does not exist; it is covered there and it is quite explicit. That is a fall-back position.

The substance of the two MPI matters is clearly different. Even if there were any doubt as to whether there was any similarity, there is no doubt as to whether there are new, different and extenuating circumstances that the government wishes to put as the core of the debate today.

Mr Cooper — On the point of order, Mr Speaker, the Leader of the House has drawn attention to the fact that your guidelines on the consideration of matters of public importance should be pushed to one side because he has said that in fact the intention of the government in having a debate on matters of public importance should not allow mumbo jumbo — I think those were the words he used — to interrupt the business of bringing on a matter. He has tried to make the point that anything put forward on a matter of public importance by either the opposition or the government should automatically be accepted by you, with no regard for the guidelines that you have set.

But the guidelines you have set, Sir, are accepted by the opposition, in particular the guideline as set out in paragraph (f), that you will:

> in considering a matter which is the same in substance as any question which has been resolved during the same session … consider whether new, different or extenuating circumstances exist and therefore whether it is still a matter of public importance.

We all understand that this matter was in effect debated last May in a matter of public importance brought before the house by the honourable member for Frankston East. It was a debate contributed to by the Minister for Aged Care, who has proposed this matter of public importance.

You, Sir, now have to determine whether this debate would be the same as that debate. While I cannot quote from *Hansard* of the same session, I can draw your attention, Sir, to the fact that *Hansard* of Wednesday, 30 May, pages 1408–9, contains the speech that was given by the Minister for Aged Care on the matter of aged care. If you read that, Sir, you will see that both her speech and that made by the honourable member for Frankston East covered the issue of aged care funding and the relationship between the federal government and Victoria in some detail. I am indebted to the Minister for Aged Care for saying during her contribution on this point of order that she just wants to address new issues. If that is the case, then she would not want to repeat any of the debate that she or any other honourable members contributed on 30 May.

She has said that she has new matters to discuss. Well, Sir, the matter of public importance does not mention new matters; it simply runs over the same ground. It was only when the minister responded on this point of order that she said she had new matters she wished to bring forward. If that is the case and all she wants to do is address new matters, then it would be very simple for her to accept the offer made by the honourable member for Monbulk to redraft the wording so that it makes the issue simple for you to resolve. If the minister has only new matters, then those are what she should be addressing.

In regard to the matter of public importance itself, Mr Speaker, I will quote in full from *Hansard* of 30 May so that I cannot be accused of paraphrasing out of context. The matter proposed by the honourable member for Frankston East states:

> That this house notes the impact of the failure of the federal government to —

and I ask the house to consider the following words —

> adequately fund aged care beds on Victoria's aged care facilities and the Victorian public hospital system.

In effect, this matter is exactly the same. Here we are talking of the substitution of the word 'funding' by the word 'resource'. That is all it is. 'Resource' is 'funding', and that is what the federal government provides — funding. So you have exactly the same words being driven here, but under another guise. We are, in effect, dealing with exactly the same matter.

The Minister for Aged Care's response on this point of order is to say that she has new material and that she wishes to bring new circumstances before this house. I would suggest to her that the only way that can be dealt with is by accepting the offer to redraft it. If she does so then this debate can go forward.

It is my view that the only new circumstances that exist in today's matter of public importance compared with the matter debated on 30 May is that there is a federal election on and the minister wants to insert her views on this issue. That is not illegitimate — it is fair enough — but she cannot rely on that, Sir. She cannot request a ruling from you that this debate should proceed given the guidelines that you have set out which say that you will take into account extenuating circumstances. The federal election is not an extenuating circumstance. The minister's new material, which she says she has, could well be dealt with, provided that the matter only deals with the new material and does not allow a re-run of the debate that we had only four and a half months ago.

The offer made to the government to give leave for a redrafting of the wording is genuine, because the opposition believes that matters of public importance should proceed, but only in line with your guidelines. They should not proceed on the basis of whatever either side of the house wants to roll up, regardless of how long ago it may have been debated in this house, assuming that it should be automatically accepted by you. The opposition respects the authority of the Chair and the guidelines you have brought forward, Mr Speaker, and we believe that in this case you will have no option but to rule this out of order. However, if that were to be your decision, given the contributions that have been made on this point of order, our offer to the government to give leave for a redraft so that the debate can continue should be accepted by the government so that we can get on with it.

Mr Mildenhall — On the point of order, Mr Speaker, there are two tests that we are looking at. One is whether the motion is identical in substance. It is clear that we are looking at wide differences and variations. While the meaning of the term 'funding' is the same as the term 'fund' in the matter of 30 May, the scope of the matter of public importance we are dealing with is obviously much wider. We are talking about Victoria's aged care sector, which incorporates a vast array of programs and state and federal measures, whereas the matter of 30 May dealt with aged care beds and facilities in the public hospital system. Today's matter of public importance goes to such matters as interstate comparisons, the demographics of people aged 70 and over, and Victoria's aged care sector, which is a mammoth sector of local, state and federal government activities.

The second test is whether the matter we are looking at constitutes 'new, different or extenuating circumstances' according to paragraph (f) of the rulings. In a rather curious presentation to the house the honourable member for Mornington argued that any new, different or extenuating circumstance needed to be incorporated in the words of the matter, whereas clearly the guidelines and previous rulings relate to whether there are new, different or extenuating circumstances in existence.

I argue that those new, different or extenuating circumstances need to exist in the community, in the issue area and in the policy sector under debate. It is clear that at least six major developments or announcements have occurred since last May. I will not go through them in detail, as that would anticipate the nature of the debate the house may be about to have, but suffice it to say that significant announcements have been made at the federal level, analyses and reports have been presented at the state level, and there is significant new material that would both inform and determine the direction and substance of a debate.

Clearly, the matter is of major importance to a huge number of people in Victoria. It is an area where developments are occurring in a policy sense and in an analysis and reporting sense on a daily if not weekly and monthly basis. The whole scene has moved on since May. It clearly satisfies the guidelines around which the debate is focused in this discussion on the point of order. I ask that you, Mr Speaker, confirm your ruling and allow the debate to proceed.

Mr Maclellan — On the point of order, Mr Speaker, I note in *Hansard* of 30 May that Acting Speaker Lupton was in the chair. I can understand that your familiarity with that debate would only come from your having read *Hansard* rather than from your presence in the house. If you read that debate and the minister's participation in it, it will become clear that the minister really covered the field of today's proposed matter of public importance debate.

The honourable member for Footscray erred in suggesting that there had been rulings on this. They are not rulings, as this is the first occasion on which you, Mr Speaker, have had to consider your guidelines in the house. I have no doubt you have had to consider the guidelines in chambers, but not in the house and not through the point of order raised by the honourable member for Monbulk.

The point of order draws attention to the need for the guidelines to mean something. The guideline in paragraph (f) talks about 'considering a matter which is the same in substance', and it is the words 'in substance' to which I give particular emphasis. Looked at fairly, the matter debated in May and the matter proposed to be debated today are in substance the same. The honourable member for Footscray, presumably having his debating notes ready, says, 'No, I have a whole host of new material on the issue', but it is not a matter of whether the honourable member for Footscray or the minister will raise new material. The question is: is the debate new? The answer is that the debate is not new. It is the same debate the house had then, but the word 'funding' in the May matter of public importance has been changed to 'resources' in today's proposed matter.

As the honourable member for Mornington said, if one were debating the issue there is no way the Chair would say, 'You cannot mention funding because this debate talks about resources', or if the motion referred to 'resources', 'You cannot talk about funding'. I believe that in practical terms those terms are interchangeable.

Although you are being urged by the honourable member for Footscray and the Leader of the House to reaffirm your ruling made in chambers in relation to the matter and the National Party and the opposition are urging you to review your decision, we are offering to give the minister leave to change the wording so that Parliament and the Chair will not face the difficulty of having necessarily to move on to other business. I see the Leader of the House is anticipating that on the failure of this argument he will move to proceed to government business; that is a decision he suggested in his contribution on the point of order.

The suggestion I put to you, Mr Speaker, is that if you confirm your decision made in chambers and allow this matter of public importance to go forward, the minister will be in a next-to-impossible position. I have read her contribution of last May. If she proposes to talk only about new things she will not be addressing the proposed matter of public importance. She will be having a new debate but she will not be addressing anything in the matter. In her remarks, as reported on pages 1408 and 1409 of *Hansard*, she covered the field of this matter of public importance.

What the house is faced with — by the fact that the Acting Speaker was in the chair and you, Mr Speaker, were otherwise engaged and therefore are familiar with the debate only through somebody having drawn your attention to it in *Hansard* — is the minister's lack of familiarity with your guidelines, particularly paragraph (f), which would have suggested a better drafting of this matter of public importance to stress that it is about new stuff.

The honourable member for Footscray says that this is an important matter, and everybody would agree with that. Nobody is challenging that, but they are challenging the fact that you cannot now have a second debate on the same subject within the Speaker's guidelines. In deciding on the point of order you, Mr Speaker, are being asked to make a ruling which, if you go one way, says there are no restrictions on matters of public importance. It would be as the Leader of the House says he wants it to be. I do not doubt that that happens when one moves from one side of the house to the other — and I suppose we give him marks for frankness. He was saying that anything the government wants as a matter of public importance is a matter of public importance. He was saying, 'Forget the mumbo jumbo' — regarding the Speaker's guidelines as mumbo jumbo.

If you go in the other direction you will be saying that the non-replication of matters of public importance is important. We will agree to a redraft, if that assists in the matter. The government is saying, 'No, let us move on to government business' but the Chair has to seriously consider the following on an occasion like this: 'I acted in chambers in circumstances where I was working on one set of information, but now that I have had the details and scope of the debate in May brought to attention, the motion of public importance can only proceed on the basis of new information'. But that will mean we will have the most tortured debate, because there will be point of order after point of order saying, 'The minister has previously said A, B, C and D'.

Everything the minister wants to say in this debate, as she outlined in her response on the point of order, she has already said previously. It is on the record — except for one item about a new report, which I heard her refer to. If she is prepared to restrict her remarks to a new report under some ruling you may give, Mr Speaker, it will become a strange debate, because the minister will not be able to refer to other aspects.

I believe that in the circumstances we would be better to redraft this matter of public importance and save the precedent for the house in the future rather than to simply abandon all rules in respect of matters of public importance.

Mr Loney — I shall make a few relatively brief comments on the point of order before you, Mr Speaker, and take up some of the issues that have been raised. The one central issue that has been raised here is about whether you, Mr Speaker, can accept this matter given its similarity to a previous matter. The opposition invites you to view the Speaker's guidelines in a very negative context — that is, that the guidelines should be used to rule out matters rather than to rule them in. I invite you, Mr Speaker, to look at your guidelines in a positive sense because I believe that is what they were intended for — they were actually devised so that matters could be allowed.

As I say, the guidelines can be read in the way the opposition seeks to read them — that is, negatively — or they can be read positively. Indeed, if you look at them in a positive sense, Mr Speaker, those guidelines require you to satisfy yourself that there are new and/or extenuating circumstances in relation to the debate. Once you satisfy yourself according to that you then have no option but to rule that the matter is admissible. That is all you are required to do under the guidelines — satisfy yourself around that point. It is a very central point in this case. It is very clear. It does not require a great deal of argument around it such as has been put around it today. This is a matter of whether there are new and/or extenuating circumstances, and I suggest in relation to this particular item there are in fact both. I will quickly go to them for your guidance, Mr Speaker.

Firstly, there were a series of letters from federal aged care minister, Bronwyn Bishop, stating that the commonwealth government will not change its policies that are disadvantaging Victoria. They have come since the last debate.

The second point is that we have had the recent statement of the Municipal Association of Victoria as at August and its analysis that Victoria's local government cannot sustain service levels in the face of the commonwealth's inadequate funding growth. That is an August statement, well after the last debate.

The third item is that the report on the operation of the Aged Care Act 1987 was tabled in the last week of the federal Parliament and shows as at June — not May — a shortage of 4990 beds in Victoria.

The fourth item you should consider, Mr Speaker, is the analysis paper on the commonwealth underfunding of aged care — residential care and home and community care — in Victoria.

The fifth item to be considered is the acute and subacute bed census of the Department of Human Services. Again that is a September report, well after the May debate.

The sixth item you should take into account is the Ministerial Council of Aged Care Ministers held in August, where the federal government refused a request to participate in urgent joint and cooperative work to address the aged care bed shortfall.

Each of those six items is both new and extenuating — they fit into both criteria. That is the only thing you are required to consider in this debate with regard to the Speaker's guidelines. I suggest to you, Mr Speaker, that that is all you are required to do. I also suggest that you have probably heard enough on this point of order to be able to rule on it.

The SPEAKER — Order! I think I have heard enough on the point of order raised by the honourable member for Monbulk. In coming to my decision in chambers to accept this matter of public importance (MPI) from the Minister for Aged Care I was made aware of the similarity to the previous matter, admittedly belatedly — that is, after I had come to my decision.

I concur with the view presented by the honourable member for Monbulk with regard to the weakness in sessional order 9 on the procedures it puts in place for the consideration of matters of public importance by the Speaker — and indeed their presentation to the Speaker for consideration. I am of the view that those procedures could be improved. I have indicated previously to the house that there is a need for a review and that a review of sessional orders is warranted. I again urge the Leader of the House and the manager of opposition business to see whether they can find a way of doing that.

However, in coming to my decision to accept this MPI, I stand by the decision that I have taken, in that I fundamentally believe there is a difference between the matter that was presented to the house by the honourable member for Frankston East on 30 May and that presented by the Minister for Aged Care today.

In my opinion that difference is that the matter from the honourable member for Frankston East was indeed narrow in that it referred to adequate funding of aged care beds, while the matter from the Minister for Aged Care is far wider in that it refers to resourcing of funding of Victoria's aged care sector, which is a much broader issue for the house to consider. That is the fundamental reason why I have come to the decision that I have.

However, I wish to make further comment on a couple of matters that have been raised by different speakers, and particularly by the honourable member for Monbulk, in relation to sessional order 9.8. My interpretation of sessional order 9.8 is that any member of the house can at any time, once the matter of public importance has been called on, move a motion along the lines suggested in that sessional order — that is, that business be called on.

It is my opinion that that is perhaps an appropriate way for the house to adjudge and form a view on the matter before it today. It is one of the few occasions when the house can exercise its will through a motion which will be deliberated on forthwith, unlike our other procedures, which allow for such matters to go on the notice paper, depending on who has moved them, and where perhaps the house does not ever come to resolve them.

As I indicated, I am of the opinion that the matters of public importance are fundamentally different, and on that point alone I do not uphold the point of order raised by the honourable member for Monbulk. I call the Minister for Aged Care.

Mr McARTHUR (Monbulk) — Mr Speaker, I take up your offer. Under sessional order 9, I move:

That business of the day be called on forthwith.

House divided on motion:

Ayes, 36

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

Noes, 43

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

Howard, Mr
Hulls, Mr
Kosky, Ms
Viney, Mr
Wynne, Mr

Motion negatived.

Ms PIKE (Minister for Aged Care) — A report that I will release later today confirms the information that has been recently released from other sources which I will go through. The new information consolidates the position the Bracks government has been articulating for several months — that Victoria receives the lowest level of aged care funding of any state or territory in the commonwealth. Victorians are being cheated by the federal government to the tune of $170 million a year. It is $170 million of funding that could be providing additional support for people to remain in their homes; it is $170 million of funding that could be provided for people who desperately need residential care; and it is $170 million of funding that is being withheld from elderly Victorian citizens.

Of course we know that the aged care funding regime that is distributed by the commonwealth consists of two main components. The first component is the residential care funding — the funding that provides resources for hostels and nursing homes. We know now from the commonwealth's own figures in the recent report released by the federal Minister for Aged Care on the operation of the Aged Care Act that Victoria is 4990 beds below the commonwealth's planning benchmark for residential aged care beds. We know that since the mid-1990s the commonwealth has deliberately slowed down the allocation of beds to Victoria and that we are falling further and further behind.

The implications of this slowing down — the implications of the commonwealth's ineptitude and inadequacy in failing to allocate and then fund the appropriate number of beds — have had, as I said, a devastating effect on the lives of Victoria's elderly citizens and their families and a devastating effect on the overall hospital system.

The report that I will release later today demonstrates clearly that it will take at least up to eight years, even if there is a radical turnaround in policy, for the beds to come on-stream, but given the performance of the federal government in the last 18 months we know that if it is re-elected and its policies continue the chances are that Victoria will continue to lag behind.

Over the last 18 months only 157 beds have come into the system. Victoria is already 4990 behind, and it needs between 600 and 800 beds per annum just to keep pace with population growth. So if the federal government's record in the allocation of aged care beds continues, Victoria's situation will worsen.

The other dimension of funding for aged care is the home and community care program (HACC), which is a jointly funded program that supports people remaining within the community. It is very important that we look closely at the program. The national home and community care equalisation strategy has been in place since 1994–95, and it is a strategy that the previous government willingly signed up to. It is also a strategy that is having an enormous detrimental effect on the Victorian HACC system. And given that it will continue, the government estimates that over the next five years the total differential will be $40 million.

Mr Wilson interjected.

The DEPUTY SPEAKER — Order! The honourable member for Bennettswood will cease interjecting.

Ms PIKE — It is germane that opposition members call out, 'What did Queensland do? What did New South Wales do?'. The analysis of what Victoria should do lies in Victoria's context alone. The context in Queensland is very different from that in Victoria. In Queensland only 11.3 per cent of HACC hours go to the most complex and difficult clients — that is, the most expensive clients. In Victoria 21.7 per cent of our funding goes to exceptional clients. We know that is enormously exacerbated by the shortage of residential places and the increasing complex needs of people who are being maintained in their homes.

The government is concerned about the discrimination occurring in Victoria. What the HACC equalisation program does is coalesce funding to a per capita basis across Australia. What it does not take into account is the relatively higher funding commitment of the Victorian government to the HACC program. It does not take into account the complexity of our client group, and I have given that figure previously. It also does not take into account the overall funding shortfall and the enormous deficit Victoria has in residential aged care beds. As I said, the forecast progressive reduction in Victoria's share of the national HACC growth funds indicates that by 2006 we will be $40 million below, and over the next 10 years we will move to $90 million below.

It is important to note that the Bracks government has not been sitting still or been silent on the issue. I have been writing to the federal minister, Mrs Bishop; I have been lobbying her and pleading with her. I have pointed out to the federal minister that the HACC funding is

calculated without any reference to the overall funding system. I have been talking to her about the chronic shortfall in residential aged care places. I have been talking about the rapid growth in demand for HACC services. I have pointed out to her that the Municipal Association of Victoria and every other service provider is in desperate straits — but she has continued to ignore those requests.

As recently as 26 September and again on 5 October the federal minister has confirmed in writing that she intends to continue the gross discrimination against Victoria's older people. It is a shameful response, but she has clearly articulated that. The net result is that in the coming year Victoria will receive 2 per cent below the national average for home and community care funding growth.

A national average funding growth has been offered by the commonwealth for home and community care, but Victoria gets less. Our citizens are not deemed worthy by the commonwealth aged care minister to receive an appropriate level of home and community care funding. The Victorian government has sought to address its problem in a proactive way. In our first budget we allocated $41 million.

Mrs Peulich interjected.

Ms PIKE — Honourable Speaker, the honourable member for Bentleigh considers that the Victorian government providing $41 million of additional home and community care funding is a disgrace.

The DEPUTY SPEAKER — Order! The honourable member for Bentleigh!

Ms PIKE — I would argue that Victorians are delighted that the government has put in $41 million of additional home and community care funding. But what has been the commonwealth's response to our additional funding, our state-only funding? Has it recognised the demand and the need, the pleas for assistance, the growing waiting list here in this state? No! It has said, in writing, it will not match that funding. It will not provide the additional $60 million which would match that funding. I defy anyone to argue that the level of home and community care funding in this state is adequate, or to find a service provider out there in the community that does not have a waiting list and a demand.

The Municipal Association of Victoria (MAV) in its most recent correspondence has articulated this very clearly. It said:

> Local government, as the key provider of home care services, is finding it extremely difficult …
>
> Currently the federal government requires a productivity savings …

Not only is the federal government coalescing but it requires productivity savings. I do not know how you get productivity savings from funding when 99 per cent of home care service costs are in wages. I do not know what they are going to do with the other 1 per cent — perhaps it is used for bandages and things like that, the brooms and things required to assist people in cleaning up their houses.

The MAV also argues that the federal government must abolish its equalisation policy to home care because each year Victoria is progressively receiving smaller increases. Currently we receive 3.7 per cent of the national growth figure when the national growth figure is 6 per cent. It is clearly inequitable, and any Victorian who cares about Victoria and has the needs of Victoria at heart would find this situation absolutely indefensible. I will be interested to hear how the opposition finds an adequate and appropriate defence for what is clear discrimination against Victorians.

As I said, the Victorian government has not been sitting on its hands in this regard. We have continued to point out to the commonwealth that to have 34 829 aged care beds when our population requires 40 000 is unacceptable. Victoria now carries nearly half of the nation's 12 000 aged care bed shortfalls. We have continued to remind the federal minister that promises of beds, options for licences, and bits of paper do not equate to care that is provided on this day for needy people. We have also continued to remind her that we note in a report to be released today with new figures that 511 elderly people who qualify for residential aged care are now forced to live in hospitals for up to six weeks because of the minister's failure.

In summary, at a federal level we have an ineffectual, inept and uncaring minister who has given not one shred of evidence that she has any compassion for older people, and we have a state opposition which remains silent and is an apologist for these inadequate and ineffectual policies and which by its being an apologist is complicit in what is active and ongoing discrimination against some of the poorest and most vulnerable citizens in our community.

Mrs SHARDEY (Caulfield) — What a disgraceful performance that was! What a disgraceful performance this whole matter of public importance is! The government parades deep concern for elderly Victorians. The reality is that it is using elderly

Victorians as a political football in a desperate attempt — absolutely desperate attempt — to get the Labor federal opposition elected. The community is awake to this disgraceful performance. There is no decent legislation being brought forward in this house. This house is being kept open during this period of time only in order for this state Labor government to run debates on issues which are federal issues so that it may assist its poorly performing colleagues up north.

In the space of just six months we have had two MPIs on aged care, we have had grievance debates, we have had questions without notice and we have had adjournment debates, all aimed at attacking the federal government's policies on aged care. This Minister for Aged Care has a substantial responsibility in Victoria for aged care funding and policy yet all she has done since she has been given this job is to try and pass on — —

Mrs Peulich interjected.

The DEPUTY SPEAKER — Order! Without the assistance of the honourable member for Bentleigh.

Mrs SHARDEY — All the minister has done since she took up her responsibilities is try and pass them on to someone else and blame the federal government for all her shortcomings. One could easily call her the Handball Queen of Aged Care — and that is a good name to call her because that is all she has done. All this is done to prop up a hopeless federal opposition and mask this minister's own hopeless performance in the state of Victoria. It is my earnest belief that the Minister for Aged Care has been hung out to dry, so to speak — hung out to dry by the Premier, hung out to dry by the Minister for Health — —

The DEPUTY SPEAKER — Order! I remind the honourable member for Caulfield of the subject of the matter of public importance, and I ask her to confine her response to that.

Mrs SHARDEY — Yes, Madam Deputy Speaker, and I take that seriously, because we are talking about the resourcing — or is it the funding? — of aged care in Victoria. Aged care in Victoria is resourced, or funded if you like, both by federal and state governments, and the very programs that the minister has been discussing in her contribution are the programs which are the responsibility in funding terms of both the state and federal governments. It is difficult to delineate the two and say, 'I can't discuss the state government's responsibility because the word 'federal' is in this MPI'.

Both levels of government are responsible for the funding and implementation of programs for aged care in Victoria: in residential care the state government has responsibility for state-run nursing homes; in home and community care the state government has responsibility for 40 per cent of the allocation of funding. It is perfectly within the realm of this debate to discuss the performance of this — —

The DEPUTY SPEAKER — Order! If the honourable member for Caulfield wishes to debate the ruling of the Chair she can do so by substantive motion. The debate does not give the honourable member the opportunity to rage a continual personal attack on the Minister for Aged Care. I ask her to return to the MPI.

Mrs SHARDEY — Thank you, Madam Deputy Speaker, I am happy to return to the matter.

The handling of the aged care portfolio is an important issue, and one that we on this side of the house take most seriously. That is why we express deep concern having learned that the Premier wants to return the whole of the aged care portfolio — in other words, he wants to handball it — to the federal government. To my mind that is not a situation which means or says in any sense that he has confidence in this minister's ability to implement aged care policies in Victoria. The funding of aged care facilities is an important issue.

The previous government, being aware of the situation of state-run nursing homes and the need to upgrade them in line with the commonwealth's accreditation process and the standards that were being set, took steps to bring more funding into the system.

Ms Pike interjected.

Mrs SHARDEY — Privatisation is something that suits you in certain other areas, but obviously not in this one.

The DEPUTY SPEAKER — Order! The honourable member for Caulfield will address her comments through the Chair.

Mrs SHARDEY — In this important area the previous government chose to offer the opportunity for investment of some $200 million into the aged care sector, and into the residential care sector, through the private and not-for-profit sectors, but this minister's ideological policy has stopped that process. She will have to find some $250 million, at least, to upgrade Victoria's state-run nursing homes — a very important element. I suggest that she has a significant problem in finding enough money for her ideological policy and that that is perhaps why the Premier was prepared to

handball aged care to the federal government — to avoid that responsibility completely.

The other area of administration of aged care which involves both the state and the federal governments relates to the regulation of nursing homes. The minister has talked about the accreditation process and the standard of care required within nursing homes, and she made a promise to this Parliament and to the people of Victoria that she was going to introduce legislation to re-regulate nursing homes — in other words, provide for the state to be able to monitor and set standards for nursing homes.

It is interesting that the sector itself rejected the minister's concept and ideas, and even her federal counterpart, Senator Chris Evans, the shadow minister for family services and the aged, also rejected it. In fact he told the minister here in Victoria that she should forget the idea. He has washed his hands of her as well.

Nursing homes and the whole aged care sector are facing cost pressures and have also been affected very strongly by the Workcover premium policies adopted in Victoria. They have put enormous financial strain on the aged care sector and are affecting its capacity to deliver services to the community. A large number of nursing home providers are distraught about the fact that through this Workcover minister's policies their premiums have increased by up to 100 per cent. The minimum, I believe, is about 40 per cent. So here again another minister, the Minister for Workcover, has hung the Minister for Aged Care out to dry. He has not considered the impact of his actions on that portfolio or on the aged care sector.

The last area I will raise is the steps taken by the Minister for Health in pursuing a wage agreement with the Australian Nursing Federation (ANF). That has been good for the acute health sector, but the effect on the aged care sector has been enormous — so yet another minister has hung the Minister for Aged Care out to dry.

Ms Pike interjected.

Mrs SHARDEY — Victoria's nursing homes and hostels, thanks to your Minister for Health, are in absolute crisis because of the crippling shortage of qualified nurses. Nurses are leaving the aged care sector in droves. And what is the Minister for Aged Care doing about it? Absolutely nothing. She is simply allowing the whole process to happen. In fact a survey done in November last year by the ANF, Uniting Care Victoria and a number of other organisations found that in the fortnight beginning 6 November facilities — —

Ms Pike — My point of order, Honourable Deputy Speaker, goes to the question of relevance. I draw the attention of the Chair and honourable members to the commonwealth's aged care funding for Victoria's population. The provision of nurses is not relevant to this matter.

Mr Clark — On the point of order, Madam Deputy Speaker, as I understand the case being put by the honourable member for Caulfield — —

Mrs Peulich interjected.

The DEPUTY SPEAKER — Order! The honourable member for Bentleigh!

Mr Clark — The honourable member for Caulfield is responding to the matter raised by the minister, including the allegations of failure by the federal government, by arguing that the problems are not necessarily due to the federal government but to the actions of the state government. It seems perfectly in order for the honourable member for Caulfield in rebuttal and in responding to the matter raised by the minister to say that the issues are not in this sector, as the minister claims, but in another sector, and to demonstrate that point by the arguments she is presenting to the house.

The DEPUTY SPEAKER — Order! In view of the Speaker's previous ruling that this debate must be fairly specific given the previous matters that have being debated here, I ask honourable members to respond as specifically as they can. While I think it is appropriate for the honourable member for Caulfield to make a comment in passing, her main attention must be directed to the substance of the matter of public importance.

Mrs SHARDEY — The issue of staffing and the cost of staffing are important elements.

Ms Pike interjected.

Mrs SHARDEY — If the minister wishes to have another opportunity to speak, perhaps the Deputy Speaker would like to give it to her. In the meantime I would like my opportunity to speak. The managers of places like Villa Maria complain openly about the fact that they cannot attract staff because nurses are moving off to the acute sector, which means they finish up having to pay enormous amounts of money to get division 2 nurses to come into their facilities.

Another element in all this is that the state government is sitting on reports that suggest division 2 nurses should be allowed to administer medication. That

would release a large number of division 1 nurses into the acute sector, and division 2 nurses could then take up the responsibility within the aged care sector, saving it a large amount in wages.

I move to the issue of home and community care funding. The federal Minister for Aged Care wrote to the state minister offering $167 million in funding for home and community care in Victoria. The state minister wrote back and said, 'Sorry, that is not enough'.

Ms Pike interjected.

Mrs SHARDEY — Before she champs at the bit too much, I will give her a few ideas. I remind her that since 1995–96 the commonwealth's contribution to Victoria — —

Mr Lenders — I raise a point of order regarding the reading of notes. The honourable member for Brighton raised a similar point of order in debate yesterday — namely, that it was inappropriate and unconventional for honourable members to read from notes. It appears to me that the honourable member for Caulfield has been reading a fair amount of her speech. I draw that to your attention and seek your ruling.

The DEPUTY SPEAKER — Order! Is the honourable member quoting from sources or is she using her own notes.

Mrs SHARDEY — I am using my own handwritten notes.

The DEPUTY SPEAKER — Order! She is using her own notes. There is no point of order.

Mrs SHARDEY — Since 1995–96 the commonwealth's contribution to Victoria for home and community care (HACC) funding rose by 41 per cent — a whacking $55.5 million. In 2001–02 Victoria will receive $709 for each person in the HACC target population, compared with — —

Mrs Peulich interjected.

The DEPUTY SPEAKER — Order! The honourable member for Bentleigh is disorderly. I ask her to desist.

Mrs SHARDEY — That is compared with the national average of $588 nationally. The minister's dallying over her response to the federal minister has caused considerable problems, and councils are now complaining to me that the minister has let the process for applying for growth funding at the state level move out by some two months at least. There is great concern that they will not receive their growth funding in a timely manner.

The minister is claiming that the federal government is not giving enough, yet she is holding up the process herself. She is denying funding to local government. She is responsible! I ask the minister what the federal Labor Party offered in additional HACC funding? I will tell her because when I met with representatives of the Municipal Association of Victoria I asked them about their meeting with the federal shadow minister for aged care and their response to me was, 'He offered not a cracker; he didn't even want to discuss additional funding for home and community care'. The Minister for Aged Care is a disgrace!.

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

Mrs Peulich interjected.

The DEPUTY SPEAKER — Order! The honourable member for Bentleigh!

Mr MAUGHAN (Rodney) — There is absolutely no doubt that there is a very serious problem with aged care funding in the state of Victoria. The questions are: who is responsible, and what are we going to do about it? I do not think it is at all productive to be blaming the other sector. The reality is that there are three sectors involved: the commonwealth government, the state government and local government, all of whom are contributing substantial amounts of money into the aged care sector. It is not at all productive for people in those sectors to be throwing stones at each other and saying, 'It's your fault', and, 'It's nothing to do with us'.

I think the minister is making political capital out of the fact that it just happens we have a federal election in a few weeks. The matter is all about making some political capital rather than trying to deal with the problem. I suggest that many of the solutions are in the hands of the Minister for Aged Care. I acknowledge that the commonwealth has the major contribution. It has significantly increased its amount of funding since it has been in government. We need to get that on the record and look at what the state government has done to solve the problem.

The essential questions are: what are the difficulties and deficiencies in our aged care sector? We need to spell those out. They are very clear: we do not have enough beds in Victoria. The minister has used terms like 'discrimination against Victoria' and further stated that there was 'gross discrimination against Victoria's aged

care population'. That is inflammatory stuff, and it is not supported by the evidence.

I quote from an *Age* article on the Productivity Commission's annual benchmarking of government services report. I regard the commission as being completely objective, and I would accept its figures before I would accept the minister's assertions that the commonwealth government is deliberately discriminating against Victoria. The *Age* article states:

> The *Report on Government Services 2001*, prepared by the commission for the commonwealth and state governments, shows that one in five Victorians assessed as needing high-level nursing home care in 1999–2000 had to wait more than three months to get a bed.

That is certainly true, and I acknowledge that, but the article goes on to say that the report shows that:

> The delays were similar in other states.

The minister is giving us to understand that Victoria is being discriminated against and that it has all the problems. The Productivity Commission report shows that:

> The delays were similar in other states.

The minister has been talking about per capita funding, which is one way of measuring it. But other things need to be taken into account. For example, given that Queensland is a vast state could the commonwealth government in all fairness suggest that per capita funding for Queensland — or Western Australia — is an equitable way of funding? If the government decided funding on that basis all the nursing homes and aged care accommodation places would essentially be in the Melbourne, Sydney and Brisbane areas — and there would be very few out in country Victoria.

The main point I make in my contribution today is that it does cost more to have aged care accommodation in areas outside the metropolitan area. We need to provide more per capita funding in country Victoria — and this government is not assisting in that area. I refer to the aged care facilities in my electorate, where there are some fantastic facilities. The facility at Tongala would hold its own anywhere in the whole of Australia. Kyabram, where I was on Monday evening, has a magnificent aged care facility, as have Nathalia, Echuca, Cohuna — the whole lot of them. They are all suffering because essentially they are being asked to go to larger and larger facilities in order to get economies of scale.

There is a limit to how far they can go. For example, the Tongala facility that provides a wonderful standard of care and is now really battling to survive cannot just go on adding more beds because in the Loddon Mallee region we are overbedded anyway. I would argue against that and suggest that we should be able to assist organisations that assist themselves. Tongala, Kyabram and other places have community-owned facilities. Those communities have put an enormous amount of effort into providing aged care. Right now the people at the Kyabram and District Memorial Community Hospital are seeking permission to build another aged care facility but are not getting that permission. They do not want a single dollar from this government; they simply want the permission to build that aged care facility. For various reasons that is not being approved.

As I said, honourable members need to determine what are the deficiencies and difficulties. One of the problems in the aged care sector is very clearly that because wages in the acute care sector have gone up and there is a discrepancy between the wages paid in aged care and acute care, people are going quite deliberately from aged care to work in the acute care sector. That is something that the government has some control over; the government can do something to stop the drift from the aged care sector. The government quite rightly has provided training for those who want to get back into the nursing work force. Many of those in the aged care sector who undertake it finish up in the acute care sector, because they have the higher qualification and also are able to get better remuneration in the acute care sector. The government can and should do something about that.

In terms of what action needs to be taken and by whom, all segments of government need to do far more. The main municipality in my electorate, the Shire of Campaspe, has done a very detailed study of aged care needs in that shire. It has determined, amongst other things, and it is very clear, that costs have been increasing over a long time. Over the past three years the Shire of Campaspe has put in an additional $250 000 in providing home and community care services within the municipality. Local government should not have to be putting in that contribution. The minister in her contribution referred to the Municipal Association of Victoria's concern about that. I share its concern — that money should essentially be coming from the commonwealth and the state governments.

The minister blames the commonwealth government for not putting in sufficient money. I refer to a few figures. The commonwealth has very substantially increased funding to the aged care sector. In 1999–2000 it spent $4.7 billion, and of that $3.6 billion was for residential care, $150 million was for community aged care packages and $908 million was for community care programs. The commonwealth has made a

substantial increase in its contribution. An additional 22 000 places were allocated to fill the 10 000-place deficit left by the federal Labor government. I do not think it is productive to be pointing the finger but in the motion the government side is pointing the finger at the current commonwealth government without acknowledging that when the current commonwealth coalition government came to power there was a substantial Australia-wide deficit of 10 000 aged care places.

The commonwealth coalition government has increased funding for residential aged care from $2.5 billion, as it was when Labor left office, to $3.9 billion, which is a very substantial increase, and has lifted funding for home and community care from $423 million to $565 million.

We can all argue that it is not enough, and I would agree with that, but governments have other priorities such as education and defence needs and so on. Nevertheless, it is a very substantial increase. What has this government done to increase its responsibilities and its funding to the aged care sector in Victoria? Nowhere near enough.

This minister whinges and whines about what the commonwealth has done or has failed to do. I would suggest that this government can solve some of its own problems in both the acute and aged care sectors by, for example, putting some more money into nursing homes and relieving the bed blocking that the Minister for Health frequently complains about. I agree with him: there is bed blocking and we need to get people out of the acute sector and into the aged care sector. This government could do something about it if only it had the will to do so and was not content with just throwing stones at the commonwealth government and blaming it for all its woes.

Mr VINEY (Frankston East) — In this Parliament we all agree that there is probably no better judge of the humanity of a society than how it cares for its elderly citizens. We can all agree — I am sure there is bipartisan support for it in this Parliament — that adequately funding aged care services, particularly residential aged care, is a very important part of the function of government. I think there is bipartisan support for these principles of humanity, which are very important in judging a civil society.

However, the fact that we all agree on the broad principles by which a civilised society can be judged is no basis for covering up neglect. The fact that we all agree on the principles underlying aged care and the need to provide adequate funding for it is no basis for covering up the neglect of a fundamental function of government, which is to provide for older people when they are in need.

There is no more stark example of the neglect of the Howard government than the terrible shortfall in residential aged-care beds that exists in the Frankston and Mornington Peninsula area. According to a recent analysis by the Australian Medical Association — not a Labor Party analysis — as reported in a press release it put out on 10 October, we are 610 beds short on the Mornington Peninsula and Frankston. That part of Victoria is a clear example of the absolute crisis in aged care funding and aged care beds.

The honourable member for Rodney asked about what this government is doing. It is interesting that he sat on the government benches during the period of the Kennett government when it privatised 500 nursing home beds and planned to privatise a further 4000. The honourable member for Caulfield asked about staffing and nursing levels. We all know that it was the Kennett government that sacked 3000 nurses and caused a massive decline in the morale of nurses throughout our health care system.

It is this government that has employed 2650 extra nurses in a substantial boost; and in response to the issues raised by the honourable member for Rodney, it is this government that invested $47 million last year and $25 million this year to improve the run-down public rural health and aged care facilities. This government has done so in the face of the absolute neglect of the federal Minister for Aged Care.

It is interesting to note that last Sunday in the great debate the Prime Minister said the best thing that anyone has done for education in this country in recent years is to bring in the goods and services tax. Of course this is his solution for everything. He then went on to talk about how the GST is the solution for health and aged care. Of course he refused to debate health and aged care issues, just as the other side has spent an hour and a half of the time allocated for today's matter of public importance trying to waste time and avoid debating a critical issue that is of concern to the community. The opposition has refused to debate; its members want to walk away from the issue of aged care.

When I first took on the position of parliamentary secretary for human services early last year, I went to the Australian Medical Association for a debate on aged care with the federal minister, the Honourable Bronwyn Bishop. I had only been in the job for a couple of months and there I was confronting the

federal minister, who had been in her job for several years. The only solution she offered to aged care problems was that the states had all this great GST money. That was her solution for aged care, as it was the Prime Minister's solution last Sunday night for the problems in health, education and aged care. Their only solution for these things is a new tax.

As I said at the outset, the federal government has no intention of investing in what is an important mark of a civil society. We all agree that the mark of a civil society is that it invests in aged care and looks after its older citizens, but that is not a cover for the absolute neglect that has happened on the Mornington Peninsula and right across Victoria. It is not a cover for the fact that in its census the Frankston Hospital had 22 patients — taking up 927 bed days — who were waiting for residential aged care places. Further down the peninsula at the Rosebud Hospital there were 13 patients — taking up 656 bed days — who should have been more appropriately placed in residential aged care.

I will conclude my remarks because I want to give our side more time to contribute to this debate, given that so much time was taken up by the other side in trying to avoid it.

Mr ASHLEY (Bayswater) — I could hardly say that I am delighted to join the debate but it is a necessary debate. In fact, it is a critical debate and it is important for the future of our nation and our state. I agree that a mark of our humanity as a state and a civil group is in part demonstrated by the degree to which we are dedicated to the care of the elderly and frail in their final years. However, I think we must be careful that we do not keep scratching one another's eyes out on this. Both parties have big pluses that they should be proud of and both have had glaring gaps in their performances over time which they should be disappointed about.

There has been an historical neglect of aged care and the issue of ageing in our nation — it goes back a long way. Frequently in the business of government there is a desire to push decisions off into the future in order to save a government money. That saves a government imposing upon the citizenry for taxes and enables it to heave a sigh of relief. However, the time comes when action must be taken. A situation arose in the last federal administration which was a consequence of not only its neglect but also the neglect which preceded it over the years.

I am not targeting the Keating government in particular when I say that the reports of the times indicate certain situations from which we have successfully moved on. In 1995–96, $2.5 billion was spent on residential aged care. The outlay for 2001–02 has risen to around $4.2 billion, an increase of $1.7 billion over that time. In addition, it appears from studies that the total income, including contributions which now come from residents, available to providers of residential aged care during the next five years will increase from $4.2 billion to $6 billion, a further increase of 41 per cent. However, that will not solve every problem by a long shot.

At about the time of the change of government 13 per cent of nursing homes did not meet relevant fire authority standards; 11 per cent of nursing homes did not meet the relevant health authority standards; 70 per cent of nursing homes did not meet the relevant outcome standards; and 51 per cent of nursing home residents were living in rooms with three or more beds. Those figures came from Professor Gregory's report. Conversely, Professor Len Gray said there had recently been 'substantial increases in the quality and quantity of residential buildings', and that that was a specific objective of the reforms put in place during the Howard years. He said that considerable progress had been made towards achieving the federal government's objective.

It is important to remember that an enormous amount of work has recently been done in building, upgrading and refurbishment. In the two years to 30 June 2000, $1.4 billion was committed by the industry to capital building works and 12 per cent of all aged care homes in Australia had been newly built or completely renovated. Those are extraordinary results by anyone's calculation.

The introduction of certification is an important consideration. At the time of the change of government some 300 homes initially failed certification processes. Accreditation has also been introduced and, despite the fact that we get the occasional bad stories which the press locks on to, it is leading to massive improvements in the quality of care that is delivered. This is the context of the last five years. It includes spot checking to ensure that accreditation principles are being adhered to.

In May the Australian Institute of Health and Welfare said:

> Victoria has had the strongest growth in residential care provision over the past 15 years of all the states and territories.

We have to factor those kinds of findings into the small window that the government has created around this matter of public importance.

When I was involved in the development of the latest palliative care program one of the principles put into place in that program was the equalisation of the provision of services throughout Victoria. No-one got up at that time and did a lot of public rumbling about the improvement of palliative care across Victoria. However, it is equally true that a number of palliative care providers, especially in suburban settings, did not receive the kind of growth funding they were seeking. The state was about improving the quality of terminal care provided to all terminally ill people.

We can translate that into the issues around aged care and aged residential care. We cannot pretend that we can go on living as though Victoria were not part of the nation. If the government feels there is no real place for the equalisation of aged care facilities it should say so and put up an argument for seceding from the commonwealth. The issue here goes beyond our state and our propensity to be basically selfish about ourselves. It is important that we mind our patch, but we cannot do it to the detriment of all people across the rest of the nation.

I make the point that if the Labor Party were to win the upcoming federal election I do not believe we would hear the kinds of arguments that have been trotted out in the past 6 to 8 months and again today. The arguments would be silenced because the issue of equalisation would be ongoing. If honourable members on the other side wish to protest about that and claim that they would not be silenced I ask them to register that point across the nation and see what the rest of the country has to say about Victoria on that score.

We should soldier on and ensure that we keep improving the quality of our services to the aged, because apart from anything else it is becoming a far bigger burden than it has been in the past. The proportion of people reaching their ageing years is increasing all the time. When the equalisation has done its bit we will all look forward to the onward movement of funding across the whole of the country in various forms, not excluding the capacity of the private sector to provide some of those services and to provide them as well or better than government.

Mr LONEY (Geelong North) — I welcome the opportunity to join this debate after a somewhat delayed commencement to it. Given the opposition's antics this morning it is a surprise it has put up speakers. However, the opposition has been totally embarrassed on this issue this morning. The opposition has been pointed out very firmly not only to have nothing to say on the issue of aged care but even worse to be trying to stop anybody else from having anything to say on the issue. I dare say the opposition will have to live with its tactics of this morning for some time.

I welcome the opportunity to join the debate, because aged care is a significant issue in my region. The number of aged care beds available to people in the Geelong region is less than adequate and growing worse daily under the present federal government, particularly the federal Minister for Aged Care, Bronwyn Bishop. It is an area where the demographics are rapidly changing as the number of people in the Geelong area aged over 70 is increasing and the pressures on all facilities there are becoming greater.

It is distressing to discover that the latest figures show that the federal electorate of Corangamite within the Geelong region has a deficit of some 495 aged care beds. The shortfall of nearly 500 beds in the area is not simply a shortfall but a disaster. We may talk about it as a shortfall, but let us stop pretending and using nice words: it is a total failure of policy. It is a disaster for the people of the area. Even worse, I suggest it is a callous disregard of the elderly in Corangamite by a federal government that cares more about fudging figures than it does about providing services.

To make it even worse, running around in the past couple of days has been the horrifying rumour that should the Howard government be returned to office, the current Minister for Aged Care, Bronwyn Bishop, may well become the health minister. Instead of her being able to destroy just one area of health in Australia she would get a go at the whole lot!

I challenge the Prime Minister, John Howard, to come out immediately on the hustings and declare that that rumour will not apply; that there is no way Bronwyn Bishop would be named as the health minister if his government were returned. I would go even further and urge him to declare she would not be anywhere on the front bench if his government is returned! That is an important issue for Australians.

Before I turn quickly to further facts about my region I shall comment on what opposition speakers have said about what they say was a great performance by the Kennett government in the aged care field and how that compares with the performance of the Bracks government.

I put the facts on the record. The figures relative to the Kennett government's capital funding for public sector

residential aged care show that in 1996–97 it allocated $4 million; in 1997–98, $6.5 million; in 1998–99, $9.5 million; and in 1999–2000, $18.6 million. Over the last four years of the Kennett government its total spending on capital funding in public sector residential aged care was $38.6 million.

The opposition says it would like to compare those statistics with the record of the Bracks government. I have the statistics in this area for the two years of the Bracks government. In 2000–01, $47.5 million has been allocated by the Bracks government — that is, almost a third more in one year than the Kennett government provided in four years. In addition, it has provided $25 million in 2001–02. Its total funding has been $72.5 million over two years — that is, almost double the spending of the Kennett government over four years.

Most of the Bracks government's spending has gone into rural and regional Victoria, and into projects such as the Grace MacKellar Centre in my area where $19 million has been provided for the upgrade of that service. Not one cent was provided by the former Kennett government, which intended to privatise and sell that facility. It did not care or did not want to know what was happening there. At the time that proposal was wildly supported by local Liberal Party members.

The Corangamite electorate within my region is 495 beds short. In today's *Geelong Advertiser* the following comments are made:

> One Geelong resident this week told how his 91-year-old father spent 12 weeks in a medical ward waiting for a place.

In other words, he was sitting in a totally inappropriate acute ward setting waiting for a bed. That is what is happening today! The article further states:

> Victorian Association of Health and Extended Care Barwon region chairman Joy Leggo said it was inappropriate to look after aged care patients in the hospital setting.
>
> She said older residents must have access to suitable services when they needed them.
>
> 'People in the Geelong region should not have to wait more than one month to access a residential care place', she said.
>
> 'This is clearly not the case in our area with people having to wait for months for a placement'.

That is a direct result of the fudging of the federal government. It talks about how many beds it has approved, but it does not like to talk about how many beds are in place or how many beds people can access. The federal government has been a disastrous and monumental failure in this area as a direct result of the way the federal Minister for Aged Care has applied her policies. It is no wonder that, when the Prime Minister was out with her a couple of days ago, he kept Bronwyn Bishop at a distance — the photographs were the evidence. He did not want to be closely associated with her.

The federal government will not talk about this issue, but the provision of aged care beds is a critical issue in Corangamite and the Barwon region. The problem must be addressed. The Bracks government is trying to do something. It is time the federal government came to the party and stopped with the rhetoric and talk about approved bed numbers and actually put beds in place in the Barwon region so that Geelong people can get the care they need and do not have to be put into inappropriate health care settings, and so they can be treated with dignity in their older years.

Mr WILSON (Bennettswood) — I am pleased to make only a brief contribution to the debate because the honourable member for Polwarth wishes to make a contribution — and the house eagerly awaits his contribution!

When the federal Howard government came to office, federal expenditure on aged care was approximately $2.5 billion a year. In the 2001–02 financial year it is estimated that the federal government will spend $4.2 billion on aged care funding throughout Australia — an increase of 70 per cent. Since 1996 the Howard government has allocated approximately 9500 new aged care beds in Victoria, with another 1760 places available in this year's aged care approvals round. That will increase the ratio of available places in Victoria to 108 aged care places per 1000 people aged over 70 years, including 93.1 residential care places — both well above the national benchmark.

When the federal Labor government left office in 1996 after Paul Keating was trounced by John Howard, Victoria faced a deficit of 10 000 aged care places. That statistic is not Liberal Party or coalition propaganda but a finding of the independent Auditor-General in 1998.

In Victoria in 1999–2000 the commonwealth provided $873 million for residential care — that is, an increase of $273 million on the 1995–96 figure of $600 million.

At the same time Victoria has had its very healthy share of the $1.4 billion spent on capital works in aged care facilities across Australia. Indeed, Victoria has benefited from excellent increases in the aged care recurrent budget and a very decent share of the capital works budget.

In Victoria, of the 9474 new aged care places, 4878 were new residential aged care places and 4596 were new community aged care packages.

Ms Pike — Well, where are they?

Mr WILSON — Minister, if you do not know where they are I suggest you are not doing your job as the Minister for Aged Care.

The ACTING SPEAKER (Mr Kilgour) — Order! The honourable member will speak through the Chair.

Mr WILSON — Certainly, Mr Acting Speaker, and I thank you for your guidance. At the same time the commonwealth has made significant inroads in the area of standards. The Minister for Aged Care would agree with me that the issue of standards is important in aged care. Certification has provided the first ever audit of building quality of all aged care homes, and 99 per cent of homes in Victoria have passed certification. Certification will bring about ongoing improvements in residential living for our senior citizens.

In the area of accreditation we have provided the first ever audit of the quality of care in all aged care homes, and since 1 January 2001 all aged care homes have had to be accredited in order to receive commonwealth funding. In Victoria all homes except one have achieved accreditation.

Putting it in an historical context — I reflect on the contribution of my colleague the honourable member for Bayswater — the area of aged care has been neglected. Members on both sides of the house would agree with that. Indeed, since World War II both sides of politics and all state and commonwealth governments either dropped or failed to pick up the ball. I reflect on the fact — the minister would appreciate this — that it was the Kennett government that appointed the first ever designated aged care minister, and between 1992 and 1999 that gave Victoria the ability to be the leader in aged care policy in Australia. If we reflect historically upon what has happened in aged care, there is no doubt that the worst offenders in terms of government policy were the Hawke and Keating governments in the years from 1983 to 1996. They dropped the ball and let Australia down, and they are the creators of most, if not all, of the problems we have in aged care today.

A few days ago an article was published in one of the major daily newspapers in Melbourne which advised the Bracks government, 'It's time to stop the spin'. If the unthinkable were to happen and Kim Beazley became Prime Minister, I ask the Minister for Aged Care and the government: what will you do then? Whom will the Bracks government blame if there is a Beazley government? If there is a Beazley government, unfortunately for the Victorian minister and the present government, the political reality is that they will have to stand on their own; their actions will be entirely their own actions. There will not be another party or another government to blame.

My message to the Victorian minister and the government is this: if there is a Beazley government you will have to become a government of substance rather than a government of spin, and the matter of public importance before the house today does not advance your cause.

Mr Helper — On a point of order, Mr Acting Speaker, I seek your guidance — and thank you for recognising me. The point I would like you to clarify for me is that we spent an hour and a half before the commencement of the actual debate on this matter of public importance debating what was actually the substance of the MPI. I did not hear the last speaker at all talking about the new information — which was so critical to having the MPI admitted — that was made available through the minister and government speakers.

The ACTING SPEAKER (Mr Kilgour) — Order! I do not uphold the point of order. The honourable member for Bennettswood had completed his remarks when the honourable member for Ripon rose to his feet on his point of order. Had he done that while the honourable member for Bennettswood was still speaking I would have accepted it because he would have still been speaking.

Ms LINDELL (Carrum) — I welcome the opportunity to make a contribution to the debate on this matter of great importance to all Victorians. Following a legacy of seven years of Kennett government and five and a half years of the Howard government it is no wonder the opposition had to be dragged, screaming and yelping, to this debate this morning. The complete contempt shown to older Victorians should and does cause the opposition parties a great deal of embarrassment. It is a betrayal of a generation of Victorians who have lived through the Depression of the 1930s and through the Second World War. That generation, which worked solidly and hard for 20 years from 1945 to 1965 driving Victoria's economic growth, has delivered for us in this chamber today a life of opportunity and comfort. The appalling treatment that this generation of Australians has received at the hands of the federal government is disgraceful.

The commonwealth government's own figures show that Victoria is worse off when it comes to federal aged care funding than any other state. When discussing what are the difficulties and deficiencies in the aged care sector even the honourable member for Rodney acknowledged that Victoria does have a 5000-bed shortage. Surely that is the crux of the entire matter: a shortage of 5000 aged care beds and long waits at inappropriate acute medical facilities for frail and aged Australians who have given so much to this country.

Between 1993 and 1999 the Productivity Commission report shows a dramatic decline in nursing home places provided for the elderly population. In 1996 Victoria had 44 nursing home places for every 1000 of population aged over 70. As at June 2000 it had 39 nursing home beds — in other words, it went backwards by 11.4 per cent in four years at a time when the number of older Victorians is increasing.

In my own electorate in the south-eastern suburbs along Port Phillip Bay there is a hostel bed deficiency of 193. This is made up of a shortage of 52 hostel beds in Kingston, 23 in the City of Greater Dandenong, and 118 in the City of Bayside.

When you look at the number of beds approved compared with the national benchmark, you note there are deficits right throughout the south-eastern suburbs of Melbourne. In the federal electorate of Holt there is a shortfall of 405 beds between the number of beds approved and the national benchmark. In the federal electorate of Hotham there is a 291 bed shortfall; in Dunkley, it is 266 beds; in Flinders, an electorate renowned throughout Victoria for its number of retirees and aged persons, the shortfall is 344 beds; in Goldstein, it is 169 beds; and in Isaacs, which most people would know is a reasonably high-growth area that encompasses much of the City of Casey and the new suburbs of Carrum Downs and Cranbourne, the deficit is 24 beds.

Many people would know that the more established suburbs of Chelsea and Carrum, which are the suburbs I have the honour to represent, have significantly higher numbers of people aged over 70 than the average for the rest of Victoria. As I said before, the City of Kingston has a deficit of 52 hostel beds. The shortfall is of great concern in my community, particularly for local councils, health services, churches and older Victorians themselves. Many older Victorians raise with me their genuine concerns not only about their own fate but also that of their neighbours and friends.

The honourable member for Caulfield in her contribution alleged that the federal opposition had made no commitment to providing more funding for aged care services, but she has never allowed the truth to get in the way of an argument. She mentioned particularly the shortage of aged care nurses and the failure of the federal opposition to announce any policy to address these issues. I direct her attention to a statement made on 13 October by Kim Beazley, the federal opposition leader, which commits a federal Labor government to a $287 million investment to turn some of those 'phantom' beds into real beds and a $180 million increase in funding for quality care. Involved in this is funding of $109 million over four years to improve the salaries and conditions of the aged care work force, with a focus on tackling the wages gap between nurses in aged care and those in acute care. I point out that statement for the honourable member for Caulfield. She would never come into this place and deliberately mislead the house! I am sure she has simply not done her homework and checked the policies that have been announced.

I also mention the Riverside Nursing Home. Its closure was a great crisis in my local community. It still stands there empty. That nursing home is badly needed in my local community, but it is going nowhere, especially with Minister Bishop in control. I will quote from an article by Mavis Smith, the executive director of the Victorian Health Care Association, which appeared in the *Herald Sun* of 11 August. I must say it is not a newspaper that I read often. It states:

> Despite the crisis caused by the shortage of beds in Victoria, the federal government has offered little.
>
> This was reflected in this year's budget, in which virtually no funds were provided for additional residential aged care beds.

Mavis Smith is not a party-political person, and she is not a person who would have any reason to say that other than her genuine concern as the executive director of the Victorian Health Care Association to lobby and argue the best case for aged care services. The article also states:

> The federal government failed to take up the commission's recommendations —

that is, the Productivity Commission's recommendations —

> and the inadequacies in funding, and the shortfall in residential beds have not been appropriately addressed.

In closing my contribution I would like to quote the philosopher Abraham Herschel. A similar quote was used by the honourable member for Frankston East, but it is something we should all think about. Aged care should not be a political matter; it should be about the

care of and respect for our older Victorians, and affording them a dignified life. Abraham Herschel said:

> The test of a people is how it behaves towards the old. It is easy to love children. Even tyrants and dictators make a point of being fond of children. But affection and care of the old, the incurable, the helpless, are the true goldmines of a culture.

I am very pleased that this debate has taken place this morning, despite fierce opposition from the other side — but that is what you expect from an opposition. I plead with the opposition not to try to make this a political issue, because it is not.

The ACTING SPEAKER (Mr Kilgour) — Order! The honourable member for Polwarth has 1 minute.

Mr MULDER (Polwarth) — I will take up where the honourable member for Carrum left off with that remarkable quote, which indicates that the issue of care of the elderly should not be used as a political football. The Minister for Aged Care has raised this matter of public importance purely and simply for the political gain of that incredible character, Kim Beazley.

I imagine the discussion around the cabinet table included such comments as, 'We need to kick a few people about. Let's find some vulnerable ones'. The Minister for Community Services would have said, 'Don't dare touch people with disabilities'. The Minister for Aged Care has laid on the table the lives of elderly people and has used them for political purposes in this debate. The quote referred to by the honourable member for Carrum picks up on that point very well. It is purely and simply about trying to get that great character — —

Mr Trezise — On a point of order, Mr Acting Speaker, not once has the honourable member for Polwarth referred to the matter of public importance or the new issues. He continues to babble on.

The ACTING SPEAKER (Mr Kilgour) — Order! I do not uphold the point of order. The time for raising matters of public importance has expired.

MELBOURNE CITY LINK (FURTHER AMENDMENT) BILL

Introduction and first reading

Mr BATCHELOR (Minister for Transport) introduced a bill to make further amendments to the Melbourne City Link Act 1995 and for other purposes.

Read first time.

TRANSPORT (ALCOHOL AND DRUG CONTROLS) BILL

Introduction and first reading

Mr BATCHELOR (Minister for Transport) introduced a bill to amend the Transport Act 1983 and for other purposes.

Read first time.

MARINE (FURTHER AMENDMENT) BILL

Introduction and first reading

Mr BATCHELOR (Minister for Transport) introduced a bill to amend the Marine Act 1988 and for other purposes.

Read first time.

PETROLEUM (SUBMERGED LANDS) (AMENDMENT) BILL

Introduction and first reading

Ms GARBUTT (Minister for Environment and Conservation) introduced a bill to amend the Petroleum (Submerged Lands) Act 1982 to provide for infrastructure licences and to make other amendments as a consequence of amendments to commonwealth law and for other purposes.

Read first time.

ENERGY LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL

Introduction and first reading

Ms GARBUTT (Minister for Environment and Conservation) introduced a bill to make miscellaneous amendments to the Electricity Industry Act 2000 and the Gas Industry Act 2001 and for other purposes.

Read first time.

JUDICIAL REMUNERATION TRIBUNAL (AMENDMENT) BILL

Introduction and first reading

Mr HULLS (Attorney-General) introduced a bill to amend the Judicial Remuneration Tribunal Act 1995 to provide for various matters relating to the membership of the Judicial Remuneration Tribunal and the functions

and procedures of the Judicial Remuneration Tribunal and for other purposes.

Read first time.

STATUTE LAW FURTHER AMENDMENT (RELATIONSHIPS) BILL

Second reading

Debate resumed from 19 September; motion of Mr HULLS (Attorney-General).

Mr Wynne interjected.

Dr DEAN (Berwick) — I heard the interjection from the honourable member for Richmond that this is a good bill — and so it should be after 87 amendments were required to the original legislation. I like to catch such interjections. As a consequence of the interjection it is important that I go through the history so honourable members understand why it is a good bill. I would not want the interjection to be ignored! I hope the Attorney-General comes back into the chamber to hear and remind himself about those amendments.

It is a good time to be debating the Statute Law Further Amendment (Relationships) Bill, because in the present climate Victorians and people throughout the rest of the world rightly are besotted with events relating to terror and security that occurred outside this country. We are having what is called, and probably rightly so, a war that may go on for some time.

Why do I raise that particular point in relation to the bill? I was talking to a well-respected journalist about half an hour ago who said to me that it is about time the press stopped referring to the incidents and scares occurring at the present time. The journalist reminded me that bomb scares were never or rarely reported by the press, but we are getting to a stage in reporting concerns about substances arriving where people are becoming so focused on it that the rest of life — —

Ms Davies — On a point of order, Mr Acting Speaker, on the issue of relevance, I believe the house is debating the Statute Law Further Amendment (Relationships) Bill. I fail to see the relevance of discussing bomb scares.

The ACTING SPEAKER (Mr Kilgour) — Order! I do not uphold the point of order. Quite clearly the shadow minister is going through the background to and the reasons why the house should be debating this bill today. However, I advise the honourable member for Berwick that he should ensure that his points are relevant to the bill.

Dr DEAN — The honourable member for Gippsland West was not in the house when I began my contribution, otherwise she would have heard the reason why I said it is important to debate these sorts of cultural matters now. That is because it gives honourable members an opportunity to focus their attention away from matters that are of such concern and return to our normal lives. One of the ways of returning our lives to normal is to have an important discussion about a matter of culture, about whether discrimination should or should not happen and about family values and all those things that are part of our lives.

I was making the point as a member of Parliament who is concerned for Victorians that in this time of worry the best thing any of us can do in response is to make an effort to look at things which are outside the crisis and which we can debate separately and distinctly from the terror and concerns. That is why I say that the bill, which raises fundamental points about the way we live, is something we should focus on and debate. It is a good thing the debate is coming on now.

The history of the original bill, as far as the Liberal Party is concerned, is worth remembering. People will understand that this bill is a reflection of the terms of the original bill, simply with respect to other acts. I have a copy of the original bill here and I notice it is covered in ink because of the various amendments and discussions that took place. When the original bill came out the Liberal Party took a firm stand on two principles and to this day it has never changed those principles and it never will. As a consequence of its stand the bill as we now have it before the house is acceptable to the Liberal Party.

What were the two principles that the Liberal Party stood firm on and why were the changes necessary? The first is that the Liberal Party is against discrimination. We have to define ‘discrimination’ because the word is meaningless unless we determine and discuss what we are talking about and what we are discriminating against. The fact that I have my blue suit on today instead of my green suit means I have discriminated against my green suit. The term ‘discrimination’ is very broad.

An honourable member interjected.

Dr DEAN — It’s a blue day. A Liberal day. What discrimination means in a social and cultural sense is that the basis of the discrimination is unacceptable. The Liberal Party stands firmly on the grounds that it will not tolerate discrimination where the discrimination is on a basis that is unacceptable in civilised society, and

consequently the Liberal Party will not tolerate discrimination on the grounds of sexual orientation. It will not tolerate discrimination in relation to the fact that someone is gay or heterosexual in respect to how the community treats them.

That is a very strong principle I was reminded of recently in an article in the *Law Institute Journal* about myself, parts of which the Attorney-General has quoted. I thank him for that; it has a bit of life to it, there is no doubt about that, which is more than you can say for the Attorney-General. It was a generous article about which I am very proud. One of the parts the Attorney-General did not quote was my commitment to the Menzian Liberal philosophy — that is, freedom from want, freedom from fear, freedom from all the things that mean discrimination; so freedom from poverty, freedom to work and freedom from living in fear. Discrimination by one group against another is a form of fear. That is what discrimination is about. It is about saying to another group in the community, 'We are going to create fear in you because you are not like us', and that is totally uncivilised. The Liberal Party has a good and long record in relation to that matter.

The other principle we also stood firmly on was that the family and long-term relationships — particularly long-term relationships — are in the interests of children. That is an important principle and we would not back away from that. What we said about the original legislation was that legislation that purported to uphold the first principle, which we agreed with, for reasons of drafting error or whatever — it depends on your degree of cynicism as to where you put that — was not acceptable because the second principle had been interfered with — that is, the definition of 'domestic partner', as it then was, enabled a reduction in the emphasis on long and short-term relationships.

Relationships which qualify for special privileges — de facto relationships, married relationships and now domestic partner relationships — need to have certain factors associated with them.

Because of the promotion given by the community as a whole to those relationships and because they get special benefits it was important for us that one of the factors was a commitment to a long-term relationship. That did not mean that it ended up being a long-term relationship, and I can name you many marriages that end very quickly, and that is a terrible shame. It was not to do with whether we were talking about marriage, de facto or same-sex relationships. It was simply a commitment to a definition of any relationship to which the community was going to give special consideration and special benefits and so forth, and to the fact that there was a commitment, at least at the beginning, to a long-term relationship.

It was as a consequence of those problems that the Liberal Party stood firm. Honourable members may recall that there was a lot of fire and brimstone, and many arrows flew across the chamber; it was a pretty tough time for everyone concerned. But I am pleased that the Liberal Party continued to stand up for those matters. In the end the bill went to the upper house, changes were made — and I give the honourable member for Richmond his due, we had discussions and negotiations — which enabled the Liberal Party to be satisfied that long-term relationships and family relationships were protected.

Some people would say that that is what Parliament is all about. Some people would say it is important that Parliament operate in that way. The point I want to make is that the Liberal Party stood absolutely firm on those issues and did not budge to ensure that that was what happened. We believe the bill before the house today, which we have no difficulty with at all, is a much better bill because of the amendments that were made to it.

We talk about 87 amendments, and that is a bit of a stretch. The honourable member for Richmond would agree that there were 87 amendments, but they were the same amendments to a lot of acts. The real amendments were to two provisions — that is, the broad definition and the narrow definition of 'domestic partner'. There were about five major changes to those two provisions, which was the heart of the change of the matter that was necessary, and it is important that we look at them.

Remember this was at a time when a series of bills had come through the house that had been a bit of a disaster for the government. The constitutional bills had come through and they were completely stuffed up. We had two bills in the house at the one time. Such were the problems with them that at least one never saw the light of day.

The transgender bill came along, which also was bit of a disaster and had to be fixed up. The freedom of information bill came along. The Liberal Party moved an amendment, which the government took and moved itself. The Dupas bill came along, and the government said that that was a ratbag bill, but the same bill was later passed in the upper house. It was a time when the government was having great trouble with its legislation.

One of the reasons why that trouble now is not as prevalent as it was then is that the government has gone

off the boil on significant legislation and now concentrates on what we would call technical small bills. That is a relief to all of us given the government's record on complex bills.

What were the problems with the bill when it came through that it is important to remember had to be changed? First of all there was the intestacy provision. The government realised pretty well at the start that that had to be changed. This was the situation where under the property act the relationship, if you like, to a child would occur biologically if the child was biologically related to the parent. That was fine. The difficulty was in relation to domestic partners in that if they were of the same sex the child may not have any biological, IVF (in-vitro fertilisation) or adoption relationship to the couple. Because there was no anchor in the legislation to tie the child in some way to the partners we could have a situation where the bill reacted and a person became a domestic partner on the basis of children even though one of the domestic partners had never seen the child and the relationship was only a very short time, and that of course was no good.

The government got on to that fairly quickly and made sure that if the trigger to being a domestic relationship was the existence of a child then the child had to be related to the couple — the couple had to be the parents of the child, however that might come about.

In the broad definition of domestic partner the house is aware of the two definitions: one is a genuine domestic commitment; the other is in relation to a couple that might not live under the same roof but nevertheless are together.

When the term 'couple' was used in the narrow definition Shaw, QC, pointed out — and it was of concern to the Liberal Party as well, and we are glad that he did — that by not using the term 'couple' in the broad definition the argument was that you did not have to be a couple to come under the broad definition. That gave all sorts of ridiculous examples of flatmates and the like possibly coming in under this broad domestic partner definition, which in the end would have caused derision, and that was no good.

It is not good when you are doing social legislation like this to have flawed legislation because that gives the bigots the opportunity to use that flaw in the legislation to come forward and attack the concept. So when you are doing legislation which is cultural legislation like this you have to be accurate. You must have the terms and definitions set out in an accurate way otherwise the very people who you are trying to bring on board, who are discriminators, use the fault to cause further problems. So that was changed and the term 'couple' was given a broad definition.

Then the Liberal Party was concerned that there was not a list of matters that need to be taken into account when an attempt is being made to determine whether a relationship is a domestic partnership. I give the honourable member for Gippsland West her due: if she had not done it we would have. But we are happy she did it, we agree entirely with what she did, and we support it. It is a list of requirements that ought to be taken into account by a court when trying to determine whether a relationship is a domestic partnership.

Although those matters were as a matter of common law taken into account when de facto relationships and so forth were looked at, it was all pretty higgledy piggledy, and some courts did and some courts did not. So the inclusion of proposed section 275(2) in the Property Law Act to list this range of matters was a step forward in relation to marriage and de facto and domestic partnerships because it supported the sorts of relationships we promote and believed ought to be promoted in a situation like this.

I will take a moment to go through the list because there is really no difference on this between the heterosexual community and the gay community — if you want to put it in those terms — or any other community which is committed to relationships, to children, to peace and to harmonious community life. It does not matter if it is a heterosexual relationship or a same-sex relationship. Either way, these things are important, and there are no differences in the sorts of things they look for.

The first thing to be taken into account is the duration of the relationship. Further factors include — and of course these things are not determinative but are only factors to be taken into account to help a tribunal decide whether or not a relationship should fit into this category — the nature and extent of common residence; whether or not a sexual relationship exists; the degree of financial dependence or interdependence and any arrangements for financial support between the parties; the ownership or use and acquisition of property; the degree of mutual commitment to a shared life — which is the important point I was making about relationships at the start; and the reputation and public aspects of the relationship.

That last one has historically been a difficult one for same-sex couples. Because of past prejudice, coming out and being open about a same-sex relationship in public has been a difficult thing. I am pleased that that factor is only one of a number of factors that should be

taken into account, because there is still prejudice in the community. The bill is trying to eradicate that, but prejudice is still there, so it is good that for those who do not want their relationship to have a public aspect or reputation that is not a steadfast requirement, albeit that it is a matter that can be taken into account.

That was the list of items. Then there was also reference in the purpose clause to shared life as a couple, which was an alteration the Liberal Party believed was important. To the Liberal Party, however, it was still not enough, because we needed to be absolutely sure that the commitment to the long term was there and that the extent of the relationship that already existed in de facto relationships and marriage was the same for those in same-sex relationships who wanted to get the benefit of the legislation. That is why we proposed the amendments.

The first amendment we proposed concerned intestacy, because there was a provision that the spouse or domestic partner would gain half the property after two and a half years and all of it after five years. We found that too rigid and considered lots of examples, such as where someone had moved on from a 20-year relationship and then, after two and a half years, they found that half of the family home was at risk. We stuck to our guns on that amendment.

Another important term we proposed for insertion into the purpose clause — and that is now in the bill — was:

> 1(3) … the importance of a commitment to a long-term relationship and the security of children.

We wanted those words in the purpose clause for all to see so that the Liberal Party could satisfy not only its first principle — the reason it supported the thrust of the bill — but also its second principle.

The amendments proposed by the government and the honourable member for Gippsland West were accepted, but the two additional amendments proposed by the Liberal Party were not. The bill then went to the upper house, where the Liberal Party stuck to its guns. There was negotiation and discussion about our proposed amendments, and as a consequence they were introduced to the satisfaction of both the Liberal Party and the government, enabling the bill to be passed. Then the bill was proposed in that form in the lower house. The Liberal Party is happy that it was not necessary for a bill which complied with its first principle not to see the light of day simply because its second principle could not be accommodated. It is important that we acknowledge that in the end it was.

The bill clearly does to this next tranche of provisions what it did to the first group. All the changes are in the bill as they were at the end of the process last time. The opposition looked closely, of course, at the Children and Young Persons Act to ensure that there were no unintended consequences along the line. It has been pointed out to me that under the definition of ‘parent’ in that act there is no care and control provision. I did not know that, and I do not know why it is not there. The community services department may have a reason for it not being there. It is not a fault of the amendment that is proposed to be made by the bill, but it may have to be considered later as a separate issue in relation to the Children and Young Persons Act. It is interesting that that concern has arisen.

Some of the relevant acts create more rights, and sometimes they create more obligations. If you qualify for a domestic relationship category it may subject you to more liability or give you more rights. That is not what the legislation is about; it is about equality. Whether you get rights or benefits is irrelevant; equality is the most important thing. I am pleased that the government has accepted and adopted the process and the amendments to the bill that satisfy the Liberal Party, and that they now carry through to another set of acts. There is no argument about that from the Liberal Party.

Mr WYNNE (Richmond) — I have pleasure in rising to support the Statute Law Further Amendment (Relationships) Bill. By way of introduction I must say that the contribution by the honourable member for Berwick in his capacity as shadow Attorney-General was really ungracious. One would have thought that he, more than anybody else in this house, would not have wanted to trawl through the history and go back to the genesis of the bill. If you go through the history of how the first tranche of this measure was developed and negotiated before the first bill was introduced into the house you find it does no credit at all to the shadow Attorney-General.

Honourable members will recall that extensive negotiations were undertaken on the bill. I acknowledge the fair-minded people like the honourable member for Prahran and the Honourables Peter Katsambanis and Andrew Olexander in the other house, who negotiated in a fair-minded and decent way with the government for the passage of the first tranche of the legislation. Honourable members will well recall the infamous fight on the back balcony of Parliament House between the shadow Attorney-General and the then shadow Treasurer about the shadow Attorney-General’s handling of that bill. That is well known. I did not want to raise this today, but in the context of the most ungracious contribution by the shadow

Attorney-General it is appropriate to correct the record and to remind honourable members of the course of action taken in the negotiations on the first tranche of 43 bills.

Honourable members, certainly those on this side of the house, will remember that the shadow Attorney-General exempted himself from the negotiations and handed the matter over to the Honourable Peter Katsambanis in the other house. As the honourable member for Prahran is well aware, negotiations occurred in a proper fashion with her and the Honourable Andrew Olexander in the other place. Honourable members were present on the historic day when the first tranche of the 43 bills was passed by this house and subsequently by the upper house of this Parliament. It is a rare event in public life when you can say that a bill that has passed this house has so fundamentally changed people's lives. The passage of the bill indicated the direction this state government was heading in.

Debate interrupted pursuant to sessional orders.

Sitting suspended 1.00 p.m. until 2.03 p.m.

DISTINGUISHED VISITOR

The SPEAKER — Order! It gives me great pleasure to welcome to the gallery today Mr Vlado Sugarevski, who is a member of the National Assembly of the Former Yugoslav Republic of Macedonia. Welcome, Sir.

QUESTIONS WITHOUT NOTICE

Port of Melbourne: Westgate terminal

Dr NAPTHINE (Leader of the Opposition) — I refer the Premier to the Westgate international container terminal project announced in June this year and the fact that the project brief which was scheduled to be released to short-listed registrants on 5 October has simply not been delivered. What is delaying this important project?

Mr BRACKS (Premier) — I thank the Leader of the Opposition for his question. After yesterday's performance in misquoting figures you would not trust the opposition one iota.

Before I come to the Westgate terminal it should be noted that the so-called Australian Bureau of Statistics (ABS) figures that were released yesterday by the opposition — —

Dr Napthine — On a point of order, Mr Speaker, on the issue of relevance, the Premier is late again. I would prefer him to answer today's question, not yesterday's question.

Mr Cooper interjected.

The SPEAKER — Order! I warn the honourable member for Mornington! I do not uphold the point of order.

Mr BRACKS — Yesterday we had the spectacle of ABS figures talking about public sector spending in relation to engineering and construction activity, and which referred to electricity generation, harbours — —

Dr Napthine — On a point of order, Mr Speaker, the Premier is now debating the question. The question was very specific and I ask you to bring him back to answering it.

The SPEAKER — Order! I do not uphold the point of order. The Premier has hardly uttered a sentence. I ask the house to give him the opportunity to begin answering the question and the Chair will pull him up if he is not answering it.

Mr BRACKS — It referred to matters such as electricity generation, harbours and railways.

Mr Cooper — On a point of order, Mr Speaker, it is quite obvious that the Premier is not addressing the question. I ask you to bring him back to the question and direct him not to try to address a question that was asked of him yesterday.

The SPEAKER — Order! I am not prepared to uphold that point of order either.

Mr BRACKS — In summary, and it is related to the Westgate terminal, all of those areas — electricity generation, railways and harbours — were privatised under the previous government, so of course there is no state government expenditure. Of course there is zero! What great distorters we have on the other side!

Mr Maughan — On a point of order, Mr Speaker, the Premier is debating the issue and is ignoring the demand to answer the question. His answer is totally irrelevant to the question that was asked by the Leader of the Opposition.

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

Mr BRACKS — In relation to one of the matters that was referred to in these ABS figures on harbours and the Westgate terminal, it should be remembered

that this was a failed project of the previous Kennett government. The third container terminal, the competition to P & O and Patrick stevedoring, was crashed and smashed by the Kennett government because it wanted to pursue waterfront reform and break the back of the unions. The reality was that the previous government's preferred tenderer, OOCL, was one that wanted to have an arrangement with the Maritime Union of Australia. That was the reason it did not pursue a third container terminal.

I am very proud of the fact that our government has resurrected this project. We have sought expressions of interest for a third container terminal and we will look forward to any interest that is expressed. We will do what the previous Kennett government failed to do in its last term.

Questions interrupted.

DISTINGUISHED VISITORS

The SPEAKER — Order! It gives me great pleasure to welcome to our gallery a distinguished delegation from the Aichi Prefectural Assembly led by Mr Fumihiko Kobayashi, the vice-chairperson of the assembly. As honourable members are aware, Victoria and Aichi have a sister-state relationship. We welcome the esteemed delegation to our gallery.

Honourable members — Hear, hear!

Questions resumed.

Legislative Council: reform

Mr MILDENHALL (Footscray) — I ask the Premier to inform the house of the progress of the government's commitment to reform the Victorian Legislative Council.

Mr BRACKS (Premier) — I thank the honourable member for Footscray for his question, and I inform all members of the house that the government will continue in its efforts to reform the undemocratic upper house of the Victorian Parliament.

The Legislative Council is fundamentally unrepresentative — for example, at the last election the opposition parties received some 50 per cent of the vote yet they have 70 per cent of the representation in that unrepresentative chamber. It has a stale mandate with half of its members having been elected as far back as 1996 — some five years ago. They have not faced an election for five years and may not face one for another three.

In the seven years of the Kennett government that house did not move one opposition amendment, yet since this government was elected we have seen an obstructionist upper house. Let me go through that.

Mr Maclellan — On a point of order, Mr Speaker, the matters that can be raised on substantive motions include criticism of another place, but during question time the Premier is not able to criticise another place or cast reflections on it. He has described them as being undemocratic. Now he is going further in criticising another place by calling it obstructionist. You, Mr Speaker, have to be the guardian of the dignity of another place in this place.

The SPEAKER — Order! I presume the honourable member for Pakenham is referring to standing order 108 in raising his point of order. I am of the opinion that the Premier was not infringing that standing order. However, I ask him not to reflect upon members of the upper house contrary to the standing order.

Mr BRACKS — I shall relate to the house the facts on matters that have been blocked by the Liberal and National parties in the Legislative Council. The Fair Employment Bill, upper house reform itself, the introduction of supervised injecting room facilities and home detention reforms are among some of the matters blocked by the upper house. All those were matters which were submitted for specific mandates at the last election, which were debated and in policies and for which the Victorian public elected the government in 1999.

Mrs Peulich — On a point of order, Mr Speaker, I draw your attention to standing order 97 and suggest that you encourage the Premier to desist from breaching the standing order.

The SPEAKER — Order! Standing order 97, which the honourable member refers to, states:

> No member shall use offensive words against either House of Parliament — —

Mr Plowman interjected.

Questions interrupted.

SUSPENSION OF MEMBER

The SPEAKER — Order! Under sessional order 10 I ask the honourable member for Benambra to vacate the chamber.

Honourable member for Benambra withdrew from chamber.

Questions resumed.

The SPEAKER — Order! Standing order 97 reads:

> No member shall use offensive words against either House of Parliament nor against any statute, unless for the purpose of moving for its repeal.

I am of the opinion that the Premier was not using offensive words.

Mr BRACKS — The government established the Constitutional Commission to continue the process of reform of the Legislative Council. It includes three members, two of whom are former Liberal members of Parliament, which demonstrates the widespread support for the reform of the upper house.

The Constitutional Commission has held seminars across Victoria — in metropolitan and suburban Melbourne, and in country regions. It has received submissions from hundreds of Victorians, and it will continue that work until the end of November, when it will conclude the submissions and seminars process around the state.

Upper house reform will continue to be an issue for this side of the house until the state election. The conduct of the Legislative Council today demonstrates the need for urgent upper house reform.

Snowy River

Mr RYAN (Leader of the National Party) — Given that the intergovernmental agreement of one year ago promised increased flows in the Snowy River by early this year, will the Premier inform the house of the extent of those additional flows?

Mr BRACKS (Premier) — I can inform the house that the block to this arrangement was the Liberal Party government in South Australia. That was the block to the arrangement — the Leader of the National Party knows it, and everybody in the house knows it!

I am very pleased to say, as I informed the house about two weeks ago, that just before the federal caretaker period was established the South Australian government finally signed on to the Murray–Darling Basin agreement to allow for the corporatisation of the Snowy scheme. It can now proceed. It was unable to proceed because of the blocking by the South Australian government. That blockage has been removed because of the efforts of the Victorian government and the efforts, I must say, of the federal government, which wanted to ensure the project went ahead.

There is now a cooperative arrangement between four governments — the Victorian government, the New South Wales government, the South Australian government and the federal government. Together we will return flows to the Snowy River.

Aged care: funding

Mr HELPER (Ripon) — Will the Minister for Aged Care inform the house of details of the new report released today entitled ‘Commonwealth underfunding of aged care in Victoria — a trends analysis’, which was prepared for the Department of Human Services?

Ms PIKE (Minister for Aged Care) — Today I am releasing a report paper entitled ‘Commonwealth underfunding of aged care in Victoria — a trends analysis’. This paper has been prepared because for more than 12 months the commonwealth has consistently refused to provide Victoria with current information about the operational aged care bed shortfalls. We have been asking for the information for more than 12 months, but it has not been forthcoming.

We have also had this paper and work done because we needed to confirm the dimensions of the problem for older Victorians, for their carers and for our health system as a whole. The paper confirms that we have enormous problems in Victoria — and they are all of the Howard government’s making! The paper also confirms that we have massive funding discrimination in Victoria. It also confirms what people have been warning the Howard government of for more than four years — and they were making the same warnings during the watch of the present opposition. I refer to some of the findings of the paper.

Firstly, Victoria has a massive shortage of nursing homes and hostels — more than 5000 beds below the commonwealth’s own benchmark. Secondly, there will continue to be thousands of phantom beds — they are the beds which were promised by the Howard government but which will never materialise. Thirdly, and taking an optimistic approach, it will be at least eight years before we get the adequate number of beds in this state, assuming the numbers will continue to flow through. Fourthly, when home and community care and residential care are combined, Victoria’s frail older citizens get less money from the commonwealth than old people in any other state. There is absolutely no justification for that. The Howard government’s savings are costing Victorians.

Honourable members interjecting.

Ms PIKE — It is interesting that the opposition shows the same level of interest in aged care that it showed when the government raised this as a matter of public importance in the house this morning. For 90 minutes the opposition fought tooth and nail against it because members opposite are embarrassed; they have nowhere to go. They are absolutely humiliated by the lack of action by the federal Minister for Aged Care. They know it is a disgrace and that Victorians are being discriminated against. They have no justification for it, but they continue to stand by the federal aged care minister — which is a disgrace because by doing so they support discrimination against Victorians.

The report also reveals that the rot began to set in when the number of beds started to diminish between 1996 and 1999. Where was the opposition at that time? Were opposition members actively calling for an allocation of beds? Were they pressing the federal government at the time to do something about it? No, they were silent.

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

Ms PIKE — It would be heartening for Victorians if there were a plan to address the issue. That would give some comfort to older people. But of course we know, as this report I am releasing today shows, that there is actually no plan. In fact, the federal aged care minister herself said:

> When I became the minister I was asked by the Prime Minister to develop this national strategy, and here it is.

But to see it:

> … You'll have to wait till after the election …

Infrastructure Planning Council: report

Mr CLARK (Box Hill) — I refer the Premier to his media release of May last year announcing the establishment of the Infrastructure Planning Council, which was due to release its interim report by May this year. Given that the report is now grossly overdue, when will it be released?

Mr BRACKS (Premier) — I welcome the question from the honourable member for Box Hill and his interest in helping publicise the work of the Infrastructure Planning Council. In fact I can inform him and the media that I will be releasing that tomorrow.

Aged care: places

Mr ROBINSON (Mitcham) — I refer the Minister for Health to the fact that Victoria is 5000 aged care places short of the commonwealth's own benchmark, and I ask: what is the latest action the government is taking in our hospitals to protect our elderly from the commonwealth government's cruel failure to act?

Mr THWAITES (Minister for Health) — I thank the honourable member for his question, and a very important one it is too. As the Australian Medical Association has recently indicated, Victoria is 5000 beds short of the commonwealth's own benchmark. This is having a devastating effect on older people and their families, who need nursing home beds and cannot get them.

Honourable members interjecting.

Mr THWAITES — Those on the other side mock this situation. They are laughing at the terrible tragedy faced by 5000 families that cannot get beds.

Of course it is also having a very serious effect on our public hospital system. The latest figures indicate that we now have more than 500 older people in our public hospital beds because the commonwealth government has not provided sufficient aged care places. The fact is that the federal minister, Bronwyn Bishop, has — —

Honourable members interjecting.

Mr THWAITES — They don't care.

Mrs Peulich interjected.

Mr THWAITES — You don't care. You are doing everything you can to hurt the old people in your area. You don't care, do you?

Mrs Peulich interjected.

The SPEAKER — Order! I ask the honourable member for Bentleigh to desist and the Minister for Health to ignore interjections.

Mr THWAITES — The federal aged care minister, Bronwyn Bishop, has totally lost the plot. I might say that not only did she recently attend a major aged care function at which she promised to release her aged care report and then failed to do so, but beyond that — —

Honourable members interjecting.

Mr THWAITES — My concerns about Bronwyn Bishop's grasp of the portfolio are well known. I might say that last week those concerns were heightened somewhat when I received a letter from the federal aged care minister, Bronwyn Bishop, who wrote to me as the Victorian Minister for Health in Melbourne

advising that I am the minister responsible for aged care in New South Wales! She says:

> As the minister responsible for legislation and regulations affecting nursing staff in New South Wales …

She does not have a clue! That is why we have these sorts of problems. I have got enough on my plate — —

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

Mr THWAITES — I am very happy to tell the opposition about what we are doing to fix the gap left by this minister, Bronwyn Bishop, who will not do her job.

First, we are putting $10.4 million of additional money into our hospitals for 134 extra interim care beds, and I will tell the house where they are. They include 20 beds for older people at St Vincent's; 10 beds at Northern Health; and 54 beds at Melbourne Health. I might say that I was at Melbourne Health the other day and spoke to the doctors there. I asked why we have this problem and why the problem with aged care is so bad at Melbourne Health. The doctors at Melbourne Health told me — this is unbelievable — that the previous government actually sold off 180 beds. So we have a situation where the hospital in the area has the least number of nursing home beds, where the federal government will not do anything and where the previous Liberal government sold off 180 beds — and at the same time it closed the Essendon hospital. So is it any wonder that we have this problem?

Honourable members interjecting.

The SPEAKER — Order! The Leader of the Opposition! I remind the Minister for Health that he also needs to be succinct and to conclude his answer.

Mr THWAITES — By contrast, we are opening extra beds, including 54 extra beds at MECARS, the Melbourne Extended Care and Rehabilitation Service.

I am pleased to advise the house that we are opening 24 extra beds at Southern Health. I am also pleased — and I am sure some members representing the eastern suburbs will be pleased to know — that we are opening an extra 26 beds for people in the Eastern Health service. On top of that we are providing extra funds to have subacute rehabilitation linked to our hospitals, and we are doing it the smart way. In the eastern suburbs what we are having to do is contract beds — —

Mr McArthur — On a point of order, Mr Speaker, I direct your attention to the sessional order requiring that answers be succinct. I suggest that this answer is well beyond being succinct, given that it has gone on for over 7 minutes. If the minister wants to make a ministerial statement we are happy to accommodate him.

The SPEAKER — Order! I uphold the point of order and ask the minister to conclude his answer.

Mr THWAITES — I could talk about many more hospitals where we are putting in extra facilities for older people. We will continue to do that — we will continue to support older people — but we call upon the federal government to do its job as well.

Information and communications technology: advisory committee

Mr PERTON (Doncaster) — I refer the Premier to the government's promise made in November 1999 to establish an information technology (IT) advisory committee to write the government's industry plan and the fact that this committee was not established until May this year, 15 months late. I further refer him to the fact that the Australian Information Industries Association recently stated that this government has been slow off the mark in establishing any IT vision. Given that after two years in office there is still no vision for IT, no IT committee has reported and even no minister for IT, does the Premier intend that his do-nothing government will go for the entire term without having an IT industry plan?

Mr BRACKS (Premier) — It took the shadow minister some time to ask his question, both now and since May. I refer the honourable member to the outstanding job figures in IT and biotechnology that we have achieved in Victoria. We are the standout state in Australia. The runs are on the board here in Victoria. If you listen to all the economic commentators making comparisons between the states, it is clear that Victoria is the standout economy.

Information and communications technology: regional links

Ms OVERINGTON (Ballarat West) — I ask the Minister for Transport to inform the house of the progress of the Victorian government's initiative to connect Victoria's regional centres using broadband fibre optics in the new fast rail projects.

Mr BATCHELOR (Minister for Transport) — This initiative supplements the regional fast train project. It illustrates Victoria is getting on with the job, not only in relation to the regional fast train project but also in relation to information technology (IT). I ask the

honourable member for Doncaster to pay particular attention to this, because it involves the government getting on with the job and delivering Internet and broadband connections right across rural Victoria. All he has asked about is some paper, when we actually have a mechanism in place to provide broadband connections. That is what rural Victoria wants to see.

I am pleased to inform the house that following the expressions of interest process we have short-listed three consortia to roll out fibre optic cable along the regional fast rail corridors. Honourable members would be aware that we have a strong commitment to improving and upgrading broadband and Internet connections to regional Victoria. You would have thought opposition members would be supporting this initiative, but they are in Parliament today ridiculing and undermining this terrific initiative. More than 700 000 Victorians will directly benefit from the additional capacity of the broadband and Internet connections being delivered to their communities. The government is boosting telecommunications in regional communities through the use of spare capacity. I am pleased to announce that the short list consists of — —

An honourable member interjected.

Mr BATCHELOR — That's right, another announcement. The short list consists of three consortia — JEM, which is the joint venture of Amcom IP1 and ABN Amro; Vicinity, which is the joint venture of Vytel Investments Pty Ltd and Macquarie Bank Ltd; and Siemens Thiess Communications, which is the joint venture of Siemens Ltd and Thiess Services Pty Ltd. The initiative shows that leading Australian and international companies are wanting to join in partnership with the government in delivering these projects. It is a clear example of the government getting on with the job and turning the state around after the years of neglect of the Kennett government, which did nothing to upgrade regional rail services let alone regional IT infrastructure.

This project is an important part of our Linking Victoria strategy, which also includes projects such as the Scoresby freeway, the Spencer Street station redevelopment and the Craigieburn bypass. The Kennett government either stalled, stopped or made no planning provisions for these projects. Through our Linking Victoria strategy the Bracks government has been able to set in place in excess of $3.5 billion worth of projects. This is the biggest single transport investment package in Victoria's history, yet in this Parliament today we have heard continual carping and undermining from the opposition. The government is delivering in terms of roads, rail and IT for both Melbourne and country Victoria.

Attorney-General: conduct

Dr DEAN (Berwick) — I refer the Attorney-General to the current federal police investigation into his use of public money, and to assist the Attorney-General I will not be asking him whether his travel was legitimate. Given that his previous answers to the Parliament intimated that his four-day, taxpayer-funded Christmas trip to Mornington was related to electorate business, I ask him to tell the house what that business was.

The SPEAKER — Order! Once again I remind the honourable member for Berwick that only that part of the question that refers to the Attorney-General's statement is in order.

Mr HULLS (Attorney-General) — Can I say in relation to this question that the accusations made by the honourable member for Mordialloc, fully supported by the shadow Attorney-General — indeed, the shadow Attorney-General has hung his career on supporting these accusations — and fully supported by the Leader of the Opposition, are scurrilous, outrageous accusations that not only are false but I have no doubt they know them to be false.

The modus operandi of the honourable member for Mordialloc has been to make scurrilous accusations — —

Dr Dean — On a point of order, Mr Speaker, in relation to both debating the question and relevance, I made it clear that I was not asking the Attorney-General to answer a question about whether or not the trips were legitimate. I was asking him a specific question, which I will not repeat, about whether he was on electorate business. I ask the Attorney-General not to debate the question but to answer it.

The SPEAKER — Order! It seems to the Chair that the honourable member for Berwick in taking a point of order is attempting to re-ask his question. I will not permit him to do so. If he is raising a question of relevance, I am not prepared to uphold the point of order, because I believe the Attorney-General was being relevant. I ask the Attorney-General to answer the question.

Mr HULLS — The modus operandi has been to make spurious and false claims and then refer them to the police to attempt to get media attention in relation to that referral. Indeed, the honourable member for

Mordialloc then tried to con his parliamentary colleagues into supporting the accusations.

I advise the house that I have been informed that the Australian Federal Police has clearly formed the view — after consultation, might I say, with the federal Director of Public Prosecutions, as is the practice with these types of matters, particularly matters that are obviously political — —

Mr Leigh interjected.

Mr HULLS — Just listen to the answer, because you ain't going to like it, buddy.

The SPEAKER — Order! The Attorney-General, addressing the Chair!

Mr HULLS — I have been advised that the Australian Federal Police has been informed by the commonwealth Director of Public Prosecutions that there is no evidence — I repeat, no evidence whatsoever — of any wrongdoing on my part in relation to this matter and that nothing would justify any further inquiry or action on its part. I have further been informed that the Australian Federal Police accepts that view, which coincided with its own view, and that the federal police intends to now close the file.

Having said that, I think it is absolutely incumbent on the Leader of the Opposition to show some leadership — —

Dr Napthine interjected.

Mr HULLS — It is not funny. He should take action against the honourable member for Mordialloc and the shadow Attorney-General and get them to pay the cost of this investigation — —

Dr Dean — On a point of order, Mr Speaker — —

Honourable Members — Resign!

The SPEAKER — Order! I ask government members to come to order.

Dr Dean — The Attorney-General is now debating the question. It is a very simple question, and it is a question that he still has not answered. I ask him to answer the question.

The SPEAKER — Order! I ask the Attorney-General to cease debating the question.

Mr HULLS — The Leader of the Opposition should demand that the cost of the investigation be paid by the shadow Attorney-General and the honourable member for Mordialloc. I can understand them wanting to have a political vendetta against the government, because the government exposed the dirty, stinking, rotten deals that took place when the opposition was in government, but the opposition has egg on its face on this particular matter.

Honourable members interjecting.

The SPEAKER — Order! I have asked the Attorney-General to cease debating the question. Has the Attorney-General concluded his answer?

Mr HULLS — No, I have not.

That is the clear advice from the federal police. This was nothing more than a spurious, political witch-hunt. This is now a test for the Leader of the Opposition. Is he going to take action against the shadow Attorney-General or the honourable member for Mordialloc, or is he going to continue to be Dr Dolittle and do nothing to reprimand these outrageous members of Parliament who have made deliberately spurious accusations?

Dr Dean — On a point of order, Mr Speaker, the Attorney-General is defying your ruling. You made it quite clear that the Attorney-General should cease debating the question and answer it.

The SPEAKER — Order! I have asked the Attorney-General on two occasions to cease debating the question. Has the Attorney-General concluded his answer?

Mr HULLS — Yes, I have finished for now.

Schools: Principal for a Day program

Mr WYNNE (Richmond) — I ask the Minister for Education to explain to the house how the Principal for a Day program will involve communities in our schools?

Ms DELAHUNTY (Minister for Education) — I thank the honourable member for his question. At lunchtime today I visited Abbottsford Primary School, a school in the honourable member's electorate, where the principal for the day was the Assistant Commissioner of Police, Mr Noel Perry — from cop to the classroom! He is one of the leading citizens and community leaders who have agreed to be principals for a day in our public schools.

It is part of the innovations in schools strategy. We have 20 leaders such as Joy Murphy, the Wurundjeri elder; Gabriel Gaté; Joyce Brown, the former Australian

women's netball coach; Dean Mighell, who has put up his hand; and Neil Coulson, the chief executive officer of Victorian Employers Chamber of Commerce and Industry, among many others. The idea began in New York, and the government has adopted it in Victoria.

The idea is to promote public education. It is taking off, and not just in Victoria and New York. We have had some calls from Canberra about this. They are very interested in the Principals for a Day program. The federal Treasurer's office rang. He wants to go into a school, so we have decided to put him into Gladstone Park Secondary College because it is also presiding over a shrinking surplus! John Anderson, the federal Minister for Transport and Regional Services, rang and said he was anxious to go to Tullamarine Primary School, and we have agreed. So John Anderson, the federal minister, can work with some of the children of the Ansett workers he left hanging in the breeze! The shadow Minister for Education also made a call to our office. 'Me too, me too', said the honourable member for Warrandyte. We have had a call — —

Mr Honeywood — On a point of order, Mr Speaker, I have made no calls to the minister. She is lying through her teeth again!

The SPEAKER — Order! I will not permit the honourable member for Warrandyte to make that sort of accusation.

Mr Honeywood — She is a liar!

Questions interrupted.

SUSPENSION OF MEMBER

The SPEAKER — Order! The honourable member for Warrandyte is being disrespectful to the Chair while it is trying to make a ruling. Under sessional order 10, I ask the honourable member for Warrandyte to vacate the chamber for 30 minutes.

Mr Honeywood (to Ms Delahunty) — You are a liar!

Honourable members interjecting.

The SPEAKER — Order! The house will come to order!

Honourable member for Warrandyte withdrew from chamber.

Questions resumed.

The SPEAKER — Order! The Minister for Education, continuing her answer.

Ms DELAHUNTY — My word, we are sensitive! We are very sensitive! We are actually being a little bit facetious about quite a few of our honourable members who would like to participate in the — —

Dr Napthine interjected.

Ms DELAHUNTY — I think the Leader of the Opposition should withdraw that. Honourable Speaker, the Leader of the Opposition has called me a liar. I would ask him to withdraw.

Dr Napthine interjected.

Ms DELAHUNTY — The Leader of the Opposition said, 'You are a liar'.

The SPEAKER — Order! That remark was made by the honourable member for Warrandyte. The Chair has dealt with that matter. The Minister for Education, continuing her answer.

Ms DELAHUNTY — I am sorry, Honourable Speaker, I did hear the Leader of the Opposition call me a liar. I would ask him to withdraw that, and I will be happy if he does.

The SPEAKER — Order! The Minister for Education has taken offence at a remark made by the Leader of the Opposition. I ask for his cooperation in withdrawing it.

Dr Napthine — Mr Speaker, I said, 'She is lying'. If she misheard, that is her fault.

The SPEAKER — Order! Where an honourable member has taken offence at remarks made by another honourable member the practice in this house has been that they be withdrawn. I ask the Leader of the Opposition to withdraw.

Dr Napthine — Mr Speaker, my understanding of the practice of this house is that if the honourable member has misheard, I cannot withdraw something I did not say. I said, 'She is lying'. My understanding is that it is within the rules of this house.

The SPEAKER — Order! I ask the honourable member to withdraw unequivocally. The Minister for Education has taken offence at the remark he made.

Dr Napthine — She is wrong!

The SPEAKER — Order! The Leader of the Opposition leaves the Chair no choice.

Questions interrupted.

SUSPENSION OF MEMBER

The SPEAKER — Order! Under sessional order 10 I ask the Leader of the Opposition to vacate the chamber for 30 minutes.

Leader of the Opposition withdrew from the chamber.

Questions resumed.

Honourable members interjecting.

Ms DELAHUNTY — I ask the Deputy Leader of the Opposition to withdraw that offensive remark. She said, 'You are still lying'. I ask her to withdraw.

The SPEAKER — Order! The Chair is not in a position to rule on that request by the Minister for Education because the Chair did not hear the comment. I ask for the cooperation of the house and ask it to quieten down so that the Chair can hear the remarks being made. The Minister for Education, continuing her answer.

Ms DELAHUNTY — Honourable Speaker, the Deputy Leader of the Opposition said, 'She is still lying'. It was heard by my colleagues here on the front bench. I take offence at that. Under that standing order I ask the Deputy Leader of the Opposition to withdraw.

The SPEAKER — Order! It appears that a remark was made by the Deputy Leader of the Opposition which the Minister for Education found offensive. I ask the Deputy Leader of the Opposition to withdraw her remark.

Mr Perton — On a point of order, Mr Speaker, in the last three Parliaments Speakers and Deputy Speakers alike have required the words spoken to be of a genuinely offensive nature while requiring honourable members to be robust. You were in the house on many occasions when Deputy Speaker McGrath made those sorts of rulings.

It is not mandatory upon you, Mr Speaker, to require an honourable member to withdraw every word that a precious minister takes offence to. I ask you to deal with the minister as Deputy Speaker McGrath dealt with honourable members in previous Parliaments — requiring her to be robust and requiring her to be capable of participating in appropriate debate in the Parliament — and not to treat opposition members in the way in which you dealt with the Leader of the Opposition.

The SPEAKER — Order! On the point of order raised by the honourable member for Doncaster, I concur that the Chair should allow debate of a nature that is vibrant and vigorous. However, on this occasion the comment made by the Deputy Leader of the Opposition to the minister that she is lying has been deemed to be offensive, and I ask that it be withdrawn.

Ms Asher — Out of respect for you, Mr Speaker, I withdraw any words the minister finds offensive.

The SPEAKER — Order! The minister, concluding her answer.

Ms DELAHUNTY — Thank you Honourable Speaker, and I thank the Deputy Leader of the Opposition for that.

This is a fantastic program. Community leaders across Victoria are really enjoying it. They approach it with a sense of fun, a sense of involvement and a sense of goodwill towards public education. I am just disappointed that those in this house could not participate in that way.

The SPEAKER — Order! The time set down for questions without notice has expired, and a minimum number of questions has been dealt with.

Mr Kilgour — On a point of order, Mr Speaker, I draw your attention to something that is happening in the house far too much and should be dealt with — that is, members clapping while debate is in progress.

In previous rulings from the Chair, as Speaker Edmunds said, clapping in the house is out of order. Other Speakers have said that handclapping is totally inappropriate and unacceptable during and following debate. Clapping is considered appropriate only if a distinguished guest from overseas is in the chamber, when it is seen as a sign of special welcome and recognition of that person's distinguished position. Acclamations should not be accepted at the conclusion of speeches.

Yet often in the house, particularly from the government backbench, we have heard clapping in debate from time to time. I ask you to ensure that the forms of the house are adhered to and that we do not see the house allowing things to happen that should not happen. I ask that the government makes sure that its backbench understands this ruling of the Parliament.

The SPEAKER — Order! I uphold the point of order raised by the honourable member for Shepparton and remind the house that standing orders do not allow

for clapping after answers or speeches. Clapping is reserved simply for welcoming guests to the chamber.

The Chair has attempted to intervene on every occasion where that has occurred to try to curb the enthusiasm of whichever side was indulging in the practice. That will be the continuing practice of the Chair.

STATUTE LAW FURTHER AMENDMENT (RELATIONSHIPS) BILL

Second reading

Debate resumed.

Mr WYNNE (Richmond) — Prior to the luncheon break I was canvassing the shadow Attorney-General's contribution on the first tranche of statute law amendments to 43 acts which were passed by the house earlier this year — —

Honourable members interjecting.

The ACTING SPEAKER (Mr Lupton) — Order! We are starting off nicely! The Speaker just left the Chair and already standing orders are being averted by various honourable members. I ask the honourable member for Richmond to continue his contribution, and I ask other honourable members to observe the standing orders of the house.

Mr WYNNE — In that context, the shadow Attorney-General sought to do some significant rewriting of history on how this bill has been transacted through the Parliament. I remind the house that in the seven years of the Kennett government the now opposition did nothing to take up these issues, which are so fundamental to the gay, lesbian and transgender communities. In that respect its report card is blank.

I also say to the shadow Attorney-General that if he was seeking through his contribution today to suggest that he could curry some favour or support within the gay, lesbian and transgender communities, his credibility is now absolutely zero.

The Bracks government has committed itself to the bill and to delivering on amendments covering the rights of the gay, lesbian and transgender members of our community. It is our belief that the creation of a socially just and cohesive community in which each person has their place is one where diversity in all forms, including sexual diversity, is valued. It is a fundamental plank of this government.

A number of pre-election commitments were made to achieve substantive rights for lesbians, gay men and transgender people. Protecting people against discrimination on the basis of their sexuality or transgender identity was achieved through the passing of the Equal Opportunity (Gender Identity and Sexual Orientation) Act 2000. The Attorney-General followed this with the establishment of an advisory committee on gay, lesbian and transgender issues to provide detailed, high-level advice on legislative reform to reduce discrimination against people in same-sex relationships.

The advisory committee, which I was delighted to have the opportunity to chair, included some of the most eminent representatives from the gay, lesbian and transgender communities. It was a pleasure to work with such a gifted and passionate group of people. The results of their work and the outstanding results achieved to date are very much reflected in the legislation before the house. It is always risky to single people out, but certainly the leaders of the gay and lesbian community, particularly Miranda Stewart and Chris Gill, require particular mention here today. They represent the peak body on behalf of the gay and lesbian community, and I acknowledge their contribution and leadership through a quite difficult time when we were seeking to negotiate the first tranche of amendments through the Parliament earlier this year.

I pay tribute also to the contribution made by the very dedicated legal policy staff of the Department of Justice, particularly Ruvani Wicks, who has been an absolute powerhouse in managing an extraordinarily complex piece of legislation — and I see the Leader of the National Party nodding in affirmation. More recently her colleague Danielle Windley has been providing further support in this work. It has been an extremely complex task, involving 43 pieces of legislation in the first tranche and 13 pieces of legislation in the second. This is a mammoth piece of work that has been undertaken by the department, and it is appropriate that I acknowledge not only the professionalism and support provided to the advisory committee and me but also the high-level advice given to the Attorney-General.

The Statute Law (Relationships) Bill, which was passed ultimately with bipartisanship support in the autumn session, amended 43 acts in a number of areas, including property-related benefits, compensation schemes, superannuation schemes, health-related legislation and criminal law legislation. That first tranche really went to the most basic areas of discrimination against people living in same-sex relationships. I have been overwhelmed with the

response to the passing of that legislation, not only from the communities affected but from a broad cross-section of the community.

I well remember driving home late that night after a very brief celebration with members of the advisory committee. One had a sense of tremendous excitement that the Parliament had actually righted a wrong, that it had done something fundamental to redress a basic discrimination against people. To me, having had the opportunity to be so strongly involved in that process, it was one of the highlights of my brief political career in this place. I am sure colleagues who participated with me in that debate — including, I know, the Attorney-General — regard this piece of legislative reform as one of the hallmarks of our term in government.

At the time of the introduction of the Equal Opportunity (Gender Identity and Sexual Orientation) Bill in November 2000 the government committed itself to introducing further amendments this year to deal with a number of other statutes which discriminated against non-heterosexual couples. The bill before the house includes those amendments to various acts and recognises the rights and obligations of non-heterosexual couples in domestic relationships irrespective of the gender of each partner.

The definition of the word 'partner' is critical to the basis of this legislation, and as occurs in the Statute Law Amendment (Relationships) Act of May this year two definitions of domestic partner are used. The bill follows on from the previous act by introducing the term 'domestic partner' in the same way as an amendment to a further 13 acts. For the purposes of these amendments a person's partner is defined as a person's spouse or domestic partner. 'Spouse' is defined to mean a partner to a marriage, as has been indicated in previous contributions; and two definitions of the term 'domestic partner' are adopted. The principal definition refers to a person not married to the person they are living with but living with them as part of a couple on a genuine domestic basis.

The honourable member for Gippsland West, in moving a very important amendment to the first tranche of legislation, clarified what was meant by the term 'domestic partner', and certain attributes were included to fully clarify during the cascading of this legislation what a domestic partnership is. The shadow Attorney-General in his contribution also acknowledged the importance of the amendment moved by the honourable member for Gippsland West.

The broader definition of 'domestic partner' expressly recognises a relationship where the people involved may not necessarily live under one roof but are mutually committed to and supportive of each other and share life as a couple. As honourable members know, people live in a variety of arrangements. Some people may work interstate for long periods but still live in a genuine domestic relationship. That is why in some circumstances a broader definition has been used.

To assist in determining whether a domestic relationship exists the Property Law Act — which was amended by an amendment moved by the honourable member for Gippsland West — sets out the circumstances which obviously must be taken into account, including the duration of the relationship; the nature and existence of a common residence; whether or not a sexual relationship exists; and the ownership, use and acquisition of property. Various other attributes are included, so it clarifies the nature of a domestic relationship.

The amendments to the Children and Young Persons Act will finally recognise what is a reality for many children who are cared for in material and emotional ways by a person who is gay or lesbian and who is the parent's partner. This quite important matter needs to be raised today. There are many instances where a partner in a same-sex relationship will have a biological child living as part of that relationship. I have many of those wonderful, nurturing families living in my electorate of Richmond. I know how important on an emotional as well as a practical level these amendments will be to the parents and children concerned.

Honourable members on both sides of the house will acknowledge that for the best emotional and psychological development of children it is important that there is stability in the relationship, whether that be a heterosexual, married, de facto or same-sex relationship. What is important to children in their growing years is the stability of the relationship. In that context it is really important that it be acknowledged that this amendment to the Children and Young Persons Act recognises that. The amendments will ensure that domestic partners can be recognised by the Children's Court when the court makes a decision about the welfare of a child.

Extensive discussions and negotiations have been undertaken about this particular matter, but more than anything else by this amendment the Children and Young Persons Act will ascribe certain obligations to same-sex partnerships, particularly where the state may become involved in family matters concerning the welfare and protection of children. In that context, with

this amendment the government is simply recognising that there are obligations on both partners in a relationship, whether that be a same-sex or heterosexual relationship. The amendments will enable the court to be fully aware of the nature of those relationships which are relevant to a child's life, and as a consequence the court will make its decision in the best interests of the child, satisfied that it has all the relevant information before it.

This sensible amendment to the Children and Young Persons Act recognises that in those unfortunate circumstances where the state does have to intervene, the courts and the community services department will obviously have to take into account the particular circumstances of each case.

The strong respect the government has for human rights and for protecting the equal dignity of all persons without discrimination has motivated the amendments to the 13 acts covered by the bill. I am very pleased that the bill has bipartisan support. It starkly contrasts with the response to the first tranche of the legislation, which went along a very rocky road. I thank those members of the opposition who were extremely helpful. In my contribution before the lunch break I indicated the work of those members.

It is a Labor government that has stood up. It is a reforming Attorney-General who has stood up and said that the Bracks Labor government will not stand for discrimination on the basis of a person's sexual orientation. The government has shown leadership in this area. This is a massive reform, with 43 acts in the first tranche and another 13 acts in the second tranche of the legislation honourable members are debating today. The record of the Bracks government on ending discrimination will stand the test.

This is an historic piece of legislation. I want particularly to acknowledge the Attorney-General, who has shown such determination in ensuring that the government's reform agenda is enacted. I have been delighted to have had the opportunity to work with him and the extraordinarily talented group of people who are the Attorney-General's advisory committee. We owe them and the officers who so ably supported them a great debt of gratitude for all the work they have put into advising the government in such a fine way.

This is an historic day. I sincerely thank members of the Liberal Party for the support they are showing for this measure. I sincerely commend the bill to the house and wish it a very speedy passage.

Mr RYAN (Leader of the National Party) — The National Party is opposed to the bill and will vote against it for reasons I will explain. While I understand that the honourable member for Richmond quite rightly commented upon the bipartisan support which the bill has, it does not have tripartisan support. I will move through the issues in the course of making my address.

The bill is, of course, consequent upon that passed earlier in the year, when the first 43 acts were amended under the passage of the initial legislation, which was of like content. When you take into account the parliamentary superannuation legislation and the other 13 acts encompassed in the appendix a total of 14 additional acts of Parliament are being amended by the bill in a similar manner to the initial bill.

The reason essentially that the National Party takes its view about this is that its members have a fundamentally different starting point from that of members of the government and the Liberal Party on these issues. So far as we are concerned it is a question of traditional values. Not only do we not make any apology for that approach but we champion that approach. We believe that under the 1961 commonwealth Marriage Act various unique rights and obligations are set out and imposed upon people who marry. Therefore there cannot be a circumstance whereby other associations, in whatever form they might be, can be said to equate to those which are reflected by people who marry.

It is a difficult thing to get married. I do not mean only the actual decision to get married, but under the terms of that legislation the preparation for being married entails going through the necessity to satisfy various provisions to do with the identity of the parties and the responsibilities of the celebrant, the way in which the actual ceremony is performed and so on, as I referred to in some detail in addressing the bill debated earlier this year. Once people are actually married, having entered that arrangement, they have obligations imposed upon them, and if they are breached by a form of their conduct that is said to be within the terms of that Marriage Act they suffer consequences accordingly.

There is a raft of provisions in the commonwealth legislation, to which I will not make specific reference because I analysed them last time, where the fact of the matter is that if people conduct themselves in a way that contravenes that act then they can be subject to all sorts of punitive measures. In some instances these are civil matters and in others they concern the criminal law. In essence, the National Party says as a first aspect of this starting point that the notion that people who are married are to be equated with other people who are in

relationships, of whatever form, is simply wrong — it is flawed from the outset — and it means that if you accept that principle, which we say is appropriate, then this legislation, like the earlier legislation, is equally flawed.

The second thing we say about this principal point is that in so many aspects of our activity around this Parliament and in the community generally people advocate for family values and family structures. You hear it repeatedly in the drugs debate and the education debate and across the whole gamut of the activities of society, where there is the constant call for stability — for the upbringing of children in an environment where they can have a household and a home life that gives them the best opportunity in life.

I do not profess for one moment that the institution of marriage is perfect — far from it — but I do believe, and my party believes very strongly, that it gives the best opportunity and prospect of being able to achieve those outcomes.

As a third point on this first issue, our basic approach to this matter and our standpoint is to be contrasted with any notion on our part of lecturing people on how they ought to live their lives. We believe that people are perfectly entitled to live their lives as they choose. If people wish to live their lives in the way that this legislation contemplates, that is a matter entirely for them as far as the National Party is concerned. Far be it from us — or from anybody else — to be patronising people by advocating a course of conduct on their part, as long as it is within the law and is entirely within the realm of their own decision making. They can do what they wish to do; that is their right. I make that point on behalf of the National Party.

In the end you cannot be all things to all people, and to set out to do so is a bad mistake. In the sense of the party I represent, I also believe it to be a bad mistake. I accept that there are different versions in this day and age about this notion of traditional values, but for good or for bad — and as we proclaim, and proudly, too — we have a view as to what constitutes them and we say that our starting point accordingly returns to this principal point. That point is that the institution of marriage is a cornerstone of our society, it offers the best opportunity for our children, and we believe that the very nature of this legislation detracts from that first principle.

Insofar as the legislation itself is concerned, I join with the honourable member for Richmond in paying due regard to the efforts of those who have worked on this issue within the department. As a party we were very well briefed on it. A table was prepared by the department that indicated the individual amendments and the impact each of them would have and the people they would affect. It is truly a brilliant document. In the sense of summation of the effects of the legislation and its import the departmental officers are once again to be given all credit. I agree entirely with the honourable member for Richmond in relation to that.

In the first instance, the structure of the bill contains the amendments to the parliamentary superannuation scheme. Essentially they are reflective of the fact that there was perhaps a measure of oversight when the first amendments were passed earlier in the year. What this legislation does is pick up that element of change that was intended to be made — however it happened, and with the best will in the world it was missed in the first bill — and address it.

As far as the other 13 acts contained in the schedule to the bill are concerned, they deal with a combination of licensing and non-licensing arrangements. There is no need to go through them all because, to put it in broad terms, in each instance they essentially accord rights to domestic partners if they fall within one of the two categories defined. They give general effect to the overall import of the legislation.

In conclusion, the National Party has different starting points from those of the government and the Liberal Party and perhaps from the Independents — we have yet to hear from them — in relation to this legislation. Ours is one that essentially says that as a matter of traditional values, which underpin our party, we cannot support the bill because we see it as detracting from the institution of marriage, which we believe to be the absolute, pivotal point around which our communities function. Accordingly we will vote against this legislation and we will call for a division on the issue when the time comes.

Ms McCALL (Frankston) — My contribution to this debate will be brief, for the simple reason that this debate was exercised many months ago when the original bill appeared in this house. There was a great deal of discussion both outside and within this chamber when some very strong views held on both sides of this chamber were voiced both in the public arena and again in this chamber. As the honourable member for Berwick has said, I recall well how many amendments there were, how much heartache and discussion there was and how many emails we all received in relation to the first bill.

As everyone has quite rightly said, this bill is the second tranche. Goodness knows how many more of

these we will get. There are amendments to 13 acts of Parliament and one to the Parliamentary Salaries and Superannuation Act. As one would argue, the 13 amendments before us are consequential amendments as a result of the first 43. However, it was not only during the debate on the first bill that we heard about giving equal rights to a percentage of the community who it appeared did not have equal rights. As the honourable member for Berwick has said, we are a community that does not believe in discrimination of any kind.

I also reassure the house that in giving those rights in the amendments to the first 43 pieces of legislation and the 13 in the second bill, we are also imposing an obligation.

I think the honourable member for Berwick touched on them. In other words, in every single piece of legislation where the definition has been changed to include 'domestic partner', whether it is the broad or narrow definition, by sheer implication we are imposing an obligation on those partners — marriage partners, spouses, domestic partners, call them what you will. They have not just grabbed something, because for every gift there is a return. I urge everybody to note that in every bit of this legislation there is an obligation on the people who have been given these rights to exercise their obligations appropriately and properly.

I said in the first speech I made in this chamber that I have never ever believed in giving one group in any community more rights than any other. I am comfortable that with the legislation as it stands what we are doing is bringing people up to a similar level. We are not giving a kick-start to another group, and that is as it should be.

The Leader of the National Party raised issues about the sanctity of marriage and the community and its traditions. Although many of us in this Parliament would perhaps be less vocal about it, a return to the good old days is something we might like. That might be in relation to less terrorism or less crime or dealing with a whole series of issues of which this may be part. However, the bottom line is that the community has changed — it has moved on — and we would be failing in our duty as members of this Parliament if we did not recognise that need for us to move on as well.

There will be parts of any legislation that comes into this house which will make some of us less comfortable than others, but there is a recognition, and I for one as a female member of this place would be the first to say it, that equity before the law must be one of the most important principles driving the way this Parliament operates. It is for that reason that I am comfortable in supporting this legislation, which gives a right but imposes an obligation — something that every single member of the community should be aware of and adopt as their right.

Mr LEIGHTON (Preston) — I welcome the opportunity to speak for the second time this year in support of a great piece of reforming legislation which does much to do away with discrimination in our community. This legislation and the Racial and Religious Tolerance Act will be the hallmarks of social reform in the term of this government. I put them up there with the Medical Treatment Act of the previous Labor government as key pieces of reform. The government indicated in the debate on the substantive bill, which amended 43 acts, that it would be coming back for a second round, and this bill amends a further 13 acts.

I listened with some incredulity to the contribution made by the honourable member for Berwick. He waxed lyrical about the cut and thrust over some amendments and how the Liberal Party used its numbers in the upper house to force through a handful of amendments and have the government accept them. He was trying to run the line that the Liberal Party had somehow succeeded in turning a flawed piece of legislation into great legislation, when it was simply a face-saving device.

I recall something that the honourable member for Berwick did not talk about — that earlier this year there was an ugly and public brawl within the Liberal Party. Despite the honourable member for Berwick embracing the principles of equality and doing away with discrimination, when it came to the crunch in this chamber not only did one of his members vote against the bill but a further three absented themselves from the chamber while the vote was taken. That was clearly a device to keep them out rather than have them vote against the bill and demonstrate just how split the Liberal Party was on the legislation.

The critical concern for me, and I made the same comment during the debate earlier this year, is that until I looked at this issue in 1999 I did not understand just how far legal discrimination against people in same-sex relationships went. I was aware that there was some discrimination, and I certainly understood that over the years there had been some discrimination socially against people in same-sex relationships, but I did not realise what a legal basis it had. It is fair to say that by the time the Parliament came to deal with the matter community standards had moved much further, to the

point where it was not the community and its standards that discriminated against people in same-sex relationships but, rather, the law.

One of the areas that particularly concerned me was superannuation. Two people could be in a same-sex relationship yet one would not be entitled to inherit the superannuation entitlements of the other despite that person's best efforts, even if they went to the extent of naming them in their will as their beneficiary and notifying their superannuation fund that it was their desire that their same-sex partner inherit the benefits. At the end of the day there was no legal requirement for the trustees of the fund to ensure that that person received that entitlement. In 1999 I looked specifically at the case of a couple of constituents who came to me for assistance, and I found that there was no legal protection against that discrimination. At one stage I assumed there might be something in the equal opportunity legislation or the commonwealth superannuation legislation to override this discrimination, but that was not the case, and it took an act of this Parliament to do away with it.

As the honourable member for Berwick waxed lyrical about the standards and values he holds dear, I was sitting here thinking as a member who has been here for 13 years that if Labor had not been in government such a piece of legislation would not have been passed. Such a bill would not have been introduced by the previous Attorney-General, Jan Wade. She is a deeply conservative person who had an even narrower view: she was not prepared to do away with discrimination against heterosexuals living in a de facto relationship, let alone people living in a same-sex relationship. It is quite clear to me that if there had not been a change of government this wicked discrimination would still exist and the law would still discriminate against those people.

As has been said by a number of honourable members, this is the second round of such legislation — and as I said, the government indicated in the debate earlier this year that it would be coming back and amending a number of other bills. Alphabetically the bill amends acts ranging from the Architects Act through to the Witness Protection Act, and I will comment on a couple of them.

The bill amends the Parliamentary Salaries and Superannuation Act, and rightly so. We have come a long way in my time in this place, especially when I recall earlier amendments to that act. For instance, for a child of a member of Parliament to receive an entitlement to a pension on the death of a member of Parliament and their spouse, that child had to be a child born of the marriage.

That act was so antiquated that it caught out a number of members of Parliament. I do not mind saying that in my case my first child was born before my wife and I were married. Under the act as it existed before I entered this place my oldest child could not have inherited my superannuation or pension had something happened to me. Another silly example — I will not name the member — is of a member of this place who, with his wife, adopted children. Their children would not have been entitled to receive his pension entitlement had something happened to the member. That shows how archaic some of the legislation is, and how it legally discriminates and lags well behind community standards. It is highly appropriate that the legislation that provides our entitlements should be amended to bring honourable members into line with general community standards and with the legislative standards we have applied elsewhere across the state.

The other act I comment on briefly is the Children and Young Persons Act. If the starting proposition is to recognise that people living in a genuine domestic partnership have rights, it is also sensible to recognise that the people who form part of those loving relationships should be afforded the same rights and responsibilities as are people who may hold a piece of paper that declares them to be legally married.

It was with some sadness that I listened to the contribution by the Leader of the National Party. When the National Party opposed the passage of the principal act earlier this year I could understand where it was coming from politically. It may have been a false premise but presumably it thought naively that if it could somehow be seen in the bush to be bashing gays and lesbians that would lead to a political recovery among its base. It missed the whole point. The way the National Party will win back the base in the bush is to deal with those people's living standards and their incomes, to find out whether they have jobs and to assist in the delivery of services and infrastructure to them. If the National Party thinks it will somehow succeed in the political recovery because it opposes social reform, it is sadly misguided.

I could understand what it was politically on about earlier this year, but it makes no sense for it to come in here and oppose machinery legislation. If it had its way we would have the ridiculous situation that Parliament, having established rights and standards earlier this year, would determine that people would be either in or out depending on their circumstances and on which piece of legislation they happened to fall under. For instance,

had the National Party had its way state public servants and teachers could have inherited the superannuation of their partners but the dependent of a gay member of Parliament or the same-sex partner of a member of Parliament would not have had that entitlement. The National Party is taking a silly position on the bill.

The principle on which I conclude can be summarised in a couple of basic propositions. The law and the state should not intervene in the private affairs or activities of consenting adults. Under certain circumstances it should do so to give people rights and responsibilities, particularly to deal with discrimination. Quite naturally the state legislates for marriage between heterosexual partners and says that as part of that marriage they have certain rights and responsibilities.

Had we not legislated, gays and lesbians living in same-sex relationships would be unfairly discriminated against. Community standards have certainly moved in recent years. The community does not support such discrimination. Earlier this year Parliament passed wonderful and landmark legislation. This bill is a continuation of that legislation.

Ms BURKE (Prahran) — I am delighted to speak on the Statute Law Further Amendment (Relationships) Bill. I am pleased to say that with the passage of the foundation bill in the autumn sessional period this year a reform process for gay and lesbian couples and the transgender community began. Those communities started to enjoy the privileges that other Victorian couples have enjoyed for some time.

This bill brings forward the necessary changes to acts where spouses or de facto spouses are referred to. It will amend 14 different acts, which only goes to show the enormous discrimination that has existed until now. The bill passed earlier this year changed 43 acts, and as I said earlier, this bill amends a further 14. I am sure more will follow, as even though the change is important and well overdue it is not the end of the process.

However, we as legislators need to understand that we have a responsibility to bring the community with us in understanding the issues and necessity for change. This is often very difficult, but it is worse when you have a situation of censorship by omission. If just one thing happened with all the changes in the autumn sessional period, this debate was opened up. I was interested in the clear understanding in the community on the need for change. The process to move forward will become easier.

I wish the bill a safe passage, and I look forward to further amendments to the legislation.

Ms BEATTIE (Tullamarine) — It gives me pleasure to speak on this bill, as it did when I spoke on the statute law legislation passed earlier this year. It also gives me pleasure to follow the honourable members for Prahran and Preston.

The honourable member for Preston's contribution was enlightening. I had not been aware of the draconian measures in the superannuation legislation that saw children born before wedlock or having been adopted being excluded from inheriting superannuation. The honourable member made a fine and enlightening contribution.

The bill amends various acts and recognises the rights and obligations of partners in domestic relationships, irrespective of the gender of each partner. The bill follows the passage of the Statute Law Amendment (Relationships) Bill 2001, which I understand amended 43 acts. This bill amends another 14 acts. The house can understand how important this bill is.

I was interested to hear the contribution by the Leader of the National Party, who talked about the sanctity of marriage. In my experience with many in the gay and lesbian community, they too believe in the sanctity of marriage. There is no hypocrisy in that. People of the same gender can be truly married and committed to each other, and form lifelong relationships.

So the notion that for a marriage the partners have to be of the opposite sex is to me completely incorrect. Indeed, it can be insulting and deeply offensive to many gay and lesbian people who are in long-term relationships when people talk about them as though their relationships are flippant or not of any consequence at all. I do not think gay and lesbian people are any different from the rest of society. Sometimes their relationships break down; sometimes they go on forever. That is the way of the world.

Speaking of the way of the world, if you had listened to them when the first bill was passed many speakers seemed to think the world would end if that law was passed. The world has not ended. Indeed, what the world has become since that day is a far more decent and just place for the gay and lesbian communities.

I must pay tribute to those in the gay and lesbian lobby groups and Transgender Victoria who have worked with both the Attorney-General and the parliamentary secretary, the honourable member for Richmond, to straighten out all these bills and get them through. I pay tribute to their hard work, particularly that of the

honourable member for Richmond, who has put in many hours to make sure the gay and lesbian lobby groups and Transgender Victoria are treated with the decency they deserve.

As I said before, a person's partner for the purpose of this legislation is defined by the amendments in this bill to mean the person's spouse or domestic partner. 'Spouse' is defined to mean a party to a marriage. So honourable members can see it has nothing to do with the sanctity of marriage, and you do not need to be of the opposite sex to be married — you can be of the same sex.

In the bill two definitions of domestic partner are used depending on the act that has been amended. The principal definition of 'domestic partner' is:

> … a person to whom the person is not married but with whom the person is living as a couple on a genuine domestic basis (irrespective of gender).

This definition has been used for the purpose of amendments to the Conservation, Forests and Lands Act 1987, the Corrections Act 1986, the Children and Young Persons Act 1989 and the Water Act 1989.

I shall just touch on the amendments to the Corrections Act because the Minister for Police and Emergency Services and Minister for Corrections is in the house at present. Many gay and lesbian people who are in the police force or in the services have indeed suffered gross discrimination. This bill is about ending discrimination on all levels.

As I said, this bill amends some 13 acts: the Architects Act 1991; the Children and Young Persons Act 1989; the Conservation, Forests and Lands Act 1987; the Corrections Act 1986; the Crimes Act amendments of 1997; the Discharged Servicemen's Preference Act 1943 — I think it is about time that act was amended — the Estate Agents Act 1980; the Firearms Act 1996; the Legal Practice Act 1996; the Meat Industry Act 1993; the Racing Act 1958; the Water Act 1989; and last but not least, the Witness Protection Act 1991.

As I said before, the parent act did not change the world. The sun came up the next day — I think it was a sunny day — and nothing changed except that we made society a more decent place. However, these bills have caused problems with various individuals in the past. I do not want to dwell on that, but we all recall the famous balcony scene — and I am not referring to Romeo and Juliet at this stage. I am referring to the antics of the honourable members for Brighton and Berwick out the back, where they were very divided over this issue. Indeed, when the issue came into Parliament one member of the opposition dissented from the party line and three absented themselves from the vote. We saw the extraordinary events today where the Leader of the Opposition was expelled from the house and 21 members of the opposition remained in the house, so we have not seen the end of the divisions within the opposition.

But I will get back to the broader definition of 'domestic partner'. It differs from the definition in the principal act by expressly defining relationships where people may not necessarily live under one roof, yet are mutually committed to each other and supportive of each other within their shared life as a couple. The bill makes it clear that:

> … in determining whether persons are domestic partners of each other, all the circumstances of their relationship are to be taken into account, including any one or more of the matters referred to in section 275(2) of the Property Law Act 1958 as may be relevant in the particular case —

such as the duration of the relationship, the nature and extent of common residence and other indications.

This bill seeks to further bring gay, lesbian and transgender couples into equality of status in our society, and so it should be. The world is a different place from what it was a hundred years ago, there is no doubt about that. I am sure if a member had stood in this house a hundred years ago and said he or she was gay that member would have been frowned upon, perhaps laughed at and perhaps even expelled from the house. Certainly they would have been ostracised by their party — and our party would have ostracised them as well — but we are different from the way we were a hundred years ago, and homosexuality has gone on for thousands of years. But we have moved on, and so we should have, and so we will.

In commending this bill to the house I would like to think that we would not see the divisions this time that we saw around the principal act last time. I would like to think that those who had doubts about what would happen once the legislation had passed would have seen that nothing has changed and that we have a more decent world where people are treated equally, justly and decently. So I hope we do not have the divisiveness around these amendments that occurred around the principal legislation.

I would like also to touch upon the Attorney-General's role, and I have to say what a great reforming Attorney-General he is! I am very proud to be a member of the party that has in its leadership team the Attorney-General, the honourable member for Niddrie, whose seat is very close to mine. Despite some

opposition from people who think the world will end when we change these things, he consults, he is open and transparent about his consultations, he includes his parliamentary secretary and they talk to the various stakeholders. So it is just another part of the Bracks government's commitment to consulting.

Yes we do consult, but we do not back away from matters that are decent and just. There is no backing away or giving in to groups that are clearly wrong and discriminate against people on the ground of race, religion or sex. Our stand on those bills is very firm, and we will push ahead with them. We know the right thing to do, and we have had consultations.

I might add that it is always a pleasure to follow the honourable member for Prahran in debate. She has a deep conviction that ensuring equality in society is the right thing to do, and she does not back away from that. Nor does she back away in her own party room when others may not have the same courage of their convictions on such matters. I pay tribute to her role in leading others in this debate.

I refer briefly to the Parliamentary Salaries and Superannuation Act. I did not come into this Parliament thinking, 'Wow, here is a great superannuation package', and I am sure superannuation is the last thing on the minds honourable members on both sides of the house when they enter Parliament. Nevertheless, the partners of members whose marital circumstances have changed or whose sexual preferences are different from others should also have access to the parliamentary superannuation scheme. That will now be possible under this bill.

I commend the bill to the house. I congratulate the Attorney-General, his parliamentary secretary, the honourable member for Richmond, and others who have played a great leadership role in bringing these bills to the house and who will continue to do so. I congratulate them on making society a more just and equitable place for us all, not just the white Anglo-Saxon males.

Ms DAVIES (Gippsland West) — I am pleased to speak on the Statute Law Further Amendment (Relationships) Bill. It follows on from the passing of the Statute Law Amendment Bill, which I understand became law on 12 June. The Statute Law Amendment Act aims to reduce legal discrimination against non-heterosexual couples and replaces previous references in legislation to 'de facto partner' with references to 'domestic partner', which is not gender specific. Those pieces of legislation still generally use the term 'spouse', which specifically means a person involved in a formal marriage. So as well as the term 'spouse', we now have the term 'domestic partner'.

I supported the original legislation and initiated amendments that were designed to tighten the definition of 'domestic partner'. The amendments set out the criteria that had to be taken into account in determining whether a person fell into the category of domestic partner. Those criteria include the duration of the relationship, the nature and extent of the common residence, the degree of financial dependence or interdependence, the ownership and acquisition of property, the degree of mutual commitment to a shared life, the care and support of children, and the reputation and public aspects of the relationship. So those specific issues need to be taken into consideration.

This bill amends another 13 acts — the Conservation, Forests and Lands Act, the Corrections Act, the Architects Act, the Crimes (Mental Impairment and Unfitness to be Tried) Act, the Discharged Servicemen's Preference Act, the Estate Agents Act, the Firearms Act, the Legal Practice Act, the Meat Industry Act, the Racing Act, the Water Act and the Witness Protection Act.

Some of the changes add to the rights of people in a domestic partnership. The bill means that under the Conservation, Forests and Lands Act when a conservation worker dies as a result of injury the partner of the deceased worker will be entitled to compensation. It will add to the rights afforded under the Corrections Act by broadening the range of people permitted to visit prisoners. It will add to people's rights under the Water Act so that accident insurance may be provided to a domestic partner of a member of any water authority who accompanies that member when they are performing the functions of the authority.

Some of the changes in the legislation we are dealing with today also add to the responsibilities of people involved in domestic partnerships. It will increase their responsibilities under the Estate Agents Act 1980, which places a ban on a real estate agent having a beneficial interest in the purchase of real estate, in that the beneficial interest of a domestic partner of a real estate agent will now be deemed to be the estate agent's beneficial interest. In other words, it adds a considerable amount of responsibility. Likewise, under the Meat Industry Act a person can be refused a licence if their associate is not a fit and proper person — and this bill will mean that an associate includes a domestic partner. It will also mean that under the Racing Act the pecuniary interests of a domestic partner must also be disclosed and that under the Water Act 1989 a member

must disclose on the register of interests any interests held by their domestic partner.

Full citizenship does involve recognising the reality of different types of long-term relationships. The changes in the law being debated today will recognise what we all know exists and will ensure there is an acceptance of both rights and responsibilities under that citizenship.

The part of the bill I have considered in most detail concerns the changes to the Children and Young Persons Act. The definition of 'parent' in that act will be broadened to include a domestic partner of a child's father or mother. Another part of the definition which really refers to de facto spouses is excluded because the term 'domestic partner' can apply to both heterosexual and homosexual relationships.

The definition of a parent, involving a domestic partner, only has a legal designation as parent while the person is in the relationship. I said last week during the debate on the in-vitro fertilisation legislation that I am very conservative when it comes to children and I considered this part of the bill very seriously. I agreed to support this part of the legislation after being reassured of the specific practical benefits to children in making these changes to the act. I have received briefings from both the Children's Court and Family Court on the significance of these amendments.

The Children and Young Persons Act applies only where the state intervenes in a child's life. That intervention might be because of a suspected abuse or negligence or may be because the child runs foul of the law and is accused or convicted of some criminal behaviour.

The duty of the Children's Court is to focus entirely on the welfare of the child; the rights of others are not an issue. I am advised by both members of the Children's Court and Family Court that this change in the legislation will help the courts deal with the welfare of children. It will encourage families to be more open with the court about the circumstances under which they live. It will also encourage agencies who must deal with these families to be open and forthright about potential or existing relationships which they believe are impacting on the life of the child.

The advice I have suggests that the main increase in the potential rights of parents when the definition now includes domestic partner relates to ensuring information sharing and procedural fairness in the dealing of the Children's Court. Some of the additional procedural fairness-type rights include that the Children's Court will need to take into consideration the domestic partner in ensuring there is a participation in proceedings; that respect is given for cultural identity; that there is legal representation; that there is explanation of orders and provision of copies; that there is access to reports; as well as the entitlement to visit a child when on remand or during sentence. They are some of the additional rights that are given by allowing this amendment.

There are significant increases in responsibilities for people who are now going to be defined as domestic partners and who must be taken into consideration by the Children's Court when dealing with these children. Some of the extra responsibilities domestic partners will have is that they will be required to enter into undertakings; there may be restrictions on their access to providing long-term care for the children; they are subject to conditions under orders; they can be subject to directions to produce the child; they will be subject to the restriction that it is an offence to leave a child unattended; and they are also liable to be the subject to a search warrant for a child to be taken into safe custody. In fact, having a domestic partner defined as a parent under the Children and Young Persons Act means that people who are in homosexual relationships where there is care of a child involved will have considerable extra responsibilities to that child and to the court. I see that as a clear benefit to the child.

I have received several letters regarding the bill from concerned members of the public, some of whom are my constituents. I am concerned that often these letters contain overtly incorrect information, and I just give one example. The person who wrote to me gives a scenario that where a woman leaves her husband for a lesbian partner, the lesbian partner has greater rights than the biological father as the two women will be classed as domestic partners. That is absolutely untrue. The Children's Court is obliged to contact any biological parent, mother or father, who may be missing from the child's life; under the law they are still regarded as a parent unless a specific order has been made by the court for the child's adoption or permanent care. That fear is unfounded.

There are also times when the fears are exaggerated. I read from another letter I received, where the person writing the letter claims that the changes being made to the principal act will discriminate 'against the traditional family in favour of the minority homosexual component of society'. That is just not true. Giving some acknowledgment to the reality that exists, to the types of families that exist, does not in any sense detract from heterosexual, traditional or formally married couples. I am concerned that some people have these exaggerated or misplaced fears. I reassure those

constituents and others that I do not treat legislation like this lightly; I make detailed inquiries and I take all the issues presented seriously.

As an overall point, the legislation is merely encouraging the law to accept the reality that we know exists — that there can be stable, loving relationships among people of the same sex in exactly the same way as there are stable and loving relationships among heterosexual couples. I believe society should encourage stable and loving relationships regardless of the gender of the partners, because such relationships are a fine and good way to encourage our society to be a more stable, kind and loving society. That is the kind of society I wish to live in and which I see as of benefit to all of us.

Mr LANGUILLER (Sunshine) — I rise in support of the Statute Law Further Amendment (Relationships) Bill, which makes amendments to a number of acts of importance and recognises the rights and obligations of partners in domestic relationships irrespective of the gender of each partner. This bill follows on from amendments made by the Statute Law Amendment (Relationships) Act 2001.

A person's partner is defined for the purpose of the amendment bill as a 'spouse' or 'domestic partner'. 'Spouse' is defined to mean a party to a marriage, but in the earlier statute law amendment act two definitions of 'domestic partner' are used depending on the act that has been amended. The principal definition of a domestic partner is a person to whom the person is not married but with whom the person is living as a couple on a genuine domestic basis. This definition is used for the purpose of amendments to the Conservation, Forest and Lands Act 1987, the Corrections Act 1986, the Children and Young Persons Act 1989 and the Water Act 1989. A broad definition of a domestic partner is used for the purpose of amendments to other legislation such as the Crimes (Mental Impairment and Unfitness to be Tried) Act 1997, the Legal Practice Act 1996 and the Meat Industry Act 1993.

Our reform will remove discrimination in a number of acts, which I wish to place on the record: the Architects Act 1991, the Children and Young Persons Act 1989, the Conservation, Forests and Lands Act 1987, the Corrections Act 1986, the Crimes (Mental Impairment and Unfitness to be Tried) Act 1997, the Discharged Servicemen's Preference Act 1943, the Estate Agents Act 1980, the Firearms Act 1986, the Legal Practice Act 1996, the Meat Industry Act 1993, the Racing Act 1958, the Water Act 1989 and the Witness Protection Act 1991.

I think it is important to place on the record the background to this reform agenda advanced by the Bracks government through the Attorney-General and his parliamentary secretary. It arises out of the report of March 1988 by the former Victorian Equal Opportunity Commission. Following that review it has to be said that the commission registered some 500 submissions from the public and did almost 12 months of research. It released a major report, *Same Sex Relationships and the Law*, on 12 March 1988. It presented to the Attorney General for consideration a number of important matters that concerned all Victorians at the time, and indeed which remain very important to us all today.

The terms of reference addressed by the commission related to the ways in which people in same-sex relationships were treated differently by the law. The overview of submissions received in response to a discussion paper on this issue looked at options for addressing discrimination against people in same-sex relationships and listed the relevant sections of Victorian legislation that treated such people differently from those in married or de facto relationships.

The report did not claim new rights for people in same-sex relationships. What it did was outline the laws which were changed in order to afford those in non-marital or same-sex relationships the same rights and responsibilities, as appropriate, as those in heterosexual relationships. On the basis of the submissions, I confidently place on the record that the absolute majority of the reports and submissions to the equal opportunity commission at the time were overwhelmingly in favour of reform to the law in order that discrimination be removed from legislation whenever possible and where applicable.

The majority of the submissions did not support extension of marriage rights to people in same-sex relationships. That consideration has been taken into account in this and previous legislation of the same nature where marriage continues to remain and is regarded as sacrosanct. Same-sex relationships are now being given the same status as heterosexual and de facto relationships.

There is also an international context to this debate. The recognition of same-sex de facto relationships has already taken place at the state level in Australia in New South Wales, Queensland and the Australian Capital Territory. In considering the appropriateness of the legal recognition of same-sex relationships it is useful to consider international law and the experience of other nations.

It is fundamentally important to note that under international human rights law, in particular the International Covenant on Civil and Political Rights, Australia is obliged to treat all persons equally before the law without distinction on the basis of various factors including sex and other status. Sexual orientation is not expressly mentioned in article 26, however the United Nations human rights committee expressed its view that article 26 protects persons from discrimination on the basis of sexual orientation as decided in the case of *Toonen v. Australia*. In related cases in the European human rights system the European Court of Human Rights also concluded that European human rights law protects persons from discrimination on the basis of sexual orientation.

The opposition referred to an important matter, and I will refer to it as well. The recent events and tragic acts of terrorism in the United States of America are relevant to this debate. Given my experience and reading of history, when events of this kind occur typically a contraction of civil or democratic rights follows. Unfortunately more often than not mainstream societies and majorities, whether they are based on religion, race or ethnicity, tend to contract and become more conservative and concerned about fundamental rights. They are correct in doing so, but unfortunately what may happen in the process of closing ranks, so to say, is that the rights of minority groups — whether they be racial or ethnic in nature and based on different languages, gender or sexual preferences — may well be put behind or stalled for some time while society quite correctly is given the opportunity to move on and get itself together.

I agree with the view expressed by the opposition that given the times we are facing around the world today it is appropriate to remain cautious about our security issues. But we need to strike a balance to ensure that while there is sufficient and adequate security for Australians and people in other states and parts of the world in all jurisdictions, civil and democratic rights, particularly the rights of minorities, do not suffer. I respectfully put it to the house that people's rights should not suffer as a consequence of these events. We need to ensure there is enough caution, and we need to be warned of the possibility of civil and democratic rights contracting in our society.

More and more we in Victoria, and indeed Australia, are sending the message that discrimination at any level is not going to be tolerated and will be removed from the law, as well as progressively through education, constructive debate and constructive engagement in the context of our diverse society. Discrimination of all forms, whether it is on the basis of gender, race, religion or sexual preference, will progressively be removed. I am confident and hopeful — in fact I am an absolute optimist about this and believe in this society and its people — that the overwhelming majority will recognise our attempts. Whilst not necessarily condoning, promoting or encouraging any preference of a sexual nature — because at the end of the day the issue of sexual preference is very much a matter for the individual and is a private choice — the government cannot and should not intervene, and it does not in this legislation.

I want to assure the critics of this legislation, and there are some in the electorate that I proudly represent, that we in the government are not condoning, promoting, or encouraging any preference of a sexual nature whatsoever. We are delivering a promise made before the election to ensure that every individual, irrespective of gender, sexual preference, race or religion, be treated before the law in the same way and in the same manner. I am sure that the absolute majority of Australians will share that view.

There is another argument that is a way of responding to the critics who suggest and advance the proposition that the state intervenes. The state already intervenes through the provisions of the earlier legislation I mentioned, and this amending bill will have some further constructive effects. Earlier legislation discriminated against individuals in same-sex and other non-heterosexual relationships. The bill removes forms of discrimination and ensures that everyone is treated in the same manner.

I recall in my time as a union organiser with the Health Services Union some 10 years ago dealing with numerous examples of discrimination on the basis of sexual preference — in, of all places, the health sector! I recall vividly and clearly the painful experiences of the individuals concerned. They were being treated differently. I recall one particular instance where a person at a hospital in metropolitan Melbourne was being prevented from taking on a position of higher rank in the organisation fundamentally because he was gay. It became clear that the only basis on which decisions were being made about him was his sexual preference. It struck me at the time that something of the kind could continue to occur. I learnt a lot from that experience and from working with him, the shop stewards of the HSU and the management of the metropolitan hospital concerned.

That is why, as I explained earlier, I remain an optimist. I realised at the time that there are people including shop stewards, colleagues and managers who may feel differently about things — and we respect those

views — but almost all of them, once they have worked through the issues, come to the view that there are no grounds, reasons or logical arguments to be advanced for preventing a person from taking on a position of higher rank in an organisation because he is gay and is in a same-sex relationship.

I have not heard of recent examples of that sort of thing in the organisation, but honourable members may recall that in an earlier debate on a related bill I put on the record a similar example where two individuals from regional Victoria — I believe they were from Swan Hill — had come to my office to put it to me that they were not able to enjoy their same-sex relationship or have a free and open relationship in that place. They felt that their employment, and therefore their future, was very limited. They relayed to me experiences of harassment and hostility in the community. In the end they recognised and conceded that they needed to move to inner Melbourne so they could have a relatively free and open relationship and feel that their employment and their future were not going to be affected by being in a same-sex relationship.

I look forward to the time when wherever we are in Victoria and Australia people in same-sex relationships, who may not necessarily belong to the so-called mainstream of society, as we colloquially put it, feel that their family lives, relationships, employment, wellbeing and satisfaction can be realised irrespective of where they live, whether in inner Melbourne — Fitzroy, Brunswick or St Kilda — or elsewhere. The time will come when their rights will be adhered to and respected both by law and in their day-to-day cultural experiences.

I am proud to support this legislation. It is another example of the Bracks government delivering on a commitment and of turning things around for Victoria. The Bracks government governs for everyone in the state by ensuring that, as much as possible, we grow together and move forward collectively in the community through a transparent process not only in the financial management of the government's actions and activities but also in matters of public policy and public debate. This bill is another example of the delivery of democracy in a very practical sense. The process has ensured sufficient time for deliberation with the various stakeholders — and I make particular mention of that fact.

The process of formulating legislation under the Bracks government, in particular by the Attorney-General and the honourable member for Richmond, his parliamentary secretary, has been outstanding in many ways. In particular it has ensured that before legislation is brought into the Parliament stakeholders and the community are properly and comprehensively consulted. We are delivering a process by which the community feels part of the development of legislation in Victoria. I proudly support the bill, I commend it to the house, and I wish it a speedy passage.

Mr RICHARDSON (Forest Hill) — When the principal act, the Statute Law Amendment (Relationships) Act, was being circulated for public discussion after its introduction as a bill to this house, there was a deluge of correspondence, both electronically and on paper. The general tenor of that deluge was that this bill would mean essentially the end of civilisation as we knew it. It was considered to be an attack on family values, an attempt by the government of the day to encourage homosexuality and same-gender relationships at the expense of the traditional family, and a method by which young people would be corrupted — the litany of evils went on and on.

Most of the letters were saying the same thing, so they tended to be written, I think, by the same person or persons and were then reproduced in various forms with some variations. Certainly I received a multitude of them, and I suspect that most honourable members also received considerable correspondence of the tenor that I have just described.

The fact is, of course, that the principal legislation, which is now the Statute Law Amendment (Relationships) Act 2001, having been enacted, proclaimed and so on, has done nothing of the kind because it was not an attempt to destroy the family, encourage homosexuality, or corrupt young people and disadvantage children. It was dealing with the discrimination which was directed at one group of people in society.

For many years married people have had a set of rights and responsibilities simply through the mechanism of the marriage contract. There are rights and responsibilities which relate to things such as property, inheritance, and so on. For some time the same set of rights and responsibilities have applied to people of opposite gender who have been living together in a de facto relationship. Without going into the detail of the legislation relating to that, in essence, there is a qualifying period and within the set of circumstances which are described it is deemed that people living in a de facto relationship will, after a certain period, have the same set of rights and responsibilities as married people have.

It is perfectly legal for unmarried people of different sexes to live together — that is not illegal. Nor is it illegal for people of the same sex to live together in a loving and perfectly normal domestic relationship — normal in every sense other than the fact that they are of the same sex. The same rights and responsibilities which are part of being married and part of being in a de facto heterosexual relationship do not apply to people living in a same-sex relationship. Therefore there was no reference to inheritance, there were no rights which would accrue to one of the partners, and there were no responsibilities that accrued to either party. That clearly was a discrimination against those people because they were not doing anything that was illegal, either. They simply were not accommodated within the framework of the laws of this society. The principal act dealt with that situation.

There was dissension in this place. Certainly there was vigorous debate and some dissension within my party. A number of people exercised their right of conscience to voice their objection to the bill and indeed vote against it, some abstained from voting on it, and so on. People were entitled to do that. I thought they were wrong. I supported the proposition because it seemed to me it was correcting a wrong that had existed for a long time and that in this day and age is recognised as a distinction and a disadvantage directed towards one group of people in our society.

Our society does not encourage homosexual behaviour, corruption of youngsters, or the other sorts of things that many people were fearing. It does accept that there are people within society who are homosexual and who live together and have the same relationship towards each other as married people or de facto couples have. People do not necessarily have to approve of that, but there is now a recognition that it exists and it is part of our society. It is still a minority group of people, but they should not be discriminated against.

The Statute Law Further Amendment (Relationships) Bill takes the process a step further. It amends various acts, recognising the rights and obligations of partners in domestic relationships, irrespective of the gender of each partner. A person's 'partner' is defined for the purpose of the amendments to mean the person's 'spouse' or 'domestic partner'. 'Spouse' is defined to mean a party to a marriage. As in the Statute Law Amendment (Relationships) Act before it, two definitions of 'domestic partner' are used, depending on the act that is being amended. The principal definition is:

> … 'domestic partner' of a person means a person to whom the person is not married but with whom the person is living as a couple on a genuine domestic basis (irrespective of gender).

The bill addresses the definition of 'domestic partner' and corrects it in 13 existing acts of Parliament.

I will not go through all of them but I will make reference to the Children and Young Persons Act 1989. I have had only two letters relating to the bill that honourable members are presently considering. They have been from people who expressed views similar to those expressed by a multitude of people prior to the discussion of the principal act. There has been a dramatic change in the attitudes of people in the community who were previously very concerned about the attack upon fundamental family values and religious tolerance and so on, to now only two letters. They were concerned about the implications for the Children and Young Persons Act 1989.

In relation to the Children and Young Persons Act, all this bill does to amend that act is to include reference to a domestic partner of the father or mother of a child within the definition of 'parent'. There are a multitude of safeguards in the Family Law Act, and the court will provide for the appropriate protection of children, but that does not need to be dealt with in this legislation because the provisions to protect children are already in existence.

The broader definition of 'domestic partner' differs from the principal definition by expressly recognising relationships where people may not necessarily live under the one roof yet are mutually committed to and supportive of each other within their shared life as a couple. The bill makes it clear that, for the purposes of determining when persons are domestic partners, all the circumstances of the relationship are to be taken into account. The factors to be taken into account include the duration of the relationship, the nature and extent of common residence, whether or not a sexual relationship exists and the degree of mutual commitment to a shared life.

The first clause sets out its purposes and recognises:

> … the rights and obligations of partners in domestic relationships where there is mutual commitment to an intimate personal relationship and shared life as a couple, irrespective of the gender of each partner…

The second part of clause 1 prevents:

> … discrimination under legislation specified in the bill —

as I have mentioned, there are 13 acts that are affected —

> by ensuring that all couples irrespective of gender have the same rights and obligations while at the same time recognising the importance of a commitment to a long-term relationship and the security of children.

So this is not a threatening piece of legislation. In fact it takes the process of removing discrimination a step further. Essentially it is to do with the mechanics of fixing the definitions in a number of acts. The outcome of this process will be an improved society. It will mean the removal of some remaining discrimination, and the whole of society will benefit from that. In my view it is a perfectly appropriate course for us to follow. I will be supporting the bill.

Ms ALLAN (Bendigo East) — I am very pleased to join the honourable member for Forest Hill and honourable members on this side of the house in supporting the Statute Law Further Amendment (Relationships) Bill. As all members of the house will be aware, this bill complements amendments made to various acts by the previous Statute Law Amendment (Relationships) Act, which this Parliament debated at great length earlier this year. The earlier piece of legislation, which this bill complements, was certainly landmark legislation and was heralded as such throughout the state of Victoria. It was reformist legislation that made amendments to some 43 acts — a considerable number.

For members of the gay, lesbian and transgender community who had been fighting for a very long time to bring about this change, it was certainly heralded as a landmark. I heard the honourable member for Richmond, the parliamentary secretary to the Attorney-General, talk about the great pride that he felt at the end of that debate and the passing of that legislation. That great pride in the previous bill and the bill we are debating today is certainly shared by many members of this Parliament.

Earlier this year, during the debate on the Statute Law Amendment (Relationships) Bill, the government indicated that further amendments were to be made to a number of other acts to remove discrimination against gay and lesbian couples. This bill can be seen as dealing with the second tranche of acts — 13 in total — that need to be amended. I would be pleased to see, where needed, further amendments being made to acts of Parliament to remove discrimination against gay and lesbian couples.

As I said, this bill amends 13 acts which have a wide range of application. These acts include the Corrections Act 1986; the Conservation, Forests and Lands Act 1987; the Firearms Act 1996; the Water Act 1989; the Witness Protection Act 1991; the Architects Act 1991; the Children and Young Persons Act 1989; the Crimes (Mental Impairment and Unfitness to be Tried) Act 1997; the Estate Agents Act 1980; the Discharged Servicemen's Preference Act 1943; the Legal Practice Act 1996; the Meat Industry Act 1993; and finally, the Racing Act 1958.

It is important that we recognise that these acts have wide application throughout our society and that this bill is making a great change in all these areas. The amendments made by this piece of legislation, which affect all those acts, deal with the definition of 'spouse', which will now be limited to married couples, and introduce the term 'domestic partner' to recognise gay and lesbian couples.

Amendments are being made to all the acts to include a recognition of same-sex relationships and of the partners in these relationships. The amendments to the Firearms Act 1996 will enable the transference of a firearms licence from one partner in the relationship who may have passed away quite sadly to the other partner, regardless of whether they are in a heterosexual, gay or lesbian relationship.

The bill recognises same-sex partners for the purposes of the Meat Industry Act. The partner of a person in a same-sex relationship who is applying for a licence to operate a meat-processing facility will now be recognised as an associate of the person applying for the licence. Further, people in a same-sex relationship will be able to be recognised as family for the purposes of the Witness Protection Act.

Amendments in the bill to the Conservation, Forests and Lands Act will give the domestic partner of a worker who passes away at work the same right as a spouse or domestic partner to apply for compensation. In this case particularly, for people living in a same-sex relationship when one partner dies at work the remaining partner will find having access to compensation is an important part of the legislation.

As with the bill debated earlier this year, this bill has as its underlying principle a desire for social justice and respect for human rights. In the lead-up to its campaign and for many years previously the Labor Party came to government with a strong commitment to making legislative change to provide for greater equality for same-sex couples. Government members are proud to have campaigned for that and to be supporting that concept in Parliament today.

As was the case with the amendments passed earlier this year, this bill extends similar legislative rights and obligations for same-sex partners as though they were

in a married or de facto relationship. The house has heard the phrase 'rights and obligations' used many times during this debate and in the debate earlier this year. The house should recognise that all people in long-term, lifelong loving relationships, regardless of sexual preference — whether they are married and in a heterosexual relationship or in a de facto or same-sex relationship — understand their rights and the obligations they are placed under. That should be recognised by members of the community regardless of whether the partners are in same-sex or heterosexual relationships.

I refer briefly to the definition of domestic partner. The definition requires same-sex couples to be living as a couple on a genuine domestic basis. A number of factors must be taken into consideration when determining whether two people are living together as a domestic couple. Some of the factors include the length of the relationship, whether the couple share a common residence, whether a sexual relationship exists between the partners, and the degree of the mutual commitment to a shared life.

Earlier today in her excellent contribution to the debate the honourable member for Tullamarine said all relationships at some stage or another face the possibility of breaking down. The fact that a relationship may be a same-sex relationship does not necessarily increase the chance of its breaking down. It is wrong for some sections of the community to oppose the legislation on that basis because, as I said earlier, people in a relationship, whether it be a same-sex or heterosexual relationship, understand their rights and the obligations they are placed under in that relationship and certainly understand the possibility of that relationship breaking down. Therefore, that argument should not be countenanced in this instance.

The honourable member for Gippsland West referred to correspondence she had received specifically in relation to the amendments made to the Children and Young Persons Act. In the lead-up to this debate I have received no correspondence from constituents about the bill. Honourable members received an overwhelming amount of correspondence either through email or the normal mail system before the house debated the previous bill. However, this time around it appears there was not the same amount of correspondence; in fact, as I said, I received none. That indicates society is moving forward on these issues, which is pleasing.

The bill amends the Children and Young Persons Act to reflect the reality for many children whose parents may be living in same-sex relationships. The amendments aim to recognise the rights and obligations of a parent in those relationships.

I believe the bill gives some legitimacy to those relationships and provides the stability that children in that family structure need to enable them to operate in society. That is an important part of the legislation. It provides families with legislative certainty and stability in their relationships and recognises the reality that children can be cared for materially and emotionally by a gay or lesbian parent and/or his or her partner. That provision, too, is an important part of the legislation.

During debate on the passage of the principal act earlier this year I spoke of the feedback on the amendments I had received from gay people in my community. One member of that community spoke to me at length about the amendments. He said one of the most important things the amendments provided for his community was certainty and legitimacy for gay and lesbian couples. That is important for the gay and lesbian community because, as members of Parliament, we should not underestimate the importance to gay and lesbian couples of these and the earlier legislative amendments.

We are all aware that one's sexual preference can attract discrimination in some parts of society. Such discrimination can cause strain on the families and friends of many gay and lesbian people, particularly if they are young. In country areas, where often there is greater scrutiny of one's activities, that scrutiny can be more intense for gay and lesbian people. The amendments in the bill are important in helping gay and lesbian people participate in society as equal members of the community; their rights will be enshrined in law, which is a great part of this bill.

I am pleased to note that the bill has the bipartisan support of both the Liberal and Labor parties. Earlier I heard the Leader of the National Party make his contribution to the debate. I respect the fact that the National Party holds a different view on the bill. However, it should be mindful that in opposing the bill it is supporting a discriminatory framework that the government seeks to change through the passage of the bill. Certainly government members cannot support that attitude. I express my disappointment that the National Party has chosen to support the avenues of discrimination towards gay and lesbian people.

I shall begin concluding my contribution by commending the Attorney-General and his parliamentary secretary, the honourable member for Richmond, for bringing this reform into Parliament. They have done an enormous amount of work in

consulting all members of the community and all members of Parliament. They are to be commended for their endeavours in bringing this and the earlier bill before Parliament. I also commend the members of the gay and lesbian and transgender communities who have continued relentlessly to pursue these changes.

I hold a strong personal belief that any form of discrimination is wrong and unacceptable. As members of Parliament we should be proud that we are supporting such an important piece of legislation which supports equality and provides the mechanism for that to happen in this area of gay and lesbian relationships.

The Bracks government has introduced great reform in this area in only the two short years it has been in power in the state. I am sure the passing of the relationships legislation has not been without difficulty for individual members of Parliament. It was a long and difficult process that presented challenges that the Attorney-General and the honourable member for Richmond had to pursue. It has also caused difficulty for some members of our community in confronting these issues. It has been good to see that this debate has been conducted in a very sensible, rational and reasonable way, both inside and outside this place.

I believe this legislation is worth going through all those challenges for because of the fundamental principles of respect for diversity in all its forms, respect for the right to equality and the desire for a just society in Victoria. Like the previous amendments, the removal of all forms of discrimination provides security, legal status and, most importantly, recognition of equality for gay and lesbian people in our community. On that note I conclude my remarks, and commend the bill to the house.

Mr SAVAGE (Mildura) — Thank you, Mr Acting Speaker, for your consideration in taking over the chair so that I may contribute to this debate.

I wish to briefly but firmly indicate my strong opposition to this second tranche, the Statute Law Further Amendment (Relationships) Bill. I do not propose to go into detail on my opposition; I think that has been well documented. There is no doubt that this legislation is a continued and gradual but sustained attack on the institution of marriage. Whether some honourable members like it or not the legislation does diminish the unique status of marriage and the raising of children. A domestic partner is not necessarily a father or a mother, and it does not matter what kind of spin you put on it you cannot change that reality.

I have to say that I have some concerns about the amendments to the Children and Young Persons Act, where the words ‘domestic partner’ are included. I believe that is unacceptable, but I acknowledge the difficulties faced by the Attorney-General in trying to devise an array of amendments that cover the new contingencies because of the first 44 pieces of legislative change.

Some acrimony was directed at me in the first debate on the relationships legislation. I was called homophobic by the Leader of the Opposition. I was also called a reactionary who was pandering to the conservative interests in my electorate. I reject those charges. I am representing the community that put me here to the best of my ability. Those sorts of insults are unnecessary and they are a usual standard response from somebody who does not have the answers to the problem.

I must indicate that I have some concerns about similar changes of legislation in Western Australia, where there is a complete turnaround of legislative reform and where in-vitro fertilisation (IVF) will be made available to the lesbian community for psychological infertility. I believe adoption and marriage access will be made available to the gay and lesbian lobby.

I really think the issue of discrimination needs to be analysed — and I do not condone discrimination — because if we do not let homosexuals and lesbians marry we are discriminating against them — that is a form of discrimination but where do you draw the line and how far do you go? — because it is in the definition of discrimination. I understand that the racial and religious tolerance legislation will be amended to include vilification of homosexuals. I find that rather disturbing because it could diminish debate.

The other aspect I wish to indicate some concern about is that family groups in society were not consulted on this legislation and were excluded from the process. I think that has caused some views on the bill to be flawed. I understand the reasoning behind it, but I think everyone should have been included in the consideration and consultation process.

I do not propose to speak further other than to say I wish my opposition to this legislation to be recorded. I have not changed my view from the first time we debated the relationships legislation.

Mr STENSHOLT (Burwood) — I rise to support the Statute Law Further Amendment (Relationships) Bill because it recognises the rights and obligations of partners in domestic relationships, irrespective of the

gender of each partner. Like others on this side of the house who have spoken before me, and indeed those on the opposition side of the house, I commend the legislation on the basis of fairness and equity in our society. I see it very much as the hallmark of our Labor government that it affirms the basic rights of all people in our society, ensures that the law is applied in an equitable manner and ensures people are not discriminated against.

In so doing the legislation seeks to adopt definitions used previously, particularly in the Statute Law Amendment (Relationships) Act which was passed earlier this year, in respect of a spouse or a domestic partner. In fact the definition of 'domestic partner' speaks in terms of cohabitation, and the broader one talks in terms of non-cohabitation. The principal definition of 'domestic partner' is:

> … a person to whom a person is not married but with whom the person is living as a couple on a genuine domestic basis (irrespective of gender).

The broader definition also recognises relationships where people might not necessarily live under one roof yet are mutually committed to and supportive of each other within a shared life and their relationship as a genuine couple, albeit of the same gender. That sort of relationship becomes productive of people having duties and considerable dedication to each other. It also engenders people having a range of rights in respect of each other but also in the wider society in which they live. This is the basic foundation of the formulation of our democratic tradition and the way our society operates, building up from the individual through to relationships, and I guess to the weave and weft of the broader relationships in society.

The bill serves to reaffirm those basic rights of gay and lesbian couples and extends the coverage of the relationships legislation to a further 14 acts. It is good to see here a further elimination of the heartache, frustration and indeed discrimination that same-gender couples have suffered under so many acts in the past. This bill provides the opportunity to amend a further range of acts to broaden or change the definitions, and indeed to eliminate the discrimination that gay and lesbian couples may have actually suffered or be perceived to have suffered. The acts that have been enumerated by others — 13 of them — are in the schedule referred to in clause 3.

The 14th act is the Parliamentary Salaries and Superannuation Act 1968, which brings the bill close to us as parliamentarians. It provides a range of specific definitions of same-sex relationships and the circumstances in which the act may apply to people living in those relationships on a genuine domestic basis. The schedule sets out a range of circumstances for determining what constitutes cohabitation and the broader area of non-cohabitation and specifies when recognition should be given that a person is a genuine partner or associate. For example, the bill means that recognition of a same-sex partner as the prescribed relative of an architect may be afforded under the Architects Act. Overall, the bill provides same-sex partners with legal recognition.

Furthermore, the bill means that under the Conservation, Forests and Lands Act a domestic partner will be able to claim compensation in the event of the death of a conservation worker while engaged in their duties. It provides specific examples of when domestic partners will be recognised. A range of circumstances and definitions of 'domestic partner' and 'near relative' are to be inserted in the Corrections Act, which will provide more recognition. Under the act recognition as a near relative will often involve the consideration of a range of aspects of a person's life which they have to deal with, such as looking after children or being recognised as a partner under the Equal Opportunity Act so they can have physical contact as visitors. The recognition that will be given under the Corrections Act is very important.

Similarly, the interests of same-sex couples will also be recognised under the Crimes (Mental Impairment and Unfitness to be Tried) Act; and the definition of 'domestic partner' in the Estate Agents Act will now recognise those people who are not married but who are involved in a domestic relationship.

We welcome the broadening of the definitions in those 14 acts. We are dealing with a social justice issue that affects a significant section of our community — that is, gay and lesbian couples. The bill will recognise their rights in law in a wide range of circumstances as defined in particular acts. This bill is good and just legislation. It follows on from the legislation previously introduced as part of the reforming agenda of the Attorney-General as well as the good work of the parliamentary secretary, the honourable member for Richmond, who played a main role in the consultations and in ensuring that the rights and obligations of gay and lesbian couples are recognised in these acts. Given that it is a further application of the measures in the legislation that passed through the house earlier this year in that it extends the rights of same-sex couples, I commend the bill to the house.

Mr HOLDING (Springvale) — I am happy to make a contribution to the debate on the Statute Law Further Amendment (Relationships) Bill, which is a significant

piece of legislation even though it does not stand in isolation but comes about as a consequence of earlier amendments. It is important because it seeks to continue a set of reforms which extended the recognition of same-sex couples throughout a whole series of significant pieces of legislation and which were set in motion just after the election of the Bracks Labor government in October 1999. For that reason I am pleased and happy to stand in this Parliament to support it.

It is worth placing this bill in some context. Debate often takes place in the community about the appropriate roles of Parliament and government when either seeks to pass comment on or regulate in some way those things that essentially belong in the private or personal domain. Obviously relationships are a part of people's personal lives, and most people would say that it is not appropriate to deal with them in the domain of public law.

However, in many different ways the state is forced to pass comment on or provide a regulatory framework for personal relationships, because they give rise to legal rights and obligations in a host of different ways. For that reason this legislation has found its way into the Parliament to establish the proper regulatory framework for ensuring that people have full access to the rights and obligations that their relationships should entitle them to.

It is legitimate to ask what the appropriate role of the state is. Where does the line fall? What things should the state have no role in whatsoever? What is the appropriate level of state interference? By that I mean interference not in the choices people make but insofar as the state seeks to pass laws and set regulations and frameworks that protect people's legal rights, or imposes appropriate obligations and responsibilities. That is the reason why the amendments in this legislation are before us, and it is also why the amendments to about 43 acts were necessary.

It is worth considering briefly the contents of the earlier act, which as I said made a host of amendments. The framing of the earlier act arose from a report of the Equal Opportunity Commission entitled *Same Sex Relationships and the Law*. That important report identified 43 acts which effectively discriminated against same-sex relationships and which needed to be amended if same-sex relationships were to receive the same type of legislative recognition and protection, enjoy the same types of legal rights and have the same types of legal responsibilities as people of different genders in de facto relationships.

Prior to the last election the Labor Party made a commitment that in government it would seek to remove discrimination against gay and lesbian couples and people in same-sex relationships as much as possible. As I said, last year the Parliament debated a series of amendments to a host of acts to give effect to that promise and to provide a legal basis for the recognition of same-sex relationships. The legislation the house is debating today continues that reform process by including a raft of additional pieces of legislation. Indeed the following 14 acts are amended by the bill: the Architects Act 1991; the Children and Young Persons Act 1989 — and the honourable member for Forest Hill referred extensively to the legislative changes affecting that act; the Conservation, Forests and Lands Act 1987; the Corrections Act 1986; the Crimes (Mental Impairment and Unfitness to be Tried) Act 1997; the Discharged Servicemen's Preference Act 1943; the Estate Agents Act 1980; the Firearms Act 1986; the Legal Practice Act 1986; the Meat Industry Act 1993; the Racing Act 1958; the Water Act 1989; the Witness Protection Act 1991; and the Parliamentary Salaries and Superannuation Act 1968. The last piece of legislation shows how far the community has changed and how much Parliament has to change to reflect that. In other words, Parliament is being required to amend its own legislation and alter its own arrangements to reflect the changes that have occurred in the broader community over recent decades.

I will comment on several aspects of the legislation before the house. I note that it seeks to give legal recognition to same-sex relationships by providing effectively two definitions of 'domestic partner'. The first definition of 'domestic partner', which will be contained in the Children and Young Persons Act, has cohabitation, if you like, as the test for the nature of the relationship. 'Domestic partner' is defined for the purpose of this legislation as:

> … a person to whom the person is not married but with whom the person is living as a couple on a genuine domestic basis (irrespective of gender).

The test for bringing into play the scope of the 'domestic partner' definition is the existence of cohabitation. In other pieces of legislation the definition of 'domestic partner' is slightly different. I turn to the definition to be inserted in the Legal Practice Act. There it means:

> … an adult person to whom the person is not married but with whom the person is in a relationship as a couple where one or each of them provides personal or financial commitment and support of a domestic nature for the material benefit of the other, irrespective of their genders and whether or not they are living under the same roof…

It is important to note that in this definition the test is not one of cohabitation. The person seeking guidance from the legislation as to whether or not they will fall within the definition of 'domestic partner' needs to look at the nature of the relationship and a variety of factors that other members, certainly the honourable member for Bendigo East, canvassed extensively in their contributions.

So two definitions of 'domestic partner' are being utilised. The relevant definition that will be used depends on the context and on which piece of legislation is being amended. That is appropriate because it reflects the different priorities and different areas of life that are being regulated by different pieces of legislation. It is relevant and important to note those two different definitions of 'domestic partner'.

I touch briefly on the amendments to the Children and Young Persons Act 1989 because they are controversial and could cause misplaced but nevertheless understandable concern and angst in different sections of the community. In relation to the Children and Young Persons Act the bill accepts that there are instances where a partner in a same-sex relationship may have a biological child living with them as part of the same-sex relationship. That is understandable. We live in a community where relationships change all the time and where people will bring with them to a relationship biological children from a previous relationship — and in some cases the new relationship may be a same-sex relationship within the meaning of the legislation.

When that occurs it is important that the parenting responsibilities of the person living in such a relationship should be recognised, just as the same-sex relationship itself is recognised by the legislation. It would be unjust and absurd if that did not occur. The amendments before the house seek to make sure that the parenting responsibilities are recognised in the same way as other aspects of the same-sex relationships. That is the purpose, there should not be alarm in the community about it. They are eminently sensible, and they are important in protecting the welfare of the child, as well as asserting the rights and responsibilities of the biological parent as they stand at the moment.

In demonstrating that this is not a radical change, as I understand it the Children's Court already has the discretion to recognise same-sex partners under part 2 of the Children and Young Persons Act 1989. Insofar as is practicable, the court must allow the child, the parents of the child and — this is the important quote — 'all other parties who have a direct interest in the proceeding to participate fully in the proceeding'.

So already there is that capacity for the Children's Court to recognise same-sex and domestic partners where they have a direct interest in the proceeding. This legislation seeks to make that situation crystal clear. For that reason this particular amendment is worthy of support. It is one that I have no problem with, and I would urge other honourable members to support it — although I can understand why, when there are controversial and complex amendments, there is angst in the community in relation to these things.

I will touch briefly on the contribution of the honourable member for Mildura. He indicated to the chamber, as is his right, that he would not be supporting these amendments. I do not agree with his view, but I respect that it is a profoundly held one. He is a person for whom I have a great deal of respect. However, he made one comment that I want to briefly touch on, and that is his assertion that this bill, and indeed the previous legislation that this Parliament debated, undermines the sanctity of marriage. You could reach that conclusion only on an incorrect reading of the bill and an incorrect interpretation of the intent of the previous legislation.

This bill does not seek to undermine the sanctity of marriage in any way. Indeed, it does not seek to afford to de facto or same-sex relationships the same rights, responsibilities and obligations of marriage as are recognised under Victorian law. Therefore I do not believe that either this legislation or the previous legislation could be said to be undermining the sanctity of marriage. It is possible that members of the community could assert that the proliferation of de facto relationships in our community challenges that. It is not a view I hold, because I do not believe that this legislation, insofar as it seeks to put same-sex relationships on an equal footing with de facto relationships, undermines the sanctity of marriage.

The honourable member for Mildura raises a legitimate point when he says there needs to be a debate in the community about whether this bill, by not affording same-sex couples the right to legally marry, perpetuates discrimination. I accept that that challenge can be put about this legislation, but I do not believe that is a ground for not supporting it. Rather it is a ground for supporting this bill while saying that in some areas there may be scope for further reform. I would be interested to participate in a debate on that at any time.

However, the bill is an eminently sensible piece of legislation. It seeks to afford same-sex relationships the same sorts of legal rights as apply to other de facto relationships that are not married relationships. That is something other honourable members ought to support,

and it is something which members of the community support when it is put to them on that basis. I congratulate the Attorney-General on introducing this legislation, and I also congratulate him on introducing the earlier amendments.

Parliament debated the amendments last year. These are not easy issues. They create a great deal of anxiety in some sections of the community. These are sometimes controversial matters, although I must admit I do not think they ought to be controversial. There are always those in the community who are concerned for a variety of reasons when the Parliament legislates on these types of matters, as they can be emotive matters. People hold profound convictions which often are based on their interpretations of religious beliefs or whatever. I respect those views and those people who have taken the time to contact me and provide their views.

However, for the most part I have disagreed with those people who have contacted my office in relation to these issues. I believe the Parliament has a responsibility to ensure that insofar as relationships fall within the public domain and are the source of public regulation people should be able to pursue whatever relationships they feel most comfortable with. The law should provide the full level of protection to those relationships and should impose the rights and obligations that are imposed on relationships equally and not seek to make value judgments on relationships, whether they are same-sex relationships or heterosexual relationships. That is the essence of the policy question that the Parliament is debating here today.

In a sense we have resolved this policy question. We resolved it when we passed the earlier act. We resolved it in favour of legal recognition of same-sex relationships and placing them on an equal footing with de facto heterosexual relationships — that was a piece of legislation that I supported — so it would be absurd now not to pass this series of amendments. It would create a situation, for example in the case of the Witness Protection Act, where a person in a same-sex relationship was not afforded legal protection under that act. Equal absurdities would exist in a raft of other areas.

I commend this piece of legislation to the house. I congratulate the Attorney-General on it, and I look forward to supporting these amendments and any further amendments that arise as a consequence.

Ms GILLETT (Werribee) — It is my privilege this evening to be able to make a contribution on the Statute Law Further Amendment (Relationships) Bill and to note in doing so that this important piece of legislation follows in the fine tradition of legislation that has already been introduced and passed by the Parliament to acknowledge and restore, if you like, in many ways some dignity to a whole range of Victorian people.

The bill makes amendments to a variety of acts, and in that sense it is an omnibus bill. The bill provides recognition of the rights and obligations of partners in domestic relationships, irrespective of the gender of either partner. As I said, the bill follows on in the fine tradition of amendments to various acts made by the original Statute Law Amendment (Relationships) Act 2001 and includes the further amendments that the government committed to introduce to contribute further to reducing discrimination against non-heterosexual couples.

The bill amends 13 acts ranging from the Architects Act 1991 to the Witness Protection Act 1991. The amendments seek to extend legislative rights to and obligations on same-sex partners which are the same as the rights and obligations they would have were they in a marital or de facto relationship. For example, under the Firearms Act 1996 domestic partners would have the same right to apply for the transfer of a firearms licence to a spouse or a de facto partner in situations where the holder of the licence became a patient under the Mental Health Act. Another example is the Conservation, Forests and Lands Act 1987, where those amendments give the domestic partner of a worker who dies whilst at work the same right as a spouse or domestic partner to apply for compensation under the act.

The bill defines a person's partner to mean a person's spouse or domestic partner. 'Spouse' is defined to mean a party to a marriage. The cohabitation definition of a domestic partner adopted in the bill requires domestic partners to be living as a couple on a genuine domestic basis. This is defined with reference to criteria that is set out in section 275(2) of the Property Law Act 1958. The section lists a set of factors that must be taken into account in determining whether the persons are domestic partners of each other, including such factors as the duration of the relationship, the nature and extent of common residence, whether or not a sexual relationship exists and the degree of mutual commitment to a shared life.

As I said, the bill comes from a rather special place in the Bracks Labor government's policy. I take this opportunity to again place on record my thanks and appreciation to the Attorney-General, his staff and his rather fine parliamentary secretary, the honourable member for Richmond. They worked harmoniously, and in difficult circumstances sometimes, to make sure

that all parties affected by this ground-breaking legislation were included and consulted. In fact that is the main ethic behind this whole range of legislation that we will be bringing in. It is about inclusiveness, tolerance, and a genuine generosity of spirit among people to acknowledge that we are not all the same, but that these qualities provide for a richness and diversity in our lives, our community and our culture which is absolutely precious.

It is also something that should be defining for Victoria, Australia and the world in this new century and millennium; that by definition we are starting to mature as a society and to understand that the most important gifts a community can give to people are inclusion and acceptance leading to a feeling of improved self-esteem. That undoes the harm and damage of bigotry, ignorance and intolerance, and that is why, for me, the bill and the earlier legislation that parented it are absolutely critical. They provide an intangible, precious gift that says, 'On behalf of the community you are accepted, recognised, acknowledged and included'. It is critical legislation.

I am given to understand that this will not be the end of the process of reform. It is sobering to realise just how pervasive the matter is and how many individual pieces of legislation are affected in that they define what is or is not an appropriate relationship. The number of pieces of legislation that have to be changed in that way is enormous. It will take time to identify them and rectify them with care. It is not too lofty a statement to say that the work of the Attorney-General, his parliamentary secretary and the staff is noble work.

Despite the private nature of relationships the state becomes involved at the point where a relationship enters the public domain. Therefore, for those in the community and indeed in this Parliament in either chamber who may feel that this is somehow a Labor government social agenda being forced upon the community I am here to state that that could not be further from the truth. The state may provide or authorise benefits, recognise responsibilities and impose obligations. It may provide simplified standard form procedures to handle issues that arise when a relationship ends, whether by death or by decision of the parties; or it may intervene to protect one party's rights against the other when fairness and justice require.

In becoming involved in that way the state has effectively recognised some personal relationships but has failed to recognise others — that is, until very recently. Beginning from the longstanding recognition of legal marriage, the state has come to extend recognition to marriage-like relationships. In some areas that has occurred by judicial interpretation which has allowed the recognition of same-sex relationships. In Victoria, however, such flexibility was largely closed off by statutory wording that expressly discriminated against potential recognition of same-sex couples.

Marriage is considered by many to be the most desired form of relationship recognition, and those people are entitled to their view. Certain rights and obligations flow automatically to the parties on marrying, and that is right and just. That has distinguished marital relationships from de facto relationships in the past. While increasingly the rights and obligations bestowed on married couples are being bestowed on heterosexual de facto couples, the conferral of such rights is not automatic and is often dependent on a qualifying series of factors such as the requirement for cohabitation for a minimum period of time.

At present heterosexual de facto relationships are legally recognised by Victorian legislation for a variety of purposes. However, such legal recognition does not usually extend to same-sex couples. A lack of recognition of same-sex relationships means that often disputes involving same-sex couples have to be resolved through the courts, which can be emotionally draining for the parties involved, extremely protracted and expensive.

It was in this context that the Equal Opportunity Commission researched and published its report, *Same Sex Relationships and the Law*. The commission identified 43 Victorian acts that operate to discriminate against same-sex couples and, in some instances, also against heterosexual de facto couples.

The legislative provisions identified by the commission in its report covered a range of issues. It suggested that there should be an extension of the legislative definitions of the words 'spouse' and 'de facto spouse' in the acts and an inclusion of same-sex couples.

The government has, I am proud to say, committed itself to the creation of a socially just and cohesive community in which each person has their place and in which diversity in all its forms including sexual diversity is valued and recognised.

The Labor Party stated in its pre-election commitment that it considered the achievement of substantive rights for lesbians, gay men and transgender people to be vitally important. In this context the Labor Party made a broad range of pre-election commitments: firstly, to replace the offensive lawful sexual activity provision in the Equal Opportunity Act 1995 with a new ground

protecting people from discrimination on the basis of sexuality; secondly, to introduce a new ground in the Equal Opportunity Act to protect people from discrimination on the basis of their transgender identity; and thirdly, to initiate a review of the exemptions in the Equal Opportunity Act to seek to remove those exemptions that did not provide adequate protection from discrimination for gay men and lesbians.

Fourthly, the then Labor opposition promised to reduce by legislative reform discrimination against people in same-sex relationships. At the time a private member's bill, the Equal Opportunity (Same Sex Relationships) Bill, was introduced in May 1999 by the honourable member for Albert Park, who is now the Deputy Premier. That bill sought to implement a recommendation contained in the 1998 Equal Opportunity Commission report.

Fifthly, the Labor Party undertook to refer to the Equal Opportunity Commission issues associated with same-sex couples and IVF technology and adoption to enable further community consultation consistent with the recommendations of the Equal Opportunity Commission report.

Those first two commitments are encompassed in the Equal Opportunity (Gender Identity and Sexual Orientation) Act 2000, which I am pleased to say is now in operation. The Attorney-General established the advisory committee on gay, lesbian and transgender issues to provide advice on implementing our fourth commitment as a government. The advisory committee included representatives of key gay, lesbian and transgender organisations and was honourably, patiently and persistently chaired by the Parliamentary Secretary for Justice, the honourable member for Richmond. As honourable members know, in July 2000 the committee produced its discussion paper entitled 'Reducing discrimination against same-sex couples'. Members of the committee consulted broadly and patiently on the discussion paper with gay, lesbian and transgender communities.

The Statute Law Amendment (Relationships) Bill, which was passed in the autumn 2001 sittings, largely fulfilled the government's fourth commitment by amending the initial 43 acts in a number of areas. They included property-related benefits, compensation schemes, superannuation schemes, health-related legislation and criminal law legislation. I am pleased to say that most of that act is now successfully in operation. I might add that the civilised world as we know it has not come to an end. Rather, I would argue that the civilised world as we know it has been enhanced by the operation of that legislation. It is with enormous confidence that I say that the civilised world as we know it will not come to an end with the introduction of this legislation, either. Again I say that the civilised community we live in will be enhanced by its implementation.

At the same time as the Statue Law Amendment (Relationships) Bill was introduced the government made a commitment to introduce a second bill — this bill — to amend further acts. The introduction of the Statute Law Further Amendment (Relationships) Bill fulfils the commitment that the government made. The bill amends the Architects Act 1991, the Children and Young Persons Act 1989, the Conservation, Forests and Lands Act 1987, the Corrections Act 1986, the Crimes (Mental Impairment and Unfitness to be Tried) Act 1997, and the Discharged Servicemen's Preference Act 1943 — although I must confess to not knowing a lot about that particular piece of legislation.

Mr Langdon — Why?

Ms GILLETT — I just have not got to that one, that's all. The bill also amends the Estate Agents Act 1980, the Firearms Act 1996, the Legal Practice Act 1996, the Meat Industry Act 1993, the Racing Act 1958, the Water Act 1989 and the Witness Protection Act 1991.

I am sure you would remember, Mr Acting Speaker, from your wonderful experience as a member of the Scrutiny of Acts and Regulations Committee in the last Parliament — —

Mr Nardella — Hear, hear — along with other distinguished members!

Ms GILLETT — Along with other distinguished members, including my colleague the honourable member for Melton, who supports us so well when we speak.

I am sure you will remember, Mr Acting Speaker, that the members of the committee in the last Parliament — as indeed are the current members — were ever vigilant about the appropriateness or otherwise of pieces of omnibus legislation. I place on the record the fact that when the Scrutiny of Acts and Regulations Committee considered this bill it was in the wonderful situation of being able to acknowledge not only that there is nothing inappropriate about the omnibus nature of the bill but that it is an honourable representation of what a true and useful mechanism omnibus legislation can be. It allows for a range of bills on a consistent subject matter to be dealt with by Parliament in a coherent, efficient and expeditious way. The committee made no adverse remark about the omnibus nature of the legislation.

Indeed, we were encouraged by the fact that it was a sensible and efficient use of such a mechanism.

The committee was also in the wonderful position of being able to report that, far from being trespassed upon, rights and freedoms were being enhanced. I am sure you will agree, Mr Acting Speaker, that it is fantastic for any member of a Scrutiny of Acts and Regulations Committee to look at a piece of legislation and be able to say, 'Not only does this not trespass on people's rights and freedoms in any way, shape or form, it actually enhances their rights and freedoms'. As I said, it does something particularly precious. It gives gifts that are intangible — gifts of acceptance and self-esteem — by acknowledging and including people.

In conclusion, I point out that I am now married. I cannot say that the nature, spirit or commitment of the relationship I was in with my now husband has changed. However, I find the legislation particularly inclusive. It says to people who are in a loving, caring and supportive relationship, 'We are all the same, and you will be supported in maintaining your loving and caring relationship'. That is a good thing for any community and society. Again my gratitude and that of a whole range of Victorians is extended to a fine and reforming Attorney-General and his excellent parliamentary secretary, the honourable member for Richmond.

Mr LENDERS (Dandenong North) — I too would like to join the debate on the Statute Law Further Amendment (Relationships) Bill. It has been interesting to listen to the debate, whether in the chamber, where I have been sitting for much of the time, or from my room. It has been interesting in particular to listen to how the tone has changed from that expressed some months ago, when honourable members debated a similar bill dealing with the principal legislation.

This is one of those debates that makes one reflect on the institution of Parliament, on the evolution of the law and, in particular, on regulating society as we know it, because they are all intrinsically related to the debate on the bill.

Firstly, I refer to the social setting behind the reason for the legislation. I will then discuss how the debate has developed, certainly since the government has been in office, as well as some of the specific details of how the legislation will affect the people of this state and in particular my constituents in the electorate of Dandenong North.

I need to paint a picture of social change generally and how the community and the Parliament deal with it. The bill is certainly not something that is poll driven; it is in place because it is a necessary and right thing for the government to do.

It is certainly not easy legislation; social legislation never is. We can go through the history of social legislation as we know it and look at the big ones that have happened in our lifetime. I am aware of them from reading the debates that occurred at the federal level. One example was the passing of the federal Family Law Act. At the state level over a number of years and a number of Parliaments there has been the passing of and the ongoing amendments to the Equal Opportunity Act. These are illustrative of the sorts of debate that we take part in and some of the issues that are raised. But first, Mr Acting Speaker, I make an observation on the difference — —

Mr Wilson — On a point of order, Mr Acting Speaker, given the Independents charter and the government's rhetoric about the importance of Parliament, I draw your attention to the state of the house.

Quorum formed.

Mr Hulls — On a point of order, Mr Acting Speaker, in relation to the frivolous nature of the quorum that has been called and the discretion you have as to whether or not to ring the bells, you may or may not have heard that immediately after calling the quorum the honourable member for Bennettswood made it quite clear for those within earshot that the only reason he called it was that certain ministers would be sitting down watching the television news. On that basis, this shows how childish this honourable member is and how pathetic the call for a quorum was. I ask you to take that into account — —

The ACTING SPEAKER (Mr Plowman) — Order! There is no point of order.

Mr LENDERS — In my contribution I was painting a picture of how difficult social change can be and how important it is that it is managed correctly, particularly from the point of view of this government and, I believe, all governments that wish to deal with it seriously. I was also alluding to how the changes in my lifetime to the Equal Opportunity Act and the federal Family Law Act as well as this legislation are illustrative of how we as a community may need to move on these things.

I will now paint a picture of a different tone. This is a very quiet chamber compared to what it was like some time ago when the legislation was last debated. It is also a lot quieter in our community as the discussion goes

on. That in itself leads me to a point about the correctness of the original legislation and where we are now.

Often when social change comes in our community is understandably concerned. This legislation is necessary for a range of reasons, but it is interesting that, as was said by the honourable member for Werribee, the world did not end when the earlier bill dealing with changes to other legislation was passed. A lot of the concerns and fears that people expressed never came about, the reason being that it was good legislation — and it was good for a number of reasons. It is not legislation that requires social change or change in the behaviour of individuals. But it is legislation that removes from our statute book discrimination against individuals who have chosen lifestyles that in a previous age were ones that Parliaments had decided were not appropriate.

The question that has come to us as members of Parliament is whether it is our role to determine what is appropriate behaviour or to remove discrimination from legislation. During the last debate the concerns that, somehow or other, this legislation was a way for us to deem whether behaviour was appropriate or not have dissipated in the community, because that debate has gone away as the second tranche of legislation has come forward.

That is important, because as society has changed over the years, the roles that define what the majority in the community do or what the government does have also changed. We have moved from a time many years ago when, to take it to the extreme, communities would ruthlessly and severely punish people for what they thought was a form of behaviour the state should proscribe. In the present day we are members of a far more tolerant community that does not make those judgments. These are private judgments that people make — and that is important.

That this legislation has not attracted the same noise, anxiety and lobbying in the community is a true indication that the last piece of legislation did what it was said to do — it removed discrimination.

I will go back to some earlier legislation where, as a society, we have dealt with some of these issues. When amendments to the commonwealth Family Law Act were made in the 1970s there was a lot of concern and anxiety in the community that in some way or other this would threaten and endanger the sanctity of marriage and the world as we knew it would end. A lot of people felt genuine grief because they said they affected certain relationships which were ideal or, in the case of that one, which people liked and wanted. Large sections of the community thought so too.

At that stage the commonwealth Parliament decided that it was not its role to prescribe the type of behaviour around which people must organise themselves in the sense of a relationship, but it set in place criteria and guidelines for managing them as best they could. However, in the end, they accepted that individuals should decide how to live their lives.

That was an important thing, but it was not an easy piece of legislation; the community debate went on for years and years. However, the debate and the equal opportunity legislation passed in Victoria at about that time put in place for the first time a realisation that it was the correct thing for people to determine their own relationships. The state needed to regulate issues like property and a range of other things if relationships did not work, but it was not for the state to make a determination that these were the only forms of relationship people could live in.

It is not surprising that as we become a more diversified, pluralistic and tolerant community this type of legislation moves into other spheres regarding relationships. In a sense the community debate we are having now is about tolerance and whether we as a Parliament should be removing discrimination against people who make different choices from those of the majority of the community.

This bill has not attracted a single comment from any of my constituents, quite unlike the similar legislation passed earlier in the year. That in itself is an important sign that the community saw the last piece of legislation passed for what it was — that is, removing discrimination rather than proscribing forms of behaviour in the community.

As a community it is always difficult for us to come to terms with what is behaviour and whether there is some behaviour that we should either proscribe or encourage. We know that societies in the world today still debate whether what we call bigamy is an appropriate form of social relationship. We in the community probably have as close a collective view as we can about that debate. However, these debates will continue.

I have had the privilege of serving on the Labor Party's justice committee in this Parliament, ably led by my colleague the honourable member for Richmond. It has been quite an exciting committee to serve on because we discuss a lot of ideas. We talk about what sort of society we want and how to remove things like discrimination from our society. We talk about ways to

make the world a better place. I am sure every member of this chamber started their political life wanting to make the world a better place. With the tyrannies of government these days where economic issues determine so many of the things we can do it is nice that there is a time and a place in the Parliament for us to discuss social legislation and discrimination legislation. It has been a privilege to be a part of this area of government.

This legislation is not something new or unusual. It was part of the platform Labor campaigned on. In a previous life as the Deputy Leader of the Opposition the current Deputy Premier introduced into this place a private member's bill which encompassed certain aspects of this legislation. The bill is not something the community has been ambushed by, and it is good to see that it has the support of the two main parties in this Parliament, which means it will pass through the chamber and the Legislative Council and change the statute book.

This bill amends a series of acts. It is important to go through a number of these acts to show how thorough the Attorney-General and his department have been in looking through legislation and removing areas of discrimination. Other members have gone into great detail about a lot of the clauses and some of the terminology in the bill, particularly the replacement of many terms with the phrase 'domestic partner'. It is good to see how thorough my colleagues have been in reading what has been going on and exploring the many pieces of legislation being amended by this bill. I imagine the Attorney-General and his department will continue to look for areas of legislation in which discrimination still exists. I am sure it will be the role of this Parliament for many years to come, to look at legislation which contains discrimination and remove it.

The bill amends sections 3 and 14 of the Architects Act 1991. I heard the honourable member for Bendigo East speak with some passion about the Children and Young Persons Act 1989 and the proposed amendments to section 3 of it, and about some of the terminology in other sections. In his second-reading speech the Attorney-General mentioned the Conservation, Forests and Lands Act 1987 and in particular sections 56 and 58 of it, again dealing primarily with the concept of domestic partner.

The bill amends sections 3 and 31 and addresses section 37 of the Corrections Act 1986. This shows that legislation like this pervades so many areas of our society and deals with the issues of discrimination there. Some of the complex issues that come through under the Corrections Act are ones that a layperson like me probably would not have thought about until being so ably briefed on this legislation by the Attorney-General and his parliamentary secretary.

I move now to the Crimes (Mental Impairment and Unfitness to be Tried) Act 1997. The bill proposes amendments dealing with section 3 and addressing sections 31, 40 and 42 — all areas where there was discrimination — and this bill removes those areas of discrimination.

The bill also amends the Discharged Servicemen's Preference Act 1943. My colleague the honourable member for Werribee referred to this act in her contribution and to section 2 of it, which refers to limiting the term 'spouse' to married couples.

Sections 4, 15 and 55 of the Estate Agents Act 1980 are to be amended, again dealing with the term 'domestic partner' and how it applies in those situations. This is legislation that needs to be addressed. We move on to the Firearms Act 1996 and sections 3 and 84 of it. This is a secondary piece of legislation compared to the first piece of legislation passed some time ago which dealt with a lot more acts.

I move now to section 3 and consequentially sections 257, 295, 296 and 317 of the Legal Practice Act 1996. Again, it is same-sex domestic partners that are affected by this omnibus bill with which we are dealing. We move on to sections 3 and 16 of the Meat Industry Act 1993. One would think this was an unusual act to be affected by legislation like this but that only shows how pervasive this legislation needs to be to deal with all areas of government. The bill will deal also with the Racing Act 1958 and amend sections 3, 45A and 75A, as well as sections 3, 93, 95 and 128 of the Water Act 1989 — all pieces of legislation that need to be addressed by this bill.

I would like to address a few more acts in the limited time remaining. The Witness Protection Act 1991 is an another act affected by this second tranche of antidiscrimination legislation. Sections 3, 3A, 3C and 10 of that act will be addressed by the bill.

I am encouraged in my discussion by the Attorney-General who has been courageous throughout this process. It is not easy legislation to bring forward because it is complex, the language involved can often stir up passions and emotions, and any change in the community can lead to uncertainty and fear. People are often nervous about and suspicious of this sort of change. The Attorney-General's fortitude in pursuing this election commitment, in calmly taking it through with his parliamentary secretary, the honourable

member for Richmond, and in taking the community through it has been very important. As I said earlier, the very fact that this second tranche of legislation is going through in a calm environment rather than the more heated one of the earlier bill is a tribute to the community education behind the bill and the acceptance in the community of this as necessary legislation which does not proscribe social behaviour but removes from the statute book discrimination against people who make their own choices about their social arrangements.

A key objective of the government is the removal of discrimination. I commend the bill to the house. I urge it a speedy passage and I hope it passes through the upper house soon.

Mr MAUGHAN (Rodney) — I wish to make a brief contribution on this important piece of social legislation and support the comments made by the Leader of the National Party earlier today. I wish to correct the misapprehension or false impressions made during the course of the debate about the National Party's stance on and attitude towards the bill.

I make no apology for the fact that I and the National Party as a party stand foursquare behind the traditional family values on which our society is based. I am very sympathetic to individuals, lesbian and gay people — and particularly young people — in the community. I am aware of the difficulties they face. However, the legislation that the house is debating is equating the important institution of marriage that has served society well for centuries — we have legislation that deals with marriage; important requirements are in place for marriage, and heavy penalties apply when some of those requirements are broken — with relationships that in our view are of a lesser standing than traditional marriage.

Why do we hold that view? It is not for any primary religious perspective, although many people hold that view, but primarily because I am convinced beyond any shadow of a doubt that the traditional family is the best way of raising children. One only has to look at the evidence of the increasing number of social problems we have experienced since the traditional family has been breaking up. As I have said many times in this house, the community needs to put far more emphasis on providing support, encouragement and development for young children, certainly during the span from their birth to about six years of age.

Unfortunately many families are dysfunctional and children grow up in that environment without having a lot of support with, for example, speech therapy and child psychology, and with the parents having no training in positive parenting. Many of the children who will grow up in society are born to fail, because as was shown in one study the first six years of a child's life are like wet concrete — once the habits are formed, it is difficult to change them. Therefore I am saying the traditional family values are important to preserve the sort of society we have grown up in and appreciated. Anything that dilutes those strong family values is something we should oppose.

Some well-meaning members of both the Labor Party and the Liberal Party are supporting the legislation for the right reasons. However, we in the National Party will oppose the legislation because we are very strongly in favour of protecting family values. We believe strongly in traditional marriage and believe that the bill weakens that sanctity of marriage and traditional family values. For that reason the National Party will oppose the legislation.

Mr LANGDON (Ivanhoe) — It is with great pleasure that I contribute to debate on the Statute Law Further Amendment (Relationships) Bill 2001. It is the second stage of long-awaited legislation. I pay tribute to the Attorney-General for his implementation of this bill and the principal act that was debated earlier this year.

Often in this place I wonder what the parties stand for. The Attorney-General hit the nail on the head when he talked about what the Labor Party should stand for — that is, giving equal rights to everybody living in domestic relationships. For far too long people living in domestic relationships and who are of the same sex have been penalised. I cannot understand why people in today's society want to continue imposing that penalty. I know the National Party and some of my Independent colleagues have a different approach. I understand and appreciate their points of view, but I cannot understand why in today's society they want to continue that approach.

I come from a loving and supporting family, yet my brother would fit into the category of being gay. I also have a nephew in that category. He has been living in a same-sex relationship for quite a few years — perhaps five or six years. For all intents and purposes he and his partner have been living in a domestic relationship for a considerable time, yet until the law was passed earlier this year they were not considered to be domestic partners. In fact, they were penalised for it.

I cannot understand why in today's society people who live in a loving and caring relationship, and who support each other, should be penalised. But some people in society are bigots and take a great deal of

pleasure from picking on people who are different. They may be people whose sexual orientations are different, or unfortunately those whose skin colour may be different, or who may be of a different religion. The events of the past month have indicated to all of us how people can be discriminated against even for their simple and fundamental religious beliefs.

The effects of the bill are a little like religion — that is, if you naturally feel you should go one way or the other why should you be discriminated against for your feelings or beliefs? That is the fundamental issue. The bill that was passed earlier this year amended 44 acts, and this bill amends, I think, 13 acts. The two will ensure that all state legislation is coherent and that changes the nature of relationships from only marriage to include domestic relationships or partnerships. The definition of a domestic partner will fit all shades of partnerships so long as people are living in domestic partnerships. That is the fundamental truth in what the bill puts into effect.

As I said earlier, I have close relatives who fit that category, and I would be appalled were they discriminated against.

Mr Leigh interjected.

Mr LANGDON — I am sure you, Mr Acting Speaker, will advise me to ignore interjections, much as I would like to respond to them.

The ACTING SPEAKER (Mr Plowman) — That would be in order.

Mr LANGDON — The Attorney-General has introduced the second phase of the implementation of reforms associated with same-sex relationships. That is one of the things the Labor Party stands for. I am proud to be a Labor Party member and to be able to support the bill.

The Attorney-General and his parliamentary secretary have done an outstanding job in negotiating with the parties opposite, including the Independents, to have the bill pass through the machinations of the Liberal Party and the National Party. The government has exploited the different machinations within the Liberal Party, and as the honourable member for Dandenong North said, this bill will pass more quietly and with less opposition because of the heated arguments and all that was said when the principal act was debated. The heat has gone out of it, and that pleases me. I did not have the opportunity to contribute to that debate earlier this year, so I am more than pleased to be able to make this contribution.

I will read to the house details of the 13 acts that are to be amended by the bill, because I am sure the opposition would love to hear the list.

They are the Architects Act 1991, the Children and Young Persons Act 1989, the Conservation, Forests and Lands Act 1987 — it amuses me to think why such an act has to be amended, but still — the Corrections Act 1986, the Crimes (Mental Impairment and Unfitness to be Tried) Act 1997, the Discharged Servicemen's Preference Act 1943 — being so old, clearly such an act would not have very modern expressions — the Estate Agents Act 1980, the Firearms Act 1996, the Legal Practice Act 1996, the Meat Industry Act 1993, the Racing Act 1958, the Water Act 1989 and the Witness Protection Act 1991. The bill will change all those acts to fit in with what we define as recognition of relationships.

Mr Leigh interjected.

Mr LANGDON — Did I miss an act?

Mr Leigh — The architects.

The ACTING SPEAKER (Mr Plowman) — Order! Interjections are not helpful at this stage.

Mr LANGDON — I shall ignore interjections. However, I did start with the Architects Act, and if opposition members had been listening they would have heard me mention it. How could I forget the architects? I would never forget an architect.

How can we have 44 pieces of legislation changed without doing the compensatory amending changes to the other 13 acts? This bill does that. It will change the references from 'spouse' to the concept of 'domestic partner' in all those acts.

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

Mr LANGDON — I could go through the bill clause by clause and step by step, which I have not done yet. However, I know that other people wish to speak, so I shall not speak for very much longer.

I found it quite interesting that the speaker before me, the honourable member for Rodney — who I believe is a sincere and genuine person — said the National Party would be opposing the bill, and then he gave his fundamental reasons, that it was his duty to oppose it et cetera. He also stated he was against discrimination. I think that would be fair and reasonable assessment; I am sure he would be against discrimination. However, there is discrimination in society and without bills like

this and its predecessor, unfortunately, people will discriminate against people in same-sex relationships.

The ACTING SPEAKER (Mrs Peulich) — Order! I remind the Minister for Local Government that when the mace is passed the tradition of the house is to bow in acknowledgment of the authority of the Chair.

Mr LANGDON — I am sure the Government Whip will reprimand him in due course!

I am very pleased to support this bill. As I said initially, this is part of the government's agenda. I am very pleased to support it.

Honourable members interjecting.

The ACTING SPEAKER (Mrs Peulich) — Order! Government members are distracting the honourable member on his feet.

Mr LANGDON — Yes, government members are a bit rowdy. They have been celebrating some event — I am not sure what it was — two years ago!

Mr NARDELLA (Melton) — The bill is about partnerships, regardless of gender. As the honourable member for Burwood pointed out to me, when you have a partnership you have anniversaries, and it takes two people to have a partnership. Today is the second anniversary of the election of the Bracks Labor government, so happy anniversary. Happy birthday to the Bracks Labor government!

The bill before the house recognises people and the partnerships they have throughout their lives. It removes discrimination against people and some of the inhibitors that societies have built up over generations and centuries. It is part of a further program by the Bracks government to make sure that people in our society are respected.

It was extremely disappointing to see members of the National Party again rising to oppose the legislation. It is a disgraceful position for them to take because this bill is about human beings. This is about people who go into relationships, who look after each other, who in some instances look after children, and who should have the respect of the rest of the community. They should not then be discriminated against because they are in a relationship or partnership with somebody of the same gender or in a transgender situation.

It is just awful that the National Party would again come into this house and talk about family values. The honourable member for Rodney talked about how families are so important to him. They are important to honourable members on this side of the house as well: without a shadow of a doubt, family values are important to us. That is demonstrated by the support that we give to parents in the raising of children and the support that society gives to building and strengthening communities to make sure those partnerships actually work, without discrimination. And yet we have had National Party members, especially the honourable member for Rodney and also the Leader of the National Party earlier in the day, talking about families but not really understanding what they were talking about. They did not have a clue about the relationships and partnerships that people get into, for whatever reason, and in which they raise families — not in a dysfunctional way but in a way that cares for and looks after kids.

I despair about this myth of the mum and dad and the kids. We know through our own personal experiences in our own lives that that is not always the case: you do not always get the perfect family. If we always had perfect families the Minister for Community Services would be out of a job. I would not wish the minister to be out of a job, but I point out that it is just not possible in our society, or any society, to have these perfect families.

That reminds me of a film starring William H. Macy about Pleasantville — I cannot remember the name of it, but when I do I will let honourable members know because it is a great movie. It is about the husband and wife and the perfect family. It is set in the 1950s; they have a Cadillac out the front and a white picket fence. It portrays the myth that the National Party thinks is the only option for people. It is not the only option for people. This bill is about recognising that there are other options and other situations that people get themselves into.

Those situations involve people looking after each other. The main thing is how you look after the kids and how you look after your partner. It is about whether you are there for them, whether you nurture them, whether you look after them and whether you share your life and experiences with them. If something goes wrong and superannuation has to be paid out or there needs to be some succession, they should not be discriminated against.

That is why the National Party is wrong. It wants to continue the discrimination against ordinary people in our society. That is shameful; it is an awful situation in this new century. National Party members are harking back to the good old days of the 1920s and 1930s — and even the Victorian era before then! They should go into Queen's Hall and grovel in front of the statue of

Queen Victoria because of the ideals they have. But society has changed, and recognising people's relationships in legislation is fundamental to dealing with discrimination in the future.

It is also important to understand that part of the Bracks Labor government's program and philosophy is about looking after people. It is about recognising who people are and how they can be looked after within our society. The bill affects not only people outside Parliament but also honourable members in the Parliament. As the honourable member for Preston said, at least now there is some recognition of same-sex partners within the Parliament. Within societies there is a percentage of people who are attracted to the same sex. I imagine there are probably a number of people in this house — there certainly are in the other house — who have same-sex relationships.

In this day and age there is no reason in the world for them to be discriminated against. The bill deals with that, and it is important that we put this legislation in place. The National Party's homophobic thinking is just beyond belief.

The provisions in the bill dealing with numerous acts — —

An honourable member interjected.

Mr NARDELLA — I am happy to name them.

An honourable member interjected.

Mr NARDELLA — I know quite a bit about this bill, but I will not go through it, because I understand other honourable members want to speak after me. I say to the members opposite who are opposing the bill that it is important to recognise the realities of situations so we can deal with them in a realistic way not only with this legislation but with other legislation in the future. Our society has not collapsed and degenerated into a rabble because the previous legislation, which this builds on, has been adopted by the community. On that basis I support the bill, and I wish everybody on this side of the house a very happy birthday.

The ACTING SPEAKER (Mrs Peulich) — Order! A number of members of Parliament celebrate their birthdays this week, including the Acting Speaker!

Mr MILDENHALL (Footscray) — Many happy returns on behalf of the government benches, Madam Acting Speaker. The Statute Law Further Amendment (Relationships) Bill is typical Labor government legislation. It highlights the reason that Labor governments are elected — that is, it corrects injustices, it clears discrimination from the statute books and it treats all people in our community equally and gives them an equal chance to share the rights and responsibilities associated with being a citizen within the legal framework of our society.

This bill, which flows from the legislation passed earlier this year, the Statute Law Amendment (Relationships) Act 2001, makes a series of consequential amendments. It also seeks to create a distinction between a spouse and a domestic partner. 'Spouse' is defined to mean a party to marriage, which thereby sends a clear message to all those sceptics and would-be critics that we are not formally defining in a legal sense 'de facto partner' as having the same meaning as 'spouse'. That is the answer to the criticism that has been made around the traps.

One argument put by the more conservative members of the chamber puzzles me. They assert that this bill and its predecessor undermine the values of family life. I will offer a couple of perspectives on that.

I would have thought one of the frameworks around family life is an appropriate set of values and principles by which people work. I would have thought central to those values and principles is the need to treat each other respectfully and equally and not to discriminate against each other on the grounds of sexual preference, identity or marital status. The egalitarian qualities of the values in this legislation are far more appropriate than those that would be asserted by the more conservative members of the chamber, who argue that some form of discrimination or distinction is necessary as an appropriate value. I do not think discrimination can ever be defended as an appropriate value, and the onus ought to be on those who would argue for discrimination to justify it in some form or another. There is no justification for creating discrimination against people on the ground of either sexual preference or marital status.

I offer another perspective on this issue. The honourable member for Melton said there is a preference in our community to yearn for past times — that is, for some other time when things were better, when things were more comfortable or when we felt more secure. It might have something to do with John Howard being our Prime Minister that we tend to focus behind us and to think of the days when Bobby Simpson was the captain of the Australian cricket team, or when the Don was just back from England, or when Lindsay Hassett and others were strutting the international stage. Those ideals, yearnings or stereotypes are sought by some people in times of uncertainty and change. The problem with it is, as with

many of those stereotypes and ideals, they do not necessarily reflect the reality.

I was part of a planning exercise that looked at redesigning the public housing areas of Braybrook and Maidstone some six or seven years ago. In looking at how we would redesign some 1500 dwellings we asked, 'What is the nature of our community and for whom are we catering?'. When looking at the demographics of the community we found that the stereotypical family was by far the minority representation of the household unit within the community — it was something like 40 per cent. Households today tend to congregate around singles, single parents with families or often groups of young people living together. Certainly what we describe as the nuclear family was by no means the largest or majority group of those family units. The concepts behind the conservative arguments do not stand scrutiny.

I particularly draw attention to the breadth of the legislation. It amends some 13 acts ranging from the Architects Act to the Witness Protection Act and includes amendments to the Firearms Act, Conservation, Forests and Lands Act and a number of other acts. A range of acts are amended by the legislation and brought into some form of consistency with previous legislation.

The bill completes a milestone of reform led by the Attorney-General. I recall the efforts of the previous government. To be fair, given the context they were operating in and some of the former members they had to deal with in the party room they made a reasonable effort to amend the Equal Opportunity Act, which dealt with discrimination against same-sex relationships, but it was very difficult and an effort for them. It is commendable that at least the Liberal Party is able to support the legislation. I can remember being appalled to hear honourable members say in the chamber, and sincerely argue, that homosexuals were more likely to be child molesters, and based on that premise then argue for either the creation of some form of discrimination or maintenance of it.

We have come a fair way. Honourable members in this chamber have moved some distance from that view with the movement of contemporary values. I am sure the legislation is a significant milestone in that process. I take great pleasure in supporting it and wishing it a speedy passage.

Mr CARLI (Coburg) — I am proud to be a member of the Labor Party and to support the Statute Law Further Amendment (Relationships) Bill. It is the third bill in a series of bills pushed by the Labor Party to ensure an end to discrimination for gays, lesbians and transgender people. It is important that we are fighting against discrimination and supporting rights. The bill is fundamentally about the rights of individuals and the recognition of those rights in law.

The government is not calling for the state to be involved in private issues of relationships, but with this bill and earlier bills it is ensuring that it recognises the responsibilities and obligations that come out of relationships, the break-up of relationships or the decisions by certain parties. It is about protecting one party and ensuring their rights are defended and there is fairness. These are fundamental issues of human rights. Unfortunately previously we had the situation where although the state increasingly recognised the importance of de facto relationships it had not recognised same-sex relationships. It is important that the government extends the recognition of marriage-type relationships in law to ensure that rights are protected and that fairness is involved.

It is an important issue. When I look around my electorate I see all sorts of family types and relationships, including same-sex relationships. It is important for me as the local member to represent all their interests and to recognise the importance of equality and fairness.

The legislation was part of a pre-election commitment of the Labor Party to ensure that the rights of gays, lesbians and transgender people were recognised and defended. As I said, I am proud to support the legislation because it both demonstrates the Labor Party's commitment and the fact that the Attorney-General has ensured that this is a major plank of social reform in the state. This socially progressive Attorney-General has driven a strong agenda in defending the rights of all, particularly those people who have been discriminated against in the past and who are often open to discrimination.

The work done in this bill, in the Statute Law Amendment (Relationships) Act and in the Equal Opportunity (Gender Identity and Sexual Orientation) Act was the result of the commitment of the Labor Party and the work undertaken by the advisory committee set up by the Attorney-General on gay, lesbian and transgender issues.

It is important that as an opposition not only did we recognise the gaps in the law and the failure to recognise the rights of certain individuals — in this case gay, lesbian and transgender people — but also that we had a desire to work with those communities and

individuals and to systematically remove from the statute book those areas of discrimination that were unfair.

I know it is often very difficult for honourable members not to use family values — as previous speakers have mentioned, using idealistic views of family values — to disguise the fact that we are dealing with discrimination and are often dealing with issues of homophobia — that is, a fear of gays and lesbians and their sexual practices. It is important to fight the idea that we can somehow tolerate discrimination against people because they are different. It is part of being a pluralist and multicultural society that we acknowledge a whole series of differences and that within the law there should be no discrimination as a result of those differences. Equally we should recognise that in people's private lives — if you like, in the bedroom — the state should not be interfering among consenting adults.

These are important social policies that have been major planks of this Labor government, and I certainly feel pleased that this bill is amending a whole series of legislation to remove discrimination. This follows the previous statute law amendment, which removed a lot of discrimination in areas such as compensation, superannuation schemes, and health-related and criminal law legislation. This further addition to that deals with amendments to a range of legislation from the Architects Act to the Children and Young Persons Act and so on.

At the moment we are going systematically through the statute book identifying each instance of unfairness or discrimination against gays, lesbians and transgender people to ensure there is fairness and that we recognise their rights. It is important to recognise this as part of a longer term agenda of this Parliament on equal opportunity. In the previous Parliament there was a certain resistance to extending equal opportunity principles and rights to gays, lesbians and transgender people. I am very pleased to see that the Liberal opposition will not be opposing this legislation.

It is unfortunate that the National Party continues to object to this legislation. As I said, it is not about family values, it is about basic human rights and their recognition. In that sense it would be worth while for the National Party to reconsider its position over time and basically recognise that it should be more in tune with modern values, modern families, modern relationships and how things work and what people actually do. More importantly its members should move away from personal ideas, from what they believe individually, and concentrate on the issue of the rights of individuals. Once you do that you realise that in ensuring that same-sex relationships are recognised you need clear legal procedures when relationships end, when there is a death, where there are questions of property rights or whatever, to ensure that in those situations the law is unambiguous and same-sex relationships are protected in the same way as de facto relationships.

It is a major commitment of this government to create a socially just and cohesive community in which we accept diversity. We also accept that every person has their place, and that includes sexual diversity as much as it includes cultural diversity. We have taken it as a position before the election and made clear undertakings to the gay and lesbian and transgender communities. It is a commitment that we have maintained in government.

I know from the reaction in my own community that this series of legislation dealing with equality has been well received and seen as a major tenet of this government — a government which my community sees as committed to fairness, equality and ensuring that all people have equal recognition under the law.

It is with great satisfaction that I stand here today in support of this bill and of the program that has been undertaken by the Attorney-General with the support of his parliamentary secretary. I wish this piece of legislation swift passage.

Mr HULLS (Attorney-General) — This is a very proud day for me as Attorney-General and for the Labor government. The Statute Law Further Amendment (Relationships) Bill describes and encompasses the reason that we on this side of the house actually joined the Labor Party. We joined the Labor Party to make a difference. We joined the Labor Party to look after the most disadvantaged members of our community.

It is true to say that gay and lesbian members of our community have been discriminated against for far too long. We cannot call ours a true democracy if we allow that discrimination to continue. If we continue to discriminate against people simply because of their sexual orientation we are kidding ourselves if we say that we are living in a true democracy, because then we are not. That is why this legislation is so important.

The philosophical reason behind this legislation is significant. We want to ensure that we live in a democratic society, but the philosophical divide between people on this side of the house and people on that side can be summed up very simply as it was many years ago by John Hewson, the then leader of the

federal Liberal Party. Some honourable members may have heard me say this before. John Hewson was addressing a big crowd of people in Mount Isa and was speaking on Liberal philosophy. He said if we as a community reach down to assist the most disadvantaged members of our society all we are doing is dragging the rest of society down to their level. In my view that is the difference between them and us. That is why we joined the Labor Party and that is why we are proud to be moving legislation such as this.

And what a great day to be doing it! It is almost two years ago to the day that we were sworn in as a government. I remember vividly how proud I was on that day being sworn in as Attorney-General. I made it quite clear to myself and to my colleagues and anyone who was prepared to listen that it was very important that we try to make a difference as a government. This legislation certainly will make a huge difference to people who have been discriminated against for far too long.

In introducing this landmark legislation on the second anniversary of the Bracks government being sworn in it is interesting to see how some people want to rewrite history in relation to this legislation. The Liberal Party is supporting the legislation — and we thank it for that — but let us not attempt to rewrite history about how the legislation came into being. The Liberal Party was dragged kicking and screaming to this legislation. The Liberal Party did not want it introduced into the house. If its members say they did, I remind them that they had seven years to do it — seven years when they had a huge majority in both houses of the Parliament! — but they failed to introduce this very important democratic legislation.

You might ask why. The shadow Attorney-General jumps up in this place and says, 'Oh yes, we support the legislation. It's only better legislation because we're recommending amendments'. Where was he for seven years when he was parliamentary secretary to the then Attorney-General, Jan Wade? Did he not whisper in her ear, 'How about doing something democratic? How about introducing legislation to end discrimination against people based on their sexual orientation?'. Why didn't he approach the then Attorney-General to introduce this legislation that he now attempts to take some credit for?

Maybe the answer is hidden in the article about the shadow Attorney-General which he himself quoted and which appeared recently in the *Law Institute Journal*. In this debate he quoted from the article. Indeed, maybe in that article we find the reason he did not introduce this legislation. In the article he talks about his relationship with the former Premier and the former Attorney-General and says:

> We didn't have any rapport, Jeff and I … That was sad. I mean, there was nothing that could be done about it. It was one of those things that, you know, he didn't know how to approach me and I had all sorts of complexes probably from my past so I didn't know how to approach him.

Maybe he would like to elaborate on that at some later stage, but is the fact that he had lots of complexes from his past an excuse for not wanting to push the then government to introduce democratic legislation? I say it is not. Why didn't he approach the then Attorney-General? He makes it clear in this article that he had difficulties with the then Attorney-General and the way she got into conflict with the legal profession.

Mr Ryan — On a point of order, Madam Acting Speaker, and on the issue of relevance, the Attorney-General is summing up the legislation as opposed to having regard to articles written in the *Law Institute Journal*. I respect his right, as the Attorney-General, to sum up the legislation as he sees fit, but I would invite you to the view that he does not have the licence to do what he is now doing and I ask you to bring him back to the bill.

Mr HULLS — On the point of order, Madam Acting Speaker, I am quoting from an article that was quoted by the shadow Attorney-General in support of his argument for this legislation. That is why I am quoting the article back in summing up the arguments presented by other speakers.

The ACTING SPEAKER (Mrs Peulich) — Order! I was actually thinking through the point myself before the Leader of the National Party raised the point of order. The advice I have is that the summary of a second-reading debate can be reasonably wide but that, as a general principle, it should not introduce new material. However, I take it that the article was referred to by the lead speaker for the opposition and that therefore there is no point of order.

Mr HULLS — I simply say that we should not forget how this legislation came into this place. Opposition members when in government had seven years to do something, so they should not kid themselves or the public that they had any great desire to introduce this legislation. That is nonsense. They were dragged kicking and screaming into this.

The stakeholders in this legislation know who the true reformers are and which party has an absolute commitment to equal opportunity, equal rights and ending discrimination against people based on their sexual orientation. That is the reality. When in

government with a huge majority the now opposition had no desire to introduce such groundbreaking legislation. It has taken a Bracks Labor government to have the guts to introduce this socially just, reforming legislation.

Mr Mildenhall interjected.

Mr HULLS — The honourable member for Footscray makes it quite clear that the conservatives on that side of the house, just like Johnny Howard, yearn for the old times. But the fact is that we live in modern times, whether the shadow Attorney-General likes it or not.

This is modern, democratic legislation, and every government member is very proud of it. We are proud to call ourselves reformers. We are proud, each and every one of us, to be connected to this legislation, because everyone on this side of the house is a great reformer when it comes to socially just legislation. As a matter of fact, what better day to introduce this sort of legislation than today, the day we celebrate our second year in government.

I want to thank a number of people, particularly my parliamentary secretary, the honourable member for Richmond. The number of hours he put into the committee working on this legislation and the negotiations on a whole range of issues was quite exceptional. It is true that as Attorney-General I could have done those negotiations myself; but the style of the honourable member for Richmond is a great contrast to my own style. I believe it was appropriate for the honourable member for Richmond to undertake these negotiations, and he did the work in an excellent fashion. I thank him for that.

I also thank again every individual member of Parliament on this side of the house. They can go home tonight proud in the knowledge that they are true reformers and have been part of this groundbreaking legislation. It is true that some members on this side of the house will find that they may not gain a great electoral benefit from supporting and being intricately linked with the legislation, but they have done it because they had the guts, because they believe in democracy and because they believe this is appropriate.

I also thank Ruvani Wicks, Danielle Windley and other members of the policy section of the Department of Justice. They too have put in enormous hours on this legislation and can be proud of the work they have done.

I conclude by saying that living in a democracy means living in a community where people are not discriminated against because of their race, colour, creed or sexual orientation. In introducing this second tranche of legislation to end discrimination against people on the basis of their sexual orientation, we can say we are living in a true democracy in Victoria. That has come about because of the vision of the Bracks government in taking the hard decisions, being prepared to make the commitment and following decisions through.

It is a proud moment for everyone on this side of the house, and I have no doubt it is a proud moment for those who will be affected by the provisions that end discrimination against people because of their sexual orientation. No longer will they have to suffer the horrendous discrimination they have suffered for many years. They have been spat on, bashed and abused for too many years. Hopefully this legislation will go a long way towards stopping that type of conduct and discrimination.

We are very proud. It is a great day for the Bracks government and a great day for the labour movement. I wish the legislation a very speedy passage.

House divided on motion:

Ayes, 70

Allan, Ms	Languiller, Mr
Allen, Ms	Leighton, Mr
Asher, Ms	Lenders, Mr
Ashley, Mr	Lim, Mr
Baillieu, Mr	Lindell, Ms
Barker, Ms	Loney, Mr
Batchelor, Mr	Lupton, Mr
Beattie, Ms	McArthur, Mr
Bracks, Mr	McCall, Ms
Brumby, Mr	McIntosh, Mr
Burke, Ms	Maclellan, Mr
Cameron, Mr	Maddigan, Mrs
Campbell, Ms	Maxfield, Mr
Carli, Mr	Mildenhall, Mr
Cooper, Mr	Mulder, Mr
Davies, Ms	Napthine, Dr
Dean, Dr	Nardella, Mr
Delahunty, Ms	Overington, Ms
Dixon, Mr	Pandazopoulos, Mr
Doyle, Mr	Paterson, Mr
Duncan, Ms	Perton, Mr
Fyffe, Mrs	Pike, Ms
Garbutt, Ms	Richardson, Mr
Gillett, Ms	Robinson, Mr
Haermeyer, Mr	Seitz, Mr
Hamilton, Mr	Shardey, Mrs
Hardman, Mr	Smith, Mr (*Teller*)
Helper, Mr	Stensholt, Mr
Holding, Mr	Thwaites, Mr
Honeywood, Mr	Trezise, Mr
Howard, Mr	Viney, Mr
Hulls, Mr	Vogels, Mr
Kosky, Ms	Wells, Mr
Kotsiras, Mr	Wilson, Mr

Langdon, Mr (*Teller*)
Wynne, Mr

Noes, 9

Clark, Mr
Delahunty, Mr
Ingram, Mr (*Teller*)
Jasper, Mr
Kilgour, Mr
Maughan, Mr (*Teller*)
Ryan, Mr
Savage, Mr
Steggall, Mr

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

BUILDING (AMENDMENT) BILL

Second reading

Debate resumed from 27 September; motion of Mr THWAITES (Minister for Planning).

Mr BAILLIEU (Hawthorn) — In the past week or two there has been some discussion in this place about the value or otherwise of omnibus bills. Only yesterday the honourable member for Mitcham talked about the value of an omnibus bill.

Honourable members interjecting.

The ACTING SPEAKER (Ms Davies) — Order! The honourable member for Hawthorn, without further assistance!

Mr BAILLIEU — This is not an omnibus bill. It is more like a minibus bill full of otherwise unrelated passengers, but it is probably no threat to anyone.

Honourable members interjecting.

The ACTING SPEAKER (Ms Davies) — Order! Honourable members on the government benches need to behave themselves.

Mr BAILLIEU — The opposition will not be opposing the bill. I will look in detail at some of the passengers in the bill. Some are benign, but some carry a bit of baggage.

Perhaps the most interesting bit of this bill is in the purpose clause. The explanatory memorandum on the front page of the bill says it all in stating the government's extraordinary agenda:

> The main purpose of the bill is to amend the Building Act 1993 to change the name of the Building Control Commission to the Building Commission …

Honourable members interjecting.

The ACTING SPEAKER (Ms Davies) — Order! I am having trouble hearing the honourable member for Hawthorn. I ask honourable members to lower their voices or depart the chamber.

Mr BAILLIEU — Let me repeat what I said:

> The main purpose of the bill is to amend the Building Act 1993 to change the name of the Building Control Commission to the Building Commission …

This is part of the government's staggering agenda, and we are in awe of it! That is about clause 3 — a front-seat passenger on this minibus bill — and no-one has any problems with it. The intent is that this will somehow convert the commission into something of more strategic institutional importance, and if that is the case, so be it! If the commission is to be led by such labels, then that is wonderful.

Next we can look at the back-seat passengers of this minibus bill, which are contained in clauses 14 to 20. The back-seat passengers are the ones who usually cause a bit of mischief. They are the ones who rush to the back to cause a bit of a problem. Suffice it to say that these passengers are just transitional provisions and are indeed as exciting as clause 3, the monumental clause that will change the name of the commission.

I will work backwards through the bill to the passengers sitting next to the back seat, one of which is clause 13, which deals with regulation-making powers. There is some baggage I want to refer to, in particular proposed new section 261(1)(la), which basically seeks to extend the regulation-making powers in the Building Act to include making a regulation that will allow the commission to set:

> … fees payable for the consideration by reporting authorities of applications for permits …

This is not dramatic in itself, but in the course of consultation we have uncovered some concern that there may not be adequate consultation when those fees are set. I simply ask the minister to ensure that when that time comes the commission consults adequately, particularly with local government authorities.

Proposed new section 261(1)(ra) goes to the issue — again there is some baggage about which some concerns have been expressed — of extending the regulation-making powers of the commission in regard to building regulations to require or authorise the testing of essential services in buildings, building works and places of public entertainment. Essentially that refers to fire services and the like. Ordinarily that would

not seem to be of any great significance. However, I draw the attention of the house to a concern that has been expressed by some building surveyors that this will change the balance of responsibility in regard to the maintenance of fire services or has the potential to change that balance. That causes some concern.

Currently part 11 of the building regulations effectively makes owners and maintenance personnel responsible for ensuring that essential services are kept in a state that ensures the required level of performance. The shift in the regulation-making powers presents the possibility that the onus could shift back to building surveyors and local government. Concern has been expressed to the opposition that adequate resources to enable local government to undertake that additional responsibility will not be available. I put the minister and the commission on notice that the opposition expects local government to have clear guidelines on who will be responsible for that activity.

Concerns have also been expressed to the opposition about clause 12, which makes a simple change in the words used in the Building Act. Part 8 of the Building Act, which goes to enforcement provisions, does not apply to the Crown. It ensures building surveyors have the responsibility for the enforcement of building regulations. That onus or power is not a surprise to the opposition.

An issue has arisen over who is responsible for the enforcement of the regulations when it comes to buildings involving licensees or lessees on Crown land because, as the Crown is not involved, building surveyors have been unable to enforce the regulations on those buildings. This clause seeks to rectify that problem. In itself that is a noble end, and the opposition would have no trouble with it. However, I raise the concern that the power may involve additional responsibilities for council building surveyors, without additional resources being made available to meet those responsibilities. It may not work out that way. The end game is a noble one, with which we have no problem, but the opposition wishes to have the minister and the commission ensure that if the responsibilities shift, councils are adequately resourced to undertake that work.

Many of the clauses are unrelated passengers, so each needs some explanation. Clause 11 concerns the delegation powers of local government building surveyors. It simply allows a building surveyor who is employed by a local council to delegate their authority to another registered building surveyor who is also employed by that council. There is no problem with that clause, which simply corrects an anomaly.

Clause 10 goes to the issue of building practitioners who are no longer registered. I should mention what, in my position, may otherwise be seen to be a conflict of interest. By dint of being a registered architect I am also a registered building practitioner.

Mr Robinson — With a clear record.

Mr BAILLIEU — With a clear record, but I am declaring my interest. The clause goes to the conduct of building practitioners and the nature of inquiries. In effect the clause ensures that, even though a building practitioner may have been suspended, inquiries can continue in relation to any activity of that practitioner. During its briefings the opposition was told that a suspension can be indefinite but that under the clause there is a capacity to correct what was otherwise an anomaly and allow further inquiries to be made. The opposition has no problems with that passenger on the bus.

Clause 9 similarly corrects an anomaly. It goes to the nature of building practitioners, and builders in particular, and ensures that a builder who is registered under the Building Act as a commercial building practitioner can only carry out domestic or commercial building work such that at present a builder registered to carry out commercial work can carry out only commercial work, and vice versa, unless the builder carries cross-registration. The builder can be registered only for the class or category in which he is entitled to be registered. The opposition has no problem with the clause, which corrects an anomaly.

The opposition has identified some baggage in clause 8, which goes to memberships of bodies. The four bodies established under the Building Act are the Building Appeals Board, the Building Practitioners Board, the Building Advisory Council and the Building Regulations Advisory Committee. Each has a separate and different function, each is constituted separately under the act and each has a membership appointed in different ways. Clause 8 deals with the membership of those bodies and in effect indicates that, in addition to the current membership of the four bodies, a lawyer and consumer representative will be added to each.

Clause 8(1) inserts proposed section 166(3)(ba) in the Building Act, which deals with the Building Appeals Board. It does not require description, as it simply determines disputes and appeals arising from the Building Act. Its members, who are appointed by the minister, are people with building experience. The number of members on the board is at the minister's discretion.

Given that the Building Appeals Board deals with disputes and appeals, it makes sense that a lawyer should be a member of that board, although it has been put to the opposition that when it comes to a dispute or appeal it would be prudent for the board to contract with an outside lawyer. But there is certainly no harm in having a lawyer on the board. It remains to be seen whether having a consumer representative on the board will add anything to it.

Clause 8(2) goes to the Building Practitioners Board. Again I note my interest as a building practitioner. The Building Practitioners Board administers the registration system and supervises and monitors the practices of building practitioners. The board is constituted by one member for each of the categories on that board, be they engineers, builders, architects, surveyors and so on. Also the board has on it a builder and two members nominated from appropriate professionals bodies, and the board may co-opt members. All those appointments are made by the minister. The addition of a lawyer and a consumer representative may have little impact on such a body. It may be appropriate, in the event of legal advice being sought, that it be sought externally to the board so there is no conflict of interest. The opposition will watch the operation of that board with care.

Clause 8(3) goes to the membership of the Building Advisory Council, which advises the minister generally on the administration of the legislation and the regulations. The Building Advisory Council consists of seven or eight members, including a representative from each of the plumbing industry, the architects institute, the Master Builders Association of Victoria, the Housing Industry Association, the Property Council of Australia and the Australian Institute of Building Surveyors, as well as a person experienced in the practice of building, who is to be appointed by the minister.

The opposition has no problems with a lawyer and a consumer representative being appointed to the council, other than again noting that if a legal issue arises it would probably be prudent for the council to seek advice externally. Then there can be no conflict of interest. In saying that, I note that none of the four bodies has sought to have a lawyer or a consumer representative as a member. I suspect this provision came as a surprise to those bodies, which were not consulted about that. Be that as it may, and with those reservations, the opposition is unconcerned.

However, the opposition has received representations from the Municipal Association of Victoria in relation to the Building Advisory Council. The association has looked from its perspective at the membership of the Building Advisory Council and has said it would like to be represented on that council. There may be some merit in that. In the event that that comes forward in the future — I understand discussions have been held — the opposition will consider that as a separate issue. As a general principle it is difficult to deal with representative bodies where everybody has a staked-out interest, but if there are representative bodies — and the Building Advisory Council is certainly one — the Municipal Association of Victoria will have the opportunity to put its case in the future. We note that.

Clause 8(4) of the bill is also a membership provision. It deals with the Building Regulations Advisory Committee, which basically deals with advising the minister on draft regulations and accrediting products. Basically it speaks for itself. I believe at present there are 13 members of the committee. They include the commissioner, a ministerial appointment being somebody with experience in the building industry and representatives from the following: the Country Fire Authority, the minister administering the Project Development Construction Management Act, the Melbourne City Council, the Royal Australian Institute of Architects, the Institution of Engineers Australia, the Master Builders Association of Victoria, the Housing Industry Association, the Property Council of Australia, the Municipal Association of Victoria and the Australian Institute of Building Surveyors.

With all those institutional appointments it is interesting that each appointment is a ministerial appointment selected from a group of three names provided by the institute, which is not an uncommon practice, so again the addition of the lawyer and the consumer representative may make no difference whatsoever. There is no evidence that the committee has sought to have a lawyer. All we can do is say we have no problem with it, but if it does cause a distraction of course we would urge those bodies to consult outside rather than rely on internal legal advice.

Clause 7 goes to the matter of protection work. Those who have dealt with protection work in the building industry know how sensitive it can be. Protection work essentially involves the work necessary when building works take place adjacent to another property. It ensures the protection of the neighbour's property as the building works commence on the subject property. There has been an anomaly in the insurance provisions. If you are doing work that will affect a neighbour it is prudent and basically obligatory to ensure there is a contract of insurance so that if any work fails the adjoining owner is protected.

The current act provides that an owner must take out a contract of insurance in regard to protection works — in other words, the owner has had the obligation to take out an insurance contract. That has created some problems in that an owner is then legally obliged to take out a contract of insurance. Even though an insurance contract may have been put in place by the owner's builder, there is an obligation under the law to do something slightly different. In reality and in practice what happens is that the builder takes out a contract of insurance and that stands for the owner.

Clause 7 basically picks up that anomaly and amends the provision to reflect current practice. It does so by deleting the words 'take out' and replacing them with the words 'must ensure that'. That is a reasonable adjustment, and the opposition does not have any problem with it. I am sure the insurance industry would not either, and nor would the building industry.

Clause 6 is an entirely separate passenger on this minibus bill. This is the clause which has been dubbed the Hurtle Lupton clause. How opportune that the honourable member for Knox is just walking into the chamber! I believe the clause is in the legislation because of the hard work he has done. He has been diligent and forceful in expressing a view, and as a consequence he has had some success, even though it has come slowly.

I mention this because the clause effectively goes to the regulation and maintenance of swimming pool fences and gates. Under the current provisions and building regulations there has been an obligation — I am sure the house and the community would be well aware of the lengthy debates that have occurred about swimming pools, the dangers therein to little kids and the laws which have been introduced in the past few years — to ensure that all pools are fenced and maintained safely. However, there was an anomaly to the extent that although there was a necessity to have a fence and a gate and an obligation to ensure that gates had closers on them, there was actually no obligation to keep the gates closed. It was possible to prop open a gate or to not maintain a swimming pool fence adequately, and as a consequence — I note this with great sadness — tragedies have ensued.

The honourable member for Knox raised this issue on the adjournment debate in October last year, again in May this year and again last week, I believe, seeking to have this anomaly corrected. Proof of the diligence of the honourable member for Knox and his hard work on this matter is that this clause has finally arrived. After a very slow process, and as I understand it consultation by the commission, reference to some working groups and I believe support from the swimming pool and spa industry, we have this clause in front of us. It will provide for two things. It will ensure that equipment has to be maintained and operated in accordance with the objects of the fence and gate requirements in particular, and in addition it will provide increased penalties for not doing so — from 10 penalty units up to 50 penalty units, or up to $5000 for any breach of these regulations.

Clause 6 of the bill is warmly supported by the opposition. As I said, it is a tribute to the hard work of the honourable member for Knox. I am delighted he is in the house, and I trust he will at some stage make some contribution to the debate on this bill.

Clauses 5 and 4 are the remaining passengers on the bus. I want to highlight these clauses because they essentially go to the government's handling of its new residential building code, Rescode. The house will recall that Rescode was the subject of promises made by the government when in opposition, saying it was going to do things to planning regulations. As a consequence last year it introduced Rescode Mark 1. It was floated and the provisions in it were subject to public scrutiny. That scrutiny condemned Rescode Mark 1 for the complete and utter folly it was. It was withdrawn, and appropriately so.

Rescode Mark 2 was produced earlier this year by a more objective group of individuals, who although they were still charged with fulfilling some of the government's extravagant rhetoric in opposition came up with something which was better than Rescode Mark 1 but which still had an amazing number of failings.

One of those failings was pointed out quite clearly by my predecessor as shadow minister, the honourable member for Box Hill — that is, Rescode Mark 2 set up a situation where the planning scheme was effectively duplicated in the Building Act. That meant that there would be complexity in the residential codes and in the seeking of planning permits and building approvals. In effect a number of provisions in the planning scheme, which include details of street setbacks, building heights, site coverage, side and rear setbacks, private open space and front fence height, were to be incorporated from the planning schemes into the building regulations. It sounds simple, but it set up a duplicating system. The transfer of those provisions into the building regulations applies substantially to single houses, but as a consequence of this duplication the system was much more complicated. Now that Rescode Mark 2 has been in place since August, all its

failings are coming very much to the fore — and I will draw attention to some of them in a moment.

One of the failings is that any documents which are incorporated by reference in regulations, which includes therefore any incorporation of amendments to those regulations, are required to be tabled in this house and displayed at councils for appropriate public availability. It slows down the process, duplicates the paperwork and creates an administrative nightmare, including the likelihood of mistakes and problems.

Clause 4 seeks to remedy that by doing two things — and although this is very dry stuff, it is nevertheless important. Firstly, it provides that:

> Section 32 of the Interpretation of Legislation Act 1984 does not apply to the application, adoption or incorporation by the building regulations of any matter contained in a planning scheme …

That effectively overcomes the need to table and display and do all the other duplicating things. Interestingly clause 4 also deletes part 2 of schedule 1 to the Building Act, which provides for the disallowance of any building regulation. The deletion of that provision will mean that neither house of Parliament will be able to disallow a future regulation. We know that may come back to haunt us, but in good faith we do not oppose it at this stage.

Clause 5 is a matching change to address the duplication issue. It deals with the necessity for a regulatory impact statement to be prepared where there is an incorporation of planning scheme provisions into a building regulation. It means that a regulatory impact statement is not necessary, because effectively the planning scheme provisions will have already been displayed and made publicly available. So the duplication would be an otherwise unwieldy and unwarranted provision.

Comments made about the provisions by the honourable member for Box Hill in earlier debates were absolutely correct. He said that there had been duplication, that it would lead to complexity and that it was a mess that the government would have to sort out. The government has tried to sort it out in this case, and the opposition does not oppose it, but the government has a lot of other problems with Rescode which will still have to be sorted out. I will mention those problems briefly.

I have received a considerable amount of correspondence about Rescode since I took on this job, particularly since it came into effect at the end of August. A range of comments have been made and they are worth recording, because I am certainly of the view that Rescode is yet to deliver and stands the chance of being a real problem for this government. I will quote from one letter I received, which states:

> Rescode was never going to be the reform that the stakeholders … were seeking for the reason that it doesn't change the adversarial process that is impacting on the morale of the state.
>
> …
>
> … Presently Victorian local governments are having a planning crisis of the government's making …

The problems that are already arising include waiting periods blowing out, the under-resourcing of council staff to do additional work, statutory time periods blowing out, a brain drain of council planning officers, the increasing complexity and ambiguity of Rescode, and a range of other matters, including an increase in the shift of decisions from councils to the Victorian Civil and Administrative Tribunal (VCAT). As a consequence it has become a field day for lawyers. Rescode has a long way to go to live up to the expectations created by this government and this minister.

Perhaps the most important thing I want to note about Rescode is the likely dramatic increase in the cost of getting a building approval and a planning approval for a residence in this state. I will quote from an article in the *South Gippsland Sentinel-Times* of Tuesday, 11 September. The headline reads '$3000 extra for every new home' and it points out that the application of Rescode and the consequent increase in costs in rural and regional Victoria is nonsense. I will not quote the councillors at length. Even the planner there says that under the new system he expects appeals to go through the roof:

> Rescode will increase our workload … and it is very much focused on metropolitan Melbourne.

Cr David Lewis of the South Gippsland shire was reported in the *South Gippsland Sentinel-Times* as saying:

> What is needed is a sea change in Spring Street … this is not needed, and it is going to force rural people into unnecessary stress.

I have had countless examples of that expressed to me already. I make the point to the government that Rescode has problems. The adversarial position has not changed, and all that has been done is to change the line over which people will be fighting. There is a long way to go to ensure that the planning and building approval systems in Victoria operate effectively and produce quality outcomes.

Having said all that, I again say that the opposition, with the reservations expressed, is not opposing the bill.

Mr DELAHUNTY (Wimmera) — I represent the National Party in speaking on the Building (Amendment) Bill. In amending the Building Act 1993 the bill has four main purposes: to change the title of the Building Control Commission to the Building Commission; to streamline the processes involved in applying, adopting or incorporating planning schemes into the building regulations; to widen the classes of persons who can be appointed as members of various bodies established under the act; and to otherwise improve the operation of the act.

I follow the honourable member for Hawthorn, a learned gentleman, who is an architect and who has gone through the bill clause by clause. In its consultation the National Party has contacted nine councils in the Legislative Council's North Eastern Province, and I contacted the five councils in the Wimmera region as well as the Victorian Local Governance Association and the Municipal Association of Victoria. Members of the National Party were briefed thoroughly by the minister's planning adviser and a representative of the Building Control Commission, which will be known as the Building Commission.

The honourable member for Hawthorn referred to Rescode, and I will come back to that later. Honourable members are well aware that the bill contains a number of administrative amendments that are said to improve the operation of the Building Act. Obviously the provisions of the act and the Planning and Environment Act create a lot of work for councils, particularly in my area, where we find it difficult to recruit staff. It creates a large workload, particularly in places like Horsham, which is still growing and is an excellent place. I know the honourable member for Ripon was there last Friday, but I do not think he paid for his entry visa, although he got in and out without doing that! Horsham is Australia's tidiest town and the workload of the city's staff is enormous.

I refer to some of the administrative amendments in the bill. I firstly refer to the change in the name of the Building Control Commission to the Building Commission. It is said this will better reflect its role of leadership and regulation rather than control of the building industry. We would like to see that and hope that is true, as is said in the second-reading speech.

The second of the administrative amendments extends the membership of all the statutory bodies created under the Building Act to include community representatives and representatives of the legal profession. In speaking on a bill last week I referred to the galaxy of stars within the legal profession. I am not sure whether that is true, but I am sure one of those galaxy of stars will be a worthy representative on the statutory bodies.

The third administrative amendment will enable the Building Practitioners Board to conduct inquiries into the conduct of registered building practitioners whose registration has been suspended. That is an important provision. I have raised my concerns with the Minister for Consumer Affairs about some property developers who I believe are morally doing the wrong thing. Again we need a board to conduct inquiries and to make sure that things are squeaky clean and the consumer is looked after.

Another administrative amendment provides that a builder must not carry out domestic building works under a major domestic building contract unless the builder is registered as a domestic builder in the appropriate category or class. I am not sure of the details of that, but I am sure other honourable members will enlighten the house on that provision. The National Party does not have a problem with that provision.

The last administrative amendment will enable municipal building surveyors to delegate their functions and powers under the act to a qualified person employed in or engaged by the municipal council. I know that many councils bring in appropriately qualified staff to assist their planning people and building surveyors in the work they do. The National Party supports the provision. It is a good way of using resources, particularly in country areas.

The second-reading speech refers to the implementation of Rescode. The honourable member for Hawthorn referred to this. It replaced the *Good Design Guide* and took effect on 24 August this year. As the honourable member for Hawthorn said, and I highlight it also, it is too early to judge the acceptance of or support for Rescode, particularly in country areas.

At this early stage we see a large increase in costs to both the developer and the consumer constructing the residence and also to councils, and I will come back to that later. Rescode's implementation incorporates provisions to the planning schemes which are part of the building regulations of 1994. The provisions amend the schedules to the residential zones, enabling councils to vary six Rescode standards, including street setback, building height, site coverage, side and rear setbacks, private open space and front fence height.

When the house debated the implementation of Rescode in May, the Minister for Planning said he would issue guidelines. With the help of the excellent parliamentary library staff I obtained a copy of the guidelines. They state in part that the Minister for Planning will issue guidelines under section 188A of the Building Act 1993 concerning the design and siting of single dwellings. The guidelines further state:

> The purpose of this guideline is to set out the considerations to be applied to the design and siting of single dwellings under the Building Regulations 1994 …

The guidelines cover many things. Council staff and building surveyors, hopefully, will work to the provisions set out in this large document. I will cover a few of those things. The guidelines cover the maximum street setback where the objective is:

> To facilitate consistent streetscapes by discouraging the siting of single dwellings at the rear of lots.

I have seen units or flats being constructed in some areas where the rear flat is constructed first, the house is pulled down and the other units or flats are developed as the owner's resources allow. We often have large trees on lots. This is very important for the leafy suburbs of St Kilda and the like; I am sure they take into account the vegetation. Councils have to comply with eight conditions. The guidelines cover minimum as well as maximum street setbacks. The minimum street setback objective is:

> To ensure that the setbacks of buildings from a street respect the existing or preferred character of the neighbourhood …

This will look like the old days of public housing, where every house was so many feet back from the kerb and when you drove down the street you would not find any difference in the design of the houses. I think that is a concern, because it will take away the innovative design work of some of our architects and designers. That is covered in the guidelines.

The guidelines cover building height. The objective states:

> To ensure that the height of buildings respects the existing or preferred character of the neighbourhood.

Not only will we have all the properties being the same distance from the kerb, but they will all be the same height. They will look like matchboxes — they will all be the same! The building height provision has five guidelines that will have to be met.

Site coverage has created a lot of interest regarding the design of Rescode. This covers issues such as site coverage in relation to other houses in the neighbourhood. But we have already seen that in meeting these four conditions the increase in costs must be passed on to the consumer. Also, in country areas we are worried about land use. In a lot of areas, particularly around Warragul and the like, we are seeing enormous development, and even Caroline Springs out in the west, which I come past every week, is booming at a rapid rate. In some areas good agricultural land is being lost because of the urban encroachment, so we are again seeing a pushing up of costs. I will come back to that a bit later.

Other guidelines cover permeability and car parking — and that is to ensure that car parking is adequate to the needs of the residents. I have some guidelines here that cover the size of car parking spots. It is interesting that the second car parking spot is smaller, so they are anticipating that the second car will be smaller than the first, which is an interesting concept. The guidelines also cover side and rear setbacks, boundary walls, daylight for existing habitat and room windows — and that will create a lot of interest, particularly the Minister for Planning's two guidelines that must be met in relation to high-rise units. We are seeing many large commercial developments and residential developments in the city, and there must be some concern that access to daylight will be taken away.

The last guideline covers overshadowing and secluded public open space, and that is commonsense. There are many more new guidelines that I will not go through, but I will just say that they are very sensitive.

As I have said, there has been a large increase in costs in a lot of areas, and I can only trust in the federal government's $14 000 first home owner grant, which I know the Treasurer passes on sometimes reluctantly. Realistically it is good to see residential development going on. He just does not want to see it abused, I am sure, but I am glad that it is there because the cost of these guidelines will be eating away at that $14 000 first home owner grant.

As we know, under Rescode there will be winners and losers, and many people are undecided in relation to it.

Mr Trezise interjected.

Mr DELAHUNTY — As I said, it is far too early to judge how good Rescode is. As we know, the winners are those councils that have already spent a lot of money on detailed planning policies. But there are not many of them — there are only three that I know of — and councils have limited resources, particularly in country areas. The losers under Rescode are obviously those errant developers, and so they should be, and, as I

said, the councils that do not have the resources and funds to spend on detailed planning. This pushing on of costs by the government will have an impact, particularly on country councils.

It is interesting to think about who the losers are. The Royal Australian Institute of Architects (RAIA) says that Rescode fails to define neighbourhood character and will constrain diversity and innovation in housing design, so we can see that there is a lot of concern about Rescode. The planning authorities will be under pressure. They will need training, and I will come back to that a bit later. I refer to an article in the *Age* by Sally Finlay on 25 May. She said that the Housing Industry Association said Rescode gave certainty to builders and residents in neighbourhood character. She also said that Rescode has failed to allay architects' concerns. The RAIA is concerned that neighbourhood character will stifle innovative design.

The article goes on to say that local government groups welcome the provision for the training and education of council staff in the new code — and that was a commitment made by the minister. My colleague the Honourable Jeanette Powell, the National Party's spokeswoman on planning in the other place, wrote to the Minister for Planning in relation to the implementation of Rescode, including her concern that councils, particularly country councils, be trained to understand the new guidelines and Rescode. I will quote from a letter sent back to her on 9 August from the minister:

> I am writing to inform you of the implementation date of the Victorian government's Rescode initiative …

I jump over the page to where it states:

> All councils and other subscribers to the *Victorian Planning Provisions* will be notified of the Rescode package of changes to planning schemes before 24 August through the normal channels for notification of planning scheme amendments.

It goes on:

> Before 24 August, councils will need to have in place advisory services on the new residential provisions and the capacity to assess applications under Rescode.

The honourable member for Hawthorn highlighted that there has been a slowing down under the new Rescode provisions of applications going through councils. The letter continues:

> To assist councils to develop these arrangements, personnel from all councils have been offered intensive Rescode training so they can in turn train appropriate council staff before the code is implemented.
>
> Training on the new provisions will continue to be provided at three educational institutions and through peak organisations. An information sheet on short courses currently being offered on the new Rescode provisions is enclosed.

Over the page we see under 'Rescode one-day training program':

> Who should participate: council planners, planners, building surveyors, design and draft persons, builders, developers, architects and community members.

The cost of this one-day training program is $175 to $200 — I am not sure why the difference — and it will be run by the Victoria University, RMIT University and Holmesglen TAFE.

It is interesting that RMIT University is the only institution to run courses outside Melbourne, and they are being held at Ballarat and Bendigo. As you can see, this very city-centric government has again forgotten country Victoria. Where are the courses in the regional areas like Horsham, Hamilton, Shepparton and Sale? Again, I call on the government to run training programs for people who live in those regions.

The costs of councils have increased. Training programs not only cost councils up to $200 for their staff to participate in, but also because staff have long distances to travel — I know the honourable member for Gippsland West would appreciate this — the cost of travel to get there needs to be taken into account. In some cases this includes accommodation costs and time spent away from the office, which also impacts upon and slows down office work. Plenty of officers and building surveyors will be impacted on by these developments. Costs will go to councils and they in turn will pass on the expenses to consumers. I call on the government to do something about it.

I want to highlight in my presentation the fact that planning officers and building surveyors are hard to get in country areas. Workco, a company in the Wimmera covering a large area of the state and with offices in Melbourne, is finding it hard to recruit particularly professional people to come out to country areas. Often the issue involves not only the jobs for intended recruits — finding jobs for professional people — but also jobs for their partners.

There are also other lifestyle matters that it is important for communities in the country to provide, such as education, health issues, performing or visual arts, leisure centres, restaurants, coffee shops and the like. I am calling on the government to support programs through the Minister for State and Regional Development for some of those things that are on the

agenda for government spending in country Victoria. I hope he loosens the chequebook. Let's get on with it!

I turn to some of the clauses in the bill. Clause 6 inserts proposed section 15A setting out regulation-making powers in relation to construction, installation, maintenance and operation of swimming pools and spas, including powers to provide penalties of up to 50 penalty units — that is $50 000 — for contravention of the regulations. Section 262(f) of the regulation-making powers otherwise provides a maximum penalty under the regulations of 10 penalty units — that is $1000.

I know the honourable member for Hawthorn highlighted the good work of the honourable member for Knox. I did not realise he was so interested in swimming pools. I know he is a fairly keen tennis player — he has a little bit of trouble with his serves — and I know he has done a lot of work highlighting the concerns about swimming pools.

I was reading the Scrutiny of Acts and Regulations Committee report, which states, and I am glad the honourable member is in the chamber:

> The committee notes the regulation-making powers provided in the new section 15A are a departure from the general regulation power in section 262(f) to prescribe penalties of up to 10 penalty units …
>
> The committee draws Parliament's attention to the provision.

I again highlight that.

As we know, swimming pools are a major concern. I have seen a copy of the regulation-making powers for swimming pools. Swimming pools with a capacity of 15 cubic metres or exceeding a depth of 300 millimetres must be fenced or have suitable barriers to protect children, particularly those below the age of five years. My understanding is that the height of latches and locking devices must be more than 1.5 metres above the ground. Windows surrounding swimming pools must be at least 2.4 metres above the surrounding grounds.

Clause 8 amends various sections of the act by inserting provisions that provide for the inclusion, as I said before, of consumer representatives and members of the legal profession to be appointed as members of various statutory bodies. We in the National Party support and do not have any problem with that clause. Again I call on the government to make sure that we have someone with an understanding of country issues. Country issues are totally different from city issues. I put in a request to the government to make sure that the person appointed has an understanding of those issues.

Clause 9 substitutes section 176(2A) of the Building Act 1993 to provide that a builder must not carry out domestic building work of a particular category or class under the major domestic building contract unless that builder is registered by the practitioners board. We in the National Party support that.

Finally, clause 12 inserts proposed section 217(2B) into the Building Act 1993 to enable notices to be served on and enforcement action to be taken against a lessee or licensee of Crown land under part 8 of the act as if the lessee or licensee were an owner of that Crown land. That has created some interest, and I note that the honourable member for Hawthorn raised it with my colleague in another place, the Honourable Jeanette Powell. We believe that most councils are the management authorities for the state government in relation to that land, and we do not see any real problem with that clause at this stage.

All honourable members are aware of the aims of the bill in clause 1, so I will highlight just one of them:

> (b) to streamline the processes involved in applying, adopting or incorporating planning schemes into the building regulations …

That is important. We want to streamline the process so we can get some action moving through the councils and take away some of the paperwork that bogs them all down.

The Municipal Association of Victoria had a conference today, which I believe the Premier opened and my colleague the Leader of the National Party attended. The Premier seems not to care, but if he had stayed there long enough he would have seen that the main issues at the MAV conference were planning and the difficulties councils are having with Rescode and other planning schemes under this government.

On 25 May the *Age* published an editorial under the heading 'Finding a balance in the suburbs' that includes the following:

> Older neighbourhoods are good places to live and their benefits should not be restricted to a few.
>
> …
>
> The arguments for increasing the number of people living in established suburbs are sound ones. It means that better use is made of existing infrastructure — roads, schools, public transport —

and you could include hospitals in that —

> which can be expensive to build and maintain and which can be under-used as residents age in older neighbourhoods. Shoring up the population in existing suburbs may also

> reduce the outer suburban sprawl and the isolation, hardship and environmental cost that come with it.

The editorial goes on to say:

> The business of finding a balance between the desire to conserve what is good about the existing suburbs while allowing more people to share these benefits is not easy …

Planning and building controls are not the most exact science. The National Party will support this bill, as it did Rescode. However, as I said before about Rescode, it is too early to judge how the provisions will be accepted. I can assure you that in country councils in particular there is a need for increased support for planning officers and planning surveyors as well as training support for councillors, as was highlighted in a Municipal Association of Victoria report.

There has been a lot of cost shifting from state and federal governments over many years. The cost of implementation, particularly of Rescode, has been shifted to or pushed onto councils, and I am sure council officers are very uncomfortable about that. Country councils are also worried about land use, and I highlight in particular agricultural land use.

The National Party supports the bill because we believe it widens the class of persons who can be appointed as members of the various bodies. I again call on the government to make sure that country representatives are on those bodies. The National Party wishes the bill a speedy passage through the Parliament.

Mr CARLI (Coburg) — I rise in support of the Building (Amendment) Bill. In the 2 minutes left to me I wish to express my concern about some of the comments made by the honourable member for Hawthorn. He said that Rescode is still adversarial. Members on the government side still remember the *Good Design Guide* and the period of conflict we had over several years. Fancy calling Rescode, which has the support of all the stakeholders, adversarial! Just compare it to the period of conflicts, Save Our Suburbs campaigns, street meetings and public meetings we have gone through. The honourable member commented about municipal staff being overworked. That is simply because we have a massive building boom in this state. Of course they are working hard!

The honourable member for Hawthorn was being extremely frivolous when he said the main aim of the bill was to change the name of the Building Control Commission to the Building Commission. The reason for the change of name is that the industry wanted it. Industry wanted a name that would reflect the leadership role of both the government and the Building Commission. The government has certainly demonstrated leadership in both the planning and building areas and has listened to all the various parties.

Debate interrupted pursuant to sessional orders.

ADJOURNMENT

The ACTING SPEAKER (Ms Davies) — Order! The time has come under sessional orders for me to interrupt the business of the house.

Dairy industry: south-eastern Victoria

Mr VOGELS (Warrnambool) — Warrnambool, Moyne and Corangamite councils will pay a combined $90 000 over two years to employ a chief executive officer to oversee the dairy cluster project in that area. The action I am seeking from the Minister for Agriculture is that he complement this funding.

The south-west is Australia's best dairying district and could become a leader in sustainable dairy farming and manufacturing. There are more than 1500 dairy farms in the three municipalities. Milk production exceeds 2000 million litres, and growth is bounding ahead at over 7 per cent a year and is projected to keep up this pace for at least the next 10 years.

The estimated farm-gate value of all this is about $520 million, and the ex-factory value of the product is $1.2 billion. More than 12 per cent of the labour force in that area works in the dairy industry. The Bracks government says it is committed to developing regional Victoria. Let it get behind this project. Dairy production is labour intensive, and for every dairy farmer about 14 jobs are generated down the line.

We do not want to find that because of a lack of long-term support and adequate funding this project and all the work that has been done to date is put on the shelf and forgotten about. There is a great potential here for value adding to dairy products and for creating many jobs in the south-west. I therefore ask the minister to take action to make sure the government is also in there with some real money so the project succeeds.

Disability services: western suburbs

Mr SEITZ (Keilor) — The action I seek from the Minister for Community Services is that she provide more respite care and additional recreational opportunities in the western suburbs for people with disabilities. Under the Cain Labor government I was very much involved with the promotion of independent living for people with disabilities, which was a very important program initiated under that government.

However, with the advent of the Kennett government, over a number of years no progress was made in providing extra housing and services for people with disabilities. I ask the minister what action she can take to further particularly respite care and recreational activity, as that program has developed a long way in my region and particularly in my electorate.

In my involvement with the community in that particular field we organised a ball in my electorate for people with disabilities. At my invitation the minister has attended that ball for the second year running. When I started working with the parents of people with disabilities we were asked what we were talking about, but now we have had the 11th annual ball for people with disabilities.

I recommend that honourable members encourage and participate in such activities in their electorates. Recreational activities for people with disabilities are just as important as they are for people in the general community. Encouraging and developing those sorts of activities is really important. It is a tremendous sight for the parents, and it is good for members of the general community to be mixing together in supporting such a ball and other activities.

The action I ask of the minister is to provide extra respite facilities and extra opportunities for recreational activities for people with disabilities. The main thing is to give parents and carers a rest, whether it is a weekend break or a week's leave. Sometimes the carers need hospitalisation and cannot look after or assist the people with disabilities they look after. Those people in my area of the western region are in great need. I hope the minister can take the appropriate action of expanding those opportunities.

Schools: Echuca concert

Mr MAUGHAN (Rodney) — The matter I raise for the attention of the Minister for Aboriginal Affairs concerns a very commendable initiative taken by the three secondary colleges in Echuca — that is, Echuca Secondary College, Echuca High School and St Joseph's College. They are combining to stage a cross-cultural concert in Echuca next Tuesday evening. Honourable members will appreciate that there is a large Koori involvement in each of those three schools.

The main purpose of the event is to encourage and showcase the talents of Koori students who will be about 10 per cent of all those performing. The organisers have been able to obtain the services of the well-known and highly respected Koori entertainer, Jimmy Little, to head the bill. There will be a wide variety of acts, including a combined schools band, a Koori dance group, a woodwind ensemble, a brass ensemble, the Campaspe Youth Choir — of which I happen to be the patron — a jazz ensemble and many others.

The whole event is designed to recognise the commitment that students have put into developing their talents and to further develop those talents leading to a building up of self-esteem, a growth in personal satisfaction and career opportunities. Swinburne University is very interested in the event, and representatives of the university are coming up to talk to Koori students about taking up permanent studies in the performing arts.

The cost of staging the concert will exceed the estimated income by $3000 to $4000. The organisers confidently expected that an application to the Vocational and Educational Guidance for Aboriginals Scheme (VEGAS) to assist in funding the concert would be successful and were very disappointed when they found that the application for funding had been turned down. It will be a great concert. The organisers do not intend or plan to make money; they simply want to break even and to give the students an opportunity to showcase their talents. I therefore ask the minister to investigate other possible sources of funding and use his best offices to have the application to VEGAS reconsidered, or alternatively to underwrite the event to the extent of about $3000.

I will be attending the concert. I look forward to attending what I am sure will be a wonderful night. I extend a very warm invitation to the minister to attend if he is available, given his very busy schedule.

Mr Helper — What about us?

Mr MAUGHAN — You are all welcome. I invite all honourable members to attend. It will be a wonderful night.

Aged care: Footscray

Mr MILDENHALL (Footscray) — I raise a matter for the attention of the Minister for Aged Care. I ask her to confirm whether some shocking figures I have come across on a shortfall in aged care beds in my electorate are in fact true, to take every action within the power of her portfolio to have that matter rectified and to seek the appropriate level of resources to cover the growing shortfall of aged care beds.

Recently distributed Australian Medical Association information shows a shortfall in the City of Maribyrnong of 75 nursing home beds and 47 hostel

places. Within the broader area of the federal electorate of Gellibrand there is a 181-bed shortfall. This is an extraordinary shortfall in an area that has had both compassionate local government and community agencies working in it but has been sadly and badly let down by the federal government. It is causing a high level of anxiety for families who are left with few accommodation options for elderly relatives. It is certainly unacceptable treatment of our senior citizens in the western suburbs, who have been strong contributors to the community and to the nation for many years. In the International Year of Volunteers and in the year of the centenary of Federation, is this the appropriate way to treat people who have made a contribution to the community over generations and decades?

Unlike many members opposite I have actually chaired committees that have built the facilities in our area, so along with many other members of my community I have worked personally to set up the opportunities and create the capacity in our system. It is just a totally unacceptable situation when the federal government will not keep up with it and is actively pulling back on the resources.

I can recall — and I think senior members of the opposition were present — that at the national Returned and Services League congress the president of the RSL, with the Governor-General present, said to the Prime Minister, 'We support you on the *Tampa* issue, but the message that you have to get from this generation of Australians is that you are badly letting us down on aged care'. That is a nationwide sentiment about this appalling federal government and the way it has let down the Australian community and the many generations of those who have contributed and worked long and hard to build up the community to the point it is at — only to be let down and abused by this appalling federal Minister for Aged Care, Bronwyn Bishop!

Royal Children's Hospital

Dr NAPTHINE (Leader of the Opposition) — The matter I raise is for the Minister for Health. I seek the minister's action to ensure that Tahlia Meyers has access to much-needed surgery to remedy a hole in her heart. Tahlia is a six-year-old girl who was diagnosed with a hole in the heart in April. Tahlia's mother has now been advised by the Royal Children's Hospital that she faces up to a three-year wait for surgery to fix the hole in the heart — or if she pays $7200 she can have the surgery before the end of this year. I am raising this matter in Parliament because it is outrageous that a six-year-old girl with a hole in her heart is forced to wait three years for heart surgery.

Premier Bracks promised that under his government children like Tahlia would not be forced to rely on the size of their parents' credit card account to be treated. Mr Beazley is now making the same kinds of promises. Yet under Labor's care we have seen Victoria's health system deteriorate to such a point that a Portland family is being told to pay $7200 to have their child undergo hole-in-the-heart surgery.

Labor promised a lot in opposition, both at state and federal levels, but the fact is that it has delivered little when in government, particularly in the health sector. If the government does not heed this call to respond to Tahlia's need I will be joining with the local Portland community in showing how united we are and how much we care about this child. We will rally to raise the $7200 so this child can have the surgery immediately so that, having finished her prep year at school, she can continue her education knowing that her hole in the heart will not be holding her back in terms of her education or her health.

This young girl has just started school and has already been diagnosed as suffering from anaemia. There are real concerns about her future health. Tahlia needs and deserves this vital heart operation sooner rather than later to give her a real chance in education and life. We need action from the Minister for Health to ensure that this surgery is provided now. Under the Labor government and under the administration of this Minister for Health we have a situation where it seems that people's credit cards are more important than their Medicare cards.

This six-year-old girl is being forced to wait for three years for hole-in-the-heart surgery that is important to her health, unless her parents pay $7200. It is an indictment of the Minister for Health; it is an indictment of the Labor government; and it is an indictment of their complete and utter mismanagement of the health services. This little girl should not have to suffer any longer. She needs surgery, and she needs it now.

Gippsland: respite care

Mr MAXFIELD (Narracan) — I ask the Minister for Community Services to take action to assist those who need respite care in Gippsland. Over the last two years we have seen an increase in funding for disability services as a result of the caring Bracks government. I stood for Parliament a little over two years ago, so I will acknowledge that it is the second anniversary of

the Bracks government — and a wonderful birthday it is for all on this side of the house.

On the important issue of respite care, there are those in the community who provide care for members of their families, and some of these people are becoming elderly and need to get a break. The need for respite care to ease the burden has become more important year by year as those who care for others with disabilities do not get assistance.

I acknowledge the fact that the Bracks government has increased funding in this area over the last two years. This is in contrast to the way this area was starved in the past. As a candidate prior to the election I made a commitment — an election promise, which is part of the Bracks government's promise — for a respite home which is owned by the E. W. Tipping Foundation in Warragul. I had the great pleasure of attending its opening when the Governor of this state, the Honourable John Landy, opened the home as one of his first duties as Governor. The home is certainly valued in the Warragul community. It is a fine facility that will serve our community well for many years.

There are many families that have experienced an enormous drain caring for their loved ones who have disabilities, including those who suffer from, for example, acquired brain injuries. I must acknowledge the wonderful work that Headway Victoria is doing in my area. All its staff and supporters need to be commended for the wonderful and fine work they put in for those with acquired brain injuries.

Respite care, which gives a break to the carers, is something that we must regard as very important. As the local member I remain totally committed to doing everything I can to ensure that the maximum respite care is delivered. That is why I have risen to speak on this very important issue. It is one that is very close to my heart and also close to the hearts of many in my community, particularly those families who have over many years put in enormous amounts of work. I want to say a tremendous thankyou to them for the fantastic, selfless work they have put in. I know that it is a work of love and that they care for those in their families and those friends who also assist. I pay a tremendous tribute to the fine work they do in our community.

Police: Bentleigh

Mrs PEULICH (Bentleigh) — I wish to raise a matter for the attention of the Minister for Police and Emergency Services. It relates to the crime rate in the Bentleigh district. It is a topic that I have raised on numerous occasions over the years since I was elected to Parliament.

An honourable member interjected.

Mrs PEULICH — And matters pertaining to Footscray as well! So I was not surprised when I saw a full-page article in the *Herald Sun* of 14 October headed 'Crime where you live'. The article contains a breakdown of crime statistics which confirm all the anecdotal evidence and certainly all of the complaints that I have received from members of the community at large as well as the business community.

The figures show an increase in the crime rate in the Bentleigh, McKinnon and Ormond area. I note that across Victoria there has been an increase of 9.7 per cent over the last five years. Compare that to an increase of 22 per cent for the year 1999–2000 in the Bentleigh, McKinnon and Ormond area. Quite clearly this increase is exorbitant. My mother's home was burgled recently, and the insurance companies that I dealt with on her behalf all confirmed that these areas are of specific interest to insurance companies and there is a burgeoning crime rate there. I was not surprised to learn that Bentleigh East had an increase in its crime rate of 15 per cent over those two years.

This government had come into office making lots of promises about tackling law and order, tackling crime rates and putting more police on the streets. It is the government's second anniversary, and let me tell you that the Bentleigh district wants some results. The local community has given up reporting minor crime, vandalism and graffiti. A lot of those offences end up being very expensive for owners of local businesses. Insurance companies will not pay and people will not claim any more because the excess costs even more.

I ask the Minister for Police and Emergency Services to take urgent action to get on top of this issue that is obviously of enormous concern to the local community and to deliver on some of the promises the Bracks Labor government made when it was in opposition because, quite clearly, my area is missing out.

Liberal Party: Ballarat federal candidate

Mr HOWARD (Ballarat East) — I raise a matter for action by the Minister for Health. It relates to a brochure which has recently been delivered to residents of Ballan in my electorate aiming to introduce the Liberal Party candidate for the federal seat of Ballarat, Mr Charles Collins.

The brochure states among other things that:

Charles will work for a safer community by opposing Labor's plans for heroin shooting galleries in our region.

The action I seek of the Minister for Health is that he provide accurate information to the people of Ballan so that that scurrilous and totally dishonest statement can be corrected.

As background to this, let me state for a start that in Ballarat we have a history over many elections of candidates operating in a very decent manner: the issues have been run, candidates have been respected as such and honesty has generally been the way people have progressed. Sleazy statements such as this certainly have not been the tradition.

I am pleased to see that Labor's candidate in this campaign, Catherine King, has conducted herself extremely well. Over the past 18 months she has been getting out there, meeting people and presenting Labor's policies in a very positive manner. She has done this while maintaining integrity and honesty at all times. By contrast, in the short time since he replaced Russell Mark this Liberal candidate has demonstrated a shameful lack of integrity.

The specific issue which I raise regarding the statement incorporated in the leaflet delivered to the residents of Ballan is that it would be known to everybody in this house to be a scurrilous lie that totally misrepresents the position taken by this Labor government when the issue of supervised injecting facilities was raised in the Parliament. No matter what members opposite say, they know the truth of this matter.

I ask the minister to take action to present the true facts so that the people of Ballan are left in no doubt as to the facts about Labor's views in regard to supervised injecting facilities, not 'heroin shooting galleries'. Such shameful use of terminology is a fear tactic that will surely backfire on Mr Charles Collins as the people of Ballan see that these are lies and agree that people who operate in such a scurrilous manner do not deserve to be their candidate. I am pleased to be supporting Catherine King as the new member for Ballarat.

Minister for Environment and Conservation: performance

Mr PERTON (Doncaster) — The matter I raise is for the attention of the Minister for Environment and Conservation. I ask the minister to take action to remove the uncertainties relating to waste management across Victoria. The first of my concerns relates to the appointment of the director of Ecorecycle Victoria. The instrument of appointment was due to be signed by 30 June, but it is now October and the minister has not yet signed it. As we know, there are many headhunters seeking experts in waste management, and the failure of the minister to sign that instrument of appointment has thrown Ecorecycle and waste management in this state into some uncertainty.

To make things even worse, honourable members would be aware that last year the Minister for Environment and Conservation appointed a panel, chaired by Ms Cheryl Batagol and made up of Professor Alan Seale and Cr Noel Harvey, to review regional waste management groups. The panel's report was handed to the minister in June of this year. It contains well set-out formulas for the reform of regional waste management groups. One would have thought that a Minister for Environment and Conservation with a handle on her portfolio would have been able to make a decision on this review. As we know, there have been more than 500 reviews under the Bracks government. To top it off we now have a review into the review. By letter dated 10 October the Environment Protection Authority in conjunction with the Municipal Association of Victoria has invited the public to make further submissions in relation to this report.

It is clear that waste management is a mess under this minister. It is clear that the minister's own desk in a mess, given that she cannot even sign instruments of appointment which were due to be signed by the end of June. But a review into a review must make this minister a laughing-stock and, as the *Age* said, a failure — 4.5 out of 10!

Clayton Road, Clayton: traffic control

Mr LIM (Clayton) — The matter I raise is for the attention of the Minister for Transport. I ask the minister to instruct the appropriate authority, in this case Vicroads, to reduce the speed limit for vehicles travelling through the Clayton Road shopping centre from 60 to 50 kilometres per hour.

I have received representations from residents groups as well as local traders, who have expressed extreme concern about the state of traffic in the Clayton Road shopping centre strip. The traffic in the strip has reached such a critical level that a residents group has begun circulating a petition to have the section of Clayton Road from Centre Road in the south to the railway line to the north declared off limits to heavy vehicles, particularly trucks. It appears that the local traders also share this concern. I have received representations about this issue for a few years, but never in such numbers as I have during the past month.

Ironically it appears that the upsurge in concern is due to the recently completed extension of the south end of Clayton Road into Boundary Road, making for an uninterrupted flow of traffic from Clayton Road to Dingley and beyond. It is ironic that this problem is an unintended consequence of the improved road conditions brought about by the hard work of the Bracks government and the leadership of our hardworking Minister for Transport. However, I understand that prior to the government undertaking to improve the road conditions in the area a commitment was made to divert traffic from Boundary Road to the newly finished Westall Road bypass through Heatherton Road.

There are many compelling reasons for reducing the speed limit for traffic travelling through the Clayton Road shopping centre from 60 to 50 kilometres per hour. There have been numerous near misses, and there is a bus terminal and exchange, particularly for school buses, right in the middle of the shopping strip. It is important to know that some of the elderly clubs, especially the Greek elderly, have been using the mall abutting the road as a drop-in centre to exchange news. I fear for their safety and that of the children crossing the road. I believe that given such circumstances it does not make sense to continue having a speed limit of 60 kilometres per hour. I ask the Minister for Transport to take action.

Infrastructure: government expenditure

Mr CLARK (Box Hill) — The matter I raise is for the Premier, whom I ask to take action to get the whole of his government moving on the various infrastructure projects that need to be undertaken in this state but have not been undertaken to date.

In recent times we have seen the release of Australian Bureau of Statistics (ABS) figures on engineering construction activity. They have highlighted the stark contrast between the lack of vital investment in infrastructure projects in this state compared with other states. Reference has been made to investment in Tasmania, but if you compare Victoria with New South Wales you find that the New South Wales government spent $1.364 billion on such infrastructure in the last financial year compared with only $47.3 million spent by the Victorian government. Even if you respond to the Premier's claims about the private sector and include private sector investment, you find that investment in things such as bridges, railways, water, sewerage and drainage amounted to only $318 million in the last financial year compared with $1.062 billion in New South Wales — which is more than three times as much.

The government can make lots of claims about investment and make lots of announcements, but we are not getting any action. That is the hallmark of this government: it is all talk and no action.

To further compound the problem, earlier today the Premier showed his ignorance of what infrastructure was covered by the ABS figures, which deal with roads, highways, bridges, railways, harbours, water storages and supplies, recreational facilities and energy generation facilities. The ABS figures have exposed the lack of action on the part of the government. I call on the Premier to get his government moving.

Responses

Mr BATCHELOR (Minister for Transport) — I would love to respond to the issue raised by the honourable member for Box Hill because he talked about infrastructure. He was with me at the opening of the Box Hill tram extension in his electorate, yet he comes in here tonight and does not know what is going on. The Box Hill tram extension and the Eastern Freeway extension are projects in his electorate, but he does not know what is going on. He is hopeless! If I had the opportunity to respond to the honourable member for Box Hill, I would say those things here tonight.

However, I will respond to the honourable member for Clayton, who raised with me an important road safety matter. I thank the honourable member for raising the issue because he has good touch with his electorate. He understands what goes on. The Clayton Road issue is an important one, particularly in the shopping centre. The honourable member asked me to look at the possible reduction of the speed limit there from 60 kilometres per hour to 50 kilometres per hour. The honourable member identified that although there is a particular problem at peak traffic times when already people are driving at low speeds, there is a contradiction in that at off-peak times drivers are driving at high speeds and people at the shopping centre are caught unawares, with a high potential for road accidents.

I will ask Vicroads, which has responsibility for that main arterial road, to investigate. Vicroads would need to approve a change to the speed limit on that section of the road. It is already having discussions with the local council, the City of Monash, and would need to discuss the matter with Victoria Police. A review would need to be conducted and the most appropriate speed limit set.

Mr Leigh interjected.

Mr BATCHELOR — The honourable member for Mordialloc is ridiculing the need to have a safe speed limit through the Clayton shopping centre.

Mr Leigh — On a point of order, Mr Acting Speaker, the minister is misrepresenting me. I was concerned about his number of reviews.

The ACTING SPEAKER (Mr Nardella) — Order! There is no point of order.

Mr BATCHELOR — As the house heard, when the honourable member for Mordialloc had the opportunity he did not deny he had no concerns about road safety in the Clayton area, and he would probably not have any concerns about road safety in his own electorate.

The honourable member for Clayton is a member of Parliament who has a reputation for being concerned about the interests of his own community and of people who attend the local shopping centre. He is concerned about those who travel through and shop in the shopping centre area. I will take up the matter with Vicroads. We need ensure the speed limit set is appropriate for the physical conditions that present to the motorists.

Mr HAMILTON (Minister for Agriculture) — The honourable member for Rodney requested that I, as Minister for Aboriginal Affairs, investigate helping to support a great concert called Resonate Echuca. A number of things about the concert are important. It is a combination of the three secondary schools in the area, and that in itself is a great thing to see. The government would certainly support it. I was interested in the honourable member's comment that it was an opportunity for showcasing Koori talent, which is something the government supports in building self-esteem for young Koori students.

The other point made by the honourable member, which I also support wholeheartedly, is that it is an opportunity to build respect not only for the Koori community but mutual respect between the Koori students and students who are not Kooris. That opportunity should be commended.

The honourable member said an unsuccessful application had been made to the federal Department of Education, Training and Youth Affairs for a special grant. I do not know the reasons for the failure; maybe it did not fit the guidelines for that department. I assure the honourable member that I will investigate sources of state government funding because the Bracks government genuinely and sincerely supports every opportunity to raise the profile of members of the oldest living culture on earth. We are proud of that and will do everything we can to ensure an amount in the order of $3000 becomes available.

I will speak to the Minister for Education, as her department has a Koori education unit. She is also the Minister for the Arts, and the concert would be considered an arts project. Opportunities are also available through Aboriginal Affairs Victoria for community development funding. I will see if the government can do it.

The honourable member said he wanted the concert underwritten. If worst comes to worst, maybe the honourable member and I will share the additional cost, but I do not think it will come to that. The government will look at every way possible to support the project. I hope to give the honourable member some firm answer within the next few days. I realise his request is urgent and the result will determine whether the concert goes ahead.

The honourable member for Warrnambool raised what is an interesting and exciting concept — that is, the south-west Victoria dairy cluster project. A lot of work has already gone into developing the concept. I understand a report has been produced. I also advise that the Minister for State and Regional Development allocated $40 000 to support the initial investigations.

I understand the project is at the next development stage — perhaps I will call it stage 2. It has a number of things to commend it. Maybe the honourable members for Rodney and Shepparton would argue about what is the best dairy country in Victoria; and the Leader of the National Party would argue that Gippsland has some of the best dairy country in Victoria. Nonetheless the dairy industry is flourishing and doing well. The government supports the concept, but will not buy into the issue of which is the state's most important dairy area. The government considers they are all important.

I commend the people from the south-west because three shire councils — I think Moyne, Warrnambool and Corangamite — have combined as a team to start putting the project together. I certainly commend and congratulate those three councils on a cooperative joint effort — a partnership. I am also advised that Powercor and TXU, the two power companies, have been involved in getting this concept together. That is not to say the project is a guaranteed success. There are risks, and a lot of up-front money — something over $1.5 million — needs to be raised.

The project certainly has potential to be a great money earner, but more importantly it addresses what is likely

to be, without a great deal of effort in value adding, a way of dealing with excess production in the dairy industry. We cannot allow the industry to fall over. The government is certainly interested in public-private partnerships — that is part of its policy. The Department of Natural Resources and Environment has not had any direct involvement, but certainly the people involved in research in the dairy industry at Ellinbank and at Warrnambool have also been interested in the growth of their industry and how we might deal with the added production.

I assure the honourable member that the project has merit. It is one that would normally be funded not through the Department of Natural Resources and Environment but through the Department of State and Regional Development. I will certainly initiate discussions with the Minister for State and Regional Development and we will endeavour to make sure the state government is a partner in this project. I shall give the honourable member further advice as soon as I can. It is a great project and we wish it every success. We congratulate the proponents. It is a very good idea.

Mr THWAITES (Minister for Health) — The Leader of the Opposition raised with me the case of Tahlia Meyers at the Royal Children's Hospital. I am prepared to seek advice in relation to that case. The matter concerns the Royal Children's Hospital where, I might say, the government is putting in considerable extra resources to treat more patients. This year some $24.5 million in extra funding is going into the hospital. The latest figures indicate that, for example, the number of emergency patients at the hospital increased by some 7.7 per cent over the past year.

I might say that the hospital does a magnificent job. In the June quarter I think some 13 868 patients were treated through its emergency department, and only one of those patients had to wait more than 12 hours. It really is a very high-quality hospital. The government wants to get behind the hospital. That is why it is putting in the extra $24 million in funding and why the hospital is able to treat more patients. The waiting list at that hospital has not got any longer despite the increased demand. Indeed its performance in categories such as the number of urgent patients who are waiting more than 30 days or category 2 patients waiting more than 90 days is good. The hospital is doing a very good job.

The honourable member for Ballarat East raised the issue of a misleading election pamphlet being distributed in the Ballarat community by one Charles Collins, who I think is the third or fourth candidate — he certainly was not the first choice — for the Liberal Party. I understand the first choice, Russell Marks, shot through. I think he has made it pretty clear what he thinks of the Liberal Party in that area. I think his views are very, very clear.

This particular candidate, this Charles Collins, is obviously quite desperate. He cannot tell the truth, and he is misleading the public. He has said that he will oppose 'Labor's plans for heroin shooting galleries in our region'. The Labor Party has no plans and has never had any plans for safe injecting facilities in Ballarat, or I might say anywhere in regional Victoria. The Labor Party quite specifically stated that there would be no, no, no supervised injecting facility in Ballarat or any other regional city.

Mr Perton interjected.

Mr THWAITES — Victor is now saying they should have one.

Mr Perton interjected.

Mr THWAITES — What are you saying then? You're asking, 'Where will they go then?'.

The Liberal Party has been caught out again. The Labor Party has a very proud record in the prevention and treatment of drug addiction. I was very pleased to visit Ballarat recently, where I visited the youth detox centre which the Bracks government established in Ballarat. That is something the previous Kennett government never did: it never looked after drug problems in country Victoria. The people of Ballarat were telling me what a good job that drug withdrawal centre is doing.

I am very pleased to be able to advise the house that as a result of the actions of the Bracks government we have reduced waiting times for drug treatment by 72 per cent. That means that, unlike this Charles Collins who is spreading misleading electorate material across Ballarat, we are doing something to reduce the harm that drugs cause. We are providing more treatment beds, more withdrawal beds, more counsellors and more prevention programs, so we are out there doing the right job.

I think the fact that honourable members opposite seem now to be supporting this candidate in his misleading material shows that they cannot be trusted either. This Charles Collins is someone who cannot be trusted. He is obviously the second or third choice of the Liberal Party too. He has not been prepared to put forward a positive solution for the drug problem such as the federal Labor candidate, Catherine King, has done. She

has been at functions talking with people who use drugs about what we should be doing in this area.

I have never even seen this Charles Collins. Where has he been? Was he in the office of the Leader of the Opposition writing press releases for Denis? The problem is that he cannot get the facts right. The facts are that this government has improved drug withdrawal waiting times and put in more services — and it has said from day one that supervised injecting facilities would not be anywhere in regional Victoria.

Ms CAMPBELL (Minister for Community Services) — The honourable member for Narracan articulated the importance of more respite care being provided in Gippsland. He has spoken strongly in favour of respite for those caring for people with disabilities over a number of years. I am pleased to say this government has put in an additional $4 million per annum to ensure that people with disabilities, their families and carers have better respite.

As a result of community consultations the Gippsland region has developed a common understanding of and commitment to putting in a wide range of respite options for people with disabilities. In response to the Gippsland region recently funding a range of new and exciting programs under the Great Break program, many people with disabilities have been able to enjoy some quite varied respite.

The Department of Human Services is looking at some interestingly named weekend programs, including the Wild and Wicked respite program that enables 34 households to enjoy weekends, day activities and overnight trips. The program focuses on people with acquired brain injuries. I am pleased to let the honourable member for Narracan know that we will be putting $49 503 into the program.

The Leisure Breaks program, which is provided in the Gippsland region, will allow 30 people with disabilities to have good leisure breaks. It will provide direct support to those 30 people so they can access and participate in various generic forms of respite and recreation. The program will cost about $1300 per person.

The Recreation Discovery and Development program is also available. It costs $35 660 and is designed to look after 36 households. The program's highest priority groups are people with disabilities residing with ageing carers, people in rural and remote areas, and people with acquired brain injuries. As a consequence of the consultation that took place in Gippsland, the department has in place some breaks of a holiday length that are provided as part of 32 school holiday camping programs for teenagers at a cost of $33 522. If you are in Gippsland and you have been actively participating in the regional consultations, you will know that the Department of Human Services has worked with people with disabilities and their carers to put in a total package for that region of more than $200 000. I congratulate the staff in the Gippsland region who have worked to ensure the success of the programs.

The honourable member for Keilor points out that people in the west also want respite facilities. As part of the $4 million the government has invested in respite programs for people with disabilities across the state, the western metropolitan region has been allocated a growth fund this financial year of more than $300 000, which is on top of the $500 000 that was allocated last year. Over the past two years the government has provided an additional $800 000 for respite programs in the west. That has enabled more than 200 households to enjoy the wonderful recreational opportunities provided by a range of services.

I pay particular tribute to the Muscular Dystrophy Association, Interchange Western and Milparinka, which have worked with the department to provide a range of services for people with disabilities. One proactive stance that the western metropolitan region has taken is to provide a range of culturally and linguistically diverse respite programs, particularly focused on the needs of members of the Vietnamese community, who were previously not accessing disability services and respite in particular.

In concluding, I congratulate not only the staff of the Department of Human Services and those putting the respite programs together but also Mrs Sarah Gallagher, who for a number of years has organised the fabulous ball for people with disabilities, as mentioned by the honourable member. It was a great pleasure to attend the ball and to see people in wheelchairs waltzing and rocking and enjoying a pleasurable evening together. It is the result of the inspiration of people like Sarah Gallagher, who have led the charge to make a range of recreational facilities available for people with disabilities, that the government has invested $4 million per annum and is delivering better respite programs for people with disabilities.

Mr HAERMEYER (Minister for Police and Emergency Services) — The honourable member for Bentleigh, under the guise of drawing attention to a particular incident in her electorate, sought to make some rather hysterical claims in relation to crime rates.

In doing so the honourable member neglected to mention that in five of the seven years her party was in office the crime rates went up. The honourable member sought to draw some significant facts from the financial year 1999–2000, when she indicated that crime rates went through the roof. I draw to the honourable member's attention the fact that for 10 of the 12 months of the year she was sitting on this side of the house and her party was the government. She seems to have forgotten that.

I know the honourable member is very uncomfortable on the opposition benches and would like to be sitting on the government benches, but heaven forbid that she will sit on the government benches in the near future. When she was in government the Victoria Police lost 800 police and crime prevention in the state meant buying football jumpers for junior football clubs. That is about all it was. It was an absolute farce. The former government closed prisons, yet all of a sudden when sitting in opposition members of the Liberal Party want to beat the drum about crime. Let us not forget that the opposition when in government cut police numbers and decimated the police force, closed prisons and neglected crime prevention. It did absolutely nothing about it. The then government aided and abetted crime, and the honourable member for Bentleigh was a member of that government.

Mrs Peulich — On a point of order, Mr Acting Speaker, there is only one person who is aiding and abetting crime, and that is the Minister for Police and Emergency Services, who has been caught red handed. He should not be allowed to reflect on members of this place and be provocative. His comments are a disgrace.

The ACTING SPEAKER (Mr Nardella) — Order! The honourable member for Bentleigh has made her point. I ask the minister to desist from making those comments across the table.

Mr HAERMEYER — When you close prisons and you neglect crime prevention it is no wonder that criminals will go into a polling booth bearing a Liberal how-to-vote card. They will walk into the polling booth and say, 'Jeff, he's my boy!'. In Bentleigh they took the Inga Peulich how-to-vote card. The Liberal government cut 800 police, it closed prisons, it neglected crime prevention, and she sat here and said, 'Tut, tut, tut, but aren't we a great government!'. That is why Liberal Party members are sitting on the opposition benches now.

I will take on board the particular issue that the honourable member raised, because any crime that is committed is of concern, and we are addressing that. We are well over the halfway mark towards undoing the damage the former government did to our police force. We are building the prisons that it neglected to build, and we are putting in place the crime prevention programs that it neglected to put in place. But notwithstanding that, the honourable member for Bentleigh has a job to do representing the members of her electorate — I just wish she would not do it in the smarmy way she does it — and she will get a response to the issue she has raised.

Ms KOSKY (Minister for Post Compulsory Education, Training and Employment) — The honourable member for Doncaster raised a matter for the attention of the Minister for Environment and Conservation in relation to waste management across Victoria, and I will draw that to the minister's attention for action.

The honourable member for Footscray raised a matter for the attention of the Minister for Aged Care, and I know that she will respond to the matter.

The honourable member for Box Hill raised a matter for the attention of the Premier in relation to infrastructure, and I will draw that to the Premier's attention and I know that he will respond.

The ACTING SPEAKER (Mr Nardella) — Order! The house stands adjourned until next day.

House adjourned 11.00 p.m.