PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE ASSEMBLY

FIFTY-SEVENTH PARLIAMENT

FIRST SESSION

Thursday, 7 August 2014

(Extract from book 10)

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By authority of the Victorian Government Printer

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The Honourable ALEX CHERNOV, AC, QC

The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC

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(from 17 March 2014)

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Deputy Premier, Minister for State Development, and Minister for Regional and Rural Development	The Hon. P. J. Ryan, MP
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Minister for Liquor and Gaming Regulation, Minister for Corrections and Minister for Crime Prevention	The Hon. E. J. O'Donohue, MLC
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Minister for Mental Health, Minister for Community Services, and Minister for Disability Services and Reform	The Hon. M. L. N. Wooldridge, MP
Cabinet Secretary	Mrs I. Peulich, MLC

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Privileges Committee — Ms Barker, Mr Clark, Ms Green, Mr Hodgett, Mr Morris, Mr Nardella, Mr O'Brien, Mr Pandazopoulos and Mr Walsh.

Standing Orders Committee — The Speaker, Ms Allan, Ms Asher, Ms Barker, Mr Hodgett, Ms Kairouz, Mr O'Brien and Mrs Powell.

Joint committees

Accountability and Oversight Committee — (*Assembly*): Ms Kanis, Mr McIntosh and Ms Neville. (*Council*): Mr D. R. J. O'Brien and Mr Ronalds.

Dispute Resolution Committee — (*Assembly*): Ms Allan, Ms Asher, Mr Clark, Ms Hennessy, Mr Merlino, Mr O'Brien and Mr Walsh. (*Council*): Mr D. Davis, Mr Drum, Mr Lenders, Ms Lovell and Ms Pennicuik.

Economic Development, Infrastructure and Outer Suburban/Interface Services Committee — (*Assembly*): Mr Burgess and Mr McGuire. (*Council*): Mrs Millar and Mr Ronalds.

Education and Training Committee — (*Assembly*): Mr Brooks and Mr Crisp. (*Council*): Mr Elasmar and Mrs Kronberg.

Electoral Matters Committee — (*Assembly*): Mr Delahunty. (*Council*): Mr Finn, Mrs Peulich, Mr Somyurek and Mr Tarlamis.

Environment and Natural Resources Committee — (*Assembly*): Ms Duncan, Mr Pandazopoulos and Ms Wreford. (*Council*): Mr Koch and Mr D. D. O'Brien.

Family and Community Development Committee — (*Assembly*): Ms Halfpenny, Mr Madden, Mrs Powell and Ms Ryall. (*Council*): Mrs Coote.

House Committee — (*Assembly*): The Speaker (*ex officio*), Ms Beattie, Mr Blackwood, Mr Burgess, Ms Campbell, Ms Thomson and Mr Weller. (*Council*): The President (*ex officio*), Mr Eideh, Mr Finn, Ms Hartland, Mr D. R. J. O'Brien and Mrs Peulich.

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Law Reform, Drugs and Crime Prevention Committee — (*Assembly*): Mr Carroll, Mr McCurdy and Mr Southwick. (*Council*): Mr Ramsay and Mr Scheffer.

Public Accounts and Estimates Committee — (*Assembly*): Mr Angus, Ms Garrett, Mr Morris, Mr Pakula and Mr Scott. (*Council*): Mr O'Brien and Mr Ondarchie.

Road Safety Committee — (*Assembly*): Mr Languiller, Mr Perera, Mr Tilley and Mr Thompson. (*Council*): Mr Elsbury.

Rural and Regional Committee — (*Assembly*): Mr Howard, Mr Katos, Mr Trezise and Mr Weller. (*Council*): Mr D. R. J. O'Brien.

Scrutiny of Acts and Regulations Committee — (*Assembly*): Ms Barker, Ms Campbell, Mr Gidley, Mr Nardella, Dr Sykes and Mr Watt. (*Council*): Mr Dalla-Riva.

Heads of parliamentary departments

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

Council — Clerk of the Legislative Council: Mr W. R. Tunnecliffe

Parliamentary Services — Secretary: Mr P. Lochert

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FIFTY-SEVENTH PARLIAMENT — FIRST SESSION

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The Hon. CHRISTINE. FYFFE (from 4 February 2014)
The Hon. K. M. SMITH (to 4 February 2014)

Deputy Speaker:
Mr P. WELLER (from 4 February 2014)
Mrs C. A. FYFFE (to 4 February 2014)

Acting Speakers:
Mr Angus, Ms Beattie, Mr Blackwood, Mr Burgess, Ms Campbell, Mr Languiller, Mr McCurdy, Mr McGuire, Mr McIntosh, Ms McLeish, Mr Morris, Mr Nardella, Mr Northe, Mr Pandazopoulos, Ms Ryall, Dr Sykes and Mr Thompson. (to 2 April 2014)
Mr Angus, Mr Blackwood, Mr Burgess, Mr Crisp, Mr McCurdy, Mr McIntosh, Ms McLeish, Mr Morris, Ms Ryall, Dr Sykes and Mr Thompson. (from 3 April 2014)

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The Hon. E. N. BAILLIEU (to 6 March 2013)

Deputy Leader of the Parliamentary Liberal Party:
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Deputy Leader of The Nationals:
The Hon. P. L. WALSH

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The Hon. D. M. ANDREWS

Deputy Leader of the Parliamentary Labor Party and Deputy Leader of the Opposition:
The Hon. J. A. MERLINO

Member	District	Party	Member	District	Party
Allan, Ms Jacinta Marie	Bendigo East	ALP	Languiller, Mr Telmo Ramon	Derrimut	ALP
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Baillieu, Mr Edward Norman	Hawthorn	LP	McIntosh, Mr Andrew John	Kew	LP
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Bauer, Mrs Donna Jane	Carrum	LP	Merlino, Mr James Anthony	Monbulk	ALP
Beattie, Ms Elizabeth Jean	Yuroke	ALP	Miller, Ms Elizabeth Eileen	Bentleigh	LP
Blackwood, Mr Gary John	Narracan	LP	Morris, Mr David Charles	Mornington	LP
Brooks, Mr Colin William	Bundoora	ALP	Mulder, Mr Terence Wynn	Polwarth	LP
Brumby, Mr John Mansfield [1]	Broadmeadows	ALP	Napthine, Dr Denis Vincent	South-West Coast	LP
Bull, Mr Timothy Owen	Gippsland East	Nats	Nardella, Mr Donato Antonio	Melton	ALP
Burgess, Mr Neale Ronald	Hastings	LP	Neville, Ms Lisa Mary	Bellarine	ALP
Campbell, Ms Christine Mary	Pascoe Vale	ALP	Newton-Brown, Mr Clement Arundel	Prahran	LP
Carbines, Mr Anthony Richard	Ivanhoe	ALP	Noonan, Mr Wade Mathew	Williamstown	ALP
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D'Ambrosio, Ms Liliana	Mill Park	ALP	Pallas, Mr Timothy Hugh	Tarneit	ALP
Delahunty, Mr Hugh Francis	Lowan	Nats	Pandazopoulos, Mr John	Dandenong	ALP
Dixon, Mr Martin Francis	Nepean	LP	Perera, Mr Jude	Cranbourne	ALP
Donnellan, Mr Luke Anthony	Narre Warren North	ALP	Pike, Ms Bronwyn Jane [8]	Melbourne	ALP
Duncan, Ms Joanne Therese	Macedon	ALP	Powell, Mrs Elizabeth Jeanette	Shepparton	Nats
Edwards, Ms Janice Maree	Bendigo West	ALP	Richardson, Ms Fiona Catherine Alison	Northcote	ALP
Eren, Mr John Hamdi	Lara	ALP	Ryall, Ms Deanne Sharon	Mitcham	LP
Foley, Mr Martin Peter	Albert Park	ALP	Ryan, Mr Peter Julian	Gippsland South	Nats
Fyffe, Mrs Christine Ann	Evelyn	LP	Scott, Mr Robin David	Preston	ALP
Garrett, Ms Jane Furneaux	Brunswick	ALP	Shaw, Mr Geoffrey Page [9]	Frankston	Ind
Gidley, Mr Michael Xavier Charles	Mount Waverley	LP	Smith, Mr Kenneth Maurice	Bass	LP
Graley, Ms Judith Ann	Narre Warren South	ALP	Smith, Mr Ryan	Warrandyte	LP
Green, Ms Danielle Louise	Yan Yean	ALP	Southwick, Mr David James	Caulfield	LP
Halfpenny, Ms Bronwyn	Thomastown	ALP	Sykes, Dr William Everett	Benalla	Nats
Helper, Mr Jochen	Ripon	ALP	Thompson, Mr Murray Hamilton Ross	Sandringham	LP
Hennessy, Ms Jill	Altona	ALP	Thomson, Ms Marsha Rose	Footscray	ALP
Herbert, Mr Steven Ralph	Eltham	ALP	Tilley, Mr William John	Benambra	LP
Hodgett, Mr David John	Kilsyth	LP	Trezise, Mr Ian Douglas	Geelong	ALP
Holding, Mr Timothy James [3]	Lyndhurst	ALP	Victoria, Ms Heidi	Bayswater	LP
Howard, Mr Geoffrey Kemp	Ballarat East	ALP	Wakeling, Mr Nicholas	Ferntree Gully	LP
Hulls, Mr Rob Justin [4]	Niddrie	ALP	Walsh, Mr Peter Lindsay	Swan Hill	Nats
Hutchins, Ms Natalie Maree Sykes	Keilor	ALP	Watt, Mr Graham Travis	Burwood	LP
Kairouz, Ms Marlene	Kororoit	ALP	Weller, Mr Paul	Rodney	Nats
Kanis, Ms Jennifer [5]	Melbourne	ALP	Wells, Mr Kimberley Arthur	Scoresby	LP
Katos, Mr Andrew	South Barwon	LP	Wooldridge, Ms Mary Louise Newling	Doncaster	LP
Knight, Ms Sharon Patricia	Ballarat West	ALP	Wreford, Ms Lorraine Joan	Mordialloc	LP
Kotsiras, Mr Nicholas	Bulleen	LP	Wynne, Mr Richard William	Richmond	ALP

[1] Resigned 21 December 2010
[2] Elected 24 March 2012
[3] Resigned 18 February 2013
[4] Resigned 27 January 2012
[5] Elected 21 July 2012
[6] Elected 19 February 2011
[7] Elected 27 April 2013
[8] Resigned 7 May 2012
[9] LP until 6 March 2013

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Thursday, 7 August 2014

The SPEAKER (Hon. Christine Fyffe) took the chair at 9.33 a.m. and read the prayer.

BUSINESS OF THE HOUSE

Notices of motion

The SPEAKER — Order! Notices of motion 6 to 26 will be removed from the notice paper unless members wishing their notice to remain advise the Clerk in writing before 2.00 p.m. today.

PETITIONS

Following petitions presented to house:

Health practitioner abortion referral

To the Legislative Assembly of Victoria:

The petition of the residents of Victoria draws the attention of the house to:

> consider the case of Dr Mark Hobart who has been subjected to a Star Chamber inquiry by the Medical Board of Victoria and AHPRA because he was unable to refer the patient to another registered healthcare professional whom he knew would not have a conscientious objection to aborting a 19-week-old healthy baby because it was a girl.

The petitioners therefore request that the Legislative Assembly of Victoria:

> protect the doctors, nurses and allied health professionals in Victoria who care for mothers and their unborn children. No Victorian health professional should be forced to act against their conscience and refer a patient for an abortion, especially when abortions do not require referral.

By Mr LIM (Clayton) (93 signatures).

Caroline Springs police station

To the Legislative Assembly of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the house the Napthine state government's failure to keep our community safe.

In particular, we note that in the city of Melton over the past 12 months:

1. drug offences have gone up 15 per cent;

2. crimes against the person have gone up 14.1 per cent;

3. assaults have gone up 20.5 per cent.

The petitioners therefore request that the Legislative Assembly urge the Napthine state government to guarantee that it will make our community safe again by providing more police officers to be based at Caroline Springs police station and for the station to be opened 24 hours a day and operating seven days a week.

By Ms HUTCHINS (Keilor) (18 signatures).

Melton Highway level crossing

To the Legislative Assembly of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the house the Napthine state government's failure to properly manage the Melton Highway level crossing.

In particular, we note that:

1. the boom gates are down for 52 minutes every 2 hours during peak times;

2. during peak hours journey times are 20 minutes longer;

3. there is an increased risk for children crossing Melton Highway to get to school.

The petitioners therefore request that the Legislative Assembly urge the Napthine state government to guarantee that they will urgently fix the Melton Highway level crossing so that the issues noted above are addressed.

By Ms HUTCHINS (Keilor) (305 signatures).

Tabled.

Ordered that petitions presented by honourable member for Keilor be considered next day on motion of Ms HUTCHINS (Keilor).

BUSINESS OF THE HOUSE

Adjournment

Ms ASHER (Minister for Innovation) — I move:

That the house, at its rising, adjourns until Tuesday, 19 August 2014.

Motion agreed to.

MEMBERS STATEMENTS

Kilsyth electorate schools

Mr HODGETT (Minister for Ports) — The Napthine government continues its support for local schools in my electorate of Kilsyth. When I was elected to represent Kilsyth in 2006, schools in the electorate were in a period of great neglect under the then Brumby government. Generations of students came and went, yet vital rebuilds and upgrades were not forthcoming. The coalition government was elected in November 2010, and after a decade of waiting Yarra Hills Secondary College received in the 2011–12 state

budget the $10 million required to complete its rebuild. The Minister for Education, joined me last week to officially open the rebuilt school, and it was exciting to see the state-of-the-art facilities the staff and students will now enjoy.

Eastwood Primary School, after nearly 60 years without building upgrades, was another school that felt the neglect of Labor. Eastwood has an extremely enthusiastic school community, and through my countless visits over recent years I have seen firsthand how passionate the staff, students and parents are. It gave me immense pleasure to announce that the coalition government would fund a full rebuild of the school, first with $3 million in the 2013–14 state budget and then with an additional $4.3 million in this year's budget. I have visited the school twice in recent weeks, and both the education minister and I were delighted to see the buzz of activity on the site, with the full rebuild now well and truly underway. It is fantastic to see the excitement in the school community.

Finally, I would like to congratulate the Napthine government on the $2.34 million of funding announced in this year's budget to upgrade facilities at Bayswater North Primary School. After 11 years of neglect it is fantastic to have a government that is supporting and investing in schools in my electorate and around Victoria. Unlike those opposite, we do not just promise money for schools when an election is coming — we deliver.

Minister for Environment and Climate Change

Ms NEVILLE (Bellarine) — I wish to raise an issue that caused me some concern last night, when I raised a very important local issue facing my community with the Minister for Environment and Climate Change in the adjournment debate. As I do as a matter of courtesy to ministers, I spoke to the minister for the environment in the Strangers Corridor prior to the adjournment. I told him I was going to raise an issue with him and what it was. The minister did not come into the chamber to respond to the adjournment matter I raised, and that is fine, but at the end of the adjournment, when I was walking past him in Strangers Corridor, I jokingly said that the minister at the table had told me the minister would do what I had asked for on the adjournment.

Rather than laugh or give a friendly response, I received a barrage of comments from the minister in front of a number of Liberal MPs and ministers. The minister started accusing me of being a liar and not being able to be trusted. I of course pushed back a bit, surprised at the barrage, and asked what he meant. He then went on to talk about me getting a question asked of David Davis in the upper house and that I had lied. When I again pushed back saying, 'No, I did not', the minister again loudly called me a liar, someone not to be trusted and swore at me inappropriately using a 'B' word. When I tried to talk to him again, he waved his hands around and said, 'I am with these people. Go away now'.

I am not raising this because of hurt feelings. I am raising it because in 12 years I have never experienced, outside this chamber, behaviour of that sort — of swearing, arrogance and rudeness.

Ms Asher — On a point of order, Speaker. One does not normally take points of order during 90-second statements — —

Honourable members interjecting.

The SPEAKER — Order! I am accepting the point of order because the allegations made in the member's statement are serious.

Ms Asher — An allegation of the type outlined by the member for Bellarine is out of order during 90-second statements and in fact should be raised as a substantive motion. If one wishes to attack another member of Parliament, the method for doing that under the standing orders is to use a substantive motion. I will also add as part of my point of order that I was a witness to that interchange and what the member for Bellarine has just told the house is a load of nonsense.

The SPEAKER — Order! I will review the member's statement — —

Honourable members interjecting.

The SPEAKER — Order! We cannot keep taking points of order in members statements.

Mr Burgess — On a point of order, Speaker, I was also present for that conversation, and it is absolute rubbish — —

The SPEAKER — Order! I ask the member for Hastings to resume his seat. As I was trying to say, I will review the member's statement.

Les Misérables

Ms VICTORIA (Minister for the Arts) — When Sir Cameron Mackintosh was in Melbourne a few weeks ago he was asked about his decision to open the brand-new 25th anniversary production of *Les Misérables* in our city rather than elsewhere. His answer was full of praise for our talented cast, crew and theatres, and I could not agree more. This latest version

is spine tingling, with plenty of the emotional roller-coaster that is this epic tale. Congratulations to Michael Cassell on securing the rights to bring this masterpiece to Melbourne. I also want to record my deepest admiration for all the stars, both on and off stage, who make this a truly world-class rendition and a brilliant night out.

Victor Hugo: Les Misérables — From Page to Stage

Ms VICTORIA — To celebrate the return of *Les Misérables* to Melbourne, the State Library of Victoria currently has its most wonderful exhibition ever, Victor Hugo: Les Misérables — From Page to Stage, on show until early November.

From the tales of Paris in the 1800s, which were the inspiration for much of Hugo's writings, to excerpts from the dozens of films based on the novel, there is a multitude of artefacts to ponder over for many hours. The centrepiece of the exhibition is the original manuscript of *Les Misérables* — over 900 pages of it — graciously on loan from the Bibliothèque Nationale de France. It is considered one of France's five national treasures, and this is the first time the French government has allowed it to leave Europe. To Sue Roberts and her team at the state library, I say congratulations. This is a true triumph.

Stud Road, Wantirna

Ms VICTORIA — After years of advocating on behalf of my constituents for the duplication of Stud Road between Mountain Highway and Boronia Road, the project has now been completed. I would like to place on the record my thanks to the Minister for Roads, who secured the funding to make this happen. This has been a fantastic outcome for the people who use this road.

Mooroolbark East Primary School

Mr MERLINO (Monbulk) — It was great to join with the Leader of the Opposition at Mooroolbark East Primary School recently. I am very impressed with the school, which is a large primary school with over 500 children. It is particularly welcoming of students with additional needs and runs a very successful and innovative program. However, the school has needs. In heavy downpours the school floods to the extent that students often get wet while trying to get from one point to another and have to take their shoes and socks off. It is not good enough. The sports and multipurpose hall is tiny and does not cater for the school community.

I am proud that Labor will deliver $1 million to the school to undertake drainage works, to extend the sports hall and to modernise the teaching spaces. The news is welcomed by the school community. This government has halved investment in our schools across Victoria. Unlike those opposite, Labor will not ignore the needs of our schools. Well done to principal Debbie Nelsson, school council president Matt Henry and the school community.

Murray McAlister

Mr MERLINO — I would like to pay tribute to Murray McAlister, who recently passed away. Murray's life was one of dedication and love for his family, his community of the Dandenong Ranges and his career as an educator. He was a student at Monbulk Primary School and Upwey High School. He was a schoolboy champion athlete and went on to university to become a teacher. He taught at schools in Upwey, Monbulk, Hallam and Nunawading before returning to Upwey High School, where he excelled as deputy principal and then principal. He was always heavily involved in his community. He was a keen supporter of his wife, Bev, in her musical pursuits.

I extend my sincere condolences to Bev and their children, Andrew, Caroline and Kate, their grandchildren, Lauren, Maddison and James, and their family and friends. It was a life well lived. Vale Murray McAlister.

National Emergency Medal presentations

Mr BLACKWOOD (Narracan) — Recently I had the pleasure of presenting nearly 200 national emergency medals to Country Fire Authority (CFA) members in recognition of their outstanding service during the devastating bushfires of 2009, which claimed so many Victorian lives. CFA members perform a tremendous job in responding to serious challenges and emergencies. They worked hard and fought bravely to protect lives and property during the long and extremely difficult Black Saturday campaign. Their actions during the summer of 2009 are an example of the commitment and dedication shown by all of our emergency services personnel every day.

Each recipient of the National Emergency Medal played an important role, and I commend all recipients for their courage and commitment in exceptionally difficult circumstances. Those who received the National Emergency Medal did so with great pride — and so they should. It was a very emotional event for many as memories of the horror they experienced on Black Saturday resurfaced. National emergency medals

have been awarded to volunteers involved in only two other nationally significant emergencies, being Cyclone Yasi and the Queensland floods of December 2010 and January 2011.

More than 5400 national emergency medals were presented across the state. Each National Emergency Medal carries a clasp engraved with 'Vic Fires 09' and recognises the recipient's sustained service during a declared nationally significant emergency. It must be noted that not one CFA life was lost on Black Saturday, during the fires prior to Black Saturday or during the campaign that followed. This is testament to the professionalism, dedication and mateship that exists within the CFA family.

I thank those who protected our communities that day. I was honoured to be able to present them with their service medals.

Caroline Springs schools

Ms KAIROUZ (Kororoit) — I rise today to call on the Minister for Education to commit funds to the development and construction of a second high school in the suburb of Caroline Springs in my electorate. One of the most important issues for families who live in the area, as well as those considering moving into our community, is the quality of the education their children will receive.

Currently Caroline Springs is serviced by three P–9 schools that feed into Lakeview Senior College for years 10 to 12. However, given the radical growth that has occurred in Melbourne's west in Caroline Springs, Taylors Hill, Derrimut, Burnside and out to Melton, this is not an adequate or sustainable situation for families in the west. Year 10 is a very important year for students, who by then have established friendship groups and support networks. To rip a child away from their friends at this age is deeply traumatising and upsetting for both family and child. Yet this is what is happening, with many children forced away from their friends because of a 'We are full' sign at the front door. Previously admission to any of the Caroline Springs P–9 schools guaranteed entry into the senior school. However, today it does not.

The recent state electoral boundary redistribution created an extra seat in Melbourne's west. The population is booming, but our schools are struggling to keep up. Future development earmarked for Kororoit highlights the urgent need to build education infrastructure now. We need a new, modern, world-class high school in Caroline Springs or the immediate region to ensure that we can cater for the needs of the community so that they are properly prepared for the booming growth happening around them. I call on the minister to commit to the west and to put community need ahead of marginal seat politics this November.

One and All Inclusion Day

Mr WELLER (Rodney) — The One and All Inclusion Day at Echuca was a great success. The day started with about 50 young people taking part in Auskick extension games before the junior Echuca Moama Rockets took on the Echuca United under-14s. Andrew Walker, a local Echuca player and Carlton Football Club star, was involved in that match and it was great to see him there. Netballers were also in action on the day, with an all-abilities clinic followed by the Rockets versus the local ex-superstars. The Echuca Junior Football Club's girls team then played a team from Shepparton.

The main event of the day was the all-abilities football match, which pitted community leaders and former footballers against the Echuca Moama Rockets. The game was a true spectacle and a cliffhanger that finished in a draw. It was a pleasure to play alongside young Brent Thomas from Lockington, who is a great young fellow.

To the organiser, Mark McGann, the One and All Inclusion project coordinator, Jacqui Davies, the Echuca United Football Netball Club and all others involved in organising the day, I say well done. It was a great day.

Western suburbs schools

Mr NOONAN (Williamstown) — Nelson Mandela once said, 'Education is the most powerful weapon which you can use to change the world'. Labor shares that belief and I share that belief. It is that strong belief in the power of education that drives Labor's policies. As members of a political party we understand that policies must be backed with actions. That is why I was very proud earlier this week to be part of an announcement with the Leader of the Opposition, the Deputy Leader of the Opposition and the member for Footscray that we will invest $15 million in the development of an education precinct in central Footscray. This initiative will be taken through a feasibility and master planning process which should deliver a preschool-to-postgraduate pathway across an education precinct in the inner west. It will be unique to Victoria and possibly Australia.

In addition to the Footscray education precinct funding, Labor has also announced that it will contribute

$500 000 to help build stage 1 of Williamstown High School's creative and performing arts centre of excellence and a further $300 000 to upgrade Bayside P–12 College's technology wing at its Williamstown campus.

These announcements will ensure that every single student who attends a government secondary school in the inner west will benefit from an Andrews Labor government. We make these commitments because Labor believes in the power of education. We make these commitments because we want our children to thrive and succeed. The fact that our political opponents have attacked these announcements demonstrates just how little they understand about the value and power of education.

Gaza conflict

Mr TILLEY (Benambra) — During 2012 I was privileged to visit Israel as part of an Australia/Israel & Jewish Affairs Council delegation. It was an experience which left a deep impression, in particular a visit I made to the town of Sderot, a few kilometres from Beersheba and the Gaza border. When the residents of Sderot hear the code red alert, they have only 15 seconds to find shelter. Families have their lives dominated by the need to stay close to shelter. Post-traumatic stress disorder is pervasive in the community.

All war is a tragedy. Civilian deaths caused by conflict, regardless of whether the civilians come from Israel or Gaza — or anywhere else for that matter — are even more so. Despite the histrionics of the left and those who constantly and consistently seek to vilify the free and democratic state of Israel, the current conflict has its genesis in the acts of terrorism perpetrated by Hamas and is made more tragic due to its barbaric human shield tactics. It should never be forgotten that Israel is forced to protect its people with weapons and Hamas uses people to protect its weapons.

I am proud to stand with Israel, and I hope for peace. There will only be a lasting peace if Hamas is demilitarised, which will require the efforts of the wider international community. To this end, I urge more members of this place and other democratic parliaments in our commonwealth which are privileged to meet in relative peace to stand publicly with the free and democratic state of Israel.

Liberal Party

Mr DONNELLAN (Narre Warren North) — I again raise concerns about Liberal Party fundraising. Some months ago a report in the *Age* highlighted the unseemly behaviour of various members of this house, including a minister of the government, attending a fundraiser with persons associated with organised crime. What an unsightly thing that was. We also had the situation of reports of the Liberal Party avoiding Australian Electoral Commission proper rules and the like by bundling up donations from these persons associated with organised crime in $2000 lots. A senior minister was there — I guess we will call him the Singing Soprano or the Frank Sinatra of state politics — singing for his supper in front of those persons associated with organised crime, and backbenchers were also hobnobbing with persons associated with organised crime.

This week the *Australian* reported on another unseemly activity of the Liberal Party where they have had to send in overseers relating to the electoral campaigns for Narre Warren North and Cranbourne because the people there cannot be trusted to raise money in a legitimate, proper manner. Again, we have a dirty piece of planning corruption in the south-east perpetrated by the Liberal Party. We only have to remember Ventnor and that unseemly behaviour involving sitting down and having a cup of tea while rezonings were done. The minister sat down with a couple of people, and various backbenchers were there as well, and rezoned a bit of land. What corrupt and unseemly behaviour from this government.

Brian Potter

Mr BURGESS (Hastings) — On 3l May I was fortunate enough to attend a commemoration in Langwarrin for local resident Brian Potter, who sadly passed away earlier this year. Brian was an inspirational member of the community and his loss will be felt not only by the family and friends that he leaves behind but by the communities across this state that he helped to defend and protect. Brian spent much of his life as a dedicated firefighter. His volunteer work stretches back as far as 1964 where he started as the regional officer of the Colac fire station.

Brian's work involved training countless new firefighters, and he vastly improved fire safety across the state of Victoria, which ultimately earnt him the Queen's Fire Service Medal for his work as deputy chief officer of the Country Fire Authority. He kept volunteering at various rural Victorian stations until he became the chief officer of the Country Fire Authority. It was fitting that Brian was made a Member of the Order of Australia shortly after his death.

I was very proud to be among the people present when Brian's ashes were scattered in the garden of the Langwarrin fire station. Even as his health began to fail him in later years, it was clear that Brian was still determined to volunteer his services as best he could. He is to be admired for his efforts and the endless passion that guided his actions. The Langwarrin fire station is a critical asset to the Langwarrin community and its service allows families and community members to feel safe in the knowledge that when emergencies arise people like Brian Potter stand ready to help.

I would also like to extend my deepest condolences to Brian's family, who despite having lost someone they loved deeply can take solace in the fact that Brian's life was a wonderful life that served to protect this state and those within it. Men like Brian Potter are the pillars of our community and an enduring symbol of everything that is to be admired about our firefighters and indeed our country as a whole. I am humbled to have served as the local representative of a man with the moral stature of Brian, and this state is privileged to have had such a volunteer. His life and actions truly represent the best in our volunteers in this state.

Kalianna School Bendigo

Ms EDWARDS (Bendigo West) — I would like to thank the nine parents, grandparents and carer representatives from Kalianna School Bendigo who took the time to come to Parliament House on Tuesday to present to myself, the Leader of the Opposition and the Deputy Leader of the Opposition a petition containing 4198 signatures on behalf of the school. I want to especially thank Marg Rogers, grandmother of a 15-year-old autistic boy, and Val Oppat, grandmother and primary carer of an 8-year-old boy. These two women spent many hours at shopping centres and doorknocking to collect signatures on the petition. The petition was tabled in the house yesterday and calls on the government to provide funding for Kalianna special school.

Last year a member for Northern Victoria in the other place, Damian Drum, announced funding of $350 000 for desperately needed maintenance works at the school. Earlier this year the school had still not received any word on when these maintenance works would begin. After significant media publicity about the delay, the government announced that the works would be put to tender. It has gone to tender, tenders have closed, but still there has been no announcement of who the successful tenderer is or when these much-needed works will commence. The delay in the delivery of this funding and the slow tender process means that this school is unlikely to have any work started, let alone completed, before the start of next year. This is absolutely unacceptable. Job cuts at the Department of Education and Early Childhood Development, as well as moving the Bendigo regional office to Coburg, has meant that these types of delays are becoming more and more prevalent. The parents, carers, teachers and most importantly the students at this school deserve better. I call on the Minister for Education to tell the school when the maintenance works will start.

Greater Shepparton on Show

Mrs POWELL (Shepparton) — I would like to thank everyone who visited the Greater Shepparton on Show exhibition in Queens Hall this week. It was a great opportunity to showcase wonderful products and producers from Greater Shepparton. On show were iconic brands and some soon-to-be iconic brands such as Tatura Milk-Bega, SPC Ardmona, Tallis Wines, the Campbell Soup Company, Unilever, Too Many Chiefs Cider, Pactum Dairy Group, Moraitis tomato growers, Kalafatis Orchards and Temhem orchards.

Greater Shepparton City Council also had a display and did a fantastic job promoting what Greater Shepparton has to offer. Congratulations to the mayor, Cr Jenny Houlihan, who asked me to help organise the event, the councillors and the CEO, Gavin Cator, and his staff for their hard work, particularly Fiona LeGassick, Donna Russell and Mat Innes-Irons who were in Parliament for the three days of the exhibition. I also thank Geraldine Christou and Michael Carafa.

Fiona and Donna asked me to pass on their thanks to the Speaker and the wonderful parliamentary staff who gave great assistance to the exhibition. The Goulburn Valley is well known as the food bowl of Australia, and I think the exhibition is a testament to that reputation. There have been many challenges over the years and our growers and producers have had to be resilient. Ten years of drought, frost, hail, floods, a high Australian dollar and cheap imports have impacted on their businesses. They have had to diversify and invest millions of dollars into their businesses. I also thank the community leaders from Greater Shepparton who came to Parliament to attend the launch. I urge members to support these great Australian brands and by-products from the great Goulburn Valley.

Viewbank College

Mr CARBINES (Ivanhoe) — I rise to congratulate the cast and crew of the Viewbank College production of *Hairspray*, which concluded last week after six sold out shows seen by an audience of some 1200 family

members and friends. To quote co-director and choreographer Andrew 'Hondo' Hondromatidis:

> *Hairspray* is a comedic, heartwarming and poignant piece of theatre brought to you by a student-based cast of 73, student orchestra of 20 and student crew of 40, indicating the show's enormity.

Farewell and thank you to the year 12 students in this year's production: Paul Kascamanidis, the college drama captain Chelsea Tsaparis, Marie Trevithick, Bronwyn McKenzie, Alicia Surtees, Jade Ingvarson-Favretto and Benjamin Richardson. They were extraordinary and as entertaining as ever. Several of them were familiar faces from previous college productions. My wife, Anita, and I were very pleased to attend last Friday's performance with college principal Mrs Judith Craze and her husband. Thank you to the college's Friends of Performing and Visual Arts group for its strong support.

I was pleased to visit Viewbank College with the Leader of the Opposition and the shadow Minister for Education, the member for Monbulk, last week to announce that an Andrews Labor government will commit $11.5 million to build a new performing arts centre, music classrooms and administration buildings at the school. This project is the college's no. 1 priority. These will be the first new buildings in over 20 years.

It is all about ensuring that Viewbank College has state-of-the-art facilities on the site — the current ageing theatre is several kilometres up the road — to match the first-class academic results our teachers are helping students achieve. With almost 1200 students, so many families in the Ivanhoe electorate are putting their trust in Viewbank College to give their children the best preparation for their futures as citizens and the leaders of tomorrow. As a past student of Viewbank College I am pleased that if elected in November a Labor government will give me the opportunity as the local MP to give back to the school that gave me the best start in life and is helping to shape the lives of so many young people in my community.

Livingstone Primary School

Mr ANGUS (Forest Hill) — I recently had the great pleasure of attending Livingstone Primary School's annual production, this year entitled *Circus Splendida*. It was a fantastic production incorporating acting, dancing and many circus-related tricks and activities. I congratulate the students on this outstanding production, together with principal Steve Shaw and the many teachers and volunteers involved.

Leader of the Opposition

Mr ANGUS — The tapegate affair currently embroiling state Labor is providing a good opportunity for the character of the opposition leadership team to be revealed. After early denials it is now apparent that senior Labor MPs and staff are intimately involved in this grubby affair. Now is the opportunity for the Leader of the Opposition to act like a leader and take decisive action against those responsible for this contemptible and possibly criminal situation.

Gaza conflict

Mr ANGUS — As a member of the Victorian Parliamentary Friends of Israel group I have had the opportunity to gain a greater understanding of Israel and the many significant contributions Israeli citizens have made in many areas, including innovation, science, health, education and agriculture. Some years ago I was privileged to visit Israel on a study tour organised by the Australia/Israel & Jewish Affairs Council. During that tour I visited the town of Sderot, a few kilometres from the Gaza border. As a result of terrorists in Gaza firing thousands of rockets towards the town over many years its residents have only 15 seconds to find shelter when they hear the code red alert. Every house has a bomb shelter, and every bus stop doubles as a bomb shelter, as do the concrete snakes in the local playgrounds. The residents live their lives dominated by the need to stay close to shelter. It is an extraordinarily traumatic way to live.

The recent increase in both rocket and tunnel-based attacks on Israel by the terrorist organisation Hamas has resulted in Israel having no choice but to defend its citizens. Hamas's tactic of using civilians as human shields is deplorable and has tragically resulted in the death of and injury to many innocent people. My sympathy goes to the families of the innocent victims and soldiers killed in this conflict, and I trust that the current ceasefire holds and an end to the bloodshed is reached.

Richard Suor Lim

Mr LIM (Clayton) — I wish to acknowledge Mr Richard Suor Lim, who recently received a well-deserved Medal of the Order of Australia for his continuing service to the community through a range of social welfare organisations. All residents of Springvale and surrounding suburbs know of Lim's Pharmacy and Mr Lim's dedication in assisting his customers over many years. This devotion to treating his customers as family won him and his partner, Ann, the title of Pharmacy of the Year in 2013.

Mr Lim's generosity towards community groups is well known throughout their respective communities but not the extent of his leadership involvement, where he offers exceptional wisdom and guidance. His leadership in fundraising for health and educational projects in Cambodia is another area that is quite remarkable. In 2013 Mr Lim was heavily involved in the organisation of a charity concert for Cambodian Vision, which raised $40 000 to provide optical services to the poor throughout Cambodia and was involved in a Save the Cambodian Children Fund project which has enabled the building of a new school located between two villages in Cambodia's remote western region. I honour Mr Lim, a simple refugee fleeing persecution whom Australia welcomed. In return he has become a true Australian and a true Australian ambassador in his country of birth.

Belinda Hocking

Mr McCURDY (Murray Valley) — Congratulations to former Wangaratta resident Belinda Hocking, who won gold in the 200-metre backstroke at the Commonwealth Games and bronze in the 100-metre backstroke. Belinda, 23, attended St Bernard's Primary School and Galen Catholic College before joining the Australian Institute of Sport at 15. Wangaratta residents are writing messages of congratulations to Belinda in message books throughout the town, and everyone is very proud of her achievements.

Black Dog Ride

Mr McCURDY — Alwyn Roberts from Cobram and other locals are currently participating in the Black Dog Ride, a motorcycle ride to raise awareness of depression and suicide prevention. In total the riders will travel 14 500 kilometres around Australia. Alongside the main ride are smaller state rides, with the Victorian group scheduled to visit Cobram on Thursday, 28 August. The money raised will go to assist mental health services such as to Lifeline and Mental Health First Aid and to raise awareness of depression.

Victorian Junior Road Cycling Championships

Mr McCURDY — The 2014 Victorian Junior Road Cycling Championships were held in Wangaratta on the weekend, and I went along to see some top juniors in action. The Wangaratta Cycling Club hosted the event and did a great job. I particularly mention the efforts of Sue-Anne Stuart, Malcolm Kay and Dean McDonald. The Wangaratta Cycling Club made a successful submission to run this event through to 2017, a great achievement which is beneficial to our local competitors and also puts the town on the map.

World War I centenary

Mr McCURDY — On Sunday I attended a multifaith service in Wangaratta for the commemoration of the commencement of World War I. I congratulate the Wangaratta RSL on organising this event, in particular the president, Dr Warren Garrett. At the service Zoe Matthews sang a hymn beautifully, and overall it was a fitting way to mark this important day in our history.

Human rights of older persons

Mr LANGUILLER (Derrimut) — As a delegate of the International Federation on Ageing I attended the fifth session of the United Nations Open-Ended Working Group on Ageing, and I wish to place on the record some brief remarks I made at that time: that the human rights of older persons are generally protected in Australia, using a range of legal and policy instruments that are available at both the commonwealth and state government levels; that, however, Indigenous Australians account for 2.5 per cent of the Australian population and historically our Indigenous populations have experienced a multitude of economic, systemic and social disadvantages; and that, most tragically, life expectancy at birth for Indigenous Australians sits almost 10 years below that of the non-Indigenous population, at 69.1 years for Indigenous males and 73.7 years for Indigenous females, notwithstanding the protections offered by Australia's legal instruments.

That reason, among many others provided by my colleagues at the UN, adds to the need to establish a UN convention to protect the human rights of older persons. For policy-makers it is imperative that we recognise the complexities present in intersectionalities when addressing the rights and wellbeing of older persons and ageing populations, whereby an individual's gender, language, Indigenous status, culture, sexuality or disability may make it difficult to access or respond to age-related services.

Swinburne University of Technology

Mr BAILLIEU (Hawthorn) — I was pleased to participate in two recent launches at Swinburne University of Technology. First, Swinburne launched a new software development hub in conjunction with Australia's peak ICT institution, NICTA. This hub will be a vital opportunity for those in academia and industry to work together on software and systems development. Second, the Minister for Community Services launched the Centre for Forensic Behavioural Science at Swinburne. Both new centres add to Swinburne's growing focus on technology, research

and design, and the university's reputation for excellence.

Protective services officers

Mr BAILLIEU — Riversdale residents and commuters recently welcomed the arrival of protective services officers at Riversdale railway station. Their presence is already much appreciated. There is no doubt that this great program has increased security and safety on the public transport system. I again thank the protective services officers for their work and congratulate Victoria Police on its professional approach to the rollout.

Gaza conflict

Mr BAILLIEU — As Victorians we are fortunate to enjoy a strong and peaceful multicultural community. But sadly little has changed in the Middle East. Hamas still launches airborne explosives into Israel's power station in Ashkelon even though it supplies the very power so essential to Gaza. Those attacks lead to continuing fighting and further fighting in turn. But it is clear these tragedies will not stop until Hamas, Fatah, the Palestinian Authority and others acknowledge the right of Israel to exist and the right of Israel to defend itself, and all parties do whatever is necessary to ensure that children are no longer the innocent and unacceptable victims of this conflict.

Victoria at War — 1914–1918

Mr BAILLIEU — Last night in this building we launched the book *Victoria at War — 1914–1918*, by Michael McKernan. That book sensitively highlights the connections Victorians have to the original Anzacs and the places and events that cost and changed so many lives.

Planning zone reform

Ms CAMPBELL (Pascoe Vale) — The Minister for Planning needs to clarify when the so-called fast-track Residential Zones Standing Advisory Committee process created to deliver the implementation of the new residential zones by 1 July for stage 1 councils will deliver this outcome for communities. Residents across Melbourne have been let down by the process, with only those councils choosing to go down the consultative process receiving the minister's approval for the proposed amendment packages.

The ACTING SPEAKER (**Mr McCurdy**) — Order! The time for members statements has concluded.

WORKING WITH CHILDREN AMENDMENT (MINISTERS OF RELIGION AND OTHER MATTERS) BILL 2014

Statement of compatibility

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

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006 (charter act), I make this statement of compatibility with respect to the Working with Children Amendment (Ministers of Religion and Other Matters) Bill 2014.

In my opinion, the Working with Children Amendment (Ministers of Religion and Other Matters) Bill 2014, as introduced to the Legislative Council, is compatible with human rights as set out in the charter act. I base my opinion on the reasons outlined in this statement.

Overview

The Working with Children Amendment (Ministers of Religion and Other Matters) Bill 2014 (the bill) makes a number of amendments to the Working with Children Act 2005 (the act), including:

introducing an overarching principle that ensures the protection of children is to be the paramount consideration when the secretary or the Victorian Civil and Administrative Tribunal (VCAT) make a decision or perform an action under the act;

requiring 'ministers of religion' who have contact with children to obtain a working with children check;

changing and expanding the categories of offences, including making attempted murder and attempted rape category A offences and relocating a number of offences in other categories, thereby affecting the test that the secretary applies to people to determine whether they will be granted an assessment notice on application or reassessment;

adding accommodation services specifically provided for students in connection with the operation of a student exchange program under part 4.5A of the Education and Training Reform Act 2006 to the services, bodies and activities that comprise child-related work under the act;

providing the secretary with a power to make inquiries or obtain information about an individual following the issuing of a negative notice and an appeal to VCAT;

allowing the secretary to notify an organisation when an individual requests the secretary to remove this organisation from their record; and

replacing the secretary's power to suspend an assessment notice with a power to revoke an assessment notice in situations where a request to an applicant for further information has been ignored.

Charter act issues

A number of charter act rights are relevant to the bill. However, it is my view that the provisions are compatible with the charter act for the reasons set out below.

Privacy and reputation

The right not to have privacy unlawfully or arbitrarily interfered with under section 13(a) of the charter act and the right not to have reputation unlawfully attacked under section 13(b) is potentially relevant to the following provisions of the bill.

Clause 9(9) inserts section 9(3)(fa) into the act, adding 'accommodation services' specifically provided for students in connection with the operation of the student exchange program under part 4.5A of the Education and Training Reform Act 2006 to the services, bodies, places and activities that comprise child-related work, thereby expanding the circumstances in which a person may need to apply for and obtain an assessment notice under the act and therefore to provide personal information to the government.

Clauses 6(4), 9(12) and 9(13) amend the act to provide that work engaged in as a 'minister of religion' is included in the definition of 'child-related work' under the WWC act unless any direct contact with children is incidental to the work, and if the minister is an appointed leader of a local congregation, that the congregation does not contain any children. This expands the circumstances in which a person may need to apply for and obtain an assessment notice under the act and therefore provide personal information to the government.

Clauses 11 to 13 and 43 change and expand the categories of offences, including making attempted murder and attempted rape category A offences and relocating a number of offences in other categories, thereby expanding the circumstances in which a person must provide personal information to the government and in which they may be refused an assessment notice or have their assessment notice revoked following a reassessment.

Clause 20 inserts section 20A(3) into the act, providing the secretary with the authority to notify an organisation that an applicant for, or holder of, an assessment notice has notified the secretary that they no longer engage in child-related work with that organisation.

Clause 26 amends section 21B of the act, which currently requires the secretary to suspend a person's assessment notice upon being made aware that the person has been charged with or been convicted or found guilty of a category 1 or category 2 offence. Despite other provisions expanding the offences under these categories, the bill preserves the current situation by specifying that the relevant offences for automatic suspension are those contained in new schedule 3, which is comprised of offences that are currently specified as category 1 and category 2 offences. The bill also clarifies that becoming subject to reporting obligations or supervision or detention orders under sex offender legislation is a circumstance requiring automatic suspension.

Clause 41 inserts section 42A into the act, giving the secretary the authority to request information in relation to individuals whose matters are going to be heard by VCAT.

In my opinion, any interference with a person's privacy or reputation which may arise from these provisions will be neither unlawful nor arbitrary. The ability of the secretary to require, disclose and request information in the above circumstances will be specifically authorised by the act. This is necessary to ensure that government agencies and VCAT can assess whether, and people who engage individuals, including ministers of religion, in child-related work can be assured that, these individuals who wish to engage in child-related work have been subject to a criminal history check which does not suggest they pose an unjustifiable risk to the safety of children. Consequently, in my view the bill does not result in an arbitrary or unlawful interference with the right to privacy.

Presumption of innocence: right not to be tried or punished more than once and *right not to have a penalty imposed for a criminal offence, which is greater than that which applied at the time of commission of the offence*

The bill amends the application categories under the act and increases the range of offences under the act:

clauses 11 and 43 add to new category A the offences of attempted murder, rape and attempted rape as well as pending charges for all offences in the new category A. This means that only VCAT can grant an assessment notice to people who have been convicted of or have pending charges for these offences;

clauses 12 and 43 add a number of offences to the new category B, including 'armed robbery', 'upskirting' offences, 'child stealing', 'leave child unattended', 'fail to protect child from harm' and offences relating to 'installing, using or maintaining optical surveillance devices' as well as pending charges for all offences in category B. This means that the test that the secretary applies to these people to determine whether they will be granted an assessment notice on application or reassessment will be more restrictive than is currently the case.

These provisions do not limit the rights set out in section 26 of the charter act (right not to be tried or punished more than once) or section 27 (right not to have a penalty imposed for a criminal offence, which is greater than that which applied at the time of commission of the offence), because they do not impose punishment or penalties on offenders for a criminal offence. Preventing a person from engaging in child-related work cannot properly be called a punishment or penalty for a criminal offence as the purpose and effect of the working-with-children provisions is not to punish persons for a criminal offence but to protect children.

Adding pending charges to the list of offences in category A and more pending charges to category B will mean that a person charged with an offence specified in those categories may not be able to engage in child-related work in circumstances where they have not had their guilt or innocence of the charge determined by the relevant court. This does not limit the right set out in section 25(1) because these provisions do not alter the fact that the person is

innocent of any offence charged until judged guilty by a court.

Protection of families and children

The introduction of an overarching principle that ensures the protection of children is to be the paramount consideration when making a decision or acting pursuant to the act (clause 5) and the introduction of a requirement for ministers of religion engaged in child-related work as defined by the act to apply for and obtain an assessment notice (clauses 9(12) and (13)) is consistent with and promotes the rights set out in section 17 of the charter act.

Robert Clark, MP
Attorney-General

Second reading

Mr CLARK (Attorney-General) — I move:

That this bill be now read a second time.

Speech as follows incorporated into *Hansard* in accordance with resolution of house:

Children should be safe from harm. The sexual and violent abuse of innocent and vulnerable victims can inflict a lifetime of pain and suffering. Protecting children from the risk of harm requires constant vigilance. Parents and family, the government and employer and volunteer organisations all have important roles to play.

Working with children checks are an important element of this protection. The checks seek to provide an independent assurance that persons who work with our children do not have criminal convictions or face criminal charges that would create an unacceptable risk to the children entrusted to their care.

The Working with Children Amendment (Ministers of Religion and Other Matters) Bill strengthens the existing mechanisms under the Working with Children Act 2005 (the act) to ensure that the safety and wellbeing of children is and remains paramount.

Purposes of the act amendments

The main purposes of these amendments are to:

- set out in legislation that the protection of children is to be the paramount consideration when administering the act;
- make it clear that a working with children check provides a 'minimum' check rather than a 'suitability' check, so as to avoid any suggestion that requiring working with children checks means an employer or other organisation has no further responsibility to assess or monitor the suitability of their staff or volunteers;
- clarify the definition of 'child-related work';
- require all ministers of religion who have contact with children to obtain a working with children check;
- revise the working with children check assessment procedures; and
- make a range of other improvements to the operation of the act.

Protection of children is paramount

The High Court has made clear that where legislation is intended to prioritise one right above another, this must be explicit in the legislation. The bill introduces an overarching principle that specifies that the protection of children is to be the paramount consideration when a decision-maker under the act (namely, the secretary or VCAT) is assessing an application or reassessing an individual. The introduction of this principle will put beyond doubt that the protection of children is a more important consideration than any other consideration, such as the individual's right to work.

This will bring the act into line with other legislation that protects children, such as the Children, Youth and Families Act 2005, which states at section 10 that 'for the purposes of this act the best interests of the child must always be paramount'.

A 'minimum' check

The bill makes clear that a working with children check is in fact a 'minimum' check that screens individuals in relation to their criminal history, so that persons convicted of or charged with certain offences are not granted an assessment notice allowing them to work with children. The bill makes clear the working with children check is a minimum requirement, it does not replace appropriate assessment and monitoring by the employer or organisation of an individual's 'suitability' in other respects to work with children.

Clarify the definition of 'child-related work'

A working with children check is only required when an individual is undertaking 'child-related work' as defined in the act. This current definition, however, is unnecessarily lengthy and complex, and requires simplification.

The bill amends the act to:

- split the term 'child-related work' and define 'child-related' and 'work' as two distinct concepts;
- remove redundant provisions that were included in the act to assist the introduction and implementation of the scheme;
- simplify the concept of 'direct contact', refine the definition of 'supervision' and remove the term 'regular'.

Ministers of religion

In November 2013, the Family and Community Development Committee released the report of the parliamentary inquiry into the handling of child sexual abuse by religious and other non-government organisations (the inquiry), entitled *Betrayal of Trust*. The inquiry, amongst other things, recommended the Victorian government clarify the requirements for religious organisations to ensure ministers of religion have a current working with children check in view of the broad and unspecified nature of their work, work which involves contact with children in their communities.

The government accepts that ministers of religion occupy a unique place within the community that places them in a role

of trust and authority and accordingly is amending the act to provide for a specific requirement relating to ministers of religion.

The amendments will apply to persons who are ordained or appointed as a recognised religious leader in an organised religious institution or who are the appointed leader of, and have general authority over, a local religious congregation, such as a church, mosque, synagogue or temple. The bill requires all ministers of religion to apply for and obtain a working with children check unless any direct contact with children is incidental, and if the minister is an appointed leader of a local congregation, that congregation does not contain any children.

Revise the category application process

Currently under the act, an individual found to have a criminal history that may present a risk to the safety of children is assessed according to the severity of this criminal history. This assessment is categorised as either a category 1, 2, 3, or as an exceptional circumstances application.

The bill amends and simplifies the current category and exceptional circumstances provisions by replacing them with a revised three-category classification system. The key change to these categories is that pending charges for serious sexual or violent crimes will also be included in the assessments for an assessment notice.

The revised system will consist of three categories, A, B and C. Each category will be assessed against the current 'unjustifiable risk' and 'reasonable person' tests.

Category A will consist of applicants who have committed the most serious offences. This will include applicants who are subject to reporting obligations under the various sex offenders legislation, and adults who have on their record sex offences against children or child pornography offences. This category will also include applicants with pending charges for these offences and applicants who have been convicted of the offences of murder, attempted murder, rape and attempted rape and those who have pending charges for these offences. The secretary to the Department of Justice will be required to refuse applicants a working with children check.

Category B will consist of applicants who have committed serious sexual, drug and violent offences not coming within category A. This includes applicants who have committed serious offences including armed robbery, upskirting and child stealing as well as pending charges for an offence in this category. The test used in category B requires the secretary to refuse a working with children check unless satisfied that giving it would not pose an unjustifiable risk to the safety of children.

The bill adds a final category, C, which consists of applicants with relevant disciplinary findings as well as charges, convictions or findings of guilt for any other offences that the secretary has notified to Victoria Police as offences relevant to the working with children check.

Jurisdiction of VCAT

A person who has been given a negative notice on a category A, B or C application or reassessment may apply to VCAT for the giving of an assessment notice. In making an order for the giving of an assessment notice, VCAT must have regard to the current 'unjustifiable risk' and 'reasonable person' tests. If VCAT is satisfied that giving an assessment notice would not pose an unjustifiable risk to the safety of children, VCAT may, by order, direct the secretary to give the assessment notice if it is satisfied that, in all the circumstances, it is in the public interest to give the notice.

General improvements to the operation of the act

The bill also makes a number of amendments aimed at generally improving the operation of the act, including grouping all the reassessment provisions together to enable an easier reading of the legislation.

The bill removes the three-month grace period following the expiration of an individual's working with children check. This will prevent an individual from engaging in 'child-related work' during this three-month period, given the risk that during this time they may commit an offence that the secretary is unable to act upon. The bill, however, will retain the ability for an individual to renew their working with children check during this period, thereby avoiding the more complex new application process.

The bill provides that an applicant or cardholder who has been issued a negative notice cannot avail themselves of any exemptions set out in the act. Provisions under part 3 of the act exempt people such as parents, teachers and police officers from obtaining a working with children check. The bill makes it clear that if an exempt person chooses to make an application for a working with children check and that application is refused and the person receives a negative notice, the person cannot then seek to rely on his/her exempt status.

The working with children check has strong public acceptance and support by the Victorian community. The amendments made by this bill further strengthen and improve the operation of the scheme to enhance the protection of children from physical and sexual harm, in line with the government's ongoing commitment to protect children, support their families and build stronger, safer communities.

I commend the bill to the house.

Debate adjourned on motion of Mr NOONAN (Williamstown).

Debate adjourned until Thursday, 21 August.

CHILDREN, YOUTH AND FAMILIES AMENDMENT (PERMANENT CARE AND OTHER MATTERS) BILL 2014

Statement of compatibility

Ms WOOLDRIDGE (Minister for Community Services) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006 (the 'charter act'), I make this statement of compatibility with respect to the Children, Youth and Families Amendment (Permanent Care and Other Matters) Bill 2014.

In my opinion, the Children, Youth and Families Amendment (Permanent Care and Other Matters) Bill as introduced to the Legislative Assembly, is compatible with the human rights protected by the charter act. I base my opinion on the reasons outlined in this statement.

Overview of bill

The bill makes a number of amendments to the Children, Youth and Families Act 2005 (the act), including:

Amendments to the provisions for the protection and permanent care of children. These amendments are directed at promoting more timely decision-making, improving permanency for children in care, simplifying protection orders and streamlining case planning.

Increase in penalties for offences relating to the protection of children.

Changing the time frame for lodging an application for breach of a good behaviour bond.

Providing consistent time frames for lodging court reports.

Abolishing the Youth Residential Board and transferring its functions to the Youth Parole Board.

Enabling the entering of private premises in the execution of a warrant issued on cancellation of parole of young persons.

Human rights issues

Provisions for protection and permanent care of children

Section 17(1) of the charter act recognises that families are the fundamental group unit of society and are entitled to be protected by society and the state. Section 17(2) of the act provides that every child has the right to such protection as is in his or her best interests and is needed by him or her by reason of being a child. Section 13 of the charter act provides that every person has the right not to have his or her privacy, family, home or correspondence unlawfully or arbitrarily interfered with. Children's Court protection orders involve interference with families, but I consider that the interferences authorised by the bill are reasonable and justified, and achieve an appropriate balance between the rights of families and the rights of children.

The Children Youth and Families Act and the amendments in the bill give effect to the principle in article 9 of the United Nations Convention on the Rights of the Child that 'children should not be separated from their parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child'. While the act and bill authorise the intervention in families where children are in need of protection, they do so subject always to the principle that the best interests of the child are paramount (section 10(1)). The basis for intervention in a family is clearly set out in the act as are the procedures for doing so. The Children's Court of Victoria is primarily responsible for making such orders. The act and amendments contained in the bill also recognise and protect the distinct cultural rights of Aboriginal persons contained in section 19(2) of the charter act. In particular, new section 176 inserted by clause 98 of the bill requires that case plans for Aboriginal children address the cultural support needs of the child, and new section 323 inserted by clause 62 imposes restrictions upon the making of permanent care orders in respect of Aboriginal children.

There are, however, two aspects of the bill that require more detailed consideration. Firstly, the bill provides for a greater emphasis on permanency for children who are the subject of child protection orders. Secondly, the bill makes amendments to the provisions relating to ongoing contact between a child and their family where permanent care orders are made.

Increased emphasis on permanency

The amendments contained in the bill retain and reinforce the importance of a child remaining in the care of their parents or other members of their family, where this is possible. The importance of the family is recognised as part of the best interests principles in section 10 of the act. Pursuant to new section 276(2) inserted by clause 17 the court may only make a protection order removing a child from the care of their parents where it has considered an order allowing a child to remain in the care of their parents and rejected such an order as being contrary to the child's best interests. In case planning, under new sections 167 to 169 inserted by clause 97, family preservation and family reunification are the preferred options (see new section 167(1)).

However, the bill makes amendments that place greater emphasis on the importance of permanency to the development and wellbeing of children. The Protecting Victoria's Vulnerable Children Inquiry Report identified the need for more timely permanent care arrangements for a child who is unable to be reunited with their biological family. Delays in making decisions and providing alternative permanent or long-term care arrangements for children can be harmful and are not in their best interests. It is important in the best interests of the child that alternative permanent or long-term care arrangements are made if the child is not able to be permanently reunified with their family within a reasonable time. In practice, if family reunification is achievable, it usually occurs within the first 12 months. The chances of successful family reunification diminish significantly after that. If family reunification is not achieved within two years, it is highly unlikely to occur.

The bill provides for express recognition of the need for expeditious decision-making and 'permanency' in the protection and promotion of a child's best interest (clause 6). New section 276A, inserted by clause 18, directs the court to have regard to certain matters in determining whether to make a protection order. These matters bear upon whether family reunification is realistic and the desirability of minimising time in temporary care.

New section 287, inserted by clause 26, provides for a family reunification order. A family reunification order is one which confers parental responsibility and sole care of the child upon the secretary. The child is removed from the care of their parent(s) and placed in temporary care while the department works with the family with a view to reunifying the child with them. An initial order can be made for a period that has the effect of the child being placed in out-of-home care for up to 12 months. However, section 294A inserted by clause 34 places limits upon extensions. An extension may only be granted if there is compelling evidence that it is likely that a parent of the child will permanently resume care of the child during the period of the extension. An extension cannot be

made if its effect would be to place the child in out of home care for a cumulative period of more than 24 months. Although a family reunification order cannot be made beyond two years, it does not necessarily preclude family reunification in the event that circumstances change (see, for example, new section 289(1)(d) inserted by clause 30).

New section 289, inserted by clause 30, provides for care by secretary orders. These orders confer parental responsibility on the secretary and remain in force for two years. Pursuant to new section 294A(2), such orders can only be extended if neither a permanent care order nor long-term care order is appropriate, or if there are exceptional circumstances (new section 294A(3)).

I consider these provisions are compatible with human rights. Although they may be seen as involving greater interference with family in that they will result in long-term and permanent care orders being made earlier, they do so for the protection of the best interests of children and are also intended to promote earlier family reunification.

Contact between children and their biological family where permanent care orders are made

A child's best interests are usually served by preserving their identity, connection to the culture of origin and relationships with their biological family. However, whether this is in fact the case, and the manner in which these goals are achieved, varies significantly for children who are in permanent care.

The bill includes a number of amendments to the provisions for the making of permanent care orders and the imposition of conditions relating to ongoing contact between a child and their biological family. Currently, section 321(1)(d) requires the court to include conditions concerning contact with the child's parents. In practice, these conditions have often proven to be inflexible and can end up operating in a manner that is contrary to the best interests of the child. In many cases regular direct contact with a parent can be extremely disruptive to a child in permanent care, and can end up being the cause of a breakdown in the placement.

The bill amends section 321 to include a range of measures that are designed to protect the child's ability to maintain a relationship with their family, while providing for greater flexibility in any conditions imposed to ensure the best interests of the child are served. In particular:

> Clause 59 inserts a provision that requires the secretary to be satisfied that a person proposed as a permanent carer will, to the extent that it is appropriate and in the child's best interests, support and encourage the child's contact and relationship with the child's mother and father, siblings by birth and any other person of significance to the child.
>
> Clause 60 provides for a mandatory condition that the person caring for the child must, in the best interests of the child and unless the court otherwise provides, preserve the child's identity and connection to the child's culture of origin, and the child's relationships with their biological family.
>
> Clause 60 provides for the court to include conditions in the best interests of the child concerning contact with the child's parents. In imposing such a condition (or other conditions under sections 321(1)(e) or (f)) the court is directed to have regard to certain matters including relating to permanency, and ensuring sufficient flexibility over time.

I consider that these provisions, which place the emphasis on the child's best interests and recognise the role of permanent carers in protecting those interests, are compatible with the rights of families and children in section 17 and the right to privacy in section 13 of the charter act.

Disclosure of information

Section 13 of the charter act provides protection against unlawful and arbitrary interferences with privacy. This right is relevant to clause 100 of the bill which amends section 129 to clarify the power of the secretary to disclose records and information in relation to out-of-home carers, for the purpose of protecting a child.

I consider that the interference with privacy authorised by the amendment is neither unlawful nor arbitrary. The amendment is necessary and appropriate in order to ensure that children are able to be protected, as is their right under section 17 of the charter act.

Increase in penalties for offences relating to the protection of children

Clause 154 increases the penalties for a number of offences relating to the protection of children. This includes the offences in section 496(1) and (3) of the act, which include an evidential onus on the accused to adduce or point to evidence of a lawful authority or excuse to remove a child. I consider that these evidential onuses are reasonable limits upon the right to be presumed innocent in section 25(1) of the charter act, and the increase in the penalty does not alter that assessment.

Changes to youth justice procedures

The bill makes a number of amendments to youth justice procedures, including extending the time for application for breaches of a good behaviour bond (clause 155) and altering the time requirements for various court reports (clauses 128 to 138). I consider that these provisions are compatible with the criminal procedure rights in section 25 of the charter act. The extension of time for breach proceedings is necessary to ensure that delays in Victoria Police becoming aware of a breach do not preclude an application being made. The time for making such an application is still relatively short and is consistent with the rights in section 25, particularly the right to be tried without unreasonable delay. The amendments to the time periods for filing court reports ensure consistency and require the filing of such reports no less than three working days before the return date, thereby enabling the court to have up-to-date reports while also ensuring an accused has a reasonable opportunity to consider the report. There is nothing preventing the adjournment of a case in the event an accused requires additional time in order to file material in response to such a report.

Transfer of functions of the Youth Residential Board to the Youth Parole Board

Part 6 of the bill abolishes the Youth Residential Board and transfers its functions to the Youth Parole Board. Both boards are prescribed by regulation as being exempt from being a public authority under the charter act. I do not consider that the provisions, which merely transfer the functions but do not

alter them in any substantive way, raises any issue of compatibility with the rights in the charter act.

Power to enter private premises to execute warrants

Sections 456 and 460 of the act provide for the issuing of warrants to apprehend young persons and return them to a youth justice centre or youth residential centre. However, there is no express or implied power to enter private premises to execute such a warrant. This has resulted in young persons avoiding apprehension, and poses risk to the safety of the young person and members of the community. Clause 119 inserts a new provision into the act authorising entry into premises under warrant where the person is believed to be located and the use of reasonable force to do so. Although this involves interference with the privacy of the occupier of the premises, I consider that the interference is neither unlawful nor arbitrary and is therefore compatible with the right to privacy in section 13 of the charter act.

Expansion of group conferences and powers to defer sentence and detain

Part 5 of the bill expands the availability of youth justice group conferences. This is a restorative justice based program that enables the young person to meet with other persons who are impacted by the young person's offence, such as the victim or the victim's representative, members of the young person's family and other persons significant to the young person. The program has proved to be a powerful and cost-effective way of reducing the likelihood of a young person reoffending and resulted in positive outcomes for young persons with very serious offending.

The court is empowered to defer sentencing for up to four months. In the meantime, the child may be released either unconditionally or on bail or may be remanded in custody. If the child is remanded in custody, the court may only defer sentencing for up to two months.

I consider that these provisions are compatible with the criminal procedure rights in section 25 of the charter act. Although it results in some delay in sentencing, that delay is reasonable and necessary to promote the aims of the restorative justice program. I also consider that the power to remand the child in custody is compatible with the right to liberty in section 21 of the charter act. That power lies within the discretion of the court and is subject to a range of safeguards including time constraints (see new sections 414(2)((ab)(iii) and (4)) and a prohibition against refusal of bail on the sole ground that the child does not have any or any adequate accommodation (see new section 414(5)).

Clarification of obligation to consult

Clauses 161 to 163 amend the commission for Children and Young People Act 2012. Section 48 of that act currently imposes a prohibition on the commission giving a report of an inquiry to a minister or the secretary if the report includes 'material that is adverse' to any person, health service, human service or school, without first giving that person or body an opportunity to comment on the material. As currently worded, section 48 is too broad and has the potential to stymie inquiries in circumstances where neither the principles of natural justice nor any rights in the charter act would require such consultation. Clause 161 amends that provision to refer instead to 'any comment or opinion that is adverse to any person' or specified body. This is not to say that the commission will never have to provide a person with the opportunity to comment upon other material contained in a report that is adverse to them. Whether that is required by the principles of natural justice or the rights in the charter act, particularly the right to privacy, will depend upon the particular circumstances including any impact upon the person's rights or interests.

The Hon. Mary Wooldridge, MP
Minister for Community Services

Second reading

Ms WOOLDRIDGE (Minister for Community Services) — I move:

That this bill be now read a second time.

Speech as follows incorporated into *Hansard* in accordance with resolution of house:

The bill amends the Children, Youth and Families Act 2005 (the act). The bill incorporates major reforms to strengthen the protection of vulnerable children and the functioning of the statutory service system, in particular, permanency planning for children subject to child protection involvement. In 2011, the coalition government commissioned the Protecting Victoria's Vulnerable Children Inquiry (the inquiry). The remit of the inquiry was to comprehensively investigate systematic problems in Victoria's child protection system and make recommendations to strengthen and improve protection and support.

The inquiry report was tabled in Parliament in February 2012 and made strong and compelling findings and recommendations for reform. The recommendations included the simplification of Children's Court orders; focusing the Children's Court's role on a narrower range of matters; simplifying case planning processes; and examining the delays in achieving permanency for children.

A major finding of the inquiry was that it takes too long to achieve alternate permanent care for children when it is recognised that there is little possibility of family reunification. For children unable to live safely with their parents, the inquiry found it takes, on average, five years to achieve permanent care from the time a child protection report is made to when a child is placed on a permanent care order. This is unacceptable and exposes children to additional and unnecessary trauma caused by uncertainty in their care arrangements.

This bill ensures that decisions regarding vulnerable children will be made in a timely way, to avoid children being in care without a timely response and to promote permanency of arrangements, as well as stability for the child.

These vulnerable children and young people are subject to Children's Court orders because they have experienced abuse and/or neglect. They are living in kinship care, foster care or residential care.

While every effort is made to provide them with stable and consistent care, the reality is that these children lack certainty, stability and permanence. They wait to see if their parents can demonstrate the necessary change to resume their care; they

wait to see what the court will decide; and they wait with increasing uncertainty over time to see who will care for them when it is not possible for them to return home. In this situation, these children do not have predictability, security or permanency of care and must live with a high degree of uncertainty and anxiety, in addition to the significant trauma that led to the need for them to be cared for by the state.

This lack of security and predictability frequently results in further emotional and behavioural disturbance which can lead to placement breakdowns, and in turn exacerbate the challenges of securing alternative permanent carers for children. This is evidenced in the number of children who have been in care for two or more years without permanent alternative care having been arranged.

This bill proposes an alternative strategy to break this cycle of compounding instability for children. It ensures that decisions regarding vulnerable children will be made in a timely way, to avoid children being in care without a timely response and to promote permanency of care arrangements.

Care arrangements for vulnerable children need to be settled as quickly as possible. Ideally, permanency will be provided by the child's own parents. Where this is not possible within a reasonable time frame, it is critical for the child's stability that an alternate permanent carer is identified to care for them until adulthood, while maintaining the child's relationship and connection with their birth family and culture.

In order to meet these objectives, the main provisions of the bill will:

> ensure more timely and better integrated case planning and decision-making;
>
> create a simpler range of Children's Court protection orders that promote timely resolution of protective concerns;
>
> clarify the rights and responsibilities of the secretary, parents and carers to make decisions regarding a child's care.

These provisions will address weaknesses identified in the act and deliver significant reform to act in the best interests of the child and improve the outcomes achieved by child protection intervention.

Changes to case planning requirements

The bill removes all references to stability and stability planning from the act and introduces the concept of permanency. 'Stability' was often interpreted as addressing immediate issues only. The change to 'permanency' will focus attention on plans for the child's long-term and permanent care arrangements.

Case planning, at the point child protection becomes involved, is critical to making timely permanency arrangements for the care of children. The bill requires that a case plan is developed as soon as abuse or neglect is substantiated.

The act currently only requires a case plan to be prepared after the Children's Court has made a final order. This can be more than a year after intervention commences where there are lengthy court adjournments. During that period, no purposeful planning is currently authorised by the act, so children and families are often uncertain about future care arrangements.

The bill requires the development of a single case plan, removing the need for a separate stability plan. The bill also requires a separate cultural plan to be developed for all Aboriginal children in out-of-home care, which aligns with the case plan.

The bill requires that a clear permanency objective be articulated for the case plan and case plans be reviewed annually or when there is a significant change in circumstances.

When a child has been placed in out-of-home care, the bill provides time frames for achieving case planning objectives. It will be incumbent on professionals and the family to work towards reuniting families, where possible, within 12 months or where progress has been made in the first 12 months, within two years in total. If progress does not occur or if the child is still in out-of-home care after two years with no prospect of reunification, the permanency objective of the case plan will change from family reunification to permanent care, adoption or long-term out-of-home care depending on the availability of suitable alternate care arrangements.

In line with creating a better fit between case planning and court decisions, a change of case plan objective will usually require a change of protection order. Adoption should be discussed in the small number of situations where it is clear that a parent will never be able to care for their child and is willing to consent to adoption.

The bill states that kinship placements are explicitly preferred to other placement types recognising the role the extended family can play in providing care, and can provide the best opportunities for maintaining family relationships and cultural connections.

Planning a course of action as promptly as possible, and mobilising resources and actions to support that plan, will help to address the current lengthy periods of harmful uncertainty currently experienced by many children and families.

Simplified orders

This bill proposes a new, simpler range of orders that will be available to the Children's Court. This suite of orders resolves many of the issues identified, such as the overlapping and unclear purpose of orders, the length of time applications are before the court, and conditions attached to orders that are inconsistent with the case plan or restrict the ability of case planners to make decisions in fast changing situations.

Some existing orders will remain, but most will be replaced by new orders which are named to more accurately reflect their intention. This will provide clarity for children, families and professionals. The names of the new orders also align with the case planning objectives described in the permanency hierarchy.

The new final protection orders being introduced are:

A family preservation order that is similar to the current supervision order. This order preserves the child in the care of their parents, if it is safe to do so. Conditions that promote family preservation can be attached to these orders. A family

preservation order made for a period of more than 12 months will be reviewed at least every 12 months.

A family reunification order will be made when a child has been placed in out-of-home care and the intent is to reunify the child with their parents. The order can be made for a total period up to 12 months. The order can be extended for a further 12-month period where there is evidence that progress is being made and reunification will occur in that time.

The focus of family reunification orders will be to mobilise supports and services to assist parents to resume permanent care of their child within one year, if possible, and at most within two years.

A care by secretary order will be made where the objective is to make arrangements for the permanent or long-term care of the child when reunification is not possible. As is the case now with guardianship to secretary orders, conditions cannot be attached to this order and decisions relevant to the care of the child will be managed through the case planning process. Such orders can be made for two years during which time all efforts will be made to identify and match an alternate permanent or long-term carer for the child.

If required, care by secretary orders may be extended beyond two years in order to finalise permanent care arrangements or where there are exceptional circumstances.

A long-term care order is targeted to circumstances where a child remains under the long-term parental responsibility of the secretary with an identified carer able to care for the child until they reach 18 years. This order will generally be made when the carer requires the department's continued support and a permanent care order is therefore not an option. This order cannot be made if a child aged 10 or over opposes the order and the carer's consent is also necessary.

A permanent care order vests the parental responsibility of a child in an alternate carer to the exclusion of all others. The order will now require, as a standard condition, that the carer must preserve the child's identity, culture and relationships with birth parents and siblings.

The bill empowers the court to initially impose conditions for contact between the child and their birth parents up to a maximum of four times per year where this is considered necessary, with any further contact being agreed directly between the parties. A contact condition may also provide for no contact if the court believes this to be in the child's best interests. Birth parents will require leave of the court to apply to vary or revoke a permanent care order to avoid unnecessary disruption to the child's permanent care placement.

For some children it is not always possible for them to live with their siblings. It is recognised that maintaining contact with siblings is important for children growing up in care. Current arrangements that allow the court to order contact conditions with siblings are being retained. This bill will also enable siblings to apply to vary permanent care orders if this is needed to support their contact with the child.

The current orders that will continue are temporary assessment orders, undertakings, and interim accommodation orders. However, interim protection orders, custody to third party orders, supervised custody orders, and custody to secretary orders are being repealed.

While interim accommodation orders are retained, to reduce delays in making final orders, obligations will be introduced to conclude protection proceedings as expeditiously as possible and avoid the use of interim orders unless making a final order is not possible.

Interim protection orders were found to be generally ineffective in testing a course of action and resolving the way forward. They contribute to delays in making permanency decisions by deferring contests for the three-month duration of the order and do little to promote settlement in most cases.

The various current custody orders do not clearly link to specific case plans and their ambiguity has been found to be a significant barrier to timely permanency resolution.

Contact conditions

A significant current barrier to the resolution of alternate permanent care arrangements is the inflexibility of contact conditions. The bill contains amendments to contact conditions that will improve permanent care order contact arrangements and allow parties to better negotiate personal arrangements and vary conditions. This will support a more child centred and flexible approach to contact throughout the child's life.

The court will be able to order contact between children and their birth parents up to four times per year, with any additional contact occurring by agreement. These conditions can be varied on application. While carers and children may seek to vary any conditions in respect of the permanent care order, the birth parents will only be able to do so in the first 12 months where there is a failure to comply with the conditions and thereafter with leave of the court. The court will assess any applications for leave according to legislated considerations to ensure the child's security is not undermined.

Where an application to vary a contact condition is successful, the court may order contact of more than four times per year after the first year if this is appropriate. In this way, a minimum level of contact is guaranteed, an approach based on agreement is promoted, and conditions can be changed over time as circumstances change.

Existing provisions that enable the court to make conditions about contact with siblings will be retained, as well as conditions about the maintenance of connection to community and culture for Aboriginal children.

There are occasionally unfortunate circumstances where the permanent carer dies and a child is left without a carer. Legal parental responsibility may revert to the child's birth parents in these circumstances and this will not always be desirable. The bill addresses this and states that the child will be deemed to be on a care by secretary order. This will allow ongoing care arrangements to be made in the child's best interests without the need for a court hearing at a time when parties may be grieving.

Considerations by the court

The Children's Court makes decisions in respect of applications for protection orders and about existing protection orders. Decisions made by the court provide the legal framework within which actions are taken to ensure children return to their parents' care or are provided with alternate permanent care in a timely way.

The bill provides an expanded set of matters to be taken into account by the court when making a protection order, in order to ensure timely decisions and a focus on permanency. It will also require the court to consider advice from the secretary about a number of matters where they are relevant to an application. These include:

the current case plan and the workability of any order under consideration;

applicable arrangements for the care of siblings;

the time the child has spent in out-of-home care during their life and the child's age;

the likelihood of permanent reunification occurring under an order that aims to achieve reunification;

the outcome of attempts to reunify any child within the family;

where a child has been in out-of-home care for 12 months and there is no realistic likelihood of permanent reunification in the following 12 months, the benefit of making an order that facilitates permanent alternate care;

where a parent has previously had a child permanently removed, the desirability of an early decision about permanent care for the child subject to the application; and

where a child is with the intended permanent carer, the desirability of making a permanent care order.

These considerations will assist the court in making decisions that promote timely resolution of permanent care arrangements for children in out-of-home care.

Parental responsibility

The bill replaces the terms 'custody' and 'guardianship' with the term 'parental responsibility'. This change reflects contemporary thinking about parental obligations and the bill clarifies what the secretary, the child's parents and the child's carer can decide in particular circumstances.

The bill also enables the secretary to authorise carers to make specified decisions, such as approving school excursions or routine medical care. This will normalise the experience of children in care who currently require a parent or a child protection case planner to make such authorisations which often results in children in out-of-home care missing out on social and learning activities, being embarrassed and feeling stigmatised. In order to avoid delay in implementing this change and so that children in care can enjoy the benefits sooner, the bill contains provisions for this change to occur under the current range of orders where a child is placed in out-of-home care, as well as subsequently under the new range of orders. This change will take effect from 1 December 2014.

Cultural support plans

It is acknowledged that cultural support plans, currently completed only in respect of Aboriginal children subject to guardianship orders, are not always aligned with case plans. The current requirement to prepare such plans only for children subject to guardianship orders means most Aboriginal children in out-of-home care do not benefit from such a plan.

The bill will require all Aboriginal children placed in out-of-home care to have a plan made to support their cultural needs when they are first placed in care. These plans will be built upon over time reflecting the child's changing developmental needs and individual circumstances.

Implementation will be supported by a review of existing arrangements for the completion of cultural support plans and by the development of a comprehensive training program for professionals involved in cultural support planning.

Other matters

The bill also contains provisions to address other matters.

The bill increases the penalties for child protection offences in the act. The offences relate to children being left unattended, for example, leaving a child locked in a hot car during warm weather or while parents are gambling. The offence of harbouring or concealing a child, for example hiding children subject to child protection orders from police and authorities, will be increased. Penalties for offences that relate to the sexual exploitation of children in out-of-home care are also increased through the bill. For example, inducing a child in out-of-home care to be absent without lawful authority, or entering, lurking and loitering around a child's placement.

The penalty for these offences will increase from 15 penalty units or three months imprisonment to 25 penalty units or six months imprisonment. This will more appropriately reflect government and community views about the seriousness of these matters.

Currently, any statement made by a child participating in a program under a therapeutic treatment order is not admissible in criminal proceedings of the child. However, children participating in treatment voluntarily are not afforded the same protection. This creates a disincentive to participate voluntarily. Where a willingness to participate voluntarily exists, this should be promoted and barriers removed. The bill amends the act to afford the same protections to children participating in treatment voluntarily as those subject to a therapeutic treatment order.

The bill also amends the Commission for Children and Young People Act 2012 to provide for the commission to conduct inquiries regarding services provided or omitted to be provided by a community service or child protection service, in addition to existing provisions which allow inquiries into health and human services and schools. Furthermore, amendments will clarify when the commission must give an opportunity to persons and services to respond to adverse comments or opinion within a report.

The bill contains some youth justice related amendments that seek to improve efficiencies and reduce bureaucratic processes, support Victoria Police in their work with young offenders and strengthen pathways to rehabilitation.

For example, the bill increases diversionary opportunities for young offenders by broadening the referral criteria for youth justice group conferencing. This responds to the findings of a youth justice group conferencing program evaluation that found the program was a powerful, cost-effective way to reduce the likelihood of a young person reoffending, and had

demonstrated positive outcomes for young people and was positively regarded by victims of crime.

A small number of administrative amendments are also made in the bill to remove anachronistic, unnecessary and unworkable provisions and address anomalies in the registration of community service organisations in the child and family, and disability sectors.

Conclusion

In conclusion, the bill makes necessary changes to some minor and technical aspects of the act, but its main objective is the reform to child protection orders and case planning requirements that will result in better permanency and stability outcomes for vulnerable children.

The reforms reflect the Victorian coalition government's commitment to provide better and timelier permanent arrangements for the care of vulnerable children.

The bill creates a consistent framework for decision-making by the Children's Court and by departmental case planners, and removes barriers to the timely resolution of cases. It ensures transparent decision-making by providing clarity about the objectives and timelines of state intervention to children, their families and professionals.

These reforms will significantly improve the state's child protection system and impact positively on the lives of Victoria's most vulnerable children.

I commend the bill to the house.

Debate adjourned on motion of Mr NOONAN (Williamstown).

Debate adjourned until Thursday, 21 August.

FREEDOM OF INFORMATION AND VICTORIAN INSPECTORATE ACTS AMENDMENT BILL 2014

Second reading

Debate resumed from 6 August; motion of Mr CLARK (Attorney-General).

Mr CLARK (Attorney-General) — In closing the debate on this bill I thank honourable members for their contributions to it. The bill makes some significant improvements to further strengthen the freedom of information regime on top of the reforms previously introduced by the coalition government. As the house would know, it was the coalition government that for the first time established in Victoria an independent Freedom of Information Commissioner to review requests and respond to complaints completely independently of government or government departments, which is something the previous government failed to do in its 11 years in office. This is one of the most far-reaching reforms to freedom of information since the legislation was first introduced more than 30 years ago, and it means that Victorians for the first time have access to an independent umpire if they are dissatisfied with the initial result of an FOI application to a department or agency.

This is in stark contrast to the litany of abuses that took place under the previous government. In the debate there was some canvassing of this and some criticism of the reforms that have been introduced by the current government, and there seemed to be a degree of rose-coloured vision from some members opposite in the remarks they made during the course of the debate. If members need any reminding of how the situation was viewed during the time of the previous government, I need only cite by way of example an article in the *Age* of 4 September 2009. It is a pity that graphics cannot be incorporated in *Hansard*, because this focus article is headlined 'Secret state' and in front of a photograph of Parliament House are signs such as 'Street closed', 'Do not enter', 'Road closed', 'Wrong way' and 'Detour'. It very graphically sums up the view of freedom of information under the previous government.

The coalition committed to establish an independent FOI commissioner, and it has done so. That FOI commissioner now has substantial additional resources compared to the position under the previous government, where reviews of the sort now undertaken by the FOI commissioner were usually undertaken by departmental officers as a side role on top of their main jobs. We now have not only an FOI commissioner who is independent but also an FOI commissioner who, with her staff, is able to devote full-time attention to these independent reviews of FOI matters that were previously undertaken, as I say, by departmental officers usually as a side role to their main jobs.

Now with this bill before the Parliament we are further strengthening the work of the FOI commissioner by providing for two new assistant commissioner positions to assist in handling reviews and complaints, and I welcome the support of the opposition for this aspect of the bill. We are doing other things as well, including seconding additional staff from the Department of Justice to assist the FOI commissioner to develop an education program and materials to further enhance training across the public sector. This government has a strong and proud record of dealing with FOI and of introducing far-reaching reforms to strengthen the FOI regime in a way the previous government failed to do during its entire term of office.

Let me now make a few remarks about some amendments that have been put forward by the opposition. The opposition has put forward

amendments that propose to alter some of the time lines for various steps of the FOI process that are contained in the bill. For the most part the provisions in the bill are not setting new time lines; they are simply re-enacting time lines that are in the existing legislation as part of a restructuring of the relevant sections of the legislation.

The opposition canvassed some of these issues when the FOI commissioner legislation was previously before the Parliament, and the pros and cons were debated at that time. The opposition is seeking to relitigate those matters and its proposed amendments would operate in three areas of the bill, and in two respects would reduce the time available for an agency when a matter is either referred back to it for consideration or when it desires to reconsider a matter on its own initiative. In each of these instances the bill proposes the decision must be made within 45 days and the opposition proposes to reduce that to 28 days.

In relation to proposed section 49MA of the act the opposition also proposes that if an applicant does not agree with a fresh decision made by an agency so that the FOI commissioner has to complete a review on the basis of the fresh decision, the required period available for the Freedom of Information Commissioner to complete the review will be reduced to 14 days instead of being extended to the end of 30 days after the date on which the applicant informs the commissioner they do not agree with the fresh decision.

The government has had some discussion with the opposition about this, and I am pleased to inform the house that we have reached an agreed way forward. The government will accept the first two amendments foreshadowed by the opposition, and the opposition will not insist on the third of those amendments. It was the third amendment that was of particular concern to the government and would have had the potential to undermine and impede the work of the Freedom of Information Commissioner, because had the time period available to the commissioner to complete a review been reduced from 30 to 14 days after a fresh decision on the part of the agency, in effect the commissioner would have had to continue to consider the issue in parallel with the agency notwithstanding the fact the agency may have come to a different decision. Therefore much of the work of the commissioner would have been wasted. The commissioner would have had to do that simply because the 14 days available to the commissioner would not have been adequate to take up the matter afresh, whereas if there is to be a reconsideration of a fresh decision by the agency, with 30 days the commissioner can put the matter to one side, await the fresh decision if one is made, see what the applicant thinks about it and then resume consideration of the matter only if that is required.

On top of that there would be a risk in complying with a 14-day time line that there would be less opportunity to achieve a satisfactory resolution of the matter, which in turn would create a risk of additional matters going needlessly through to the Victorian Civil and Administrative Tribunal. Whereas if the FOI commissioner had the additional time the commissioner needs, then that could be avoided. To be fair to the opposition and shadow Attorney-General, I understand that argument has been accepted and this amendment will therefore not be insisted on. I give credit to the shadow Attorney-General for accepting that and reaching an acceptable way forward. I do not propose to relitigate the merits of 45 days versus 30 days in relation to the other matters. People can argue that as they wish, but it is something the government is prepared to accept in the interests of getting this bill through.

Mr Pakula interjected.

Mr CLARK — I stand corrected. The shadow Attorney-General points out to me that it is 28 days and not 30 days that he is proposing in relation to those other two amendments, but I repeat that I do not intend to relitigate the merits of that. It is something the government is prepared to accept in the interests of securing the passage of this very important legislation.

In summing up this debate, I conclude as I commenced: these are indeed valuable reforms that will further strengthen the role of the Freedom of Information Commissioner and build on the very substantial — indeed landmark — reform of establishment of the commissioner undertaken by the coalition government. These two additional commissioners will strengthen the work of the office, and I commend the bill to the house.

Motion agreed to.

Read second time.

Consideration in detail

Clauses 1 to 13 agreed to.

Clause 14

Mr PAKULA (Lyndhurst) — I move:

1. Clause 14, page 11, line 7, omit "45" and insert "28".

As the Attorney-General did, I will do the house the courtesy of not reprosecuting the arguments over the

time lines in the bill, other than to say there is no doubt — despite the government's claims about the operation of the Freedom of Information Commissioner (FOI commissioner) and the Freedom of Information Commissioner's office — that the time lines that are embedded in the functions of the FOI commissioner are extremely long. They have meant that the delay between the beginning of a process when an application is lodged to hopefully receiving some kind of documents is substantial, particularly if the FOI commissioner's assistance is requested or required.

We move these amendments not because we believe they will by themselves resolve all the issues and concerns we have with the FOI commissioner. As indicated during the second-reading debate, it is still the opposition's view that the powers of the FOI commissioner are substantially deficient, certainly compared to the powers that were committed to, and the resources of that office are still an issue. I note that the government has indicated there will be some improvement in the resources provided to that office. We are as yet unaware of the magnitude of that increase, but certainly it would have to be substantial if the FOI commissioner is to start meeting the very generous time lines that that office has already.

To the extent that this amendment will assist in the swifter resolution of matters, it will be welcomed by all members of the house. The reduction from 45 days to 28 days is but one small thing that can be done, and I commend the amendment to the house.

Mr CLARK (Attorney-General) — As I indicated in closing the second-reading debate, the government is prepared to accept this amendment under the arrangements reached with the opposition in order to secure the passage of this legislation. However, as members of the house might expect, I do not accept the criticisms of the regime made by the member for Lyndhurst. The government believes the facts well bear out that the FOI commissioner is making a very substantial improvement to the operation of the FOI regime here in Victoria.

First of all, as I have indicated, the FOI commissioner is acting independently of government to undertake reviews of departmental and other agency decisions. As I said earlier, in the past, under the regime of the previous government, these reviews were usually undertaken, first of all, by departmental officers and, secondly, as an adjunct to their main jobs. In both respects that did not give the community the grounds for having confidence in the impartiality of decision-making, albeit that the officers themselves may have acted — and one would have expected them to have acted — appropriately. Nonetheless, given that they were departmental offices it was very difficult to give the assurance to the community that that was the case. The FOI commissioner puts this beyond doubt.

Furthermore, in relation to the time lines available to the processes under the FOI commissioner, the work being done by the commissioner is far more extensive than the work that was previously done by departmental officers. Often that work is directed towards seeing if matters can be resolved satisfactorily between applicants and agencies and trying to get agreed acceptable outcomes at the review stage. When the member draws comparisons with time lines, what he overlooks is the fact that under the previous regime if a matter were rejected on a review by the departmental officer, then the matter would then head off to the Victorian Civil and Administrative Tribunal (VCAT), with additional time being taken there.

If an independent commissioner conducts the review and has sufficient time to do that review or to address that complaint thoroughly and the matter can be resolved at that stage, that is a far more satisfactory outcome for all concerned — more satisfactory for the applicant, more satisfactory in reducing the burden on VCAT and more satisfactory in relation to the time taken to resolve it. Notwithstanding the criticisms of the regime made by the member for Lyndhurst, the government believes the work being done by the commissioner within the times available and being taken by the commissioner are a vast improvement on the regime that was in place previously. This legislation will further improve that regime.

Amendment agreed to.

Mr PAKULA (Lyndhurst) — I move:

2. Clause 14, page 12, line 15, omit "45" and insert "28".

Given the broad canvassing of these matters during both the second-reading debate and now during consideration in detail, I will decline the opportunity to elaborate further.

Mr CLARK (Attorney-General) — Likewise I simply indicate that for the reasons I have canvassed previously the government is prepared to accept this amendment.

Amendment agreed to.

Amended clause agreed to; clauses 15 to 32 agreed to.

Bill agreed to with amendments.

Third reading

Motion agreed to.

Read third time.

PERSONAL EXPLANATION

Minister for Environment and Climate Change

Mr R. SMITH (Minister for Environment and Climate Change) — I wish to make a personal explanation with regard to the unfounded allegations made about me by the member for Bellarine in her members statement this morning. With a number of witnesses to the alleged incident present, I can confidently say that the member's allegations are at best exaggerated and at worst a deliberate attempt to mislead the Parliament and the gallery about the substance of the incident.

While the issue was raised in Strangers Corridor, the exchange was neither heated nor did it involve a barrage of abuse or me swearing at the member. Rather, when confronted with the fact that she had previously gone back on her word to me, the member became animated and tried to insert herself between my guest and me at the table. This is yet another example of members of the opposition attempting to cause a distraction from their own misconduct. As a commentator recently said, such behaviour is often used by people to divert attention from themselves.

ASSISTED REPRODUCTIVE TREATMENT FURTHER AMENDMENT BILL 2013

Second reading

Debate resumed from 11 December 2013; motion of Ms WOOLDRIDGE (Minister for Mental Health).

Ms GARRETT (Brunswick) — On behalf of the opposition I rise to lead the debate on the Assisted Reproductive Treatment Further Amendment Bill 2013. I note that Labor will not be opposing this legislation.

Donor-conceived people having access to information about the identity of their biological parents is an issue that has become very close to my heart and is certainly close to the hearts of my colleague the member for Ivanhoe and others in this chamber who have worked tirelessly on this matter. It has been a privilege and a responsibility for us to have been on a small part of the journey of the many fine people we have met, some of whom are in the gallery — people who either donated or were conceived as a result of donor conception prior to the legislative change in 1998 that required all donors to be identifiable.

From the outset of this contribution I state again in the clearest possible terms Labor's position and principles on this matter. We support a person's right to access information about where they come from. We support all donor-conceived people having access, as of right, to identifying information about their donors regardless of when the donation occurred.

We believe that the current three-tiered system of access to information under the Assisted Reproductive Act 2008 is unfair. We believe that the two-tiered system of access to information that the government proposes here today is unfair. We believe that access to donor information should be consistent no matter when somebody was conceived. We believe that the unanimously endorsed recommendations in the Law Reform Committee's report on its inquiry into access by donor-conceived people to information about donors, which was released in March 2012, should be implemented in full, and we are deeply disappointed that this bill continues to enshrine inconsistent laws that apply to the donor-conceived community.

As members of this house will be aware, there is a long history to this piece of legislation. The Law Reform Committee first received its reference for this issue from the Legislative Council on 23 June 2010, more than four years ago, and this issue has been examined by law reform committees over two Parliaments.

On 15 September 2010 an interim report was tabled by the committee of the last Parliament. The final report was presented to this Parliament on 28 March 2012. The government tabled an interim response on 11 October 2012, in which it stated that it would be a further six months before its final response was presented and that this time would be used to conduct further research into the views of donors. This of itself caused considerable consternation in the donor-conceived community, the members of which once again quite rightly felt that only the views of donors were being heeded and that they were being treated as invisible and their views ignored.

On 26 June 2013 the Labor Party introduced the Assisted Reproductive Treatment Amendment (Access by Donor-Conceived People to Information about Donors) Bill 2013 in the Legislative Council, known as Narelle's Law, which I will discuss in detail later. The bill was second read but not debated further. The government's final response to the Law Reform Committee report was tabled on 20 August 2013 and the member for Ivanhoe made detailed comments on

this response in this place on 21 August of that year. The government gave its second-reading speech for the Assisted Reproductive Treatment Further Amendment Bill 2013 on 11 December 2013, but we are only now debating this bill, some eight months later. The government should apologise to Victorians for this delay and for what constitutes a dismissive attitude to an issue that has a great impact on many Victorians.

There are currently three groups of donor-conceived people in Victoria, each with different rights under state legislation based on when gametes used in their conception were donated. A person conceived prior to 1 July 1988 has no rights to any information about his or her donor. There was no legislation in operation at that time, and donors were promised anonymity by medical staff. Until now the legislation has not changed that situation. A person conceived between 1 July 1988 and 31 December 1997 can access identifying information about his or her donor if the donor consents, but if the donor refuses to give consent or cannot be located, the donor-conceived person can only obtain non-identifying information. A person conceived from 1 January 1988 has unconditional access to identifying information about their donor once they turn 18. From that time donors were required under legislation to consent to make identifying information available.

The shift in this legislative framework over time reflects the changing attitude to one that accepts that donor-conceived people should have the right to information about their genetic heritage. No-one is suggesting that the practices of secrecy and anonymity that prevailed in the 1970s and 1980s were done with malice; quite the opposite is true. Doctors were altruistically pioneering techniques to assist childless couples to achieve their longstanding dreams of children, dreams that often involved very anguished journeys. Donors were also playing a noble role, believing they were doing their part to help others. The couples who participated in these programs did so with love in their hearts and are eternally grateful for their results.

I think it is worth noting at this time that issues such as these are ongoing in our community. We are seeing reports daily of new techniques and pioneering approaches to assist couples who are having trouble conceiving, and these programs now have global reach. We have eggs donated from South Africa, sperm donated from California and surrogates being used — and we are seeing some of the tragic consequences of surrogacy today. It is timely to remind ourselves in this house that, while these approaches are designed to help anguished people have children, we must pause and learn from the mistakes and lessons of the past, as we have learnt here.

The changes in the legislative framework demonstrate that this community decided that the approach adopted for this issue back in the 1970s and 1980s was the wrong approach. The committee heard from dozens of witnesses and was unanimously persuaded that donor-conceived people, regardless of when they were conceived, should have the right to know their biological heritage. This position is not necessarily where the views of all members of the committee started. I commenced my involvement in the inquiry thinking that those who had been promised anonymity should have that anonymity protected. However, the testimony we heard from many people — from children, parents and donors — was compelling, and I will be referring to much of it throughout this contribution.

The key issue for all of us on the committee was balancing the rights of the donors with those of the donor-conceived children, and no-one approached this not understanding that it was a most significant and solemn task. An extract from page 75 of our report captures well the deliberation processes and the outcome reached:

> The committee notes that all donors were legal adults at the time they provided gametes. Thus, all donors were able to consider possible repercussions of their actions, including the effect on third parties (such as any offspring, or their future families, for example), prior to consenting to participate in the donor programs. Donor-conceived children were not, of course, afforded the opportunity to consent to this process.
>
> One of the key observations for the committee while considering the relative rights of donors to anonymity, and of donor-conceived people to information, was that while donors may experience distress from the release of identifying information, that distress will flow from decisions … made as a legal adult.
>
> …
>
> The distress experienced by donor-conceived people, by contrast, flows from decisions that were made by other people, through no fault, and by no agreement, of their own … discovering that one is donor-conceived can be a confronting and traumatic experience … due to the trauma that such a revelation can inflict, the committee believes the state should have a role in assisting a person to overcome trauma.

Accordingly, as this house knows, the Law Reform Committee made several recommendations, including that all donor-conceived people should be allowed to obtain identifying information about their donors and that legislative change should occur to give effect to that recommendation. It also recommended that legally enforceable contact vetos be put into place to ensure

that those donors who did not wish to have ongoing contact with any offspring they had created would be able not to do so. We also considered issues around access to identifying and non-identifying information about donor siblings and made very comprehensive recommendations regarding records, central agency record keeping and counselling around those people affected by this very serious issue.

In his foreword to the report, the chair of the committee, the member for Prahran, stated:

> The committee believes that providing all donor-conceived people with the opportunity to access identifying information … regardless of their date of conception, is consistent with the first guiding principle found in the Victorian legislation regulating donor-conception — that the welfare and interests of persons born as a result of assisted reproductive treatment procedures are paramount. It is also consistent with comparable situations, such as adoption, where Victorian legislation retrospectively allowed adopted people to access identifying information about their birth parents.

We agree with the statement, which is why it is so profoundly disappointing that this bill does not fully implement the recommendations of the report. Of course this is not just an issue for donor-conceived children. It is also in issue for the donor. Again, I note the presence of donors in the gallery today who have worked tirelessly to assist donor-conceived children and indeed to further their own ideas about knowing their biological connections with people. I note in particular that Ian Smith is with us today. He said in a very moving piece he wrote after the publication of our report:

> I know I am the biological father of nine children. Two of my offspring live with me. Seven — offspring from my sperm donations — I have never met. I'm married now, I have children and I can see before me the whole process of the development of a person who is the sum of so many genetic and familial influences.
>
> At times I feel quite anguished that I have seven other children who carry a part of me and my genetic and family background but over whose lives I have no direct influence.
>
> I wonder if they are alive, if they are healthy, happy, well cared for and loved.

As stated earlier, there are currently three groups of donor-conceived people with different rights, and access to information by those people is currently regulated by part 6 of the Assisted Reproductive Treatment Act 2008. The lack of proper protection and/or access to records from clinics such as Prince Henry's Institute or from individual doctors has been a source of deep concern and distress for the donor-conceived community. The bill we are debating provides that people conceived before 1988 be treated in line with people conceived between 1988 and 1997, but, as stated repeatedly, this simply does not go far enough.

The Labor opposition has sought to make amendments to this bill and have it considered in detail by the house. However, that has been refused by the government on the grounds that it is a complex piece of legislation and the responsible minister is in the upper house. I am not sure what this says about the confidence the government has in the Minister for Community Services, but given she managed the adoption law reform process I suspect the refusal has more to do with ducking the hard questions on why the government has failed this group of people than the capacity of the minister to handle herself in a consideration-in-detail stage.

In fact the minister spoke very movingly and passionately about the adoption law reform and the apology that was offered during this term of government. It was a profound event that all members were proud to be part of. Significant changes were made to respect the rights of those affected by practices of the past that are now recognised to be wholly and utterly inappropriate. As we debate this bill, I remind those opposite of that apology and those changes that they embraced with respect to adoption. It is impossible to see how there is any difference between the needs for information for people who have been adopted or given babies up for adoption and those of donor-conceived people or sperm donors.

Lauren Burns, who has been an extraordinary advocate for the rights of donor-conceived people to know their genetic heritage, spoke of this very issue in the *Sunday Herald Sun* of 31 March 2013. She was referring to then Prime Minister Gillard's national apology to those who had suffered forcible adoption. The article quotes Prime Minister Gillard as saying:

> To each of you … who were denied the opportunity to grow up with your family and community of origin … we say sorry.
>
> …
>
> We acknowledge that many of you still experience a constant struggle with identity, uncertainty and loss, and feel a persistent tension between loyalty to one family and yearning for another.

Lauren Burns is quoted as saying:

> It was frustrating that almost nobody except us could see that by simply inserting 'donor conception' for 'adoption' the PM could have been speaking to us.

This government should not entrench the current disadvantage suffered by donor-conceived people but should seek to remove it.

There is no more compelling reason to implement the recommendations of the Law Reform Committee report in full, rather than the modest changes that this bill contains, than the journey of Narelle Grech. We first met Narelle in 2011 when she appeared several times before and at the committee hearings. She was a feisty, passionate, creative and beautiful soul. Narelle was conceived through anonymous donation prior to 1988 and did not have the same rights afforded to other donor-conceived people born after the act came into effect in 1984. Narelle found out about her conception as a teenager and spent 15 profoundly distressing, frustrating and demoralising years trying to find out the identity of her father.

I want to relate the evidence given by Narelle Grech to the Law Reform Committee, which I still remember. She said:

> I've been actively speaking out about donor conception for a number of years, and it's taken its toll on me emotionally and within my family. It's personally quite taxing to have to recount my story and to have to plead for information that I feel I should already have. The lack of control around this is very disempowering, the secrecy and withholding of information about who I am and my conception leads me to feel like a second-class citizen. I believe that the truth will set me free, so to speak, and I ask for access to my records for this reason. I want answers so that I can move forward in life without these feelings of loss and grief and I don't think anyone should have to endure this, especially when the records do exist. And I do know that my records exist.

Narelle also told the committee that she had been diagnosed with advanced bowel cancer. It was a tragic revelation that touched us all very deeply. It touched the then Premier, the member for Hawthorn, and to his credit he facilitated Narelle gaining access to the information that she had desperately craved for so many years — the name of her biological father.

Ray Tonna and Narelle were united for the first time in early 2013. As reported in the *Sunday Age* of 17 March 2013, Narelle said of their first meeting:

> It was amazing … There was an instant connection — how could there not be?

Mr Tonna said:

> It's like this psychic switch went off in my heart, my mind, my soul. I hadn't seen her for 30 years; I wasn't even aware of her, and suddenly she's there. I just love her so much.

When asked whether the law should change Mr Tonna said:

> Absolutely. This is a basic human right. For any politician to stand there and deny it is abhorrent.

Most poignantly, Narelle said in this interview:

> The thing that strikes me the most is that Ray expressed to me that, had he been given the opportunity to meet me 15 years ago, he would have been just as eager then as he is now.
>
> Of course, I'm appreciative that I can know him now, but to think we could have had another 15 years of getting to know each other is so bittersweet.

Narelle Grech died two weeks after that interview. She was 30 years old. These words of hers, and those of her biological father, sound loud and clear in this chamber — and we owe it to her to listen.

We on this side of the house did listen. Last year a member for South Eastern Metropolitan Region and shadow Minister for Health, Gavin Jennings, introduced a private members bill in the Legislative Council to give effect to Narelle's law to assist all donor-conceived persons in pursuing their sense of identity and connection and to allow for more positive reunions such as that which occurred, all too late, for Narelle and Ray. The bill was designed to be consistent with the guiding principles of the Assisted Reproductive Treatment Act and was particularly influenced by the principle in section 5(a) — that is, that the welfare and interests of persons born as a result of assisted reproductive treatment procedures should be paramount. The bill was also completely consistent with the bipartisan report of the Law Reform Committee.

Unfortunately that bill was defeated. It is even more disappointing for those on our side and those in the donor-conceived community that once again the recommendations in the Law Reform Committee report are not being implemented today as only modest changes are being proposed in this bill.

Clearly the emotional need that most people have to understand their family heritage should be paramount in our consideration of this issue. But there is another reason donor-conceived people should be able to access information about their genetic heritage. Narelle Grech died last year at the age of 30 from bowel cancer, and it is highly likely that her genetic heritage made her susceptible to the disease. She had eight half-siblings, all fathered by the same donor, who could potentially carry that same fatal gene. Over the past 30 years our knowledge of and ability to treat genetically acquired medical conditions have improved at a rate that would have been difficult to imagine at the time those donations were made. Labor believes that donor-conceived people have the same right as every

other Victorian to have access to information that could help them prevent or treat a genetically acquired medical condition should they so wish.

This bill does not allow for that right to be exercised in absolute terms, and in doing so, as others have put it so much more eloquently than I can, it creates a kind of second-class citizenship for this very significant group of people. The bill goes some way to addressing issues of access but, as I have said, it does not go nearly far enough. I note in particular the changes made by this legislation to record storage, management and access, particularly around the records relating to the now defunct Prince Henry's Hospital clinic where Narelle was conceived.

Clause 9 of the bill inserts a new section 56A into the act. It provides that in certain circumstances the registrar may access and disclose information held by the Public Record Office Victoria relating to pre-1988 donor treatment procedures. New subsection (2) provides that the registrar may access records transferred to the Public Record Office from Prince Henry's Institute of Medical Research and disclose that information in circumstances as prescribed by the legislation. I know this provision will be welcome for many donor-conceived children who have desperately sought details of their fathers emanating from this clinic, as will the steps forward on gaining access to the identity of their biological fathers, albeit requiring the father's consent, for those born pre-1988.

Again, this bill does not go anywhere nearly far enough. Mistakes which continue to have profound impacts on those born in an era of secrecy and anonymity and also on those who donated during this period and long to know who they may have created will not be redressed by this legislation. It is not fair on the many Victorians who are seeking answers about where they come from. The Napthine government has betrayed donor-conceived people by denying them access to this information and affirming the injustices that currently exist under Victorian law. Members should make no mistake. This bill affects several thousand Victorians. These are real people, and it has been a privilege for me and I know for the member for Ivanhoe, the member for Prahran, the now Minister for Energy and Resources and others to have met those people over the past four years.

I want to relate to the house part of the response of a group of donor-conceived people when the Law Reform Committee's report was released. They sent a beautiful card which has on the front a photograph of them jumping for joy on the steps of Parliament House. The photograph includes Narelle and the card was signed by her. Amongst the words in beautiful handwriting is this:

> You should be very proud of the final report.
> We realise it was a difficult decision for the committee to recommend retrospective legislation.
> Thank you for listening and then acting on what is right and just.
> This report is the vanguard of recognising the rights of people born and to be born from ART.
> I hope you can see what a golden day it was for us to witness the report tabled in Parliament.

Then they quote Cicero:

> To be ignorant of what occurred before you were born is to remain always a child. For what is the worth of human life, unless it is woven into the life of our ancestors by the records of history?

Victoria has always led the way in the area of regulation of assisted reproductive treatment. We on this side are disappointed that the government's bill does not go as far as it should, but, as I stated at the outset, small steps are better than no steps and we will not be opposing this legislation. While we are not opposing this legislation, we will make it very clear, as we have previously but especially on this day of all days, that if we are elected to government in November, we will introduce legislation that ensures that all donor-conceived people have the right to identifying information about their donors regardless of when they were born and whether the donors believed they would remain anonymous. We will ensure that the legislation contains the safeguard of contact vetoes in line with the report of the Law Reform Committee for those donors who do not want contact with their offspring, in recognition of the fact that unwanted contact could well be disruptive to people's lives.

I want to finish by relating the evidence of Lauren Burns to the Law Reform Committee. She said:

> Initially I was told that my donor would have forgotten about me, definitely wouldn't want to know me; in fact, finding out about my existence would have negative impacts and potentially even ruin his life. There is a perception that donors must be protected from donor-conceived people … and the way the debate is framed about potential impacts on past donors suggests the very existence of donor-conceived people is somehow toxic and an embarrassment, which is quite hurtful to us …
>
> After meeting with the then Governor of Victoria [her mother's treating doctor], he agreed to write to my donor on my behalf and in fact my donor responded within days. … Anyway, finding out about my existence didn't ruin my biological father, Ben, and his three children's lives; in fact, they responded in the opposite way to which I had been warned. They were very welcoming and after writing letters and speaking on the phone we all met in person and have been in touch since that day. Before we met I was extremely

> nervous and on the day it was quite overwhelming to be surrounded by people that looked like me. Afterwards I think my overarching feeling was one of relief, relief to finally be able to trace the origins of my looks, personality and interests and this had the effect of soothing the endless whirring of questions which had been like a splinter in my brain.

It is the responsibility of this house today to relieve that suffering. I am eternally disappointed that the government has not embraced this opportunity. As I have stated, Labor will do so if it is elected in November.

Mr NEWTON-BROWN (Prahran) — One of the great privileges of being in this place is that sometimes you get to be involved in something that is really significant. You get to be involved in something that can touch people's lives or even touch just one person's life. In the years of work leading up to this bill the members of the bipartisan Law Reform Committee got to be part of the life of one individual that changed its course in the most profound way. This bill will have similar effects for many other people in Victoria. I am sure I speak on behalf of my colleagues on the committee when I say that Narelle Grech touched our lives and highlighted the humanity that is behind the dry business of law reform in this place. We in turn were able to touch her life in the most joyous but tragic way in the final weeks of her life.

The bill is detailed, and the nuts and bolts are there for people to read. In my contribution I want to speak for a few moments about my personal journey and the effect that Narelle Grech, Lauren Burns and various other donor-conceived people had on me and on the Law Reform Committee. Narelle Grech found out she was donor conceived at the age of 15, and from that age she knew only one thing about the donor: his donor code was T5. She told us she had dreams about this person, wondered what he looked like and kept an eye out for him. She knew only that he was of Maltese origin. When she gave evidence to our committee she pulled out a crumpled piece of paper from her wallet. She carried this around to remind her of him. This piece of paper was not an old polaroid picture; it was just a scrap of paper with 'T5' written on it — that was all she had, it was her only clue. She found that the system that conspired to enforce the laws of the day prevented her from finding or having contact with T5. Her pain was truly palpable.

Her donor was anonymous, as was the practice pre-1988. Her mother was treated at the old Prince Henry's Hospital. Her records had been sealed, and they were unavailable to anybody, including the treating doctor, to retrieve from the Public Record Office Victoria. Just a few blocks from this place, in the Public Record Office Victoria, sat Narelle's file. Within that file was the information about who T5 was. This was a secret that was clearly tearing Narelle's life apart. For literally half her life — 14 years — she had searched for T5. She did endless media, hoping that he might see a picture of her, might recognise her, might get in touch. She did not know if he was alive, she did not know if he was even in Victoria — he might have moved overseas — and, significantly, she did not know if he would even want to talk to her.

No-one would or could do anything to help her access this information. T5 had donated anonymously, and our community thought it was not right that he be contacted to see if he would be agreeable to Narelle getting in touch. Our community thought it would not be right to inconvenience T5 should he not want that contact. Our community thought it might be embarrassing for T5 or that he might have moved on with his life and not want to be hassled by offspring he never knew. Narelle spent half her life searching for T5, but she was sick by the time she gave evidence to our community and her time was running out. At the conclusion of the hearings the committee made its recommendations and tabled a report to Parliament, but Narelle's health was rapidly going downhill. Former Premier Baillieu, the member for Hawthorn, was informed of this unique situation, and to his great credit used the power he had to authorise access to her file in the Public Record Office Victoria. He was the only person in the state who could help her.

Within weeks T5 had been located. T5's name was Ray Tonna. Ray was living in a country town not far from Melbourne and was totally oblivious to Narelle's desperate search for him. It is an understatement to say that the call was a surprise to Ray, but he was over the moon at the news that one of his biological offspring wanted to meet with him. I heard that the first phone call went for hours, and within days they had met. They were rarely apart after that day — an instant bond was formed — but Narelle's health was rapidly deteriorating.

I had the very great privilege of visiting Narelle in hospital not long before she died. Ray was there as well. The joy radiating out of these two was simply dazzling. There was a happy ending to the story, which was looking like it was going to end tragically. The Law Reform Committee had been drawn into it in a way which was deeply personal for all of us. It was tragic, however, to see this beautiful relationship between Narelle and Ray flower for just a few brief moments and then be gone.

Narelle touched many people's lives. The donor-conceived children community led by Lauren Burns rallied around Narelle and played a major part in her achieving her dream of meeting Ray and dying in peace. They were devastatingly effective in the way they kept the pressure on us to make these changes, to make the recommendations we made in the report. At first not one of the five of us on the committee thought it would be right to remove the anonymity of the donors, but after hearing the stories of the donor-conceived children, and indeed stories from many of the donors, it became obvious that that was the right thing to do. We all became fierce advocates for the rights of donor-conceived children. It will probably rate as the most harrowing issue that I and my fellow committee members may ever deal with in this place, but I think it also ranks as probably the greatest privilege of our lives to play a small but pivotal role driving law reform in this area.

This bill provides a framework for all donors and for donor-conceived children to ensure that their donor can be contacted and asked, 'Would you like to meet?'. No-one will ever go through again what Narelle Grech went through. The model that is before this house is exactly the model that worked with Narelle — a third party contacted the donor, the donor was happy to have the contact and the unification occurred with appropriate counselling. That is what this bill will provide. It is my expectation that in the overwhelming majority of cases and with appropriate counselling and support that unification of families and biological relatives will lead to positive outcomes for all. I note that the opposition seeks to move amendments, and I look forward to these being fully debated in the upper house, as is the usual practice.

Mr CARBINES (Ivanhoe) — The Labor Party is not opposing the Assisted Reproductive Treatment Further Amendment Bill 2013. I noted the comments of the opposition lead speaker, the member for Brunswick, who explained very eloquently and succinctly that what we are considering today is a legislative change from a three-tiered system of rights that is unfair to a two-tiered system that remains unfair. Incrementalism is the lot of Labor MPs in opposition. There are limits on what we can achieve, but there are no limits on our advocacy or on our desire for change. There are no limits on people's rights. Conservative parties by their nature want things to stay the same. On this side of the house we hear from those on the other side a lot about the rights of individuals but not so much about their rights in relation to the legislation being discussed and debated in this house on this matter. I believe there is a collection of citizens across the political divide who seek to see equality reign in every facet of our lives. I suspect they do that to give every fellow citizen in our society the same rights and opportunities under the law.

I thank the donors; they are extraordinary people. I thank those from the donor-conceived community who we have met through the Law Reform Committee — which has since been abolished by the government — for their stoicism, grace and humility. The access to and protection of some records under legislation before the Parliament will be of benefit to some in the donor-conceived community. Our advice from discussions with those stakeholders, individuals and people we have come to know so well over the years is to take what wins we can and to press on for lasting change to the law that is truly fair and just for all.

I refer to the ALP platform document entitled *A Safe and Fair Society*, which on page 71 states again what Labor's position is today and what it will remain as we pursue these matters at the election in November:

> Labor believes that all persons born as a result of donor conception have a right to know their genetic heritage. Currently, people born prior to 1998 have no right to identifying information about their donor fathers.

Labor will introduce legislation that ensures that all donor-conceived people have the right to identifying information about their donors regardless of when they were born and whether or not the donor believed they would remain anonymous. We will ensure that the legislation contains a safeguard of contact vetos for those donors who do not want contact with their offspring in recognition of the fact that donors may well have more than one donor child. Labor notes that the legislation proposed by the government does not go that far. Labor is determined to ensure that the unanimous recommendations of the Law Reform Committee that have driven a lot of this work come to fruition in the Parliament.

We can go back to March 2011 and to when the report was tabled in Parliament in March 2012, after close to a year was spent working on it. I quote from the foreword to the report the comments of the committee chair, the member for Prahran:

> The committee unanimously reached the conclusion that the state has a responsibility to provide all donor-conceived people with an opportunity to access information, including identifying information, about their donors.

There were some 30-plus recommendations in the report. I quote from some of the people we met, who through this process provided their personal stories, including Myfanwy Cummerford, who said:

> I felt really disempowered and disenfranchised and I felt like a second-class citizen because I knew that that information

> was sitting in a filing cabinet and I was not entitled to access it. That made me incredibly angry, and still makes me angry today to hear from counsellors that they have got this information and it's on the computer and that my friend Narelle [Grech], who is associated with that clinic, is not allowed to do anything from that information.

We also heard from Ian Smith, a donor, who said:

> One thing is very clear for me. That is that the interest and wellbeing of the children — all of them — are paramount. Regardless of what the legal framework was at the time of my being a sperm donor, I believe that I do have responsibilities to the children born as a result of my sperm donations. At the least, these children have a right to know what my part of the genetic heritage is — more if they want more.

The donor-conceived people whom we dealt with and who provided evidence to the committee are now adults and citizens. They are empowered to act as advocates for their rights, whereas previously, as newborns and as children, they entrusted those rights to be protected and advanced to this Parliament and to those who came before us. We cannot fail them now.

On 5 March 2013, not long after the process undertaken in this Parliament around adoption practices and changes to the law, the Minister for Community Services said in this place:

> We also pledged to amend the Adoption Act 1984 to allow birth parents to receive identifying information about their sons and daughters. We believe a mother should be able to know the name of her child.

And so it goes in relation to the consideration of these matters that the Labor Party has pursued and the changes proposed by the government that do not go far enough. Surely children also have the right to know who their father is.

We have heard much about Narelle Grech and her contribution in pursuing these matters on behalf of donor-conceived people for virtually half her life. I know she is someone whom we are all thinking about today. It took, as we have heard, her extraordinary work and her meeting with another extraordinary person in the form of the former Premier, the member Hawthorn, for her to obtain the information she needed to get closure by meeting her father, Ray. Most of us will not become Premier and most of us will not be as extraordinary as someone like Narelle, but there are many people in this place who work very hard for the voiceless and much more ordinary people in our community who do not have the drive of someone like Narelle or the mindset and ability to resolve life-changing issues like the former Premier.

It is important for us to note other comments from Ian Smith, who was a donor and has made several contributions in relation to the work of our committee. The comments, which appeared in the *Age* are:

> Victoria can be a world leader in taking a compassionate, progressive and rights-based approach to the issue of granting donor-conceived people access to information about their heritage. I hope that Parliament will do just that when it considers how to respond and act on this report.

We remain disappointed at the government's delay in responding to the findings in the committee's unanimous report. It took the introduction in the upper house by Gavin Jennings, the shadow Minister for Health and a member for South Eastern Metropolitan Region, of a private members bill, which was defeated by only two votes, to pressure the government to bring legislation before this house in December last year. And it has taken further discussion, debate and the raising of the issue by members on this side of the chamber to finally have this bill debated — and here we are today, in August 2014.

Not only is it extremely disappointing that we have had to wait so long to debate these matters but it also shows contempt for the many people who have a personal stake in the legislation. Naturally they will continue to pursue the access they seek, which is not fully provided for in the legislation introduced by the government. I am pleased that we are debating this bill today, but I reiterate that the Labor Party is determined to ensure that the same rights apply to all citizens in Victoria. We need to make sure that the changes put forward by the government are not the end of the matter.

We accept that with good grace the stakeholders would like us to accept the government's changes, and we are not opposing them. However, they have also given us great encouragement to continue to pursue a just outcome for all citizens in Victoria to ensure that their rights are no less than those of any other Victorian. This is something we will pursue, not only in this debate and in the debate on Labor's amendments in the upper house but hopefully also in future Parliaments if we are unsuccessful. Labor will not walk away from these issues.

Ms MILLER (Bentleigh) — I rise to speak on the Assisted Reproductive Treatment Further Amendment Bill 2013. We have just heard from the member for Prahran the story of a donor known as T5, Ray Tonna, and Narelle Grech, a young woman desperate to find her biological father before she passed away at 30 years of age. Despite the odds, the former Premier, the member for Hawthorn, allowed this to happen.

The bill amends the Assisted Reproductive Treatment Act 2008 to provide that information relating to donor

treatment procedures using gametes donated prior to 1 July 1988 be included in the central register so that persons born from donations prior to 1 July 1988 can obtain information where available from that register with the consent of the donor and to expand the functions of the Victorian Assisted Reproductive Treatment Authority to provide support, counselling and donor-linking intermediary services to persons seeking information and subjects responding to requests.

Essentially where we are at right now is that a donor-conceived person born after 1998 can access information, a person born between 1988 and 1997 can access information if the donor consents, and a person born before 1988 has no right to access information. The bill looks at the anonymity of donors and the right to know who the donor was for donor-conceived people.

The Law Reform Committee conducted an inquiry into access by donor-conceived people to information about donors, and it released its final report in March 2012. In the final report the committee made various recommendations for establishing a mechanism for donor-conceived individuals to access information about their donors. The committee recommended the introduction of legislation to allow all donor-conceived people to obtain identifying information about their donors, regardless of whether the gametes conceived from donors were donors who had consented. The release of the identifying information about donors who donated prior to 1998, without their consent, would have the effect of retrospectively removing anonymity from those donors.

The committee proposed a model for access to and release of identifying information about donors' priorities and the rights of donor-conceived people to know their identity over the rights of donors to privacy. The release of identifying information about donors who donated prior to 1998 will have the effect of retrospectively removing donor anonymity from these donors, and the impact on the donors will depend on whether or not their donor-conceived offspring seek identifying information, which in turn will depend on whether their offspring know that they are donor conceived and whether they have a desire to obtain identifying information.

Under Victorian law, several thousand children were born before 1988 when fertility treatment was unregulated, and they are not entitled to identifying information about their sperm or egg donor. Those conceived between 1 July 1988 to the end of 1997, as I said earlier, can access this information if their donor consents, while those conceived after 1998 have unconditional access to information about their donors. This is a very difficult decision and we have to find the right balance. What we are trying to do is work towards the right for those thousands of children born prior to 1988 to have the choice to access the information, subject to approval by the donor.

While we have heard a really nice story and outcome about the case of Ray Tonna, and Narelle Grech, I think this bill works towards finding the balance between the rights of an individual and the rights of the donor. As a former nurse in the state of Victoria, I know that we have fantastic healthcare facilities here. We have leading healthcare hospitals, technology and research. In Victoria, Monash IVF was first in the world to achieve an IVF pregnancy in 1973, and I understand the first IVF baby was born in 1980. The other really important thing is that although we need to keep up with technology and the times, we also have to consider the rights of those donors and the people conceived from donors. This bill works towards finding a balance that is right. I commend the bill to the house.

Ms CAMPBELL (Pascoe Vale) — It was interesting to hear contributions from the members for Brunswick, Prahran and Ivanhoe — I will comment on what the member for Bentleigh said in a moment — on the Assisted Reproductive Treatment Further Amendment Bill 2013, and I appreciate the work done by those members on the Law Reform Committee. I congratulate the committee for its work, and I particularly congratulate the members who started with one particular view and then changed their view in relation to access to information for donor-conceived children and adults.

Interestingly, I started my journey towards this Parliament believing surrogacy was the right thing to do. I was lucky enough to have four children, and I could not imagine what it would be like without having the opportunity to mother my children, and for men it would be to father their children. I started off supporting surrogacy, but on the evidence I heard in relation to it I changed my mind. It is really difficult when you approach a topic with a particular point of view to then admit that on the evidence of what happens to the human beings involved in the circumstances you have changed your view.

It must be really difficult for the member for Prahran and other members of the coalition to sit in this house during this debate, knowing that this legislation is profoundly wrong. It moves forward a little, but in essence it is fundamentally flawed because it ignores the reality of the lives of donor-conceived children and

adults. We need to know who we are and where we came from, and our genetic make-up is intrinsic to who we are. Being able to talk to our mother and father and know their histories is intrinsic to who we are.

I am also conscious that in this house and in the other place, and amongst ministerial advisers and public servants, there are people who have donated gametes. They would provide particular advice based on their needs, but given that the assisted reproductive treatment (ART) legislation has always had at its heart the rights of the children, we have got this legislation wrong. When the shadow Minister for Health introduced a bill in the other place, which was ultimately defeated, it addressed all the matters that were raised by the important work of the Law Reform Committee in its inquiry into access by donor-conceived people to information about donors.

I had the opportunity many years ago to meet with people from TangledWebs — it would have been about 2003 — and I also met up with them at the Victorian Law Reform Commission inquiry into assisted reproductive technology. I happened to sit beside a number of people from TangledWebs who were there to put their submissions. The arguments put so profoundly by the member for Brunswick and the member for Ivanhoe were put to the Victorian Law Reform Commission over a decade ago. We as a Parliament have refused to grasp this wonderful opportunity to put the legislation right, and we should be ashamed of ourselves for not doing it correctly. There are modest changes to the ART legislation, but all donor-conceived people deserve the same rights as each and every one of us who is not donor conceived to know our genetic history.

If we look at the Law Reform Committee report, the evidence is there for us to see. The member for Brunswick even went back to Cicero. For goodness sake, it has been a couple of thousand years. If we are still getting it wrong in the Legislative Assembly, then I hope they get it right in the Legislative Council, because there is an opportunity to fix it properly in that house.

The contributions made to date have very much been around donor-conceived children and adults, and, as I said, I support that. But there is an obscure little sentence in reference to a part of this bill in clause 25 in part 3. I suggest that the third-last sentence of the minister's second-reading speech has just been popped into this bill and could in future raise some of the profound issues we are currently seeing played out publicly in the media in relation to surrogacy, gametes and embryo transfer. The third-last sentence of the second-reading speech says:

> The bill will also provide VARTA with responsibility to review and decide applications relating to advertising for egg donors under the Human Tissue Act 1982.

In the 3 minutes I have remaining I will pose some questions that need to be answered, given that we are not going into consideration in detail. These questions need to be asked during the committee stage in the upper house, and we need answers from the minister. I note that section 40 of the Human Tissue Act 1982 makes advertising of human tissue an offence unless the minister gives permission. This bill transfers that ministerial authority to the Victorian Assisted Reproductive Treatment Authority (VARTA). I wonder about this because there is no detail about it in the second-reading speech. Has the minister found the matter to be bothersome, time consuming or too difficult? Is it too bureaucratic? We cannot forget that ova are donated by surgical procedure after a course of ovarian stimulation which at times used potentially cancer-causing drugs. The women who are candidates could well be subject to some very unfortunate incidents.

The questions I want answered are these. What is expected here? Under the Human Tissue Act 1982 will VARTA have the authority to authorise advertisements for donating ova that indicate the payment of compensation beyond reimbursement of expenses, such as compensation for time or hardship? What standards, high or low, will apply to how expenses are to be assessed for reimbursement? Are receipts or other evidence of actual expenditure to be required for the expenses to be reimbursed? Would an in-vitro fertilisation (IVF) team be able to advertise incentives such as earlier or less costly treatment for women on an IVF program who donate some of their ova? Would an IVF team be permitted to import ova from overseas and then advertise a service to supply them to women in Victoria? Would an IVF team be permitted to purchase ova from overseas? Would an IVF team be permitted to charge a fee for the service of importing the ova and making them available — that is, not a fee for the ova but for the service provided?

There may well be simple answers to these questions, but they are questions this Parliament needs to consider in relation to this bill. I will sum up by saying that, in light of the recent extensive publicity about human trafficking and trafficking within the IVF industry internationally, these questions must be discussed by cabinet and answered by the minister in the other place before this legislation is voted on. I congratulate the member for Brunswick, the member for Ivanhoe and all

those who have spoken, whether from TangledWebs or not connected with that wonderful organisation. I feel for the member for Prahran and other members of the coalition who will be asked to vote on a piece of legislation they know is fundamentally flawed. My guess is that members of this house will vote for it, unless they have a bit more strength.

Mr CRISP (Mildura) — I rise to support the Assisted Reproductive Treatment Further Amendment Bill 2013. The purpose of this bill is to amend the Assisted Reproductive Treatment Act 2008 in relation to access to information, including access to information about treatment procedures using gametes donated before July 1988, and to amend the Human Tissue Act 1982 to allow the approval of advertisements for donations of ova to be delegated to the Victorian Assisted Reproductive Treatment Authority.

I was here when the Assisted Reproductive Treatment Bill 2008 came before the Parliament; time flies and things do change a little along the way. This is an important discussion, and I thank the member for Pascoe Vale for summing it up well in her early words. This is about who we are and where we come from, and I think that is a pretty good summary. However, there is a difficult balance when we have to consider issues of consent. That is why we have been through a committee inquiry and are now in the legislative process; we are attempting to do the best we can in this difficult area. As the member for Pascoe Vale said, it is extremely important to those who do not know where they come from, and there has been a lot of debate around that.

The government's response, and the objective of this bill, is to amend the Assisted Reproductive Treatment Act 2008 to provide for information relating to donor treatment procedures using gametes donated prior to July 1988 to be included in the central register and to enable persons born from donations made prior to July 1988 to obtain information, where available, from the central register with the consent of the donor. It expands the functions of the Victorian Assisted Reproductive Treatment Authority to enable it to provide support, counselling and donor-linking intermediary services between people seeking information and people responding to requests for information.

Under the current system, which has been in place since 2008, three separate regimes regulate the access of donor-conceived people to information about their donors. Donor-conceived people who were conceived using gametes donated prior to July 1988 do not have the right to identifying information about donors. Donor-conceived people who were conceived using gametes donated between July 1988 and 1997 can obtain non-identifying information about their donor from a central register and can obtain identifying information about their donor if the donor consents. Donor-conceived people conceived using gametes donated on or after 1 January 1998 can obtain identifying information about their donor from the central register. The changes to the legislative regime reflect changing attitudes to donor conception and the right of donor-conceived people to have information about their genetic origins.

That is very much how we have managed the system to this point. In March 2012 the Law Reform Committee's report on its inquiry into access by donor-conceived people to information about donors was tabled in Parliament. It made some recommendations on the mechanisms for access to information. The committee did recommend legislation, and that is partly why we are talking about this today. It recommended that donor-conceived people be able to obtain identifying information about their donors regardless of when the gametes were donated, where they were donated or whether the donor had consented. The release of identifying information about donors who donated prior to 1998 without their consent would have the effect of retrospectively removing the anonymity of donors, and how to manage that has been the point of much debate on this bill.

The committee proposed a model for access to identifying information about donors prioritising the right of donor-conceived people to know their identity over the donor's right to privacy. The release of identifying information about donors who donated prior to 1998, retrospectively removing their anonymity, would variously impact donors, depending on whether the donor-conceived offspring sought identifying information, which in turn would depend on whether the offspring knew that they were donor-conceived and had the desire to obtain such information. This is getting complicated, and that is partly because of the difficulty of balancing the rights of people who want to know where they come from against the rights of those who made donations in particular climates and based on information given at the time.

It has been a difficult task. Donor views have been sought; there were interviews with around 42 donors who donated prior to 1988, and the views that came back, as you would expect, were mixed. This debate is about what action the government can take to work through this. Based on the consultations and findings and detailed further research in this matter considering

the stakeholders' interests and the human rights impact, the government considers that identifying information should only be released with the consent of donors. To this end, the response in legislation is what we have here today, extending the legislative arrangements currently applying to those conceived from gametes donated between July 1988 and 1997 to donor-conceived people conceived from gametes donated prior to July 1988. It is a difficult balance that has had to be maintained all the way through this legislation.

The information that can be provided about donors is detailed throughout the legislation, which aims to balance these competing needs. This is of interest particularly in relation to information about those who donated prior to 1988, because while it seems like a long time ago in some respects, for most of us here it was not that long ago. The central register records 586 donors affected during the period from 1988 to 1997, and maybe 1000 who donated prior to assisted reproductive treatment legislation in the 1970s and 1980s. There is only extremely sketchy information available as to where those donors are and what information was kept. During that period there was no requirement for comprehensive records, so there will be some challenges in terms of seeking consent or simply finding people. I think this debate will raise the community's awareness of what is occurring. There may well be some people who will reflect on the period prior to 1988, about which there is little information, and who knows what that might bring forward?

However, what we have had to do is weigh up a very difficult issue because most of us in this room probably know where we came from and all of us would have empathy for people who are affected by this and do not have that. We have tried to strike a balance between people's desire to know versus the consent gained at the time. This legislation is another step; in my period in Parliament we have had legislation like this before, and I am sure it will be back again. In the meantime, I wish the bill a speedy passage.

Mr NOONAN (Williamstown) — I have been here for the duration of the debate, and I have to say, particularly after listening to the members for Brunswick, Ivanhoe and Pascoe Vale, that if I had to sum up their contributions broadly, we are looking at a missed opportunity. I would go a step further and talk about a lost opportunity that will not be easily rectified.

The member for Brunswick indicated that we have all have a responsibility. Whether we are in the Legislative Assembly or the Legislative Council we all carry a responsibility, and the longer you are in this place the more you realise just how few pieces of legislation we as members can contribute to that truly impact on an individual's rights in a profoundly positive way and life-changing way. This is one of those moments. It is a missed opportunity. I go back to the very good report of the Law Reform Committee which was tabled in this place in 2012. Members of that committee have spoken in this debate already.

I felt compelled and moved to speak following the tabling of that report. At the time I indicated that the committee needed to be congratulated because it is a wonderfully researched and balanced report that deals with some very longstanding and sensitive issues. I also indicated that it is a near-perfect example of how valuable the system of parliamentary committees can be in helping to shape social policy, and that is what the member for Pascoe Vale touched on. It was very apparent in the member for Prahran's foreword to the report that the most significant thing that happened throughout the inquiry was the shift in views that occurred among committee members. As far as I could gather, the shift occurred because of the evidence received from donor-conceived people, donors, parents, medical and counselling professionals, departmental representatives and academics. As a member of this place it is absolutely appropriate to congratulate the committee and its members on the compassion, goodwill and fair-mindedness with which they approached the terms of reference.

What becomes apparent when you read the committee's report is that there are different rights for donors and donor-conceived people in relation to accessing information that is tied to arbitrary dates based on the year of conception. Others have articulated this on a number of occasions throughout the course of this debate. If the gametes were donated before 1 July 1988, there is no right to access information about donors. We have a situation where those conceived from gametes donated between 1 July 1988 and 1 January 1998 are entitled under law to receive non-identifying information about their donors and, with their donor's consent, identifying information, while those lucky enough to be born after 1 January 1998 are entitled to obtain non-identifying and identifying information about their donors.

According to the committee, this has created a sense of secrecy and trauma for many donor-conceived people. Many examples of that have been shared with members of this place during the course of this debate. The member for Mildura said it is complicated. Yes, the system is complicated, so you have to look elsewhere in relation to making a determination about fairness in this regard. We have a three-tiered system, but if you look

at the principle articulated in the Assisted Reproductive Treatment Act 2008, it states that the welfare and interests of persons born or who are to be born as a result of treatment procedures are paramount. That principle truly shaped the view of the Law Reform Committee's very first recommendation, which was that the Victorian government should introduce legislation to allow all donor-conceived people to obtain identifying information about their donors — all people.

It is important for government members during the course of this debate — and I know there will be speakers after me — to explain to this house why that recommendation was not adopted in terms of the legislation we are debating. If there are answers to that question, they should be shared because that will help inform the debate, it will help contribute to the debate in the Council and it will help those people who have a very personal interest in this legislation to understand why the government has decided to essentially reject that recommendation and formulate its own view on it.

To the committee's great credit, what it did, given the sensitivity of the issue, was to provide an opportunity to members of this place who did not sit on the committee to listen to the views of a number of people who had made contributions to its inquiry. That happened shortly after the committee concluded its work. There were some terrific contributions. I refer to the session I went to, which was attended by Lauren Burns, Narelle Grech, who has been spoken about on a number of occasions during this debate, Kimberley Turner, Myf Cummerford, Ian Smith and Peter Lewis. Each offered their personal story, and I found that session enormously informative. I want to congratulate those individuals who have come forward to share their experiences and help this Parliament determine its position.

What does this bill actually do? It brings the pre-1988 category into line with the 1988 to 1997 category. The Law Reform Committee recommended a version more aligned to the post-1998 model with some important caveats. The contact veto provisions in this bill are similar to those in the Adoption Amendment Bill 2013 that we strongly criticised because they were one-sided and the level of the penalty for breaching them was very high. However, in this bill the contact veto can be put in place by a donor and/or a donor-conceived person, and that is a two-sided outcome.

I am very proud, as are the members for Ivanhoe and Brunswick, of Labor's position on this. Labor has made its position very clear in relation to the rights of donor-conceived people to know their genetic heritage. We made our position very clear on page 71 of our 2014 ALP platform document. The members for Brunswick and Ivanhoe have outlined that position and have even read into *Hansard* exactly what people who have a very strong interest in this issue can expect if there is a change of government in November and Labor is able to form government and present legislation to correct what is wrong with this bill.

It is Labor's intention that we will make this missed opportunity — this lost opportunity — right. We will certainly take the action which I think everyone who contributed to the work of the Law Reform Committee and who has a particular interest in this area expected; Labor will do what was expected would be done. It is just a shame that we are debating this bill, when the opportunity was very clearly there to adopt the recommendations of the committee and to give greater rights to those people who have waited a very long time for those rights to be provided and to make a profound difference to the quality of life of those individuals.

Mrs POWELL (Shepparton) — I rise to support the Assisted Reproductive Treatment Further Amendment Bill 2013. I have listened in this house for a while to both sides of the debate, obviously from opposition and government members. The member for Prahran made a very eloquent contribution. He was the chair of the Law Reform Committee, which would have heard a lot of very emotive stories and experiences. I think he explained the issues very eloquently and identified why he is supporting this legislation and the reason for this legislation.

This is an important bill. The member for Pascoe Vale spoke very emotionally about this legislation; she was saying that it is wrong. With respect, I disagree with the member for Pascoe Vale. I know the member for Pascoe Vale is very interested in this piece of legislation. She has been a member for a long time, she has been on a number of committees and she cares about the reasoning for this legislation. But I think, just as importantly, those on this side have also thought long and hard about the way we are voting on this piece of legislation. I think that when we look at people's rights, as we have been discussing over this time, we have the balance right. We have looked at the rights of those who were donors and we have looked at the rights of those who are the result of those donations, who are now adults and who may be seeking to find out who those donors were, although not all are doing that.

I think we need to make sure that we put it on the table that those of us who are supporting this legislation have also searched our consciences, and we will vote for this bill with a lot of reasoning and a lot of understanding of

the personal stories that have been given to the committee. We also hear the stories and what is going on in our electorates. I am very pleased to support this legislation, which I believe gets the balance right — the balance of people's rights.

The purpose of this legislation is to provide information relating to donor treatment using gametes prior to 1988. There has been a discussion about that date, but in reality those people who gave donations prior to that date did so with the full understanding that they would be anonymous. Had they not be given that understanding, would they have donated? I think you cannot say that the children of those donations are entitled automatically to that information, but this bill says that they can have that information with the consent of the donor. And I think that is where we get the balance right, because this information could change people's lives for better or for worse.

We have heard a number of stories where that experience of finding out who the donor was has been a very positive experience; we also understand that there are some who have not had positive experiences. It is important to understand that those people may have their lives destroyed: they may have moved on with their lives and they may not have told their families if they have moved on and had families that in fact they gave a donation before 1988. Some recipients — some of the children from those donations — may not want to know. They may be of the understanding that they are with their parents now and they do not need to know.

This bill provides that, with the consent of the donor, a donor-conceived person who was conceived before 1988 can record information on the voluntary register, which also records personal information voluntarily lodged by donors. The bill also provides for the exchange of information about hereditary or genetic diseases which could affect a donor or a donor's offspring. Again, this reform provides an important safeguard. Sometimes when we visit a doctor we are asked a question that we are all asked at some stage if we have something wrong with us: is there a family history of this disease or of this condition? Those who do not understand or do not know who their parents are may say that they do not know, and in some ways that might be a disadvantage to them. This bill introduces a provision that enables health information about genetic or hereditary conditions, diseases or illnesses to be disclosed and exchanged between donors and their offspring and between donor-conceived siblings.

Clause 68C of the bill provides that information can be disclosed if a doctor certifies in writing that the disclosure is necessary due to a life-threatening condition or to warn a person to whom the information is to be disclosed about the existence of a genetic or hereditary condition that may be harmful to that person or that person's descendants. That is important, because people want to know about their health history, and this bill provides that safeguard. The bill provides access to health information and means that people can be alerted if there is a history of a particular condition in the family that those people need to be alerted to.

Members of the opposition have said that donor-conceived people who were born before 1988 cannot find out the identities of their parents. As I said earlier, this bill provides a safeguard that if a donor-conceived person was conceived, or a donation of gametes was made, before 1988 then, with the consent of the donor, donor-conceived people can have access to such information. This is really important because we need to protect people's rights to privacy. We need to protect people, but we also need to ensure that the donor's experience is a good one as well as the experience of a child of that donation.

The bill also provides for the counselling of those who seek information about a donor. Those people will be counselled about what may happen in terms of the impact the disclosure may have on their lives. Obviously finding out that information could be a big event in their lives. Going back into history can take some time, and the consequences may not be what people expect. Such experiences do not always end up being as wonderful as people would expect, so the bill provides that counselling will be made available to donors and donor-conceived people who decide to give that information. These safeguards are necessary so that people understand what the repercussions may be.

The bill also allows for counselling to be provided to the families of donors and donor-conceived people. That is also important, because these matters do not only affect the person who made the donation before 1988, so the bill also provides for counselling of those people's families. If a person someone does not know about comes into a family, then people need to have information, support and guidance. Someone cannot just come into a family and change that family's balance. People in these situations need to understand that these events can change their lives. I am referring not only to the lives of donor-conceived people but to the lives of all people involved. As I said earlier, sometimes people find the experience to be wonderful, and we can only hope that it is, but other people's experiences are not so good. I have heard a couple of stories of where the experience of finding a donor has

not been as good as the donor-conceived person wanted it to be.

One of the other safeguards provided for in this bill concerns the destruction of records. The destruction of records about donor treatment procedures will now be an offence. It is an offence post-1988, but this legislation provides that the destruction of records that are in the public sphere relating to procedures carried out before 1988 will also be an offence. The second-reading speech and the background briefing notes discuss these issues, in particular that the keeping of records prior to 1988 was incomplete, inaccurate and lacked information. We need to ensure that if a person wants to have access to such information, that the information is accurate and complete so that the people who want that information do not seek it for many years only to find out that it is wrong.

This bill addresses a number of issues, and I believe it gets the balance right. Many of us looked at the issue of whether a donor-conceived person born before 1988 should have a mandatory right to have access to information about a donor. Their rights must be balanced with the rights of donors who made their donations prior to that time and who had understood that their donation would be completely anonymous. As I have said, people have donated for many reasons, and those reasons need to be protected, acknowledged and valued. This bill achieves the right balance. The bill provides for protections that are needed, and I wish it a speedy passage.

Mr MADDEN (Essendon) — It is interesting that whenever members of this chamber talk about matters of life and death, in whatever shape or form, the big, profound questions always arise. There are often emotional debates during which earnest contributions are made. I recognise that, and I welcome the contributions from members that we have heard in the chamber today. My intention is not to go too deeply into this bill in terms of emotional issues; however, I will touch upon what the bill represents in terms of the way our lives can change and society can change across the path of 30 years.

In the early 1980s I travelled overseas. Like many of my contemporaries, I did so on the cheap by backpacking. In those days it was expensive to travel to Europe, but there were a lot of Australians and New Zealanders in that part of the world. I met a number of people at sporting events and while eating and drinking before and after those events. They were good times, but you would meet a number of people who were backpacking for a long period of time not only on the cheap but as cheaply as they could — on the ultra-cheap.

I remember speaking to one gentleman while having a drink at one of these get-togethers after some sporting event. He said he was raising funds to continue his travels around Europe. He told me that he did so in a number of ways. If he could not find a job, some of the ways he raised funds included signing up for medical experimentation, donating blood in places where you could be paid for it and becoming a sperm donor. We were quizzical about his situation, but he was legitimate. He had given the matter a great deal of thought. At that time — in the early 1980s — his sense was that because he could donate sperm anonymously in that part of the world, he was happy to do so to raise funds in order to continue his travels. He was a young man and he may not necessarily have thought about the detail, as often young men do.

What is interesting is that over the last 30 years we have learnt that donor situations are very different not only for the people who are conceived through assisted reproductive technology but also for the donors. We need to consider the implications on the lives of donors. In that period of time we have also learnt that medical researchers and we as a community look differently on the way people's lives unfurl. Often people have views about nature and nurture — that is, a lot of what you become is through nurture rather than nature. However, genetic research has made some discoveries that affect us as a society and as a community. I have followed these issues closely, particularly the research conducted around twins.

People might have thought that certain conditions and events happen in the lives of particular individuals because of the environment in which they are placed, such as illness and changes in their lives. It has been found that, although such events are not preordained, to some extent a person's genetic make-up determines part of their life. This is not an argument about predetermination in people's lives, but I remember seeing a television series some years ago about a study of twins.

The series referred to a pair of twins in America who had been adopted at birth to separate parents. The program showed photographs of the twins taken about the same time but on different sides of the continent. They each had a blemish — I think it was on their cheeks. The blemishes only lasted for two days. If you or I had a blemish, we might think we may have had too much chocolate or that we might be a bit tired or that it may have originated in some other way. These twins had almost identical blemishes on the same parts

of their faces at the same period of time, and then those blemishes both disappeared. What that reinforced in the research of twins is that what we think is caused by the environment is often preordained by our genetic material. The consideration of how that impacts on illness in our lives, particularly profound illness, is very significant.

It is an interesting concept shown by research in recent years that, just as there is the concern that women have a body clock in terms producing children, men are also believed to have a body clock — that is, the later you are involved in the conception of children, the elements of the genetic material passed on may have signs of deterioration. These deteriorated elements may not present immediately when the child is born, but over the life of a child, particularly as they get older, they may be more prone to certain illnesses because of them.

We are now coming to terms with the idea that the genetic make-up of people is not something that is manufactured or imprinted and stays the same from the day it originated. It actually, in a sense, has a life of its own and impacts on the lives of the individuals it creates. We have come to understand how important it is for a person to be able to draw upon the information in their genetic material and to know about those who provided that genetic material and how that will determine their life: the rollout of their life and the way it affects illnesses, other health consequences or luck. Some may describe it as luck, but it is predetermined because of that genetic make-up, in a sense.

The world has changed in 30 years. In the 30 or 40 years since assisted reproductive treatment commenced we have developed a different view of the science and how genetics affect the way in which people's lives eventuate. We also have a different idea of the responsibilities that come with the regulation and control of genetic information and the need for people to understand how genetic make-up may affect or not affect their lives. This is a very important bill because it provides individuals with access to genetic information, if not for a personal attachment to the people they need to come into contact with but for medical reasons alone — that is, it is the ability to access the information around their genetic make-up that forms them and their existence.

As we do on many occasions, we have a profound piece of legislation in this house. This bill is extraordinarily profound in the sense that, for the individuals who need to access their records — even if they do not necessarily need to access them now, they may want to do so some time in the future for whatever reason — it can have an enormous impact on their lives. I hope that those connections people make are positive, but I am sure that will not always be the case, as we have heard from other members of the chamber. However, this will nonetheless make a very significant difference to people's lives. I hope this legislation continues to contribute to people's wellbeing throughout their lives, and I look forward to looking back in years to come and seeing the good work that this legislation will have done in contributing to improving people's lives. It is not often we get a chance to look towards something like that, but hopefully we can say that this will be the case with this piece of legislation.

Ms RYALL (Mitcham) — I rise to speak on the Assisted Reproductive Treatment Further Amendment Bill 2013, which amends the Assisted Reproductive Treatment Act 2008. At present the system has three separate regimes regulating access to information for people who are conceived as a result of a gamete donation. Those conceived prior to 1 July 1988 do not have the right under the existing framework to identifying information about their donors. Those who were conceived with the use of a donated gamete between 1 July 1988 and 1997 can access non-identifying information about their donors and then further identifying information if the donor has consented. People who were conceived as the result of a donated gamete from 1 January 1998 can get identifying information about their donor. Obviously the situation for each group is quite different as each is based on different time frames, and as time has changed so too has the way records are kept and information is made available. What this bill seeks to do is extend that central register to include information relating to donor treatment procedures for those people conceived as the result of gamete donation prior to 1 January 1998.

The bill enables people conceived as a result of a donated gamete to get that information from the central register with the consent of the donor. It also enables the Victorian Assisted Reproductive Treatment Authority to provide counselling support and donor-linking services for someone who might want to find out about their donor or indeed for a donor who may want to find out about those conceived as a result of their donation. Prior to 1 July 1988 there were no specific requirements about record keeping for donor procedures that occurred in Victoria.

As a result of that, information is patchy and in some instances is not available, and this also poses problems about the accuracy of information. Where those records are available, providers of assisted reproductive technology services and the Victorian Registry of Births, Deaths and Marriages will create entries in a retrospective manner and insert that information into

the central register. For donors who have received an application to the register, they will be able to provide consent for disclosure of identifying information and give relevant information that is more contemporaneous. For donor-conceived people this bill will make it a more simple and straightforward process to navigate the system. Donors can also be contacted with regard to a request on a consent that they might have received from the registry of births, death and marriages in response to an application.

Other members have touched on the important issue of getting the right balance regarding the rights of individuals. I know there are many people who may have donated back in their university days on the basis that their identity would never be disclosed. As an individual I have been impacted by the surprise situation — not an unwelcome one in our family's situation — of finding out about an additional sibling, and I know the impact it can have on a family when something out of the blue comes up. I also know the impact it can have in circumstances where the family framework might not be as sturdy as mine was in that instance. It can certainly create an enormous amount of turmoil, upheaval and distress.

A person may have absolutely wanted with all their heart to do something good but also wanted to maintain their anonymity. It is important to consider the donor's rights in this instance but also notice and be absolutely certain of the rights of the individual child who was conceived as a result of that donation. It is important to note the safeguards in terms of any hereditary or genetic diseases in the bill. In an instance where it will save a person's life or warn them of the existence of a genetic or hereditary condition that may be harmful, there is the opportunity for a registered provider to disclose that medical information. It does not identify the person, but it gives the donor-conceived person very important information in relation to siblings or parents who might have had particular diseases. The provision making that vital information available to the person is a very important part of this legislation. I commend the committee on the work it did, and I commend this bill to the house.

Mr WYNNE (Richmond) — I rise to make a contribution to the debate on this important and welcome change to the rights of donor-conceived children. In doing so I acknowledge the work of the Law Reform Committee, which the member for Prahran chaired. There is a long history of parliamentary committees in this Parliament, and it bodes well for the work of our parliamentary committees when they work in a bipartisan way, particularly on often quite difficult and complex social issues where over time challenges have emerged that were not intended in the original framing of the legislation, such as the legislation around donor-conceived children. This is a welcome addition to the public debate. I will come back to a couple of the recommendations of the bipartisan committee which were not adopted, but nonetheless I readily acknowledge that this is an important step forward.

My association with this issue is somewhat tangential, but nonetheless it picks up some of the commentary from my colleague the member for Essendon. Certainly when I was at university my friends and I talked about these issues. One of my colleagues, who was a scientist, was deeply engaged and interested in the whole question of sperm donation to a program not only from a scientific point of view but also for the social good that his donation would obviously make to an infertile couple. Indeed he was a sperm donor for a number of years. The legislative framework at that stage of course provided that his donation to the program was anonymous, and at one level he was obviously attracted to that.

He had two streams to his motivation to be involved in the program: from a scientific point of view and from a socially responsible point of view. He had no expectation that there would be any form of engagement whatsoever with any child that was born through this program, and as far as I am aware he has not been contacted. Indeed up until now there was no possibility of contact being made. Things of course have moved on. It is now more than 30 years later. There has been a maturation in community understanding of these issues, and successive governments have sought to respond to these emerging issues.

As members know, currently there are three groups of people in the donated gametes program. A person born before 1 July 1988 has no right to any information about his or her donor. No legislation was in operation then. As I indicated, donors were promised anonymity by medical staff, and up until now the legislation has not changed for this group. The friend to whom I have referred was in that cohort of donors. Any child who may have been the product of his engagement with the program would find themselves in that circumstance.

People conceived from gametes donated between 1 July 1988 and 31 December 1997 can access identifying information if the donor consents, but if the donor refuses to give consent or cannot be located, the donor-conceived person can obtain only non-identifying information. There is a third tranche of people who were conceived from gametes donated after

1 January 1988. They have unconditional access to identifying information about their donor once they are 18 years of age. Since that date donors have been required to consent to make identifying information available.

This is important for a range of reasons. Members will recall that we had a very significant debate around the Adoption Amendment Bill 2013, which included an identifying regime that was very much one-sided whereby a child but not the parent could veto the right to gain access. This bill provides that a contact veto can be put in place by the donor and/or the donor-conceived person — that is, there is a two-sided opportunity.

The view is that there are important differences between the Adoption Act 1984 and the bill that is before the house. That tension between the parallel regimes is unfortunate. As I understand it, it does not accord specifically with the recommendations of the bipartisan Law Reform Committee. Nonetheless, I accept that the bill is an important step forward, particularly for those people who were born under the pre-1988 regime. For a range of reasons they may find themselves needing to access medical records or to understand the potential for the passing on of particular but very serious diseases which are transmitted genetically through families. I know that for those people this is an important issue. They are now obviously well into their middle years, when sometimes some genetic illnesses manifest themselves. I am reminded of the situation of women for whom the breast cancer genetic concern passes through generations. It is an issue my own family has confronted. It would be important for a woman to know that within her genetic make-up there may well be this issue, and being able to access that information is important in that context.

Everybody should be brought under one regime so that one group of people is not excluded due to the historical development of these fantastic medical breakthroughs which have brought so much happiness and comfort to people who could not otherwise conceive children. There should be equality between people who were conceived under the pre-1988 program and those who were conceived later. A more contemporary interpretation of the whole program is a very important breakthrough. It is unfortunate that the veto issue, which was addressed by the Law Reform Committee, has not been adopted as recommended by the bipartisan committee. Nonetheless, I commend the bill as an important step forward.

Mr THOMPSON (Sandringham) — I am pleased to join a debate on a very important issue. In 1980 a keen-minded student at Monash University wrote a paper about AID (artificial insemination by donor). The topic was 'The right to information concerning biological origin as it affects adopted children and children conceived by AID'. The object of the paper was to examine whether adopted children and children conceived by AID have a basic right to information concerning their biological origin. The paper considered whether the rights established should be given paramountcy over the rights and interests of other parties to the adoption triangle. The paper discussed the right of the child not to be deceived, the right to information concerning genetic inheritance, and the psychological needs of the adoptee in relation to the sometimes competing rights and needs of adoptive parents and natural parents.

At the time, medical practitioners were of the view that the anonymity provided to donors was a key issue as it may have impacted upon inheritance, property rights and other factors. Commentary was made also by a number of experts of the day that there was a looming issue for which at the time there were no advocates. In the case of adoption, there was a view initially, in the 19th century and early 20th century, that it was in the best interests of the child for there to be a birth record which showed only the names of the adoptive parents, not the natural parents. It was a sealed record.

Victoria was comparatively late when in 1928 it introduced its adoption legislation. Owing to the welfare conditions at the time, the majority of members of Parliament regarded it as being in the best interests of the child for there to be this aspect of anonymity. In the debate at the time one member, Mr McFarlane, the then member for Brighton in this chamber, questioned whether that would be a constant interest. He posed that circumstances and conditions could change. As with the case of adoption, where people sought to ascertain their genetic inheritance and their siblings, if they had any, a body of opinion was developed gradually. Where people wanted to know for reasons of identity, for reasons of medical history and for reasons of understanding who their siblings might be, there was a strong desire to have good records kept that might enable the truth to be established in the fullness of time.

The 1980 paper provides a number of recommendations for change. It includes a quote from an article entitled 'Social and Legal Aspects of Human Artificial Insemination' at pages 881 and 882 of a 1965 *Wisconsin Law Review* that reads:

> Legislative inaction with respect to AID is likely to continue. There is no politically significant stimulus to act.

The 1980 paper notes about Jigsaw, a group that was working in the realm of adoption rights, that:

> As the practice of AID increases, it is possible that an electoral lobby group similar to Jigsaw may apply the necessary political pressure in a few years time.

That day has come. It should be noted that a number of writers of the day said there should be a system of records being kept in the offices of city health departments. They were to be kept strictly confidential. No person was to otherwise have access to them, but the record keeping was a fundamental part of the process.

Regrettably such record keeping was not undertaken, but numbers of practitioners of the time revealed it as being a feature of the service they provided. Those records were destroyed so that claims could not be made against donors. Medical science has come a long way and has provided great hope to many infertile couples who would not otherwise have been able to have children. Progeny were born as a result of scientific work. That work occurred parallel with changes taking place in adoption law, so donor-conceived children have also sought to gain access to information about knowledge of paternity, or, as the case may be, maternity, to give them an understanding of who they are as people.

Writers and authors have speculated as to what it means to an individual when they do not know their genetic inheritance, and the questions have been pondered in a range of different contexts over the last 500 years, including the English literature of Charles Dickens and Emily Bronte, and Conrad's character Razumov. It is interesting to explore it, but now rather than those questions arising and being posed through literature in relation to the circumstances of adoption, we have a challenge before the chamber that has been pre-empted in the minds of some academics and students as to what the fundamental rights might be for children conceived through the process of artificial insemination or the use of donor gametes.

Previously records were not kept, and that has been deleterious to the aspirations and horizons of many people. Medical practitioners can determine their recruitment basis in the case of donor numbers from Monash University medical students in the late 1970s, and if the extent to which that information can be reconstructed and drawn together provides a pathway for understanding for people, then this chamber will be doing a good thing to facilitate access to wider knowledge and understanding. The legislative reforms that have taken place have confined it to non-identifying information, but this will be a continuing challenge for the legislature as people seek to gain an understanding of what in the minds of many is a fundamental right — that is, the right to know their genetic inheritance.

Competing rights between the relinquishing parent, the adoptive parent and the child were evaluated and analysed in the adoption debate, but those rights can change over the course of time. Historically a number of recommendations have been made, and if they had been implemented, we would not be confronting some of the circumstances that this chamber is required to consider today. Science has moved ahead of the legislature and the power to intervene.

I started my contribution by referring to a paper about AID and I will return to it. For 50 years adoptees in England were denied access to their original birth certificates. It was believed that this was in the best interests of the parties to the adoption triangle. Research into the effects of adoption practice on adoptees formed the basis for subsequent legislative amendments. Legislation should be based upon enlightened insight emanating from careful, planned research and also reflect social change. Social researchers in the paper categorised why adoptees want to know about their background, but the same argument can be applied to children conceived through AID. The headings of one study include one of those reasons as 'identity'. One adoptee responded that:

> I would like to know who I am — in what circumstances I was conceived and born. How my mother coped … Not knowing is absolute frustration. Being an adoptee has left me with a certain insecurity.

The study referenced a paper entitled *Inside, Looking Out of Adoption* by M. M. Lawrence, which states:

> The anonymous child has no point of reference to identify with or against. He is as one adoptee said, 'always out of context'.

The notion of 'a right' is another category adoptees had in relation to aspirations to know their genetic inheritance. Respondents said things like, 'It is a natural birth right', 'I feel it is a normal, basic thing to want to know' and, 'It is a basic human right'. Another aspiration of adoptees was to meet their biological parents. The study says:

> Five people in the study were motivated by a strong wish to meet a parent or parents.

One respondent said:

> I would like to find them both. Perhaps to find the parents I never had.

Another said:

> I wanted to find someone to whom I could relate emotionally.

A number of other people wanted to find out who their parents were out of plain curiosity. One person noted:

> I don't want a mother — I already have one.

People had multiple reasons to find out about their background, including a desire to trace their ancestry and medical problems and, in the case of adoption, establishing the reason for relinquishment. The study also provided an understanding of the chronology of developmental stages when these questions arise. We are considering very important matters in this bill today and I trust we get it right.

Mr PALLAS (Tarneit) — I too rise to speak in support of the Assisted Reproductive Treatment Further Amendment Bill 2013. From the outset it is important to indicate that the Labor Party supports as a fundamental principle a child's right to access information about where they came from. Not only have recent events and scientific advances made that increasingly and compellingly important, but I think our sense of self and ultimately the need for the law to catch up with our changing values and priorities in the community are critical.

The Law Reform Committee examined this issue over two parliaments. An interim report was tabled in 2010 and the final report was tabled in Parliament in March 2012. The key recommendations that were dealt with go to donor-conceived people accessing and identifying information about their donors.

We believe the current three-tiered system of access to information under the Assisted Reproductive Treatment Act 2008 is unfair. The right to access donor information should be consistent and is important, and it should not be based on when somebody was conceived. Historically there are a series of competing views about the rights and entitlements of donors. However, we are talking about the wellbeing of individuals who had absolutely no say in the commitments given to donors but who now confront critically important issues in their lives. Government has to be not only cognisant of the wellbeing of these individuals but should also make the paramount interest of the child an unimpeachable principle. This should ring loud and clear.

We believe the recommendations of the Law Reform Committee report entitled *Inquiry into Access by Donor-Conceived People to Information about Donors* — unanimously endorsed by its members when it was released in March 2012 — should be implemented. The idea that you can have tiers of entitlement and rights under Victorian law has major flaws not only in terms of equity and propriety but also by not putting first and foremost the interests and wellbeing of those who had no choice in the timing of their birth. Their interests should be paramount.

The interests of a person conceived from gametes before 1 July 1988 should be paramount. Currently they have no information about their donor as there was no legislation in operation at the time and donors were promised anonymity by medical staff. Up until now the legislation has not changed this. Under the second tier a person conceived from gametes donated between 1 July 1988 and 31 December 1997 can access identifying information about his or her donor if the donor consents. If the donor refuses to give consent or cannot be located, the donor-conceived person could only obtain non-identifying information. Under the third tier a person conceived from gametes donated since 1 January 1998 has unconditional access to information about their donor once they turn 18. From that time donors were required to consent to make identifying information available.

The idea that the entitlements of some individuals are subsumed by the entitlements and rights of other individual donors, as if it were an issue of contract law, is dangerous and could be damaging in the long term to the wellbeing of those who had no say in it. In many cases they are now adults with rights and entitlements that should be respected and properly managed and which should not be seen as subservient to or subsumed by others. The Law Reform Committee examined this issue over two terms of government. The committee made a range of recommendations in its March 2012 report, and the key one related to giving all donor-conceived people access to identifying information about their donors. The member for Williamstown has referred to the foreword of the report written by the chair of the committee, the member for Prahran, in which the member proposed the following questions. Should a donor-conceived person have the right to access information about his or her donor? Should a donor-conceived person have this right even if the donor was assured that he would remain anonymous? What role, if any, should the state of Victoria have in facilitating access to information about the identity of parties to donor-conception?

The committee was of the chair's view that providing all donor-conceived people with the opportunity to access identifying information regardless of the date of conception is consistent with the first guiding principle found in Victorian legislation regulating donor

conception and that that should be the unifying and unqualified principle by which law is dealt with and legislation goes forward. The Labor Party agrees with that. We believe that the member for Prahran was right as chair of the committee in asserting that the three-tiered donor-conceived strategy is flawed, will ultimately lead to injustice and in many cases deals with individuals as if they fall into separate categories of rights and entitlements when they themselves were never party to any such arrangements. The state should recognise donor-conceived people as a homogenous group with comparable rights in its dealings with them. To subsume their rights by any quasi contractual or even pre-existing legislative scheme of entitlements is not only unjust, it is inequitable and ultimately could lead to human tragedy on a profound scale.

The bill that we are debating brings the pre-1988 category into line with the 1988–89 categories. To the extent to which it makes improvements in the tiered arrangements, it is to be welcomed. However, the Law Reform Committee recommended legislation more aligned with the post-1998 model, with some important caveats. The contact veto provisions of the bill are similar to provisions in the Adoption Amendment Bill 2013, which as a party we strongly criticised for being one-sided. In effect those provisions said that the child could have a veto but the parents could not, and in the case of that bill, the level of penalty for breaching was too high. In the bill before the house what we now see is that there is an increasing recognition — in fact a predominance — by a donor and/or a donor-conceived person of the entitlements and the rights of donor-conceived individuals. There is a need for consistency.

The view is that there are important differences in the two landscapes. I continue to struggle with the idea that through a legislative scheme we can create such a disparity in classes of entitlement when the paramount consideration must be the rights and entitlements of the children who are the product of donor conception. I understand that that may cause some difficulty to those donors who entered into arrangements which are different from those that the legislative scheme now produces, but the rights and entitlements of the donor-conceived individuals are more important and should be accorded that weight in legislation. With those concerns, I nonetheless wish the bill a speedy passage.

Dr SYKES (Benalla) — I rise to contribute to the debate on the Assisted Reproductive Treatment Further Amendment Bill 2013. This is one of those debates that brings out the best in people, in that people reflect on their experiences, think deeply about the issue and put forward their arguments often with an element of passion and tinged by personal life experiences. In my case I have a background in assisted reproductive technology from a veterinary point of view and have been heavily involved in this area for over two decades. Interestingly, a lot of the technology that was developed in animals, particularly in cattle, is now applied to humans. One of the leading scientists in this area was Professor Alan Trounson, who did a lot of his initial work with cattle so I have a professional and personal interest in its development.

Many of the very complex challenges technically and scientifically that first confronted us have been resolved. But as this debate indicates, the social and psychological issues which had less emphasis at the beginning are clearly no less important, and the resolution of them is as or more challenging than the resolution of the scientific and technical issues. This bill attempts to address the balance between the rights of the donor and the rights of the child. The name of the bill highlights that this will be ongoing, because it is called the Assisted Reproductive Treatment Further Amendment Bill. In other words, with the passage of time, with further reflection and looking more and more at the issues there will be a need for further amendment. We have got to that point on this occasion and the issues are being addressed by the house.

Like the member for Richmond, I have had experiences with a friend of mine, who in the early days was a donor of sperm for assisted reproductive technology. I respect his right to remain anonymous, as per the circumstances that prevailed at the time that he donated the semen. The bill retains that right but provides for disclosure of identity subject to donor approval. Linked with this is sticking to the arrangements that were in place at the time, when a donor went into the situation knowing that his anonymity would be assured. The usual practice is that you make decisions based on your knowledge at the time. With the passage of time it is not unusual for legislation to change in a general sense as more information becomes available, but what is unusual is for legislation to be changed retrospectively.

A basic principle in changing legislation is that there needs to be a very good argument for changing something retrospectively. The case has been argued and as a result of that a decision has been made by the minister and the government to provide for revelation of the identity of the donor where that donor consents. That said, there is a provision that if the revelation or disclosure of this information is necessary to save the life of a person or the existence of a genetic condition might be harmful to that person or their descendants, then for those reasons it is appropriate to override the

rights of the donor and further enhance the rights of the affected individual.

The other part of this bill which is very important is the provision for counselling of both parties as they grapple with these very difficult decisions. If I had been asked 10 years ago about my attitude to the need for counselling, I would have said, 'Suck it up, Princess. Make a decision based on the facts before you and get on with it'. I now realise that the emotional and social implications of making decisions like these need to be addressed, and to that end it is very important to put in place counselling services to support the decisions of children born from this technology to ask the question and the decisions of donors whether or not to provide the information. It is very important.

I know my colleagues have come to realise how many people — and these are normal people — need assistance and benefit from that assistance in making difficult decisions, particularly as we have gone through the tough times of the last decade or so. The need arises either because of a lack of structured thought processes in normal situations or at other times when they are under stress. Obviously this is a case where professional support makes the decision easier, even for a person with normal or good decision-making processes, in dealing with something as emotionally challenging as this.

I realise that we are about to finish up for lunch. In my opinion, this bill has addressed a complex issue. We have the balance right and, that said, we need to continue to monitor the implementation of the changes and modify the legislation further down the track if necessary. At this stage, however, the balance is right, and I commend the bill to the house.

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

Business interrupted under standing orders.

RULINGS BY THE CHAIR

Imputations and personal reflections

The SPEAKER — Order! I have reviewed the members statement made this morning by the member for Bellarine. Standing order 118 is very clear that imputations against a member cannot be made other than by substantive motion. While members statements are wide ranging, it was not appropriate for the member to use a members statement in such a way and was out of order.

ASSISTANT CLERK COMMITTEES

The SPEAKER — Order! I take this opportunity to congratulate and thank Anne Sargent — I am going to embarrass her terribly. Anne is leaving the Legislative Assembly after 20-plus years.

An honourable member interjected.

The SPEAKER — I know; I do not believe it either. I would like to thank Anne for the professionalism she has shown in all the roles she has held, for her warmth and, most importantly, for her welcome smile. The Legislative Council's gain is very much the Assembly's loss.

Honourable members applauded.

QUESTIONS WITHOUT NOTICE

Ann Nichol House

Ms NEVILLE (Bellarine) — My question is to the Minister for Environment and Climate Change. Last Friday the minister signed an order to revoke the reservation for the Crown land on which Ann Nichol House aged-care facility sits. This reservation has existed since 1993 to ensure that this land would only be used for health and social welfare purposes. Can the minister explain to my community why he has removed this protection and why he has arrogantly dismissed the wishes of more than 1300 Portarlington residents without any explanation?

Mr R. SMITH (Minister for Environment and Climate Change) — Ann Nichol House is a nursing home that was under the management of Bellarine Community Health, which is a stand-alone community health provider and not a Victorian government agency.

Mr Andrews interjected.

The SPEAKER — Order! The tone and language of the interjections from the Leader of the Opposition are not acceptable, and I ask him to desist.

Mr Merlino interjected.

The SPEAKER — Order! The member for Monbulk!

Mr R. SMITH — My understanding is that Bellarine Community Health made an operational decision based on its financial viability. As the minister responsible for the administration of the Crown Land (Reserves) Act 1978, I was required to grant permission for a current leaseholder to transfer that lease.

Mr Andrews interjected.

The SPEAKER — Order! The Leader of the Opposition!

Mr R. SMITH — I am informed that the Minister for Health supported the proposal that was brought forward by Bellarine Community Health.

Ms Neville — On a point of order, Speaker, I ask that the minister be relevant to the question. This is about explaining to the community why a reservation that has been there since 1993 for health and social welfare was removed by the minister last Friday without consultation.

The SPEAKER — Order! I believe the minister was being very relevant to the question that was asked.

Mr R. SMITH — The Minister for Health supported the proposal that was brought forward by Bellarine Community Health. As part of the process, the revocation of the land followed. I point out that under the former commonwealth government and indeed the former state Labor government there was no substantial capital investment made in Ann Nichol House over the 10 years they were in government.

Malaysia Airlines flight MH17

Ms MILLER (Bentleigh) — My question is to the Premier. On this national day of mourning, how is the Victorian coalition government helping to remember the Victorians lost in the Malaysia Airlines flight MH17 tragedy?

Dr NAPTHINE (Premier) — I thank the honourable member for her question. On 17 July Malaysia Airlines flight MH17, en route from Amsterdam to Kuala Lumpur, was shot down over eastern Ukraine. The whole world was shocked to find that all 298 people on board — 283 passengers and 15 crew — were the innocent victims of a heinous criminal act. Thirty-eight of those who lost their lives called Australia home, and 17 were from Victoria. Today has been declared a national day of mourning to recognise the significant loss of lives from Victoria, Australia and across the world.

As Premier of Victoria I was honoured and privileged to attend today's national memorial service at St Patrick's Cathedral along with the Leader of the Opposition, the Governor-General, the Governor of Victoria and other governors, the Prime Minister, the federal Leader of the Opposition, other premiers, religious and community leaders, and other members of this Parliament.

Particularly we were pleased to join with over 160 family members who were mourning their loved ones. There were over 1800 people in the cathedral, and those mourners were supported by thousands across Australia through the live coverage of what was an important and very emotional multifaith memorial service.

I want to acknowledge the wonderful and moving tributes paid by the Governor-General, the Prime Minister and the federal Leader of the Opposition. Their comments in general reflected on the lives and contributions of those who lost their lives — positive contributions to their families, to their communities, to Australia and to the wider world. They also spoke of offering great comfort, support and prayers for the families who have lost loved ones and offered on behalf of all Australians our support to those devastated families and communities.

All three speakers also spoke of the power of love and the power of good in the world to help us deal with this sort of adversity and enormous loss and reflected on the comments of many of the family members who have lost loved ones and who have made positive comments about the power of love, the power of good in the world and the need to take some of the most horrific circumstances they face in this tragedy and use them in a positive way.

Probably the most significant and poignant moment of the service was witnessing the bereaved families coming forward to place a sprig of wattle on the floral tribute in St Patrick's Cathedral. There were babes in arms, teenagers, young mums and dads, brothers, sisters, aunts, uncles and grandparents, reflective of the families across Victoria and across Australia who lost loved ones but also reflective of those people who were travelling on MH17.

On behalf of all Victorians and on behalf of all Australians, we share their loss and we share their pain. We know this will be a pain that will be with them for many years to come. We offer them our prayers, our thoughts and our sympathy.

Mr ANDREWS (Leader of the Opposition) (*By leave*) — I very briefly join with the Premier in saying that out of the most terrible of events, out of the greatest of tragedies, we came together today at a service that can only be described as a beautiful tribute to the memory of those who have gone and to the suffering, pain and anguish of those who love them. Through today's service, the condolence motion in this place earlier this week and in fact in everything we do at this very difficult time, we send our love, our hope, our

support, our best wishes and our sympathies to everyone touched by this great tragedy. We hope that today's service and the collective goodwill of all good people are some small comfort to those who have lost so much because of this unspeakable tragedy. The Premier summed up well a beautiful service conducted in the worst of circumstances.

Office of Living Victoria

Mr FOLEY (Albert Park) — My question is to the Minister for Water. Can the minister confirm that James Lantry, the former chief of staff of The Nationals MP the member for Shepparton, personally received three separate contracts from the Office of Living Victoria worth over $320 000 without any public tender?

Mr WALSH (Minister for Water) — I thank the member for Albert Park for his question. As I said yesterday, as the minister I do realise that there have been mistakes made in the administration of the Office of Living Victoria. The report from the Ombudsman, as we all know, was tabled in this place on Tuesday evening. The clear message is that as issues have been identified in the Office of Living Victoria, processes have been put into place to make sure those things do not happen in the future. The key point is that as issues were identified, actions were taken and things were put in place — —

Mr Foley — On a point of order, Speaker, on relevance, the question was very narrowly framed. I ask the minister to confirm the answer to the question and whether or not Mr Lantry received that amount of money. It was very narrowly framed, and I ask the minister to directly answer the direct question and to return to the question.

The SPEAKER — Order! The minister was being relevant to the topic of the question that was asked. He still has 2 minutes and 49 seconds, and I ask him to continue.

Mr WALSH — As I said, as issues were raised measures were put in place to make sure those processes were improved into the future. The key difference here is that as issues were raised things were done to address them, and that stands in absolute contrast to someone who found a tape recorder, listened to it — —

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

Mr WALSH — As I said yesterday, as issues were identified systems were put in place to make sure they did not happen again in the future.

Regional and rural infrastructure

Dr SYKES (Benalla) — My question is to the Minister for Regional and Rural Development. How is the Victorian coalition government's investment in regional and rural infrastructure and industries helping to drive economic growth, create new jobs and build a better Victoria, and are there any alternative policies?

Mr RYAN (Minister for Regional and Rural Development) — I thank the member for Benalla for his question. As members of the house know, the Victorian coalition government is very proud of its achievements through its flagship $1 billion Regional Growth Fund. This fund is investing in local infrastructure and in local industries throughout the regions. It is driving economic growth and is responsible for an enormous amount of job creation.

During the recent parliamentary recess the government, along with the rest of regional Victoria, celebrated the 1500th project funded under the Regional Growth Fund — 1500 projects. On the occasion of this momentous milestone I was joined in Mildura on 16 July by the Parliamentary Secretary for Regional Development, the member for Mildura. We announced that the government, through the growth fund, would invest $150 000 in Nangiloc Colignan Farms as part of its $1.5 million expansion.

Through that project the growth fund has funded its 1500th project. This investment will enable Nangiloc Colignan Farms to complete its expansion. It will create another 12 permanent jobs and 42 harvest jobs, and it will boost exports by $7 million. It is just one of the 1500 projects that has been supported so far.

This project is indicative of the types of projects the fund has invested in over the course of this past almost four years. To date around $420 million in Regional Growth Fund grants has been approved. The fund is supporting 1510 projects right now, a total investment that has meant over $1.7 billion of leveraged investment throughout the regions of the state. The outcomes have been nothing less than extraordinary. These investments are anticipated to create just over 5000 new direct full-time jobs, over 10 800 indirect jobs and some 3800 jobs during the construction phase, and they are supporting the retention of more than 7800 existing jobs. It has been a wonderful result.

Apart from those initiatives the fund has also invested in key local priorities such as hall upgrades, new parks and gardens, rail trails, tourism projects, the repair of historic buildings and new community hubs. More and more projects are being announced as a matter of

course. Just recently, over the past couple of weeks, I have announced another $2 million for the construction of a nationally accredited quarter-mile drag strip at the Chisholm Reserve Motor Sports Complex near Swan Hill. It is anticipated that this investment will ultimately bring about 16 000 people to the area each year. There is $210 000 for the $280 000 redevelopment of the Avoca town hall, which I know the member for Ripon is thrilled about. An amount of $500 000 will go into stage 1 of the $837 000 redevelopment of the Nagambie town centre, and again it will transform that location as these investments have done through many parts of the state.

Since coming to office, in addition to this we have committed over $220 million to regional and rural councils through the Regional Growth Fund. About $100 million of that has gone straight to local government under the local government infrastructure program. These investments have resulted in about 400-plus projects for those councils throughout the regions of the state. The growth fund has been a magnificent success. We on this side of the house know it and recognise it. Those on the other side of the house have not yet said what they are going to do with it.

Office of Living Victoria

Mr FOLEY (Albert Park) — My question is again to the Minister for Water. I refer to the hundreds of thousands of dollars given by the Office of Living Victoria to its chief scientist, Dr Peter Coombes, to develop a plan to return water to the Cardigan aquifer in Ballarat. Can the minister confirm that no tender was conducted for this work and no plan was ever delivered?

Mr WALSH (Minister for Water) — I thank the member for Albert Park for his further question. The member for Albert Park talked about water contracts and about business cases.

Mr Foley — On a point of order, Speaker, in relation to relevance, my question did not mention the word 'contracts'.

Ms Asher — On the point of order, Speaker, that is not a point of order. A point of order is not an opportunity to clarify one's question or indeed to repeat one's question, which is what the member for Albert Park has done. It is not a point of order, and I would ask that you rule him out of order.

Ms Allan — On the point of order, Speaker, debating semantics on the point of order is trying to avoid the real issue here. The member for Albert Park asked a very direct question, and his point of order related to standing order 58 and the question of relevance.

Honourable members interjecting.

Ms Allan — He did actually. You might want to worry about Walshy's world over there.

The SPEAKER — Order! The member for Bendigo East will resume her seat.

Ms Allan — Can I finish my point of order?

The SPEAKER — Order! I remind the member for Bendigo East that interjections are disorderly. Points of order will be heard in silence. I ask the member for Bendigo East to resist responding to interjections and stay close to the point of order.

Ms Allan — The member for Albert Park was referring to standing order 58 and the issue that answers to questions must be relevant. As the member for Albert Park indicated, his question did not use the word 'contracts', which was the path the Minister for Water was wanting to go down. I ask you, Speaker, to bring the minister back to answering the question he was asked.

The SPEAKER — Order! Members know I cannot direct a minister on how to answer a question. The member may not like the way the minister is answering the question, but he is answering the question on the topic he was asked about. I ask the minister to continue.

Mr WALSH — The member for Albert Park raised an issue around what is called the Living Ballarat project and the issue of aquifer recharge as part of that particular project. The Living Ballarat project is being shared by Mark Harris, a former councillor at the City of Ballarat, head of the emergency department at the hospital in Ballarat and an outstanding chair of that particular committee.

The committee includes staff from the City of Ballarat and from Central Highlands Water, who will work through a stormwater management plan for Ballarat under which better use can be made of stormwater, recycled water and rainwater. Part of that project is about having a pilot to do aquifer recharge in the Cardinia aquifer to see if that aquifer will be suitable for that sort of project. That work is ongoing, and as I understand it the Living Ballarat plan will be ready for launch sometime in September.

Victorian Library

Mr MORRIS (Mornington) — My question is to the Minister for Local Government. How is the Victorian coalition government's investment in public library services building a better Victoria, and is the minister aware of any alternative approaches?

Mr BULL (Minister for Local Government) — I thank the member for his question and commend him on his great interest in Victoria's very wonderful public library services. This year the coalition government is providing record investment in public libraries, with $39.52 million for Victoria's 54 public libraries and public library corporations. We are restoring the fair share of recurrent library funding to the levels experienced under the previous coalition government. This government is about building the future.

As part of this commitment we have just completed the fourth round of the government's very popular Living Libraries Infrastructure program. Over the life of this four-year, $17.2 million program, this government has delivered 63 very worthy projects to the benefit of our communities in Victoria. It has delivered 15 brand-spanking-new libraries, established two new mobile library services and expanded a further four mobile library services. Numerous other libraries have been refurbished and had significant upgrades as part of this scheme.

The coalition government is funding library refurbishments and service improvements. This means more Victorians are getting better services out of their libraries, and they are benefiting from these better services and better facilities in general. A number of library services right across the state have benefited from this program, and I will name a few: Creswick, Beechworth, Mansfield, Mount Beauty, Watsonia, Horsham, Brunswick, Maryborough, Mooroolbark, Woodend, Hamilton, Carlton, Moe, Sale, Violet Town, Corangamite, Monash and Seaford. This year $1 million will also be provided through the Premier's Reading Challenge Book Fund to buy more books for our libraries in Victoria.

The coalition government has also undertaken a major review of public libraries policy, which was very ably chaired by the member for Mornington, who asked the question I am answering, and who is also Parliamentary Secretary for Local Government. This review came up with a proposal called the Victorian Library concept, under which there would be a statewide library card. Under the proposal books would be available to all Victorians, irrespective of which library the books were held in. Under this vision someone could hypothetically borrow a book from Moonee Valley library and have it delivered by the Docklands library, where it might have had its home originally. They then have it delivered to the Moonee Valley library, and when the person is finished with the book they could return it to any library. Libraries rely on the honesty of their patrons, and when finished — —

The SPEAKER — Order! I ask the house to quieten down. The level of conversation and interjection is far too high.

Mr Hodgett interjected.

The SPEAKER — Order! The Minister for Ports began while the Speaker was speaking; that is disrespectful.

Mr BULL — Libraries also at times rely on the honesty of the general public to do the right thing. If someone should happen to find a library book, for instance, they should know those books are usually very clearly identified with a library stamp, a barcode or a page stuck in the back indicating when that book is due to be returned and where it should be returned. If a person happened to find a library book — perhaps in lost property, for instance — it would be important for that book to be returned for the benefit of the community. You certainly would not destroy the book, and you would not take it back to your office for copying. You would do the right thing and return the book. It is the appropriate thing to do.

Under the Victorian Library concept a lost library book could be returned to any library; regardless of from where it was borrowed it would find its way back to its proper home. The coalition will remain a very strong supporter of libraries in Victoria.

Office of Living Victoria

Mr FOLEY (Albert Park) — My question is once again to the Minister for Water. I refer to contracts totalling $554 823 from the Office of Living Victoria, awarded on Mr James Lantry's advice to the companies Small Screen Productions and TV Works, companies which Mr Lantry has worked for in the past and which produce political ads for the Country Liberal Party, and I ask: is it not a fact that from these contracts there was no product — that is, there was no app, no video, no communication product whatsoever — delivered as part of these half-million dollar contracts?

Mr WALSH (Minister for Water) — I thank the member for Albert Park for his questions around contracts and promotions. What comes to mind in

relation to contracts, promotions and the water industry is the red helicopter ads of a previous Premier of Victoria announcing the desalination plant — the plant that is costing Melbourne water customers $1.8 million per day for the next 10 000 days.

Ms Allan — On a point of order, Speaker, it is regretful that I have to rise to make this point of order, because the minister is so very clearly, flagrantly and blatantly abusing standing order 58 by not being relevant to the question that was asked. It was a very clear question that goes to the heart of integrity issues within his department, within his office and within his own practice as a minister. We ask you to bring him back to answering this very important, serious and critical matter before the house.

Ms Asher — On the point of order, Speaker, the minister has 4 minutes to answer this question. He was making some preliminary remarks and placing — —

Honourable members interjecting.

The SPEAKER — Order! Points of order will be heard in silence.

Ms Asher — Not only was the minister making some preliminary comments but he is able to set the context for answering the question that he was asked. The minister was well within order in this early part of his answer.

Mr Merlino — On the point of order, Speaker, the minister was making preliminary comments in regard to this question. The problem was they were completely irrelevant to the question. He may smirk his way — —

The SPEAKER — Order! The member will sit down.

Mr Merlino interjected.

The SPEAKER — Order! The member will resume his seat. If the member for Monbulk continues to abuse the privilege of the house in taking points of order, I will cease hearing points of order from him. As was pointed out, the minister was giving a preamble to his answering of the question.

Mr Merlino interjected.

The SPEAKER — Order! What on earth is the point of a member taking a point of order if the member is not going to listen to the ruling? I ask the house to come to order. I do not uphold the point of order.

Mr WALSH — I find it intriguing that the member for Albert Park would lecture about waste in the water industry. When you think about the desalination plant, when you think about the north — —

The SPEAKER — Order! Answering the question is not an opportunity — —

Honourable members interjecting.

The SPEAKER — Order! I have the microphone, and people still cannot hear me because of the level of interjection. I was going to ask the minister to return to answering the question. It is not an opportunity to attack another member.

Mr WALSH — As I have said numerous times in answers to these questions, as issues were drawn to the attention of the department, processes were put in place to make sure that the mistakes that were made did not happen again, and that is the fact of it.

Police and protective services officers

Mr BLACKWOOD (Narracan) — My question is to the Minister for Police and Emergency Services. How is the Victorian government's record recruitment of police and protective services officers building a better and safer Victoria, and are there any alternative views?

Mr Pakula — How about arresting James Lantry?

Honourable members interjecting.

The SPEAKER — Order! The member for Lyndhurst! We are protected by parliamentary privilege in this house, but I think that attacking a person in the public who does not have the ability to respond is irresponsible. I ask the member not to do so again and not to interject in that manner.

Mr WELLS (Minister for Police and Emergency Services) — I thank the member for Narracan for his commitment to a safer state. The coalition government made some promises at the last election, and it had to do that to clean up the mess left in law and order by the state Labor government. We made some commitments. We promised 1700 police and 940 protective services officers (PSOs). This is the largest increase in police recruitment in the history of the Victorian police force.

In addition to the largest number of police, for the 2014–15 year we have also committed to the largest budget for Victoria Police of $2.34 billion. I was very proud to join the Premier the other day to make the announcement that, with the 1700 police that we committed to, we have already delivered on that important election commitment, and we have done it

ahead of time. It also means that there are more police in every region and in every division across the state.

Honourable members interjecting.

The SPEAKER — Order! If the member for Bendigo East and the member for Kororoit wish to have a conversation, would they please leave the chamber? Calling and shouting across the chamber is not dignified and is making too much noise.

Mr WELLS — For example, in the Greater Geelong and Surf Coast municipalities there are 60 more police; in Ballarat there are 56 more police; in Bass Coast, Baw Baw and Latrobe there are 52 more police; and in Brimbank and Melton there are 106 more police.

Ms Kairouz interjected.

Questions interrupted.

SUSPENSION OF MEMBER

Member for Kororoit

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

Honourable member for Kororoit withdrew from chamber.

QUESTIONS WITHOUT NOTICE

Police and protective services officers

Questions resumed.

Mr WELLS (Minister for Police and Emergency Services) — In addition there are now 30 family violence units in every single division across the state.

In regard to our PSOs, I am pleased to announce that, as I speak, we now have 844 PSOs on the rail network. This is an outstanding law and order policy. Recently the Napthine government committed to another 96 PSOs to make a total of 1036 PSOs. Not only will we deliver on our election commitment of 940 by November this year but additional PSOs will mean that there will be two on every station — all the 212 metropolitan stations and the 4 regional stations at Bendigo, Ballarat and Geelong and, shortly, in Traralgon. That is great news.

This program that we have put in place will mean that the 96 PSOs will start training in November this year. The feedback from the public has been absolutely fantastic. In the surveys that have been done, 94 per cent of people said that having PSOs is a very good idea, 93 per cent said that they would call on a PSO for assistance if they did not feel safe and 94 per cent said that they had seen PSOs on the stations.

I was also asked about alternative views on law and order. There is one group that calls our hardworking PSOs 'plastic police'. One group says it is okay to destroy someone else's property, This same group believes it is not okay to return property that does not belong to them. They believe it is okay not to return property to someone else. I believe members of the Labor Party should hang their heads in shame.

Office of Living Victoria

Mr ANDREWS (Leader of the Opposition) — My question is to the Minister for Water. Now that the minister has had time to reflect on the report of the Ombudsman and his answers yesterday, I ask: is it not a fact that the minister and his office were comprehensively advised by staff in the Office of Living Victoria about concerns with purchasing, procurement and employment practices in August and September last year?

Mr WALSH (Minister for Water) — I thank the Leader of the Opposition for his question. As I said yesterday — —

Ms Allan — You didn't answer it.

Mr WALSH — I did actually answer it yesterday.

The SPEAKER — Order! I ask the minister to ignore interjections.

Mr WALSH — As I said, as issues were identified over the last 12 months or so, measures were put in place — —

Mr Andrews interjected.

The SPEAKER — Order! The Leader of the Opposition has asked his question, and I ask him to listen to the answer.

Mr WALSH — Measures were put in place to make sure the mistakes that had been made were corrected, and there were measures put in place to ensure that those things would not happen again.

Employment

Ms McLEISH (Seymour) — My question is to the Treasurer. How is the Victorian coalition government's strong management of the economy creating jobs and

building a better Victoria, and are there any alternative policies?

Mr O'BRIEN (Treasurer) — I thank the member for Seymour for her question and for her interest in jobs. I note that it has been 455 days since the shadow Treasurer, the member for Tarneit, bothered to ask me a question about the economy or about jobs.

Dr Napthine — No questions on the budget!

Mr O'BRIEN — No questions on the budget indeed.

Honourable members interjecting.

The SPEAKER — Order! I remind the Minister for Ports that when the Speaker is on her feet he must cease interjecting.

Mr O'BRIEN — In the month of July the Victorian economy created 14 600 extra jobs — the highest job creation of any state in Australia.

Honourable members interjecting.

The SPEAKER — Order! The members for Yan Yean and Pascoe Vale! Waving your hands around like that does not mean anything at all to the Speaker. If members wish to catch my attention, they should stand in their places.

Mr O'BRIEN — There were 14 600 extra jobs created in Victoria in the last month. This means there are 78 700 more Victorians in work now than when the coalition government was elected to office. That is 78 700 more jobs in Victoria than when Labor left office. What we are seeing is that there has been an unprecedented lift in the participation rate in Victoria. In July Victoria had the highest jump in the participation rate of any state in the country. For this reason our unemployment rate has reflected the move in the national unemployment rate in July.

This government has a plan, a comprehensive economic plan, to grow the economy in Victoria. It involves cutting red tape for businesses, cutting payroll tax, cutting WorkCover premiums, cutting the fire services property levy and having a $27 billion infrastructure program that will create tens of thousands of new jobs. In July Deloitte Access Economics investment monitor report noted that the level of public and private investment projects under construction in Victoria increased by more than 10 per cent over the last year. We are already seeing this government setting the scene for greater investment in projects and greater investment in jobs.

Let us look at what some of those projects are. East–west link stage 1 will start construction this year and create 3200 new jobs. East–west link stage 2 will start construction next year — another 3000 jobs.

Honourable members interjecting.

Mr O'BRIEN — Exactly! The member for Tarneit supports us. The CityLink-Tullamarine Freeway widening will create 700 new jobs. The Melbourne rail link and the airport rail link will create 3700 new jobs.

Honourable members interjecting.

The SPEAKER — Order! I ask the house to quieten down. I advise the Leader of the Opposition that it is disrespectful to the Speaker for him to continue interjecting when I am trying to bring order to the house.

Mr O'BRIEN — Other projects like the Murray Basin — —

Honourable members interjecting.

Mr O'BRIEN — Morons, Speaker, absolute morons, aren't they? The Murray Basin rail project is another project that Labor does not support. On Sunday the Premier announced an extension of the Australian Formula One Grand Prix contract, but the Labor Party still cannot say whether it supports the extension of the grand prix contract and all the jobs that it brings with it. It is quite clear that the only jobs the opposition is interested in protecting are those of dishonest people in the opposition leader's office and those dishonest, unethical people in the Labor Party head office. The Labor Party just wants to protect the guilty; it does not care about creating jobs for hardworking Victorians, unlike this coalition government.

ASSISTED REPRODUCTIVE TREATMENT FURTHER AMENDMENT BILL 2013

Second reading

Debate resumed.

Mr WATT (Burwood) — I rise to speak on the Assisted Reproductive Treatment Further Amendment Bill 2013. In starting my contribution I pay tribute to the Law Reform Committee, particularly the chair of the committee, the member for Prahran, not only for his great work on the committee but also for his work in bringing other members of Parliament together with those people who were affected by the committee's report or will be affected by this bill. I want to talk a little about the discussions I had with some of the

people whom the member for Prahran brought in and introduced to me.

One of the people I spoke to told me about how he came to be a donor. He was quite young and had read an advertisement in one of the daily papers — I think it was on page 3 — that was seeking men who were willing to become donors. The ad spoke of some payment — I think the figure was something around $10, which was a bit of money at the time although it does not seem like much money these days. This particular donor told me that his thought at the time was 'Why not? I think I'll go professional!'. He did not have any real thoughts about why he was participating other than the fact he was going to get some money for donating.

People had different reasons for donating. They may have had some altruistic reason for donating. All of the people who donated knew it was anonymous or they wanted it to be anonymous. Either way they had no choice. Prior to 1988 there was an understanding that if they participated in the program, their names would be suppressed. Whether the donors or the donor-conceived children liked it or not, nobody could find out who the donors were.

Part of the problem I have with handing out a person's details after they have undergone this donation process is the fact that they entered the agreement knowing that the process was anonymous. I discussed some of the recommendations of the Law Reform Committee with some of the donors and in particular whether or not they thought the Law Reform Committee had got it right in wanting to allow people to have access to the records. When I pointed out — and I am sure I am right about this — that the recommendation did not actually allow a donor to say that they did not want their information passed on, some of the donors did not understand that that was among the recommendations being proposed.

When I said, 'If you don't want your details passed on, surely you shouldn't have to have your details passed on', their response was 'Isn't that what we're saying? The details should be passed on unless a donor says they don't want them to be passed on'. It is about going back to the donor and saying 'Do you still want to be anonymous? If you still want to be anonymous, we will protect you', but if a donor does not want to be anonymous and wants to be able to be contacted, they are able to do that and we will give the donor-conceived children the details to contact the donor. If the donor is happy to be contacted, we will remove their anonymity if that is possible. It is not always possible because, as others have said, the records are probably not up to today's standards of records and some of the records are not there.

In many cases even if the donor-conceived child and the donor agree to remove that veil of anonymity, it may not be possible because some of the records are not available. However, in those instances where the records are available and both parties would like to have that veil of anonymity removed, we are allowing for that to happen. My very clear view on this is that if a donor after 20 or 30 years still says, 'Respectfully, I would like to keep my anonymity', then as a member of Parliament I think we should respect that anonymity because he entered into that particular agreement with the expectation that he would remain anonymous.

I realise it is difficult. Some of those on the other side would like to remove the right of somebody to remain anonymous, and I have heard that part of the reason is that donor-conceived children have the right to know about the medical history of their biological family and potentially access any medical records. That does not necessarily show appreciation of a certain fact. Just before the lunch break I had a discussion with another member about the fact that when his father passed away he did not know, and he still does not know, what was the cause of his father's passing. The point is that not every child knows the medical condition of their parents. Just passing on the name and other details of somebody while saying, 'This is your biological father' does not necessarily guarantee that the personal medical records will be passed on. A person who has a serious medical condition that is hereditary and will be passed on to their children may make a determination to not be contacted or have their details passed on. If their details were passed on, I suggest that as that person did not want to be known, they would not want to be contacted.

Even if they were contacted, that person would not then pass over their medical records or medical history because they would have already made a determination that they did not want their details passed on. They would have been asked if they were happy to have their details passed on. If they said that they did not but the law forced them to have their details passed on, surely they would say, 'I don't want contact'. If they did have contact, surely they would also say, 'I don't want my medical records passed on'.

This is a very emotive issue. I understand people wanting to know where they come from — who their parents are — and whether there are any medical conditions in their family that may affect them in the future. I appreciate all that but make the point that simply passing on identifying information about a donor does not mean that a person's medical history

will be passed on. Even with my father I do not know. My dad does not come to me every time he goes to a doctor or hospital and say, 'Here, Son. These are my records' or, 'This is what the doctor said to me today'. I do not say, 'Dad, thanks for letting me know that you have high cholesterol and high blood pressure'. I do not have those discussions with my father. I would like to think that if he had some hereditary medical condition that might have some effect on me in the future I would be alerted to that. Just because I know the identity of my parents does not necessarily mean that I will know all their medical history and what is in my genetic make-up when it comes to conditions that may cause me issues in the future.

As I said, I appreciate people wanting to know where they come from and who they are, and I understand how difficult it is, but I make the point that who your parents are, where they were born and their medical conditions are not the defining factors of a human being.

I make one other point. I spoke to some of the people at the meeting organised by the member for Prahran. The one group of people I did not get to speak to were those who wanted to remain anonymous. They did not want to be known, so obviously I could not speak to them to find out why and whether they would be happy if they were not anonymous.

Mr NORTHE (Minister for Energy and Resources) — I am pleased to rise this afternoon to speak in the debate on the Assisted Reproductive Treatment Further Amendment Bill 2013. I was a member of the Law Reform Committee that inquired into aspects of the legislation members are debating today. It was one of the most emotive inquiries for a member of Parliament to be involved in and, on the other side of the coin, also one of the most pleasing.

As other members have said, this is a vexed issue in many senses. The bill before us today is obviously about trying to find a balance in a number of aspects of things being felt by a number of people. On the one hand we must consider the many donor-conceived children who wish to find out the identity of their biological fathers, and on the other hand we must have regard for the donors at the time and balance their needs and requirements as well. It is a very difficult situation, and in some sense there is no right answer.

Firstly, I want to commend the other members and the staff of the Law Reform Committee on their work and deliberations in the inquiry into donor-conceived persons. Unfortunately the member for Prahran has just left the chamber, but I cannot speak highly enough of his leadership and chairmanship during a very difficult inquiry. I acknowledge also the deputy chair, the member for Brunswick, the member for Ivanhoe and Donna Petrovich, who was then a member for Northern Victoria Region in the other place, for their work. I mention also the staff who supported our committee during what was, as I have said, a very emotive and sometimes difficult time. There were challenges in coming up with recommendations while trying to find that balance I have referred to.

Going back in history, the final report of the committee was handed down in March 2012. The committee received 77 submissions and we heard from 51 witnesses. They had wide and varied backgrounds and feelings, and as a consequence they were seeking a variety of recommendations to the government. The committee report made 30 recommendations. Many of those went from an initial conclusion to the ultimate recommendation in the final report after we had changed our minds.

It is fair to say, as the member for Prahran noted in his wonderful contribution, that we came to the committee with perceptions. I must say that my initial position was that we must have protection for the donor. Having put yourself in other people's situations, I guess you could come automatically to the conclusion that that is where the committee should address its focus and efforts. But it was then impossible to ignore the pleas of and the concerns expressed by donor-conceived people. The recommendations in the report tabled in Parliament are a pretty good reflection of having greater regard for and understanding of donor-conceived people.

One of the problems for the committee was that in the contemporary world donor-conceived children are living with three different sets of rules depending on when they were born. That is articulated in the second-reading speech:

> … people who were born from gametes donated after 1998 are entitled under the act to obtain identifying information about their donors when they reach adulthood.

Then there are two other scenarios:

> People conceived from gametes donated between 1988 and 1997 can access identifying information about their donors with the donor's consent. However, people conceived from gametes donated prior to 1988 have no legislated right to obtain identifying information.

Those three scenarios were presented to us. Depending on when people were born they had different rights. The bill quite rightly states that identifying information will be provided to donor-conceived children.

In his contribution the member for Burwood said something about which I have no doubt he is right. He said that those who donated prior to 1988 with the promise of anonymity probably did so in an altruistic manner. They considered that they were doing the right thing in trying to provide assistance to people who could not conceive. I have no doubt about that. The problem is that we missed the boat, so to speak, on understanding the social and emotional impact of allowing those particular rules at that particular time. We did not understand what donor-conceived children would go through when they reached adulthood, in many cases understanding that they were donor conceived and not being able to find identifying information about their biological fathers.

The member for Prahran is back in the chamber, so I am going to repeat what I said earlier: with his great stewardship of the committee he did an amazing amount of work along with the deputy chair and members to understand the perspective not only of donor-conceived children but also of donors themselves. In the committee hearings that we held I can confidently say that a lot of the donor-conceived children became friends with some of the committee members.

In his emotional contribution the member for Prahran talked about the case of Narelle Grech. Narelle was donor conceived. Unfortunately she was battling a terminal illness and was not able to access information about her biological father, otherwise known to her as T5. Through the wonderful intervention of the former Premier, the member for Hawthorn, she was ultimately able to make contact with her biological father, Ray. They were blessed with being able to spend Narelle's final months together before she passed on. I have mixed feelings about these things. For a young woman to lose her life in the way that Narelle did was just horrible; it was terribly sad. However, there is some satisfaction that ultimately she was able to spend some time with Ray, and that provided some comfort to those who knew and loved Narelle.

I also pay tribute to Lauren Burns and her cohort of friends, who have been fierce advocates in making sure that there are changes to accessing and identifying information about donors in the state of Victoria. I appreciate the fact that some might say this bill does not go far enough, but at the very least it is a step in the right direction in making sure we do not have three sets of rules under which people live. At least those who were conceived from gametes prior to 1988 now have a vehicle whereby they can access, within reason, identifying information.

I am pleased we are making advancements and improvements. This bill is the culmination of a lot of hard work by a lot of people. I give credit to the Law Reform Committee for the work it did, but I make the point that it would not have happened without the support, advocacy, input, suggestions and emotions provided by so many people and by the witnesses who presented at the committee hearings. I commend them all for their ongoing support and advocacy in this space. From my perspective, this is one small step. It is an improvement. I commend the bill in its current form to the house.

Mr GIDLEY (Mount Waverley) — I rise to make a contribution this afternoon to the debate on the Assisted Reproductive Treatment Further Amendment Bill 2013. I do so acknowledging the tremendous work of the Parliament's Law Reform Committee, which looked at this issue. The work its members did and the stories they heard are on the record. Indeed it is a great example of the good work done by members of Parliament. At a time when it is often a challenge for the average person to relate to the work done by a member of Parliament, the committee's report is a fine example of ensuring that the average person can see something tangible, worthwhile and valuable, something that required hard work by the members of Parliament to put together.

This bill picks up a number of recommendations of that committee to improve the existing system that operates in Victoria. It does that by amending the Assisted Reproductive Treatment Act 2008 to provide for information relating to donor treatment procedures using gametes donated prior to 1 July 1988 to be included in that central register. The bill also enables persons born from donations prior to 1 July 1988 to obtain information, where available, from the central register with the consent of the donor and expands the functions of the Victorian Assisted Reproductive Treatment Authority to provide support, counselling and donor-linking intermediary services to persons seeking information and subjects responding to requests for information. They are worthy outcomes of the bill.

As a Parliament we are moving forward and improving practices and systems. I also put on the record that as we look to the future it is important that we continue to search for and find opportunities to improve the ability of donor-conceived people in our state to know their genetic heritage and learn where they have come from. I note that in 2011 a Senate committee held an inquiry into donor conception practices in Australia. The committee's report strongly recommended a ban on donors remaining anonymous, emphasising the

importance of biological heritage to a person's identity. It states:

> It is a fundamental right of any person to know their heritage; it is essential to establishing identity, and denying people this right removes from them the ability to discover whom they truly are and where they have come from.

I put that on the record because this bill is an improvement. There is no question about that; this bill is a significant step forward. I look forward to continuing to work for the rights of people in this state to have better access to their heritage and where they have come from. I note in relation to that the stories in the committee's report of people who have gone through that challenging process of not being able to complete their journey in life as a result of missing a piece of the jigsaw puzzle. I can only imagine that challenge. I do not seek to say to the Parliament that I can understand it; I can only seek to imagine it.

However, it is something that affects not only children but also adults. If a person is unable to understand their biological heritage in a way they need to fulfil their identity, that is not something that ceases when they turn 18 but is something that will last for their entire journey in life. From all reports — based on the contributions to the committee, the information from the Senate committee report and also information in overseas studies — it is something they will struggle with for the rest of their lives. I say that because I think it is important in this debate to acknowledge that the challenge for people who do not have access to their biological heritage is that it affects them not only as children but also as adults. I put on the record my view of the importance of this particular right in developing people as whole persons.

As time goes by, and we as a legislature continue to improve the systems in place in Victoria — and this bill is a significant improvement — the things that are important to people in their journey, such as biological heritage, need to be stated. I also note the concerns about donor anonymity in relation to overseas studies. A study undertaken for the Institute for American Values entitled *My Daddy's Name is Donor — A New Study of Young Adults Conceived through Sperm Donation* found among other things that donor offspring broadly affirm a right to know the truth about their origins. It also found:

> Young adults conceived through sperm donation … experience profound struggles with their origins and identities.

Referring back to the Senate committee report, Daniel Adams, a donor-conceived man, spoke of some of the problems of donor conceptions:

> … if anonymity was ended it does not solve the problems of identity formation, heritage loss and loss of kinship … These problems are inherent with the concept of donor conception.

Narelle Grech, a 29-year-old donor-conceived woman, said:

> I cannot begin to describe how dehumanised and powerless I am to know that the name and details about my biological father and my entire paternal family sit somewhere in a filing cabinet … with no means to access it.

I note for the record that the United Nations Convention on the Rights of Children acknowledges the importance of biological heritage to children and their identity. Article 7.1 states:

> The child … shall have … as far as possible, the right to know and be cared for by his or her parents.

That is important to have on the record and important for our deliberations when we acknowledge the good things in this bill. We acknowledge that the bill moves things forward, and we acknowledge the work of the committee. However, at the same time we also acknowledge the inalienable right of children and adults to understand their biological heritage and to know their biological mother and father in some form. That is an inalienable right, and as the member for Mount Waverley it is something I will continue to put forward as a right that should, as far as is possible, always be respected.

With those few words I conclude by acknowledging the work of the committee and thanking those who made contributions and told their stories to the committee. I can only imagine some of the challenges which they went through in doing so, but the fact that they had the courage and were prepared to assist the committee through sharing their experiences is of significant assistance to those of us who have not had those experiences but who as legislators need to continue to seek to improve our systems in this area.

Mr BATTIN (Gembrook) — I rise to support the Assisted Reproductive Treatment Further Amendment Bill 2013. Like others I congratulate all the members of the Law Reform Committee on the work they did in researching the report. I note that the member for Prahran is in the house, and I will acknowledge him and the influence he had in helping me form my views in relation to this bill in a second. Firstly, I acknowledge the member for Brunswick as deputy chair, who I know put a lot of time, effort and emotion into this particular topic to make sure that the report reflected the views of not only donors but also donor-conceived children.

The member for Prahran may or may not recall this, but when the report was first tabled I met with him in his

office and he discussed the report with me. It was not that I was closed in my vision, but I had in my mind that people had gone in, donated sperm and signed a document allowing them to remain anonymous. I had real difficulty getting around that. I could not get around the fact that there was a contractual arrangement in place. Someone had agreed to become a donor on the proviso that their donation would be anonymous for — they thought — the rest of their lives.

I went through a number of questions — the what-ifs — in my mind, some of them about things that may never happen. I thought about how I would feel if someone knocked on my door and said, 'I'm your child from a donation you made many years ago'. How would that affect my children? It is important for potential donors to take these things into consideration.

The member for Prahran has an office on the same level as mine, level 3. He sat down with me and went through the report, explaining the changes we were looking to introduce and how they would work. In the beginning my opinion was based on a fear of the unknown — the what-ifs — and I thank him and those on the committee for bringing together the donor-conceived people as well as the donors from years ago.

Members have spoken about Narelle Grech and her battle to find her father, her suffering and her passing away just after finding her father. An article in the *Herald Sun* of 8 July 2013 summed up where I was sitting at the time:

> Lately, there have been all kinds of opinions swirling about on the subject of donor anonymity: whether or not to forcibly remove the anonymity of people who donated sperm and eggs before legislation was put in place in 1988.

Those opinions were swirling around in my head. What is the right way to do this? As a committee we had the opportunity to meet with some of the children, and we also met with some of the donors who came forward. I walked out of that meeting with a completely different mindset from the one I walked in with. I gained an understanding of the donors' views — where they sat with it and how they saw it going forward. It was very important and changed my view. Committee members spoke openly about it within our party and with members of The Nationals as well to get the message across. I am not 100 per cent sure, but I think Labor members spoke to members of their party as well. I think all committee members went into the inquiry with one set of views and came out with a different set. At the end of the day, the report has been tabled and the legislation is before us. I think the committee should be very proud of what has been put forward.

The bill amends the Assisted Reproductive Treatment Act 2008 to provide for information relating to donor treatment procedures using gametes donated from 1 July 1988 to be included in the central register, to enable persons born from donations prior to 1 July 1988 to obtain information where available from the central register with the consent of the donor, and to expand the functions of the Victorian Assisted Reproductive Treatment Authority to provide support, counselling and donor-linking intermediary services to persons seeking information and those responding to requests for information.

A key part of the legislation is about counselling. This will affect people's lives because the bill represents a huge change. It is very important that counselling be available. Sitting down with people like Narelle and others in that group and discussing the range of experiences they have had on the issue of their identity and their concern about who they were and where they were from made me realise there were things I had not even considered. It is important that as members of Parliament we acknowledge that we do not know everything. On occasion we would like to think we do, but we do not. We must keep an open mind whenever we are considering issues like this. Seeing the emotion in the faces of those witnesses as they spoke about trying to work out their genetic make-up made me realise how much we take for granted every day. It is important that as legislators in this state we follow through for them.

Currently there are three regimes that regulate access by donor-conceived people to information about donors. Donor-conceived people who were conceived using gametes donated prior to 1 July 1988 do not have a right to identifying information about donors. Donor-conceived people who were conceived using gametes donated between 1 July 1988 and 1997 can obtain non-identifying information about the donors from the central register and can obtain identifying information about their donors if the donor consents. Donor-conceived people who were conceived using gametes donated from 1 January 1998 can obtain identifying information about their donors from the central register.

The changes in the legislative regime reflect the changing attitude to donor conception and the rights of donor-conceived people to access information about their genetic origins. The member for Morwell spoke very clearly about ensuring that there is a vehicle for people to get that information about their genetic make-up going forward. We now have three regimes in place, but the attitudes and opinions have changed.

In the March 2012 report on the inquiry into access by donor-conceived people to information about donors, the committee made various recommendations for establishing a mechanism for donor-conceived individuals to access information about their donors. The committee recommended the introduction of this legislation to allow all donor-conceived people to access identifying information. This has informed the bill before us today, which will ensure that we have a process going forward and a vehicle that will enable people to find and identify that information.

I encourage those people who have not read the report to read it and gain a full understanding of the issues. They should read the stories of the many people who came forward to gain an understanding of the emotional side of the debate. The report is available online so it is not necessary to come into the Parliament to access it. If they are of the mindset that I was in when I sat down with the member for Prahran, they should look through this legislation and read the report to understand why the legislation needed to be changed, why this is the way forward for people who are donor conceived and who wish to access identifying information, and why they should be entitled to that information. For the first time children's rights have been put on the table in this legislation, and hopefully they will continue to be in the future.

In finishing, I again congratulate the committee on an outstanding report. Members of the committee put in not only intellectually but also emotionally. I am sure that when they leave the Parliament they will walk away knowing they have delivered something that will genuinely change people's lives in Victoria.

Mr SOUTHWICK (Caulfield) — It is a pleasure to rise to speak on the Assisted Reproductive Treatment Further Amendment Bill 2013. At the outset I commend all the speakers who have spoken in today's debate, which has touched on donor-conceived people who may not have been provided with information about how they came into the world and who are searching for that information. That can be a very emotional thing. We have had discussions in this place over the years about adoption, which brings up similar sorts of issues when children are searching for information about their background and their heritage. The situation we are talking about today is that of donor-conceived people who are seeking information about their genetic background. If they can track down information about their heritage, it has the potential to assist them with any hereditary illness they may develop.

As we have been debating this bill today, I have reflected on the benefit of having this information. We are currently running a program in the Parliament to raise awareness about diabetes, and I went to the screening session today. I had to fill in a form to assess what risk I have of developing diabetes. The form asked me about my family history of diabetes. Luckily for me I knew that my father had diabetes, and I could very easily tick the box. That automatically gave me a couple of points, putting me into a category of higher risk of developing diabetes. As I stand here today and discuss the bill that is before us, I reflect on the example of what happened to me today. Fortunately I am in the intermediate range, so I am not highly at risk, but thanks to my family line, it moved me into a higher level. We can thank our parents for some things but not for others. In that situation today it really hit home to me that in my situation I know the background information about my family and therefore I am able to provide information and act on that information.

What I reflect on today is the important work done by the Law Reform Committee to raise awareness about this issue and also provide an avenue for many of the donor-conceived children who are searching for information and want to know about their backgrounds, not only for medical reasons as I have indicated but also for an understanding about where they came from and the background of the person who donated the eggs or sperm that allowed them to be conceived and ultimately to be born.

When we talk about this issue we have the donors on the one side and the children on the other. What has been important about this work — and I commend the chair of the committee, the member for Prahran, on the amount of work he has done and his passion for and commitment to this issue — is that the chair and the committee have put this issue on the table. It is an issue that people have not wanted to talk about in the past, but this report has allowed people to talk about it now. It is very important that the member for Prahran and his committee have achieved that, and we are now able to recommend a whole range of changes on the basis of the very important work they did. It will ensure that providing consent is given, those children are able to get information.

I particularly want to reflect on some of the committee's work because the committee conducted its inquiry in a very interesting way. The committee did the usual things that parliamentary committees do. It interviewed a whole range of people such as donors, donor-conceived children and people from a range of different areas who had an interest in the inquiry. Another interesting thing that the committee did was

conduct a forum which was held in this chamber. It allowed both the donors and the donor-conceived children to present their views to members of the committee. The session was in line with the criteria for the inquiry and allowed many people to present their views to the committee. It was very interesting. I had the opportunity, along with a number of my colleagues from both sides, of hearing the views of the children and the donors as they made their presentations. It was very emotional. Everyone had their own story and everyone carried with them their own memories, and they spoke about the challenges they had faced.

I pay particular tribute to inquiries such as this. They create the avenue to allow people to tell and share their stories. That also creates the sorts of changes that we see in this bill. I appreciate that there are sensitivities and different views about the extent to which people allow this information to be shared. Someone who was an innocent donor back at a time, perhaps when they were at university or what have you, may later be faced with someone knocking at their door, without their consent. That is the very difficult situation which we are discussing. Where someone has been contacted and they provide consent, and when there is a great search effort between the donor and the donor-conceived children to make that link, it is very important for both parties to be able to have that opportunity. It is absolutely crucial to be able to make that link, especially in relation to health information, as I mentioned earlier.

I commend other contributions which raised the example of the Narelle Grech story. It is unfortunate that it was necessary to have a Premier step in to allow that exchange of information to take place, but the former Premier, the member for Hawthorn, did that, and it was very important in Narelle's case. It also highlighted the deficiencies in procedures in this area, and it allowed the committee to present recommendations and have the government act on those recommendations. That is what I want to highlight as one of the key elements to be considered both within the inquiry and now in the bill before us today. As I have said, this is a very emotional issue for everyone, most of all for the children and the donors.

Today I have touched on many aspects in relation to the children who are searching for information about where they have come from and the identity of their donor parents. In the remaining time I have I want to mention aspects relating to the parents who are searching for those children, because what we heard during the evidence given in the forum held in this chamber was that equally there are parents who are searching for information and want to know what has happened to any children that may have been born. It raises questions about whether any children were born and, if so, where are they now, are they well and what have they done? Some donor parents want to have a relationship with those children and others just want to get information about them. Providing there is consent, then I suggest that this is a very important thing we could do. At the very least we should be able to do that, and it is what the bill allows. It will ensure that we are proactive in doing whatever we can to make information available.

Often we talk about a range of things in this Parliament that are very important, but when it comes to family history, when it comes to children and parents and all those sorts of things, whether it is in relation to natural, adopted or donor-conceived children, they are all very important issues. We are all very mindful of these issues and it brings up the most heartfelt emotions amongst us all. In this Parliament it is important that we continue to challenge ourselves, continue to listen to our communities and what they are telling us and, ultimately, look to law reform on these sorts of issues that ensures that we are able to do the best for the people in our communities. In the final seconds of my contribution on this bill I once again pay tribute to the committee for the hard work it did and to the minister for bringing the bill to the house. I wish it a speedy passage. Let us continue to advocate for the best for families and children.

Mr ANGUS (Forest Hill) — I am pleased to speak in support of the Assisted Reproductive Treatment Further Amendment Bill 2013. Clause 1 contains the purposes, and they are twofold:

> The main purposes of this Act are —
>
> (a) to amend the **Assisted Reproductive Treatment Act 2008** in relation to access to information, including access to information about treatment procedures using gametes donated before July 1988; and
>
> (b) to amend the **Human Tissue Act 1982** to allow approval of advertisements for donations of ova to be delegated to the Victorian Assisted Reproductive Treatment Authority.

As other contributors to the debate have noted, this is one of those pieces of legislation that have a very real impact on people's lives. It is not so much one that will change a regulatory system in a broad sense, but it will change one in a very specific sense and result in direct impacts on people.

Like a number of other members who have spoken, including the members for Gembrook and Caulfield,

some time ago I had the opportunity, as organised by the chairman of the Law Reform Committee, the member for Prahran, to go to a meeting held in this building and meet with people on both sides of this particular situation — that is, people who had been donors and people who were the children born as a result of those donations That was a very interesting and challenging experience in many ways because it was no longer words on a page of a committee report but real people with their own lives, experiences and very personal stories, as each one of us has, of their journeys through life. It brought home to me at that time that this has very direct and real consequences for those who are involved in this area.

A number of other members have also noted the case of Narelle Grech, and I will read an extract from an article in the *Sunday Age* of 9 June 2013. It says:

> The bill to go before Parliament is being called 'Narelle's law'; its name goes to the argument of all people having the right to know their origins. In March, the *Sunday Age* reported the story of Narelle Grech, who had spent 15 of her 30 years searching for her biological father. She only knew him as T5. She had made a submission to the inquiry, telling it that she felt like a 'second-class citizen'. Through the efforts of then Premier Ted Baillieu, she and her biological father were reunited. It was a joyous occasion for both. But a tragically short one. Ms Grech had terminal cancer. She died within weeks of meeting him. Of the meeting, she said: 'It was amazing. There was an instant connection. How could there not be?'.
>
> Her donor, Ray Tonna, believed the law should be changed to allow access. It was a 'basic human right'. Indeed.

That was a profound, well-reported and impacting account from someone who was directly caught up in the situation.

Turning back to the objectives of the legislation, the bill amends the Assisted Reproductive Treatment Act 2008 to provide for information relating to donor treatment procedures using gametes donated prior to 1 July 1988 to be included in the central register. It enables persons born from donations made prior to 1 July 1988 to obtain information, where available, from the central register with the consent of the donor. It also expands the functions of the Victorian Assisted Reproductive Treatment Authority to provide support, counselling and donor-linking intermediary services to persons seeking information and subjects responding to requests for information. In my view that is a particularly important aspect of the bill because we see the importance of counselling, which is one that should not be underestimated in the midst of debate on this legislation. For those who are directly impacted by the legislation, this is a vital area.

I note that clause 15 of the bill inserts new section 67A, entitled 'Counselling under this Part', and it goes through a range of things:

> (1) This section applies if a person is required to receive counselling under this Part before disclosure of information on the Central Register.
>
> (2) On referring the person for counselling, the Registrar must inform the counsellor about the kind of information sought by the person from the Central Register.
>
> (3) On completion of counselling, the counsellor must give to the Registrar a statement —
>
> (a) confirming that the person has received counselling and whether the person wishes to proceed with the application; and
>
> (b) if the person is a child and is born as a result of a donor treatment procedure, stating whether the child is sufficiently mature to understand the consequences of the disclosure; and
>
> (c) in any other case, that the person has received counselling about potential consequences of disclosure of information from the Central Register.
>
> (4) If any person is required under this Part to give consent before information on the Central Register may be disclosed, on completion of counselling, the counsellor must give to the Registrar a statement of the applicant's reasons for the application, to be given to the person whose consent is required.

That is a very important aspect of the legislation because, as I said before, this is an area that has a strong impact on and directly affects people in many ways, so it is important that they get the necessary counselling so that they have someone to talk to about the experiences they might be going through. As I said before, in the brief meeting we had upstairs in this building it was most enlightening to hear firsthand the different experiences of those people.

Turning back to the legislation, there are currently three separate regimes regulating access by donor-conceived people to information about donors. Firstly, donor-conceived people who were conceived using gametes donated prior to 1 July 1988 do not have a right to identifying information about donors. Secondly, donor-conceived people who were conceived using gametes donated between 1 July 1988 and 1997 can obtain non-identifying information about their donor from the central register and can obtain identifying information about their donor if their donor consents. Thirdly, donor-conceived people who were conceived using gametes donated on or after 1 January 1998 can obtain identifying information about their donor from the central register. The changes in the legislative

regime reflect changing attitudes to donor conception and the rights of donor-conceived people to have information about their genetic origins.

As a number of contributors to the debate have noted, this legislation arises on the back of a report done by a parliamentary committee in this place a couple of years ago. I commend the work of the Law Reform Committee and particularly the chairmanship of the member for Prahran. In its report of March 2012, entitled *Inquiry into Access by Donor-Conceived People to Information about Donors*, the committee made various recommendations for establishing a mechanism for donor-conceived individuals to access information about their donors. A huge amount of work was done, and a number of the members of that committee have contributed to the debate in this place today. The members of the committee went into that inquiry with a certain view, and as a result of undertaking the inquiry and finding out various pieces of information — and most importantly, speaking to people who are directly affected — many of them had their views on this complex and very personal matter changed. That was an interesting outcome for them, and perhaps it is interesting for a number of other contributors to the debate.

In conclusion, information from the central register indicates that there are 586 donors affected by the committee's recommendations — that is, donors between 1 July 1988 and 1997, for whom information is currently only released with their consent. It is estimated that 1000 donors donated prior to regulation of assisted reproductive technology in the 1970s and 1980s. There is a bigger number Australia-wide, of course, but that is the potential coverage of this particular legislation. It is a very complex area. It has been well addressed by the committee and by the minister and his team in bringing this bill before the house. I commend the bill to the house.

Mr KATOS (South Barwon) — I am pleased to rise this afternoon to speak in support of the Assisted Reproductive Treatment Further Amendment Bill 2013. The bill before the house seeks to amend the Assisted Reproductive Treatment Act 2008. It will provide for further rights to access information relating to donor treatment procedures using gametes donated prior to 1 July 1988 and for that information to be included in the central register. This will enable persons born from donations made prior to 1 July 1988 to obtain information, where available, from the central register with the consent of the donor. The bill will also expand the functions of the Victorian Assisted Reproductive Treatment Authority (VARTA) to provide support, counselling and donor-linking intermediary services to persons seeking information and subjects responding to requests for information.

I will go through the regime which is currently in place in Victoria with regard to access to donor information. Donor-conceived people who were conceived using gametes donated prior to 1 July 1988 presently have no rights at all to identifying information about their donors. Donor-conceived people who were conceived using gametes donated between 1 July 1988 and 1997 can obtain non-identifying information about their donors from the central register, and they can also obtain identifying information about a donor if the donor consents. Donor-conceived people conceived using gametes donated after 1998 have the right to information from the central register. These are three different regimes depending on when a donor-conceived person was conceived. This reflects the change in attitude over the years towards donor-conceived people and donors.

I commend the work of the Law Reform Committee, which has looked at some very confronting matters. I recognise a former chair of the committee, the member for Prahran, who did a fine job. I also recognise the members for Brunswick, Morwell and Ivanhoe and a now former member for Northern Victoria Region in the Council, Mrs Petrovich, for their work in looking at this issue. The committee has also looked at sexting — about which we will see some laws introduced into the Parliament shortly, as the member for Prahran has told me — and access to justice for people with an intellectual disability. It has looked at some very important and at times confronting issues, and I give full credit to the committee for its work. I had a conversation earlier with the former chair of the committee and we agreed that whether it be this committee or any of the others — I serve on the Rural and Regional Committee — by going along, giving evidence and making a contribution people can effect change in Victoria's laws. It is a very good thing to do.

The main recommendation of the inquiry was the introduction of legislation to allow all donor-conceived people to obtain identifying information about their donors regardless of what year the person in question was conceived. After the committee held its inquiry donor consultation was undertaken by the Victorian Assisted Reproductive Treatment Authority. It interviewed 42 people who donated gametes prior to 1988, as only 7 such people had made submissions to the inquiry. As anticipated, the views of those who were surveyed were quite mixed. There was support from many of the donors for the committee's recommendation that donor-conceived people should have full access to information but, interestingly, a little

over half of the donors interviewed rejected that and wanted their anonymity preserved. Retrospective legislation is always difficult. A person who donated before 1988 obviously did so on the condition of anonymity.

The government did not reject that main recommendation totally, but identifying information can only be given with the donor's consent. That is based partly on those stakeholder findings after the survey by VARTA and on further consideration of research into this issue. Considering it in another way, if you were a donor-conceived person wanting to obtain information about a donor who did not want that information released, even if you were given that information it would probably be very difficult to establish a relationship with the donor. If they were dead against wanting that information released — and obviously they would more than likely be married and have their own family — I can understand that person not wanting that information released.

Therefore if you consent to that information being released as a donor, then obviously the odds are that you would be much more open to establishing a relationship with the donor-conceived child. As I said earlier, if you had not consented, then it would be very unlikely you would want to establish a relationship.

Basically, the law will now be changed. Obviously if you were born after 1997, you have full access to that information. However, those born before 1 July 1988 will only be able to get that information if the donor consents. This is a good bill, and I commend the Law Reform Committee on its work. The member for Prahran is in the chamber and has listened to most of the debate. It is very good of him to be here.

I look forward to seeing the new legislation being brought forward as a result of an inquiry by the Law Reform Committee with regard to sexting, which is coming up soon. Obviously sexting can potentially damage the reputations of young individuals, so I certainly look forward to that. But as I have said, this is very sensible legislation as it recognises the fact that you need to give consent for donor information to be released.

Ms McLEISH (Seymour) — I rise to support the Assisted Reproductive Treatment Further Amendment Bill 2013 and congratulate the government for bringing it forward. It is a very complex, sensitive and quite emotional matter that is being dealt with, and I am pleased that the Law Reform Committee had the opportunity to examine it in great detail and take evidence from a range of witnesses. That has been a wonderful backdrop for this legislation, and I certainly support all the work that has been done.

The SPEAKER — Order! The time set down for consideration of items on the government business program has expired, and I am required to interrupt business.

Motion agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

FILMING APPROVAL BILL 2014

Second reading

Debate resumed from 6 August; motion of Ms ASHER (Minister for Innovation).

Motion agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

POWERS OF ATTORNEY BILL 2014

Second reading

Debate resumed from 5 August; motion of Mr CLARK (Attorney-General).

Motion agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

CRIMINAL ORGANISATIONS CONTROL AND OTHER ACTS AMENDMENT BILL 2014

Second reading

Debate resumed from 5 August; motion of Mr CLARK (Attorney-General).

Motion agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

PRIVACY AND DATA PROTECTION BILL 2014

Second reading

Debate resumed from 6 August; motion of Mr CLARK (Attorney-General).

Motion agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

CONSUMER AFFAIRS LEGISLATION AMENDMENT BILL 2014

Second reading

Debate resumed from 6 August; motion of Ms VICTORIA (Minister for Consumer Affairs).

Motion agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

Business interrupted under sessional orders.

ADJOURNMENT

The SPEAKER — Order! The question is:

That the house now adjourns.

Planning zone reform

Ms CAMPBELL (Pascoe Vale) — I raise a matter for the attention of the Minister for Planning. The action I seek is that the minister specify when he will sign off on the fast-track Residential Zones Standing Advisory Committee (RZSAC) process created to deliver the implementation of the new residential zones, which was to be done by 1 July 2014 for stage 1 councils.

While the minister procrastinates, the Moreland community and those covered by many other councils that use the fast-track RZSAC process are being blitzed with new planning applications. Developers are taking advantage of the minister's tardiness and lodging applications that are inconsistent with the zones lodged with the minister and the department based upon community consultations. It would appear to many people across Melbourne that residents have been let down in the process by the tardiness of the minister, because only those councils choosing to go down the unconsultative section 20(4) process have received the minister's approval for their proposed amendment packages. Those choosing the RZSAC consultative process continue to be delayed with little or no communication with their local council as to why there has been a delay and absolutely no communication with those communities being affected by the protracted delays in the minister's decision. Some councils continue to see increases of as much as 50 per cent in applications while this window of opportunity remains open. These are not well-developed applications, having been rushed to take advantage of a decision void.

Residents and planners were buoyed by the offer from the minister on Christmas Eve last year to put in place the fast-track option. Despite its requiring an enormous amount of strategic work and quality community consultation to prepare amendment packages in extraordinarily tight time frames, and despite the fact that the first available council meetings for councils to resolve to adopt this approach were in February, many councils delivered to their communities amendment packages within the deadlines imposed by the Minister for Planning. Further to this, councils have spent many thousands of dollars advertising the amendments as required by the minister and then preparing for the

Residential Zones Standing Advisory Committee hearings.

It is absolutely imperative to the character of the communities that are awaiting the minister's decision that he honour his commitment on what was theoretically called the fast-track Residential Zones Standing Advisory Committee. Moreland residents are being dudded by this minister.

Jewish community safety

Mr NEWTON-BROWN (Prahran) — I rise today to raise a matter with the Minister for Crime Prevention in regard to security funding for Jewish community facilities in Victoria, in particular those used by constituents of mine in the Prahran electorate. The action I seek from the minister is for him to determine whether any Victorian government grants are available to assist with the safety of Jewish organisations and their members.

The current conflict in Gaza has seen Israel defend itself from the terrorist organisation Hamas, and this has led to an increase in anti-Semitism in the community, with a horrific example in the last 24 hours — not in Victoria, I might add. Many of my Jewish constituents in Prahran have voiced deep concerns that these sorts of terrorist incidents could occur in our local community, and they have raised with me the need to improve safety measures in response to the increased threats and unrest towards the Jewish community.

Regrettably, the true nature of the Gaza conflict has been distorted via statements such as the Canberra Declaration on Gaza, which has been signed by over 70 Green and Labor MPs. There has been a spike in the level of hate directed towards Israelis and Jews in recent times. No person, whether in Israel or in my electorate of Prahran, or indeed anywhere else in Victoria or the rest of Australia, should be subject to unwarranted prejudice or the threat of harm. We must preserve and promote the great multicultural community of Victoria as the home of many cultures, where racial vilification is not welcome and safety is assured.

It is on these grounds that I ask the minister to determine what assistance may be available in the crime prevention portfolio to help the Jewish community in my electorate of Prahran and in the neighbouring electorates of Caulfield, Bentleigh, Malvern and Albert Park and surrounding areas to help them to respond to the safety issues associated with increased anti-Semitism in the context of the Gaza conflict.

Brimbank Park playscape

Mr CARROLL (Niddrie) — I raise a matter for the attention of the Minister for Environment and Climate Change. The action I seek is for the minister to provide a necessary and additional $500 000 in funding to Parks Victoria to complete stage 2 of Brimbank Park playscape in Keilor East. I also request that the minister provide the local community with a time line for when all works originally designed for the playscape will be completed.

In my inaugural speech to the Parliament on 18 April 2012 I highlighted the importance of Brimbank Park to the community of Melbourne's north-west. It is home to more than 150 Aboriginal archaeological artefacts, some of which are over 30 000 years old. In fact Wurundjeri elders gave their time and shared their stories and culture through the development of the playscape. The recent addition of the innovative and creative playscape will help make Brimbank Park an even bigger drawcard for local families and many beyond Melbourne's north-west.

I take this opportunity to congratulate the government, in particular Parks Victoria, on the $1 million playscape at Brimbank Park, which opened to the public earlier this year. The children's charity Variety, the People and Parks Foundation and the John T Reid Charitable Trusts were funding partners and contributors. The nationally recognised team of designers, comprising ACLA Consultants in partnership with Ric McConaghy Pty Ltd, deserves enormous credit for the layout of the playscape, which caters for children of all abilities, including children in wheelchairs, and which blends so well into the natural and cultural heritage of Brimbank Park.

I have visited the Brimbank Park playscape on many occasions since its opening in February, and it has certainly become a great spot for the local community. However, a growing chorus of local families have approached me to ask when all works originally planned for the playground will be completed. The Brimbank playscape is in a unique location right next to the Leaping Lizard Cafe, which has toilets and is a great spot to have a coffee and something to eat or to stock up for a picnic nearby.

The community is keen to get started on stage 2, with the original plans for the playground including a flying fox, big slides and climbing pyramid nets. These designed and planned additional elements will cater for older kids. Indeed on the popular website Melbourne Playgrounds it is noted that the Brimbank Park playscape is mostly suited to younger kids with a few

exciting elements for older kids. Investing in providing these additional elements will help ensure that the space is exciting, engaging and functional for all local children, encouraging healthy outdoor activity and enhancing the park's recreational use. On behalf of local mums and dads, I urge the minister to provide the $500 000 needed to get stage 2 of this project completed.

Building industry certificates of occupancy

Mr McINTOSH (Kew) — I raise a matter for the attention of the Minister for Planning. The matter I wish to raise is the ability of builders and architects to obtain copies of certificates of occupancy for their work after completion of the work. The action I seek is for the minister to investigate opportunities to ensure that builders and architects receive copies of these certificates in order to receive payment for their work.

A certificate of occupancy is issued by a building surveyor in compliance with a range of legislation, both federal and state. It certifies that the building surveyor is satisfied that the building is suitable for occupation relative to health and safety concerns. Under section 42 of the Domestic Building Contracts Act 1995 a builder cannot demand final payment until the certificate of occupancy is received.

The problem arises where surveyors do not supply the builder with this certificate of occupancy. A constituent, a builder for some 40 years, has brought the problem to my attention, and I understand from the Master Builders Association of Victoria that there is some anecdotal support for this in different places around Melbourne. It appears to concern municipal surveyors who are based in councils rather than surveyors working in the private sector.

There has been no known trigger for this change in practice. The change seem to be one of attitude over the past couple of years, with municipal surveyors not providing builders — and I believe architects as well — with copies of certificates of occupancy, which are sent to the owners of the properties. Under the Building Act 1993 and the building regulations it is mandatory that the surveyor provide the information only to the local council, and the permit has to be sought by the owner of the property.

According to the Master Builders Association, the system works well in the private sector as it is usually the builder who contracts the surveyor for the home owner in practice and the surveyor depends on builders for repeat work. However, this does not hold true for municipal surveyors. In one case my constituent went without final payment for his building work — for the not inconsiderable sum of $45 000 — for five months because the home owner did not advise him that he had received the certificate of occupancy. My constituent has been variously told by the town planners in different councils in Melbourne that those councils are not legally obliged to give him a copy of the certificate of occupancy and that it is up to him to inform himself of the progress of the certificate of occupancy by contacting council. When doing so, apparently he is charged a cost of $150 for such a certificate of occupancy.

The action I seek from the minister is that he investigate these opportunities to ensure that builders and architects receive copies of certificates of occupancy.

Clayton railway station

Mr LIM (Clayton) — My adjournment matter is for the Minister for Public Transport and concerns the Clayton railway station project. The action I seek is that the minister engage directly with the City of Monash to ensure that the proposed rebuild of the station is offered best practice planning and design and includes a well-connected transport hub. The minister would be aware that in 2013 the Labor opposition announced a policy to remove all the rail level crossings along the Dandenong corridor and to build new stations as required, should Labor be successful at the coming state election.

Earlier this year the government announced that it had cobbled together a plan through an unsolicited bid from a rail transport consortium to undertake a partial solution by candy coating some rail crossing removals and rebuilding a few stations. It is an abdication of responsibility to not use our valued engineering staff at the Department of Transport, Planning and Local Infrastructure and VicRoads to manage a project such as this, especially since those people are employed for this very task. It is not right to hand the project over to a private consortium. On the face of the concept plans it appears the consortium intends to build a no-frills, poorly thought through station with little consideration of the residents who will use the facility for decades to come.

Residents share my view that the concept design plans for the Clayton railway station and rail crossing are grossly inadequate and unacceptable, as is the completion date of 2018–19. As there is no current funding, the plan does not need to be rushed through before the election. These concept plans show that the state Liberal government's plans for the Clayton railway station and surrounds are minimalistic and do

not offer any opportunity for residents to enjoy a once-in-a-lifetime transformation of the station precinct.

Clayton is a thriving activity centre located close to Monash Medical Centre, the three-year-late Monash Children's hospital — which was promised by the previous Premier, the member for Hawthorn — Monash University, a cluster of myriad businesses, the CSIRO and the Clayton Community Centre, to name just a few. Any project such as this must include a proper bus interchange, not an extra bus stop on each side of Clayton Road. It must ensure a safe connecting route for pedestrians and cyclists to move between Clayton shopping centre and Monash Medical Centre. The concept plans give no consideration at all to pedestrians, cyclists and especially the disabled in that they will have to cross a busy road to get to the station. This project requires a once-in-a-lifetime transformation with proper urban design, not what is currently being offered.

Gunbower Forest irrigation project

Mr WELLER (Rodney) — My adjournment matter is for the Minister for Water. The action I seek is that he join me at Gunbower Forest in the electorate of Rodney to view the environmental watering that is currently underway. The habitat of Gunbower Forest benefits from the natural drying and wetting cycles. While natural floods occurred through the forest between 2010 and 2012, the previous 12 years of drought saw much of the forest dry. Since late May the gradual release of environmental water into Gunbower Forest has occurred. To assist in the wetting and drying cycle of the forest, a new regulator and other environmental infrastructure have been constructed. With the help of this infrastructure, water is being targeted to wetlands within the forest, allowing water to be delivered efficiently and effectively to where it is most needed.

Projects such as these help our irrigation communities by promoting efficiency in the use of environmental water and limiting the volumes of water required to be recovered from irrigators under the Murray-Darling Basin plan. By using targeted wetting and what we call 'engineering solutions' to help the environment, only about 10 per cent of environmental water is needed to get the same environmental outcomes. It is indeed a very smart thing to be doing, and it leaves water to be used for productive use in irrigation, driving jobs in our economy and driving export dollars so that the whole of Australia benefits. It is a great thing to be doing, and I really want to have the minister there to see the success that this is.

This is a great example of how environmental infrastructure can assist us in providing balanced outcomes for the environment, communities and agricultural production. We need to be doing more of this, and there are plans and opportunities to do this right along the Murray, along some of the lower Goulburn and no doubt along other rivers in other places. I invite — —

An honourable member interjected.

Mr WELLER — The lower Goulburn is actually in the new seat of Murray Plains, which will come into effect at the next state election. I invite the Minister for Water to join me to see the positive outcomes of this project at Gunbower Forest. We will not see the extra birds and fish, but we will see the water that will provide a habitat in which the fish and birds can breed. In four or five years time, fishermen will see an abundance of yellowbelly and Murray cod that will be there for fishermen to catch. Because the fish breed in that area, they will stock the area right up and down the length of the Murray and Goulburn rivers.

Yan Yean Road upgrade

Ms GREEN (Yan Yean) — I raise a matter for the attention of the Minister for Roads, and the action I seek is that he allocate funds to upgrade Yan Yean Road due to the huge urban traffic load this former country road is carrying each and every day. Not only is this a problem of congestion and appalling travel times that cause frustration and anguish, but it also affects productivity, with wage and salary employees, contractors and tradesmen all losing money and even jobs altogether. Parents stress about getting to school, kinder and child care on time, and the 901 SmartBus, which runs across huge areas of Melbourne between Melbourne Airport and Frankston, is hopelessly caught in this horrific choke point. Similarly the 520 bus from Doreen to Greensborough and dozens of school buses are also caught in this congestion. The condition of this road is not only a quality-of-life issue but has also caused many injuries and cost lives.

Last month at Yarrambat Primary School, despite thick fog, the community came together to discuss what needs to be done to fix Yan Yean Road and to formulate a plan of action. They heard about who supports the upgrade. NORTH Link, a business network and regional economic development advocacy group which represents local council areas in Melbourne's northern region, has produced a report entitled *Northern Horizons*. One of the report's short-term priorities is that Yan Yean Road must be upgraded all the way from Diamond Creek Road to

Arthurs Creek Road and duplicated from four to six lanes between Diamond Creek Road and Kurrak Road. The RACV has also said that the road should be duplicated to Kurrak Road.

The community heard that more than 4000 people have signed a petition. The municipalities of Nillumbik and Whittlesea are also supportive of the upgrade, as are local businesses, schools and emergency services. The community also heard who currently does not support the upgrade. Sadly, VicRoads advises that in the next 20 years there is no plan in this government's current funding program to end this misery. This is yet another example of how an $8 billion road tunnel in the centre of town will do absolutely nothing for the burgeoning population of the outer north.

I thank Anne Trueman and her tireless volunteers, who have distributed and collected petitions from individuals and businesses in the area over many months. I thank the numerous businesses that have hosted the petition and encouraged their customers to sign it. I also especially thank our police and emergency service volunteers, who continue to respond to an ever-increasing number of collisions and crashes on this dangerous and congested road.

A recent caller to a Melbourne radio station said that Yan Yean Road was not only a road on which you could get stuck in traffic but also one on which you could hit a kangaroo. I urge the minister to listen to the pleas of this community, the members of which are united in needing Yan Yean Road to be upgraded now, not in 20 years.

Norwood Secondary College

Ms RYALL (Mitcham) — I wish to raise a matter for the Minister for Education. The action I am seeking is for the minister to visit Norwood Secondary College in my local community. The college has over 1000 students. I met with the school council recently and have had a number of meetings with the leadership team. The school is a close-knit community, with the acting principal and school council being passionate about children's education, learning, and providing students with the best possible future through their education.

The facilities at Norwood are run down. When we came to government we found that an independent audit of school classrooms identified that a $420 million backlog in maintenance had been gifted to us by the former government. Indeed one of my local schools, Mount Pleasant Road Primary School and Kindergarten, is being rebuilt after it was found to be one of the state's worst. In this budget alone I know $500 million is being spent on education infrastructure to inject funding into this area after the 11 years of neglect by the previous government.

Norwood Secondary College is eager for the minister to take a tour of the school and inspect the facilities. It has concerns about its science and art areas and is also concerned about the absence of an indoor sporting and performing arts area. The school community and I would be very appreciative if the minister could take a tour with me so that the school could show him its facilities and discuss its concerns.

Northcote electorate public transport

Ms RICHARDSON (Northcote) — The issue I raise is for the Minister for Public Transport and concerns the urgent need to improve and increase public transport services for my community in the inner northern suburbs. The action I seek is for the minister to increase the number of bus, tram and train services that provide public transport options for this community. The minister would undoubtedly be aware of the tremendous pressure that is being put on services in the inner city as a consequence of the growth in communities in Melbourne's growth corridors. What this means on the ground for my community is that services, particularly in the morning, cannot cope with the number of wannabe commuters. The commitment to provide four extra peak services on the Hurstbridge line remains outstanding, and I am sure that in his more forthright moments even the minister can see that the rolling stock order will also fall significantly short of demand.

Buses are also something very dear to my community's heart, but again options to improve services within that community are unfortunately gathering dust. For example, the 609 bus service that runs across the Chandler Highway bridge only runs three times a day. The Chandler Highway bridge is a very popular transport route — it has been raised in very many adjournment debates in this place — and I am very pleased that the Labor Party has responded to the need to duplicate the bridge. This will have a significant impact on and improve my community. The Chandler Highway bridge topped an RACV poll of Melbourne's most congested points, so let there be no doubt that this is a very popular transport route. Nonetheless, bus services across this route remain poor and unchanged. Increased bus services are clearly desperately needed across the Chandler Highway bridge.

The ability of a bus to decrease congestion is often overlooked, particularly on this minister's watch. Time

and again it has been shown that if you provide bus services, people will use them regularly. I notice when I go to Kew that the bus services there seem to be pretty well provided for and well serviced, so clearly if you do provide the services, people will take them up. That is what we want to see across the Chandler Highway bridge.

The last concern I want to raise is about tram services. There have been changes made to the timetable there, cutting about 308 services on St Georges Road.

Seymour electorate tourism

Ms McLEISH (Seymour) — I rise to make a request of the Minister for Tourism and Major Events, and I am very pleased to see that she is in the house to hear it. The action I seek from the minister is for her to come to my electorate to meet with a number of its key tourism players, including food and wine producers and the many tourism operators involved in recreational activities. My electorate is very much based in tourism and small business, and the nature of tourism is that it is really quite varied. Many of the towns are foodie havens, which is a wonderful thing. We have many vineyards and a chocolatier in Yarra Glen. We also have recreational tourism, including biking and boating, as well as high country activities such as horse-related activities and trail rides.

When I think about what I would like the minister to do, it would be to visit very large parts of the electorate, although the new Eildon electorate is fairly sizeable at some 10 000 square kilometres. We have Warburton and the Yarra Valley in the south, where there are many people operating small tourism-based businesses who would love to meet with and hear from the minister, share the coalition's vision for the tourism big picture in Victoria and understand how it affects them. The people involved in tourism in my electorate would like their points of view and suggestions heard because a lot of them have a lot to contribute as they obviously have a great passion for the tourism field and know it really well.

As you move further north you get into the shire of Murrindindi around Lake Eildon. There are lots of opportunities in that area, despite its having had some difficulties in the past. Heading north towards that area, a visit to the shire of Mansfield would be greatly appreciated. Tourism operators there are involved in recreational activities, such as horseback riding, biking and boating activities as well as in the food and wine industry. The minister might like to talk to some of the tourism operators involved in those activities. In Mansfield there are a couple of wonderful wineries that come to mind: Delatite and Kinloch. I have visited both. There are many wineries in the south as well, as you would be well aware, Speaker, along the Melba, Maroondah and Warburton highways.

We certainly have a very varied tourism offering across the entire electorate, and I would really love the minister to come to spend some time there to get to know the operators and key players in the tourism field so they can share our vision for the state. The coalition has a very exciting vision for tourism in Victoria and certainly in my area, and I would welcome a visit from her, as would I imagine many of the operators as well.

Responses

Mr DIXON (Minister for Education) — The member for Mitcham asked me to visit Norwood Secondary College with her, which I will be very pleased to do. The member for Mitcham is a wonderful advocate for all the schools in her electorate. She is probably the most frequent visitor to my office. She tells me about the schools in her electorate, asks for information and asks for action. All the schools in her electorate and in her future electorate are in very good hands given her past form.

I understand the issues with Norwood Secondary College. It has a lot of students, and it suffered from massive neglect under the previous government. We are trying to work our way through the list. I have visited the school but it was a few years ago, so I would be very pleased to visit Norwood Secondary College with the member for Mitcham and have a good look at its facilities.

Mr WALSH (Minister for Water) — It is a pleasure to respond to the member for Rodney's adjournment issue around the Gunbower Forest irrigation project. I can inform the member for Rodney that tomorrow I will be visiting the Gunbower Forest project with Senator Simon Birmingham, the federal Parliamentary Secretary to the Minister for the Environment, and the member for Rodney, who I have invited as well.

This is a great project where infrastructure has been put in place to effectively irrigate 4700 hectares of the Gunbower Forest and wetlands. The project includes the installation of a major diversion at Hipwell Road so the water can come out of the Gunbower Creek and be dispersed through the forest over a number of weeks. Some regulators have been put in place to control the water and prevent it from running straight back into the Murray River. The water can be held in the forest to allow fish breeding and bird breeding to take place, as the member for Rodney mentioned in his adjournment.

If there is a bird breeding event and there needs to be some additional water added to enable the bird breeding season to be completed, there is the opportunity to do that.

The key thing about this project is that Victoria also gets credit for the water that goes back to the river after it has achieved its environmental outcomes. Something like 70 per cent of the water that goes into the Gunbower Forest will be returned to the river, and we will receive credits for that to be used further down the river in the future.

This is a Living Murray project, funded under the Living Murray initiative. It is one of the projects that we put forward as part of the sustainable diversion limits offset into the Murray-Darling Basin plan, which enables good environmental outcomes without having to take as much water away from agricultural production in Victoria. This is a living example of what we have been talking about for a number of years in those negotiations for the Murray-Darling Basin plan.

It will be a pleasure to be there tomorrow with Senator Birmingham and the member for Rodney and, more importantly, with the community, which has been very much a part of this project. I look forward to getting some positive media coverage out of it, as it shows what can be achieved if we use water in a smarter way.

Ms ASHER (Minister for Innovation) — The member for Seymour raised a matter with me and invited me to visit her electorate. She knows her electorate, including the new areas, very well. It has a preponderance of small business operators engaged in the tourism industry, and I would be delighted to accept the member for Seymour's invitation to meet with tourism operators to discuss the government's objectives and its funding for regional Victoria tourism promotion and to speak of the needs of this particular industry.

The member for Pascoe Vale raised a matter for the Minister for Planning, and I note that the member for Pascoe Vale is not in the chamber at the moment. She requested that the minister fast-track the Residential Zones Standing Advisory Committee process, and I will pass that matter on to the minister.

The member for Prahran raised a matter for the Minister for Crime Prevention in relation to grants for the safety of Jewish organisations in the current international political climate, and I will pass that matter on to the minister.

The member for Niddrie raised a matter for the Minister for Environment and Climate Change. He requested that the minister fund the remaining stage, stage 2, of Brimbank Park Playscape in Keilor East, and I will pass that matter on to the minister.

The member for Kew raised a matter for the Minister for Planning in relation to builders and architects wanting to obtain certificates of occupancy in order for them to receive payment for their work. He has asked the minister to investigate opportunities for them to receive copies of these certificates, and I will pass that matter on to the Minister for Planning.

The member for Clayton, who is not in the chamber, raised a matter for the Minister for Public Transport in relation to the Clayton railway project, regarding liaison with the City of Monash, and I will pass that matter on to the minister.

The member for Yan Yean raised a matter for the Minister for Roads relating to an upgrade for Yan Yean Road, and I will pass that matter on to the minister.

The member for Northcote raised a matter for the Minister for Public Transport relating to improved public transport services — bus, tram and train — in the inner north, and I will pass that matter on to the minister.

The SPEAKER — Order! The house is adjourned until the next day of sitting.

House adjourned 4.35 p.m. until Tuesday, 19 August.